

# **Forest Practices Habitat Conservation Plan**

## **Annual Report**

**July 1, 2009 – June 30, 2010**

On behalf of Washington State,  
this report was prepared by the  
Washington State Department of Natural Resources,  
Peter Goldmark, Commissioner of Public Lands.  
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### **Successful implementation of the Forest Practices Habitat Conservation Plan involves the efforts of all of our partners in resource protection:**

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## **Executive Summary**

In 2006, Washington State completed the [Forest Practices Habitat Conservation Plan](#) (Forest Practices HCP) (DNR 2005) 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 activities 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 fourth annual report, covers the period from July 1, 2009 to June 30, 2010. 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 2009 – June 2010 Activities and Accomplishments**

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

- The first rule amendment was to WAC 222-30-021(1) which changed the riparian area Desired Future Condition (DFC) basal area target to 325 square feet per acre for all site classes within the riparian management zones in western Washington. This rule-making was the result of the adaptive management process. Forest Practices Board Manual Section 7 was revised to reflect the change in the riparian area Desired Future Condition basal area targets.
- The second amendment was to WAC 222-16-010 and WAC 222-16-080 related to Northern Spotted Owl (NSO) conservation. This change added assurance that no potentially important habitat is lost through timber harvest while the Board develops a long-term conservation strategy for Northern Spotted Owl.

The Board also worked to expand the scope of the riparian open space program, as directed by the legislature, clarifying WAC 222-20-120 related to required tribal/landowner meetings. The Board also worked to determine whether new rules are needed to ensure watershed analysis prescriptions for unstable slopes (mass wasting) protect public resources and ensure public safety. Additionally, Forest Practices Board Manual Section 21 was revised to include an alternative plan template addressing fixed width riparian buffers for small forest landowners.

The state Department of Ecology (Ecology) reviewed the Forest Practices and Adaptive Management programs to determine if the forest practices rules and program have been effective in meeting water quality standards. As a result, a Clean Water Act Assurances Report was issued in October 2009. Ecology conditionally extended The Clean Water Act assurances, based on meeting a scheduled set of milestones addressing forest practices program improvement and research development within the Adaptive Management Program.

The Adaptive Management Program’s Cooperative Monitoring, Evaluation, and Research (CMER) committee revised the CMER Work Plan, re-prioritizing projects to address the concerns identified in the Clean Water Act Assurances Report. The Work Plan also was reformatted in order to make each rule group chapter more consistent in layout and presentation of information. The Adaptive Management Program also is addressing the Work Plan gaps, issues of concern, and recommendations that were identified by the 2009 independent review of CMER committee work.

The Incidental Take Permits of the Forest Practices HCP include a condition for tracking reduction-in-function (as measured by potential large woody debris) regarding 20-acre exempt parcels. The Forest Practices Rules for 20-acre exempt parcels provide less protection for the habitat of covered aquatic species than the standard forest practices rules. For the reporting period, there were 63 20-acre exempt forest practices applications, out of 3,594 approved forest practices applications, not including renewals. Field data shows 78 percent of fish bearing stream length on the 22 observed 20-acre exempt applications had no harvest in the riparian area.

The Services placed conditions on the Incidental Take Permits regarding specifically identified spawning and rearing habitat areas for bull trout. These areas are of concern because of extremely low populations of bull trout. There were no forest practices applications associated with 20-acre exempt parcels in the bull trout areas of concern during the reporting period from July 1, 2009 through June 30, 2010.

A technical review of the Compliance Monitoring Program design resulted in the implementation of three significant changes to sampling. First, a protocol was added to capture observed differences between water type classification, both at the time of approval and at the time of the compliance review. Second, compliance with the rules as they are applied on the ground is now assessed in addition to compliance with what was stated on the approved application. This allows a comparison of potential differences. The third change was to modify the selection strategy for forest practices applications to sample each DNR region proportional to their representation in the entire population of applications statewide. This is to assure representation of each region in the sample. The revision process was completed in early 2010 in time to apply to the 2010 sampling season.

Road improvement and fish passage barrier work outlined in industrial forest landowner's Road Maintenance and Abandonment Plans (RMAPs) is critical for protecting fish habitat. This work requires significant financial outlay each year, primarily financed by timber revenues on private forest lands. While these landowners have made substantial progress in meeting their RMAP commitments (71 percent of forest road miles identified as needing improvement have been improved, and 56 percent of fish passage barriers have been repaired or replaced) the recent economic downturn has had a significant impact on the resources available to accomplish the work by July 2016. As a result, state and landowner interests asked the Forests and Fish Policy Committee to make a recommendation to the Forest Practices Board seeking an adjustment to the current RMAP implementation deadline. In response, the Forests and Fish Policy Committee appointed a sub-policy group, *The Road Policy Work Group*, to address the issue. The Road Policy Work Group and the staff appointed to provide support to the sub-group include state, federal, tribal, conservation, and landowner interests. The group's recommendations will be presented to the Forest Practices Board at their August 2010 meeting.

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 intent is for the landowner and tribe(s) to agree upon a plan for protecting archaeological or cultural values at the site. In an effort to track these required meetings, DNR implemented a method to record which applications require a landowner-tribe meeting, and whether the required meeting took place. During the reporting period, 14 forest practices applications triggered the landowner-tribe meeting requirement, and all of the meetings took place.

There were a total of 14,118 current (i.e. open) forest practices applications (FPAs) during this reporting period. Enforcement on the current applications included writing 233 notices to comply and stop work orders (combined), of which 162 were for violations. The resulting ratio of these violations to total current applications is 1.15 percent.

The Forest Practices Application Review System (FPARS) streamlines the processing of forest practice applications and provides the public with the ability to review proposed forest activities. It makes use of the Internet, document imaging and management technology, interactive geographic information system technology, and the Oracle database system. These technologies provide for the collection of Forest Practices Application information, distribution of forest practices applications for regulatory and public review, risk assessment of proposed activities, and archiving of the applications. FPARS has been updated (version 3), and designed to provide forest practices applicants the ability to complete a forest practices application or notification on-line, along with the associated activity maps and submit them via the Internet to DNR. Many enhancements to the on-line mapping tool were made during the reporting period. Training materials and on-line tutorials are currently being developed. FPARS (version 3) implementation is planned for the fall of 2010.

While the budget for this reporting period was fairly stable, the biennial budget cycle beginning in FY 2010 (July 1, 2010) reflects the continued national and state economic challenges. The Forest Practices Program's overall base operating budget for the 2009 – 2011 biennium was reduced approximately 20 percent. However, funding remains stable for region Forest Practices positions that review forest practices applications and comply and enforce the forest practices rules. In addition, the Forest Practices Adaptive Management Program (AMP) will need an additional \$2.5 million/year in operating revenue to maintain adequate program operating capacity after FY 2011. Over the last ten years DNR has received seven federal grants totaling more than \$17 million to support the Forest Practices Adaptive Management Program. These grants have supplied the majority of the program's funding during this time period. However, the last grant will be expended by the end of FY 2011.

# **1. Introduction to Forest Practices Habitat Conservation Plan 2010 Annual Report**

## **1.1 Introduction**

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 that, if conducting forest practices in compliance with forest practices rules, cannot be prosecuted if they inadvertently “take” (kill or harm the habitat of) a member of an aquatic or riparian-dependent species covered by the HCP. 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 the Forest Practices 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. WDFW and Ecology support includes participation in the following:

- The Adaptive Management Program (which includes the Forest Practices Board; the Cooperative Monitoring, Evaluation and Research Committee (CMER); the Forests and Fish Policy Committee; Adaptive Management Program Administrator; and the Independent Scientific Review Panel);
- The Compliance Monitoring Program;
- 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; and
- 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 fourth annual report covers the period from July 1, 2009 to June 30, 2010. The report describes the efforts within the Forest Practices Program and with our partners to implement the Forest Practices HCP. The WDFW provided information for this report which can be found in the Road Maintenance and Abandonment chapter, and the Small Forest Landowner chapter. Ecology did not provide information for this report.

## **1.2 2010 Report Highlights**

Highlights of the Forest Practices HCP implementation from July 1, 2009 to June 30, 2010 include:

### **Forest Practices Board**

- On August 12, 2009, the Board adopted rule amendments to WAC 222-30-021(1) related to riparian management zones (RMZs) in western Washington. The rule making process spanned almost four years and was managed through the adaptive management process. Board Manual Section 7 also was revised to reflect the change to the riparian area Desired Future Condition basal area targets.
- On May 10, 2010, the Board adopted rule amendments to WAC 222-16-010 and WAC 222-16-080 related to Northern Spotted Owl conservation.
- On February 10, 2010 the Board approved an alternate plan template for Fixed Width Riparian Buffers for forests owned by Small Forest Landowners.
- The Board is considering whether rule making is necessary to ensure that watershed analysis prescriptions for unstable slopes (mass wasting) protect public resources and ensure public safety.

### **Adaptive Management Program**

- Forests and Fish Policy developed, and the Forest Practices Board approved, a small forest landowner fixed-width riparian buffer template at the request of small landowners.
- The Adaptive Management Program caucus principals worked together in FY 2010 to seek long-term funding for the program (see Chapter 3).
- Cooperative Monitoring, Evaluation and Research (CMER) Committee developed a table (found in the 2011 CMER Work Plan) showing the complementary relationships among studies found in the annual CMER work plans addressing forests and fish goals and resource objectives.
- CMER spent considerable effort at reformatting the work plan in 2009 in order to make each rule group chapter more consistent in layout and presentation of information.
- The Forest Practices Application, Desired Future Condition Desktop Analysis study went through Independent Scientific Peer Review and was completed in FY 2010.
- The Forests and Fish Policy Committee held a budget retreat in April 2010 and approved the FY 2011 CMER Work Plan and budget.
- As a result of the recent recession and its severe negative impact on timber markets, and at forest landowner's request, Forests and Fish Policy group formed a sub-group to work with the governor's office and all caucuses on alternatives for Road Maintenance and Abandonment Plan implementation. This includes a potential schedule adjustment for completing RMAP work, and for the caucuses to work collaboratively to seek additional funding for fish barrier repair completed by small landowners and counties.

### **Small Forest Landowner Office**

- There are currently 682 eligible fish passage barrier sites in the Family Forest Fish Passage Program (FFFPP). A total of 232 barriers have been funded and 166 barrier projects have been completed since the program's inception in 2003.

- While funding for the Forest Riparian Easement Program (FREP) was not available during this reporting period, the program did receive one million dollars in funding for the next reporting period (July 2010 to June 2011). The budget appropriation requires DNR to work with interested stakeholder groups to make changes in the program's eligibility criteria, project prioritization, and policy provisions.

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

- Field visits to sites utilizing the 20-acre exempt forest practices rules indicate that landowners may be leaving more trees than required in the riparian areas, with 78 percent of the riparian stream length in harvest areas being left as no harvest areas.
- About 1.7 percent of all approved (non-renewal) forest practices applications for the reporting period were 20-acre exempt forest practices applications adjacent to fish-bearing streams.

### **Riparian Open Space Program**

- Rule development currently is underway with the Forest Practices Board. The rule would broaden the scope of the program to include acquisitions of conservation easements for critical habitat for threatened and endangered species listed in WAC 222-16-080.

### **Compliance Monitoring Program**

- Three significant changes were made to the compliance monitoring sampling process based on a technical review of the program design.
- A new stakeholder committee was chartered to provide a forum for communication and information sharing among forest practices stakeholders, in addition to providing guidance and recommendations to the Compliance Monitoring Program.

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

- Large landowners reported repairing 268 fish passage barriers during the 2009 calendar year. Of the 5,580 barriers identified, this contributes to the 56 percent overall accomplishment rate since 2001.
- During the 2009 calendar year, 1,176 miles of forest road were improved. Cumulatively, a total of 16,195 miles of road has been improved since 2001.
- WDFW reviewed approximately 907 RMAP-related Hydraulic Project Approvals.

### **Tribal Relations**

- A total of 14 forest practices applications triggered the landowner/tribal meeting requirement and all 14 of those meetings successfully took place.

### **Enforcement**

- There were a total of 14,118 current (i.e. open) forest practices applications during this reporting period. Enforcement on the current applications included writing 233 notices to comply and stop work orders combined, of which 162 were for violations. The resulting ratio of these violations to total current applications is 1.15 percent.

## **Washington State Legislature**

- The state's focus in the past year has been budget driven. Numerous bills were introduced to combine agencies, limit working boards that assist agencies in their duties, transfer common duties to a single agency, and several other cost saving measures.

## **Information Technology**

- The 4,715 forest practices applications/notifications (received or renewed) were entered into Forest Practices Application Review System (FPARS) during the reporting period. 1,600 reviewers receive notice of new forest practices applications/notifications within their area of interest.
- Forest Practices GIS Section developed several tools to assist DNR region staff in tracking suitable northern spotted owl habitat within median home range circles in Spotted Owl Special Emphasis Areas (SOSEAs).
- The foundational work for the Forest Practices Application Review System (FPARS), version 3 (v.3) was completed. FPARS v.3 will allow applicants to complete and submit a forest practices application to DNR on-line.

## **Budget**

- The Forest Practices base budget for 2009-2011 was reduced by approximately 20 percent. However, funding remained stable during this reporting period for region Forest Practices positions that review forest practices applications and comply and enforce the forest practices rules.

## **Training/Information/Education**

- DNR regions completed more than 120 training presentations and informational meetings during the reporting period, including training on topics about watershed analysis, the riparian open space program, water type modifications, the enforcement database, and wetlands.

The report provides additional information related to each of these highlights in the relevant chapter that follows.

# **2. Forest Practices Board**

## **2.1 Introduction**

The Forest Practices Board's (Board) activities during the 2009-2010 reporting period are explained in this section. The Board adopted rules related to riparian management zones (the riparian "Desired Future Condition" rule) and the Northern Spotted Owl, and approved changes to two Board

Manuals: Section 7 Guidelines for Riparian Management Zones, and Section 21 Guidelines for Alternate Plans. The Board also considered changes to rules related to the Riparian Open Space Program, the notice of forest practices to affected Indian tribes, administrative appeals, and watershed analysis unstable slopes (mass wasting) 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 rules for forest practices that protect public resources on non-federal and non-tribal forestlands 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 13 members including the Commissioner of Public Lands, or the Commissioner's designee, four additional state agency directors or their designees and eight members appointed by the governor. The represented agencies are the state Department of Natural Resources, Department of Commerce (formerly known as Community, Trade and Economic Development), Department of Ecology, Department of Agriculture, and the Washington Department of Fish and Wildlife. 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 membership of the Board as of June 30, 2010 is:

- Peter Goldmark, Commissioner of Public Lands, Department of Natural Resources
- Paul Asaki, Department of Commerce
- Tom Laurie, Department of Ecology
- Tom Davis, Department of Agriculture
- Anna Jackson, 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
- Paula Swedeen, 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 Forest Practices 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. This 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. Independent Scientific Review Panel (ISRP)

The Cooperative Monitoring, Evaluation and Research committee represents the science component of the program and oversees research and monitoring. The Forests and Fish Policy Committee considers research and monitoring findings of the CMER committee and makes recommendations to the Board related to forest practices rule amendments and guidance changes. Participation in both the CMER committee and the Forests and Fish Policy Committee is open to representatives of environmental and forest landowner 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 Independent Science Review Panel performs independent peer review of CMER committee work to ensure it is scientifically sound and technically reliable. The review panel also may review non-CMER work, though it does not do so frequently.

### **2.3 Forest Practices Board Rule Making Activity (July 1, 2009 – June 30, 2010)**

#### **Desired Future Condition**

On August 12, 2009, the Board adopted rule amendments to WAC 222-30-021(1) related to riparian management zones (RMZs) in western Washington. The rule making process spanned almost four years. Ultimately the Board considered three alternative rule proposals, and adopted one of them (see below).

This rule is the result of the adaptive management process. On August 31, 2005 the Forests and Fish Policy Committee petitioned the Board for rule making upon the completion of 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 area<sup>1</sup> 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 unmanaged stands by site class. The study also analyzed the difference between the basal area calculations of riparian areas found in the five site classes<sup>2</sup> listed in the rules and concluded 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 the Board considered were as follows:

- Proposal 1 would have increased the basal area target to 325 square feet per acre for all site classes. This is the median value of the data in the validation study.
- Proposal 2 would have increased the target basal area per acre the same as Proposal 1, and also would have allowed 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. It also would have expanded 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 – which the Board adopted – increases the target basal area per acre the same as Proposal 1, and allows landowners who harvest under Option 2 to credit the required 20 leave

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<sup>1</sup> 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.

<sup>2</sup> Site class is an indicator of how productive a site is for growing timber.

trees per acre (in the harvested portion of the inner zone) towards meeting the stand requirement.

The Board adopted Proposal 3 after receiving a report from the Cooperative Monitoring, Evaluation and Research committee at its August 12, 2009 meeting. The committee analyzed a sampling of 250 forest practices applications to compare the difference in inner zone buffer widths for Option 2 harvests under Proposal 1 and Proposal 3. For the 110 forest practices applications that would have qualified for Option 2 harvest under the 325-square-feet-per-acre target basal area requirement, the estimated average difference in buffer widths across all site classes and stream sizes was less than three feet. The Board adopted Proposal 3 as the least-cost alternative to achieve the goal of increasing the basal area target for the inner zone management in western Washington RMZs.

### **Northern Spotted Owl**

On May 10, 2010, the Board adopted rule amendments to WAC 222-16-010 and WAC 222-16-080 related to conservation of the Northern Spotted Owl. The WAC changes direct that there will be interim analysis by experts of any survey submitted to and approved by the Washington Department of Fish and Wildlife in which a landowner demonstrated the absence of spotted owls at a “Northern Spotted Owl site center.” Specifically, the rule making:

- Deleted language in WAC 222-16-010 in the definition of “Northern Spotted Owl site center” concerning a moratorium on Northern Spotted Owl decertification. This moratorium had ended on December 31, 2008.
- Added a definition in WAC 222-16-010 of “spotted owl conservation advisory group.”
- Added language to WAC 222-16-080 “critical habitats”, which specifies the spotted owl conservation advisory group’s function, and states, “On an annual basis, beginning November 2010, the Board will determine whether this group’s function continues to be needed for spotted owl conservation.”

It is expected that this rule change will add assurance that no potentially important habitat is lost through timber harvest during the time that the Board develops a long-term conservation strategy.

Regarding the long-term strategy, in 2009 the Board established a multi-stakeholder Northern Spotted Owl Policy Working Group to recommend a strategy to contribute habitat on non-federal lands to support maintaining a viable population of the Northern Spotted Owl in Washington. At the Board’s November 2009 and February 2010 meetings, the group delivered its recommendations, both consensus and non-consensus. The Northern Spotted Owl Policy Working Group’s recommendations are found in the [\*Final Report to the Forest Practices Board\*](#), (Berg et al. 2009).

At its February 10, 2010 meeting the Board directed DNR to form an Implementation Working Group to follow up on the work of the Northern Spotted Owl Policy Working Group. The Implementation Group is to answer specific questions about how Washington can identify areas that can make strategic contributions to spotted owl recovery over time. The group has been formed and consists of five members representing DNR (which chairs the group), the Washington Department of Fish and Wildlife, the state’s timber industry, the conservation caucus, and a land trust group. The group currently is drafting a charter.

### **Riparian Open Space Program<sup>3</sup>**

As reported, the 2009 State Legislature directed that the scope of this program be broadened to include acquiring conservation easements for critical habitat for species listed as threatened and endangered in WAC 222-16-080, *Critical habitats (state) of threatened and endangered species*.

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<sup>3</sup> The name may be changed to “Rivers and Open Space Program” to reflect the broader scope of the program.

This, in addition to acquiring habitat within unconfined channel migration zones (CMZs), will be the basis for the Rivers and Habitat Open Space Program.

On August 12, 2009 the Board directed staff to begin the rule making process for the expansion of this program. Since then staff, with the contributions of interested stakeholders, has drafted rules that amend chapter 222-23 WAC and a definition in WAC 222-16-010. A draft is expected to be presented to the Board at its August 2010 meeting. Upon the Board's approval, DNR will distribute the draft rule language for early review and comment to the Washington Department of Fish and Wildlife and counties (pursuant to RCW 76.09.040(2)). The rules could be adopted in May of 2011.

### **Notice of Forest Practices to Affected Indian Tribes**

On May 11, 2010 the Board directed staff to begin the rule making process by publishing a notice in the Washington State Register. The notice stated that the Board is considering rule making regarding WAC 222-20-120, *Notice of forest practices to affected Indian tribes*. Currently this rule requires landowners to meet with affected tribes in cases in which a forest practices application involves cultural resources. In effect, it also directs tribes to participate in these meetings with landowners. This causes problems for both landowners and tribes, and also for DNR in its role of evaluating and approving forest practices applications.

The Board's Timber/Fish/Wildlife (TFW) Cultural Resources Committee currently is working on changes to the rule language to resolve issues with the landowner-tribe meeting requirement and tribal sovereignty. The committee is committed to delivering a consensus recommendation to the Board, and likely will do so during the 2010-2011 reporting period.

### **Administrative Appeals**

On May 11, 2010, the Board commenced expedited rule making (RCW 34.05.353(1)(d)) to incorporate provisions of 2010 legislation that streamlined environmental and land-use administrative appeals. For the Forest Practices Program the most significant change is the elimination of the Forest Practices Appeals Board, the workload for which now will be addressed by the Pollution Control Hearings Board. The rule making will consist of any changes to Title 222 WAC that refer to the Forest Practices Appeals Board. The Board may adopt permanent rules at the Board's November 2010 meeting.

