

1 **FOREST PRACTICES BOARD**

2 Regular Board Meeting – February 14, 2024  
3 Zoom Webinar and Room 172, Natural Resources Building  
4

5 **Members Present:**

- 6 Alex Smith, Chair, Department of Natural Resources
- 7 Ben Serr, Designee for Director, Department of Commerce
- 8 Chris Conklin, Designee for Director, Department of Fish and Wildlife
- 9 Cody Desautel, General Public Member (12:30 p.m. – 4 p.m.)
- 10 Jim Peters, General Public Member
- 11 Kelly McLain, Designee for Director, Department of Agriculture
- 12 Meghan Tuttle, General Public Member
- 13 Pene Speaks, General Public Member
- 14 Rich Doenges, Designee for Director, Department of Ecology
- 15 Steve Barnowe-Meyer, General Public Member/Small Forest Landowner
- 16 Wayne Thompson, Timber Product Union Member (9 a.m. – 12:30 p.m.)
- 17 Vickie Raines, Elected County Commissioner

18  
19 **Members Absent:**

- 20 Frank Chandler, General Public Member/Independent Logging Contractor

21  
22 **Staff:**

- 23 Marc Engel, Senior Policy Advisor
- 24 Patricia Anderson, Rules Coordinator
- 25 Saboor Jawad, Forest Regulation Division Manager
- 26 Terry Pruit, Senior Counsel

27  
28 **WELCOME AND INTRODUCTIONS**

29 Chair Alex Smith called the Forest Practices Board (Board) meeting to order at 9:00 a.m.  
30 Introductions of Board members and staff were made.  
31

32 **REPORT FROM THE CHAIR**

33 Chair Smith acknowledged the transition of some the Board members and welcomed Board member  
34 Jim Peters.  
35

36 Chair Smith provided an update on DNR’s legislative activity which included six DNR sponsored  
37 bills. The Forest Riparian Easement Program (FREP) bill was re-introduced this session. The  
38 substitute version of the bill would increase small forest landowner riparian easement compensation  
39 to 90% of timber value; reduce easement terms by 10 years to a total of 40 years; and increase  
40 compensation on potentially unstable slope easements. The bill if passed, may require the Board to  
41 amend existing FREP rules.  
42

43 Chair Smith shared DNR has requested additional funding for the fpOnline project which received  
44 support from the Office of Chief Information Officer and was recommended for full funding as part  
45 of the state Information Technology pool. The additional funding will allow DNR to complete the  
46 fpOnline development work with a go live date of December 2025.

47 Staff updates included:

- 48 • Teresa Ann Ciapusci retired as Forest Regulation Assistant Division Manager (ADM) for  
49 Operations and Wyatt Leighton has stepped in as the acting ADM.

- 1 • Danielle Miles joined the Division’s Region Operations Outreach Team as Support Analyst with  
2 an emphasis on cultural resources and endangered species.  
3

4 Chair Smith also shared the following:

- 5 • The Board is encouraged to attend the Structured Decision-Making workshop scheduled for  
6 April 9-10, 2024 at the Natural Resources Building.  
7 • Arrangements for the Board’s Spring Special Meeting and Field Tour in Eastern Washington  
8 have begun.  
9

10 **APPROVAL OF MINUTES**

11 **MOTION:** Meghan Tuttle moved the Forest Practices Board approve the November 8, 2023  
12 meeting minutes as amended.  
13

14 **SECONDED:** Rich Doenges  
15

16 **Board Discussion:**

17 Board member Steve Barnowe-Meyer suggested edits to page 4 lines 30-31 to read as “. . . that he  
18 was not aware that this large a salmon run even existed in western Washington.” and to lines 28-32  
19 on page 8 to read as “. . . to have potential to stop a protocol survey and have to walk away because  
20 something on the ground that was observed does not align with a definition in rule, call and have an  
21 ID team look at it, then go back and perform the survey, then maybe have a follow-up ID team  
22 review, was never the intent.”  
23

24 **ACTION:** Motion passed. (10 Support / 0 Oppose / 1 Abstention (Peters). Raines and Desautel  
25 not available for vote.)  
26

27 **MOTION:** Steve Barnowe-Meyer moved the Forest Practices Board approve the November 28-  
28 29, 2023, meeting minutes.  
29

