

12.09.09 Meeting Summary
Attorney General's Office, Tumwater building, Olympia

FOREST PRACTICES BOARD POLICY WORKING GROUP
WASHINGTON STATE NORTHERN SPOTTED OWL

Members Present

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

Also Present

Lois Schwennesen	Schwennesen & Assoc.
Cindy Mitchell	WFPA
Martha Wehling	Attorney General's Office
Kara Whittaker	WFLC
Maryka Paquette	Schwennesen & Assoc.
Norm Schaaf	Merrill & Ring

Updates and Work Plan

Members reviewed meeting summaries from 10/26, 10/27 and 11/17. All edits made were approved by the Group. Possible further edits by Shawn Cantrell will be sent out via e-mail.

Martha Wehling reminded the Group that the Open Records Act requires they provide all electronic records as a CD or DVD to Lois Schwennesen sometime before the Group disbands, and all original paper records. Electronic documents encompass all e-mails (to/from Lois Schwennesen and within subgroups) in native format and documents of anything that's been amended. It's better to be over-inclusive rather than under-inclusive. Since the Forest Practices Board is the keeper of the records, the Board will decide what to keep and what to throw out.

Mark Doumit invited Miguel to discuss four bills that the WFPA is considering before proposing them in the next legislative session. The intent of these bills is not to reduce protections and to look for cost savings. He wants to keep the consensus strong and figure out a strategy that the conservation caucus can be able to support.

Implementation of Recommendations

Bob Meier discussed the WCSSP organizational structure used to identify processes to enhance salmon in coastal areas of WA. He sees the structure as an implementation model that gives a significant role for the conservation community, with agency support, to partner with landowners that include all interests and work towards a common goal that recognizes all needs.

Miguel Perez-Gibson reminded the Group that the Group's recommendations come at a time of extreme legislative concern over the economy; the direction is not towards new incentives, but rather rolling back investment and protections, for a number of years ahead.

Kevin Godbout concurred and recommended the Group think broadly and long term. He suggested the Group focus on an implementation structure, go for policy authorization, and seek money from the private sector for global conservation needs, renewable energy and biodiversity.

Vic Musselman added if the Group wanted to put together an implementation body that models the WCSSP program it should be possible to secure grants to fund it once legislation is passed to put it in place, as this type of forward thinking collaboration has generated private interest.

Implementation will be a top priority for discussion at the December 16 meeting.

Conservation Banking

The conservation caucus discussed its recommendation for conservation banking and the government and forest products caucuses provided their response. Discussion ensued over:

- The size of service area; whether it would be more effective to take a regional approach
- The scope; whether it would be more effective to broaden the scope beyond northern spotted owl populations to address other endangered species' needs

Vic Musselman cautioned while small woodland owners prefer to be bought out, the banking concept would work if owners could voluntarily exchange encumbered land for unencumbered land. Further discussion about trading versus banking included points such as:

- Evaluation by timber or habitat value
- The voluntary nature of willing landowners
- Creating a marketplace vs. regulation
- Making the issue larger than spotted owls to create the market
- Pros/cons of capitalizing a conservation bank initially with Federal/State lands
- Piggybacking increases the availability of multiple funding sources (ex: carbon sequestration versus creating habitat)

Chris Lipton stressed that not all industry representatives are in support of conservation banking, and Longview Timber is one of those. Habitat is not currently regulated and they don't want to go down a path that could result in controls beyond the current legal status. The voluntary nature of the approach was discussed, and Chris indicated he could support a recommendation for further exploration of the concepts, but will withhold support for going further than that at this time. One concern is that even a voluntary approach can be used over time to support new regulation.

The forest products caucus will develop language that seeks to reflect the discussion described above for further consideration by the Group, with no commitments in the meantime.

Technical and Scientific Underpinning

The Group discussed the need for standards to identify what areas and functions would be encouraged to enter a banking program, provide clarity on trading mechanisms, and establish how encumbered landowners could become habitat providers to add value to their property.

Ken Berg voiced his willingness to investigate whether the Federal Recovery Plan process could address the proposal for a regional application of conservation banking and whether it could address scientific, technical, policy, economic, and legal underpinnings sought by the Group. He will report back at the December 16 meeting.

Paula Swedeen noted that conservation banks across the US require a Federally approved conservation plan such as an HCP. Bob Meier expressed his doubt about the utility of an HCP because of his experience of the expense and time invested in a failed effort.

Charter and Priorities Review

Group members agreed voluntary measures were the highest priority work product, but the conservation caucus and government caucus felt that a sound scientific basis was of equal importance, and that synthesis and new modeling improves existing data.

The Group revisited the details and intent of the Charter, in particular the need for new versus existing science and priorities set by the Board. The Charter language states: “‘based on best available science’ means that current, peer-reviewed and published scientific information is sought out and carefully considered.”

Forest products stressed the focus on the endeavor to launch a new paradigm. The Charter says, “The Board encourages the Working Group to think broadly and consider new paradigms. The Working Group should not restrict its thinking or its recommendations to the existing state regulatory program or other actions within the Board’s purview.”

Other Recommendations

In addition to clarifying the Charter, discussion addressed highlights of additional non-consensus recommendations by various caucuses:

- A proposal delivered by the government caucus regarding the barred owl, which appeared to meet the interests of all parties. The government caucus agreed to insert their recommendation into the existing consensus language and bring it to the next meeting for consideration
- The forest products caucus’ emphasis on the voluntary nature of the incentives proposed
- Emphases on monitoring and supervisory measures needed to ensure success
- Identifying Woodland-owners Incentives for Strategic Habitat (WISH), which describes the geography that is outside Spotted Owl Special Emphasis Areas (SOSEAs) and established circles that may be of high value to a future northern spotted owl population and would be strategic for incentives programs
- Providing federal safe harbor for lands in strategic acquisition areas and adjacent lands

Miguel Perez-Gibson asked that the Group be clear to the Forest Practices Board about areas of non-consensus while at the same time fully supporting areas of consensus.

Habitat Enhancement Zones

On a number of areas where interests of various caucuses overlapped along key concepts, Tom Robinson offered to draft new language for parties to consider as a possible consensus approach at the next meeting.

Meeting Adjourned