

## **19. APPENDIX**

## Appendix #1

### Summary of Clean Water Act Milestones – June 30, 2011

Project #/Name	Project Description	% Complete
1 - Revised Cooperative Monitoring, Evaluation, and Research (CMER) Work Plan	By July 2009, and in subsequent budget and planning years, the Adaptive Management Program Administrator, with the assistance from the Policy and CMER committees, will send to the Forest Practices Board a revised CMER work plan and budget that places key water quality studies as high priorities—as described in section II(c) regarding the Adaptive Management Program.	100% - for current FY
2 - Table 1 Projects	By July 2009, and in subsequent planning years, the projects identified by Ecology in Table 1 will be reflected in the CMER budget and work plan in a manner that establishes a priority schedule for study development. Failure to meet any of the milestones identified without prior consent by Ecology may be viewed as a basis to revoke the Clean Water Act assurances at that point in time.	100% - for current FY
3 – Adaptive Management Program (AMP) Funding Strategy	The Forest and Fish Policy Budget Committee will identify a strategy that will be implemented with caucus principal support to secure stable, adequate, long-term funding for the AMP.	100%
4 - Compliance Monitoring Stakeholder Charter	DNR will complete the Charter for the Compliance Monitoring Stakeholder Guidance Committee, and determine which issues, identified herein, related to compliance monitoring will be dealt with by the committee. This is intended to help move these issues forward on schedule as well as to flag the items for which an alternative process for resolution is needed.	100%
5 - Protocols and Standards Training	The AMP Program Administrator, with the assistance of CMER and Policy Committees, will complete the ongoing training sessions on the AMP protocols and standards for CMER, and Policy. This is intended to remind participants of the agreed upon protocols. Opportunity should also be provided to identify portions of the protocols and associated rules that need revision to improve performance or clarity. Any identified improvements to the Board Manual or regulations should be implemented at the soonest practical time. Subsequent to this effort, the administrator will offer to provide this training to the Board.	75%

<b>Project #/Name</b>	<b>Project Description</b>	<b>% Complete</b>
6 - CMER Project Flagging Process	The AMP Manager, with the assistance of the co-chairs of Policy and CMER Committees, will initiate a process for flagging projects for the attention of Policy that are having trouble with their design or implementation. This process should identify projects not proceeding on a schedule reflecting a realistic but expedient pace (i.e., a normal amount of time to complete scoping, study design, site selection, etc.).	100%
7 - Rule Element Sampling	DNR in partnership with Ecology and with the aid of the CMP stakeholder guidance committee will develop general plans and timelines for exploring options and data collection methods for assessing compliance with rule elements such as water typing, shade, wetlands, haul roads and channel migration zones. The goal is to initiate these programs by December 2011.	100%
8 - Field Dispute Resolution	DNR, with assistance of Ecology and WDFW, will evaluate the existing process for resolving field disputes and identify improvements that can be made within existing statutory authorities and review times. Although resolution of the specific issue at hand should be a goal, the overarching purpose of this milestone is to establish a process that will identify the basis for the dispute, and to put in place revised guidance, training, reporting pathways, other measures that will minimize the reoccurrence of similar disputes in the future. This process should consider how to best involve the appropriate mix of both policy and technical participants to thoroughly resolve the issue at hand.	100%
9 - Stakeholder Road Maintenance and Abandonment Plan (RMAP) Participation	As part of the RMAP annual meeting process, DNR should ensure opportunities are being provided in all the regions to obtain input from Ecology, WDFW, and tribes formally participating in the forest and fish process regarding road work priorities.	99%
10 - Water Type Modification Review Process	DNR in consultation with WDFW, Ecology, and the tribes will develop a prioritization strategy for water type modification. The intent of this strategy will be to manage the number of change requests sent to cooperating agencies for 30-day review so it is within the capacity of those cooperators to respond to effectively. The strategy should consider standardizing the current ad hoc process of holding monthly coordination meetings with agency and tribal staff in all the DNR regions. This should allow group knowledge and resources to be more efficiently used to evaluate change requests.	100%

Project #/Name	Project Description	% Complete
11 - Water Typing On Line Guidance	DNR Forest Practices will establish online guidance that clarifies existing policies and procedures pertaining to water typing. The intention is to ensure regional staff and cooperators remain fully aware of the most current requirements and review processes for changing water type and coordinating the review of multidisciplinary teams.	95%
12 - Certification Framework	DNR, with consultation with Ecology and WDFW (or with the Compliance Monitoring Program stakeholder guidance committee), will establish a framework for certification and refresher courses for all participants responsible for regulatory or CMP assessments. This will be focused on aiding in the application of rules regarding bankfull width, channel migration zone boundaries, application of road rules, and wetlands. Consideration should be given to including a curriculum of refresher courses on assessing difficult situations.	15%
13a, b, c - Individual Landowner Tracking	By June 2010, DNR, Ecology, and WDFW will meet to review existing procedures and recommend improvement needed to more effectively track compliance at the individual landowner level. The goal will be to ensure the compliance pattern of individual landowners can be effectively examined. This should consider the types and qualities of enforcement actions that occur (e.g., conference notes, notices of correction, stop work orders, penalties.)	13a - 100% 13b - 100% 13c - 0%
14 - Riparian Non-Compliance	DNR, with the assistance of Ecology, will assess the primary issues associated with riparian noncompliance (using the CMP data) and formulate a program of training, guidance, and enforcement believed capable of substantially increasing the compliance rate - with a goal of getting greater than ninety percent compliance by 2013. Ecology will consider the rating of noncompliance, since not all infractions have the same effect on public resources (e.g., is it predominately at levels within reasonable field method limits, or likely to occur even with due diligence) when determining if this compliance target rate milestone has been satisfied.	70%
15 - Small Forest Landowner Road Risk Evaluation Strategy	Ecology, in partnership with DNR and in consultation with the Small Forest Landowner advisory committee, will develop a plan for evaluating the risk posed by roads on small forestland ownerships for the delivery of sediment to waters of the state.	5%