30 **SECONDED:** Pene Speaks  
31

32 **Board Discussion:**

33 None.  
34

35 **ACTION:** Motion passed. (9 Support / 0 Oppose / 2 Abstention (Peters and Serr). Raines and  
36 Desautel not available for vote.)  
37

38 **STATE AUDITOR’S RECOMMENDATION (SAO) UPDATE**

39 Lori Clark, Adaptive Management Program Administrator (AMPA), provided a progress report on  
40 the State Auditor’s Office (SAO) recommendations.  
41

42 Clark said in January 2021, the SAO completed a performance audit of the Forest Practices Adaptive  
43 Management Program (AMP) and in May 2021, the Board approved the SAO AMP response plan.  
44

45 Clark reported on all the recommendations on whether recommendations were delayed, in progress or  
46 completed.  
47

48 Board member Jim Peters asked why some projects are delayed. Clark said it is normal and being  
49 tracked.  
50

1 Board member Chris Conklin asked if multifactor and structured decision making can work together.  
2 Clark said that the multifactor decision making will support the structured decision making. Actions  
3 for both are consistent and in support of each other.

4  
5 Board member Pene Speakes asked when the dashboard will be available. Clark responds that it will  
6 be on the AMP website as a link. Clark said a link to this dashboard will be sent out when it becomes  
7 available.

8  
9 Board member Barnowe-Meyer asked about training plan for SharePoint for Board members. Clark  
10 clarified that there is limited access and that Board members can access it if they are interested;  
11 however, the SharePoint site is a workspace environment for internal sharing of documents to  
12 improve version control.

13  
14 Board member Barnowe-Meyer encouraged a concerted effort to convene a meeting of the principals.

15  
16 Board member Peters agrees a principals meeting needs to occur to get their support to move  
17 forward. Board member Peters asked what the principal's roles are and what is their part in the  
18 process. Peters suggests some thoughts on how to move forward to achieve this goal of gathering the  
19 principals.

20  
21 Board member Speaks encouraged us to have a good understanding of the role of the principals and  
22 how they correctly interact with the board and the other caucuses. Board member Peters comments  
23 on the role of the principals in the activity of the AMP and thoughts on how to achieve this. Chair  
24 Smith states she will carry this message to the Commissioner of Public Lands.

25  
26 Clark emphasized that action for some of the recommendations will be no action and hopes that  
27 everything can wrap in the next year. She continued to give credit to TFW Policy co-chairs and all  
28 the others that have made the efforts to implement the recommendations from the SAO.

29  
30 **BOARD MANUAL UPDATE: SECTION 22 ADAPTIVE MANAGEMENT PROGRAM**

31 Maggie Franquemont, DNR, presented an amendment to Board Manual Section 22 for Board  
32 approval. The amendment acknowledges the existence of a TFW Policy manual that TFW Policy will  
33 amend as needed.

34  
35 TFW Policy had identified several options to implement the SAO's recommendation on adopting a  
36 net-gains approach in the program. Developing a TFW Policy manual was one of the 'net-gains'  
37 options identified by TFW Policy.

38  
39 Board member Conklin asked who will update the manual. Clark responded that a workgroup will  
40 meet monthly to discuss any updates needed and will report back to TFW Policy. It is a living  
41 document that will be maintained, updated, and approved by TFW Policy.

42  
43 **PUBLIC COMMENT ON BOARD MANUAL SECTION 22**

44 None.

45  
46 **BOARD MANUAL SECTION 22 ADAPTIVE MANAGEMENT PROGRAM**

47 **MOTION:** Steve Barnowe-Meer moved the Forest Practices Board approve Board Manual  
48 Section 22 to include a reference to a TFW Policy Committee Manual that will be  
49 updated as needed by TFW Policy.

1 **SECONDED: Jim Peters**

2  
3 **Board Discussion:**

4 Board members Speaks suggested a friendly amendment to the motion by adding “reference to a”.

5  
6 **ACTION: Motion passed unanimously.**

7  
8 **RIPARIAN CHARACTERISTICS AND SHADE STUDY (RCS) PILOT RULE MAKING**

9 Lori Clark, AMPA, presented a pilot rule making request to authorize the implementation of an  
10 experimental harvest treatment on two sites in western Washington more than what is currently  
11 permitted in the Forest Practices Rules. TFW Policy and CMER Committees are supportive of the  
12 RCS study and the Board has approved inclusion of study implementation in the 2023-2025 Master  
13 Project Schedule budget.

