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October 14, 2021

TO: Forest Practices Board

FROM: Marc Ratcliff, Policy Section Lead *MR*
Forest Regulation Division

SUBJECT: Board Manual Section 12 Update

The Washington State Legislature passed Senate Bill 5597 in 2019 creating the Aerial Application of Herbicides in Forestlands workgroup. Besides making administrative and regulatory recommendations to the Forest Practices Program, the workgroup also recommended that DNR update best management practices (BMP) in Board Manual Section 12 (*Guidelines for Application of Forest Chemicals*). Funding and direction to complete these recommendations was approved by the Legislature for the FY 2021-23 biennium.

Updating Section 12 involves using a stakeholder process to incorporate new/improved BMPs for spray equipment, weather conditions and develop new language related to neighbor communications, alternatives to using herbicides, and signage. The legislation also directed the Forest Practices Board to clarify the required buffer distances specific to residences and agricultural lands. Amendments to Section 12 are timely since this section has not been updated for 20 years and contains some outdated terminology.

The stakeholder group includes representation from the conservation caucus, Washington tribes, forest industry, small forest landowners, Department of Agriculture, DNR's State Trust Lands, chemical companies, and Washington State University pesticide education staff. The group has met every two weeks since July. Stakeholders have provided content for developing language on these topics and useful feedback to refine the working draft.

Stakeholder discussions should wrap up late December or early January, with the goal to provide a revised board manual for the Board's review and approval at the February 2022 Board meeting. I will be present at the November meeting to answer any questions.

MR/



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October 21, 2021

TO: Forest Practices Board

FROM: Tami Miketa, Manager, Small Forest Landowner Office

SUBJECT: Small Forest Landowner Office and Advisory Committee

Small Forest Landowner Advisory Committee

Since my last report, the Small Forest Landowner Advisory Committee has held two meetings, one on July 20, 2021, and one on September 21, 2021 (via Zoom). During this time, the SFLO Advisory Committee proposed to the DNR Small Forest Landowner Office (SFLO) a definition for “relatively low impact on aquatic resources” to be applied to riparian management zone buffers that would be used with small forest landowner alternate plans. As the SFLO was preparing this definition for consideration by the Adaptive Management Program, the definition was submitted by WA Farm Forestry Association to the Adaptive Management Program Administrator as a Proposal Initiation (PI) document. The AMPA’s response was provided to TFW Policy **on September 30, 2021**, and TFW Policy is considering it at the time this memo was finalized.

The SFLO Advisory Committee members, DNR staff, and the TFW Policy Committee members representing small forest landowners have recognized that additional discussion is needed to ensure a shared perspective on the role of the SFLO Advisory Committee and the best pathway for the SFLO to benefit from the Advisory Committee input.

SFLO Program Updates

The FY 21-23 biennium will be an exciting time for the SFLO. The legislature allotted an extra \$1.697 million to the SFLO from the General Fund State budget. Additionally, \$777,300 was allotted to the SFLO from the Forest Health Bill (2SSHB 1168). This increase in funding will target additional technical assistance to small forest landowners to help them understand and apply the Forest Practices Rules including small forest landowner alternate plan templates, long-term applications, forest road assessments and construction techniques, timber harvest techniques, and other Forest Practices Rule related issues.

The SFLO Capital Programs also received a substantial increase in funding:

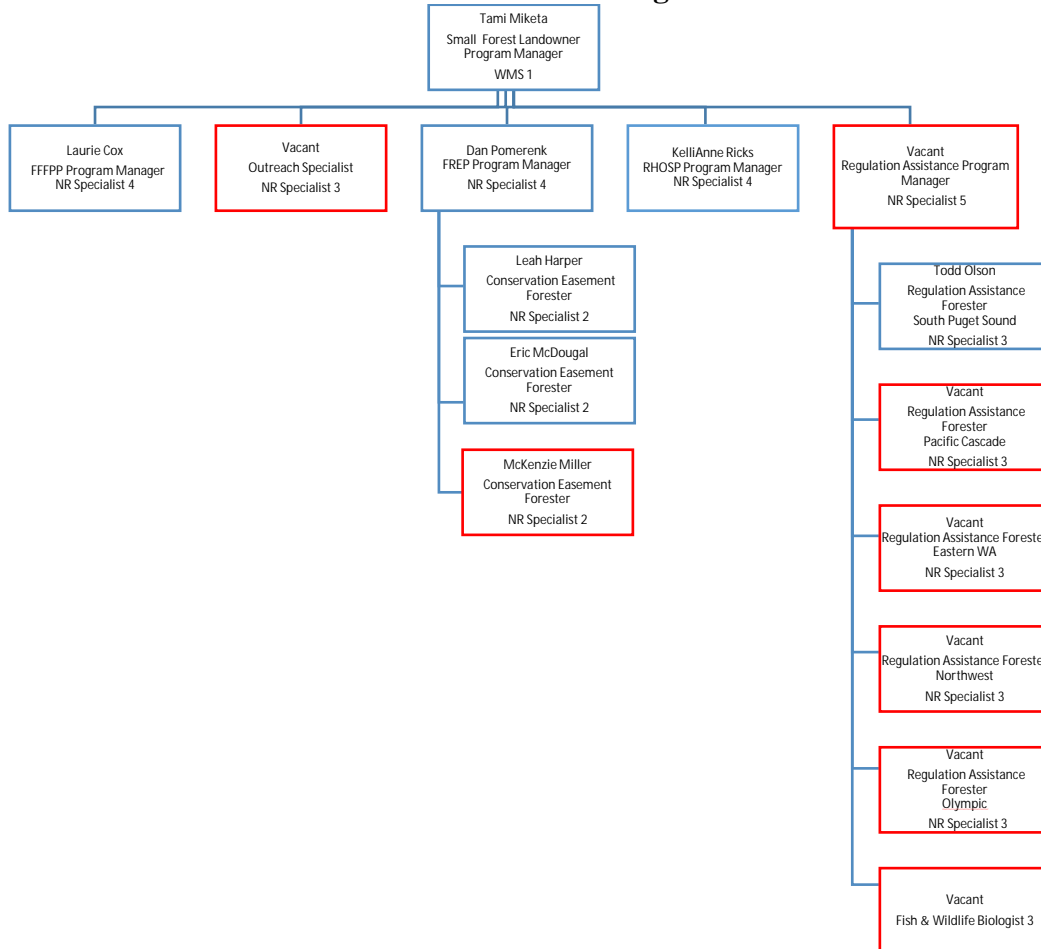
<u>Program</u>	<u>Biennial Funding</u>
Forestry Riparian Easement Program	\$6.6 million (includes \$600,000 re-appropriation)*
Family Forest Fish Passage Program	\$9.9 million (includes \$3.7 million re-appropriation)
Rivers and Habitat Open Space Program	\$1.4 million

* The Forestry Riparian Easement Program hired a third FREP Forester to aid in processing the increased number of easements that will be purchased this biennium.

With the \$2.47 million in additional operating funding, the SFLO is expanding its Regulation Assistance Program by adding seven new, permanent positions. The SFLO is currently in the process of hiring a Regulation Assistance Program Manager and will be creating an additional four Regulation Assistance Foresters who will be located in the regions for expedited landowner support. The SFLO will also be hiring a Fish and Wildlife Biologist to aid landowners in stream typing, conducting “protocol fish surveys” using electro fishing (where appropriate), and helping landowners complete Water Type Modification Forms (when applicable). Finally, to help inform the public about the expanded Regulation Assistance Program and the increased SFLO Capital Program budgets, the Office will be hiring an Outreach Specialist.

See the SFLO Organization Chart below (positions outlined in red represent new positions):

Small Forest Landowner Office Organization Chart



In accordance with 2SSHB1168, which passed legislative session, DNR will deliver a cohesive landowner services program by integrating existing landowner assistance programs to more efficiently and effectively reach the diversity of small forest landowners by:

- identifying and removing barriers for technical assistance, funding, and forest health management planning;
- increasing education and outreach to small forest landowners; and
- distributing funding effectively to move high wildland fire risk areas to lower risk.

DNR’s Integrated Small Forest Landowner Service Program is a collaboration between Forest Regulation Division, Forest Resiliency Division, and DNR Regions to offer a seamless and consistent experience to small forest landowners. This comprehensive program integrates

duties, responsibilities, and services of the Forest Stewardship Program, the Landowner Assistance Program, and the Small Forest Landowner Office to effectively meet the needs of small forest landowners through technical and financial assistance to help meet their objectives for their lands.

