(insert date)

MEMORANDUM

TO: Jim Hotvedt, Adaptive Management Administrator

FROM: Peter Goldmark, Chair
Forest Practices Board

SUBJECT: Proposal Initiation: Watershed Analysis Mass Wasting Prescriptions

The Forest Practices Board requests that the Adaptive Management Program consider and recommend concepts for possible rule revisions to address current gaps in the watershed analysis review process. The following information is offered for your consideration. It is presented in the order listed in Board Manual Section 22, page M22-7.

1. *The affected forest practices rule, guidance, or DNR product.*

   WAC 222-22-090, "Use and review of watershed analysis."

2. *The urgency based on scientific uncertainty and resource risk.*

   Significant storms in 2007 and 2009 in western Washington produced intense precipitation events resulting in a large number of landslides in particular areas. Some of these landslides occurred on slopes within Watershed Administrative Units (WAUs) for which approved mass wasting prescriptions were developed under the watershed analysis rules (chapter 222-22 WAC). These storm events prompted concern about the use and review of watershed analysis mass wasting prescriptions.

   The Forest Practices Board wants to ensure resource risks associated with mass wasting prescriptions are avoided or minimized to the greatest extent possible on an ongoing basis. The Board is considering whether rules concerning the use and review of watershed analysis prescriptions should be revised in order to increase confidence that they are protective enough to warrant an exemption from Class IV-special in WAC 222-16-050(1)(d).

   Specifically, the Board requests the Adaptive Management Program's consideration and recommendations related to the following two issues.

<u>Issue #1.</u> WAC 222-22-090 places the onus on DNR to perform watershed analysis reviews. Entities with interest in maintaining watershed analysis mass wasting prescriptions should be responsible for conducting reviews, and keeping watershed analysis prescriptions current.

Possible rule revisions. The Board could add provisions in rule to:

- Reinforce the concept that watershed analyses need to be kept up-to-date.
- Specify that entities with interest in maintaining watershed analysis mass wasting prescriptions are responsible for doing the reviews.

<u>Issue #2.</u> WAC 222-22-090 does not explicitly provide DNR authority to withdraw prescriptions if reviews are not completed, or supplement prescriptions if necessary, prior to and during a review.

Possible rule revisions. The Board could add provisions in rule to:

- Give DNR the authority to supplement mass wasting prescriptions if necessary, prior to and during the review process.
- Give DNR the authority to withdraw mass wasting prescriptions within WAUs in which the required reviews are not being completed.

3. *Any outstanding TFW, FFR, or Policy agreements supporting the proposal.*

The Timber/Fish/Wildlife Agreement[1], the Forests and Fish Report[2], and WAC 222-22-075 all suggest mass wasting prescriptions should be monitored for effectiveness. However, the Forests and Fish Report and the rule indicate that, while monitoring modules are required to be completed, implementation of the modules is voluntary unless otherwise required in rules, laws, or habitat conservation plans.

The Adaptive Management Program (AMP) is charged with determining the effectiveness of rules affecting aquatic resources, which includes unstable slopes rules. The Cooperative Monitoring, Evaluation and Monitoring Committee's work plan contains several projects in the unstable slopes rule group, the first of which will be completed and advanced to Forest and Fish Policy for consideration in the coming months. Nonetheless, the Board believes that concepts for possible rule revisions that would ensure watershed analysis mass wasting prescriptions are reviewed for adequacy should be considered while conclusions are forthcoming through Adaptive Management Program effectiveness studies.

[1] Timber/Fish/Wildlife Agreement, February 17, 1987, p. 32. http://www.dnr.wa.gov/Publications/fp_tfw_agreement_19870217.pdf
[2] Forests and Fish Report, Appendix G (II)(G.1)(b), April 29, 1999, http://www.dnr.wa.gov/Publications/fp_rules_forestsandfish.pdf

4. *How the results of the proposal could address Adaptive Management Program key questions and resource objectives or other rule, guidance, or DNR product.*

   This proposal reflects the Board's intention to meet the following Adaptive Management Program goals expressed in the Forests and Fish Report:

   - Appendix C, Unstable Slopes, "The goal of management on unstable slopes … will prevent or avoid an increase or acceleration of the naturally occurring rate of landslides due to forest practices" [3]

   - The functional objective under "Sediment" in Schedule L-1:

     Provide clean water and substrate and maintain channel forming processes by minimizing to the maximum extent practicable, the delivery of management-induced coarse and fine sediment to streams (including timing and quantity) by protecting stream bank integrity, providing vegetative filtering, protecting unstable slopes, and preventing the routing of sediment to streams.[4]

   - The performance target related to mass wasting sediment delivered to streams: "… no increase over natural background rates from harvest on a landscape scale on high risk sites."[5]

   The Board will have a higher level of confidence that the rules related to watershed analysis mass wasting prescriptions will contribute to these goals if the rules are revised to ensure that entities with interest in maintaining watershed analysis prescriptions be responsible for doing reviews and updates when necessary. Additionally, DNR should have the authority to supplement mass wasting prescriptions if necessary, prior to and during reviews, or discontinue prescriptions if reviews are not completed in a timely manner.

5. *Available literature, data and other information supporting the proposal.*

   Information on watershed analysis is available as follows:

   - The statute authorizing Forest Practices Board to develop the watershed analysis system is in RCW 76.09.040(1)(e).

   - The watershed analysis rules are in chapter 222-22 WAC.

   - Board Manual Section 11 contains the "Standard Methodology for Conducting Watershed Analysis." The modules within the manual can be viewed at http://www.dnr.wa.gov/ResearchScience/Topics/WatershedAnalysis/Pages/fp_wa

[3] Forests and Fish Report, Appendix C (I), April 29, 1999. http://apps.leg.wa.gov/wac/default.aspx?cite=222-22-075
[4] Forests and Fish Report, Schedule L1. http://www.dnr.wa.gov/Publications/fp_am_ffrschedulel1.pdf
[5] Ibid.

tershed_analysis_manual.aspx. The module pertinent to this proposal initiation request is in Appendix A, Mass Wasting.

- All approved watershed analyses can be downloaded from http://fortress.wa.gov/dnr/forestpractices/wsasmt.cgi?wsaval=acme.

- The Forest Practices Board convened a committee of four Board members to inform the Board on policy and resource issues for unstable slopes, and the continued use of watershed analysis prescriptions and the Class IV-special exemption. The meeting minutes and materials supporting this committee's work can be obtained by contacting the Board's rules coordinator at forest.practicesboard@dnr.wa.gov. This information will also be posted on the Forest Practices Board website.

Timeline

The Board requests progress reports from the Adaptive Management Administrator at upcoming regular Board meetings, and a petition for rule making from Policy as soon as possible.