

1 **FOREST PRACTICES BOARD**  
2 **REGULAR BOARD MEETING**

3 November 9, 2010  
4 Natural Resources Building  
5 Olympia, Washington  
6  
7

8 **Members Present**

9 Peter Goldmark, Chair of the Board, Department of Natural Resources  
10 Anna Jackson, Designee for Director, Department of Fish and Wildlife  
11 Bill Little, Timber Products Union Representative  
12 Carolyn Dobbs, General Public Member (absent from 1 p.m. – 2:30 p.m.)  
13 Dave Somers, Snohomish County Commissioner (participated by phone)  
14 David Herrera, General Public Member  
15 Doug Stinson, General Public Member/Small Forest Landowner  
16 Mark Calhoon, Designee for Director, Department of Commerce  
17 Norm Schaaf, General Public Member  
18 Paula Swedeen, General Public Member  
19 Sherry Fox, General Public Member/Independent Logging Contractor  
20 Tom Davis, Designee for Director, Department of Agriculture  
21 Tom Laurie, Designee for Director, Department of Ecology  
22

23 **Staff**

24 Darin Cramer, Forest Practices Division Manager  
25 Marc Engel, Forest Practices Assistant Division Manager  
26 Patricia Anderson, Rules Coordinator  
27 Phil Ferester, Assistant Attorney General  
28

29 **WELCOME AND INTRODUCTIONS**

30 Peter Goldmark called the Forest Practices Board (FPB or Board) meeting to order at 9 a.m. He  
31 introduced Mark Calhoon as the new Board member representing the Department of Commerce.  
32 Patricia Anderson, Department of Natural Resources (DNR or Department), provided an  
33 emergency safety briefing.  
34

35 **APPROVAL OF MINUTES**

36 **MOTION:** Carolyn Dobbs moved to approve the August 10, 2010 meeting minutes.  
37

38 **SECONDED:** Doug Stinson  
39

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

42 **REPORT FROM CHAIR**

43 Peter Goldmark reported that a state lands management plan has been signed for the Taylor's  
44 Checkerspot Butterfly. Anna Jackson thanked DNR, especially DNR Olympic Region staff, for  
45 collaborating with the Department of Fish and Wildlife. She added the plan is a good example of  
46 two state agencies working together on habitat management issues.  
47

1 Goldmark's report focused on budget challenges:

- 2 • The projected state general fund budget deficit is expected to be \$4 to \$4.5 billion.
- 3 • DNR submitted its budget proposal which includes \$10 million each for the Forest Riparian  
4 Easement Program (FREP) and the Family Forest Fish Passage Program (FFFPP), and \$2  
5 million for Riparian Open Space Program (ROSP).
- 6 • He and the governor sent a letter to federal officials requesting \$15 million for FFFPP and  
7 other needs related to the Road Maintenance and Abandonment Plan (RMAP) program.

## 9 PUBLIC COMMENT

10 Ken Miller, Washington Farm Forestry Association, complimented DNR for its efforts to get input  
11 on how to respond to the legislature's request for recommendations to improve FREP. He said  
12 most of the small forest landowners' pleas were heard, as evidenced by DNR's recommendations,  
13 but the eligibility restrictions on unstable slopes and ownership still need to be resolved.

14  
15 Chris Mendoza said he supported the alternate plan process for small forest landowners. This  
16 group has a unique burden; they are asked to provide protections and ecosystem services to an  
17 urban society that has elected to forego those same protections and services. He said having  
18 worked with the alternate plan process, there is potential that has yet to be tapped into. The rules  
19 were negotiated with the understanding there are unique landforms within some ownerships that  
20 may not require the same restrictions that are in rules.

21  
22 Norm Schaaf asked Mendoza if the adaptive management program is the appropriate forum to  
23 reach the goal of providing flexibility to the small forest landowners. Mendoza said the policy  
24 track, not the science track, would be the appropriate avenue, and gave the examples of the 20  
25 trees per acre issue and the fixed width buffer.

26  
27 Shawn Cantrell, Seattle Audubon Society, commented on the disappointing rate of progress made  
28 on completing the consensus recommendations of the Northern Spotted Owl Policy Working  
29 Group. He suggested that the primary problem is no single entity is responsible for keeping the  
30 action moving forward. He said at the recent Northwest Environmental Forum at the University of  
31 Washington, he offered to commit \$25,000 to help fund a person to facilitate and move the  
32 process along. He urged the Board to use its bully pulpit to lead the appropriate entities to help  
33 fund such a person.

34  
35 Carolyn Dobbs said it would be a shame to lose all the progress that has already been made, and  
36 asked Cantrell how long this person would need to be employed. Cantrell answered at least two  
37 years, and stressed it needs to begin now, not months from now.

38  
39 Kara Whittaker, Washington Forest Law Center, commented that none of the recommendations  
40 the Board accepted from the Northern Spotted Owl Policy Working group have been  
41 implemented, and yet harvest of habitat continues to be allowed. She said the circumstances call  
42 for the protection of every known owl unless it can be scientifically shown that such protection is  
43 unnecessary for the recovery of the population.

