

Regular Board Meeting – February 8, 2017
 Natural Resources Building, Room 172, Olympia

Please note: All times are estimates to assist in scheduling and may be changed subject to the business of the day and at the Chair’s discretion. The meeting will be recorded.

DRAFT AGENDA

9:00 a.m. – 9:05 a.m.	Welcome and Introductions Safety Briefing – Patricia Anderson, Department of Natural Resources (DNR)
9:05 a.m. – 9:10 a.m.	Approval of Minutes <i>Action: Approve November 8 & 9, 2016, meeting minutes.</i>
9:10 a.m. – 9:30 a.m.	Report from Chair
9:30 a.m. – 9:45 a.m.	Public Comment – This time is for public comment on general Board topics. Comments on any Board action item that will occur later in the meeting will be allowed prior to each action taken.
9:45 a.m. – 10:00 a.m.	Legislative Update – Joe Shramek, DNR
10:00 a.m. – 10:30 a.m.	TFW Policy Committee Update on the Water typing System – Ray Entz, co-chair
10:30 a.m. – 10:45 a.m.	Break
10:45 a.m. – 11:05 a.m.	Update on DNR’s Interim Guidance for the 2017 Water typing Season – Joe Shramek, DNR
11:05 a.m. – 11:30 a.m.	Pesticide Work Group Report – Donelle Mahan, DNR
11:30 a.m. – 11:45 a.m.	Electronic Signature and Electronic Payment Rulemaking – Marc Ratcliff, DNR
11:45 a.m. – 11:55 a.m.	Public Comment on Rule Making for Electronic Signature and Payment
11:55 a.m. – 12:00 p.m.	Electronic Signature and Electronic Payment Rulemaking – Marc Ratcliff, DNR <i>Action: Consider rule making by filing CR-101 Preproposal Statement of Inquiry.</i>
12:00 p.m. – 1:00 p.m.	Lunch
1:00 p.m. – 1:15 p.m.	Public Comment – This time is for public comment on general Board topics. Comments on any Board action item that will occur later in the meeting will be allowed prior to each action taken.
1:15 p.m. – 1:35 p.m.	TFW Policy Committee’s Progress Report on Unstable Slopes Proposal Initiation Update – Marc Engel and Hans Berge, DNR
1:35 p.m. – 1:55 p.m.	TFW Policy Committee’s Review of Small Forest Landowner Template Update – Marc Engel, DNR and Ken Miller, WFFA
1:55 p.m. – 2:25 p.m.	303D Listing Update – Mark Hicks and Patrick Lizon, Department of Ecology
2:25 p.m. – 2:35 p.m.	Break

Future FPB Meetings

Next Meeting: May 10, 2017, August 9, 2017, November 8, 2017

Check the FPB Web site for latest information: <http://www.dnr.wa.gov/>

E-Mail Address: forest.practicesboard@dnr.wa.gov

Contact: Patricia Anderson at 360.902.1413

2:35 p.m. – 3:00 p.m.	Northern Spotted Owl Implementation Team Update – Lauren Burnes, DNR
3:00 p.m. – 3:20 p.m.	Staff Reports A. Adaptive Management Update – Hans Berge, DNR B. Board Manual Update – Marc Ratcliff, DNR C. Clean Water Act Assurances – Mark Hicks, Department of Ecology D. Compliance Monitoring – Garren Andrews, DNR E. Rule Making Activity – Marc Engel, DNR F. Small Forest Landowner Advisory Committee and Small Forest Landowner Office Update -Tami Miketa, DNR G. Upland Wildlife Update – Terry Jackson, Washington Department of Fish and Wildlife
3:20 p.m. – 3:35 p.m.	2017 Work Plan - Marc Engel, DNR <i>Action: Consider changes to the 2017 work plan.</i>
3:35 p.m. – 3:50 p.m.	Executive Session To discuss anticipated litigation, pending litigation, or any other matter suitable for Executive Session under RCW 42.30.110.

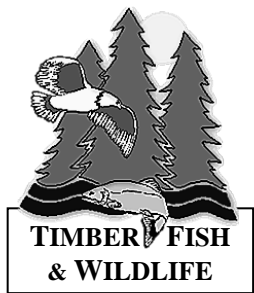
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Contact: Patricia Anderson at 360.902.1413



Timber, Fish & Wildlife Policy Committee
PO BOX 47012, Olympia, WA 98504-4712
Policy Co-Chairs: Ray Entz, Kalispel Tribes
and Scott Swanson, Washington State Association of
Counties

January 24, 2017

TO: Forest Practices Board

FROM: Ray Entz, Co-Chair
Scott Swanson, Co-Chair

SUBJECT: TFW Policy Update on the Water Typing System

The Timber, Fish and Wildlife Policy Committee (Policy) received the Board's direction through their November 2016 motions for continued work on the development of a permanent water typing rule. The Board directed Policy to: complete preparation of study designs to continue development of the Water Typing Fish Habitat Model and evaluation of default physical criteria; and to determine by the December Policy meeting if consensus could be reached and subsequent recommendations be prepared on the other elements of the Type F portion of a permanent Water Typing System rule. The Board requested Policy to report work status and recommendations for resolution to these issues to the Board at their February 2017 meeting. The Board's motions made it clear their support for Policy to initiate the dispute resolution process to be completed by May 2017, either by full consensus or a majority/minority report.

