

2. Forest Practices Board

2.1 Introduction

The Forest Practices Board's activities during the 2008-2009 reporting period are explained in this section. The Board adopted rules related to historic sites, conversion activities, board composition, and the northern spotted owl. The Board also considered changes to the riparian desired future condition rules, a fixed-width riparian management zone rule, and rules pertaining to hazardous trees and mass wasting watershed analysis prescriptions.

2.2 Forest Practices Board Overview

The Board sets the standards that are the basis for the Forest Practices program. The state's Forest Practices Act established the Board in 1974 as an independent state agency. It directs the Board to adopt forest practices rules for non-federal and non-tribal forestlands that protect public resources while maintaining a viable forest products industry. "Public resources" is defined as water, fish and wildlife, and capital improvements of the state or its political subdivisions.

The Board consists of thirteen members. In the 2008 legislative session the Washington State Legislature added a thirteenth member to the Board who represents a timber products union. The Board is staffed by DNR and chaired by the Commissioner of Public Lands, or the Commissioner's designee. The remaining members include five state agency directors (or their designees) and eight members appointed by the governor. The represented agencies are the Department of Natural Resources, Department of Commerce (formerly known as Community, Trade and Economic Development), Department of Ecology (Ecology), Department of Agriculture, and the Washington Department of Fish and Wildlife (WDFW). The governor-appointed members include a member representing a timber products union, a forest landowner who actively manages his or her land, an independent logging contractor, an elected county commissioner or council member, and four general public members whose affiliations are not specified in the Forest Practices Act. The current membership is:

- Peter Goldmark, Commissioner of Public Lands
- Brent Bahrenburg, Department of Commerce
- Tom Laurie, Department of Ecology
- Brad Avey, Department of Agriculture
- Joe Stohr, Department of Fish and Wildlife
- Dave Somers, Snohomish County Commissioner
- Bill Little, timber products union representative
- Doug Stinson, general public member and small forest landowner
- Sherry Fox, general public member and independent logging contractor
- David Hagiwara, general public member
- Carolyn Dobbs, general public member
- Norm Schaaf, general public member
- David Herrera, general public member

In addition to adopting rules, the Board approves the Board Manual, an advisory technical supplement to the rules. The manual guides field practitioners and DNR regulatory staff when

implementing certain rule provisions. The forest practices rules, together with the Board Manual, largely represent the state's protection measures for public resources.

The Board also directs the Adaptive Management Program. The Program provides science-based recommendations and technical information to assist the Board in determining if and when it is necessary or advisable to adjust rules and guidance in order to achieve established goals and objectives. The Board empowers four entities to participate in the Adaptive Management Program:

1. Cooperative Monitoring, Evaluation and Research (CMER) committee
2. Forests and Fish Policy committee
3. Adaptive Management Program Administrator
4. Scientific Review Committee (SRC)

The CMER committee represents the science component of the program and oversees research and monitoring. The Forests and Fish Policy committee considers CMER committee research and monitoring findings and makes recommendations to the Board related to forest practices rule amendments and/or guidance changes. Participation in both the CMER committee and the Forests and Fish Policy committee is open to representatives of forest landowner and environmental interests, tribal governments, county governments, and state and federal agencies. The Adaptive Management Program Administrator is a full-time employee of DNR and is responsible for overseeing the Program, supporting the CMER committee and reporting to the Forests and Fish Policy committee and the Board. The Scientific Review Committee performs independent peer review of some CMER committee work to ensure it is scientifically sound and technically reliable. The Scientific Review Committee may also review non-CMER work, though it does not do so frequently.

2.3 Forest Practices Board Rule Making Activity (July 1, 2008 – June 30, 2009)

Historic Sites

On August 13, 2008, the Board adopted amendments to rules related to historic sites. The definition of "historic sites" was removed from WAC 222-16-010, and WAC 222-16-050(1)(f)(ii) was amended to clarify that forest practices operations near certain historic sites are classified Class IV-special applications which triggers the State Environmental Policy Act (SEPA). In total this rule making addressed ambiguities and inconsistencies between Class IV-special and Class III forest practices related to the management of historic sites and cultural resources. The rule language was a consensus proposal from the Timber Fish and Wildlife (TFW) Cultural Resources Committee.