Project #/Name	Project Description	% Complete
16 - Type N Rules Evaluation Strategy	<p>Policy, in consultation with CMER, will develop a strategy to examine the effectiveness of the Type N rules in protecting water quality at the soonest possible time. This strategy needs to include at a minimum:</p> <ol style="list-style-type: none"> <li>1. Ranking and funding of the Type N studies as highest priorities for CMER research.</li> <li>2. By July 2012, developing a protocol for identifying with reasonable accuracy the uppermost point of perennial flow, or develop documentation demonstrating the spatial and temporal accuracy of the existing practice used to identify this point.</li> <li>3. By Sept. 2012, completing a comprehensive literature review examining the effects of buffers on streams physically similar to the Type Np waters in the Forest Practices Rules prior to completion of the Type N basalt effectiveness study. This should be conducted or overseen by CMER (or conducted by an independent research entity).</li> </ol>	25%
17 - Alternate Plan Evaluation	<p>DNR, in partnership with Ecology, and in consultation with WDFW, the Tribes, and the Small Forest Landowner advisory committee, will design a sampling plan to gather baseline information sufficient to reasonably assess the success of the alternate plan process. This sampling plan should include how to select sample sites, how to best document the content and assumptions contained in the alternate plan, what to monitor and how frequently to do so, and responsibilities for who will conduct the sampling. The goal of this effort is to initiate data collection in the 2011 field season.</p>	80%
18-Independent Adaptive Management Program Review	<p>The Adaptive Management Program administrator shall initiate the process of obtaining an independent review of the AMP. This review shall be done by representatives of an independent, third party research organization.</p>	5%
19 - Water Type Modification Strategy Review	<p>DNR in consultation with WDFW, Ecology, and the Tribes will complete an evaluation of the relative success of the water type change review strategy. Results of this review would be used to further refine the strategy.</p>	90%

Project #/Name	Project Description	% Complete
20 –Road Maintenance and Abandonment Plan Summary	DNR, with the assistance of large landowners, will provide summary information for all industrial landowners having RMAPs. The summary information will include at a minimum: Date the Road Maintenance and Abandonment Plan was completed, total miles of road covered under the RMAP, total miles describing the strategy for bringing all roads into compliance by 2016 that demonstrates evenflow or otherwise provides confidence that compliance will be attained by 2016. If reasonable and feasible, the summary will show the annual progress on road and barrier improvement that has occurred since the inception of the Road Maintenance and Abandonment Program, and DNR will provide a master summary for all industrial landowners combined.	<1%

## Appendix #2a



WASHINGTON STATE DEPARTMENT OF  
**Natural Resources**  
Peter Goldmark - Commissioner of Public Lands

Caring for  
your natural resources  
... now and forever

September 30, 2010

Ms. Kirstan Arestad  
Senior Budget Assistant  
Office of Financial Management  
PO Box 43443  
Olympia, WA 98504-3443

Re: Forestry Riparian Easement Program Recommendations

Dear Ms. Arestad:

The Legislature created the Forestry Riparian Easement Program (FREP) in 1999 to help offset the diminishing economic viability of small forest landowners from disproportionate impacts of increasing regulatory requirements (RCW 76.13.100). FREP purchases 50-year conservation easements along riparian areas from small forest landowners who have provided riparian protections required by the Forest Practices Rules. Since 2001 the program has purchased 278 easements on more than 4,300 riparian acres. The Department of Natural Resources has submitted a state building and capital account proposal for \$10 million to fund the existing backlog of FREP applications.

In the Supplemental Capital Budget for the 2010 Legislative session (ESHB 2836§ 3041(6)), the legislature directed the Department of Natural Resources (DNR) to work with interested participants to develop recommendations for changes to the FREP (attachment F). The legislature requested FREP reform to clarify eligibility provisions, add prioritization criteria to ensure funding of highest priority easements first, and to find efficiencies in the acquisition process. Recommendations were to be in the form of draft legislation.

In addition the supplemental capital budget appropriation for this fiscal year required DNR to prioritize funding of forest riparian easements. Ninety percent of small forest landowners with existing FREP applications responded with the required additional information, which enabled DNR to follow the legislature's prioritization. Pending Office of Financial Management approval to hire temporary staff and to award personal service cruise contracts, DNR will proceed with easement acquisitions funded under the FY 2011 appropriation.

### **Highlights of the Recommendations**

For a more complete description of the FREP recommendations, the process utilized by the department and the outcome of that process, see attachment A.



DNR provided draft recommendations to interested parties, and solicited participation via mail and email invitations to three open house public meetings. The overwhelming participant response was to not add prioritization or eligibility criteria to the FREP. Participants believe FREP is a mitigation commitment made by the legislature to all small forest landowners with the adoption of the Forests and Fish Report (FFR), to offset the disproportionate economic impacts the FFR rules would have on small forest landowners. As such, they believe FREP should have a dedicated funding source.

In addition, small forest landowners believe prioritization already has occurred in that FREP focuses on riparian areas determined to be necessary for sustaining and restoring aquatic species covered by the Forest Practices Habitat Conservation Plan.

After careful consideration of participant comments, our own experience implementing FREP over the last nine years and the stated intent from RCW 76.13.100, we recommend the following revisions to the FREP. These recommendations seek to balance public input, administrative complexity and costs, and better focus of limited FREP funding.

The final FREP recommendations in the form of legislation (Attachment B) have revised the eligibility, prioritization and acquisition process as follows:

Added Eligibility Requirements:

- Applicant(s) must have had legal majority ownership of the land associated with the easement area prior to July 1, 2011, or have the property legally transferred from a lineal ancestor meeting this condition
- Applicant has no outstanding violations of the Forest Practices Act and rules
- Applicant's small forest landowner status is verified at easement transaction

Amended Qualifying Timber Requirements:

- Trees within riparian areas, channel migration zones or areas that are uneconomic to harvest due to above restrictions, but not including trees on unstable slopes outside riparian areas and channel migration zones
- Trees without harvest restrictions from conditions of an existing conservation easement

Added Prioritization Element:

- Priority shall be given to small forest landowners whose land is under a long-term forest stewardship plan that is recognized by the department

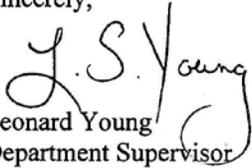
Amended Processing Efficiencies:

- Initiate cruising contracts and establish the dollar value of easement after receipt of documentation of harvest completion

Ms. Kirstan Arestad  
Page 3 of 3  
September 30, 2010

Please share this report with committee members who may be interested, and direct any questions about the report or the specific recommendation to Marc Engel, Assistance Division Manager for Policy and Services, Forest Practices Division at [marc.engel@dnr.wa.gov](mailto:marc.engel@dnr.wa.gov) or 360-902-1390.