Long Term Applications (LTA)

In this Forest Practices Board report, the SFLO regularly shows the status of Long Term Applications. There are currently 306 approved long-term applications, which is an increase of six approved applications since the end of the last reporting period (07/19/2021).

LTA Applications	LTA Phase 1	LTA Phase 2	TOTAL
Under Review	4	1	5
Approved	1	305	306
TOTAL	5	306	311

Upcoming Events

The Forest Overstory Podcast

The Forest Overstory is a podcast series dedicated to unraveling forest management topics that impact small forest landowners by interviewing forest land managers, researchers, and fellow private forest owners around Washington.

[Episode 001 – Dr. Paul Hessburg](#)

Dr. Paul Hessburg, landscape ecologist with the Pacific Northwest Research Station, sits down to talk about his work around the current era of megafires. Paul discusses historic burning patterns, how fire shaped our landscape and forest structure, and what forest landowners and managers should focus on when creating a fire resilient landscape.

For more information regarding these events, go to <http://forestry.wsu.edu/>

Please contact me at (360) 902-1415 or tami.miketa@dnr.wa.gov if you have questions.

TM/



**Timber, Fish and Wildlife Policy Committee
Forest Practices Board**

PO BOX 47012, Olympia, WA 98504-4712

Policy Co-Chairs:

Marc Engel, Department of Natural Resources

Meghan Tuttle, Weyerhaeuser Company

October 25, 2021

TO: Forest Practices Board
FROM: Marc Engel and Meghan Tuttle
SUBJECT: TFW Policy Committee Report

The Timber, Fish, & Wildlife Policy Committee (Policy) continues to manage a heavy workload driven by internal process deadlines as well as priorities directed by the Forest Practices Board. To accomplish this, Policy continues to rely on additional meetings, email communications between meetings and the creation of technical and policy workgroups to address specific issues and meet deadlines.

TFW POLICY COMMITTEE BUSINESS UPDATE for August- October 2021

Type Np Buffer Recommendation Development

The Policy Committee continues to follow an ambitious meeting schedule to develop recommendations for the Board. At present, Policy is pursuing points of agreement and is in the phase of analyzing alternative courses of action to determine an appropriate management response to the findings of the CMER Type N studies. It is expected this phase will be completed before the end of 2021 after which Policy will develop a consensus decision on an alternative to recommend to the Board. If the Policy Committee has not agreed upon an alternative, any Policy Committee caucus may invoke the dispute resolution process.

TFW Policy Process to Complete Board Work Plan to Address SAO Recommendations

The TFW Policy Committee has been directed by the Board to develop recommendations for action to address two of the SAO recommendations for improvements of the Adaptive Management Program. Policy has been assigned to focus on development of two actions meant to improve the decision making process by developing recommendations for:

- Decision criteria for determining actions; and
- A net gains model for project planning.

The Boards Work Plan requires Policy to complete and deliver recommendations for how to transition to a net gains approach to the Board in May 2022 and to provide options for incorporating decision criteria into the AMP process in November 2022.

To accomplish this, Policy has formed a workgroup to address the audit recommendations. The workgroup met on 10/20/21 for the first time and has scheduled regular meetings.

Proposal Initiation (PI) Request for Type Np Buffer Basin GIS/FPA Project

The Policy Committee, at their May 2021 meeting, rejected a request to initiate a Type Np Buffer Basin GIS project. Dispute resolution was then invoked by the Industrial landowners' caucus based upon the non-consensus vote by Policy.

The Industrial Landowners' Caucus, at the June 2021 Policy meeting, presented their reason for calling the dispute was based on the premise that not all caucuses agree that the site selection constraints for the CMER *Type N Experimental Buffer Treatment Project on Hard Rock Lithologies (Phase 1)* (Hard Rock) study limit application of study findings to the broader managed forest landscape. They stated the constraints resulted in purposeful rather than random sampling of the population of Np basins and contemporary harvest practices, limiting the study's scope of inference. Therefore, it is unknown if the frequency or magnitude of responses observed in the Type N Hard Rock study are representative of responses likely to occur in most operational harvest units.

