

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

FOREST PRACTICES BOARD
Regular Board Meeting – May 9, 2018
Natural Resources Building, Room 172, Olympia, WA

20
21
22
23
24
25

Members Present

26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

Stephen Bernath, Chair, Department of Natural Resources
Bob Guenther, General Public Member/Small Forest Landowner
Brent Davies, General Public Member
Carmen Smith, General Public Member/Independent Logging Contractor
Dave Herrera, General Public Member
Heather Ballash, Designee for Director, Department of Commerce
Jeff Davis, Designee for Director, Department of Fish and Wildlife
Lisa Janicki, Elected County Official
Noel Willet, Timber Products Union Representative
Patrick Capper, Designee for Director, Department of Agriculture
Paula Swedeen, General Public Member
Tom Laurie, Designee for Director, Department of Ecology
Tom Nelson, General Public Member

Staff

Joe Shramek, Forest Practices Division Manager
Marc Engel, Forest Practices Assistant Division Manager
Patricia Anderson, Rules Coordinator
Phil Ferester, Senior Counsel

WELCOME AND INTRODUCTIONS

Chair Stephen Bernath called the Forest Practices Board (Board) meeting to order at 9:00 a.m.

REPORT FROM CHAIR

Chair Bernath announced the retirement of Board Member Heather Ballash from state service and her conclusion from serving as a Board member after today's meeting and thanked her for her years of service. Ballash conveyed her thanks to staff and fellow Board members for their work. She introduced her successor, Ben Serr, who works for the Department of Commerce Eastern Washington Office of Growth Management Services.

He also announced retirement of DNR staff member Garth Anderson, who has worked as the Northwest Region forest practices geologist.

Chair Bernath reported that the facilitated cultural resources meetings addressing the protection of tribal cultural resources continue to be held. An initial group is preparing draft proposals to move forward to the larger facilitated group to address: how and when tribes are notified of Forest Practices Applications (FPA) with potential cultural resources; a funding package for tribal participation; additional staff in the small forest landowner office to facilitate landowner/tribal discussions and to provide landowner training in partnership with tribes; and a revision of question nine on the FPA to encourage landowner/tribal communication.

1 He also reported that the annual Taylor’s Checkerspot Butterfly Report has been delayed until the
2 August meeting.

3
4 **PUBLIC COMMENT**

5 None.

6
7 **APPROVAL OF MINUTES**

8 **MOTION:** Tom Nelson moved the Forest Practices Board approve the February 13 and
9 14 meeting minutes.

10
11 **SECONDED:** Patrick Capper

12
13 **ACTION:** Motion passed unanimously.

14
15 **WATER TYPING SYSTEM RULE MAKING AND GUIDANCE UPDATE**

16 Chair Bernath began the presentation by saying that several parties have suggested slowing down
17 the water typing system rule process. He said additional time is needed to gather the necessary
18 data and to evaluate the three potential habitat break (PHB) alternatives. He said the extra time
19 may also provide an opportunity for folks to come to consensus on one specific PHB alternative.

20
21 Marc Engel, DNR, provided a brief overview of the development of the water typing rule
22 beginning with the concerns addressed in 2013 by the conservation caucus, Washington
23 Department of Fish and Wildlife (WDFW) and the Federal Services about the application of the
24 current rule. He mentioned the Board’s subsequent direction to the TFW Policy Committee
25 (Policy) to develop recommendations for a permanent water typing rule in 2016, the Board’s
26 direction to DNR to begin drafting rule based on Policy’s recommended rule concepts including a
27 Fish Habitat Assessment Method (FHAM) to delineate fish habitat, the dispute outcome for the
28 definition of off-channel habitat in 2017 and the Board’s acceptance of three PHB alternatives at
29 the February 2018 meeting.

30
31 Engel provided the status on the development of products for inclusion in the rule making packet.
32 He said two stakeholder meetings have occurred to review the draft rule language and bi-weekly
33 Board Manual stakeholder meetings have occurred to develop guidance for conducting the FHAM
34 including best management practices for electrofishing. He stated two field days were scheduled to
35 evaluate potential guidance for measuring PHBs in the field. In preparation for the economic
36 analysis, Engel said DNR had assembled an economic panel to discuss the alternatives to
37 determine the costs and benefits of the proposed rule in advance of the preparation for the cost
38 benefit analysis and small business economic impact statement. He then walked Board members
39 through a proposed timeline to extend the rule development process to May 2019.

40
41 Board Member Tom Nelson voiced concern over receiving this information a day prior to the
42 Board meeting. He asked that in the future, more time is provided for Board members to review
43 important recommendations.

44
45 Engel acknowledged Nelson’s comment and said DNR staff will strive to send out all products as
46 they are developed in a timely manner.

1 Engel continued the presentation by reminding Board members that the discussions for draft rule
2 and Board Manual development is following the normal stakeholder process. He said the
3 collection of the data to conduct an analysis on three PHB alternatives in comparison to the current
4 rule and prepare the rule making packet is the primary reason an extension is needed. In order to
5 conduct a statewide analysis, additional time is needed for DNR to obtain the end of fish data.
6 These data, which are also needed by the expert science panel for the validation study, are being
7 obtained through a review of water type modification forms (WTMF) to gather the fish data. This
8 additional review of WTMF data is needed because end of fish data was not used in the initial
9 expert panel PHB analysis. He said additional time is also needed to understand the idea and
10 differences contained in the anadromous floor concepts.

11
12 Engel added that an economist panel will be convened to assess the impacts of the rule using an
13 analytical model. The key assumptions include costs to landowners, costs to labor, benefit to the
14 ecosystem including fish, simulation and discount to stumpage values and any differences between
15 eastern or western Washington.

16
17 Board Member Paula Swedeen asked why end of fish is important in the economic and
18 environmental analyses since the new process is not related to end of fish.

19
20 Engel said existing data is needed to perform the analysis and under the current rule, the end of
21 fish is an essential point that needs to be identified under the current protocol. He confirmed that
22 to reduce potential harm to fish through electrofishing, the FHAM process will require folks to
23 cease electrofishing when the first fish is detected upstream of a PHB. The last fish is needed to
24 perform the analysis comparing Type F/N breaks established under current rule and Type F/N
25 breaks established using FHAM for the three PHB options. Although the end of fish point is not
26 required under the new FHAM process, the end of fish data will establish the stream segment
27 between PHBs where the last presence of fish is found.

28
29 Nelson said the current rule is not end of fish or last fish, but a combination of fish presence
30 informed through protocol surveys and supplemented by information from the 'Lenny memo',
31 which encompasses additional fish habitat above last fish. He said the current process is fish use
32 and includes both fish presence and associated habitat.

33
34 Board Member Bob Guenther asked Engel to define the anadromous floor.

35
36 Engel said the westside Tribe's anadromous floor proposal begins at salt water and ends when it
37 reaches a ten percent stream gradient. DNR is working with the industrial landowners to fully
38 understand the additional elements contributed to laterals. He said the criteria and analysis for the
39 anadromous floor will include 5, 7 and 10 percent threshold options as directed by the Board.

40
41 Nelson asked if it would make sense to change the WTMF to capture end of fish.

42
43 Engel said the WTMF has evolved over time. He said current changes are being evaluated to
44 modify the form to capture the appropriate information moving forward.

45
46 Swedeen suggested that additional benefits need to be added to the economic analysis such as
47 benefits to the ecosystem and individuals. She asked why the rule is being delayed one entire year.

1
2 Engel said the extension is needed not only for gathering additional data, but to provide additional
3 time for working with stakeholders to complete all the elements needed for the rule package. He
4 confirmed that gathering and assessing additional data may take seven weeks to complete and the
5 time to evaluate and work with stakeholders to complete the economic analysis is estimated to
6 take approximately thirty weeks.

7
8 **POTENTIAL HABITAT BREAK (PHB) VALIDATION STUDY**

9 Howard Haemmerle, DNR, and Dr. Jeff Kershner and Dr. Patrick Trotter, science panel members,
10 provided an update on the PHB validation study design. Haemmerle said the study will be focused
11 on different ecoregions and will use the end of fish points with longitudinal profiles conducted
12 both up and downstream from end of fish points at the time of the survey. The study will
13 document seasonal fish presence and includes surveying each site over multiple seasons. The
14 approach is to measure sites for each season of the year across seven ecoregions. He said the study
15 design will also include an eDNA element conducted in the last survey year.

16
17 Haemmerle said there are two phases to the study design – a pilot study to be conducted in the
18 summer of 2018 and the full validation study. The pilot will help determine the correct fish
19 sampling methods to use during the full validation study. The pilot method will look at streams
20 with geomorphic complexity in eastern and western Washington. He said the science panel
21 received comments back from stakeholders on the study, but have not received comments back
22 from the independent science peer review (ISPR). He said the goal is to provide recommendations
23 on the validation study to the Board in August 2018 and share the results from the pilot study to
24 the Board at their November 2018 meeting.

25
26 Regarding the preparation of the validation study, several Board members asked if there should be
27 a connection with the Cooperative Monitoring Evaluation and Research Committee (CMER) and
28 any stakeholder or ISPR comments.

29
30 Haemmerle assured that stakeholder and ISPR comments will be reviewed by the science panel
31 and where appropriate, incorporated into the validation study recommendations provided to the
32 Board at the August 2018 meeting.

33
34 Board Member Lisa Janicki asked how CMER is involved in this process.

35
36 Haemmerle said the way this project was directed by the Board has not followed the standard
37 adaptive management process. He acknowledged that normally CMER develops and/or reviews
38 validation studies, but because of the fast pace set by the Board, neither CMER nor the In-stream
39 Scientific Advisory Group (ISAG) were asked to provide a validation study framework. He said
40 the final report for the validation study will follow the normal Adaptive Management Program
41 protocol involving CMER, ISPR, and Policy.

42
43 Guenther asked where the eDNA samples will be taken.

44
45 Haemmerle said the eDNA process will identify the location and provide input for how many
46 samples will need to be taken above and below the detected end of fish.

1 Swedeen asked how fish seasonality will be incorporated into the study design outside of the
2 current protocol electrofishing season.

3
4 Dr. Kershner said the concerns about the seasonal location of fish will be addressed with seasonal
5 sampling. Multiple sampling will help determine the extent of fish migration and movement. He
6 suggested that annual variability will capture changes from season to season.

7
8 Chair Bernath asked what they hope to learn from the pilot.

9
10 Dr. Trotter said the pilot will inform the way stream slope or gradient is measured. He said they
11 found people measure slope three different ways and the pilot will refine the most appropriate
12 measurement procedure in order to arrive at a fixed protocol.

13
14 Dr. Kershner confirmed that the pilot will refine the method to arrive at the best measuring
15 protocol to reduce variability.

16
17 **WATER TYPING SYSTEM RULE MAKING AND GUIDANCE, AND PHB**
18 **VALIDATION PILOT STUDY RECOMMENDATIONS**

19 Marc Engel, DNR, reiterated the staff recommendation to slow down the water typing rule
20 development process to ensure full transparency and stakeholder involvement. The extra time will
21 provide Board members with the benefits from the pilot study, additional time for field review of
22 FHAM and PHB guidance and ensure that the preliminary economic analysis is fully vetted.

23
24 Engel recommended the Board consider the following:

- 25 • Amend the timeline for the water typing rule package to be considered in May 2019;
- 26 • Approve and fund the validation pilot study, with a report delivered by the expert science
27 panel to the Board in November 2018; and
- 28 • Request the expert science panel present a fully scoped validation study at the August 2018
29 meeting after stakeholder comments have been considered and after the study goes through a
30 second ISPR.

31
32 Engel said the consideration in May would include an analyses for each set of the PHB
33 alternatives. He said upon Board approval at the May 2019 meeting, staff would file a CR-102 and
34 conduct rule making hearings. This would be in preparation for a final rule adoption by the Board
35 in August 2019. He concluded by describing the staff-prepared materials for final rule adoption,
36 which would include: the draft concise explanatory statement; final economic analysis; long term
37 application analysis; and a rule implementation plan. Once the Board adopts the rule, staff will file
38 the final rule making order.

39
40 Nelson said he had not seen the validation study and asked who wrote the study. He said he had
41 concerns about making a decision about a proposal he had not seen and was reluctant to make
42 budget decisions on a study he had not seen.

43
44 Engel said the scientific expert panel prepared the study design which includes a pilot to be
45 conducted this summer.

1 Swedeen wanted to clarify that the Board is being asked to only approve moving ahead with the
2 pilot study and that the larger validation study design had not yet been completed and would come
3 later to the Board for consideration.

4
5 Bernath confirmed that the decision before the Board was about the pilot component, but the item
6 in the budget is for both the pilot and the first season of the validation study. Further discussions
7 about the budget would occur later in the meeting agenda.

8
9 **PUBLIC COMMENT ON THE WATER TYPING SYSTEM AND PHB VALIDATION**
10 **PILOT STUDY RECOMMENDATIONS**

11 Steve Barnowe-Meyer, Washington Farm Forestry Association (WFFA), asked for the Board's
12 continued support for the development of the LiDAR water typing model identified in the CMER
13 budget. He suggested the study design would provide the correct physical defaults to delineate the
14 upper end of fish habitat and further develop a LiDAR-based model to accurately predict fish
15 habitat and avoid bias. He said most small forest landowners utilize the default physicals and
16 likely not apply the FHAM protocol, but would readily use a model that is balanced and simple to
17 use. They support a rule package that includes funding and work toward a model.

18
19 Ken Miller, WFFA, believes the water typing debate is not about fish or fish habitat, but about
20 additional protection of riparian management zones. He said a precise rule is fraught with error
21 without a meaningful difference to capture the benefits to fish where they may not exist. He
22 questioned whether additional science or a validation study would actually lead to concrete
23 answers and the best outcome.

24
25 Jenny Knoth, Green Crow, said she was concerned that the current efforts to improve fish habitat
26 through riparian buffers and road maintenance projects will be undermined by the current rush in
27 rule making timeline. She said the Board needs to address both the biologic and economic impacts
28 of the rule, and that the process should be based on science.

29
30 Kevin Godbout, Weyerhaeuser Company, agreed with DNR staff recommendations to slow down
31 the water typing rule process. He suggested some approaches could include a tune-up of the
32 recommendations from the electrofishing technical group and conduct workshops for the
33 upcoming field season. He said he is okay with the hybrid approach for some of the projects and
34 supports the motion today for extending the timeline.

35
36 Karen Terwilleger, Washington Forest Protection Association (WFPA), said their members
37 support canceling the June Board meeting, support delaying the rule package until 2019 and
38 support the continued PHB alternative testing. She said they support the validation study only after
39 an adequate stakeholder review and comment period is established. She mentioned that WFPA has
40 not received, but would like to see an explanation for how the spatial analysis will be conducted
41 during the economic evaluation. She mentioned the goals of the Forests and Fish Report and the
42 Forest Practices Habitat Conservation Plan. She concluded by stating that scientific evidence has
43 not been brought forward indicating that the current rule does not protect fish or fish habitat.

44
45 Chris Mendoza, Conservation Caucus, said in his interpretation of the operating standards in
46 Board Manual Section 22 language, the validation study development is not following the normal
47 CMER coordination under the Adaptive Management Program. He said because it does not follow

1 the normal process, it has not gained support from all stakeholders. He said one fatal flaw with the
2 validation study is that participants have yet to see a multi-region approach work, and it could end
3 up being costly and inefficient. He opined that the current track to have stakeholder comments
4 after the independent science review is backwards.

5
6 Jamie Glasgow, Conservation Caucus, said Washington is overdue for a permanent rule. Although
7 they are disappointed with a delay, they hope a delay will help arrive at a better rule. He believes
8 the current guidance in Board Manual Section 13 under represents where fish are at various stages
9 and does not account for seasonal variability. He alluded to the CMER research on Type N buffer
10 effectiveness, which underscores the need for accurate water typing. He asked the Board to
11 consider an alternate approach in the interim by having the tribes and WDFW develop a draft
12 approach to address the inadequacies of status quo before adoption at the August 2018 Board
13 meeting.

14
15 Peter Goldman, Washing Forest Law Center, said he is frustrated with the idea of a delay and the
16 over-complication of what should be a simple approach for a permanent rule. He urged the Board
17 to establish an interim approach to electrofishing for the 2019 water typing season. He said that
18 there is no lack of science to inform on fish habitat – delaying further only wastes tax payer’s
19 money. He mentioned the efforts by various technical and policy groups that have worked to find
20 a resolution and is surprised that a delay is still being considered. He said the status quo is
21 unacceptable to the Conservation Caucus and urged the Board to implement an interim process
22 immediately, such as a guidance memo by DNR staff.

23
24 Ray Entz, Kalispel Tribe and representing Upper Columbia United Tribes, mentioned four
25 important concepts to this issue – trust, status quo, delay and fear. He said trust means a lot to the
26 tribes. He said the current system fails at protecting fish habitat and a delay without an interim
27 process would further degrade trust. He concluded by saying it would appear to them that their
28 comments are being ignored if an interim process is not in place during the proposed delay.

29
30 Jim Peters, Northwest Indian Fisheries Commission and representing western Washington tribes,
31 requested DNR to work with the co-managers to establish an interim process during this delay. He
32 referred to the declining salmon runs and habitat and suggested folks work together to protect fish
33 habitat and work together to rebuild trust. He shared how he wanted to ensure fish are present and
34 available for his grandchildren to enjoy.

35
36 **PUBLIC COMMENT**

37 Ken Miller, WFFA, said the proposed small forest landowner riparian template is still moving
38 forward. The Policy subcommittee will forward the template prescriptions and supporting science
39 for an ISPR in late summer 2018. The review is scheduled to be completed by the end of the
40 calendar year. He then asked the Board to schedule their 2018 October field trip to the Miller tree
41 farm to discuss the proposed small forest landowner riparian template.

42
43 **BOARD SUBCOMMITTEE UPDATE ON EFFICIENCY AND EFFECTIVENESS**
44 **IMPROVEMENTS FOR THE ADAPTIVE MANAGEMENT PROGRAM**

45 Board Member Lisa Janicki introduced facilitator Connie Lewis. Lewis stated she has interviewed
46 about 50 stakeholders and indicated there are a few more she’s hoping to talk with. Her draft
47 summary of stakeholder concerns and suggestions along with her recommendations on program

1 improvements will be completed around the end of June. She will be including an opportunity for
2 folks to provide feedback on her recommendations. She shared several key take-away points
3 stakeholders hold in common: a universal belief in re-invigorating the program, move to a more
4 useful structure, bring back the original collaborative intent and shared interest of the principal
5 players, clarify the roles and boundaries between the various parts of the program, and a desire for
6 process and administrative modifications (consensus models, term appointments).

7
8 Lewis clarified that interviews will conclude this month and a draft summary report should be
9 available to all interviewees by mid-June. The timing for involving key principals will depend on
10 the subcommittee.

11 **WATER TYPING SYSTEM AND PHB VALIDATION PILOT STUDY**

12 Marc Engel, DNR, presented the draft motions for the Board to consider regarding the
13 permanent water typing rule and subsequent studies.

14
15
16 **MOTION:** Tom Laurie moved the Forest Practices Board approve the Validation Pilot
17 study to be completed in the summer and fall of 2018 with a report to the
18 Board at the November 14, 2018 meeting.

19
20 **SECONDED:** Brent Davies

21
22 Board Discussion:

23 Board Member Tom Laurie asked how the pilot and validations study is divided within the
24 budget.

25
26 Joe Shramek, DNR, stated that of the \$726,489 identified in the FY 2019 CMER budget,
27 \$128,000 would be allocated to conduct the pilot study.

28
29 Guenther asked when Board members might see the validation study design.

30
31 Chair Bernath said the study design has been through a first round of the ISPR – a second
32 ISPR review will include stakeholder comments.

33
34 Haemmerle said they are anticipating comments back from the ISPR this week. The next
35 step in the process will be to build the comment matrix and the panel will then consider
36 and address the comments. A meeting later in May will address the comments from both
37 the ISPR and technical stakeholders. Addressing comments and making any potential
38 adjustments to the proposed study design should be done by mid-July. He said the July
39 goal should still provide adequate time for implementing the pilot study and reporting
40 back to the Board in November.

41
42 Haemmerle clarified that the program is still waiting on comments from the ISPR on the
43 overall PHB validation study, which includes both the pilot and the main validation study.
44 He said that the Policy-approved budget is for fiscal year 2019. \$726,000 is identified for
45 the PHB study: \$128,000 covers the pilot and the majority is for the first year of sampling.
46 An ISPR will be conducted for the entire packet.

1 Board Member Jeff Davis acknowledged that obtaining the scientific collector's permit to
2 perform the study may be difficult to obtain in short order.

3
4 Dr. Kershner agreed that obtaining the permit may be onerous and suggested that
5 assistance from WDFW to facilitate expediting the effort would help. He was hopeful
6 that by getting started now, they would be on track to finish within the stated timeline.

7
8 Haemmerle said they would be willing to receive additional comments from those voicing
9 concern regarding not having enough time to weigh in on the study design leading up the
10 May meeting with the science panel.

11
12 Nelson suggested that the specific dates be removed from the motion.

13
14 Laurie said he understands the concern, but felt that the date was important to set the goal
15 for all those involved.

16
17 **ACTION:** Motion passed. 12 Support / 1 oppose (Nelson)

18
19 A new motion was presented:

20
21 **MOTION:** Tom Laurie moved the Forest Practices Board approve the staff
22 recommended water typing system rulemaking timeline to complete
23 rulemaking materials for the Boards' May 8, 2019 meeting.

24 **SECONDED:** Heather Ballash

25
26 Board Discussion:
27 Board Member Dave Herrera suggested having the tribes and WDFW, as fisheries co-
28 managers, work together to arrive at an interim approach for the 2019 survey season.
29 He acknowledged some of the requests for an interim process made by individuals
30 during public testimony earlier in the meeting.

31
32 Chair Bernath clarified that an interim process or solution would need to be done through
33 an administrative guidance memo rather than by a rule or new Board Manual guidance.

34
35 Davis said that WDFW would be willing to brainstorm ideas to arrive at possible interim
36 approaches.

37
38 Swedeen suggested the Board memorialize the idea of a tribal and WDFW proposal for
39 interim solutions for the 2019 season, but questioned whether it would need to be captured
40 in a formal motion.

41
42 Nelson questioned the basis for a special interim rule for the upcoming protocol survey
43 season. He suggested that the current process is not the end of fish, but fish use – the end of
44 fish plus additional habitat. He said that nothing has been brought forward to show the
45 inadequacies of the current rule that lends itself to an interim process.