14  
15 Clark said this time last year, the Board approved a pilot rule making for the RCS study for a suite of  
16 40 potential FPAs. However, none of those sites previously identified were selected as suitable for  
17 implementation. As a result, a new CR-101 is being submitted for three sites planned for RCS  
18 implementation this summer. Implementation will occur on two of the sites and the third is a  
19 contingency site.

20  
21 It has been challenging to get suitable sites for implementation of this project, and Rachael Rubin,  
22 Principal Investigator for the RCS, has been working with landowners to establish sites that will work  
23 for implementation this year.

24  
25 Rachel Rubin, DNR, said the study will provide clarity on the effects of RMZ thinning on stream  
26 shade and that landowner collaboration is essential. There are currently three sites for the study: two  
27 preferred and one alternate. The Smith Creek site is a tributary to Smith Creek which drains into  
28 Willapa Bay, Weyco 1721 is a tributary to the west fork of the Chehalis River, and Harp Road is in  
29 the upper Chehalis River.

30 Rubin said the study design calls for 10 sites in western Washington and 10 sites in eastern  
31 Washington, and current efforts are focused on the westside of the state. The study data will provide  
32 helpful information on stand characteristics, such as canopy gaps, canopy clumping and overall  
33 canopy height variables, which are difficult to measure on the ground.

34  
35 Board member Speaks asked if more sites will be identified over the course of the study and if there  
36 is a sense of timing for that. Rubin responded that given the site selection process to date and the  
37 efficiencies learned from vetting the original potential 40 sites, we are confident with the three sites  
38 currently targeted and the selection process moving forward.

39  
40 Board member Peters asked if there will eventually be a total of 10 sites in western Washington.  
41 Rubin responded yes and the Board will receive a status update and request to consider additional  
42 sites next year.

43  
44 Clark said the Adaptive Management Program is committed to seeing it through as the study design is  
45 laid out. Rubin is in the beginning stages of implementing these sites on the ground. The more that is  
46 learned the more efficient securing study sites will be.

47  
48 Board member Meghan Tuttle said that landowners are committed as well and noted that all three  
49 sites discussed today are on Weyerhaeuser property. She said Weyerhaeuser has appreciated how  
50 relationships have been strengthened with the Adaptive Management Program staff and

1 Weyerhaeuser field staff. They are confident these sites will work for implementation this summer  
2 because of how strong the collaboration has been over time.

3  
4 Board member Rich Doenges asked what the process will be for identifying geographically the next  
5 seven sites. Rubin responded that the study uses a stratified design across four eco-regions with  
6 ultimately five sites in each eco-region.

7  
8 Board member Peters asked if staff review and respond to any written comments. Terry Pruit, Senior  
9 Counsel, said the practice has been to provide those comments to the Board and that yes, certainly  
10 staff reviews those comments, there is not a direct response.

11  
12 Chair Smith said the comments that come to the Board are provided to Board members to review and  
13 factor into their decision making. If Board members have questions about a public comment, it is  
14 always appropriate to ask questions of staff during the Board meeting when staff are presenting on  
15 that action item.

#### 16 17 **PUBLIC COMMENT ON PILOT RULE MAKING**

18 None.

#### 19 20 **RIPARIAN CHARACTERISTICS AND SHADE STUDY (RCS) PILOT RULE MAKING**

21 **MOTION:** Kelly McLain moved the Forest Practices Board approve the pilot rulemaking for the  
22 Riparian Characteristics and Shade Study. I further move to request staff file the CR-  
23 101 Preproposal Statement of Inquiry with the Office of the Code Reviser.

24  
25 **SECONDED:** Ben Serr

#### 26 27 **Board Discussion:**

28 Board member Meghan Tuttle asked if continuing the study to look at long term characteristics of  
29 change in managed buffers could be done. Rubin said that has been part of RSAG discussions. In this  
30 case, the study design has gone through extensive draft reviews and re-writes, as well as independent  
31 scientific review. Long term it would be easy enough if it is a priority.

32  
33 **ACTION:** Motion passed unanimously.

#### 34 35 **GENERAL PUBLIC COMMENT**

36 Ken Miller, Washington Farm Forestry Association, reminded the Board of the testimony provided at  
37 the November 2023 meeting which stated the Board is required to create a map-based stream typing  
38 rule for small forest landowners. He said the Type Np rule making has similarly disproportionate  
39 impact on small landowners.

