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July 19, 2010

TO: Forest Practices Board

FROM: Mark Hicks
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SUBJECT: Quarterly Update Clean Water Act Milestones

Ecology has committed to provide the Board with quarterly updates on the progress being made to meet milestones established for retaining the Clean Water Act (CWA) Assurances for the forest practices rules and associated programs.

During this past quarter, Department of Natural Resources (DNR), Ecology, and the Forests and Fish Adaptive Management Program (AMP) continued work on the clean water act milestones. No milestones were completed, however, and several that were previously reported as nearly complete remain unfinished. While ongoing efforts have yet to be completed, work has been initiated on two new milestones during this quarter. Although the slow progress in completing milestones is troubling, the long-term financial picture for Cooperative Monitoring, Evaluation, and Research (CMER) remains the most serious threat to retaining the assurances.

Ecology would like to urge the Board to be sensitive to assigning new work to DNR staff and to the AMP during this next year. Most of the same staff and managers that have been working to complete the CWA milestones are also the same people that bear the weight of any new initiatives.

Enclosure

Quarterly Update on Progress in meeting the Clean Water Act Milestones as of July 15, 2010.

Non-CMER Project Milestones

	Summarized Description of Milestone	Status April 16	Status June 15
2009	July 2009: CMER budget and work plan will reflect CWA priorities.	Milestone Met	Two unplanned projects have been the focus this quarter
	September 2009: Identify a strategy that will be to secure stable, adequate, long-term funding for the AMP.	Milestone Met	No funding exists beyond 2010 to conduct priority projects
	October 2009: Complete Charter for the Compliance Monitoring Stakeholder Guidance Committee	Milestone Met	
	December 2009: Complete training sessions on the AMP protocols and standards for CMER, and Policy and offer to provide this training to the Board. Identify and implement changes to improve performance or clarity at the soonest practical time.	Partially Met	Policy stopped working on the final task of this milestone
	December 2009: Initiate a process for flagging CMER projects that are having trouble with their design or implementation.	No Formal Action	AMP Administrator has begun to develop a process
	December 2009: Compliance Monitoring Program to develop plans and timelines for assessing compliance with rule elements such as water typing, shade, wetlands, haul roads and channel migration zones.	Milestone Met	Planning met, but trouble likely in meeting the plan
	December 2009: Evaluate the existing process for resolving field disputes and identify improvements that can be made within existing statutory authorities and review times.	Work Underway	DNR will be taking draft out for F&F stakeholder review
2010	January 2010: Ensure opportunities during regional RMAP annual reviews to obtain input from Ecology, WDFW, and tribes on road work priorities.	Work Underway	DNR reports this is nearly complete
	February 2010: Develop a prioritization strategy for water type modification review.	Milestone Met	
	March 2010: Establish online guidance that clarifies existing policies and procedures pertaining to water typing.	Work Underway	DNR reports work is still ongoing
	June 2010: Establish a framework for certification and	No Formal	DNR assigned

	refresher courses for all participants responsible for regulatory or CMP assessments.	Action	staff to begin this effort
	June 2010: Review existing procedures and recommended any improvements needed to effectively track compliance at the individual landowner level.	Milestone On-Track	
	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.	No Formal Action	CMP Manger expects this within one month
	July 2010: Develop a plan for evaluating the risk posed by SFL roads for the delivery of sediment to waters of the state.	Work Underway	DNR assigned staff to move this effort forward
	July 2010: Develop a strategy to examine the effectiveness of the Type N rules in protecting water quality at the soonest possible time that includes: a) Rank and fund Type N studies as highest priorities for research, b) resolve issue with identifying the uppermost point of perennial flow by July 2012, and c) completing a comprehensive literature review examining effect of buffering headwater streams by September 2012.	On-Track with Priority Ranking and Literature Review	No ongoing work other than the EPA sponsored literature review
	October 2010: Conduct an initial assessment of trends in compliance and enforcement actions taken at the individual landowner level.	Milestone On-Track	
	October 2010: Design a sampling plan to gather baseline information sufficient to reasonably assess the success of alternate plan process.	No Formal Action	DNR assigned staff to move this effort forward
	December 2010: Initiate process of obtaining an independent review of the Adaptive Management Program.	Milestone On-Track for 2010 or 2011	Expected in early 2011
2011	February 2011: Complete an evaluation of the relative success of the water type change review strategy.	Milestone On-Track	
	December 2011: Provide more complete summary information on progress of industrial landowner RMAPs.	Milestone On-Track	
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 take remove assurances or otherwise take corrective action.	Milestone On-Track	
2013	November 2013: Prepare a summary report that assesses the progress of SFLs in bringing their roads into compliance with road best management practices, and any general risk to water quality posed by relying on the checklist RMAP process for SFLs.	No Formal Action	

CMER Research Milestones

	Description of Milestone	Status
2009	Complete: Hardwood Conversion – Temperature Case Study	Milestone Met
	Study Design: Wetland Mitigation Effectiveness	Milestone Met
2010	Complete: Mass Wasting Prescription-Scale Monitoring	Milestone On-Track
	Implement: Wetland Mitigation Effectiveness (Pilot)	Uncertain
	Study Design: Type N Experimental in Incompetent Lithology	~~Milestone On-Track~~ Uncertain – CMER still unable to complete an initial Scoping document.
	Study Design: Testing the Accuracy of Unstable Landform Identification.	~~Milestone On-Track~~ Uncertain – UPSAG lost another member and remains unable to start this project
	Scope: Mass Wasting Landscape-Scale Effectiveness	Uncertain
	Scope: Eastside Type N Effectiveness (new study needed)	Uncertain
2011	Complete: Bull Trout Overlay Temperature	Milestone On-Track
	Complete: Solar Radiation/Effective Shade	Milestone On-Track
	Implement: Type N Experimental in Incompetent Lithology	Milestone On-Track – Likely that initial site identification work can start in 2011 but may be hampered by lack of an approved study design
	Study Design: Mass Wasting Landscape-Scale Effectiveness	Uncertain
	Scope: Wetland Management Zone Effectiveness Monitoring	Uncertain
2012	Complete: Buffer Integrity-Shade Effectiveness	Milestone On-Track
	Complete: Wetland Mitigation Effectiveness	Uncertain
	Implement: Testing the Accuracy of Unstable Landform Identif.	Uncertain
	Scope: Wetland/Stream Water Temperature Interactions	Uncertain
	Study Design: Amphibians in Intermittent Streams (Phase III)	Uncertain
2013	Scope: Effectiveness of RMAP Fixes	Uncertain
	Scope: Wetland Hydrologic Connectivity	Uncertain
	Implement: Amphibians in Intermittent Streams (Phase III)	Uncertain
	Implement: Eastside Type N Effectiveness	Milestone On-Track Uncertain – SAGE has not yet started scoping work on this project as was previously expected
2014	Complete: Type N Experimental in Basalt Lithology	Milestone On-Track

	Study Design: Effectiveness of RMAP Fixes	Uncertain
	Scope: Type F Experimental Buffer Treatment	Uncertain
2015	Complete: First Cycle of Extensive Temperature Monitoring	Uncertain
	Scope: Watershed Scale Assess. of Cumulative Effects	Uncertain
2017	Study design: Watershed Scale Assess. of Cumulative Effects	Uncertain
2018	Complete: Roads Sub-basin Effectiveness	Uncertain
	Implement: Watershed Scale Assess. of Cumulative Effects	Uncertain
	Complete: Type N Experimental in Incompetent Lithology	Uncertain
2019	Complete: Eastside Type N Effectiveness (new study needed)	Uncertain