

**4.28.09 Meeting Summary**  
**724 Columbia Street NW, Room 250, Olympia, WA**

**FOREST PRACTICES BOARD POLICY WORKING GROUP**  
**WASHINGTON STATE NORTHERN SPOTTED OWL**

Members Present

Ken Berg	USFWS
Shawn Cantrell	Seattle Audubon
Mark Doumit	WFPA
Kevin Godbout	Weyerhaeuser
Don Halabisky	Sierra Club
Chris Lipton	Longview Timber
Robert Meier	Rayonier
Vic Musselman	WFFA
Miguel Perez-Gibson	Audubon
Tom Robinson	WSAC
Paula Swedeen	Seattle Audubon
Chuck Turley	DNR
David Whipple	WDFW

Also Present

Lois Schwennesen	Facilitator
Cindy Mitchell	WFPA
Kara Whittaker	WFLC
Jennifer Cook	Schwennesen & Assoc.

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**Member Updates and Other Business**

Group members reviewed the Habitat Open Space Program (HOSP) press release, provided corrections and quotes, and approved the final draft for submittal to DNR for release.

New member David Whipple (WDFW) was welcomed. He will represent WDFW at least until Bridget Moran's position within WDFW is filled and restructuring of her duties is settled.

**Mid-term Review**

Many Group members were optimistic about the Group's progress given that a year ago many of the same people were embroiled in a tangled, contentious and complicated mediation and settlement negotiation. Differences in perspective and disagreements remain, but now members are working together in good faith and with a spirit of cooperation to achieve the goals set out in the Charter. This is noteworthy given the burdens of the economic downturn, the urgency of the legislative session, other significant demands on the members' time, and the loss and replacement of four original Group members, three of whom represented State interests. Going forward, the consensus was to focus on common ground, seek out new solutions and new tools, build trust by being frank about individual or caucus interests, and stay focused on what is doable.

Concerns included the amount of work left to be done, the need to move quickly to address the fast decline in the northern spotted owl population, and the lack of a non-profit trust or conservancy dedicated to the northern spotted owl. Shawn Cantrell suggested that the Group weed out issues that seem outside the scope of what this Group can address, but also identify or develop outside processes that might carry forward the cooperation to resolve remaining issues and concerns. Miguel Perez-Gibson expressed a hope that in the future members might spend less time positioning and more time creatively looking forward.

There was discussion about the difficulties in finding sources to fund the financial-based solutions that will need to be put in place. Kevin Godbout noted that conservation groups often

don't have experience in expediting financial transactions at the necessary scale. Ken Berg added that with budget cuts, the Federal and State agencies have severely limited financial tools.

### **Clarifying the Next Stage of Work**

Habitat Conservation Plans were discussed in some depth. The forest products caucus pointed out the weaknesses and ineffectiveness they experienced, and why Habitat Conservation Plans (HCPs) were not something they wished to pursue. Ken Berg noted that while he is constrained from revising the laws, regulatory processes become more flexible over time as more people are trained in its administration, and that there may be additional options and workarounds available now that were not 10 years ago. Kevin Godbout suggested there could be a breakthrough if conservation groups agreed to refrain from litigation. Ken Berg agreed that protecting against the risk of litigation is costly and locks up the HCP process. Reducing that threat would free him to be able to find better solutions. Shawn Cantrell added that the more transparent the regulatory process, the more confident the conservation groups could be in refraining from litigation.

After a discussion about the goals for an incentives program for strategic land contributions, the group agreed on the following preliminary goals, noting that not all would apply to every site:

1. Protect existing sites/existing birds and associated habitat
2. Protect existing non-occupied habitat
3. Improve existing habitat situations/grow more habitat
4. Barred owl control, short term or long term, lethal or nonlethal
5. Experiments/adaptive management projects

The Group members also agreed to take a transactional approach. Regulatory changes could also require discussion if transactional solutions cannot be found, but there is greater, timelier, opportunity to find transactional solutions that make strategic contributions.