### **Watershed Analysis Unstable Slope (Mass Wasting) Prescriptions**

The Board is considering whether rule making is necessary to ensure that watershed analysis unstable slope (mass wasting) prescriptions protect public resources and ensure public safety. As reported in the 2009 annual report, the December 2-3, 2007 storm event in southwestern Washington resulted in extensive land-slides resulting in damage to public resources and private property. The forest practices issue emerging from that event was whether the prescriptions for unstable slopes developed under watershed analysis (chapter 222-22 WAC) are sufficient for minimizing failure of unstable slopes from forest management activities.

We previously reported that 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. However, in August 2009 the Board decided to convene a committee consisting of four Board members to focus on the issues and return with recommendations. At the Board's February 10, 2010 meeting the committee presented nine recommendations, which included short- and long-term strategies for supporting continued use of unstable slope (mass wasting) prescriptions deemed adequate for resource protection and public safety. The Board directed staff to analyze the recommendations and present a path forward. After convening special meetings in March and April, the Board approved a proposal initiation document to be forwarded to the Adaptive Management Program.

The Forests and Fish Policy Committee has made a commitment to address the issues highlighted in the proposal initiation document, and present recommendations to the Board at the earliest opportunity, no later than May 2011. The issues are as follows:

**Issue #1: WAC 222-22-090 directs DNR to perform watershed analysis reviews. Entities with interest in maintaining watershed analysis prescriptions for unstable slope (mass wasting) should be responsible for committing sufficient resources to the review process and keeping watershed analysis prescriptions current.** Adaptive Management recommendations should address the following concerns:

- Reinforce the concept that watershed analyses need to be kept up-to-date.
- Specify that entities with interest in maintaining watershed analysis prescriptions for unstable slope are responsible for committing sufficient resources to the review process, in addition to the available resources provided by DNR to administer the review process.
- Determine how to address watershed analysis reviews where resources are insufficient to conduct the review.

**Issue#2: WAC 222-22-090 does not explicitly provide DNR with the authority to withdraw prescriptions for unstable slopes if reviews are not completed, or supplement prescriptions if necessary, prior to and during a review.** Adaptive Management recommendations should address the following concerns:

- Give DNR the authority to supplement mass wasting prescriptions, if necessary, prior to and during the review process, with the rules process that is utilized in watersheds not subject to watershed analysis.
- Give DNR the authority to withdraw unstable slope prescriptions within WAUs in which, after initiation, the required reviews have not been completed within a specific timeline.

If, after receiving recommendations from the Forests and Fish Policy Committee, the Board determines changes to the watershed analysis rules (chapter 222-22 WAC) are necessary, the rule making process could begin in the spring or summer of 2011.

In the meantime, DNR has intensified its review process for forest practices applications that include approved watershed analysis unstable slope (mass wasting) prescriptions. (More information about classifying forest practices application with watershed analysis mass wasting prescriptions can be found in Chapter 4 – Forest Practices Operations). DNR is also prioritizing all approved watershed analysis areas for review and is developing a comprehensive unstable slope prescription review process. Next steps include contacting landowners to determine their interest in pursuing reviews, or opting out of watershed analysis, and establishing a review schedule based on DNR and landowner capacity. A draft framework for watershed analysis unstable slopes prescription review has been developed and provided to stakeholders for feedback. A final review process is expected to be completed in August 2010.

In a related action, DNR and the Weyerhaeuser Company entered into a voluntary agreement on May 26, 2010 to increase protections for potentially unstable slopes within the Upper Chehalis and Stillman Creek watershed analysis areas while the watershed analysis reviews are pending. As part of this cooperative action, Weyerhaeuser and DNR are committed to review the effectiveness of the existing watershed analysis prescriptions in those two watersheds and apply emerging technologies like slope stability models, digital elevation terrain mapping and advanced aerial photography imaging to enhance detection of potentially unstable slopes.

The 2009 annual report (Section 2.6 Response to December 2007 Storm) indicated that the Cooperative Monitoring, Evaluation, and Research Committee (CMER) study, *Mass Wasting Prescription-Scale Effectiveness Monitoring Project (Post Mortem)* would be completed in the late fall of 2009. The approved draft was circulated to CMER reviewers in May 2010 and it is expected that the next draft will be available to CMER in October 2010. For more information, see Chapter 3 – Adaptive Management – for the link to the website describing the active projects.

## **2.4 Anticipated Forest Practices Board Direction**

As indicated in the information provided in section 2.3, the Board will continue rule making on the Rivers and Open Space Program, Notice of Forest Practices to Affected tribes, and Administrative Appeals. The Board also may elect to begin rule making on Watershed Analysis Mass Wasting Prescriptions after the Forests and Fish Policy Committee presents its recommendations.

The following are additional rule making subjects the Board is likely to address in the next reporting period.

### **Forest Biomass**

As the harvest of forest biomass becomes an increasingly frequent activity in Washington's forests, the Board may consider rule making to add forest biomass harvest to the definition of "forest practice" in WAC 222-16-010. This would clarify DNR's authority to oversee such practices to ensure compliance with the forest practices rules.

### **Lands Platted**

Some Washington counties have asked for a change in the law that allows for the transfer of forest practices jurisdiction on lands likely to convert to uses other than commercial forestry (RCW 76.09.050). A bill first introduced in the 2010 legislative session by the Washington State Association of Counties (WSAC) offers a solution to a difficult-to-implement and ambiguous criterion, "lands platted after January 1, 1960." It replaces it with forest lands located on lots that are less than or equal to 2.5 acres unless the landowner owns adjacent lots to total five acres or more, and provides a written statement of intent not to convert to non-forest use. The bill did not get through the entire legislative process, but it did have the support of both the House and the Senate. It is expected that Washington State Associations of Counties will re-submit the bill in 2011. If this legislation passes, the Board will amend WAC 222-16-050(2) accordingly.

### **Conversion Activities**

The 2007 Legislature passed Senate Bill 5883, which changed the procedures for DNR and local governmental entities when unauthorized conversion activities are apparent on forest lands. As reported in 2009, the Board added a definition of "conversion activities" to WAC 222-16-010 that included examples of such activities. This was only one of several changes that will eventually need to be made in the forest practices rules due to changes in the law. If the "Lands Platted" legislation described above passes in 2011, the Board will likely combine the necessary changes from both bills in a 2011 rule making.

### **Clarify Administrative Processes**

DNR staff have identified several parts of chapters 222-20 and 222-46 WAC that could benefit from a re-write for clarity in administrative processes. The Board may direct staff to include such changes in other rule making efforts.

### **Trees and Houses**

As indicated in the 2008 and 2009 reports, the Board considered rule making that would exclude from the definition of “forest land” those trees immediately adjacent to residential structures. Jurisdiction over tree removal in these areas would be transferred from DNR to local governments but the Department of Labor and Industries would maintain its jurisdiction for public safety purposes. The Board put this rule making on hold until at least 2011.

**Upland Wildlife Planning**

A joint Board and Washington Department of Fish and Wildlife project was to conduct a comprehensive review of the forest practices rules and science for upland wildlife protection. However, this project has been on hold beginning in July 2009 due to lack of state or federal funding. When funding is again available, this review and planning process could result in rule recommendations for wildlife habitat conservation.

**2.5 Forest Practices Board Manual**

As an advisory technical supplement to the Forest Practices Rules, the Forest Practices Board Manual 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 the Board Manual sections in cooperation with the Washington Departments of Fish and Wildlife, Agriculture, Ecology and other affected agencies, affected tribes, and interested parties that have appropriate expertise. During the development or modification process, typically a working group identifies key elements to be addressed and drafts language, with DNR in the lead. During this development phase, any interested party may comment on a draft. For Board Manual sections that provide 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 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 members, 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, 2009 – June 30, 2010)**

**Board Manual Section 7, Guidelines for Riparian Management Zones**

On February 10, 2010 the Board approved a revision of Board Manual Section 7. When the Board adopted the riparian Desired Future Condition rule (see section 2.3), it became necessary to revise this manual to reflect the change in the desired future condition basal area targets – from five basal area targets according to site class, to one target of 325 square feet per acre for all site classes. Beyond that necessary change, the manual as a whole was revised to become a more streamlined and user-friendly document.

**Board Manual Section 21, Guidelines for Alternate Plans**

- **Alternate plan template: Fixed Width Riparian Buffers for Small Forest Landowners**

On February 10, 2010 the Board approved this alternate plan template. The template prescribes buffer widths according to site class as follows:

Site Class	Fixed Width, No- Harvest Zone Widths (measured from outer edge of bankfull)
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	width or channel migration zone (CMZ)
I	145 feet
II	118 feet
III	101 feet
IV	82 feet
V	75 feet

These buffer widths were agreed to by consensus of the “Fixed Width Sub-group” of the Forests and Fish Policy Committee.

This template came about as a result of an adaptive management process that allows the Board and others to initiate a proposal for Adaptive Management Program consideration. See [Board Manual Section 22, Guidelines for Adaptive Management Program](#), Part 3. (Washington Forest Practices Board 2005). In August 2009 the Board adopted the riparian Desired Future Condition rule (see section 2.3 above). The Board also approved submitting a proposal to the Adaptive Management Administrator to create an alternative approach in the rule for regulating riparian areas (as opposed to the basal area target approach). The Board proposed a “fixed width” approach, wherein all small forest landowners would have the option to harvest in the riparian zone with a presumably narrower buffer width than required under the western Washington riparian rules. This would offer an alternative for landowners who preferred a simpler approach to that in rule, because it would not require the use of a computer growth model or extensive zone delineation and tree measuring in the field.

In January 2010 the Forests and Fish Policy Committee recommended, and the Board accepted, a two-pronged approach to the Board’s proposal: 1) Use the existing alternate plan template process to develop a fixed-width buffer for small forest landowners, and 2) initiate the adaptive management process to evaluate a range of potential rule alternatives applicable to all landowners. The former approach resulted in Board approval of the template in February 2010. The latter approach is now on the Forests and Fish Policy Committee’s work list.

- **Alternate plan template: Small Forest Landowner Conifer Restoration for Western Washington.** The 2009 report indicated that DNR planned to work with members of the Small Forest Landowner Advisory Committee and other interested parties to develop this template. The purpose of the template was to simplify the alternate plan process for small forest landowners who wish to re-establish riparian conifer stands.

This template development took place during the fall and winter of 2009-2010 until in March 2010 the Small Forest Landowner Advisory Committee members agreed to suspend the project. They thought it would not be supported or used by the broader family forest landowner community. SFLs will still be able to develop site-specific alternate plans to restore conifers in riparian areas.

### **Board Manual Section 18, Rivers and Habitat Open Space Program**

This new manual will be developed to provide guidance and information for conservation easement applicants. The manual development will begin in July 2010 and will continue concurrently with the rule making process for the Rivers and Habitat Open Space Program rules (see section 2.3). As with the rule development, the development of the manual will proceed with extensive stakeholder contributions.

## **3. Adaptive Management Program**

### **3.1 Introduction**

This chapter provides a brief background on the Adaptive Management Program (AMP) and accomplishments to date. Those accomplishments in large part occur through the Cooperative Monitoring, Evaluation and Research Committee projects. The committee's work plan presents an integrated strategy for conducting research and monitoring to provide scientific information to support the Adaptive Management Program. Section 3.6 lists websites that give detailed information on the work plan and projects.

Section 3.7 contains information on electrofishing activities associated with Adaptive Management Program projects. The Services specifically requested this information through the conditions that govern the Incidental Take Permits.

### **3.2 Purpose of Adaptive Management Program**

The Adaptive Management Program is intended to produce technical information and science-based recommendations to assist the Forest Practices Board (Board) in determining if and when it is necessary or advisable to adjust forest practices rules and guidance in order to achieve program goals, resource objectives and performance targets identified in the Forest Practices Habitat Conservation Plan (Forest Practices HCP). As a result, a successful Adaptive Management Program is essential to ensuring the ongoing development and implementation of measures that effectively conserve the habitats of species covered under the Forest Practices HCP. A full description of the program, the components, process, as well as the research and monitoring programs can be found in Chapter 4, Section 4a-4 of the Forest Practices HCP.

The current Adaptive Management Program has been formally in place since the adoption of the Forests and Fish Rules in 2001. Schedule L-1 from the [Forests and Fish Report](#) (Washington DNR 1999) served as the foundation for the program, and more specifically guides the development of research and monitoring projects described in the fiscal year (FY) [2011 CMER Work Plan](#) (CMER 2010). Key questions - and therefore research and monitoring priorities - are likely to change over time as adaptive management proceeds and new information becomes available. Major research priorities presented in the CMER Work Plan have not changed substantially at the overall program level since the most recent program prioritization in 2002. However, some reprioritization has taken place on a project level in an effort to answer questions related to Clean Water Act (CWA) requirements in a timelier manner. While at the discretion of the Board, changes to resource objectives, performance targets and research and monitoring priorities typically would be reviewed and agreed to by the Forests and Fish Policy Committee.

### **3.3 Adaptive Management Program History**

Since 2001 the Adaptive Management Program has completed more than 30 projects. Many of these projects are posted on the program web-page (see section 3.6). Much of the program's early work was to support rule tools designed to develop, refine or validate protocols, models and targets used to facilitate forest practices rule implementation. These projects did not necessarily result in a final project report or rule change, but did result in draft reports, GIS products or other types of databases.

Over the last few years the Adaptive Management Program has focused much of its effort on effectiveness monitoring and extensive (status and trends) monitoring projects. The effort to more fully integrate research and monitoring across spatial and temporal scales is ongoing and will continue in FY 2011.

The Adaptive Management Program caucus principals worked together in FY 2010 to seek long-term funding for the program (see section 3.5 below). Additionally, the Adaptive Management Program submitted three proposals for research and monitoring funding to the Environmental Protection Agency (EPA). One proposal was for partial funding of a "soft rock" Type N buffer effectiveness project, emphasizing water temperature and sediment delivery. Another proposal was for partial funding for a wetlands mitigation effectiveness study, focusing on the effectiveness of the road mitigation sequence in maintaining riparian functions. The third proposal was for funding to develop a management information database and information sharing system. It has not been normal practice for the Adaptive Management Program to

submit proposals for funding. Developing and submitting these funding proposals is a significant accomplishment in FY 2010.

### **3.4 Cooperative Monitoring, Evaluation, and Research Committee**

The Cooperative Monitoring, Evaluation and Research Committee produces an annual work plan that describes the various Adaptive Management Program research and monitoring programs, associated projects and work schedule. The work plan can be found on the Adaptive Management Program web page (see section 3.6 below) under the “files” header. The plan is intended to inform participants, the Forest Practices Board, the Forests and Fish Policy Committee and members of the public about CMER Committee activities. The programs in the work plan originally were prioritized, based on the level of scientific uncertainty and resource risk associated with the priorities of Schedule L-1 in the Forests and Fish Report and incorporated into the Forest Practices HCP. Cooperative Monitoring, Evaluation and Research projects address the higher priority programs first to ensure that the most important questions about resource protection are answered before the questions with lower scientific uncertainty or lower resource risk. Projects were re-prioritized in FY 2010 to focus on Clean Water Act requirements over the next few years. The plan is a dynamic document that is revised annually in response to research findings and changes in the Forests and Fish Policy Committee objectives and funding.

The Cooperative Monitoring, Evaluation and Research Committee takes on many other ad hoc projects in addition to their ordinary course of business of developing, implementing, and reporting on research and monitoring projects and revising and improving its annual work plan every year. One project taken on in FY 2010 developed a table (found in 2011 CMER Work Plan) that shows the complementary relationships among studies found in the annual work plans addressing forests and fish goals and resource objectives. For each project, the table displays the status, task type, goals, resource objectives, and performance targets addressed by the project. Construction of this table has allowed the committee to review all of its projects in a comprehensive way. It provides valuable information to Policy and CMER in their assessment of the balance of efforts being placed in answering questions related to the various resource objectives and performance targets. It also helps answer questions about the balance of types of research and monitoring undertaken, e.g., rule tools vs. monitoring.

Under each research and monitoring program in the FY 2011 work plan is a new section titled “Link to Adaptive Management.” This section was added to the work plan primarily to help Forests and Fish Policy and the Forest Practices Board to understand how each rule group critical question is being addressed by the projects. Knowledge gained or anticipated, identified gaps, and recommendations for addressing gaps are discussed for each critical question. The “Link to Adaptive Management” section will be updated as projects are completed. The intent is to have this section completed for every program within the work plan. However, for the FY 2011 CMER Work Plan, the programs were prioritized for active and completed projects.

The Forest Practices Application, Desired Future Condition (FPA DFC) Desktop Analysis study went through Independent Scientific Peer Review and was completed in FY 2010. This study is part of a larger group of riparian Desired Future Condition Validation Program studies under the Type F Riparian Prescriptions Rule Group. This project was intended to determine how Westside Type F prescriptions are being applied by landowners, and to evaluate the effect of various riparian prescription options and constraints on timber available for current harvest and on projected future basal area. Forest & Fish Policy Committee requested that the Cooperative Monitoring, Evaluation and Research Committee complete an office (desktop) analysis of a

random set of forest practices applications with active management of the riparian inner zone and to conduct a field-verification project on a sub-sample of those applications.

The status of active projects can be found on the Adaptive Management Program web-page under the “related links” header. There is also a link to final reports for completed projects under this same header. Agendas of CMER Committee and Forests and Fish Policy Committee meetings can be found under “related links” header on the CMER webpage.

### **3.5 Forests and Fish Policy Committee Activity (July 1, 2009 – June 30, 2010)**

#### **General Policy Activity**

The Forests and Fish Policy Committee held a budget retreat in April 2010 and approved the FY 2011 Cooperative Monitoring, Evaluation and Research work plan and budget. The Forest Practices Board approved the same at the May 2010 meeting. Most of the FY 2011 projects have been in place for at least a year or more, with many likely to be completed by the end of FY2011. The work plan proposes implementing four new projects in FY2011.

The Cooperative Monitoring, Evaluation and Research Committee completed several project reports during the 2009-2010 Forest Practices HCP reporting year. Most did not result in a Forests and Fish Policy Committee action recommendation to the Board, primarily because they were reports about developing methods or the initial phases of multi-phase projects.

As reported in the 2009 FPHCP Annual Report, during 2008 a considerable amount of the Forests and Fish Policy Committee’s time was devoted to developing an Adaptive Management Program Strategic Plan (Plan). The Plan has four major goals to address four main topic areas: 1) program efficiency and effectiveness; 2) caucus relationships; 3) program funding and communications; and 4) research capability and knowledge. Policy and CMER Committee worked on the goals on many fronts.

Relative to the first goal, it has been nearly ten years since the Forests and Fish Report was completed and nearly eight years since the revised forest practices rules (“rules”) based on the FFR were adopted. Substantial investments have been made in defining and implementing a science-based program to provide relevant and timely information to inform the adaptive management system as contemplated by the FFR and required by the rules. These collective efforts—organized and implemented by CMER—have attempted to address the full spectrum of information needs and priorities set forth by the AMP, which consists of the Forest Practices Board (FPB), Policy, CMER, the Independent Science Panel (ISP), and the Program Administrator. In the spring of 2009, Stillwater Sciences completed the first independent review of the collective contribution and progress from the various CMER research and monitoring studies. Policy and CMER began reviewing the report during the year in anticipation of developing a response.

With regard to the second goal of reestablishing and maintaining productive, collaborative caucus relationships, the Commissioner of Public Lands convened a meeting of forests and fish principals – The Forest Ecosystem Collaborative – to address many issues, including reestablishment of relationships and Adaptive Management Program funding, the latter related to goal three.

Forests and Fish Policy Committee developed, and the Forest Practices Board, approved a small forest landowner fixed-width riparian buffer template at the request of small landowners. This template simplifies implementation of the riparian forest practices rules for small landowners, while ensuring at least equal protection to existing rules. The template can be used in the development of Alternate Plans, already an option to them.

Due to the recent recession and its severe negative impact on lumber and timber markets, forest landowners, working with the governor's office, requested that Policy consider a schedule adjustment to the time period for completing Road Maintenance and Abandonment Plan (RMAP) work in order to reduce the annual cost of the program. The Governor's Office was particularly interested in providing support to small forest landowners. Policy formed a sub-group to work with the Governor's Office and all caucuses on alternatives for RMAP relief and for all caucuses to work collaboratively to seek additional funding for small landowner and county fish passage barrier repair.

### **Clean Water Act Assurances**

Upon the completion of the Forests and Fish Report in 1999 Washington State Department of Ecology (Ecology) and the Environmental Protection Agency agreed to provide Clean Water Act assurances to the State of Washington for a period of ten years. It was assumed ten years would be sufficient time to determine if implementation of the revised rules and Forest Practices Program, including adaptive management, were effective in meeting water quality standards, or putting impaired waters on a trajectory to meeting standards. Ecology reviewed the Forest Practices Program to determine if the Clean Water Act assurances should be retained and produced a report of their findings in July 2009 – [2009 Clean Water Act Assurances Review of Washington's Forest Practices Program](#) (Department of Ecology 2009). This report was transmitted to the Forest Practices Board in October 2009.

The report concluded that while much has been accomplished, there remains much to do. In particular, Adaptive Management Program research and monitoring projects designed to determine if the rules are effective in meeting water quality standards are not yet complete. Consequently, Ecology is unable to provide evidence of rule effectiveness. As such, the report contains milestones of accomplishments related to the Adaptive Management Program, including a schedule for individual research and monitoring projects deemed important for Clean Water Act assurances. Ecology conditionally extended Clean Water Act assurances based on the need to satisfactorily accomplish the milestones. DNR established a project management tracking system for the 21 milestones which provides status reports monthly to the Forests and Fish Policy Committee, and to the Forest Practices Board at their regularly scheduled meetings.

