

**Regular Board Meeting – May 12, 2015**  
**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.	<b>Welcome and Introductions</b> Safety Briefing – Patricia Anderson, Department of Natural Resources (DNR)
9:05 a.m. - 9:15 a.m.	<b>Approval of Minutes</b> <i>Action: Approve February 10, 2015, meeting minutes</i>
9:15 a.m. – 9:25 a.m.	<b>Report from Chair</b>
9:25 a.m. – 9:40 a.m.	<b>Public Comment</b> – 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.
9:40 a.m. – 10:00 a.m.	<b>Staff Reports</b> A. <b>Adaptive Management</b> – Hans Berge, DNR B. <b>Board Manual Development</b> - Marc Ratcliff, DNR C. <b>Compliance Monitoring</b> – Garren Andrews, DNR D. <b>Rule Making Activity</b> - Marc Engel, DNR E. <b>Small Forest Landowner Advisory Committee and Small Forest Landowner Office</b> -Tami Miketa, DNR F. <b>Upland Wildlife Working Group</b> - Terry Jackson, Washington Department of Fish and Wildlife (WDFW) G. <b>Northern Spotted Owl Conservation Advisory Group</b> - Marc Engel, DNR
10:00 a.m. – 10:10 a.m.	<b>Legislative Update</b> - Chris Hanlon-Meyer, DNR
10:10 a.m. – 10:30 a.m.	<b>Board Manual Section 16 Progress Update</b> – Marc Ratcliff and Marc Engel, DNR
10:30 a.m. – 10:45 a.m.	<b>Break</b>
10:45 a.m. – 11:05 a.m.	<b>TFW Policy Committee’s Work Priorities</b> - Stephen Bernath, Adrian Miller, Co-chairs and Hans Berge, DNR <ul style="list-style-type: none"> <li>• Type N Progress Report</li> <li>• Type F Progress Report</li> <li>• LiDAR Model Update</li> </ul>
11:05 a.m. – 11:20 a.m.	<b>Clean Water Act Assurances</b> - Mark Hicks, Department of Ecology
11:20 a.m. – 11:30 a.m.	<b>Taylor’s Checkerspot Butterfly Annual Report</b> - Sherri Felix, DNR and Gary Bell, WDFW
11:30 a.m. – 11:40 p.m.	<b>Western Gray Squirrel Report</b> - Donelle Mahan, DNR and Gary Bell, DFW

Future FPB Meetings

**Next Meeting:** August 11 and November 10, 2015

**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

11:40 a.m. – 12:00 p.m.	<b>Update on Department of Ecology’s Nonpoint Plan</b> – Ben Rau and Stephen Bernath, Department of Ecology
12:00 p.m. – 1:00 p.m.	<b>Lunch</b>
1:00 p.m. – 1:15 p.m.	<b>Public Comment</b> – 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. – 1:25 p.m.	<b>Public Comment on the Adaptive Management Program 2016-2017 Budget</b>
1:25 p.m. – 1:45 p.m.	<b>Adaptive Management Program 2016-2017 Budget and CMER Master Project Schedule Progress</b> – Hans Berge, DNR <i>Action: Consider approval of the budget.</i>
1:45 p.m. – 1:55 p.m.	<b>Public Comment of Small Forest Landowner Alternate Plan Template Proposal Initiation</b>
1:55 p.m. – 2:15 p.m.	<b>Small Forest Landowner Alternate Plan Template Proposal Initiation</b> – Hans Berge, DNR <i>Action: Consider recommendations for proposal timeline.</i>
2:15 p.m. – 2:25 p.m.	<b>Public Comment on Cultural Resource Protection Concerns, TFW Cultural Resources Roundtable Proposed Action Items</b>
2:25 p.m. – 2:55 p.m.	<b>TFW Cultural Resources Roundtable Report &amp; Proposed Action Items</b> – Jeffrey Thomas and Karen Terwilleger, Co-chairs <i>Action: Consider direction to Roundtable</i>
2:55 p.m. – 3:10 p.m.	<b>Break</b>
3:10 p.m. – 3:20 p.m.	<b>Public Comment on Riparian Management Zone Clarification Rule Making</b>
3:20 p.m. – 3:35 p.m.	<b>Rule Making on Riparian Management Zone Clarification</b> – Sherri Felix, DNR <i>Action: Consider rule making by filing a CR-101 Preproposal of Inquiry.</i>
3:35 p.m. – 3:45 p.m.	<b>Public Comment on the Adaptive Management Program Wetland Research and Monitoring Strategy: Forest Practices and Wetlands and Effects of Forested Roads Study and Tree Removal in or Near Wetlands of the Pacific Northwest Literature synthesis</b>
3:45 p.m. – 4:00 p.m.	<b>Adaptive Management Program Wetland Research and Monitoring Strategy: Forest Practices and Wetlands and Effects of Forested Roads Study and Tree Removal in or Near Wetlands of the Pacific Northwest Literature Synthesis</b> – Hans Berge, DNR <i>Action: Consider TFW Policy Committee’s recommendation.</i>
4:00 p.m. – 4:10 p.m.	<b>Public Comment on Board’s 2015 Work Plan</b>
4:10 p.m. – 4:20 p.m.	<b>2015 Work Planning</b> - Marc Engel, DNR <i>Action: Consider changes.</i>
	<b>Executive Session</b> <b>To discuss anticipated litigation, pending litigation, or any other matter suitable for Executive Session under RCW 42.30.110</b>

Future FPB Meetings

**Next Meeting:** August 11 and November 10, 2015

**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

1 **FOREST PRACTICES BOARD**  
2 **Regular Board Meeting**  
3 February 10, 2015  
4 Natural Resources Building, Room 172  
5 Olympia, Washington  
6

7 **Members Present**

8 Aaron Everett, Chair, Department of Natural Resources  
9 Bill Little, Timber Products Union Representative  
10 Bob Guenther, General Public Member/Small Forest Landowner  
11 Brent Davies, General Public Member  
12 Carmen Smith, General Public Member/Independent Logging Contractor  
13 Court Stanley, General Public Member  
14 David Herrera, General Public Member (participated by telephone)  
15 Joe Stohr, Designee for Director, Department of Fish and Wildlife  
16 Heather Ballash, Designee for Director, Department of Commerce  
17 Paula Swedeen, General Public Member  
18 Tom Laurie, Designee for Director, Department of Ecology  
19

20 **Members Absent**

21 Dave Somers, Snohomish County Commissioner  
22 Kirk Cook, Designee for Director, Department of Agriculture  
23

24 **Staff**

25 Chris Hanlon-Meyer, Forest Practices Division Manager  
26 Marc Engel, Forest Practices Assistant Division Manager  
27 Patricia Anderson, Rules Coordinator  
28 Phil Ferester, Senior Counsel  
29

30 **WELCOME AND CALL TO ORDER**

31 Aaron Everett called the Forest Practices Board (FPB or Board) meeting to order at 9 a.m.  
32

33 **APPROVAL OF MINUTES**

34  
35 **MOTION:** Bill Little moved the Forest Practices Board approve the November 12, 2014 meeting  
36 minutes.  
37

38 **SECONDED:** Joe Stohr  
39

40 **ACTION:** Motion passed unanimously.  
41

42 **REPORT FROM CHAIR**

43 Aaron Everett expressed his appreciation of staff and the participants in the Adaptive Management  
44 Program who have been working on executing the Board's direction related to unstable slopes.  
45

46 **GENERAL PUBLIC COMMENT**

47 Kara Whitaker, Washington Forest Law Center (WFLC), said the conservation caucus strongly  
48 supports the Board's adoption of the proposed rules related to unstable slopes information. She also

1 emphasized the potential need for Board action as identified in the “next steps” of the Northern  
2 Spotted Owl Implementation Team Report.

3  
4 Karen Terwilleger, Washington Forest Protection Association (WFPA), said she appreciates the  
5 opportunity to collaborate on the revisions of Board Manual Section 16. She also said WFPA  
6 supports the adoption of rules related to unstable slopes.

7  
8 Chris Mendoza, Conservation Caucus, said he was looking forward to seeing Board and Timber, Fish  
9 and Wildlife (TFW) Policy Committee (Policy) members at the Cooperative Monitoring, Evaluation  
10 and Research Committee (CMER) science conference. He thanked DNR for the support and direction  
11 to improve compliance monitoring and said he supports the inclusion of additional funding in the  
12 budget request. He also emphasized the need to get the correct buffer on a Type N stream versus a  
13 Type F stream.

14  
15 Peter Goldman, WFLC, presented a copy of a LiDAR map along with the associated Forest Practices  
16 Application, for two state harvests that are proposed over what appears to be or was a deep-seated  
17 glacial landslide in Snohomish County. He said that it was brought to DNR’s attention and DNR’s  
18 response was that it was a “relic landslide” and did not require a recharge area or geotechnical  
19 analysis. He said that after additional communication with DNR, the application was withdrawn. He  
20 said that this situation illustrates that the newly revised board manual guidance is not enough to  
21 protect public safety. He said additional rules are needed that require additional scrutiny by DNR  
22 staff of glacial deep-seated landslides.

## 23 **STAFF REPORTS**

### 24 Adaptive Management

25  
26 Chris Hanlon-Meyer, DNR, provided a status update on all of the CMER projects, how they  
27 correspond to the completion of Clean Water Act milestones.

### 28 Upland Wildlife Working Group

29  
30 Terry Jackson, Washington Department of Fish and Wildlife (WDFW), said the fisher has been listed  
31 as State endangered since 1998 and last September, U.S. Fish and Wildlife Service (USFWS)  
32 proposed to list the west coast population as threatened. The final decision is due October 2015. She  
33 said WDFW has been proactively working with USFWS to encourage landowners to develop a  
34 candidate conservation agreement with assurances and when final, landowners will sign if they agree  
35 to follow specified conservation measures for the species and will not be subject to additional  
36 requirements.

37  
38 Tom Laurie said he appreciated the upfront work with the landowners and asked what the limiting  
39 factors are for the fisher. Jackson responded that is not about the habitat but rather disturbances such  
40 as vehicle collision, poison and wildfires.

### 41 TFW Cultural Resources Roundtable

42  
43 Karen Terwilleger, co-chair, provided an update on the Roundtable’s activities. She said they are in  
44 the process of reviewing the Forest Practices Application conditioning authority for cultural resources  
45 and that they are in the process of developing policy direction and issue statements to resolve the  
46 issue. She also asked the Board to confirm the direction detailed in the Commissioner’s response  
47 letter to the Confederated Tribes of the Umatilla Indian Reservation that the Roundtable would  
48 continue working on this issue. The Board agreed.

1 No further discussion on the following staff reports:

- 2 • Board Manual Development
- 3 • Compliance Monitoring
- 4 • Rule Making Activity & 2014 Work Plan
- 5 • Small Forest Landowner Advisory Committee and Small Forest Landowner Office

6  
7 **RULE MAKING ON UNSTABLE SLOPE INFORMATION**

8 Gretchen Robinson, DNR, requested the Board’s adoption of rules related to unstable slopes  
9 information in Forest Practices Applications. She explained that draft rules were published in the  
10 Washington State Register on December 3, 2014, and the public review and comment period ended  
11 on January 8, 2015.

12  
13 She summarized:

- 14 • The Board held a public hearing in Olympia on January 7 and received seven comment letters  
15 containing a variety of concern and suggestions;
- 16 • Staff carefully considered all comments when preparing final draft rules for the Board’s  
17 consideration; and
- 18 • The language before the Board contains several changes to the draft rules based on the public  
19 comments.

20  
21 She added that small forest landowner long-term applications will not be affected by this rule because  
22 it is a clarification of DNR’s Forest Practices Application review process and does not change  
23 resource protection objectives.

24  
25 **MOTION:** Tom Laurie moved the Forest Practices Board adopt the rule proposal amending  
26 WACs 222-10-030 and 222-20-010 related to requiring additional information,  
27 including additional geologic information, to appropriately classify Forest Practices  
28 Applications. He further moved the Board direct staff to file a CR-103 Rule Making  
29 Order with the Office of the Code Reviser.

30  
31 **SECONDED:** Paula Swedeen

32  
33 **ACTION:** Motion passed unanimously.

34  
35 **PROGRESS ON BOARD MANUAL SECTION 16 UNSTABLE SLOPES**

36 Marc Ratcliff, DNR, provided an update on the second phase of the rewrite to incorporate  
37 information to identify methods to assess delivery and run-out potential of unstable slopes.

38  
39 He said three meetings have occurred so far and beginning in March, meetings will occur every other  
40 week.

41  
42 He said the group is currently reviewing Part 6 and that not all recommendations for changes have  
43 received concurrence. He indicated that where group agreement is not achieved, DNR may need to  
44 make the final editing decision.

45  
46 The meetings in March will begin the technical amendments for sediment delivery and run-out paths  
47 and may include:

- 48 • Brainstorming a literature list of the current science regarding run-out

- 1 • estimating potential debris volume amounts from shallow landslides
- 2 • estimating run-out paths and distances
- 3 • considering down slopes resources and threats to public safety

#### 4 5 **LEGISLATIVE UPDATE**

6 Chris Hanlon-Meyer, DNR, provided an update on DNR’s budget requests and information on  
7 several legislative bills related to administrative procedures, rule making and forest practices.

8  
9 The Board will be notified of any bills that move out of their house of origin.