Sincerely,

  
Leonard Young  
Department Supervisor

Enclosures (5)

c: Heath Packard, Director of Legislative and External Affairs  
Chuck Turley, Deputy Supervisor for Regulatory Programs  
Darin Cramer, Forest Practices Division Manager  
Marc Engel, Forest Practices Assistant Division Manager, Policy and Services

# Appendix #2b

Attachment A

## Recommendations for the Forestry Riparian Easement Program September 27, 2010

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II. New Eligibility Criteria Proposed for Legislation.....	3
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B - Recommendations in the form of Legislation	
C - Interested Stakeholder–invite list	
D - Comments received thru 8-12-2010	
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### Background

The 1999 Salmon Recovery Act (Act) was passed to assist in providing substantial and sufficient recovery of salmon while maintaining a viable forest products industry. The Act included a key component which required the establishment of a Small Forest Landowner Office (SFLO). The SFLO was established in the Forest Practices Division of the Department of Natural Resources to provide assistance to small forest landowners as they implemented the Forest Practices Rules. The SFLO administers programs for small forest landowners including the Forestry Riparian Easement Program and the Family Forest Fish Passage Program, provides assistance to small forest landowners in the alternate planning process and with completing forest practices applications.

The Legislature created the Forestry Riparian Easement Program (FREP) in 1999 to help offset the diminishing economic viability of small forest landowners from increasing regulatory requirements (RCW 76.13.100). FREP purchases 50-year conservation easements along riparian areas from small forest landowners. FREP was designed to compensate small forest landowners for 50-89 percent of the value of trees in riparian areas which they are prohibited from harvesting by the Forest Practices Rules. FREP fulfills a core commitment of the Forest & Fish Report and the Forest Practices Habitat Conservation Plan. Establishing 50-year forestry riparian easements facilitates compliance with the Clean Water Act and aids in the restoration of Puget Sound. FREP also helps safeguard the state against claims of regulatory takings.

### Introduction

In the Supplemental Capital Budget for the 2010 Legislative session (ESHB 2836§ 3041(6)), the legislature directed the Department of Natural Resources (DNR) to work with interested stakeholders to develop recommendations for changes to the FREP. These recommendations are to clarify eligibility provisions, add prioritization criteria to ensure funding of highest priority easements first and to find efficiencies in the acquisition process. The legislature further directed DNR to consider including elements of the budget proviso criteria (stated in ESHB 2836, §

Attachment A

3041(3) and (4)) in the recommendations. DNR was instructed to make FREP recommendation's in the form of proposed legislation (attachment B).

DNR provided draft recommendations to interested stakeholders and solicited participation via mail and email invitations to three open house public meetings. The meetings were held in Spokane, Centralia, and Olympia. These meetings were held to receive feedback on draft program revisions based on elements in the budget proviso and additional reform criteria proposed by staff. DNR also provided an email address, located on DNR's FREP and SFLO websites, for stakeholders that could not participate in the open houses, to provide comments on the draft recommendations. All comments that were generated from the open houses and received through email are posted to the website (attachments D and E) and were also emailed to all the interested stakeholders (attachment C).

The overwhelming stakeholder response received through the open house meetings and written comments was to not add prioritization or eligibility criteria to FREP. Stakeholders believe FREP is a mitigation commitment made by the legislature to all small forest landowners with the adoption of the Forests and Fish Report (FFR), to offset the disproportionate economic impacts the FFR rules would have on small forest landowners. Small forest landowners believe prioritization has already occurred in that FREP focuses on riparian areas determined to be necessary for sustaining and restoring aquatic species covered by the Forest Practices Habitat Conservation Plan. Adding eligibility and prioritization criteria would be redundant, increase administrative costs and exclude some small forest landowners from the FREP mitigation.

The following are staff recommendations for each of the elements found in the budget proviso. Some of the elements that ESHB 2836 established as high and low priority criteria were not incorporated into this proposal due to stakeholder opposition or added administrative complexity. This complexity would increase staff time as well as reduce the amount of money available for riparian easement purchases. Staff is recommending several eligibility criteria, some based on proviso elements, and continuing use of the date of receipt of completed harvest to prioritize funding. Staff also recommends adding one new prioritization element from the budget proviso, that being FREP applications for lands under a long term forest stewardship plan recognized by the department.

- I. **2010 Budget Proviso Elements Proposed as Eligibility Criteria for Legislation (if an applicant meets one or more they would be ineligible for FREP)**
  - A. **Proviso element (4b): The applicant has had legal ownership for less than five years, except when the applicant is a lineal descendant of a landowner meeting this criterion.** Staff recommends a version of this 2010 Budget Proviso element as an eligibility criterion. Applicant(s) that have purchased the land associated with the easement area after July 1, 2011, unless the property was legally transferred from a lineal ancestor. Landowners that purchased their land after July 1, 2011 made their forest land investment under the current regulatory climate; therefore, the economic impact of the rules should have been reconciled at the time of the transaction.
  - B. **Proviso element (4c): The applicant has an outstanding violation of the forest**

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<sup>1</sup> Date the Legislation becomes effective.

**practices act under chapter 76.09 RCW.** Staff recommends expanding the existing verification of compliance with Forest Practices Rules regarding leave trees in the easement areas to forest practices violations not yet reconciled.

- C. **Proviso element (4e): The application is for land on which other conservation easements have been executed and recorded on the title.** Staff recommends proposing a version of the 2010 Budget Proviso element as an eligibility criterion. The proposed change is necessary because of the statute definition of Qualifying Timber. The proposed clarification to the Qualifying Timber definition would make those trees under existing harvest restrictions ineligible due to another conservation easement.

