Draft Outline 12/31/13
TFW Policy Committee Response to the
Mass Wasting Effectiveness Monitoring Project Report Package

PROCESS IMPROVEMENTS

1. The TFW Policy Committee (Policy) recognizes the improvements in the identification and buffering of potential unstable slopes through:
    - A series of FPA processing rule makings and board manual guidance since 1999;
    - Implementation of DNR slope stability training; and
    - The recent Forest Practice Board rules, adopted in 2011, requiring the Department of Natural Resources (DNR) to conduct reviews of approved Watershed Analysis mass wasting prescriptions after the occurrence of a natural disaster having a material adverse effect on the resource characteristics of the Watershed Administrative Unit or every five years (WAC 222-22-090), whichever occur sooner.

The recent DNR review of the adequacy and specificity of mass wasting prescriptions (MW Rx) determined the need for landowners in all approved Watershed Analysis (WSA), except those WSA requiring MW Rx reanalysis per individual landowner HCP, to either choose to perform reanalysis of the mass wasting prescriptions for effectiveness or to eliminate the mass wasting prescriptions. This action resulted in the rescinding of mass wasting prescriptions in all but three approved Watershed Analysis where landowners are conducting reanalysis.

2. Policy recognizes that the DNR has an ongoing effort of process improvements related to the review of Forest Practice Applications (FPA) with respect to mass wasting potential. Policy supports these improvements and recognizes that many of these process improvements began prior to the 2007 storm event and are continuing to date.

    a. 2003/2004 – Board Manual Section 16 updated: Section 16 was reorganized to illustrate a methodical way to evaluate potentially unstable slopes. Further guidance was added to clarify rule requirements for Qualified Experts and geotechnical reports.
    b. 2004 – Landslide Hazard Zonation: mapping product/screening tool made available on GIS
    c. 2005 – Qualified Expert clarification: Qualified expert also meets the requirements of a level 2 analyst
    d. 2006 – Clarification of Forest Practices Rule Standards for the Submission of Qualified Expert Reports: clarifying what is actually required in the report per the rules
    e. 2008 – Clarification: Classifying Forest Practices Applications Involving Potentially Unstable Slopes or Landforms
    f. 2009 – Watershed Analysis: Mass Wasting prescriptions reviewed and designated as specific or non-specific for the purpose of FPA classification

g. 2011 – Watershed Analysis rule adoptions allowing landowners to preform reanalysis or rescind their mass wasting prescriptions. Board Manual Section 11 amendments regarding the review and reanalysis process.
h. 2013 – Mass wasting prescriptions rescinded for the majority of approved watershed analyses

3. In addition to these process improvements, Tribes support DNR Forest Practices which helps provide continuity and coordination across regions so that risks from unstable slopes are reviewed and avoided or mitigated consistently.
4. Policy supports the following specific recommendations for further process improvements:
   a. Based on the results of the work identified in Section 7(b)(ii) and (iii), DNR may investigate LiDAR availability, and develop budget requests for a collaborative project in conjunction with the LiDAR Consortium and other potential partners to acquire LiDAR for the purposes of providing better screening for unstable slopes.
   b. DNR will prepare a written description, to accompany PowerPoint presentations, of their process for reviewing FPAs to assure proposed forest practices activities provide adequate assurances that rule identified landforms have been identified and protected. DNR will provide this product to Policy by March 24, 2014.
   c. DNR will develop additional documentation for landowners to complete and DNR to review for all FPAs involving potential unstable slopes or landforms. This documentation will include a new section of the FPA form, an addenda, and corresponding instructions. The addition to the FPA form and associated addenda will document the actions taken by landowners in preparation for submittal of the FPA and DNR review including but not limited to describing and confirming the items listed below in this sub section. When a geotechnical report is submitted with an FPA, the existing guidance is sufficient to ensure that adequate documentation has been provided by the landowner.
      i. Office Review, information sources utilized (screening tools, photos, maps, etc), summary of results (identification of areas of focus for field review).
      ii. Field review, Name of person(s) who conducted the field review and their title/credentials), Date(s) of field review, Spatial extent of field review within and around proposed FPA activities.
      iii. A process for documenting any potential features identified in screening inside a FPA that did not meet the RIL definition after field verification, when a geotechnical report is not provided.
      iv. ~~If a landowner submits a geotechnical report in support of a Class III FPA (showing how LO avoided the unstable slopes) the report will be processed in the same way for review as for a Class IV Special FPA.~~
      v. If a geotechnical report is not provided, a process for documenting how unstable features identified (RIL or other unstable feature) outside the footprint of a FPA but in proximity, are avoided.
   d. Upon completion of subsection b and c, Policy will review ~~these products to determine if they sufficiently address concerns expressed by Policy members.~~

