WASHINGTON STATE DEPARTMENT OF
Natural Resources

PETER GOLDMARK
Washington State Commissioner of Public Lands

MEMORANDUM

TO: Forest Practices Board

FROM: Jim Hotvedt, Adaptive Management Program Administrator

DATE: October 21, 2013

SUBJECT: Status of TFW Policy Committee action on mass wasting (mass wasting effectiveness monitoring) report

In my August 2013 quarterly staff report to the Forest Practices Board (Board), I reported that the TFW Policy Committee (Policy Committee) accepted a Findings Report Package related to the non-consensus CMER report "The Mass Wasting Effectiveness Monitoring Project: An Examination of the Landslide Response to the December 2007 Storm in Southwestern Washington" from CMER at its April 4, 2013, monthly meeting. I also reported that the next steps were for the Policy Committee to determine whether or not any rule or guidance recommendations should be made to the Board, and if so, alternative courses of action that would be appropriate management responses to the information contained in the Findings Report Package.

At its May 2013 monthly meeting, the TFW Policy Committee agreed to take action in response to the mass wasting effectiveness monitoring report, although that action was yet to be determined. Policy agreed to evaluate alternatives in three general categories: forest practice application review process for evaluating mass wasting risk, compliance monitoring, and additional research/monitoring. To that end, the Policy Committee approved a charter for its work at its July 2013 monthly meeting that included tasks related to reviewing DNR's forest practices application review process; screening tools and practices to identify unstable slopes; documentation of unstable slope assessments and geotechnical reports; existing guidance and training options for foresters; existing CMER and external information on mass wasting; and additional research and monitoring needs related to the unstable slopes rule group.

The Policy Committee fully intended to reach consensus on recommended alternatives by September 16, with finalization of its recommendations by its October 11 monthly meeting in order for me to deliver it to you for your November 12, 2013, meeting. Due to scheduling issues in August and September, that did not happen. Nevertheless, the Policy Committee has made great strides in understanding the DNR's process for processing forest practices applications with potentially unstable slopes, including field reviews by forest practices foresters and geologists; the landowners' processes for screening for potentially unstable slopes; and the conservation caucus's concerns about current screening tool performance and associated policy implications. Further, the Policy Committee reviewed CMER's work plan strategy for implementing its unstable slopes rule group research and monitoring program and heard from the authors of the mass wasting effectiveness monitoring report on their opinions

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about future research needs with respect to the unstable slopes rule group.

The TFW Policy Committee is continuing to strive to develop a consensus set of recommendations to the Board in a timely manner based on the results of the mass wasting effectiveness monitoring study. Some are hopeful that this occurs at its regularly scheduled monthly meeting on November 7. If that happens, I can give an oral update at your November 12 meeting, with a formal presentation on the mass wasting effectiveness monitoring report and policy recommendations at your regularly scheduled February 2014 quarterly meeting.

I want to use this time to say that the policy committee has done an exemplary job in dealing with the non-consensus mass wasting effectiveness monitoring report delivered to them. They have diligently tried to meet the timelines associated with developing recommendations to the Board after receiving a CMER report. They developed and agreed upon a charter in, essentially, one meeting. They have listened to and asked questions respectfully of DNR, industry, and conservation caucus presenters during multiple meetings. And, based on the presentations and discussions that have occurred, they have developed a draft set of topics around which to discuss potential recommendations to the Board. I feel confident that the committee will be able to agree on a set of recommendations in time for delivery to your February 2014 meeting, if not sooner.

jeh/

WASHINGTON STATE DEPARTMENT OF
Natural Resources

PETER GOLDMARK
Commissioner of Public Lands

Memorandum

DATE: October 30, 2013

TO: Forest Practice Board

FROM: Marc Ratcliff, Policy and Services Section Manager

SUBJECT: Board Manual Development for 2014

Board Manual development for 2014 includes the following:

Board Manual Section Amendments – Staff plans to convene a stakeholder meeting during the first quarter of 2014 to review potential amendments to Board Manual sections.

Forest Practices Board Manual Section 23, *Guidelines for Field Protocol to Locate Mapped Divisions Between Stream Types and Perennial Stream Identification*, Part 2 – DNR is awaiting the Policy Committee to bring forward a wet season method for locating the upper most point of perennial flow (UMPPF) in Type N waters. When this is received, staff will convene a stakeholder process to develop guidance for locating the break between Type Ns and Np waters.

Forest Practices Board Manual Section 22, *Guidelines for Adaptive Management Program* – As a result of the 2012 settlement agreement and a Policy Committee review of the processes outlined in Board Manual Section 22, a number of amendments have been identified for program clarification. Staff will convene a stakeholder process to amend this section with the goal to present an amended section to the Board for review and approval at their November 2014 meeting.

Forest Practices Board Manual Section 7, *Guidelines for Riparian Management Zones* – Staff has identified the need to amend the guidance in implementing the RMZ rules. Staff will convene a stakeholder process to amend this section with the goal to present an amended section to the Board for review and approval at their November 2014 meeting.

If you have any questions feel free to contact me at 360.902.1414 or marc.ratcliff@dnr.wa.gov.