Dispute Resolution

At Policy's December meeting, Policy initiated stage 1 of dispute resolution for the unresolved off-channel habitat, water type modification form, and fish habitat assessment methodology issues. Stage 1 begins an extended timeline for attempting to reach consensus within two months. Policy's inability to reach consensus on elements regarding Type F recommendations include:

- Off-channel habitat flow regime. Specifically, Policy could not reach agreement on off-channel habitat defined as "aquatic habitat features that are connected via surface flow to Type S/F waters by inundation at bank full flow of the Type S or F water." The crux of the debate is at what elevation (bankfull height, ordinary high water) best represents fish habitat and how that mark is delineated in the field.
- Water type modification form (WTMF) map points. This stems from differing options how existing WTMF-based map points are accepted as regulatory Type F/N water breaks within the new water typing system.

- Fish habitat assessment method. Policy was unable to reach consensus on the recommendation brought forward by the Type F/N technical group working on a methodology for establishing the Type F/N break.

Policy did not initiate the formal dispute resolution process for the development of the water typing model and the evaluation of default physical criteria.

Current Progress

In an attempt to avoid entering into stage 2 of dispute resolution and therefor entering into mediation, Policy has formed work groups to resolve the outstanding elements still needing consensus. These groups will be exploring ways to bridge disagreement regarding the definition of off-channel habitat and deliberating on the applicability and acceptance of past water type modification points submitted at various intervals and with differing survey information.

The Adaptive Management Program Administrator (AMPA) has received several fish habitat assessment methods submitted by Policy representatives for inclusion in the contractor evaluation. The criteria used for evaluating the various methods was agreed to by Policy in December and incorporates goals from the Forest and Fish Report, Forest Practices HCP, definitions from forest practices rules and guidance in board manual sections. It is anticipated the outcome of this evaluation will be provided to Policy late February for discussion at the March meeting. The contractor's recommendations may identify a best method, a combination of methods or a complete new method.

In November, the Board approved funding for continued development of the Water Typing Fish Habitat Model and evaluation of the existing default physical criteria. The AMPA is in the process of convening a technical group to develop a study design to re-develop the model. As a first step, the AMPA has developed the problem statement, objectives, and critical questions, which was shared with Policy at the January meeting. Comments on the study designs will aid the AMPA in the moving forward with these two projects.

We will be providing an update to the Board at the February meeting expanding on the summary provided here with the latest advancements made by Policy after their February meeting. It remains Policy's goal and concentrated focus to deliver a complete and consensus Type F recommendation package to the Board in May.

cc: Forest Practices Board Liaisons
TFW Policy



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MEMORANDUM

January 19, 2017

TO: Forest Practices Board

FROM: Marc Ratcliff 
Forest Practices Policy Section Manager

SUBJECT: Board Manual Development Update

The following provides information on anticipated development of new sections and amending existing sections of the Forest Practices Board Manual.

(New) Section 23, Guidelines for Field Protocol to Locate Mapped Division Between Stream Types and Perennial Stream Identification. Progress is being made by the TFW Policy Committee (Policy) on recommendations for a permanent water typing system. Included in the recommendations will be a fish habitat assessment method for inclusion in the Board's protocol process to identify the Type F/N Water break in the field. This methodology, as well as needed guidance to implement rule recommendations, will be included in this new section. DNR will develop Section 23 concurrently with the development of the new water typing rule after the Board accepts the recommendations brought forward by Policy.

All pertinent guidance within the current Board Manual Section 13, *Guidelines for Determining Fish Use for the Purposes of Typing Waters* will be incorporated into Section 23.

Section 12, *Guidelines for Application of Forest Chemicals.* In recognition of the recommendations to the Board regarding aerial application of forest chemicals and to incorporate advances in trade practices and terminology, Board staff recommends amending this Section of the manual. Completion of this Section is anticipated in 2018 after the development of Board Manual Section 23.

Please feel free to contact me with any questions at 360.902.1414, or marc.ratcliff@dnr.wa.gov.

MR



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MEMORANDUM

TO: Forest Practices Board

FROM: Garren Andrews, Compliance Monitoring Program Manager

SUBJECT: Current status of the Compliance Monitoring Program

Christopher Briggs has been offered and accepted the vacant Compliance Monitoring Field Coordinator position. His official start date is February 1st 2017.

Analysis has been conducted on the 2016 field data.

Independent Study Peer Review has commenced on the 2014-2015 biennial report. The ISPR process will be completed no later than June 30th 2017.

The 2017 field data collection season is currently scheduled to begin in March.

If you have any questions please contact me at (360) 902-1366 or garren.andrews@dnr.wa.gov

GA/



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DEPARTMENT OF ECOLOGY


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Memorandum

January 25, 2017

TO: Forest Practices Board

FROM: Mark Hicks, Ecology Forest Practices Lead 

SUBJECT: Clean Water Act Milestone Update

The Washington State Department of Ecology (Ecology) committed to provide the Forest Practices Board (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 2016 Board meeting.

Under Washington state law (Chapter 90.48 RCW and 76.09.040 RCW) forest practices rules are to be developed so as to achieve compliance with the state water quality standards and the federal Clean Water Act (CWA). The CWA assurances establish that the state's forest practices rules and programs, as updated through a formal adaptive management program, will be used as the primary mechanism for bringing and maintaining forested watersheds in compliance with the state water quality standards. The CWA assurances were originally granted in 1999 as part of the Forests and Fish Report (FFR). Those original assurances were to last for only a ten year period. After conducting a review of the program and hearing from stakeholders that they were committed to making the program work, Ecology conditionally extended the assurances for another ten years. This extension was based on the expectation that the program meet a list of process improvements and performance objectives. These are the milestones reported on in this update.

The 2009 CWA Assurance milestones were established to create a path of steady improvement. The milestones were intended to spur efforts to gather critical information to assess the effectiveness of the rules in protecting water quality as mandated by state law. Equally important, was the intent to encourage process changes that would lead to cooperators working more productively together to create a more effective research program to test and adjust the rules long-term.

