

1 **FOREST PRACTICES BOARD**

2 August 9, 2017

3 Natural Resources Building, Room 172

4 Olympia, Washington

5
6 **Members Present**

- 7 Stephen Bernath, Chair, Department of Natural Resources
- 8 Bob Guenther, General Public Member/Small Forest Landowner
- 9 Brent Davies, General Public Member
- 10 Carmen Smith, General Public Member/Independent Logging Contractor
- 11 Dave Herrera, General Public Member
- 12 Heather Ballash, Designee for Director, Department of Commerce
- 13 Joe Stohr, Designee for Director, Department of Fish and Wildlife
- 14 Noel Willet, Timber Products Union Representative
- 15 Patrick Capper, Designee for Director, Department of Agriculture
- 16 Paula Swedeen, General Public Member
- 17 Rich Doenges, Designee for Director, Department of Ecology
- 18 Tom Nelson, General Public Member

19
20 **Members Absent**

- 21 Lisa Janicki, Elected County Official

22
23 **Staff**

- 24 Joe Shramek, Forest Practices Division Manager
- 25 Marc Engel, Forest Practices Assistant Division Manager
- 26 Patricia Anderson, Rules Coordinator
- 27 Phil Ferester, Senior Counsel

28
29 **WELCOME AND INTRODUCTIONS**

30 Stephen Bernath called the Forest Practices Board (Board) meeting to order at 9:00 a.m.

31
32 **APPROVAL OF MINUTES**

33 **MOTION:** Bob Guenther moved the Forest Practices Board approve the May 9 & 10,
34 2017 meeting minutes as amended.

35
36 **SECONDED:** Noel Willet

37
38 Discussion:

39 Noel Willet and Tom Nelson noted that the May 10 meeting minutes listed their predecessor as
40 present for the day.

41
42 **ACTION:** Motion to accept minutes as amended passed unanimously.
43
44

1 **PUBLIC COMMENT**

2 Ray Entz, Kalispel Tribe, invited the Board to eastern Washington for a field tour. He said he
3 would commit to working with DNR staff and the Kalispel Tribe to ensure that the field tour
4 focuses on eastside issues.

5
6 **REPORT FROM CHAIR**

7 Stephen Bernath reported on the following:

- 8 • Forest Practices program operating budget passed by the Legislature on June 30;
9 • Adaptive Management Program budget passed by the Legislature with requested funds for
10 this biennium;
11 • Legislature’s failure to pass the State Capital budget ends funding for the Forestry Riparian
12 Easement Program, Family Forest Fish Passage Program and Rivers and Habitat Open Space
13 Program;
14 • Passage of HB 1595 amending the Public Records Act will require rule making; and
15 • A leadership letter is being prepared to re-engage the discussion on tribal cultural resources.

16
17 **WATER TYPING SYSTEM, SCIENCE/TECHNICAL EXPERT GROUP**

18 **RECOMMENDATIONS**

19 Bernath provided a brief summary on the Board’s decision to convene an expert scientific panel
20 (Panel) to develop and present recommendations for potential habitat breaks (PHB) for inclusion
21 in the fish habitat assessment method (FHAM). He reminded Board members that the Panel was
22 convened by the Adaptive Management Program Administrator (AMPA) and tasked with
23 providing a report on PHB criteria for consideration at this meeting. The recommendations also
24 included the development of a study plan for validation of the recommended PHB criteria.

25
26 Hans Berge, AMPA, provided a PowerPoint that outlined the process used to form the Panel, the
27 work done to gather data, and the analysis done to evaluate the various data sets. He explained
28 how time was provided for stakeholders to provide feedback about the Panel’s recommendations.
29 He reminded the Board that it approved the FHAM framework in May 2017, and that the Panel’s
30 task was to recommend appropriate PHB criteria for inclusion in the FHAM.

31
32 Dr. Phil Roni, Panel member, reiterated the Panel’s mission and listed the members assigned to
33 the Panel. The areas of focus for PHB criteria consideration included a review of current
34 literature, an evaluation of approved Water Type Modification Forms (WTMF) data sets, and
35 professional field experience. From their assessment, they concluded the three key components
36 needed to gain useful, repeatable and sound outcomes are changes in stream gradient changes,
37 decreases in bankfull width and a determination of what are permanent barriers.