WASHINGTON STATE DEPARTMENT OF
Natural Resources

PETER GOLDMARK
Commissioner of Public Lands

October 21, 2013

MEMORANDUM

TO: Forest Practices Board

FROM: Walt Obermeyer, Compliance Monitoring Program Administrator

SUBJECT: Status of Compliance Monitoring

The 2013 sample is nearly complete at this writing, with 14 FPAs yet to visit. We are on schedule for a mid-November finish to the field sample.

The 2013 data will be entered from paper records to the database format in November and December with the biennial report analysis beginning early in 2014. Program staff will also be assessing some methods of program improvements to consider for the 2014-2015 sample.

The stakeholder committee will meet in November and possibly again January to provide input on the program design.

WO/

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TFW/Forests & Fish Policy Committee
Forest Practices Board

P.O. Box 47012, Olympia, WA 98504-7012

Policy Co-Chairs: Stephen Bernath, Department of Ecology
Adrian Miller, Olympic Resource Management

October 9, 2013

TO: Forest Practices Board

FROM: Stephen Bernath, Co-Chair
Adrian Miller, Co-Chair

SUBJECT: Policy Committee Quarterly Update for Calendar Year 2013

The Forest and Fish Policy Committee (Policy) continues to manage an increasing workload driven by both internal process deadlines as well as priorities directed by the Forest Practice Board. To accomplish this, Policy schedules additional meetings beyond regularly scheduled monthly meetings to better address the issues and meet the deadlines for completion. Policy continues to review and revise its Policy Work List to more effectively determine what might be accomplished during the remainder of this and over the next calendar year.

<u>Existing Priorities</u>

- **Water Typing**
  - **Type N**
    - Policy continues to work on options for a wet season method to present to DNR to include in Board Manual Section 23, Part 2, for identifying the uppermost point of perennial flow in Type N Waters.
  - **Type F**
    - At the September 5th Policy meeting, the Conservation Caucus invoked Stage 2 dispute resolution requesting completion of the Type F Charter by December 5, 2013. By consensus, Policy agreed to hire an outside mediator to support Policy in finding common understandings on the issues of shared risk and the definition of fish habitat.
    - Policy continues to work on the Objectives and Tasks in the Charter.

- **Mass Wasting Effectiveness Monitoring Project**

- Policy implemented the Mass Wasting Charter and has completed the tasks and responsibilities in preparation for deliberation on the need or content of recommendations to forward to the Board.
- Policy deliberated on options for recommendations at the October meeting and decided more time was needed to finalize an approach forward at the November meeting. Jim Hotvedt, the Adaptive Management Program Administrator, will report on status of Policy's recommendations at November Board meeting.

New Issues

- **Hydraulic Code rules revision**
  - The Washington Department of Fish and Wildlife (WDFW) has, per RCW 77.55.361 and Appendix M, brought forward to the TFW Policy Committee their new proposed Hydraulic Code rules in chapter 220-110 WAC to provide the opportunity for an adaptive management review prior to Commission adoption of the rules.
  - At the October 3rd Policy meeting, Policy deferred making a decision on sending the revised rules through the adaptive management review process until their November meeting in order to allow additional time for review. In addition, WDFW agreed to have the appropriate staff attend the November Policy meeting to discuss specific issues of concern and to answer specific questions posed by Policy. After this discussion, Policy will make a decision on whether or not to send the rules through the adaptive management review process.
  - If Policy so decides, they will conduct a review and present a report to WDFW with comments and recommendations in February of 2014.
  - WDFW plans to initiate the CR-102 public review process in mid-March. The final draft Hydraulic Code rules will then be presented to the Fish and Wildlife Commission in mid-2014, along with a cost-benefit analysis and a Small Business Economic Impact Statement (SBEIS) as part of the official rule adoption process.

Upcoming Work in 1st Quarter of calendar year 2014

- **CMER workplan and budget for FY 14**
  - Review the CMER Master Project Schedule and the associated CMER Work Plan in a full-day meeting in March 2014
  - Review FY 2015 CMER budget in full-day meeting in April 2014
  - Decision-making on all at April meeting
- **CMER studies coming to Policy** (timeline unknown at this point)

The Policy Committee workload is heavy, yet must also remain sensitive to the changes in various timelines and to new issues as they come up. The capacity for Policy to accept any new work as assigned by the Forest Practices Board, or taken on for other reasons, will require delaying existing priorities. Even considering the existing priorities will require scheduling additional meetings and may require (only by mutual agreement or further Forest Practice Board direction) changes to dispute resolution or timelines as outlined by the Board Manual.

