

# 1. Introduction to Forest Practices Habitat Conservation Plan 2012 Annual Report

## 1.1 Introduction

In 2006, Washington State completed the Forest Practices Habitat Conservation Plan (Forest Practices HCP) with the goal of obtaining Incidental Take Permits (ITPs) from the United States Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NOAA Fisheries) (collectively, the Services). Implementation of the Forest Practices HCP protects aquatic and riparian-dependent species on more than 9 million acres of state and private forestlands. That is, the State and forest landowners are committed 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 fish species that are federally designated as ‘threatened’ or ‘endangered’. 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 Washington’s state and private forest landowners who, if conducting forest practices in compliance with Forest Practices Rules, cannot be prosecuted if they incidentally “take” (kill a member of or harm the habitat of) an aquatic or riparian-dependent species covered by the Incidental Take Permits. 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 (AMP)
- 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
- 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 sixth annual report covers the period from July 1, 2011 to June 30, 2012. The report describes the efforts of the state Department of Natural Resources' Forest Practices Program, and our partners to implement the Forest Practices HCP.

## 1.2 2012 Report Highlights

Highlights of the Forest Practices HCP implementation from July 1, 2011 through June 30, 2012 include:

### General

- In response to a potential challenge to the United States Fish and Wildlife Service and NOAA National Marine Fisheries Service 2006 decisions approving Incidental Take Permits for the Forest Practices HCP, the State negotiated a settlement agreement (Appendix 6) with the Forests and Fish Conservation Caucus and the Washington Forest Protection Association concerning implementation of the *Forest Practices Habitat Conservation Plan*. The settlement agreement establishes a renewed commitment by all parties to collaboration, a streamlined decision making process for the Adaptive Management Program, a more rigorous schedule for Adaptive Management Program scientific research that will inform needed rule changes over time, and a stronger plan for ensuring that the Adaptive Management Program is adequately funded. The settlement agreement also resulted in the State requesting (Appendix 7) and obtaining (Appendix 8) a minor modification to the Forest Practices HCP Implementing Agreement under *Section 7 Funding* of the Implementing Agreement, *paragraph 7.1*. The modification clarified the provisions regarding the minimum funding level for administration of the Department of Natural Resources' forest practices regulatory program and specified a series of procedural steps to follow should funding fall below the minimum threshold.

### Forest Practices Board

Rule Adoptions:

- **Road Maintenance and Abandonment Plans (RMAPs)** – The Board adopted changes related to Road Maintenance and Abandonment Plans – WAC 222-24-050 and 222-24-051. The purpose was to give forest landowners the opportunity to extend the performance period for their RMAPs up to five years, or until October 31, 2021.
- **Notice of Forest Practices to Affected Indian Tribes** – The Board amended WAC 222-20-12- *Notice of forest practices to affected Indian tribes*. The rule established an improved process for forest landowners and affected Indian tribes to meet the rule's landowner-tribe meeting requirement when landowner's proposed forest practices may intersect with cultural resources.
- **Critical Habitats of Threatened and Endangered Species** – The Board eliminated the bald eagle and the peregrine falcon critical habitats from WAC 222-16-080 *Critical*

*Habitats (state) of threatened and endangered species.* The reason for removing these species is that they are no longer listed as threatened or endangered under federal or state laws.

- **Forestry Riparian Easement Program** – The Board adopted rules to carry out 2011 legislation (Engrossed Substitute Bill 1509) that made changes to the Forestry Riparian Easement Program.

### **Adaptive Management Program**

- The Adaptive Management Program caucus representatives continued to work together to seek long-term funding for the program.
- Two projects were completed, approved by the Cooperative Monitoring, Evaluation and Research (CMER) Committee and considered for action by the Policy Committee and Forest Practices Board in 2012: *Results of the Westside Type N Buffer Characteristics, Integrity and Function Study Final Report* and *Evaluation of the Effectiveness of the Current TFW Shade Methodology for Measuring Attenuation of Solar Radiation to the Stream*.
- One draft final report was approved by the CMER Committee to go through Independent Scientific Peer Review in 2012 – *The Mass Wasting Effectiveness Monitoring Project: An examination of the landslide response to the December 2007 storm in Southwestern Washington*.
- The CMER Committee completed a review of the report from Stillwater Sciences— an independent review of the collective contribution and progress from the various CMER research and monitoring studies— and developed a response to the recommendations in the report.
- The Adaptive Management Program completed a LEAN process in an effort to improve program efficiency.
- Forests and Fish Policy Committee initiated discussions on two priority items on its work list: to develop a strategy for Type N Water to examine the effectiveness of the Type N Water rules in protecting water quality; and develop a strategy for transitioning from the interim water typing rule to a permanent rule to ensure protection of fish habitat.
- Electro-fishing was conducted on an Adaptive Management Program research project, *Westside Type N Buffer Effectiveness Study – Soft Rock*. There were no listed-fish encounters.

### **Forest Practices Operations**

- The Forest Practices Program issued guidance to landowners and other stakeholders about the consistent interpretation of the reporting elements for the Road Maintenance and Abandonment Plan annual accomplishment report.

- WDFW regional biologists reviewed more than 6,000 Forest Practices Applications and issued approximately 670 Hydraulic Project Applications (HPA) associated with those applications. WDFW biologists also reviewed more than 3,300 Water Type Modification Forms and participated in field reviews of many streams to validate those proposed water types.