44  
45 Peter Goldman, Washington Forest Law Center, offered two recommendations to help with some  
46 of the Board's challenges in completing initiatives:

- 1 • Proactively set targets and deadlines to avoid situations like the “post-mortem” study and the  
2 incentives program for the Northern Spotted Owl.
- 3 • Use the bully pulpit more effectively with the budget process and with DNR. User fees are  
4 necessary, and the rules can only accomplish so much in preserving working forestry. Gains  
5 for landowners can be made through vehicles such as ecosystem services markets, smart tax  
6 policies, and certification. The state budget cannot be relied upon any longer to provide  
7 ecosystem services.

8  
9 Miguel Perez-Gibson, Conservation Caucus, commented that misunderstandings by committee  
10 chairs in the legislature may be causing the concerns about FREP. They may need to be educated  
11 about how the program was funded and why it was set up. Also the legislature needs to be  
12 educated that there is a lot at stake: Washington State’s timber industry is a multi-billion dollar  
13 industry and is based on the Forest Practices Habitat Conservation Plan (HCP) permit. The issue is  
14 not signing off on \$10 million for a backlog for the small forest landowner, but rather how we can  
15 keep the entire program viable. He also reminded the Board that the Conservation Caucus made  
16 non-consensus recommendations for the spotted owl, and the caucus’s fears that action would not  
17 occur soon enough are becoming reality.

18  
19 Kevin Godbout, Weyerhaeuser Company, said the Weyerhaeuser Foundation will be providing a  
20 \$20,000 grant to facilitate the move toward incentives generating revenue from outside sources to  
21 resolve spotted owl conservation issues in a non-traditional way.

22  
23 Paula Swedeen asked Godbout if the money from the Weyerhaeuser Foundation went straight to  
24 the Northwest Forest Forum, to which Godbout said yes and added he thought the Forum was the  
25 only organization serving as the collaborative facility for solving these types of issues.

26  
27 Carolyn Dobbs asked Godbout if there were particular suggestions from the forum that seemed  
28 worth pursuing. Godbout said the best part of the forum was the commitment to try to push  
29 through issues like a permanent dedicated funding source for instruments such as transfer of  
30 development rights.

## 31 32 **STAFF REPORTS**

### 33 Adaptive Management

34 Jim Hotvedt, DNR, reported that the Department of Ecology will receive a grant of \$694,000 to  
35 fund the first four years of the Type N Experimental Buffer Treatment Project in Soft Rock  
36 Lithologies. During the eight-year project, Ecology itself will contribute \$1.1 million and the  
37 Cooperative Monitoring, Evaluation and Research Committee (CMER) will need to request an  
38 additional \$820,000 in the last four years of the project.

### 39 40 Board Manual

41 Donelle Mahan, DNR, reported that in the coming months the Board can expect staff to present  
42 revisions of the following Board Manual sections for approval: *Guidelines for Forest Roads*,  
43 *Guidelines for Riparian Open Space Program*, and *Standard Methodology for Conducting*  
44 *Watershed Analysis*.

1 Norm Schaaf asked how the anticipated changes to the *Guidelines for Forest Roads* relate to the  
2 best management practices (BMPs) in the manual. Mahan answered the changes will relate to  
3 RMAPs implementation and the BMPs will not be changed.

#### 4 5 Compliance Monitoring

6 Walt Obermeyer, DNR, reported:

- 7 • 2010 field work is nearly finished.
- 8 • The 2011 sample selection will take place by the end of the year.
- 9 • He will present a summary of the 2008-2009 Compliance Monitoring Biennial Report at the  
10 February 2011 meeting.
- 11 • The dispute resolution Clean Water Act milestone was recently completed and accepted, and  
12 the riparian noncompliance results will be included in the biennial report.

#### 13 14 Rule Making Activity

15 Marc Engel, DNR, said the Riparian Open Space and Notice of Forest Practices to Affected Indian  
16 Tribes rule makings are expected to go to the Board in February for approval to proceed with next  
17 steps. He said staff will be requesting Board actions on four rule proposals later in the meeting.

#### 18 19 Small Forest Landowner Advisory Committee and Small Forest Landowner Office

20 Mary McDonald, DNR, reported:

- 21 • The advisory committee met on October 5 and continued to focus on each of the caucuses'  
22 perspectives on alternate plans and alternate prescriptions for harvest.
- 23 • The Small Forest Landowner Office (SFLO) is working with Washington State University  
24 (WSU) Extension to reintroduce the *Forest Stewardship Notes* newsletter.
- 25 • Under the Family Forest Fish Passage Program, 28 fish passage barrier fixes have recently  
26 been completed, and the SFLO has submitted several grant applications to acquire funding.
- 27 • Three long-term applications have been approved since July 2010.
- 28 • Eight applications of eleven submitted have been determined to be eligible for funding under  
29 the Riparian Open Space Program.
- 30 • The Forest Riparian Easement Program will be discussed later in this meeting.

31  
32 Sherry Fox asked how the *Forest Stewardship Notes* newsletter was going to be funded and  
33 produced. McDonald answered funding is coming from a WSU grant and WSU will write it with  
34 assistance from the SFLO staff.