40  
41 Robert Mitchell commented on water typing, specifically a stream in Capital Forest which is  
42 classified as Type Ns non-fish seasonal. He said his understanding of the current rules is that it allows  
43 harvest right up to the banks of that stream which he believes is unfair and wrong. The stream buffers  
44 contain some old growth and older trees that have not been disturbed for maybe a century or more.  
45 He concluded by stating “when will the science incorporate the mycorrhizal fungal network that  
46 connects tree roots and has implications for the current tree competition model?”

47  
48 Rainer Hummel shared his observations as a small forest landowner from Klickitat County on Class  
49 IV General conversion applications. He said while the Board is the rule making body, the Board  
50 needs to be concerned about compliance of the rules. Without compliance the rules are meaningless.

1 He shared a particular situation of a commercial rock pit conversion which is not the exception it is  
2 the rule. He said his county relies on voluntary compliance only which leads to a very low rate of  
3 compliance among landowners.

#### 4 **EXTENSIVE STATUS AND TRENDS MONITORING UPDATE**

5 Lori Clark, AMPA, said the AMP participants have been nudging this project along with varying  
6 levels of concentration since about 2007. Some of the projects that have been completed are  
7 considered extensive monitoring projects, so there have been some successful advancements toward  
8 extensive monitoring in the past. Since the Board directed AMP participants to elevate extensive  
9 monitoring as a priority in November 2022, the program did dedicate efforts toward advancing the  
10 project.  
11

12 She said the accomplishments over this year, included:

- 13 • initiating and completing a contract to assess and report on the availability of existing data and  
14 future data to be collected and to inform the extensive monitoring program, and
- 15 • development and approval of a charter and the beginning of the scoping phase.
- 16 • The project is on currently on target to complete scoping in April 2026 and complete the study  
17 design in April 2027. However, this assumes there are no delays in document preparation, no  
18 modifications requested by the science advisory group or by CMER or Policy, and there are no  
19 extra review timelines requested, and that there are no disputes.  
20

21 Clark said it is a complex project that involves multiple science advisory groups. The project is  
22 currently under the oversight of the Riparian Science Advisory Group (RSAG). She said an effective  
23 strategy to support this project moving along more efficiently is to assign a principal investigator  
24 (PI). Even though the project is in early stages, having someone take the lead would be good for  
25 making steady progress and holding project teams accountable to hitting target timelines and  
26 milestones.  
27

28 Chair Smith said that in November 2022, the Board recognized having extensive monitoring projects  
29 would help decision making. Since then, AMP stakeholders have expressed frustration about not  
30 enough progress made and if it could move along more quickly. She said she wanted to have the  
31 Board discuss the topic of extensive monitoring and consider how the Board could help efforts on  
32 prioritization acceleration within CMER.  
33

34 Board member Peters asked if there is a sticking point at RSAG and if the Board or a call for dispute  
35 resolution could help.  
36

37 Clark responded that she does not consider the status at a sticking point and there have been  
38 productive conversations. Project Manager Alexander Prescott has moved things forward. The  
39 diverse perspectives being brought forward are the key to our success. If conversations are  
40 productive, we should allow time for RSAG to contribute. She said if there was a sticking point, it  
41 was more associated with working out the understanding between TFW Policy, CMER and RSAG  
42 about what needed to happen with this project and what questions need to be answered. Those items  
43 have been sorted out and the project is moving forward.  
44

45 Clark said she can report on progress to the Board as often as preferred. Currently, it is most about  
46 navigating the conversations among the diverse perspectives, making sure there is consensus with  
47 moving process documents forward as well as the pieces that lead into the scoping phase.  
48  
49

1 Board member Speaks said she supports identifying a principal researcher which would likely speed  
2 things up and make the process more efficient.

3  
4 Clark said that she absolutely agrees and will propose to RSAG to assign an interim PI for now and  
5 reassess when the scoping document is completed.

6  
7 Chair Smith directed the AMPA and CMER co-chairs to provide status updates on the progress of  
8 extensive monitoring to the Board every six months.