38
39 Roni outlined the different data sets provided by various caucuses and the process used to
40 evaluate the data. He said the data sets were collected for various purposes and not all data sets
41 met the purpose for the Panel’s analysis. Approximately 1,500 points provided the needed data
42 and were adequate for analysis. All the data analyzed was from western Washington. He said
43 there was no data available for eastside analysis.

44
45 Roni described how the report, specifically Table 3, showed performance results for the tested
46 metrics applied to the data. He explained how they looked for WTMFs containing a high

1 percentage of Type F/N Water breaks where the end of fish habitat was extended past the last
2 detected fish consistent with the modeled end of fish habitat point and a low percentage of those
3 containing errors where the WTMF point was consistent with the last detected fish point.
4

5 Roni outlined the Panel's recommended criteria for PHBs as: a change in average upstream
6 gradient of greater than or equal to 5%; a reduction in upstream channel width, measured at
7 bankfull width, to less than or equal to 70% of the downstream width; and a fish barrier as a
8 stream gradient greater than or equal to 20% with an elevation gain through the length of the
9 barrier greater than or equal to the bankfull width above the barrier. Roni stated these PHB
10 metrics captured 92% of the end of fish points.
11

12 Roni further explained the Panel's assessment of channel width and described how a proportion
13 change in channel width supported changes in fish use, rather than how a simple width metric
14 alone does not indicate high probability of a lack of fish use. He described how a change in
15 bankfull width usually indicates other geomorphic changes that can limit fish use. He also said
16 that their barrier evaluation indicated that a gradient of 20% prevents most fish from moving
17 upstream and that elevation change is generally related to channel width. To conclude, he
18 outlined the Panel's recommendations that any one of the following elements would be a PHB:

- 19 • A change in gradient greater than or equal to 5%
- 20 • A reduction in bankfull width greater than or equal to 30%
- 21 • A stream gradient greater than or equal to 20% with an elevation change over barrier length
22 which is greater than the upstream bankfull width
23

24 Berge described how one might apply the FHAM in a typical stream segment using the
25 recommended criteria. He said the starting point would begin above the upper most point of
26 known fish or at the modeled Type F/N break, not in the stream's lowest reaches. He also said
27 the Panel believes that a follow up validation study is needed for continued assessment and
28 effectiveness for the PHBs.
29

30 Bernath invited Joe Maroney, Panel member and Kalispel Tribe Director of Fishery and Water
31 Resources, to provide his perspective on the availability of eastside data. Maroney expressed
32 concern regarding the lack of data available for evaluating the PHB criteria. He said WTMF data
33 does exist, but it does not meet the intent of the study design. He mentioned the Panel recognized
34 the lack of available data and given the time constraints to establish PHB criteria, the Panel was
35 restricted to only using data provided by the landowners. He suggested that with more time, a
36 study design could be developed to use additional data from different eco-regions to validate
37 potential PHBs.
38

39 Several Board members acknowledged the lack of data representing other geographical locations
40 and asked how additional data could be used to inform PHB recommendations. Roni said that
41 data from other geographical locations could be analyzed if it was provided in the same format.
42 The time constraint prevented the group from gathering data from other sources and locations.
43
44

1 **PUBLIC COMMENT ON PHB REPORT**

2 Scott Anderson, National Marine Fisheries Service and representing US Fish and Wildlife
3 Service, recommended the Board adopt a system that does not rely on fish presence but uses fish
4 habitat. He said the Forest Practices Habitat Conservation Plan addresses fish habitat.

5
6 Kevin Godbout, Weyerhaeuser Company, recommended the Board act with urgency to establish
7 a permanent water typing rule for the 2018 field season to avoid inconsistencies in the field. He
8 said an updated board manual could alleviate some uncertainty.

9
10 Scott Swanson, Washington State Association of Counties (WSAC), said he supports using best
11 available science and urged the Board to accept the Panel’s recommendations outlined in their
12 report.

