



WASHINGTON FOREST PROTECTION ASSOCIATION
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August 12, 2024

Washington Forest Practices Board
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My name is John Ehrenreich and I am the Director of Forest Tax and Economics for the Washington Forest Protection Association (WFPA). I am a Forest Economist with forty years experience with timber and timberland values. I worked on the Cost Benefit Analysis (CBA) for the original Forest and Fish rule package.

WFPA is a forestry trade association representing large and small forest landowners and managers of more than four million acres of productive working forests, including timberland located in the coastal and inland regions of the state. Our members support rural and urban communities through the sustainable growth and harvest of timber and other forest products for U. S. and international markets. For more information about WFPA, please visit our website at www.wfpa.org. WFPA respectfully submits the following comments for the Forest Practices Board's (FPB) August 2024 meeting.

IEc Findings

- IEc determined that Anadromous Fish Floor Alternative (AFF) D meets the objectives of the rulemaking and is the least burdensome alternative. This FPB must choose this alternative under the required rulemaking process under the Administrative Procedures Act (APA). See RCW [34.05.328\(e\)](#).
- IEc determined that Anadromous Fish Floor Alternative A4 will have significant disproportionate impacts on small businesses requiring a Small Business Economic Impact Statement.
- As reported by IEc, the monetized probable costs greatly exceed the monetized probable benefits of Anadromous Fish Floor Alternative A4, whereas IEc found only minor impacts under AFF alternative D where benefits exceed costs.
- The analysis and the findings are based on the 4 Peaks Spatial Analysis and are only as reliable as the spatial analysis. WFPA comments on the reliability of the spatial analysis in a separate memo to the board.

WFPA Comments – Mainly with regard to Anadromous Fish Floor Alternative A4

The IEc analysis of Anadromous Fish Floor Alternative A4 has many problems and will require substantial more work. But an important point of this is that although IEc's current findings show a very large gap between costs over benefits, the problems that need fixing will cause the gap to grow.

Timberland Values

- It does not appear that IEC used a consistent discount rate to evaluate costs and benefits, and instead used a much more punitive discount rate for timberland values greatly underestimating the loss in timberland value when compared to benefits.
- The time value of money, as estimated by the discount rate, is the single biggest cost in forestry.
- For consistency and comparability, timberland losses should be closer to twice the IEC estimates (\$560 million), or the monetized benefits should be half the IEC estimates.
- Monetized timberland losses are presented as annualized values (\$11 million/yr) when the loss to the timberland (\$560 million) occurs all at once the moment the rule passes taking the land out of production.
- This annualization is misleading and calculated incorrectly. The \$560 million is annualized using a 2% discount rate whereas the \$560 million present value is determined using a 4.3% discount rate. Note that the \$11 million per year at a 2% discount rate will not return the \$560 million present value starting point over the analytical time horizon. An appropriate annualization would be about \$24 million/yr.
- IEC used market rates collected over a period with a midpoint of ten years ago. Although IEC 'inflated' those values to 2023 dollars, there has been a real increase in timberland sales values since that time thereby underestimating the timberland impact.

Regional Economic Impact

- IEC made spurious assumptions in their discussion of regional impacts that are inconsistent with the rest of the analysis, resulting in a conclusion that would not be a regional economic impact. For instance they assumed that the loss of 120,000 acres will only reduce harvest volume by less than a million board feet per year.
- This is inconsistent with their 'annualization' that forest landowners would lose \$11 million per year. Since the average stumpage value is \$439/thousand board feet (MBF) (according to the WA Dept of Revenue, DOR), this would necessarily mean the annual loss is over 25 million board feet per year.
- If we assume the 130,000 acres are harvested over a 55 year time horizon that means that over 2,300 acres per year are not harvested. Since the DOR average harvest is 29 mbf per acre, the loss in mbf is closer to 66 million per year.
- Since common multiplier is about 10 direct jobs per million board feet, a back of the envelope analysis would mean the loss of over 600 jobs per year.
- It is not clear to us why IEC chose not to discuss the cultural implications of further acreage withdrawal and harvest reductions on rural harvest-based culture and economy.

Fish Abundance – A4

- IEC estimates that anadromous fish population will increase by about 1,200 individuals under Anadromous Fish Floor Alternative A4. This is improbable for several reasons:
- The fish model used is only valid for very short distances beyond last fish, and does not take into account diminishing marginal returns. The model is linear in nature and depends on channel width as one of its components. But it does not account for narrowing channel width with upstream movement.
- It does not make sense that there is habitat beyond the known or concurred end of habitat, just as it does not make sense end of habitat is downstream of the known or concurred end of habitat. The analysts simply assumed that if the rule alternative designates habitat in a

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different place than the known or concurred habitat, then it must be habitat. There is very little discussion about the probability of this.
 - The 1,200 modeled additional anadromous fish is so small that it cannot be statistically separated from zero additional fish. It cannot be said that they will 'probably' be produced.
 - A cause and effect relationship could never be established. Given the annual variability of fish returns, a fisheries manager could never establish that A4 resulted in any additional anadromous fish.

