

1 **FOREST PRACTICES BOARD**
2 **SPECIAL BOARD MEETING**
3 September 3, 2014
4 Natural Resources Building
5 Olympia, Washington
6

7 **Members Present**

8 Aaron Everett, Chair, Department of Natural Resources
9 Bill Little, Timber Products Union Representative
10 Bob Guenther, General Public Member/Small Forest Landowner
11 Brent Davies, General Public Member (participated via telephone)
12 Court Stanley, General Public Member
13 Dave Somers, Snohomish County Commissioner
14 David Herrera, General Public Member
15 Jeff Davis, Designee for Director, Department of Fish and Wildlife
16 Heather Ballash, Designee for Director, Department of Commerce (participated via telephone)
17 Kirk Cook, Designee for Director, Department of Agriculture
18 Paula Swedeen, General Public Member
19 Tom Laurie, Designee for Director, Department of Ecology
20

21 **Members Absent**

22 Carmen Smith, General Public Member/Independent Logging Contractor
23

24 **Staff**

25 Chris Hanlon-Meyer, Forest Practices Division Manager
26 Marc Engel, Forest Practices Assistant Division Manager
27 Patricia Anderson, Rules Coordinator
28 Phil Ferester, Senior Counsel
29

30 **WELCOME AND INTRODUCTIONS**

31 Aaron Everett called the Forest Practices Board (FPB or Board) meeting to order at 9:00 a.m.
32

33 **APPROVAL OF MINUTES**

34 **MOTION:** Tom Laurie moved the Forest Practices Board approve the July 8, 2014 meeting
35 minutes.
36

37 **SECONDED:** Court Stanley
38

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

41 **PUBLIC COMMENT**

42 Rob Kavanaugh said the Carlton Fire was extensive. He encouraged rapid reforestation effort on state
43 land, noted the county's economy is hurting, and thanked everyone for their personal interest in the
44 situation.
45

46 Karen Terwillegger, Washington Forest Protection Association, said a critical piece of the Clean Water
47 Act assurances is to stabilize funding for CMER. She encouraged everyone to put in place a lobbying
48 effort to do just that.

1 **STAFF REPORTS**

2 Adaptive Management

3 Chris Hanlon-Meyer, DNR, said the Adaptive Management Program Administrator position is still
4 vacant and asked for Board and TFW Policy Committee (Policy) assistance to get the word out. He
5 reported on the piloted LEAN project, various projects in process, and the 2014 development of three
6 reports.

7
8 Tom Laurie asked whether the LEAN process increased efficiency of the program. Hanlon-Meyer
9 said yes but it also resulted in more work. The challenge is finding more scientists and improving
10 communication between CMER and Policy.

11
12 Northern Spotted Owl Implementation Team

13 Paula Swedeen asked if there have been discussions on Safe Harbor Agreements with the federal
14 government. Burnes responded that there have been none at this time.

15
16 Tom Laurie asked how funds are being split for the two programs. Marc Engel, DNR, answered
17 \$500,000 this fiscal year is for NSO habitat work.

18
19 Aaron Everett noted a pool of money was being developed for the projects. Paula Swedeen said
20 increased funding in general is also a goal. A legislative request is being submitted for five millions
21 dollars to continue critical habitat work including NSO critical habitat.

22
23 Small Forest Landowner Advisory Committee and Small Forest Landowner Office

24 Tom Laurie asked about Stewardship funding. Miketa answered cost share money for thinning was
25 obtained. Aaron Everett said the 12 million dollars over the last four years averages to three million
26 dollars per year. The money is matched with a landowner's money and thousands of landowners are
27 involved. Federal and State monies are matched at 50% each, cash or labor.

28
29 Tom Laurie asked about the DNR's small forest landowner survey. Miketa answered the survey
30 covered small forest landowner interests, status of their property, and demographic information. The
31 survey results showed aesthetics, wildlife and recreation are some of the main interests.

32
33 Court Stanley asked about the Forest Riparian Easement Program (FREP). Marc Engel, DNR, replied
34 the program is not fully funded. It would take 58 million dollars to fully fund the 600 landowners on
35 the current waiting list and there are an average of 20 applications each month.