13
14 Jim Peters, Northwest Indian Fisheries Commission, said the western Washington tribes request
15 the Board to adopt option #9 in the PHB report and suggested an opportunity for tribal scientists
16 to discuss the recommendations with Panel members.

17
18 Adrian Miller, Pope Resources, encouraged the Board to use the tools available to them within
19 CMER that would address the data issues before them. He also echoed Godbout’s comments on
20 the need for consistency in the application of the existing rule.

21
22 Marc Gauthier, Upper Columbia United Tribes, cautioned that the use of a simple 5% increase in
23 stream gradient or a 30% reduction in stream width as PHBs does not address all situations that
24 prevent fish from moving upstream.

25
26 Jamie Glasgow, Conservation Caucus, said he is concerned about the limitations of data
27 available for use in the Panel’s recommendations. He recommended the Board defer action until
28 November and if the Board did make a decision, they would support an option for PHBs with
29 more stringent criteria.

30
31 Chris Mendoza, Conservation Caucus, said best available science needs to be included in the
32 PHB evaluation, which requires an inclusion of data from all eco-regions. He suggested that a
33 random sample from each eco-region would eliminate bias.

34
35 Peter Goldman, Washington Forest Law Center, urged the Board to delay adoption of the Panel’s
36 PHB recommendations. He advised the Board to adopt a rule that addresses fish habitat in order
37 to avoid an environmental impact statement when the draft rule is evaluated under the State
38 Environmental Policy Act. He requested the Board implement an action to review more data sets
39 for evaluating PHB criteria.

40
41 Steve Barnowe-Meyer, Washington Farm Forestry Association (WFFA), recounted the process
42 Policy used to bring consensus recommendations to the Board and the Board’s decision to direct
43 the AMPA to assemble the Panel to develop PHB recommendations. He said WFFA supports the
44 Panel’s recommendations including a follow-up validation study element.

1 Ken Miller, WFFA, asked the Board to ensure that the Small Business Economic Impact
2 Statement address the disproportionate economic impacts on small forest landowners. He asked
3 the Board to provide technical assistance for small forest landowners resulting from the final
4 rule, and requested the Board not include drainage ditches as natural waters in the water typing
5 rule. He concluded by asking the Board to approve the WFFA-supported small forest landowner
6 low impact riparian template.

7
8 Karen Terwilleger, Washington Forest Protection Association (WFPA), cautioned the Board to
9 make decisions consistent with the tenets of Forests and Fish. She said WFPA supports the
10 recommendations in the PHB report. She said a section of the Forest Practices Board Manual
11 cannot be updated before a rule is developed.

12
13 On the Board Chair's request, Terwilleger described how contributing landowners collected and
14 submitted their data to the Panel for review. She stated it was a difficult task to provide the data
15 within the extremely tight timeline given by the Board. She said that the request for data was not
16 specific, nor were any data standards provided. It was also costly for landowners to assemble: it
17 cost landowners approximately \$25,000. She concluded by stating that the WTMF data was
18 collected in the short time made available and in a manner requested even though they had little
19 influence on the process established by the Board.

20 21 **BOARD DIRECTION FOR PHBs AND NEXT STEPS FOR THE WATER TYPING** 22 **SYSTEM RULES AND GUIDANCE**

23 Bernath acknowledged the extremely tight timelines placed on the Panel to review the data and
24 establish PHB recommendations, the AMPA and Panel's good work, and WFPA's assistance to
25 provide their data. He said more time could provide the Panel the ability to explain the nuances
26 with the data and augment the existing data to include other eco-regions. He also said a delay in
27 accepting the Panel's recommendations would not prevent continued work on draft rule and
28 board manual, nor prevent the Panel from developing a study design for validation.

29
30 **MOTION:** Stephen Bernath moved the Forest Practices Board delay approval of Potential
31 Habitat Break (PHB) recommendations until the February 2018 Board
32 meeting. This action will provide time to gather and analyze eastern
33 Washington data, provide transparency by daylighting the data and QA/QC
34 used to provide data to the science Panel and to build understanding around
35 the PHB report.

