

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.