36
37 Upland Wildlife Working Group

38 Aaron Everett asked about the fisher. Jackson answered the fisher has been listed by the state since
39 1998 and is a federal candidate species. She said that a federal proposed listing is due late September
40 and reintroduction of the species is planned. To prepare for possible federal listing, she said that
41 WDFW is working with USFWS on a Candidate Conservation Agreement with Assurances which
42 will not have additional limitations imposed for landowners who commit to the conservation
43 measure.

44
45 Paula Swedeen asked whether there is a pre-listing Safe Harbor Agreement. Penny Becker, WDFW
46 replied yes, and noted the fisher was trapped out and lack of habitat is not an issue.

1 No further discussion on the following staff reports:

- 2 • Board Manual Development
- 3 • Rule Making Activity & 2014 Work Plan
- 4 • TFW Cultural Resources Roundtable

5

6 **TAYLOR'S CHECKERSPOT BUTTERFLY ANNUAL REPORT**

7 Sherri Felix, DNR, gave a brief history of the Board's voluntary cooperative protection approach for
8 the Taylor's checkerspot butterfly, which the Board began in 2007. In the 2013 calendar year, there
9 were 11 forest practices applications within one mile of WDFW's Taylor's checkerspot occupied
10 sites and no applications were in those habitats. The forest practices activities were timber harvests
11 and salvage, road construction, pesticide application, and a culvert replacement. None of these
12 activities were determined by WDFW to pose a risk to the species and therefore none were
13 conditioned by DNR with protective measures. Felix also said there has been on average 11-12
14 applications per year in the six years of reporting to the Board, with no applications in habitat and
15 none posing a risk to the species.

16
17 Terry Jackson, WDFW, updated the Board on WDFW-landowner protection plans and survey efforts
18 for the Taylor's checkerspot butterfly. Two changes in land ownership occurred in 2013 resulted in 1)
19 the number of large forest landowners is now three with each having an approved TCB management
20 plan, and 2) one forested parcel is now owned by a conservation organization. WDFW will address
21 small landowners forest practices if they may pose a risk to the butterfly. In total, 12 population of
22 Taylor's checkerspot are known to persist in the state. WDFW and other partners are working
23 together to restore and enhance TCB prairie habitats in North and South Puget Sound regions, as well
24 as to re-establish populations through captive rearing programs in the South Puget Sound region.

25

26 Felix noted annual reports starting next year will include the USFWS' newly designated critical
27 habitat for the species now listed as threatened under the Endangered Species Act.

28

29 **WESTERN GRAY SQUIRREL REPORT**

30 Penny Becker, WDFW, noted the western gray squirrel is a ground forager who makes stick nests in
31 trees. Population distribution includes Joint Base Lewis McChord, Pierce and Klickitat counties, and
32 the northern Cascade Mountains. The squirrel is a federal species of concern and is state listed as
33 threatened. Starting May 2015, WDFW's periodic status reviews for the species will address
34 distribution and abundance and WSFW will need lots of help from landowners and scientists.

35

36 Donelle Mahan, DNR, stated that the 2013 rule making petition led to screening of forest practice
37 applications in western gray squirrel habitat. DNR acknowledges on the application decision page
38 there is habitat in the vicinity of the forest practices activity, not as a condition but as information
39 sharing.

40

41 **PUBLIC COMMENT ON PETITION FOR RULE MAKING FOR THE CONSERVATION** 42 **OF THE WESTERN GRAY SQUIRREL**

43 Kara Whitaker, Washington Forest Law Center, said there are good efforts but ongoing issues. She
44 stated concerns with implementation and inadequate management plans. She said the voluntary
45 approach is insufficient and called for codifying the 2010 guidelines.

46

47 Rob Kavanaugh said a newsletter on the squirrel will be mailed monthly to the Board to keep them
48 updated on the issue. There has been serious habitat loss due to fire, bark beetles, and unmanaged

1 logging and development. He said that landscape management is the key to success and scientists are
2 available to help. He encouraged the Board to use its existing authorities to protect the species, noting
3 RCW 76.09.010 and WAC 222-16-080.

4
5 Tim McBride, Hancock Forest Management, said Hancock owns 70 thousand acres in Klickitat
6 County. In 2007, Hancock met with WDFW regarding western gray squirrel plans. His own interest
7 in voluntary planning led to his PhD in 2011 on the species. He said the petition claims are
8 unjustified, and collaborative research has been happening over the last 15 years.

