January 28, 2010

MEMORANDUM

TO: Forest Practices Board

FROM: Chuck Turley, Deputy Supervisor of Regulatory Programs

SUBJECT: Recommendations from the Watershed Analysis Mass Wasting Prescriptions Committee

The Forest Practices Board (Board) Watershed Analysis Mass Wasting Prescriptions Committee (Committee) has reached a consensus agreement on their recommendations to present to the Board. Those recommendations are attached.

This Board Committee was created on August 12, 2009 by unanimous approval of the Board in response to following motion:

> "Norm Schaaf moved that the Forest Practices Board direct Board staff to convene a board subcommittee to inform the Board regarding policy and resource issues for unstable slopes and the continued use of watershed analysis mass wasting prescriptions and their Class IV-special exemption. This Committee will report back at the November meeting."

The Committee consisting of Norm Schaaf, Tom Laurie, Sherry Fox and David Herrera met five times to develop recommendations to present to the Board. Two meetings, on October 12 and October 19, 2009, were held prior to reporting the Committees progress at the Board's November meeting. Three additional meetings were then held on November 20, 2009, January 8, 2010, and January 20, 2010.

The Committee will present their recommendations to the full Board at the February 10, 2010 meeting. If you have any questions, please contact me at (360) 902-1684 or chuck.turley@dnr.wa.gov .

Attachment

c. Darin Cramer
Marc Engel
Julie Sackett
Sherri Felix
Paddy O'Brien
Phil Ferester
Board liaisons

Consensus Recommendations of the
Forest Practices Board Watershed Analysis Mass Wasting Prescriptions Committee
Sherry Fox, Tom Laurie, Norm Schaaf and Dave Herrera

Whereas, the Washington Forest Practices Board (Board) formed the Committee to make recommendations to the Board regarding the use of Watershed Analysis and implementation of Watershed Analysis mass wasting prescriptions by landowners and the Washington Department of Natural Resources (DNR); and

Whereas, the Committee, after undertaking a review of these matters, now makes the following consensus recommendations for Board consideration and adoption:

1. The Committee recommends that the Board support the continued use of Watershed Analysis mass wasting prescriptions as contemplated in these consensus recommendations.

2. The Committee recommends that DNR continue to implement the process described in the November 30, 2009 memo from Julie Sackett providing Regions guidance to work with affected landowners for reconsideration of the delineation of specific and non-specific Watershed Analysis mass wasting prescriptions.

3. The Committee recommends that the Board request the presentation of findings from five year reviews that have been completed.

4. Consistent with the views expressed by the U.S. Fish and Wildlife Service in their letter dated January 8, 2010 from Ken Berg to Lenny Young, DNR Supervisor, the Committee recommends that private holders of federal Incidental Take Permits (ITPs) that incorporate Watershed Analysis and permit the use of mass wasting prescriptions based upon Watershed Analysis should maintain Class IV exemptions that currently exist under law.

5. The Committee recommends that to the extent permitted by law, and excepting Watershed Analysis reviews performed under (4) above, for watersheds in which DNR determines that a Watershed Analysis review is necessary under WAC 222-22-090(4), forest practices applications may be conditioned to address unstable slopes and landforms within the watershed analysis administrative unit during the review. As appropriate, DNR can also approach landowners to utilize the mass wasting avoidance strategy found in WAC 222-16-050(1)(d)(i) on a voluntary basis during the review. As needed, on a site specific basis, the DNR may use existing enforcement authority to achieve protection of public resources. Rule making may be required to achieve this goal. *(DNR will report to the Board at their February 10th meeting as to how long this would take.)*

6. The Committee recommends that DNR establish a process and priority system to formally determine when reviews of Watershed Analysis mass wasting prescriptions are necessary. The DNR will notify and coordinate with the Federal Services, as appropriate, where reviews may be necessary on lands covered by ITPs.

7. The Committee recommends that DNR review the process and qualifications for certification of individuals conducting watershed analysis mass wasting prescription reviews and consider the use of qualified experts as defined in WAC 222-10-030(5) as qualification for certification.

8. The Committee recommends that DNR establish a process by which landowners that do not wish to continue to utilize Watershed Analysis mass wasting prescriptions may instead use standard forest practices rules. The DNR will classify such forest practice applications based on WAC 222-16-050(1)(d)(i).This process can be accomplished by mutual agreement between landowners and the DNR to enter into a review of Watershed Analysis mass wasting prescriptions where the prescriptions will be changed to those outlined in WAC 222-16-050(1)(d)(i).

9. The Committee recommends that Board continue to utilize products brought to the Board by Adaptive Management, including CMER research, other studies, and monitoring efforts to inform them on the use of Watershed Analysis mass wasting prescriptions, and that the Board continue to support completion of unstable slopes Adaptive Management studies that are planned or currently underway.