#### 35 36 **NORTHERN SPOTTED OWL IMPLEMENTATION TEAM UPDATE**

37 Chuck Turley, DNR, acknowledged that the implementation team is engaged in discussions and is  
38 not yet implementing on-the-ground actions. He said one of the Board's questions when the  
39 implementation team was formed was whether the team needed facilitation. The group members  
40 decided "no" based on the fact that everyone's goals were aligned. He added in retrospect perhaps  
41 the group should have considered how much time each could devote to the effort, and a dedicated  
42 resource would certainly be helpful.

43  
44 He referred to his November 7, 2010 update to the Board and summarized activities to date,  
45 including reviewing the draft Revised Federal Recovery Plan which is expected to be final by the

1 first of the year. The team is particularly focused on the U.S. Fish and Wildlife Service's modeling  
2 efforts and what aggregation of federal and nonfederal areas may positively impact the owl.

3  
4 Carolyn Dobbs suggested looking at a foundation source to provide help with facilitation and  
5 gathering information. Turley said he would like more information in order to look into it.

6  
7 Norm Schaaf asked if the nonfederal land being considered includes state lands covered by DNR's  
8 HCP. Turley answered there is a variety of scenarios being modeled, and the U.S. Fish and  
9 Wildlife Service has offered to model specific scenarios at the request of the implementation team.

10  
11 Schaaf asked if the Board should consider changing any of the membership of the implementation  
12 team, given the difficulty of some members to devote time. Turley said he couldn't speak for the  
13 other members, but none of them, including those that represent the non-governmental entities, are  
14 dedicated solely to working on this effort. He acknowledged that every step of the process has  
15 taken longer than expected, but he wasn't sure that different membership would resolve that  
16 problem.

17  
18 Paula Swedeen asked for clarification about the timeline for nonfederal lands to be modeled.  
19 Turley said the question currently is which lands should be modeled by January and which will be  
20 done over the coming year or so after the final recovery plan is out. But, he said, he understands  
21 the final plan will include enough modeling for the technical team to take the next step.

22  
23 Swedeen asked if it may be beneficial to have someone from the U.S. Fish and Wildlife Service  
24 brief the Board at the February Board meeting. Besides keeping attention on the topic, it could  
25 help the Board understand the approach they are using, findings to date, and how that pertains to  
26 the recommendations pertinent to Washington State. Goldmark said that could be discussed with  
27 the U.S. Fish and Wildlife Service.

## 28 **PROPOSED SMALL FOREST LANDOWNER LEGISLATION**

29 Rick Dunning and Steve Stinson, Washington Farm Forestry Association (WFFA), provided a  
30 presentation seeking support from the Forest Practices Board for a 2011 legislative proposal.  
31 Dunning explained the goal of the legislation is to help fulfill the legislative commitments made to  
32 the small forest landowner community in the 1999 Forests and Fish law.

33  
34  
35 Stinson pointed out ways commitments are not being met.

- 36 • The staffing for the Small Forest Landowner Office has been reduced from 12 staff to 2.
- 37 • None of the three alternate plan templates developed to date recognize less costly prescriptions
- 38 on smaller harvest units.
- 39 • Forest Riparian Easement Program (FREP) funding is inadequate.

40  
41 He said the draft legislation provides the option for small forest landowners harvesting 20 acres or  
42 less to leave narrower riparian buffers, similar to what is currently allowed for exempt 20-acre  
43 parcels under WAC 222-30-023 ("20-acre parcel exempt rule"). Landowners choosing this option  
44 would forego the ability to be compensated under FREP.

45  
46 Stinson said under the Forest Practices Habitat Conservation Plan (HCP), up to 10 percent of the  
47 stream miles in any Watershed Administrative Unit (WAU) may be harvested under the 20-acre

1 parcel exempt rule. In the last decade, no more than one percent of the stream miles have been  
2 affected in any WAU.

3  
4 Dunning said benefits of the legislation would be savings of millions of FREP dollars annually,  
5 increases in county tax revenues, jobs in rural communities, and protection of critical timber  
6 infrastructure. He explained WFFA has exhausted options to utilize the Forests and Fish adaptive  
7 management program to accomplish their goals; they are choosing a legislative solution because  
8 the commitments for the small forest landowners in the 1999 law were accomplished through the  
9 legislative process, not through Forests and Fish negotiations.

#### 10 11 Board Discussion

12 Anna Jackson asked how the proposal is supported by science. Stinson said there is a wide body of  
13 science available to support it, but CMER does not accept science conducted outside of CMER.

14  
15 Tom Laurie asked how the legislation could impact the HCP and the Clean Water Act assurances.  
16 Dunning answered there is a threshold of 10 percent of stream miles per WAU that must not be  
17 exceeded. In this sense it would not have an effect on the HCP because there is a monitoring  
18 process in place. Stinson added it may actually strengthen the HCP by making it work for small  
19 forest landowners, which is the largest forest landowner class in the state. As for Clean Water Act  
20 assurances, Stinson and Dunning said once implemented it would be very informative to monitor  
21 for water temperature to see whether there is an issue.