### **Forests and Fish Policy Committee Priorities for Fiscal Year 2010-11**

The Forests and Fish Policy Committee prioritized their work list in early spring of 2010 and submitted a letter to the Board in May 2010. Although the work list is a dynamic document, high priority work items continue to include:

- 1) Securing long-term supplemental funding for the AMP. Over the last ten years DNR has received seven federal grants totaling more than \$17 million to support the Forest Practices Adaptive Management Program. These grants have supplied the vast majority of the program's funding over this time period. However, the last grant will be expended by the close of FY 2011. Therefore, beginning in FY 2011 the Forest Practices Adaptive Management Program will need an additional \$2.5 million per year in operating revenue to maintain adequate program operating capacity.

To cover the budget short fall for FY 2011, the Washington legislature funded the program by tapping into the Aquatics Land Enhancement Account and relying on federal grants, if awarded. However, that was a one-time fix and not meant to be a permanent solution to long-term funding of the program. DNR also worked on an agreement with the Washington Office of Management and

Budget to free up more of the money held in the Forests and Fish Support Account working reserve. These one-time allocations were sufficient to hold the program over through FY 2011.

Caucus principles (agency directors, Commissioner of Public Lands, industry and tribal caucus leaders, etc.), working with their Forests and Fish Policy Committee designees, are committed to finding new sources of stable, long-term funding. In addition to considering potential state and federal funding alternatives, the current funding strategy also includes the Cooperative Monitoring, Evaluation and Research program actively competing for federal grants when available.

2) Implementing high priority Clean Water Act assurance milestones identified in Ecology's July 2009 review.

3) Implementing other high priority tasks in the Adaptive Management Plan strategic plan.

### **3.6 Adaptive Management Program Website**

#### **Adaptive Management Program Website:**

[http://www.dnr.wa.gov/BusinessPermits/Topics/FPAdaptiveManagementProgram/Pages/fp\\_am\\_program.aspx](http://www.dnr.wa.gov/BusinessPermits/Topics/FPAdaptiveManagementProgram/Pages/fp_am_program.aspx)

#### **CMER Websites:**

<http://www.dnr.wa.gov/AboutDNR/BoardsCouncils/CMER/Pages/Home.aspx>

#### **Active CMER Projects Website:**

[http://www.dnr.wa.gov/BusinessPermits/Topics/FPAdaptiveManagementProgram/Pages/fp\\_cmer\\_active\\_projects.aspx](http://www.dnr.wa.gov/BusinessPermits/Topics/FPAdaptiveManagementProgram/Pages/fp_cmer_active_projects.aspx)

#### **Completed CMER Projects Website:**

[http://www.dnr.wa.gov/BusinessPermits/Topics/FPAdaptiveManagementProgram/Pages/fp\\_cmer\\_completed\\_projects.aspx](http://www.dnr.wa.gov/BusinessPermits/Topics/FPAdaptiveManagementProgram/Pages/fp_cmer_completed_projects.aspx)

### **3.7 Electrofishing Report**

One of the conditions of the Incidental Take Permits relates to electrofishing. United State Fish and Wildlife Service and NOAA Fisheries asked for an accounting of any electrofishing related to Adaptive Management Program research.

#### **Electrofishing Activity**

The only project to incorporate electrofishing as part of the research project is the ongoing project that was reported in the 2009 annual report. There were no new projects involving electrofishing related to Adaptive Management Program research between July 1, 2009 and June 30, 2010.

## **4. Forest Practices Operations**

### **4.1 Introduction**

Forest Practices Operations is responsible for administering and enforcing the forest practices rules on approximately 12 million acres of private and public forestlands. These rules provide protection for public resources which have been defined as: water, fish, wildlife, and capital improvements of the state or its political subdivisions and provide some of the highest standards for resource protection on forestlands in the nation. The rules cover practices such as timber harvest, pre-commercial and commercial thinning, road construction, fertilization, and forest chemical application. They give direction on how to implement the Forest Practices Act.

### **4.2 Forest Practices Activities**

Operations consist of office and field staff – statewide there are approximately 77 positions (not all positions are full-time) that provide key support in processing, reviewing, complying, and enforcing Forest Practices Applications and Notifications.

For the reporting period of July 1, 2009 through June 30, 2010 Forest Practices operations processed 4,715 applications/notifications. The table below provides a breakdown of this information.

#### Decisions for Applications Received or Renewed

REGION	RENEWAL	APPROVED	CLOSED	DISAPPROVED	VALIDATED	Total by Region
SOUTH PUGET SOUND	69	445	28	11	1	554
PACIFIC CASCADE	398	1359	33	5	3	1798
OLYMPIC	164	595	39	31	0	829
SOUTHEAST	69	195	11	3	4	282
NORTHWEST	84	468	25	21	0	598
NORTHEAST	82	532	20	18	2	654
<b>Total by Decision</b>	<b>866</b>	<b>3594</b>	<b>156</b>	<b>89</b>	<b>10</b>	<b>4715</b>

Closed means the application/notification was withdrawn by the applicant.

Validated means the department's agreement that a small forest landowner has correctly identified and classified resources, and satisfactorily completed a roads assessment for the geographic area described in Step 1 of a long-term application.

During this same reporting period there was a total of 14,118 applications/notifications statewide that were current (having a status of approved for operations).

### 4.3 Priorities

Operations has three primary objectives: processing, compliance, and enforcement of forest practices activities. Priorities are based upon making sure these three objectives are met. This summary report will not go into details of each; rather it will focus on those priorities that have had the greatest impact on Operations for this reporting period.

#### 4.3.A – [DNR’s Strategic Plan 2010 – 2014: The Goldmark Agenda](#) (DNR 2010) - Goal II *Improve Forest Practices Rules and Strengthen Implementation and Compliance*

The Strategic Plan has identified two major initiatives to be achieved by Operations over the next five years, these are:

- 1) Ensure the forest practices rules are fully, fairly, and consistently implemented and enforced by DNR staff.
- 2) Improve landowner compliance with the forest practices rules.

Each of these initiatives is associated with numerous action strategies that will need to be achieved in order to be successful. By June 30, 2011 the following action strategies must be completed:

- 1) Finalize initial internal field audits and coordinate necessary modifications with regions, and re-confirm/redesign future audit cycles.
- 2) Complete the Clean Water Act assurances extension milestone of developing a plan and timeline for improving compliance with the forest practices rules.

#### 4.3.B. – Audit

This is one of the Agency’s Strategic Plan Goal II Initiatives. The intent is to resume conducting the audits that were initiated in 2006. Field audits were completed within each region in 2006 but were never formally finalized. This initiative will get the audits back on track. An important part of this process will be to reevaluate the audit’s purpose and implementation plan to ensure the questions

being asked and processes being evaluated are still relevant and make appropriate changes where necessary prior to restarting the audit process.

The purpose of the plan, as identified in 2006, was for division staff to coordinate a series of audits in order to evaluate the delivery of the Forest Practices program at the region level. Information obtained from these audits would inform the program where changes should be made in order to improve efficiencies and consistency across regions. There were four components of the original audit plan:

- 1) Operations
- 2) External Relations
- 3) Program Leadership
- 4) Forest Practices Division Support

#### 4.3.C – Department of Ecology’s 2009 Clean Water Act Assurances Review

WAC 222-12-010 states, ‘Promulgation of all forest practices rules shall be accomplished so that compliance with such forest practices rules will achieve compliance with the water quality laws.’ All forest practices rules that are marked with an asterisk (\*) pertain to water quality and can only be adopted or amended with Department of Ecology’s agreement. Because of the level of protection the forest practices rules provides for water quality, the Department of Ecology granted assurances that implementation of the rules would provide compliance with the state’s water quality standards. These assurances would be reviewed after a ten-year period to determine whether the rules were indeed providing for the required level of protection.

The Department of Ecology’s report, [2009 Clean Water Act Assurances Review of Washington’s Forest Practices Program](#) (Department of Ecology 2009), provides an assessment of the past ten-years and based upon the review’s findings the assurances have been conditionally extended provided specific actions, identified as *Milestones* are achieved by specific dates. In all, there are twenty-one Milestones identified (several are overlapping) to be completed by the Forest Practices participants, completion dates range between July 2009 and November 2013. Forest practices operations have twelve Milestones to address; three have been completed and four more are very near completion.

#### 4.3. D. – Guidance

Forest practices guidance supplements the forest practices rules and Board Manual. The complexity of the rules, details of program administration and variability in the forested environment often pose unique challenges for landowners and DNR staff in implementing the rules across the landscape. Situations commonly arise where neither the rules nor the Board Manual provide enough specificity to resolve a particular implementation issue. Therefore, DNR develops internal guidance that provides direction consistent with established program goals, resource protection objectives and performance targets. New guidance or changes to existing guidance are communicated to region forest practices staff in writing. Any guidance that affects cooperating agencies, organizations and landowners is shared outside of the agency.

DNR created several guidance documents between July 1, 2009, and June 30, 2010. The following is a summary description of the written guidance that has been shared with the forest practices staff:

#### **Summary of written guidance issued to department staff July 1, 2009 – June 30, 2010**

<b>Date</b>	<b>Reason for guidance</b>	<b>Accomplishment</b>
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4/01/10	Fixed width RMZ template form. Required by amendment to Board Manual Section 21.	Landowners will submit their Fixed With Template using the form dated 4-01-2010.
2/12/10	Precipitation and forecasted stream flow for the 2010 fish survey season. Required by Board Manual Section 13.	Predicted drought is expected to be a factor in accurately determining fish presence or absence for most of Washington.
1/13/10	Federal Services Notification & Participation	USFWS and NMFS intention to attend meetings regarding violations of land-based Habitat Conservation Plans (HCP).
11/30/09	Landowners can meet with program staff to discuss specific/non-specific prescription determination	Opportunity provided to landowners to discuss and/or provide new/additional information relating to Watershed Analysis mass-wasting prescription designations
9/28/09	Classifying forest practices applications with Watershed Analysis Prescriptions	Provides updated guidance on classifying forest practices applications with Watershed Analysis mass wasting prescriptions; replaces previous guidance dated 03/23/09.
9/23/09	DFC Implementation	Beginning Sept 25, 2009 all forest practices applications that indicate harvest within the inner zone must submit a DFC worksheet Version 3.0
7/13/09	SharePoint Forest Practices Enforcement tracking database	Regions will be responsible for entering data from NTC, SWO, NOID, and civil penalties into the database. Regions will no longer be required to mail hard copies to the division.

The guidance listed in the table above, *Classifying Forest Practices Applications with Watershed Analysis Prescriptions* (Appendix A) issued on September 28, 2009 merits additional discussion. This document reflects the department's ongoing discussions and commitment to improving the application processing and field review of proposed forest practices activities within an approved Watershed Analysis when mass wasting prescriptions apply. This guidance provides clarification and reiterates the program's expectation that the following will be evaluated and/or included with all applicable FPA's:

- Evaluation of mass wasting prescriptions – determination of specific vs. non-specific
- FPA/N [Watershed Analysis Worksheet](#) (DNR 2008)
- [State Environmental Policy Act Environmental Checklist](#) (Ecology) AND Qualified Expert Report if non-specific prescriptions are being applied

For additional information on the status of watershed analysis mass wasting prescriptions see Chapter 2 – The Forest Practices Board.

## **5. Small Forest Landowner Office**

### **5.1 Introduction**

The Small Forest Landowner Office (SFLO) serves as a resource and focal point for small forest landowner concerns and policies. The office has a mission to promote the economic and ecological viability of small forest landowners. The office was created in the 1999 Salmon Recovery Act, when the Forests and Fish rules were passed. The new rules resulted in increased size of riparian buffers and created further measures to protect water quality and restore salmon habitat. The Washington Legislature recognized that the Forests and Fish rules would have a disproportionate economic effect on small, family-owned forests. The Legislature, to help small landowners retain their forestland and not convert the land to another land use, authorized the creation of a SFLO within DNR. This office was directed to assist small landowners and begin assessing ways in which policies could be crafted to support them.

This chapter describes accomplishments, opportunities and challenges with a primary focus on two small forest landowner incentive programs, the Forestry Riparian Easement Program (FREP) and the Family Forest Fish Passage Program (FFFPP). These two programs were developed by the Small Forest Landowner Office (SFLO) and its partners to assist small forest landowners. A third program now administered by the SFLO, which assists both small and large forest landowners, is the Riparian Open Space Program (ROSP). The description of the program can be found in chapter 7 of this report. The Riparian Open Space Program was initially administered by the DNR Asset Management Division because it is a program that not only assists small forest landowners but also large forest landowners. Due to legislative changes in the program, the administration now resides in the Small Forest Landowner Office.

## **5.2 Forestry Riparian Easement Program**

Provisions included in the [1999 Salmon Recovery Act](#) established the FREP. The easement program acknowledges the importance of small forest landowners and the contributions they make to protect wildlife habitat and water quality.

The Forest Riparian Easement Program compensates eligible small forest landowners in exchange for a 50-year easement on those lands with “qualifying timber.” Qualifying timber are those trees the landowner is required to leave unharvested as a result of forest practices rules protecting Washington’s aquatic resources. Landowners cannot cut or remove any qualifying timber during the life of the easement period. The landowner still owns the property and retains full access, but has “leased” the trees and their associated riparian function to the state.

Funding for the program has been allocated by the Washington legislature since 2002. However, funding was not made available for fiscal year 2010. Prior to June 2009, Forest Riparian Easement Program applications were processed and purchased in the order received, commensurate with available funding.

The Forest Riparian Easement Program did receive funding for the July 2010 through June 2011 funding period in the amount of one million dollars through the Legislature’s supplemental capital budget appropriation. The budget appropriation requires DNR to prioritize its funding of forest riparian easements for the fiscal year 2011 differently than before (i.e. no longer just in order received). The Legislature, in its appropriation, required DNR to consider eight factors that would elevate the priority<sup>1</sup>, and six more factors that would reduce the priority of certain easement requests<sup>2</sup>. Additionally, DNR is required to work with interested stakeholders to develop recommendations for changes in the eligibility criteria, prioritization, and policy provisions of the program.

The program recommendations are part of a stakeholder process that will accept public comment in the summer of 2010 and close with recommendations to the Legislature and Office of Financial Management in October 2010. This process could affect the prioritization of FREP funding in future biennia.

<sup>1</sup> These factors will elevate an application’s priority, and are ranked in order of importance: (a) the greatest proportion of riparian buffer impacted in the related forest practices application; (b) lands in deferred tax status of classified timber land or classified open space as defined in RCW 28 84.34.020; (c) lands at greatest risk of conversion to other land uses as determined by county zoning and land classifications and proximity to urban growth areas or other areas of concentrated land development; (d) lands that are certified by a forest certification recognized by the department; (e) the applicant has not received a forestry riparian easement since July 1, 2007; (f) the applicant is not a nonprofit organization; (g) the applicant has been waiting three years or more for a forestry easement purchase; and (h) the

application does not include any of the conditions specified in subsection (2) of this section. Laws of 2010, 1st Sp. Sess. Ch. 36, § 3041(3).

<sup>2</sup> These factors will reduce an application's priority: (a) The forest management activities for the aggregated ownership of the landowner referenced in the application, his or her spouse, and his or her children exceed the small forest landowner definition in RCW 76.13.120(2)(c); (b) the applicant has had legal ownership for less than five years, except when the applicant is a lineal descendant of a landowner meeting this condition; (c) the applicant has an outstanding violation of the forest practices act under chapter 76.09 RCW; (d) the applicant is in default on a financial obligation to an agency of the state including noncompliance with a child support order under RCW 74.20A.320; (e) the application is for land on which other conservation easements have been executed and recorded on the title; or (f) the land is owned by a nonprofit organization that does not have deferred tax designations of either classified timber land or classified open space as defined in RCW 84.34.020 and does not have a county-recognized forest management plan. Laws of 2010, 1st Sp. Sess. Ch. 36, § 3041(4).

**Department of Natural Resources  
Small Forest Landowner Office  
Forestry Riparian Easement Program  
Capital Budget Summary**

Table 1	FY 2002-2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	Totals
	7/1/01-6/30/05	7/1/05-6/30/06	7/1/06-6/30/07	7/1/07-6/30/08	7/1/08-6/30/09	7/1/9-6/30/10	
<b>Holdovers from Waiting List</b>	121	59	97	114	116	116	
<b>Applied during FY</b>	146	72	57	44	36	7	362
<b>Total Applicants on List in FY</b>	267	131	154	158	152	84	
<b>Easements Purchased</b>	87	34	40	42	75	0	278
<b>Waiting List</b>	180	97	114	116	77	84	
<b>Amount Appropriated</b>	\$7,750,000	\$8,000,000		\$10,300,000		\$0	\$26,050,000
<b>Amount used for FTE's</b>		\$300,000		\$560,000		\$0	\$860,000
<b>Amount Spent</b>	\$7,097,350	\$3,070,000	\$1,850,000	\$1,497,350	\$2,892,000	\$0	\$24,376,350
<b>Amount Remaining</b>	\$652,650	0	0	0	\$161,000	\$0	
<b>Average Value of Easement per FY</b>	\$86,654	\$85,059	\$120,200	\$97,119	\$73,333	--	
<b>Cumulative Average Value of Easement</b>	\$120,480	\$82,557	\$91,909	\$92,987	\$89,501	--	
<b>Amount Requested</b>	\$10,000,000	\$13,050,000		\$13,800,000		\$3,500,000	

*Dollar values include all costs associated with easement acquisition*

Table 2 summarizes the number of eligible Family Forest Fish Passage Program applications received for fish barrier sites each year as well as the number of fish barrier sites funded and fixed, and miles opened\*. Not all projects are fixed in the year they are funded.

**Family Forest Fish Passage Program - Summary of Rounds Updated 07/01/10**

	Round 1- Round 4	Round 5	Round 6	Round 7	Round 8	Total All Rounds
<b>Application Period</b>	12/03 - 6/06	7/1/06 - 6/30/07	7/1/07 - 6/30/08	7/1/08 - 6/30/09	7/1/09 - 6/30/10	
<b>Application Year</b>	<b>2003-2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	
<b>Eligible Applications</b>	282	44	60	57	47	490
<b>Eligible Sites</b>	413	54	81	78	56	682
# in Western WA	293	32	69	49	48	491
% in Western WA	71%	59%	85%	63%	86%	72%
# in Eastern WA	119	22	12	29	8	190
% in Eastern WA	29%	41%	15%	37%	12%	29%
<b>Funded Sites</b>	119	33	28	16	36	232
<b>Completed Projects</b>	100	37	29	26		192
<b>Fixed in</b>		<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	
# in Western WA	86	21	25	17		149
% in Western WA	--	57%	86%	65%		78%
# in Eastern WA	14	16	4	9		43
% in Eastern WA	--	43%	14%	35%		22%
<b>Miles Opened Statewide**</b>	265	90	35	55	54	499

\*Great care was taken to ensure the above numbers are as accurate as possible. With new or updated project information, minor differences in reporting from previous years may occur.

\*\*Miles open are calculated from funded projects for the reporting year. In previous reporting years a combination of completed and funded project miles were used. Using only the funded miles as a standard (rather than both completed and funded miles) was found to provide better data consistency, therefore; starting with the 2010 annual report and continuing into the future, miles open are/will be calculated using funded projects only.

### **5.3 Family Forest Fish Passage Program**

The Washington Legislature established the Family Forest Fish Passage Program (RCW 76.13.150) in 2003 because eliminating fish passage barriers can be costly. The FFFPP was developed to provide regulatory and monetary relief for small forest landowners to comply with the Forests and Fish rule requirement for fish passage barrier upgrades. The program is voluntary and allows small landowners to sign up to correct fish passage barriers on their road crossings with assistance from the program. The State provides 75 to 100 percent of funding for the barrier correction. The program continues to be a success and has been recognized as a model for interagency cooperation and for assisting landowners. More information can be found at the [FFFPP website](#).

In general, the 2003 bill required that:

- Washington State create a cost-share program that would provide 75-100 percent of the cost of correcting small forest landowners' fish barriers.
- Barriers be prioritized and repaired on a "worst-first" basis.
- Once a year, projects submitted to the program be prioritized, and fish barrier corrections providing the greatest benefit to public resources be funded. Lower priority projects remain in the program to be funded once they become higher priority and money is available.
- By signing up for the program, a landowner is relieved of any forest practices obligation to fix a fish passage barrier until the state determines the barrier is a high priority and funding is made available to complete the project.

Three state agencies and a stakeholder group cooperate to manage and fund the program:

- DNR's Small Forest Landowner Office is the main point of contact for program information, assisting landowners, providing outreach and coordinating additional funding sources.
- Washington Department of Fish and Wildlife (WDFW) is responsible for evaluating the barrier, habitat quality of the stream, and ranking barriers for correction.
- The Recreation and Conservation Office (RCO) administers program funding and provides information on program contracts, billing and reimbursement.
- Washington Farm Forestry Association (WFFA) represents the small forest landowner community on the steering committee; providing program oversight and assisting with project approval.

#### **WDFW Ranking of Fish Passage Barriers for Family Forest Fish Passage Program**

Family Forest Fish Passage Legislation (RCW 77.12.755) directs repair of worst barriers first starting with barriers lowest in the watersheds. To identify and prioritize the worst barriers, WDFW rates the barriers enrolled in the FFFPP on the following criteria:

- Number of fish species benefiting
- Amount and quality of habitat opened
- Degree of fish barrier
- Number and location of other barriers and the degree of those barriers

Additional prioritization considerations:

- Concurrence from Lead Entity Watershed groups (groups that take the lead on salmon habitat recovery plans in the watershed)
- Cost effectiveness

For prioritization work, information is obtained from;

1. WDFW field biologists to determine the amount of habitat upstream of the barrier with gradients less than 20 percent,
2. Foresters or tribal biologists and contractors who walk the streams and evaluate barriers and habitat quality,
3. The existing WDFW Fish Passage Barrier Inventory, and
4. Regional fish enhancement groups, conservation districts and Lead Entity Groups.