46

1 Engel clarified to make sure to involve DNR Region staff in the development of
2 recommendations for interim guidance to be applied for the 2019 survey season.

3
4 **MOTION TO**

5 **AMEND #1:** Brent Davies moved to amend the motion by adding the following to the
6 end of the motion:
7 allow the Tribes and DFW to lead a process involving all caucuses to
8 develop recommendations by August 2018 for interim guidance via an
9 administrative memo to be applied during the 2019 protocol survey
10 season.

11 **SECONDED:** Paula Swedeen

12
13 **Board Discussion:**

14 Board Member Noel Willet said he had concerns putting the two motions together. He felt the
15 development should include all stakeholders and caucuses to address concerns. He suggested
16 the wording include 'all caucuses'.

17
18 **MOTION TO**

19 **AMEND #2:** Noel Willet moved to separate the amended motion into two separate
20 motions.

21
22 **SECONDED:** Bob Guenther

23
24 **Board Discussion:**

25 Chair Bernath confirmed that if Willet's motion passes, the two thoughts would be contained
26 in separate motions.

27
28 **ACTION ON**

29 **2nd AMENDMENT:** Motion passed. 10 Support / 2 Oppose (Swedeen & Davies) / 1 abstention
30 (Capper)

31
32 **ACTION ON**

33 **1st AMENDMENT:** Motion was modified further and re-offered after Willet's motion separating
34 the amended motion.

35
36 **ACTION ON**

37 **ORIGINAL**

38 **MOTION:** Motion passed. 12 support / 1 oppose (Guenther)

39
40 A new motion was presented:

41
42 **MOTION:** Brent Davies moved the Forest Practices Board request the Tribes and
43 DFW to lead a process involving all caucuses to develop recommendations
44 by August 2018 for interim guidance via an administrative memo to be
45 applied during the 2019 protocol survey season.

46
47 **SECONDED:** Paula Swedeen

1
2 Board Discussion:
3 Guenther felt this motion captured the intent of what Herrera proposed.
4
5 Chair Bernath clarified that any administrative interim process would need to align with
6 existing rule and Board Manual guidance.
7
8 Board Member Carman Smith wanted to clarify that the interim process would be just for the
9 2019 season and once a permanent rule was in place, the interim process would cease.

10
11 Nelson, referring to the rule making timeline motion, questioned the need for further
12 rule changes until the data and science is made available. He referred to the science
13 panel’s three to five year estimate to inform on the validity for PHBs.

14
15 Swedeen said she would be opposed to a multi-year delay given all the work done to date.
16 She said she believes that those who have worked on this effort have all the science and
17 information they need to move forward.

18
19 Board members Guenther and Nelson both asked that the motion not include specific
20 dates.

21
22 Swedeen said the dates provided are staff recommendations and that the Board did not
23 impose the dates on them. Delaying it further without dates is unfair to those with strong
24 concerns about the delay.

25
26 Janicki asked how modifications would be made if the validation study showed changes are
27 needed. She asked if the rule process and study would be concurrent paths.

28
29 Engel clarified that the overlap in the process is intended to adjust and modify as needed.
30 He said the rule making process is proposed to end in 2019, and that the validation study
31 would test the adopted rule and conclude in 2023. He said the rule would be constructed
32 on the framework for the FHAM and if PHB changes were warranted, then rule making
33 could occur at that point.

34
35 **ACTION:** Motion passed unanimously.

36
37 Engel addressed the confusion around the pilot study and the validation study and its
38 subsequent timeframe. He said staff suggests the Board consider passing a motion for gaining
39 better understanding of the study design at the August Board meeting.

40
41 Nelson, although he stated that did not want it be incorporated into the motion, wanted the
42 ad hoc fish group to be more involved in this process since they have been doing a lot of
43 the initial work.

44
45 **MOTION:** Tom Nelson moved the Forest Practices Board receive the
46 validation study design from the Adaptive Management
47 Program Administrator including ISPR completed review for

1 the August 2018 meeting in preparation for final Board
2 approval at the November 2018 meeting.

3
4 **SECONDED:** Carmen Smith

5
6 Board Discussion:

7 Davis asked what a fully scoped validation study might look like.

8
9 Haemmerle said the pilot will inform on the study design for the validation study. A fully
10 scoped project means that an ISPR of the study design should be completed by August.

11
12 Guenther asked if CMER will be communicated with as the study design as it moves
13 along.

14
15 Chair Bernath said he did not believe so. He said the people on the ground and ISAG will be
16 involved.

17
18 Haemmerle said as the study design is being implemented, CMER will be receiving
19 regular updates.

20
21 Nelson said he would be okay withdrawing his motion if it is clear to all how the updates will
22 be provided to the Board.

23
24 **ACTION:** Motion withdrawn

25
26 Chair Bernath asked whether Board members had any desire to form a group to work
27 toward achieving consensus for PHB alternatives.

28
29 Several Board members expressed uncertainty with what the process would look like to arrive
30 at one PHB option to analyze, how potential changes would relate to the current direction for
31 staff, and who the group should be to arrive at consensus.

32
33 Chair Bernath said any recommendations a group would provide would have to be brought
34 back to the Board and the Board would have to redirect the rule making process in a formal
35 manner. He said any decisions to arrive at consensus by folks would have to be done prior to
36 November.

37
38 No action was taken and no motion was proposed.

39
40 **2017-2019 CMER MASTER PROJECT SCHEDULE AND PROPOSED BUDGET FOR 17-**
41 **19 BIENNIUM**

42 Howard Haemmerle and Angela Johnson, DNR, presented the Master Project Schedule (MPS)
43 budget for the 17-19 biennium. Haemmerle said that although the Board approved the MPS for
44 the 17-19 biennium, the Board needs to approve the Adaptive Management Program budget for
45 FY 2019. Haemmerle highlighted the significant changes to the FY 2019 CMER work plan
46 within the MPS to arrive at a balanced budget:

- 1 • Two CMER scientists positions identified in the budget will not be filled at this time –
2 this will be re-evaluated for FY 2019
- 3 • The CMER eastside scientist staff position will be funded for one half year
- 4 • The ISPR funding has been modified to reflect when projects will be completed
- 5 • The LiDAR model and default physical study has been combined. The additional costs
6 shown on the budget reflect the estimated cost needed to completed this project
- 7 • The PHB validation pilot study has been added to the budget. The \$726,000 covers not
8 only the pilot, but also a scouting exercise for sampling for 350 sites
- 9 • Additional \$14,000 is allocated for the WFFA proposal initiation riparian template to
10 address re-hiring a contractor
- 11 • Additional funding was added for the Adaptive Management Program improvement
12 principals meeting
- 13 • \$75,000 of the \$100,000 for the Wetlands Scientific Advisory Group mapping tool
14 project will be moved into FY 2019
- 15 • The Type N hard rock study funding will continue into FY 2019. The amounts shown on
16 the budget will allow funding to finish phase two of the study
- 17 • The amounts allocated for the Eastside Type N Riparian Effectiveness Project reflect funds
18 needed for the study design. This is an increase in FY 2019 from \$600,000 to \$793,000
19

20 Johnson outlined additional changes to the budget:

- 21 • Funding for the Unstable Slopes Criteria Project was reduced based on the realistic timing
22 for the two study designs
- 23 • Funding for the Forested Wetlands Effectiveness Project was reduced for FY 2019 due to
24 refined study design and ISPR timing
- 25 • The Deep-Seated Landslide Research Strategy will not be funded at this time. This will be
26 reassessed in the following biennium
- 27 • Policy recommended not to fund the Wetland Management Zone Effectiveness Project at
28 this time. This will also be reassessed in later years
- 29 • \$28,000 for the Mass Wasting Landscape Scale Effectiveness Project will be moved into
30 FY 2019 in order to complete a feasible assessment
31

32 Haemmerle concluded by highlighting that the readjustments and changes made to the budget
33 created a positive balance of eleven dollars forecasted for the end of the biennium.
34

35 Chair Bernath mentioned the on-going work for the financial and performance audits. He said the
36 DNR internal auditor had been temporarily pulled off the work for other priorities. The auditor
37 would continue the work at a later time, and completion of the performance audit would not be
38 feasible by August 2018.
39

40 Nelson asked that continued updates on the performance audit be provided.
41

42 Davis echoed Nelson's request and asked that perhaps the Board could be proactive in asking the
43 State Auditor to compete a performance audit.
44

45 **PUBLIC COMMENT ON 2017-2019 CMER MASTER PROJECT SCHEDULE AND** 46 **BUDGET**

1 Ray Entz, Kalispel Tribe and representing Upper Columbia United Tribes, acknowledged the
2 effort to balance the FY 2019 budget, mentioned his caucuses' concerns that have not been
3 addressed and the lack of consensus on items within the budget. He said some of their concerns
4 include 'add on' extensive monitoring studies and species-specific studies lacking consensus that
5 still show up in the "out years" of the budget.
6

7 Karen Terwilleger, WFPA, mentioned the extensive efforts by the sub-committee and DNR staff
8 to arrive at the recommended FY 2019 budget. She said WFPA supports the budget. She
9 suggested one way to conduct performance audits would be to fund it through allocated variance
10 monies or other unspent funds. She said the State Auditor has a pool of money for performance
11 audits, but completion for those funds is significant. She said she believes Board-directed projects
12 such as the LiDAR and PHB study should go back into the normal stakeholder process to help
13 arrive at consensus over the study design. She said she believes the study for default physical
14 should continue to be funded.
15

16 Scott Swanson, Washington Association of Counties, said the counties support the budget as
17 presented today. He said they recommend the performance audits be conducted through available
18 funds. He mentioned that he will be stepping down as the Policy co-chair. He mentioned that
19 consensus for the budget included four support votes and five abstention votes. The reason for this
20 was due to the outlining years contain several red numbers. He said the budget sub-committee will
21 continue to work to address these outstanding concerns and hopefully work toward full consensus
22 throughout the summer with a recommendation by August.
23

24 Terwilleger clarified that the Board already approved the budget, but there are tweaks to the
25 spending plan. The Office of Financial Management requires that by September all agencies need
26 to have their spending plan in place. The subcommittee will be working to help DNR arrive at a
27 full funded Adaptive Management Program budget.
28

29 **2017-2019 CMER MASTER PROJECT SCHEDULE AND BUDGET**

30 Haemmerle, DNR reminded Board members that the request is for the changes to the FY 2019
31 budget. He said the Board will be receiving a proposal from Policy for the next biennium.
32

33 **MOTION:** Carmen Smith moved the Forest Practices Board approve the FY 2019 Adaptive
34 Management Program budget with changes.
35

36 **SECONDED:** Lisa Janicki
37

38 Board Discussion:

39 None
40

41 **ACTION:** Motion passed unanimously.
42

43 A new motion was presented:
44

45 **MOTION:** Tom Nelson moved the Board chair contact the State Auditor's office and request
46 an independent performance audit of the AMP at the earliest possible date.

1 We further request the Auditor's office respond with an estimated timeline and
2 budget, if necessary, for completion of that request.

3
4 **SECONDED: Carmen Smith**

5
6 Board Discussion:

7 Chair Bernath said a financial audit is already underway, therefore a financial request is not
8 needed for this motion. He said the internal financial audit does not involve any cost to the Board.

9
10 Laurie suggested the request include the uniqueness of the program and how the direction for the
11 program was implemented in state law.

12
13 **ACTION: Motion passed unanimously.**

14
15 **SAFE HARBOR AGREEMENT UPDATE**

16 Lauren Burnes, DNR, said there has not been much progress made; however, DNR is still
17 committed to this working group and is looking into staffing the group appropriately. She
18 recapped the purpose of the programmatic voluntary opt-in agreement which is meant to be a win-
19 win scenario for both owl conservation and for landowners. She said landowners who want to
20 implement management plans that grow additional spotted owl habitat should not be
21 penalized for it.

22
23 She said conversations between herself, Chair Bernath and DNR staff is occurring to reengage this
24 process. She said they hope to have a plan in place within the next few weeks.

25
26 **STAFF REPORTS**

27 Chair Bernath, addressing western grey squirrel commitments, said only one landowner out of 87
28 total FPAs denied access to assess western grey squirrel habitat.

29
30 There were no additional questions on the staff or annual reports.

31
32 **2018 WORK PLAN REVIEW**

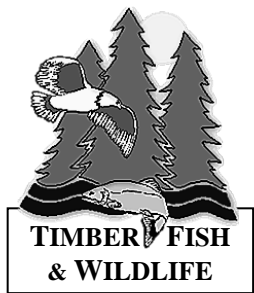
33 Marc Engel, DNR, reviewed the changes to the work plan as a result from the last meeting and
34 today's decisions. The changes include adding the PUB validation study design and pilot to the
35 work plan, amending the completion date for the Taylor's Checkerspot Butterfly, and the dates to
36 complete both Board Manual Section 23 and the water typing rule adoption.

37
38 **MOTION: Tom Nelson moved the Forest Practices Board approve the 2018 Proposed Work
39 Plan as amended.**

40
41 **SECONDED: Bob Guenther**

42
43 **ACTION: Motion passed unanimously.**

44
45 Meeting adjourned at 4 p.m.



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

PO BOX 47012, Olympia, WA 98504

Policy Co-Chairs:

(Outgoing chair) Scott Swanson, Washington Association of Counties
(New) Curt Veldhuisen, Skagit River System Cooperative
(New) Terra Rentz, Department of Fish & Wildlife

July 17, 2018

TO: Forest Practices Board
FROM: Scott Swanson, Curt Veldhuisen, Terra Rentz
SUBJECT: TFW Policy Committee Report

The Timber, Fish, & Wildlife Policy Committee (Policy) continues to manage these major topics summarized below.

Existing Priorities

Water Typing Rule Language and Board Manual

Policy continues to participate with the DNR staff revising both the rule language and Board Manual for determining F/N breaks. Work continues on the Potential Habitat Break (PHB) language needed to complete the Fish Habitat Assessment Methodology (FHAM). Caucus representatives have been monitoring and working with the AMPA, DNR, scientific panel, and stakeholders in this effort.

Small Forest Landowners' Alternate Template

Policy subcommittee on SFL Alternate Template has continued to meet and work on this issue. The entire Policy committee should have its final report from the contractor, AMPA, and subcommittee in October or November, after the Template goes to ISPR. Policy will continue to deliberate and then prepare a recommendation to the FPB. That recommendation should come to the FPB by May 2019.

Unstable Slopes Proposal Initiation

Several of the tasks outlined in Policy's recommended actions have been addressed and informed through:

- A literature review for glacial and non-glacial Deep Seated Landslides
- The completion of the Unstable Slopes Criteria TWIG

One other task is complete:

- UPSAG's Deep-Seated Landslide Research Strategy

CMER

Type N Hard Rock

The Type N Hard Rock study Findings and 6 Questions were delivered to TFW Policy at the June 12th meeting. There was a unanimous decision to accept the Findings and Complete Report. The Committee will now continue discussions on next steps (following the procedure and timeline from Board Manual chapter 22).

Riparian Characteristic and Shade Response Study

This study was approved by CMER in June and Policy received a presentation by Mark Hicks during their July 12th meeting.

New Priorities

- Clean Water Act (CWA) – Policy continues to review the outcome of CWA projects and how they will meet the CWA assurances milestones in the near term.
- Forest Health – Policy continues to support possible ideas on improving forest health as it relates to the adaptive management program (and as directed by the FPB) and with DNR’s 20-year forest health strategy.
- Climate Change and the CMER process – initial discussions, thoughts, and ideas have occurred to initiate possible interaction in the CMER process in the future. A presentation by a panel of climate policy experts from a subset of TFW caucuses will occur at Policy in August 2018.
- Included with this report is a copy of the Policy workload for FY 2019 and beyond.

Budget Review

Policy came to a recommendation on the FY 2019-2021 biennial budget. Five caucuses (Industrial forest landowners, small forest landowners, counties, western WA tribes, and DNR) voted in favor of the recommendation to the FPB. This recommendation will be given at the August 2018 board meeting. Two caucuses (conservation and DFW/DOE) voted with ‘sideways thumbs’, not approving or rejecting the recommendation. The eastern WA tribes were absent from the meeting and are not in consensus with the budget recommendation. The federal caucus has withdrawn as a voting member of the Policy committee.

Eastern WA Tribes’ position has not changed. Their position statement from June 2018 is below: “The eastside tribes are in non-consensus with the CMER MPS budget for FY 2019 and beyond. The MPS budget includes longstanding budgetary issues that remain unresolved and in non-consensus. Extended Type N data collection and placeholders for unsupported studies continue to remain on the budget and are in non-consensus.”

“The effect of extended and add-on type N data collection and analysis have the effect of tying the budget up for the next seven years eliminating opportunities for new rule effectiveness projects and new priorities. These extended and add-on data collection projects have not been approved by CMER core membership or ISPR. “

The eastside Tribes recommend adopting the 2019 budget with a proviso that Policy resolve remaining non-consensus MPS budgetary issues. Those include the following:

Ending all Type N extended monitoring and add-on projects starting in 2019

Remove projects from the MPS list that remain in non-consensus.

Priorities for new rule effectiveness work

Priorities for regional and statewide priorities – fire and forest health

Prioritize an eastside CMER scientist for 2019 as full time

Remove Van Dykes out-year funding, intermittent stream amphibian out-year funding, and eastside amphibian out-year funding – have not had consensus since 2014”

Transitions

As of the July meeting, Scott Swanson concluded his duties as co-chair and will be remaining on TFW as the voting representative for the counties. Curt Veldhuisen also began his role as co-chair – filling a long vacant position last occupied by TFW’s Eastside Tribes’ representative. At the August 2018 monthly meeting, Terra Rentz (Department of Fish and Wildlife) will be assuming Swanson’s role. Both Veldhuisen and Rentz are non-voting members and can focus on improving transparency, operations, and collaboration within Policy and the Adaptive Management Program.

July 2018	August 2018	September 2018	October 2018	November 2018	December 2018
<p>July Policy meeting, ROA-36</p> <ul style="list-style-type: none"> • Updates on: Water typing rulemaking , SFLOs Template, CMER meeting • Budget: final recommendations to the Board for Biennium 19-21 • Policy discussion/potential decision on “below the line projects” and procedure • Additional reports on Hard Rock Study • Type N Hard Rock Study report acceptance decision (start clock) • Prepare potential calendar year 2019 work plan topics for reporting to August Board meeting (if time) 	<p>August Policy meeting, R1S-16/17</p> <ul style="list-style-type: none"> • Updates on: Water typing rulemaking , SFLOs Template, CMER meeting • Review August Board meeting topics • Presentation to Policy on how the AMP can help manage forests to get to more resilient landscapes (including climate change) • Presentation on BTO Add-On • Type N Hard Rock Decision to Take Action • Decision on Riparian Characteristics and Shade Study 	<p>September Policy meeting, R1S-16/17</p> <ul style="list-style-type: none"> • Updates on: Water typing rulemaking , SFLOs Template, CMER meeting, Board meeting • Approve BTO add on findings report and 6 questions • Type N Hard Rock Study Develop Alternatives • Review FY18 spending 	<p>October Policy meeting, Vancouver</p> <p>Field Trip – TBD</p> <p>Meeting:</p> <ul style="list-style-type: none"> • Updates on: PHB, SFLOs Template, CMER meeting • Quarterly update from Budget Subgroup • Review Budget Subgroup’s rec’s for discrete tasks to be funded by projected budget surplus • Legislative updates, if ready (invite legislative liaisons as appropriate) • Type N Hard Rock Study Develop Alternatives 	<p>November Policy meeting, R1S-16/17</p> <ul style="list-style-type: none"> • Approve list of discrete tasks to be funded by projected budget surplus • Review Nov Board meeting topics • Legislative updates, if ready (invite legislative liaisons as appropriate) • Buffer-Shade Integrity presentation • BCIF Report Presentation • Type N Hard Rock Study Discuss Alternatives • Small Forest Landowners Template 	<p>December Policy meeting, ROA-36 (or skip)</p> <ul style="list-style-type: none"> • Legislative updates (invite legislative liaisons as appropriate) • SFLO Template • Type N Hard Rock Study Decide on Alternative
<p>Additional meetings:</p> <ul style="list-style-type: none"> • Template Subcommittee, July 17 	<p>Additional meetings:</p> <hr/> <p>Forest Practices Board mtg</p>	<p>Additional meetings:</p> <p>Budget Subgroup meet to assist AMPA with mid-year check-in to reconcile unspent funds</p>	<p>Additional meetings:</p>	<p>Additional meetings:</p> <hr/> <p>Forest Practices Board mtg</p> <ul style="list-style-type: none"> • Board approves their 2019 plan 	<p>Additional meetings:</p>

	<ul style="list-style-type: none"> • Board hears from Policy on 2019 work • Board gets budget recommendation from Policy 				
--	--	--	--	--	--

January 2019	February 2019	March 2019	April 2019	May 2019	June 2019
January Policy meeting <ul style="list-style-type: none"> • Legislative updates • Quarterly budget update • Type N Hard Rock Study Finalize Alternative • Board Manual 22 Review 	February Policy meeting <ul style="list-style-type: none"> • Legislative updates 	March Policy meeting <ul style="list-style-type: none"> • Legislative updates • Reviewing CMER MPS • Finalize recommendations on small forest landowner’s template for May Board meeting 	April Policy meeting <ul style="list-style-type: none"> • Quarterly budget update • 	May Policy meeting	June Policy meeting
Additional meetings: Budget Subgroup to meet with AMPA	Additional meetings: Forest Practices Board mtg	Additional meetings:	Additional meetings:	Additional meetings: Forest Practices Board mtg	Additional meetings: Working Group Meeting on Marbled Murrelet

July 2019	August 2019	September 2019	October 2019	November 2019	December 2019
July Policy meeting <ul style="list-style-type: none"> • Quarterly budget update 	August Policy meeting	September Policy meeting <ul style="list-style-type: none"> • Hard Rock extended findings reports • Soft Rock findings reports 	October Policy meeting <ul style="list-style-type: none"> • Quarterly budget update 	November Policy meeting <ul style="list-style-type: none"> • 	December Policy meeting:
Additional meetings:	Additional meetings:	Additional meetings:	Additional meetings:	Additional meetings:	Additional meetings:

	Forest Practices Board mtg			Forest Practices Board mtg	
--	---------------------------------------	--	--	---------------------------------------	--

Please see the Policy Task List for “parking lot” topics.