#### 10 11 **NORTHERN SPOTTED OWL TECHNICAL TEAM**

12 Lauren Burnes, DNR, provided an overview of the report. She said the Board in February 2010  
13 directed the team to “...assess the spatial and temporal allocation of conservation efforts on  
14 nonfederal lands using best available science.” She shared the analytical approach which included  
15 three modeling phases:

- 16 • Phase I - Develop and run baseline scenarios
- 17 • Phase II - Analyze baselines and develop conservation scenarios
- 18 • Phase III - Run and analyze conservation scenarios

19  
20 She said the team used a systematic, iterative process to identify non-federal lands that could make  
21 meaningful contributions to owl population viability in Washington.

22 Results of the report include:

- 23 • The extent of harvest and fire of spotted owl habitat simulated on federal lands in the baseline  
24 scenarios had a large impact on spotted owl population performance statewide
- 25 • Adding non-federal lands to baseline conservation areas resulted in net positive effects on spotted  
26 owl populations, and above a threshold amount of added habitat, non-federal lands positively  
27 contributed to spotted owl population size
- 28 • Conservation networks in which spotted owl habitat was restored over time performed better than  
29 networks which retained only existing habitat
- 30 • Among spotted owl Special Emphasis Areas (SOSEA), the I-90 East, I-90 West, and White  
31 Salmon performed consistently best. Habitat conservation and restoration opportunities on non-  
32 federal lands in these SOSEAs (relative to other SOSEAs) should most effectively build on the  
33 foundation represented by the federal and non-federal baselines.

34  
35 She reported the conclusions and next steps as follows:

- 36 • Conservation actions on non-federal lands improved spotted owl population performance
- 37 • Conservation actions for spotted owls on federal and non-federal baseline lands are likely to be  
38 important in the future, and non-federal lands not currently managed for spotted owls can make  
39 contributions to their conservation in the relatively short-term
- 40 • Spotted owl populations in the future are contingent on both conservation of habitat and barred  
41 owl management; and
- 42 • The best overall population responses by spotted owls were significantly related to the amount of  
43 habitat in the conservation scenario.
- 44 • Conservation efforts should be prioritized in subregions with the best relative population  
45 performance under conservation scenarios that retain and restore habitat both inside and outside  
46 SOSEAs; and

- 1 • Several high-priority analyses/evaluations have been identified that would be beneficial to future  
2 decision making and prioritization process in a “Phase IV”; however, no further funding is  
3 available at this time.  
4

5 Joe Stohr stated that he was impressed with the report and asked about the suggestion on the 100-year  
6 simulation and the costs. Burnes stated that this is an area where the team has struggled with over  
7 time on how best to create that time period and what is needed to get the answers on the ground to  
8 make a decision. The team will continue to have discussions and determine whether they have  
9 enough information or if additional analyses are needed.  
10

11 Joe Buchanan, WDFW, said since the majority of the model is already built that there would only be  
12 costs associated with modifications of the grow out period. He said the challenge ahead is to  
13 determine the overall funding needed to bring the key modelers together. He suggested that it would  
14 be best to determine this sooner rather than later.  
15

16 Paula Swedeen voiced support of the 100-year model and amending the model sooner rather than  
17 later.  
18

19 Tom Laurie asked if aggressively controlling the barred owl is the quickest way to help the spotted  
20 owl. Buchanan responded that an Environmental Impact Statement was recently completed by the  
21 USFW to evaluate the effects of the management of barred owls. This effort is set to begin on the  
22 ground sometime in the next 12 months. He also said that having a reduced number of barred owls  
23 across the landscape is the quickest way to help the spotted owl. He also said having a reduced  
24 number of barred owls should greatly help both species coexist.  
25

#### 26 **NORTHERN SPOTTED OWL IMPLEMENTATION TEAM NEXT STEPS**

27 Lauren Burnes, DNR, provide a brief update what the Team will be working on:

- 28 • Continue to explore conservation funding options for the Rivers and Habitat Open Space  
29 program.  
30 • Explore scope and structure of the Safe Harbor Agreements.  
31

#### 32 **TFW POLICY COMMITTEE’S 2014 ACTIVITIES**

33 Stephen Bernath and Adrian Miller, Co-chairs provided an update on past activities and a status of  
34 2015 activities.  
35

36 Tom Laurie acknowledge the tremendous amount of work accomplished last year and appreciates the  
37 work done by all the stakeholders.  
38

39 2015 projects will include:

- 40 • Type F - Conducting an electro-fishing workshop and two off-channel habitat field trips  
41 • Bull Trout Overlay Project recommendations  
42 • Board Manual guidance on Type N Water  
43

44 At the May meeting Miller and Bernath will provide a recap of the field trips and a water typing  
45 status update.  
46

1 Bernath also provided an update on the recently completed bull trout overlay study that is currently  
2 before Policy for action. He said that at the last Policy meeting consensus could not be reached on an  
3 action moving forward. He said a request for dispute resolution is highly likely.

4  
5 Everett asked if the 2015 work plan is manageable. Bernath responded that Type F will consume a  
6 majority of Policy's time in the spring. He said depending on the outcome of concern on the bull trout  
7 overlay study, would still be a priority to reach consensus. He said they are also aware and await the  
8 Board's decision on the small forest landowner alternate plan template and how that will influence  
9 their workload.

#### 10 11 **CMER COMMITTEE'S 2014 ACCOMPLISHMENTS**

12 Mark Hicks, Department of Ecology, presented CMER's accomplishments for 2014, which included:

- 13 • Three studies and a revised Wetlands Research Strategy delivered to Policy;
- 14 • Four study reports completed;
- 15 • Substantial progress made towards completing the Type N Hardrock Study;
- 16 • Three new studies using the pilot lean process;
- 17 • Conducted extended monitoring on several projects; and
- 18 • Stayed on budget.

19  
20 Todd Baldwin, Kalispel Tribe, provided highlights on the following:

- 21 • Bull Trout Overlay Project; and
- 22 • Type N Forest Hydrology Study.

23  
24 Everett noted the excellent work done by the science members and thanked the co-chairs for their  
25 commitment.

#### 26 27 **PUBLIC COMMENT**

28 Chris Mendoza, CMER member, stated that CMER does not make recommendations to Policy as  
29 reported earlier in the meeting. He said Board Manual Section 22 details the process for CMER and  
30 Policy for dealing with completed studies.

31  
32 Peter Goldman, WFLC, said the most important item on the Board's work plan is developing a  
33 permanent water typing rule. He said that it is not as complex as stated earlier. He said that there is  
34 agreement with a vast majority of caucuses including the Federal caucus on what a permanent rule  
35 could and should look like. He said some caucuses are raising issues that appear to be stalling tactics  
36 and the need to renegotiate the commitments in the Habitat Conservation Plan.

#### 37 38 **PUBLIC COMMENT ON THE RIPARIAN MANAGEMENT ZONE BIRD RESAMPLE 39 REPORT**

40 Doug Hooks, WFLC, encouraged the Board to accept Policy's recommendation and take no action.

#### 41 42 **RIPARIAN MANAGEMENT ZONE BIRD RESAMPLE REPORT**

43 Chris Hanlon-Meyer, DNR, presented CMER's finalized report titled "Riparian Management Zone  
44 Resample (birds) Final Report". He said that scientists revisited study sites 10 years post-harvest to  
45 examine potential effects on the bird species assemblage over the longer-term. He said the study  
46 found no significant harvest treatment effects on bird response based on their total abundance,  
47 richness and the responses of the large majority of individual bird species. He recommended the  
48 Board accept the report and Policy's recommendation to take no action on the study.



1 Dr. Mark Hayes, WDFW, said the original study was done based on pre Forests and Fish rules,  
2 however when the study was implemented the application of those treatments was somewhat  
3 irregular. He said that it was designed to have the set of treatments with state buffers and the buffer  
4 widths in those treatments were more variable than the intended application. He said the results  
5 demonstrated that the buffers larger than the range now applied to fish bearing streams were adequate  
6 in context with the bird portion of the study. While the original study was not designed to address  
7 non-fish bearing streams it did show basic support of the rule.  
8

9 Tom Laurie asked if the mix of species change or was one dominant over the others. Hayes  
10 responded that there was some change in species that had mostly to do with an increase in species  
11 richness.  
12

13 Paula Swedeen asked what range of bird species were sampled and if there was any analysis of the  
14 effects of buffers widths in a landscape context. Hayes responded that the study covered all birds that  
15 could be detected and the only restrictions were because of the broad geographic scope that some  
16 species were excluded because of geographic boundaries.  
17

18 Everett asked what the next steps are and whether there were additional studies to follow. Hayes  
19 responded that there are no immediate plans at this time to design a study that builds on this one.  
20

21 **MOTION:** Heather Ballash moved the Forest Practices Board accept TFW Policy Committee's  
22 recommendation to take no action on the Riparian Management Zone Bird Resample  
23 Report.  
24

25 **SECONDED:** Court Stanley  
26

27 **ACTION:** Motion passed unanimously.  
28

## 29 **PUBLIC COMMENT OF SMALL FOREST LANDOWNER ALTERNATE PLAN** 30 **TEMPLATE**

31 Vic Musselman said he supports the proposed template and urged the Board to accept it and move it  
32 through the process.  
33

34 Mary Scurlock, Conservation Caucus, asked the Board to defer action on the proposal initiation to  
35 allow for additional screening by DNR to ensure that it meets the requirements of an alternate plan  
36 template. She also shared their concern regarding Policy's workload and the impact this project  
37 would have on current assignments.  
38

39 Stephen Bernath, Department of Ecology, stated that timing for this proposal moving forward is an  
40 issue for Policy and encouraged WFFA to meet with the different caucuses to discuss the proposal  
41 content to better understand their goal and to have even a better product before going to the Adaptive  
42 Management Program Administrator (AMPA).  
43

44 Sam Comstock said he supports WFFA's proposal for an alternate plan template.  
45

46 Karen Terwilleger, WFFA, said they support the proposal moving forward to get the process started.  
47  
48  
49

1 **SMALL FOREST LANDOWNER ALTERNATE PLAN TEMPLATE**

2 Elaine Oneil, WFFA, presented an Alternate Plan Template Proposal Initiation for Westside riparian  
3 management zones. She indicated the template development has been a very extensive process that  
4 included input on the proposal initiation and content requirements from DNR, template ideas from  
5 more than 40 small landowners coupled with the development of scientific rationale by a fish  
6 biologist with extensive experience in the CMER process and external review by an independent  
7 peer.

8  
9 She said the proposal includes five elements required for the proposal initiation process and that she  
10 would focus on three elements: level of urgency, outstanding agreements and best available science.

11 She requested the Board to

- 13 • Direct the AMPA to place the proposed alternate template into the program for CMER and Policy  
14 review;
- 15 • Provide a reasonable timeline for review and decision on approval of the template and its  
16 revisions; and
- 17 • Approve recommendations from the Adaptive Management Program for including the template in  
18 a revision to the Board Manual and guidance documents.

19  
20 Marc Engel, DNR, reviewed the next steps in the process and acknowledged that the proposal  
21 initiation is a complete packet. He said staff recommend that the Board accept the proposal and ask  
22 the AMPA to provide a timeline and list of tasks needed to execute the proposal through the process.

23  
24 Paula Swedeen asked at what point in the process would we determine whether it was a template or a  
25 rule. Engel responded that the AMPA does not decide whether rule or guidance, it would be  
26 discussed among the stakeholders and possibly figured out through the discussion.

27  
28 Joe Stohr stated that while he would like to move the proposal forward he sees the waiting period to  
29 be long and does not want to over burden staff.

30  
31 Bob Guenther stated he supports the proposal moving forward today and understands the timing may  
32 not be right due to competing priorities, however having a path forward is better than no movement  
33 at all.

34  
35 **MOTION:** Joe Stohr moved the Forest Practices Board accept Washington Farm Forestry  
36 Association's Alternate Plan Proposal Initiation. He further moved the Board direct  
37 the TFW Policy Committee to review the proposal sufficiently to provide to the Board  
38 at their May 2015 meeting a timeline along with identified tasks needed to fully  
39 evaluate the proposal.

40  
41 **SECONDED:** Bob Guenther

42  
43 Board Discussion:

44 Everett acknowledged the amount of work involved in preparing the proposal and said he appreciates  
45 the understanding of the small landowner community as far as the next steps to come.

46  
47 **ACTION:** Motion passed unanimously.

1 **PUBLIC COMMENT ON BOARD’S 2015 WORK PLAN**

2 Mary Scurlock, Conservation Caucus, stated that there is no consensus as stated earlier in the day  
3 relating to the Type N progress – rather the process is stalled. She said that perhaps the group is at an  
4 impasse to develop draft guidance and suggested the DNR initiate a board manual process to deal  
5 with in that forum. She also suggested that the Board ask Policy for a detailed progress report for the  
6 August meeting.

7  
8 **2015 WORK PLANNING**

9 Marc Engel, DNR, reviewed some of the targeted completion dates with the Board. He also indicated  
10 some revisions to the completion dates—Section 7 and riparian management zone (RMZ)  
11 clarification rule making changes from August to November and Clean Water Act update at the May  
12 meeting.

13  
14 Tom Laurie supported the RMZ clarification rulemaking as this is a result of the Compliance  
15 Monitoring program.

16  
17 Everett stated he is inclined to leave the Type N completion date as August until more is known. He  
18 said the Board can review the work plan again at the May meeting and make any additional changes  
19 at that time.

20  
21 Swedeen requested that the Board ask Policy to provide a status report on Type N at the May  
22 meeting. Everett agreed, and asked Policy to include the update in their staff memo on priorities.

23  
24 Everett also noted the change to the work plan at the May meeting depending on the  
25 recommendations on the small forest landowner template.

26  
27 **MOTION:** Bob Guenther moved the Forest Practices Board approve the 2015 Work Plan as  
28 modified today.

