STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
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April 19, 2011

TO: Forest Practices Board

FROM: Mark Hicks
Forestry Water Quality Coordinator

SUBJECT: Quarterly Update Clean Water Act Milestones

Ecology has committed to provide the Forest Practices Board with quarterly 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. No additional milestones have been completed over this past three month period. The existing forest practices and adaptive management programs appear to lack the capacity, in terms of staffing and budget, to address the CWA corrective milestones on the schedule established. It is unclear at this time if this deficiency will be remedied in the future or will be worsened by additional cuts in the budgets of DNR and its Forests and Fish cooperators.

As a related issue, Ecology will likely make some changes to the milestones to reflect reprioritization decisions made by the Forests and Fish Policy Committee with assistance from CMER. There are still some issues to clarify with CMER and Policy before these changes can be formally made, but it is our expectation that they will be reflected in our next quarterly report.

Enclosed is a table showing all of the CWA milestones and summarizing their current status. Please contact me if you have any questions or concerns (360-407-6477; mhic461@ecy.wa.gov.)

Enclosure

Quarterly Update on Progress in meeting the Clean Water Act Milestones as of April, 2011

Non-CMER Project Milestones		
	Summarized Description of Milestone	**Status January 2011**
2009	July 2009: CMER budget and work plan will reflect CWA priorities.	**Milestone Met in 2009 and 2010** This is an annual milestone to be met each year until scheduled tasks are complete.
	September 2009: Identify a strategy to secure stable, adequate, long-term funding for the AMP.	**Milestone Met** However, no long term source of funding found. An EPA grant combined with Ecology financial assistance is being used to help fund one major project for the first four years of its seven year life.
	October 2009: Complete Charter for the Compliance Monitoring Stakeholder Guidance Committee	**Milestone Met**
	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.	**Milestone Not Met** Training was completed. Policy and CMER co-chairs have yet to move recommended changes and actions forward.
	December 2009: Initiate a process for flagging CMER projects that are having trouble with their design or implementation.	**Milestone Met**
	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.	**Milestone Met**
	December 2009: Evaluate the existing process for resolving field disputes and identify improvements that can be made within existing statutory authorities and review times.	**Milestone Met**

2010	January 2010: Ensure opportunities during regional RMAP annual reviews to obtain input from Ecology, WDFW, and tribes on road work priorities.	**Partially Met** Verbal reminders to DNR Regions have occurred with the intention of ensuring DNR notifies and makes annual RMAP work plans available to Ecology, DFW, and tribes who are welcome to make comments. Formal written guidance is expected in coordination with rolling out the RMAP extension. Amendments to the Roads Board Manual are being made to create a formal standardized process for RMAP priority and work plan review.
	February 2010: Develop a prioritization strategy for water type modification review.	**Milestone Met**
	March 2010: Establish online guidance that clarifies existing policies and procedures pertaining to water typing.	**Milestone Not Met** Online guidance was drafted but is still in review within DNR.
	June 2010: Establish a framework for certification and refresher courses for all participants responsible for regulatory or CMP assessments.	**Milestone Not Met** DNR is unable to fully meet this milestone due to the lack of a training budget. DNR is actively participating in WCLA training (twice per year); DNR is also providing Fall and Spring Unstable Slopes, CMZ and Wetland training. These trainings are available for regulatory agencies, counties and other stakeholders.
	June 2010: Review existing procedures and recommended any improvements needed to effectively track compliance at the individual landowner level.	**Milestone Met**
	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.	**Partially Met** Some limited assessment was included in CMP Biennial Report; however, it fell short of the intended purpose of this milestone.
	July 2010: Develop a plan for evaluating the risk posed by SFL roads for the delivery of sediment to waters of the state.	**Milestone Not Met** Ecology provided suggested approach but no action has occurred. The lack of dedicated resources to conduct an evaluation appears to be what is holding

		up 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) completing a comprehensive literature review examining effect of buffering headwater streams by September 2012.	**Milestone Not Met** Ecology provided suggested approach. AMP administrator provided some edits, but no formal action on this issue has occurred. Strategy will need buyoff by Policy. Jim Hotvedt expects to initiate these discussions with Policy in late Spring 2011.
	October 2010: Design a sampling plan to gather baseline information sufficient to reasonably assess the success of alternate plan process.	**Partially Met** A draft approach was developed and was/is to be field tested.
	October 2010: Conduct an initial assessment of trends in compliance and enforcement actions taken at the individual landowner level.	**Milestone Met**
	December 2010: Initiate process of obtaining an independent review of the Adaptive Management Program.	**Milestone Not Met** The auditor's office dropped this task from their schedule.
2011	December 2011: Complete an evaluation of the relative success of the water type change review strategy.	**Milestone On-Track**
	December 2011: Provide more complete summary information on progress of industrial landowner RMAPs.	**Milestone On-Track** Being developed as an adjunct to the draft rule providing a 5-year extension of RMAP.
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.	**Milestone On-Track**
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.	**Milestone at Risk** This milestone is at risk due to the absence of any plan to conduct this assessment combined with reduced staffing and budgets for this coming biennium.