36
37 He further moved that the Forest Practices Board direct the AMPA to work
38 with the Washington Forest Protection Association to provide documentation
39 of how data was selected and provided to the science Panel by September 20,
40 2017. The AMPA will work with the science Panel to add an addendum that
41 includes the documentation from WFPA and others who provided data and
42 publish the data used in the analyses to determine the recommendation for
43 PHBs.

44
45 **SECONDED:** Paula Swedeen
46

1 Discussion:
2 Board Members expressing support for the motion were Paula Swedeen, Heather Ballash, Joe
3 Stohr, Patrick Capper, Brent Davies and Rich Doenges.
4
5 Board Members expressing opposition for the motion were Tom Nelson, Noel Willet, Bob
6 Guenther, Carmen Smith, and Dave Herrera.
7
8 Nelson stated he felt that the Board had an obligation to move forward with the
9 recommendations because the Panel had produced recommendations as directed by the Board.
10 He said the Panel had met the Board’s goal by using best available science and he felt the
11 recommended PHB criteria proved better than the default physical criteria.
12
13 Paula Swedeen expressed concern about the completeness of the WTMF data suggesting the
14 unrepresented geographic or spatial location of the data points showed a systematic data bias and
15 does not represent best available science because it is only a partial data set.
16
17 Noel Willet said he supports the PHB recommendations contained in the Panel’s report. He
18 added his concern with the Panel’s analysis to determine PHB based on potential differences
19 between eastern and western Washington stream characteristics.
20
21 Joe Stohr said the motion did not include any clarity for input from field staff by the Panel in the
22 analysis of the data. He also questioned whether the establishment of PHBs would cause a SEPA
23 determination of significance and therefore potentially delay rule adoption until the 2019
24 protocol survey season.
25
26 Carmen Smith said she does not support a delay to a Board decision to approve PHBs and
27 suggested there may be the need for two water typing system rules—one for eastern and one for
28 the western Washington.
29
30 Dave Herrera said he could not support any motions, and suggested a delay is needed due to
31 outstanding unanswered questions regarding the current WTMF data. He concurred with the
32 Federal Service’s concerns voiced during public comments that the current WTMF data focuses
33 on fish presence. He indicated a need to focus on fish habitat, and expressed concern regarding
34 whether the Federal Services would approve of a rule based on data collected to establish fish
35 presence.
36
37 Nelson again stated he prefers to start the process to establish PHBs based on science followed
38 by a validation study. He said the validation study might reveal new science and at that point, the
39 Board could update the rules and/or guidance accordingly.
40
41 Swedeen was concerned with adopting a rule based on a partial data set. She added that through
42 analyzing additional data sets and performing QA/QC, the Board will have produced a product
43 that most folks will be more comfortable with.
44
45 After discussion Bernath and Swedeen agreed to revise the motion as follows:
46

1 **MOTION:** Stephen Bernath moved the Forest Practices Board delay approval of Potential
2 Habitat Break (PHB) recommendations until the February 2018 Board
3 meeting. This action will provide time to gather and analyze eastern
4 Washington data, provide transparency by daylighting the data and QA/QC
5 used to provide data to the science panel and to build understanding around
6 the PHB report.

7
8 ~~He further move that the Forest Practices Board direct the AMPA to work
9 with the Washington Forest Protection Association to provide documentation
10 of how data was selected and provided to the science panel by September 20,
11 2017. The AMPA will work with the science panel to add an addendum that
12 includes the documentation from WFPA and others who provided data and
13 publish the data used in the analyses to determine the recommendation for
14 PHBs.~~

15
16 Discussion:

17 Swedeen clarified her intention that this amendment to the original motion will allow for
18 different ways to consider, describe and collect additional data.

19
20 Bob Guenther proposed an amendment to the motion. Guenther's proposed motion language
21 included Nelson's language regarding the validation study. The motion's effect was to propose a
22 replacement of the original motion with a new, different motion.

23
24 Guenther and Nelson moved to amend the motion as follows:

25 **MOTION:** Bob Guenther moved the Forest Practices Board strike the original motion and
26 approve the Potential Habitat Break (PHB) recommendations presented to the
27 Board this morning. A potential habitat break will be identified at a point
28 along a stream channel where one or more of these changes in stream
29 character is identified:

- 30 • A gradient increase > 5 %
- 31 • Bankfull channel width decrease > 30 %
- 32 • A potential fish passage barrier = an abrupt step in the stream channel
33 with at least 20% slope and minimum elevation change greater than or
34 equal to 1 upstream channel width.