29  
30 **SECONDED:** Carmen Smith

31  
32 **ACTION:** Motion passed unanimously.

33  
34 **DEPARTMENT OF ECOLOGY’S NONPOINT PLAN**

35 Stephen Bernath, Department of Ecology (DOE) reviewed with the Board the relationship between  
36 the Board and the Clean Water Act and how the nonpoint plan fits in as described in the Forest  
37 Practices Act, RCW 76.09.010. He also shared the basics of the Clean Water Act which includes the  
38 water quality standards for the State are set by DOE and the effectiveness monitoring is done by the  
39 Adaptive Management Program.

40 Ben Rau, DOE, provided a brief history and then described how the nonpoint plan is being  
41 developed. He said that the Environmental Protection Agency (EPA) recognizes that pollution from  
42 nonpoint sources remains the leading cause of impairment to the nation’s waters.

43  
44 He said the report will cover all nonpoint pollution along with urban storm water, agriculture, septic  
45 systems, marinas/recreational boating, and forestry. He said the Forest Practice Rules and the  
46 adaptive management process will also be included in the plan.

1 He said the plan must be submitted to EPA by June 30, 2015 and the process will include public  
2 participation.

3

4 Everett asked Rau to return in May for an update since the report will be farther along.

5

6 **EXECUTIVE SESSION**

7 None.

8

9 Meeting adjourned at 2:50 p.m.

10

1 **FOREST PRACTICES BOARD**  
2 **Adaptive Management Program Science Conference**  
3 **February 11 & 12, 2015**  
4 **OB2 Auditorium, DSHS Building, Olympia, Washington**  
5

6 Board Members attended the science conference to hear updates on studies that may come before  
7 them for action in the future. The studies included:

- 8 • Type N Experimental Buffer Treatment Study – Hard Rock
- 9 • Wetlands Research Strategy
- 10 • Eastern Washington Type N Forest Hydrology Study
- 11 • Effectiveness of Riparian Management Prescriptions in Protecting and Maintaining Shade and  
12 Temperature
- 13 • Eastern Washington Riparian Assessment Project (EWRAP)
- 14 • Stream-Associated Amphibian Response to Manipulation of Forest Canopy Shading
- 15 • Breeding Bird Response to Riparian Buffer Width
- 16 • Riparian Hardwood Conversion Study

17  
18 Conference ended at 3:00 p.m.



## MEMORANDUM

**TO:** Forest Practices Board  
**FROM:** Hans Berge, Adaptive Management Program Administrator  
**DATE:** April 22, 2015  
**SUBJECT:** Adaptive Management Program Quarterly Update

This Quarterly update includes a summary of work to date on the pilot LiDAR hydrologic model evaluation, ongoing work at CMER, and an update on the WFFA alternate plan template review.

### Model Evaluation

The Forest Practices Board directed the Adaptive Management Program Administrator (AMPA) “to scope and initiate a pilot project to re-run the existing hydrologic model using LiDAR data, including at least two watersheds; one westside and one eastside” at the 11 February 2014 Board Meeting. Over the past two months I have worked to gather background materials and engaged stakeholders that worked on the original model to assemble a team of experts and interested parties to scope the work for the pilot, and identify appropriate watersheds based upon data readily available. At this time, we are still gathering existing data and LiDAR coverages. This project will be contracted this summer and completed by the end of fiscal year 2016 (as outlined in the proposed biennial budget).

### CMER Updates

The CMER Science Conference was held on 11-12 February 2015, and was an unequivocal success. The first day of the conference was focused on the Type N Experimental Buffer Treatment in Basalt Lithologies (Hard Rock) Study. These experiments were designed to examine the effectiveness of current riparian buffer prescription on non-fish bearing streams in protecting aquatic resources. The results that were presented at the conference have been drafted into 13 chapters and are in the review stage at CMER or are being packaged together for Independent Science Peer Review (ISPR).

### WFFA Alternate Plan Template

At the 10 February 2015 Forest Practices Board Meeting, the Washington Farm Forestry Association (WFFA) submitted a proposed alternate plan template for consideration by the Board for inclusion into the Adaptive Management Program. The Board directed the AMPA to review WFFA’s alternate rule template and make a recommendation at the May 2015 Board Meeting. At the 10 April 2015 monthly Policy meeting, I recommended a path to evaluate the template which had both a science and policy track for consideration. After lengthy discussion at Policy, consensus was not reached and the decision was made to spend more time at the May Policy Meeting to craft a recommendation for the Board that would meet consensus at Policy. I believe the reason that consensus was not reached had more to do

Forest Practices Board

April 17, 2012

Page 2


with the number of topics on the agenda at the meeting and the short amount of time that we were able to discuss the recommendation, rather than any substantive disagreements within Policy. I am confident that Policy will be able to reach consensus on a plan to move forward, and I would like to opportunity to present the consensus based recommendation at the August 2015 Board Meeting.



## MEMORANDUM

April 08, 2015

TO: Forest Practices Board

FROM: Marc Ratcliff   
Forest Practices Policy and Services Section

SUBJECT: Board Manual Development Update

The following provides information on the current progress and anticipated development for amending sections of the Forest Practices Board Manual:

- Section 16, *Guidelines for Evaluating Potentially Unstable Slopes and Landforms*. DNR facilitated stakeholder meetings are occurring for completing the second phase of the Board's motion to amend this section. The group is currently researching and comparing methodologies for calculating run-out paths and delivery from landslides;
- Section 7, *Guidelines for Riparian Management Zones*. This Section will be amended in conjunction with development of draft RMZ rule language. Manual Section work will coincide with the Board's RMZ rule making timeline;
- Section 23 (Part 2), *Guidelines for Field Protocol to Identify the Uppermost Point of Perennial Flow in Type Np Waters*. DNR will convene a stakeholder process to develop this Section when the TFW Policy Committee has completed development of a wet season methodology to identify the upper most point of perennial flow in Type Np Waters.

Please feel free to contact me with any questions at 360.902.1414 or [marc.ratcliff@dnr.wa.gov](mailto:marc.ratcliff@dnr.wa.gov).

MR





**MEMORANDUM**

**TO:** Forest Practices Board  
**FROM:** Garren Andrews, Compliance Monitoring Program Manager  
**SUBJECT:** Current status of the Compliance Monitoring Program

The following information is the current status of the Compliance Monitoring Program (Program):

- I was selected and accepted the permanent compliance monitoring program manager position March of 2015;
- Field work began in March for the 2015 sampling season, which will complete the biennial sample;
- The 2014 *Interim* Compliance Monitoring report has been completed and is currently under DNR internal review. Upon completion of the initial review the report will be sent out to the stakeholder committee (target date May 11, 2015);
- The Program has embarked upon a 2010-2014 trend analysis of data from the 2010 – 2014 data.

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

GA/



MEMORANDUM

April 21, 2015

TO: Forest Practices Board

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

A handwritten signature in blue ink, appearing to be 'ME', is placed over the name 'Marc Engel' in the 'FROM' field.

SUBJECT: 2015 Rule Making Activity

Staff will request your approval at the May meeting to file a CR101 to begin rule development on the riparian management zone clarification.

I look forward to answering any questions you may have on May 12.



MEMORANDUM

April 14, 2015

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 (SFLAC)

Since my last staff report, the Small Forest Landowner Advisory Committee met on March 26, 2015. Issues discussed included:

- Compensation for cost of geo-tech reports when applying for FREP on unstable slopes;
- Brainstorm session on sources for grants to help fund SFL assistance; and
- Update on scheduling joint SFLAC/TFW Cultural Resources Roundtable (TFWCRR) meeting

On January 14, 2015 the chair of the Small Forest Landowner Advisory Committee sent a letter to the co-chairs of the TFW Cultural Resources Roundtable (TFWCRR) regarding agenda topics for consideration important to both parties for a joint meeting. The Chair of the Advisory Committee and the Co-chairs of the TFWCRR are currently in discussions regarding these agenda topics.

Forestry Riparian Easement Program (FREP)

In the 2013 legislative session, DNR requested full funding to complete acquisition of the FREP backlog, which totaled approximately \$13 million at the time the request was developed. The legislature funded FREP at \$2 million for FY14-15. With this \$2 million it is estimated that FREP will purchase 29 easements during the FY14-15 biennium.

Since FREP began, funding has not kept up with demand. There has been a backlog of applications waiting for sufficient funding to acquire the easements. During the current 2013-2015 biennium so far, 53 new applications were received. The program has been getting approximately 25-30 easement applications per year, which is an increase from about 15 applications per year in previous years. There are now 123 unfunded forestry riparian easement applications on the list waiting for compensation. The FY 15-17 Capital budget allotment for FREP is yet to be determined.

Rivers and Habitat Open Space Program (R&HOSP)

The Legislature appropriated \$500,000 to this program for the Fiscal Years 13-15 biennium. For this funding cycle, applications were prioritized based on:

- The ecological value of the property;

- Potential benefits to water quality;
- The biological characteristics of the property;
- Historic, biological or cultural significance; and
- The viability of management actions applied to the property.

During the application period, DNR received a total of 20 applications encompassing critical habitat for state threatened or endangered species and areas encompassed in channel migration zones. The 20 applications were evaluated for eligibility and were prioritized using the criteria listed above. DNR is currently in negotiations to close on one transaction located in the area of the I-90 West Spotted Owl Special Emphasis Area. The purchase of the easement will be completed in June 2015. The FY 15-17 Capital budget allotment for R&HOSP is yet to be determined.

Family Forest Fish Passage Program (FFFPP)

As the FFFPP construction season has come to completion, no additional fish barriers have been removed since the last reporting period. With remaining funds, in 2015, the FFFPP is estimating to remove 18 fish passage barriers opening up approximately 40 miles of habitat for fish. The FY 15-17 Capital budget allotment for FFFPP is yet to be determined.

Long Term Applications (LTA's)

There are now a total of 191 approved long term applications; which is an increase of 5 approved applications since the end of the last reporting period (10/13/2014).

<b>LTA Applications</b>	<b>LTA Phase 1</b>	<b>LTA Phase 2</b>	<b>TOTAL</b>
Under Review	5	0	<b>5</b>
Validated	26	0	<b>26</b>
Approved	2	192	<b>194</b>
<b>TOTAL</b>	<b>33</b>	<b>192</b>	<b>225</b>

Small Forest Landowner Outreach

The publication schedule for the Small Forest Landowner News has been changed from bi-monthly to quarterly. The change was made to better sync with the Forest Stewardship Notes publication cycle and avoid overwhelming our common audience. Our most recent issue of the newsletter was published in mid-April and included articles soliciting landowner's assistance for western gray squirrel and fisher recovery efforts.

Staff have also been busy creating and distributing outreach materials for our state-wide small forest landowner RMAP effort. We have distributed self-assessment and assistance request postcards to all FP staff for distributions; created an on-line version of the self-assessment survey; and will be sending a targeted mailing to approximately 5,000 landowners across the state.

### Small Forest Landowner Grant Applications

Staff continue to research federal grant possibilities (Grants.gov) and charitable foundation environmental grants, however, finding grant categories that are open to state government remains difficult.

### Upcoming Events

The WSU Forestry and Wildlife 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.

**Forest Stewardship Coached Planning** - WSU's flagship course teaches landowners how to assess your trees, avoid insect and disease problems, and attract wildlife. State experts will help you develop your own Forest Stewardship Plan to keep your woods on track to provide enjoyment and income for years to come.

- Preston - Tuesday evenings starting September 22.
- Langley - Thursday evenings starting October 8.

**Forest Owners Field Days** - Field days feature a whole suite of our most popular forest stewardship workshops. The state's top forestry specialists will be offering hands-on field sessions throughout the day on a variety of topics that will help you to better understand, protect, enhance, and enjoy your forest.

- Eastern Washington (Cle Elum) - June 20, 2015
- Vashon Island - June 27, 2015
- Western Washington (Francis) - August 15, 2015
- North Puget Sound - August 29, 2015
- San Juan Islands - September 26, 2015

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

TM/






State of Washington  
**Department of Fish and Wildlife**

Mailing Address: 600 Capitol Way N, Olympia WA 98501-1091, (360) 902-2200, TDD (360) 902-2207  
Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia WA

April 6, 2015

**MEMORANDUM**

**To:** Forest Practices Board

**From:** Terry Jackson, WDFW Forest Habitats Section Manager 

**Subject:** Upland Wildlife Update

Since the last Forest Practices Board (Board) meeting in February 2015, little has occurred for reporting on new activities; however, the following provides a brief status update for ongoing or pending actions pertaining to priority wildlife species.

**Fisher Candidate Conservation Agreement with Assurances (CCAA)**

After working closely with the United States Fish and Wildlife Service (USFWS) and landowners, the Washington Department of Fish and Wildlife (WDFW) is working on finalizing a draft template for the Candidate Conservation Agreement with Assurances (CCAA), and hopes to have the CCAA going through NEPA in April and May. The template will also be sent out in the Federal Register and through public comment with a timeline of June or July. WDFW is working with the Small Forest Landowner Advisory Group and the Small Forest Landowner's Office to begin the appropriate outreach to small forest landowners. As the template is proceeding through the NEPA process, WDFW will be reaching out to all landowners (large and small) for their interest in signing on to the CCAA prior to the final federal listing decision by USFWS.

The final federal listing decision for the Fisher West Coast Distinct Population Segment (DPS) is scheduled for the end of September, with an extension possible. After the final listing decision has been made, DNR and WDFW will provide an update and/or recommendation to the Board.

**Western Gray Squirrel**

The 2014 Western Gray Squirrel Annual Report to the Board is being presented at the May 2015 Board meeting.