I want you to be aware of an issue that has emerged since our last update. A lawsuit has been filed against the EPA and NMFS. The suit asserts these federal agencies did not take required steps to formally approve or disapprove the state's nonpoint source control plan under the Coastal Zone Management Act. The plaintiffs are asking the court to require EPA and NOAA to withhold Coastal Zone and Clean Water Act Section 319 grant funds from the state as required by federal regulation since the two agencies have found that Washington has failed to submit an approvable Coastal Nonpoint Plan. While a broad range of concerns and arguments are presented, what is most relevant to the Board is that the plaintiffs note perceived inadequacies of the state's forest practices rules and the adaptive management program. This includes specific reference to the CWA assurances and the pace at which the rules are being tested and used to validate or adjust the rules.

Enclosed are two tables showing 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 the Forest Practices Operations Section of the Department of Natural Resources (DNR) or the Timber, Fish, and Wildlife Policy Committee (Policy). No changes have occurred in the status assigned to any of the non-CMER milestones since our May 2016 update to the Board.

The second table lays out the progress being made on the CMER research study milestones. Since our last update, one CMER milestone was completed with the approval of a scoping document to develop a Forested Wetland Effectiveness Monitoring Strategy. Changes in status since your last briefing and points of note are highlighted in **red font** to support more effective ongoing communication.

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 2017¹
2009	July 2009: CMER budget and work plan will reflect CWA priorities.	Completed October 2010 Key research projects slipped well behind schedule affecting the overall priorities.
	September 2009: Identify a strategy to secure stable, adequate, long-term funding for the AMP.	Completed October 2010
	October 2009: Complete Charter for the Compliance Monitoring Stakeholder Guidance Committee.	Completed December 2009 Efforts remain pending for DNR to strengthen the cooperative approach used to involve the committee in design and prioritization decisions of the Compliance Monitoring Program.
	December 2009: Initiate a process for flagging CMER projects that are having trouble with their design or implementation.	Completed November 2010 Efforts remain pending for the AMPA to review and update the existing process and use it to inform Policy at their monthly meetings.
	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 March 2010
	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 November 2010
	December 2009: Complete training sessions on the AMP protocols and standards for CMER, and Policy and offer to provide this training to the Board. <u>Identify and implement changes to improve performance or clarity at the soonest practical time.</u>	Completed May 2016

Non-CMER Project Milestones		
	Summarized Description of Milestone	Status as of January 2017¹
2010	January 2010: Ensure opportunities during regional RMAP annual reviews to obtain input from Ecology, WDFW, and tribes on road work priorities.	Completed September 2011
	February 2010: Develop a prioritization strategy for water type modification review.	Completed March 2013
	March 2010: Establish online guidance that clarifies existing policies and procedures pertaining to water typing.	Completed March 2013
	June 2010: Review existing procedures and recommended any improvements needed to effectively track compliance at the individual landowner level.	Completed November 2010
	June 2010: Establish a framework for certification and refresher courses for all participants responsible for regulatory or CMP assessments.	Completed September 2013
	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 August 2012
	July 2010: Ecology in Partnership with DNR and in Consultation with the SFL advisory committee will develop a plan for evaluating the risk posed by SFL roads for the delivery of sediment to waters of the state.	Off Track Described below for 2013 report stage.
	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, <u>b) Resolve issue with identifying the uppermost point of perennial flow by July 2012</u> , and c) Complete a comprehensive literature review examining effect of buffering headwater streams by September 2012.	Off Track A strategy was developed, and Policy and its' technical subgroups were working to implement the strategy. Conflict over providing default distances for defining the UMPPF stalled implementation, then the Forest Practices Board made Type F and mass wasting Policy priorities. This resulted in Policy setting aside work on completing the Type N milestone. Ecology agreed that due to the limited capacity of Policy, they needed to temporarily suspend work on resolving the Type N milestone in order to succeed in meeting the new Board priorities. But

Non-CMER Project Milestones		
	Summarized Description of Milestone	Status as of January 2017¹
		this Type N work remains necessary and overdue.
	October 2010: Conduct an initial assessment of trends in compliance and enforcement actions taken at the individual landowner level.	Completed November 2010
	October 2010: Design a sampling plan to gather baseline information sufficient to reasonably assess the success of alternate plan process.	Completed December 2014 DNR satisfied this milestone by releasing an Alternate Plan <u>Guidance memo (12-10-14)</u> designed to strengthen the overall process for issuing alternate plans. Efforts remain pending for DNR to review the ICNs associated with AP FPAs over the last year to assess whether the guidance is being effectively used. If not being used effectively, DNR will use outreach and/or training as necessary.
	December 2010: Initiate process of obtaining an independent review of the Adaptive Management Program.	Off Track Policy discussed this issue at their May 2016 meeting as part of reviewing their task list. At that meeting they agreed, with consensus, this outside audit is important but is really a responsibility of DNR to implement. No further conversations on how to accomplish this milestone have occurred.
2011	December 2011: Complete an evaluation of the relative success of the water type change review strategy.	Completed March 2013
	December 2011: Provide more complete summary information on progress of industrial landowner RMAPs.	Completed September 2011
2012	October 2012: Reassess if the procedures being used to track enforcement actions at the individual land owner level provides sufficient information to potentially remove assurances or otherwise take corrective action.	Completed June 2012
	Initiate a program to assess compliance with the Unstable Slopes rules.	Underway

Non-CMER Project Milestones		
	Summarized Description of Milestone	Status as of January 2017¹
		A pilot study is underway, with formal implementation targeted for 2017.
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.	<p>Off Track</p> <p>DNR conducted a pilot project in its' NW Region in 2014 and initiated additional SFL outreach efforts on a statewide basis in 2015. The results of the statewide assessment has not been provided. DNR was hoping to increase their statewide survey by having their stewardship and landowner assistance foresters ask for permission to conduct road status surveys. However, DNR has not been successful in getting enough foresters to do this added work, and has no other strategies to accomplish the assessment.</p>