Assumptions and Conclusions

Many assumptions and conclusions are speculation and unsubstantiated or do not meet the legal requirement of 'probable' under the APA. This is particularly true of the non-monetized benefits.

Acreage Impact

We cannot replicate IEC's estimate of acres taken out of production and believe it is underestimating the impact. We need to see how they derived the acreage impact.

Carbon Impact

We cannot replicate IEC's estimate of the carbon impact, and are surprised and the direction and magnitude. We need to see how they derived the acreage impact.

Thank-you for your time,
John Ehrenreich
WFPA



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Re: Water Typing Rule Making, Np Buffer Rule Making, CMER Membership

Washington Forest Protection Association (WFPA) is a forestry trade association representing large and small forest landowners and managers of more than four million acres of productive working forests, including timberland located in the coastal and inland regions of the state. Our members support rural and urban communities through the sustainable growth and harvest of timber and other forest products for U. S. and international markets. For more information about WFPA, please visit our website at www.wfpa.org. WFPA respectfully submits the following comments for the Forest Practices Board's (FPB) August 2024 meeting.

Water Typing Rule Making

WFPA has submitted comments regarding the challenges and opportunities associated with the water typing rule making during multiple meetings over the last several years, most recently in May 2024. Those comments are incorporated by reference here. The main focus of these comments is the recent anadromous fish floor (AFF) and potential habitat break (PHB) spatial analysis results. Spatial analysis results are the foundational underpinning of all the required rule making analyses to follow; therefore, the FPB should have high confidence in the base data, analysis methods, and results. Multiple spatial analyses of the various AFF and PHB alternatives have been completed since 2018 and the results have been different, sometimes substantially so. One relative constant is we keep trying to "solve" the so-called water typing problem the same way, by utilizing whatever data happens to be available to evaluate different approaches for determining the F/N break. These efforts have suffered from two primary challenges: 1) lack of clarity or agreement on the problem needing to be solved and the associated performance objectives, and 2) data and analysis limitations, resulting in high uncertainty. These two problems have plagued water typing since the first attempt at developing a model-based map in the early 2000s and still do today. It's instructive to review the results and recommendations from that effort compared to the current situation¹, most of the recommendations are still highly relevant.

The FPB's proposed rule retains a field survey method as an optional approach for determining the F/N break. Landowners who choose to forego a field survey will utilize the existing default physical criteria (DPC) to determine the F/N break. Small forestland owners may request technical assistance from the department in determining the F/N break. The fish habitat assessment method (FHAM), recommended by TFW Policy is the proposed field survey approach. FPB objectives for the water typing system were stated in August 2015², which includes, but are not limited to, making methods as accurate as possible, minimizing error, minimizing e-fishing, and reducing subjectivity. At the February 2018 meeting, the FPB chair asked

¹ [CMER 03-313 The development & assessment of prem model for ID fish habitat in W WA](#)

² [fpb_minutes_20150811](#)

caucuses to submit PHB recommendations, the concept of an AFF was also proposed during the discussion³. Caucus proposed PHBs and the concept of an AFF was immediately incorporated into the rule making process. Since then, considerable time and effort has been spent debating the objective of the AFF, at least three different spatial analyses of various alternatives have been completed, and several unsuccessful attempts were made to converge on a single alternative. In 2022, the FPB accepted two different AFF alternatives and clarified the AFF objective⁴. In short, the AFF is a location on any given stream downstream from which anadromous fish use is presumed and upstream from which FHAM (or the DPC if a landowner chooses not to survey) is used to determine the F/N break. Therefore, in order to conduct FHAM, fish use needs to be likely.

Under current practice, the protocol survey is started near the upper limits of fish use and proceeds for at least ¼ mile upstream of the upper most detected fish to ensure upstream fish use is unlikely. The upper most detected fish is a resident fish more than 95% of the times⁵. The F/N break is proposed at a stream feature which is likely to limit upstream use by fish, this can be coincident with or upstream of the upper most detected fish. These features are often a distinct gradient change, a vertical or non-vertical obstacle, a reduction in stream size, or some combination of the three. Consequently, the proposed rule containing FHAM and PHBs, and an AFF if the FPB so chooses, should not be a substantial change from current practice, in either the upstream or downstream direction. Procedurally and technically, this is a critical point for the landowners because the FPB has no Adaptive Management Program (AMP) information to indicate there is a resource protection problem with current practice. In fact, relevant information produced by the AMP strongly suggests the opposite⁶. Further, results of various analyses of PHB and AFF alternatives have a high degree of variability, and outright disagreement in some cases (see attachment A and B). The latest results indicate no difference between PHB alternatives and they're all 200+⁷ downstream of field determined F/N breaks. One piece of consistency in various spatial analysis results appears to be AFF alternative A4 often runs upstream of concurred F/N breaks to varying degrees. This would preclude the use of FHAM in an unknown number of cases on uncertain lengths of stream. According to the proposed rule language, landowners can overcome this by requesting an ID Team and receiving approval to survey within the AFF. Therefore, ID Team requests, and associated surveys, would likely increase over the baseline, perhaps significantly if the spatial analysis estimates are anywhere near correct. Therefore, given variable and non-repeatable spatial analysis results, there is little to no logical justification within the context of the FPB's stated rule making objectives referenced earlier in this letter and those in the CR-101⁷ to choose one PHB alternative over another. The AFF concept clearly needs more technical justification work to be considered further in a rule making process.