cc: Forest Practice Board Liaisons
FFR Policy

Prioritization of Policy's Workload*

Calendar Year 2014

Updated 10/8/2013

ISSUE	ORIGIN	DUE DATE	KEY MILESTONE DATES
Mass Wasting Effectiveness Monitoring Project	Adaptive Management Response to CMER Study	October 11, 2013 to be included in Board packet for November Forest Practices Board meeting – missed due date. Policy to attempt to agree to recommendations to be orally presented by AMPA to Board at their November meeting.	Non-regular full Policy meetings to be held throughout summer (Q2) and fall (Q3) of 2013. Potential tasks and/or future research (TBD) through 2014 on next steps.
Type F Water Typing Regulation Dispute Resolution	Policy/Forest Practice Board	Charter developed by August 1, 2013 – failed to meet due date. Stage 2 DR invoked, Policy has agreed to formal mediation with goal of Charter completion by December 5th 2013.	May 16, May 30, June 12, July 18, July 30 special Policy meetings. Mediation scheduled in October, November 2013. Work (TBD) through 2014 and beyond on next steps.
Delineation of break between Type Np and Ns Waters – Policy development of wet season method to determine Uppermost Point of Perennial Flow (UMPPF) in Type N Waters. DNR will develop Board Manual Section 23, Part 2 using Policy developed wet season method to Identify the UMPPF	Policy/DNR/Forest Practice Board	DNR will include Policy recommendations for method to determine the UMPPF during the wet season in draft Part 2 of Board Manual Section 23, *Guidelines for Field Protocol to Locate Mapped Divisions Between Stream Types and Perennial Stream Identification.* If Policy is able to agree on a quantitative wet season method at their November meeting, DNR will prepare and present the draft Part 2 Board Manual Section 23 to the Forest Practice Board for approval at their February 2014 meeting. If Policy requests a qualitative, but yet undeveloped, wet season method, DNR will assess need for this form of guidance based on DNR Region input. If need is identified, DNR will convene a stakeholder group to develop and present a draft manual section to the Board at their May 2014 meeting.	By July 1, 2013 the Eastside Type N Hydrology Study data (once verified for quality assurance) should be examined to determine if it can be used to adjust the default UMPPF default distances for the Eastside in the draft Board Manual. – missed due date By July 1, 2013 a determination should be made to how or if data contained in FPAs regarding the UMPPF can be used to adjust the default UMPPF default distances in the draft Board Manual. – missed due date
FPHP Rulemaking	Legislation	Rule effective date December 30, 2013	May 14, 2013 Forest Practices Board accepts draft rule language, directs staff

ISSUE	ORIGIN	DUE DATE	KEY MILESTONE DATES
			to file CR-102 initiating public rulemaking process. - Completed August 13, 2013 Forest Practices Board adopts rules and approves associated Board Manual Section 5. – Completed with delayed rule and board manual effective date 0f December 30, 2013
AMP Reform Board Manual Development	Settlement Agreement	Rule effective date December 31, 2013	August 13, 2013 Forest Practices Board approves amended Board Manual Section 22, *Guidelines for Adaptive Management Program*. – Completed with rule and board manual effective date of October 19, 2013.
CMER Priorities/Budget	Policy	April 2014	TBD (Q4 2013?, Q1 2014?) - Policy has tabled a number of issues related to CMER research priorities and funding that will need to be addressed prior to next year's budget meeting in April. It has been suggested that Policy spend at least two days (perhaps separated by a month) to review the CMER work plan and budget.
CMER Research Results	Adaptive Management Response to CMER Study	Unknown	TBD – Policy may receive results from studies conducted by CMER and will have to decide if to take action. That decision and an affirmative result would set predetermined time lines.
Hydraulic Code Revisions	WDFW/legislation	TBD – February 2014 proposed by DFW	Proposed: Initiate adaptive management by October 2013, with final report to WDFW by February 15, 2014.

*The various text fonts in this document are coded as follows:

Black font indicates a specific priority project for Policy

Red font indicates a specific priority project of many caucuses participating in Policy but is outside of Policy's process

Blue font indicates non-specific tasks requiring Policy time that could develop into new priority projects for Policy

Green font indicates specific proposals being brought to policy for consideration that would require augmenting Policy's existing priorities.

WASHINGTON STATE DEPARTMENT OF
Natural Resources

PETER GOLDMARK
Washington State Commissioner of Public Lands

MEMORANDUM

October 24, 2013

TO: Forest Practices Board

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

SUBJECT: Rule Making Activity and 2013 Work Plan

Rule making activity includes the following:

Forest Practices Hydraulic Projects (2ESSB6406) and Forest Biomass – The CR103 Rule making Order was filed on October 8, 2013 and the rules are effective December 30, 2013.

Adaptive Management Program Reform (WAC 222-12-045) – The CR103 Rule Making Order was filed on September 19, 2013 and are in effect as of October 20, 2013.

Attached for your review is the work accomplished for the calendar year 2013.

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

/paa
Attachment

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FOREST PRACTICES BOARD
2013 WORK PLAN