CMER Research Milestones		
	Description of Milestone	Status as of January 2017¹
2009	Complete: <u>Hardwood Conversion – Temperature Case Study</u> (Completed as data report)	Completed June 2010
	Study Design: <u>Wetland Mitigation Effectiveness</u>	Completed October 2010
2010	Study Design: <u>Type N Experimental in Incompetent Lithology</u>	Completed August 2011
	Complete: <u>Mass Wasting Prescription-Scale Monitoring</u>	Completed June 2012
	Scope: <u>Mass Wasting Landscape-Scale Effectiveness</u>	<p>Off Track</p> <p>No work has occurred. Policy moved this project to the hold list pending review as part of developing the unstable slopes research strategy. It was also omitted from the MPS list that went to the Board. Policy discussed this issue at their July 7, 2016 meeting. They</p>

CMER Research Milestones		
Description of Milestone		Status as of January 2017¹
		agreed to reaffirm the need to address this question by providing money in 2019 to conduct a project feasibility scoping effort. Funds are also in the MPS for outer years to develop a study if shown feasible.
	Scope: <u>Eastside Type N Effectiveness</u>	Completed November 2013
2011	Complete: <u>Solar Radiation/Effective Shade</u>	Completed June 2012
	Complete: <u>Bull Trout Overlay Temperature</u>	Completed May 2014
	Implement: <u>Type N Experimental in Incompetent Lithology</u>	On Track
	Study Design: <u>Mass Wasting Landscape-Scale Effectiveness</u>	Off Track Described above for 2010 scoping.
2012	Complete: <u>Buffer Integrity-Shade Effectiveness</u>	Underway This study was in dispute over concerns arising from the Spring 2013 ISPR comments. Changes are being made in response to a second round of ISPR comments. Approval by ISPR of the changes and CMER concurrence will be needed before project is final.
	Literature Synthesis: <u>Forested Wetlands Literature Synthesis</u>	Completed January 2015
	Scoping: <u>Examine the effectiveness of the RILs in representing slopes at risk of mass wasting.</u>	Underway Policy approved project objectives and critical questions June 2015 to guide scope of study. Work subsequently stopped due to the inability of TWIG members to meet and develop study design alternatives.

CMER Research Milestones		
Description of Milestone		Status as of January 2017¹
		A best available science and alternatives analysis document is expected to go to CMER for review in January 2017.
	Study Design: <u>Eastside Type N Effectiveness</u>	<p>Underway</p> <p>Completed supplemental field work in 2014 to help in developing a study design in 2015. TWIG submitted two draft study designs for CMER review. Issues of concern were raised in 2015-2016 over what is being measured and the prescriptions proposed for testing.</p> <p>A formal process-based dispute appears to have been resolved at the June 28, 2016 CMER meeting. Disagreements over technical elements may have also been resolved at a special meeting held on July 12. The study design has now been sent to ISPR.</p>
2013	Scoping: <u>Forested Wetlands Effectiveness Study</u>	Completed December 2016
	<u>Wetlands Program Research Strategy</u>	Completed January 2015
	Scope: <u>Road Prescription-Scale Effectiveness Monitoring</u>	Completed March 2016
	Study Design: <u>Examine the effectiveness of the RILs in representing slopes at risk of mass wasting.</u>	Earlier Stage Underway
	Implement: <u>Eastside Type N Effectiveness</u>	Earlier Stage Underway
2014	Complete: <u>Type N Experimental in Basalt Lithology</u>	Underway Expected July 2017.
	Study Design: <u>Road Prescription-Scale Effectiveness Monitoring</u>	Underway Draft study design sent to CMER for review December 2016.
	Scope: <u>Type F Experimental Buffer Treatment</u>	Complete December 2015

CMER Research Milestones		
Description of Milestone		Status as of January 2017¹
	Implementation: <u>Examine the effectiveness of the RILs in representing slopes at risk of mass wasting</u>	Earlier Stage Underway
	Study Design: <u>Forested Wetlands Effectiveness Study</u>	Earlier Stage Underway
2015	Complete: <u>First Cycle of Extensive Temperature Monitoring</u>	<p>Underway</p> <p>One of the four strata is complete and two are now back from ISPR. Problems using the DNR hydro layer to find Type Np study streams on the eastside thwarted efforts to find sites for the final strata. Policy decided not to fund temperature monitoring on the final strata and deprioritized temperature trend monitoring for the others. Final reports on the three tested strata are undergoing post ISPR revision.</p>
	Scope: <u>Watershed Scale Assess. of Cumulative Effects</u>	<p>Off Track</p> <p>This project was intended to follow and be built on the lessons learned from other effectiveness monitoring studies, which remain behind schedule.</p>
	Scope: <u>Amphibians in Intermittent Streams (Phase III)</u>	<p>Not Progressing</p> <p>Project milestone exists only if needed to fill research gaps left from Type N Experimental in Basalt Lithology.</p> <p>The Type N Basalt study is expected to be completed by 2018, so Policy established 2019 as a date to begin this study; if questions were not addressed.</p>
2017	Study design: <u>Watershed Scale Assess. of Cumulative Effects</u>	<p>Off Track</p> <p>Discussed above for 2016 scoping.</p>
	Study Design: <u>Amphibians in Intermittent Streams (Phase III)</u>	<p>Not Progressing</p> <p>Discussed above for 2015 scoping.</p>
2018	Complete: <u>Roads Sub-basin Effectiveness</u>	<p>Earlier Stage Underway</p> <p>Resample for trend analysis planned for 2022. Ecology agreed to this later timeline since it is prudent to wait until</p>

CMER Research Milestones		
Description of Milestone		Status as of January 2017¹
		RMAP time extensions have ended before conducting further sampling.
	Implement: <u>Watershed Scale Assess. of Cumulative Effects</u>	Off Track Discussed above for 2016 scoping.
	Complete: <u>Type N Experimental in Incompetent Lithology</u>	On Track
2019	Complete: <u>Eastside Type N Effectiveness</u>	Earlier Stage Underway Discussed above for 2012 study design.