22  
23 Norm Schaaf asked if any WAUs contain more than 10 percent ownership by the small forest  
24 landowner class. Stinson answered in two thirds of the WAUs there is no possibility that the  
25 threshold could ever be exceeded.

26  
27 Paula Swedeen referred to an estimate given in the presentation that an additional 45,000  
28 landowners would qualify for eligibility under the proposal. She asked how they arrived at that  
29 estimate. Stinson answered the estimates are from a dataset produced in a federally funded project,  
30 and is the difference between the total number of small forest landowners (215,000) and the  
31 number of landowners allowed to follow the “20-acre exempt parcel” riparian rules in WAC 222-  
32 30-023 (170,000).

33  
34 Peter Goldmark asked if they had tried to take the proposal through Policy to get the caucuses to  
35 endorse it. Dunning answered no because of the association’s resource limitations and the lengthy  
36 process they felt they would face in going to Policy.

#### 37 38 **FORESTRY RIPARIAN EASEMENT PROGRAM PROPOSED LEGISLATION**

39 Mary McDonald, DNR, summarized DNR’s response to a 2010 legislative directive related to  
40 Forest Riparian Easement Program (FREP) reform. She said the legislature directed DNR to work  
41 with interested stakeholders to develop recommendations to clarify the eligibility provisions and  
42 add prioritization criteria.

43  
44 She reported that DNR held three open house public meetings to gain input from interested  
45 stakeholders. There was overwhelming response from attendees that changing the eligibility  
46 criteria is not appropriate because FREP was the legislature’s commitment to help mitigate

1 disproportionate losses for small forest landowners when the Forests and Fish rules were passed;  
2 the only criterion should be a loss of income imposed by the riparian rules.

3  
4 She summarized DNR's recommendations to the legislature, which she said were developed after  
5 considering all stakeholder input, experience derived from implementing the program for almost a  
6 decade, and the 2010 budget proviso language.

7  
8 She explained for the current year the program received \$600,000 contingent on DNR utilizing the  
9 2010 budget proviso prioritization and \$500,000 from the sale of the agency airplane, for a total of  
10 \$1,100,000. She said she hired temporary staff to work on easement acquisitions to spend these  
11 funds.

12  
13 Peter Goldmark mentioned that staff worked very hard on the outreach component of  
14 accomplishing the requirements of the legislation and did a lot of listening. The legislature gave  
15 DNR a deadline of two months to accomplish the work. Marc Engel said DNR reached out to the  
16 community most affected by changes in the program, and all of the Forests and Fish Policy  
17 members were invited to provide input. The legislature directed DNR to consider fulfilling 14  
18 elements listed within the budget proviso which were to be the basis for accomplishing FREP  
19 reform.

20  
21 Fox said she was concerned that the process to involve Policy seemed to have changed from past  
22 instances when legislation concerning small forest landowners is passed and Policy negotiated the  
23 details.

24  
25 Engel explained that by law there are three ways in which forest practices rules covering aquatic  
26 resources may be changed: by legislation, court order, or the adaptive management program. This  
27 proposal is not subject to adaptive management program review because it responds to a directive  
28 from the legislature. Darin Cramer, DNR, further explained that the primary underpinning of the  
29 adaptive management program is to determine if the rules meet resource protection performance  
30 targets. If a rule proposal does not affect resource protection standards it is not run through a  
31 formal adaptive management process. Any rule changes resulting from this legislation would not  
32 fit the purpose of the adaptive management program.

33  
34 Doug Stinson commented that parts of the proposal are objectionable to quite a few people. Norm  
35 Schaaf said he also had concerns, but it is up to individuals, not the Board, to show support or  
36 nonsupport as the proposal moves forward in the legislature.

37  
38 McDonald pointed out that DNR listened to and read all of the 154 comments from stakeholders.  
39 If there were comments on both sides of an issue, DNR drew on its experience in administering  
40 the program as well as the 2010 budget proviso language to make a decision. For example, there  
41 were comments on both sides of the unstable slopes issue – whether or not to include trees on  
42 unstable soils outside of riparian management zones. DNR considered that the original Forests and  
43 Fish law focused on mitigating the economic impact for small forest landowners of leaving trees  
44 inside of riparian zones, not outside riparian zones. DNR also considered that until now  
45 disproportionate sums have been paid for easements on lands that were unstable prior to the  
46 Forests and Fish rules. She also pointed out that although the budget proviso recommended 14  
47 prioritization elements, DNR only recommended one, the long-term stewardship plan.

1  
2 Goldmark asked how much has been spent on easements since the beginning of the program, to  
3 which McDonald answered \$26 million. Cramer informed the Board that on December 10 staff  
4 will be participating in a House Natural Resource Committee work session on ensuring viability of  
5 small forest landowners.

6  
7 **ADMINISTRATIVE APPEALS EXPEDITED RULE MAKING**

8 Gretchen Robinson, DNR, requested the Board’s adoption of the Administrative Appeals rules.  
9 She reported that the required 45-day public comment period ended November 1 and the Board  
10 did not receive any comments.

