

Executive Summary

In 2006, Washington State completed the [Forest Practices Habitat Conservation Plan](#) (Forest Practices HCP) (DNR 2005) 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 who, if conducting forest practices activities in compliance with forest practices rules, cannot be prosecuted if they inadvertently “take” a member of a species covered by the HCP.

As a part of the HCP agreement, the State submits to the Services an annual report describing implementation activities. This, the fifth annual report, covers the period from July 1, 2010 to June 30, 2011. The report describes the State’s efforts (Washington State Department of Natural Resources (DNR) Forest Practices Program, Washington Department of Fish and Wildlife (WDFW), and Washington Department of Ecology (Ecology) to implement the Forest Practices HCP.

July 2010 – June 2011 Activities and Accomplishments

The Forest Practices Board (Board) adopted four rule amendments.

- In November 2010, the Board adopted rules incorporating portions of 2010 legislation that streamlined environmental and land use administrative appeals. For the Forest Practices Program the significant aspects of the legislation eliminated the Forest Practices Appeals Board, made DNR’s decisions appealable to the Pollution Control Hearings Board, standardized appeal deadlines to 30 days, and defined the term “date of receipt” as the standard trigger for appeal timelines. Chapters 222-12, 222-16, 222-20, 222-30, and 222-46 WAC were amended in this rule making.
- The Board adopted changes to chapter 222-23 WAC, *Riparian Open Space Program*, 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 habitats (state) of threatened and endangered species*.
- The Board adopted changes to the watershed analysis rules in May 2011. Most of the effects of this rule are contained in the amendments to WAC 222-22-090 *Use and review of a watershed analysis* and WAC 222-16-050 *Classes of forest practices* and addressed concerns about the adequacy of existing prescriptions to minimize or eliminate the failure of unstable slopes following forest management activities. The rules as amended will help ensure public safety and public natural resource protection.

- In May 2011, the Board added “forest biomass” to the definition of “forest practice” in WAC 222-16-010. The amendment makes it clear that forest biomass harvest is subject to the same resource protection measures as timber harvest in the Forest Practices Rules.

The Board currently is considering amending WACs 222-24-050 and 222-24-051 to allow forest landowners to extend the deadline for completing the road work scheduled in their Road Maintenance and Abandonment Plans (RMAPs)—to improve roads to prevent siltation from running into streams, and remove fish passage barriers. This rule making is the outcome of an Adaptive Management Program recommendation to the Board in August 2010. The rule change would allow for an extension of the deadline for up to five years, or until 2021. In May 2011, the Board approved the draft rule proposal for public review and will consider adopting the rules at the August 2011 meeting.

Three Adaptive Management Program research projects were completed and approved by the Cooperative Monitoring, Evaluation and Research (CMER) committee, and considered for action by Forests and Fish Policy (Policy) staff during the reporting period:

- *Effectiveness of Riparian Management Zones in Providing Habitat for Wildlife: Re-sampling at the 10-year Post-treatment Interval;*
- *Washington Road Sub-Basin Scale Effectiveness Monitoring First Sampling Event (2006-2008) Report;* and
- *Type N Experimental Buffer Treatment Study: Baseline Measures of Genetic Diversity and Gene Flow of Three Stream-Associated Amphibians.*

Although Policy did not recommend changes to rules resulting from the reports, Policy is considering changes in guidance to landowners related to road maintenance and abandonment planning in the Board Manual—which the Forest Practices Board approves—based on results from the road sub-basin study.

Another three draft final reports under the Adaptive Management Program were approved by CMER and have gone through Independent Scientific Peer Review during the reporting period:

- *Results of the Westside Type N Buffer Characteristics, Integrity, and Function Study;*
- *Extensive Riparian Status and Trends Monitoring Program – Stream Temperature Phase I: Eastside Type F/S Monitoring Project;* and
- *Evaluation of the Effectiveness of the Current TFW Shade Methodology for Measuring Attenuation of Solar Radiation to the Stream (Solar Study).*

These reports are currently being revised based on peer reviewer comments.

Also, a draft final report by the Adaptive Management Program was approved by CMER during the reporting period and currently is undergoing peer review: *The Mass Wasting Effectiveness Monitoring Project: A Post-Mortem Examination of the Landslide Response to the December 2007 Storm in Southwestern Washington.* This report was designed to address whether the forest practices rules—including harvest on potentially unstable slopes, road construction and maintenance rules, and Road Maintenance and Abandonment Plans (RMAPs)—are effective at limiting landslides from forest practices.

