

Timber, Fish, & Wildlife Policy Committee
February 6, 2014 Meeting Summary

Decisions and Actions from Meeting

Decision	Notes
Accepted January 9, 2014 meeting summary with one edit.	By all caucuses present
Accepted prioritization flowchart.	By all caucuses present
Approved Mass Wasting outline of recommendations with minor edits.	By all caucuses present
Agreed to have the first meeting for caucus leads to discuss the schedule for Board Manual development stakeholder processes.	By all caucuses present

Action	Assignment
Follow up with Jim Peters about relationship between RMAP rulemaking and culvert case.	DNR
Send table and update it with the legislative bills.	DNR
Revise AMPA's quarterly status report.	Jim Hotvedt

Welcome & Introductions– Stephen Bernath and Adrian Miller, Co-Chairs of the Timber, Fish, & Wildlife Policy Committee (Policy), welcomed everyone and led introductions (*see Attachment 1 for a list of attendees*). There were no changes to the draft agenda.

January 9, 2014 Draft Meeting Summary – A Policy member suggested a clarifying edit to one section of the previous meeting's summary. The meeting summary was accepted as final with that edit.

Prioritization Flowchart – The Co-Chairs and facilitators explained the revisions to the prioritization flowchart based on Policy's conversation at the January 2014 meeting. This can serve as a tool for Policy to use when there are competing topics to address, though it is not a prescriptive process.

A Policy member suggested that this be used as much as possible, and when Policy agrees to wait to address a topic until a subsequent year, it should be recorded in the "parking lot" at the bottom of the month-by-month workload.

Policy discussed the role that the Co-Chairs play in setting the agendas and priorities for the committee. The priorities are pre-set primarily by the Board without much input from the Policy Co-Chairs. This prioritization flowchart should be used for topics that come to Policy outside the Board's priorities, and helps ensure that the whole group makes a conscious decision, together.

Informal Decision: The Policy Committee accepted the prioritization flowchart as a tool with no additional changes.

Mass Wasting – Adrian Miller thanked everyone for collaborating to complete the recommendations outline. The group went through three substantive edits but there was no word-smithing to the outline since it needed to be ready to go to the Board the following Tuesday (February 11).

The first edit removed an entire clause, which had been originally inserted to acknowledge that DNR will continue to have geologists supervised out of the same centrally located area. This is important to the Tribes, but since everyone has verbally acknowledged this detail and there will be no change to procedure, Policy agreed to remove this section from the recommendations outline.

The last edits did not change any meaning but helped clarify that DNR will follow-up with landowners if they note they excluded a potentially unstable slope as part of the submitted Forest Practices Application. There was a bit of discussion about how much to clarify the language without getting too nit-picky. Policy agreed to some clarifying language which satisfied all caucuses.

Decision: A vote showed unanimous support for the recommendations outline with these few changes, and will go to the Board on Tuesday, February 11.

Forest Practices Board Update – DNR staff will update the Board on various topics at next week's quarterly Board meeting. This includes the following:

Board Manual development:

DNR will start a general Board Manual section overview. A few years ago, DNR looked at updating the sections and some have been updated but others have not for many years. Section 22 will be re-opened and updated for those sections that were not revised in late 2012/2013. The settlement agreement had a tight timeline which is why some sections were not revised until now. The hope is to have Section 22 ready for the Board's May 2014 meeting. Marc Ratcliff will contact the Policy caucus leads for who from their caucus they want to participate in the Section 22 review, to start in March.

Section 23 is on hold until the default wet season methodology is agreed to. RMZs are also on hold until there is a rule in place.

DNR is tasked with keeping the Board Manual current, in consultation with the Adaptive Management Program (AMP). Anything that pertains to aquatic resources pertains to Policy, and though updating the Board Manuals is a DNR process, it uses the same players as the AMP process. Some Policy members considered using the prioritization flowchart to see when it would make the most sense to do the Section 22 review, and it was also mentioned that Policy may get more direction from the Board on specific topics next week.

Informal Decision: Policy encouraged DNR to convene the first general meeting for Policy leads to talk about the various stakeholder processes for Board Manual development. That, plus the outcome of the February Board meeting, may help prioritize which process(es) to focus on first.

Clean Water Act Assurances:

Also at the February Board meeting, the Department of Ecology (Ecology) will update the Board on the remaining Clean Water Act Assurances. Ecology's report will include only the last six months in which no milestones were met, though there was some movement on projects.