Projects are scored to provide an initial list that is evaluated by the three state agencies; DNR, Recreation and Conservation Office, and Washington Department of Fish and Wildlife. This information along with project cost estimates are provided to the Family Forest Fish Passage Program Steering Committee for final funding decisions.

Information on the fish passage barriers obtained from site visits is placed in the WDFW Fish Passage Barrier Inventory. The inventory includes those stream crossings that have been identified through Washington State Department of Transportation inventories, local government inventories, barriers identified in FFFPP stream surveys, and local inventories funded by the Salmon Recovery Funding Board.

### **Program Challenges and Opportunities**

Data gaps regarding the number and location of barriers is the biggest program challenge, particularly when determining future funding needs. DNR and cooperating partners continue to pursue funding for inventory related work. Small forest landowners who have not harvested may not be aware of what a fish passage barrier is or that there is a cost share program available to assist in the correction. These barriers may not be recognized until the landowner submits a forest practices application, which will then address any fish passage barrier issues in the application area.

A program opportunity is the potential to promote and seek financial resources for Family Forest Fish Passage Program by linking the program to mitigation for climate change impacts to salmonids in the Pacific Northwest. Impacts from climate change in the Pacific Northwest will include higher temperatures and increased precipitation in the winter months and higher temperatures and lower precipitation in the summer months.

Climatic change will also increase disease vulnerability, competition and life cycle changes to Northwest salmon. The anticipated higher winter time flows and lower summer flow levels will present many challenges to fish moving upstream for spawning and rearing. The Program supplies mitigation for climate change related impacts by establishing fish passable structures allowing for fish migration in summer time low flow periods and hydraulic relief in winter high flow periods. Programs that benefit ecosystems and help small landowners with their financial burdens will increase the likelihood that working forests will be maintained across the landscape.

**Outreach**

For Round 8, 47 eligible applications were received on 56 sites marking a decrease in applications from Round 7 (see Table 2 - Family Forest Fish Passage Program Summary of Rounds).

The Recreation and Conservation Office, DNR, and Washington Department of Fish and Wildlife fish passage team had seven outreach goals for the 2009-2010 reporting period. A summary of the goals and outcomes is below (Table 3). Additionally, two press releases, two blog spots and a radio spot were completed during the reporting period.

To better meet small landowner needs an online survey was conducted during the winter of 2009. As a result of the survey the Small Forest Landowner Office website was updated during FY 2010 with Legislative information, resources for landowners, and contacts to partners. This has doubled web traffic to all Small Forest Landowner Office websites including the Family Forest Fish Passage Program compared to the previous year. The electronic newsletter subscriptions have increased by 40% from the previous year.

For 2010-2011, the Fish Passage Team will continue collaboration with watershed lead entity groups, regional fish enhancement groups, Farm Forestry groups, Tribes, conservation districts and county extension offices with information on the program. This information is often included in collaborator groups’ web pages, newsletters, and press releases and at public forums.

<b>Table 3</b>	
<b><u>Goals for reporting period</u></b>	<b><u>Outcomes for reporting period</u></b>
<ol style="list-style-type: none"> <li>1.) Presentations to groups around the state.</li> <li>2.) Follow-up on watershed based mailers targeting small forest landowners in areas of low applications informing of the opportunity for funds for culvert replacement.</li> <li>3.) Distribution of program brochures and materials, <i>Family Forest Fish Passage Program</i>.</li> <li>4.) Program report mailed to WDFW and DNR staff who work with forest landowners.</li> <li>5.) Targeted mailings to landowners with known barriers in nine counties via a brochure, <i>Do you have roads with stream crossings on your forestland?</i></li> <li>6.) FFFPP presentations at Washington Farm Forestry Association meetings.</li> </ol>	<ol style="list-style-type: none"> <li>1.) Nine group presentations were completed statewide to watershed groups, non-profits and governmental organizations.</li> <li>2.) Direct mailing was completed to 250 small forest landowners known to have fish barriers on their land.</li> <li>3.) 1000 programmatic brochures were distributed statewide to landowner, cooperators and various groups.</li> <li>4.) Programmatic information was delivered to WDFW and DNR field staff including information based from their recommendations.</li> <li>5.) Targeted mailings were completed to 250 landowners with known fish barriers on their land.</li> <li>6.) FFFPP presentations were completed at three local chapter meetings and the statewide annual</li> </ol>

7.) FFFPP stations at Family Forest Field Days.	conference. 7.) FFFPP stations and information was made available at four Family Forest Field Days with approximately 200 landowners in attendance at each event - 800 total landowners for all events.
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The outreach goals for 2010-2011 include;

<b>Table 4</b>
<p><b><u>Outreach Goals for next reporting period</u></b></p> <ol style="list-style-type: none"> <li>1.) Continue to increase use of social media (twitter, facebook, YouTube) to inform the public on the program and the resources offered by the SFLO.</li> <li>2.) Complete and submit the 2010 FFFPP Legislative Report.</li> <li>3.) Continue to foster collaboration of programs with local governments, federal agencies, tribes, and other groups.</li> <li>4.) FFFPP stations at Family Forest Field Days.</li> <li>5.) Develop new FFFPP media material for use in WADNR 101 information. Information will be printed for use in all WADNR events.</li> <li>6.) Update and print new FFFPP posters for media and public events.</li> <li>7.) Continue to increase web and newsletter readership. Success will be evaluated from tracking numbers based off a comparison of the reporting years.</li> </ol>

### **Coordination with Watershed Groups**

Coordination with watershed lead entity groups is part of the Family Forest Fish Passage Program. These groups are contacted once a year and given information on the projects that have been determined as “Potential High Priority”. For most watershed lead entity groups, the Program is a complement to their projects. The Program’s projects are not in the same footprint as lead entity group projects which are mostly low in each watershed on lands not owned by small forest landowners.

### **Cost Analysis**

Average cost per project has many variables that do not facilitate similar reporting standards from year to year. The variation in engineering time, type of structure, and equipment and material cost all create large amounts of project and yearly variability. Although important, monetary expenditures do not represent the true success of the program. Hence average cost are not reported, rather number of sites, landowners served, and miles of habitat reconnected are the key indicators of success.

### **5.4 Small Forest Landowner Office Reports**

The Small Forest Landowner Office will work with interested stakeholders to develop recommendations for changes in the eligibility criteria, prioritization, and policy provisions of the Forest Riparian Easement Program. Recommendations will be provided to the Legislature and Office of Financial Management in October, 2010.

The 2010 Family Forest Fish Passage Program Implementation Report will be produced during the summer of 2010. The report serves as a Legislative accomplishments report and as a marketing tool to attract new landowners to apply for the program. The report is produced in concert with RCO and WDFW and will be located at the [FFFPP website](#).

## **6. 20-Acre Exempt Riparian Forestland**

### **6.1 Introduction**

In 1999, Washington's Legislature exempted certain forestland parcels from some riparian protection measures contained within the Forests and Fish Law. Exempt parcels include those that are 20 contiguous acres or less and are owned by individuals whose total ownership is less than 80 forested acres statewide. These parcels are commonly referred to as "exempt 20-acre parcels." While not subject to some Forests and Fish riparian protection requirements, exempt 20-acre parcels must still provide protection for public resources in accordance with the Forest Practices Act.

In arriving at their permitting decisions, the Services concluded that they would condition the Incidental Take Permits regarding 20-acre exempt forest practices. Conditions include:

- Requiring leave trees be left along Type Np (non-fish-bearing, perennial) waters for riparian function.
- Providing eligibility criteria for coverage of 20-acre exempt parcels under the Incidental Take Permits.
- Defining coverage thresholds for 20-acre exempt parcels in each watershed administrative unit and water resource inventory area.
- Identifying certain spawning and rearing habitat of bull trout (also known as "Bull Trout Areas of Concern") where Incidental Take Permit coverage may not apply.

### **6.2 Type Np Water Leave Tree Requirement**

WAC 222-30-023(3) states that DNR will require trees to be left on Np (non-fish-bearing, perennial) waters on 20-acre exempt parcels where such practices are needed to protect public resources. Public resources are defined in WAC 222-16-010 as including water, fish, and wildlife. The Services concluded that leaving trees along Np waters is necessary in most situations. The Incidental Take Permits have a condition which states "permittee (Washington State) shall require trees to be left along Type Np waters under the 20-acre exemption unless such leave trees are not necessary to protect covered species (public resources) and their habitats." In order to implement this Incidental Take Permit condition, a guidance memo was written September 26, 2006 and delivered to DNR region forest practices staff clarifying that "henceforth Forest Practices Applications should be conditioned to require leave trees along Type Np waters within exempt 20-acre parcels unless DNR determines this is not necessary". See the 2007 Forest Practices HCP Annual Report for a copy of the guidance memo.

There were twelve Forest Practices Applications associated with 20-acre exempt parcels that had Type Np waters during FY 2010 (July 1, 2009 to June 30, 2010). Eight of the applications were either conditioned according to the Np guidance memo (which reflects WAC 222-30-023(3)) or did not propose harvest within 29 feet of the Np water.

### **6.3 Watershed Administrative Unit and Water Resource Inventory Area Thresholds**

In the Incidental Take Permits, the Services defined permit coverage thresholds for watershed administrative units (WAU) and water resource inventory areas (WRIA). The Services placed a

10 percent threshold on cumulative reduction in riparian function as measured by recruitable large woody debris within a watershed administrative unit for 20-acre exempt parcels. Additionally, the Services placed a 15 percent stream length threshold within water resource inventory areas (WRIAs). The 15 percent threshold is based on the cumulative stream length of the affected streams within each WAU in the WRIA that has reached the 10 percent threshold. When a threshold within a watershed administrative unit or water resource inventory area is reached, subsequent forest practices applications on 20-acre exempt parcels within those units or inventory areas will not be covered by the Incidental Take Permits unless the landowner chooses to follow standard Riparian Management Zone (RMZ) rules. The State has adopted a method, approved by the Services, to estimate cumulative percent reduction of potential large woody debris recruitment function by watershed administrative unit and percent cumulative stream length affected by water resource inventory area.

#### **6.4 Cumulative Reduction in Function Calculation Methodology**

A formula called the Equivalent Area Buffer Index (Buffer Index) is used to estimate the percent reduction in function as measured by large woody debris recruitment along fish bearing streams. The Buffer Index was developed for the Forest Practices Habitat Conservation Plan (Forest Practices HCP) [Environmental Impact Statement](#) (EIS) (USFWS et. al 2006) as a tool for comparing management alternatives in terms of the level of ecological function conserved by various management practices. The Buffer Index for large woody debris recruitment potential is a quantitative measure that compares the potential of a riparian area to provide trees and other woody debris across and into streams originating from tree mortality, windthrow and bank undercutting (a function of slope distance from the stream channel in relationship to tree height). The Buffer Index methodology takes into account management activities within the buffer zone. The Buffer Index value is determined based upon the mature conifer curve of large woody debris recruitment potential by McDade et al. (1990) that relate cumulative percent of large woody debris recruitment with distance from the stream bank in terms of tree height. The Forest Practices HCP EIS provides average Buffer Indexes for western and eastern Washington. These averages are used each year to estimate the potential cumulative reduction in large woody debris recruitment function from 20-ac exempt forest practices applications submitted to DNR during the fiscal year.

An example explaining the Buffer Index formula follows:

- Step 1 - Consider a fish-bearing or Type F stream in western Washington. The assumptions for the Riparian Management Zone of this stream include a Channel Migration Zone (CMZ) that is 10-foot wide, followed by a 50-foot core zone, followed by a 60-foot inner zone in which a light selection harvest is assumed (30 percent volume removal), followed by a 45-foot outer zone in which a moderately heavy selection harvest is assumed (70 percent volume removal). This gives a total RMZ width of 155 feet including the 10-foot CMZ. The total RMZ width of 155 feet is based on an average of Site Class II and III areas  $[(140+170)/2]$ , which represent the most common site classes on forestland covered by the Incidental Take Permits.
- Step 2 - Next, it is necessary to go to the McDade (1990) mature conifer curve. The McDade curve has been standardized for 155 feet, as the buffer distance that assumes full protection for the 100-year Site Potential Tree Height. This curve shows the

cumulative percentage of large woody debris contribution in relation to the distance from the stream. In our example, we need to determine the percent of the total large woody debris contributed by the different RMZ zones (e.g., 0-10 feet, 10-60 feet, 60-120 feet and 120-165 feet). The values from McDade are 17 percent for the 0-10 foot zone, 62 percent for the 10-60 foot zone, 18 percent for the 60-120 foot zone, and 3 percent for the 120-165 foot zone.

- Step 3 - The last step is to multiply the contribution percentage by the tree retention percentage for each RMZ zone and sum them up.

$$(0.17 \times 1.0) + (0.62 \times 1.0) + (0.18 \times 0.7) + (0.03 \times 0.3) = 0.925$$

- Step 4 – Results  
Therefore, the RMZ on Type F streams in western Washington would provide for an estimated 92.5 percent of large woody debris recruitment potential, given the assumption that full recruitment potential is achieved at a buffer width equal to the 100-year Site Potential Tree Height.

#### **Annual in-office calculations of reduction in function**

An estimate of reduction in function by watershed administrative unit is calculated annually and reported in the Forest Practices HCP annual report. Average Buffer Index values are used to calculate the overall possible reduction in function by watershed administrative unit. The average Buffer Index values used for the annual report calculations are taken from the Forest Practices HCP EIS (Appendix B page B-28). These HCP EIS average Buffer Index values were obtained through modeling harvests based on both Forests and Fish Rules, and pre-Forests and Fish Rules. Many assumptions went into the modeling effort including degree of harvest, width of riparian area, stream width, etc. An end result of the harvest modeling was the development of average values for an overall Buffer Index for eastern and western Washington for harvests complying with Forests and Fish Rules, as well as with pre-Forests and Fish Rules.

The EIS average Buffer Index values for Forests and Fish Rules are used in our calculations without modification; however, an additional 15 percent was added to the EIS average Buffer Index values for pre-Forests and Fish Rules because the 1999 Salmon Recovery Act required 20-acre exempt landowners to protect an additional 15 percent of riparian trees above pre-Forests and Fish Rules. The average reduction in function value was calculated by subtracting the pre-Forests and Fish Rules Buffer Index values from the Forests and Fish Rules Buffer Index values for a percent reduction in function. Below are the Buffer Index values and reduction in function factors used for the Forest Practices HCP Annual Report.

#### **Buffer Indexes for Western Washington:**

Buffer Index average for Forests and Fish Rules = 0.93

Buffer Index average for Rules prior to Forests and Fish = 0.60

Buffer Index average for New 20-acre exempt rules =  $0.60 \times 1.15 = 0.69$

Average Reduction in function factor =  $0.93 - 0.69 = 0.24$

**Buffer Indexes for Eastern Washington:**

Buffer Index average for Forests and Fish Rules = 0.91

Buffer Index average for Rules prior to Forests and Fish = 0.67

Buffer Index average for New 20-acre exempt rules = 0.67 x 1.15 = 0.77

Average Reduction in function factor = 0.91 – 0.77 = 0.14

The number of feet of fish bearing stream affected by forest practices applications is tracked throughout the year. The total number of feet in each watershed administrative unit is calculated for the fiscal year and then multiplied by 0.24 in western Washington and 0.14 in eastern Washington to derive the number of feet of large woody debris recruitment reduction in function. These numbers are summed over the years and then divided by the total fish bearing stream length in the watershed administrative unit to determine percent cumulative reduction in function.

During the 50-year permit period, if the 10 percent threshold is reached within a watershed administrative unit, all subsequent 20-acre exempt landowners submitting a FPA will be informed that their forest practice will not be covered by the Incidental Take Permits unless the landowner chooses to use standard Riparian Management Zone buffers.

The following table contains the cumulative in-office estimates of reduction in function by watershed administrative unit for the time period of June 5, 2006, to June 30, 2010. A visual representation of the 20-acre exempt forest practices applications accounted for in the following table can be found in Appendix B. The two maps in this appendix show the location of the 20-acre exempt applications for FY 2010 and the location of all 20-acre exempt applications since June 2006. Maps showing 20-acre exempt forest practices applications in previous fiscal years can be found in previous Forest Practices HCP annual reports.

<b>Estimated Potential Percent Loss of Large Woody Debris Recruitment Potential by Watershed Administrative Unit</b>	
<b>Watershed Administrative Unit</b>	<b>% Reduction in LWD Function in WAU</b>
Abernathy	0.0103
Acme	0.0519
Antonie Creek	0.0187
Bellingham Bay	0.0243
Bogachiel	0.0326
Blanchard Creek	0.0401
Bunker Creek	0.0478
Cathlapotl	0.0397
Cedar Creek/Chelatchie Creek	0.2096
Chehalis Slough	0.1616
Chinook	0.0214
Church Creek	0.3326
Coal Creek	0.0822
Colvos Passage/Carr Inlet	0.0432
Connelly	0.1657
Cottonwood Creek	0.0173
Cowlitz River/Mill Creek	0.0842

<b>Estimated Potential Percent Loss of Large Woody Debris Recruitment Potential by Watershed Administrative Unit</b>	
<b>Watershed Administrative Unit</b>	<b>% Reduction in LWD Function in WAU</b>
Damfino/Diobsud Creek	0.1438
Day Creek	0.2473
Deadman Creek/Peone Creek	0.1259
Delezene Creek	0.0551
Discovery Bay	0.0134
Dragoon Creek	0.0307
Drayton	0.1164
Dyes Inlet	0.1312
East Creek	0.0311
East Fork Humptulips	0.0994
Electron	0.0211
Elk River	0.0073
Everett	0.0489
French-Boulder	0.0375
Friday Creek	0.6830
Gilligan	0.0479
Grays Bay	0.0338
Haller Creek	0.0430
Hansen Creek	0.1365
Harstine Island	0.1057
Hoko	0.0037
Hope Creek	0.0130
Horseshoe Falls	0.1902
Huckleberry Creek	0.0192
Hutchinson Creek	0.0927
Independence Creek	0.1520
Johns River	0.0342
Lower Pilchuck Creek	0.0473
L.Snoqualmie River/Cherry Creek	0.0050
Lacamas	0.0432
Lacamas Lake	0.1249
Lake Merwin	0.0870
Lake Whatcom	0.0700
Little Spokane/Deer Creek	0.0380
Little Washougal	0.0795
Lost Creek	0.9051
Lower Chehalis/Elizabeth Creek	0.0128
Lower Coweeman	0.0790
Lower Humptulips River	0.0213
Lower Kalama	0.0545
Lower Naselle	0.0226
Lower NF Stilly	0.0100
Lower Newaukum	0.2303
Lower Pilchuck Creek	0.0511
Lower Pilchuck river	0.0420
Lower Willapa	0.1502

<b>Estimated Potential Percent Loss of Large Woody Debris Recruitment Potential by Watershed Administrative Unit</b>	
<b>Watershed Administrative Unit</b>	<b>% Reduction in LWD Function in WAU</b>
Lynch Cove	0.0135
Mashel	0.0167
Mason	0.0589
MF Satsop	0.0336
Middle Humptulips	0.0186
Mill Creek	0.0186
Mill Creek/Clugton Creek	0.0317
Mitchel	0.0377
Mox Chehalis	0.1067
Mt Zion	0.0318
Nineteen Creek	0.1897
North Headwaters	0.0492
North-Middle Forks Deer Creek	0.0328
Olequa	0.0371
Ostrander	0.2156
Otter Creek	0.0406
Packwood Lake	0.0827
Patit Creek	0.0518
Pend Oreille/Cedar Creek	0.0398
Pilchuck Mtn.	0.0134
Quilceda Creek	0.0342
Quinalt Lake	0.1143
Rock Creek	0.0093
S. Sinclair Inlet	0.0261
Salmon Creek	0.0377
Salt Creek	0.1358
Samish Bay	0.0568
Samish River	0.0836
Satsop	0.0739
Sekiu	0.0216
SF Skokomish	0.1134
SF Sky River	0.0201
SF Willapa	0.0170
Silverlake	0.0741
Smith Creek	0.0214
Squalicum Creek	0.0709
St. Peter-Lambert	0.0248
Stillaguamish Flats	0.0163
Sultan River	0.0175
Sumas River	0.0472
Sutherland Aldwell	0.1193
Tacoma Creek	0.1030
Toutle River	0.0547
Upper Chehalis/Rock Creek	0.0092
Upper Coweeman	0.0328
Vancouver	0.0969

<b>Estimated Potential Percent Loss of Large Woody Debris Recruitment Potential by Watershed Administrative Unit</b>	
<b>Watershed Administrative Unit</b>	<b>% Reduction in LWD Function in WAU</b>
Vashon Island	0.0502
Vesta Little N.	0.0054
Whidbey Is.	0.0735
Whidby Island	0.0432
Winston Creek	0.0236
Wishkah Headwaters	0.0562
Woodland Creek	0.1761
Woods Creek	0.0444
Wynochee River System	0.0097
Yacolt	0.0957

The table above shows estimated percent loss of large woody debris recruitment potential in each watershed administrative unit containing one or more forest practices applications over the four year time period of the Incidental Take Permits. There are a total of 846 watershed administrative units in the state of which 119 have some measure of reduction in potential large woody debris recruitment function. Currently, in-office calculations indicate that each watershed administrative unit has less than one percent cumulative reduction in function. The largest possible impact is in Lost Creek Watershed Administrative Unit which only has a total of 23,172 feet of fish-bearing stream length in the entire watershed administrative unit. In-office calculations of proposed forest practices applications show a possibility of 0.9 percent potential reduction of large woody debris recruitment function in Lost Creek Watershed Administrative Unit. There is one watershed administrative unit that indicates a potential of 0.6 percent reduction in function, one at 0.3 percent, four at 0.2 percent and twenty at 0.1 percent. All other watershed administrative units listed in the above table show the possibility of less than 0.1 percent reduction in function since the 2006 issuance of the Incidental Take Permits.

