FOREST PRACTICES BOARD
REGULAR BOARD MEETING
November 8, 2011
Natural Resources Building
Olympia, Washington

Members Present
Bridget Moran, Chair of the Board, Department of Natural Resources
Anna Jackson, Designee for Director, Department of Fish and Wildlife
Bill Little, Timber Products Union Representative
David Herrera, General Public Member
Doug Stinson, General Public Member/Small Forest Landowner
Mark Calhoon, Designee for Director, Department of Commerce
Norm Schaaf, General Public Member
Paula Swedeen, General Public Member
Tom Davis, Designee for Director, Department of Agriculture
Tom Laurie, Designee for Director, Department of Ecology

Members Absent:
Dave Somers, Snohomish County Commissioner
Sherry Fox, General Public Member/Independent Logging Contractor

Staff
Darin Cramer, Forest Practices Division Manager
Marc Engel, Forest Practices Assistant Division Manager
Patricia Anderson, Rules Coordinator
Phil Ferester, Assistant Attorney General

WELCOME AND INTRODUCTIONS
Bridget Moran called the Forest Practices Board (FPB or Board) meeting to order at 9 a.m. Patricia Anderson, Department of Natural Resources (DNR or Department), provided an emergency safety briefing.

APPROVAL OF MINUTES
MOTION: Tom Laurie moved the Forest Practices Board approve the August 9, 2011 minutes as presented today.

SECONDED: Anna Jackson

Board Discussion:
Moran amended page 11, the last sentence starting on line 9 to read as follows: "He said in addition to the proposed language before the Board, based on recommendations made during the public comment period, DNR recommends changing the work . . ."

Tom Laurie amended page 10, lines 20-25 to read as follows: "He pointed out that two Clean Water Act assurances milestones will be fulfilled with the implementation of new rules: to ensure better tracking of the RMAPs program and individual landowners' roads, and improved stakeholder

involvement. There were also recommitments by the principals for funding for adaptive management; a recommitment to accelerate the Family Forest Fish Passage Program (FFFPP); and a commitment to seek funding to assess the status of small forest landowner roads."

Moran stated the approval of the minutes will include acceptance of all the redlined/strikeout changes that appear in the draft minutes presented today.

ACTION: Motion passed unanimously.

REPORT FROM CHAIR

Bridget Moran reported:

- Two Board member positions, those currently filled by Doug Stinson and Sherry Fox, will expire the end of this year. She thanked them for their service and said she is committed to working with the Governor's office until successors for their positions, as well as the vacant general public member position, are appointed.
- She is forming a committee to investigate and ultimately recommend a potential long-term funding source for the Forestry Riparian Easement Program, per 2011 legislation. She asked that anyone interested in being a part of this committee contact her.
- Planning is occurring on reforming the Adaptive Management Program on multiple levels: using a "LEAN" process to look for efficiencies in the program's existing procedures; taking the findings of the LEAN process and looking at possible structural changes to improve performance; redirecting the existing fund balance to help fund priority studies; and recommending establishing a long-term funding source.

PUBLIC COMMENT

Vic Musselman, Washington Farm Forestry Association (WFFA), urged the Board not to adopt the alternate plan template without the backing of a consensus recommendation.

Kara Whittiker, Washington Forest Law Center (WFLC), said the Conservation Caucus is pleased with recent progress by the Northern Spotted Owl Implementation Team, supports the designation of a Board subcommittee to address federal spotted owl recovery recommendations, and is glad to see the Washington Department of Fish and Wildlife's (WDFW) update regarding the marbled murrelet on the meeting agenda.

Dave Robbins, WFFA, said he supported Ken Miller's position letter to the Board regarding the attempted efforts to develop a Low Impact Template for small forest landowners.

Jim Peters, Squaxin Island Tribe, referred to Ken Miller's letter dated November 1 which compared the property rights of forest landowners and the treaty rights of the tribes. He explained the difference, stressing that the tribes with treaties are sovereign governments.

Peter Goldman, WFLC, informed the Board that the Conservation Caucus submitted a potential rule making petition to the Forests and Fish Policy Committee (Policy) regarding the "unfinished business" in the water typing rules. He said the Board members will receive copies, but the Conservation Caucus is not officially petitioning the Board for rule making at this time. He said the rules do not appropriately protect off-channel habitat where fish can potentially go.