CMER Research Milestones		
	Description of Milestone	**Status January 2011**
2009	Complete: Hardwood Conversion – Temperature Case Study	**Milestone Met**
	Study Design: Wetland Mitigation Effectiveness	**Milestone Met**
2010	Complete: Mass Wasting Prescription-Scale Monitoring	**Milestone Not Met** Draft report still within CMER Peer Review and substantial opposition with conclusions has been voiced by CMER members. Dispute resolution process may be necessary.
	Implement: Wetland Mitigation Effectiveness (Pilot)	**Milestone Not Met – Project Dropped** WETSAG has been authorized by Policy to cease this project and to replace it with a literature synthesis and scoping of a forested wetlands effectiveness study. Ecology supports the change.
	Study Design: Type N Experimental in Incompetent Lithology	**Milestone Not Met – Future Status Uncertain** CMER members have submitted contrary comments that would require redesigning project. Study Plan needed in April 2011 for EPA review. Work is progressing to finalize a study design and to identify study sites.
	Study Design: Testing the Accuracy of Unstable Landform Identification.	**Milestone Not Met – Future Status Uncertain** UPSAG received a policy decision to reprioritize to a rule identified landform effectiveness study. UPSAG does not have the staffing to begin this until they complete the Mass Wasting Prescription-Scale Monitoring Study.
	Scope: Mass Wasting Landscape-Scale Effectiveness	**Milestone Not Met – Future Status Uncertain** UPSAG does not have the staffing to begin this until they complete the Mass Wasting Prescription-Scale Monitoring Study.
	Scope: Eastside Type N Effectiveness (new study needed)	**Milestone Not Met – Future Status Uncertain** No work has begun on this project.
2011	Complete: Bull Trout Overlay Temperature	**Milestone On-Track**
	Complete: Solar Radiation/Effective Shade	**Milestone On-Track**
	Implement: Type N Experimental in Incompetent Lithology	**Milestone On-Track**
	Study Design: Mass Wasting Landscape-Scale Effectiveness	**Milestone Unlikely to be Met**
	Scope: Wetland Management Zone Effectiveness Monitoring	**Milestone Unlikely to be Met** WETSAG unlikely to begin working on this project until literature synthesis is largely

		completed in late 2012.
2012	Complete: Buffer Integrity-Shade Effectiveness	**Milestone On-Track** It is anticipated this project will end on June 30, 2012.
	Complete: Wetland Mitigation Effectiveness	**Milestone Not Met – Project Dropped** Ecology will need to reassess the remaining milestones for the wetlands research program in light of recent decisions to focus on a literature synthesis and effectiveness research.
	Implement: Testing the Accuracy of Unstable Landform Identif.	**Milestone in Question – Project Reprioritized** Ecology agreed to placing this project at a lower priority then testing the RIL rule effectiveness. The milestone dates have yet to be adjusted.
	Scope: Wetland/Stream Water Temperature Interactions	**Milestone in Question -- Change in Priority** Ecology will need to reassess the remaining milestones for the wetlands research program in light of recent decisions to focus on a literature synthesis and effectiveness research.
	Study Design: Amphibians in Intermittent Streams (Phase III)	**Milestone in Question – May Not be Needed** It is possible that this project may not be needed if the results of the Type N Experimental in Basalt Lithology turn out to be sufficient to address this research question.
2013	Scope: Effectiveness of RMAP Fixes	**Milestone in Question** No work or planning has occurred with regards to this project. Capacity of UPSAG is in question since the Mass Wasting Prescription-Scale Monitoring study continues to use all available SAG resources and priorities were altered with decision to conduct an RIL effectiveness study.
	Scope: Wetland Hydrologic Connectivity	**Milestone in Question – Change in priority** Ecology will need to reassess the remaining milestones for the wetlands research program in light of recent decisions to focus on a literature synthesis and effectiveness research.
	Implement: Amphibians in Intermittent Streams (Phase III)	**Project Status Uncertain** This project, and the need for it, is both in question. The needed information may come from the Type N Experimental in Basal Lithology study expected for completion in 2014.
	Implement: Eastside Type N Effectiveness	**Milestone in Question – Low Risk** SAGE did not start scoping for this project but there is still time to get it back on track since a general research design (possible template) is being used on Westside Type N studies.