TASK	COMPLETION DATE/STATUS
Adaptive Management Program*	
• CMER FY 2014 Work Plan and Budget	May - **Completed**
• Extensive Riparian Status and Trend Monitoring Type F/Eastside Temperature Study	*November* - **Completed**
• The Mass Wasting Effectiveness Monitoring Project: A Post Mortem Study Examination of the Landslide Response to the December 2007 Storm in Southwestern Washington	*February 2014*
• Program Funding	On-going
Annual Reports	
• Compliance Monitoring Annual Report	February - **Completed**
• Forests and Fish Policy Priorities*	August - **Completed**
• Northern Spotted Owl Conservation Advisory Group	November - **Completed**
• Taylor's Checkerspot Butterfly Report	February - **Completed**
• TFW Cultural Resources Roundtable	August - **Completed**
• Clean Water Act Assurances	August - **Completed**
• WAC 222-20-120	August - **Completed**
Board Manual Development	
• Section 3, Guidelines for Forest Roads	August - **Completed**
• Section 4, Guidelines for Clearing Slash and Debris from Type Np and Ns Waters	August - **Completed**
• Section 5, Guidelines for Forest Hydraulic Projects	August - **Completed**
• Section 21, Guidelines for Alternate Plans	August - **Completed**
• Section 22, Adaptive Management Program*	August - **Completed**
• Section 26, Guidelines for Large Woody Debris Placement Strategies	August - **Completed**
CMER Membership	As needed
Rule Making	
• Forest Practices Hydraulic Projects (2ESSB 6406)	August - **Completed**
• WAC 222-12-045 Adaptive Management Reform*	August - **Completed**
• Forest Biomass	August - **Completed**
Upland Wildlife - Northern Spotted Owl	On-going
Quarterly Reports	**Completed**
• Adaptive Management Program & Strategic Plan Implementation*	Each regular meeting
• Board Manual Development	Each regular meeting
• Compliance Monitoring	Each regular meeting
• Clean Water Act Assurances	February
• TFW Policy Committee Work Plan Accomplishments & Priorities*	Each regular meeting
• Legislative Update	February & May
• NSO Implementation Team	Each regular meeting
• NSO Implementation Team's Recommendations on Voluntary "Opt-in" Federal Assurances for Landowners	*November*

Italics = change or addition
**= Forests & Fish Policy*

Updated October, 2013

FOREST PRACTICES BOARD
2013 WORK PLAN

TASK	COMPLETION DATE/STATUS
• Rule Making Activities	Each regular meeting
• Small Forest Landowner Advisory Committee & Office	Each regular meeting
• TFW Cultural Resources Roundtable	Each regular meeting
• Upland Wildlife Working Group	Each regular meeting
Work Planning for 2014	November - **Completed**

Italics = change or addition
**= Forests & Fish Policy*

Updated October, 2013

WASHINGTON STATE DEPARTMENT OF
Natural Resources

PETER GOLDMARK
Commissioner of Public Lands

October 29, 2013

MEMORANDUM

TO: Forest Practices Board

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

SUBJECT: Spotted Owl Conservation Advisory Group Update and Membership

The rule establishing the Spotted Owl Conservation Advisory Group, WAC 222-16-010, requires the Board to be presented an annual status, every November, of reviews conducted by this group.

The Spotted Owl Conservation Advisory Group evaluates the need, based on available habitat, to maintain northern spotted owl site centers in circles where the Washington Department of Fish and Wildlife (WDFW) approved surveys demonstrating the absence of northern spotted owls within the suitable habitat supporting a northern spotted owl site center.

Within the last year there were no northern spotted owl surveys submitted for review and approval to the WDFW. As such, the Spotted Owl Conservation Advisory Group did not meet.

Staff is required to present this report to allow the Board to determine the need to continue the Spotted Owl Conservation Advisory Group.

Should you have any questions before your November meeting, please feel free to contact me at 360-902-1309 or marc.engel@dnr.wa.gov.

WASHINGTON STATE DEPARTMENT OF
Natural Resources

PETER GOLDMARK
Commissioner of Public Lands

MEMORANDUM

October 21, 2013

TO: Forest Practices Board

FROM: Tami Miketa, Manager, Forest Practices Small Forest Landowner Office

SUBJECT: Small Forest Landowner Office and Advisory Committee

Small Forest Landowner Advisory Committee (SFLAC)
The Small Forest Landowner Advisory Committee met on August 29th. Issues discussed included:

- Potential measures to improve small forest landowner's results from compliance monitoring.
- Understanding of "low impact" as defined in RCW 76.13.100:

  (2) *The legislature further finds that small forest landowners should have the option of alternate management plans or alternate harvest restrictions on smaller harvest units that may have a relatively* ***low impact*** *on aquatic resources.*

Forestry Riparian Easement Program (FREP)
DNR continues to receive new applications for the purchase of forestry riparian easements. There are currently a total of 114 FREP applications on file. In Fiscal Year 11-13 the FRE program purchased 13 easements with a total value of $722,573. Additionally, the total cost to cruise qualifying timber to determine easement compensation was $72,584.

For Fiscal Year 13-15 biennium the FRE program received $2 million and is planning on purchasing a total of 13 easements.

Rivers and Habitat Open Space Program (R&HOSP)
No activity in this program since last reporting period. However, the Legislature appropriated $500,000 to this program for the Fiscal Year 13-15 biennium.

Family Forest Fish Passage Program (FFFPP)
Our Family Forest Fish Passage Program Specialist, Rick Kuykendall, recently left the SFLO and accepted a position with a private forestry consulting firm. I am pleased to announce that Laurie Cox has accepted the position as our new Family Forest Fish Passage Program Specialist. Laurie started with DNR in 1985 as a Forest Worker. She has extensive experience working with small forest landowners when she was in her Forest Practices role in South Puget Sound Region, and she recently held the position as Road Maintenance and Abandonment Support Specialist here in Olympia.

In response to the $10 million funding provided under the Jobs Now Act, 47 barrier removal projects were completed during the 2013 construction season opening 161 stream miles for fish

access. This number of barrier corrections is nearly double the historical average, and uses no additional staffing.