Additionally, the most recent spatial analysis is incomplete since it cannot reliably detect all the features of interest in each PHB alternative. One of the reasons the PHB spatial analysis has been redone, twice, is because the one performed in 2018 did not consider the stream size criteria. Four Peaks states in their report the gradient change criterion in each PHB alternative is the dominant feature determining the estimated F/N break, the other criteria could not be reliably detected with the available LIDAR. In addition, a key feature of AFF alternative D, tributaries below the upper most observed or presumed anadromy in the Statewide Integrated Fish Database (SWIFD) which do not have a gradient change or obstacle PHB at the junction, were not included in the analysis. This error appeared to exist in the analysis conducted last spring and

³ [fpb_minutes_20180213_14](#)

⁴ [fpb_minutes_20221128](#)

⁵ In more than 9,800 surveys conducted over more than 20 years, ~40% did not encounter any fish (surveys began upstream of all fish), ~58% encountered resident fish (e.g., cutthroat, sculpin), and 2% encountered anadromous fish (e.g., coho, lamprey). Data are available upon request.

⁶ See Cole and Lemke, 2003

⁷ [CR-101 for Water Typing Rule Making](#)

WFPA made a point of asking the question and reminding FPB staff these tributaries needed to be evaluated. However, statements in both Four Peaks' and IEc's recent reports indicate these tributaries were again not included. Incomplete analysis with uncertain results means the FPB cannot reliably estimate the impact to the regulated community nor other users of the HYDRO database (e.g., counties). Spatial analysis results are clearly dependent on who is doing the work, the methods employed, assumptions made, and the limitations of the available data. In the end, no GIS based spatial analysis can more reliably identify habitat likely to be used by fish than a field-based survey. Given multiple similar attempts and results not aligning with expectations, taking a different approach is recommended. None of the water typing system components - AFFs, PHBs, DPC - have been rigorously examined in the field under an experimental study design. If the FPB wants to proceed with these components, we recommend that be the priority.

Fortunately, since mid-2020 CMER and ISAG have been working to catch the AMP science up to the rule making process. Of course, this is not how the regulatory system for aquatic resources is supposed to work, we are supposed to do the science work first^{8,9}. In any case, the PHB field validation study is beginning implementation this year, the DPC validation study design add-on is being developed¹⁰, the AFF field validation study design and LiDAR model development are in the queue. The PHB field validation study will collect channel feature data downstream and upstream of the upper most fish, including up to the DPC. The study will also estimate seasonal and annual variability of upper most fish. The criteria associated with the FPB's accepted PHB alternatives will be evaluated against the stream channel data to determine which alternative best estimates habitat likely to be used by fish. In addition, the study will evaluate if a different set of PHB criteria performs better than the FPB's accepted PHB criteria. Consequently, a new set of PHB criteria may result from the study^{11,12}.

In the meantime, the FPB can move ahead with proposed rule and Board Manual (BM) revisions consistent with the consensus and majority recommendations from TFW Policy in 2017. For example, FHAM could be incorporated into the rule and PHB descriptions could be incorporated into the BM. Publicly available data depicting known/presumed anadromous fish use (i.e., SWIFD) could be incorporated into the HYDRO database. There may be additional process or guidance clarification opportunities which can serve to reduce subjectivity, minimize e-fishing, and increase predictability and stability of the overall water typing system while field-based AMP science is being conducted.

Np Buffer Rule Making

Over the last year and a half WFPA has submitted several comment letters detailing the procedural defects with the Np buffer rule making. To briefly summarize, beginning in 2019 the AMP policy deliberation process was steered down a path which was constrained and inconsistent the Forest Practices Act and Rules regarding AMP resource objectives¹³, the plain language of Ecology's antidegradation tier II rules¹⁴ and supplementary guidance¹⁵, existing practice associated with other non-point source land uses, and internal communication amongst Ecology staff about how the tier II process works. Namely that any temperature changes greater than 0.3 °C in streams which are cooler than the designated use temperature standard, regardless of magnitude and duration, is not allowed. This edict is repeated over and over in TFW Policy

8 [RCW 76.09.370](#)

9 [WAC 222-12-045](#)

10 [AMP water typing update_05112023](#)

11 [Final PHB Study Design_03202019](#)

12 [tfw_phb_prosp_6_quest](#)

13 [RCW 76.09.370, WAC 222-12-045](#)

14 [WAC 173-201A-320](#)

15 [Supplemental Guidance on Implementing Tier II Antidegradation](#)

documents, including the Np Technical Workgroup report¹⁶, Triangle and Associates dispute resolution report¹⁷, and the Majority Report on Np stream buffer recommendations¹⁸. While understandable as a policy preference, this position is clearly not a regulatory limit and we have provided the FPB with abundant evidence to demonstrate that. While we are still hopeful for an amicable resolution to this issue, time is drawing short as the rule making process moves forward.