2014	Complete: Type N Experimental in Basalt Lithology	**Milestone On-Track**
	Study Design: Effectiveness of RMAP Fixes	**Feasible but too Far Out to Estimate**
	Scope: Type F Experimental Buffer Treatment	**Feasible but too Far Out to Estimate**
2015	Complete: First Cycle of Extensive Temperature Monitoring	**Feasible but too Far Out to Estimate** Field work completed for three of the four strata and final study reports are being prepared. The final strata, eastside non-fish-bearing waters, could not be completed due to a very high rate (~90%) of failure of the randomly selected sample sites actually having perennial flowing streams. Work underway on the Eastside Forest Hydrology study is hoped to provide a tool to better assist in finding sample sites for the remaining strata.
	Scope: Watershed Scale Assess. of Cumulative Effects	**Feasible but too Far Out to Estimate**
2017	Study design: Watershed Scale Assess. of Cumulative Effects	**Feasible but too Far Out to Estimate**
2018	Complete: Roads Sub-basin Effectiveness	**Feasible but too Far Out to Estimate**
	Implement: Watershed Scale Assess. of Cumulative Effects	**Feasible but too Far Out to Estimate**
	Complete: Type N Experimental in Incompetent Lithology	**Feasible but too Far Out to Estimate**
2019	Complete: Eastside Type N Effectiveness (new study needed)	**Feasible but too Far Out to Estimate**

April 18, 2011

MEMORANDUM

TO: Forest Practices Board

FROM: Walt Obermeyer, Compliance Monitoring Program Administrator

SUBJECT: Status of Compliance Monitoring

2008-2009 Report Follow-up

To provide better understanding of compliance monitoring findings, program staff have been presenting the nature, frequency, and reasons for noncompliant observations at regional TFW meetings and region staff meetings. Additionally, the program has developed sampling strategies to provide more timely feedback on whether compliance rates are changing following the 2008-09 report.

2011 Program Work

This year's standard field sample is 30% complete. Work has been slower than expected because of rescheduling site visits due to winter conditions. The Haul Route sample design is now operational. Additional strategies have been developed to address water classification observations and Exempt 20 acre harvests activities, which will be field reviewed later this year.

Compliance Monitoring Stakeholder Committee

The next committee meeting is scheduled for April 25. The agenda includes discussion of steps being taken to address areas of low compliance, more timely feedback and sampling strategies. Also to be discussed are the preparation and review processes for the 2010-2011 report.

WO/

WASHINGTON STATE DEPARTMENT OF
Natural Resources

PETER GOLDMARK
Washington State Commissioner of Public Lands

MEMORANDUM

April 18, 2011

TO: Forest Practices Board

FROM: Marc Engel, Assistant Division Manager, Policy and Services

SUBJECT: Rule Making Schedule

Following is an update on rule making activity.

Extension of RMAP Forest Road Work Completion Date - At the May meeting, staff will present a rule proposal for your consideration to begin the public review process. A SEPA environmental checklist has been completed which resulted in a Determination of Non-Significance (DNS).

Forest Biomass - Staff will request your adoption of the rule proposal at your May meeting.

Notice of Forest Practices to Affected Indian Tribes - Staff will present a rule proposal for your consideration to conduct the 30-day comment process with Washington Department of Fish and Wildlife, counties and tribes. This proposal amends WAC 222-20-120 notice of forest practices to affected Indian tribes.

Riparian Open Space Program - Staff will request your adoption of the rule proposal at your May meeting.

Watershed Analysis Reviews - Staff will request your adoption of the rule proposal at your May meeting.

Conversion Activities, Forestry Riparian Easement Program, Lands platted and Trees/Houses - As a result of legislation (House Bill 1582 relating to forest practices applications leading to conversion of land for development purposes and House Bill 1509 relating to the Forestry Riparian Easement Program) rule changes will be necessary. At this time, due to budget constraints and limited staff resources, it is unknown when these rule makings will begin.

If you have any questions feel free to call me at 360.902.1390.