The Group discussed the pessimistic outlook that some members took away from the presentations of Eric Forsman and Kent Livezey. It appeared to some that the likeliest scenario is that the northern spotted owl and the barred owl will find their own equilibrium and the northern spotted owl will not have a viable population in WA. Ken Berg responded that Federal and State policy is to protect and promote the owl. Paula Swedeen noted that the conservation caucus's goal is to keep the northern spotted owl from extirpation, and the caucus will use all the tools available.

Of the five goals above, the barred owl control sparked the most specific discussion. It will be necessary to do scientific research with willing landowners, perhaps within federal lands, to verify that control of barred owls would help northern spotted owl populations. Shawn Cantrell said that Audubon would likely support something along those lines, although preferably not in Olympic National Park. Ken Berg noted that the Federal Barred Owl Work Group was working on this issue, and the PWG would maximize progress by meshing with the Federal Recovery Plan (FRP) revision process. Ken observed that the federal agencies have a lot of experience with working on the "what's" and the "where's", but has less with the "how's," suggesting the group could focus on the "how's" and wait for the FRP revisions to inform the other categories.

### **Common Ground on the "How" (White Board Summary)**

#### **A. Regulatory Streamlining**

- WA State Pilot Project ("Integrated Approach;" Federal process as "floor")
- Programmatic section 10 permit
- Science based-collective review/transparency includes barred owl control

- Safe harbor/Endangered Species Act coverage
- State/Federal agencies take legal risk (rule changes needed?)
- Economic incentives to participation (TBD)

B. Economic Incentives (for the May 11 meeting)

- Where is the money?
- Northern spotted owl trust/sponsor needed
- Federal, State, local money,
- Conservation groups/ecotimos conservation easements

Ken Berg outlined a scenario in which different hypothetical landowner's situations could be addressed by different incentives, both by streamlining the regulatory burden and economic incentives to support the goal of promoting the population and habitat of the northern spotted owl. The consensus was that this was an approach that deserved to be examined. Chris Lipton offered to put together a model flow chart and decision tree for consideration.

Kevin Godbout expressed frustration at the apparent insistence on more expensive scientific research. He felt that studies have been done, there's a Recovery Plan in place, and there is enough information to move forward. Ken Berg responded that to implement any programmatic planning options, he needs credible scientific study to verify why any given exception or adjustment would still act towards a net benefit. A one time effort to compile scientific knowledge as part of the NEPA process conceivably could support future legalities, incentives, transactions, and regulations. It could maximize flexibility with overall reassurances.

**Where's the Money for Economic Incentives?**

The Group brainstormed some possible options and opportunities for funding sources. These included: WWRP, maybe under a new category; Local or municipal forest authorities; Conservation "Adopt-an-Owl" style fundraisers; EPA's water source revolving fund for stopgap loans; Economic stimulus package and the new administration; Community College Trust; Federal Land and Water Conservation Fund; Bonneville Power Administration.

Kevin Godbout requested that State and industry representatives come and talk about the State transactional process used and where there may be funds that the Group might have access to. Chuck Turley agreed to make arrangements.

**Signing of SB 5401 – Habitat Open Space Program**

Group members adjourned so that representatives of the Group could attend the signing of this bill. Miguel Perez-Gibson and Mark Doumit were thanked for their extra work on this bill.

**Charter Review**

The Group reconvened for an evening session to discuss the Charter, the intent of the parties post-settlement, and to review the approach the Group is taking. Lenny Young, Mark Doumit, and Shawn Cantrell spoke personally of the road they have traveled as representatives of vastly differing perspectives bring the Charter and Group into existence. Discussion by the Group included mid-term reminders of past failures to cooperate to solve problems, background information on the purpose of the Charter, varied perspectives on key issues, and the reminder that solutions to complex multi-party environmental issues such as northern spotted owl habitat conservation lie in working to solve other's problems first.

**Meeting Adjourned**