

Forest Practices Habitat Conservation Plan

Annual Report

July 1, 2008 – June 30, 2009

On behalf of Washington State,
this report was prepared by the
Washington State Department of Natural Resources,
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US Fish and Wildlife Service
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Executive Summary

In 2006, Washington State completed the Forest Practices Habitat Conservation Plan (Forest Practices HCP) to protect aquatic and riparian-dependent species on more than nine million acres of state and private forestlands. This was a multi-stakeholder effort in response to the federally designated threatened and endangered status of certain fish species. The United States Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NOAA Fisheries) (collectively, “the Services”) accepted the Forest Practices HCP and under the authority of the Endangered Species Act (ESA), on June 5 2006, the Services issued Incidental Take Permits (ITPs) to Washington State. The Incidental Take Permits provide assurances for forest landowners who, if conducting forest practices in compliance with forest practices rules, cannot be prosecuted if they inadvertently “take” a member of a riparian species covered by the HCP.

As a part of the HCP agreement, the State is to submit an annual report to the Services describing implementation activities. This, the third annual report, covers the period from July 1, 2008 to June 30, 2009. The report describes the State’s efforts (Washington Department of Natural Resources (DNR) Forest Practices Program, Washington Department of Fish and Wildlife, and Washington Department of Ecology) to implement the Forest Practices HCP.

July 2008 – June 2009 Activities and Accomplishments

The Forest Practices Board (board) continued to make progress on rulemaking within the forest riparian management zone. In response to a petition for rule making submitted by the Forests and Fish Policy committee, the board considered three alternative proposals for rules relating to the desired future condition of riparian management zones in western Washington. A Cooperative Monitoring, Evaluation, and Research (CMER) committee’s study showed that the basal area in these forest stands is significantly greater than the basal area targets required in the forest practices rule. Board discussion and further CMER committee work is ongoing, with a rule adoption decision expected in August 2009.

The board also continued to thoroughly review the impacts of the December 2007 storm. In particular, the board focused on assessing whether the current forest practices rules are sufficient to protect public resources against damage from future storms. DNR staff consulted with experts to determine whether the existing watershed analysis prescriptions for mass wasting and unstable slopes are still effective at reducing landslides and sediment flowing into river and streams or whether rule revisions are needed. This resulted in the formation of a board subcommittee to carry on the discussion and review policy and resource issues relating to the continued use of watershed analysis mass wasting prescriptions. The subcommittee will report to the full board in late 2009.

The impacts of the storm also prompted DNR to review how forest practices applications involving unstable landforms are processed, and whether current guidance needed to be updated. The review focused on office and field procedures in western Washington to help identify processes that needed to be improved and/or needed additional resources. As a result, guidance documents were provided on application review and documentation procedures, and clarifying correct classification of applications with mass wasting prescriptions; a Watershed Analysis Worksheet was developed and became part of a complete forest practices application; and the mass wasting prescriptions were reviewed for the 50 completed watershed analysis to determine

which prescriptions are specific to the site, and which are non-specific and require additional analysis from a specialist in the study of unstable slopes or landforms.

The Adaptive Management Program Strategic Plan was completed, adopted by the Forests and Fish Policy committee and forwarded to the Forest Practices Board in late 2008. It was the result of a collaborative effort which addresses program efficiency and effectiveness, caucus relationships, program funding and communications, and research capability.

The state Department of Ecology (Ecology) began the 2009 Clean Water Act review of the state's Forest Practices and Adaptive Management programs to determine if implementation of the Forest Practices Rules and the program—including adaptive management—have been effective in meeting water quality standards. Ecology issued a draft report in May 2009 that included milestones for the Forest Practices Program, including adaptive management program research. (Note: A final report was released in October 2009, and Clean Water Act assurances have been conditionally extended based on meeting a scheduled set of milestones).

DNR's Small Forest Landowner Office produced and submitted two reports to the 2009 Legislature. The *Road Maintenance and Abandonment Plan (RMAP) Checklist Report* provided information regarding the effectiveness, extent and progress of the small forest landowner RMAP checklist implementation and recommendations on meeting road improvement goals. The *Small Forest Landowner Demographic Report* provided the legislature with information about the number of acres and the location of small forest landowner lands in Washington, along with recommendations on ways the Forest Practices Board and the legislature could provide more effective incentives to encourage landowners to continue to manage their lands for forestry uses that better protect salmon, other fish and wildlife, water quality, and other environmental values.

