

# Executive Summary

In 2006, Washington State completed the [Forest Practices Habitat Conservation Plan](#) (Forest Practices HCP) (DNR 2005) 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 private 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 activities in compliance with Forest Practices Rules, cannot be prosecuted if they incidentally “take” a member of a species covered by the ITP.

As a part of the Forest Practices HCP agreement, the State submits to the Services an annual report describing implementation activities. This, the sixth annual report, covers the period from July 1, 2011 to June 30, 2012. 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 2011 – June 2012 Activities and Accomplishments

### 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.

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

- In August 2011, the Board adopted changes to the rules related to Road Maintenance and Abandonment Plans (RMAPs)—WACs 222-24-050 and 222-24-051. The change was to give forest landowners the opportunity to extend the performance period for their RMAPs up to five years, or until October 31, 2021. The Board’s rule change followed a recommendation from the Forests and Fish Policy Committee and also included a comprehensive set of recommended improvements to the RMAPs program.
- The Board amended WAC 222-20-120 *Notice of forest practices to affected Indian tribes* in February 2012. The rule established an improved process for forest landowners and affected Indian tribes to achieve the rule’s landowner-tribe meeting requirement when landowners’ proposed forest practices may intersect with cultural resources.
- Also in February 2012, the Board eliminated the bald eagle and 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. However, they continue to receive protection under the federal Bald and Golden Eagle Protection Act and the Migratory Bird Act.
- The Board adopted rules to carry out 2011 legislation (ESHB 1509) that made changes to the Forestry Riparian Easement Program.

The Forest Practices Adaptive Management Program completed research projects, made recommendations to the Forest Practices Board, completed a LEAN process and convened subgroups to work on priority issues.

- Two research projects were completed by the Cooperative Monitoring, Evaluation and Research (CMER) Committee and considered for action by the Policy Committee and Forest Practices Board. The projects were: *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*. The Policy Committee did not recommend changes to rules resulting from the reports.
- The Policy Committee recommended changes in the Board Manual regarding guidance to landowners related to road maintenance and abandonment planning—which the Forest Practices Board approved—based on results from the completed *Washington Road Sub-Basin Scale Effectiveness Monitoring First Sampling Event (2006-2008) Report*.
- One other draft final report, “*The Mass Wasting Effectiveness Monitoring Project: An examination of the landslide response to the December 2007 storm in Southwestern Washington*” has been revised based on reviewer comments by Independent Scientific Peer Review, but CMER has not yet accepted the report as final.
- In an effort to improve program efficiency, Policy Committee participants recommended that the Forest Practices Board direct the Adaptive Management Program to review its

processes using LEAN process improvement methodologies—aimed at eliminating non-value-added work or processes, and setting quantitative performance targets. The Adaptive Management Program conducted an “opportunity assessment” using a LEAN consultant to determine which program processes are most suitable for LEAN reviews. They chose to conduct a LEAN process on CMER’s approach to developing, reviewing, and approving scoping documents and study designs. The LEAN process was conducted and CMER agreed to pilot two to three studies on its project list using the method developed through the process.

- The Policy Committee initiated discussions on two priority work list items: development of a Type N Water strategy and development of a strategy for transitioning from the interim water typing rule (Type F/N Water break) to a permanent rule to ensure protection of fish habitat. Development of a strategy for Type N Water is Policy’s highest priority, and its purpose is to examine the effectiveness of the Type N Water rules in protecting water quality including: a) ranking and funding Type N Water studies as highest priorities for research, b) resolving issues regarding identifying the uppermost point of perennial flow, and c) completing a comprehensive literature review examining the effects of buffering headwater streams.

Washington Department of Fish and Wildlife (WDFW) provided a crucial role in forest practices operational issues.

- WDFW regional biologists reviewed over 6,000 Forest Practices Applications and issued approximately 670 Hydraulic Project Applications (HPAs) associated with those applications. Many HPAs include multiple projects or locations that need to be specifically reviewed and conditioned; for the 670 HPAs issued, there were approximately 1,100 projects or locations.

The riparian buffers on 20-acre exempt parcels may provide less riparian protection for the habitat of HCP-covered aquatic species than the standard Forest Practices Rules. The Incidental Take Permits of the Forest Practices HCP include a condition to measure potential recruitment of large woody debris from the riparian buffers for 20-acre exempt parcels as the means to determine if there is a reduction in riparian function. Standing snags and trees that could eventually fall into the stream are important habitat elements that slows the flow of water, shades the stream, and provide organic matter which attracts insects that feed fish and other species.

