

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

1.1 Introduction

In 2006, Washington State submitted 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 all covered aquatic species, including 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 issuance of Hydraulic Project Approvals (HPAs) for forest practices-related hydraulic projects
- 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 seventh annual report covers the period from July 1, 2012 to June 30, 2013. The report describes the efforts of the state Department of Natural Resources' Forest Practices Program, and its partners to implement the Forest Practices HCP.

1.2 2013 Report Highlights

Highlights of the Forest Practices HCP implementation from July 1, 2012 through June 30, 2013 include:

Forest Practices Board

Rule Making Activity included:

- **Land Use Conversion and Forest Practices Applications** – The Board adopted rules to integrate several legislative changes to chapter 76.09 RCW. The rule changes eliminated all reference to “lands platted after January 1, 1960”; eliminated the six-year moratorium on development when landowners have not stated their intention to convert their forest land to other uses; and increased the duration of a Forest Practice Application or notification from two to three years.
- **Forest Practices Hydraulic Projects** – Second Engrossed Substitute Senate Bill 6406 directed the Board to incorporate the fish protection standards in chapter 77.55 RCW (commonly known as the Hydraulic Code Rules) into the forest practices rules. The Board will consider rule adoption on August 13, 2013. When these rules are in effect, hydraulic project proposals associated with forest practices will be included in FPAs and not require separate hydraulic project approvals.
- **Forest Biomass** – Minor rule clarification includes adding a definition of “forest biomass”; inserting clarification within the existing definition of “forest practice” and into the logging system portion of the harvest unit planning and design rules. The Board will consider rule adoption in August 2013.
- **Adaptive Management Program Reform** – In May 2013, the Board initiated rulemaking pursuant to Forest Practices Habitat Conservation Plan Settlement Agreement (May 2012) between the Forest and Fish Conservation Caucus, the State of Washington, and the Washington Forest Protection Association. The settlement agreement established a renewed commitment by all parties to collaboration, efficient decision making, a more rigorous schedule for scientific research that will inform needed rule changes over time, and a stronger plan for ensuring that the program is adequately funded. The Board will consider rule adoption in August 2013.

Adaptive Management Program

- The current 2014 CMER Work Plan contains more than 95 projects. Approximately 36 projects have been completed and 17 projects are ongoing (i.e., undergoing study design development, or being implemented or reviewed).
- Two CMER projects were completed, approved by CMER and considered for action by the TFW Policy Committee during the reporting period:
 - The mass wasting effectiveness monitoring project: An examination of the landslide response to the December 2007 storm in Southwestern Washington (aka Post-Mortem report) and
 - Extensive riparian status and trends monitoring program - stream temperature phase I: eastside type F/S monitoring project final report.
- Three draft reports were approved by CMER to go through Independent Scientific Peer Review (ISPR):
 - Effectiveness of riparian management zone prescriptions in protecting and maintaining shade and water temperature in forested streams of Eastern Washington,
 - Stream-associated amphibian response to manipulation of forest canopy shading, and
 - Review and synthesis of literature on tailed frogs (genus *Ascaphus*) with special reference to managed landscapes.
- The TFW Policy Committee approved a Type N water strategy which was the committee's highest priority. The purpose of the strategy was to examine the effectiveness of the Type N forest practices rules in protecting water quality.

Forest Practices Operations

- Forest Practices Operations, including the Compliance Monitoring Program, has twelve Clean Water Act milestones to address. Nine milestones have been completed, including three during this reporting period (#11 Water Typing On-Line Guidance, #14 Riparian Non-Compliance, and #19 Water Type Modification Strategy Review).
- The Forest Practices Program created several guidance documents for forest practices staff including a question and answer document addressing the increase in forest practices application fees. Also, a Memorandum of Agreement was developed to describe the framework for Washington State Department of Fish and Wildlife (WDFW) and DNR to implement the integration of hydraulic projects into the forest practices rules.
- WDFW regional biologists reviewed approximately 6,000 Forest Practices Applications and issued approximately 800 Hydraulic Project Approvals (HPAs) associated with those FPAs. As one HPA may include multiple project sites, these 800 HPAs equated to approximately 1,300 forest practices-related hydraulic projects. WDFW biologists also

reviewed over 3,000 Water Type Modification Forms and participation in field reviews to validate those proposed water types.

Small Forest Landowner Office

- Twenty-three new Forest Riparian Easement Program (FREP) applications were received and 13 easements were acquired. As a result, the backlog of unfunded applications now totals 107.
- The legislature directed the chair of the Forest Practices Board to form a group of stakeholders to investigate and recommend potential new long-term funding sources for the Forestry Riparian Easement Program and report to the legislature by May 31, 2012. This report is posted on the [FREP website](#).
- The Family Forest Fish Passage Program completed 47 fish barrier removal projects opening 161 miles of upstream fish habitat. Since the beginning of the program in 2003, 289 barriers to fish habitat have been removed, opening up approximately 682 miles of fish habitat.
- The Small Forest Landowner office also updated the *Do You Own Forestland?* pamphlet. This pamphlet provides information about all of the assistance programs that are offered through the Small Forest Landowner Office such as FREP, FFFPP, the Forest Stewardship Program, Long-term Applications, and Alternate Plans.