DEPARTMENT OF
NATURAL RESOURCES
FOREST PRACTICES DIVISION

1111 WASHINGTON ST SE
PO BOX 47042
OLYMPIA, WA 98504-7041

360-902-1400
WWW.DNR.WA.GOV

MEMORANDUM

July 24, 2018

TO: Forest Practices Board

FROM: Hans Berge, Adaptive Management Program Administrator

SUBJECT: Proposed 19/21 Biennial Budget

TFW Policy has been working for several months on balancing the proposed 19/21 budget for your consideration. They formed a subcommittee to work in between full Policy and bring regular progress reports to the full membership at the regular Policy meetings. Project Managers have been working with project teams to review and update budget estimates where necessary. Overall, this work has paid off and I am happy to present a proposed budget that is balanced, and does not seek any additional funding for the adaptive management program in the 19/21 biennium. As you look over the proposed budget, you will notice "0s" on some line items. The "0s" represent the fact that work is on-going and progress is being made on the project, but project specific funds are not needed (e.g., in-kind work from stakeholders). Balancing the budget required a number of decisions to be made with tradeoffs which I will go into further below.

Administrative and Program Staff (rows 7-17)

The proposed budget for the 19/21 BN for overall program cost is \$2.89 M. These costs cover project and contract management, program administration, ISPR, contingency for active projects, and facilitation of the TFW Policy Committee. In addition, CMER science staff at the Northwest Indian Fisheries Commission and a NEW position for an eastside scientist are included along with the CMER science conference. A new line item titled "Project Development Fund" is intended to be a placeholder for CMER and Policy to use any projected surpluses toward unfunded priorities, such as forest health and fire. The Contingency Fund for Active Projects is also zeroed out for the 19/21 biennium due to funding challenges. You'll notice that Policy feels it is important to capture contingencies for projects and will include it in subsequent biennial budgets.

Board Directed Projects (row 18)

The PHB validation study is the only project in this category. The anticipated budget for this project is \$1.49 M for the biennium for statewide field data collection. As you are aware, the project is currently in ISPR review and a pilot project is being conducted this summer to better inform the proposed study and budget. You will hear more about this study and proposed budget at your November 2018 meeting.

Active Research Projects (row 20)

Extensive riparian status and trends monitoring using remote sensing has been a project at CMER for several years. The pilot phase of the project has been completed and a scoping document has been approved by CMER. The scoping document identifies alternatives that could be implemented to inform Policy and the Board on extensive riparian status and trend issues. Alternatives include a discussion of both strengths and weaknesses of each approach. The purpose of the project is to take a landscape view in establishing the current status of riparian stands in FFR lands, and evaluate any trends or changes moving forward. The project has used a combination of photogrammetry and LiDAR to date, but further discussion is needed at CMER and Policy to recommend an approach to the Board for monitoring status and trends programmatically.

Projects moving to implementation (rows 22-27)

It is exciting that several large research projects will be in implementation or moving toward implementation in the 19/21 biennium. The proposed budget for these projects is \$2.89 M and they represent four clean water assurance projects, a Type F riparian evaluation, and a deep seated research strategy. These projects are very complex and will require a lot of CMERs attention for the next 10 years.

Projects Ready for Implementation (row 29)

The road sub-basin resample project is not seeking funding until FY 2027. This project is still being planned but will occur after the larger road BMP effectiveness study is completed (row 24). It is important to note that this project is a clean water assurance.

Projects Needing Study Designs and/or Scoping (rows 31-35)

The proposed budget for furthering scoping and study designs for the 19/21 biennium is \$50 k, to initiate a wetland management zone monitoring project. It is important to note that this project is a clean water assurance. The other projects that are active in the 19/21 biennium include a riparian study and eastside study investigating the timber habitat typing system, are not seeking funding at this time.

Extending Monitoring for Projects (rows 37-39)

The Type N Hard Rock project will be completed during the current biennium. There are discussions that it may be a good idea to consider an additional round of sampling, and the project on row 37 seeks to retain that opportunity by maintaining communication with landowners who participated in the project. Funding for this task would be coordinated by project managers and would not need additional funding during this biennium. Further discussion by CMER and Policy will occur prior to advancing extended monitoring for Hard Rock. Row 38 seeks an additional \$255 k for extending monitoring for the Type N Soft Rock project. The approved Soft Rock project will be completed during the current biennium and these funds would be used for collecting an additional two years of data.

“Below the Line”

Policy identified the importance of having a thorough discussion about removing or adding projects that have been included in previous budget discussions. Projects below the line represent projects that at some point in time were identified as meeting a Policy or Board need but are not currently priorities and no actions are currently planned for them. Because they are non-active projects no funding is requested for the current biennium. If funds become available and the projects below the line are still important and relevant, Policy may propose that the Board consider funding these projects.

Summary

In summary, the Adaptive Management Program seeks to spend approximately \$7.56 M during the 19/21 BN to implement applied research projects. With the assumptions of available funds, participation agreements, and the AMP request, the expectation is to spend essentially all available funds for research in the 19/21 biennium (cell C61).

Recommendation

On behalf of CMER and the TFW Policy Committee, I am requesting approval of the 19/21 biennial budget as proposed for planning purposes. Like the current biennium, there is an expectation that the budget will need to be updated continually to better understand current spending and projections for the biennium, as well as the ultimate approval by Board next May, and the appropriation by the legislative budget next spring.




**DEPARTMENT OF
NATURAL RESOURCES**

Forest Practices Division
1111 Washington St SE
Olympia, WA 98504

360-902-1400
WWW.DNR.WA.GOV

July 19, 2018

MEMORANDUM

TO: Forest Practices Board 

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

SUBJECT: Water typing system rule update

Board staff has, since the February Board meeting, conducted four meetings with stakeholders regarding rule drafting and has convened board manual stakeholder meetings almost consistently every two weeks. In addition, field visits have occurred to assess the feasibility of identifying the proposed PHB for each of the three options.

It became clear during the stakeholder rule drafting and board manual guidance meetings that one caucus had a different understanding of the contents of the Board's February motion than DNR did. Specifically, WFPA asserts the Board approved its "Landowner Proposal" at the February 2018 meeting, and that this proposal contained a provision for a size-based potential habitat break (PHB) at a tributary stream junction with a mainstem stream, when that tributary stream occurred outside of the anadromous fish floor. For such tributaries, a PHB would be established where the tributary stream was some width (e.g., 80% or less) of the width of the mainstem stream it joins, regardless of whether the tributary stream is accessible by fish. WFPA acknowledges that this aspect of their proposal is at odds with the PHB Science Panel's Final Report dated January 16, 2018, but they contend that the Board approved this aspect of the Landowner Proposal nevertheless.

DNR believed the Board's February motion did not address tributary streams. DNR observed that WFPA produced three separate but different documents which described its proposal (one document distributed on February 12, 2018, one on February 13, 2018 and one on February 14, 2018). Before the Board addressed its PHB motion, a WFPA representative referenced the third document it had prepared (the only one on WFPA letterhead, distributed on February 14th but dated February 13, 2017). The WFPA representative referred the Board to page five of this document which had a bulleted summary of the Landowner Proposal.¹ That document did not

¹ [FPB February 13 & 14 Meeting Minutes](#), at 18 lines 39-40.

address tributary streams. WFPA's discussion of their proposal did not address tributary streams. The Board's discussion of the topic prior to the motion did not address tributary streams. The Board did not discuss the ramifications of moving forward with an alternative at odds with the Science Panel's recommendation.² DNR also felt that the Board's prior focus on PHBs was whether fish could access the stream, and WFPA's proposal appears to disregard the access issue. DNR therefore interpreted the Board's February 14, 2018 motion as using the Science Panel's recommended approach for applying PHBs at tributary stream junctions with mainstem streams.³

Another unique aspect of the WFPA proposal concerns the anadromous fish floor concept. DNR's understanding was that all streams under the anadromous floor gradient (no matter which gradient was finally selected) would be treated as Type F fish habitat, regardless of stream width, which would minimize surveying for fish presence within the anadromous fish floor. WFPA's proposal would apply either obstacle or gradient PHBs to tributaries within the anadromous fish floor, which would lead to surveying under fish habitat assessment methodology (FHAM) to determine fish presence or fish absence above each tributary stream PHB. This conceptual difference was not presented to or addressed by the Board.

DNR wants to follow the wishes of the Board in drafting rule and studying the PHB alternatives. DNR hopes the Board can clarify its intent regarding the size change PHB at tributary stream junctions and the nature of the anadromous floor at its August meeting.

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

ME

² RCW 76.09.370(6) and (7) contemplate using the best available science and information in new rules involving aquatic resources. The rules describing which waters should be Type F involve aquatic resources.

³ The Science Panel recommended, "That the PHB criteria for tributaries of Type F waters (laterals) start at the most downstream end of the tributary (the tributary junction) and changes or thresholds associated with PHB criteria be measured upstream from that location." Dr. Phil Roni of the Science Team also addressed this issue at the February Board meeting. [FPB February 13 & 14 Meeting Minutes](#), at 4 line 37 to 5 line 7. This was a rejection of the idea that the width of the tributary mouth be compared to the width of the downstream mainstem.

July 24, 2018

Jim Lynch
Jim.Lynch@klgates.com

VIA EMAIL AND OVERNIGHT MAIL

Mr. Stephen Bernath
Chair, Washington State Forest Practices Board
State of Washington
1111 Washington St. SE
PO Box 47012
Olympia, WA 98504-7012

Re: Clarifying Landowner's Proposal for Potential Habitat Breaks

Dear Mr. Bernath:

We are writing this letter on behalf of the Washington Forest Protection Association ("WFPA") in connection with the ongoing water typing rulemaking being conducted by the Washington Forest Practices Board (the "Board"). As you know, WFPA submitted a "Landowner's Proposal" outlining proposed Potential Habitat Breaks ("PHBs") for the new water typing system at the February 13-14, 2018, meeting of the Board.

WFPA recently learned that some parties are confused about what is contained in the Landowner's Proposal. The purpose of this letter is to summarize the Landowner's Proposal as it was presented to the Board on February 13 and 14, 2018, and to provide again the underlying documents detailing this proposal. These documents are identical to those provided to the Board during the February 2018 meetings.

Summary of Landowner's Proposal

At the February 13-14, 2018, Board meeting, WFPA presented two documents to the Board: A technical document called "Landowner FHAM and Anadromous Overlay Alternative," **attached as Exhibit A**, and a policy document called "Comments on Potential Habitat Break Progress and Next Steps for Water Typing," **attached as Exhibit B**. WFPA intended for **Exhibit A** to provide a detailed technical discussion of the proposal and for **Exhibit B** to provide a policy-focused description that was not as technical. Together, these documents describe (1) the PHB definitions that are a part of the Landowner's Proposal; (2) the "anadromous overlay" incorporated into the Landowner's Proposal; and (3) the manner in which the Landowner's Proposal treats size-based PHBs. These elements are described below.

PHB Definitions

The PHB definitions in the Landowner's Proposal come directly from the PHB recommendation included in the July 2017 Science Panel Report, and in Test #15 in the PHB Science Panel's August recommendations.

The following set of PHB criteria would apply in both Western and Eastern Washington:

PHB #1: Change of 5% gradient in a stream

PHB #2: 0.7 or 0.8 feet upstream/downstream size ratio

PHB #3: Fish Passage Obstacle

- *Vertical*: 3 feet non-deformable step
- *Non-vertical*: Obstacle gradient over 20% and change in elevation over obstacle distance greater than the upstream bankfull channel width.

See **Exhibit A, at 2, Exhibit B, at 5.**

Anadromous Overlay

The Landowner's Proposal also includes an "anadromous overlay" alternative. The anadromous overlay is intended to address Tribal concerns expressed to landowner representatives about protection of habitats not found to support fish during a protocol survey but likely to be used by anadromous fish seasonally or at high population abundance. This alternative was described in the technical document WFPA provided to the Board at the February 13-14 2018 Board meeting:

An 'anadromous overlay' will define the extent of core anadromous waters likely to be used by anadromous fish. The extent of the core anadromous waters [will] be determined using a combination of information describing known anadromous fish use, and likely anadromous fish use based on a gradient floor, the presence of permanent natural barriers to anadromous fish movement, and stream size considerations. Specific criteria and data to identify the core anadromous zone will be developed in cooperation with the multi-stakeholder Fish Habitat Technical Group. . . . Regardless of how they are identified, the core anadromous streams will be presumed to be Type F water and will generally not be sampled or re-classified by protocol survey—any exceptions would occur through an ID team process.

Exhibit A, at 1. A similar description appears in the policy document provided to the Board:

For Western Washington, the Board would further direct the development of an "anadromous overlay" to define the extent of core anadromous waters likely to be used by anadromous fish in Western Washington. The extent of the core

anadromous waters [will] be determined using a combination of information describing known anadromous fish use, and likely anadromous fish use based on a gradient floor, the presence of permanent natural barriers to anadromous fish movement, and stream size considerations. Specific criteria and data to identify the core anadromous zone will be developed in cooperation with the multi-stakeholder Fish Habitat Technical Group and will include a range of gradients to be tested between 2-10%.

Exhibit B, at 5.

Treatment of Size-Based PHBs

Under the Landowner's Proposal, a size-based PHB occurs where there is a decrease in stream size, including at a tributary junction, of more than 20% or 30% (which equates to an upstream/downstream bankfull width ratio of less than 0.7 or 0.8). A size-based PHB could potentially occur where a small tributary laterally intersects a larger fish bearing stream, at a stream junction, or at any other point where a stream narrows.

Outside of the anadromous overlay, a size-based PHB could be the starting point for a protocol electro-fishing survey. If fish are found above a size-based PHB, the survey is stopped and re-initiated above the next upstream PHB identified consistent with the method described in the Fish Habitat Assessment Methodology ("FHAM").

Within the anadromous overlay, a size-based PHB adjacent to waters identified as core anadromous waters WOULD NOT be treated as a PHB when there is no coincident gradient PHB or obstacle PHB present at that location. If a size-based PHB occurs in the absence of other PHBs, the stream reach immediately upstream will be presumed likely to be used by anadromous fish and will be classified as Type F water up to the next PHB of any kind. This is true even if a survey were to reveal that there were no fish above that size-based PHB. In these locations, protocol surveys will resume at the next upstream PHB as prescribed by the FHAM.

This approach is described in **Exhibit A**:

Tributary streams connected to the core anadromous overlay streams will also be presumed to be anadromous fish habitat, unless a gradient PHB and/or obstacle PHB are present at the tributary stream junction with the adjacent core anadromous stream. In other words, a size-based Potential Habitat break (PHB) alone will not be used as a PHB where no fish are found upstream of a tributary stream junction adjacent to the anadromous core water.

Exhibit A, at 1 (emphasis in original). A diagram contained in **Exhibit A** demonstrates this concept. With the exception of the red arrows, Exhibit A is identical to what was presented at the February 13-14 Board meeting. As shown below, tributary junctions that do not meet the

obstacle or gradient criteria (but do have a 0.7, 0.8, or less upstream/downstream ratio) are considered PHBs outside the anadromous overlay, but not inside:

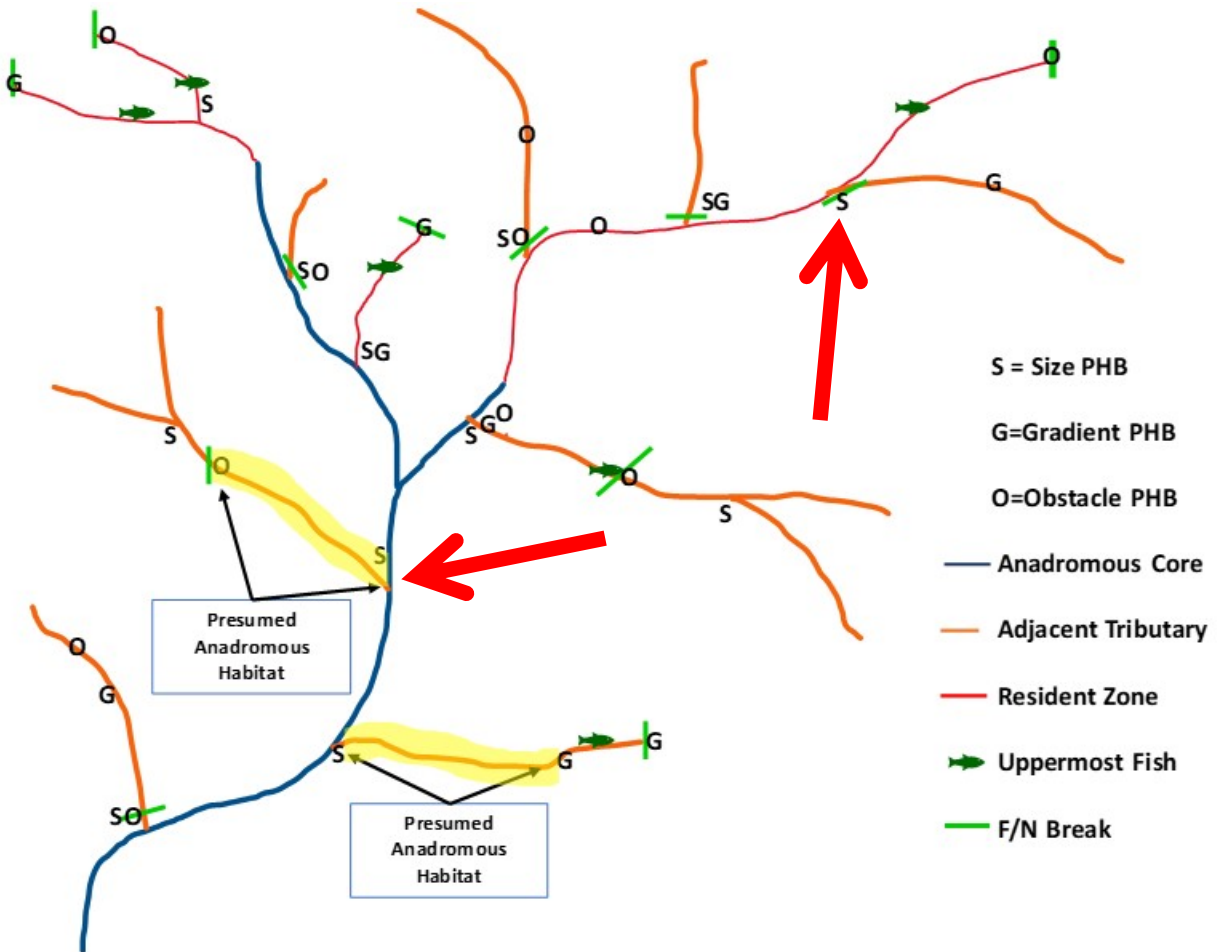


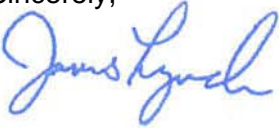
Exhibit A, at 3 (red arrows added for emphasis).

Conclusion

We hope that this letter, along with the attached documents provided at the February, 2018, Board meeting, addresses any remaining confusion concerning the Landowner's Proposal. We request that you circulate this letter to the Board prior to the upcoming August, 2018, Board meeting.

Please feel free to contact me or WFPA with any additional clarifying questions.

Sincerely,



James M. Lynch

Enclosures

Cc: Commissioner Hilary Franz, Commissioner of Public Lands
Mr. Phil Ferester, Washington Attorney General's Office
Members of the Washington State Forest Practices Board

Exhibit A

Landowner FHAM and Anadromous Overlay Alternative

Overview

The industrial forest landowners offer the following alternative for consideration and evaluation as an interim water typing solution by stakeholders and the Forest Practices Board (FPB).

- Our proposed alternative is consistent with the Fish Habitat Assessment Method and expectations of the water typing system adopted by the FPB.
- We have built upon and incorporated the Science Panel's work and recommendations.
- We have conducted and incorporated additional analysis of PHB alternatives that recognizes the FPB's need to understand accuracy and error allocation in their decision-making and analysis.
- In response to stakeholder feedback, we have included adjustments to the Fish Habitat Assessment Method (FHAM) process to address protections on streams likely to be used by anadromous fish where protocol surveys conducted within the prescribed FHAM may not capture the full extent of habitat likely to be used by those species.
- We are committed to supporting the completion of supplemental analyses, including a spatial analysis of potential PHB alternatives, to include multi-stakeholder representation and oversight to refine and more fully develop a recommendation that includes specific numeric criteria in time for use in the 2019 field season.

Framework

Our proposal recognizes two primary fish habitat zones, differentiated by known fish use and likely fish use by 1.) resident fish species, and 2.) anadromous fish species, either alone or in common with resident fish use.

An "anadromous overlay" will define the extent of core anadromous waters likely to be used by anadromous fish. The extent of the core anadromous waters will be determined using a combination of information describing known anadromous fish use, and likely anadromous fish use based on a gradient floor, the presence of permanent natural barriers to anadromous fish movement, and stream size considerations. Specific criteria and data to identify the core anadromous zone will be developed in cooperation with the multi-stakeholder Fish Habitat Technical Group. Maps illustrating the extent of streams presumed to be anadromous fish habitat are provided in Appendix 1. (Note that the extent of anadromous fish habitat available on-line from StreamNet (<https://www.streamnet.org>) was used for these watershed maps, which may be subject to revision if new or better information is available).

Regardless of how they are identified, the core anadromous streams will be presumed to be Type F water and will generally not be sampled or re-classified by protocol survey - any exceptions would occur through an ID team process. **Tributary streams connected to the core anadromous overlay streams will also be presumed to be anadromous fish habitat, unless a gradient PHB and/or obstacle PHB are present at the tributary stream junction with the adjacent core anadromous stream.** In other words, a size-based Potential Habitat break (PHB) alone will not be used as a PHB where no fish are found

upstream of a tributary stream junction adjacent to the anadromous core water. This adjustment to the FHAM will have the result of incorporating low gradient and accessible tributary streams likely to be used by anadromous fish into the Type F stream network, even if no fish are detected during a protocol survey. Type F water classification in these streams will be extended upstream to the next PHB identified (assuming no upstream fish use) following the prescribed FHAM process.

Until the validation study is completed, application of the FHAM in resident fish waters above the core anadromous overlay zone will follow the prescribed FHAM process using PHB definitions that provide the highest possible accuracy when assessed against concurred-with Water Type Modification Form data. (Note: The “Percent Captured” metric used by the Science Panel is not a measure of accuracy. Alternative methods of analysis, including a spatial analysis, will be necessary to characterize the accuracy and error allocation of PHB alternatives.)