Status terminology:

- “Completed”** - milestone has been satisfied (includes those both on schedule and late).
- “On Track”** - work is occurring that appears likely to satisfy milestone on schedule.
- “Underway”** - work towards milestone is actively proceeding, but likely off schedule.
- “Earlier Stage Underway”** – project initiated, but is at an earlier stage (off schedule) than the listed milestone.
- “Not Progressing”** - no work has begun, or work initiated has effectively stopped.
- “Off Track”** - 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 at developing an acceptable solution is planned.



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MEMORANDUM

January 24, 2017

TO: Forest Practices Board

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

SUBJECT: Rule Making Activity

In anticipation of an electronic Forest Practices Application process to be made available in the future, and to embrace advancements in technology, staff recommends the Board amend the application and notification rule to add the ability for applicants to use electronic means to sign and pay for Forest Practices Applications.

Staff will be requesting your approval to file a CR 101 *Preproposal Statement of Inquiry* at your February meeting. The CR 101 process notifies the public of the Board's intent to consider rulemaking on this topic.

I look forward to answering any questions you may have on February 8.

ME



State of Washington
Department of Fish and Wildlife

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Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia WA

January 20, 2016

M E M O R A N D U M

To: Forest Practices Board
From: Terry Jackson, Forest Habitats Section Manager 
Subject: Upland Wildlife Update

The following provides a brief status update for ongoing or pending actions pertaining to priority wildlife species in forested habitats.

State Listing Status Updates:

Marbled Murrelet

1992: Federally listed as Threatened
1993: State listed as Threatened
1996: Federal critical habitat designated by USFWS
1997: FPB enacted State Forest Practices Rules
2017: State up-listed to Endangered

On February 4, 2017 the Fish and Wildlife Commission's decision to up-list the Marbled Murrelet from state threatened to endangered will go into effect. Primary threats to the Marbled Murrelet include loss of old forest nesting habitat from commercial timber harvest and mortality associated with net fisheries and oil spills. In Washington, nesting habitat losses since initial listing in 1993 have been substantial, with an estimated 30% loss on nonfederal lands. At-sea population monitoring from 2001 to 2015 indicated a 4.4% decline annually, which represents a 44% reduction of the population since 2001. The magnitude of the population decline indicates that the status of the Marbled Murrelet in Washington has become more imperiled since state listing in 1993. Without solutions that can effectively address these concerns in the short-term, it is likely the Marbled Murrelet could become functionally extirpated in Washington within the next several decades. As a result of this uplisting, WDFW will be having discussions with WDNR regarding recommendations to the Board relating to any formal rule review and/or potential revisions to the forest practices protection strategies.

WDFW is working with partners to conduct at-sea monitoring surveys and pursuing other critical research regarding sea diet. USFWS and WDFW are also revisiting the Federal Recovery Plan and considering possible recovery actions for protection of the Murrelet.

Canada Lynx

- 1993: State listed as Threatened
- 1994: FPB enacted voluntary management approach
- 2000: Federally listed as Threatened
- 2017: State up-listed to Endangered

On February 4, 2017 the Fish and Wildlife Commission's decision to up-list the lynx from state threatened to endangered will go into effect. Available information indicates that the distribution of lynx in Washington has contracted significantly from its historic extent and that the boreal forests in western Okanogan County provide the only habitat in Washington that supports a resident lynx population. Estimates of population size suggest that this population may include approximately 54 individuals. Threats to this population include loss and fragmentation of habitat, small population size, demographic stochasticity, and the unpredictable effects of climate change. Habitat may be lost as a result of timber harvest, but the bulk of habitat loss is due to large wildfires. There has been no indication that the conservation status of Washington's lynx population has improved since it was state and federally listed. As a result of this uplisting, WDFW will be having discussions with WDNR regarding recommendations to the Board relating to any potential revisions to the forest practices protection strategies.

WDFW is currently reviewing existing lynx management plans (State DNR lands and Private Industrial lands) to determine any potential gaps in lynx protection based on current science and information, and will be collaborating with relevant forest landowners on appropriate revisions to these management plans. WDFW is also working with academic partners, Canadian federal and provincial entities, USFWS, conservation organizations and tribes to define recovery actions that can be implemented in the near term to benefit lynx.

Northern Spotted Owl

- 1988: State listed as Endangered
- 1990: Federally listed as Threatened
- 1996: FPB enacted State Forest Practices Rules
- 2012: USFWS designation of revised critical habitat
- 2016: State retention of Endangered status

The Washington Fish and Wildlife Commission, at its February 2016 meeting, voted to retain the Northern Spotted Owl as endangered in the state of Washington. The species' population has continued to decline, primarily from ongoing habitat loss from timber harvest and wildfires, as well as competitive interactions with Barred Owls. The Northern Spotted Owl Implementation Team (NSOIT) is currently working towards developing a Safe Harbor Agreement (SHA) for forest landowners to provide federal assurances while protecting existing habitat and recruiting new habitat. The group will also consider other opportunities for landowner incentives.