Another issue the FPB will have to wrestle with in the near future is the costs/benefits associated with the options contained within the one Np buffer rule making alternative being considered. The most recent spatial analysis from Four Peaks provides the estimated buffer area change associated with the alternative, it is nearly a doubling of buffer area. Using the numbers reported by Four Peaks, the additional buffer cost is ~\$20+ Billion. Using an estimated land/timber value reported in IEC's recent preliminary cost/benefit analysis for the water typing rule making, the cost is ~\$6 Billion. In either case, these extremely high costs will likely present a problem for the FPB in the decision-making process. We suggest it would be wise to start discussing how to address that potential problem now, rather than wait until it's fully materialized.

CMER Membership

WFFPA supports the Adaptive Management Program Administrator's (AMPA) recommended action to address the CMER membership issue. However, the description of WFFPA's situation is incomplete and not quite accurate. WFFPA should correct the record regarding their membership and intentions. In addition, we do not support the AMPA unilaterally favoring one TFW Policy recommendation over the other in response to the SAO performance audit. If TFW Policy wants to reconsider its recommendations, or the FPB directs us to do so, that is acceptable. Sidestepping our agreed to process in responding to the SAO audit is not.

Thank you for the opportunity to comment, should you have any questions I can be reached at dcramer@wfpa.org or (360) 280-5425.

Sincerely,

Darín D. Cramer

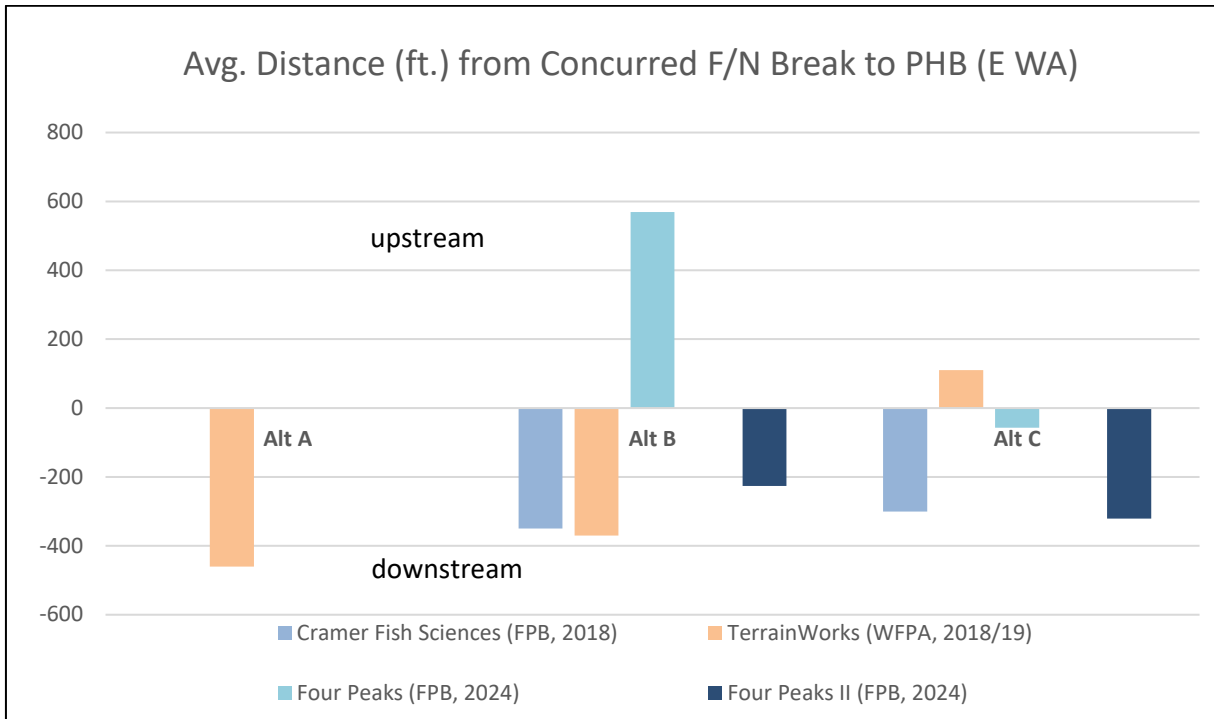
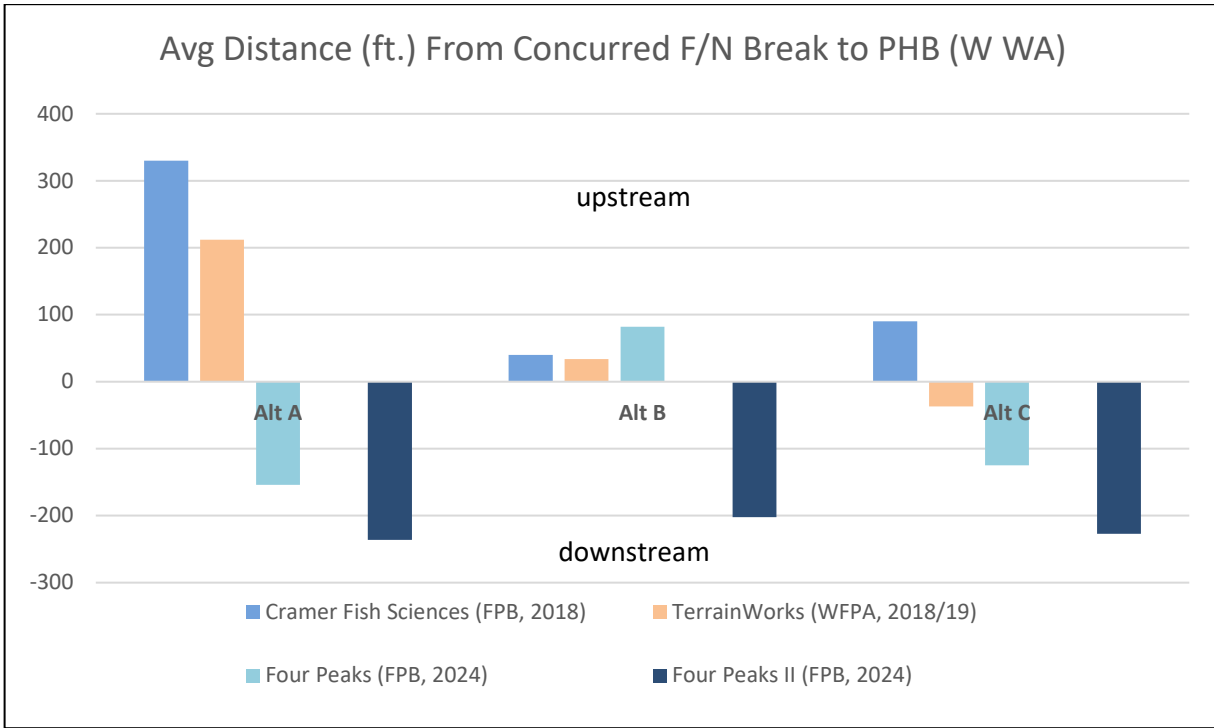
Sr. Director of Forest & Environmental Policy