Based on a landowner analysis of data of more than 1500 concurred-with WTMF surveys in western Washington, PHB alternative criteria that provide the highest accuracy and equitable allocation of error (based on surveyor/PHB agreement) are described in Test 15 of Table 4 in the Science Panels’ January report and in the recommendation of the July Science Panel report (Table 1). The recommended obstacle definition in the new report appears to perform slightly better than the July recommendation. Supporting data and details of our analysis will be provided to stakeholders and the FPB. We also recognize that other alternatives may need to be evaluated. If the FPB selects multiple alternatives for further analysis, we simply ask that one or more alternative bolded in Table 1 be included in the pool of candidate PHB alternatives undergoing further evaluation.

Gradient PHB	Size PHB	"Obstacle" PHB	Science Panel Alternative	Surveyor and PHB Agreement to Stop or Continue	Surveyor Stop Where PHB Would Indicate Extend Type F Water	Surveyor Extended F Water where PHB Would Indicate Stop	Percent of EOH Captured
5% Change	Stream Junct. Ratio .7	3 ft vert. OR >20% slope, Elev. > BFW	July Recom. w/New Obst. Def.	92%	4%	4%	83%
5% Change	Stream Junct. Ratio .7	>20% slope, Elevation > BFW	July Recommendation	91%	5%	4%	79%
5% Change	Stream Junct. Ratio .8	3 ft vert. OR >20% slope, Elev. > BFW	Jan. Test 15 Recommendation	90%	4%	5%	81%
15% Thresh.	3 ft Threshold	3 ft vert. OR >20% slope, Elev. > BFW	Jan. Test 5 Recommendation	86%	5%	9%	94%
10% Thresh.	3ft Threshold	3 ft vert. OR >20% slope, Elev. > BFW		83%	2%	14%	97%
10% Thresh.	3ft Threshold	>20% slope, Elevation > BFW		83%	3%	14%	96%
10% Thresh.	2 ft Threshold	3 ft vert. OR >20% slope, Elev. > BFW	Jan. Test 4 recommendation	80%	9%	11%	89%
10% Thresh.	3 ft Threshold	>20% slope, Elevation > BFW		80%	9%	11%	87%
15% Thresh.	2 ft Threshold	3 ft vert. OR >20% slope, Elev. > BFW	Jan. Test 2 Recommendation	80%	15%	5%	80%
15% Thresh.	3 ft Threshold	>20% slope, Elevation > BFW		79%	17%	5%	78%
10% Thresh.	5 ft Threshold			75%	11%	15%	80%
15% Thresh.	2 ft Threshold			74%	21%	5%	70%
5% Change				74%	24%	2%	52%
	3 ft Threshold			68%	26%	6%	56%
20% Thresh.	2 ft Threshold			67%	30%	3%	56%
10% Thresh.				66%	24%	10%	71%
	2 ft Threshold			51%	48%	1%	28%
		3 ft vert. OR >20% slope, Elev. > BFW		38%	62%	0%	22%
		>20% slope, Elevation > BFW		36%	64%	0%	17%
20% Thresh. AND 2 ft Thresh. (Westside Defaults)			Westside Default Criteria	33%	67%	0%	9%

Table 1. Accuracy and error estimates for Science Panel recommendations and a range of potential PHB alternatives.

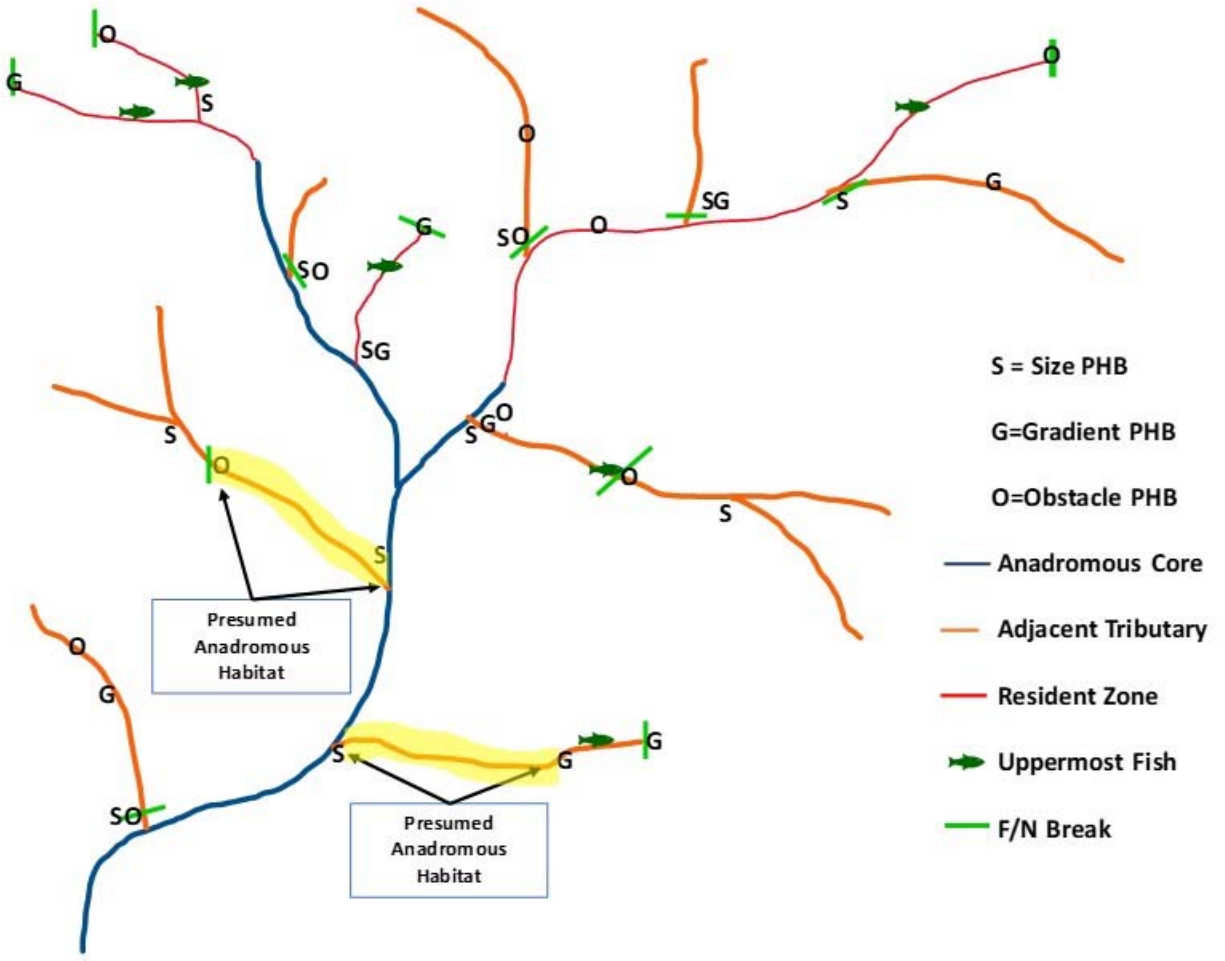
For eastern Washington, we recommend that a similar supplemental analysis of PHB alternative accuracy be conducted to include an evaluation using the CMER variability data. The most accurate solution, including an evaluation against the extent of observed temporal variability in fish movement, can support the development of PHB definitions representing changes in size, changes in gradient, or

the presence of barriers instead of thresholds. The use of threshold criteria rather than changes in stream characteristics to define PHBs is inconsistent with the intent of the FHAM. Therefore, we do not support either of the recommended eastern WA alternatives. Whether an anadromous overlay or similar approach is necessary or supported by stakeholders in eastern WA remains to be determined, we are open to having that conversation.

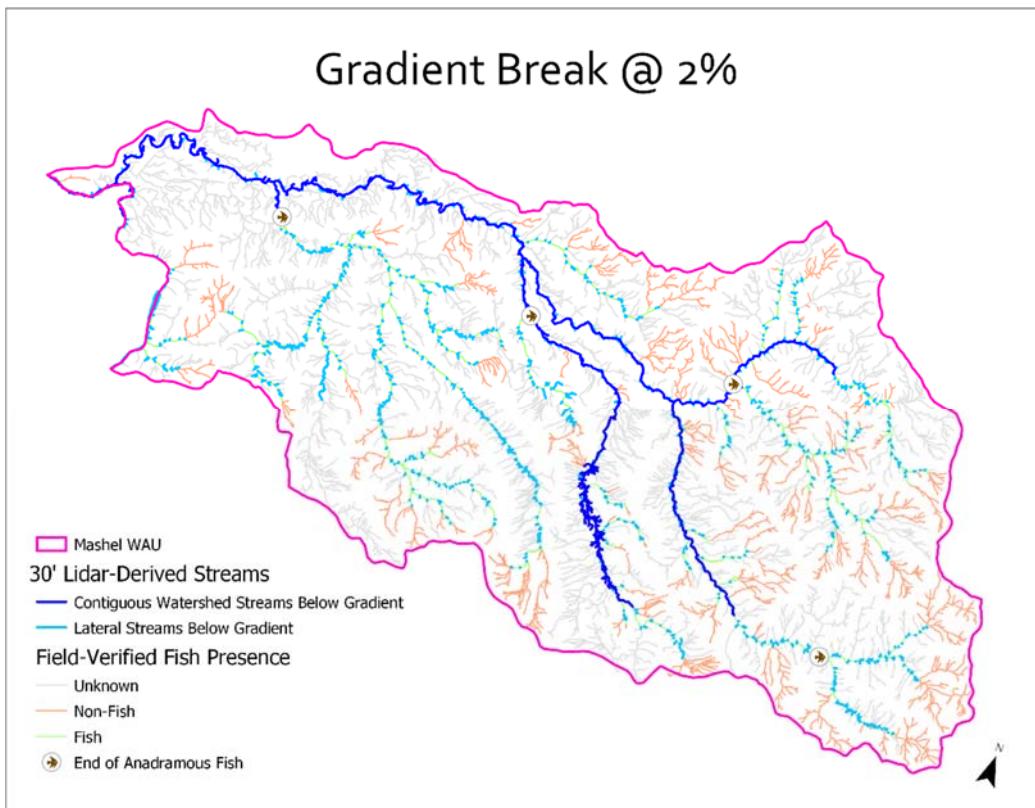
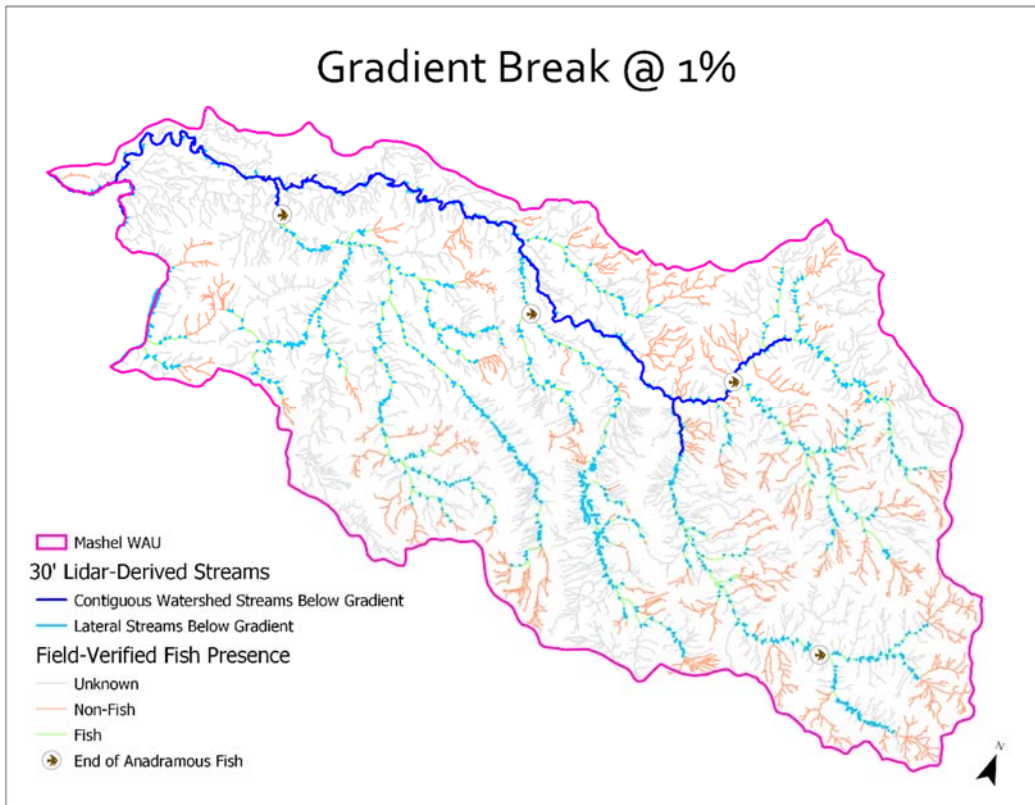
This proposal is not intended to replace or preclude a more thorough analysis and refinement of specific criteria or new alternatives as new and better science becomes available. We support the prompt implementation of a validation study, which should include an evaluation of the anadromous zone protections afforded by our proposal and other proposals that may be identified as potential alternatives by the FPB.

Illustration of the Concept

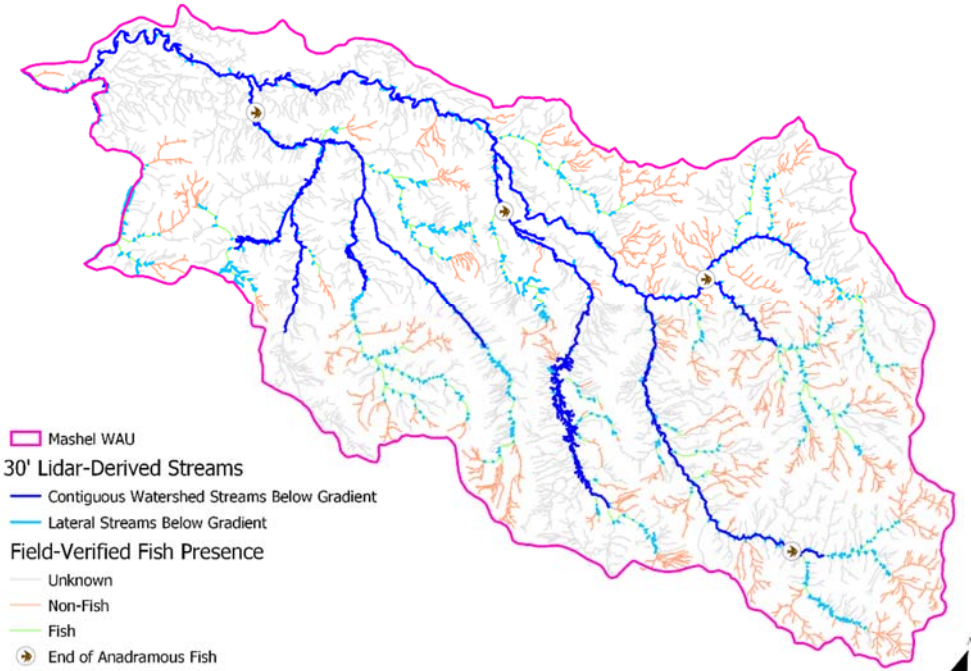
The figure below is intended to illustrate how the proposed anadromous overlay and size-based PHB adjustment would incorporate additional tributary habitat likely to be used by anadromous fish into the Type F stream network. All F/N breaks shown on the map presume that no fish were found upstream from the F/N break following completion of a protocol survey. Further spatial analysis and evaluation will be necessary to understand more completely how fish protection and landowner operational goals are met under this or other alternatives.



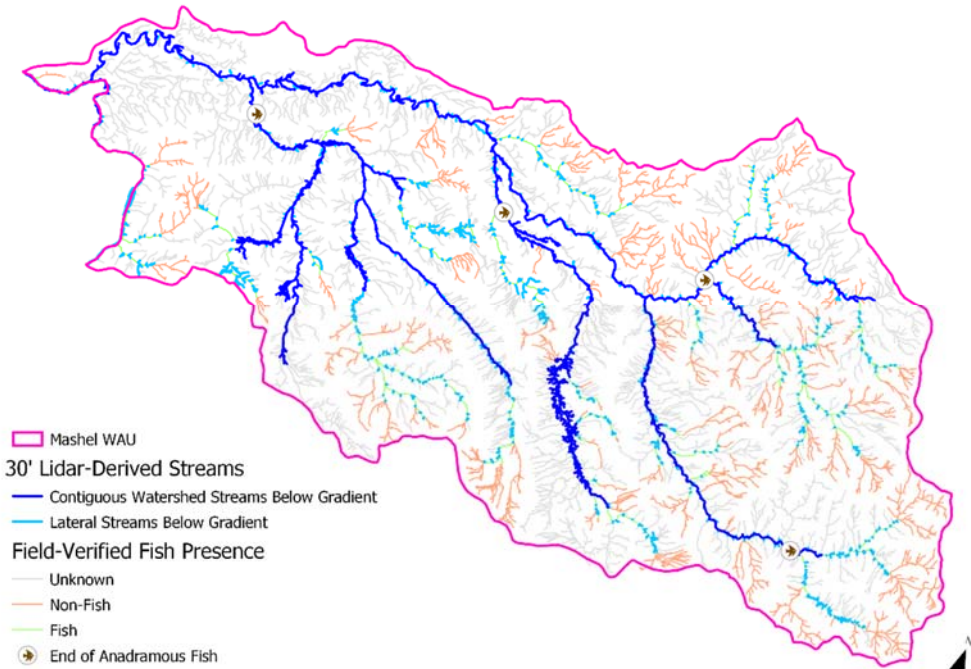
Appendix 1. Watershed scale maps for a range of gradient floor values:



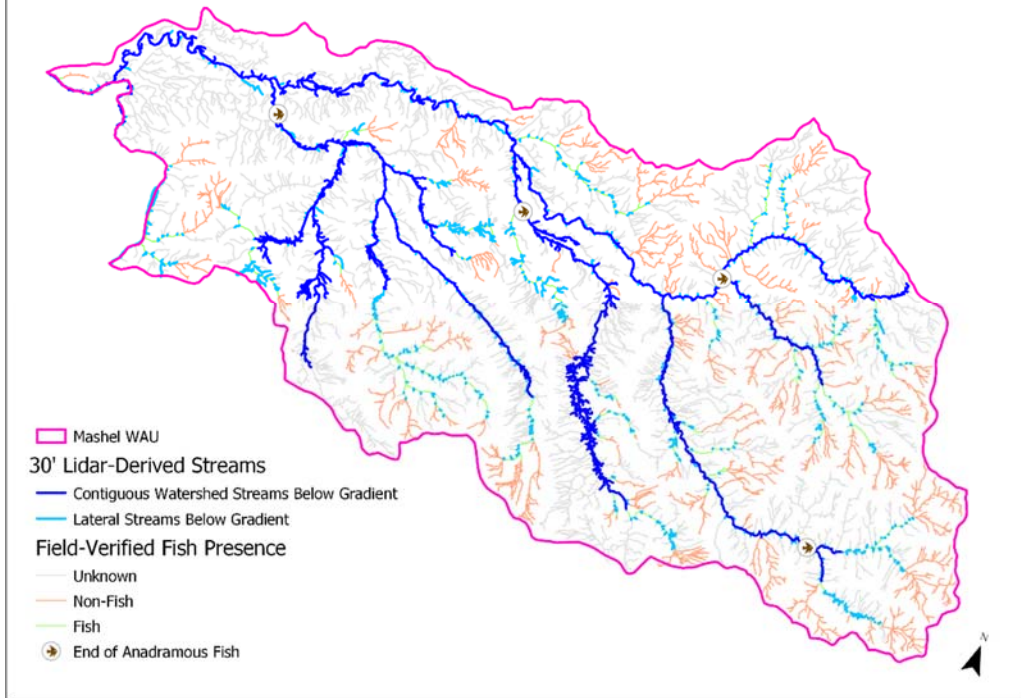
Gradient Break @ 3%



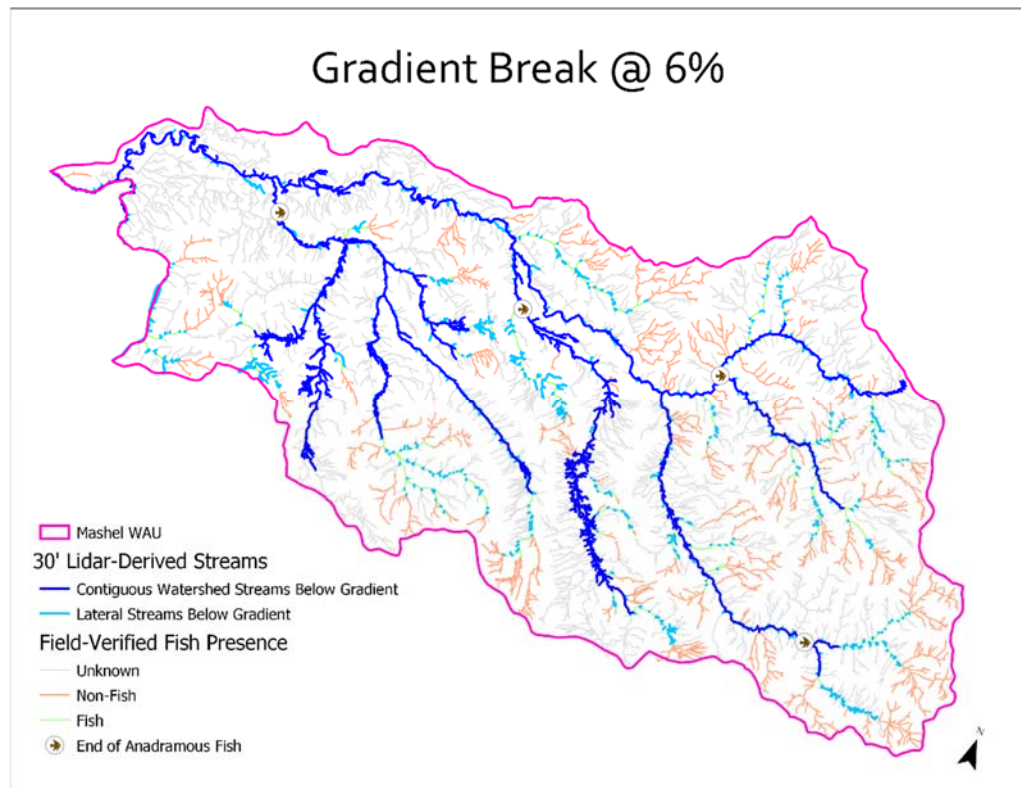
Gradient Break @ 4%



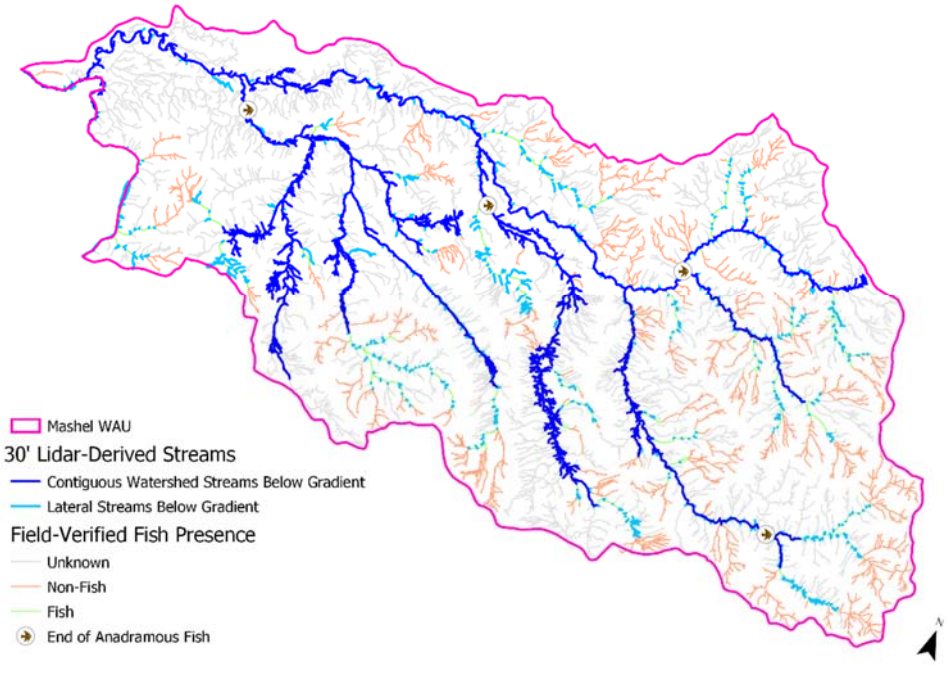
Gradient Break @ 5%



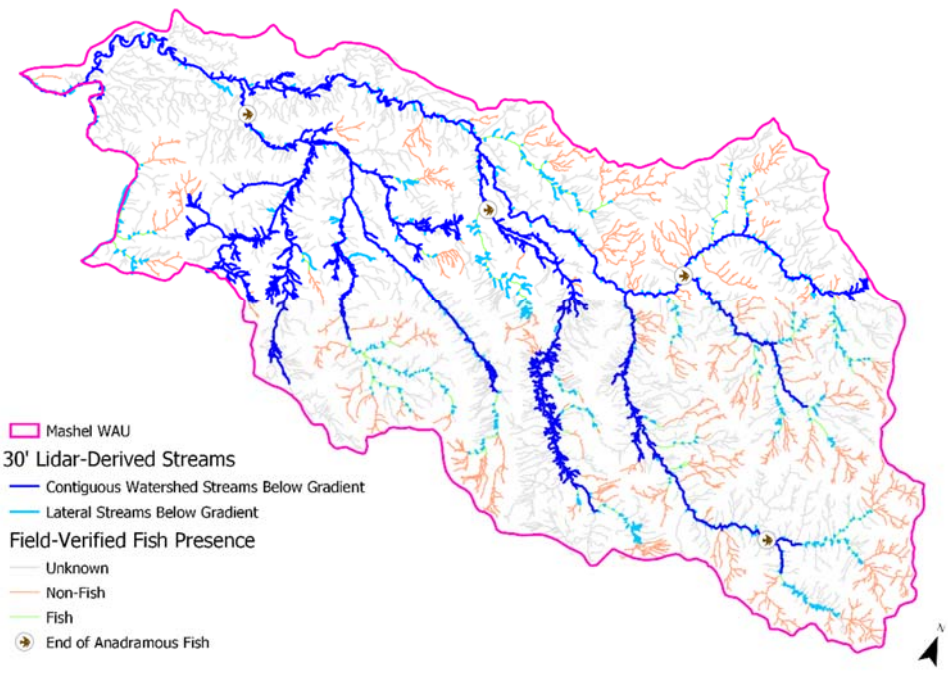
Gradient Break @ 6%



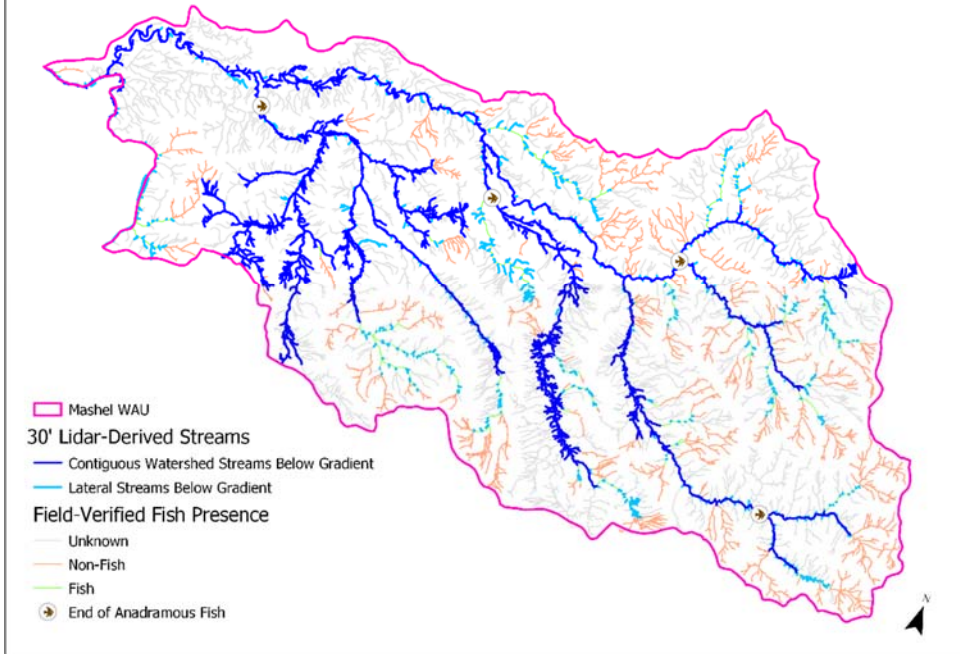
Gradient Break @ 7%



Gradient Break @ 8%



Gradient Break @ 9%



Gradient Break @ 10%

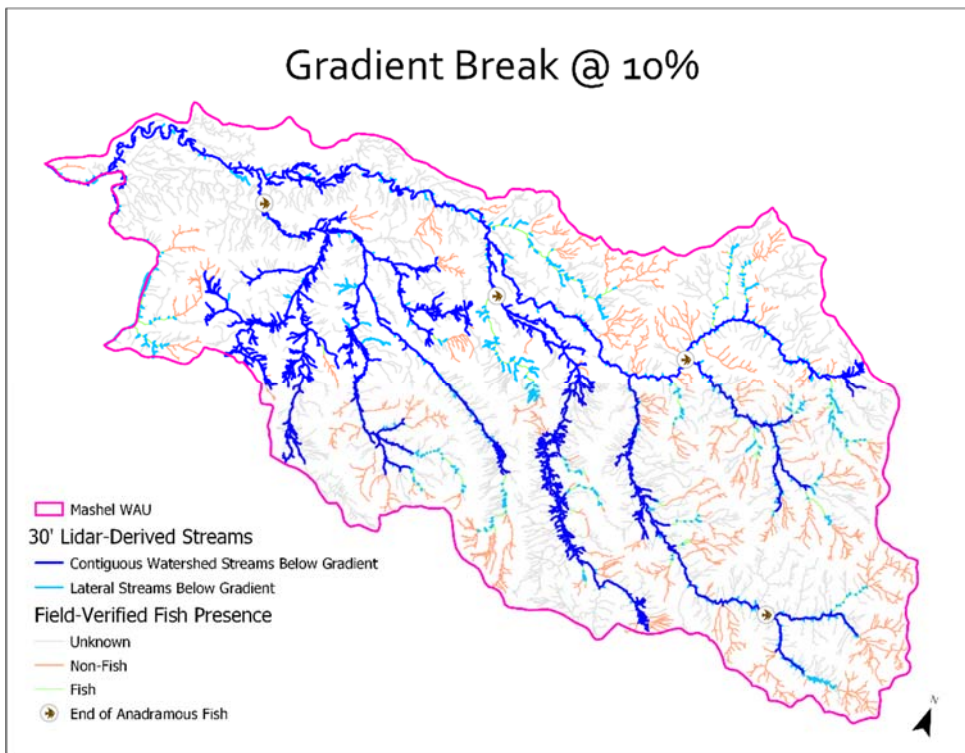


Exhibit B



WASHINGTON FOREST PROTECTION ASSOCIATION
724 Columbia St NW, Suite 250
Olympia, WA 98501
360-352-1500 Fax: 360-352-4621

February 13, 2017

Washington Forest Practices Board
1111 Washington St SE
PO Box 47012
Olympia, WA 98504-7012
Forest.practicesboard@dnr.wa.gov

Re: Comments on Potential Habitat Break Progress and Next Steps for Water Typing

Dear Forest Practices Board Members:

Washington Forest Protection Association is a forestry trade association representing large and small forest landowners and managers of nearly 4 million acres of productive working, including timberland located in the coastal and inland regions of the state. Our members support rural and urban communities through the sustainable growth and harvest of timber and other forest products for U. S. and international markets. For more information about WFPA, please visit our website at www.wfpa.org. We appreciate the opportunity to comment on recent progress related to water typing.

Developing a new permanent water typing rule is a key priority for the Forest Practices Board (Board). Differing interpretations of “fish habitat” and the intent of the term “fish use” exist due to often conflicting regulatory language. As you know, forest practices rules define “fish habitat” as “habitat, that is used by fish at any life stage at any time of the year including potential habitat likely to be used by fish, which could be recovered by restoration or management and includes off-channel habitat.”¹ Surveyors have long employed a process to estimate the upper extent of habitat “likely to be used by fish” when proposing F/N breaks. This process relies on an evaluation of the physical characteristics of stream channels at, or near, the surveyed upstream extent of fish use. The subjective nature of these decisions can result in disagreement over the full extent of habitat likely to be used by fish. A system is required that assesses the location of current or previously known fish use, and then incorporates local information at and upstream from that location in determining habitat likely to be used by fish.

¹ See WAC 222-16-010.

Reproducible and easily identified stream characteristics that demonstrate a reliable association with the likelihood of upstream fish use following completion of a single visit survey can then be used to develop science-based guidance for field practitioners. The recommendations must also incorporate Best Available Science to meet the performance targets and expectations established by the Board, the Forest and Fish Report (FFR), the Forest Practices Habitat Conservation Plan (FPHCP), the Timber Fish and Wildlife (TFW) Agreement, and TFW Policy

The Board has previously adopted a Fish Habitat Assessment Methodology (FHAM) which anticipates a field-based habitat assessment with reliance on field-verified or previously known upstream extent of fish use as a starting point, with habitat breaks at changes in stream channel characteristics identified at or above the upstream extent of documented fish for use as candidate locations for the upstream extent of fish habitat, or Type F waters. Potential habitat breaks (PNB) may occur at potential permanent natural barriers, and/or at changes in stream size, gradient, or both, associated with a decreased likelihood of upstream fish use.

After an initial report in August 2017, the Board directed further work by technical/scientific experts to provide options for the development of PHBs which is before you today. WFPA strongly supported the PHB recommendations in the August 2017 report. While the current report includes a good review of the appropriate literature, WFPA has several concerns about the data and analysis.

Requirements for FFR Rule or Board Manual Changes

Changes in forest practices rules or board manuals must meet numerous legal and policy standards. A fundamental goal of the Timber Fish and Wildlife Agreement¹ is to maintain equity in the tradeoffs that occur between public and private resources. This concept is incorporated in the four goals of the FFR²:

- To provide compliance with the Endangered Species Act for aquatic and riparian-dependent species on non-federal forest lands;
- To restore and maintain riparian habitat on non-federal forest lands to support a harvestable supply of fish;
- To meet the requirements of the Clean Water Act for water quality on non-federal forest lands; and,
- To keep the timber industry economically viable in the State of Washington.

Changes must also comply with the water typing objectives in the FFR (highly accurate, minimize error and balance remaining error/reduce systematic bias)³. As stated in the National Marine Fisheries Service Biological Opinion:

¹“The values of public and private resources are very real. Precise quantification of those values is quite variable however. When tradeoffs occur between public and private resources, it is logical to seek ways to maintain equity.” TFW Agreement (1987).

²Final Forests and Fish Habitat Conservation Plan, Appendix B – Forests and Fish Report, December 2005, p. B-1.

³As stated in the FFR, “the risks between resource protection and timber harvest as determined by a model with a statistical accuracy of +/- 5% will be revised so that the line demarcating fish and non-fish habitat waters will be more

“Failure to correctly identify fish-bearing waters will occur and is assumed to lessen over time. It is assumed that any methods used to map or delineate such waters will have an approximately equal probability of identifying waters as fish-bearing where fish do not actually occur or the reverse, identifying waters as non-fish-bearing where fish actually do occur. It is further assumed that such errors will be relatively small and largely offset at the landscape scale. This assumption is based upon the fact that this concept of equal error probabilities was inherent to the FPHCP. (emphasis added).”¹

Washington State Law Also Requires Assessment of Science, Costs and Benefits

The Forest Practices Act requires science in the development of new rules or board manuals.² In addition, the Administrative Procedures Act requires development of a cost benefit analysis, a determination that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives, and a finding that the rule achieves the general goals and specific objectives of the relevant statute.³ The Regulatory Fairness Act requires the development of a small business economic impact statement.⁴ The State Environmental Policy Act requires evaluation of the environmental impact.⁵ Following the science-based process for new rules is critical because it allows the Board to evaluate the benefits and costs of the action. Noncompliance with these provisions will result in arbitrary and capricious agency actions. Unfortunately, WFPA has several concerns about the quality of the data utilized in the current report, the analysis performed, and the stakeholder process as outlined below.

Data and Analytical Concerns

For the July 2017 report, landowners provided approximately 1700 lines of data. The landowner data set was more representative of all streams, including terminal & laterals while new data are heavy towards the terminal points. The Science Panel considered the landowner data set to be the best data available and did not use any other data in first report. Concerns around data led to board motions to QA/QC it with WFPA, augment for areas that were not or underrepresented. Instead of augmenting the landowner data set, the Science Panel replaced it. While the landowner data set was not as dispersed, the quality of the new data does not meet the same standard. Standards for data collection were relaxed because few Water Type Modification Forms included complete information.

DNR created a database of approximately 570 points. Except for points where end of fish was coincident with the F/N break, end of fish data was not included in the report. The data set is incomplete and lacks downstream measurements for a significant number of points; making analysis

drawn so as to be equally likely to be over and under inclusive.” Forests and Fish Report, February 22, 1999, p. 18-19.

¹ National Marine Fisheries Service Biological Opinion, June 5, 2006, p. 180.

² See RCW 76.09.370.

³ See RCW 34.05.328.

⁴ See RCW 19.85.040.

⁵ See 43.21C RCW.

of change/ratio difficult with new data set. While the current report claims that the new data set is random, there is no analysis in the report to that effect. In the data collection process, data points were non-useable. The criteria for data exclusion was not included in the report. This non-useable data has not been made available after repeated written and verbal requests. A poll of individuals collating the data concluded that there was no confidence in the new data set.

Science Panel members reported to technical stakeholders that laterals were not included in the analysis; for some landowners, lateral junctions typically make up more than 50% of water typing breaks. The report also indicates it has a much higher data input error rate than the landowner data set. Finally, “percent captured” is a simple summary statistic, not an analysis or a measure of accuracy in the context of the FFR water typing objectives. In fact, the report itself notes that while it may be tempting to select the best performing set of criteria (criteria that captures the most EFH points), it may lead to misclassification.

Threshold Recommendation Concerns

The new threshold recommendations are a substantial departure from the adopted Fish Habitat Assessment Methodology (FHAM). The FHAM assumed electro-fishing where the stream character changes; several of the new recommendations set thresholds for size and gradient. Further, the use of the thresholds may ignore significant changes in habitat (11% to 19% change), while incorrectly identifying non-significant change (9%-11%). Concern from many technical stakeholders that thresholds do not create reproducible points on the ground. There has also been an extreme lack of clarity or consistency in how thresholds would be implemented.

Management of Process and Communication with Stakeholders:

Significant stakeholder comments on the December draft were not incorporated or addressed. During the process, there were few meetings with technical stakeholders and the Science Group. Individual meetings with technical stakeholders with AMPA and/or subset of Science Group resulted in inconsistent and conflicting messaging.

WFPA Recommendation for Next Steps

In light of our concerns about the current report, WFPA offers the following for consideration as the next step in developing a new water typing rule. We propose that the Board direct an assessment of:

- Accuracy and directional error distances for PHB alternatives listed below and any additional PHB alternatives identified by a multi-stakeholder group to be evaluated against known upper extent of fish use and concurred WTMF EOH points.
- Floor-based and other alternatives for determining the extent of anadromous fish habitat for connected tributaries adjacent to anadromous habitat;
- PHB evaluations in Eastern Washington should include assessments incorporating CMER Eastern Washington study results and databases.

The assessment will include a spatial analysis of alternatives and be designed to support the more

analysis of public resource benefits, economic impacts and alternatives required under the Administrative Procedures Act and compare levels of accuracy and error allocation. The assessment will also support the Water Typing Objectives identified by the Board in August 2015 and included in the Forests and Fish Report and Forest Practices Habitat Conservation Plan: use of the existing information, develop a method for addressing streams not on the hydro layer, make methods as accurate as possible, balance error, minimize electrofishing, improve map over time, develop methods to locate the stream break points on the ground, and ensure the methods address small forest landowners.

PHB Alternative #1: For Both Eastern and Western Washington. For Western Washington, measures below would apply above an “anadromous overlay” described below.

- PHB #1: Change of 5% gradient (both Eastern and Western Washington)
- PHB #2: .7 or .8 ft upstream/downstream ratio (both Eastern and Western Washington)
- Fish Passage Obstacle (both Eastern and Western Washington):
 - *Vertical*: 3 ft non-deformable step
 - *Non-vertical*: Obstacle gradient over 20% and change in elevation over obstacle distance greater than the upstream bankfull channel width.
- For Western Washington, the Board would further direct the development of an “anadromous overlay” to define the extent of core anadromous waters likely to be used by anadromous fish in Western Washington. The extent of the core anadromous waters will be determined using a combination of information describing known anadromous fish use, and likely anadromous fish use based on a gradient floor, the presence of permanent natural barriers to anadromous fish movement, and stream size considerations. Specific criteria and data to identify the core anadromous zone will be developed in cooperation with the multi-stakeholder Fish Habitat Technical Group and will include a range of gradients to be tested between 2-10%. Examples of this type of spatial analysis are provided in Appendix 1.

Other Alternatives would be evaluated as requested and agreed to by the Board

WFPA believes this proposal is consistent with the FHAM and expectations of the water typing system adopted by the Board. The proposal builds upon and incorporates the Science Panel’s work and recommendations. WFPA has also conducted and incorporated additional analysis of PHB alternatives that recognizes the Board’s need to understand accuracy and error allocation in their decision-making and analysis. In response to stakeholder feedback, we have included adjustments to the FHAM process to address protections on streams likely to be used by anadromous fish where protocol surveys conducted within the prescribed FHAM may not capture the full extent of habitat likely to be used by those species. We are committed to supporting the completion of supplemental analyses, including a spatial analysis of potential PHB alternatives, to include multi-stakeholder representation and oversight to refine and more fully develop a recommendation that includes specific numeric criteria in time for use in the 2019 field season. We support the Board’s identification of several alternatives to be assessed more

• Page 6 Washington Forest Protection Association

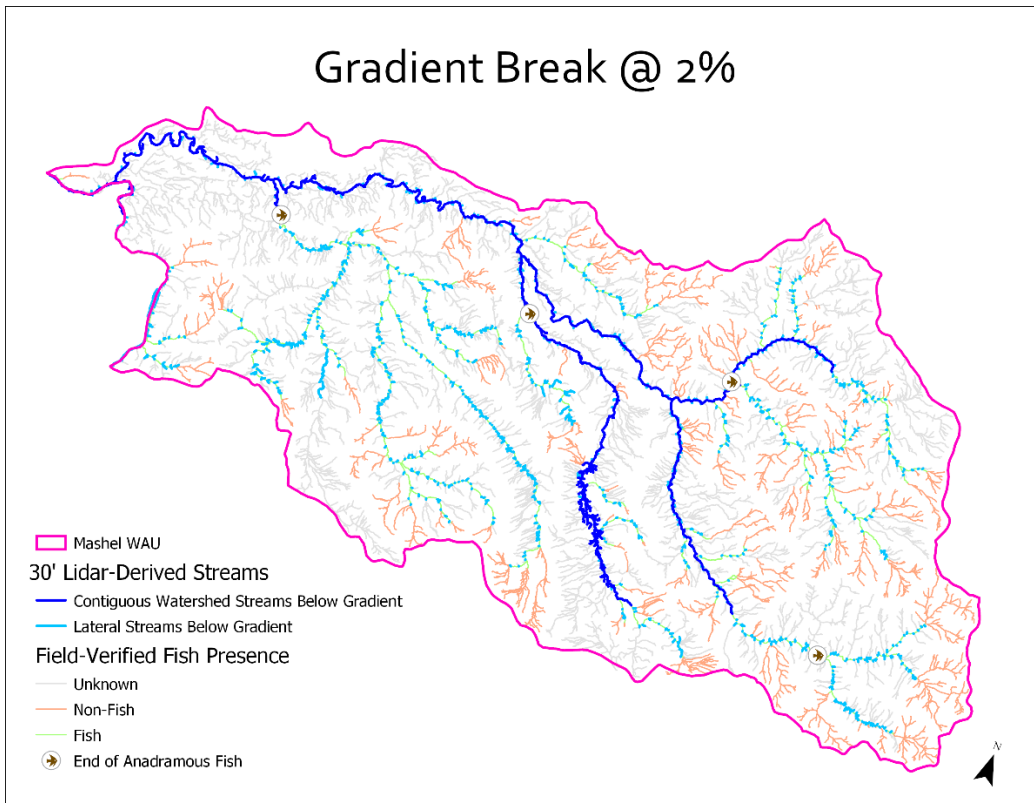
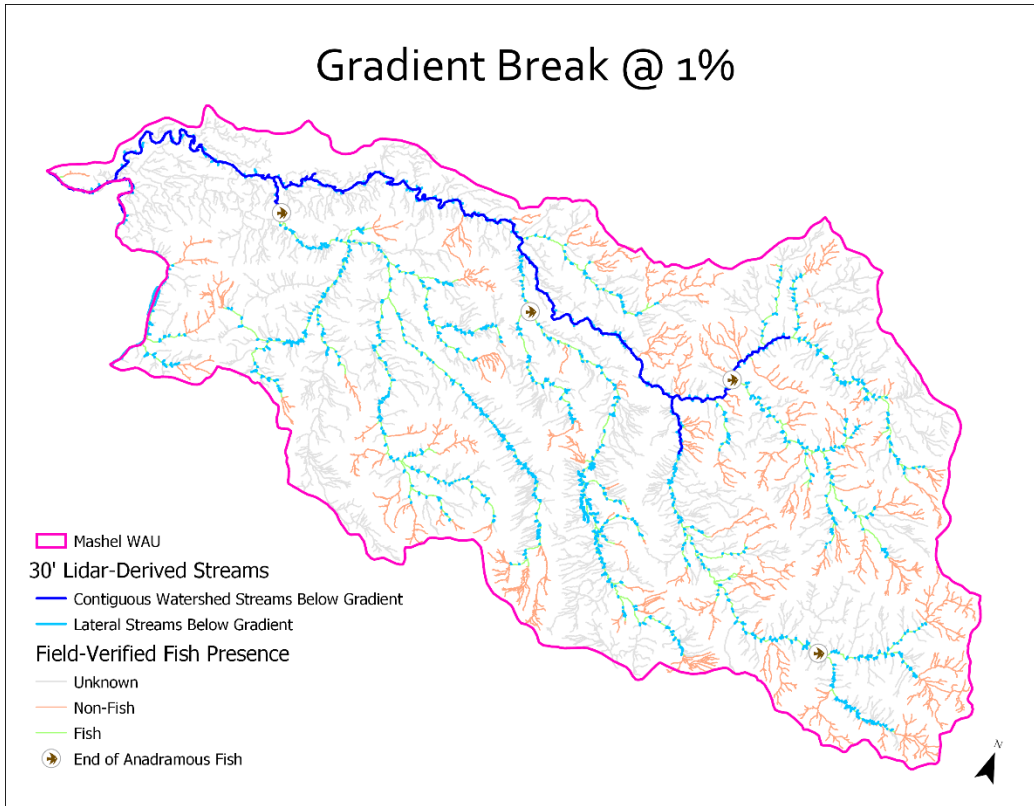
for cost, benefit and accuracy considerations. WFPA looks forward to continued work with the Board on critical water typing issues. Please don't hesitate to contact us with questions.