### **6.5 Data Collection for Watershed Administrative Unit Threshold Reduction in Function within Watershed Administrative Units**

An ongoing field audit was initiated in September 2008 on a subset of 20-acre exempt forest practices applications to help verify that the in-office method for estimating reduction in function is sufficient. The field audit also serves to ground-truth what is actually happening on the application sites. State forest practices staff collected data during routine compliance visits to the FPA sites including width of RMZ; percent of trees left after harvest; and length of RMZ.

Since September 2008, fifty-one 20-acre exempt forest practices applications have been visited during normal compliance activities. In FY 2010, twenty-two applications were visited which had Riparian Management Zones along a total of 12,240 feet of fish bearing stream. The 2010 field visits showed no harvest in the riparian area on 9,490 feet or 78 percent of the 12,240 feet. Cumulatively, since September 2008, field visits show no harvest within the Riparian Management Zones along 71 percent of the 28,946 feet of fish bearing stream length found in the fifty-one forest practices applications visited. The field checks seem to indicate that landowners are leaving more trees in riparian areas than was predicted when the Environmental Impact Statement Buffer Index averages were calculated.

The 20-acre exempt application field data is recorded on an on-going basis and reported annually. The data over the last two years shows that many landowners may be leaving more trees in the riparian area than required by 20-acre exempt rules (i.e. no harvest in the riparian areas and leaving wider buffers than required). Given this information, a conclusion can be made that the in-office estimate for reduction in function is likely conservative.

### **Cumulative Stream Length for Water Resource Inventory Areas (WRIAs)**

A fish-bearing baseline stream length was calculated for all water resource inventory areas. As in office calculations indicate that watershed administrative units may be reaching the 10 percent threshold, the State will compare the total stream length in each watershed administrative unit to determine when the 15 percent threshold by water resource inventory area could possibly be reached. The State will then be able to inform landowners that subsequent forest practices applications within the water resource inventory area that are associated with 20-acre exempt parcels will no longer be covered by the Incidental Take Permits, unless individual landowners choose to apply standard Riparian Management Zone rules on their 20-acre exempt forest practice. Currently, there are no watershed administrative units that show a possibility of being near the 10 percent threshold for reduction in function; therefore, no water resource inventory areas are currently at risk for reaching the 15 percent stream threshold.

### **6.6 Bull Trout Areas of Concern**

The Services conditioned the Incidental Take Permits regarding specific identified spawning and rearing habitat areas for bull trout. These areas are of concern because of extremely low populations of bull trout. The condition states that a forest practice which qualifies for and uses the 20-acre exempt riparian rules and falls within these bull trout areas of concern will not be covered by the Incidental Take Permits unless the forest practice is shown to not measurably diminish the level of riparian function. The function is measured by recruitable large woody debris and is compared to the level of function that would have been provided by the standard forest practices rules. The State and Services together developed a process to track forest practices in these bull trout areas of concern. The process was included in the [2009 Forest Practices HCP Annual Report](#) (DNR 2009).

There were no forest practices applications associated with 20-acre exempt parcels in the bull trout areas of concern during the reporting period from July 1, 2009 through June 30, 2010.

### 6.7 20-Acre Exempt Forest Practices Application Data

The total number of approved forest practices applications/notifications during the reporting period (July 1, 2009 to June 30, 2010) was 3,594 (does not include renewals), 63 of which were 20-acre exempt applications.

#### Number of 20-acre Exempt Forest Practices Applications for FY 2010

Total # of 20-acre forest practices applications with fish-bearing water	63
Total # of 20-ac exempt forest practices applications that were conversions with fish-bearing water	3
Total # of 20-ac exempt forest practices applications with fish-bearing water that were not conversions	60
Total # of 20-ac exempt forest practices applications that were in Bull Trout Areas of Concern	0

20-acre exempt applications along fish-bearing water comprised approximately 1.7 percent of all non-renewal applications submitted during the 2009-2010 reporting period.

# 7. Alternate Plans, Riparian Open Space Program

## 7.1 Introduction

This chapter provides information about two areas of interest to the Services—Alternate Plans (AP) and the Riparian Open Space Program (ROSP). Alternate Plans are forest practices plans that deviate from standard forest practices rules but provide public resource protection equal in overall effectiveness as the standard rules. The Riparian Open Space Program is an incentive program provided to landowners for trees left unharvested in CMZs.

## 7.2 Alternate Plans

An Alternate Plan is a tool forest landowners can use to develop site-specific management plans for forest practices regulated under the Forest Practices Act. An Alternate Plan may deviate from the standard forest practices rules, as long as the plan provides public resource protection at least equal in overall effectiveness to the protections afforded by the Act and rules. WAC 222-12-0401 describes the Alternate Plan process, including the review by interdisciplinary teams.

The following table shows the number and status of forest practices applications submitted that included an Alternate Plan during the period from July 1, 2009 to June 30, 2010:

Landowner Type	Status of Forest Practices Applications with Alternate Plans				Total
	Approved	Disapproved	In Review	Closed Out	
Large	45	0	4	0	49
Small	23	1	3	2	29
<b>Total</b>	68	1	7	2	78

## 7.3 Riparian Open Space Program

Like the Forest Riparian Easement Program (see chapter 5), the Riparian Open Space Program was a product of the 1999 Forests and Fish Law (Engrossed Substitute House Bill 2091). It was codified in the Forest Practices Act (chapter 76.09 RCW) and adopted as a rule in chapter 222-23 WAC. In the 2009 Washington State Legislative session a new bill (HB 5401) was passed and signed into law that amended the Riparian Open Space Program. Rule development procedures are currently underway with the Forest Practices Board anticipated to adopt the revised rules in the spring of 2011. Since the 2001-2003 biennium, the program was administered through DNR Asset Management and Protection Division. The program will now be administered through DNR Forest Practices Division because of the 2009 changes and will likely be given a new program name. The Riparian Open Space Program, as well as the revised program, differs from the Forest Riparian Easement Program in that it is available to all forest landowners, not just small forest landowners.

The Riparian Open Space Program and the revised program ensures the long-term conservation of aquatic resources and upland habitats by acquiring conservation easements on lands and

timber within a specific type of channel migration zone (CMZ) known as an “unconfined channel migration zone” and habitat of threatened and endangered species.

A Channel Migration Zone is the area where the active channel of a stream is prone to move in the near term. Unconfined avulsing CMZs are generally a fifth order or larger water, have less than 2 percent gradient and are found in a valley more than four times wider than the bankfull width of the channel. These areas typically have very high ecological value as spawning and rearing habitat for salmon and other fish species. Under the forest practices rules, no timber harvesting or road construction may occur within Channel Migration Zones due to their ecological importance.

The Forest Practices Board recognizes and protects in the forest practices rules critical habitat of ten upland species, two of which are the Northern spotted owl and the Marbled murrelet. Critical habitat is a designation that makes a special effort to protect the important characteristics that will assist in the recovery of the threatened or endangered species. Landowners that own forest land that is habitat for these species protected in the rules are eligible to grant to the State a perpetual conservation easement under the Riparian Open Space Program.

DNR screens applications, prioritizes qualifying applications and acquires lands based on available funding. Applications for the current funding period will be prioritized based on the order received, the ecological value of the land(s) and the immediacy of need on the part of the landowner. For future funding periods the prioritization elements for Channel Migration Zones and critical habitat have yet to be determined.

The following chart shows the budget allocated by the Washington Legislature for the Riparian Open Space Program and acres purchased since program inception.

**Riparian Open Space Program Budget and Acres Purchased**

<b>Fiscal Year</b>	<b>Budget Allocated</b>	<b>Amount Spent</b>	<b>Number of Transactions</b>	<b>Acres Purchased</b>
01-03	\$1,000,000	\$1,000,000	3	387
03-05	\$1,000,000	\$500,000	5	197
05-07	\$2,000,000	\$0	0	0
07-09	\$2,200,000	\$2,200,000	4	339
09-11	\$500,000			

The \$500,000 left over from FY03-05 was reallocated for FY05-07. All of the \$2 million from FY05-07 was reallocated for FY07-09. There were no transactions for FY05-07 because applicants withdrew due to value lower than anticipated or not eligible. There were 11 applications for FY09-11 of which eight were eligible. DNR has assembled a Technical Selection Committee that will determine which applications will be funded with the \$500,000 allocated for the FY09-11 funding period.

# 8. Compliance Monitoring Program

## 8.1 Introduction

Compliance monitoring is an important element of the Forest Practices HCP. One of DNR's responsibilities is to ensure that operators and landowners are complying with the forest practices rules when conducting forest practices activities. According to WAC 222-08-160 (4), "DNR shall conduct compliance monitoring that addresses the following key question: 'Are forest practices being conducted in compliance with the rules?' DNR shall provide statistically sound, biennial compliance audits and monitoring reports to the Board for consideration and support of rule and guidance analysis. Compliance monitoring shall determine whether forest practices rules are being implemented on the ground. An infrastructure to support compliance will include adequate compliance monitoring, enforcement, training, education and budget."

The objective of the compliance monitoring program is to determine if forest practices are being conducted in compliance with the forest practices rules *in effect at the time the activity was conducted*. To reach this end, the goals of the Compliance Monitoring Program are as follows:

- Develop methods to streamline and maintain a cost effective field compliance monitoring process.
- Provide relevant and accurate information to the Board and the Adaptive Management Program (AMP) to modify or to clarify the rules in order to improve compliance.
- Identify opportunities to provide education (especially for complex forest practices rule categories) for regulators, landowners, consultants, and operators as suggested by non-compliance rates.
- Provide information for rule and Forest Practices Board Manual revision if necessary.
- Provide results to the Services and the Washington State Department of Ecology, where applicable.

The framework for the Compliance Monitoring Program includes the following components:

- The results must be credible and defensible.
- The Program will develop sampling methods, sample size, selection criteria, and reporting format.
- The sampling design will provide required information over time.
- The Program must be sustainable, adjustable, easily understood, and manageable.

The program is administered by a Compliance Monitoring Program Manager. The program is staffed by this manager and a program specialist. The program relies on assistance from the Washington State Department of Ecology, Department of Fish and Wildlife, and the Tribes to assist with field assessments and data collection.

## 8.2 Compliance Monitoring Program Design

In 2006, an internal working group led by DNR and consisting of representatives from DNR's Forest Practices Program, Department of Ecology, and Washington State Department of Fish and Wildlife completed a compliance monitoring program design focusing on Riparian Management

Zone rules for all typed waters and road activities. The program design also included a detailed protocol for field assessments, revised forms, and data collection templates.

The Board recommended that the department, under the supervision of the Adaptive Management Program Manager, conduct a Technical Review of the program design. Five reviewers were selected who had operational monitoring experience and the report results were presented to the Board in February of 2008.

In response to the review, three significant changes to sampling were implemented for 2008-2009. The first was adding a protocol to capture observed differences between water type classification at approval and at the time of the compliance review. This was instituted at the request of the Board because of the frequency of perceived differences between the stream type approved as part of the forest practices application and what was actually being seen on the ground during reviews (2006-2007 sampling seasons). The effort is an approach to quantify the extent of the issue. Secondly, compliance with the rules as they are applied on the ground is now assessed in addition to compliance with what was stated on the approved application; this allows a comparison of differences where the two are not the same. The third change was to modify the forest practices application selection strategy to sample each DNR region proportional to their representation in the entire population of forest practices applications statewide. This is to assure representation of each region in the sample.

In addition, DNR has hired a professional statistician to refine the statistics. Work began on the program design revisions for 2009, and a draft was released in December 2008 for review; however due to staff changes, the revision process was not completed until early 2010 but was completed in time to apply to the 2010 sampling season. Refer to the [Compliance Monitoring Program Description](#) (DNR 2010) for the updated version.

### **8.3 Highlights of the Compliance Monitoring Program**

The 2008 and 2009 field seasons have been completed and work is currently underway developing the “Biennium 2008-2009 Compliance Monitoring Summary Report”. Due to Agency budget reductions and unforeseen workload issues, this report isn’t scheduled for completion until late 2010. The 2006-2007 report ‘Biennium 2006-2007 Compliance Monitoring Summary Report’ can be found at:

[http://www.dnr.wa.gov/Publications/fp\\_cm\\_biennial\\_report\\_06-07.pdf](http://www.dnr.wa.gov/Publications/fp_cm_biennial_report_06-07.pdf) (DNR 2009).

These reports summarize results for a two year period in which randomly selected and approved forest practices applications were assessed for compliance with the forest practices rules. The monitoring is conducted by professional foresters, geologists and biologists from DNR, the Department of Ecology, Washington Department of Fish and Wildlife, and several Tribes in survey teams of up to four or five members. Landowners are invited to attend the field assessments.

The study design for 2008-2009 focused on 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 compliance with rules providing for wetland protection.

A finer look at two smaller populations of forest practices applications took place in 2007-2008. The two populations involved forest practices applications with Alternate Plans and small forest landowner 20-acre exempt parcels. This concentrated effort (emphasis sampling) was made because these two groups of forest practices applications utilize rules that are different than the “standard” rules and the population of each forest practices application type is so small that it would take years to develop meaningful statistics about each group. These two rule groups occur in approximately 1.5 percent of submitted forest practices applications. The results from this study will be included in the 2008-2009 report to the Forest Practices Board and will be reported in the 2010-2011 Forest Practices HCP Annual Report.

A new stakeholder committee was chartered as of fall 2009. Per that Charter, *The purpose of the Compliance Monitoring Program Stakeholder Committee is to provide a forum for communication and information sharing among Forest Practices stakeholders and provide guidance and recommendations for the Forest Practices Board Compliance Monitoring Program.* This forum is expected to result in:

- Clarification of rule elements when questions arise.
- Consistent implementation of program protocols.
- Consensus recommendations from the committee on steps for Compliance Monitoring Program improvement.

The committee composition includes representatives of the Department of Natural Resources, Department of Fish and Wildlife, Department of Ecology, Tribes, Washington Forest Protection Association, and the Conservation Caucus.

As with past compliance monitoring efforts, the 2010 study design is focused on Riparian Management Zone rules for all typed waters (WAC 222-30) and Road Construction and Maintenance rules (WAC 222-24). At the time this report was written, compliance monitoring for the 2010 season had been 66 percent completed.

#### **8.4 Future Plans for the Compliance Monitoring Program**

The results of almost four years of field reviews have begun to provide a better picture statewide of the implementation of forest practices rules on the ground. Regional and specific information on rule elements will be available as field data increases.

Currently the program is reviewing emphasis areas and protocol changes for the 2011 field season. Expectations for 2011 include the addition of an active haul route observation protocol and implementing additional features resulting from the [2009 Clean Water Act Assurances Review of Washington’s Forest Practices Program](#) (Ecology 2009) such as water typing, shade, wetlands, haul roads and CMZs.

Expanding observations to detect reasons why events of non-compliance occur is a high priority to maintain program relevancy.

## **8.5 Funding**

The Forest Practices program actively seeks state funding from the Legislature and support from the program's partners on an ongoing basis to effectively implement the Compliance Monitoring Program. DNR has received funds from the Legislature since 2005 which allows the Department of Ecology and the Department of Fish and Wildlife to assist DNR in the compliance monitoring efforts. The legislature fully funded the Compliance Monitoring Program for the 2009-2011 biennium when many other programs were reduced in funding or eliminated.

# 9. Road Maintenance and Abandonment Planning for Large Forest Landowners

## 9.1 Introduction

Forest practices rules include a road maintenance and abandonment program to prevent sediment and hydrology-related impacts to public resources such as fish and water quality. The rules require large forest landowners (as defined in WAC 222-16-010 under “Forest Landowner” and in Section 3 of the Board Manual) to develop and implement a Road Maintenance and Abandonment Plan (RMAP) for roads within their ownership. In an effort to minimize the economic hardship on small forest landowners, the 2003 Washington Legislature passed a RMAP bill (HB1095) that modified the definition of “small forest landowner” and clarified how the RMAP requirements applied to small forest landowners. Small forest landowners have the option to submit a “checklist” RMAP with each forest practices application or notification, rather than to provide a plan for their entire ownership. DNR, in consultation with Washington Department of Fish and Wildlife and Department of Ecology submitted [A Report to the Legislature: Road Maintenance and Abandonment Plan Checklist Report](#) (DNR 2008) to the Legislature and the Forest Practices Board in December 2008 on the effectiveness of the checklist RMAP.

Large forest landowners were required by July 1, 2006, to have all roads within their ownership covered under a DNR-approved Road Maintenance and Abandonment Plan (WAC 222-24-051) and to bring all roads into compliance with forest practices standards by July 1, 2016. This includes all roads that were constructed or used for forest practices after 1974. An inventory and assessment of orphaned roads (i.e., forest roads and railroad grades not used for forest practices since 1974) must also be included in the plan. In areas where watershed analysis has been conducted and approved, large forest landowners may elect to follow the watershed administrative unit-road maintenance plan rather than developing a Road Maintenance and Abandonment Plan under WAC 222-24-051, provided all roads in the planning area are in compliance with the current rules by July 1, 2016.

## 9.2 Road Maintenance and Abandonment Plan Implementation

The RMAP process is intended to bring all roads owned by large forest landowners into compliance with forest practices standards by July 1, 2016. The following tables, “RMAP Accomplishment Report From 2001-2009”, and “Yearly Cumulative Reports” details the progress that’s been made by both large and small landowners from July 2001 until December 2009.

## RMAP ACCOMPLISHMENT REPORT FROM 2001-2009 - Information as of 12/31/2009

DNR Region	Number of approved RMAPs <sup>1</sup>	Number of Miles of Forest Roads Assessed	Number of Miles of Road that have been Improved to Rule Standards	Miles of DNR Approved Road Abandonment Completed	Miles of Orphaned Roads Identified	Number of Fish Passage Barriers Removed	Miles of fish Passage Opened	Number of Checklist RMAPS Submitted by Small Forest Landowner <sup>2</sup>
Northeast	8	7,625	4,599	299	96	579	289	2,407
Northwest	29	5,841	1,955	908	650	209	69	1,499
Olympic	22	7,648	1,092	109	353	429	246	719
Pacific Cascade	34	21,942	6,528	544	715	1,324	645	3,028
South Puget Sound	15	7,886	763	268	220	265	143	694
Southeast	18	6,500	1,258	493	271	335	177	457
<b>Statewide Totals</b>	<b>126</b>	<b>57,442</b>	<b>16,195</b>	<b>2,621</b>	<b>2,305</b>	<b>3,141</b>	<b>1,569</b>	<b>8,804</b>

<sup>1</sup> Large landowners may have more than 1 RMAP; this number may include small landowners who have chosen to submit a full RMAP

<sup>2</sup> Small forest landowners may submit more than 1 checklist

### State Wide Yearly Cumulative Reports

Year	Total # of Approved RMAP's & Submitted Checklists	***Total # of Submitted Checklist RMAPs by Small Landowners	Total Miles of Forest Roads Assessed in RMAPs	Miles of Road Improved to Rule Standards	Miles of DNR Approved Road Abandonment Completed	Miles of Orphaned Roads	Miles of Fish Passage Opened	# of Structures on Fish Streams Removed or Replaced
2001-2002	4,066	---	15,484		645	502	52	46
2001-2003	5,530	---	27,072		1,007 / *362	1,246	175 / *123	355 / *309
2001-2004	7,401	---	48,051		1,587 / *580	1,944	647 / *472	1,217 / *908
2001-2005	8,419	---	58,843		1,856 / *269	2,107	775 / *128	1,363 / *146
2001-2006	9,950	---	59,220		2,068 / *212	2,313	982 / *207	1,819 / *456
**2001-2007	107	8,121	56,936	13,140	2,153 / *85	2,293	1,221 / *239	2,248 / *429
2001- 2008	130	8,628 / *506	57,442	15,019 / *1,879	2,431 / *278	2,305	1,448 / *227	2,871 / *623
2001-2009	126	8,804 / *176	57,442	16,195 / *1,176	2,621 / *190	2,305	1,569 / *121	3,141 / *270

\* Number represents the increase from the previous year's report.

\*\*2007 is the first year the number of submitted large landowner RMAPs and submitted small landowner RMAP Checklists is separated.

Commitments were made in the 2006-2007 annual report to provide additional information in subsequent reports relating to the numbers of fish passage barriers for large forest landowners

and a summary of those repaired or replaced; miles of forest road improved as a result of industrial RMAPs; and an update on the achievability of the scheduled RMAPs work by 2016.

### Fish Passage Barriers

The following table, “Fish Passage Barrier Information for Large Landowners” displays the total number of presumed fish passage barriers identified in RMAPs by DNR region. It also shows how many have been repaired cumulatively since 2001; the total repaired in calendar year 2009, and the percent of total repaired as of December 31, 2009.

