

1. Introduction to Forest Practices Habitat Conservation Plan 2011 Annual Report

1.1 Introduction

In 2006, Washington State completed the Forest Practices Habitat Conservation Plan (Forest Practices HCP) to protect aquatic and riparian-dependent species on more than 9 million acres of state and private forestlands. That is, the State and forest landowners made a commitment to protect certain fish and amphibians that live in or depend on streams, lakes, and wetlands and the forests adjacent to them. This multi-stakeholder effort addressed the habitat needs of certain federally designated threatened and endangered fish species. The United States Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NOAA Fisheries) (collectively, “the Services”) accepted Washington’s Forest Practices HCP and under the authority of the Endangered Species Act, on June 5 2006, the Services issued Incidental Take Permits to Washington State. The Incidental Take Permits provide assurances for forest landowners that, if conducting forest practices in compliance with forest practices rules, cannot be prosecuted if they inadvertently “take” (kill a member of or harm the habitat of) an aquatic or riparian-dependent species covered by the Forest Practices HCP. The implementation of the Forest Practices HCP is a partnership between the Services and Washington State.

Three state agencies, the Washington State Department of Natural Resources (DNR), the Washington Department of Fish and Wildlife (WDFW), and the Washington Department of Ecology (Ecology) work together to implement the Forest Practices HCP. DNR provides the majority of staff positions that oversee implementation of this HCP due to the authority given the department in the Forest Practices Act (chapter 76.09 Revised Code of Washington (RCW)) and Rules (Title 222 Washington Administrative Code (WAC)). However, both WDFW and Ecology have dedicated office and field staff time to support the various functions of the Forest Practices Program and the implementation of the Forest Practices HCP. Their support includes participation in the following:

- The Adaptive Management Program (which includes the Forest Practices Board (the Board)); the Cooperative Monitoring, Evaluation and Research Committee (CMER); the Forests and Fish Policy Committee (Policy); Adaptive Management Program Administrator; and the Independent Scientific Review Panel (Review Panel);
- The Compliance Monitoring Program (CMP);
- The Family Forest Fish Passage Program (FFFPP);
- The review of Road Maintenance and Abandonment Plans (RMAPs);
- The development of chapters in the Forest Practices Board Manual (Board Manual);
- The evaluation of water type change proposals;
- The review of forest practices applications; and
- Interdisciplinary Teams.

Under the Forest Practices HCP, the state has a commitment to submit an annual report to the Services describing the implementation activities. This fifth annual report covers the period from

July 1, 2010 to June 30, 2011. The report describes the efforts of the Department of Natural Resources' Forest Practices Program, and our partners to implement the Forest Practices HCP.

1.2 2011 Report Highlights

Highlights of the Forest Practices HCP implementation from July 1, 2010 to June 30, 2011 include:

Forest Practices Board

- Rule adoptions:
 - **Riparian Open Space Program** (now called “**Rivers and Habitat Open Space Program**”) – The Board adopted changes to chapter 222-23 WAC in May 2011. The rules incorporated 2009 legislative changes to include acquisitions of conservation easements for critical habitat for threatened and endangered species listed in WAC 222-16-080 *Critical habitat (state) of threatened and endangered species*.
 - **Watershed Analysis** – The Board adopted changes to the watershed analysis rules to address concerns as to whether the existing mass wasting prescriptions developed under watershed analysis (chapter 222-22 WAC) were sufficient to minimize or eliminate the failure of unstable slopes following forest management activities. The rules as amended will help ensure public safety and public resource protection.
 - **Forest Biomass** – The Board adopted an amendment to the definition of “forest practice” in WAC 222-16-010 to include forest biomass. The Board’s purpose was to make it clear to the public that forest biomass harvest is subject to the same resource protection measures as timber harvest in the forest practices rules.

Adaptive Management Program

- Forest and Fish Policy Committee, along with the Adaptive Management Program caucus principles (agency directors, Commissioner of Public Lands, industry and tribal leaders) made a commitment to find new sources of stable, long-term funding for the Adaptive Management Program.
- The program submitted three proposals to the Environmental Protection Agency (EPA) for research and monitoring funding. The soft rock study was chosen by EPA for funding in early 2011.
- Three projects were completed, approved by the Cooperative Monitoring, Evaluation, and Research Committee, and considered for action by the Forests and Fish Policy Committee in 2011.
- Three draft final reports were approved by the Cooperative Monitoring, Evaluation, and Research Committee and have undergone the Independent Scientific Peer Review process in 2011.

- Forests and Fish Policy Committee recommended an extension of the Road Maintenance and Abandonment Plan (RMAP) deadline and revisions to Forest Practices Board Manual Section 3, *Guidelines for Forest Roads*.

Small Forest Landowner Office

- Family Forest Fish Passage Program (FFFPP) – During the reporting period, 27 fish passage barrier projects were completed, opening up 82 miles of fish habitat. Since the inception of fish passage program in 2003, 193 barriers have been addressed, opening up approximately 500 miles of fish habitat.
- Forestry Riparian Easement Program – Twelve forestry riparian easements—representing 148 acres were purchased during the reporting period. Since funding for the Forestry Riparian Easement Program began in 2002, 290 easements have been purchased for a total of 4,941 acres.
- The Legislature passed Engrossed Substitute House Bill (ESHB) 1509 in the 2011 session amending RCW 76.13, which made substantial changes to the Forestry Riparian Easement Program.