Sincerely,

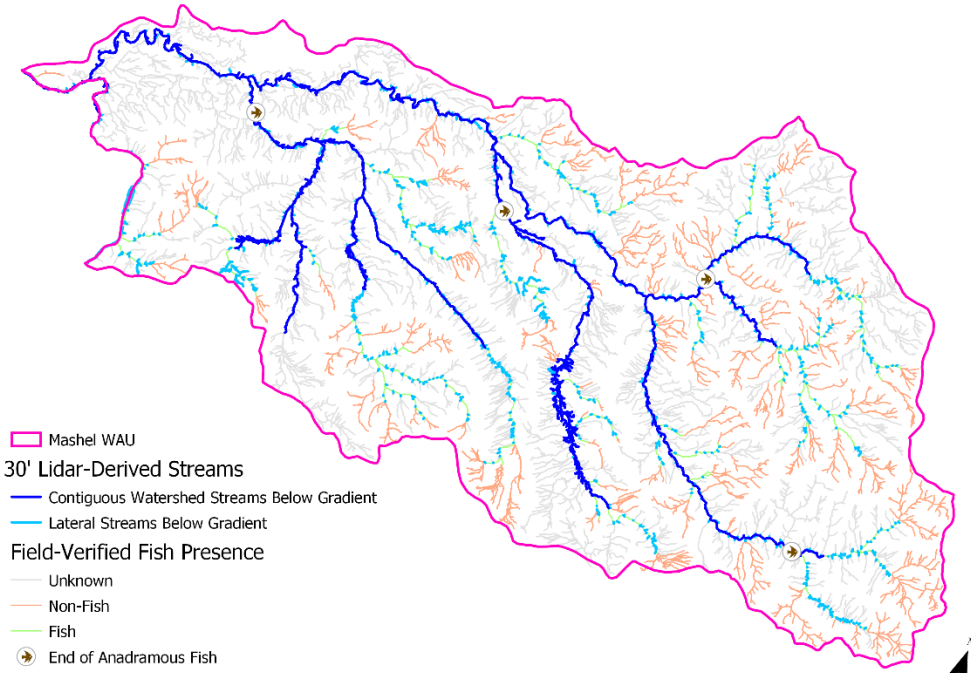
A handwritten signature in blue ink, appearing to read 'K. Terwilleger', with a long horizontal flourish extending to the right.

Karen Terwilleger
Senior Director of Forest and Environmental Policy

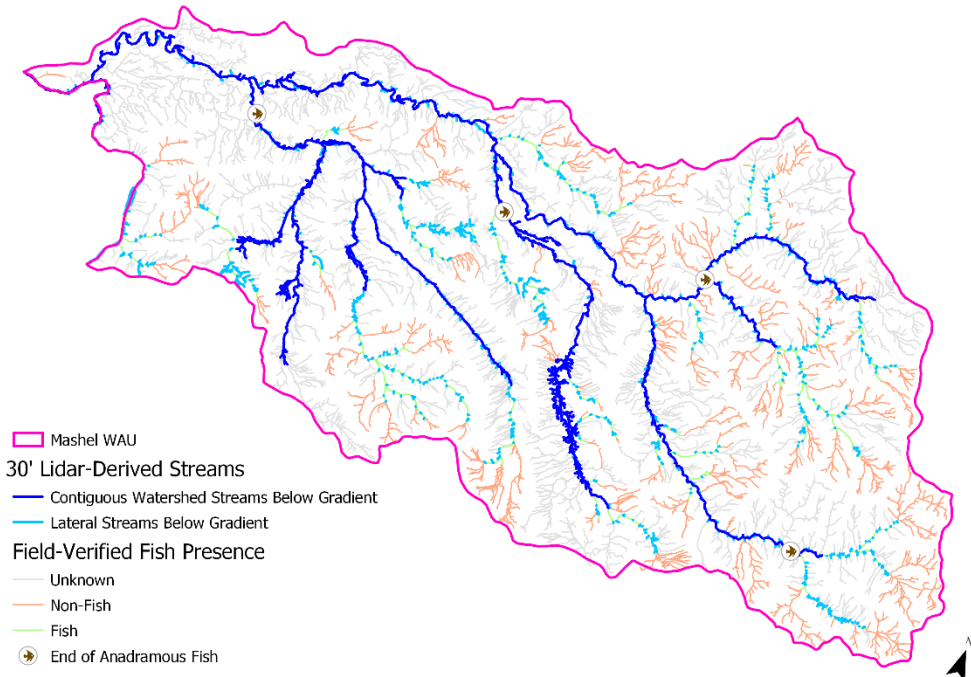
**Appendix 1. Watershed scale maps for a range of gradient floor values:
Created by Luke Rogers, Rural Technology Initiative, University of Washington; 2018**



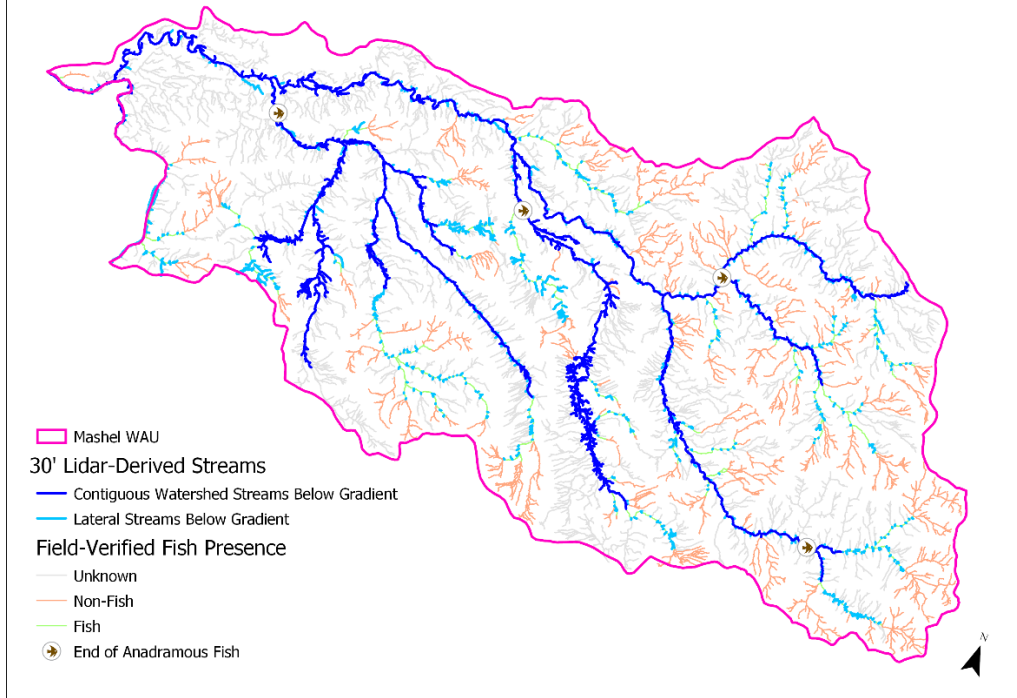
Gradient Break @ 3%



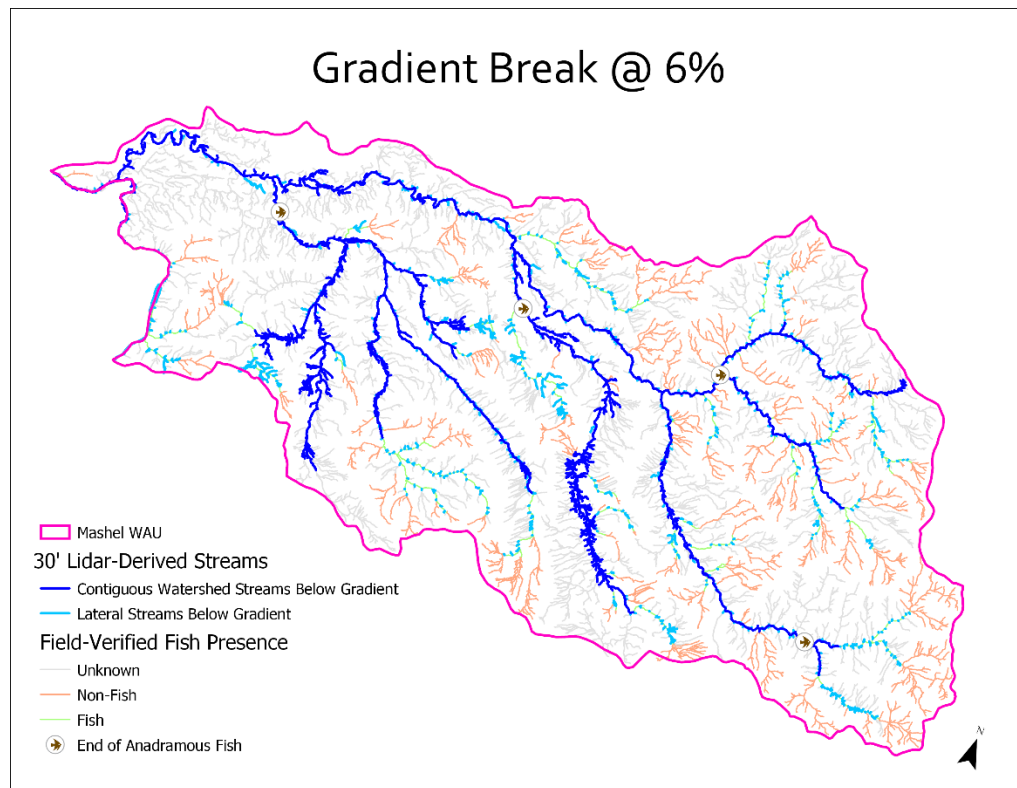
Gradient Break @ 4%



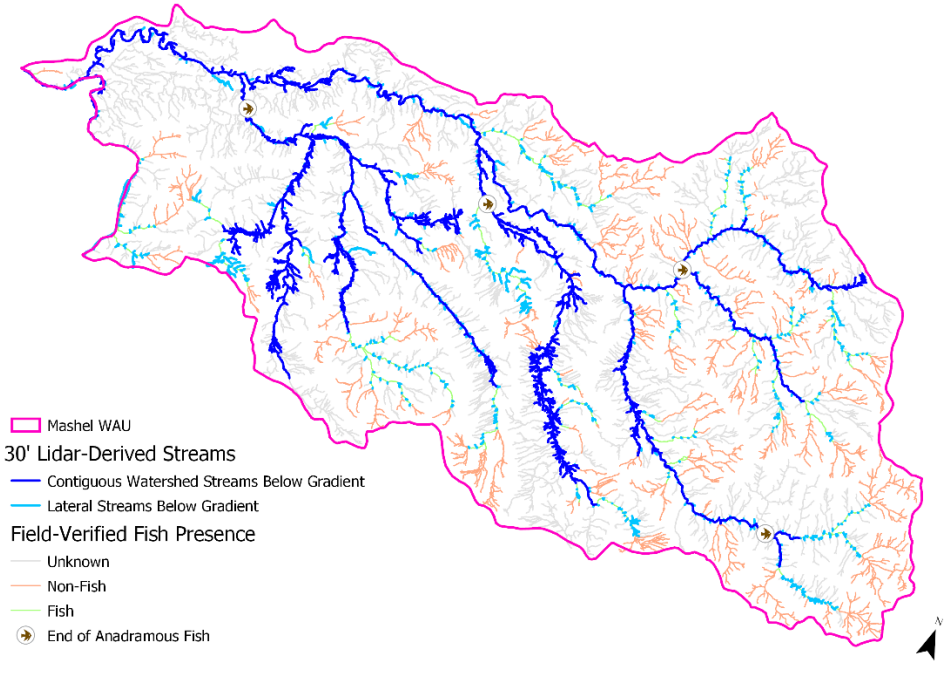
Gradient Break @ 5%



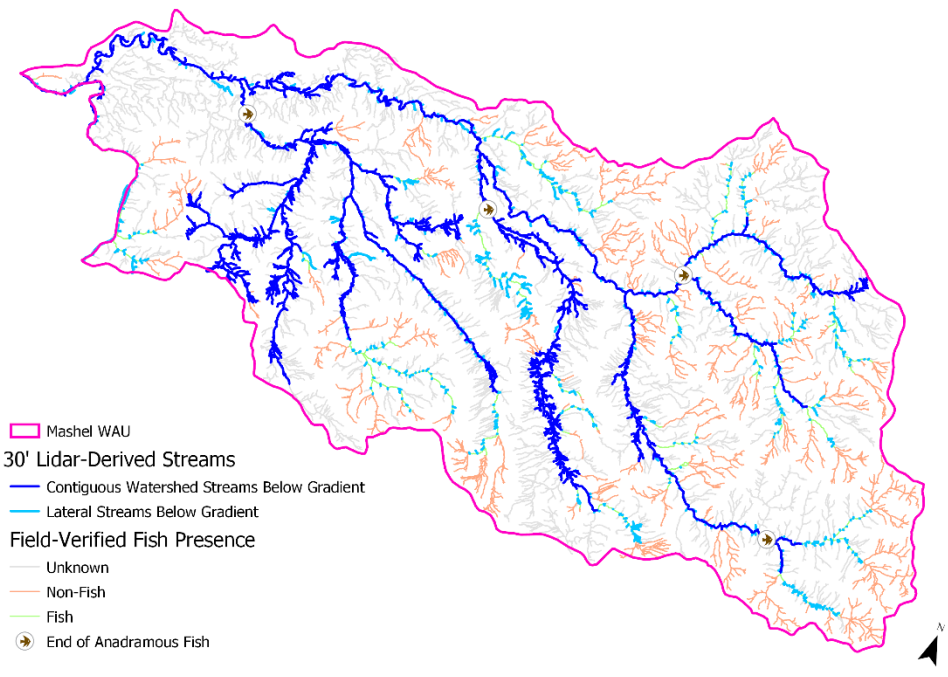
Gradient Break @ 6%



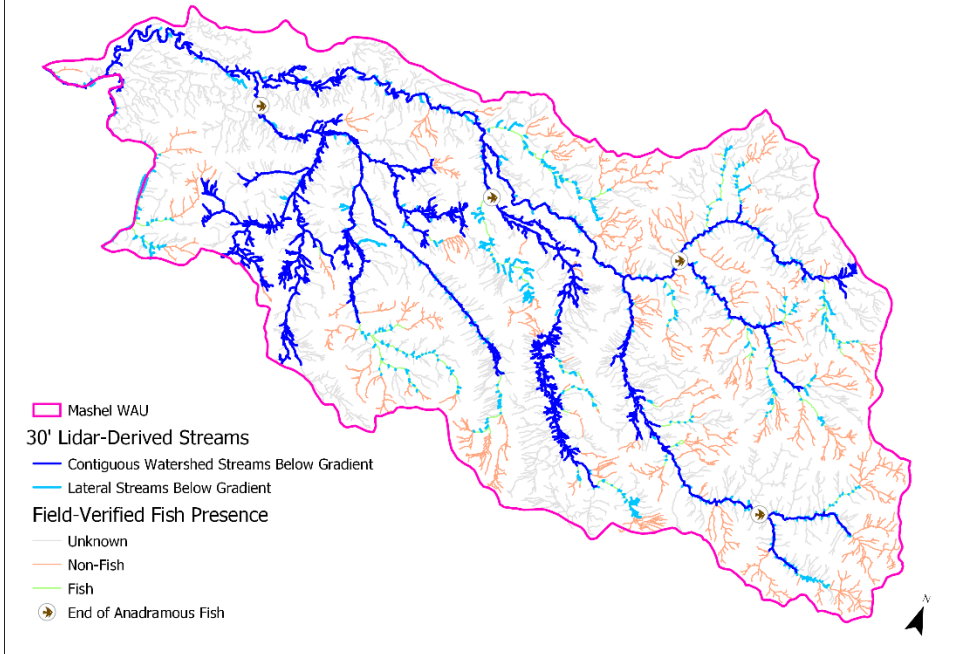
Gradient Break @ 7%



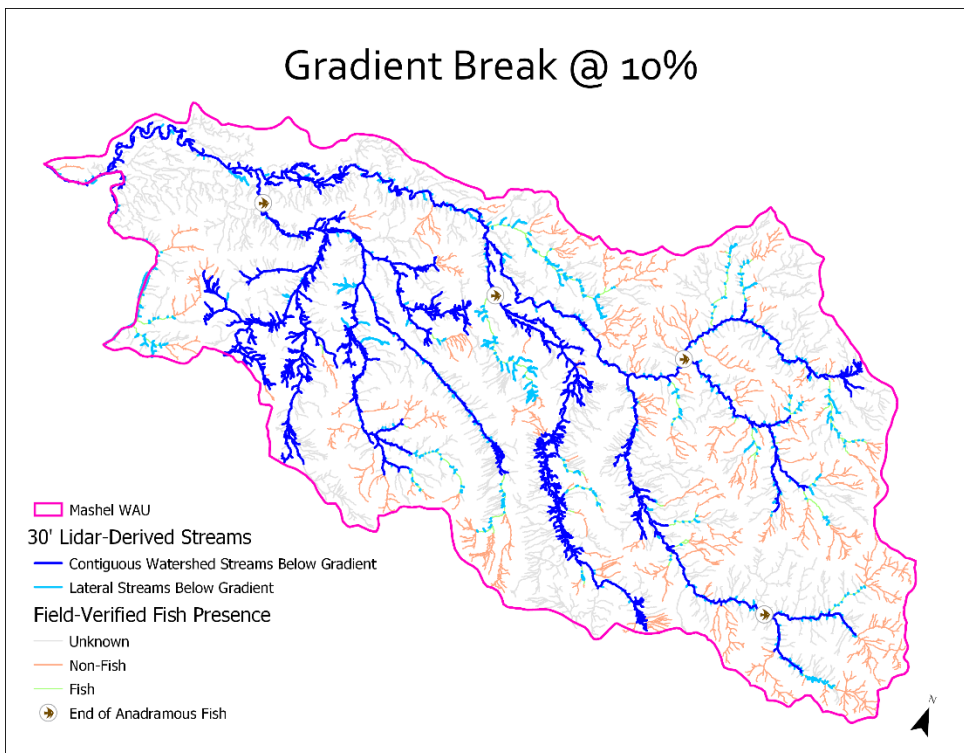
Gradient Break @ 8%



Gradient Break @ 9%



Gradient Break @ 10%






MEMORANDUM

July 24, 2018

TO: Forest Practices Board

FROM: Hans Berge, Adaptive Management Program Administrator 

SUBJECT: Adaptive Management Program Quarterly Staff Report

This memo highlights work completed and progress made on projects and issues from both TFW Policy and CMER since May 2018.

TFW POLICY

Budget

Policy's budget subcommittee met on May 17th and 31st to develop recommendations for the full committee's meeting on 7 June 2018 in Spokane. The recommendations from the subcommittee were discussed at the meeting, but consensus could not be reached. The subcommittee met again in June and refined the 19/21 budget further. Policy recommended by consensus (Eastside Tribes and Federal caucuses absent) the recommendations proposed by the budget subcommittee. The proposed budget will be discussed at your August meeting.

Proposed Alternate Plan Template

The contractor working on behalf of Policy to evaluate the scientific merit of the proposed alternate plan template in review has prepared a draft for review by the subcommittee of Policy. The expected timeline is to complete the scientific merit review this fall (through ISPR) and provide Policy a recommendation at the end of the year or first part of 2019.

Type N Hard Rock Report

Policy officially received all CMER and ISPR approved chapters and findings reports of the Type N Hard Rock study at their 12 July meeting. The first step is to determine if there are any actions to be taken, and they have 45 days to make that determination (no later than 27 August 2018).