Chris Mendoza commented that an internal review of the Adaptive Management Program will not be as effective as would an audit by an external body like the State Auditor's Office because biases are likely to interfere with objectivity.
Jeffrey Thomas, Puyallup Tribe, said he wanted to make sure DNR notified tribal contacts about the opportunity to review and comment on the proposed language for the Notice to Affected Indian Tribes rule making.

STAFF REPORTS

Bridget Moran asked if Board members had questions on the staff reports. There were no questions.

FOREST BIOMASS UPDATE

Bridget Moran provided Board members with the charter of DNR's Forest Biomass Work Group dated June 30, 2011, and reported that the group is currently working through the forest practices rule sections. She said the group plans to have a recommendation for the Board at its May meeting.

Norm Schaaf said Board members were welcome to observe a Merrill & Ring biomass harvest operation. Moran said group members found it very helpful to observe biomass harvests in the field. Moran said DNR will be updating the Legislature on the group's work plan, charter, and progress.

COMMUNITY FOREST TRUST BILL

Craig Partridge, DNR, provided an overview of the new Community Forest Trust (CFT) created by 2011 legislative action (ESHB 1421). He explained the CFT is a tool to retain working forests near urbanizing areas, and its focus is to purchase state trust lands or private forest lands with high community conservation significance. Acquisitions are to be funded jointly by the state and the local community. Lands would be managed by DNR with community involvement for conservation benefits and could include conservation-oriented commercial forestry. Implementation so far has been focused on outreach to potential community partners. There is no regulatory nexus with the Forest Practices Board except any forestry activity would be subject to forest practices permit approval.

NSO IMPLEMENTATION TEAM UPDATE

Andy Hayes, DNR, provided an update on the Northern Spotted Owl (NSO) Implementation Team's activities: developing technical questions for and selecting the technical team members; researching funding opportunities for the Eastside Pilot Project; and meeting with Brian Woodbridge, the Northern Spotted Owl habitat modeling team lead for the U.S. Fish and Wildlife Service (USFWS).

Lauren Burnes, DNR, said the technical team membership selection is almost finished and will consist of six biologists with expertise on the NSO in Washington State and two ecological economists. Hayes added that the implementation team is putting effort into developing pilot projects to demonstrate thinning in NSO habitat, and a grant has been secured from the USFWS for recovery plan implementation; this will go toward employing Burnes as part-time dedicated staff to this project.

NSO CONSERVATION ADVISORY GROUP UPDATE

Marc Engel, DNR, reported that the NSO Conservation Advisory Group has not met at all because no landowners have submitted surveys to WDFW to request decertification of site centers. Bridget Moran said according to WAC 222-16-010 *Spotted owl conservation advisory group* the Board is to

determine on an annual basis (November of each year) whether this group's function continues to be needed. She suggested leaving the group in place in case it is needed and gave Board members the opportunity to revisit whether the group should remain in effect. There was no further discussion, and the group will remain in effect for at least another year.

RESPONSE FROM CULTURAL RESOURCES ROUNDTABLE ON NOTICE OF FOREST PRACTICE TO AFFECTED INDIAN TRIBES RULE MAKING

Bridget Moran prefaced this report by reminding the Board that it asked the Cultural Resources Roundtable to answer a question about the proposed rule language: Was the use of the word "and" in proposed WAC 222-20-120(3)(c)(i) deliberate, or could the word "or" be substituted for the word "and."

Pete Heide, co-chair, said the Roundtable discussed the answer to this question and additional ideas, and did not reach consensus about changing the proposed language. Jeffrey Thomas, co-chair, said there was consensus to not change the language.

Moran said because there was no consensus to change the language, the language as originally proposed would continue to go through the public review and comment portion of the rule making process.

Norm Schaaf said he attended a Roundtable meeting to discuss the concern he brought forward in the August 2011 Board meeting regarding the certified letter requirement. He said he continues to have the concern and would be glad to discuss it further with the Roundtable at its discretion.

PUBLIC COMMENT ON CRITICAL HABITAT RULE MAKING

Kara Whittaker, WFLC, said the Conservation Caucus is satisfied that the administrative actions recommended by the Wildlife Working Group, and those proposed by the USFWS to better implement the federal Bald Eagle Act, are sufficient to minimize take of eagles.