- For the reporting period, there were 84 approved 20-acre exempt Forest Practices Applications out of 4,946 *approved* Forest Practices Applications (of the 5,302 total applications received during the reporting period). These 20-acre exempt (non-conversion) applications along fish-bearing water comprised 1.7 percent of all approved applications submitted during the 2011-2012 reporting period.
- There are a total of 846 watershed administrative units in Washington State, of which 154 have some measure of reduction in potential recruitment function from 20-acre exempt Forest Practices Applications. Currently, in-office calculations indicate that over the six-year period of the Incidental Take Permits, all watershed administrative units affected by

20-acre exempt FPAs, except for one, have less than one percent cumulative reduction in riparian function as measured by large woody debris recruitment.

- The Incidental Take Permits require the review of specifically identified bull trout spawning and rearing habitat areas. These areas are of concern due to extremely low populations of bull trout. There was one Forest Practices Application associated with a 20-acre exempt parcel in the bull trout areas of concern (Hutchinson Creek WAU) during the reporting period from July 1, 2011 through June 30, 2012.

The Compliance Monitoring Program published the *Biennium 2010-2011 Compliance Monitoring Summary Report* in April 2012. This report summarized results in which randomly selected and approved Forest Practices Applications were assessed for compliance with the Forest Practices Rules.

- The study design for 2010-2011 focused on Riparian Management Zone (RMZ) rules for all typed waters (WAC 222-30) along with Road Construction and Maintenance rules (WAC 222-24) applied at the Forest Practices Application site. Additionally, the design also included a sample for determining haul route compliance.
  - Road-related compliance with approved Forest Practices Applications was 85 percent. The new haul route survey showed that 96 percent of existing haul routes sampled were compliant with sediment delivery standards.
- An additional emphasis sample examined how well water type classification was being implemented in terms of consistency with compliance monitoring team observations.
  - Riparian prescription compliance rates ranged between 43 and 95 percent (see chapter 9 for more information).

The Forest Practices Program obtained funding for a training manager in late FY 2012. The new manager and staff will develop a strategy for future trainings to be developed and implemented in the coming year. This training program will place heavy emphasis on improving evaluations of risk to public resources and public safety, reduction in mass wasting events related to forest practices activities, and compliance monitoring results.

The Forest Practices Program has implemented standardized data collection and evaluation to support Road Maintenance and Abandonment Planning (RMAP), and created a reporting process more conducive to stakeholder participation in review.

- A statewide Geographic Information System (GIS) database was created for RMAP information, improving data sharing and transparency among stakeholders. Particular attention remains focused on implementation consistency and standardization, including even-flow of the road work over the life of the RMAP and worst-first assessment (prioritizing road work based on the highest potential to damage public resources) and tracking.

Washington Department of Fish and Wildlife biologists reviewed approximately 650 RMAPS statewide and issued approximately 400 Hydraulic Project Application (HPA) permits associated with those RMAPs. As many HPAs include multiple projects or locations, these 400 HPAs equate to over 700 projects or locations associated with RMAPs.

The Timber/Fish/Wildlife Cultural Resources Roundtable presented to the Forest Practices Board a consensus recommendation to amend WAC 222-20-120. In February 2012, the Board adopted amendments to WAC 222-20-120 to accomplish the following:

- Call attention in the rule title to the fact that the rule includes requirements for applications that involve cultural resources.
- Clearly state that DNR is to notify affected Indian tribes of proposed forest practices based on the tribe's designated geographic areas of interest, rather than only those applications that a tribe might have a concern with.
- Resolve ongoing issues with the requirement that the landowner and the tribe(s) "shall meet" when the forest practices involves a cultural resource. The main issue was that when an application involved a cultural resource, the landowner and affected Indian tribe(s) were required to meet with the objective of agreeing on a plan to protect the cultural resource, even if the tribe had no concern about the proposed forest practice. Not meeting would result in a disapproved application. The rule amendments specify the meeting is "at the tribe's discretion" and provides two new options to comply with the meeting requirement.
- Remove the requirement that the tribe(s) must determine whether a landowner-tribe agreed-to plan will or will not be sent to the Department of Archaeology and Historic Preservation.

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 GIS technology, and the Oracle database system. These technologies collect Forest Practices Application information, distribute the applications for regulatory and public review, conduct risk assessment of proposed activities, and archive the applications. A total of 5,302 Forest Practices Applications/ Notifications were received and entered into FPARS between July 1, 2011, and June 30, 2012.

The Forest Practices Program continues to support the Forest Practices Risk Assessment Tool. A "Cultural Resources" data folder was added that contains layers with links to US Geological Survey maps, US Army Mapping Service maps, and Government Land Office historical maps. These historical maps can be used 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 29 tribes' area of interest and tribal contacts regarding cultural resources.