CMER

RSAG

The Extensive Riparian Vegetation Monitoring Pilot Project scoping document was approved by CMER at its June 2018 meeting. RSAG is drafting a prescriptive findings reports for CMER

review and approval prior to sending the both documents to Policy. The purpose of this scoping report is to provide recommendations on where the next stage of the project could take place, and on how to modify the fieldwork and modeling efforts based on what was learned in the Pilot Study.

The Buffer Characteristics, Integrity and Function Post-Harvest Report (BCIF) was approved by CMER at their June 2018 meeting to be sent to ISPR. The purpose of the BCIF study was to reduce scientific uncertainty about the magnitude and duration of changes in stand structure, tree mortality and tree fall, shade, wood recruitment, and soil disturbance following application of the westside Np riparian prescriptions under operational conditions.

At Policy's July 2018 meeting, RSAG (Mark Hicks) gave a presentation on the Riparian Characteristics and Shade Response Study Scoping/Alternatives document. Policy will review the information provided and make a decision regarding preferred alternative and next step at their August meeting. This study is intended to strengthen knowledge on the effectiveness of riparian buffers in protecting aquatic resources by providing a strong analysis of the how changing riparian management prescriptions affect stream shading across the state.

LWAG

CMER approved the Type N Experimental Buffer Treatment Study on Hard Rock Substrates – Findings Reports for chapters 5 (Stand Structure and Tree Mortality Rates in Riparian Buffers), 6 (Wood Recruitment and Loading), 7 (Stream Temperature and Cover), and 15 (Stream-Associated Amphibians) at their June 2018 meeting and the findings reports were transmitted to Policy at their July 2018 meeting. The full report and overall findings report were previously approved by CMER. The Type N Experimental Buffer Project – Hard Rock Study was undertaken to evaluate the relative effectiveness of alternative riparian buffer prescriptions along non-fish-bearing (Type N) streams in meeting Forest Practices resource goals, which includes evaluating the response of large woody debris loads, riparian vegetation, instream channel characteristics, instream sediment, and stream-associated amphibians to differing buffer strategies.

Van Dyke's Salamander Literature Review – was approved by CMER at its June 2018 meeting. A findings report was requested by CMER to accompany the literature synthesis when it is transferred to Policy. CMER approved the Findings Report at its July 2018 meeting. Both documents will be transferred to Policy at a future date. The Van Dyke's Salamander Literature document is a review of published literature, including a synthesis of information on geographical region distribution, moisture requirements and temperature utilization patterns, life history considerations, habitat utilization patterns, interspecific species interactions, and effects of forest management. Besides review of existing publications, this review diverges from many standard literature reviews in incorporating considerable unpublished data, such as reports and theses, and presents new data summaries and analyses. The resulting product is useful for identifying knowledge gaps and informing CMER if additional studies could help determine if Forest Practices Rules maintain conditions that support this species.

SAGE

The Eastside Type N Riparian Effectiveness Project (ENREP) has begun the implementation phase of the project. The study, intended to be a companion to Type N studies in western Washington, is focused on water quality. The design allows for additional questions to be addressed where doing so will provide scientifically defensible information relevant to adaptive management. This study incorporates a Multiple, Before-After/Control Impact (MBACI) experimental design. Spatially blocked sets of treatment and reference sites have been and are being identified and data collection will be conducted for at least two years pre-harvest and two years post-harvest, with a one-year harvest window.

The project team is continuing to locate basins along the east slope of the Cascades for inclusion in study. CMER staff has conducted recon of several possible locations with several basins being identified for further review. AMP has reached out to State Lands Southeast and Northeast regions to discuss the possible use of basins in their region as well. AMP also planning on reaching out to Yakama Tribe to see if they may be interested in partnering on study. PM continues to work on development of contracts, interagency agreements, access agreements, permits, equipment purchases, charter, implementation plan, management plan, and communication plan.

ISAG

The Fish/Habitat Detection Using eDNA Project is currently underway. The study uses an eDNA analytical approach to test for the presence of genetic material of focal species in water samples taken at various points in streams. The Pacific Northwest Research Station will compare these results to data gathered from spatially continuous, single-pass electrofishing and physical stream habitat surveys conducted using methodology similar to that described by Torgerson et al. (2004) and validated by Bateman et al. (2005). Electrofishing assessments are being performed by interested private landowners during spring of 2018. Electrofishing and location data will be shared to compare to eDNA detection results.

All west side sites have been electrofished and have eDNA samples collected. Weyerhaeuser, Hancock and Port Blakely are participating in the project. The project Principle Investigator (from the Pacific Northwest Research Station, Corvallis) is continuing her conversations with Port Blakely and Hancock to determine if they can provide another crew to collect habitat data. The project team still working with Kalispel Tribes to identify possible sites to include in the study.

FWEP TWIG

Forested Wetlands Effectives Project Chronosequence Study Plan was approved by CMER at its July 2018 meeting to go to ISPR for review. The chronosequence study will identify post-harvest patterns in forested wetland ecology and hydrology within and around forested wetlands of

different ages. By comparing ecological and hydrological conditions in groups of forested wetlands that were harvested at different times in the past (e.g., five, 10, 20 years), the development of wetland functions can be estimated over half of a timber rotation cycle (at minimum, 20-years). This observational study design, also known as space-for-time substitution, will identify common developmental trajectories within forested wetlands following disturbances associated with forest practices. Identifying patterns in these trajectories will directly inform the design and implementation of a subsequent forested wetland harvest BACI study.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

Memorandum

July 13, 2018

TO: Forest Practices Board

FROM: Mark Hicks, Ecology Forest Practices Lead 

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 303(d) Assurances (Assurances) for the forest practices rules and associated programs. The last update to the Board occurred at the February 2018 Board meeting. At that time Ecology noted that while work was being done on numerous milestones, none had been completed.

Under Washington state law (Chapter 90.48 RCW and 76.09.040 RCW) forest practices rules are to be developed so as to achieve compliance with the state water quality standards and the federal Clean Water Act (CWA). The Assurances establish that the state's forest practices rules and programs, as updated through a formal Adaptive Management Program (AMP), will be used as the primary mechanism for bringing and maintaining forested watersheds in compliance with the state water quality standards.

The Assurances were originally granted in 1999 as part of the Forests and Fish Report (FFR) and spell out the terms and conditions of how Section 303(d) will be applied to lands subject to the FFR. Those original Assurances were to last for only a ten year period. After conducting a review of the program and hearing from stakeholders that they were committed to making the program work, Ecology conditionally extended the assurances for another ten years. This extension was given in good faith to support the program in meeting a list of milestones that included process improvements and performance objectives.

The 2009 milestones were established to create a path of steady improvement in gathering information critical for assessing the effectiveness of the rules in protecting water quality as mandated by state law. Equally important, was the opportunity to create a more effective

research program to test and adjust the rules long-term consistent with adaptive management which was inherent with the Assurances.

Updates to the Board have served as a way to track progress and identify challenges so the Board could make necessary changes to keep the milestones on schedule and/or protect the program integrity associated with the Assurances. The Board has continually been receptive of our concerns and the importance in keeping the program on track. Unfortunately, key milestones have languished because of limited cooperator resources and project funding, disagreement amongst stakeholders that need to achieve consensus in order to move projects forward, and the addition of new and competing priorities and assignments from the Board.

Delays in completing milestone projects have pushed timelines out such that many of the milestone projects cannot be completed unless Forest and Fish Support Account funding continues beyond its 2025 sunset date. In addition, these projects compete for limited funding and cooperator attention with the new priorities and projects set by the Board.

The Assurances are based on the premise that Ecology and the EPA can rely on the AMP to use sound scientific principles to test the effectiveness of the FFR rules in meeting water quality standards, and to expediently modify those rules if they are ineffective. It has been almost 20 years since the Assurances were first granted, but the effectiveness of the rules remains largely unknown. When the ten year conditional extension was granted, Ecology understood meeting the corrective milestones would be a challenge. However, the extent of delays for the highest Clean Water Act priority projects are what is most concerning now as the end of the ten year extension approaches.

Ecology appreciates the Board's efforts to reinvigorate the program through a meeting of the principals and through its efforts to obtain fiscal and performance audits of the program. These actions, along with establishing a subcommittee to help identify program improvements are positive steps. Ecology hopes that the Board and program cooperators will use the remaining 16 months of the ten year extended Assurances to move key CWA projects like the Type Np effectiveness research projects towards the finish line, and to make whatever process improvements it can to create an Adaptive Management Program that meets the high expectations originally envisioned.

Enclosed are two tables showing the milestones and their current status. Table 1 shows the non-CMER project milestones. These milestones are implemented outside of the Cooperative Monitoring, Evaluation, and Research (CMER) program and are largely within the control of the Forest Practices Operations Section of the Department of Natural Resources (DNR) or the Timber Fish and Wildlife Policy Committee (Policy). Table 2 shows the CMER Research Milestones. During this review period, a study design was approved for the long awaited Eastside Type N Riparian Effectiveness Monitoring Project. **Changes in status since our last briefing and points of note are highlighted in red font.**

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

Enclosure

Table 1. Summary Non-CMER Project Milestones and their current status.

<i>Non-CMER Project Milestones</i>		
	Summarized Description of Milestone	Status as of July 2018¹
2009	July 2009: CMER budget and work plan will reflect CWA priorities.	Completed October 2010
	September 2009: Identify a strategy to secure stable, adequate, long-term funding for the AMP.	Completed October 2010
	October 2009: Complete Charter for the Compliance Monitoring Stakeholder Guidance Committee.	Completed December 2009
	December 2009: Initiate a process for flagging CMER projects that are having trouble with their design or implementation.	Completed November 2010 The product developed that met this milestone is complicated and not being used. The Adaptive Management Program Administrator has stated his intention to refine the process. Any remedy that ensures problems are identified and resolved efficiently would continue to satisfy this milestone.
	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 March 2010
	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 November 2010
	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.	Completed May 2016
2010	January 2010: Ensure opportunities during regional RMAP annual reviews to obtain input from Ecology, WDFW, and tribes on road work priorities.	Completed September 2011

Non-CMER Project Milestones		
	Summarized Description of Milestone	Status as of July 2018¹
	February 2010: Develop a prioritization strategy for water type modification review.	Completed March 2013
	March 2010: Establish online guidance that clarifies existing policies and procedures pertaining to water typing.	Completed March 2013
	June 2010: Review existing procedures and recommended any improvements needed to effectively track compliance at the individual landowner level.	Completed November 2010
	June 2010: Establish a framework for certification and refresher courses for all participants responsible for regulatory or CMP assessments.	Completed September 2013
	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 August 2012
	July 2010: Ecology in Partnership with DNR and in Consultation with the SFL advisory committee will develop a plan for evaluating the risk posed by SFL roads for the delivery of sediment to waters of the state.	Underway DNR, Ecology, and representatives of the small forest landowner caucus are working together to try and develop a solution that will inform the condition of SFL roads. Discussions are leading towards a combination of a self-directed survey with a field validation sample.
	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, <u>b) Resolve issue with identifying the uppermost point of perennial flow by July 2012</u> , and c) Complete a comprehensive literature review examining effect of buffering headwater streams by September 2012.	Underway DNR has been directed by the Board to establish a technical work group to resume development of Board Manual 23. Policy has tentatively agreed to use the dry-season survey method year-round rather than having wet season default distances.
	October 2010: Conduct an initial assessment of trends in compliance and enforcement actions taken at the individual landowner level.	Completed November 2010

Non-CMER Project Milestones		
	Summarized Description of Milestone	Status as of July 2018¹
	October 2010: Design a sampling plan to gather baseline information sufficient to reasonably assess the success of alternate plan process.	<p>Completed December 2014</p> <p>DNR satisfied this milestone by releasing an Alternate Plan <u>Guidance memo (12-10-14) designed to strengthen the overall process for issuing alternate plans.</u></p> <p>Efforts remain pending for DNR to conduct a review to assess whether the guidance is being effectively used.</p>
	December 2010: Initiate process of obtaining an independent review of the Adaptive Management Program.	<p>Underway</p> <p>DNR is working with the state auditor's office about performing an audit.</p>
2011	December 2011: Complete an evaluation of the relative success of the water type change review strategy.	<p>Completed March 2013</p> <p>DNR rechecked the current status of the review process used in the regional offices. They found differences in the extent the original processes had been maintained. No assessment was made of whether this affected cooperators ability to contribute to an effective review.</p>
	December 2011: Provide more complete summary information on progress of industrial landowner RMAPs.	<p>Completed September 2011</p>
2012	October 2012: Reassess if the procedures being used to track enforcement actions at the individual land owner level provides sufficient information to potentially remove assurances or otherwise take corrective action.	<p>Completed June 2012</p>
	Initiate a program to assess compliance with the Unstable Slopes rules.	<p>Completed October 2017</p>
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.	<p>Off Track</p> <p>Described above for July 2010 milestone.</p>

Table 2. Summary CMER Research Milestones and their current status.

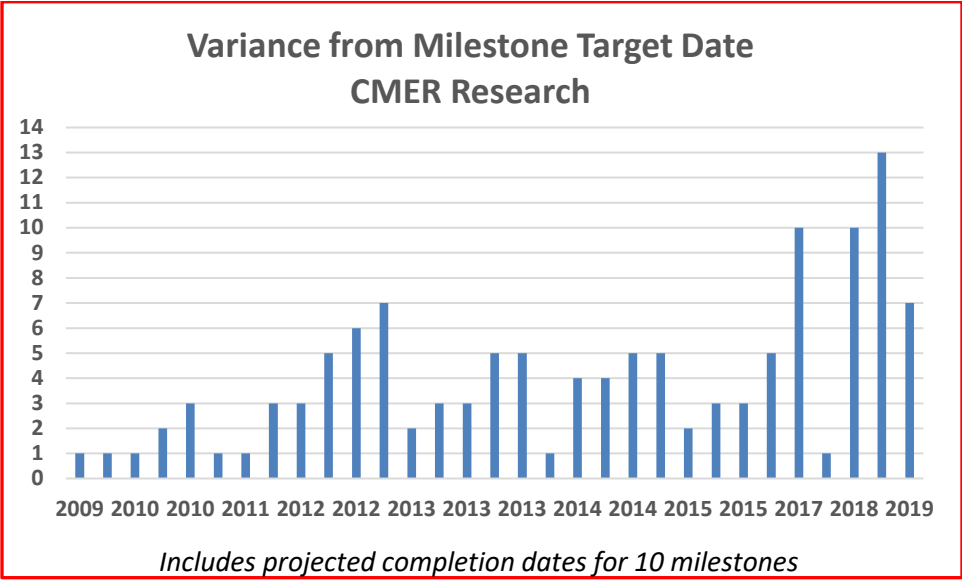
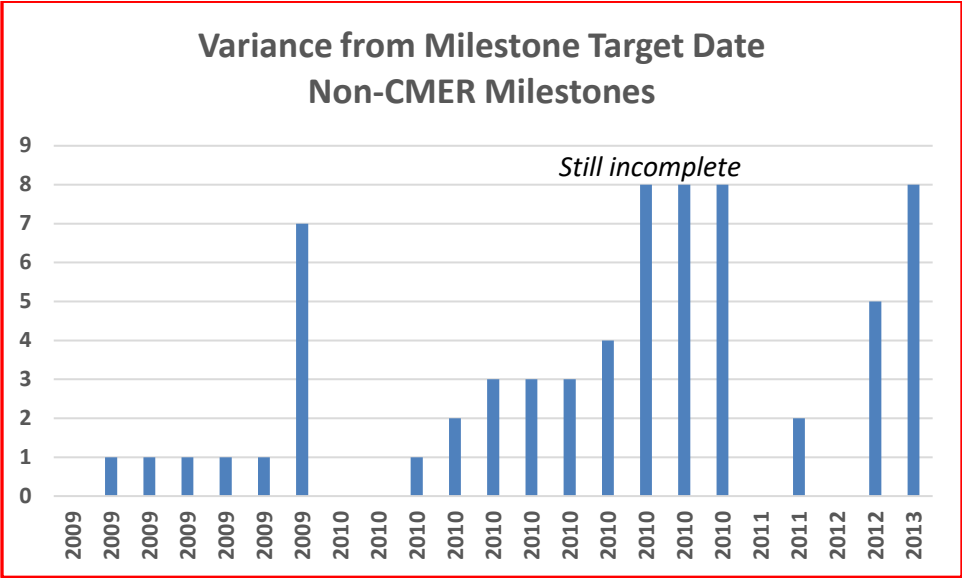
CMER Research Milestones		
Description of Milestone		Status as of July 2018¹
2009	Complete: <u>Hardwood Conversion – Temperature Case Study</u> (Completed as data report)	Completed June 2010
	Study Design: <u>Wetland Mitigation Effectiveness</u>	Completed October 2010
2010	Study Design: <u>Type N Experimental in Incompetent Lithology</u>	Completed August 2011
	Complete: <u>Mass Wasting Prescription-Scale Monitoring</u>	Completed June 2012
	Scope: <u>Mass Wasting Landscape-Scale Effectiveness</u>	Not Progressing The ability to successfully carry out this research study is being discussed.
	Scope: <u>Eastside Type N Effectiveness</u>	Completed November 2013
2011	Complete: <u>Solar Radiation/Effective Shade</u>	Completed June 2012
	Complete: <u>Bull Trout Overlay Temperature</u>	Completed May 2014
	Implement: <u>Type N Experimental in Incompetent Lithology</u>	On Track
	Study Design: <u>Mass Wasting Landscape-Scale Effectiveness</u>	Not Progressing Discussed above for 2010 Scoping
2012	Complete: <u>Buffer Integrity-Shade Effectiveness</u>	Underway This study has been delayed since concerns were identified in 2013. Changes in response to the second round of ISPR review comments have been sent back to ISPR, but have not yet approved.
	Literature Synthesis: <u>Forested Wetlands Literature Synthesis</u>	Completed January 2015
	Scoping: <u>Examine the effectiveness of the RILs in representing slopes at risk of mass wasting.</u>	Completed

CMER Research Milestones		
Description of Milestone		Status as of July 2018¹
		April 2017
	Study Design: <u>Eastside Type N Effectiveness</u>	Completed March 2018
2013	Scoping: <u>Forested Wetlands Effectiveness Study</u>	Completed December 2016
	<u>Wetlands Program Research Strategy</u>	Completed January 2015
	Scope: <u>Road Prescription-Scale Effectiveness Monitoring</u>	Completed March 2016
	Study Design: <u>Examine the effectiveness of the RILs in representing slopes at risk of mass wasting.</u>	Underway Draft study sent to ISPR in January 2018.
	Implement: <u>Eastside Type N Effectiveness</u>	Earlier Stage Underway Discussed above for 2012 study design.
2014	Complete: <u>Type N Experimental in Basalt Lithology</u>	Underway Findings report drafted but not yet approved by CMER for delivery to Policy.
	Study Design: <u>Road Prescription-Scale Effectiveness Monitoring</u>	Underway No bidders on water-bar installation.
	Scope: <u>Type F Experimental Buffer Treatment</u>	Complete December 2015
	Implementation: <u>Examine the effectiveness of the RILs in representing slopes at risk of mass wasting</u>	Earlier Stage Underway Discussed above for 2013 study design.
	Study Design: <u>Forested Wetlands Effectiveness Study</u>	Underway Draft in CMER review June 2018.
2015	Complete: <u>First Cycle of Extensive Temperature Monitoring</u>	Underway Undergoing final post ISPR revision.
	Scope: <u>Watershed Scale Assess. of Cumulative Effects</u>	Off Track Project intended to follow other effectiveness monitoring studies which remain behind schedule.

CMER Research Milestones		
Description of Milestone		Status as of July 2018¹
	Scope: <u>Amphibians in Intermittent Streams (Phase III)</u>	<p>Not Progressing</p> <p>Project milestone exists only if needed to fill research gaps left from Type Np Experimental in Basalt Lithology.</p> <p>The Type Np Basalt study is expected to be completed in 2018, so Policy established 2019 as a date to begin this study; if questions were not addressed.</p> <p>Maybe time for RFP for this and others that are off track.</p>
2017	Study design: <u>Watershed Scale Assess. of Cumulative Effects</u>	<p>Off Track</p> <p>Discussed above for 2016 Scoping.</p>
	Study Design: <u>Amphibians in Intermittent Streams (Phase III)</u>	<p>Not Progressing</p> <p>Discussed above for 2015 scoping.</p>
2018	Complete: <u>Roads Sub-basin Effectiveness</u>	<p>Earlier Stage Underway</p> <p>Will be re-scoped at end of Road Prescription-Scale study.</p>
	Implement: <u>Watershed Scale Assess. of Cumulative Effects</u>	<p>Off Track</p> <p>Discussed above for 2016 Scoping.</p>
	Complete: <u>Type N Experimental in Incompetent Lithology</u>	<p>On Track</p> <p>Post-harvest study report expected in CMER review in late 2018</p>
2019	Complete: <u>Eastside Type N Effectiveness</u>	<p>Earlier Stage Underway</p> <p>Discussed above for 2012 study design.</p>

Status terminology:

- “Completed”** - milestone has been satisfied (includes those both on schedule and late).
- “On Track”** - work is occurring that appears likely to satisfy milestone on schedule.
- “Underway”** - work towards milestone is actively proceeding, but likely off schedule.
- “Earlier Stage Underway”** – project initiated, but is at an earlier stage (off schedule) than the listed milestone.
- “Not Progressing”** - no work has begun, or work initiated has effectively stopped.
- “Off Track”** - 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.



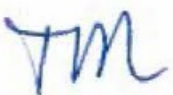


**DEPARTMENT OF
NATURAL RESOURCES**

Forest Practices Division
1111 Washington St SE
Olympia, WA 98504

360-902-1400
FPD@DNR.WA.GOV
WWW.DNR.WA.GOV

July 3, 2018

TO: Forest Practices Board 

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

SUBJECT: Small Forest Landowner Office and Advisory Committee

Small Forest Landowner Office Advisory Committee

Since my last report, the Small Forest Landowner Office Advisory Committee held a meeting on May 16, 2018. Discussions focused on the following topics:

- Introduction of the new SFL Stewardship & Technical Assistance Forester for Eastern WA.
- Discussion on FPA/N Instructions and Appendices
- Update of SFLOAC Action Plan

SFLO Program Updates

In the FY17-19 Biennium, with the \$3.5 million allotted, it is estimated the Forestry Riparian Easement Program will purchase 39 easements. With the \$5 million allotted, it is estimated the Family Forest Fish Passage Program will correct a total of 38 fish barriers. With the \$1 million allotted, it is estimated the Rivers and Habitat Open Space Program will purchase two easements, one in a channel migration zone, and one in critical habitat for state threatened or endangered species.