Conversion Activity

Also on August 13, 2008, the Board amended WAC 222-16-010 to implement changes contained in Second Substitute Senate Bill 5883 (2007 legislation). The rule added a definition of "conversion activities" to help field staff recognize activities common to converting land use from forestry to nonforestry.

Board Composition and Miscellaneous Corrections

On November 12, 2008, the Board adopted amendments to chapter 222-08 WAC, Practices and Procedures, reflecting changes to the composition of the Board made by the 2008 Legislature

through Substitute House Bill 2893. As mentioned in section 2.2, one of the changes is the addition of a thirteenth board member position specified to be a representative of a timber products union. The other is to specify the small forest landowner position as “a small forest landowner who actively manages his or her land” rather than “an owner of not more than five hundred acres of forest land.” At the same time the Board included minor corrections to rules throughout Title 222 WAC.

Northern Spotted Owl

On July 7, 2008 the Board established a multi-stakeholder Northern Spotted Owl Policy Working Group to recommend a rule and/or other programmatic strategy that will result in contributions from nonfederal lands toward maintaining a viable population of the northern spotted owl in Washington. The group is directed to base its recommendations on the best available science, and to consider guidance in the U.S. Fish and Wildlife Service 2008 Final Recovery Plan for the northern spotted owl. The group is also directed to emphasize voluntary, incentive-based conservation approaches. It has met many times since its creation, and continues to work to develop recommendations by the end of 2009.

As an interim measure to ensure important habitat is not lost prior to the adoption of a long-term conservation strategy, on December 16, 2008 the Board adopted an emergency rule, and initiated permanent rule making with the same rule language, which:

- Removed a moratorium on spotted owl site center decertification;
- Created a three-person “spotted owl conservation advisory group” to exist for one year from January 1, 2009, until December 31, 2009; and
- Specified the advisory group’s function.

The advisory group is to evaluate the need to maintain northern spotted owl habitat within the owl circle surrounding any approved landowner surveys approved by the state Department of Fish and Wildlife, for the purpose of spotted owl site center decertification. The group’s evaluation may or may not result in a decision to allow decertification of a site center. A decision to decertify must be one of group consensus finding that the Northern Spotted owl habitat for the site need not be maintained while the Board completes its evaluation of rules affecting the spotted owl. To date, no such surveys have been submitted by a landowner to the state Department of Fish and Wildlife, and the advisory group’s work has not been needed.

Desired Future Condition

The Board continues to consider three alternative rule proposals to amend WAC 222-30-021(1) pertaining to the desired future condition of streamside or riparian management zones in Western Washington. This is in response to an August 31, 2005 petition for rule making submitted by the Forests and Fish Policy committee. The CMER committee completed a study entitled *Validation of the Western Washington Riparian Desired Future Condition (DFC) Performance Targets in the Washington State Forest Practices Rules with Data From Mature, Unmanaged, Conifer-Dominated Riparian Stands* (Schuett-Hames et. al., 2005). The study’s findings showed that basal area¹ per acre of mature, unmanaged conifer-dominated riparian stands is significantly greater than the basal area targets required in the rule. The results included basal area of mature

¹ Basal area is the area in square feet of a cross section of a tree bole (main trunk). Basal area per acre is the total square feet of all tree bole cross sections in the acre.

unmanaged stands by site class. The study also analyzed the difference between the basal area calculations of riparian areas found in the five site classes² listed in the rules and concluded that there is no statistical difference for basal areas between site classes. The study did not offer an alternative single basal area target that was the same for all site classes.

The three alternative rule proposals under consideration are as follows:

- Proposal 1 increases the basal area target to 325 sq. ft. per acre for all site classes. This is the median value of the data in the validation study.
- Proposal 2 increases the target basal area per acre the same as Rule Proposal #1, and it allows landowners who harvest under Option 2 to credit the required 20 leave trees per acre (in the harvested portion of the inner zone) towards meeting the stand requirement. The proposal also expands the table, “Option 2. Leaving trees closest to water”, to add minimum floor widths (i.e., possible inner zone harvest opportunities) for site classes III and IV on streams greater than 10 feet in width.
- Proposal 3 increases the target basal area per acre the same as Rule Proposal #1, and it allows landowners who harvest under Option 2 to credit the required 20 leave trees per acre (in the harvested portion of the inner zone) towards meeting the stand requirement.