35 Tom Nelson further moved the Board direct the AMPA/Science Panel to
36 develop a study plan for validation, to be presented at the February 2018
37 meeting. This study plan shall be designed to:

- 38 1. Validate the effectiveness of the proposed changes from data included in
39 the science Panel report;
- 40 2. Augment and validate new data from geographical areas not represented
41 in current data.

42
43 **SECONDED:** Carmen Smith

1 Discussion:
2 Several Board members questioned whether the friendly amendments were congruent with the
3 original motion.

4
5 Phil Ferester explained that the Guenther/Nelson amendment was basically like a “striker”
6 amendment in the legislature, and that a vote passing the amendment would supersede the
7 original motion and a “no pass” vote would return discussion to the original motion.

8
9 Guenther stated that in order for the process to move forward he supported the motion. He said
10 there is no way landowners are trying to impede the survival of fish.

11
12 Nelson said that forest industry assembled a science team to respond to the request for data
13 because the Board projected a need for urgency and to delay would send the wrong message.

14
15 Swedeen quoted a statement from page 14 of the PHB report:

16 We cannot emphasize enough that the data are not perfect and have a number of limitations
17 including having only small number of points from eastern Washington and were collected
18 largely by landowners on their lands, and should be used with caution.

19 She said this does not seem adequate enough for the Board to move forward.

20
21 Herrera said the Board needs to have the right rule to protect fish. He said the tribes still have
22 concerns that the water typing recommendations still do not do enough to protect fish, the
23 resources, or the property of the tribes. By delaying the Board’s decision on PHBs, an analysis
24 process using best available science can be used to fill in the gaps.

25
26 Smith quoted a statement from page 14 of the PHB report that followed the paragraph quoted by
27 Swedeen:

28 However, they do represent the only high quality data available at the time of our analysis
29 and have largely been reviewed and accepted through a regulatory concurrence process.
30 These data indicate that the proposed criteria perform better than the current interim criteria
31 of 2-ft. bankfull width and 20% gradient (Table 3). The proposed criteria also appear to
32 out-perform other combinations of criteria we examined. Fourth, these criteria, a difference
33 in gradient of 5% and a 30% reduction in channel width, were originally recommended by
34 the Timber, Fish and Wildlife Water Typing Committee in 1999 and were successfully
35 applied in a research study. Thus, the proposed interim criteria appear to be implementable.

36
37 Nelson said he believes the Board is not being fair to those companies who put forth the data
38 used in the PHB analysis. He asked if DNR was willing and able to put forth the effort to
39 evaluate additional WTMFs, and if the data collection and analysis could be completed and a
40 new Panel PHB report prepared for the Board’s February 2018 meeting.

41
42 Joe Shramek, DNR, responded yes, if the Board chooses this path, DNR will commit staff
43 resources to provide the data. Whether it can be completed by February would depend on how
44 many data points were required and from what source. Bernath said the data will be collected in
45 a manner similar to the way the data was provided by the landowners.

46

1 Herrera said he never questioned the validity of the data but whether it was robust enough. He
2 expressed concern that the motions being discussed would establish the PHB based on the
3 preferred and recommended PHB from the Panel. He stated the tribes would prefer option #9 in
4 the PHB report and, as such, proposed an amendment to the motion.

5
6 **MOTION:** Dave Herrera moved to amend the amended motion by replacing “a gradient
7 increase > 5%” with “a gradient increase of > 10%” and “bankfull channel
8 width decrease > 30 %” with “bankfull channel width decrease > 70 %.”

9
10 **SECONDED:** Brent Davies

11
12 Discussion:
13 None.

14
15 Bernath clarified that voting would start with the last proposed amendment to the original
16 motion. To be clear, he said Herrera’s amendment replaces the use of the Panel recommended
17 PHB criteria in option #7 in the PHB report with option #9 listed in the PHB report and includes
18 the validation study language offered in Guenther’s motion. A vote for Herrera’s amendment is a
19 vote for option #9.