ANDERSON, PATRICIA (DNR)

From: CRAMER, DARIN (DNR)
Sent: Thursday, January 28, 2010 9:53 AM
To: ANDERSON, PATRICIA (DNR)
Subject: FW: 092809 'specific' & 'nonspecific' mass wasting prescriptions

See below

Darin D. Cramer
Division Manager
Forest Practices Division
Washington Department of Natural Resources (DNR)
(360) 902-1088
darin.cramer@dnr.wa.gov
www.dnr.wa.gov

From: SACKETT, JULIE (DNR)
Sent: Monday, November 30, 2009 12:43 PM
To: HAPALA, REX (DNR); SANDERS, BILL (DNR); CLEVELAND, BEN (DNR); JOHNSON, CHUCK (DNR); ANDERSON, ROBERT (DNR); BERNDT, GARY (DNR); TASKER, ART (DNR)
Cc: CASEY, SUE (DNR)
Subject: 092809 'specific' & 'nonspecific' mass wasting prescriptions
Importance: High

Greetings-

During the past several watershed sub-committee meetings there has been discussion on DNR's 092809 guidance document and how prescriptions were designated as either 'specific' or 'non-specific'. Concern over the lack of opportunity for landowners to provide input into the designation of prescription type was expressed by some of the committee members.

Clarification was made to the committee members that the responsibility of making this designation lies solely with the department; we will not convene a stakeholder group to reevaluate prescription designations on the whole. The committee was advised there is opportunity for landowners to meet with the DNR and discuss any concern they may have over how an individual prescription was designated (landowners always have this option to request pre-application reviews in order to discuss issues). If the landowner believes we designated a prescription incorrectly, they can provide information to DNR for consideration at which time we will either stand by our original designation or make the appropriate change.

If you believe a prescription designation should be changed I encourage you to work with Division staff before making your final decision; also, please be sure to document your decision in writing and provide a copy to Division. Give me a call if you have any questions, *Julie*

Julie Sackett

Assistant Division Manager - Forest Practices Operations

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington Fish and Wildlife Office
510 Desmond Dr. SE, Suite 102
Lacey, Washington 98503

JAN 8 2000

Lenny Young, Department Supervisor
Washington State Department of Natural Resources
1111 Washington Street SE MS 470000
Olympia, Washington 98504-7000

RE: Watershed Analyses and Habitat Conservation Plans

Dear Mr. Young:

Several timber companies in Washington State (e.g., Plum Creek Timber Company, Green Diamond Resources, West Fork, and Port Blakely Tree Farms) possess permits authorizing incidental take of certain listed species that may be associated with their forest-practices activities. These incidental take permits and their associated Habitat Conservation Plans (HCPs) contain commitments that minimize and mitigate such take.

A number of these HCPs (primarily Plum Creek Timber Company and West Fork) require implementation of Watershed Analyses (WSA) or WSA-like processes, and provide for the development of prescriptions for unstable features and other areas based upon WSA as a whole or WSA modules. This has been so successful, that we have HCPs in Idaho and Montana that have utilized the WSA processes developed by Timber, Fish, and Wildlife in Washington State. In these HCPs, WSA forms one layer of protection in association with other requirements of the HCP. For instance, there are often minimum prescriptions that cannot be reduced even through WSA. Also, these HCPs have their own aquatic monitoring programs. We believe that in cases where an HCP requires development of prescriptions based on these agreed-upon processes, your Department may rely on the results of this process. In addition, we work together with your Department and stakeholders to ensure these HCPs are properly interpreted and implemented. We also note that WSAs require a 5-year review and these reviews are intended to learn from new information and incorporate that information into prescriptions and monitoring. Therefore, for existing HCPs, we support the continued ability of permittees to use WSA and similar processes in the conduct of their forest practices and believe this will continue to provide for a high level of protection for our natural resources. We hope that your Department will continue to make the commitment to assist in the implementation of these WSA reviews and offer the expertise and resources that are currently available to the permittees into the future.

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On the other hand, not all WSAs are the same. There are other WSAs (not part of any land-based HCP) that we have not reviewed. We defer to your expertise on those WSAs.

We appreciate the opportunity to provide these comments. We believe the proper development and implementation of HCPs is an important tool to protect and conserve listed species in Washington, and that WSA can continue to play a key role in HCPs. Please feel free to contact William Vogel at (360) 753-4367 or Ned Wright at (360) 753-7766 if you have any questions regarding these matters.

Sincerely,

James L. O'Michael

for Ken S. Berg, Manager
Washington Fish and Wildlife Office