Policy has finished Stage I of this dispute resolution without a consensus decision and is developing a scope of work to enter Stage II dispute resolution as early as December.

Policy has assembled an informal work group to work with the Adaptive Management Program Administrator (AMPA) to prepare the Dispute Resolution Stage II contract. The workgroup met on 10/19/2021 and supported the dispute resolution scope of work the Policy Committee agreed to via consensus at their August 2021 meeting. Policy approved a facilitation and mediation budget request to be presented to the Forest Practices Board at their August 2021 meeting. While the policy co-chairs and the FPB discussed the need for a mediation contract in August a Board motion for funding was not introduced.

Small Forest Landowner Request for Smaller Riparian Buffers

At the conclusion of Dispute Resolution Stage II process addressing the potential for an alternate plan template for small forest landowners featuring 75, 50, or 25 foot buffers of Type F and Np waters, Policy received a final report from the mediator documenting the results of the Stage II dispute. Before initiating the preparation of caucus reports, WFFA requested Policy receive the results of the CMER review of the WFFA submitted scientific justification supporting the buffer widths of their template proposal. The CMER review is currently in dispute resolution and the results of their review will be in the form of answers to the CMER/Policy Committee framework questions 1 through 6.

When results of the CMER review of the scientific justification are received, Policy will discuss the results and determine how to incorporate the CMER findings into the conclusions of the completed dispute regarding potential recommendations for 75, 50, or 25 foot buffers of Type F and Np waters. Then Policy caucuses who participated in the dispute resolution Stage II process will prepare a report documenting their assessment of the dispute and recommendation(s) for resolution. These reports will be bundled into a Minority and Majority report and presented with Policy's recommendations to the Board. Though there is no timeline, either in rule or guidance, associated with this process, Policy is committed to bringing recommendations to the Board as soon as possible.

MAJOR TFW POLICY COMMITTEE TOPICS FOR CALENDAR YEAR 2022

Existing Policy Priorities

- **Adaptive Management Program (AMP) budget and the Master Project Schedule (MPS):** Policy will review and prepare recommendations to present to the Board at the May 2022 meeting.
- **Type Np Water Riparian Management Zone (RMZ) buffer width recommendations:** It is anticipated that Policy will complete the development of a consensus decision on an alternative to recommend to the Board in December 2021 to be presented to the Board in February 2022.
- **Type N Experimental Buffer Treatment in Hard Rock Lithologies Phase II:** The report and Policy recommendations are anticipated to be delivered to the Board in May 2022.
- **Type N Experimental Buffer Treatment in Hard Rock Lithologies Phase II - addendum:** The report and Policy recommendations are anticipated to be delivered to the Board in May 2022.
- **Type N Experimental Buffer Treatment in Soft Rock Lithologies:** The report and Policy recommendations are anticipated to be delivered to the Board by May 2022.
- **SAO:** Policy will deliver recommendations for transitioning to a net gains approach, SAO recommendation #5, to the Board at the May 2022 meeting; and Policy will provide options for the AMPA to include in a memo describing different ways that decision criteria could be made part of the AMP process to be delivered to the Board by November 2022;
- **WFPA Headwater Stream Smart Buffer Pilot Project:** The Cooperative Monitoring, Evaluation and Research Committee (CMER) is completing an on-going scientific review of the proposed study design that was provided by WFPA. The review is currently in the deliberation phase at CMER and it is uncertain when CMER will present the results of their review to Policy.
- **Small Forest Landowner Request for Smaller Riparian Buffers:** Completion of stage 1 and 2 of the dispute resolution process to prepare Small Forest Landowner Alternate Plan Template prescriptions will be completed and it is anticipated that recommendations will be presented to the Board at the February 2022 meeting.
- **Small Forest Landowner Experimental Harvest Prescription:** Policy has received the workgroup recommendations and plans to of recommendations for the Board until after the Policy recommendations for the Small Forest Landowner Smaller Riparian Buffers are delivered to the Board.
Extensive Riparian Monitoring: Policy is developing a recommended extensive riparian monitoring strategy for inclusion in the MPS in calendar year 2022.