WILDLIFE WORKING GROUP'S RECOMMENDATION ON BALD EAGLES

David Whipple, WDFW, summarized the administrative options recommended by the Wildlife Working Group to: ensure that landowners are aware of bald eagle nest and communal roosting sites and federal requirements; ensure that forest practices application (FPA) reviewers have a relatively easy way to know when FPAs are proposed in close proximity to nests and communal roosts; and the USFWS is aware of FPAs within distances identified in the federal Bald and Golden Eagle Protection Act. The new actions agreed to in the September working group meetings include DNR adding a checkbox on its office review checklist indicating an FPA is within 660 feet of a nest or roost, DNR mailing a bald eagle protection act fact sheet along with the FPA approval sheet, and DNR placing a link on its website to the Priority Habitats and Species website managed by WDFW.

Jim Michaels, USFWS, said his agency supports the administrative approach and would also like the Board to consider making a signed self-certification by the landowner a condition of an approved FPA. This certification would indicate the landowner understands they will not need a permit from the USFWS if they do not operate within certain distances from nest and roost sites during the breeding season. This will assure landowners they are covered and ensure the integrity of the habitat conservation plan (HCP).

Bridget Moran asked for clarification: Is the USFWS supportive of the administrative approach? Michaels answered yes, but also is requesting the one additional element. Anna Jackson asked why the USFWS is making its request at this stage after it had previously agreed to the administrative approach. Michaels answered it was an additional safeguard to protect the HCP. He said USFWS had been discussing this in recent days but had not yet met with DNR to discuss it.

Moran asked for clarification about Michaels' statement concerning a threat to the Forests and Fish HCP. Michaels answered if a bald eagle nest is taken down the Board could be pulled into court over it, and it is to maintain the integrity of the HCP and any risk to the state. Moran repeated what she thought Michaels said – if a landowner does not follow the guidelines and there is third-party litigation there is somehow a nexus to the Forests and Fish HCP, which in fact does not include eagles. Michaels answered in the affirmative. Paula Swedeen asked if he was getting at a general principal of an HCP holder needing to comply with all federal laws to maintain its HCP. Michaels said yes.

Swedeen asked if it would be possible to draft rule language to satisfy the USFWS's request. Moran answered there was not time or staff capacity to do that during the Board meeting. She added that after this segment the Board would be deciding on a related rule making action. Whipple suggested perhaps it could be another administrative option rather than a rule.

CRITICAL HABITAT RULE MAKING

Sherri Felix, DNR, requested that the Board initiate rule making to amend WAC 222-16-080 to bring the Board's rule into alignment with other state law. This would initiate the review and comment opportunity required by the Administrative Procedure Act. She explained that the Board received one comment letter from the 30-day review period required by RCW 76.09.040(2); it was from WDFW expressing support for the rule proposal.

MOTION: Norm Schaaf moved the Forest Practices Board approve for public review the draft rule proposal amending WAC 222-16-080, critical habitat (state) of threatened and endangered species. These changes will reflect the down-listing and delisting of the bald eagle and the peregrine falcon, respectively, and the name change of the Western Pond Turtle by the Washington Fish and Wildlife Commission. He further moved the Board direct staff to file a CR-102 with the Office of the Code Reviser to initiate permanent rule making.

SECONDED: Tom Laurie

Board Discussion:

Anna Jackson said she supported the motion but would consider convening the Wildlife Working Group again, and include Jim Michaels, to look for another administrative option and to ensure the HCP is not jeopardized. Schaaf said he supported continued efforts to find an administrative option.

ACTION: Motion passed unanimously.

PUBLIC COMMENT

Pete Heide, Washington Forest Protection Association (WFPA), commented on Peter Goldman's earlier comment about the rules not protecting potential fish habitat. He said landowners have been protecting fish habitat which by definition in WAC 222-16-010 includes "…potential habitat likely

to be used by fish, which could be recovered by restoration or management and includes off-channel habitat."

Chris Mendoza, Conservation Caucus, commented that there are inconsistencies between the Clean Water Act milestone priorities and the CMER prioritie,s and recommended that there be a process to maintain consistency between them.

Rick Dunning, WFFA, in reference to "another failed template effort", commented that in spite of all the combined efforts of Forests and Fish Policy and the Board in the past 10 years, economic viability has still not been delivered as the legislature intended for small forest landowners.

Steve Stinson, WFFA, commented that Forests and Fish broke every promise to family forest landowners. Now more than ever it ought to be clear it is necessary to have a family forest landowner rule that provides smaller buffers on smaller streams. He said WFFA has presented a solution at the legislative level that will accomplish that goal for the west side of the state. He said the Board's support would be appreciated.