**Taylor's Checkerspot Butterfly**

The 2014 Taylor's Checkerspot Butterfly Annual Report to the Board is being presented at the May 2015 Board meeting.

**Future Updates to the Board**

The forest practices rules require that when a species is listed by the U.S. Secretary of the Interior or Commerce, the Department of Natural Resources (DNR) consults with WDFW and makes a recommendation to the 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.

cc: Penny Becker  
Gary Bell  
Marc Engel  
Sherri Felix  
Julie Henning





April 22, 2015

MEMORANDUM

TO: Forest Practices Board

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

SUBJECT: Spotted Owl Conservation Advisory Group Update

A handwritten signature in blue ink, appearing to read 'ME', is placed over the name 'Marc Engel' in the 'FROM' field.

The rule establishing the Spotted Owl Conservation Advisory Group, WAC 222-16-010, requires an annual reporting to the Board of reviews conducted by this group. The rule then asks the Board to determine the need to maintain the Spotted Owl Conservation Advisory Group.

The Spotted Owl Conservation Advisory Group evaluates the need, based on available habitat, to maintain northern spotted owl site centers in circles where the Washington Department of Fish and Wildlife (WDFW) has approved the absence of northern spotted owls, based on protocol surveys, within the suitable habitat supporting a northern spotted owl site center.

Within the last year there were no northern spotted owl surveys submitted for review and approval to the WDFW. As such, the Spotted Owl Conservation Advisory Group did not meet.


Should you have any questions before your May meeting, please feel free to contact me at 360.902.1309 or [marc.engel@dnr.wa.gov](mailto:marc.engel@dnr.wa.gov).



## MEMORANDUM

April 13, 2015

TO: Forest Practices Board

FROM: Marc Ratcliff   
Forest Practices Policy and Services Section

SUBJECT: Board Manual Section 16, Phase 2 Progress

DNR staff is facilitating a technical/Policy stakeholder process to complete the Boards second phase of Board Manual Section 16 development. This involves identifying methods to assess run-out and delivery of potentially unstable slopes and landforms. As requested by the Board, DNR is developing the guidance in two steps:

- Conducting a TFW Policy stakeholder review of the technical guidance, organizational flow and sequencing of the current material in Section 16. These meetings were helpful to clarify language and material organization completed by the qualified expert group during the first phase; and
- Researching the science and framing the process to aid forest practitioners and qualified experts for addressing run-out and delivery potential when proposed forest activities pose a risk to public safety. Several empirical methods and models are available for calculating debris flows for shallow landslides. The group is comparing these methods and discussing the applicability for applying these approaches in Washington's landslide provinces.

These meetings will continue through May. Once the technical group have completed their task of incorporating run-out and delivery guidance into the manual, DNR staff is planning to conduct an additional review period of the combined material by TFW Policy stakeholders. This aggressive work schedule is to achieve the anticipated approval of this section at the August 2015 Board meeting.

Marc Engel and I will be available to provide a status of the group progress and answer any questions to date. Please feel free to contact me with any questions at 360.902.1414 or [marc.ratcliff@dnr.wa.gov](mailto:marc.ratcliff@dnr.wa.gov).

MR




STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

*PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000  
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341*

Memorandum

April 17, 2015

TO: Forest Practices Board

FROM: Mark Hicks, Forest Water Quality Coordinator 

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 September 2014 Board meeting. This current update covers the period through April 2015.

During this period four CWA milestones were completed and progress was initiated on three others. Completed milestones include developing guidance that will strengthen the overall process for issuing alternate plans; and completing the Bull Trout Overlay Temperature Study, the Forested Wetlands Literature Synthesis, and a revised Wetland Program Research Strategy. During this period Policy also reviewed the Forests and Fish Report's Schedule L1 research questions related to the Mass Wasting Research Program, and CMER initiated a review of Chapter 7 of its' Protocols and Standards Manual in addition to starting scoping work on the Rule Identified Landform (RIL) Criteria and Forest Wetlands Effectiveness Monitoring studies.

Also during this period, however, one milestone was changed from "Completed" to "Off Track" to reflect the substantial delay in implementing a key component of that milestone. The Type N strategy had been noted as complete in prior updates to the Board. The need remains, however, to implement the portion of the strategy related to resolving issues with identifying the uppermost point of perennial flows. Having this element being placed on hold for such a long time has prompted the need to highlight the issue as still incomplete. Completed milestones related to process steps or improvements must be retained in order for the Assurances to be retained. The intent of the milestones is to secure programmatic improvements and make greater progress on completing research studies. The changes and

accomplishments associated with the milestones are meant to ensure that the forestry programs can be relied on long term to meet water quality objectives.

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). The second table lays out the progress being made on the CMER research study milestones. Changes in status occurring since your last briefing are highlighted in red font for your convenience.

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

Enclosure

**Summary of CWA Assurances Milestones and current status:**

<b>Non-CMER Project Milestones</b>		
	<b>Summarized Description of Milestone</b>	<b>Status as of April 2015<sup>1</sup></b>
2009	July 2009: CMER budget and work plan will reflect CWA priorities.	<b>Completed</b>
	September 2009: Identify a strategy to secure stable, adequate, long-term funding for the AMP.	<b>Completed</b> The strategy has been unsuccessful, but this milestone remains “completed” based on the continued efforts by key participants to secure the funding.
	October 2009: Complete Charter for the Compliance Monitoring Stakeholder Guidance Committee.	<b>Completed</b>
	December 2009: Initiate a process for flagging CMER projects that are having trouble with their design or implementation.	<b>Completed</b>
	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.	<b>Completed</b>
	December 2009: Evaluate the existing process for resolving field disputes and identify improvements that can be made within existing statutory authorities and review times.	<b>Completed</b>
	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>	<b>Underway</b> Initial training completed, and issues identified for improvement were added to the Policy and CMER task lists for future action. CMER has updated 6 chapters of its’ Protocol and Standards Manual and is <b>beginning a review of Chapter 7</b> . Policy has reviewed FFR Schedule L1 research questions for both the Type N <b>and the Unstable Slopes Research Programs</b> .
2010	January 2010: Ensure opportunities during regional RMAP annual reviews to obtain input from Ecology, WDFW, and tribes on road work priorities.	<b>Completed</b>

<b>Non-CMER Project Milestones</b>		
	<b>Summarized Description of Milestone</b>	<b>Status as of April 2015<sup>1</sup></b>
	February 2010: Develop a prioritization strategy for water type modification review.	<b>Completed</b>
	March 2010: Establish online guidance that clarifies existing policies and procedures pertaining to water typing.	<b>Completed</b>
	June 2010: Review existing procedures and recommended any improvements needed to effectively track compliance at the individual landowner level.	<b>Completed</b>
	June 2010: Establish a framework for certification and refresher courses for all participants responsible for regulatory or CMP assessments.	<b>Completed</b>
	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.	<b>Completed</b>
	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.	<p><b>Off Track</b></p> <p>DNR has tried to get a sense of the risk by conducting a limited pilot project in its' NW Region. A draft report was shared with Ecology in October 2014. Approximately 92% of SFLs either did not respond or denied access to DNR. Of the 76 roads surveyed on the property of willing SFLs, DNR concluded most were functioning appropriately, with 11% delivering sediment to streams. DNR has initiated efforts to obtain SFL support to expand roads survey efforts state wide. At present, DNR Stewardship and Forest Practices Foresters are conducting roads inventories where SFL permission has been granted. An additional report for all survey efforts and the status of SFL roads will be completed for all roads inventory data collected during FY 2014 and 2015. Without the jurisdictional authority to conduct a more representative survey, satisfying this milestone may not be possible. This makes it problematic to</p>

<b>Non-CMER Project Milestones</b>		
	<b>Summarized Description of Milestone</b>	<b>Status as of April 2015<sup>1</sup></b>
		determine if the rules are working to control sediment pollution from SFL properties.
	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.	<p><b>Off Track</b></p> <p>A strategy was developed, and Policy and its' technical subgroups were working to implement the strategy. <b>Conflict over providing default distances for defining the UMPPF had stalled implementation, and then when the Forest Practices Board changed Policy priorities it resulted in this implementation issue being placed on long-term hold. The prior status has been changed from "Complete" to "Off Track" to reflect the current situation.</b></p>
	October 2010: Conduct an initial assessment of trends in compliance and enforcement actions taken at the individual landowner level.	<b>Completed</b>

**Non-CMER Project Milestones**

	<b>Summarized Description of Milestone</b>	<b>Status as of April 2015<sup>1</sup></b>
	<p>October 2010: Design a sampling plan to gather baseline information sufficient to reasonably assess the success of alternate plan process.</p>	<p align="center"><b>Completed</b></p> <p>DNR satisfied this milestone by releasing an Alternate Plan <u>Guidance memo (12-10-14) designed to strengthen the overall process for issuing alternate plans</u>. The guidance should help ensure approved plans are more transparent and directive in meeting the intent of the AP rules. Improvements in documentation are accompanied by directives for collecting baseline data needed to reasonably assess the success of the alternate plans. Taken as a whole, these refinements should improve confidence that the AP process is not a source of water quality degradation.</p> <p>Success depends on how well the new directives are translated into action. DNR completed training in all Regions regarding rule, alternate plan board manual and memo guidance. DNR has also committed to refresher training as needed for Alternate Plans.</p>
	<p>December 2010: Initiate process of obtaining an independent review of the Adaptive Management Program.</p>	<p align="center"><b>Off Track</b></p> <p>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 (e.g. shorter timeline for dispute resolution and the lean process being piloted by CMER) can create enough improvements to negate the need for this milestone. No improvements are evident at this time. <b>Policy representatives included a requirement for a process audit in draft AMP funding legislation in 2014, but that bill did not pass.</b></p>
<p>2011</p>	<p>December 2011: Complete an evaluation of the relative success of the water type change review strategy.</p>	<p align="center"><b>Completed</b></p>



<b>Non-CMER Project Milestones</b>		
	<b>Summarized Description of Milestone</b>	<b>Status as of April 2015<sup>1</sup></b>
	December 2011: Provide more complete summary information on progress of industrial landowner RMAPs.	<b>Completed</b>
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.	<b>Completed</b>
	Initiate a program to assess compliance with the Unstable Slopes rules.	<b>Ongoing</b>  DNR is evaluating alternative pathways to satisfying this milestone other than using the standard post-harvest compliance monitoring framework. DNR recently assessed compliance issues in part of SW Washington in relation to concerns with the 2007 storm. Policy is now attempting to develop a process to address unstable slopes concerns which may include this milestone.
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.	<b>Off Track</b>  Discussed above for Oct 2010 survey milestone.

<b>CMER Research Milestones</b>		
<b>Description of Milestone</b>		<b>Status as of April 2015<sup>1</sup></b>
2009	Complete: <u>Hardwood Conversion – Temperature Case Study</u>	<b>Completed</b>
	Study Design: <u>Wetland Mitigation Effectiveness</u>	<b>Completed</b>
2010	Study Design: <u>Type N Experimental in Incompetent Lithology</u>	<b>Completed</b>
	Complete: <u>Mass Wasting Prescription-Scale Monitoring</u>	<b>Completed</b>
	Scope: <u>Mass Wasting Landscape-Scale Effectiveness</u>	<b>Off Track</b> No work has occurred. Policy moved this project to the hold list pending review as part of developing the unstable slopes research strategy. Note that it was inadvertently omitted from the actual list that went to the Board.
	Scope: <u>Eastside Type N Effectiveness</u>	<b>Completed</b>
2011	Complete: <u>Solar Radiation/Effective Shade</u>	<b>Completed</b>
	Complete: <u>Bull Trout Overlay Temperature</u>	<b>Completed</b>
	Implement: <u>Type N Experimental in Incompetent Lithology</u>	<b>Underway</b> Preharvest monitoring is complete and all but one basin is scheduled to be harvested on time. AMP representatives are working with this last landowner to see if harvest timing can be adjusted.
	Study Design: <u>Mass Wasting Landscape-Scale Effectiveness</u>	<b>Off Track</b> Policy moved this project to the hold list pending review as part of developing the unstable slopes research strategy. Note that it was inadvertently omitted from the actual list that went to the board.
2012	Complete: <u>Buffer Integrity-Shade Effectiveness</u>	<b>Completed</b>
	Literature Synthesis: <u>Forested Wetlands Literature Synthesis</u>	<b>Completed</b>

<b>CMER Research Milestones</b>		
<b>Description of Milestone</b>		<b>Status as of April 2015<sup>1</sup></b>
	Scoping: <u>Examine the effectiveness of the RILs in representing slopes at risk of mass wasting.</u>	<b>Underway</b> TWIG developing project objectives and critical questions.
	Study Design: <u>Eastside Type N Effectiveness</u>	<b>Underway</b> Completed supplemental field work in 2014 to help in developing a study design in 2015.
2013	Scoping: <u>Forested Wetlands Effectiveness Study</u>	<b>Underway</b> TWIG formed and will begin work in May 2015.
	<u>Wetlands Program Research Strategy</u>	<b>Completed</b>
	Scope: <u>Road Prescription-Scale Effectiveness Monitoring</u>	<b>Underway</b> TWIG evaluating the Best Available Science to support developing study design alternatives.
	Study Design: <u>Examine the effectiveness of the RILs in representing slopes at risk of mass wasting.</u>	<b>Earlier Stage Underway</b> Project is in the scoping stage.
	Implement: <u>Eastside Type N Effectiveness</u>	<b>Earlier Stage Underway</b> Project is in the study design stage.
2014	Complete: <u>Type N Experimental in Basalt Lithology</u>	<b>On-Track</b>
	Study Design: <u>Road Prescription-Scale Effectiveness Monitoring</u>	<b>Earlier Stage Underway</b> Project is in the scoping stage.
	Scope: <u>Type F Experimental Buffer Treatment</u>	<b>Underway</b> TWIG evaluating the Best Available Science to support developing study design alternatives.
	Implementation: <u>Examine the effectiveness of the RILs in representing slopes at risk of mass wasting</u>	<b>Earlier Stage Underway</b> TWIG developing project objectives and critical questions.
	Study Design: <u>Forested Wetlands Effectiveness Study</u>	<b>Earlier Stage Underway</b> Project is currently in the scoping stage.
2015	Complete: <u>First Cycle of Extensive Temperature Monitoring</u>	<b>Underway</b> Of the four strata: one stratum is complete and