9
10 **PETITIONS FOR RULE MAKING ON WESTERN GRAY SQUIRREL CONSERVATION**
11 **MEASURES**

12 Marc Engel, DNR, said this petition asks WDFW to write rules and asks the Forest Practices Board to
13 amend WAC 222-16-080 to add western gray squirrel guidelines.

14
15 Penny Becker, WDFW, said the level of impact from fires on the species is unknown. A citizen and
16 WDFW science group will be researching this issue next year.

17
18 Bob Guenther said he appreciates the large landowners work on western gray squirrel.

19
20 David Herrera asked how long the assessment would take. Becker answered work would be in the
21 spring and fall.

22
23 Paula Swedeen said a status review including demographics and habitat will importantly inform rule
24 making. She appreciates citizen involvement in this issue. There's an enormous amount of work
25 being done right now and it's premature for a rule at this time. She requested Bob Guenther assist in
26 communication and outreach to small forest landowners.

27
28 Aaron Everett said outreach in Klickitat County could be conducted by DNR's Small Forest
29 Landowner Office. Educational efforts with WDFW and DNR could be scoped.

30
31 Tom Laurie said he appreciated the report on voluntary efforts and believes the Board is on the right
32 track and a rule is not necessary at this time. He would rather see a voluntary approach. He noted
33 inadequate management plans is concerning. The Board needs to know if the voluntary plans are
34 working to know whether we are on track.

35
36 Court Stanley said we know voluntary management plans can be successful. The Board needs to
37 know whether or not the current management plans are adequate. We are on the right path at this
38 time.

39
40 **MOTION:** Court Stanley moved the Forest Practices Board deny the petition for rule making
41 dated July 25, 2014.

42
43 **SECONDED:** Bob Guenther

44
45 **ACTION:** Motion passed unanimously.

1 **MOTION:** Aaron Everett moved to treat Mr. Kavanaugh’s July 23, 2014 letter as two rule
2 making petitions – one involving slope stability rules, and one involving Western
3 Gray Squirrels.

4
5 He further moved that the Board consider Mr. Kavanaugh’s Western Gray Squirrel
6 petition at today’s meeting, and that the Board deny this petition. As noted this
7 morning in Board discussion, WDFW is currently conducting a status review and it
8 is premature to begin a rule making effort at this time.

9
10 **SECONDED:** Bill Little

11
12 **MOTION TO**

13 **AMEND:** Court Stanley moved to delete the last sentence in the 2nd paragraph as follows:

14
15 He further moved that the Board consider Mr. Kavanaugh’s Western Gray Squirrel
16 petition at today’s meeting, and that the Board deny this petition. ~~As noted this
17 morning in Board discussion, WDFW is currently conducting a status review and it
18 is premature to begin a rule making effort at this time.~~

19
20 **SECONDED:** Kirk Cook

21
22 **ACTION ON**

23 **AMENDMENT:** Motion passed unanimously.

24
25 **ACTION:** Motion passed unanimously.

26
27 **CLEAN WATER ACT ASSURANCES ANNUAL REPORT**

28 Mark Hicks, Department of Ecology, provided background on CWA assurances. The CWA
29 corrective milestones were created to prioritize and strengthen the process so Ecology can maintain
30 its reliance on Forest and Fish rules to protect water quality on Forest Practices HCP lands. Lots of
31 time and effort has gone into this which Ecology supports. CWA assurances must be a priority to
32 complete.

33
34 Aaron Everett acknowledged the people capacity challenge. Hicks said small group focus may help,
35 assisted by the new Adaptive Management Program Manager.

36
37 Tom Laurie asked how research in other states compare to ours. Hicks said some of our work sets the
38 standard for good research.

39
40 Paula Swedeen asked about the CMER schedule. Hicks said the benefit is the level of engagement in
41 Policy Committee to get it right, i.e. establishing the questions and linkages between studies.

42
43 Bob Guenther noted Ecology’s involvement in biosolids distribution on the ground.

44
45 **TFW POLICY COMMITTEE’S 2014 ACCOMPLISHMENTS AND 2015 PRIORITIES**

46 Stephen Bernath and Adrian Miller, TFW Policy Committee co-chairs, noted that work needs to be
47 completed on the uppermost point of perennial flow of Type N waters and the Type F waters. The

1 plan is in place but on hold due to work directed by the Board in May associated with the Oso
2 landslide. They went over CMER's list of priorities.