As reported in the 2008 annual report, the Board anticipated adopting a rule at the February 2009 meeting. However, the Board has not adopted a rule for a variety of reasons.

On May 20, 2009 the Board directed the CMER committee to estimate the degree to which implementing Proposal 3 would affect the ability of riparian stands to achieve the desired future condition as compared to Proposal 1. The Board did not direct CMER to do the same for Proposal 2. This is because the Board intends to adopt a rule on August 12, 2009, and CMER consideration of both proposals 2 and 3 would not fit within that time constraint. However, the Board has made it clear that all three proposals are still under consideration for rule adoption.

Fixed-Width Riparian Management Zones

While the Board considered rule proposals to respond to the above-mentioned validation study, the Board directed DNR staff to work with stakeholders to create an alternative rule for management in riparian areas. This alternative would offer a fixed-width, no harvest zone to landowners who prefer a simpler approach than is offered in current rules. It would not require the use of a growth model or extensive zone delineation and tree measuring in the field. DNR staff worked with Forests and Fish caucuses to develop a rule draft in the fall and winter of 2009. In February 2009 the Board authorized distributing draft language to the state Department of Fish and Wildlife and counties for a 30-day review and comment opportunity pursuant to RCW 76.09.040(2), and at the same time distribute the draft to members of the Forests and Fish Policy and CMER committees.

All of the Forests and Fish caucuses agree that a simpler alternative should be available in the rules, but some feel strongly that the zone width should be determined via the Forests and Fish Adaptive Management process. The Board, therefore, is requesting the Adaptive Management Program to develop a rule proposal for Board consideration prior to its November 2009 meeting.

² Site class is an indicator of how productive a site is for growing timber.

Trees and Houses

As indicated in the 2008 report, the Board is considering rule making that will exclude from the definition of “forest land” trees immediately adjacent to residential structures. The purpose is to transfer the jurisdiction over removing these hazard trees from DNR to local governments, but would maintain Department of Labor and Industry jurisdiction for public safety purposes.

Rule development activities continued during the current reporting period. In August 2008 the Board authorized distributing draft language to the state Department of Fish and Wildlife and counties for a 30-day review and comment opportunity pursuant to RCW 76.09.040(2). Comments received through that process prompted further rule development which is in progress at the time of this writing. It is likely that the Board will distribute draft rules for public review and hearings in the winter or spring of 2010.

Upland Wildlife Planning

The Board/Department of Fish and Wildlife project to conduct a comprehensive review of the forest practices rules and science for upland wildlife protection continued as funding allowed. However, this project will be on hold starting July 1, 2009 due to lack of state or federal funding. When it is again funded, this review and planning process could result in rule recommendations for wildlife habitat conservation.

2.4 Anticipated Forest Practices Board Direction

Desired Future Condition, Northern Spotted Owl, Fixed-Width Riparian Zones, and Trees and Houses

As indicated in the information provided in part 2.3, the Board will continue rule making on the desired future condition of riparian management zones, the conservation of northern spotted owl habitat, fixed-width riparian zones, and changing the rules to exclude trees immediately adjacent to residential structures from state forest practices jurisdiction.

Watershed Analysis Mass Wasting Prescriptions

The Board is considering whether rule making is needed to ensure that watershed analysis mass wasting prescriptions are providing an appropriate level of protection to public resources and public safety. This is following the December 2007 storm event (see section 2.6 for more information) in southwest Washington, and the Board’s concern about whether the rules related to unstable slopes and landforms are adequate for resource and public protection.