20
21 **ACTION ON HERRERA’S AMENDMENT TO**

22 **AMENDMENT:** Amendment to Gunther and Nelson’s motion failed. 5 Support (Davies,
23 Guenther, Swedeen, Stohr, Herrera) / 6 Oppose (Bernath, Smith, Capper,
24 Doenges, Willet, Nelson) / 1 Abstention (Ballash)

25
26 **ACTION ON GUNTHER AND NELSON’S**

27 **AMENDMENT:** Amended motion failed. 4 Support (Guenther, Smith, Nelson, Willet) / 8
28 Oppose (Herrera, Capper, Davies, Bernath, Swedeen, Stohr, Doenges,
29 Ballash)

30
31 **ACTION ON ORIGINAL**

32 **MOTION:** Motion passed. 8 Support (Herrera, Capper, Davies, Bernath, Swedeen, Stohr,
33 Doenges, Ballash) / 4 Oppose (Smith, Nelson, Willet, Guenther)

34
35 **MOTION:** Stephen Bernath moved the Forest Practices Board direct the AMPA to
36 facilitate the gathering of data for eastern Washington and in those areas of
37 western Washington not represented currently and work with the
38 Science/Technical Expert Panel to incorporate this data into their analyses to
39 determine PHBs. The AMPA must work with the Panel to identify the QA/QC
40 criteria for the data and coordinate the compilation of the data from a random
41 sample of existing approved WTMFs. All stakeholders are invited to
42 participate in the collation of the data. AMPA and or science Panel will report
43 progress on collecting the data for eastern Washington and those parts in
44 western Washington that need augmenting at the November 2017 meeting.

45
46 **SECONDED:** Heather Ballash

1 Discussion:
2 Swedeen requested a friendly amendment to the motion adding “or other appropriate sources of
3 data”, which would amend the second sentence to read, “**The AMPA must work with the Panel**
4 **to identify the QA/QC criteria for the data and coordinate the compilation of the data from a**
5 **random sample of existing approved WTMFs or other appropriate sources of data.”**
6

7 **ACTION:** Motion passed unanimously.
8

9 **MOTION:** Stephen Bernath moved the Forest Practices Board direct the AMPA to
10 validate the original analyses that resulted in the recommendations included in
11 the PHB report to the Board. The AMPA will facilitate the gathering of a
12 random sample of approved western Washington WTMFs and work with the
13 Science/Technical Expert Panel to analyze the data, and compare the results to
14 those of the original analyses. This work is to be completed for inclusion in
15 the PHB recommendations to the Board at the February 2018 meeting.
16

17 **SECONDED:** Brent Davies
18

19 Discussion:
20 Bernath said the purpose of this motion is to acknowledge the work completed to date, and to set
21 up quality control criteria for a better random sample.
22

23 Nelson said he felt the motion created oversight on the work completed by industry to provide
24 data to the science Panel and did not feel this was the Board’s role.
25

26 Berge said it will be difficult to find some magical data set that would change the answer, but
27 acknowledged that validating and supplementing the current data would be a useful analysis.
28

29 **ACTION:** Motion passed. 8 Support (Swedeen, Davies, Stohr, Bernath, Herrera, Capper,
30 Ballash, Doenges / 4 Oppose (Smith, Nelson, Guenther, Willet)
31

32 The Board agreed that the AMPA will work with the Panel to have additional meetings with the
33 stakeholder technical group to invite input and to hear an operational perspective on the analyses
34 and results as the Panel prepares recommendations for the Board.
35

36 **MOTION:** Stephen Bernath moved the Forest Practices Board direct the AMPA to work
37 with the Science/Technical Panel to develop a validation study design and
38 complete ISPR review of the study design to be completed by the February
39 2018 meeting. The study will be completed within two field seasons and
40 reported to the Board prior to the next field season.
41

42 **SECONDED:** Heather Ballash
43

44 Discussion:
45 Rich Doenges asked about the cost estimates associated with a study design and questioned
46 subsequent adjustments to the Adaptive Management Program budget as a result.