### **Small Forest Landowner Office**

- Family Forest Fish Passage Program (FFFPP) – staff worked with forest landowners to complete 25 fish passage barrier-removal projects this year, opening up 48 miles of fish habitat. Since the beginning of the program in 2003, 218 barriers to fish habitat have been removed, opening up approximately 548 miles of fish habitat.
- In an effort to educate small forest landowners and to promote the program, FFFPP solicited proposals to create a video of FFFPP projects. At least three small forest landowner stories will be filmed and documented for this project.
- DNR hosted a public meeting to collect ideas from interested stakeholders for potential long-term funding sources for the Forestry Riparian Easement Program.
- Forest Stewardship Outreach Program – DNR, in collaboration with Washington State University Extension, co-hosted three ‘Forest Owners Field Day’ workshops. About 250 small forest landowners attended each of the field days.

### **20-Acre Exempt Riparian Forestland**

- The Forest Practices Applications for 20-acre exempt non-conversion proposals along fish-bearing waters comprised approximately 1.7 percent of all approved applications submitted during the 2011-2012 reporting period.
- Of the 846 Watershed Administrative Units (WAUs) in Washington State, 154 WAUs have some possible reduction in the potential recruitment of Large Woody Debris (LWD) (as recorded from June 5, 2006 to June 30, 2012). Of these, all but one, have the potential of less than one percent cumulative reduction in function as measured by LWD recruitment potential. In-office calculations show that Diobsud Creek in the Upper Skagit Watershed Resource Inventory Area (WRIA) has potentially 2.3 percent reduction in function. The impact is “potential” because the calculations are based on “proposed” harvest, not “completed” harvests, and estimates of stream impact are made in-office from information supplied on the application, not on-the-ground measurements.
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### **Compliance Monitoring Program**

- The *Biennium 2010-2011 Compliance Monitoring Summary Report* was published in April 2012. The study design for 2010-2011 focused on Riparian Management Zone rules for all type waters (WAC 222-30), along with Road Construction and Maintenance rules

(WAC 222-24). The design also included a sample for determining haul route compliance. An additional emphasis sample examined how well water type classification was being implemented. A summary of the report results is provided in Chapter 9.

### **Road Maintenance and Abandonment Planning (RMAP) for Large Forest Landowners**

- Since 2001, 18,738 miles of forest road have been improved to meet state forest practices standards.
- The Forest Practices Program has implemented standardized RMAP data collection and evaluation, and created a reporting process more conducive to stakeholder review, including a Geographic Information System (GIS) database for RMAP information.
- Forest Practices Board Manual Section 3 Guidelines for Forest Roads was amended to add an explanation of the requirements and processes in the RMAP program.
- Since 2001, 4,258 fish passage barriers—about 60 percent of those identified—have been corrected, opening up 2,189 miles of fish habitat.
- Washington State Department of Fish and Wildlife reviewed approximately 650 RMAPs statewide and issued about 400 Hydraulic Project Application (HPA) permits associated with those RMAPs.

### **Tribal Relations**

- WAC 222-20-120 *Notice of forest practices to affected Indian tribes* was amended (a result of consensus recommendations from the Timber/Fish/Wildlife Cultural Resources Roundtable). The amendments to the rule specify that the meeting between the landowner and the affected Indian tribe(s) is “at the tribe’s discretion” and provides two new options to comply with the meeting requirement.
- In anticipation of the amended rule’s emphasis on tribes’ geographic areas of interest and cultural resources contacts—and to increase tribal awareness and participation in all aspects the Forest Practices program—DNR confirmed the following with the tribes:
  - Who the tribe’s preferred contact(s) is for Forest Practices Board rule makings
  - Where the tribe’s geographic area of interest is located for receiving proposed Forest Practices Applications via the Forest Practices Application Review System (FPARS)
  - Who the tribe’s preferred contact(s) is when a forest practice involves a cultural resource

### **Enforcement**

- There were a total of 10,569 approved (non-expired) Forest Practices Applications during the reporting period. During this time, there were 143 Notices to Comply and Stop Work

Orders written. Of these enforcement actions, 95 were for violations to the Forest Practices Rules.

### **Washington State Legislature**

- 2ESSB 6406 legislation integrates hydraulic projects into the Forest Practices Application process.
- ESB 6074 appropriated \$10 million to the Salmon Recovery Funding Board, administered by the Recreation and Conservation Funding Board, specifically to fund correction of fish passage barriers through the Family Forest Fish Passage Program (FFFPP).

### **Information Technology**

- The Forest Practices GIS section entered approximately 3,906 water type updates into the hydrography data set based on 882 Water Type Modification Forms.
- A “Cultural Resources” data folder was added to the Forest Practices Risk Assessment Tool containing links to US Geological Survey maps, US Army Mapping Service maps, and Government Land Office historical maps. These maps can be used by DNR to assist in the investigation of possible cultural resources in the vicinity of proposed forest practices. A map layer also was added that provides the geographic extent of areas of interest for 29 tribes, and tribal contacts regarding cultural resources.

### **Training**

- The Forest Practices Program hired a Training Manager late in the reporting period. Results from both field compliance and enforcement visits as part of the daily work of Forest Practices Foresters, and from the Compliance Monitoring Program will help direct a comprehensive training program for DNR staff, landowners, and other stakeholders.
- The Forest Practices program provided training to forest practices staff and/or stakeholders on topics including enforcement, compliance monitoring, information technology, unstable slopes, channel migration zones, and wetlands.
- DNR region Forest Practices staff completed or sponsored more than 130 training workshops during the reporting period, reaching approximately 2,400 forestry professionals and forestland owners. Topics included wetland identification, water type verification, road maintenance, and unstable slopes.