Water Typing:

The Adaptive Management Program Administrator (AMPA) will bring the water typing dispute to the Board, which includes the written submittals from each caucus plus a cover letter from the AMPA describing the parameters of the dispute. The Chair of the Board asked that all Policy leads be present at the Board meeting in the event the Board has specific questions for them. Policy discussed what this section of the Board meeting would look like, including one caucus's concern to be available for Board questioning because of the internal caucus structure. While many Policy members speculated how the Board would address this agenda topic, overall everyone admitted that there was no certainty and is prepared to answer in the best way possible for their caucus.

Road Maintenance & Abandonment Plan (RMAP) Rulemaking:

Gretchen Robinson from DNR talked to Policy about the RMAP rulemaking update she will give to the Board next week. Now that the RMAPs are being completed and the deadlines are being met, DNR is looking at how to handle road maintenance in the future. DNR will request a CR-101 at the February Board meeting, the first of three steps in the rulemaking process.

DNR knows that most landowners maintain their roads, but there are some situations like intense weather events or property purchase that lead to degraded road systems. DNR's suggestion for the rulemaking is if DNR evaluates that maintenance is inadequate, they would require the landowner to restore the road. This language is based upon language that was used by DNR years ago before RMAPs existed. DNR will plan to do a stakeholder process on this in the spring, have draft rule language in August, and have the Board adopt the language in November. This language will not extend any current RMAP obligations.

There was a question about how the culvert injunction case will affect this RMAP language. DNR will follow up with the westside tribal caucus lead to answer that.

This language would only affect those with current RMAPs, so small landowners are often exempt from RMAPs so they would be exempt from this rule language as well.

DNR thanked Policy for this initial feedback, which will be incorporated into the stakeholder process as well.

Legislative Update

AMP Funding Bill:

Stephen Bernath updated Policy on the AMP funding bill (SB 6478 and companion bill HB 2747). Assuming this bill gets support and makes it through the legislature, this would complete a Clean Water Act milestone.

The bill would re-direct 0.2 of 1% of the forest excise tax from the general fund into a special account that would augment the Forest & Fish Support Account (FFSA). This increase in money should help with the anticipated increase in projects that the AMP will begin next biennium. The bill also caps how much spending goes to the AMP. If there is not much money in the account, less spending can happen. If there is a boom year and a lot goes into the account, the surplus above the cap is diverted to a new account for the forest incentive programs (the Family Forest Fish Passage, Forestry Riparian Easement, and Riparian Open Space Programs). Additionally, the state auditor will audit every 4 years to make sure the money is being spent on what it is intended for; this is typically \$100,000 per audit and will be paid for from the FFSA fund. Also, the Washington Institute for Public Policy will look at the AMP's efficiency every 5 years.

Other bills of note:

- HB 2192/SB 6045: would create an additional avenue of appeal for Forest Practice decisions. Landowners would have an additional opportunity to appeal to Superior Court in addition to simultaneously going to the Pollution Control Hearings Board. This is sponsored by Representatives Smith and Hanson and has passed through committee.
- HB 2312/SB 6417: would add a chapter to RCW 70 to help state agencies meet responsibilities of the Civil Rights Act and Executive Order on environmental justice. This would identify and maintain a list of vulnerable populations across the state would bear disproportionate environmental degradations. Adds an additional element to be considered with every forest practice.
- SB 5821/HB 1236: would establish consistent standards for agency decision-making. Would require a 2-week permit approval process for all agencies, and if an agency misses that 2-week timeline, would report to the legislature why they have not met that timeline. This would shorten the 30-day or 45-day timelines for forest practices. Sponsored by Senators Benton and Pike.
- SB 6288/HB 2472: would threaten Ecology's ability to take action for potential to pollute, requiring Ecology to take samples before compliance or enforcement actions. This affects Ecology's work with sediments and roads, and could interfere with Ecology's non-point pollution authority around roads.
- SB 6341: deals with wood certification for LEED certification because many current LEED standards discriminate against Washington wood because they are not certified properly.
- HB 2103/SB 5972: would allow property owners to bring a civil action for property damage resulting from a fire that starts on or spreads from public or private forested lands.

DNR will send and update the table of bills they are tracking to all caucuses.