ME:paa
Attachment

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FOREST PRACTICES BOARD
2011 WORK PLAN

TASK	COMPLETION DATE
2012 Work Planning	November
Adaptive Management Program	
• Extensive Riparian Shade and Trend Monitoring Type F/Eastside Temperature Study	August
• Extensive Riparian Type F&N Monitoring/Westside Temperature Study	November
• CMER 2012 Work Plan and Budget	May
• Program Funding	On-going
• Program Review	May
• Post Mortem Study	November
• Roads Sub-basin Study	February
• Solar Radiation Study	November
• Westside Type N Buffer Characteristics, Integrity & Function	August
• Type N Experimental Buffer Treatment-Hard Rock (amphibian genetics)	May
Annual Reports	
• Cultural Resources Committee	August
• Forests and Fish Policy Priorities	August
• Taylor's Checkerspot Butterfly Report	February
• Northern Spotted Owl Conservation Advisory Group	November
Board Manual Development	
• Section 1, Shade	November
• Section 3, Roads	August
• Section 11, Watershed Analysis	May
• Section 18, Riparian Open Space	May
• Section 21, Fixed Width template	November
CMER Membership	As needed
Rule Making	
• Forest Biomass	May
• Notice of Forest Practice to Affected Indian Tribes	November
• Riparian Open Space	May
• Watershed Analysis	May
• Extension of RMAP Forest Road Work Completion Date	August
• Conversion Activities, implement 2007 legislation and clean-up (depending on legislation)	2012
• Forestry Riparian Easement Program (depending on legislation)	2012
• Hydraulic Project Approval (depending on legislation)	
• Lands platted (depending on legislation)	2012
• Trees & Houses (depending on legislation)	2012
Upland Wildlife	February