¹⁶ [tfw_policy_type_n_workgroup_review_final_052021](#)

¹⁷ [fpb_meeting_packet_20221109](#)

¹⁸ [fpb_mtg_packet_20221031](#)

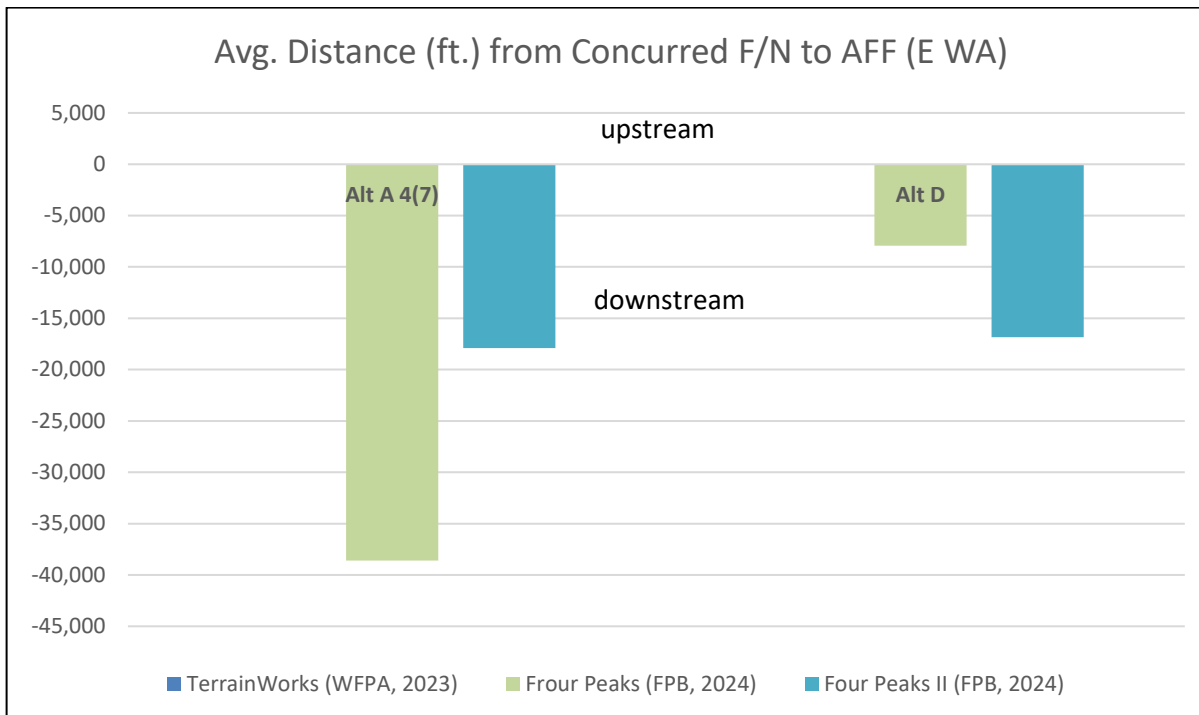
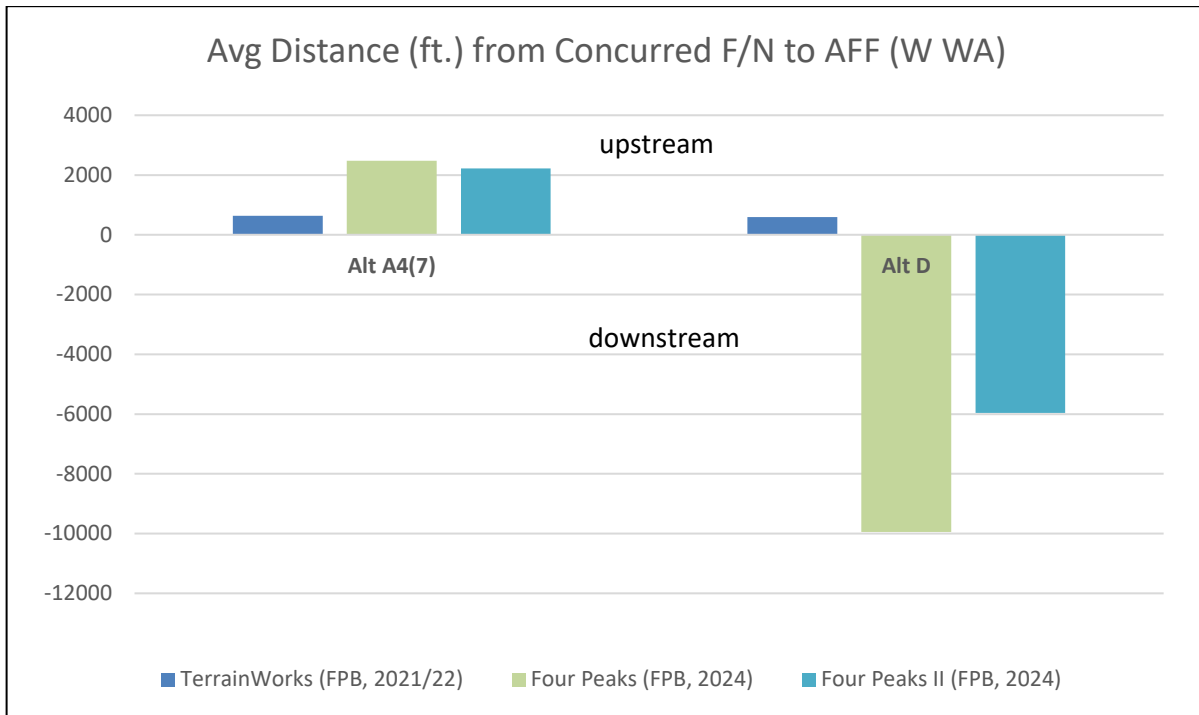
Attachment A - PHB Spatial Analysis Results, 2018 - 2024



Field determined F/N breaks are represented by the 0 on the y axis. WFPA's independent analysis performed by Terrain Works is included here for comparison since the FPB also used Terrain Works for the W WA AFF analysis. None of these results have been field validated.

We asked Terrain Works to evaluate PHB alternative A in EWA as it was unclear if it would apply or not.

Attachment B - Anadromous Fish Floor Spatial Analysis Results, 2021 - 2024



Field determined F/N breaks are represented by the 0 on the y axis. AFF alternatives were not evaluated in EWA in 2021/22 by the FPB; therefore, WFPA contracted with Terrain Works to run the analysis in the Naneum basin, the only basin from our prior work with an anadromous fish population. Terrain Works results were positive (upstream) for both alternatives, although barely so, less than 50', thus results are not visible at the chart scale.

25 July 2024

To: The Washington Forest Practices Board
From: Chris Mendoza, Conservation Caucus, Board – approved CMER member
Subject: CMER co-chair position.

Dear WA Forest Practices Board (Board):

I have been a Board-approved CMER member for 20 years (2004) and served as CMER co-chair on two separate occasions (with prior fellow co-chairs Marc Hicks – Ecology, Terry Jackson – WDFW, and Doug Hooks – WFPA). I am honored to have served the Board over that time, grateful for the WA accolade plaque bestowed on me by the WA Department of Natural Resources for my service as CMER co-chair, and hope to continue to do so in the future. I am writing this letter in response to the CMER committee's failure to elect a new CMER co-chair at our June 25, 2024 meeting to replace Mr. A.J. Kroll (WFPA) who has served two consecutive terms as CMER co-chair, despite the fact that a viable candidate from the Westside Tribes NWIFC (Mr. Ash Rohrbach) was nominated consistent with the CMER co-chair rotation schedule (attached) and the Board's approved CMER Protocols and Standards Manual (PSM) referenced in DNR's Adaptive Management Board Manual (Section 22).