3
4 Aaron Everett referred to tomorrow's agenda topic "Further Direction to the Adaptive Management
5 Program, TFW Policy Committee 2015 Priorities and Board Staff". Miller said when we re-engage
6 on Type F and N, we will have plans in place with rule mandated timelines.

7
8 Paula Swedeen said the Board may need to rethink how to get this work done not necessarily within
9 the confines of the Policy Committee and CMER.

10 11 **TFW CULTURAL RESOURCES ROUNDTABLE ANNUAL REPORT**

12 Karen Terwilleger, co-chair, presented the Roundtable's annual report. Accomplishments include
13 rewriting the FPA instructions for the cultural resources question on applications to better educate
14 landowners that don't often harvest. The Roundtable also worked on a description of the landowner-
15 Tribe meeting process, and the draft guidance documents to better separate voluntary verses
16 mandatory related information in an effort to develop better web and paper based documents. The
17 Roundtable's annual survey was not completed this year because of two issues: a technical glitch in
18 distribution of the survey and a new issue regarding DNR conditioning authority for cultural
19 resources.

20
21 Terwilleger said a member of the Roundtable brought concerns to the Roundtable regarding DNR
22 conditioning forest practices application for cultural resources. She relayed her understanding of the
23 issue. In the early 1990s, DNR used "blanket" conditioning for landowner-Tribe agreed upon
24 protection plans, such as "follow the plan". The practice was not necessarily widespread throughout
25 the state. In the early 2000s, there were a series of forest practices appeals regarding conditioning for
26 wildlife, etc., not cultural resources. Overtime, DNR regions moved away from "blanket"
27 conditioning to more specific conditions. She said she doesn't believe there was a lot of conversation
28 about this with landowners and Tribes. Recently, DNR refused to "blanket" condition an application
29 for a landowner-tribe agreed upon protection plan. Some view "blanket" conditioning OK, DNR says
30 conditions must be specific and within their authority. Terwilleger said there's a communication issue
31 and a conditioning authority issue and cannot underestimate the amount of concern by some Tribal
32 members. She suggested the Roundtable gain more understanding of DNR authority and then see if
33 there's a problem with conditioning for landowner-tribe plans.

34
35 Tom Laurie asked for clarification on what plans are agreed to by the landowner and Tribes.
36 Terwilleger said the question is whether or not an agreed upon plan that is not part of the application
37 can or should be a condition of the application. DNR may not have authority to enforce every part of
38 a plan.

39
40 David Herrera suggested the Roundtable and DNR staff meet to get a resolution. Terwilleger said the
41 Roundtable has already met with forest practices and plans to again, needs to also meet with the
42 Assistant Attorneys General and others, then look at how a plan works when it is not submitted with
43 the application. The Roundtable is hoping for a fairly short timeframe but needs a clear understanding
44 of how the Roundtable can fulfill the forest practices system.

45
46 Court Stanley asked how conditioning works on sensitive sites. Terwilleger said if the plan is
47 attached, the confidential information can be redacted. Also, landowners can map the location as a

1 bounded out area, not an identified cultural resources site. For a plan that is agreed to after the
2 application is submitted to DNR, conditions are important and need to be enforceable.

3
4 **PUBLIC COMMENT**

5 Chris Mendoza said the LEAN process for CMER was a good exercise. The Policy Committee does a
6 good job of getting to CMER projects but the bottleneck in the system is on other issues. A similar
7 process as LEAN is needed for the Policy Committee.

8
9 **COMPLIANCE MONITORING BIENNIAL REPORT**

10 Walt Obermeyer, DNR, went over the biennial sampling and results. The full biennium of sampling
11 included approximately 8100 forest practices applications. Results were similar to other biennium
12 which showed riparian and water typing issues. Improvements will include a larger sample size and
13 using individual rule sections rather than the whole rule, which will result in better identification of
14 trends and specific parts of rules that are most difficult for landowners to get right.

15
16 Tom Laurie asked whether future reports would include regional variances, a break down by region.
17 Mahan replied they will look into it.

18
19 Dave Somers said it is importance to compare what we have been measuring over time. Obermeyer
20 replied an application is not an analysis level, so we will go to individual rule sections such as the
21 outer zone within the riparian management zone.

