



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

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Memorandum

July 17, 2014

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 February 2014 Board meeting. This current update covers the period through June 2014.

No CWA milestones were completed during this reporting period, however, work has been occurring to move many of the CMER research milestones forward. 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 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.

During this period, the priority of Policy was changed to conducting a comprehensive review of the mass wasting program (both the operational as well as the research programs). Policy has also been engaged in re-examining and discussing potential revisions to the CMER Master Schedule established under a settlement agreement with the conservation caucus. Ecology is deeply engaged with and supports both of these ongoing efforts. It is important, however, to note that the capacity of Policy and CMER participants is limited and both of these efforts have slowed down work towards meeting the CWA milestones, at least in the short term. That said, changes in priorities or project planning made in response to new science-based insights or overwhelming events such as the Oso landslide can be accommodated in the milestones. Such accommodation can be made when these changes are an expression of adaptive management and they are not in conflict with the underlying purpose of having established the CWA milestones.

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

Enclosure

Summary of CWA Assurances Milestones and current status:

Non-CMER Project Milestones		
	Summarized Description of Milestone	Status as of January 2013¹
2009	July 2009: CMER budget and work plan will reflect CWA priorities.	Completed
	September 2009: Identify a strategy to secure stable, adequate, long-term funding for the AMP.	Completed Strategy has been unsuccessful in securing long-term funding. Current CMER workplan and budget projections suggest a shortfall will begin in FY 2015 and magnify to over 3 million in FY 2016.
	October 2009: Complete Charter for the Compliance Monitoring Stakeholder Guidance Committee	Completed
	December 2009: Initiate a process for flagging CMER projects that are having trouble with their design or implementation.	Completed
	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.	Completed
	December 2009: Evaluate the existing process for resolving field disputes and identify improvements that can be made within existing statutory authorities and review times.	Completed
	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.	Underway Training completed. Issues identified for improvement were added to the Policy and CMER task lists for future action. CMER began updating its Protocol and Standards Manual (6 chapters completed), and Policy has agreed to begin reviewing the L1 questions related to the Unstable Slopes Research Program.
2010	January 2010: Ensure opportunities during regional RMAP annual reviews to obtain input from Ecology, WDFW, and tribes on road work priorities.	Completed
	February 2010: Develop a prioritization strategy for water type modification review.	Completed
	March 2010: Establish online guidance that clarifies existing policies and procedures pertaining to water typing.	Completed

Non-CMER Project Milestones		
	Summarized Description of Milestone	Status as of January 2013¹
	June 2010: Review existing procedures and recommended any improvements needed to effectively track compliance at the individual landowner level.	Completed
	June 2010: Establish a framework for certification and refresher courses for all participants responsible for regulatory or CMP assessments.	Completed DNR has hired a training program manager, and has provided training to DNR staff on CMZs, Unstable Slopes, Wetlands, and determining Bankfull Width. DNR has begun providing BFW training to TFW participants in each region.
	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.	Completed
	July 2010: Develop a plan for evaluating the risk posed by SFL roads for the delivery of sediment to waters of the state.	Off Track Although a plan was not developed per this milestone, DNR is now reportedly finalizing a report on the condition of a select set of SFL roads. Ecology has not been provided with a copy of the report and has no ability to assess its specific relevance to satisfying this milestone.
	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) Complete a comprehensive literature review examining effect of buffering headwater streams by September 2012.	Completed A strategy was developed, and Policy and its technical subgroups were working to implement the strategy. Conflict over providing default distances for defining the UMPPF had stalled implementation when the Board changed Policy priorities causing further implementation of the strategy to be placed on long-term hold.
	October 2010: Conduct an initial assessment of trends in compliance and enforcement actions taken at the individual landowner level.	Completed
	October 2010: Design a sampling plan to gather baseline information sufficient to reasonably assess the success of alternate plan process.	Off Track DNR facilitated development of an informal process for deciding what will be sampled, by whom, when, and for how long. These decisions would be made by field team when they approve an alternate plan (AP). This approach is not in common use and does not meet this milestone.

Non-CMER Project Milestones		
	Summarized Description of Milestone	Status as of January 2013¹
	December 2010: Initiate process of obtaining an independent review of the Adaptive Management Program.	Off Track 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) will create enough improvements to negate need for this milestone. No improvements are evident at this time.
2011	December 2011: Complete an evaluation of the relative success of the water type change review strategy.	Completed
	December 2011: Provide more complete summary information on progress of industrial landowner RMAPs.	Completed
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.	Completed
	Initiate a program to assess compliance with the Unstable Slopes rules.	Ongoing 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.	Off Track DNR is reportedly finalizing a report on the condition of a select set of SFL roads. Ecology has not been provided with a copy of the report and has no ability to assess its specific relevance to satisfying this milestone.