On May 20, 2009 the Board directed staff to prepare “proposal initiation” information as outlined in Board Manual Section 22 – Guidelines for Adaptive Management Program, Part 3. This will include requests for information from the Adaptive Management Program to answer the Board’s questions related to the adequacy of the rules for unstable slopes and rule-identified landforms. If this proposal initiation process results in proposed rule making, the rule making process would probably begin in February or May 2010. The affected rules would be in chapter 222-22 WAC, Watershed Analysis, and chapter 222-10 WAC, State Environmental Policy Act Guidelines.

Riparian Open Space Program

The 2009 state legislature passed legislation that broadens the scope of the Riparian Open Space Program 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 program will likely be given a new name to reflect the additional habitat acquisitions. The Board will conduct rule making to account for the expansion of this program, and the Forest Practices Division will implement the program. Rule making will amend chapter 222-23 WAC, and possibly will change a definition in WAC 222-16-010 and amend WAC 222-16-050 (1) (d) (iii).

Other activities the Board may begin in the 2009-2010 reporting period

The Board may also commence rule making to:

- Change the way regular Board meeting dates are scheduled (chapter 222-08 WAC);
- Clarify administrative processes (chapters 222-20 and 222-46 WAC);
- Clarify jurisdictional issues related to language under the Class IV-general classification, “lands platted after January 1, 1960” (WAC 222-16-050(2)). This has been identified as needing clarification, but is dependent on whether the legislature first makes changes to RCW 76.09.240(1)(a).

2.5 Forest Practices Board Manual

The Board Manual is an advisory technical supplement to the forest practices rules that provides technical background and guidance for DNR staff, forest landowners and cooperating agencies and organizations when implementing certain rules.

The forest practices rules direct DNR to develop Board Manual sections, each of which provides guidance for implementing a specific rule or set of rules. DNR develops and makes modifications to sections of the Board Manual in cooperation with Departments of Fish and Wildlife, Agriculture, Ecology and other affected agencies, affected tribes, and interested parties that have appropriate expertise. The development or modification process typically begins with a working group identifying key elements to be addressed, and progressing to drafting language with DNR in the lead. During this development phase any interested party may comment on a draft. For Board Manual sections providing guidance for rules protecting aquatic resources, a final draft is presented to the Forests and Fish Policy committee for review and approval, after which the Board considers and approves it for inclusion in the Board Manual. Sometimes it may be necessary to present the Board with a final product that represents agreement by a majority of the Forests and Fish Policy committee, rather than by consensus. In these cases, DNR staff informs the Board of the lack of consensus and provides a briefing on the outstanding issues prior to the Board taking action.

Forest Practices Board Manual Activity (July 1, 2008 – June 30, 2009)

DNR, in cooperation with the Small Forest Landowner Advisory Committee and other interested parties is developing a “Small Forest Landowner Conifer Restoration for Western Washington” template for inclusion in Board Manual Section 21, Guidelines for Alternate Plans. The template, expected to be presented to the Board at its November 2009 meeting, will offer a simplified alternate plan process for small forest landowners to re-establish riparian conifer stands by harvesting hardwoods while protecting riparian functions.

2.6 Response to December 2007 Storm

Background

On December 2 and 3, 2007, a storm occurred in western Washington that has been described by some as a 500-year storm event. The storm brought heavy precipitation and high winds. The

amount of rain received during the storm ranged as high as 19 inches near the Rock Creek drainage in Wahkiakum County and wind gusts exceeded 80 miles per hour along the coast and gusts of 140+ miles per hour were recorded at Radar Ridge just west of Naselle, Washington. According to Greg Sinnett, DNR Chief Meteorologist, western Washington sustained the strongest gale since the great Columbus Day Storm of 1962. The duration of the wind event was unprecedented in Washington. The gale arrived in two surges, with the first triggered by a low pressure system moving into the Olympic Peninsula. The second surge arrived about 12 hours later and was stronger than the first in some areas.

The combination of strong winds and high amounts of rainfall combined with rapid snow-melt caused severe damage to all downstream properties. Effects to forestland included extensive damage to forest roads, bridge washouts, numerous landslides, debris slides and slumps, and massive blow-down in areas. Heavy rain affected soil stability and resulted in extensive flooding.