Woodland Caribou

- 1982: State listed as Endangered
- 1984: Federally listed as Endangered
- 2001: FPB enacted State Forest Practices Rules
- 2017: State retention of Endangered status

In January 2017, the Washington Fish and Wildlife Commission voted to retain the endangered status of the Woodland Caribou, based on the results of WDFW's periodic status review.

The Selkirk Mountains in northeastern Washington are home to this unique type of woodland caribou. Selkirk mountain caribou are distinguishable from other populations of woodland caribou by their habitation of mountainous areas with deep snow accumulations and their primary winter diet of arboreal lichens. These caribou were once considered abundant, possibly numbering in the hundreds in the late 1800s. The population decreased to an estimated 25 to 100 animals between 1925 and the mid-1980s. Most recently, this isolated subpopulation declined rapidly from 46 to 12 caribou between 2009 and 2016. Primary threats to these caribou include high levels of predation, collisions with vehicles on highways, human disturbance in the form of backcountry winter recreation, and climate change.

Western Pond Turtle

1993: State listed as Endangered

..... Federal status: Species of Concern

2001: FPB enacted permanent State Forest Practices Rules for the species

2017: State retention of Endangered status

In January 2017, the Washington Fish and Wildlife Commission voted to retain the endangered status of the Western Pond Turtle, based on the results of WDFW's periodic status review.

The western pond turtle is one of only two freshwater turtle species native to Washington. It inhabits lakes, wetlands, ponds and adjoining upland habitats. The species was once common around the Puget Sound lowlands and probably the Columbia River Gorge but, by 1994, the statewide population had declined to about 150 turtles. The recovery of this species is challenging because pond turtles grow at a slow rate and have delayed sexual maturity. Threats in Washington to western pond turtles include habitat loss, predation and competition with other species, especially the non-native American bullfrog. Shell disease also has emerged as a major concern.

In recent years, the species' population has increased to an estimated total of 800 to 1,000 turtles statewide due to various recovery actions, including reintroductions. Despite this progress, the statewide population remains below the state's recovery goal and is still reliant on programs, such as rearing young turtles in captivity, to supplement the population.

Sandhill Crane

1981: State listed as Endangered

2001: FPB enacted State Forest Practices Rules for the species (WAC 222-16-080)

2017: State retention of Endangered status

In January 2017, the Washington Fish and Wildlife Commission voted to retain the endangered status of the Sandhill Crane, based on the results of WDFW's periodic status review.

Three subspecies of sandhill crane occur in Washington, including lesser, greater, and Canadian cranes. Lesser sandhill cranes make up most of the flocks that stop in eastern Washington during migration. Greater sandhill cranes are the only subspecies that breeds in Washington (Klickitat and Yakima Counties). Beginning in the late 1940s, no pairs nested in Washington for 30 years. The number of nesting pairs has steadily increased since the late 1970's.

Public and private bottomlands in the Columbia Basin and the lower Columbia River provide important habitat for cranes during migration. Sandhill cranes in Washington continue to face threats such as loss of habitat and human disturbance at nesting sites (particularly water

availability and management, and incompatible grazing and haying practices). While cranes have benefitted from management actions, the species' breeding population in Washington is still quite small, is below the State's recovery goals, and essential habitats remain under threat.

Bald Eagle

2011 Downlisted from State Threatened to Sensitive
2017 State delisted

On February 4, 2017 the Fish and Wildlife Commission's decision to remove the Bald Eagle from the state's list of endangered, threatened, or sensitive species will go into effect. Outlined in WDFW's Periodic Status Review, this recommendation was based on evidence that their populations have demonstrated sustained improvement and are recovering. The USFWS status and trends report, published in April 2016, also indicated substantial improvement nationally. Bald Eagles will no longer be considered a Sensitive species per WAC 232-12-297, and the species will also be removed from the Priority Habitat and Species (PHS) list. Bald Eagles, however, will remain classified as "protected wildlife" under state law (WAC 232-12-011) and will continue to be protected under the federal Migratory Bird Treaty Act. WDFW will conduct an additional status review for Bald Eagles in 5 years and will adaptively manage Bald Eagle conservation efforts as appropriate.

In 2011 and 2012, the Bald Eagles were downlisted from "State Threatened" to "Sensitive," and were removed from protection under the forest practices rules. However, WDFW continued to screen forest practices applications (FPA) for proximity to Bald Eagle nests, and to notify landowners, where appropriate, advising them to contact USFWS for self-certification or permitting. Now that Bald Eagles are no longer "Sensitive" and are no longer a Priority Species (within the PHS program), WDFW will no longer be maintaining or providing spatial data for Bald Eagles. This also means that WDFW will no longer be screening FPAs or notifying forest landowners. However, forest landowners are still required to protect Bald Eagle nests and roosts consistent with federal guidelines. To do this, landowners who are conducting forest practices near nests or roosts should use the USFWS self-certification tool, available at http://www.fws.gov/pacific/eagle/permit_types/do_i_need_a_permit.html.

Peregrine Falcon

1999 Removed from Federal endangered species list
2002 State downlisted to sensitive status
2017 State delisted

On February 4, 2017 the Fish and Wildlife Commission's decision to remove the Peregrine Falcon from the state's list of endangered, threatened, or sensitive species will go into effect. The peregrine will remain classified as "protected wildlife" under state law (WAC 232-12-011) and will continue to be protected under the federal Migratory Bird Treaty Act.

In 2012 as a response to state down-listing of the peregrine, the Washington Forest Practices Board approved the removal of peregrine falcon critical habitat from Forest Practice Rules (WAC 222-16-080). Now that peregrines are no longer listed as State "Sensitive" and are no longer a Priority Species, WDFW is no longer providing spatial data and WDFW will no longer be screening FPAs for the species.