**Fish Passage Barrier Information for Large Landowners**

<b>DNR Region</b>	<b>Total # of fish passage barriers in RMAPs*</b>	<b>Cumulative repairs from 2001-2009</b>	<b>Total repaired or replaced in calendar year 2009</b>	<b>% of total repaired or replaced as of 12/31/2009</b>
Northeast	861	579	64	67%
Northwest	610	209	15	34%
Olympic	1,194	429	75	36%
Pacific Cascade	1,666**	1,324	69	79%
South Puget Sound	676	265	24	39%
Southeast	573	335	21	58%
<b>Totals</b>	<b>5,580</b>	<b>3,141</b>	<b>268</b>	<b>56%</b>

\*This number may fluctuate as water types are confirmed and/or modified.

\*\* This number changed significantly from last year’s report due to an initial reporting error.

### Road Improvements

In an effort to compile the number of forest road miles improved since the Road Maintenance and Abandonment Plan forest practices rule was effective, DNR sent a letter in March 2008 to all industrial forest landowners with Road Maintenance and Abandonment Plans, asking for the following information:

1. How many miles of forest road were originally identified for improvement to meet the requirements of Chapter 222-24 WAC, *Road Construction and Maintenance*?
2. Approximately how many of those forest road miles identified in question #1 have been improved to meet the requirement of Chapter 222-24 WAC, *Road Construction and Maintenance* as of December 31, 2007?

The letter also explained that beginning with the 2008 RMAP annual reporting cycle, industrial landowners will be asked to include the total number of miles of forest roads improved during the past calendar year (See “RMAP Accomplishment Report From 2001-2009” above). This is an addition to the usual annual RMAP reporting requirements.

Ninety-nine letters were sent and 77 responses were received; a 77 percent response rate. The responses represented 219 individual Road Maintenance and Abandonment Plans. The majority of the 22 landowners who did not respond are mid-sized forest landowners with fewer miles of forest road overall on the landscape. Statewide, landowners responding reported approximately 22,900 miles of forest road identified as needing improvement—out of 57,442 total miles of

forest road. As of December 2009, approximately 16,195 miles have been improved—a 71 percent accomplishment rate.

There was some initial confusion about what constituted road improvement as landowners responded to the March 2008 letter. As a result, DNR established a consistent working definition for road improvement in October 2008 and provided a guidance document to forest practices staff. Improvements are defined as “only those road related improvement structures which require fixes to bring the existing road built prior to 2000 up to the current (2001) forest practices rule standards.” (Guidance from Gary Graves, Assistant Division Manager, Forest Practices Division – October 13, 2008). As per the guidance, examples of road improvements include removing fish passage barriers, pulling back sidecast, adding cross drains, abandoning forest roads, etc. Improvements do not include normal maintenance activities such as routine road grading, adding surfacing, pulling ditches, etc.

### **Achievability by 2016**

The following tools are used to ensure that landowners meet the obligations of their approved Road Maintenance and Abandonment Plans in an even-flow manner by July 1, 2016:

- **Annual Report**  
Landowners are required (WAC 222-24-051 (8)) to annually report on work accomplished for the previous year and to submit a detailed description of the upcoming year’s work. Any modifications to the upcoming work schedule are included in the landowner’s annual report and reviewed in consultation with Department of Ecology, Washington Department of Fish and Wildlife, affected tribes and other interested parties.
- **Annual meetings**  
Annual meetings are held between DNR RMAPs staff, industrial forest landowners, and others to discuss accomplishments, upcoming plans, project priorities, and landowner’s ability to meet the scheduled work required by 2016. Further meetings may be necessary to refine the current work schedule or to request a new work schedule for evaluation and acceptance by DNR in order to meet the target deadline.

The same October 13, 2008 guidance referred to above outlined the forest practices program’s expectations regarding the term “even-flow” when evaluating Road Maintenance and Abandonment Plans. The guidance states the following:

***Even flow:*** First, review the list of identified work that each landowner submitted during the planning phase including stream crossing cmp removal, stream crossing culvert replacement, ditching, grading, side cast pullback, adding cross drain cmps and road abandonment. Next, compare the original list of work to the list of accomplishments submitted with the annual reports. Evaluate the progress that has been made against what originally needed to be done and determine – based on your best professional judgment and knowledge of the situation - whether or not it is likely the remaining work can be completed in the next 7 or 8 operating seasons. If the RMAP Specialist in consultation with the FP District Manager and RP&S Assistant

*concludes that the individual landowner is making sufficient annual progress that it is likely all the necessary work will be finished by July 1, 2016 then the landowner is achieving even flow. However, if you conclude that the landowner is only doing the minimal work necessary and will not likely accomplish all of the identified and necessary work by July 1, 2016 then they are not meeting the even flow concept. Should you determine that a landowner is not meeting the even flow concept then you need to meet with the landowner and discuss your concerns and expectations for future accomplishments. One of the enforcement documents would be used to set dates for future checks. At the end of the meeting the landowner needs to know what action(s) DNR will take if they do not comply. Documentation of the discussion is recommended either by letter or ICN.*

(Guidance from Gary Graves, Assistant Division Manager, Forest Practices Division – October 13, 2008).

### **9.3 Forests and Fish Policy Committee – Road Policy Work Group**

Road improvement and fish passage barrier work outlined in forest landowner's RMAPs is critical to achieving the goals outlined in the Forests and Fish Report. This work requires significant financial outlay each year, primarily financed by timber revenues on private forest lands. While landowners have made substantial progress in meeting their Road Maintenance and Abandonment Plan commitments, the recent economic downturn has had a significant impact on the resources available to accomplish the work by July 2016. As a result, state and landowner interests have asked the Forests and Fish Policy Committee to make a recommendation to the Forest Practices Board seeking an adjustment to the current RMAP implementation deadline. In response, Forests and Fish Policy Committee appointed a sub-policy group, *the Road Policy Work Group*, to address the issue. The Road Policy Work Group and the staff group appointed to provide support to the sub-group include state, federal, tribal, conservation, and landowner interests.

During the Road Policy Work Group's discussion, these common principles emerged and helped to inform the recommendation from the sub-group to the Forests and Fish Policy Committee (Proposed RMAP Extension Recommendations, July 1, 2010):

- An RMAP extension must provide assurances that public resources will be protected during the extension period, while providing near-term financial relief for the timber industry;
- An RMAP extension should be efficiently administered, given staffing and financial constraints for state agencies, tribes, and landowners;
- New and amended RMAPs need to be reported in a manner that allows information to be rolled up to the state level to enhance understanding of whether progress is adequate at landowner, region, and state levels;
- An expanded, consistent and transparent system using compatible data collection methods and procedures will enable agencies, tribes and landowners to more effectively track progress and compliance;

- Funding is needed to determine the scope of forest road maintenance and fish passage barrier needs in timber counties and on small forest ownerships;
- Reinvigorating the collaborative Timber/Fish/Wildlife approach will optimize progress toward achieving RMAP objectives as well as overall Forests and Fish goals.

The recommendation from the Forests and Fish Policy Committee includes the following three components:

1. Change to the Forest Practices Rules –  
The recommended rule change would allow landowners to apply for an extension of the RMAP deadline for up to five years (to July 2021). The rule change would amend the completion dates in WAC 222-24-050 and 051 for RMAPs from July 1, 2016 to July 1, 2021.
2. Update to the Forest Practices Board Manual –  
Forest Practices Board Manual Section 3 (Guidelines for Forest Roads) may also be revised to update RMAP reporting standards and procedures.
3. Development of an operational plan –  
Elements of the operational plan include development of new RMAP reporting forms and procedures and landowners submitting a revised RMAP showing an adjusted even-flow schedule over the extension period. This will allow improved tracking and reporting with consistent data standards across all DNR regions. The plan would also include a commitment to enhance communication and coordination by holding an annual RMAP status meeting at the Policy level, and by re-energizing regional meetings among DNR RMAP Specialists, Department of Ecology, Washington Department of Fish and Wildlife, tribal staff and landowners.

The plan would also include an agreement by all caucuses to collaboratively pursue federal funding to accelerate fish passage barrier repairs through the Family Forest Fish Passage Program and for county access roads. The caucuses also agreed to collaboratively pursue funding to assess the condition of forest roads on small landowner properties, for adaptive management, and to complete current work on watershed analysis.

The Proposed RMAP Extension Recommendations and associated materials can be found at [http://dnr.wa.gov/Publications/bc\\_fp\\_materials\\_20100810.pdf](http://dnr.wa.gov/Publications/bc_fp_materials_20100810.pdf) under the Forests and Fish Policy's RMAPS Proposal tab.

The recommendations will be presented to the Forest Practices Board at their August 10, 2010 meeting. The outcome of the meeting will be included in the 2010-2011 Forest Practices HCP annual report.

## 9.4 Washington Department of Fish and Wildlife Efforts

Road Maintenance and Abandonment Plans are one of the major activities for Washington Department of Fish and Wildlife's (WDFW) Forests and Fish biologists who provide an essential role in the review and implementation of RMAPs. The following is a description summary of the RMAPs duties performed by the Washington Department of Fish and Wildlife staff.

- Review of new and ongoing RMAP proposals.
- Issue Hydraulic Project Approvals for RMAP work. Approximately 907 RMAP related Hydraulic Project Approvals were reviewed in Fiscal Year 2010.

The 2016 deadline for completing RMAP work will continue to create a large demand for Hydraulic Project Approvals. The number of applications associated with large landowner RMAPs has grown significantly over the past few years, from 230 in 2002, to 2963 in 2006. In FY 2010 2,033 forest practice applications were reviewed for Hydraulic Project Approval requirements. The complexity of technical assistance and Hydraulic Project Approvals needed from WDFW biologists has increased as work is shifting from the easier fixes to the more challenging crossing structures as well as structures located higher in the watershed.

- Review forest practices applications for Hydraulic Project Approval requirements, provide site reviews, issue Hydraulic Project Approval permits, and provide other technical assistance as needed.
- Develop, review, and consult with small forest landowners addressing stream typing, aquatic resource protection and road issues. Provide technical assistance, pre-site reviews, review of completed long-term plans, and issue Hydraulic Project Approvals for small forested landowners.
- Review revised RMAPs as landowners make annual changes pertaining to fish passage structures, fish habitat, stream typing, and sediment delivery.
- Review revised RMAPs as land ownership changes. Ownership changes have been occurring at a relatively high rate.
- Provide technical assistance and review for Alternate Plans for both small and large industrial landowners.
- Validate stream typing, including identifying the breaks between fish and non-fish streams, as part of the RMAPs process, as well as implementation of the forest practices rules for riparian zones.

With the development of the DNR hydro-layer, state and private landowners have increased their efforts in identifying breaks between fish and non-fish streams. Additionally, as a result of the stream type surveys, landowners are submitting hundreds of water type change forms to DNR requesting changes to water type maps. Many of

these water type modifications require more than one site review and have substantially increased Forests and Fish biologist's workload.

- Participate in the review and development of Forests and Fish Report-related research through Cooperative Monitoring, Evaluation and Research Committee participation.
- Provide technical assistance as needed to forest landowners for aquatic related mitigation and restoration and to identify specific habitat needs for species of concern.

# 10. Tribal Relations

## 10.1 Introduction

Under the authority of the Forest Practices Act (chapter 76.09 RCW), the Board's rules, in part, promote cooperative relationships and agreements with Indian tribes and direct DNR Forest Practices staff to consult and cooperate with affected tribes when developing and implementing many parts of the Forest Practices program (WAC 222-12-010). These rules define "affected Indian tribe" as "any federally recognized Indian tribe that requests in writing information from the department on forest practices applications and notification filed on specified areas" (WAC 222-16-010).

Washington's 29 federally recognized Indian tribes are key cooperators in the Forest Practices program. Because of the sovereign status of these tribal governments, the relationship between DNR and the tribes is government-to-government.

These tribes in Washington, as well as some tribes in Oregon and Idaho, participate in the Forest Practices program to varying degrees. Tribes are members of the Adaptive Management Program's Forests and Fish Policy Committee and Cooperative Monitoring and Research Committee, the Board's Timber/Fish/Wildlife Cultural Resources Committee and the Small Forest Landowner Advisory Committee. Additionally, tribal representatives work with staff from DNR's forest practices program and other agencies and organizations to draft forest practices rules and Board Manual guidelines, review forest practices applications and notifications and Alternate Plans, provide technical onsite expertise in DNR's interdisciplinary team reviews, and complete water and wetland typing.

This chapter provides information on two areas of forest practices work specific to tribal relations. The first is an update on the rule required forest landowner/tribal meetings and process improvements pursuant to WAC 222-20-120. The second is an update on the work by Timber/Fish/Wildlife Cultural Resources Committee.

## 10.2 Landowner/Tribal Meetings and WAC 222-20-120 Update

One of the reporting elements in the Forest Practices HCP is the landowner/tribal meetings required by WAC 222-20-120 (2) and the process improvements being made by the forest practices program to more consistently implement this rule.

The rule requires the forest practices program to "notify affected Indian tribes of all applications of concern to such tribes, including those involving cultural resources, identified by the tribes". Additionally, when an application involves a cultural resource, subsection (2) of this rule requires the forest landowner to "meet with the affected tribe(s) with the objective of agreeing on a plan for protecting the archaeological or cultural value."

The Forest Practices program notifies a tribe of the applications and notifications the tribe is interested in via the Forest Practices Application Review System (FPARS). Forest Practices Application Review System is an internet-based review and permitting system for Washington's forest practices permits. The tribe simply signs up for FPARS, and then automatically receives

all applications and notifications that meet the parameters of the tribe's FPARS reviewer profiles. Currently, all but one of the federally recognized tribes in Washington have chosen to review forest practices applications and notifications.

DNR completed the following steps to initiate data collection on landowner/tribal meetings for the Forest Practices HCP annual report. These steps also help address DNR region audit findings regarding tracking of required landowner/tribal meetings.

- Guidance on tracking landowner/tribal meetings was updated (2009 Forest Practices HCP annual report – Appendix J).
- DNR implemented a new tracking method in September 2008 that uses the Forest Practices master log to record:
  - Which applications required a landowner/tribal meeting, and
  - Which required landowner/tribal meetings took place.

Additionally, following the Board's historic sites rulemaking in 2008, the Forest Practices program conducted training and provided guidance to the regions on implementing these new rules as well as WAC 222-20-120. The training included:

- An explanation of the board's new classification criteria for applications involving cultural resources,
- An emphasis that a meeting between the landowner and the interested tribe(s) is required for all Class IV-special applications involving a cultural resource,
- Discussion on using the Forest Practices Application/Notification Office Checklist for tracking forest practices applications that have a cultural resource issue, and
- Discussion on using the Forest Practices master log to track the required meeting data listed in the above paragraph.

The DNR regions have recorded in the master log that from July 1, 2009 through June 30, 2010 14 forest practices applications triggered the landowner/tribal meeting requirement. Landowners were required to meet with all the tribes that had expressed interest in the forest practices application, which in some instances included up to six different tribes. In all 14 cases, the landowner met with the tribes involved.

The program continues to follow up with each region to insure that the guidance on both rule interpretation and tracking of landowner/tribal meetings is being correctly implemented.

### **10.3 Update on Timber/Fish/Wildlife Cultural Resources Committee**

#### **Background**

The Timber/Fish/Wildlife Cultural Resources Committee (Committee) originated as part of the 1987 Timber/Fish/Wildlife collaboration. Today's Committee includes tribal representatives (especially Puyallup, Yakama, Suquamish, Quinault, and Cowlitz), forest landowners representing Washington Forest Protection Association (WFPA) members and Washington Farm Forestry Association (WFFA) members, and state agency representatives from DNR-Forest Practices, DNR-State Lands, and the Department of Archaeology and Historic Preservation (DAHP).

## **Cultural Resources Protection and Management Plan**

In 2001, the Forest Practices Board asked the Committee to collaboratively develop a multi-caucus proposal to address the cultural resources commitments in the Forests and Fish Report. Appendices G and O of the Forests and Fish Report specifically committed to a watershed analysis cultural resources module and a cultural resources plan to enhance cooperative relationships between landowners and tribes.

In 2003, the Board accepted the Committee's consensus Cultural Resources Protection and Management Plan (Plan) as fulfillment of the two Forests and Fish commitments. The Plan includes in its appendices a watershed analysis cultural resources module and rules to implement the module. In May 2005, after completing the rule making process, the Board formally approved and adopted the Committee's watershed analysis cultural resources module and rules.

The Plan is incorporated into the Forest Practices HCP as Appendix I.

The Committee updates the Plan to formally recognize completed projects. The current Cultural Resource Protection and Management Plan, updated October 2008, can be found at [http://www.dnr.wa.gov/Publications/fp\\_cultural\\_resources\\_ffrplan.pdf](http://www.dnr.wa.gov/Publications/fp_cultural_resources_ffrplan.pdf).

## **Ongoing and Current Work**

The forest practices program and the Committee continue to implement commitments in the Plan, as well as resolve other cultural resources issues related to forest practices. The three commitments specific to the Forest Practices program relate to notice to tribes, landowner/tribal meetings, and classification of applications and notifications involving cultural resources. As discussed in section 10.2, the program provides automatic and ongoing notice to tribes of applications and notifications via the Forest Practices Application Review System and has provided updated guidance on implementing WAC 222-20-120.

The program continues to assist Department of Archaeology and Historic Preservation (DAHP) in updating their archaeological and historic sites database. This cultural resources data is used by the Forest Practices program to appropriately classify forest practices applications and notifications involving cultural resources according to WAC 222-16-050. Specific funding is provided to the Department of Archaeology and Historic Preservation through a DNR-DAHP Interagency Agreement. Funding for fiscal year 2009-2010 was \$32,645, which provides a half time position. The Committee continues to advocate for a full time position at the Department of Archaeology and Historic Preservation.

Currently, Committee work priorities in fiscal 2009-2010 were as follows:

- On behalf of DNR, the Committee reports annually to the Board on the effectiveness of the Plan, as required by WAC 222-08-160 Continuing review of forest practices rules. The Committee provided their annual report to the Board twice in 2009, the first time in May to assist the new chair and members in understanding the Committee's purpose, work, and challenges and the second in November. The Committee plans to give its 2010 annual report in November.
- The Committee provided a quarterly report, in the form of its work plan, at each regular Board meeting as part of the staff reports to the Board.

- Working with the Board and DNR's Tribal Relations Manager, the Committee is writing a Committee charter.
- The Committee continued to work on clarifying language for WAC 222-20-120 and may bring consensus language to the Board in November 2010. See section 10.2.
- A 2010 scoping workshop was held by the Committee with numerous attendees providing their ideas and perspectives on cultural resources educational tools. Information gathered at the workshop is assisting the Committee to develop guidance products on implementing the Plan, as well as a potential Forest Practices board manual on cultural resources.
- The Committee continued its cultural resources educational efforts for the state's small forest landowners through the assistance of the Washington State University Extension Service.

Additionally, the Committee efforts to secure funding for a west-side and/or east-side test of the watershed analysis cultural resources module, and administrative assistance, are on hold until the state's economy improves.

# 11. Enforcement

## 11.1 Introduction

Forest Practices staff working in conjunction with forest landowners, timber owners, and operators is responsible for ensuring that forest practice activities are conducted according to the Forest Practices Act and Rules, as well as the conditions of the approved forest practices application/notification. Region Forest Practices staff prioritizes compliance inspections relative to the potential risk to public resources posed by the forest practice activity. For example, forest practices that propose substantial road construction in steep terrain where there is potential for direct sediment delivery to a stream will receive a higher level of compliance inspections over a proposal that has limited road construction on gentle slopes with no associated risk of sediment delivery to a stream.

The classification of a forest practices application is correlated with the level of risk to a public resource and is therefore used as a tool for forest practices foresters to determine the level of compliance inspections that will be conducted for a particular forest practices activity. This targeted approach helps ensure the most effective and efficient use of forest practices forester's time. There are four classes of forest practices:

- Class I - determined to have no direct potential for damaging a public resource.
- Class II- determined to have a less than ordinary potential to damage a public resource.
- Class III - determined to have an average potential to damage a public resource.
- Class IV - determined to have potential for a substantial impact on the environment – this is further evaluated dependent upon whether the proposal is IV-General or IV-Special classification.

Regardless of the classification, all forest practices activities must be performed in compliance with the Forest Practices Act and Rules. For more detailed information on forest practices classifications go to: [http://www.dnr.wa.gov/Publications/fp\\_rules\\_ch222-16wac.pdf](http://www.dnr.wa.gov/Publications/fp_rules_ch222-16wac.pdf) and refer to WAC 222-16-050.

Compliance visits are an important part of the forest practices forester's job. The information gathered during compliance visits and compliance monitoring (for more information on the Compliance Monitoring Program, see Chapter 8) is used for program improvement. Improvement may include clarifying rule language, modifying rules, improving the administration of the rules, and additional education and training.

When a forest practices activity has been found to be out of compliance with the rule, Forest Practices staff have several enforcement options available: informal conferences, Notices to Comply (NTC), Stop Work Orders (SWO), civil penalties, Notice of Intent to Disapprove, and criminal penalties. The Forest Practices Act and the Forest Practices Board (Board) encourage informal, practical, result-oriented resolution of alleged violations and actions needed to prevent damage to public resources. It is also the Board's policy to use a progressive approach to enforcement that begins with consultation and voluntary efforts to achieve compliance while reserving civil penalties (monetary fines) for more serious infractions.