## II. **New Eligibility Criteria Proposed for Legislation**

- A. **Staff recommends the SFLO determine the applicant qualifies as a small forest landowner on the date the forestry riparian easement occurs rather than on the date receipt of the forest practice application.** Staff recommends verification of small forest landowner status to the more relevant forestry riparian easement transaction date.
- B. **All rule identified unstable slope areas outside of the riparian management zones are ineligible as qualifying timber.** Staff recommends adding this eligibility criterion to the Legislation. Two key reasons staff is proposing carrying this eligibility criterion forward are:
1. The Forestry Riparian Easement Program RCW 76.13.120 states, "...the state should acquire easements along riparian and other sensitive aquatic areas..." Unstable slopes are not listed within this language.
  2. Staff has seen a disproportionate amount of funds used for purchase of riparian easements on unstable slopes. FREP funds would be focused to the acquisition of riparian areas for the protection of aquatic resources and areas made uneconomic to harvest. More than \$3million of FREP funds have been utilized for purchase of unstable slopes.

## III. **2010 Budget Proviso Elements Proposed as Prioritization Criteria for Legislation**

- A. **Proviso element (3d): Lands that are certified by a forest certification program recognized by the department.** Staff recommends proposing a version of the 2010 Budget Proviso element as a prioritization criterion. Landowners whose land are under a long term forest stewardship plan recognized by the department have invested in forest management and are less likely to convert their land to another use.

## IV. **2010 Budget Proviso Elements not Proposed as Prioritization Criteria for Legislation**

- A. **Proviso element (3a): The greatest proportion of riparian buffer impacted in the related forest practices application.** This criterion would increase administrative cost and complexity in implementation, diminishing funds available for easement acquisitions and there is potential for manipulating forest practice application size and number in order to increase funding priority.

- B. Proviso element (3b): Lands in deferred tax status of classified timber land or classified open space as defined in RCW 84.34.020.** Landowners have a variety of reasons for having their forest land in different tax status, and the local government entity ultimately determines the eligibility for tax designation.
  - C. Proviso element (3c): Lands at greatest risk of conversion to other land uses as determined by county zoning and land classifications and proximity to urban growth areas or other areas of concentrated land development.** This criterion would favor applications in areas with dense populations, favors western Washington over eastern Washington and would likely pose greater compliance risk.
  - D. Proviso element (3e): The applicant has not received a forestry riparian easement since July 1, 2007.** This criterion could encourage larger harvest units and accelerated harvests in order to aggregate harvest activities into one easement application.
  - E. Proviso element (3f): The applicant is not a nonprofit organization.** Forest Practices rules do not currently differentiate nonprofit organizations from other small forest landowners.
  - F. Proviso element (3g): The applicant has been waiting three years or more for a forestry riparian easement purchase.** Because staff recommends retaining the prioritization element “first in line - first in time,” this criterion would be redundant.
  - G. Proviso element (4a): The forest management activities for the aggregated ownership of the landowner referenced in the application, his or her spouse, and his or her children exceed the small forest landowner definition in RCW 76.13.120(2) (c).** Individuals can have various ownership names that make verification difficult. Changing this provision to include aggregated ownership would add complexity and decrease the authenticity of the results.
  - H. Proviso element (4d): The applicant is in default on a financial obligation to an agency of the state including noncompliance with a child support order under RCW 74.20A.320.** The increased cost and complexity to verify applicants are not in default of financial obligations to the state would diminish funds available for easement acquisitions.
  - I. Proviso element (4f): The land is owned by a nonprofit organization that does not have deferred tax designations of either classified timber land or classified open space as defined in RCW 84.34.020 and does not have a county-recognized forest management plan.** A landowner meeting this criterion would be extremely rare and is a combination of two previous criteria already addressed.
- V. Acquisition Process Improvements Proposed for Legislation**  
Below are staff’s recommended improvements to the program’s acquisition process which are not in the 2010 Budget Proviso.
- A. Initiate cruising contracts as soon as possible after receipt of documentation of harvest completion (Harvest Status Questionnaire) and eligibility confirmation.** This will allow DNR to cruise the easement area as soon as possible after harvest, solving the current problem of lost value to the landowner through fire, insects, storm damage, and wind-thrown trees.