The State of Washington responded immediately to the disaster. Governor Gregoire created a task group to coordinate various branches of state and local government and others to provide relief to those affected by the floods, and to work on recovery and prevention. The group focused on four areas of work: Human services, repairing public systems, financial recovery, and natural resources.

The Forest Practices Board (the Board) devoted the February 13, 2008, board meeting to the storm. Presentations were made to the Board describing the storm, the effects of the storm on forest land, post-storm geological reconnaissance, and outreach and landowner assistance including expedited processing of forest practices applications, alternate plan considerations and debris clean-up. The presentations can be found at:

www.dnr.wa.gov/BusinessPermits/Topics/OtherInteragencyInformation/Pages/bc_fp_presentations20080213.aspx.

The Board asked whether current rules had been followed in harvest units that contributed to storm damage, and if they are sufficient to protect against damage in future storms. The Board committed to ensuring a thorough review of the potential relationship between forest practices and the impacts of the storm.

The DNR Division of Geology and Earth Resources surveyed and mapped over 1,000 landslides. Most of the landslides were found to be debris flows. Bedrock and shallow soils were key components of the landslides. More information can be found in DNR's Division of Geology and Earth Resources report, *Landslide Reconnaissance Following the Storm Event of December 1-3, 2007 in Western Washington* located at:

www.dnr.wa.gov/Publications/ger_ofr2008-5_dec2007_landslides.pdf.

DNR worked in partnership with local county governments, local conservation districts, and other state and federal agencies to assist landowners in storm recovery efforts. DNR's outreach to landowners included assistance in debris removal from agricultural land, working individually with industrial forestland owners and family forestland owners, and expediting the processing of storm damage forest practices applications. More detailed information about the expedited processing of storm-related forest practices applications can be found at

www.dnr.wa.gov/Publications/fp_storm_fpa_memo.pdf.

DNR also held public informational meetings and special storm related educational workshops, and provided question and answer information on the Small Forest Landowner Office (SFLO) website. More information regarding assistance to small forest landowners can be found in the SFLO authored report *Small Forest Landowner Assistance after the December 2007 Storm, September 2008* found at www.dnr.wa.gov/Publications/fp_sflo_storm_report.pdf and at the following website:
www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesApplications/Pages/fp_storm_damage.aspx.

The Board decided that follow-up work should be done to help the Board determine if changes are needed to the forest practices rules and/or operational guidance to prevent potential damage to public resources during future storm events. DNR staff proposed, and the Board accepted a work plan at the May 2008 Board meeting. The work plan focused on the following four actions:

1. Convene a group of experts to discuss:
Given the state of science today, are the watershed analysis prescriptions for mass wasting and unstable slopes still effective at reducing landslides and sediment flowing into rivers and streams or should that portion of the rules be revised or replaced in some way? (Refer to WAC 222-22 for information about the watershed analysis process).
2. Conduct a review of how DNR is processing forest practices applications involving unstable landforms and current guidance on that process.
3. Review, with the Forests and Fish Policy committee, the adaptive management strategies related to unstable slopes.
4. Provide the Board with the most current climate change information coming from the University of Washington and the Governor's Climate Action Team.

The Board held a special board meeting in June 2008 to tour areas in DNR's Pacific Cascade Region that were impacted by the storm. Board members, DNR forest practices staff, other agency staff, and the public attended the tour. The field tour included discussions and review of:

- forest practices in the Stillman Creek basin, an area heavily impacted following the storm;
- how forest practices applications are expedited for blow-down harvest on small forest landowner properties;
- woody debris removal from agricultural lands in the Chehalis basin;
- alternate plans for harvest of blow-down timber within riparian areas; and
- the importance of replacing fish passage barriers on small forest landowner streams.

Status of the Forest Practices Board's Work Plan - December 2007 Storm

1. Experts Meeting

A meeting was convened in August 2008 with appropriate technical experts to evaluate the proper role for watershed analysis prescriptions in the processing of forest practices applications. The group included scientists from DNR's forest practices science team and DNR state lands, as well as scientists and technical experts from USFWS, National Park Service, the forest products industry, and the Northwest Indian Fisheries Commission. The group presented the following consensus recommendations to the board:

- develop and implement a monitoring program,
- review the "post mortem" *Mass Wasting Prescription Scale Effectiveness* CMER study and the 5-year watershed analysis reviews that have been performed to gain insights about the effectiveness of mass wasting prescriptions.