Ken Miller, WFFA, said the state neglected the small forest landowners' recommended template without comment and without bringing in the Board.

Anna Jackson told Miller she thought it was unfair to characterize the state's attention to the landowners' proposal as neglect. She said staff worked very hard to give additional opportunity to the landowners and still meet the intent of the law.

Rhidian Morgan, said he supported Ken Miller's position and felt that the failed template is one more example of agencies telling landowners to just go away. He said the best way to get attention is to sue.

Peter Goldman, WFLC, said WAC 222-16-031 is the water typing rule in effect even though it is "interim." It does not protect off-channel habitat and it allows electro fishing to eliminate habitat that is connected. With the interim rule still in effect we are not protecting what we thought we would be protecting.

PUBLIC COMMENT ON BOARD MANUAL SECTION 21, ALTERNATE PLANS

Ken Miller, WFFA, said the small forest landowners' draft Low Impact Template would have been the regulatory help promised to the landowners upon the adoption of Forests and Fish. He said the state agencies ignored it and instead offered the landowners a lemon. He reported the state's Riparian Thinning Template has zero support from the Small Forest Landowner Advisory Committee and mentioned it is based on an unrealistic relative density (RD) of 50.

Paula Swedeen said it was distressing for her as a Board member to hear such widely varied opinions and it was not a good state of affairs. She suggested that there must be a way to break through communication barriers, and she thought there may be a fundamental misunderstanding about the parameters within which stakeholders should be operating.

Miller replied that actually there had been some very good discussions with the state staff but the gap between what the landowners proposed and what the state came up with was just too wide. He

thought the matter had ended, but then the state decided to take its proposal to the Board without landowner concurrence, and the landowners are not taking this approach well.

Steve Stinson, WFFA, said he does not support the state's proposal because it is unworkable. An RD floor of 50 is ecologically impossible; generally foresters use a range of 35-40 as a ceiling. RD 50 will cause the stand to shut down and go to a stage which results in the lowest degree of biodiversity of any stand stage. This precludes a stand's ability to reach the growth levels identified in the template.

Norm Schaaf said it would be helpful if the Board could receive a presentation to help conceptualize how forests grow from varying RD floors.

BOARD MANUAL SECTION 21, ALTERNATE PLANS

Marc Engel, DNR, provided an overview of the purpose of small forest landowner (SFL) alternate plan templates in general and that the rules direct DNR to present templates to the Board offering SFLs "alternate harvest restrictions that meet riparian functions while generally requiring less costly regulatory prescriptions." He said that though this template is not the Low Impact Template, it is an additional tool for use by SFLs that addresses some of the disproportionate impact of the regulations while maintaining resource objectives and protecting public resources.

Engel then summarized staff's proposed small forest landowner Riparian Thinning Template. The template allows riparian thinning within the inner zone when a riparian stand meets a required stand density within the core zone. It utilizes the reduced inner zone fixed widths found in template 2; and allows for inner zone thinning to the outer edge of the core zone which is closer than is allowed in either the riparian rules or the fixed width template. It allows thinning to an RD of 50 to maintain adequate shade within the riparian area. He added it has the approval of the state caucus, the Conservation Caucus, NOAA Fisheries, and affected tribes.

Tami Miketa, DNR, gave a presentation on research the Small Forest Landowner Office undertook to understand whether the template was likely to offer additional economic benefits to the small forest landowner community. Her results showed that for a sample set of 212 riparian stands in Western Washington, the average volume per acre of timber that could be removed using the proposed template is approximately 7.7 thousand board feet per acre. Assuming upland harvests would occur in conjunction with the inner zone harvest offered by this template, the average value is estimated at $3,671 per acre (in current delivered domestic value) of additional benefit to small forest landowners.

There was discussion about why the state used the 50 RD threshold to determine allowable harvest and not an RD of 30-35. Engel said the objective was to allow thinning without compromising riparian function, especially shade. An RD of 50 was chosen to ensure that openings in the tree canopy created with thinning would close in an acceptable period of time. Also, maintaining the riparian forest at a higher RD threshold will encourage weaker trees to die sooner providing the large woody debris function sooner. Doug Stinson and Norm Schaaf conveyed that they disagreed with choosing the 50 RD threshold, especially considering full shade would be maintained in the core zone.