11  
12 **MOTION:** Norm Schaaf moved that the Forest Practices Board adopt the rule proposal that  
13 eliminates the Forest Practices Appeals Board and adds a definition for “notice  
14 of a conversion to a non-forestry use.” This rule making incorporates provisions  
15 of the 2010 Substitute House Bill 2935 and the 2007 Second Substitute Senate  
16 Bill 5883. He further moved to direct staff to file the CR-103 Rule Making  
17 Order with the Office of the Code Reviser.

18  
19 **SECONDED:** Carolyn Dobbs

20  
21 **ACTION:** Motion passed unanimously.

22  
23 **PUBLIC COMMENT ON FOREST BIOMASS RULE MAKING**

24 Karl Forsgaard, Conservation Caucus, said the caucus supports the proposed rule making action  
25 for the Forest Biomass rule making. He then urged the Board to approve filing a CR-101 for an  
26 additional rule making that would comprehensively address sustainable biomass removal  
27 practices. He said filing a CR-101 would show the Board’s leadership, and delaying would be bad  
28 policy because businesses have a need to realistically plan where their future fuel supply will  
29 come from. He said if the Board does not take this action the caucus could file a petition for rule  
30 making to ensure the process starts in a reasonable time.

31  
32 Miguel Perez-Gibson, Conservation Caucus, echoed Forsgaard’s comments and said the concern  
33 is about sustainability and knowing what and how much must be left. It makes sense to establish  
34 protocols for protection of soils and water quality while the industry is incubating, and the Board  
35 has the opportunity to direct the industry toward forest health issues and practices that can benefit  
36 rather than harm the forests.

37  
38 Adrian Miller, Washington Forest Protection Association, said he supported the rule proposal  
39 which makes it clear that biomass harvest is indeed a regulated forest practice. But additional rule  
40 making at this time would send a dramatic signal to those who are considering investing in this  
41 technology. He said there are a number of initiatives sponsored by the legislature and the  
42 governor’s office to facilitate the development of this industry. He asked the Board to consider the  
43 following existing processes and opportunities:

- 44 • DNR’s biomass supply study will help to provide realistic supply information.  
45 • The Department of Revenue catalogues the use of tax credits. Cross-tabulating that  
46 information with information from forest practices applications could give a good idea of  
47 actual impact and inform the question of whether additional rule making is necessary.



- 1 • Environmental reviews are already being conducted by companies who are planning facilities.  
2

3 Paula Swedeen suggested that initiating rule making could be interpreted as a proactive move in  
4 support of the industry's endeavors. Miller said industries need to know there is more material  
5 available than actually ends up being used, and the prospect of additional rule making could send  
6 the wrong signal. Norm Schaaf said regulations are a very real concern for industries and some are  
7 already showing concern about the Board's current rule making.  
8

9 Anna Jackson asked Miller what kind of a process would be the best forum for having a  
10 discussion. Miller said bringing individuals from the manufacturing sector into the discussion  
11 would be an important cornerstone, and he was willing to take the time to determine how that  
12 could be accomplished.  
13

14 Carolyn Dobbs asked when the biomass supply study was expected to be completed. Goldmark  
15 answered hopefully by July, and he said he wanted to remind the Board that the reason for the  
16 current rule making is that DNR has seen a range of biomass activity, from acceptable to quite  
17 alarming.  
18

19 Peter Goldman, Conservation Caucus, made the following points:

- 20 • The reason investors are coming to Washington State is because of the stimulus money aimed  
21 at carbon neutral renewable energy.  
22 • Environmental reviews conducted by companies planning local plants are addressing the  
23 impacts on air and traffic, not forests.  
24 • Filing a CR-101 would send a positive signal that the Board wants to look at best available  
25 science and figure out what is necessary to protect resources.  
26

## 27 **FOREST BIOMASS RULE MAKING**

28 Gretchen Robinson, DNR, requested the Board's approval to proceed with the 30-day review for  
29 the forest biomass rule language pursuant to RCW 76.09.040(2). She said staff held three rule  
30 development meetings in October and there was good participation from all of the forest practices  
31 interest groups. There was general agreement that adding the term "forest biomass" to the forest  
32 practice definition was a good idea, but many felt that defining forest biomass in rule, or to  
33 attempt any other rule change pertaining to biomass, should occur only within the Forests and Fish  
34 adaptive management process. Some expressed concern about the level of biomass removal  
35 activity that could take place in the future and many stressed that best management practices  
36 should be established to ensure ecological sustainability.  
37

38 She explained two approaches were discussed about how to add "forest biomass" to the definition  
39 of forest practice in WAC 222-16-010. One was to include "forest biomass removal" in the list of  
40 activities given as examples of forest practices, under the lead-in sentence that includes "timber  
41 harvest." Those in favor thought it would imply that the only material allowed to be removed  
42 would be the material resulting from timber harvest. The other approach discussed was to insert  
43 "forest biomass" into the lead-in sentence alongside, "related to growing, harvesting, or processing  
44 timber ..." She said staff recommends this approach because it gives DNR a clear ability to afford  
45 the same environmental protections for biomass harvest as is provided for timber harvest.  
46