<b>CMER Research Milestones</b>		
<b>Description of Milestone</b>		<b>Status as of April 2015<sup>1</sup></b>
		two are in CMER review. Problems using the DNR hydro layer to find Type Np study streams on the eastside thwarted efforts to find sites for the final strata. <b>Policy decided not to fund temperature monitoring on the final strata. Reports on the three tested strata expected to be complete in summer 2015.</b>
	Scope: <u>Watershed Scale Assess. of Cumulative Effects</u>	<b>Not Progressing</b>
	Scope: <u>Amphibians in Intermittent Streams (Phase III)</u>	<b>Not Progressing</b> Project milestone exists only if needed to fill research gaps left from Type N Experimental in Basalt Lithology.
2017	Study design: <u>Watershed Scale Assess. of Cumulative Effects</u>	<b>Not Progressing</b>
	Study Design: <u>Amphibians in Intermittent Streams (Phase III)</u>	<b>Not Progressing</b> Project milestone exists only if needed to fill research gaps left from Type N Experimental in Basalt Lithology.
2018	Complete: <u>Roads Sub-basin Effectiveness</u>	<b>Earlier Stage Underway</b> <b>Resample for trend analysis planned for 2022. This later project timeline does not conflict with the intention of this milestone. Ecology agrees it's prudent to wait until RMAP time extensions have ended before conducting further trend sampling.</b> RMAP programs implemented through DNR Forest Practices Operations may also negate the need for this follow-up sample of progress in fixing roads.
	Implement: <u>Watershed Scale Assess. of Cumulative Effects</u>	<b>Not Progressing</b>
	Complete: <u>Type N Experimental in Incompetent Lithology</u>	<b>On Track</b>
2019	Complete: <u>Eastside Type N Effectiveness</u>	<b>Underway</b> Project will likely be completed later than this milestone due to the delay in project initiation. <b>Current projection is to finish in 2015.</b>

<sup>1</sup> **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.
- “Earlier Stage Underway”** – means project initiated, but is at an earlier stage than the listed milestone.
- “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 at developing an acceptable solution is planned.



MEMORANDUM

April 8, 2015

TO: Forest Practices Board

FROM: Donelle Mahan, Forest Practices Assistant Division Manager, Operations

SUBJECT: Western Gray Squirrel

At the November 12, 2013, the Board directed the Washington Department of Natural Resources (DNR) and Washington Department of Fish and Wildlife (WDFW) to annually report on the status of management plans and the success of the voluntary approach. DNR and WDFW will present the second annual report at the May 12, 2015 board meeting.

Administrative and Operational Mechanisms

DNR and WDFW staff worked together to look at administrative and operational improvements to provide WGS protection measures as part of approved forest practices applications. DNR staff has incorporated agreed upon improvements into FPA processing guidance, attached, to be applied for all applications containing WGS habitat. Key components of this guidance include noting the presence of WGS or their habitat on the DNR office checklist which becomes part of the FPA. This provides notification on all new FPAs sent out for review to the DNR forest practices foresters and appropriate WDFW biologists that WGS or their habitat may be present within the proposed forest practices activity areas. The WGS processing guidance also requires DNR to include a note on the FPA Notice of Decision page acknowledging the presence of WGS or WGS habitat in the harvest vicinity, and offers the assistance of WDFW staff. Though this note is not a condition of the application, it is expected to inform the FPA applicant of the possible presence of WGS or their habitat and provide them with a WDFW contact to improve communication, and increase the likelihood of voluntary compliance.

If you have any questions please contact me at 360.902.1405 or [donelle.mahan@dnr.wa.gov](mailto:donelle.mahan@dnr.wa.gov).

/Attachment



## **2014 Annual Report to the Forest Practices Board**

### **The Status of a Voluntary Cooperative Approach for the Western Gray Squirrel May 12, 2015**

#### **SPECIES BACKGROUND**

The western gray squirrel (WGS) was listed by the Washington Fish and Wildlife Commission as State Threatened effective November 14, 1993. The species is recognized by the U.S. Fish and Wildlife Service as a Federal Species of Concern.

In Washington State, the species occurs in three highly localized areas in the oak woodlands and conifer forests of Klickitat and southern Yakima counties; low to mid-elevation conifer forests in Okanogan and Chelan counties; and the oak woodlands and conifer forests on Joint Base Lewis-McChord in Pierce and Thurston counties.

The WGS inhabit transitional forests of mature Oregon white oak, ponderosa pine, Douglas-fir, and various riparian tree species (Linders and Stinson 2007). Habitat quality in Washington is assumed to be relatively poor compared to other parts of the species' range due to the lower number of oak species and degradation of pine and oak habitats. The cumulative effects of land conversion, logging, sheep grazing, and fire suppression largely eliminated the open-grown stands of mature and old growth pine and have degraded oak woodlands (Linders and Stinson 2007). The most recent population estimate for Washington was between 468 and 1,400 squirrels, based on data gathered from 1994 to 2005 (Linders and Stinson 2007). Population size can fluctuate dramatically with disease and changes in food supply.

#### **HISTORY OF FOREST PRACTICES BOARD ACTIONS**

In 2013 staff from the Department of Natural Resources (DNR) and Washington Department of Fish and Wildlife (WDFW) worked together to explore administrative and operational improvements to provide WGS protection measures as part of approved forest practices applications. DNR staff then incorporated these improvements into Forest Practices Application (FPA) processing guidance that have been applied to all FPAs containing WGS habitat. Key components of this guidance include:

- Noting the presence of WGS or their habitat on the DNR *Office Checklist* page which becomes part of the FPA.
- Providing WDFW a courtesy email that an FPA has triggered a "hit" for potential WGS within the vicinity of the FPA. This provides notification on all new FPAs

sent out for review to DNR forest practices foresters, WDFW biologists, and interested stakeholders that WGS or their habitat may be present within the proposed forest practices activity areas.

- DNR includes a “note” on the FPA *Notice of Decision* page acknowledging the presence of WGS or their habitat in the harvest vicinity, and offers the assistance of WDFW staff. Though this note is not a condition of the application, it is expected to inform the FPA proponent of the potential occurrence of WGS or their habitat and to provide WDFW contact information, further improving communications and increasing the likelihood of voluntary compliance.

On November 12, 2013, the Board directed DNR and WDFW to annually report on the status of management plans and the success of the voluntary management approach. On September 3, 2014, DNR and WDFW staff presented the 2013 WGS annual report. A public rule petition was also submitted to the Board. The Board did not accept this rule petition; however, they indicated that further assessment of the voluntary management approach would occur after the status review was complete, and after additional information was obtained from tracking of FPAs and management plans.

#### **WORKSHOPS/ TRAINING/OUTREACH**

On March 11, 2014, WDFW held a WGS workshop for headquarters and regional WDFW staff involved with management and conservation of WGS. The intent of this meeting was to bring all staff up to date regarding present WGS conservation efforts, including 2013 actions regarding petitions for rule-making, current FPA screening methods for WGS, FPA-related WGS nest surveys, WGS Management Plan development efforts, FPA processing and improvements, and overall staff coordination of the agency’s WGS conservation actions. Results of the meeting included identification of both short- and long-term needs within WDFW, including development of a strategy for updating WGS population estimates, assessing current WGS distribution, refining a landscape-level suitable habitat map, and identifying how to effectively prioritize WGS conservation at the landscape scale.

On December 16, 2014, WDFW representatives provided an update to the Small Forest Landowner Advisory Committee on WGS biology, actions taken in response to the recent rule petition to uplist the species, the ongoing status review, and the voluntary management approach. In order to improve upon the success of the voluntary management approach and conservation of the WGS, further discussions are occurring for possible options to provide outreach and education to small forest landowners. As a start, a newsletter has been developed to post on DNR’s Small Forest Landowner webpage.

#### **2014 FOREST PRACTICES APPLICATIONS/NOTIFICATIONS (FPA/Ns)**

The process changes for screening FPA/Ns with the potential to impact WGSs (mentioned above) began in November of 2013. Using WDFW’s GIS location data for documented WGS nests, colonies and/or potentially suitable habitat, WDFW and DNR both screen FPA/Ns for potential WGS impacts. DNR also notifies WDFW of all FPA/Ns within ¼-mile of these locations via email. WDFW then further evaluates the FPA/Ns for potential WGS conflicts, working with the landowner/land manager to conduct WGS nest surveys (as needed), discussing forest management goals and options, and developing voluntary WGS



management plans. These management plans incorporate conservation measures identified in WDFW's Priority Habitats and Species (PHS) Management Recommendations for WGSs.

In order to better evaluate the effectiveness of the voluntary WGS management approach, in December 2013, WDFW began actively tracking more detailed FPA/N information for potential WGS conflicts. Information collected includes FPA/N number, date of posting in the Forest Practice Application Review System (FPARS), applicant name, whether they are a large or small landowner, if a WGS nest survey was needed or completed, if a WGS Management Plan was necessary or developed, and any additional notes or pertinent information. In the 2013 Annual Report to the Forest Practices Board, results from this tracking effort were presented from December 13 (when the tracking was initiated) through April 11, 2014. This report covers the calendar year for 2014, so there is some overlap for about 3 months of tracking data.

The following provides a summary of FPA/Ns that triggered a WGS "hit" from January 1, 2014 through December 31, 2014:

- A total of 109 FPA/Ns were identified as potentially being associated with WGS;
- Of these 109 WGS-related FPA/Ns, 88 FPA/Ns were located in Klickitat County, 15 were located in Okanogan County, one was located in Skamania County, one was located in Clark County, one was located in Chelan County, one was located in Pierce County, and two were located in Thurston County;
  - Three (3) of the FPA/Ns were renewals of existing FPAs;
  - Four (4) FPA/Ns were notices of Withdrawal/Closure;
  - One FPA/N was a Transfer of Timber Owner/Operator Notice;
  - One FPA/N was a re-submittal of a previously withdrawn FPA;
- Of the total FPA/Ns, 42 were associated with large/industrial landowners, 67 were associated with small forest landowners.

#### **WESTERN GRAY SQUIRREL SITE MANAGEMENT PLANS**

Throughout 2014, WDFW continued its WGS conservation efforts with landowners, conducting WGS nest surveys and coordinating with landowners to implement WGS management plans. The following is a summary of management plan development and implementation activity for the time period of January 1 through December 31, 2014:

Of the 109 WGS-related FPA/Ns requiring evaluation or action of some kind:

- 100 FPA/Ns involved the need for further review, including such tasks as confirming WGS presence or absence, conducting a WGS nest survey, and/or confirming appropriate WGS protection measures to be implemented during forest practice activities:
  - 55 FPA/Ns resulted in no WGS nests and no need for WGS management plans;
  - 12 FPA/Ns were for salvage activities associated with the "Carlton Complex Fire" in the Okanogan region, requiring no WGS management plans;
  - 2 FPA/Ns were for salvage activities associated with the "28 Mile Fire" in the Klickitat region, requiring no WGS management plans;

- 31 FPA/Ns required development or implementation of a WGS management plan:
  - 10 FPA/Ns were associated with small landowners;
  - 21 FPA/Ns were associated with large or industrial landowners;
- Of the 31 WGS management plans, 7 included less than ideal WGS protection (e.g. leaving nest trees only, etc.). These 7 were associated with small landowners.
- For the remaining 9 (of 109) FPA/Ns that required no additional action:
  - 3 were *Renewals* of FPAs and required no action;
  - 4 were *Notice of Withdrawal/Closures* and required no action;
  - 1 was a *Notice of Transfer of Timber Owner/Operator* and required no action;
  - 1 was a fish passage culvert project and required no action.

### **OTHER LANDOWNER EFFORTS**

Beginning in the fall of 2010, Hancock Forest Management began leading research, along with other cooperators, pertaining to WGSs in Klickitat County. Objectives of the research include: (1) developing a detection probability model for nests, (2) quantifying the relationship between nest counts and squirrel abundance, and (3) evaluating the efficacy of using GPS telemetry to quantify squirrel use in response to forest management. To date, 18 different forest stands have been evaluated for nest detection probability. Efforts to evaluate the relationship between nest density and animal abundance continued in 2014. Additional investigations on hair snare trapping methods were tested with various sized traps. The hair snare trapping method produces considerable samples for conducting mark/recapture studies. This trapping method is also a viable method to use for presence/absence investigations.

### **PROTECTION BY COUNTIES**

Washington's Growth Management Act (RCW 36.70A) requires that local jurisdictions protect critical areas, including fish and wildlife habitat conservation areas. Regulations (WAC 365-190-130(4)(a)) specify that counties should identify and classify habitat for federal and state listed and sensitive species and should utilize WDFW's Priority Habitats and Species (PHS) database when doing so. The PHS database contains GIS location data for Western Gray Squirrels and is routinely requested by counties to support their land use planning. This is the same data that WDFW biologists use to screen FPA/Ns and other proposals going through the State Environmental Policy Act process for potential project impacts to the Western Gray Squirrel.