Doug Stinson asked why, when the landowners did not agree, the state didn't just drop it, and why the staff proposal was brought to the Board without consensus by all parties. Bridget Moran answered the template took a year of staff time to develop, meets the function test, and is a tool that some landowners may wish to take advantage of. As for consensus, board manuals do not go through the CMER process, but are guidance on how rule users can meet the rules.

Tom Davis said he was concerned about the assumption that staff resources will be completely wasted if the template isn't approved in its current form. He said the landowners at the meeting are all opposed to both the template and the development process. He suggested that more discussions and work on the template take place before there is a vote. He said the Department of Agriculture does not move things forward unless there is agreement from those they are working with; he said he was going to vote no because the template is not supported by the users. He encouraged staff and the caucuses to continue working until there is an acceptable product for everyone.

Anna Jackson said if work on the template is to continue there should be some guidance on process; both sides should approach it with a willingness to collaborate and negotiate. Moran agreed and said after observing the process to this point she did not believe further work between staff and stakeholders would produce a different outcome.

MOTION: Tom Laurie moved that the Forest Practices Board approve Board Manual Section 21 Alternate Plans that includes a new thinning strategy template for small forest landowners. He further moved to allow staff to make minor editorial changes if necessary prior to distribution.

SECONDED: Paula Swedeen

Board Discussion:
Tom Laurie said he thought the proposal was promising because it would result in real monetary value for some landowners. He added it is important to remember that template use would be voluntary, and nothing prevented further work to refine it and present another template to the Board in the future.

Dave Herrera said he concurred with Laurie's statements and said approving this template would not preclude opportunities for other future templates.

Doug Stinson said approval of the template would constitute a step backward. He said he could not understand why the state would want to push something that the people who initially brought it to the table do not find workable.

Norm Schaaf said the proposed template lacks scientific and technical justification but, given additional time, that can be worked out. He said he would not support the template because he wanted the landowners to return to the table and see if there is something that can better meet their needs and still meet the regulatory requirements.

ACTION: Motion failed. 5 Support (Laurie, Moran, Herrera, Swedeen, Jackson) / 5 Oppose (Davis, Schaaf, Stinson, Little, Calhoon)

Norm Schaaf asked if staff would send the data used in the research presented; Miketa answered yes.

PUBLIC COMMENT ON FORESTRY RIPARIAN EASEMENT PROGRAM RULE MAKING

Vic Musselman, WFFA, commented on the wording in House Bill (HB) 1509, "Compensation for any qualifying timber located on potentially unstable slopes or landforms may not exceed a total of fifty thousand dollars during any biennial funding period." DNR's interpretation is a one-time limit of $50,000. He said WFFA hopes that the Board will support the interpretation that the full amount will be paid in $50,000 increments.

Ken Miller, WFFA, commented that overall DNR stepped up with the legislation and he wanted to thank the Commissioner and Sherry Fox for working to ensure its success. He said if the FREP program was adequately funded it would go a long way toward compensating small forest landowners for the disproportionate impact of the riparian rules.

FORESTRY RIPARIAN EASEMENT PROGRAM RULE MAKING

Dan Pomerenk, DNR, explained how the Forestry Riparian Easement Program rule changes compare with HB 1509. Marc Engel, DNR, requested the Board's approval to distribute the draft language for the 30-day review per RCW 76.09.040(2).

Norm Schaaf asked about the interpretation of compensating qualifying timber on unstable slopes. Bridget Moran explained that the one-time payment with a $50,000 cap was the essence of what the state considered would reform the FREP program. It is to ensure that in any biennium most of the money will fund riparian easements, which was always the intent of the FREP, not unstable slope easements. She said it wasn't until after the legislation was passed that she realized some landowners interpreted the language differently than it was intended.

MOTION: Norm Schaaf moved the Forest Practices Board accept the draft rule proposal modifying chapter 222-21, Forestry Riparian Easement Program, for a 30-day review with the counties, Department of Fish and Wildlife and tribes.

SECONDED: Doug Stinson

ACTION: Motion passed unanimously.

CLEAN WATER ACT ASSURANCES ANNUAL REPORT

Mark Hicks, Department of Ecology, said the Board asked two questions at the August meeting to be answered at the November meeting: How does the Board's work plan affect accomplishment of the Clean Water Act (CWA) milestones; and how does each milestone relate to water quality? The answers are in the October 19, 2011 memorandum; in short, the answers are that the Board should actively avoid initiating new projects that are not CWA priorities, and the proper implementation of effective rules protects water quality.