22
23 Paula Swedeen asked whether they could review the connections between compliance monitoring
24 and CMER research. Mahan answered shade and Type N would be two to look at.

25
26 Aaron Everett noted page 30 of the compliance monitoring report regarding population size of the
27 prescription across the state and said a pattern could be looked at via CMER.

28
29 **Executive Session**

30 None.

31
32 Meeting adjourned at 2:05 p.m.

33

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12 Court Stanley, General Public Member
13 Dave Somers, Snohomish County Commissioner
14 David Herrera, General Public Member
15 Heather Ballash, Designee for Director, Department of Commerce (participated via telephone)
16 Kirk Cook, Designee for Director, Department of Agriculture
17 Paula Swedeen, General Public Member
18 Tom Laurie, Designee for Director, Department of Ecology
19

20 **Members Absent**

21 Carmen Smith, General Public Member/Independent Logging Contractor
22 Joe Stohr, Designee for Director, Department of Fish and Wildlife
23

24 **Staff**

25 Chris Hanlon-Meyer, Forest Practices Division Manager
26 Marc Engel, Forest Practices Assistant Division Manager
27 Patricia Anderson, Rules Coordinator
28 Phil Ferester, Senior Counsel
29

30 **WELCOME**

31 Aaron Everett called the Forest Practices Board (FPB or Board) meeting to order at 9:00 a.m.
32

33 **PUBLIC COMMENT**

34 Rob Kavanaugh said the Commissioner of Public Lands has done everything possible regarding the
35 unstable slopes tragedy. He wanted the Board to know he has asked the U.S. Attorney General for an
36 investigation.
37

38 Karen Terwilleger, Washington Forest Protection Association (WFPA), asked the Board to be
39 mindful of the legal requirements in the Forest Practices rules. There is a broad array of tools
40 available to identify and delineate landslide areas. With the preliminary work done, it is time to be
41 more inclusive of other stakeholders as Timber, Fish and Wildlife (TFW)'s strength is to bring
42 together highly qualified people. She noted WFPA has encouraged its members to participate in
43 LiDAR sharing and the LiDAR consortium, and is asking the Governor's Office, DNR and the
44 counties to work on a budget request to obtain funding for LiDAR.

1 **TFW POLICY COMMITTEE’S RECOMMENDATIONS RELATED TO UNSTABLE**
2 **SLOPES**

3 Adrian Miller, co-chair, reported on Forest Practices Application process review related to potential
4 threats to public safety. This subgroup has been meeting separate from Policy Committee meetings.
5 The Mass Wasting Effectiveness Study has been completed and documented on the flow chart, the
6 required new FPA form is a great screening tool for landowners and agencies, and the gap analysis
7 list is with the board manual group for discussion. Delineation of groundwater recharge areas and
8 deliverability need to be addressed, and the Policy Committee needs to talk about the board manual
9 and rules.

10
11 Isabelle Sahriken, DNR, reported on Identification of potential gaps in information about the location
12 of deep-seated landslides and measures to close gaps. Referring to the screening tools list handout,
13 she noted there are tools inaccessible by the public and LiDAR is lacking for State coverage. She
14 recommended better access to photos and a single layer for glacial deep seated landslides.

15
16 Tom Laurie asked if the public has access to the data. Sahriken replied she would check and get back
17 to the Board.

18
19 Dave Somers asked whether the public has access to maps and whether U.S. Geologic Society and
20 Washington State Department of Transportation are part of the conversation. Sahriken replied maps
21 are accessible through the Puget Sound LiDAR consortium. Miller added there are many pieces of
22 LiDAR not part of the Puget Sound LiDAR Consortium and not easily found so, an aggregated
23 location is needed.

24
25 Paula Swedeen asked whether there is DNR state coverage via tools other than LiDAR, and do
26 landowners have their own sets of LiDAR. Sahriken replied DNR has broad coverage with many
27 tools and landowners can purchase maps and photos from DNR.

28
29 Curt Veldhuisen, Skagit River Coop, reported on Evaluation of existing mitigation measures under
30 current rule pertaining to ground water recharge areas associated with glacial deep-seated landslides.
31 Powerpoint presentation. He said the glacial deep-seated landslide technical workgroup’s goal is
32 looking back at watershed analysis prescriptions. Prescriptions were site specific, few addressed
33 glacial deep-seated landslides, and all focused on controlling water input. Generally, prescriptions
34 required no roads or harvests on active landslides and required road drainage diversions. The
35 technical workgroup will review forest practices applications and geotechnical reports, and attempt to
36 categorize the information by mitigation strategy, potential resource impacts, etc.