CMER Research Milestones		
Description of Milestone		Status as of January 2013¹
2009	Complete: <u>Hardwood Conversion – Temperature Case Study</u>	Completed Study design did not allow for data analysis.
	Study Design: <u>Wetland Mitigation Effectiveness</u>	Completed Study later dropped due to unforeseen problems and with the support of Ecology.
2010	Study Design: <u>Type N Experimental in Incompetent Lithology</u>	Completed
	Complete: <u>Mass Wasting Prescription-Scale Monitoring</u>	Completed
	Scope: <u>Mass Wasting Landscape-Scale Effectiveness</u>	Off Track No work has occurred. <i>May be discussed as part of current Policy review of mass wasting research strategy.</i>
	Scope: <u>Eastside Type N Effectiveness</u>	Complete Work began in 2012 by developing a charter and an Initial Writing Team (IWT). In June 2013, Policy approved the purpose, objective, and critical questions.
2011	Complete: <u>Solar Radiation/Effective Shade</u>	Completed
	Complete: <u>Bull Trout Overlay Temperature</u>	Underway <i>Final report was delivered to Policy for consideration on April 24, 2014. Policy voted to postpone consideration until their September 2014 Policy meeting.</i>
	Implement: <u>Type N Experimental in Incompetent Lithology</u>	Underway <i>Preharvest monitoring is expected to be complete in all basins in September 2014.</i>
	Study Design: <u>Mass Wasting Landscape-Scale Effectiveness</u>	Off Track No work has occurred. <i>May be discussed as part of current Policy review of mass wasting research strategy.</i>
2012	Complete: <u>Buffer Integrity-Shade Effectiveness</u>	Completed
	Literature Synthesis: <u>Forested Wetlands Literature Synthesis</u>	Underway <i>Final Draft report back from ISPR on April 30, 2014.</i>
	Scoping: <u>Examine the effectiveness of the RILs in representing slopes at risk of mass wasting.</u>	Not Progressing An initial writing team was approved by CMER,

CMER Research Milestones		
Description of Milestone		Status as of January 2013¹
		and a draft charter assembled, but work has not begun. On FY 2014 budget. May be discussed as part of current Policy review of mass wasting research strategy.
	Study Design: <u>Eastside Type N Effectiveness</u>	Underway The TWIG is conducting supplemental field work over the summer on a subset of sites used in the Forest Hydrology Study in preparation for commencing development of study designs in Fall 2014.
2013	Scoping: <u>Forested Wetlands Effectiveness Study</u>	Not Progressing Scoping will not be initiated until the <u>Forested Wetlands Literature Synthesis</u> is complete.
	<u>Wetlands Program Research Strategy</u>	Underway A long-term research strategy is needed to re-establish the need, interrelationship, and priority for the original series of wetland research projects proposed by WetSAG. This strategy will be informed by the <u>Forested Wetlands Literature Synthesis</u> project. Once determined, this strategy will be used to set milestones to replace those temporarily removed from the CWA milestone list. The projects whose goals must be accounted for include: the <u>Forested Wetland Effectiveness</u> study, the <u>Wetland Management Zone Effectiveness Monitoring</u> study, the <u>Wetland Hydrologic Connectivity</u> study, and the <u>Wetland/Stream Water Temperature Interactions</u> study. In 2013 A draft research strategy is in CMER review.
	Scope: <u>Road Prescription-Scale Effectiveness Monitoring</u>	Underway Replaced prior milestone for <u>Effectiveness of RMAP Fixes</u> . Initial meeting of TWIG occurred in June 2014 and draft critical questions provided for CMER review.
	Study Design: <u>Examine the effectiveness of the RILs in representing slopes at risk of mass wasting.</u>	Not Progressing No work has occurred. On FY 2014 budget. May be discussed as part of current Policy review of mass wasting research strategy.

CMER Research Milestones		
Description of Milestone		Status as of January 2013¹
	Implement: <u>Eastside Type N Effectiveness</u>	Underway TWIG is conducting supplemental field work over the summer on a subset of sites used in the Forest Hydrology Study in preparation for commencing development of study designs in Fall 2014.
2014	Complete: <u>Type N Experimental in Basalt Lithology</u>	On-Track
	Study Design: <u>Road Prescription-Scale Effectiveness Monitoring</u>	Underway Replaced prior milestone for <u>Effectiveness of RMAP Fixes</u> . Initial meeting of TWIG occurred in June 2014 and draft critical questions provided for CMER review.
	Scope: <u>Type F Experimental Buffer Treatment</u>	Underway A TWIG has been formed and is working to develop study design alternatives.
	Implementation: <u>Examine the effectiveness of the RILs in representing slopes at risk of mass wasting</u>	Not Progressing An initial writing team was approved by CMER, and a draft charter assembled, but no work has begun. May be discussed as part of current Policy review of mass wasting research strategy.
	Study Design: <u>Forested Wetlands Effectiveness Study</u>	Not Progressing WetSAG does not plan to begin scoping until the <u>Forested Wetlands Literature Synthesis</u> is complete.
2015	Complete: <u>First Cycle of Extensive Temperature Monitoring</u>	Underway Of the four strata: one stratum is complete and 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. Now awaiting Policy decision on whether to complete this final stratum.
	Scope: <u>Watershed Scale Assess. of Cumulative Effects</u>	Not Progressing
	Scope: <u>Amphibians in Intermittent Streams (Phase III)</u>	Not Progressing Project milestone exists only if needed to fill research gaps left from <u>Type N Experimental in Basalt Lithology</u> .
2017	Study design: <u>Watershed Scale Assess. of Cumulative Effects</u>	Not Progressing

CMER Research Milestones		
Description of Milestone		Status as of January 2013¹
	Study Design: <u>Amphibians in Intermittent Streams</u> (Phase III)	Not Progressing Project milestone exists only if needed to fill research gaps left from <u>Type N Experimental in Basalt Lithology</u> .
2018	Complete: <u>Roads Sub-basin Effectiveness</u>	Not Progressing Ecology recognizes that RMAP programs implemented through DNR Forest Practices Operations may negate the need for this follow-up sample of progress in fixing roads.
	Implement: <u>Watershed Scale Assess. of Cumulative Effects</u>	Not Progressing
	Complete: <u>Type N Experimental in Incompetent Lithology</u>	On Track
2019	Complete: <u>Eastside Type N Effectiveness</u>	Underway Project will likely be completed later than this milestone due to the delay in project initiation.

¹ **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.
- “**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.