CMER Priorities:

It is anticipated that the Cooperative Management Evaluation and Research Committee (CMER) will bring work products requiring action to Policy and these products include:

- **Deep Seated Research Strategy:** Physical, Groundwater and Evapotranspiration Modeling (including Toolkit Development) study design is estimated to be provided to Policy in November 2022;
- **Eastside Timber Habitat Evaluation Project (ETHEP):** The scoping document and the preliminary six questions document are complete, the revised charter is anticipated to be provided to Policy in June 2022;
- **Eastside Type N Riparian Effectiveness Project (ENREP):** Is in currently in implementation and a Charter is anticipated to be provided to Policy in January of 2022;
- **Type N Experimental Buffer Treatment in Hard Rock Lithologies (Temperature, Sediment, Vegetation, Litterfall):** CMER and ISPR approved Phase II final report and the completed 6

questions document are anticipated to be provided to Policy in February 2022. The addendum to the Final Report is estimated to be provided to Policy in April 2022;

- **Wetlands Management Zone Effectiveness Monitoring project:** The scoping document and study designs will not be going to Policy until 2023 and 2024, respectively. The project charter is anticipated to be provided to Policy in April 2022.
- **Forested Wetland Effectiveness Project:** The Project Management Plan is expected to be provided to Policy in January 2022.
- **Type N Experimental Buffer Treatment in Soft Rock Lithologies:** The final report and the completed 6 questions document are anticipated to be provided to Policy in December of 2021;
- **The Westside Type F Riparian Prescription Monitoring Pilot:** The Charter is estimated to be provided to Policy in November 2022.
- **Water Typing (PHB/DPC):** ISAG is currently working on the PHB study design and will initiate work on the Default Physical Conditions (DPC) study design in the fall of 2021. Each study design will undergo a review period in the SAG, CMER, and ISPR which can take ~12-18 months to complete. As such, the water typing study designs are not expected to be presented to Policy or the Board until early to mid-2023. In the meantime, the DPC charter is expected to be brought to Policy in April 2022.

New Projects:

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 could require delaying existing priorities and/or scheduling additional meetings.



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November 10, 2021

MEMORANDUM

To: Forest Practices Board
From: Gary Bell, Wildlife Biologist, Forest Habitats Section
Subject: Upland Wildlife Update

The following provides a brief status update for ongoing or pending actions pertaining to priority wildlife species in forested habitats:

Marbled Murrelet

1992: Federally listed as Threatened
1993: State listed as Threatened
1996: Federal critical habitat designated
1997: FPB enacted State Forest Practices Rules
2017: State uplisted to Endangered

The species' status has not improved since state listing in 1993. The murrelet population in Washington's marine waters has declined by 3.93% annually (2001-2020) with the strongest annual declines (4.96%; 2001-2020) in the U.S. portion of the Salish Sea. As a result of the 2017 state uplisting to endangered status, the Washington Department of Natural Resources (WDNR), in consultation with the Washington Department of Fish and Wildlife (WDFW), recommended that the Forest Practices Board (Board) support a forest practices rule (FP Rule) assessment that would involve a group of stakeholders. WDFW subsequently established a Wildlife Working Group (WWG) to evaluate efficacy of the rules, determine whether rule language needs to be modified for clarity or to improve implementation and provide recommendations for FP Rule improvements to the Board. This work continues, and the most recent meeting was held on October 13, 2021. The group is hoping to provide a progress report, if not a final set of recommendations, to the Board in early 2022.

WDFW continues to monitor Marbled Murrelet populations at-sea in Zone 1 (Puget Sound and Straits; monitored in 2020) and Zone 2 (Washington coast; monitored in 2019) during the nesting season. Final reports have been produced. Of note is that these are the only data available to assess murrelet abundance and trends. The NW Forest Plan Effectiveness Monitoring team's 25-year report has been published (https://www.fs.fed.us/pnw/pubs/pnw_gtr996.pdf) as well as habitat trends report (<https://www.fs.usda.gov/treesearch/pubs/63314>). The 2020 at-sea survey report is now available (Lance & Pearson, 2021) and a manuscript has been drafted on winter trends and will be submitted for peer review soon.