### 9 10 **ALTERNATIVES TO PILOT RULE MAKING**

11 Saboor Jawad, DNR, said he does not have new information to bring to the Board and that the Board  
12 will need to come up with a different approach to implementing pilot rule making. He said he is  
13 willing to start the process to develop proposed language to amend Chapter 76.09 RCW expanding  
14 the Board's authority to include the authority to suspend Board rules for the purposes of scientific  
15 research.

16  
17 Board member Barnowe-Meyer strongly recommended that Jawad move forward on developing  
18 proposed language to amend Chapter 76.09 RCW.

19  
20 Board member Peters stated that the Tribal caucus needs an extended amount of time so staff is ready  
21 to work on this. He suggested educating Legislators on this process to help reduce concerns and  
22 misunderstanding. He also addressed the need for a budget for this additional work.

23  
24 Board member Doenges asked what kind of time is required to engage the Services for rule making  
25 for allowing scientific research. Jawad affirms that this process will only concern pilot rule making  
26 and not change the meaning or impact of the rules currently as they stand. DNR will, however,  
27 consult the Services once the proposed language is ready.

28  
29 Chair Smith said further conversations are needed as well as a need to address the budget in the  
30 master project schedule before the next legislative session. The Board agreed to have Jawad to report  
31 back at the May meeting with suggestions.

### 32 33 **CONTINUED DISCUSSION ON STRUCTURED DECISION MAKING**

34 Saboor Jawad, DNR, provided an overview of structured decision making (SDM) and said that a  
35 workshop is planned for the Adaptive Management Program staff and participants within TFW Policy  
36 and CMER in April 2024.

37  
38 As background, Jawad reminded the Board that SDM was presented during the November 2023,  
39 special meeting as a potential decision-making model that can be integrated into the existing process.  
40 Since then, DNR staff have identified a subject matter expert to conduct the upcoming hands-on  
41 workshop, which Board members are invited to attend. The two-day SDM workshop will be in-  
42 person with expert facilitators from the Washington Cooperative Fish and Wildlife Research Unit at  
43 the University of Washington. The expert facilitators are working with TFW Policy to develop a  
44 model for the program. The May 2024 Board meeting will include a briefing about the workshop  
45 outcomes, and the Board can consider adopting model components for Board purposes.

### 46 47 **PROPOSED RULE FOR TYPE NP BUFFER RULE MAKING**

48 Marc Engel, DNR, presented the draft rule language to the Board. He said the draft rule language:

- 49 • Removes the Type Np and Ns buffers from WAC 222-30-021 and creates a new Type Np and Ns  
50 buffer rule; and

- 1 • Creates a new Type Np and Ns rule which adds the Board approved Type Np buffers while  
2 maintaining Type Np sensitive sites and Type Np and Ns equipment limitation zones.  
3

4 He said even though the Type Np Waters are going to 100% buffer, all rules must achieve the full  
5 protection of the resources. In the case of the Np rule, DNR staff have to assure all sensitive site  
6 buffers are fully implemented, including preserving the full width of protections for each sensitive  
7 site.  
8

9 At the Board's request, staff has only looked at discreet sections of the Np buffer rule. However, in  
10 the future staff will request the ability for staff to also assure the rules protect all public resources and  
11 are implementable and repeatable.

12 Board member Speakes said she has concerns about the implementation on the ground and asked  
13 what staff needs to ensure the rule is implementable. Engel said the Board could request staff to  
14 review the rule in its entirety to ensure that it addresses potential issues.  
15

16 Chair Smith asked what process is appropriate for this request. Terry Pruit, Senior Counsel stated that  
17 a motion would be a recommendation for further edits to the Np buffer rule.  
18

19 Board member Speakes asks if the separation of the Type Np buffer rule from the other parts is  
20 causing this concern. Engel responds no and describes the Type Np rules as unique which contribute  
21 to the additional complexity of this rule making.  
22

23 Board member Doenges asked if there were other conversations that may add to the staff's ability to  
24 address the implementation of the Type Np buffer rule. Engel said the recommendation was thorough  
25 enough to move forward with rule making. In this case, it is when reading through and drafting the  
26 rule that some of the questions arose about the sensitive sites and the identification of some confusion  
27 about buffer widths. Engel also pointed out the formatting issue that currently makes the rule difficult  
28 to read.  
29

30 Board member Doenges asked Engel for suggestions for a motion. Engel said language for a motion  
31 would include allowing for non-substantive edits. He assures that the rule will be reviewed as written  
32 and that it will keep all current protections while adding the new language.  
33