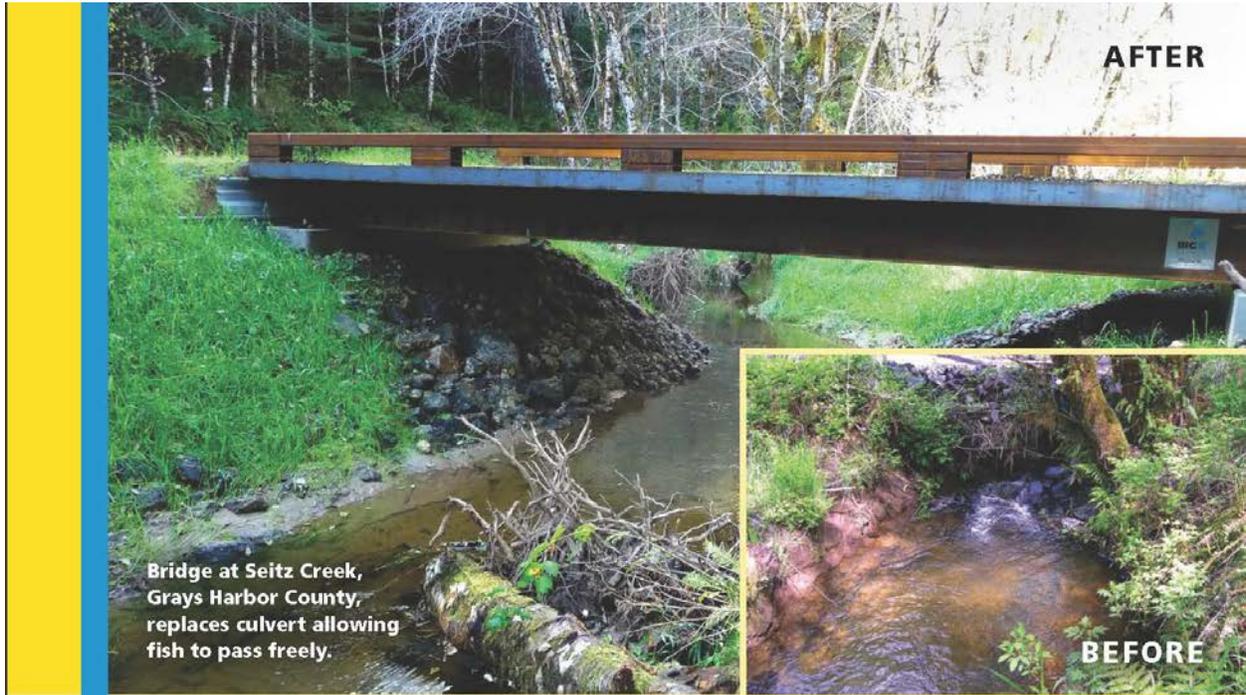
Attachment A

- B. Establish the dollar value of the easement based on receipt of the documentation of harvest completion (Harvest Status Questionnaire).** This change will establish transaction values closer to the completion date of the harvest and reduce administrative costs.

**Conclusion**

The Department of Natural Resources, in response to ESHB 2836§ 3041(6), has developed recommendations for changes to the FREP. Those recommendations include: clarified eligibility provisions, added prioritization criteria to ensure funding of highest priority easements first and identified efficiencies in the acquisition process. The department's recommended legislation considered the budget proviso criteria regarding eligibility and prioritization, feedback from interested stakeholders, and recommendations from DNR staff.

# Appendix #3



## Family Forest Fish Passage Program

2010 Implementation Report

A Cost-Share  
Program  
for Small Forest  
Landowners  
to Improve Fish  
Passage



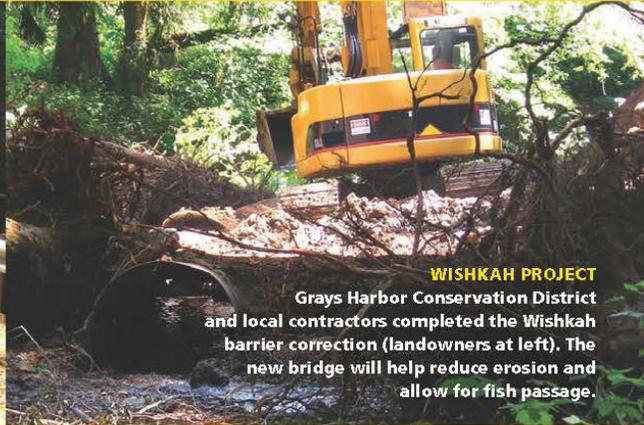
Washington  
Department of  
**FISH and  
WILDLIFE**



WASHINGTON STATE  
Recreation and  
Conservation Office



WASHINGTON STATE DEPARTMENT OF  
**Natural Resources**  
Peter Goldmark - Commissioner of Public Lands



**WISHKAH PROJECT**  
Grays Harbor Conservation District and local contractors completed the Wishkah barrier correction (landowners at left). The new bridge will help reduce erosion and allow for fish passage.

**“** I am absolutely tickled with the quality of the project and to have fish returning to our creek this fall. When the road was put in 50 years ago we had no idea the impact it would have on generations of salmon. We are very thankful for the Family Forest Fish Passage Program and to have fish returning and a new bridge to access our tree farm.”

**HERB AND DELORES WELCH**  
SMALL FOREST LAND OWNERS  
[WISHKAH PROJECT]

**I**t is estimated that for every \$100,000 invested in fish passage projects, 1.57 local jobs are created during the construction season. This estimate does not include the additional indirect jobs like culvert and bridge manufacturing.

### **Investment in Removal of Fish Barriers Pays Many Dividends**

With the passage of the 1999 Forest and Fish rules, new regulations were established that required all forest landowners to replace fish barriers on streams associated with their forest road crossings. To a small landowner, this cost (\$50,000 to \$150,000) can be substantial and raise the risk that they might sell their lands to developers. Recognizing these potential impacts, the 2003 Washington State Legislature created the Family Forest Fish Passage Program to help reduce the regulatory and monetary burdens on small family forest landowners and reconnect critical fish habitat.

A legislative investment of \$17 million during the last seven years has paid dividends: 500 miles of fish habitat are reconnected and 232 fish barriers corrected.

The job is not done however. Currently, there is a backlog of more than 400 landowners who have applied to the program to have barriers corrected and fish habitat reconnected.

The average cost to correct a fish barrier in 2008-2009 was \$88,000. Current funding allows for about 30 projects a year, which creates about 50 jobs during the construction season.