### **RCW REVISIONS**

A WDFW Omnibus Enforcement bill was passed by Legislation in March of 2014 which included amendments to RCW 77.15.120 and RCW 77.15.130. These amendments clarified that it is unlawful to intentionally destroy the nests or eggs of fish or wildlife designated as endangered, threatened, or sensitive (including WGS), unless authorized by rule or WDFW permit.

## **PETITION TO UP-LIST WASHINGTON STATE STATUS**

A petition was received from the public on the 7<sup>th</sup> of February 2014 entitled “Petition for Rule Making (RCW 34.05) to list the Western Gray Squirrel as an Endangered Species”. WAC 232-12-297 outlines the process for WDFW to receive, review and take action, as needed, related to a petition to list or change the status of a listed species. In accordance with the WAC, WDFW accepted the petition because it presented scientific data to support a review of the listing status of the WGS. WDFW has initiated the formal review process to evaluate the current status of the species. Information is currently being gathered from interested parties on WGS demographics, habitat conditions, threats, management actions, and other factors until March 28<sup>th</sup>, 2015. In April, WDFW will begin compiling the best available scientific information to prepare a periodic status review for determining whether a change is warranted from the current “threatened” listing status. If the species status review document indicates that a change in classification from its current threatened status to another status is required, the public will have an opportunity to comment on the document before WDFW presents the recommendation to the Fish and Wildlife Commission for action.

## **2014 WDFW SURVEYS AND CONSERVATION ACTIONS**

### Population/Habitat Surveys

Several population monitoring and research efforts have been completed for WGS in Washington. This year these include: (1) A state-wide, multi-year monitoring project using hair-sampling tubes to detect the distribution and abundance of WGS; and (2) Research pertaining to the effects of forestry practices on WGS populations at Joint Base Lewis McChord (JBLM).

### Conservation Actions

WGS recovery and management actions by WDFW include: (1) the review of FPAs that may impact the species and its habitat, ensuring implementation of *WDFW’s Western Gray Squirrel PHS Management Recommendations* and/or preparation of management plans for willing landowners; (2) the thinning of forest understory vegetation on the Klickitat Wildlife Area to enhance WGS habitat and reduce the threat of large wildfires; (3) advising DNR staff on measures for enhancing WGS habitat on DNR lands; (4) advising JBLM forest land management staff on habitat management activities affecting the species; and 5) the preparation of professional scientific manuscripts describing the ecology and conservation of WGSs, competition with eastern gray squirrels, and population modeling.

## **SUMMARY**

All proposed forest practice activities identified as potentially having an impact to WGSs were screened by WDFW and DNR in 2013 and 2014, a process that will continue throughout 2015 and beyond. WDFW will also be assessing the population status and distribution of WGS during the formal status review process of the species. As data becomes available through the status review and tracking of FPAs and management plans, WDFW and DNR will be better able to evaluate the effectiveness of the voluntary management approach and to provide recommendations on possible changes to protection strategies, as needed.



## MEMORANDUM

**TO:** Forest Practices Board  
**FROM:** Hans Berge, Adaptive Management Program Administrator  
**DATE:** April 17, 2015  
**SUBJECT:** Biennial 15/17 CMER Budget - Action Requested

Attached is the TFW Policy recommended budget for fiscal years 2016 and 2017 (15/17 biennium) for consideration by the Forest Practices Board (Board). The proposed budget follows the format of the CMER Master Project Schedule approved by the Board last August. There are a few additional items in the proposed budget that I will highlight below.

### Administrative and Support Staff

The proposed budget for FY 16/17 remains unchanged for CMER Science Staff, Project Support, Contingency for Active Projects, and Program Administration. However, there are six changes that are important to bring to your attention. The new items are as follows:

1-Continuing Lean Improvements- staffing Env. Planner 3: this is a new position to better reflect additional workload and time constraints in the Master Project Schedule. Duties include supporting project managers and the AMPA in improving program management and communication in meeting deadlines through implementation of Lean techniques.

2-LiDAR Model: this item is not new, but the work will be carried out and completed in fiscal year 2016. This project is considered to be a pilot, and will compare the 30 m DEM with a LiDAR derived DEM in two basins (one eastside, one westside) to evaluate if LiDAR could improve the fish distribution model.

3-Riparian Function Literature Synthesis: this item is a recommendation in response to the Board request that the Adaptive Management Program reviews the alternate plan template proposed by the Washington Farm Forestry Association. Originally, the estimate was \$75,000 for this work, but due to a parallel literature review by the Washington Department of Fish and Wildlife, there are considerable savings in this item as proposed in this budget.

4-TFW Policy Committee facilitation: this item is for continued facilitation, note taking, and organization for TFW Policy Committee meetings. Given the importance and differing perspectives within the Committee on current topics, this item is particularly important.

5-CMER Conference: this item is not new, and these costs include video, use of the facility, refreshments, and printing programs. Since the conference only occurs every two years, it is in the budget for FY 17 only during this biennium.

6-Report to Legislature: this item reflects the expectation that we will need to prepare a detailed report documenting how we used the general funds allocated to the Adaptive Management Program during the 15/17 biennium in the state budget.

Projects almost finished

With several projects coming to a close in 2016, proposed budgets reflect costs for reviewing and editing documents.

Projects in field implementation

These projects are Type N experiments that are currently being sampled in the field. Project costs have been updated to reflect new information. Overall, the expected costs have been reduced.

Projects in study design or conceptual stages

The items in this section of the budget reflect some changes that have occurred as a result of projects being delayed (Glacial Deep Seated--Literature Review, Van Dykes Salamander Project), projects needing more information prior to moving forward (Road Prescription and Wetlands Effectiveness Study), and projects that were not well defined in the past (Extensive Alternative).

Summary

In summary, the Adaptive Management Program seeks to spend \$3.62 and 3.64 million in fiscal years 2016 and 2017, respectively. With the assumptions of available funds, participation agreements, and the AMP request, we are expecting to have a positive balances in 2016 of \$233,950 and \$215,950 in fiscal year 2017.

Recommendation

On behalf of CMER and the TFW Policy Committee, I am requesting approval of the 15/17 biennial budget as proposed. There is an expectation that the budget may need to be revised at the August 2015 Board meeting following the adoption of the Washington state budget for the 15/17 biennium.

<b>CMER Master Project Schedule</b>															
<b>Recommended FP HCP Adaptive Management Program Priority Projects</b>															
<b>4/17/15 - DRAFT</b>															
Project	Budget														
	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
<b>Administrative and Support Staff</b>															
CMER Science Staff	601,000	601,000	601,000	601,000	601,000	601,000	601,000	601,000	601,000	601,000	601,000	601,000	601,000	601,000	601,000
Project Support	237,000	237,000	237,000	237,000	237,000	237,000	237,000	237,000	237,000	237,000	237,000	237,000	237,000	237,000	237,000
Continuing LEAN Improvements - Staffing Env Planner 3	109,500	109,500	109,500	109,500	109,500	109,500	109,500	109,500	109,500	109,500	109,500	109,500	109,500	109,500	109,500
Contingency Fund for Active Projects	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
LIDAR Model	100,000														
Riparian Function Literature Synthesis	30,000														
TFW Policy Committee facilitation	50,000	50,000	50,000	50,000											
CMER Conference (Video, facility, refreshments, programs)		20,000		20,000			20,000		20,000			20,000		20,000	
Program Administration	267,000	267,000	267,000	267,000	267,000	267,000	267,000	267,000	267,000	267,000	267,000	267,000	267,000	267,000	267,000
Report to Legislature		10,000													
<b>Projects almost finished</b>															
Buffer Integrity - Shade effectiveness (amphibian response)	22,000														
Type F and N Extensive Westside - Temperature (Baseline status)															
Eastside Type N Forest Hydrology	59,000														
Riparian Hardwood Conversion	80,000														
<b>Projects in field implementation</b>															
Type N Experimental Buffer Treatment Project in Hard Rock Lithologies	214,000	100,000													
Type N Experimental Buffer Treatment Project - Hard Rock- Amphibian Genetics - Post sample	200,000	200,000	85,000	40,000											
Type N Experimental Buffer Treatment Project - Hard Rock- Amphibian Demographics/Channel Metrics	165,000	245,000	153,000	153,000	75,000										
Type N Experimental Buffer Treatment Project in Hard Rock Lithologies - Temp/Sediment/Vegetation/Litterfall	260,000	190,000	119,000												
Type N Experimental Buffer Treatment Project - Soft Rock Lithologies	382,000	360,000	216,000	153,000	81,000										
<b>Projects in study design or conceptual stages</b>															
Eastside Type N Riparian Effectiveness - Perennial	71,000	100,000	250,000	360,000	360,000	360,000	360,000	250,000	100,000	40,000					
Eastside Type N Riparian Effectiveness - Dry	80,000	75,000	150,000	330,000	330,000	360,000	360,000	200,000	100,000	40,000					
Westside Type F Riparian Prescription Monitoring	100,000	250,000	200,000	200,000	360,000	360,000	250,000	360,000	250,000	100,000	40,000				
Unstable Slopes Criteria Evaluation and Development	150,000	150,000	150,000	100,000	75,000										
Glacial Deep Seated - Literature Review	75,000														
Glacial Deep Seated - Placeholder funding for strategy execution		100,000	100,000	100,000											
Forested Wetlands Effectiveness Study	25,000	100,000	250,000	360,000	360,000	360,000	360,000	360,000	250,000	100,000	40,000				
Wetland/Stream Water Temp Interactions (Sub question)		50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	25,000				
Wetland Hydrologic Connectivity (Add On)	10,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	25,000					
Wetlands Management Zone Effectiveness Monitoring								25,000	100,000	250,000	360,000	360,000	360,000	360,000	360,000
Wetland/Stream Water Temp Interactions (Sub question)									50,000	50,000	50,000	50,000	50,000	50,000	50,000
Wetland Hydrologic Connectivity (Sub question)									50,000	50,000	50,000	50,000	50,000	50,000	50,000
Wetlands Intensive Monitoring															
Road Prescription-Scale Effectiveness Monitoring	25,000	75,000	100,000	250,000	360,000	360,000	360,000	360,000	250,000	40,000					
Road Sub-Basin-Scale Effectiveness Monitoring - Resample							75,000	350,000	350,000	150,000	75,000				
Watershed Scale Assessment of Cumulative Effects (roads and riparian)											40,000	100,000	250,000	360,000	360,000
Amphibians in Intermittent Streams				40,000	150,000	250,000	360,000	360,000	360,000	360,000	360,000	250,000	100,000	40,000	
Van Dykes Salamander Project	56,000	47,000		237,000	103,000	266,000	103,000								
Windthrow Data Synthesis											50,000				
Extensive Alternative (Remote Sensing Approach)	150,000	150,000	100,000											300,000	
Actual Expenditures	3,618,500	3,636,500	3,337,500	3,807,500	3,668,500	3,750,500	3,642,500	3,699,500	3,274,500	2,564,500	2,379,500	2,144,500	2,124,500	2,494,500	2,134,500
<b>Available Funds</b>															
GF-S - AMP Carry Forward	240,100	240,100	240,100	240,100	240,100	240,100	240,100	240,100	240,100	240,100	240,100	240,100	240,100	240,100	240,100
FFSA - AMP Carry Forward	5,472,850	5,472,850	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000
<b>Subtotal of Available Funds - AMP</b>	5,712,950	5,712,950	4,240,100	4,240,100	4,240,100	4,240,100	4,240,100	4,240,100	4,240,100	4,240,100	4,240,100	4,240,100	4,240,100	4,240,100	4,240,100
<b>TFW Participation Agreements</b>															
Tribal Participation Agreements	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000
NGO and County Participation Grants	259,000	259,000	259,000	259,000	259,000	259,000	259,000	259,000	259,000	259,000	259,000	259,000	259,000	259,000	259,000
Added Commitments / WSAC	216,500	216,500	216,500	216,500	216,500	216,500	216,500	216,500	216,500	216,500	216,500	216,500	216,500	216,500	216,500
State Agencies	358,500	358,500	358,500	358,500	358,500	358,500	358,500	358,500	358,500	358,500	358,500	358,500	358,500	358,500	358,500
Added Commitment	71,500	71,500	71,500	71,500	71,500	71,500	71,500	71,500	71,500	71,500	71,500	71,500	71,500	71,500	71,500
<b>Subtotal of TFW Participation Agreements</b>	3,405,500	3,405,500	3,405,500	3,405,500	3,405,500	3,405,500	3,405,500	3,405,500	3,405,500	3,405,500	3,405,500	3,405,500	3,405,500	3,405,500	3,405,500
<b>Expenditures</b>															
AMP Research Expenses	3,618,500	3,636,500	3,337,500	3,807,500	3,668,500	3,750,500	3,642,500	3,699,500	3,274,500	2,564,500	2,379,500	2,144,500			
TFW Participation Agreements	3,405,500	3,405,500	3,405,500	3,405,500	3,405,500	3,405,500	3,405,500	3,405,500	3,405,500	3,405,500	3,405,500	3,405,500	3,405,500	3,405,500	3,405,500
<b>Total Expenditures</b>	7,024,000	7,042,000	6,743,000	7,213,000	7,074,000	7,156,000	7,048,000	7,105,000	6,680,000	5,970,000	5,785,000	5,550,000			
<b>Identified Need</b>															
FFSA Reduced to Available Funds	(1,311,050)	(1,329,050)	(2,502,900)	(2,972,900)	(2,833,900)	(2,915,900)	(2,807,900)	(2,864,900)	(2,439,900)	(1,729,900)	(1,544,900)	(1,309,900)			
<b>Request from Legislature for 15-17BN &amp; Future biennial funding</b>	2,947,000	2,947,000	2,947,000	2,947,000	2,947,000	2,947,000	2,947,000	2,947,000	2,947,000	2,947,000	2,947,000	2,947,000	2,947,000	2,947,000	2,947,000
<b>Fund Balance</b>			224,950	224,950	363,200	363,200	435,300	435,300	545,900	545,900					
<b>Difference</b>	233,950	215,950	598,200	128,200	476,300	394,300	574,400	517,400	1,053,000	1,763,000	1,402,100	1,637,100			



## Cultural Resources Roundtable

April 21, 2015

### MEMORANDUM

**TO:** Forest Practices Board

**FROM:** Timber/Fish/Wildlife Cultural Resources Roundtable Co-Chairs  
Jeffrey Thomas, Puyallup Tribe of Indians  
Karen Terwilliger, Washington Forest Protection Association

**SUBJECT:** Staff Report of Timber/Fish/Wildlife Cultural Resources Roundtable to the May 2015 Quarterly Forest Practices Board meeting

The TFW Cultural Resources Roundtable is pleased to submit this latest report to the Forest Practices Board (Board). The Department of Natural Resources (DNR) and the Board have a long history of commitment to the protecting cultural resources. This protection is a key component of the Timber Fish and Wildlife Agreement. As a result of the Forests & Fish negotiations, the Roundtable developed and the Board approved the Cultural Resources Protection and Management Plan (CRPMP). The CRPMP is also incorporated into the Forest Practices Habitat Conservation Plan. A cultural resources module was developed for watershed analysis. In Washington, the Department of Archeology and Historic Preservation is the agency of expertise and has a significant role in cultural resource protection.