## 11.2 Enforcement Activity

Enforcement documents can be used for either violations or non-violations. Violations are forest practices activities that have damaged a public resource or violate a law or rule. Non-violations are situations where damage to a public resource has not occurred but the forest practices forester has determined that damage is imminent if the activity or condition is not altered. An example would be an operator who does not have adequate road surface drainage on a haul road for use in the rainy season. The operator could be issued a non-violation Notice to Comply requiring the road be upgraded so it does not pose a threat to public resources during heavy rains. The following table shows enforcement activity between July 1, 2009, and June 30, 2010. In the tables and charts, the following are the region designations: SE – Southeast; NW – Northwest; SPS – South Puget Sound; NE – Northeast; PC – Pacific Cascade; OL – Olympic.

**Fiscal Year 2010  
Stop Work Orders and Notices to Comply Issued**

Region	Stop Work Orders (SWOs)		Notices to Comply (NTCs)		Total
	Non-Violation	Violation	Non-Violation	Violation	
SE	0	1	1	7	9
NW	0	32	30	19	81
SPS	2	6	11	5	24
NE	1	18	8	38	65
PC	0	1	8	11	20
OL	1	7	9	17	34
<b>Total</b>	4	65	67	97	233

**Fiscal Year 2010 Enforcement Data Summary**

Number of current Forest Practices Application/Notifications (FPA/Ns) through June 30, 2010	14,118
Number of NTCs/SWOs issued for violations	162
Ratio of NTC/SWO violations to total number of valid FPA/Ns (162/14,118)	1.15%
Number of NTCs/SWOs issued for non-violations	71
Ratio of NTC/SWO non-violations to total number of valid FPA/Ns (71/14,118)	.50%
Total number of documents issued (violation & non-violation)	233
Ratio of all documents issued to total valid FPA/Ns (233/14,118)	1.65%

The table above compares the number of NTC/SWO documents issued in FY2010 to the number of current forest practices applications through June 30, 2010. A comparison from the 2009 annual report shows an increase of 55 NTC/SWOs issued which breaks down to an increase of 0.31 percent for NTC/SWO's issued for violations and an increase of 0.25 percent for NTC/SWO's issued for non-violations. Further evaluation would be needed to determine the reason(s) behind these increases.

The program has approximately 44 (not all positions are full-time) forest practices staff statewide who are assigned in the field and who are directly responsible for complying and enforcing the Forest Practices Act and Rules. This number is different from what was reported in last year's annual report (77 staff) because it does not include administrative and support staff. The change is being made to provide increased clarity on program staffing levels responsible for the on-the-ground compliance and enforcement of the rules.

The majority of violations do not require additional enforcement action such as issuance of a civil penalty or Notice of Intent to Disapprove. The decision to pursue this level of enforcement is made at the Region level and a number of factors are taken into consideration such as:

- Failure to comply with the terms or conditions of a Forest Practices Application/Notification or Stop Work Order,
- The probability of more than minor harm to the environment,
- The extent of damage to the public resource,
- Whether there have been multiple violations of the same rule or law.

The table below shows the number of civil penalties and Notices of Intent to Disapprove that became a Final Order\* during FY2010.

**Fiscal Year 2010 Civil Penalties and Notices of Intent to Disapprove**

<b>Region</b>	<b>Civil Penalties</b>	<b>Notice of Intent to Disapprove</b>
<b>SE</b>	0	0
<b>NW</b>	3	2
<b>SPS</b>	1	0
<b>NE</b>	1	1
<b>PC</b>	0	0
<b>OL</b>	0	0
<b>Total</b>	5	3

\*Final Order occurs when all appeal processes have concluded.

# 12. Washington State Legislature

## 12.1 Introduction

In 1974, the Washington State Legislature passed the Forest Practices Act declaring that:

“forest land resources are among the most valuable of all resources in the state; that a viable forest products industry is of prime importance to the state's economy; that it is in the public interest for public and private commercial forestlands to be managed consistent with sound policies of natural resource protection; that coincident with maintenance of a viable forest products industry, it is important to afford protection to forest soils, fisheries, wildlife, water quantity and quality, air quality, recreation, and scenic beauty” (RCW 76.09.010).

The Act was the state’s first comprehensive law addressing the impact of forest practices on the environment. The Act also created the Forest Practices Board which sets the specific standards that are the basis for the forest practices program.

Each year, DNR monitors laws being passed by the Washington State Legislature for those that could impact the forest practices program. The table in Section 12.2 describes the laws passed in the 2010 Washington State legislative session 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.

The state’s focus in the past year has been budget driven. Numerous bills were introduced to combine agencies, limit working boards that assist agencies in their duties, transfer common duties to a single agency, and several cost saving measures. SHB 2935 and E2SHB 2617 are two such bills that combined boards and introduced cost saving measures.

## 12.2 Provisions of Selected 2010 Washington State Laws

Selected 2010 Washington State Laws Affecting the Forest Practices Program				
Bill #	Title ( "AN ACT relating to ..." )	Provisions	Status	Effect*
ESHB2541	...maximizing the ecosystem services provided by forestry through the promotion of the economic success of the forest products industry.	<ul style="list-style-type: none"> <li>- directs DNR to: 1) develop proposals for appropriate landowner conservation incentives that support landowners to maintain their land in forestry (e.g., incentives related to ecosystem service markets, tax incentives, easements, technical assistance, and recognition or certification); 2) consult with the Forest Practices Board, representatives of federal, state and local government, tribes, small forest landowners, conservation groups, industrial foresters, and other individuals DNR deems beneficial in implementing the law; and; 3) by Dec. 31, 2011 present research and proposed incentives to the governor, legislative committees, Commissioner of Public Lands, and the Forest Practices Board; and offer to present findings and recommendations to the Washington congressional delegation, local governments, and any state or federal agency that has as a portion of their mission the support of Washington's working land base and the jobs, products, and ecological values that working lands provide.</li> <li>- states that these actions shall not cause, promote, or delay any Forest Practices Board rule making.</li> <li>- authorizes DNR to seek federal and private funds and in-kind contributions to complete the work; and specifies, "at the discretion of (DNR), DNR must comply with this act only to the degree that existing or acquired non-state resources permit.</li> <li>- adds two definitions to RCW 76.09.020: "ecosystem services" and "ecosystem services market."</li> <li>- the new section of the law expires July 1, 2012.</li> </ul>	law, effective 6/10/10	direct, no rule- making required

Selected 2010 Washington State Laws Affecting the Forest Practices Program

Bill #	Title ( "AN ACT relating to ..." )	Provisions	Status	Effect*
SHB2935	...environmental and land use hearings boards and making more uniform the timelines for filing.	<ul style="list-style-type: none"> <li>- eliminates the forest practices appeals board and the hydraulics appeals board, and consolidates other state boards that conduct administrative review of environmental and land use decisions. The duties of the eliminated boards are transferred to other boards. Forest Practices appeals will be heard by the Pollution Control Hearings Board beginning 7/1/2010.</li> <li>- establishes uniform timelines for filing appeals based on the "date of receipt" as currently defined in 43.21B.001; stop work order appeal period is lengthened to 30 days.</li> <li>- retains the informal appeals to agencies, such as appeals of a Notice to Comply using the brief adjudicated procedure (BAP) and civil penalty remission mitigation process that is heard by the DNR supervisor.</li> <li>- allows appeals that are currently assigned to the Environmental Hearings Office to be completed in that forum.</li> </ul>	law, effective 7/1/10	direct, rule-making required
SHB2420	...promotion of industries that rely on the state's working land base.	<ul style="list-style-type: none"> <li>- expands the definition of green industry to include the forest products industry.</li> <li>- clean energy definition is expanded to include energy derived from wood biomass, liquid biofuels, and bio-based products.</li> <li>- forest products industry is defined as those businesses that grow, manage, harvest, transport and process forest, wood and paper products.</li> </ul>	law, effective 6/10/10	indirect
SB6481	...clarifying which local governments have jurisdiction over conversion related forest practices	<ul style="list-style-type: none"> <li>- counties planning under RCW 36.70A.040 (GMA) with a population greater than one hundred thousand, and the cities within those counties, where more than a total of 25 Class IV General forest practices applications have been filed with the DNR between January 1, 2003, and December 31, 2005 are required to adopt and enforce ordinances for Class IV General</li> </ul>	law, effective 6/10/10	indirect

Selected 2010 Washington State Laws Affecting the Forest Practices Program

Bill #	Title ( "AN ACT relating to ..." )	Provisions	Status	Effect*
		<p>forest practices, conversion of forest land into non forest land.</p> <ul style="list-style-type: none"> <li>- removed the 12/31/08 deadline for transfer of jurisdiction.</li> <li>- counties with a population of less than 100,000 and the cities within them, have the discretionary authority to adopt regulations and assume the jurisdiction over Class IV General forest practices.</li> </ul>		
E2SHB2617	...eliminating boards and commissions	<ul style="list-style-type: none"> <li>- eliminates lodging, subsistence and travel allowances for members of class one boards, commissions, councils, committees or similar groups beginning July 1, 2010 through June 30, 2011. The Small Forest Landowner Advisory Committee (SFLAC) is a class one committee, and therefore will need to meet via teleconference and provide a location in a state facility for public participation.</li> <li>- beginning July 1, 2010, through June 30, 2011, class four boards, commissions, councils, committees or similar groups, when feasible, shall use an alternative means of conducting a meeting that does not require travel while still maximizing member and public participation and may use a meeting format that requires members to be physically present at one location only when necessary or required by law. Meetings that require a member's physical presence at one location must be held in state facilities whenever possible, and meetings conducted using private facilities must be approved by the director of the office of financial management.</li> <li>- the Forest Practices Board is a class four board and there is no law or statute that requires member's physical attendance at meetings. The AG's office is analyzing the law; the impact and alternatives for minimizing the effect to the Board's business will be discussed at an upcoming meeting.</li> </ul>	law, effective 6/10/10	indirect

Selected 2010 Washington State Laws Affecting the Forest Practices Program

Bill #	Title ( "AN ACT relating to ..." )	Provisions	Status	Effect*
2SSB6578	...creating an optional multiagency permitting team	<p>- Office of Regulatory Assistance is to develop an optional multiagency permitting team for coordinated permitting and integrated regulatory decision making. With the exception of some initial costs, the expenses of the team are to be recovered through cost-reimbursement and cost-sharing. The teams will be a mobile group of senior-level permitting and regulatory decision making personnel representing the Washington state departments of ecology, fish and wildlife, and natural resources who have expertise in regulatory issues relating to a project.</p> <p>- tribes, local and federal permitting and regulatory personnel can be called upon to join the team on a project-by-project basis. The teams will initially focus on projects such as large-scale public, private, and port development projects with complex aquatics, wetland, or other environmental impacts; environmental cleanup, restoration, and enhancement projects; aquaculture projects; and energy, power generation, and utility projects initially in central Puget Sound.</p>	law, effective 3/22/10	indirect
2SSB2481	..department of natural resources authority to enter into forest biomass supply agreements	This bill allows and facilitates DNR state lands in selling forest biomass and in encouraging biomass energy development on state trust lands. Authorizes DNR to lease state lands for the sale, exploration, collection, processing, storage, stockpiling and conversion of biomass into energy or biofuels, and developing biomass processing and biofuel manufacturing or energy production facilities on state trust lands. Biomass operations must be accomplished in a manner that sustains forest ecological functions. The bill defines "forest biomass".	Law, effective 7/1/2010	indirect

# 13. Information Technology

## 13.1 Information Technology-Based Tools

Administration of the Forest Practices program continues to be heavily dependent on information technology-based tools. These tools include information systems, such as the Forest Practices Application Review System (FPARS) and the Forest Practices Risk Assessment Tool (FPRAT), as well as discrete data sets, such as the DNR Hydrography Geographic Information System (GIS) data layer that forms the basis of the water typing system. Within DNR, the Forest Practices Division works closely with the Information Technology Division to develop and maintain information technology tools to support Forest Practices program work. Activities of note in the past year include work on Forest Practices Application Review System version 3, northern spotted owl habitat tracking in Forest Practices Risk Assessment Tool, and water type updates to the Hydrography GIS data layer.

### **The Forest Practices Application Review System (FPARS)**

The Forest Practices Application Review System (FPARS) streamlines the processing of forest practice applications and provides the public with the ability to review proposed forest practices activities. It makes use of the Internet, document imaging and management technology, interactive geographic information system technology, and the Oracle database system to provide for the collection of forest practices application/notification information, distribution of forest practices applications/notifications for regulatory and public review, risk assessment of proposed forest practices activities, and archiving forest practices applications/notifications.

A total of 4,715 forest practices applications/notifications (received or renewed) were entered into Forest Practices Application Review System between July 1, 2009, and June 30, 2010. Currently, nearly 1,600 reviewers receive notification of new applications in their area of interest.

The Forest Practices Application Review System (version 3) project is designed to provide Forest Practices applicants with the ability to complete a forest practices application/notification and associated activity maps on-line and submit them via the Internet to DNR. This information automatically creates the PDF documents that stakeholders review. For approved forest practices applications/notifications, the electronic landowner-generated maps automatically store the harvest unit boundaries and long term commitments into the Forest Practices GIS layers.

DNR completed the foundational technology work needed to implement Forest Practices Application Review System version 3 during the FY2009 reporting period. Many enhancements to the on-line mapping tool were made during the FY2010 reporting period. Training materials and on-line tutorials are currently being developed. Implementation is planned for the fall of 2010.

With Forest Practices Application Review System version 3, all components needed for on-line submission of forest practices applications will be in place, except for those related to electronic signature, electronic payment and reimbursement of application fees. Landowners will continue

to submit signature pages and payment either by mail or in person until such time as the State of Washington offers electronic signatures.

### **Forest Practices Risk Assessment Tool (FPRAT) and Northern Spotted Owl Habitat Tracking**

The Forest Practices program continues to support the Forest Practices Risk Assessment Tool (FPRAT). This interactive mapping and reporting tool is available through the DNR intranet. It gives DNR forest practices staff, in both the division and the region offices, access to GIS data related to the implementation of the forest practices rules. It allows forest practices staff to see the geographic relationships between environmental features, including streams with fish habitat, potential landslide areas, archaeological sites, and listed animal species habitats, and the locations of proposed forest practice applications.

During the July 1, 2009 to June 30, 2010 reporting period, the Forest Practices GIS section developed several tools to assist DNR region staff in tracking suitable northern spotted owl habitat within median home range circles in Spotted Owl Special Emphasis Areas (SOSEAs). These tools are designed to simplify the calculation of available habitat in areas of overlapping median home range circles. They were added to the Forest Practices Risk Assessment Tool interactive mapping site, providing easy access for forest practice staff in DNR region offices. Half-day training sessions were provided in September and October 2009 for twenty-one Forest Practices region staff explaining the calculation steps and providing documentation.

### **The DNR Hydrography Data Layer and Water Type Updates**

The Forest Practices GIS section updates the DNR Hydrography data layer with water typing information received on Water Type Modification Forms. These updates are based on direct observation in the field by DNR personnel, forest landowners, fish survey contractors, and others. Between July 1, 2009, and June 30, 2010, DNR entered approximately 4,300 updates into the Hydrography data set based on 1,594 Water Type Modification Forms.

In early 2010, DNR realized that the backlog of Water Type Modification Forms awaiting data entry had grown to an unacceptable level. With just one staff person devoted to entering water type updates into the Hydrography database, it was apparent that the backlog would continue to grow without additional resources. In response, DNR developed training materials and then trained six additional GIS analysts in the procedures for entering water type updates in the Hydrography database. These additional resources are assisting with water type updates as their work load allows. The current backlog sits at 732 water type modification forms to be entered. Given DNR's staffing levels an on-going backlog is anticipated. Regardless of the Water Type Modification Form entry backlog, FPAs continue to operate based on correct water typing because FPA applicants are required to provide information for each stream within and adjacent to the proposal and forest practices staff are committed to implementing the water type rules and related rule requirements on the ground.

## 14. Forest Practices Program Budget

### 14.1 Introduction

In 2006, a new law was passed through SSB 6874 that reduces certain business and occupation (B&O) taxes for harvesting timber or manufacturing or processing wood products. This is known as the Forests and Fish Support Account. The proceeds from the surcharge (currently at approximately \$3,438,357) are put in an account dedicated to the implementation of the state's forests and fish report, including adaptive management, monitoring, and participation grants to tribal, local agencies and non-profit public interest organizations. The Forests and Fish Support Account began accruing revenue in FY 2008. The fiscal year 2010 expenditures reflect supporting the above activities and participation grants.

### 14.2 Full Time Employees and Funding

The figures below reflect the State Base Program. This does not include the Full Time Equivalents (FTEs) and budget for the federally funded portion of the Adaptive Management Program. This program is tracked separately and information can be forwarded as requested. This also does not reflect staff funded under the State Capitol or Stewardship programs.

### 14.3 2009-2011 Biennium Operating Budget by Activity

The overall base budget for the Department of Natural Resources was significantly reduced due to the state's economy. To that end, the Forest Practices Division's overall operating base budget was reduced by approximately 20%. The following table reflects the adjusted Forest Practices operating base budget for this biennium. The figures reported last year included the federally funded portion of the Adaptive Management and Stewardship programs.

#### 2009-2011 Biennium

2009-2011 Base Expenditures by Activity	FTE's	Total State Funds
Forest Practices Act & Rules	108	\$18,390,169
Forest Practices Manage Adaptively	4	\$1,617,021
Small Forest Landowner/Stewardship Office	2	\$319,303
Forests & Fish Support Account	0.50	\$7,051,600
<b>TOTALS</b>	<b>114.50</b>	<b>\$27,378,093</b>

#### FY 10 Expenditures by Activity (July 1, 2009 – June 30, 2010)

FY 2010 Expenditures by Activity	FTE's	Total State Funds
Forest Practices Act & Rules	108	\$9,127,796
Forest Practices Manage Adaptively	3.88	\$982,389
Small Forest Landowner/Stewardship Office	2.13	\$161,955

Forests and Fish Support Account (FFSA)	.39	\$3,191,416.58
<b>TOTALS</b>	<b>114.40</b>	<b>\$13,463,556.58</b>

The following lists what is funded under the above functional activities:

**Forest Practices Act & Rules**

- Application Processing
- Adaptive Management Projects
- Enforcement
- Road Maintenance and Abandonment Plans
- IT/GIS Development & Support
- Program Development
- Stakeholder Assistance

**SFLO/Stewardship**

- Small Forest Landowner Office Program and Operations
- Forest Stewardship/Landowner Assistance

**Manage Adaptively**

- Adaptive Management Staff
- Compliance Monitoring

**Forests & Fish Account**

- Participation grants to tribes and tribal organizations
- Participation grants for non-profits

## **15. Training/Information/Education**

### **15.1 Introduction**

Forest practices rules require DNR to “conduct a continuing program of orientation and training, relating to forest practices and rules thereof, pursuant to RCW 76.09.250” (WAC 222-08-141). DNR conducts ongoing training programs to educate internal agency staff, forest landowners and staff from cooperating agencies and organizations on forest practices rule implementation.

There are four major venues in which the Forest Practices program provides training:

- Washington Contract Loggers Association (WCLA) training
- Forest Practices program training
- Subject-based training
- Region training

### **15.2 Status of Forest Practices Training Programs**

Due to budget constraints the program no longer has a Training Manager to implement a training program for staff as well as stakeholders. Some training is still ongoing although on a much smaller scale, such as unstable slopes, Channel Migration Zones, and wetlands – these are provided on an as-needed basis.

The forest practices program is working on convening a stakeholder group to address training needs for staff and stakeholders, as well as a strategy for implementation beginning sometime in 2011.

#### **Washington Contract Logger Association Training**

Staff was unable to participate in the April 2010 Washington Contract Logger Association training due to budget reductions. The Association offers a five-day training course to participants, which includes one day of forest practices rules training for operators seeking state certification. This course is generally offered twice a year. Program staff cover water typing, riparian and wetland management zones, cultural resources, road maintenance, enforcement, and general information regarding the forest practices application/notification process.“ The program has committed to continuing participation in this training program beginning again in December 2010.

#### **Forest Practices Program Training**

Budget constraints have affected the magnitude of forest practices programmatic training over the past year, however, where possible, training occurred. Less costly forums were sought for needed training. For example, HCP Administrators provided training, as needed, through

regularly scheduled meetings with region staff and one-on-one responses to questions via phone and email.

Training sessions were provided to each of the regions as a result of SHB 2935 being signed into law during the 2010 legislature. The new law had an effect on department decisions and their appeal process. A total of 43 people participated. The sessions focused on the changes to RCW 76.09, updates to agency used forms, updates to staff procedures and program guidelines.

Some formal training took place during regularly scheduled Operations meetings. The meetings are held twice a year between division staff and region Forest Practices management staff to share information, address program concerns and answer questions. One such training addressed the Clean Water Act Assurances and was provided to staff by the Department of Ecology and the Forest Practices Division. The review provided background on the Clean Water Act and its relationship with the forest practices rules and discussed the 2009 Clean Water Act Assurance milestones. The AAG office provided training to staff regarding the process of building a strong legal case.

The Compliance Monitoring program provides training for DNR, Department of Ecology, Washington Department of Fish and Wildlife and tribal field staff who participate in onsite review of completed forest practices applications. The training is specifically focused on the protocols used to collect Compliance Monitoring data. Protocols, which are updated periodically to reflect design changes, are reviewed to insure understanding of procedures and their purpose, usually in the context of meetings. “On the Job” training is done using experienced staff to promote consistency in observations from newer program participants.

The Information Technology section provided two primary trainings this fiscal year. New Northern Spotted Owl Habitat data layers were added to the Forest Practices Risk Assessment Tool. The new habitat layers can be used to calculate the available habitat for any given northern spotted owl median home range circle. Half-day training sessions were provided in September and October 2009 for 21 Forest Practices region staff explaining the calculation steps and providing documentation. In early 2010 we realized that the backlog of water type modification forms waiting to be entered into the DNR Hydrography GIS dataset was growing. To address this issue, DNR developed training materials and conducted training on how to update the Hydrography dataset using Arc/Info software. DNR now have six additional GIS analysts trained in the procedures for entering water type updates.

