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January 14, 2011

TO: Forest Practices Board

FROM: Mark Hicks MH
Forestry Water Quality Coordinator

SUBJECT: Quarterly Update Clean Water Act Milestones

Ecology has committed to provide the Forest Practices Board with quarterly updates on the progress being made to meet milestones established for retaining the Clean Water Act (CWA) Assurances for the forest practices rules and associated programs. At your last meeting, I provided a short summary of how work is progressing and I committed to give you a more detailed accounting of progress in meeting the CWA milestones in time for your upcoming February 2011 meeting.

The Department of Natural Resources and cooperators and staff of the Forests and Fish Adaptive Management Program have continued with efforts to satisfy the Clean Water Act milestones. Over this last six month period (two quarters), five milestones were fully completed, two partially completed, and three are in their final stages of review or field-testing. These positive achievements were associated with milestones addressing operational and compliance monitoring activities. Although these accomplishments are to be lauded, several milestones due in 2009 and 2010 languished because DNR staff did not have the time to participate in moving them forward.

In the past six months, only one milestone has been completed that pertains to the Cooperative Monitoring, Evaluation, and Research (CMER) program. That was a milestone to establish a process to identify projects that are having trouble soon enough so that CMER or the Forest and Fish Policy Committee can provide needed assistance. Additionally, several important CMER studies are either 1) on track to meet their CWA milestones (these include the bull trout studies and the Type N experimental Basalt study), 2) are in the final stages of report writing or peer review (Mass Wasting Prescription-Scale Monitoring), or 3) are now progressing at as rapid a pace as feasible towards field implementation (Type N Experimental Soft Rock study.) The CMER budget as well as the time available from the volunteer scientists appears to pose the most serious threat to meeting the milestones.

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

Enclosure

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

Non-CMER Project Milestones		
	Summarized Description of Milestone	**Status January 2011**
2009	July 2009: CMER budget and work plan will reflect CWA priorities.	Milestone Met
	September 2009: Identify a strategy to secure stable, adequate, long-term funding for the AMP.	Milestone Met However, no long term source of funding found. EPA grant secured to help with major project over 4 yrs. Ecology helping to fund key WQ research. DNR looking for fund sources to cover CMER budget gap short-term.
	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 Training was completed. Policy and CMER co-chairs are moving recommended changes and actions forward.
	December 2009: Initiate a process for flagging CMER projects that are having trouble with their design or implementation.	Milestone Met
	December 2009: Compliance Monitoring Program to develop plans and timelines for assessing compliance with rule elements such as water typing, shade, wetlands, haul roads and channel migration zones.	Milestone Met
	December 2009: Evaluate the existing process for resolving field disputes and identify improvements that can be made within existing statutory authorities and review times.	Milestone Met

Non-CMER Project Milestones		
	Summarized Description of Milestone	**Status January 2011**
2010	January 2010: Ensure opportunities during regional RMAP annual reviews to obtain input from Ecology, WDFW, and tribes on road work priorities.	Partially Met Formal written communication with regions will be combined with memo coming to satisfy the December 2011 milestone on providing more complete information on large landowner RMAP progress.
	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.	Final Draft being prepared for review Completion expected March 2011.
	June 2010: Establish a framework for certification and refresher courses for all participants responsible for regulatory or CMP assessments.	Ecology provided suggested approach. No further action on this issue has occurred.
	June 2010: Review existing procedures and recommended any improvements needed to effectively track compliance at the individual landowner level.	Milestone Met
	July 2010: Assess primary issues associated with riparian noncompliance (using the CMP data) and formulate a program of training, guidance, and enforcement believed capable of substantially increasing the compliance rate.	Partially Met Assessment complete and included in CMP Biennial Report. Recommendations for improving compliance still pending.
	July 2010: Develop a plan for evaluating the risk posed by SFL roads for the delivery of sediment to waters of the state.	Ecology provided suggested approach. No further action on this issue has occurred.
	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.	Ecology provided suggested approach. No further action on this issue has occurred.