The FFFPP was allotted from the Legislature $2 million for the Fiscal Year 13-15 biennium.

For the 2014 construction season, the FFFPP plans to use remaining funds (approximately $6 million) from the Jobs Now Act and a portion of the $2 million allotted for this biennium to eliminate 50 additional barriers. This number may be adjusted based on the actual costs incurred from the 2013 construction season.

Long Term Applications (LTA's)

The approval process for long-term forest practices applications is a two-step process. The first step, Phase 1, is the review and validation of the proposed harvest of the total area identified on the LTA; and the second step, Phase 2, is the resource protection strategies review and final approval of the application. In the past, this report has not identified LTA's that are in the Validation Phase. Considering this is an important step from Phase 1 to Phase 2, it is prudent to document these additional applications moving through the process. There are a total of 136 approved long term applications; which is an increase of 9 approved application since the end of the last reporting period (07/24/2013).

LTA Applications	LTA Phase 1	LTA Phase 2	TOTAL
Under Review	3	0	**3**
Validated	22	0	**22**
Approved	0	136	**136**
TOTAL	**25**	**136**	**161**

Forest Stewardship Program

DNR's Forest Stewardship Program provides professional natural resource advice and assistance to help family forest landowners manage their lands. In addition to a staff of Landowner Assistance Foresters, the program also employs a full-time statewide Landowner Assistance Wildlife Biologist. Mike Nystrom, our Southwest WA Landowner Assistance Forester recently retired, but I am pleased to announce that Julie Sackett will be filling this important position on November 1st. Julie has worked in the Forest Practices Operations section for many years, she is a well-respected forester, and will be a great asset to the SFLO and to small forest landowners in Southwest Washington.

Education – DNR supports Washington State University Extension education programs for family forest owners which are attended by over 3,000 landowners annually. WSU Extension will be hosting five Ties to the Land classes for landowners to learn about succession planning for their property. The classes will be held in Spokane on Nov. 9, in Dayton on Nov. 16, in Goldendale on Nov. 16 as well, in Tonasket on Dec. 7, and in Ellensburg on Dec.14.

Hands-On Forest Health Workshops: November 2 at the Chelan County Fire District 3, Leavenworth. This workshop is designed to give landowners hands-on experience in identifying and measuring factors that affect a forest's health. Participants will learn how to recognize forest problems and how to manage their forest so that it is resistant to insects and diseases.

Small Forest Landowner Outreach/Grant Applications

Michelle Peterschick, the SFLO Grant Writer and Outreach Specialist, accepted a position in the state lands side of DNR. I am pleased to announce that Carol Cloen has accepted this position. Carol began her career at DNR 14 years ago as the Aquatics Program Manager for the South Puget Region and has helped develop policies related to outfalls and sediment contamination of state-owned aquatic land; was lead scientist for the Aquatic Lands HCP; and most recently served as the business manager for the wild stock geoduck program. Carol has extensive grant writing experience and will be fabulous at conducting outreach to support the Small Forest Landowner Office programs.

The Small Forest Landowner Office distributed the July and September issues of Small Forest Landowner News. The Small Forest Landowner Survey remains open with many small forest landowners continuing to complete the survey and subscribe to the Small Forest Landowner News. At this time, 1,020 small forest landowners have participated in the survey. This is an increase of 123 small forest landowners participating in the survey since the last reporting period.

SFLO staff continues to interact with stakeholders at DNR Regional Timber Fish and Wildlife Meetings and attend Washington Farm Forestry Association Meetings to promote the program and answer landowner's questions.

The Small Forest Landowner Office recently was awarded a grant for $82,585.26, funded by the National Fish and Wildlife Foundation (NFWF). This proposal is for DNR, in collaboration with the Northwest Natural Resource Group, to implement a comprehensive outreach and engagement program geared to inventory small forest landowner's forest roads, and encourage them to enroll in the Natural Resources Conservation Service's Environmental Quality Incentives Program (EQIP) to help fund the repair of areas that have potential sediment delivery to live waters.

In addition, the SFLO applied for a grant to be funded by the U.S. Forest Services' State and Private Forestry Western Competitive Resource Allocation. This proposal requests $300,000 to fund an update of the 2007 Washington State Forestland Database.

Please feel free to contact me at (360) 902-1415 or tamara.miketa@dnr.wa.gov if you have further questions.

TM/

Cultural Resources Roundtable

October 17, 2013

MEMORANDUM

TO: Forest Practices Board

FROM: Timber/Fish/Wildlife Cultural Resources Roundtable Co-Chairs
Jeffrey Thomas, Puyallup Tribe of Indians
Karen Terwilleger, Washington Forest Protection Association

SUBJECT: Staff Report of Timber/Fish/Wildlife Cultural Resources Roundtable for the November 2013 Forest Practices Board meeting

The TFW Cultural Resources Roundtable is pleased to submit this latest report to the Forest Practices Board.

Again, the report is in the form of the Roundtable's Action Item list. This list is reviewed quarterly by the Roundtable and updated here to reflect current activities. Changes from our previous report (dated July, 2013) are highlighted in red and italic print.