1 Marc Engel, DNR, said the rule proposal does not allow any activity that is not already allowed.  
2 The intent is to be clear that all of the current protections in the rules are applied when people  
3 harvest biomass. It will also encourage the identification of biomass removal activity on forest  
4 practices applications (FPAs) and will contribute to consistent implementation across the state. As  
5 always, FPAs will be classified according to the information given on the application.  
6

7 **MOTION:** Carolyn Dobbs moved that the Forest Practices Board approve the draft rule  
8 proposal that amends WAC 222-16-010 by including forest biomass in the  
9 “forest practice” definition, for a 30-day review with the counties, Department of  
10 Fish and Wildlife and tribes.  
11

12 **SECONDED:** Norm Schaaf  
13

#### 14 Board Discussion

15 Tom Laurie said the Department of Ecology concurs with the staff recommendation.  
16

17 Carolyn Dobbs asked if any of the concerns about harm to soils could be addressed in the  
18 exclusion clause at the end of the “forest practice” definition. Engel said he wasn’t sure but  
19 currently the removal of biomass is occurring in conjunction with the activities listed in the  
20 definition.  
21

22 David Herrera referred to Goldmark’s earlier statement that the level of removal on sites currently  
23 ranges from acceptable to alarming. He asked what makes one site acceptable and another  
24 alarming. Goldmark said it was a good question, but the motion for discussion does not get at the  
25 more difficult issue of ecologically sustainable methods of retrieval. Herrera asked if commenters  
26 could provide input on these questions. Goldmark said the Board will take all comments from the  
27 targeted entities during the 30-day review period, but with the understanding that comments  
28 should be relevant to the scope of the rule making.  
29

30 Paula Swedeen asked for verification that the comments during testimony would be addressed  
31 later in the meeting. Goldmark answered he would hold a short work session later in the meeting.  
32

33 Norm Schaaf expressed support for the change in the definition to include forest biomass which  
34 will ensure that the removal of forest biomass is fully regulated under the existing forest practices  
35 system. He said that is how DNR is currently regulating it, and putting it in rule clarifies DNR will  
36 do exactly as they are doing today.  
37

38 **ACTION:** Motion passed unanimously.  
39

#### 40 **PUBLIC COMMENT ON CMER MEMBERSHIP**

41 None.  
42

#### 43 **CMER MEMBERSHIP**

44 Jim Hotvedt, DNR, requested that the Board designate Todd Baldwin to fill a CMER membership  
45 vacancy. He said Baldwin has been very active in CMER since 2001 and he co-chairs the  
46 scientific advisory group for the eastside (SAGE).  
47

1 **MOTION:** Tom Laurie moved that the Forest Practices Board approve Table 2 dated  
2 November 2010 as the current CMER roster that reflects Todd Baldwin as a  
3 member of CMER.  
4

5 **SECONDED:** Doug Stinson  
6

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

9 **PUBLIC COMMENT ON EXTENSION OF RMAP FOREST ROAD WORK**  
10 **COMPLETION DATE RULE MAKING**

11 Pete Heide, Washington Forest Protection Association, said he was pleased with how the rule  
12 making and associated efforts are going. He noted the importance of getting funding for fish  
13 barriers on small forest landowner and county roads – critically important in the lower elevations  
14 for fish to get to the improvements in the higher elevations.  
15

16 Chris Mendoza, Conservation Caucus, echoed Heide’s comments about the importance of the  
17 lower elevation roads to be addressed sooner rather than later. He said the RMAPs staff work  
18 group, of which he was a part, learned much about RMAPs process and acknowledged that some  
19 things still need to be worked out like reporting requirements and data management. He said he  
20 was confident that with some additional work the stakeholders and DNR can get it done.  
21

22 **RMAP UPDATE AND EXTENSION OF RMAP FOREST ROAD WORK COMPLETION**  
23 **DATE RULE MAKING**

24 Darin Cramer, DNR, referred to the October 20, 2010 memorandum from Julie Sackett in the  
25 Board’s materials. He said region specialists have proposed a system to address the stakeholder  
26 concerns listed in the memorandum, and Sackett will soon be discussing a proposal with  
27 stakeholders. DNR is planning to begin a board manual stakeholder process soon that will include  
28 a standardized system to receive, track, and report accomplishments.  
29

30 Marc Engel, DNR, summarized the draft rule language and requested the Board’s approval to  
31 proceed with the 30-day review process pursuant to RCW 76.09.040(2).  
32

33 Norm Schaaf asked when landowners would be able to request extensions. Engel answered any  
34 time between the date the rule is effective and 120 days prior to the initial plan’s anniversary date  
35 in 2014.  
36

37 **MOTION:** Norm Schaaf moved that the Forest Practices Board approve the draft rule  
38 proposal that amends WAC 222-24-050 and 222-24-051 relating to the RMAP  
39 completion date, for a 30-day review with the counties, Department of Fish and  
40 Wildlife and tribes.  
41