Updated 4/2011

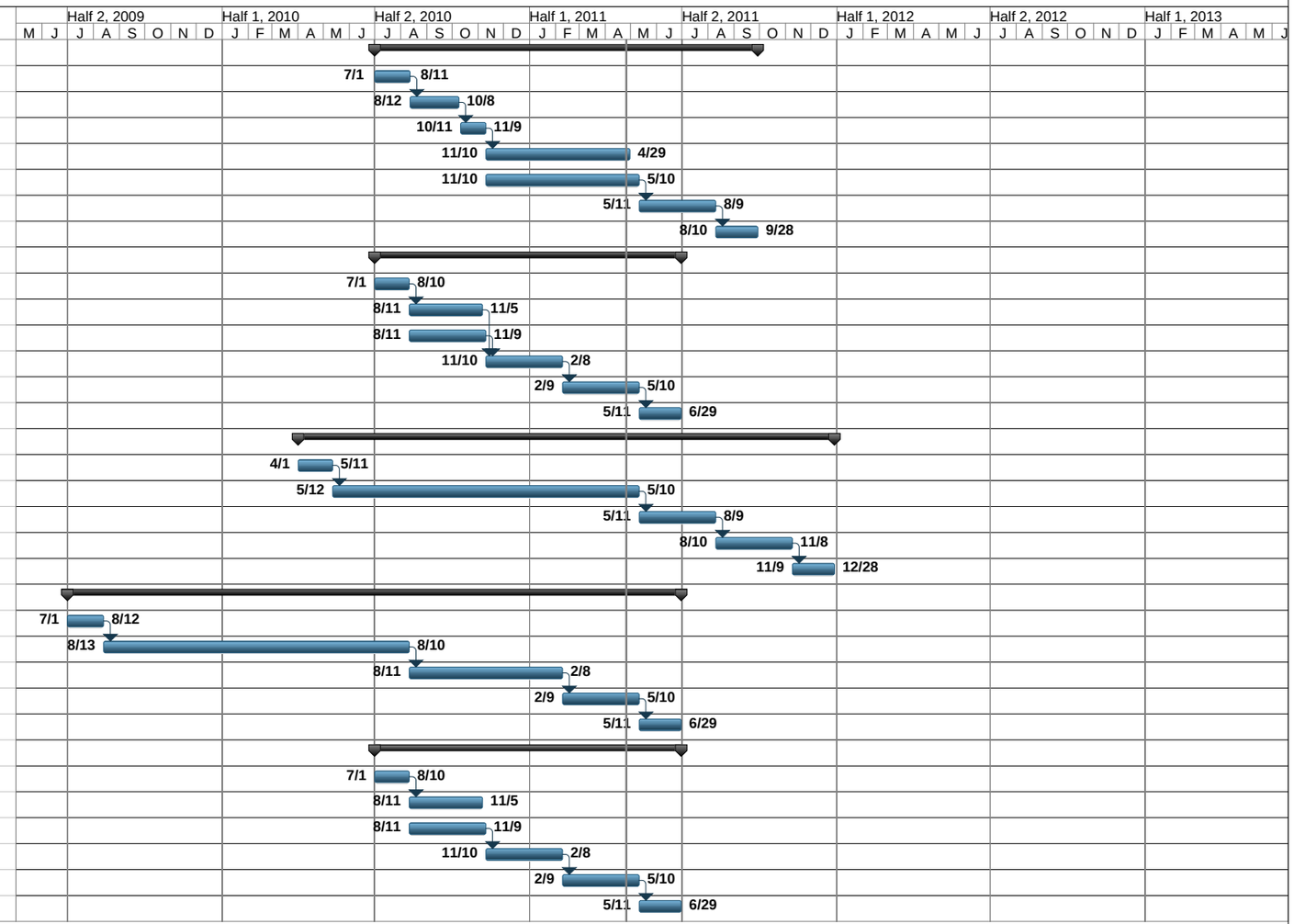
FOREST PRACTICES BOARD
2011 WORK PLAN

TASK	COMPLETION DATE
Quarterly Reports	
Board Manual Development	Each regular meeting
Adaptive Management Program & Strategic Plan Implementation	Each regular meeting
Rule Making Activities	Each regular meeting
Compliance Monitoring	Each regular meeting
Small Forest Landowner Advisory Committee & Office	Each regular meeting
Legislative Update	February & May
Clean Water Act Assurances	Each regular meeting
NSO Implementation Team	Each regular meeting
TFW Cultural Resources Committee	Each regular meeting

Updated 4/2011

FOREST PRACTICES BOARD
2011 Rule Making Schedule

ID	Task Name	Start	Finish
1	**Extension of RMAP Forest Road Work Completion Date**		
2	CR101	7/1	8/11
3	Forests & Fish Policy Review	8/12	10/8
4	30 day notice	10/11	11/9
5	SEPA Analysis	11/10	4/29
6	CR102 (CBA, SBEIS, SEPA-EIS) - WSR 11-11/June 1, 2011	11/10	5/10
7	CR103 - WSR 11-17/September 7, 2011	5/11	8/9
8	Estimated effective date	8/10	9/28
9	**Forest Biomass**		
10	CR101	7/1	8/10
11	Forests & Fish Policy Review	8/11	11/5
12	30 day notice	8/11	11/9
13	CR102 (CBA, SBEIS, SEPA) - WSR 11-06/March 16, 2011	11/10	2/8
14	CR103 - WSR 11-12/June 15, 2011	2/9	5/10
15	Estimated effective date	5/11	6/29
16	**Notice of FP to Affected Indian Tribes**		
17	CR101	4/1	5/11
18	30 day notice	5/12	5/10
19	CR102 (CBA, SBEIS, SEPA) - WSR 11-17/September 7, 2011	5/11	8/9
20	CR103 - WSR 11-23/December 7, 2011	8/10	11/8
21	Estimated effective date	11/9	12/28
22	**Riparian Open Space**		
23	CR101	7/1	8/12
24	30 day notice	8/13	8/10
25	CR102 (CBA, SBEIS, SEPA-Exempt) - WSR 11-06/March 16, 2011	8/11	2/8
26	CR103 - WSR 11-12/June 15, 2011	2/9	5/10
27	Estimated effective date	5/11	6/29
28	**Watershed Analysis Reviews**		
29	CR101	7/1	8/10
30	Forests & Fish Policy Review	8/11	11/5
31	30 day notice	8/11	11/9
32	CR102 (CBA, SBEIS, SEPA) - WSR 11-06/March 16, 2011	11/10	2/8
33	CR103 - WSR 11-12/June 15, 2011	2/9	5/10
34	Estimated effective date	5/11	6/29



April 21, 2011

MEMORANDUM

TO: Forest Practices Board

FROM: Mary McDonald, FP Division SFLO Manager

SUBJECT: Small Forest Landowner Office and Advisory Committee

Small Forest Landowner Advisory Committee:
The committee consists of seven members, including a representative from the Department of Ecology, the Department of Fish & Wildlife, a tribal representative and four members from the SFLO community appointed by the commissioner of public lands from a list of candidates submitted by the Washington Farm Forestry Association. The advisory committee functions as a sub-group of the larger Forests and Fish Policy group. The committee has focused on ways to implement the small forest landowners' alternate plan and alternate harvest restrictions provisions on smaller harvest units with low impact on aquatic resources. A sub-group of the committee is working on a low impact harvest within the riparian area.