Standing snags and trees that could eventually fall into the stream—large woody debris—are important habitat elements that slow the stream; and shade and provide insects and matter that

feed fish and other species. The Incidental Take Permits of the Forest Practices HCP include a condition for tracking reduction-in-function in streams on 20-acre exempt parcels (as measured by lack of potential large woody debris currently in the riparian forest). The Forest Practices Rules for 20-acre exempt parcels provide less riparian protection for the habitat of HCP-covered aquatic species than the standard Forest Practices Rules. For the reporting period, there were 92 approved 20-acre exempt Forest Practices Application out of 4,222 *approved* Forest Practices Applications (of the 5,219 total applications received). These 20-acre exempt (non-conversion) applications along fish-bearing water comprised 2.2 percent of all approved applications submitted during the 2010-2011 reporting period.

The Services placed conditions on the Incidental Take Permits regarding specifically identified bull trout spawning and rearing habitat areas. These areas are of concern due to extremely low populations of bull trout. However, there were no forest practices applications associated with 20-acre exempt parcels in the bull trout areas of concern during the reporting period from July 1, 2010 through June 30, 2011.

The Compliance Monitoring Program published the *Biennium 2008-2009 Compliance Monitoring Summary Report* in February 2011. The compliance monitoring team, which is led by DNR and includes representatives of the state Departments of Ecology and Fish and Wildlife, focused on riparian and road-related activities. Report results showed a compliance rate of 79 percent with road-related Forest Practices Rules, and a 78 percent compliance rate with riparian-related rules. Additional emphasis area samples were examined for 20-acre exempt forest practices and forest practices with alternate plans. These were found to be 62 percent and 84 percent respectively. A compliance action plan has been drafted outlining measures to increase the compliance rate for road and riparian-related rules, including 20-acre exempt forest practices.

Road improvement and fish passage barrier work outlined in each industrial forest landowner's Road Maintenance and Abandonment Plan is critical for protecting fish habitat. This work requires significant financial outlay each year, primarily financed by timber revenues on private forest lands. While these landowners have made substantial progress in meeting their RMAP commitments, the economic downturn, begun in 2008, has had a significant impact on the resources available to accomplish the road improvements by the July 2016 deadline. As a result, the Forest Practices Board adopted draft forest practices rule language that would allow for an extension of the deadline for up to five years, or until 2021. In addition, the Forest Practices Program has evaluated how RMAP data is collected, evaluated, and reported. Particular attention is focused on implementation consistency and standardization including even-flow and worst-first assessment and tracking.

The Forest Practices Board formally accepted a request from the Timber/Fish/Wildlife (TFW) Cultural Resources Roundtable (formerly known as the TFW Cultural Resources Committee) 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.

The Forest Practices Application Review System (FPARS) streamlines the processing of Forest Practices Applications, and it provides the public with the ability to review proposed forest activities statewide. It makes use of the Internet, document imaging and management technology, interactive geographic information system technology, and the Oracle database system. These technologies collect Forest Practices Application information, distribute forest practices applications for regulatory and public review, conduct risk assessment of proposed activities, and archive the applications. A total of 5,219 Forest Practices Applications/ Notifications were received and entered into FPARS between July 1, 2010, and June 30, 2011. Currently, nearly 1,170 reviewers receive notification of new applications in their area of interest. Another 455 individuals search the website for Forest Practices Application/ Notification (FPA/N) images on demand.

The FPARS (version 3) project was put on hold during the reporting period due to a lack of funding to fully complete the project. The version 3 project was designed to provide forest practices applicants with the ability to complete a Forest Practices Application and submit it via the internet. The foundational work completed last fiscal year is still in place, ready to be picked up once funding is available.

Retaining field forester positions has continued to be a top priority for the State during the current economic crisis. The Forest Practices program experienced position vacancy rates of 5% due to the state's hiring freeze implemented in this biennium. Despite the budget crisis and hiring freeze, the Forest Practices program preserved operational staffing levels essential for application review, compliance and enforcement at or above the rates reported in the '03-'05 biennium (the baseline biennium established by the Services in the HCP implementing agreement).