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January 18, 2013

TO: Forest Practices Board
FROM: Mark Hicks, Forest Water Quality Coordinator
SUBJECT: Quarterly Update Clean Water Act Milestones

Ecology committed to provide the Forest Practices Board with periodic updates on the progress being made to meet milestones established for retaining the Clean Water Act (CWA) Assurances for the forest practices rules and associated programs. Our last update to the Board occurred at your May 2012 Board meeting. This current update covers the period through January 2013.

In the past nine months three non-CMER project milestones and one CMER research milestone have been completed. These included:

1) Establishing online guidance clarifying existing policies and procedures pertaining to water typing.
2) Assessing the primary issues associated with riparian noncompliance (using the CMP data) and formulating a program of training, guidance, and enforcement believed capable of substantially increasing the compliance rate.
3) Reassessing if the procedures used to track enforcement actions at the individual land owner's level provide sufficient information to potentially remove assurances or otherwise take corrective action.
4) Completion of CMER's Buffer Integrity-Shade Effectiveness study.

Enclosed are two tables showing all of the CWA milestones and summarizing their current status. The first table shows the non-CMER project milestones. These milestones are implemented outside of the CMER research program and are largely within the control of DNR Operations and the Forests and Fish Policy Committee. The second table lays out the progress being made on the CMER research study milestones.

Please contact me if you have any questions or concerns (360-407-6477).

Enclosure

Summary of CWA Assurances Milestones and current status:

Non-CMER Project Milestones		
	Summarized Description of Milestone	**Status as of January 2013[1]**
2009	July 2009: CMER budget and work plan will reflect CWA priorities.	**Completed**
	September 2009: Identify a strategy to secure stable, adequate, long-term funding for the AMP.	**Completed** Strategy has been unsuccessful in securing long-term funding.
	October 2009: Complete Charter for the Compliance Monitoring Stakeholder Guidance Committee	**Completed**
	December 2009: Initiate a process for flagging CMER projects that are having trouble with their design or implementation.	**Completed**
	December 2009: Compliance Monitoring Program to develop plans and timelines for assessing compliance with rule elements such as water typing, shade, wetlands, haul roads and channel migration zones.	**Completed**
	December 2009: Evaluate the existing process for resolving field disputes and identify improvements that can be made within existing statutory authorities and review times.	**Completed**
	December 2009: Complete training sessions on the AMP protocols and standards for CMER, and Policy and offer to provide this training to the Board. Identify and implement changes to improve performance or clarity at the soonest practical time.	**Underway** Training completed. Issues identified for improvement were added to the Policy and CMER task lists for future action.
2010	January 2010: Ensure opportunities during regional RMAP annual reviews to obtain input from Ecology, WDFW, and tribes on road work priorities.	**Completed**

[1] **Status terminology:**

"Completed" - means milestone has been satisfied (includes those both on schedule and late).

"On Track" - means work is occurring that appears likely to satisfy milestone on schedule.

"Underway" - means work towards milestone is actively proceeding, but likely off schedule.

"Not Progressing" - means no work has begun, or work initiated has effectively stopped.

"Off Track" - means: 1) No work has begun and inadequate time remains, 2) key stakeholders are not interested in completing the milestone, or 3) attempt at solution was inadequate and no further effort is planned.

	February 2010: Develop a prioritization strategy for water type modification review.	**Completed**
	March 2010: Establish online guidance that clarifies existing policies and procedures pertaining to water typing.	**Completed**
	June 2010: Review existing procedures and recommended any improvements needed to effectively track compliance at the individual landowner level.	**Completed**
	June 2010: Establish a framework for certification and refresher courses for all participants responsible for regulatory or CMP assessments.	**Underway** DNR has hired a training coordinator as a first step, and have been engaged with WCLA training and are preparing BFW training that will initially be given to DNR FP foresters this spring and then provided to all the TFW participants. DNR has also begun framing the training that will be given to all stakeholders.
	July 2010: Assess primary issues associated with riparian noncompliance (using the CMP data) and formulate a program of training, guidance, and enforcement believed capable of substantially increasing the compliance rate.	**Completed**
	July 2010: Develop a plan for evaluating the risk posed by SFL roads for the delivery of sediment to waters of the state.	**Underway** DNR is working on a potential pathway to satisfy this milestone.
	July 2010: Develop a strategy to examine the effectiveness of the Type N rules in protecting water quality at the soonest possible time that includes: a) Rank and fund Type N studies as highest priorities for research, b) Resolve issue with identifying the uppermost point of perennial flow by July 2012, and c) Complete a comprehensive literature review examining effect of buffering headwater streams by September 2012.	**Underway** In Fall 2011, Forests and Fish Policy developed a chartered process which serves as a strategy to complete this milestone. That process is now being implemented through the simultaneous efforts of both technical and policy subgroups. Due to concerns recently raised by landowners it is not clear if or when this milestone will be completed.
	October 2010: Conduct an initial assessment of trends in compliance and enforcement actions taken at the individual landowner level.	**Completed**
	October 2010: Design a sampling plan to gather baseline information sufficient to reasonably assess the success of alternate plan process.	**Off Track** DNR facilitated recommendation that relies on informal process for deciding what will be sampled, by whom, when, and for how long. These decisions would be made by field team present at the time an alternate plan is approved. Approach