Forestry Riparian Easement Program (FREP):
FREP is a conservation easement program designed to compensate participating small landowners for unharvestable timber on forested lands primarily along rivers or streams. The FREP has two aspects moving forward: 1) proposed legislation and 2) easements being acquired under the FY 2011 appropriation.

Legislation: The Engrossed Substitute House Bill 1509 has passed the House and the Senate and is awaiting the Governor's signature. The bill will have the following effects:

- Limits easement eligibility to small family forest landowners, rather than non-profits and local governments.
- Increased accountability and transparency of FREP by requiring the department to recommend to the Governor, before November 1st of each even-numbered year, a list of all forest riparian easement applications to be funded.
- The Governor may propose the number of applications to receive funding for the future biennium by submitting the list and a proposed capital budget appropriation to the legislature.
- Ensures that timber on unstable slopes adjacent to riparian areas is available for easement purchase, but capped at $50,000/ per biennium to ensure the priority is riparian buffer areas.
- Requires repayment to the state if within 10 years of receiving an easement payment the landowner sells or transfers ownership to a landowner who is ineligible for the program.

2011 Easement Acquisition: The Small Forest Landowner Office (SFLO) is sending easement offers to landowners and completing the valuation stage of FREP applications which will be acquired under the FY 2011 FREP appropriation. Limited staff resources, responsible for both FREP and ROSP, are processing as quickly as possible conservation easement acquisitions. DNR is continuing to receive new applications for FREP.

Forest Stewardship Program
The Forest Stewardship Program provides on-site forest management technical assistance and in cooperation with WSU extension teaches forestry classes, and hosts family forest owner field days for small forest landowners. A Forest Stewardship Program Wildlife Biologist supports educational programs and provides landowner advisory visits statewide. One Olympia-based stewardship forester serves western WA and seven landowner assistance foresters in Northeast WA.

- Forest Owners Field Days are planned for: April 30th in Grays Harbor County, June 18th in Klickitat County, August 20th in Jefferson County, and September 10th on Whidbey Island in Island County.
- Forest Stewardship Coached Planning is underway in Snohomish County. Forest Stewardship Coached Planning Classes are planned for fall in Lewis County, Kitsap County and Eastern King County.

- Stewardship staff will be field reviewing the implementation of Forest Stewardship plans by forest landowners. A random sample of ownerships will be reviewed prior to January 2012.
- Stewardship staff will also be auditing a sample of cost practices conducted under the Forest Land Enhance program.

Family Forest Fish Passage Program (FFFPP):
The Family Forest Fish Passage Program is a cost-share program that helps small forest landowners correct fish passage barriers by providing 75-100 percent of the cost of the correction. In the 2010 construction season FFFPP completed 28 projects at a cost of $2.5 million and reconnecting 61 miles of habitat. FFFPP has received 35 new applications since June 30, 2010. There is a total of 490 eligible fish barrier applications in the queue. Only the highest priority applications are able to be funded with the FFFPP allocation. To continue to educate landowners about FFFPP numerous outreach presentations have been given to: WA Farm Forestry, WA Contact Loggers Association, Salmon Recovery Conference, and the Society of American Foresters chapters.

The office continues to be successful at obtaining grants to help offset state capital fund allocation for FFFPP. FFFPP is coordinating with the Natural Resource Conservation Service for $192,548.00 in funding thru Cooperative Conservation Partnership Initiative for barrier corrections.

Riparian Open Space Program (ROSP)
This conservation easement program is available to both small and large landowners. For the 2009-2011 biennium, applications for forest land in channel migration zones were only accepted. The 2011 Riparian Open Space Easement acquisitions are in the process of completing the value determination step for the six applications for this year. The timber cruises are complete for four of the applications. Staff will be preparing the transaction documents to acquire the six easements. (Repeat)

The Forest Practices Board is considering rule adoption to allow acquisition of critical habitat for threatened or endangered species and the program name change from Riparian Open Space Program to the Rivers and Habitat Open Space Program. In addition the Forest Practices Board will be making a decision for approval on the Rivers and Habitat Open Space Program board manual.

Long Term Applications (LTA)
A small forest landowner has the option of submitting a long-term application that is valid for up to 15 years. A long-term forest practices application is submitted and reviewed in two steps. There are currently 58 LTA's approved, this is an increase of 9 applications from 1/28/2011. Long term applications are being utilized primarily in Pacific Cascade, Northeast and Southeast regions.