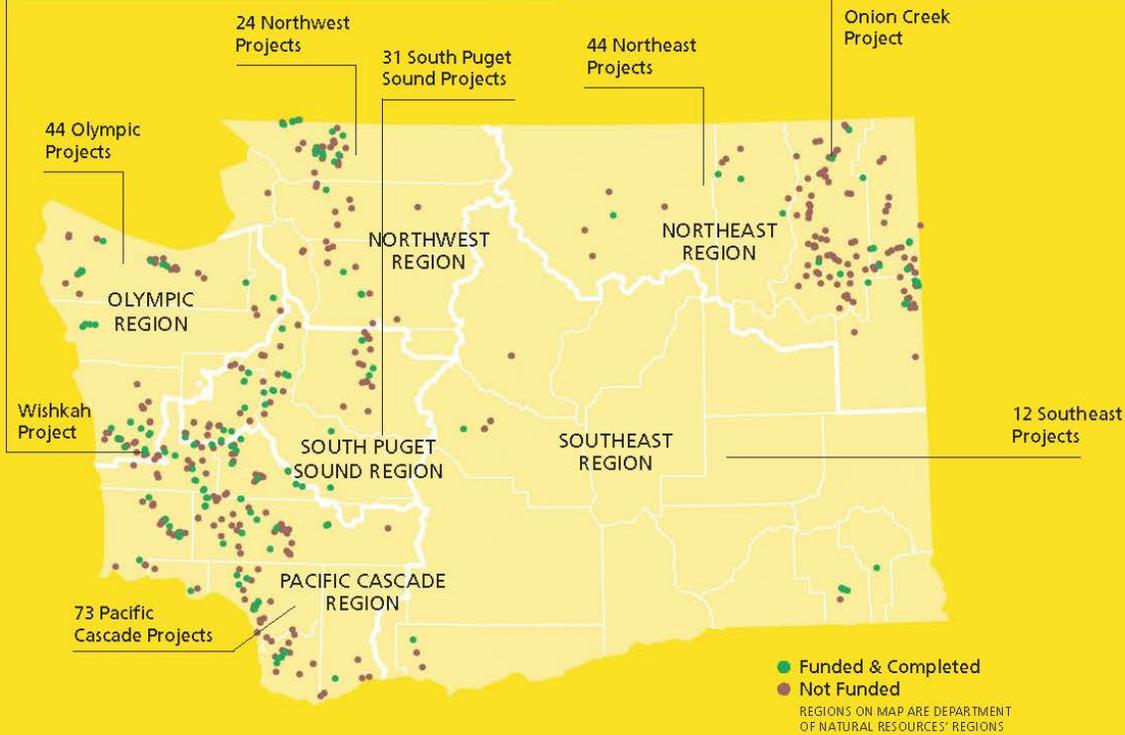
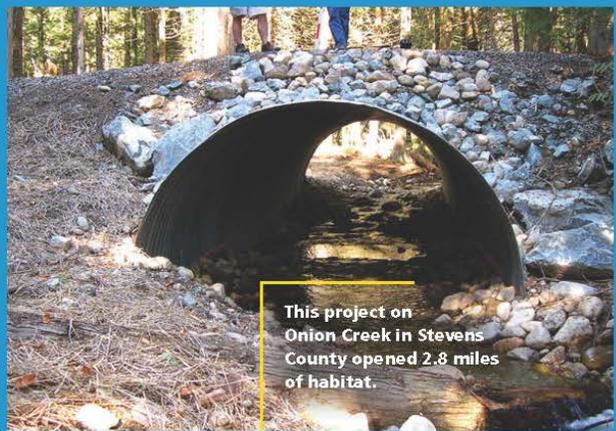
The Wishkah project featured in this report was completed in 2010 for Herb and Dolores Welch. The United States Fish & Wildlife Service (USFWS) shared funding via a restoration grant.

The Welch family has managed its tree farm since the late 1930s. Herb remembers scores of salmon returning to the creek each fall until the culvert became a barrier.

“They were so thick you could pitch-fork them from the bank,” he said.

Now, with the help of the sponsor (Grays Harbor Conservation District) and the Family Forest Fish Passage Program, those teams of fish are expected to return to the stream any day.

PHOTOS BY LAURA TILL AND DAVID BERGVAL



## Funded and Unfunded Family Forest Fish Passage Projects

### Fish Program Aids Small Forest Landowners

3.2 million acres\* of forestland in Washington are owned by small forest landowners. **Ten thousand miles** of fish-bearing streams flow through these mid- and low-elevation forest lands and provide high value, prime

fish habitat. Small family forest landowners have long periods of time between harvests and significant financial burdens to implement fish barrier corrections and road maintenance projects. The state Family Forest Fish Passage

Program provides financial assistance to small family forest landowners and is one of the critical links in a comprehensive approach to forest road management.

\* ROGERS, LUKE W., A. COOKE. (2010). THE WASHINGTON STATE FORESTLAND DATABASE (2007 VERSION, RELEASE 2). DIGITAL DATA, MARCH, 2010. SEATTLE, WA, UNIVERSITY OF WASHINGTON.

**// The Family Forest Fish Passage Program is a well-managed government program which uses public tax dollars prudently for the benefit of the public resource and small forest land owners."**

**SAM COMSTOCK**  
WASHINGTON FARM FORESTRY ASSOCIATION

### Road to Recovery

The Family Forest Fish Passage Program is implemented by three state agencies: Washington State Department of Fish and Wildlife, Washington State Department of Natural Resources, and the Recreation and Conservation Office. Each agency brings its expertise to oversee the program's operations, outreach and project selection processes. An oversight steering committee approves annual projects and keeps procedures current. The Washington Farm Forestry Association joins the steering committee as a landowner organization.

The Family Forest Fish Passage program recognizes the critical role small family forest landowners' play in salmon populations and is committed to assisting with their economic viability. The Family Forest Fish Passage Program benefits are seen through:

- Creating jobs and economic opportunities in rural communities.
- Honoring and implementing Indian treaty fishing rights.
- Sustaining our forest industry and encourage renewable green products.
- Improving water quality in forested watershed by reducing sediment delivery to streams and spawning areas.
- Minimizing flooding and the downstream harm to habitat and property.
- Helping the recovery of Puget Sound.

### Local Groups are the Cornerstone to the Program

Local groups (sponsors) experienced in fish passage corrections complete most of the projects. Sponsors manage the project design, construction oversight, permitting, billing,

and grant management. A sponsor may be a Conservation District, Regional fisheries enhancement group, Local fish-related non-profit organization, Tribe, or other interested organization.

### Project Sponsors

#### REGIONAL FISHERIES ENHANCEMENT GROUPS

Chehalis Basin Fisheries Task Force  
Hood Canal Salmon Enhancement Group  
Mid-Sound Salmon Enhancement Group  
Nooksack Salmon Enhancement Association  
Skagit Fisheries Enhancement Group  
South Puget Sound Salmon Enhancement Group  
Stilly-Snohomish Task Force  
Tri-State Steelheaders  
Willapa Bay Fisheries Enhancement Group

#### PRIVATE SPONSORS

Fisheries Consultants  
Frame, LLC  
LWC Consulting  
PB Lumber  
Pacific Coast Salmon Coalition  
Pacific Forest Management  
Stewardship Partners  
Wild Fish Conservancy