Inconsistent with CMER's formal process, a vote was never taken after last minute concerns were raised by WFPA members over the Eastside Tribes having two Board-approved CMER members (WFPA has three Board-approved members). Moreover, Mr. Kroll was nominated for a third term despite the CMER PSM clearly stating CMER co-chairs are to serve no more than two consecutive terms, and WFPA has had three different members from their caucus serve as CMER co-chairs over the last 9 consecutive years (2015-2024 - Doug Hooks, Jenny Knoth, A.J. Kroll). While it is not uncommon for a CMER co-chair to serve two consecutive terms when the next CMER member up on the caucus rotation schedule needs more time to prepare for their term, never has a Board-approved CMER member stood in the way of another member who was nominated following the co-chair rotation order who is willing to serve, until now. Nor has a Board-approved CMER member ever attempted to run for three consecutive terms defying the two year term limit that all CMER co-chairs agreed to abide by in accordance with CMER's PSM.

CMER's Co-Chair Nomination Process

The CMER PSM clearly states that CMER co-chairs may not serve more than 2 consecutive terms and Mr. Kroll recently finished serving his second consecutive term June 2024. The PSM states:

“3.2.2.3 CMER Co-chair Nomination and Selection Process

Co-Chair Term and Eligibility:

CMER Co-chairs serve two-year terms when selected. It is preferable to find a new co-chair, when possible, to serve consecutive terms to keep with the practice of rotating caucuses filling that position. Co-chairs may serve more than one term, but no more than two terms consecutively if they are nominated and selected each time.”(emphasis added).

One year ago, at the June 24, 2023, CMER meeting Mr. Kroll was voted to serve a second consecutive, limited one year term to stagger the CMER co-chair rotation while also giving the NWIFC Westside Tribes one year to prepare for and find a Tribal member to serve as CMER co-chair following the caucus rotation order (Westside Tribes last CMER co-chair position was 2007- 2008, Nancy Sturhan). The June 24, 2023, CMER meeting minutes state:

“CMER Co-chair vote:

A.J. Kroll has accepted another 1-year term to reinstate the stagger rotation for the position. All nominees confirmed with their employers there is support for serving their position. There was a vote. Aimee McIntyre was elected as co-chair serving a 2-year term and A.J. Kroll was elected as co-chair serving a 1-year term.” (CMER meeting minutes, June 2023).

The CMER vote followed the CMER PSM which makes clear that co-chairs may serve only a one-year term when two co-chair vacancies occur on the same year, which was the case in June 2023. The CMER PSM states:

“3.2.2.3 “In the event of two concurrent vacancies, to maintain the CMER co-chair stagger rotation, CMER may select a co-chair to a one-year, three-year term, or a one-year extension to restore the order of selection.”

Based on the CMER meeting minutes from June 2023 above, the CMER vote has resulted in Mr. Kroll completing a second, one-year consecutive CMER co-chair term as of June 30, 2024. Having now served 2 consecutive CMER co-chair terms since 2020, Mr. Kroll is no longer eligible to be nominated or serve another term according to the Board’s approved CMER PSM (Chapter 3.2.2.3, 2024) that Mr. Kroll voted to approve as CMER co-chair.

The CMER Co-chair Rotation Schedule

The CMER Co-chair rotation schedule outlines who has served as CMER co-chair since year 2000 by caucus, when they were voted in, their term length, who replaced them, and which caucus is up next in the order. Ideally, every caucus takes their turn in order, but there have been cases where caucuses have needed more time to find a co-chair before serving their term. As mentioned above, under such circumstances a sitting CMER co-chair may serve a second consecutive term when no other caucus steps forward to take their place which has been the case by several sitting CMER co-chairs. The CMER PSM states:

“3.2.2.3 CMER Co-chair Nomination and Selection Process

CMER should reference the caucus rotation table when making a nomination.”

Even if Mr. Kroll was eligible to be nominated as co-chair, which he is not having just completed serving two consecutive terms as of June 30, 2024, his caucus WFPA has had three consecutive Board-approved CMER members serve as CMER co-chair over the last 9 years from 2015 through 2024 (Doug Hooks – WFPA, Jenny Knoth – Green Crow, A.J. Kroll WFPA). Therefore,

WFPA's co-chair rotation has long past been fulfilled so it's puzzling why Mr. Kroll is challenging the Westside Tribe's legitimate nomination for CMER co-chair following the order of the co-chair rotation schedule. When questioned about this at the June 2024 CMER meeting, Mr. Kroll's response was that he "doesn't answer to" CMER. As a Board-approved CMER member I beg to differ since we are the ones that voted him into a second, limited one-year term specifically to give the Westside Tribes more time to find a CMER co-chair candidate and stagger the rotation, which the NWIFC has done following a legitimate nomination process outlined in the PSM.