20-Acre Exempt Riparian Forestland

- The forest practices applications for 20-acre exempt non-conversion proposals along fish-bearing waters comprised approximately 2.2 percent of all approved applications submitted during the 2010-2011 reporting period.
- The 2008/2009 Forest Practices Compliance Monitoring Report was published in February 2011. Data collection for the report included a separate focus on 20-acre exempt applications. The report showed that out of 45 forest practices assessed, 62 percent were found to be in compliance with the application. A compliance action plan was written, which included suggested measures to help increase the compliance rate on 20-acre exempt applications.
- Cumulatively, the first 5 years of the Incidental Take Permits indicate a low rate of potential impact, as measured by recruitable large woody debris, from harvest of 20-acre exempt forest parcels. In office estimations in all watershed administrative units indicate that there is less than 1 percent potential impact on recruitable large woody debris so far (see chapter 6 for more information). The impact is “potential” because the calculations are based on “proposed” harvests, not “completed” harvests, and estimates of stream impact are made in-office from information supplied on the application, not on-the-ground measurements.

Rivers and Habitat Open Space Program

- The Rivers and Habitat Open Space Program consider easement proposals of all forest landowners. The program acquires conservation easements for timber and, at the discretion of the landowner, also on the land within all “unconfined channel migration zones” or on forest lands containing state critical habitats of threatened and endangered species.

Compliance Monitoring Program

- The *Biennium 2008-2009 Compliance Monitoring Summary Report* was published in February 2011. The 2008-2009 monitoring effort focused on Riparian Management Zone rules (WAC 222-30), along with Road Construction and Maintenance rules (WAC 222-24). The report also covered three emphasis samples targeting 20-acre exempt applications, alternate plans, and riparian/wetlands activities. A summary of the report results is provided in Chapter 8.

Road Maintenance and Abandonment Planning for Large Forest Landowners

- The Forest Practices Board approved draft language amending WACs 222-24-050 and 222-24-051 to allow forest landowners to extend the deadline for completing their road work schedules in Road Maintenance and Abandonment Plans (RMAPs). When adopted, the rule change will allow for an extension of the deadline for up to five years, or until 2021.
- Since 2001, 18,475 miles of forest road have been improved to meet forest practices standards.
- During the reporting period, Washington State Department of Fish and Wildlife reviewed RMAPs statewide and issued 544 RMAP related Hydraulic Project Approvals.
- Improvements are being made to annual RMAP data collection, evaluation and reporting. Particular attention is focused on statewide consistency and standardization.
- The Forest Practices Board is considering amendments to Board Manual Section 3, *Guidelines for Forest Roads*, which will explain requirements and processes in the RMAP program.

Tribal Relations

- The Forest Practices Board formally accepted the charter of the Timber/Fish/Wildlife Cultural Resources Roundtable (formerly known as the Timber/Fish/Wildlife Cultural Resources Committee). Accordingly, the Roundtable is on the Board's website (see chapter 10 for citing). Interested parties can find the Roundtable's charter, agendas, meeting notes, and the Cultural Resources Protection and Management Plan on the website.
- In May 2011, the Forest Practices Board formally accepted a request from the Timber/Fish/Wildlife (TFW) Cultural Resources Roundtable to initiate rulemaking based on their consensus draft rule language amending WAC 222-20-120 to clarify the process for *Notice of forest practices to affected Indian tribes*. The rule is about notifying affected Indian tribes of forest practices applications of interest and protecting cultural resources, which include archaeological and historic sites and artifacts, and traditional religious, ceremonial and social uses and activities of affected Indian tribes. When a forest practices application involves a cultural resource, this rule requires forest landowners to meet with

the affected tribe with the objective of agreeing on a plan for protecting the archaeological or cultural value.

Enforcement

- There were 13,260 current (open) forest practices applications during the reporting period. During this period, 161 Notices to Comply and Stop Work Orders were written. Of these enforcement documents, 125 were for violations to the Forest Practices Rules.

Washington State Legislature

- ESHB 1509 made changes to the Forestry Riparian Easement Program.
- HB 1582 eliminated all references to “lands platted after January 1, 1960” from RCW 76.09.050 and 240, which are the statutes that define classes of forest practices and direct counties, when planning, to assume jurisdictional authority over forest conversion harvests. Proposed forest practices on these lands are not automatically assumed to be conversions to a non-forestry use, and therefore, are automatically to be designated as a Class IV-General application.

Information Technology

- A total of 5,219 Forest Practices Applications/Notifications (received or renewed) were entered into the Forest Practices Application Review System during the reporting period. Currently, nearly 1,170 reviewers receive notification of new applications in their area of interest. Another 455 individuals search the website for document images on demand.

Training

- Regions completed more than 130 training presentations and meetings during the reporting period. Topics included: wetland identification, Police Powers, Northern Spotted Owl assessments, state biomass project, water type verification, roads training, Western Grey squirrel training, cultural resources, unstable slopes, channel migration zones, and others.