37
38 Paula Swedeen asked if these measures had been effective. Veldhuisen replied there was no
39 documentation but effectiveness could be incorporated into the research strategies.

40
41 Tom Laurie said the Board’s motion reads “assess” which will need to be interpreted.

42
43 Dave Somers said how the tools were handled with the uncertainties would be helpful in understating
44 the chosen mitigation.

45
46 Kirk Cook said understanding how deep-seated landslides and groundwater recharge areas are
47 delineated is critical information.

1 Veldhuisen reported on review of the existing mass wasting research strategy, including potential
2 threats to public safety and the glacial deep-seated landslide program. He said groundwater recharge
3 areas are the up-gradient lands that contribute to subsurface water. Harvest linkage is very difficult to
4 determine and requires a case by case evaluation. Many questions remain. The 2014 CMER research
5 strategies are a follow-up to the 2007 UPSAG scoping project which included modeling and
6 refinement of recharge areas and landslide classifications. The technical subgroup has developed
7 critical questions and potential projects including literature review, deep-seated landslide mapping
8 and classification, and the sensitivity of landslide classifications.

9
10 Bob Guenther asked how much is already being addressed in Class IV and Class III forest practices.
11 Veldhuisen replied the value in the literature search is broader scientific certainty. Miller added the
12 project is a multi-pronged approach to determine how to refine the current process with more
13 certainty, and Class IV-special is a SEPA level assessment that looks at public safety.

14
15 **PROGRESS ON ADDITIONAL UNSTABLE SLOPE ACTION TAKEN AT THE MAY 2014**
16 **MEETING**

17 Marc Engel, DNR, reported on rule making to clarify DNR's authority to require additional
18 information needed to review, classify FPA's where the presence of a potentially unstable slope may
19 threaten public safety. Although not required, the rule making will include an economic analysis, an
20 SBEIS, and a public meeting.

21
22 Court Stanley asked whether this could be an expedited rule making. Engel replied yes in that DNR
23 will provide rule language for stakeholders to review rather than holding rule development meetings.
24 The rule language will be available for review in November.

25
26 Marc Ratcliff, DNR, reported on development of board manual guidance, in consultation with
27 qualified experts with expertise in ground water recharge on glacial deep-seated landslides, to amend
28 the guidance specific to the identification and delineation of ground water recharge areas. He said
29 DNR sought out groundwater recharge area expertise from state agencies, and experts in Oregon.
30 Phase one work is reorganization and inclusion of guidance specific to the identification and
31 delineation of groundwater recharge areas and glacial deep-seated landslides with three new sections:
32 office and field review and risk analysis. Engel added phase two work will add the mechanisms for
33 delivery and run-out, for which he will request reconvening qualified experts and put together
34 guidance for the board manual team.

35
36 Dave Somers asked whether risk assessment comes out of the board manual. Ratcliff and Engel
37 replied the risk is addressed by providing elements for user's to consider and the forest practices
38 geologists will go look at the work submitted.

39
40 Paula Swedeen asked whether there will be a requirement to describe the uncertainties in delineation.
41 Ratcliff replied geotechnical reports will need to address the uncertainty factors for DNR to assess the
42 report findings. Engel added the board manual experts group will provide the current methodologies
43 employed in the field.

44
45 Aaron Everett said the question we will have to take up later when we've given more thought to the
46 implications for the board manual. Engel replied draft manual phase one will be provided for the
47 November Board meeting then an immediate step to phase two qualified experts work to address
48 delivery potential.

1 Engel reported on Attorney General’s Moratorium Opinion. He said DNR has not received an answer
2 to the Commissioner of Public Lands question to the state’s Attorney General regarding the Board’s
3 authority to adopt a moratorium. The Office of the Attorney General says the opinion will be
4 published in the state register with a comment due date.

5
6 Engel reported on Availability of Bare Earth Coverage Data from forest landowners and Puget Sound
7 LiDAR Consortium. He said the quality of data varies, deep-seated landslides tend to show on all
8 LiDAR, and shallow rapid landslides tend to show less or not at all depending on quality of the data.