Had Mr. Kroll divulged back in June 2023 that he would be running for a third consecutive term the following year, thereby challenging the Westside Tribal nomination intended to rightfully replace him based on the co-chair rotation schedule, his nomination would very likely not have succeeded. Arguably, Mr. Kroll's June 2023 CMER co-chair second term was approved by CMER voting members under false pretenses. Moreover, as CMER co-chair Mr. Kroll is supposed to uphold his "roles and responsibilities" that he approved in the CMER PSM, which include:

"3.2.2 CMER Co-chairs

In general, the CMER co-chair duties are as follows:

1-11,

12. Ensure CMER ground rules and other CMER rules, protocols, and guidelines are followed."

"3.3.2 CMER Ground Rules

CMER participants will engage in actions that promote productive meetings and will encourage the active participation of each individual member. Examples of these actions are:

1. To understand.
2. Pursue win/win solutions.
3. State motivations and justifications clearly. Discuss issues openly with all concerns on the table.
4. Avoid hidden agendas.
5. Ensure that each individual has a chance to be heard.
6. Help others move tangent issues to appropriate venues by scheduling a time to discuss these issues later.
7. Start and stop meetings on time.
8. Take side conversations outside – listen respectfully.
9. Define clear outcomes for each agenda item and designate a discussion/agenda item leader.
10. Respect discussion leaders.
11. Be trusting and trustworthy.
12. Acknowledge and appreciate the contributions of others, even when you disagree."

WFPA's attempt to usurp the CMER co-chair position away from the Westside Tribes, who have not had a CMER co-chair serve since 2008 (Nancy Sturhan), goes against CMER's ground rules, the CMER PSM, and fails to uphold the CMER co-chair's roles and responsibilities.

Mr. Kroll, as CMER co-chair, is on record voting to approve his co-chair responsibilities and Ground Rules while presiding over CMER meetings (CMER meetings 2023, 2024), but has flagrantly placed himself above those very standards he now expects all other Board-approved

CMER members to follow. Mr. Kroll does answer to the Board who appointed him, if not to CMER, so I respectfully, encourage the Board to consider the facts and CMER process documents on this issue thoroughly and thoughtfully before deciding the fate of the open CMER co-chair position. For the above reasons, I will be casting a vote of no confidence in Mr. Kroll's CMER co-chair ship.

The Westside Tribes, Northwest Indian Fisheries Commission have nominated a qualified CMER co-chair candidate, Mr. Ash Rohrbach, adhering to CMER's protocols and standards and the CMER co-chair rotation schedule. I've worked with Mr. Rohrbach since 2004 within DNR's AMP when he was initially hired as CMER science staff. Since then, Mr. Rohrbach has co-authored several CMER studies (e.g., The DFC Validation Report 2005, DFC Model Sensitivity Report 2006, Riparian Hardwood Conversion Report 2010) and helped organize and manage the first major effort to revise CMER's protocols and standards by hosting bi-weekly meetings at the NWIFC office in Lacey, WA for nearly a year. He has also attended well over a decade of CMER and TFW Policy monthly meetings and served as a technical advisor to his TFW Policy representative like many other Board-approved CMER members. Mr. Rohrbach is intimately familiar with CMER's science, protocols, and process, TFW Policy, the FP Board and how they relate to and function under DNR's Adaptive Management Program. Based on his nearly 2 decades experience working within the AMP in a variety science-related positions, Mr. Rohrbach is uniquely qualified and will need very little if any onboarding as CMER co-chair.

Inequity in the Number of Board-approved CMER Votes by Caucus

Lastly, there is inequity in the number of Board-approved CMER voting members per caucus (WFPA 3 votes, WFFA 2 votes, NWIFC 2 votes, Eastside Tribes 2 votes, WDFW 1 vote, Ecology 1 vote, Counties 1 vote, Conservation Caucus 1 vote). Those caucuses with more than one CMER vote always vote as a block under consensus style voting. However, when the vote count is simply cast under a tally system where simple majority prevails (like the FP Board) than the CMER caucuses with more than one vote have a disproportionate influence on the outcome of the vote. This is the case when voting for CMER co-chair when consensus is not required, and at least partly explains how WFPA members have been able to serve as CMER co-chair for the last consecutive 9 years by electing 3 different members of their caucus to serve from 2015-2024.

To remedy this voting inequity, the WA Forest Practices Board could simply direct CMER voting members to operate under a one caucus / one vote system. This is how TFW Policy is structured and the Board for that matter. The Board would not need to "relieve" any previously approved CMER members currently active at CMER and/or the SAG level as they would continue to participate and attend CMER meetings, serve on SAGs, or confer with their caucus voting member as they currently do. It would also improve efficiency in the AMP by forcing all caucuses to manage their internal staff time more affectively ensuring their CMER voting member was fully informed by all their caucus members before voting. Having only one vote for the Conservation Caucus, I fully support a one vote per caucus system at the CMER committee.

References:

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