The Roundtable focused completing revisions to Instructions for Question 7 for the Forest Practices Applications. The revisions should make it easier for applicants to identify potential cultural resources when completing the Forest Practices Application. DNR has accepted the changes for inclusion in the current update.

During Fall 2014, the Roundtable will focus on completing additional guidance for identifying cultural resources and complying with state law. We will also continue to track progress on Ecology rules to streamline SEPA and modify exemptions to SEPA processes, work on a new logo, and update educational materials.

Please note:

- The Roundtable reduced its 2013 formal meeting schedule from monthly to quarterly (January, April, July and October). We maintain momentum with email work sessions and in-person

workgroups on specific issues between formal meetings. We've reassessed this schedule and decided to modify it. Beginning January 2014, The Roundtable will hold formal meetings every other month (January, March, May, July, September, and November) and informal work groups during the remaining months.

- Tribes continue to host our meetings at tribal offices around the state.

We look forward to your November meeting to answer questions or respond to Board requests. Please do not hesitate to contact one of us before the meeting.

jeffrey.thomas@puyalluptribe.com and (253) 405-7478

kterwilleger@wfpa.org and (360) 480-0927

Enclosure

T/F/W Cultural Resources Roundtable					*11/12/2013*	*Changes from the previous report are in Red or Italics*
Project Priority		**Action Items**	**Lead**	**Status**	**Next Action**	**Relationship to the CRPMP**
High	1	Seek funding and staff support for the Roundtable's work	Allyson Brooks	*On hold due to state budget situation*	*Identify needs and potential resources*	
High	2	Prepare the cultural resource guidance documents and tools as agreed to in the CRPMP		Target completion date: *Early 2014*		Educational Program and Commitments
		Scope the guidance/manual project to develop a detailed description and outline of the proposed guidance or manual.		Complete		
		Work products:1) Guidance for T/F/W stakeholders, 2) Guidance specific to forest landowners, and 3) Guidance specific to Tribes.	Jesse and Gretchen	In progress	Schedule work group in *November and December* to review completed drafts; prepare drafts on remaining sections	
		Post Roundtable guidance documents and other information and training material on the DNR Forest Practices web site		On going		
High	*3*	Follow the State Environmental Policy Act rule making by the Department of Ecology to draft rules to increase categorical exemptions.	Gretchen	*On going*	*Ecology is recommending that Cultural Resource be considered as one of three top priorities for Phase 2 rulemaking. The Roundtable will continue to monitor*	
High	4	Investigate opportunities to develop training workshop curricula *and presentation* for private industrial foresters.	Jeffrey Karen	Planning	*Schedule work group in 2014*	An education component of the CRPMP
Medium	5	Develop a Logo for the Cultural Resources Roundtable	Jeffrey *and dAVe*	In progress	Draft logo under review	Publicity
Medium	6	CRPMP amendments to consider and further discuss:	All	Scoping	Each member of the Roundtable will bring suggestion for amendments to the October, 2013 meeting	CRPMP Support
		Regarding MOUs, consider adding a statement specifying when DNR has a role in implementing MOUs and if there is a role, specifying its nature.				
		Under “Education Program and Commitments,” modify #2 to recognize that agreements are often executed at the field level without the need for higher level contacts				
		Reference a role for the CRPMP in Forest Practices ID team deliberations and preparation of SEPA documents for Class IV Special FPAs	Jeffrey			
Low	7	Prepare a report to the Forest Practices Board on the impact to cultural resource protection and management when forest land is converted to another use and regulatory responsibility passes to local government (county or city)	Jeffrey and Karen	On hold	Wait for other higher priority items to be addressed	

T/F/W Cultural Resources Roundtable					11/12/2013	*Changes from the previous report are in Red or Italics*
Project Priority		**Action Items**	**Lead**	**Status**	**Next Action**	**Relationship to the CRPMP**
On-Going Tasks	1	The Roundtable will: (a) meet quarterly; (b) Report- to the FP Board at each regular meeting; (c) Review the CRPMP each year; (d) Report to the FP Board each August on progress of the CRPMP during the previous FY *(e) suggest recommendations for modification to CRPMP*.	Co-Chairs	FPB meeting *Nov 12*, Report due *Oct 17*		Annual & quarterly obligation
	2	Give a CRPMP presentation at Regional TFW meetings as new CRPMP support material is released.	All	Next opportunity for TFW presentations after the 20-120 rule and supporting manual is passed by the FPB		Communication
		Create a Roundtable presentation about the CRPMP and Roundtable activities with a singular message and bullet points	Jeffrey and Jesse			
	3	Maintain an annual calendar of recurring Roundtable tasks and functions and post on DNR's website. Include FP Board report due dates, DNR regional TFW meetings and upcoming training opportunities. Emphasize accomplishments when communicating progress on implementing the CRPMP. Post examples of successes and cooperative opportunities on the DNR Forest Practices web site.	Jeffrey	Planning	Select calendaring software	CRPMP Support; Communication
	4	Contact individual FP Board members to “champion” CR Roundtable issues	All	Collaborate with current FP Board members regarding cultural resources issues coming to the Board.		Advance the Roundtable's work
	5	Individual caucuses will continue to support funding for a **full time** position at DAHP for the maintenance of CR data in support of the forest practices risk assessment tool.	Individual Caucuses	Currently the position has 1/2 time funding	Next opportunity is the *2014* Legislature	DNR Forest Practices Program support
	6	Seek funding for a CR Module pilot project		On hold	Waiting for the next opportunity	Board Manual Section 11 Appendix J