Other Actions and Updates

Wolverine

- 1998 State status: Candidate
- 2010 Federal status: Candidate
- 2013 USFWS proposal to list the North American Wolverine as threatened
- 2014 USFWS withdrew their proposed rule to list the wolverine as threatened
- 2016 USFWS initiated new status review and reopened public comment on proposed listing

On October 18, 2016, the USFWS reinitiated a new status review for the North American wolverine and reopened the public comment period on its 2013 proposed rule to list the wolverine as threatened under the Endangered Species Act. The original USFWS proposal to list the wolverine as threatened was withdrawn, based on their conclusion that the factors affecting the distinct population segment (DPS - within the contiguous United States) as identified in the proposed rule were not as significant as believed at the time that the rule was proposed. Following publication of the 2013 proposed rule, there was scientific disagreement and debate about the interpretation of the habitat requirements for wolverines and the available climate change information used to determine the extent of threats to the DPS. Since that time, the USFWS was sued by environmental groups, and in April 2016, a court ruling sided with the plaintiffs resulting in the reopening of the status review process.

The public comment period closed on November 17, 2016. The agency will use the information from the status review to determine whether the wolverine DPS meets the definition of an endangered or threatened species, a process that will take about a year.

Fisher

- 1998: State listed as endangered
- 2016: Federal listing status: In April 2016, final decision that listing is not warranted.

The fisher, a member of the weasel family, is returning to the state after disappearing from Washington's forestlands during the last century. Since 2008, WDFW and its partners have successfully relocated a total of 150 fishers from British Columbia to the Olympic National Park and other federal lands within the Cascade Mountain Range. Thirty-seven fishers have been released so far this year at Mount Rainier National Park and the Gifford Pinchot National Forest, and plans are to release as many as 10 more females by the end of February 2017.

These recovery efforts were one reason why the U.S. Fish and Wildlife Service (USFWS) determined in April of 2016 that the state's fisher population did not require protection under the federal Endangered Species Act (ESA) as initially proposed. Another factor in that federal decision was Washington State's leadership in working together with forest industry, landowners and other conservation entities to develop a voluntary program that offers forest landowners an incentive to work as partners in the recovery effort. This voluntary program is called a Candidate Conservation Agreement with Assurances (CCAA). Landowners who choose to enroll in this CCAA receive federal assurances in the event that the fisher becomes listed in the future. By signing on to the CCAA, landowners agree to follow certain conservation measures that protect an actively denning female fisher and her young when and if the fisher moves onto private land. To date, WDFW has enrolled 45 landowners and over 2.9 million acres of forest land into the CCAA. Landowner enrollment continues to occur.

Future Updates to the Board

The forest practices rules require that when a species is listed by the Washington Fish and Wildlife Commission and/or the U.S. Secretary of the Interior or Commerce, DNR consults with WDFW and makes a recommendation to the Forest Practices Board as to whether protection is needed under the Critical Habitat (State) rule (WAC 222-16-080). WDFW and DNR continue to coordinate in order to anticipate federal actions and/or state action in response to changes in the status of a species.

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MEMORANDUM

January 25, 2017

TO: Forest Practices Board

FROM: Tami Miketa, Manager, Forest Practices Small Forest Landowner Office *TM*

SUBJECT: Small Forest Landowner Office and Advisory Committee

Small Forest Landowner Advisory Committee (SFLOAC)

Since my last staff report, the Small Forest Landowner Office Advisory Committee met on November 15, 2016. This meeting focused on the following topics:

1. A review of the latest draft of the SFLOAC SFL ID Team Guidelines.
2. Update of the SFLOAC Member Handbook.
3. SFLOAC Action Plan update.

Forestry Riparian Easement Program (FREP)

For the FY15-17 biennium, the Forestry Riparian Easement Program received \$3.5 million from the State Capital Budget. There are now 132 forestry riparian easement applications on the list waiting for compensation, with 85 of them already cruised or under contract to be cruised soon at a total cost of \$250,000 for 13 cruise contracts and a land survey contract. The remaining applications will be prepared for a timber cruise contract for the start of the next biennium, if funding is available. Funding in the 2015-2017 biennium has purchased 22 easements totaling \$1,157,000 so far with 19 more easements currently in different stages of closing and are planned to be purchased by the end of this biennium.

Rivers and Habitat Open Space Program (R&HOSP)

The State Capital budget appropriated the R&HOSP \$1 million for the FY15-17 biennium. Generally, when the funding level exceeds \$1 million, DNR expects to allocate approximately 70 percent of the funds for critical habitat and 30 percent for channel migration zones (CMZs). If the demand is limited in either funding category, DNR may shift moneys between the funding categories. Applications will be funded in order of ranked priority until all funds are expended. All remaining eligible applications will be offered the opportunity to be considered for future funding. We anticipate having enough funding to purchase one R&HOSP Conservation Easement in a CMZ and one in Critical Habitat for state listed threatened and endangered species.

DNR currently has 14 eligible applications for the R&HOSP: Five for CMZ and eight for critical habitat for state listed threatened or endangered species. The CMZ and Critical Habitat applications have been prioritized with the priority list posted on the R&HOSP website. Prioritization is based on, but not limited to, the following elements:

- The habitat quality of the property
- Risk of future habitat loss
- Documented occupancy
- Species' landscape continuity
- Species diversity

The acquisition process for the funded application has begun. The timber cruise for the first priority CMZ application has been completed and a cruise contract is out for the first priority Critical Habitat application. It is anticipated the acquisition process will be completed by June 2017 for both the CMZ and Critical Habitat applications.