### **Subject-Based Training**

Currently, Forest Practices Program scientists provide training for unstable slopes identification, Channel Migration Zone identification, and wetlands identification. These are two-day courses with one day in the classroom and the other in the field. During this reporting period, unstable slopes training and wetlands training were offered twice, and Channel Migration Zone training was offered three times.

#### ***Unstable Slopes***

Unstable slopes training included the following participants:

- DNR staff – new Forest Practices and State Lands foresters, Stewardship coordinators, Small Forest Landowner foresters, engineers, geologists, and research technicians

- Other public agency foresters, biologists, and engineers—Washington Department of Fish and Wildlife, Department of Revenue, and Mason County
- Industry and Tribal foresters, biologists, and engineers—Green Diamond, Weyerhaeuser, Hancock, Olympic Resource Management, and Quinault Tribe

The objectives of unstable slopes training is to improve recognition of unstable slopes and landforms, improve consistency in recognition of these features and being able to identify when a specialist is needed for further consultation.

### ***Channel Migration Zone***

The target audience for Channel Migration Zone training is DNR, industry, and other agency staff. The objectives of Channel Migration Zone training include learning about channel anatomy, and identifying significant features such as bankfull channel width, and the channel migration regulatory definition as defined by the rule. The class includes subjects such as understanding flood stage, and lateral channel movement; and aerial photo chronology to determine changes in channel morphology. Delineation of the zone is also demonstrated.

### ***Wetlands***

Basic wetland identification training has been offered for many years. Classes consist of identification of wetland vegetation for the specific region in which the training is conducted. Classroom subjects covered include wetland hydrology, soils, vegetation, and mitigation. Labs are conducted for identifying soils properties and plant associations. Field exercises cover wetland identification and delineation.

### **Region Training**

DNR region staff generally deliver both statewide and region specific training. In addition, each region office holds regular Timber/Fish/Wildlife “cooperator” meetings as a means of communicating changes in rules, rule implementation or application processing to Forest Practices program participants. Cooperator meetings are an important mechanism to assure fair, uniform application of forest practices requirements within and among DNR’s six regions. DNR region staff also organizes informal meetings where technical or scientific information is presented as a way of keeping field practitioners informed about recent research findings.

Regions completed over 120 training presentations/meetings during FY 2010. The topics varied widely. Topics included were: Clean Water Act and milestones, watershed analysis, riparian open space program, enforcement database, water type modification, and wetlands.

# 16. Washington Timber Harvest Report

## 16.1 Introduction

The following Washington State timber harvest report, *Timber Harvest by Owner Class and Region*, provides a historical record of timber harvest activities by landowner class and region from 1990 to 2009. It includes harvest data for both eastern and western Washington.

### Timber Harvest by Ownership and Region

Source: Department of Natural Resources  
Internet Homepage: <http://www.dnr.wa.gov/>

<i>Million Board Feet<sup>1</sup></i>							
Calendar Year	State Total	Owner Class				State Region <sup>2</sup>	
		Private <sup>3</sup>	DNR <sup>4</sup>	Other State <sup>5</sup>	Federal	Western	Eastern
1990	5,849	4,330	657	30	832	4,674	1,175
1991	5,104	3,822	535	33	714	4,014	1,090
1992	5,018	4,030	476	43	469	3,955	1,063
1993	4,329	3,513	461	17	338	3,307	1,022
1994	4,086	3,552	323	7	204	3,178	908
1995	4,392	3,720	496	20	156	3,417	975
1996	4,249	3,529	600	33	87	3,273	976
1997	4,245	3,390	645	31	179	3,258	989
1998	4,022	3,319	546	36	121	3,129	892
1999	4,383	3,580	662	15	126	3,375	1,008
2000	4,177	3,507	559	17	94	3,224	953
2001	3,716	3,116	496	26	79	2,842	874
2002	3,582	3,000	457	40	85	2,704	878
2003	4,234	3,413	651	35	136	3,538	696
2004	3,946	3,212	588	51	96	3,175	770
2005	3,730	3,024	594	32	81	2,958	771
2006	3,483	2,946	404	59	75	2,720	763
2007	3,264	2,685	448	36	95	2,613	651
2008	2,758	2,067	515	71	104	2,328	430
2009	2,217	1,423	641	52	101	1,914	303

<sup>1</sup>Scribner log scale.

<sup>2</sup>Boundary between the two regions is the county lines along the crest of the Cascade Mountains.

<sup>3</sup> Private includes large forest landowners, small forest landowners, industrial timber owners, and Native American.

<sup>4</sup> Harvests from lands managed by the Washington State Department of Natural Resources (DNR).

<sup>5</sup> Includes public lands owned by cities, counties, public utilities, and state agencies other than Department of Natural Resources.

## 17. References

Berg, K., S. Cantrell, M. Doumit, K. Godbout, D. Halabisky, C. Lipton, R. Meier, V. Musselman, M. Perez-Gibson, T. Robinson, P. Swedeen, C. Turley, D. Whipple. 2009. Northern Spotted Owl Policy Working Group - Final Report to Forest Practices Board. Available at: [http://www.dnr.wa.gov/Publications/bc\\_fp\\_materials\\_20100210\\_01\\_nsofinalreport.pdf](http://www.dnr.wa.gov/Publications/bc_fp_materials_20100210_01_nsofinalreport.pdf).

McDade, M.H., F.J. Swanson, W.A. McKee, J.F. Franklin and J. Van Sickle. 1990. Source distances for coarse woody debris entering small streams in western Oregon and Washington. *Can. J. For. Res.* 20:326-330.

Schuett-Hames, D. and R. Conrad. March 2005. 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. Northwest Indian Fisheries Commission, Olympia, Washington. Available at: [http://sharepointcms/BusinessPermits/Topics/FPAdaptiveManagementProgram/Pages/fp\\_am\\_cm\\_er\\_publications.aspx](http://sharepointcms/BusinessPermits/Topics/FPAdaptiveManagementProgram/Pages/fp_am_cm_er_publications.aspx)

U.S. Fish and Wildlife Service, et.al. 1999. Forests and Fish Report. Available at: [http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesHCP/Pages/fp\\_hcp.aspx](http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesHCP/Pages/fp_hcp.aspx)

U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS). 2006. Final Environmental Impact Statement – For the Proposed Issuance of Multiple Species Incidental Take Permits or 4(d) Rules for the Washington State Forest Practices Habitat Conservation Plan. Washington Department of Natural Resources, Forest Practices Program, Olympia, Washington. Available at: [http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesHCP/Pages/fp\\_hcp\\_feis.aspx](http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesHCP/Pages/fp_hcp_feis.aspx)

Washington State Department of Ecology. State Environmental Policy Act, Environmental Checklist. Available at: <http://www.ecy.wa.gov/programs/sea/sepa/forms.htm>.

Washington State Department of Ecology. 2009. 2009 Clean Water Act Assurances Review of Washington's Forest Practices Program. Available at: <http://www.ecy.wa.gov/programs/wq/nonpoint/ForestPractices/CWAassurances-FinalRevPaper071509-W97.pdf>.

Washington DNR. 2005. Final Forest Practices Habitat Conservation Plan. Washington Department of Natural Resources, Forest Practices Program, Olympia, Washington. Available at: [http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesHCP/Pages/fp\\_hcp.aspx](http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesHCP/Pages/fp_hcp.aspx).

Washington DNR. 2008. Forest Practices Adaptive Management Program Strategic Goals, Objectives and Tasks. Washington Department of Natural Resources, Forest Practices Division, Adaptive Management Program. Olympia, Washington.

Washington DNR. 2008. Watershed Analysis Worksheet and Instructions. Washington Department of Natural Resources, Forest Practices Division. Olympia, Washington. Available at: [http://www.dnr.wa.gov/Publications/fp\\_form\\_fpanwau.pdf](http://www.dnr.wa.gov/Publications/fp_form_fpanwau.pdf)

Washington DNR. 2008. A Report to the Legislature: Road Maintenance and Abandonment Plan Checklist Report. Washington Department of Natural Resources, Forest Practices Division. Olympia, Washington. Available at: [www.dnr.wa.gov/Publications/fp\\_sflo\\_rmap\\_legreport\\_2008.pdf](http://www.dnr.wa.gov/Publications/fp_sflo_rmap_legreport_2008.pdf).

Washington DNR. 2009. Forest Practices Habitat Conservation Plan Annual Report (July 1, 2008 – June 30, 2009). Washington Department of Natural Resources, Forest Practices Division, Olympia, Washington. Available at: [http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesHCP/Pages/fp\\_hcp\\_annualrep09.aspx](http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesHCP/Pages/fp_hcp_annualrep09.aspx).

Washington DNR. 2009. Biennium 2006-2007 Compliance Monitoring Summary Report. Washington Department of Natural Resources, Forest Practices Division. Olympia, Washington. Available at: [http://www.dnr.wa.gov/Publications/fp\\_cm\\_biennial\\_report\\_06-07.pdf](http://www.dnr.wa.gov/Publications/fp_cm_biennial_report_06-07.pdf).

Washington DNR. 2010. Strategic Plan 2010-2014: *The Goldmark Agenda*. Washington Department of Natural Resources, Olympia, Washington. Available at: [http://www.dnr.wa.gov/Publications/em\\_strategic\\_plan\\_2010\\_goldmark\\_agenda.pdf](http://www.dnr.wa.gov/Publications/em_strategic_plan_2010_goldmark_agenda.pdf).

Washington DNR. 2010. Compliance Monitoring Program Description. Revised January 2010. Washington Department of Natural Resources, Forest Practices Division. Olympia, Washington. Available at: [http://www.dnr.wa.gov/Publications/fp\\_cm\\_program\\_design.pdf](http://www.dnr.wa.gov/Publications/fp_cm_program_design.pdf).

Washington Forest Practices Board. 2005. Washington forest practices board manual, Section 22. Washington Department of Natural Resources, Olympia, Washington. Available at: [http://www.dnr.wa.gov/Publications/fp\\_board\\_manual\\_section22.pdf](http://www.dnr.wa.gov/Publications/fp_board_manual_section22.pdf).

Washington Forest Practices Board. 2007 Washington forest practices rules. Washington Department of Natural Resources, Olympia, Washington. Available at: [http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesRules/Pages/fp\\_rules.aspx](http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesRules/Pages/fp_rules.aspx)

Washington State Cooperative Monitoring, Evaluation and Research Committee. 2010. Fiscal Year 2011 CMER Work Plan. Available at: [http://www.dnr.wa.gov/Publications/bc\\_cmer\\_workplan.pdf](http://www.dnr.wa.gov/Publications/bc_cmer_workplan.pdf).

## 18. List of Acronyms

### Agencies and Organizations

the Board	Washington Forest Practices Board
DAHP	Department of Archaeology and Historic Preservation
DNR	Department of Natural Resources
RCO	Recreation and Conservation Office
SFLO	Small Forest Landowner Office
SRFB	Salmon Recovery Funding Board
USFWS	United States Fish and Wildlife Service
WCLA	Washington Contract Loggers Association
WDFW	Washington Department of Fish and Wildlife
WDOT	Washington Department of Transportation
WFFA	Washington Farm Forestry Association
WFPA	Washington Forest Protection Association

### Technical Terms

CMZ	Channel Migration Zone
DFC	Desired Future Condition
EBAI	Equivalent Area Buffer Index
GF-State	General Fund - State
GIS	Geographic Information System
FTE	Full Time Equivalent
FY	Fiscal Year
FPA/N	Forest Practices Application/Notification
FPRAT	Forest Practices Risk Assessment Tool
ICN	Informal Conference Note
LGE	Local Government Entity
LHZ	Landslide Hazard Zonation
LWD	Large Woody Debris
NTC	Notice to Comply
RMZ	Riparian Management Zone
SWO	Stop Work Order
Type F	Fish-bearing stream
Type Np	Non fish-bearing, perennial stream
Type Ns	Non fish-bearing, seasonal stream

WAU  
WRIA

Watershed Administrative Unit  
Water Resource Inventory Area

## **Personnel, Programs, Plans and Reports**

AMP	Adaptive Management Program
AMPA	Adaptive Management Program Administrator
CMER	Cooperative Monitoring, Evaluation, and Research Committee
CMP	Compliance Monitoring Program
FFFPP	Family Forest Fish Passage Program
FFSA	Forests and Fish Support Account
FPARS	Forest Practices Application Review System
FPP	Forest Practices Forester
FPHCP	Forest Practices Habitat Conservation Plan
FREP	Forestry Riparian Easement Program
FFR	Forests and Fish Report
HCP	Habitat Conservation Plan
IDT	Interdisciplinary Team
RMAP	Road Maintenance and Abandonment Plan
ROSP	Riparian Open Space Program
RP&S	Resource Protection and Services
SRC	Scientific Review Committee
TFW	Timber/Fish /Wildlife

## **Regulations, Acts and Permits**

CWA	Clean Water Act
EIS	Environmental Impact Statement
ESA	Endangered Species Act
ITP	Incidental Take Permit
RCW	Revised Code of Washington
SEPA	State Environmental Policy Act
WAC	Washington Administrative Code

# 19. APPENDIX

## **Appendix A: Guidance - Classifying FPAs with Watershed Analysis Prescriptions**



September 28, 2009

TO: RP&S Assistants, Forest Practices District Managers, and Forest Practices Coordinators

FROM: Mary McDonald, Acting FPD Assistant Division Manager – Operations

RE: Classifying FPAs with Watershed Analysis Prescriptions

**Effective immediately, FPAs containing non-specific mass wasting prescriptions will be classified as Class IV-Special.** This memo provides updated guidance on classifying FPAs with watershed analysis prescriptions for unstable slopes or landforms. It also directs staff to use these resources when processing applications. This memo replaces previous guidance dated March 23, 2009.

After its February 2008 workshop on the December 2007 Storm, the Forest Practices Board asked the Forest Practices program to review FPA processing on potentially unstable slopes. The Division and the regions reviewed multiple approved FPAs where watershed analysis mass wasting prescriptions were applied. Through this process several improvements were identified for classifying FPAs within watershed analysis units. After discussion at the March 2009 Forest Practice Board meeting the Division initiated a re-evaluation of its March 23, 2009 finding to be consistent with prior guidance. The re-evaluation focused on the criteria for the determination of a specific versus non-specific prescription.

#### **Classifying FPAs with Watershed Analysis Unstable Slopes Prescriptions**

1. Prescriptions must be specific to the site or situation and not require additional analysis from a specialist in the field of unstable slopes or landforms.

WAC 222-16-050(1)(d)(iii)(C) indicates that FPAs need not be classified as Class IV-Special, if “the applicable prescriptions are specific to the site or situation, as opposed to a prescription that calls for additional analysis.”

If FPAs contain proposals with watershed analysis prescriptions for forest practices activities on potentially unstable slopes or landforms, the prescriptions must be *specific* in order to not be classified Class IV-Special. Examples of prescriptions that are *non-specific and not exempt* from a Class IV-Special classification are those that require further review, evaluation and or recommendations by a specialist in the field of unstable slopes or landforms. Specialists in the field of unstable slopes or landforms are referred to using several terms such as: mass wasting slope stability expert, expert having special education and field experience in mass wasting.

Prescriptions with language similar to existing forest practice rules or requiring a review process similar to the review of a Class II or III application (review by a forest practice forester or an engineer) are *specific* to a site or situation and are eligible for the Class IV-Special exemption.

In instances where some prescriptions on potentially unstable slopes or landforms are specific and some are not, the application must be classified Class IV-Special, and a SEPA analysis with a qualified expert report are required. An example may be where harvest prescriptions are specific, but the road construction activities prescriptions are not.

2. New Watershed Analysis Worksheet is now required.

As of March 2, 2009, a new **Watershed Analysis Worksheet is required** with any FPA containing watershed analysis prescriptions within approved Watershed Administrative Units (WAUs). The worksheet was built for the applicant to clarify prescriptions for the forest practices staff to evaluate. A separate worksheet should be used for each WAU. This worksheet is available on the web in the FPA/N instructions at [http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesApplications/Pages/fp\\_forms.aspx](http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesApplications/Pages/fp_forms.aspx) and can also be found at <http://www3.wadnr.gov/dnrapp4/fparsweb/public/FPAForms.aspx>. Please be aware watershed mapping in FPARS is on a broad scale and may not indicate all areas of applicable prescriptions. Some prescriptions require activities outside of the mapped polygon.

#### **Resources for Classifying FPAs with Watershed Analysis Unstable Slopes Prescriptions**

1. We've updated the prescriptions identified on the website to make them current. This updated information was available starting on March 2, 2009. [http://www.dnr.wa.gov/ResearchScience/Topics/WatershedAnalysis/Pages/fp\\_watershed\\_assessments.aspx](http://www.dnr.wa.gov/ResearchScience/Topics/WatershedAnalysis/Pages/fp_watershed_assessments.aspx)
2. Attached is a revised spreadsheet dated July 22, 2009 that shows approved watershed analysis mass wasting prescriptions statewide for your use as a tool while classifying FPAs. The revised spreadsheet reflects current program guidance. The March 23, 2009 spreadsheet should no longer be used. Please note the prescriptions are paraphrased and are not a substitute for the specific prescriptions required in FPAs.

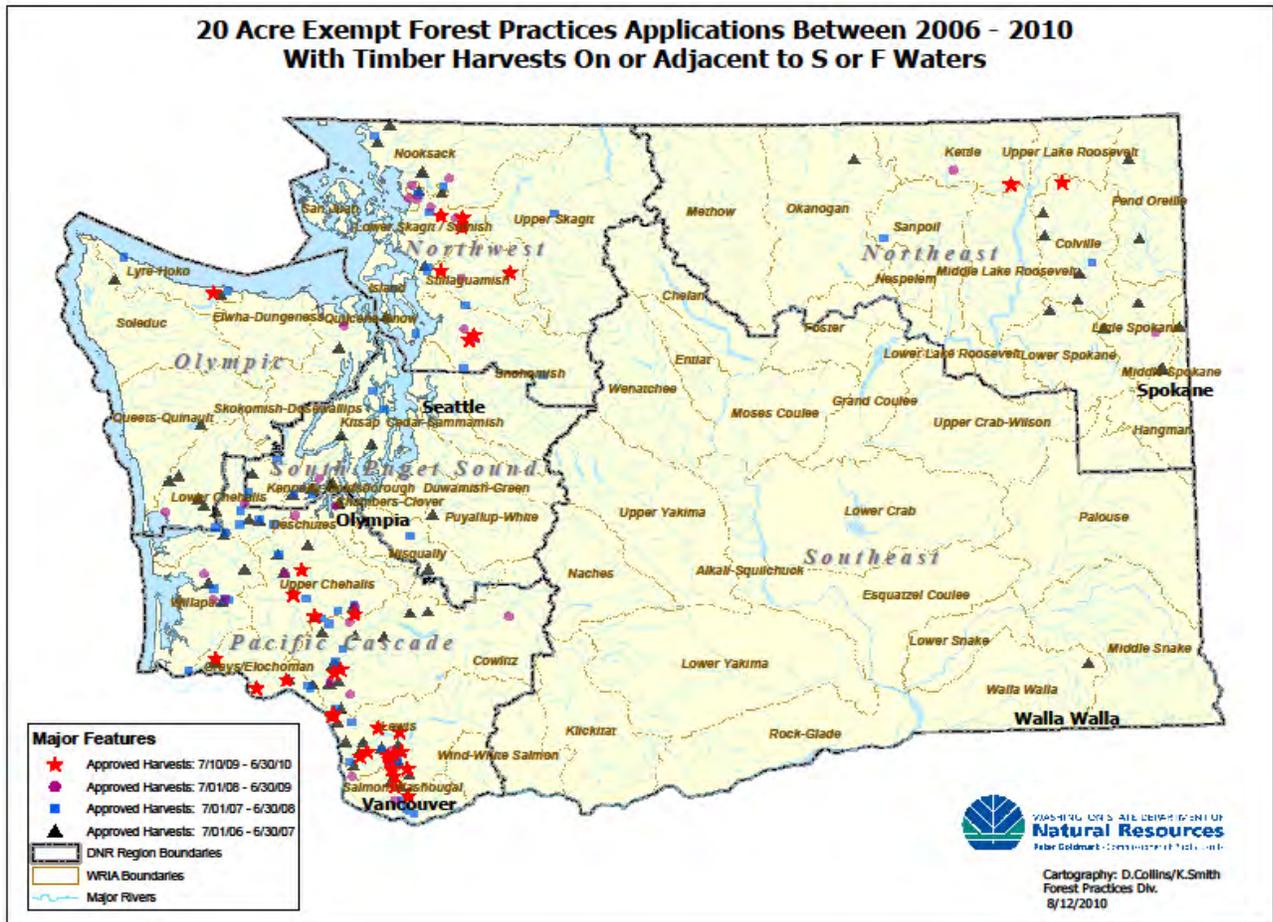
I want to emphasize this memo only applies to applications within areas where watershed analyses have been approved.

Please assist us by sharing this updated information at TFW meetings in the near future.

We look forward to working through this issue with you. If you have any questions or need clarification please contact me, Sue Casey, or your region support contact.

cc: Region Managers  
C. Turley, Deputy Supervisor for Regulatory Programs  
D. Cramer, FP Division Manager  
S. Casey, T. Meisenheimer, G. Galleher, L. Lingley, M. Engel, FP Division

# Appendix B-1



Appendix B-2