Type N – The Type N Policy Subgroup last met on January 30 to review clarifications that the Type N Technical Subgroup did to refine the data from the tribal and CMER PIP studies. They also heard from the Washington Forest Protection Association (WFPA) about the study on wet season methodologies using FPAs. WFPA will send a formal proposal initiation for the AMP to consider incorporating their study into the body of data. There was some discussion about if the technical subgroup is already using that information or if WFPA needs to formally request that the data is considered for use by the AMP. A formal request would take more time, and the hope is to have draft language before the Board on this

topic at their May meeting, which does not leave much time for Policy and DNR to agree on what methodology and language to use.

Decision: Policy agreed to find a time before the March meeting to have a full Policy meeting, notice it as a public meeting, and discuss only this formal data request.

CMER Update

AMPA's quarterly report: Jim Hotvedt presented a table representing each CMER project and its milestones, dates, deliverables, and notes. Policy thanked the AMPA for creating and updating this table and asked that one thing be added to the table: a section to know what is keeping a project from moving forward, like an "early warning system". It was also suggested that there be a cross-reference coordination between this table and the budget. Jim Hotvedt will revise the table for the next quarterly report.

CMER Co-Chair update: Mark Hicks updated Policy that CMER has approved their revisions to the FY15 workplan, and has begun looking at the budget. Both the workplan and the budget will go to Policy for their review at the March and April meetings, respectively.

CMER used money from the contingency fund to keep Julie Tyson working to finalize the Buffer Shade Amphibian study. Also, the Westside Type F Buffer Effectiveness TWIG is working on the critical questions and problem statement, hopefully to have to Policy by the March meeting.

The meeting adjourned at 12:45pm.

After the main meeting, Policy members stayed to discuss alternatives to facilitation. This conversation may be continued as Policy members see fit.

Attachment 1 – 1/9/14 Meeting Participants by Caucus*

Conservation Caucus

Chris Mendoza
*Mary Scurlock

County Caucus

*Kendra Smith, Skagit County (phone)

Federal Caucus

*Marty Acker, USFWS

Landowner Caucus – Industrial (large)

Adrian Miller, Olympic Resource Management
(Co-Chair)
*Karen Terwilleger, WFPA

Landowner Caucus – Nonindustrial (small)

*Dick Miller, WFFA

*Caucus leads

Others

Gretchen Robinson, DNR
Joe Stohr, WDFW (Board member)
Jim Hotvedt, Adaptive Management Program Administrator
Claire Turpel, Triangle Associates (facilitation team)
Bob Wheeler, Triangle Associates (facilitation team)

State Caucus – DNR

*Marc Engel
Chris Hanlon-Meyer
Marc Ratcliff

State Caucus – WDFW & Ecology

*Stephen Bernath, Ecology (Co-Chair)
Mark Hicks, Ecology
*Terry Jackson, WDFW

Tribal Caucus – Eastside

*Marc Gauthier, UCUT (phone)

Tribal Caucus – Westside

*Jim Peters, NWIFC
Nancy Sturhan, NWIFC (phone)
Curt Veldhuisen, Skagit River System
Cooperative (phone)

Attachment 2 – Ongoing Priorities Checklist

Priority	Assignment	Status & Notes
Type N	Type N policy subgroup	Type N Policy Subgroup to review data analysis of eastside data.
Type F	Board	Waiting for direction/information from the Board for next steps.
Adaptive Mgmt Program Reform Rule Changes		Accepted by Board at August meeting, CR-103 process initiated. Implemented initial changes at November 2013 meeting, will tweak changes for subsequent meetings.
Mass Wasting Report Findings Package		Finalized recommendations outline for the Board meeting.
Ongoing CMER reports reviewed by Policy	Mark Hicks & Todd Baldwin, CMER Co-Chairs	CMER Co-Chairs to give update(s) as needed at Policy meetings; AMPA to give quarterly reports for when CMER studies to come to Policy

*This table notes the Policy Committee priorities that were sent to the Forest Practices Board and any other major topics or issues that arise during the year.

Attachment 3 – Entities, Groups, or Subgroups: Schedule and Notes

Entity, Group, or Subgroup	Next Meeting Date	Notes
Forests & Fish Policy Committee	March 6 & 7, 2014	March 6: dedicated to reviewing and approving CMER workplan. March 7: regular Policy meeting topics.
CMER	February 25, 2014	
Type N Policy Subgroup	TBD	Doodle poll to determine next meeting date(s).
Type F Subcommittee of the Whole		AMPA to present issues at the February 2014 Board meeting.
Forest Practices Board	February 11, 2014	