1 Berge mentioned that costs and adjustment are uncertain at this time, but that any related cost
2 projections could be provided at the Board’s February 2018 meeting.

3
4 **ACTION:** Motion passed unanimously. (Davies not available for vote.)

5
6 **MOTION:** Stephen Bernath moved the Forest Practices Board direct Board staff to
7 present all Board approved elements without PHB metrics of a water typing
8 system rule and supporting board manual guidance at the February 2018
9 meeting.

10
11 **SECONDED:** Heather Ballash

12
13 Discussion:

14 Nelson questioned the ability to move forward with staff work without specific PHB metrics.

15
16 Engel acknowledged that the Board’s approved elements for rule, guidance and the FHAM
17 framework could be presented by staff, but that the cost benefit analysis, small business
18 economic impact statement and SEPA analysis could not be done until the Board approved the
19 final PHB metrics. Bernath clarified that when the metrics are approved by the Board, they
20 would be incorporated into proposed rule.

21
22 **ACTION:** Motion passed unanimously. (Davies and Stohr not available for vote.)

23
24 **BOARD SUBCOMMITTEE UPDATE ON EFFICIENCY AND EFFECTIVENESS**
25 **IMPROVEMENTS FOR THE ADAPTIVE MANAGEMENT PROGRAM**

26 Hans Berge, AMPA, presented the subcommittee’s recommendations on Adaptive Management
27 Program (AMP) improvements. Recommendations included:

- 28 • Begin the process to hire a facilitator for principles meetings through a Request for Proposal;
29 • Use up to \$150,000 from the AMP contingency fund for the contract;
30 • Request both the TFW Policy Committee (Policy) and the Cooperative Monitoring,
31 Evaluation and Research Committee (CMER) document roles and expectations for members
32 and co-Chairs, as well as document the budget process; and
33 • Form a small group to discuss how to secure and maintain potential sites for conducting
34 future field studies.

35 Bernath proposed that these items be discussed and completed by November.

36
37 **PUBLIC COMMENT ON SUBCOMMITTEE RECOMMENDATIONS**

38 Ray Entz, Kalispel Tribe, said he did not believe Policy could successfully write and document
39 the roles and expectations for its own members and develop an AMP budget process. As co-
40 Chair, he said he would give it his best effort.

41
42 Scott Swanson, Washington Association of Counties, said he supports the subcommittee’s efforts
43 and recommendations.

1 **BOARD DIRECTION ON NEXT STEPS FOR THE ADAPTIVE MANAGEMENT**
2 **PROGRAM**

3 **MOTION:** Stephen Bernath moved the Forest Practices Board authorize the use of the
4 AMPA budget line item for contingencies up to \$150,000 to use in hiring a
5 facilitator to bring together at least three principals meeting(s).
6

7 He further moved the Board accept the recommendations from the sub-
8 committee for the draft scope of work for a facilitator and authorize Board
9 staff to move forward with Request for Proposal and the contract process for
10 hiring a facilitator.
11

12 He further moved the Board direct Policy/CMER to:

- 13 • Identify in writing roles and expectations of participants in the
14 CMER/Policy process including co-chairs (where it does not already
15 exist);
- 16 • Document the budget process and expectations for Policy/CMER;
- 17 • Identify what updates are necessary for the PSM and timelines to update;
- 18 • Identify a process and incentives and/or commitments to work with
19 landowners on future CMER projects for site selection and certainty of
20 retaining those sites during the length of a CMER study; and
- 21 • Present the documentation/processes to the Board at the November 2017
22 meeting.
23

24 **SECONDED:** Heather Ballash
25

26 Discussion:

27 Berge said he is confident with how the AMP funding will be spent over the biennium and that
28 the budget will not allow for contingency funding to be spent for other projects.
29

30 **ACTION:** Motion passed unanimously. (Davies and Stohr not available for vote.)
31

32 **ELECTRONIC SIGNATURE RULE MAKING**

33 Patricia Anderson and Marc Ratcliff, DNR, requested the Board initiate rulemaking to create in
34 rule the authority to accept electronic submissions of forest practices applications, signatures,
35 and payment once DNR has developed the means to conduct electronic business.
36

37 **PUBLIC COMMENT ON ELECTRONIC SIGNATURE RULE MAKING**

38 None.
39

40 **ELECTRONIC SIGNATURE RULE MAKING**

41 **MOTION:** Stephen Bernath moved the Forest Practices Board approve the draft
42 electronic business rule language and direct staff to initiate rule making by
43 filing a CR-102 with the Office of the Code Reviser.
44

45 **SECONDED:** Bob Guenther
46

1 Discussion:
2 None.

3
4 **ACTION:** Motion passed unanimously. (Davies and Stohr not available for vote.)