Bridget Moran said she still struggles with how some of the milestones relate to clean water.

FORESTS AND FISH POLICY WORK LIST PRIORITIES

Stephen Bernath, Forests and Fish Policy Co-Chair, reported that Policy agreed to three top priorities for 2012, but is still in the process of developing a charter to describe an approach. The priorities are:

- Evaluate how to identify the uppermost point of perennial flow (PIP) in Type N Waters;
- Develop a recommendation to the Board on two water typing issues: a permanent water typing rule and updated water typing protocol survey standards; and
- Ensure that the Type N effectiveness studies are on track.

There was discussion about whether all three of the top priorities could be accomplished in one year. Bridget Moran said DNR is pressed to accomplish the milestones and wanted Policy to address those first. Bernath said he believed strategizing the Type N effectiveness studies can be accomplished quickly and can occur in parallel with one of the other two.

Moran said she knows the water typing issues are important, but worried it would detract from completion of the milestones. She reminded the Board that it asked Policy to bring its priorities to the Board to ensure that they were meeting the highest priority, which the Board agreed was the CWA assurances.

Moran suggested the Board request that the charter recognize the CWA milestones are the priority. Paula Swedeen requested a check-in from Policy in February with the charter and a timeline. Anna Jackson said she would abstain if the Board decided to make a recommendation to Policy because it did not seem right for the Board to direct Policy in this way. Moran stressed that next spring Department of Ecology will evaluate whether the Board is on target, and if the Board does not direct Policy to make milestones the top priority, it will not do so.

PUBLIC COMMENT ON BOARD RESPONSE TO POLICY PRIORITIES

Pete Heide, WFPA, said one of the large landowner's priorities not accepted in the top three was to have small landowners at the Policy table. He said small forest landowners own half of the private forest lands in the state, and the continued success of the Forests and Fish program depends on resolving their issues and bringing them into a collaborative process.

Peter Goldman, WFLC, commented that the CWA assurances are dependent on the completion of long-term scientific studies currently in progress, and in the meantime Policy can be doing other high priority work like working on the water typing issues.

Bridget Moran said particular milestones are specifically identified concerning developing the Type N strategy, and they would be delayed if the water type issue was a higher priority for Policy.

Chris Mendoza said he did not think the priorities Policy laid out are conflicting because Policy's strategic planning efforts can take place simultaneously with the technical work required to address the water type issues.

BOARD RESPONSE TO POLICY PRIORITIES

Kurt Robinson, Department of Agriculture, provided an overview on the usefulness of the LEAN process and how it has helped the Organic Program become more efficient and improve its service to its customers.

MOTION: Bridget Moran moved that Forests and Fish Policy make completion of Clean Water Act Assurances milestones the top priority for their 2012 work plan with water typing as the next highest priority. Policy shall report on progress at each regular Board meeting in 2012.

SECONDED: Tom Laurie

ACTION: Motion passed unanimously.

Bridget Moran proposed that the Board redirect a portion of CMER funding for the Adaptive Management Administrator to hire a consultant with experience in the LEAN process. This consultant would evaluate the Adaptive Management Program process and report to the Board in February. Norm Schaaf asked if this had stakeholder concurrence, to which Moran answered yes.

MOTION: Tom Laurie moved the Forest Practices Board amend the CMER budget to spend some portion of the budget allocated for the grant writer to facilitate a LEAN review of the Adaptive Management Program. Review findings shall be shared with the Board as soon as they are available and report to the Board in February.

SECONDED: Doug Stinson

ACTION: Motion passed unanimously.

2012 WORK PLANNING

Marc Engel, DNR, reported that the Board did well in accomplishing the goals in the 2011 work plan and provided an overview of staff's proposal for 2012. He explained that the rule making items are not "non-critical" according to the parameters listed in the Governor's executive order on suspending non-critical rule adoption. That order was extended until December 31, 2012.

Paula Swedeen asked if there is room in the schedule for spotted owl rule making if needed; Moran pointed out the "Northern Spotted Owl" item is shown on the work plan as "ongoing."

EXECUTIVE SESSION

The Board convened an executive session from 4:00 p.m. to 4:20 p.m.

Meeting adjourned at 4:25 p.m.