

FOREST PRACTICES BOARD
SUBCOMMITTEE ON WATERSHED ANALYSIS MASS WASTING PRESCRIPTIONS

November 20, 2009

Old Thurston County Courthouse
Olympia, Washington

Subcommittee Members Present:

David Herrera, General Public Member

Norm Schaaf, General Public Member

Sherry Fox, General Public Member/Independent Logging Contractor

Tom Laurie, Designee for Director, Department of Ecology

Board Staff:

Chuck Turley, Deputy Supervisor for Regulatory Programs

Darin Cramer, Forest Practices Division Manager

Julie Sackett, Forest Practices Assistant Division Manager

Marc Engel, Acting Forest Practices Assistant Division Manager

Paddy O'Brien, Senior Assistant Attorney General

Sherri Felix, Environmental Planner

Guest Presenters:

Kara Whittaker, Washington Forest Law Center (WFLC)

Adrian Miller, Washington Forest Protection Association (WFPA)

Jeff Light, Plum Creek

Evaluating the Effectiveness of Watershed Analysis Mass Wasting Prescriptions (Kara Whittaker)

The WFLC presentation provided a landslide density assessment by WFLC for the areas impacted by the December 2007 and January 2009 storm events. The assessment looked at landslide densities in watersheds with completed 5-year reviews and presented ideas for estimating prescription effectiveness and rule effectiveness. It also assessed how frequently landslide initiation points occurred within the hazard areas identified in completed landslide hazard zonation (LHZ) watersheds and it documented the number of slides that occurred in areas of potential slope instability as identified in the SLPSTABD and soil erosion potential (2000) models. WFLC recommended that the Forest Practices Board:

- Require Class IV-special designation of all watershed analysis mass wasting prescriptions that the landowner cannot demonstrate are effective at protecting public resources, regardless of specificity or the presence of a habitat conservation plan (HCP).
- Determine the effectiveness of watershed analysis mass wasting prescriptions by showing statistically significant decreases in landslide frequency, sediment volume, etc. since watershed analysis implementation.
- Conclude that Class IV-special classification is warranted where existing screening tools indicate a high hazard potential.

Questions from the Subcommittee led to the following information:

- The WFLC determined landslide numbers per storm event and landslide densities based on a broad coarse analysis, regardless of the presence or absence of forest practices activities.

Implementation of Watershed Analysis Mass Wasting Prescriptions (Adrian Miller)

The WFA presentation compared perceived and actual issues, and provided solutions to address the specificity of watershed analysis mass wasting prescriptions and the scale of the watershed analysis program. WFA recommended that the Forest Practices Board:

- Recognize investments made by landowners to implement watershed analysis through HCPs, etc. Specifically, conclude that all prescriptions incorporated in HCPs are specific and protective of resource values, and for non-HCP lands that DNR and landowners review all watershed analysis mass wasting prescriptions for specificity.
- Accept a Washington state licensed geologist as a qualified and trained watershed analysis mass wasting expert.
- Preserve the existing opportunities for Class IV-special exemption in the rules while developing a more cost effective program for the department to administer. Specifically, initiate a stakeholder process to develop a scaled-down watershed analysis program for the mass wasting module, including a process for landowners to opt out of approved watershed analyses mass wasting prescriptions and use standards rules.

Questions from the Subcommittee led to the following information:

- An opt out process may address general mass wasting prescriptions that lead to additional analysis, including SEPA, even if the landowner is avoiding the actual area where mass wasting failures may occur.

Watershed Analysis and Plum Creek's Habitat Conservation Plan (Jeff Light)

Background was given on Plum Creek's Central Cascades HCP, which was signed in 1996 and incorporated watershed analysis as a foundation for aquatic resources protection. The presentation included 5-year review information and the long term monitoring required for the HCP. Plum Creek summarized that:

- Watershed analysis is performing as intended, and still provides the best possible stakeholder involvement in forested watershed management.
- Plum Creek operates under a federally-approved HCP and incidental take permit.
- Watershed analysis lays a solid foundation for aquatic resource protection and monitoring in our HCP.
- DNR should continue to support watershed analysis for those landowners willing to continue their investment in the process.

Questions from the Subcommittee lead to the following information:

- Plum Creek's Quartz Mountain 5-year review cost about \$60,000, not including stakeholders' costs.
- Key learning from reviews diminish as more similarities are discovered, but can't tell what you'll find until a review is done.

Subcommittee Discussion

The Subcommittee discussion involved the following:

- Need to keep scope creep in check.
- Focus on the big picture first, then details.
- Need to determine if the current rule, WAC 222-22-090, is adequate.
- Can the rules be modified to include licensed geologists as qualified mass wasting analysts.
- Whether/How adaptive management can take on any watershed analysis work. Adaptive management determining which (prescriptions? 5-year reviews?) are good.
- Not penalizing landowners for "doing the right thing".

- How to maintain the Class IV-special exemption for approved watershed analysis mass wasting prescriptions for HCP landowners without a rule change.
- How to expedite 5-year reviews.

The Subcommittee agreed to set three meeting dates: December 9 from 9:00-12:00 p.m., January 8 from 1:00-4:00 p.m., and January 20 from 1:00-4:00 p.m.

The meeting adjourned at 3:25 p.m.

Executive Session

None.