T/F/W Cultural Resources Roundtable					11/12/2013	Changes from the previous report are in Red or Italics
Project Priority		**Action Items**	**Lead**	**Status**	**Next Action**	**Relationship to the CRPMP**
Completed Items	1	Cultural Resource Protection and Management Plan (CRPMP)		Completed 2003		
	2	Forest Practices Board adopted the rules recommended in the CRPMP		Completed 2005		
	3	Statutory exemption for sensitive cultural resource information gathered during a watershed analysis CR module or stand-alone CR module		Completed 2005		
	4	Updates to the CRPMP		Completed 2008		
	5	Recommendation to DNR staff and the Board for changes to the historic site definitions in Class III and Class IV Special definition to correct long standing interpretation issues		Completed 2008		
	6	A recommendation to include a cultural resource question on the Phase II 15-year small landowner permit application.		Completed Spring 2009		
	7	Draft a motion for the Forest Practices Board to request that the staff create a CR page on the Department's forest practices website		Complete (Board action was unnecessary)		
	8	With the support of the Commissioners Office, a Charter for the Timber/Fish/Wildlife Cultural Resources Roundtable (formerly known as TFW Cultural Resources Committee) delivered to the Forest Practices Board		Completed 2011		
	9	Consensus recommendation on changes to WAC 222-20-120 delivered to the Forest Practices Board		Completed 2011		
	10	As requested by the FPB, review and comment on a suggestion to amend 222-20-120 Sub-Section (3)(c))(i)		Completed 2011	Recommendation adopted by the Board in Feb, 2012	
	11	Prepare a streaming video of Lee Stilson's lecture on cultural resources that typically may be found in Washington's managed forests		Completed May 2012		
	12	In time for the FY 2012 report to the FPB, develop a method for formally assessing the performance CRPMP in accomplishing its purposes as stated on page 1 of the plan.		Completed June 2012		
	13	Two new cultural resource links have been added to the DNR Forest Practices webpage. Roundtable agendas, notes and action item list are on the Forest Practices Board's webpage		Completed September 2012		
	14	Improve knowledge, understanding and use of the GLO, historic and current USGS quad maps and other publicly available information to identify historic features recognized during 19th century land surveys.		Completed October 2012		Making available tools to improve identification and recognition of cultural resources in the field
	15	*Update the instructions for question 7 of the forest practices application.*	*Sherri*	*Complete*	*Draft submitted to DNR for inclusion in the next update of FPA Instructions.*	*This would be an edit to Appendix B of the Cultural Resources Protection and Management Plan*

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October 17, 2013

M E M O R A N D U M

To: **Forest Practices Board**

From: **Joe Stohr, WDFW Deputy Director and Forest Practices Board Member**

SUBJECT: **UPLAND WILDLIFE UPDATE**

Following is a summary of new and ongoing state and federal activities related to upland wildlife in forested environments.

Western Gray Squirrel

As you recall from the May 13 meeting, the Board requested that Department of Natural Resources (DNR) and Washington Department of Fish and Wildlife (WDFW) staff explore operational, administrative or other mechanisms to increase the effectiveness of the current western gray squirrel (WGS) voluntary protection approach. In addition, 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. We intend to continue implementing these actions and monitoring conservation outcomes that result from this voluntary protection approach. What follows is a summary of our progress at the time of writing this memo.

DNR Administrative and Operational Mechanisms

DNR and WDFW staff worked together to explore administrative and operational improvements to WGS protection mechanisms. DNR staff will speak to this in more detail, but possible enhancements include noting the presence of WGS or their habitat on the office checklist that is completed upon receipt of a forest practices application (FPA). This checklist could then be forwarded to both the DNR forest practices forester and appropriate WDFW biologist, thereby providing notification that WGS or their habitat may be present and the proposed activity area should be reviewed to address any WGS impacts. Additionally, DNR is considering the inclusion of a note on the FPA Notice of Decision page that acknowledges the presence of WGS or WGS habitat in the harvest vicinity, and offers the assistance of, and contact information for WDFW staff. While not an enforceable provision of the approved FPA permit, this note is expected to raise the importance of the issue, improve communication, and increase the likelihood of voluntary compliance.

Guidance to WDFW Field Staff

The most effective t approach to achieve voluntary compliance is for WDFW biologists to continue providing early and cooperative technical assistance to FPA applicants. WDFW staff

has drafted guidance that captures the intended steps and processes of the current WGS voluntary protection approach. Although our goal is to achieve voluntary compliance, there are simple best practices for correspondence and record keeping that will enable enforcement action for the removal of WGS nests if necessary. The WDFW Enforcement Program contributed to this guidance by articulating these procedures. WDFW staff that participate in the WGS voluntary protection approach are scheduled to discuss this guidance in late October in order to foster a consistently high standard of service, identify any additional improvements to the processes, and ensure the most effective deployment possible of current staff.