The group did not reach consensus on whether to continue the use of the mass wasting prescriptions. The majority supported discontinuing the use of the mass wasting prescriptions unless and until they are reviewed and where necessary improved. The minority opinion supported continuing to use the prescriptions until and unless monitoring provided a scientific basis for modification. DNR reported to the board that when the Forests and Fish Report (FFR) was implemented, along with the new and revised forest practices rules based on the FFR, watershed analysis was viewed as a “legacy” program. Work stopped on new prescription implementation, the five-year review process, and training and certification of “qualified experts.” Questions remain about whether the watershed analysis mass wasting prescriptions are effective, and how to determine their effectiveness.

It was decided, after further discussions at subsequent board meetings throughout the spring and summer 2009, to convene a sub-committee made up of board members to inform the full board on policy and resource issues relating to the continued use of watershed analysis mass wasting prescriptions. The subcommittee, facilitated by DNR, represents both industrial and family forest landowners, the department of Ecology, and the tribes. The subcommittee will hold meetings in October 2009 and report back to the board at their November 10, 2009 board meeting.

More information on the board discussions can be found in the board meeting minutes (particularly the minutes for Nov. 12, 2008, Feb. 11, 2009, March 31, 2009, and Aug. 12, 2009) at the following website:

www.dnr.wa.gov/BusinessPermits/Topics/OtherInteragencyInformation/Pages/bc_fp_agendas_minutes.aspx

2. Forest Practices Application Process on Unstable Landforms

DNR reviewed operational processes relating to forest practices applications involving unstable landforms in western Washington, along with the current rules and guidance on processing those applications. The review focused on procedural consistencies and inconsistencies in all four westside DNR regions to identify processes that need improvement or additional resources.

Office/Field Review of Applications

Ninety-three westside forest practices applications were reviewed. The applications were randomly selected within three categories – Class III applications with potentially unstable slope features, Class III applications using watershed analysis prescriptions for mass wasting, and Class IV-Special applications with an unstable landform.

Office and field-related questions were used to allow forest practices program evaluation on how the regions were processing forest practices applications. The office-related questions focused on what risk assessment and other tools the office staff used (in addition to other information submitted with the application) to class the application; whether the application was located in an approved Watershed Analysis Unit; what information was provided to the forest practices foresters; and whether any comments were received from the Department of Transportation regarding the application.

The field-related questions focused on the how the forest practices forester reviewed the application; when that person had attended unstable slopes training; if the forest practices

science team geologist was consulted during the review of the application; whether unstable landforms were identified during forest practices application review site visits; criteria used to determine whether or not the proposal was a Class IV- Special; any conditioning related to unstable slopes; and what documentation existed.

Findings: While existing office and field procedures and guidance were generally followed when evaluating forest practices applications, the following recommendations were made:

- A. develop an attachment to the forest practices application to collect watershed analysis mass wasting prescriptions information,
- B. develop programmatic forest practices application review and documentation expectations, and train all staff,
- C. joint review of a sample of forest practices applications using Watershed analysis mass wasting prescriptions by the forest practices foresters and region geologists,
- D. improve interactions with the Department of Transportation.

Actions Taken:

- A. The review of the applications identified several areas for improvement:
 - Assurance that the correct mass wasting prescriptions are identified on the application,
 - documentation (provided by the applicant) on how the applicant planned on implementing approved watershed analysis prescriptions,
 - correct forest practices application classification by DNR,
 - documentation (by DNR) on how the mass wasting prescription information was reviewed and validated,

As a result, effective March 2, 2009, a Watershed Analysis Worksheet was developed and became part of a complete forest practices application. The worksheet and accompanying instructions can be found at:

www.dnr.wa.gov/Publications/fp_form_fpanwau.pdf.