34 Board member Peters suggested to include the water typing rule to ensure that rule is implementable  
35 and repeatable.  
36

37 Board member Tuttle asked what will happen if we do not decide today. Engel explains that for the  
38 purposes of analysis, we have what we need in the current rule, however without a full analysis, the  
39 rule could be at risk of not being fully implementable.  
40

41 Chair Smith said the Board could either table this decision or move forward with a motion.  
42

43 Board member Speakes suggested to move forward with an edited motion.  
44

45 Board member Tuttle asked to table the decision. She asked if this would slow the process for staff  
46 working on the draft rule. Engel responded no and staff is working to have a really well written rule  
47 that can be applied on the ground and all the protections are provided.  
48

49 **MOTION:** Meghan Tuttle moved to table the discussion to May meeting and that staff present the  
50 additional changes at that time.

1 **SECONDED: Steve Barnowe-Meyer**

2  
3 **Board Discussion:**

4 Board members clarified that staff should move forward on the rule making and present those edits at  
5 the May meeting for Board discussion.

6  
7 **ACTION: Motion passed unanimously. (Wayne Thompson not available for vote.)**

8  
9 **WATER TYPING AND TYPE NP RULE MAKING AND BOARD MANUAL UPDATE**

10 Marc Engel, DNR, said that preparation of the water typing system rule packet to initiate rule making  
11 continues to be on schedule to present to the Board in August 2024. In November 2023, the draft was  
12 presented to illustrate that the Board approved recommendations have been included in the draft rule.  
13 DNR staff have included stakeholder comments recently sent to the Board and a revised draft rule  
14 that addresses those comments in today’s meeting material. The process is iterative, and staff will  
15 continue to develop draft rule language in preparation for the Board to consider initiating rule  
16 making.

17  
18 Board member Barnowe-Meyer asked if the draft rule will be made consistent with Board direction  
19 regarding off-channel habitat (OCH) from the May 10, 2017, meeting. The draft at present does not  
20 appear to reflect all parts of that decision.

21  
22 Engel said that the question about OCH relates to the 2017 Board motion, which approved the TFW  
23 Policy’s majority recommendation. Staff have drafted language to capture the full intent for OCH and  
24 more work is needed on that. Establishment of buffers, for the most, part is tied to bankfull width and  
25 bankfull width is measured at bankfull flow, which is where the buffer would be measured from.

26  
27 Board member Barnowe-Meyer said that it is not only bankfull width for all streams it is about  
28 bankfull width for confined and ordinary high for non-confined streams.

29  
30 Engel responded that the distinction is already in the definition for bankfull width under WAC 222-  
31 16-010 and it has been the intent all along. DNR staff will further refine the draft and present changes  
32 to the Board in May 2024.

33  
34 Board member Peters said that he recalls those discussions at TFW Policy and asked if some of the  
35 clarification work on the draft rule for wetlands is about connectivity to those other waters. Engel  
36 responded yes.

37  
38 Engel said that the spatial analysis to build a synthetic stream is using high resolution LiDAR and  
39 there are many complexities. The synthetic streams are to the point where we can perform the  
40 analysis and we are in the process of QA/QC. As the work progresses, elements are being added to  
41 inform the analysis. When the analysis is completed, the methods and data used will be made  
42 available for stakeholder review.

43  
44 Board member Barnowe-Meyer said that when the time comes for work on Type Np rules, he would  
45 like rationale for how orphan streams are handled under Type Np.

46  
47 Engel said that is an example of one of the needs for additional work in preparation for the May  
48 meeting and it is more about the definition of Type Np Water than the actual buffer. It was addressed  
49 in the majority report.

1 Board member Doenges asked to clarify that the definition of Type Np Water for non-fish bearing can  
2 include segments of stream that run dry during non-normal rainfall. Engel responded that the key is  
3 finding perennial flow, Type Np Water can contain intermittent dry portions of defined channels  
4 where you have perennial flow.

5  
6 Engel said that the economic workgroup has been convened and they are finishing review on the  
7 preliminary analyses from April 2019 and are on schedule to complete the work for the rule-making  
8 packet.

9  
10 Engel said that for the Draft Type Np Water Buffer Rule, the Board approved recommendations have  
11 been incorporated into the draft rule and staff will present another draft rule to the Board in May  
12 2024.