Long Term Applications Status
Date range: 10-01-2007 and 4-15-2011

App- LTA Decision	*LTA Step 1*	*LTA step 2*	*Total Application*
CLOSED	3	3	6
REVIEW	2	4	6
VALIDATED	12	0	12
REJECTED	8	0	8
APPROVED	0	58	58
DISAPPROVED	0	1	1
TOTAL	25	66	91

Please contact me at 360-902-1415 or mary.mcdonald@dnr.wa.gov for any questions.

MM/

APRIL 19, 2011

MEMORANDUM

TO: Forest Practices Board

FROM: Timber/Fish/Wildlife Cultural Resources Committee Co-Chairs

Jeffrey P. Thomas, Puyallup Tribe of Indians

Peter Heide, Washington Forest Protection Association

SUBJECT: Quarterly Report of Timber/Fish/Wildlife Cultural Resources Committee

The Timber/Fish/Wildlife (TFW) Cultural Resources Committee (Committee) is pleased to submit the Mar-May 2011 quarterly report to the Forest Practices Board.

Again this quarter, the report is in the form of the Committee's Action Items list. This list is reviewed every month by the Committee and updated to reflect current activities. There are some important revisions from the previous February report that are identified in red or italic print.

We look forward to your May 10, 2010 meeting and answering any questions you may have. In the meantime, please do not hesitate to contact us:

jeffrey.thomas@puyalluptribe.com and (253) 405-7478/cell

pheide@wfpa.org and (360) 352-1500

TFW Cultural Resources Committee					*4/15/2011*	*Changes from January in Red or Italics*
Priority	**Action Items**			**Lead**	**Status**	**Next Action**	**Relationship to the CRPMP**
High	1	Approach the Forest Practices Board about the official standing of the CR committee and operational funding and/or staff support		*Co-Chairs*			Advance the Committee's work
			Prepare a letter to the FPB		Complete		
			Secure formal standing with the Forest Practices Board	Jeff and Pete	*Prepared for Board Action*	*Board action*	
			Seek funding and staff support for the Committee's work		*On hold due to state budget situation*		
High	2	*Prepare the cultural resource guidance documents and tools as agreed to in the CRPMP (revised wording)*				~~Seek a funding source to help the committee with this task~~	Educational Program and Commitments
			Scope the guidance/manual project to develop a detailed description and outline of the proposed guidance or manual.		Complete		
			Work products:1) Guidance for TFW stakeholders, 2) Guidance specific to forest landowners, and 3) Guidance specific to Tribes.	Committee	In progress	The committee is focusing on WAC 222-20-120 guidance for landowners and tribes	
			Improve knowledge and use of the GLO information to identify historic features recognized during 19th century land surveys.	Committee	In progress	Take up this issue as an education topic for agencies and landowners.	
High	*3*	Prepare draft revisions to WAC 222-20-120 per the Cowlitz' recommendation, concerns from landowners and DNR regarding implementation of the current rule as written.		Committee	*Complete*	*Board Action*	DNR Forest Practices Program support

TFW Cultural Resources Committee					*4/15/2011*	*Changes from January in Red or Italics*
Priority		**Action Items**	**Lead**	**Status**	**Next Action**	**Relationship to the CRPMP**
Medium	4	Individual caucuses will support funding in the biennium 12-13 budget for a full time position at DAHP for the maintenance of CR data in support of the forest practices risk assessment tool.	Individual Caucuses	Supporting funding for the current 1/2 time position	Retry for full time position during 14-15 biennial budget cycle	DNR Forest Practices Program support
	5	*Review the state's responsibility for National Historic Preservation Act (NHPA) compliance under the Forest Practices HCP*		*On Hold*	*Waiting for DNR to respond to the Yakama Nation's request for a summary of FPHCP compliance under NHPA*	
Medium	*6*	Seek funding for a ~~Watershed Analysis~~ CR Module pilot project		On hold	Waiting for the next opportunity	~~*Appendix A Watershed Analysis Manual*~~ *Board Manual Section 11 Appendix J*
Low	*7*	Other CRPMP amendments to consider and further discuss:	Sherri	On hold	Wait for the *charter* etc to be completed	CRPMP Support
		Regarding MOUs, consider adding a statement specifying when DNR has a role in implementing MOUs and if there is a role, specifying its nature.				
		Under "Education Program and Commitments," modify #2 to recognize that agreements are often executed at the field level without the need for higher level contacts				
		Reference a role for the CRPMP in Forest Practices ID team deliberations and preparation of SEPA documents for Class IV Special FPAs				
Low	*8*	Prepare a report to the Forest Practices Board on the impact to cultural resource protection and management when forest land is converted to another use and regulatory responsibility passes to local government (county or city)	Jeff and Pete	On hold	Wait for other higher priority items to be addressed	