42 **SECONDED:** Paula Swedeen  
43

44 Board Discussion

45 Tom Laurie said the Department of Ecology concurs with the staff recommendation.  
46

47 Sherry Fox said she appreciated the collaborative spirit in the development of the proposal.

1  
2 Peter Goldmark mentioned there are challenges to come in finding the resources to help the small  
3 landowners and counties complete necessary improvements.  
4

5 **ACTION:** Motion passed unanimously. (Carolyn Dobbs absent for vote)  
6

7 **PUBLIC COMMENT ON WATERSHED ANALYSIS RULE MAKING**

8 Adrian Miller, Washington Forest Protection Association (WFPA), said WFPA supports the rule  
9 making effort. He commented that much of the rule proposal includes procedural requirements on  
10 the part of DNR and the results of that work will be dovetailed into a board manual that  
11 stakeholders will be involved in developing.  
12

13 Karl Forsgaard, Washington Forest Law Center, said the Conservation Caucus supports the rule  
14 proposal. There is strong consensus among stakeholders that rule changes are necessary,  
15 particularly to make sure that watershed analyses are up to date, and to increase confidence that  
16 they are protective enough to warrant exemption from a Class IV-special SEPA review.  
17

18 Peter Goldman, Conservation Caucus, said this and the RMAP rules are examples of collaborative  
19 rule making. He said the Board should be careful not to create loopholes in well-intentioned rules  
20 like loopholes created when the original watershed analysis rules were adopted in 1992. He noted  
21 there is still only a voluntary monitoring requirement and urged the Board to ask stakeholders  
22 what to do about the information deficit.  
23

24 **WATERSHED ANALYSIS UPDATE, RECOMMENDATION FROM FORESTS AND**  
25 **FISH POLICY AND WATERSHED ANALYSIS RULE MAKING**

26 Marc Engel, DNR, provided an update on work being accomplished related to recommendations  
27 made by the Board's Committee on Watershed Analysis.

- 28 • There is stakeholder agreement on the process DNR will use to prioritize required reanalyses  
29 for the 52 approved watershed analyses.
- 30 • DNR is currently working with stakeholders on what constitutes a reanalysis.
- 31 • DNR is polling landowners to find out whether they want to sponsor or participate in a  
32 reanalysis or decide to withdraw their mass wasting prescriptions. So far, out of 115  
33 landowners, 6 landowners reported they may participate in reanalysis, 58 may withdraw, and  
34 the remaining landowners have not reported their intentions.  
35

36 Paula Swedeen asked if the point made earlier about the lack of monitoring would be a limitation  
37 to having enough information to review the analyses. Engel answered that the current  
38 characteristics of the watershed will be compared to its characteristics when the original  
39 prescriptions were developed. Darin Cramer said first there will be a DNR review of all watershed  
40 analyses to determine if reanalysis is necessary, and DNR does not need monitoring data for this  
41 review. The landowners who choose to maintain their watershed analyses will be doing the bulk of  
42 the reanalysis effort. It is being set up in a way that you can get a sense of what's going on with  
43 the prescriptions and a good outcome without a systematic monitoring program in place.  
44

45 Jim Hotvedt, DNR, delivered Policy's recommended rule changes and explained how each  
46 element of the Board's request was addressed in the proposed rule changes.  
47

1 Sherri Felix, DNR, asked the Board to consider two clarifications to Policy’s recommended  
2 language.

- 3 • Add “reanalysis” to the existing definition of watershed analysis, rather than defining that term  
4 separately. She said it would negate the need to add, “and reanalysis” multiple times  
5 throughout the rules.
- 6 • Clearly state in WAC 222-22-090(4) DNR’s authority to prescribe what needs to be included  
7 for each reanalysis.

8  
9 She said staff shared the amendments with Policy members at the November Policy meeting. She  
10 then requested the Board’s approval to conduct the 30-day review pursuant to RCW  
11 76.09.040(2)(b) of the draft watershed analysis rule language that includes the staff-recommended  
12 amendments.

13  
14 **MOTION:** Tom Laurie moved that the Forest Practices Board approve the draft rule  
15 proposal recommended by Forests and Fish Policy that amends Title 222 WAC  
16 relating to watershed analysis. He further moved that the Board accept the  
17 amendments suggested by staff and distribute the draft rule proposal to the  
18 counties, Department of Fish and Wildlife and tribes for a 30-day review.

19  
20 **SECONDED:** Sherry Fox

21  
22 Board Discussion

23 Tom Laurie and Norm Schaaf thanked staff for good work implementing the Board committee’s  
24 recommendations and incorporating stakeholder involvement. Peter Goldmark said he was happy  
25 the Board is moving forward with the needed refreshment to watershed analysis.

26  
27 **ACTION:** Motion passed unanimously.

28  
29 **FORESTS AND FISH POLICY 2011 PRIORITIES**

30 Stephen Bernath and Jim Peters, Forests and Fish Policy Co-chairs, explained the Forests and Fish  
31 Policy Committee’s (Policy’s) three top priorities for FY 2011. Bernath said they are the same  
32 priorities Policy presented to the Board a year ago, but throughout the year the focus was shifted  
33 to other work assignments by the Board.