#### CONSERVATION DISTRICTS

Cascadia Conservation District  
Clallam Conservation District  
Clark Conservation District  
Cowlitz Conservation District  
Ferry Conservation District  
Grays Harbor Conservation District  
Jefferson County Conservation District  
Kitsap Conservation District  
Kittitas County Conservation District  
Lewis County Conservation District  
Mason Conservation District  
Okanogan Conservation District  
Pacific Conservation District  
Pend Oreille Conservation District  
Spokane County Conservation District  
Stevens County Conservation District  
Thurston Conservation District  
Underwood Conservation District  
Wahkiakum Conservation District

#### TRIBES

Confederated Tribes of the Colville Reservation  
Confederated Tribes and Bands of the Yakama Nation  
Kalispel Tribe of Indians  
Lower Elwha Klallam Tribe  
Nooksack Indian Tribe  
Spokane Tribe of Indians  
Stillaguamish Tribe of Indians  
Tulalip Tribes

## How Do I Get More Information?

Visit our website:  
[www.dnr.wa.gov/sflo](http://www.dnr.wa.gov/sflo)

## Program Partners

### PROGRAM OUTREACH

#### Department of Natural Resources Small Forest Landowner Office

Natural Resources Building  
1111 Washington Street  
MS 47012  
Olympia, WA 98504-7012  
(360) 902-1400  
TTY: (360) 902-1125 TRS: 411  
[www.dnr.wa.gov](http://www.dnr.wa.gov)

### PROJECT EVALUATION AND RANKING

#### Department of Fish and Wildlife Habitat Management Program

600 Capitol Way  
Olympia, WA 98501-1091  
(360) 902-2352  
TTY: (360) 902-2207  
[www.wdfw.wa.gov](http://www.wdfw.wa.gov)

### PROGRAM FUNDING

#### Recreation Conservation Office

Natural Resources Building  
MS 40917  
Olympia, WA 98504-0917  
(360) 902-3000  
TDD: (360) 902-1996  
[www.rco.wa.gov](http://www.rco.wa.gov)

### LANDOWNER ORGANIZATION

#### Washington Farm Forestry Association

PO Box 1010  
Chehalis, WA 98532  
Contact: Sam Comstock (360) 736-5750  
<http://www.wafarmforestry.com/>

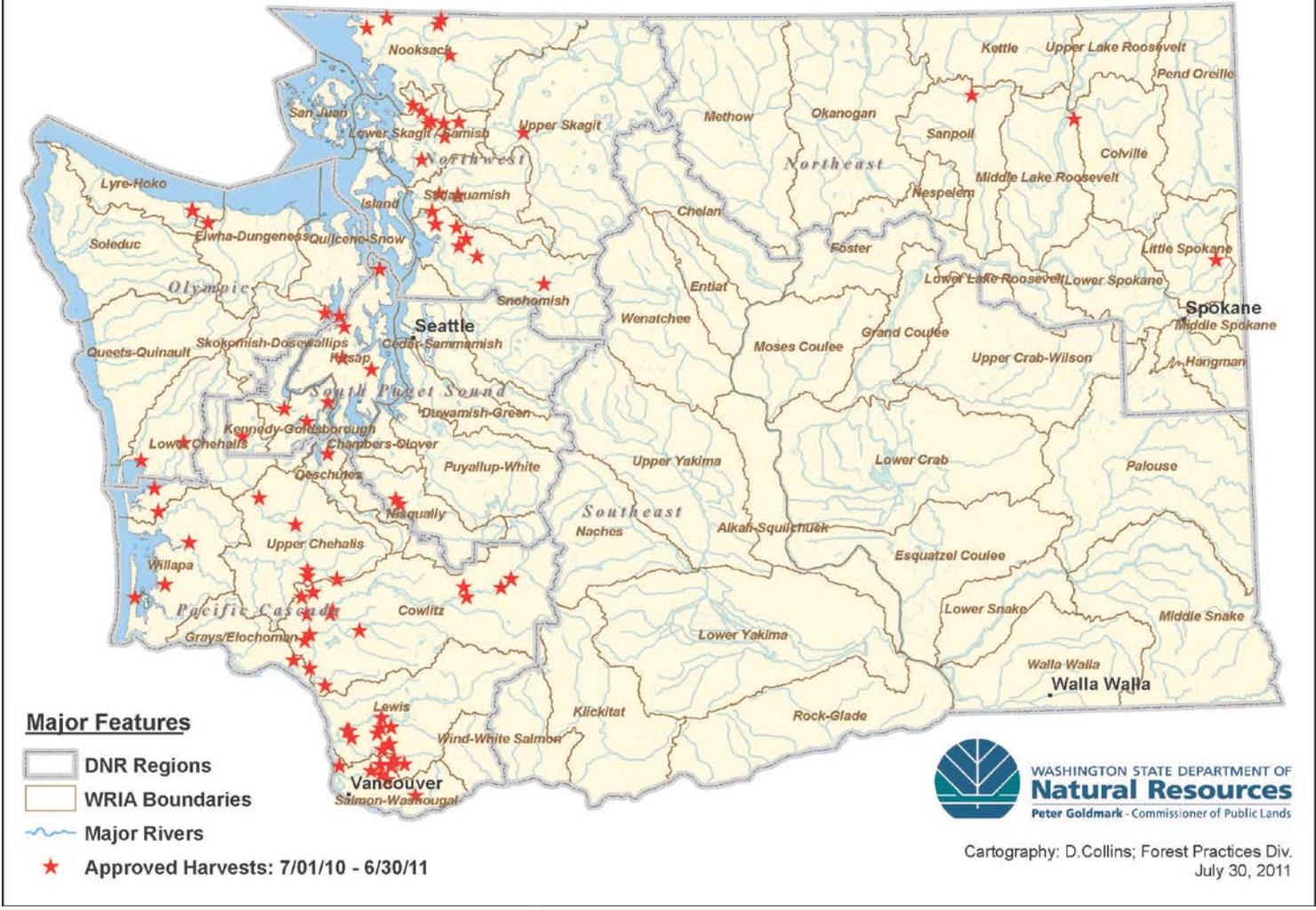
The above agencies are responsible for implementing the program. The Washington Farm Forestry Association joins the agencies on a steering committee.