		has apparently been used two or three times over the last year and a half. This approach will not meet the milestone.
	December 2010: Initiate process of obtaining an independent review of the Adaptive Management Program.	**Off Track** Policy support for this review waned after the state auditor's office dropped its plans to begin a review in FY 2012. Policy is hoping internally derived changes will create enough improvements to negate need for this milestone.
2011	December 2011: Complete an evaluation of the relative success of the water type change review strategy.	**Underway** DNR held meetings with cooperators to try and assess how well the process is working. Response was generally favorable with recommendations focused on requiring more complete and consistent information to support reviews. Many recommendations for improvement have been implemented.
	December 2011: Provide more complete summary information on progress of industrial landowner RMAPs.	**Complete** Data collection is ongoing but has been formally established in rule and the Board Manual sufficient to satisfy this milestone.
2012	October 2012: Reassess if the procedures being used to track enforcement actions at the individual land owner's level provides sufficient information to potentially remove assurances or otherwise take corrective action.	**Complete**
	Initiate a program to assess compliance with the Unstable Slopes rules.	**Ongoing** DNR is evaluating alternative pathways to satisfying this milestone other than using a standard post-harvest compliance monitoring framework.
2013	November 2013: Prepare a summary report that assesses the progress of SFLs in bringing their roads into compliance with road best management practices, and any general risk to water quality posed by relying on the checklist RMAP process for SFLs.	**Underway** DNR is working on a potential pathway to satisfy this milestone.

CMER Research Milestones		
Description of Milestone		Status as of January 2013
2009	Complete: Hardwood Conversion – Temperature Case Study	**Completed** Study design did not allow for data analysis.
	Study Design: Wetland Mitigation Effectiveness	**Completed** Study later dropped due to unforeseen problems.
2010	Study Design: Type N Experimental in Incompetent Lithology	**Completed**
	Complete: Mass Wasting Prescription-Scale Monitoring	**Underway** Final report being held up due to disputes at CMER over the findings.
	Scope: Mass Wasting Landscape-Scale Effectiveness	**Off Track** No work has occurred or is planned.
	Scope: Eastside Type N Effectiveness	**Underway** Work began in 2012 by developing a charter and an initial writing team. The Type N Hydrology study data (available in spring 2013) will be used to establish test strata used in a proposed study design.
2011	Complete: Solar Radiation/Effective Shade	**Completed**
	Complete: Bull Trout Overlay Temperature	**Underway** First draft in CMER review, with completion expected in late 2013.
	Implement: Type N Experimental in Incompetent Lithology	**Underway** Data collection began in the summer of 2012.
	Study Design: Mass Wasting Landscape-Scale Effectiveness	**Off Track** No work has occurred or is planned.
2012	Complete: Buffer Integrity-Shade Effectiveness	**Completed**
	Literature Synthesis: Forested Wetlands Literature Synthesis	**Ongoing** Final report expected in late 2013.
	Scoping: Examine the effectiveness of the RILs in representing slopes at risk of mass wasting.	**Not Progressing** A potential initial writing team has been identified who may be able to begin to move this project forward in early 2013.

	Study Design: Eastside Type N Effectiveness	**Underway** Work is now underway that may eventually lead towards developing a study design in 2014.
2013	Scoping: Forested Wetlands Effectiveness Study	**Not Progressing** Scoping will not be initiated until the Forested Wetlands Literature Synthesis is complete in early 2013.
	Wetlands Program Research Strategy	**Not Progressing** A long-term research strategy is needed to re-establish the need, interrelationship, and priority for the original series of wetland research projects proposed by WetSAG. This strategy will be informed by the Forested Wetlands Literature Synthesis project. Once determined, this strategy will be used to set future milestone to replace those temporally removed from the CWA milestone list. The projects that must be accounted for include: the Forested Wetland Effectiveness study, the Wetland Management Zone Effectiveness Monitoring study, the Wetland Hydrologic Connectivity study, and the Wetland/Stream Water Temperature Interactions study.
	Scope: Road Prescription-Scale Effectiveness Monitoring	**Not Progressing** Replaced prior milestone for Effectiveness of RMAP Fixes.
	Study Design: Examine the effectiveness of the RILs in representing slopes at risk of mass wasting.	**Not Progressing** An initial writing team has been approved by CMER, and a draft charter assembled, but work appears on hold due to work loads.
	Implement: Eastside Type N Effectiveness	**Underway**
2014	Complete: Type N Experimental in Basalt Lithology	**On-Track**
	Study Design: Road Prescription-Scale Effectiveness Monitoring	**Not Progressing** Replaced prior milestone for Effectiveness of RMAP Fixes.
	Scope: Type F Experimental Buffer Treatment	**Not Progressing**
	Implementation: Examine the effectiveness of the RILs in representing slopes at risk of mass wasting	**Not Progressing**

	Study Design: Forested Wetlands Effectiveness Study	**Not Progressing**
2015	Complete: First Cycle of Extensive Temperature Monitoring	**Underway** Three of the four strata are largely complete. Problems using the DNR hydro layer to find Type Np study streams on the eastside thwarted efforts to complete the final strata. Now awaiting the use of the eastside hydrology study's model. It is hoped the model can be used to effectively screen potential sites so as to better identify where perennial streams may actually exist to aid in site selection.
	Scope: Watershed Scale Assess. of Cumulative Effects	**Not Progressing**
	Scope: Amphibians in Intermittent Streams (Phase III)	**Not Progressing** Project milestone exists only if needed to fill research gaps left from Type N Experimental in Basalt Lithology.
2017	Study design: Watershed Scale Assess. of Cumulative Effects	**Not Progressing**
	Study Design: Amphibians in Intermittent Streams (Phase III)	**Not Progressing**
2018	Complete: Roads Sub-basin Effectiveness	**Not Progressing** Ecology recognizes that RMAP programs implemented through DNR Forest Practices Operations may negate the need for this follow-up sample of progress in fixing roads.
	Implement: Watershed Scale Assess. of Cumulative Effects	**Not Progressing**
	Complete: Type N Experimental in Incompetent Lithology	**Underway**
2019	Complete: Eastside Type N Effectiveness	**Underway** CMER is unlikely to compensate for the delay in initiating this project.