In March 2014, the Yakama Nation brought their concerns saying DNR was not conditioning FPAs for landowner-Tribe agreed upon cultural resource plans under WAC 222-20-120 (4). The Board has recently received letters from the Yakama Nation and Confederated Tribes of the Umatilla Indian Reservation and the Upper Columbia United Tribes requesting action on this issue. The Yakama Nation has proposed a solution to implement the cultural goals of the 1987 TFW Agreement (attached). As we have previously reported to you, the past several Roundtable meetings and work groups have focused on DNR's authority and practice in conditioning Forest Practices Applications (FPAs) related to cultural resources plans. Understanding the complex legal and policy considerations related to cultural resources has taken time and there is not agreement with the explanations. All parties around the table

have made clear their commitment to cultural resource protection. Our discussions have been robust and frank. An initial strategy for discussing the issue utilizing flowcharts of the FPA approval process related to cultural resources and the associated DAHP review, informational needs, policy options and potential funding requirements has been proposed. A draft discussion strategy is attached to this report along with draft process flowcharts.

In the coming months, the Roundtable will focus exclusively on resolving this issue. To that end, we will resume monthly meetings. We also request the following from the Board:

- Funding for a facilitator to assist the Roundtable in developing solutions, analyzing implications for policy, administrative rule and HCP implementation, and evaluating whether the current process meets the intent of cultural resource protection under the statewide HCP.
- Inclusion as a standing agenda item on the Quarterly Board Agenda until the Roundtable makes its recommendations to the Board.

As usual, we've attached the Roundtable's Action Item list. This list is reviewed quarterly by the Roundtable and updated to reflect current activities. Changes from our previous report (dated January, 2015) are highlighted in red and italic print. As you will note, resolving these issues is our highest priority and our exclusive work at this time.

We look forward to discussing this plan at the May Board meeting. Please do not hesitate to contact us prior to the meeting.

[jeffrey.thomas@puyalluptribe.com](mailto:jeffrey.thomas@puyalluptribe.com) and (253) 405-7478

[kterwilleger@wfpa.org](mailto:kterwilleger@wfpa.org) and (360) 480-0927

Enclosures



T/F/W Cultural Resources Roundtable					4/21/2015	Changes from the previous report are in Red or Italics
Project Priority	Action Items		Lead	Status	Next Action	Relationship to the CRPMP
High	1	<del>Review</del> <b>Resolve</b> DNR's FPA conditioning authority	Jeffrey, Karen, David, Sherri	<del>Beginning</del> <b>Ongoing</b> <b>Highest</b> <b>Priority</b>	<i>Identify and resolve specific issues and policy framework</i>	<i>CRPMP Purpose #3, and Appendix C</i>
High	2	Seek funding and staff support for the Roundtable's work	Allyson Brooks	<i>Roundtable will bring a request to te FPB in May</i>	<i>Identify needs and potential resources</i>	<i>Overall Implementation of the CRPMP</i>
High	3	Prepare the cultural resource guidance documents and tools as agreed to in the CRPMP		<i>On hold due to Priority #1</i>		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 T/F/W stakeholders, 2) Guidance specific to forest landowners, and 3) Guidance specific to Tribes.	Jesse and Gretchen	In progress	Schedule work group in April to review completed drafts; prepare drafts on remaining sections	
		Post Roundtable guidance documents and other information and training material on the DNR Forest Practices web site		On going		
High	4	Investigate opportunities to develop training workshop curricula <i>and presentation</i> for private industrial foresters.	Jeffrey Karen	Planning	<i>Schedule work group in 2014</i>	An education component of the CRPMP
Medium	5	Develop a Logo for the Cultural Resources Roundtable	Jeffrey and dAVE	In progress	Draft logo under review	Publicity

T/F/W Cultural Resources Roundtable					4/21/2015	<i>Changes from the previous report are in Red or Italics</i>
Project Priority	Action Items		Lead	Status	Next Action	Relationship to the CRPMP
Medium	6	CRPMP amendments to consider and further discuss:	All	Scoping	Members of the Roundtable will provide suggestions for amendments after the guidance document task is 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	Jeffrey			
Low	7	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)	Jeffrey and Karen	On hold	Wait for other higher priority items to be addressed	

T/F/W Cultural Resources Roundtable					4/21/2015	Changes from the previous report are in Red or Italics
Project Priority	Action Items		Lead	Status	Next Action	Relationship to the CRPMP
On-Going Tasks	1	The Roundtable will: (a) meet quarterly; (b) Report- to the FP Board at each regular meeting; (c) Review the CRPMP each year; (d) Report to the FP Board each August on progress of the CRPMP during the previous FY (e) <i>suggest recommendations for modification to CRPMP.</i>	Co-Chairs	FPB meeting	May 12 Report due April 16	Annual & 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		Communication
	3	Create a Roundtable presentation about the CRPMP and Roundtable activities with a singular message and bullet points	Jeffrey and Jesse			
	4	Maintain an annual calendar of recurring Roundtable tasks and functions and post on DNR's website. Include FP Board report due dates, DNR regional TFW meetings and upcoming training opportunities. Emphasize accomplishments when communicating progress on implementing the CRPMP. Post examples of successes and cooperative opportunities on the DNR Forest Practices web site.	Jeffrey	Planning	Select calendaring software	CRPMP Support; Communication
	5	Contact individual FP Board members to "champion" CR Roundtable issues	All	Collaborate with current FP Board members regarding cultural resources issues coming to the Board.		Advance the Roundtable's work
	6	Individual caucuses will continue to support funding for a <b>full time</b> position at DAHP for the maintenance of CR data in support of the forest practices risk assessment tool.	Individual Caucuses	Currently the position has 1/2 time funding	Next opportunity is the 2014 Legislature	DNR Forest Practices Program support
	7	Seek funding for a CR Module pilot project		On hold	Waiting for the next opportunity	Board Manual Section 11 Appendix J

T/F/W Cultural Resources Roundtable					4/21/2015	<i>Changes from the previous report are in Red or Italics</i>
Project Priority	Action Items		Lead	Status	Next Action	Relationship to the CRPMP
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		
	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		
	10	As requested by the FPB, review and comment on a suggestion to amend 222-20-120 Sub-Section (3)(c)(i)		Completed 2011	Recommendation adopted by the Board in Feb, 2012	
	11	Prepare a streaming video of Lee Stilson's lecture on cultural resources that typically may be found in Washington's managed forests		Completed May 2012		

T/F/W Cultural Resources Roundtable				4/21/2015	Changes from the previous report are in Red or Italics
Project Priority	Action Items	Lead	Status	Next Action	Relationship to the CRPMP
12	In time for the FY 2012 report to the FPB, develop a method for formally assessing the performance CRPMP in accomplishing its purposes as stated on page 1 of the plan.		Completed June 2012		
13	Two new cultural resource links have been added to the DNR Forest Practices webpage. Roundtable agendas, notes and action item list are on the Forest Practices Board's webpage		Completed September 2012		
14	Improve knowledge, understanding and use of the GLO, historic and current USGS quad maps and other publicly available information to identify historic features recognized during 19th century land surveys.		Completed October 2012		Making available tools to improve identification and recognition of cultural resources in the field
15	Update the instructions for question 7 of the forest practices application.	Sherri	Completed October 2013	Draft submitted to DNR for inclusion in the next update of FPA Instructions.	This would be an edit to Appendix B of the Cultural Resources Protection and Management Plan
16	Follow the State Environmental Policy Act rule making by the Department of Ecology to draft rules to increase categorical exemptions.		<i>Final Rule Completed April 2014</i>	<i>Ecology is recommending that Cultural Resource be considered as one of three top priorities for Phase 2 rulemaking. The Roundtable will continue to monitor</i>	

## **Yakama Nation Proposed Solution For Cultural Resources Protection Under Forest Practices Rules**

Forest Practices Rules for cultural resources protection were a direct response to the February 17, 1987 Timber, Fish and Wildlife (TFW) Agreement. Rules were in place addressing some cultural resources concerns by January 1, 1988. These rules included WAC 222-16-050(5)(k) and WAC 222-20-120. However, there has never been an effort to fully implement the 28-year-old archaeological and cultural goals of the TFW Agreement. A proposed solution is presented here:

To serve on the TFW Cultural Resources Roundtable participants must commit to the Archaeological and Cultural goals of the 1987 TFW Agreement: “to develop a process to inventory archaeological/cultural spaces in managed forests; and to inventory, evaluate, preserve and protect traditional cultural and archaeological spaces and assure tribal access”.

Implementation of the Archaeological and Cultural goals of the TFW Agreement requires an honest commitment from all participants. Where WAC 222-20-120(2) has been implemented, requiring Tribal-landowner meetings, positive working relationships have developed between the Yakama Nation and landowners. Landowners and consultants often contact the Nation prior to submitting a forest practices application (FPA), in the areas where WAC 222-20-120(2) has been implemented, to resolve any cultural resources issues. The decision to stop implementing WAC 222-20-120(4), making plans a condition of FPAs, has created enforcement problems. The Cultural Resources Module of Watershed Analysis, which arose from the Forest and Fish Report, was approved by the Forest Practices Board May 11, 2005 but has never been used. There are few examples of voluntary processes working in Forest Practices across the state.

### Proposed Provisions to Implement Archaeological and Cultural Goals of TFW:

- 1) Restore WAC 222-20-120(4) with the “may” changed to “shall”. Instruct all Regions to consistently make plans agreed to between Tribes and landowners an FPA condition when requested.
- 2) Instruct all Regions to consistently require meetings under WAC 222-20-120(2) when Tribes appropriately use WAC 222-16-050(5)(k) to identify cultural resources.
- 3) Insert incidental discovery language into every approved FPA.
- 4) Use the DAHP predictive model to screen every FPA. High Risk and Very High Risk areas shall trigger a required professional survey to “inventory archaeological/cultural spaces”. Consultation with local Tribes will be required.
- 5) When archaeological and cultural sites are discovered professionals shall “inventory, evaluate” and make recommendations to “preserve and protect” in consultation with local Tribes.
- 6) “Assure Tribal access” to Tribally significant areas in “managed forests” through binding consultation between affected Tribes and landowners.



## Cultural Resources Roundtable

### Draft Discussion Strategy DNR FPA Conditioning Process for Cultural Resources

Issue: How does the DNR condition forest practice applications under 222-20-120(4): "The department may condition the application in accordance with the plan."

#### NEXT STEPS

Review key documents and recommit to protection of cultural resources:

- TFW Principles, Goals and Ground Rules
- FFR Cultural Resources Excerpts
- TFW Cultural Resources Roundtable Charter
- Cultural Resources Protection and Management Plan
- Watershed Analysis Module for Cultural Resources

Flowchart of process: DNR & DAHP will produce flowcharts to show how cultural and state-listed archeological/historical resources are reviewed in the FPA process and when landowner-Tribal meetings are required. Although Tribes and landowners differ in specific timeline for reviewing these resources, it may be helpful to add a list of common considerations.

Additional Information Needed for Discussion:

**Note: Roundtable participants are encouraged to identify additional questions.**

- We need a solid written understanding of DNR's conditioning authority regarding landowner-Tribe cultural resource plans and DAHP regulatory plans Including:
  - What is the extent of DNR conditioning authority (i.e. provisions included with the submission of an FPA, specific examples out of the plans)?
  - How do DAHP authority/plans and information apply to FP approvals?
  - What are the regulatory authorities of DAHP and DNR?
  - Is there an overlap of authorities between DNR and DAHP?
- What are the formal communication processes between caucuses and the Roundtable about changes in conditioning practices?
- Who does what in DNR regions and at DAHP?
  - Who is the appropriate person for DAHP to contact in the DNR regions?
  - How should coordination with the landowners work?