13  
14 Engel said that board manual sections for Type Np will include portions of Board Manual Section 23  
15 and Board Manual Section 7. The portions of Section 23 will address how to identify the break  
16 between Type Np and Type Ns Waters and the Type Np related portion of Board Manual Section 7 for  
17 guidance on how to lay out the RMZ buffers.

18  
19 Engel said that the economic analysis for the Type Np rules has not started. A new solicitation for  
20 contracting for the Type Np cost-benefit analysis is being developed. For SEPA, staff are considering  
21 different approaches, including hiring a contractor to look at the potential for environmental impacts  
22 or using agency resources within DNR. Although we know that the SEPA checklist is a considerably  
23 shorter process than a full EIS, there has been no pre-determination about the process and no work on  
24 SEPA for Type Np has been started.

25  
26 Chair Smith clarified the requirement is to address whether it is a determination of non-significance  
27 (DNS), or a determination of significance (DS).

28  
29 Engel said that all of those are a potential and the responsible official will consider the threshold  
30 determination. Timeline estimates are based in part on whether there is a known associated EIS, and  
31 what staff doing the actual work will need. An addendum to an existing associated EIS is a potential.

32  
33 Chair Smith said that to clarify, staff want to provide transparency to the Board about two potential  
34 pathways and that the process may take longer if in fact that is where the threshold determination  
35 takes us.

36  
37 Board member Serr asked how the timeline looks with respect to the potential process pathways  
38 compared to previously estimated timelines for water typing and Type Np.

39  
40 Engel said both are on schedule for August and November respectively.

41  
42 Board member Peters asked if there is a quicker way of doing things since there was a process for  
43 SEPA when the HCP was implemented through the Adaptive Management Program.

44  
45 Engel responded that past analysis on Type Np rules was for the current rule and this proposed rule  
46 would be a change. Staff would need to look at whether the previous work for the current rule  
47 considered and addressed these proposed changes.

48

1 Board member Peters said that he is asking because the proposed changes to Type Np are based on a  
2 process that has already been approved. Jawad responded that information from a previous EIS can  
3 be incorporated if it was done.

#### 4 **RECOMMENDATION ON UPLISTING OF WESTERN GRAY SQUIRREL**

5 Maggie Franquemont, DNR, said that after the Washington Fish and Wildlife Commission decision to  
6 uplist the western gray squirrel (WGS) status to endangered (state), DNR began consulting with  
7 Washington Department of Fish and Wildlife (WDFW) to determine critical habitat (state).

8  
9  
10 Maggie Franquemont, DNR, provided the following summary:

- 11 • WDFW is the agency with expertise.
- 12 • Only primary habitat is outlined in the recommendations to the Board and that the listing  
13 authority has not designated critical habitat for WGS.
- 14 • WDFW has consistently communicated the need for additional data on distribution and  
15 abundance.
- 16 • DNR concurs with the joint recommendations by WDFW and DNR.

17  
18 Darrin Masters, WDFW, provided an overview of the natural history and historic range of WGS in  
19 Washington state. Circumstances leading to the uplisting include:

- 20 • The WGS was once considered uncommon to locally common. By the late 1800s it was  
21 considered in decline and by 1970 it was considered rare.
- 22 • There are now three population centers in Washington state: South Puget Trough, Klickitat  
23 County, and Okanogan County.

24 Masters said that the three population centers are isolated due to habitat fragmentation and roads. He  
25 described the characteristics of primary habitat, state uplisting history and at the time of the 2016  
26 Periodic Status Review, there was insufficient data to determine if WGS had met recovery goals or  
27 had declined and if uplisting or no change was needed.

28  
29 Masters reviewed the recommendation presented to the Board which is to initiate a WGS Wildlife  
30 Working Group to:

- 31 • Evaluate the existing volunteer measures completed to date and determine if they were  
32 implemented successfully and/or provided adequate protection.
- 33 • Develop new alternatives to enhance or rebuild the existing volunteer measures as needed.
- 34 • Consider the requirements for Critical habitat under WAC 222-16-080.
- 35 • Develop recommendations on how to protect WGS habitat during timber harvesting and  
36 mitigation measures for land conversion by development.
- 37 • Consider whether developing new rules would provide benefit to the species or whether revised  
38 volunteer measures would work.