9
10 **PUBLIC COMMENT**

11 Tom Nelson, Sierra Pacific Industry, supports funding for LiDAR and would be happy to share their
12 LiDAR coverage with others. He strongly suggested searching the internet so this tool is not
13 developed in a vacuum. He added the board manual sounds like a major rewrite which may be
14 stepping over into rule.

15
16 **IMPLEMENTATION OF DNR STEPS TO APPLY ADDITIONAL SCRUTINY OF**
17 **UNSTABLE SLOPES APPLICATIONS**

18 Chris Hanlon-Meyer, DNR, reported that the new forms are in use for classing forest practices
19 applications regarding potentially unstable slopes and requiring qualified expert reports.

20
21 Jack Shambo, DNR, described the application review process. Screening tools include soils maps,
22 SLPSTAB model (shallow rapid landslide potential), landslide hazard zonation maps, landslide
23 inventories, topographic and geologic maps, aerial photos, and on site review. A key component is
24 the forest practices forester and geologist teamwork and their familiarity with the areas.

25
26 Trevor Contreras, said the licensed geologists in forest practices are consultants to the forest practices
27 foresters, both on site and in evaluating the geotechnical reports submitted with the application. On
28 site visits are to evaluate the proposed activities in relation to any of the rule identified landforms.

29
30 Dave Somers asked if applications are still screened if the landowner answered “no” to the unstable
31 slopes questions, and who makes the final determination on the application. Shambo responded yes,
32 all screening tools are still applied, and the forest practices forester makes the final call. He
33 mentioned that the forester will work with the landowner to provide additional information and the
34 landowner can withdraw the FPA and re-submit with the new information or the forester can
35 disapprove the application.

36
37 Paula Swedeen asked how new foresters are trained, whether the new form has resulted in any
38 classification changes to an application, and how the qualified expert knows the delineation is
39 accurate. Shambo replied new forest practice foresters are paired with their neighboring forester and
40 may not approve Class IV-special applications on their own for about for six months, and
41 classification changes based on further review have resulted in both higher and lower classifications.
42 Contreras replied the qualified expert field verifies the delineation.

43
44 Tom Laurie asked about questions 11 and 12, and if that includes groundwater recharge areas.
45 Hanlon-Meyer said the intent is that the form represents rule-identified landforms.

1 Seth Barnes, DNR, added that foresters are looking at the areas around the proposal, not just the
2 proposal itself. He clarified an earlier question about the review changing the classification. Seth said
3 the review has resulted in both, the review can result in changing the classification to make it a Class
4 IV–Special or confirming the initial classing of a Class III.

5
6 Dave Somers asked if the risk level is useful. Contreras replied infrastructure and public safety are
7 looked at as well as potential delivery to a public resource. Hanlon-Meyer added a rigorous review is
8 applied to determine whether we have enough information.

9
10 **PUBLIC COMMENT ON FURTHER DIRECTION TO THE ADAPTIVE MANAGEMENT**
11 **PROGRAM, TFW POLICY COMMITTEE 2015 PRIORITIES AND BOARD STAFF**

12 Mary Scurlock, Conservation Caucus, commented the overall caucus goal is a precautionary
13 approach. The caucus strongly supports an expedited board manual process with updates presented in
14 November, is ready to participate in the stakeholder process, and concurs LiDAR is a top priority.
15 Improving documentation of how DNR makes its determination would increase transparency and
16 trust.

17
18 Karen Terwilleger, WFPA, commented there is an extensive process in place to identify and mitigate
19 for unstable slopes. She said TFW is a collaborative process, WFPA is very concerned about whether
20 process is done right, and she asked the Board to direct staff to release rule language and board
21 manual drafts as soon as possible. The scope of the board manual is more than WFPA envisioned so
22 it is critical stakeholders have time to review.

23
24 Kevin Godbout, Weyerhaeuser, commented the broad board manual effort seems beyond the Board's
25 direction. We need to see the amendments to be informed and provide feedback on changes. There
26 needs to be a TFW conversation.

27
28 **FURTHER DIRECTION TO THE ADAPTIVE MANAGEMENT PROGRAM, TFW POLICY**
29 **COMMITTEE 2015 PRIORITIES AND BOARD STAFF**

30 Aaron Everett initiated time for the Board to discuss further action to Policy and Board staff. He
31 encouraged staff to begin work on items discussed in the morning relating to mapping projects and
32 literature review.