- How can essential tribal conditions be incorporated into a landowner -Tribal plan and associated FPAs?
- How are Tribes notified about cultural resources issues in individual FPAs, particularly related to exclusion of areas from harvest units?
- In addition to the interaction with DAHP, are there other scenarios in FPA processing when there is a non-DNR regulatory authority involved? If so, how does DNR incorporate those regulatory outcomes into the FPA decision-making process?
- What avenues are there for including cultural resources into the definition of a public resource?
- What additional options or resources for cultural resources could be available for documenting and protecting cultural resources?
- How does cultural resource identification process under WAC 222-16-050(5)(k) work?
- What are specific situations where the current process doesn't work; how often do they occur?
- What are avenues are there for protecting the public information value of a site?
- What resources are Tribes presently relying upon to fulfill their individual FPA screening work.
- What % of FPAs experience cultural resources screening efforts per year? Is it every – or just selected FPAs?
- How many Tribes screen FPAs using their FFSA funds?
- How are FPA screening efforts financed by each individual Tribe.
- Is tribal screening of FPAs in competition with screens of non-FPA land use proposal types (e.g. site development permits, local governmental SEPA reviews, etc.)?
- What is the average cost of cultural resources FPA screening - per Tribe/per year (current vs. optimal)?
- What standards are/would be used to guide FPA-based tribal consultation work? Do they relate to the Commissioners Order, the Millenium Agreement, and/or the Centennial Accord (and/or the NHPA as per the HCP)?
- What are the mechanisms related to fulfilling the site conditions provision presented in the archeological and cultural section of the TFW agreement?
- 
- 

**Potential Options Suggested by TFW Participants for next steps and further actions (party suggesting option):**

***Note: Roundtable participants are encouraged to identify additional options.***

- Clarify existing regulatory authority process. (WFPA)
- Develop additional tools for Tribes and landowners to use during landowner –Tribal planning meetings. (WFPA)
- Use CRR survey to identify specific areas where 222-20-120 works well/doesn't work. (WFPA)
- Restore WAC 222-20-120(4) with the "may" changed to "shall". Instruct all Regions to consistently make plans agreed to between Tribes and landowners an FPA condition when requested. (Yakama)
- Instruct all Regions to consistently require meetings under WAC 222-20-120(2) when Tribes appropriately use WAC 222-16-050(5)(k) to identify cultural resources. (Yakama)
- Insert incidental discovery language into every approved FPA. (Yakama)
- Use the DAHP predictive model to screen every FPA. High risk and Very high risk areas shall trigger a required professional survey to "inventory archaeological/cultural spaces". Consultation with local Tribes will be required. (Yakama)
- When archaeological and cultural sites are discovered professionals shall "inventory, evaluate" and make recommendations to "preserve and protect" in consultation with local Tribes. (Yakama)



- “Assure Tribal access” to Tribally significant areas in “managed forests” through binding consultation between affected Tribes and landowners. (Yakama)
- Develop additional guidance for landowners. (WFPA)
- Develop additional cross-training opportunities for DNR staff, landowners and Tribal staff. (WFPA)
- Complete the biennial review required under the Cultural Resources Protection and Management Plan. (WFPA)
- Begin formal evaluation of cultural resources program. (Puyallup)
- 
- 

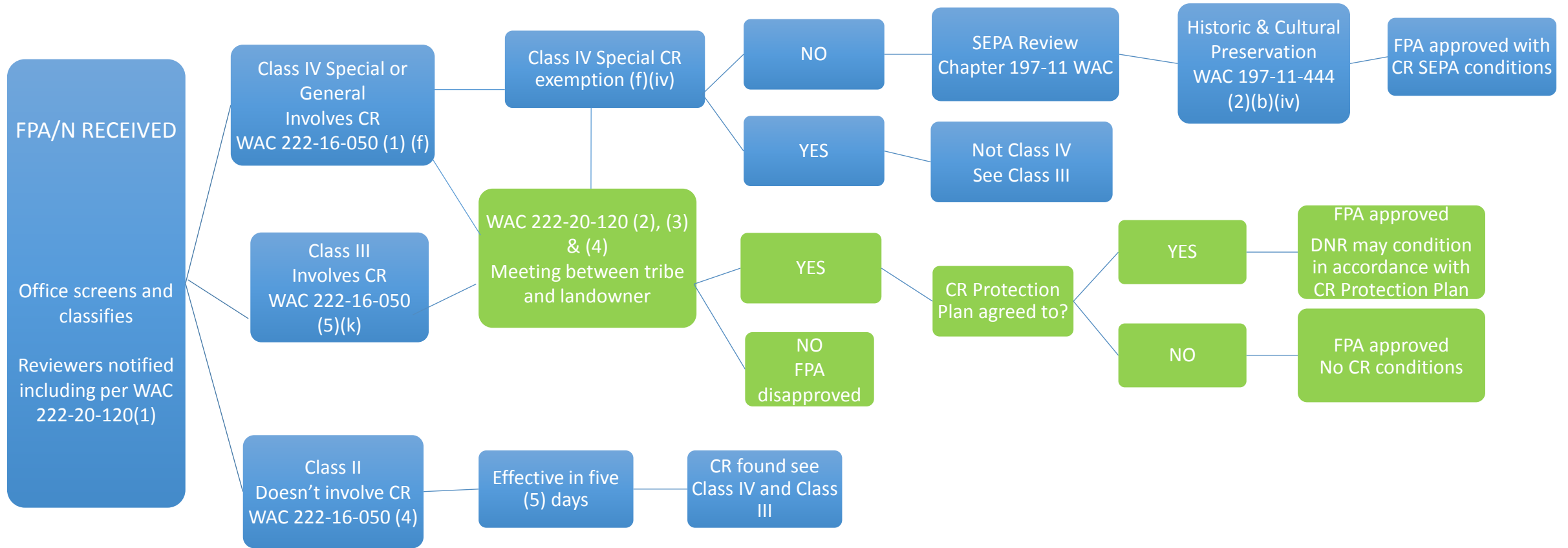
Consensus Recommendations:

***Note: Roundtable participants will develop schedule for resolving questions and analyzing options at the April meeting.***

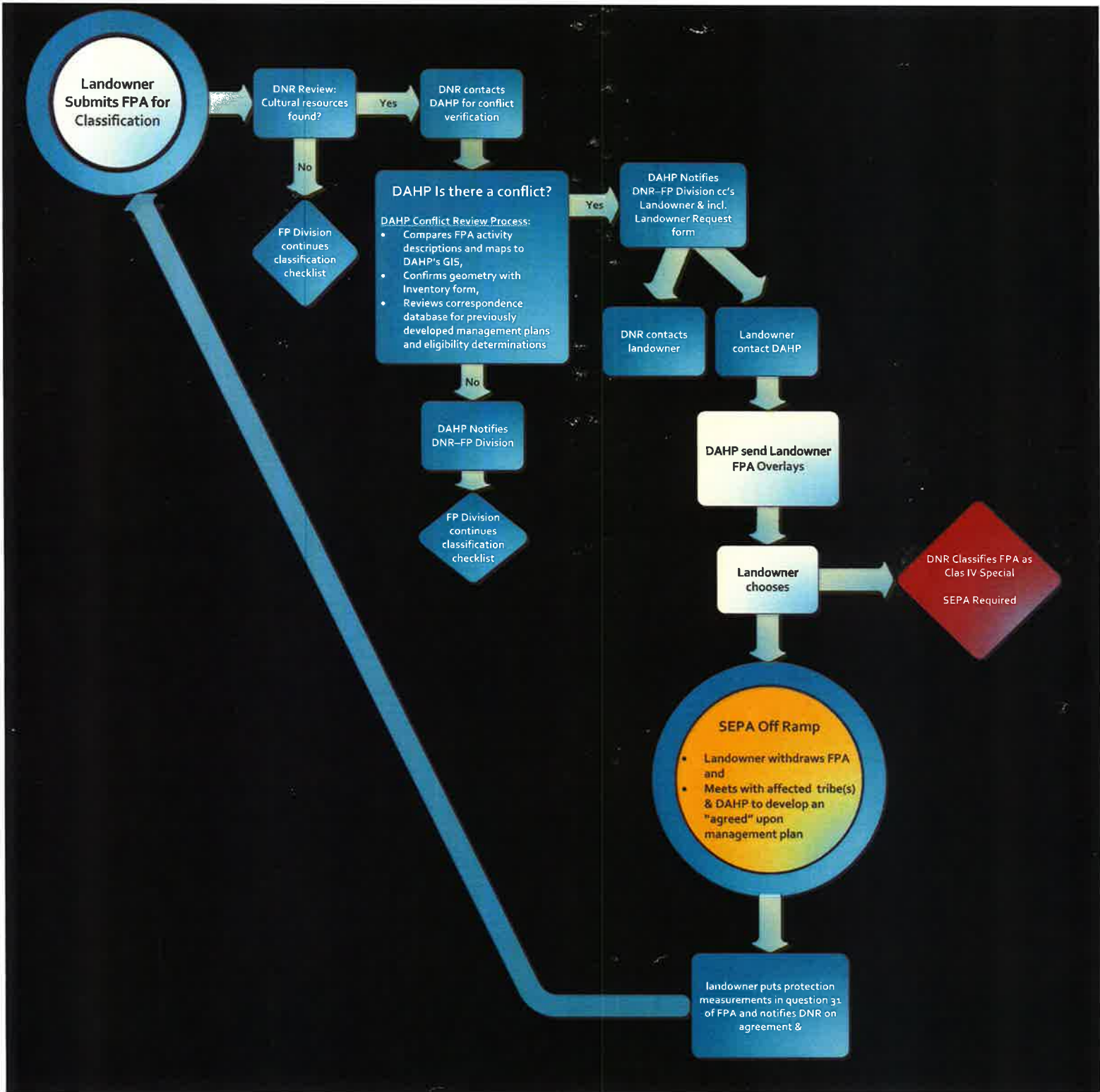
DRAFT

# CULTURAL RESOURCES (CR) FPA/N PROCESS

## Draft



DRAFT





## MEMORANDUM

April 22, 2015

TO: Forest Practices Board  
FROM: Sherri Felix, Policy Analyst  
Forest Practices Division

Handwritten initials 'SF' in blue ink, positioned to the right of the 'FROM' line.

SUBJECT: Possible Rule Making Regarding Riparian Management Zones

On May 12<sup>th</sup> I will request your approval to notify the public of possible rule making by the Board to clarify the required location of outer zone leave trees within riparian management zones (RMZ). With your approval, staff will file a CR-101 *Pre-proposal Statement of Inquiry* with the Office of the Code Reviser.

Staff is recommending a RMZ rule clarification because the Forest Practices Compliance Monitoring Program has found a need to better explain where outer zone leave trees are required to be left. The rules require leave trees within the outer zone according to the harvest option chosen. When more than one harvest option is chosen for a length of stream, the rules are not explicit that outer zone leave trees are required within the specific stream segment for each harvest option.

Clarification for outer zone leave tree placement involves western and eastern Washington RMZ rules, WAC 222-30-021(1)(c) and -022(1)(c) respectively.

If the Board approves filing the CR-101, staff would request the assistance of stakeholders and Tribes to help determine how best to clarify the rules. At this time, staff anticipates having draft rule language ready for the Board's September 2015 meeting.

I look forward to seeing you on May 12. In the meantime, please feel free to contact me with any questions at 360.902.1446 or [sherri.felix@dnr.wa.gov](mailto:sherri.felix@dnr.wa.gov).

**FOREST PRACTICES BOARD  
2015 WORK PLAN**

<b>TASK</b>	<b>COMPLETION DATE/STATUS</b>
<b>Adaptive Management Program</b>	
· CMER Master Project Schedule Progress*	May
· Effectiveness of Riparian Management Zones in Providing Habitat for Wildlife Study*	May
· Effects of Forested Roads and Tree Removal In or Near Wetlands of the Pacific Northwest Literature Synthesis	May
· Program Funding	On-going
· Review and Synthesis of Literature on Tailed Frogs with Special Reference to Managed Landscapes	August
· Temperature and Solar Radiation/Effective Shade Study*	August
· Type F*	November
· Type N*	August
· Wetland Research and Monitoring Strategy: Forest Practices and Wetlands Report	May
· <b>Proposal Initiation for Alternate Plan Template Timeline*</b>	May
<b>Annual Reports</b>	
· Clean Water Act Assurances	August
· Compliance Monitoring Annual Report	August
· Northern Spotted Owl Conservation Advisory Group	May
· 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
<b>Board Manual Development</b>	
· Section 7, Guidelines for Riparian Management Zones	November
· Section 16, Evaluating Potentially Unstable Slopes and Landforms	August
· Section 23 (Part 2), Guidelines for Field Protocol to Locate Mapped Divisions Between Stream Types and Perennial Stream Identification*	November
<b>CMER Membership</b>	
	As needed
<b>Rule Making</b>	
· Unstable slopes information on Forest Practices Applications	February
· RMZ Clarification	November
<b>Upland Wildlife - Northern Spotted Owl</b>	
	On-going
<b>Quarterly Reports</b>	
· Adaptive Management Program & Strategic Plan Implementation*	Each regular meeting
· Board Manual Development	Each regular meeting
· Compliance Monitoring	Each regular meeting
· Clean Water Act Assurances	May
· Legislative Update	February & May
· NSO Implementation Team	Each regular meeting
· Rule Making Activities	Each regular meeting
· Small Forest Landowner Advisory Committee & Office	Each regular meeting

*Italics = proposed changes*  
 \*= TFW Policy Committee

FOREST PRACTICES BOARD  
2015 WORK PLAN

TASK	COMPLETION DATE/STATUS
· TFW Cultural Resources Roundtable	Each regular meeting
· TFW Policy Committee Work Plan Accomplishments & Priorities*	Each regular meeting
· Upland Wildlife Working Group	Each regular meeting
<b>Work Planning for 2016</b>	November