- B. The forest practices program developed a guidance document, dated March 23, 2009, titled *FPA Review and Documentation Procedures*. It includes program documentation goals and standards; program expectations of forest practices office and field staff, including forest practices foresters, geologists and Road Maintenance and Abandonment Plan specialists; and program expectations of division staff. The document was distributed to region and division staff. See Appendix A.
- C. The regions are currently in the process of conducting a joint review (forest practices forester and region geologist) on the first two forest practices applications received per forester per completed watershed analysis unit to verify that the applicant has correctly identified the mass wasting map unit on the ground, and is applying the correct mass wasting prescriptions for the mass wasting feature identified in the watershed analysis. The review also includes documenting what was looked at and any conclusions in the forest practices application file and in the region's master forest practices log.

D. The Forest Practices Program has been working with the Washington Department of Transportation (WDOT) on improving communication between the agencies as well as providing opportunities for WDOT staff to have access to Forest Practice Applications of interest via the Forest Practices Application Review System (FPARS). Forest Practices staff has provided opportunity for WDOT geotechnical and/or road maintenance staff to participate in on-site reviews of proposed forest practice activities when there is concern that the activity may impact a road that WDOT manages. The processes that have been put in place have been working well to date. Both agencies are committed to continue making improvements to the process in order to meet mutual goals and objectives that satisfy both agencies.

Classifying Forest Practices Applications

WAC 222-16-050(1)(d)(iii) directs that certain forest practice applications are not to be classified as Class IV-Special for potentially unstable slopes or landforms if three criteria apply:

1. within a watershed analysis unit, and
2. conducted according to an approved watershed analysis mass wasting prescriptions; and
3. prescriptions are specific to the site or situation, as opposed to prescriptions that call for additional analysis.

Findings: After a review of forest practices applications involving unstable slopes, it was discovered that the three classifying criteria (listed above) are not always being correctly applied. In particular, the third criteria seemed to present some difficulty. Some applications were being classified as Class III rather than Class IV-Special based on watershed analysis prescriptions that are not specific or call for additional analysis.

Actions Taken:

- DNR division and region staff initiated a comprehensive evaluation to determine which watershed analysis mass wasting prescriptions meet criterion #3 above. Staff reviewed 293 separate mass wasting prescriptions from 50 completed watershed analysis. This analysis, completed in July 2009, has provided further direction on correctly classifying forest practices applications with mass wasting prescriptions.
- The forest practices program provided an interim guidance document on March 23, 2009 (Appendix B) that was replaced by a final guidance document on September 28, 2009 (Appendix C) to the region forest practices staff to further clarify classifying forest practices applications that contain proposals with watershed analysis prescriptions for forest practices activities on potentially unstable slopes or landforms. The final guidance document included spreadsheets that summarized watershed analysis mass wasting prescriptions statewide to determine which prescriptions are specific to the site or situation and which prescriptions are non-specific and require additional analysis from a specialist in the field of unstable slopes or landforms.

3. Adaptive Management Strategy Review

The Upslope Processes Science Advisory Group (a sub-group of CMER) reviewed the adaptive management strategies related to unstable slopes. The Group confirmed to the

Forests and Fish Policy committee that the appropriate studies involving unstable slopes are on CMER's work plan and are prioritized correctly.

One study in particular, *Mass Wasting Prescription-Scale Effectiveness Monitoring Project (Post Mortem)* began investigating storm-related landslides following the December 2007 storm. The study is designed to determine if the Forests and Fish rules - including rules for harvest on potentially unstable slopes, road construction and maintenance rules, and Road Maintenance and Abandonment Plans (RMAP) - are effective at limiting landslides from forest practices. The project is 80 percent complete. The fieldwork was completed in October 2008. The Upslope Processes Science Advisory Group, which sponsored the study, is currently reviewing the data and draft final report prepared by the consulting team. An approved Upslope Processes Science Advisory Group report will be forwarded to CMER for review in late fall of 2009.

The study plan can be found at:

www.dnr.wa.gov/Publications/fp_am_cmer_masswaste_pse_plan.pdf

The progress report can be found at:

www.dnr.wa.gov/Publications/fp_am_cmer_masswaste_pse_progress.pdf

4. **Climate Change Information**

The University of Washington will present information to the board on climate change at the November 2009 board meeting.