20-acre Exempt Riparian Forestland

- Twenty-acre exempt non-conversion applications along fish-bearing water comprised about 2.1 percent of all approved applications submitted during the 2012-2013 reporting period.
- Of the 846 Watershed Administrative Units (WAUs) in the state, 170 have some possible reduction in the potential recruitment of large woody debris (LWD). Of these, all but one, have the potential of less than one percent cumulative reduction in function as measured by LWD.
- There were no Forest Practices Applications associated with 20-Acre Exempt parcels in the bull trout areas of concern.

Enforcement

- There were a total of 11,721 active (i.e. non-expired) Forest Practices applications during the reporting period. During this time, there were 119 Notices to Comply and Stop Work

Orders written. Of these enforcement actions, 88 were for violations to the Forest Practices Rules.

Compliance Monitoring

- The *2012 Interim Forest Practices Compliance Monitoring Report* will be published in July 2013. Generally, findings and conclusions cannot be made from one year of data because the data represents only one year of the required two years of data needed for precise estimates. However, two findings in the report had sufficient data:
 - 1) The RMZ exempt 20-acre parcel Emphasis Sample showed a compliance rate of 57% that was not significantly different from the 2008 rate of 62% compliance rate.
 - 2) 2012 haul routes showed a compliance rate of 87% that was not significantly different from the 2011 rate of 96%.
- The Compliance Monitoring Program provides feedback from compliance monitoring for the purposes of improving compliance with the forest practices rules. Following are some of the changes made in 2011-2012 to address issues identified as a result of compliance monitoring:
 - 1) *Water Typing* - the Water Type Classification Worksheet and the Water Type Modification Forms have been revised to provide better detail about the location of water type breaks and stream physical characteristics.
 - 2) *Water Type and Bankfull Width Training* was developed for all region Forest Practices Staff to help provide consistent statewide interpretation and understanding about how water types and bankfull widths are determined.

Training, Information, Education

- Six *Water Type - Bankfull Width* trainings were provided. The new training was provided to all field forest practices foresters and division staff involved in water typing or processing water typing forms.
- Training was provided by the Assistant Attorney's General office and the Forest Practices Division to region staff regarding documentation for enforcement related to forest practices appeals.
- Two Unstable Slopes, four Channel Migration Zone, and three Wetland Identification trainings were provided for Forest Practices Program staff, agency stakeholders, landowners, and consultants.
- DNR region staff completed or sponsored more than 54 training presentations and meetings reaching approximately 1,300 people. The topics varied widely and included

compliance monitoring results; water type modification; road maintenance plans; and general forest practices rule topics.

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

- Since 2001, 20,026 miles of forest road have been improved to meet state forest practices standards and 4,846 fish passage barriers – about 66% of those identified – have been corrected, opening up 2,659 miles of fish habitat.
- Washington State Department of Fish and Wildlife reviewed approximately 500 RMAPs statewide and issued about 400 Hydraulic Project Application (HPA) permits associated with those RMAPs. As many HPAs include multiple projects or locations, these 400 HPAs equate to more than 700 projects or locations associated with RMAPs.

Tribal Relations

- The Board unanimously adopted the Cultural Resources Roundtable’s consensus amendments to WAC 222-20-120 on February 14, 2012, and requested annual reviews on implementation of the amended rule. To fulfill this request, the Roundtable developed questions specific to the rule’s new amendments and added those questions to its annual survey on the Cultural Resources Protection and Management Plan. Annual survey results specific to WAC 222-20-120 will be reported by the Roundtable as part of its ongoing August annual reports to the Board.
- The Roundtable started work to improve the current instructions for the cultural resources question on the Forest Practices Application/Notification forms. A work group has been convened to develop draft amendments and present their recommendations to the Roundtable.
- The Roundtable’s cultural resources educational efforts for the state’s small forest landowners—also a commitment in the *Cultural Resources Protection and Management Plan*—continues through the assistance of the Washington State University Extension Service. Numerous workshops were conducted around the state, some drawing a hundred or more attendees.

Washington State Legislature

- Each year, DNR monitors laws being passed by the Legislature for those that could impact the Forest Practices Program. There were no new laws that would result in a change in protection of habitat for the species covered in the Forest Practices HCP.

Information Technology

- 5,133 FPAs were received or renewed and entered into FPARS. Currently there are 732 reviewers receiving email notification.
- A new online FPA/N Search tool was implemented on the Forest Practices webpages on September 1, 2012. Unlike the previous search tool, the new search tool does not require a user ID and password to access. The new search tool also allows the user to enter up to ten (10) FPA/N numbers to search for simultaneously.
- Temporary DNR GIS staff entered a backlog of approximately 8,400 updates into the Hydrography data set based on 2,050 Water Type Modification Forms (WTFM). The Forest Practices Program is now current with WTFMs submitted as of June 30, 2013.