33
34 Court Stanley said if stakeholders have concerns on the board manual then separate that Board
35 motion from the rest of the work on glacial deep-seated landslides.

36
37 Dave Somers said the materials should be released to the stakeholders.

38
39 Tom Laurie said he is interested in looking at the whole package, and the sooner the better.

40
41 Paula Swedeen thanked the qualified experts for their work. She said she wants to see the whole
42 package.

43
44 Aaron Everett asked whether the glacial deep-seated landslide part of the board manual can be
45 separated from the rest of the work if need be. Engel replied the board manual meetings were open to
46 anyone who wanted to attend and listen and two caucuses did. DNR is attempting to do phase one in
47 eight meetings on a very complicated subject. There is a true need to add other parts to the manual.

1 Bob Guenther said he would hate to see this come apart without a path forward to come to agreement.
2
3 Aaron Everett said the Board desires a complete board manual product at the November meeting with
4 options for segregation identified in the product. Engel said a summary of caucus concerns would be
5 attached. Everett so ordered it and said the Board will give further direction to Policy on uncertainties
6 at the November meeting.
7
8 Aaron Everett asked the Board to consider the mapping verses literature review issue. He said the
9 allocation is only \$50 thousand dollars.
10
11 Brent Davies said the mapping project is very important for the Board and the public.
12
13 Tom Laurie said he is okay with the Adaptive Management Program Manager making the call.
14
15 Court Stanley said mapping will always be a work in progress.
16
17 Paula Swedeen asked why there would be a trade off in one verses the other.
18
19 Bernath said literature review is on the table as part of the board manual work however, it's not
20 possible given the board manual timeline so Policy Committee picked it up. He suggested Policy
21 Committee bring a plan to the Board to identify gaps before doing mapping. The Chair so ordered
22 without objection, stating the plan must be within the existing budget.
23
24 Bernath stated Policy Committee recognized the overlaps within the Board's motions. Policy's
25 process plan is done except for evaluating DNR's product within the existing scope of the Board's
26 motion.
27
28 Paula Swedeen said the Board needs to look for policy issues, especially the uncertainty issue, when
29 reviewing the board manual. She clarified the Board's motion does not cover the uncertainty issue.
30 Uncertainties will exist. The level of uncertainty and how we will decrease it and eliminate the risk is
31 what we are trying to get to.
32
33 Dave Somers said uncertainty falls outside the board manual. The question is what the management
34 strategy is to decide what to do about the uncertainty. The management call needs to fit in like in
35 watershed analysis. Bernath replied the high bar is set in SEPA rules and the goal is to not accelerate
36 those processes via human causes.
37
38 Aaron Everett said that is not what we assigned at the May meeting. Without going through the steps,
39 Policy Committee cannot make a recommendation on uncertainties. Bernath suggested we could ask
40 in the board manual to provide information on their uncertainties.
41
42 Aaron Everett said if the steps being taken now do not address the uncertainties issue, the Board
43 expects Policy to "take up these questions".
44
45 Aaron Everett will update the Board at the November meeting on the status of DNR's progress to
46 obtain LiDAR including development of a budget request.

1 **PUBLIC COMMENT ON PETITION FOR RULE MAKING TO IMPROVE PUBLIC**
2 **SAFETY NEAR UNSTABLE SLOPES**

3 None.

4
5 **PETITION FOR RULE MAKING ON UNSTABLE SLOPES**

6 Marc Engel, DNR, reviewed the petition for rulemaking on unstable slopes with the Board.

7
8 Dave Herrera said it is premature to start rulemaking as the Board will hear new information at the
9 November meeting. Kirk Cook and Dave Somers agreed.

10
11 Court Stanley said great progress so far and rulemaking is premature. Tom Laurie, Bill Little, Bob
12 Guenther, Paula Swedeen, and Heather Ballash agreed.

13
14 **MOTION:** Heather Ballash moved the Forest Practices Board deny the petition for rule making
15 on unstable slopes dated July 23, 2014.

16
17 **SECONDED:** Kirk Cook

18
19 **ACTION:** Motion passed unanimously.

20
21 **EXECUTIVE SESSION**

22 None.

23
24 Meeting adjourned at 3:30 p.m.

25