Canada Lynx

- 1993: State listed as Threatened
- 1994: FPB enacted voluntary management approach
- 2000: Federally listed as Threatened
- 2017: State uplisted to Endangered

With the 2017 uplisting to state endangered, it was recommended that no action be taken to include lynx in the forest practices rule designation for critical habitat (state) and to maintain voluntary protections. WDFW continues explore lynx conservation opportunities in collaboration with landowners, Canadian federal and provincial entities, US Fish & Wildlife Service (USFWS), US Forest Service (USFS), conservation organizations, tribes, and academic partners. The goal is to refine recovery actions that can be implemented in the near- and long-term to benefit lynx conservation in Washington.

Evaluation of Forest Practice Applications (FPAs) on private lands continues to help identify potential impacts to lynx habitat. Given wildfire impacts in northcentral Washington, WDFW continues coordination with partners to bring awareness of the importance of balancing the need to protect habitat with the need to address fire risk, including on federal lands. The Colville Confederated Tribes have initiated planning for lynx translocations from Canada onto their lands.

The November 2017 USFWS summary of the lynx 5-year Species Status Assessment determined that regulatory improvements addressed the threat that led to the original listing of the lynx distinct population segment (DPS). The proposal to remove lynx from the federal list of threatened and endangered species remains pending.

Northern Spotted Owl

- 1988: State listed as Endangered
- 1990: Federally listed as Threatened
- 1996: FPB enacted State Forest Practices Rules
- 2012: USFWS designation of revised critical habitat
- 2016: State retention of Endangered status

The Northern Spotted Owl population has continued to decline primarily due to ongoing competitive interactions with Barred Owls. The Barred Owl removal experiment in the eastern Cascade Range has been completed. The published results from the experiment, which included study areas in Washington, Oregon, and California, indicated, among other findings, a positive response in survival rates by Spotted Owls following Barred Owl removal.

DNR and WDFW have resumed prior efforts to develop a Programmatic Safe Harbor Agreement (SHA) that would be held by DNR. A consultant has been selected to finalize development of the SHA framework, an associated draft Environmental Analysis (EA), and to identify an enrollment mechanism for landowners to voluntarily enroll in the SHA. These tasks need to be completed by June 30, 2022.

The USFWS continues working to address Barred Owl management and subsequent conservation of Spotted Owls in Washington, Oregon, and California. WDFW is an active partner in a process to develop management concepts and scenarios that will guide decision making by USFWS about the scope of Barred Owl management options that will be evaluated in an Environmental Impact Statement.

Fisher

- 1998: State listed as Endangered
- 2016: Federal status: Final decision for west coast DPS - not warranted for listing (April 2016)
- 2018: Ruling on 2017 withdrawal of proposed ESA listing, USFWS ordered to revisit that decision
- 2019: Federal revised proposed rule to list fishers, excluded fisher in Washington

Fisher reintroductions into Washington have been completed by WDFW and cooperating partners. A total of 260 fishers have been reintroduced, including 90 in Olympic National Park (2008-2010), and 170 in other federal lands within the southern and northern Cascade Mountains. Combined with the Candidate Conservation Agreement with Assurances (CCAA) program administered by WDFW, the reintroductions have returned the species to the state. Non-federal landowners can continue to voluntarily enroll in the CCAA and receive federal regulatory assurances if the fisher were to become listed under the ESA in the future. By enrolling in the CCAA, landowners agree to follow basic conservation measures that protect fishers that may use their private lands. To date, 60 landowners representing 3,438,655 acres of non-federal forest lands are enrolled in the CCAA. WDFW is currently developing options for fisher monitoring to evaluate re-colonization success.

Future Updates to the Board

The forest practices rules require that when a species is listed by the Washington Fish and Wildlife Commission and/or the U.S. Secretary of the Interior or Commerce, WDNR consults with WDFW and makes a recommendation to the Forest Practices Board as to whether protection is needed under the Critical Habitat (State) rule (WAC 222-16-080). WDFW and WDNR continue coordinating to anticipate federal actions and to respond to changes in the status of any given species.

cc: Tom O'Brien (WDFW)
Hannah Anderson (WDFW)
Taylor Cotten (WDFW)
Wendy Connally (WDFW)
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Colleen Granberg (DNR)
Joseph Shramek (DNR)