TFW Cultural Resources Committee					4/15/2011	Changes from January in Red or Italics
Priority		**Action Items**	**Lead**	**Status**	**Next Action**	**Relationship to the CRPMP**
On-Going Tasks						
	1	The Committee will: (a) meet monthly; (b) Report quarterly to the FP Board; (c) Review the CRPMP in September each year; (d) Report to the FP Board on the progress of the CRPMP each November.	Co-Chairs	FPB meeting *May 10*, Report due *Apr 19*.		Annual *and quarterly* obligation
	2	Give a CRPMP presentation at Regional TFW meetings as new CRPMP support material is released.	All	Next opportunity for TFW presentations after the 20-120 rule and supporting manual is passed by the FPB in Nov 2011		Communication
	3	Emphasize accomplishments when communicating progress on implementing the CRPMP.	All	Post examples of successes and cooperative opportunities on the web site.		Communication
	4	Contact individual FP Board members to “champion” CR Committee issues	All	In progress	Encourage the establishment of a CR rep on the FPB	Advance the Committee's work
Completed Items	1	Cultural Resource Protection and Management Plan (CRPMP)		Completed 2003		
	2	Forest Practices Board adopted the rules recommended in the CRPMP		Completed 2005		
	3	Statutory exemption for sensitive cultural resource information gathered during a watershed analysis CR module or stand-alone CR module		Completed 2005		
	4	Updates to the CRPMP		Completed 2008		

TFW Cultural Resources Committee					4/15/2011	*Changes from January in Red or Italics*
Priority		**Action Items**	**Lead**	**Status**	**Next Action**	**Relationship to the CRPMP**
	5	Recommendation to DNR staff and the Board for changes to the historic site definitions in Class III and Class IV Special definition to correct long standing interpretation issues		Completed 2008		
	6	A recommendation to include a cultural resource question on the Phase II 15-year small landowner permit application.		Completed Spring 2009		
	7	Draft a motion for the Forest Practices Board to request that the staff create a CR page on the Department's forest practices website		Complete (Board action was unnecessary)		
	8	*With the support of the Commissioners Office, a Charter for the Timber/Fish/Wildlife Cultural Resources Roundtable (formerly known as TFW Cultural Resources Committee) delivered to the Forest Practices Board*		*Completed 2011*		
	9	*Consensus recommendation on changes to WAC 222-20-120 delivered to the Forest Practices Board*		*Completed 2011*		

State of Washington
Department of Fish and Wildlife

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April 19, 2011

MEMORANDUM

To: **Forest Practices Board**

From: **David Whipple, Forest Policy Coordinator** DW

SUBJECT: **UPLAND WILDLIFE PLANNING UPDATE**

The focus of this update is on items pertaining to the Element 1 of Board's Wildlife Workplan; Assessment of Current Rules Intended to Protect Wildlife. While the Northern Spotted Owl Implementation Team continues its work, a change relative to the protection of the Bald Eagle has occurred at the state and federal levels.

Due to the recovery and delisting of the Bald Eagle federally as well as in the state, the Washington Fish and Wildlife Commission recently amended the Department of Fish and Wildlife's Bald Eagle protection rules. Bald Eagle Management Plans will no longer be required, unless the species becomes listed as threatened or endangered in Washington State. These new rules will go into effect in mid-May. It should be noted that while the Bald Eagle is no longer protected under the Endangered Species Act, it is protected under the Bald and Golden Eagle Protection Act, and the U.S. Fish and Wildlife Service's Lacey office is administering protection guidelines and take permits.

The department is approaching the necessary administrative and rule changes in two phases. Phase 1 is currently being developed, and is intended to provide a mechanism whereby in the absence of a state Bald Eagle Management Plan, the Department of Natural Resources will not classify Forest Practices Applications as Class IV Special due to proximity of forest management activities to Bald Eagle nests or communal roosts. This mechanism will need to be in effect until permanent Forest Practices Rule changes can be adopted and become effective. To the extent possible, I will brief the Board on the status of this effort on May 10. Phase 2 will entail developing and adopting necessary changes to the rules.

The Board's multi-caucus Wildlife Work Group will be convened to discuss Phase 1 (if permitted by timelines), but more importantly to develop possible rule changes (Phase 2). The Board may be requested at the August 9, 2011 meeting to initiate rule making for the Bald Eagle, as well as for the Peregrine Falcon, which has also been federally and state delisted.