5
6 **PUBLIC RECORDS FEE SCHEDULE RULE MAKING**

7 Bernath stated that the legislature passed HB 1595, which amended the Public Records Act. He
8 said that the bill changed how agencies collect fees associated with public record requests. There
9 are two options for fee collection, and staff recommended the Board adopt the statutory fee
10 method. He said this is the same option DNR intends to adopt as an agency, and would allow
11 use of the default fee schedule set in RCW 42.56.120 for public record requests pertaining to the
12 Board.

13
14 **PUBLIC COMMENT ON PUBLIC RECORDS FEE SCHEDULE RULE MAKING**

15 None.

16
17 **PUBLIC RECORDS FEE SCHEDULE RULE MAKING**

18 Marc Ratcliff, DNR, asked the Board to direct staff to file a CR-101 to notify the public of the
19 Board consideration of rulemaking.

20
21 **MOTION:** Stephen Bernath moved the Forest Practices Board direct staff to file a CR-
22 101 Preproposal Statement of Inquiry indicating the Board's intent to consider
23 rule making relating to the collection of fees associated with public record
24 requests.

25
26 **SECONDED:** Noel Willet

27
28 Discussion:
29 None.

30
31 **ACTION:** Motion passed unanimously. (Davies and Stohr not available for vote.)

32
33 **TFW POLICY COMMITTEE PRIORITIES**

34 Scott Swanson, co-Chair, said Policy's priorities are flexible and change frequently. He said
35 they will update their priorities for the November Board meeting.

36
37 **PUBLIC COMMENT (PM)**

38 Steve Barnowe-Meyer, WFFA, provided a written comment regarding compliance monitoring
39 and said he will provide his comment again at the November meeting.

40
41 **2017 WORK PLAN**

42 Marc Engel, DNR, reviewed changes to the work plan as a result of the meeting's decisions
43 which included the initiation of rulemaking on public records fee schedule, changes to the
44 timeline for the Panel's completion of PHB recommendations to the Board, presentation of the
45 compliance monitoring report to the Board, and a Washington Geologic Survey presentation on a
46 newly developed publicly accessible portal to view LiDAR.

1
2 **MOTION:** Carmen Smith moved to accept the changes to the 2017 work plan.

3
4 **SECONDED:** Patrick Capper

5
6 Discussion:
7 None.

8
9 **ACTION:** Motion passed unanimously. (Davies not available for vote.)

10
11 **NEW BUSINESS**

12 Stephen Bernath suggested the November meeting be a 2-day meeting, held on the eastside of
13 the state, featuring a one-day field tour followed the next day by the regular meeting. Board
14 members agreed; however, a few members would not be available in November.

15
16 **COMPLIANCE MONITORING 2014-2015 BIENNIAL REPORT (W/ISPR REVIEW)**
17 Due to time constraints this report was delayed to November 2017.

18
19 **STAFF REPORTS**

20 Due to the length of today's meeting no time was added to the agenda to highlight key points or
21 answer questions regarding the following staff reports:

- 22 • Adaptive Management Update
23 • Board Manual Update
24 • Compliance Monitoring (including 2016 Annual Report)
25 • Northern Spotted Owl Implementation Team Update on a Safe Harbor Agreement
26 • Rule Making Activity
27 • Small Forest Landowner Advisory Committee and Small Forest Landowner Office Update
28 • Upland Wildlife Update
29 • Review of the Implementation of Board Manual Section 16

30
31 **EXECUTIVE SESSION**

32 None.

33
34 Meeting adjourned at 5:15 p.m.