The Incidental Take Permits of the Forest Practices HCP include a condition regarding 20-acre exempt parcels. Those who qualify to use the 20-acre exempt forest practices rules may not be covered by the take permits. The 20-acre exempt Forest Practices Rules provide less protection for the habitat of covered aquatic species than the standard Forest Practices Rules. The Services defined coverage thresholds for 20-acres exempt parcels in each watershed administrative units and water resource inventory Area. When these thresholds (described by a reduction in function as measured by large woody debris) are exceeded, 20-acre exempt applications only will be covered if the applicant adheres to the standard riparian management zone rules. A forest practices in-office data collection method was used to determine the reduction in function for the 20-acre exempt forest practices applications on fish bearing streams by watershed analysis unit. In addition, beginning in September 2008, field data was collected (and will continue to be collected) on 20-acre exempt applications during normal field compliance visits. This data supplemented the in-office calculation method and served as a means to find out what is actually happening onsite. Twenty nine 20-acre exempt applications with 39 stream segments were observed. Generally, the data showed that the majority of 20-acre exempt landowners are not harvesting within the riparian management zones, and in some cases are leaving wider riparian areas than are required by state Forest Practices Rules. There were forty-seven 20-acre exempt forest practices applications, out of 4,849 approved forest practices applications for the reporting period.

There was one 20-acre exempt application within the spawning and rearing habitat of local populations of bull trout of particular concern to the Services. There was no harvest within the riparian management zone of the fish-bearing stream identified on this application. This is the

only application within this particular area of concern since the Incidental Take Permits were signed in June 2006.

The Compliance Monitoring Program completed the *Biennium 2006-2007 Compliance Monitoring Summary Report*, and presented the findings to the Forest Practices Board. The report summarizes two years of assessments of compliance with Forest Practices Rules focusing on randomly selected forest practices applications with riparian and road activities. The monitoring was a joint effort involving foresters, geologists, and biologists from DNR, Ecology, Washington Department of Fish and Wildlife, Tribes, and private natural resources consultants. In addition, a new stakeholder committee was established to provide guidance to the program — represented by Ecology, state Fish and Wildlife, Tribes, Washington Forest Protection Association, and the Conservation Caucus.

Large forest landowners continued to make steady progress towards achieving their Road Maintenance and Abandonment Plan (RMAP) goals for road improvement, and fish passage barrier replacement. As of December 31, 2008, approximately 66 percent of forest road miles identified as needing improvement have been improved, with 1,879 miles improved during this reporting period. A total of 44 percent of all fish passage barriers have been repaired statewide, with 623 repaired during calendar year 2008.

Forest Practices Rules (WAC 222-20-120) require the landowner to meet with the affected tribe(s) where a forest practices application involves cultural resources. The purpose of the meeting is to agree upon a plan for protecting archaeological or cultural values. In an effort to track required landowner-tribe meetings, DNR implemented a method to record which applications require a landowner-tribe meeting, and whether the required meeting took place. In addition, guidance was updated and provided to the region Forest Practices staff on implementing WAC 222-20-120.

The state's water type maps are a critically important component for review and classification of forest practices applications. More than 8,300 water typing updates were entered into DNR's hydrography data layer as a result of 1,372 submitted Water Type Modification forms during the reporting period. In addition, Forest Practices Application Review System (FPARS) version 3 was completed. When implemented later in 2009, it will allow forest practices applicants to complete and submit applications and associated activity maps online.

While the budget that covered this reporting period was fairly stable, the biennial budget cycle beginning in FY 2009 (July 1, 2009) reflects the challenging national and state economy. The Forest Practices program's overall operating budget for FY 2009 and FY 2010 has been reduced by approximately 18 percent. Losses include all funding for the Landslide Hazard Zonation Project and much of the funding for the Small Forest Landowner Office including all funding for the Forestry Riparian Easement program. Several division positions were eliminated that supported training, the Board, small forest landowner outreach, and cartography. Funding for region Forest Practices positions that review forest practices applications and comply and enforce the Forest Practices Rules remain stable. More changes may be forthcoming, depending on the pace of the state's economic recovery.