- 34 • First priority: Secure adequate long-term funding. Long-term funding continues to be a  
35 challenge as federal grant funding is spent, and the general fund-state funding (Forests and  
36 Fish Support Account) is not adequate to maintain the program. There is capacity to spend \$3 -  
37 \$3.5 million per year, and intensive effort will be necessary in the next six months to make up  
38 for an expected shortfall of at least \$1.75 million per year.
- 39 • Second priority: Complete Clean Water Act assurances milestones. When Forests and Fish  
40 was negotiated it was understood that in ten years there would be a determination of whether  
41 the rules are working to attain clean water standards. We are now under a conditional  
42 extension of the assurances while CMER projects are completed to tell us if the system is  
43 working.
- 44 • Third priority: Continue to implement the strategic plan. This includes looking at  
45 improvements that can be made to be more efficient and accountable.

1 Bernath said Policy has decided in order to conserve staff resources in the next few months there  
2 will be no in-person meetings unless there is a specific need.

3  
4 Jim Peters emphasized that Policy members wear many hats and are spread thin, and in order for  
5 the group to be functional it must be allowed to plan and manage its workload. He said there have  
6 been improvements in the past year and the caucuses are finding solutions to problems together.  
7 He added there is always a seat at the table for the small forest landowners when they can attend  
8 Policy meetings.

9  
10 Sherry Fox asked about the status of the Forests and Fish Support Account. Darin Cramer  
11 answered the last report from the Department of Revenue showed the account is still down by  
12 about 25 percent, and the federal funding will be spent by April 2011.

### 13 14 **2011 WORK PLANNING**

15 Marc Engel, DNR, initiated a discussion on cost saving measures for the Board, meeting dates for  
16 2011, and the Board's work plan. The Board decided:

- 17 • There will be four regular meetings and no special meetings in 2011.
- 18 • The meeting dates will take place on Tuesdays: February 8, May 10, August 9, and November  
19 8.
- 20 • Meetings will be face-to-face because no significant savings can be realized by other means.

21  
22 He summarized the staff-recommended draft 2011 work plan. Paula Swedeen asked if time is  
23 factored in for unexpected petitions for rule making. He said the Board must respond to petitions,  
24 but hoped the Board would consider the ongoing rule making workload when contemplating a  
25 response. Darin Cramer said staff is at capacity now with the five rule makings in play, and with  
26 the occasional brush fires that flare up now and then, it is a significant challenge to produce high  
27 quality work for each rule. Peter Goldmark said he appreciated the importance of allowing staff  
28 enough time to do a thorough job and catch potential problems.

### 29 30 **TFW CULTURAL RESOURCES COMMITTEE ANNUAL REPORT**

31 Pete Heide, TFW Cultural Resources Committee Co-chair, referred to the committee's written  
32 annual report in the Board's materials. He said the committee meets once per month, and mostly  
33 discusses guidance and educational topics. The committee has also devoted much meeting time to  
34 one particular rule fix in WAC 222-20-120 because of problems brought forward by a member of  
35 a tribe, a landowner, and DNR. He said the co-chairs plan to deliver a consensus rule proposal to  
36 the Board shortly.

### 37 38 **NEW BUSINESS**

39 In consideration of requests made earlier in the meeting regarding forest biomass, Peter Goldmark  
40 offered DNR's leadership to start a dialog about what might be involved in addressing sustainable  
41 biomass retrieval.

42  
43 Tom Laurie agreed with that approach, and said he felt it was important but not urgent in this time  
44 when the industry is just emerging. He said DNR's study will tell us a lot about what the potential  
45 impacts are, and it may be hasty to do much until more is known about biomass availability.

46  
47 Anna Jackson requested a progress report at the February meeting.

1  
2 Paula Swedeen noted that WFPA invited her and David Herrera to go out in the field to look at a  
3 landowner's biomass harvesting practices. She said it helped her understand some of the current  
4 practices, the current state of the economics, and sideboards in which the market may take off and  
5 cause concerns. She said it helped to conceptualize ideas she hoped the Board would consider:  
6 • Given that the federal government is encouraging biomass harvest through stimulus spending,  
7 shouldn't the Pacific Northwest receive federal support to help keep a handle on the science of  
8 the issue?  
9 • What systems can we have in place to help track the extent of biomass harvest so we're not  
10 caught off guard?

11  
12 Norm Schaaf pointed out that currently the University of Washington Natural Resources Center is  
13 conducting a study to estimate biomass availability on the Olympic Peninsula. He added it is  
14 important to remember the objective of promoting a viable forest products industry along with  
15 preventing damage to public resources.

16  
17 Carolyn Dobbs suggested that the regular meetings include a portion of time dedicated as a work  
18 session to have focused discussions on some of these emerging issues. Doug Stinson concurred.

19  
20 Goldmark suggested that at the February meeting Board members bring forth their suggested  
21 topics to create a list, and then at subsequent meetings staff could provide an overview to begin the  
22 Board's discussion. He requested that Board members only consider topics relevant to the Board's  
23 responsibilities.

24  
25 **EXECUTIVE SESSION**

26 No executive session.

27  
28 Meeting adjourned at 3:10 p.m.