#### 39 **PUBLIC COMMENT ON RECOMMENDATIONS FOR THE WESTERN GRAY** 40 **SQUIRREL UPLISTING**

41  
42 Doug Hooks, WFPA, said he supports the formation and convening of a WGS working group as  
43 similar efforts for the Marbled Murrelet were successful. This process would allow the Board to  
44 answer questions, identify issues, and bridge information gaps. He noted that WDFW has reported  
45 the majority of FPAs with a nexus to WGS have occurred in Klickitat County. Prior work completed  
46 in 2004 indicated certain FPAs where best management practices were used reported seeing a high  
47 presence of WGS following harvest. WFPA members in Klickitat County have reported seeing many  
48 WGS on site following timber harvest. In 2023, WDFW received a funding proposal for the  
49 biodiversity program with the goal of promoting biodiversity and bridging information gaps through

1 the state wildlife action plan. He recommended the Board find a nexus to the WDFW biodiversity  
2 program including funding to help support this effort for WGS.

3  
4 Patricia Arnold said she supports the recommendations provided by WDFW and DNR; however,  
5 does not support the evaluation of existing volunteer measures and developing new alternatives to  
6 enhance the existing volunteer measures. as needed. Focus needs to be on habitat – identifying  
7 critical habitat and preserving what is left.

8  
9 Nathan Baker, Friends of Columbia Gorge, stated that the DNR had a deadline of January 27, 2024,  
10 to submit a proposed list of critical habitat for WGS, which is required by WAC 222-16-080. He also  
11 stated if a working group is convened, the focus needs to be binding measures to protect the species.  
12 They also do not support the reliance on voluntary measures for the working group to work on.

### 13 14 **WESTERN GRAY SQUIRREL UPLISTING**

15 **MOTION:** Kelly McLain moved the Forest Practices Board request WDFW to convene a western  
16 gray squirrel Wildlife Working Group involving landowners, tribes, agencies,  
17 counties, and conservation partners potentially impacted by the state uplisting. She  
18 further moved that the request include direction for the working group to address the  
19 recommendations but not limited to those presented by DNR and WDFW staff.

20  
21 **SECONDED:** Steve Barnowe-Meyer

#### 22 **Board Discussion:**

23  
24 Two friendly amendments were suggested to the motion: 1-add “but not limited to those” by Board  
25 member Doenges; and 2-add “counties” by Board member Peters.

26  
27 **ACTION:** Motion passed unanimously. (Wayne Thompson not available for vote.)

### 28 29 **2024 WORK PLAN**

30 Marc Engel, DNR, presented changes to the workplan which included the addition of an update every  
31 six months on the Extensive Status and Trends Monitoring.

32  
33 **MOTION:** Steve Barnowe-Meyer moved the Forest Practices Board approve the 2024 work plan  
34 as amended.

35  
36 **SECONDED:** Pene Speaks

#### 37 **Board Discussion:**

38  
39 None.

40  
41 **ACTION:** Motion passed unanimously.

### 42 43 **STAFF REPORTS**

44 Tami Miketa, DNR provided an overview of the status and success of the small forest landowner  
45 technical and financial assistance programs. She said in 1999, the Legislature realized that increasing  
46 regulatory requirements diminished the economic viability of small forest landowners, so the Small  
47 Forest Landowner Office (SFLO) was created as a resource for small landowner concerns.  
48 Specifically, tasked to: help conserve family forests to keep land in forestry, help maintain the  
49 economic and ecological viability, and develop policies and programs to help conserve forests.

1 The SFLO manages the following programs:

2 Financial Assistance Programs

- 3 • Forestry Riparian Easement Program (FREP)
- 4 • Family Forest Fish Passage Program (FFFPP)
- 5 • Rivers and Habitat Open Space Program (RHOSP)

6

7 Technical Assistance Programs

- 8 • Small Forest Landowner Regulation Assistance Program
- 9 • Small Forest Landowner Outreach and Education Program

10

11 Miketa concluded by sharing the dollars invested to date on the financial assistance programs:

- 12 • FREP - \$47.8 million
- 13 • FFFPP - \$42.0 million
- 14 • RHOSP - \$9.2 million

15

16 There were no questions on the following reports.

- 17 • Adaptive Management Program Update
- 18 • TFW Policy Committee Update
- 19 • Upland Wildlife Update

20

21 **EXECUTIVE SESSION**

22 None.

23

24 Meeting adjourned at 4:30 p.m.