Family Forest Fish Passage Program (FFFPP)

The State Capital budget appropriated \$5 million to the Family Forest Fish Passage Program for the FY15-17 biennium. In the 2016 field season, the FFFPP corrected 15 fish passage barriers opening up approximately 43 miles of habitat for fish. In the 2017 field season, it is estimated the FFFPP will be correcting 19 fish passage barriers opening up approximately 57 miles of habitat for fish. The Program is on track to spend all \$5 million allotted to correct the above listed fish passage barriers.

Long Term Applications (LTA's)

There are now a total of 227 approved long term applications; which is an increase of 3 approved applications since the end of the last reporting period (10/17/2016).

LTA Applications	LTA Phase 1	LTA Phase 2	TOTAL
Under Review	3	0	3
Validated	19	0	19
Approved	2	227	229
TOTAL	24	227	251

Upcoming Landowner Events

The WSU Forestry Extension program, in coordination with DNR, provides education and information about forest management to private forest landowners as well as the general public. They offer classes, workshops, and field days as well as publications, videos, and online resources to help landowners achieve their various land management objectives. Below is a list of upcoming events designed to aid small forest landowners.

2016 Family Forest Owner's Field Days -

Regional Forest Owners Field Days are scheduled for:

Eastern WA – Dayton, WA- June 24, 2017

Idaho/Washington – Athol, WA – July 15, 2017

Western WA – Oakville, WA – August 19, 2017

Forest Stewardship Coached Planning –

WSU's flagship class teaches landowners how to assess their trees, avoid insect and disease problems, attract wildlife, and take practical steps to keep their forest on track to provide enjoyment and even income for years to come. In this class landowners will develop their own Forest Stewardship Plan, which brings state recognition as a Stewardship Forest and eligibility for cost-share assistance, and may also qualify them for significant property tax reductions. For more information on these courses go to <http://forestry.wsu.edu/>

The following are scheduled Forest Stewardship Coached Planning classes:

- Online Coached Planning Course - January 24 – March 7, 2017
Class Sessions: 6:00-9:00 p.m. Tuesday evenings
Saturday field trip March 4th
- NW WA – Friday Harbor – March 11- April 8, 2017
Class Sessions 8:45 AM -3:15 PM Saturdays
Location: Skagit Valley College Community Room
221 Weber Way, Friday Harbor, WA 98250
- NW WA - Sedro Woolley – October 5 – November 30, 2017
Class Sessions 6:00-9:00 PM Tuesday Evenings
Saturday Field Trip October 28th.
Thursday evening sessions will be held in the conference room at the DNR Northwest Region Office, 919 N Township St, Sedro Woolley, WA 98284.

Chehalis Basin Grant

DNR received a competitive grant (\$300,000) from the USDA Forest Service to develop a Landscape-level Forest Stewardship Plan for the Chehalis River Basin, assist landowners in developing individual Forest Stewardship Plans, and conduct educational programs for small forest landowners. The project is in the early organizational stages and will continue through the end of 2019 in cooperation with Conservation Districts, WSU Extension, and others.

Please contact me at (360) 902-1415 or tamara.miketa@dnr.wa.gov if you have questions.

TM/

**FOREST PRACTICES BOARD
2017 WORK PLAN**

TASK	COMPLETION DATE/STATUS
Adaptive Management Program	
• Alternate Plan Template: Recommended Review Process & Timeline*	<i>August</i>
• Buffer/Shade Effectiveness Study (amphibian response)	August
• CMER Master Project Schedule Progress*	February & November
• Hardwood Conversion Study	November
• 2017-2019 CMER Master Project Schedule Review*	May
• Final 2017-2019 CMER Master Project Schedule Approval*	August
• TFW Policy Committee's Type N Recommendations	<i>To be completed after Water Typing System Recommendations</i>
• Development of OCH, physicals recommendations*	May
• <i>TFW Policy Committee's funding decisions*</i>	<i>February</i>
Annual Reports	
• Clean Water Act Assurances	August
• Compliance Monitoring 2014-2015 Biennial Report (w/ISPR Review)	<i>August</i>
• Compliance Monitoring 2016 Annual Report	August
• Northern Spotted Owl Conservation Advisory Group	August
• Taylor's Checkerspot Butterfly Report	May
• TFW Cultural Resources Roundtable including WAC 222-20-120	August
• TFW Policy Committee Priorities*	August
• Western Gray Squirrel	May
• 303D Listing Update	February
Board Manual Development	
• <i>Section 12 Guidance for Application of Forest Chemicals</i>	<i>May 2018</i>
• Section 23 Field Protocol to Locate Mapped Divisions Between Stream Types and Perennial Stream Identification*	November
CMER Membership	As needed
Critical Habitat - State/federal species listings and critical habitat designations	As needed
Field Tour	<i>To be Determined</i>
Forest Chemicals	February
Rule Making	
• Water typing System Rule Making	November
• <i>Electronic Signature Rule Making</i>	<i>November</i>
TFW Cultural Resources Roundtable Recommendations on Cultural Resources Protection	
Cultural Resources	
Upland Wildlife - Northern Spotted Owl	On-going
Quarterly Reports	
• Adaptive Management Program*	Each regular meeting
• Board Manual Development	Each regular meeting

**FOREST PRACTICES BOARD
2017 WORK PLAN**

TASK	COMPLETION DATE/STATUS
· Compliance Monitoring	Each regular meeting
· Clean Water Act Assurances	February
· Legislative Activity	February & May
· NSO Implementation Team	Each regular meeting
· Rule Making Activities	Each regular meeting
· Small Forest Landowner Advisory Committee & Office	Each regular meeting
· TFW Cultural Resources Roundtable	Each regular meeting
· TFW Policy Committee Work Plan Accomplishments & Priorities*	Each regular meeting
· TFW Policy Committee Progress Report on Unstable Slopes Recommendations	Each regular meeting
· Upland Wildlife Working Group	Each regular meeting
Work Planning for 2018	November