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DECEMBER 2010



# Appendix #4a

## 20 Acre Exempt Forest Practices Harvest Applications Near S or F Waters Between 2010 - 2011



# Appendix #4b

## Approved 20 Acre Exempt Forest Practices Harvest Applications Near S or F Waters Between 2006 - 2011



### Approved Harvests

- 7/01/06 - 6/30/07
- 7/01/07 - 6/30/08
- 7/01/08 - 6/30/09
- \* 7/01/09 - 6/30/10
- ★ 7/01/10 - 6/30/11

### Major Features

- DNR Regions
- WRIA Boundaries
- ~ Major Rivers



Cartography: D.Collins; Forest Practices Div.  
July 30, 2011

## Appendix #5



Caring for  
your natural resources  
... now and forever

May 9, 2011

### MEMORANDUM

To: Forest Practices Board

From: Darin Cramer, Division Manager   
Julie Sackett, Assistant Division Manager for Operations 

Subject: Compliance Action Plan

The 2008-2009 Forest Practices Compliance Monitoring Report (published January 2011) identified the following areas requiring further attention by the program:

- Water type classification determinations
- Riparian non-compliance
- Riparian 20-acre exempt non-compliance
- Road non-compliance
- Type A wetland non-compliance

#### Water Type Classification Determinations

While compliance monitoring did not make a compliant/non-compliant call with regard to water typing, water type classification information/documentation was missing from the forest practice application (FPA), or inconsistent with field observations in several cases observed by field crews. In order to gain a better understanding of whether water type classification determinations are being identified correctly on the ground, and minimize risks associated with inaccurate water typing, the program is implementing the following actions:

1. Updating the program's website for general water typing information; providing 'how to' and guidance;
2. Developing an external website for water type modification proposal review and information transparency;
3. Providing access to approved water type modification form information on the FPARS mapping site;
4. Ensuring water type classification information/documentation is included as part of a complete FPA;
5. Develop and implement special emphasis sampling through the Compliance Monitoring Program, which will provide rapid feedback to field staff (through region staff meetings) and landowners (through TFW meetings) on findings.



#### Riparian Non-Compliance

The riparian rules are complex and site conditions are highly variable making it difficult to precisely determine the reasons for non-compliance. However, Compliance Monitoring staff believe inaccurate measurement of stream length may be a primary contributor to at least some of the non-compliance ratings (applies to both 'F' and 'Np' streams). To address this issue the program will implement the following actions:

1. Develop specific guidance (operational and Board Manual) on how to measure stream length on the ground;
2. Develop and implement special emphasis sampling through the Compliance Monitoring Program, which will provide rapid feedback to field staff (through region staff meetings) and landowners (through TFW meetings) on findings.

#### Riparian 20-Acre Exempt Non-Compliance

Landowners who qualify for the 20-acre exemption typically harvest only once during their ownership of the parcel and are generally unfamiliar with Forest Practices regulations. This creates a high potential for rule violations. At this time we do not have enough information to precisely determine the reason(s) for non-compliance, but expect lack of familiarity with the rules is a contributing factor. Therefore, in order to help inform the program and begin addressing this issue the following actions will be implemented:

1. Add approval condition on each 20-acre exempt riparian harvest FPA that applicant must notify the forest practices program 48-hours prior to beginning harvest operations;
2. Forest practice forester will make a minimum of two on-site evaluations during active period of FPA;
3. Continue compliance monitoring surveys of 20-acre exempt harvests.

#### Road Non Compliance

Compliance Monitoring did not examine the level of detail needed (i.e., specific rules and/or BMPs not applied) to determine exact reasons for road non-compliance. Therefore, in order to minimize risks and provide ongoing feedback regarding compliance performance, the program will implement the following actions:

1. Provide discussion/training opportunities to landowners and operators regarding road BMPs through regional TFW meetings;
2. Continue WA Contract Loggers Association training on road BMPs;
3. Develop program guidance/expectations on enforcement action decisions/documentation relating to roads and sediment delivery;
4. Emphasize close working relationship between program staff and ecology staff;
5. Focus on implementing the RMAP operational plan;
6. Continue compliance monitoring surveys of road activities.

Type A Wetland Non Compliance

The sample size for Type A wetlands was low but it did indicate non-compliance was associated only with small forest landowners (three non compliant determinations out of eight samples conducted on small forest land ownership). Specific information is not available to determine the exact reasons for non compliance so we are unable to pin-point whether these landowners had difficulty in properly identifying Type A wetlands or whether it was difficulty in applying the appropriate buffer protection (or both). In response, the program will implement the following actions:

1. Provide discussion/training opportunities to landowners and operators regarding proper wetland identification (with an emphasis on Type A) through regional TFW meetings;
2. Continue WA Contract Loggers Association training on wetland identification;
3. Conduct a follow-up compliance emphasis sample.

Ongoing Evaluation of Compliance Monitoring Program Efficiency/Effectiveness

While valuable, the Compliance Monitoring Program is an expensive and time consuming effort. Given decreasing resources we must find ways to achieve our desired performance objectives at lower costs, while at the same time ensuring fair and meaningful methods are employed. The program is thoroughly examining our approach to compliance monitoring to determine if/how we can achieve better results at the same or lower costs.

Other Desired Actions Dependent upon Funding

There are additional areas that should be addressed as part of a comprehensive plan for improving compliance. The program has prioritized restoring (or increasing capacity in) the following areas if/when resources become available:

- Training - training is a key element to successful implementation of, and compliance with the rules. It has been ten years since there was a concerted effort to train not only program staff but all stakeholders in a comprehensive manner (2001 rules). It has been approximately four years since program staff was jointly trained at the statewide level.
- Communication - Following up training with consistent and constant internal communication with program staff is essential in achieving understanding and support for agency and program objectives
- Staff resources - Region regulatory and technical assistance staff capacity is insufficient to conduct compliance visits to as many sites as we would like as often as we would like, or provide non-regulatory technical assistance to small forest landowners. In addition, division staff directly supporting region operations has insufficient capacity to respond adequately to requests for assistance. This gap is widening due to decreasing resources and increasing demands from a variety of fronts. As the timber market recovers, and/or new responsibilities come our way, this problem will be exacerbated.