WASHINGTON STATE DEPARTMENT OF
Natural Resources

PETER GOLDMARK
Washington State Commissioner of Public Lands

MEMORANDUM

October 30, 2013

TO: Forest Practices Board

FROM: Marc Engel, Assistant Division Manager, Policy and Services
Forest Practices

SUBJECT: Western Gray Squirrel

At the May 13 meeting the Board in response to the April 2013 petition for Western Gray Squirrel (WGS) rule making, requested staff from the Department of Natural Resources (DNR) and Washington Department of Fish and Wildlife (WDFW) explore operational, administrative or other mechanisms to increase the effectiveness of the current WGS voluntary protection approach and present their findings to the Board at their November meeting. In addition, at the August 13 meeting the Board in response to the July 2013 WGS petition for rule making, requested DNR and WDFW staff to give a presentation at the November meeting providing information about the species, the history of the Board's regulatory approach and the effectiveness of the current voluntary protection methods. The presentation is to include the status of WGS populations and a review of Forest Practices Applications (FPA) in areas containing WGS.

Administrative and Operational Mechanisms

DNR and WDFW staff worked together to look at administrative and operational improvements to provide WGS protection measures as part of approved forest practices applications. DNR staff has incorporated agreed upon improvements into FPA processing guidance, attached, to be applied for all applications containing WGS habitat. Key components of this guidance include noting the presence of WGS or their habitat on the DNR office checklist which becomes part of the FPA. This provides notification on all new FPAs sent out for review to the DNR forest practices foresters and appropriate WDFW biologists that WGS or their habitat may be present within the proposed forest practices activity areas. The WGS processing guidance also requires DNR to include a note on the FPA Notice of Decision page acknowledging the presence of WGS or their habitat in the harvest vicinity, and offers the assistance of WDFW staff. Though this note is not a condition of the application, it is expected to inform the FPA applicant of the possible presence of WGS or their habitat and provide them with a WDFW contact to improve communication and increase the likelihood of voluntary compliance.

DNR estimates that 263 FPAs involving WGS habitat were approved from January 1st 2007 through October 16th 2013. These applications involved 180 landowners with a proposed harvest on 34,850 acres of western gray squirrel habitat. The caveats to these estimates include:

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- The FPA count is of approved FPAs only, it does not include renewals or FPAs that were disapproved or withdrawn;
- Two data sources were used to determine the presence of WGS:
    - The WDFW Occurrence database, filtering out only those records older than 1987, records with imprecise locations, and sites known to be no longer in existence; and
    - The WGS habitat layer which is based on orthophoto interpretation and some ground truthing. This habitat layer has not been updated since 1993;

The number of FPAs is likely an overestimate of applications involving WGS habitat. DNR was only able to use old WGS data layers and was unable through GIS analysis to determine what proportion of these sites were determined by WDFW to actually have an impact on WGS habitat. An accurate determination of habitat would involve a field visit or an examination of recent orthophotos.

The data layers used for analysis act as flags to signal when a proposal should be more closely checked by WDFW for potential impacts on squirrels. WDFW is determining how many of the approved FPAs have voluntary WGS habitat plans.

WDFW Commitments

At the May Board meeting, WDFW committed to develop guidance for field staff to enable successful enforcement actions for removal of nests and to further investigate potential modifications to WDFW's nest tree protection statutes.

To facilitate voluntary compliance, WDFW is committed to provide guidance to their biologists to continue offering early and cooperative technical assistance to FPA applicants and to promote communication and record keeping enabling enforcement actions if necessary.

WDFW staff is also preparing modifications to the current nest protection statutes to remove ambiguity regarding nests of mammals like WGS. These modifications may be introduced as legislation during the next or subsequent legislative sessions.

If you have any questions feel free to contact me at 360.902.1390 or marc.engel@dnr.wa.gov.

/Attachment

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PETER GOLDMARK
Commissioner of Public Lands

(DATE)

TO: RP&S Assistants and Forest Practices District Managers and Coordinators

FROM: Donelle Mahan, Forest Practices Assistant Division Manager, Operations

SUBJECT: Western Gray Squirrels and FPA/N Processing

The following process shall begin (date) and shall be conducted for any Forest Practices Application/Notification (FPA/N) within Western Gray Squirrels (WGS) habitat.

The presence of the WGS or WGS habitat shall be noted on the office checklist. The office checklist should then be scanned as a PDF and forwarded via email to the forest practices forester and the Olympia based Washington Department of Fish and Wildlife (WDFW) biologist at the time of data input into FPARS.

The following note shall later be placed on the decision page of the FPA/N at the time of approval:

> NOTE: Western Gray Squirrels (WGS) and/or WGS habitat may exist within or adjacent to the FPA proposal. WGS is a protected species in Washington (WAC 232-12-011). For assistance in protecting any WGS nests or habitat, contact Gary Bell from WDFW at (360) 902-2412. For additional information see WDFW's internet web page for the Western Gray Squirrel: http://wdfw.wa.gov/conservation/gray_squirrel/

This note is not a condition of the application, it is only intended to inform the applicant of the possible presence of the animal or its habitat and provide the applicant with more information.

These steps are meant to standardize the review and notification process for WDFW, aiding them in their efforts to implement the voluntary approach method of protection for this species.

C: Aaron Everett, Deputy Supervisor, Forest Practices and Federal Relations, State Forester
Chris Hanlon-Meyer, Division Manager Forest Practices