Non-CMER Project Milestones		
	Summarized Description of Milestone	**Status January 2011**
	October 2010: Conduct an initial assessment of trends in compliance and enforcement actions taken at the individual landowner level.	Milestone Met
	October 2010: Design a sampling plan to gather baseline information sufficient to reasonably assess the success of alternate plan process.	A draft approach has been developed and is being field tested.
	December 2010: Initiate process of obtaining an independent review of the Adaptive Management Program.	Expected in early 2011
2011	~~February~~ December 2011: Complete an evaluation of the relative success of the water type change review strategy.	Milestone On-Track Ecology extended the milestone date to provide more experience testing the strategy.
	December 2011: Provide more complete summary information on progress of industrial landowner RMAPs.	Being developed as an adjunct to the draft rule providing a 5-year extension of RMAP.
2012	October 2012: Reassess if the procedures being used to track enforcement actions at the individual land owner's level provides sufficient information to potentially remove assurances or otherwise take corrective action.	Milestone On-Track
2013	November 2013: Prepare a summary report that assesses the progress of SFLs in bringing their roads into compliance with road best management practices, and any general risk to water quality posed by relying on the checklist RMAP process for SFLs.	No Formal Action

CMER Research Milestones		
	Description of Milestone	**Status January 2011**
2009	Complete: Hardwood Conversion – Temperature Case Study	Milestone Met
	Study Design: Wetland Mitigation Effectiveness	Milestone Met
2010	Complete: Mass Wasting Prescription-Scale Monitoring	Final draft report in at Peer Review stage.
	Implement: Wetland Mitigation Effectiveness (Pilot)	Milestone in Question WETSAG efforts have raised legitimate concerns with wetlands research projects and priorities. WETSAG preparing recommendations and supporting documentation.
	Study Design: Type N Experimental in Incompetent Lithology	Expected by April 2011 Work is progressing simultaneously to finalize a study design and to identify study sites to enable study to get in the field summer 2011.
	Study Design: Testing the Accuracy of Unstable Landform Identification.	UPSAG is now waiting for a policy decision on the preferred focus of an Accuracy and Bias study.
	Scope: Mass Wasting Landscape-Scale Effectiveness	UPSAG unable to begin this until they complete the Mass Wasting Prescription-Scale Monitoring Study.
	Scope: Eastside Type N Effectiveness (new study needed)	No work has begun.
2011	Complete: Bull Trout Overlay Temperature	Milestone On-Track
	Complete: Solar Radiation/Effective Shade	Milestone On-Track
	Implement: Type N Experimental in Incompetent Lithology	Milestone On-Track
	Study Design: Mass Wasting Landscape-Scale Effectiveness	Uncertain
	Scope: Wetland Management Zone Effectiveness Monitoring	Milestone in Question WETSAG efforts have raised legitimate concerns with wetlands research projects and priorities. WETSAG preparing recommendations and supporting documentation.
2012	Complete: Buffer Integrity-Shade Effectiveness	Milestone On-Track It is anticipated this project will end on June 30, 2012.
	Complete: Wetland Mitigation Effectiveness	Milestone in Question WETSAG efforts have raised legitimate concerns with wetlands research projects and priorities. WETSAG preparing recommendations and supporting documentation.

CMER Research Milestones		
	Description of Milestone	**Status January 2011**
	Implement: Testing the Accuracy of Unstable Landform Identif.	Uncertain
	Scope: Wetland/Stream Water Temperature Interactions	Milestone in Question - WETSAG efforts have raised legitimate concerns with wetlands research projects and priorities. WETSAG preparing recommendations and supporting documentation.
	Study Design: Amphibians in Intermittent Streams (Phase III)	
2013	Scope: Effectiveness of RMAP Fixes	
	Scope: Wetland Hydrologic Connectivity	Milestone in Question WETSAG efforts have raised legitimate concerns with wetlands research projects and priorities. WETSAG preparing recommendations and supporting documentation.
	Implement: Amphibians in Intermittent Streams (Phase III)	Uncertain This project, and the need for it, is both in question. The needed information may come from the Type N Experimental in Basal Lithology study expected for completion in 2014.
	Implement: Eastside Type N Effectiveness	Uncertain SAGE has not yet started scoping work on this project.
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 Field work has been completed for three of the four strata and final study reports for these strata are being prepared. The final strata, eastside non-fish-bearing waters, could not be completed due to a very high rate (~90%) of failure of the randomly selected sample sites actually having perennial flowing streams. Work underway on the Eastside Forest Hydrology study is hoped to provide a tool to better assist in finding sample sites for the remaining strata.
	Scope: Watershed Scale Assess. of Cumulative Effects	Uncertain

CMER Research Milestones		
	Description of Milestone	**Status January 2011**
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	Milestone On-Track
2019	Complete: Eastside Type N Effectiveness (new study needed)	Uncertain