Comment [MDE1]: This is standard practice and will be covered in DNRs written description

Comment [MDE2]: DNR will not support this statement, not needed

COMPLIANCE

5. Policy requests DNR to include an emphasis sample within their Compliance Monitoring Program evaluating compliance with the Forest Practice Rules and to fulfill DNR's commitment to review Accuracy and Bias, include a review of the specific avoidance or mitigation measures identified in the Forest Practice Application.

CONTINUE CURRENT ROAD AND FOREST RETENTION PRACTICES PENDING FURTHER RESEARCH

6. Policy recognizes that the effectiveness of road prescriptions as examined in the Mass Wasting Effectiveness Monitoring Project Report were statistically inconclusive and as a result, Policy is not recommending any rule changes or further guidance development at this time. Policy supports implementation and enforcement of the forest practices (FFR) rules for all new road construction and maintenance; and continued DNR enforcement of deadlines for the completion of all RMAP road surface water maintenance, road abandonment and mitigation requirements.

7. Policy recognizes that the results of the analysis in the Mass Wasting Effectiveness Monitoring Project Report do not answer all of Policy's questions with respect to the effectiveness of harvest prescriptions to meet mass wasting resource objectives. The report found significant differences in landslide density between the No Buffer treatment and the Mature treatment. Landslide density did not differ significantly between either the Full Buffer and Mature treatments or the Full Buffer and No Buffer treatment, with the later being explained by stand age differences and hydrologic maturity~~s~~. There is a wide range of policy opinions in interpreting these results. Thus, Policy is recommending the following research-related actions:
    a. CMER will prioritize the development and implementation of the Unstable Slope Criteria Project with scoping to be completed by DATE and an implementation schedule to be developed based on the specific study design. Policy is particularly interested in the adequacy of the gradient, slope curvature, and probability of delivery criteria.
    b. CMER and Policy will conduct a comprehensive review of the mass wasting research strategy and make any recommended changes so that they can be incorporated into the CMER work plan and budget in March and April 2015, respectively. The review will cover all existing research in the work plan and specifically consider the following:
        i. The resources required to establish natural background rates and the practicality of measuring the prescription effectiveness against that benchmark.
        ii. The benefits of acquisition of LiDAR based DEMs for implementing the existing rules and review processes.
        iii. The cost of a pilot that utilizes LiDAR in the SLPSTAB screening tool measure the improvement in the prediction of potentially unstable slopes.

Comment [AM3]: My understanding is that CMER has not found any people to begin this work. Does this need to be contracted out?

Comment [AM4]: Numerous caucuses commented that the placeholder language was impossible to meet. Revised to give CMER nearly a full year to complete the review.

iv. Evaluate how “Category E” is being used and determine if there is value in further defining the geographically unique potential unstable slopes identified under “Category E” as RILs?

v. What is the cost and what can be expected to learn by investigating the micro-hypotheses described in the Mass Wasting Effectiveness Monitoring Project Report Appendix C.5 for both hillslopes and roads?

vi. What is the cost and what can be expected to learn by conducting the future research proposed in the Mass Wasting Effectiveness Monitoring Project Report Appendix D, especially a characterization of non-RIL landslides (App. D.3)?

Comment [MDE5]: This should be briefly described

Comment [MDE6]: This should be briefly described