Nest Protection Statute

WDFW staff has collaborated with WDFW's assigned Assistant Attorneys General (AAG) to provide suggestions for modifications to the current nest protection statutes (RCWs 77.15.120 and 77.15.130). Existing statutory language contains broad references to nests, thereby leaving room for ambiguity in its application to the nests of mammals like WGS. AAG suggestions are being reviewed at this time and WDFW staff is discussing whether these modifications should be introduced during the next or subsequent legislative sessions.

Pending Federal Decisions

The following updates are intended to keep the Board abreast of proposed or final actions by the U.S. Fish and Wildlife Service (USFWS) regarding upland wildlife in forested environments. The Forest Practices Rules require that when a species is listed by the U.S. Secretary of the Interior or Commerce, the Department of Natural Resources (DNR) consults with WDFW and makes a recommendation to the Board whether protection is needed under the Critical Habitat (State) rule (WAC 222-16-080). In addition to this specific requirement, WDFW and DNR staffs continue to coordinate in order to anticipate such federal actions and/or state action in response to changes in the status of a species. The recently resolved federal government shutdown has hampered our ability to coordinate with our USFWS partners and access data or analyses that underpin some of these decisions or proposals, but we will continue to seek this coordination and data now that the federal government is resuming full operation.

Gray Wolf

In June, 2013, the USFWS has proposed to delist the gray wolf across the Lower 48, and establish a listed subspecies unit for the Mexican gray wolf regarding in the Southwest states. WDFW has classified wolves as a state endangered species, adopted a Wolf Conservation and Management Plan in December 2011, and has received funding to implement the Plan. The gray wolf population in Washington continues to grow at a rate parallel to what was observed in other range states of the Northern Rocky Mountain Distinct Population Segment and Washington's wolf population is connected to adjacent states and territories. For these reasons, and many others, WDFW has supported the federal delisting proposal.

While a national discussion around delisting this species is ongoing, it will still be several months before a final federal rule is promulgated. WDFW does not recommend undertaking revisions to the gray wolf Forest Practices Rule at this time; however, we do recommend revisiting Forest Practices Rule revisions for the gray wolf once a final decision is made by the USFWS. In the meantime, WDFW remains committed to working with DNR staff and applicants to implement the current Forest Practices Rule in a way that preserves flexibility for applicants and scales management recommendations appropriately to the actual biological risk.

Taylor's Checkerspot Butterfly

Effective October 4, 2013, the USFWS listed the Taylor's checkerspot butterfly (TCB) as endangered along with designating critical habitat (CH) for the species. DNR and WDFW continue collaborating on evaluation of the listing and CH designations, and DNR will provide collective recommendations for TCB conservation to the FP Board by November 2, 2013. Additional protective measures are likely not necessary given the existing voluntary protection framework and WDFW's work in securing TCB Management Plans with major landowners with known TCB populations and/or habitat.

Oregon Spotted Frog

The USFWS proposed to list the Oregon spotted frog (OSF) as threatened on August 29, 2013, along with designation of critical habitat (CH) in Washington and Oregon. The OSF became listed as an endangered species in Washington State in 1997. Historically, OSFs ranged from the southern margin of the Fraser River in southwest British Columbia to the upper Pit River system in northwest California. This distribution has been dramatically reduced and OSFs are now known to reproduce in fewer than 10 locations in two Washington counties – Thurston and Klickitat.

It is believed that habitat loss, introduced predators, and disease have caused the decline of OSF populations. Given that OSF are a wetland-associated species that relies on open, shallow, grassy waters for much of their life cycle, adverse effects of forest practice activities are likely minimal. WDFW and DNR will continue to assess the proposed listing and CH designations and provide comments to USFWS by the November 12, 2013 due date.

Yellow-billed Cuckoo

On October 3, 2013, the USFWS proposed to list the Yellow-billed cuckoo as threatened in the western portions of the US, Canada, and Mexico, including Washington. The yellow-billed cuckoo was formerly fairly common locally in cottonwood and willow bottoms along the lower Columbia River in WA and OR and in the Puget Sound lowlands in WA, and is highly restricted to riparian habitat. The available data suggest that if yellow-billed cuckoos still breed in Washington, the numbers are extremely low, with pairs numbering in the single digits.

Existing regulatory mechanisms have not entirely protected the western yellow-billed cuckoo's riparian habitat from loss and degradation, for example due to altered hydrology, development in floodplains, or bank stabilization activities. Since the current forest practice rules provide comprehensive protection of riparian habitats throughout the range of the species, negative impacts to the species or its habitat are likely negligible. WDFW and/or DNR will provide pertinent comments to USFWS by the December 2, 2013, comment period closing date.

Canada Lynx

The USFWS announced a proposed revision to their 2009 critical habitat (CH) designation for the Canada lynx on September 26, 2013. In Washington, the proposed critical habitat includes all lands currently designated plus primarily Okanogan-Wenatchee National Forest (all the way to the Canada-Washington border), some BLM lands, and Loomis State Forest lands. As in the current (2009) designation, Loomis State Forest lands covered by DNR's Lynx Habitat Management Plan are proposed for exclusion. While no comments are anticipated, WDFW and DNR will continue to work together to analyze the proposed revision to the 2009 CH designation and submit any necessary comments by the close of the December 26, 2103 comment period.