Long Term Applications (LTA)

There are now a total of 259 approved long term applications, which is an increase of 10 approved applications since the end of the last reporting period (04/02/2018).

LTA Applications	LTA Phase 1	LTA Phase 2	TOTAL
Under Review	4	4	8
Approved	3	259	262
TOTAL	7	263	270

Upcoming Landowner Events

Family Forest Owners Field Days

WSU Extension, DNR, and other agency partners host annual field days for forest landowners, offering hands on, “out in the woods” educational experiences for the whole family. Participants can attend outdoor seminars offered throughout the day on dozens of forestry topics such as landowner assistance programs, forest health, tree and shrub identification, thinning and pruning, reforestation and early planting care, riparian management, wildlife habitat, chainsaw safety, tax tips, special forest products, noxious weed control, field technology, wildfire protection, and more. Field days are attended by 500-1,000 landowners each summer, with 80% of participants being new to forest stewardship education. The events unite landowners with products and services that help them accomplish multiple resource forest management activities resulting in healthy, safe, sustainable forest conditions.

- Family Forest Owners Field Day (Westside) – Woodland
Saturday, August 18, 2018

Ties To The Land Succession Planning

Ties To The Land Succession Planning, the human side of estate planning, focuses on ways to maintain family ties to the land from generation to generation, building awareness of key challenges facing family businesses, and motivating families to address those challenges.

- Ties to the Land, Succession Planning for Family Forest Owners – Olympia
Saturday, August 11, 2018
- Ties to the Land, Succession Planning for Family Forest Owners – McCleary
Saturday, August 11, 2018
- Ties to the Land, Succession Planning for Family Forest Owners – Spokane
Friday, December 14, 2018

Other Landowner Events

- Selecting and Using Remote Cameras Effectively – Spokane
September 8, 2018
- Invasive Weed Control Field Practicum – Mount Vernon
September 15, 2018
- Tool and Chainsaw Safety, Maintenance, and Forest Protection Field Day – Trout Lake
September 22, 2018
- Forest Health and Wildfire Hazard Workshop and Hands-On Demonstration – White Salmon
November 10, 2018

Forest Stewardship Coached Planning –

WSU's flagship class teaches landowners how to assess their trees, avoid insect and disease problems, attract wildlife, and take practical steps to keep their forest on track to provide enjoyment and even income for years to come. In this class landowners will develop their own Forest Stewardship Plan, which brings state recognition as a Stewardship Forest and eligibility for cost-share assistance, and may also qualify them for significant property tax reductions. For more information on these courses go to <http://forestry.wsu.edu/>

- Forest Stewardship Coached Planning – Carnation
Wednesdays starting September 5 through October 24, 2018
- Forest Stewardship Coached Planning – Chehalis
Mondays September 17 through November 5, 2018
- Forest Stewardship Coached Planning – Arlington
Tuesdays starting September 18 through November 6, 2018
- Forest Stewardship Coached Planning – Leavenworth
October 29 – December 17

For more information regarding these events go to

<http://forestry.wsu.edu/>

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



WASHINGTON STATE DEPT OF
**NATURAL
RESOURCES**



Washington
Department of
**FISH and
WILDLIFE**

August 8, 2018

TO: Forest Practices Board

FROM: Sherri Felix, Forest Practices Policy Analyst,
Washington State Department of Natural Resources

Gary Bell, Forest Habitats Wildlife Biologist,
Washington Department of Fish and Wildlife

SUBJECT: 2017 Annual Report on the Board's Voluntary Cooperative Protection
Approach for Taylor's Checkerspot Butterfly

The Forest Practices Board's voluntary cooperative protection approach for the Taylor's checkerspot butterfly (*Euphydryas editha taylori*) is in its tenth year. The attached annual status report covers calendar year 2017 activities related to this Washington state and federally listed endangered species. The current habitat map is included.

After ten annual reports and little improvement in the species' status, the Washington Department of Fish and Wildlife (WDFW) with Department of Natural Resources (DNR) support, recommends a two-year reporting schedule for a period of time before transitioning to the five-year schedule identified by the board in 2007. Any protection issues would still be immediately reported.

Background: In 2007, the Forest Practices Board (Board) approved the voluntary cooperative protection approach for the Taylor's checkerspot recommended by the DNR and supported by the WDFW. The Board expanded its protection approach in 2014 to include the U.S. Fish and Wildlife Service's newly designated critical habitat for this butterfly. In 2016, the Washington Fish and Wildlife Commission retained the state's endangered listing based on WDFW's status review for the butterfly which concluded that the species remains threatened with extinction in Washington even though "a committed collective of agencies and individuals have made tremendous efforts to address threats and recover this species in Washington".

At your August 2018 meeting, staff will be available should you have questions, comments, or suggestions on the report, the species, and/or our recommended reporting schedule change. In the meantime, please do not hesitate to contact us:
sherri.felix@dnr.wa.gov or 360-902-1446; gary.bell@wdfw.wa.gov or 360-902-2412.

Attachment

cc. Joseph Shramek, Marc Engel, Marc Ratcliff, Terra Rentz, Chris Conklin, Hannah Anderson



WASHINGTON STATE DEPT OF
**NATURAL
RESOURCES**



Washington
Department of
**FISH and
WILDLIFE**

Annual Report to the Forest Practices Board

The Status of a Voluntary Cooperative Approach for the Taylor's Checkerspot Butterfly

August 8, 2018

SPECIES BACKGROUND

Once common in the Pacific Northwest, the Taylor's checkerspot butterfly (*Euphydryas editha taylori*) remains on only a handful of sites. The butterfly was listed by the Washington Fish and Wildlife Commission (Commission) as State Endangered effective March 2, 2006. On November 4, 2013, the U.S. Fish and Wildlife Service listed the butterfly as endangered and designated critical habitat under the Endangered Species Act (ESA). Based on recommendations from the state's [*Periodic Status Review for the Taylor's Checkerspot*](#), the Commission retained the species' State Endangered status on August 5, 2016.

In Washington State, the Taylor's checkerspot inhabits highly localized areas where suitable climate and vegetation occur. These butterflies complete their entire one-year life cycle in these small areas. Therefore, the species is always present on occupied sites.

Occupied sites occur only in a few locations in western Washington. Within state and private forestland in eastern Clallam and southern Thurston counties, and in northeastern Olympic National Forest, these sites consist of small grassy "balds", shallow-soiled openings situated within the forest matrix that do not support timber production. On federal land within Joint Base Lewis-McChord in southern Pierce County, occupied sites are in native grassland (prairie) settings. A non-forested, sandy, coastal private property in Clallam County also has an occupied site.

Unoccupied areas included in the federally designated critical habitat for the species involve non-federal forestland in eastern Clallam, southern Thurston, west Skagit, and northern Island counties. These unoccupied areas meet the habitat needs of the species, and may have historically been occupied sites.

HISTORY

2006 BOARD RESPONSE TO STATE LISTING AS AN ENDANGERED SPECIES

On May 10, 2006, the Forest Practices Board (Board) determined there was sufficient potential risk to the Taylor's checkerspot butterfly from certain forest practices activities to consider rule making and other protection strategies. The Board requested Department of

Natural Resources (DNR) staff to officially notify the public of its intention to consider rule making.

Through August 2007, DNR held meetings attended by Washington Department of Fish and Wildlife (WDFW) experts, forest landowners and other interested stakeholders including the Washington Butterfly Association and The Nature Conservancy. Discussions focused on the butterfly's habitat requirements, potential effects of certain forest practices, and protection strategy options. Additionally, WDFW staff met with individual landowners and land managers having Taylor's checkerspot habitat to further discuss voluntary protection and management options. During this process, the five large forest landowners who owned or managed occupied butterfly sites committed to develop management plans with WDFW.

On [September 11, 2007](#), the Board approved the voluntary protection approach recommended by DNR and supported by WDFW. This decision recognized the work of both agencies in conjunction with stakeholders and the commitments from landowners to develop management plans. DNR's conditioning authority to protect public resources, including wildlife, provided the safety net of protection critical to the Board's acceptance of a voluntary approach.

In light of the precarious status of the Taylor's checkerspot and the related need for protection and management assistance from forest landowners, the Board requested DNR and WDFW to initiate a joint-agency screening process for Forest Practices Applications and Notifications (FPAs). The goal: Identify proposed FPAs with the potential to impact the species. The Board also requested the agencies annually report on:

- any butterfly protection issues associated with individual FPAs, and
- the status of completing WDFW-large landowner management plans.

Additionally, once those landowners who committed to develop management plans had successfully done so, reports would occur every five years. In any case, the agencies were to immediately report to the Board any FPA protection issues.

2009 CO-AGENCY TRAINING

In March 2009, DNR and WDFW conducted a formal joint training for agency staff. This training highlighted the species life cycle and habitat requirements, the species sensitivity to possible impacts, and clarified the agencies' roles and responsibilities for processing, reviewing, and conditioning FPAs.

2014 BOARD RESPONSE TO FEDERAL DESIGNATION OF CRITICAL HABITAT

On [February 11, 2014](#), the Board accepted DNR's recommendation supported by WDFW to include the federally designated critical habitat in the FPA screening process and continue implementing the voluntary cooperative protection approach. In the spring of 2014, the federally designated critical habitat areas were incorporated into DNR's GIS screening tools, effectively extending FPA screening and landowner outreach to additional non-federal forestlands in Clallam, Thurston, Island, and Skagit counties.

The Board also accepted the agencies' recommendation to continue providing annual reports, rather than reporting every five years, even though all WDFW-large landowner management

plans had been completed. Immediate notification would still occur if it appeared the voluntary approach is not appropriately protecting the Taylor's checkerspot butterfly.

FOREST PRACTICES APPLICATION AND NOTIFICATION SCREENING PROCESS

FPAs are screened for proximity to either a WDFW identified occupied habitat or federally designated critical habitat. When an FPA is in, or within one-mile of, any of these areas, DNR notifies WDFW. WDFW reviews these FPAs for potential impacts resulting from proposed forest practices activities. If necessary, WDFW will then work with the landowner to protect the site and species. If voluntary landowner action is not sufficient, WDFW may request protective FPA conditioning by DNR.

FPA SUMMARY FOR 2017

No FPAs were proposed within WDFW identified occupied Taylor's checkerspot habitat or within any federally designated critical habitat.

A total of eighteen FPAs were proposed and approved within the one-mile screening buffer surrounding WDFW occupied habitat or federal critical habitat:

- Eight FPAs related to WDFW occupied habitat.
- Ten FPAs related to federal critical habitat.

These FPAs were in Island, Clallam, and Thurston counties, so involved DNR's Northwest, Olympic, and South Puget Sound regions, respectively.

Eight FPAs were located within one-half mile from habitat edge:

- One large landowner's FPA was approved to conduct an emergency culvert removal. This landowner has a WDFW approved Taylor's checkerspot protection plan.
- One large landowner's FPA was approved to conduct an aerial spray. This landowner has a WDFW approved protection plan.
- Two small landowners' FPAs were approved to conduct salvage operations.
- Three large landowners' and one small landowner's FPAs were approved to conduct even-aged harvest operations.

Ten FPAs were located between one-half to one mile from habitat edge:

- One large landowners and six small landowners' FPAs were approved to conduct even-aged harvests.
- One large landowner's and one small landowner's FPAs were approved to conduct uneven-aged harvests.
- One small landowner's FPA was approved to conduct a salvage operation.

None of the forest practices activities mentioned above were determined by WDFW to pose a risk to the species, so none were conditioned by DNR for Taylor's checkerspot protection.

BUTTERFLY SITE MANAGEMENT PLANS AND LANDOWNER STATUS

Utilizing information developed during stakeholder involvement, WDFW produced general guidance on what types of activities should be addressed by management plans in order to protect the habitat of occupied sites. In late 2006, this guidance was distributed to the five large forest landowners who owned or managed sites occupied by the butterfly at the time. WDFW subsequently modified the document based on landowner input. This guidance may

be updated in the future to provide clarity or to incorporate knowledge gained relative to protection and management of occupied sites.

Of the original five large forest landowners who owned or managed all or portions of occupied Taylor's checkerspot butterfly sites, three remain: Merrill and Ring Company, Weyerhaeuser Company, and DNR. Each landowner has a WDFW approved Taylor's checkerspot butterfly management plan. Of the other two landowners, DNR acquired Green Crow's land and the Center for Natural Lands Management acquired Aloha Lumber Company's parcel (adjacent to the occupied habitat at Dan Kelly Ridge). The Center for Natural Lands Management is a conservation ownership in perpetuity, thus WDFW determined there is no need to develop a management plan for this ownership.

Eight small forest landowners own small portions of occupied Taylor's checkerspot sites, or property immediately adjacent to occupied sites. The 2013 designated federal critical habitat resulted in a multitude of additional landowners in proximity to potentially suitable habitat for the species. WDFW screens for potential impacts from any FPA in, or within one mile of federal critical habitat and all non-federal habitats identified by WDFW. Any potential conflicts for Taylor's checkerspot will be coordinated on a case-by-case basis.

There have been no issues or concerns associated with individual FPAs since the Board approved its voluntary cooperative protection approach for the species, leaving WDFW confident the resource risk from forest management remains low.

PROTECTION BY COUNTIES

WDFW's Priority Habitats and Species (PHS) database with Taylor's checkerspot GIS data is regularly available to, and requested by, counties in order to identify known occupied butterfly sites for local land use planning. Counties (and the public) have access to this data via WDFW's [PHS on the Web](#). Thurston County receives regularly updated PHS data from WDFW digitally. The county is still in the process of developing a Habitat Conservation Plan for prairie and oak woodland species, which will include Taylor's checkerspot butterfly strategies. Clallam, Island, and Skagit counties also receive this data upon request in support of specific plans or projects. Additionally, WDFW biologists use the PHS data to screen FPAs and various proposals going through the State Environmental Policy Act (SEPA) process for potential project impacts to the Taylor's checkerspot butterfly.

2017 SURVEYS AND CONSERVATION ACTIONS

BUTTERFLY SURVEYS

In the spring and summer of 2017, biologists from WDFW, Olympic National Forest, and Joint Base Lewis-McChord (JBLM) conducted surveys to monitor six of the eight existing, naturally occurring Taylor's checkerspot populations and the six reintroduction sites in Washington. The two sites not monitored occur on private land near Port Angeles and in a remote area of Olympic National Forest. The distribution of the twelve Taylor's checkerspot populations currently known to occur in Washington are discussed below.

South Puget Sound (Thurston and Pierce counties)

Taylor's checkerspot populations were monitored at one naturally occurring site on JBLM in Pierce County, and on six south Puget Sound prairies where WDFW has reintroduced

captive-reared butterflies. Sampling data for 2017 show that single day abundance estimates for adult butterflies at the JBLM site were nearly twice as high as numbers observed in recent years. Single day abundance estimates at the remaining reintroduction sites were all at or well above previous estimates from natural recruitment.

North Puget Sound (Clallam County)

Populations were monitored by the Forest Service on three sites and by WDFW on two sites located on state and private land. Survey efforts, which are weather-dependent, were hampered by cool and cloudy spring weather in 2017. Butterfly numbers were comparable to previous recent years at the two sites monitored by WDFW and appeared to be lower at the sites located within Olympic National Forest.

CONSERVATION ACTIONS

South Puget Sound (Thurston and Pierce counties)

On-going Taylor's checkerspot conservation actions in 2017 were achieved by WDFW, DNR's Natural Areas Program, and the Center for Natural Lands Management in partnership with USFWS, JBLM, and Washington State Recreation and Conservation Office (RCO). The U.S. Department of Defense's Army Compatible Use Buffer Program continues to fund Taylor's checkerspot conservation actions outside JBLM. USFWS Recovery Funds continues to support WDFW's efforts to re-establish Taylor's checkerspot populations in south Puget Sound. DNR and WDFW also received grant monies for south Puget Sound prairie restoration from the RCO's Washington Wildlife and Recreation Program. Using these funding sources:

- 1) WDFW continued restoration and enhancement of habitat on three sites in Thurston County,
- 2) WDFW oversaw continuing large-scale captive-rearing (18,000+ eggs in 2017), and reintroduction efforts (5000+ checkerspot pre-diapause larvae) at two JBLM butterfly translocation sites,
- 3) DNR restored and enhanced additional habitat at the Bald Hill Natural Area Preserve, and
- 4) the Center for Natural Lands Management restored and enhanced additional habitat on several Thurston County sites in preparation for ongoing and future butterfly reintroductions.

North Puget Sound (Clallam County)

WDFW and Forest Service biologists conducted habitat management and restoration activities at three occupied sites in the Dungeness River Watershed. Working together, DNR and WDFW continued habitat management and restoration at two Taylor's checkerspot sites located on DNR managed lands. The Center for Natural Lands Management conducted habitat management and restoration at their occupied site on Dan Kelly Ridge as well.

Additional Conservation Actions

Taylor's checkerspot is one of twenty-one Oregon and Washington rare and/or declining prairie and oak woodland species that received support from a 2012 and 2014 USFWS State Wildlife Grant. The grant funded Prairie-Oak project has conducted conservation work for Taylor's checkerspot on south and north Puget Sound sites. Many partners cooperated to develop this project and have received funding, including WDFW, DNR, Oregon Department

of Forestry, the Center for Natural Lands Management, the American Bird Conservancy, local land banks, public land managers, and private landowners from both states. In addition, Weyerhaeuser's participation in the project will continue to enhance and restore Taylor's checkerspot habitat on their lands in the Bald Hill area. WDFW is the project lead for Washington.

SUMMARY

2017 marks the tenth year since the Forest Practices Board's 2007 approval of their voluntary cooperative protection approach for the Taylor's checkerspot butterfly. This 2017 report is also the fourth annual report to include the 2013 federally designated critical habitat for the species.

Currently, there are twelve known Taylor's checkerspot butterfly populations in Washington State. The distribution of those populations is:

- five in south Puget Sound, four of which are experimental reintroductions,
- four on the Olympic National Forest, and
- three on state or private land in Clallam County.

No new Taylor's checkerspot populations have been located in Washington since 2009.

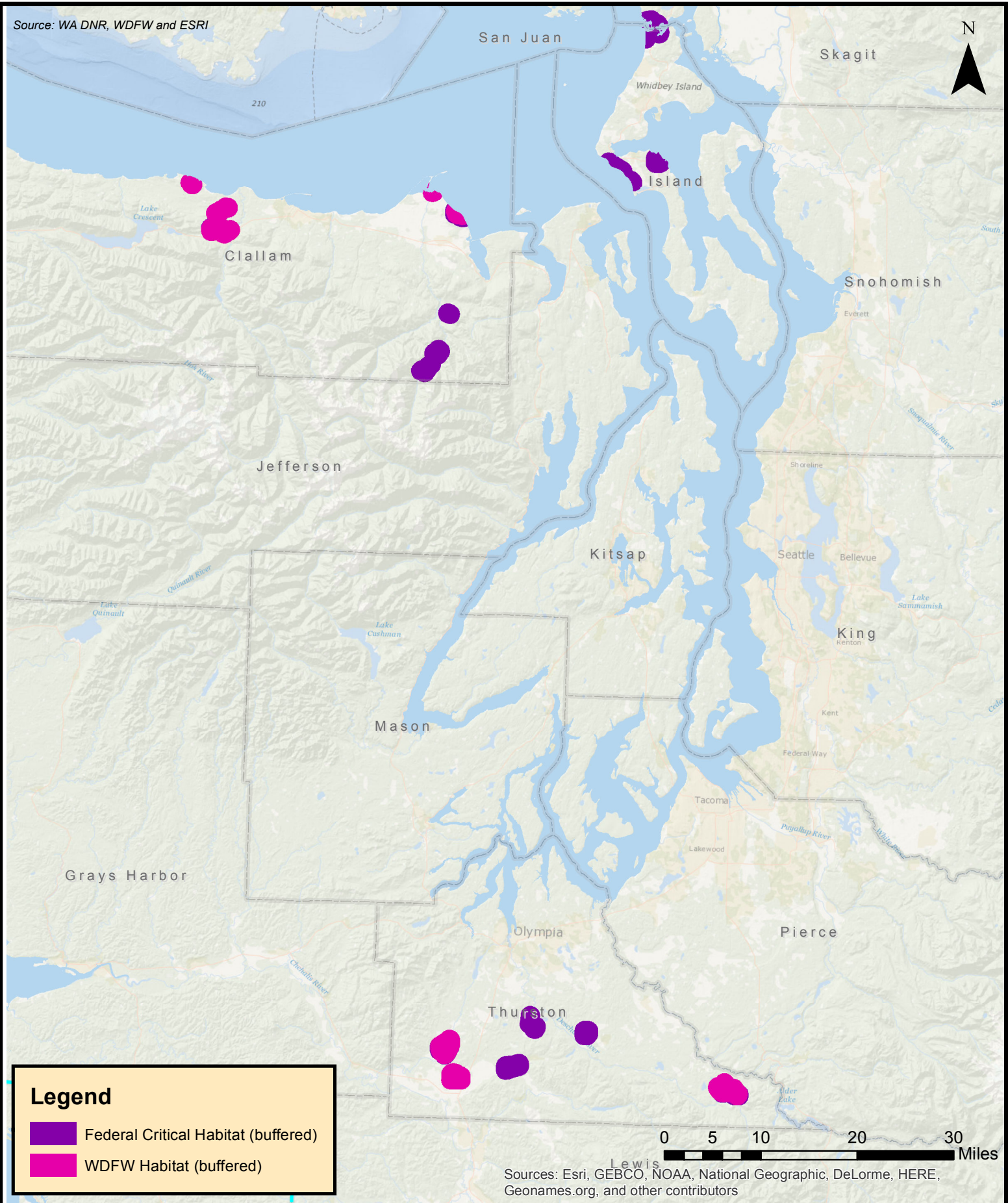
In 2017, eighteen FPAs were within the one mile screening buffer surrounding a WDFW identified occupied Taylor's checkerspot habitat or the federally designated critical habitat for the species – none were within habitat. In the ten years of implementing the Board's voluntary protection approach, a total of 123 FPAs have been located as follows:

- 0 FPAs were within WDFW identified habitat or federal critical habitat.
- 51 FPAs were within one-half mile from habitat edge.
- 72 FPAs were within one-half mile to one mile from habitat edge.

The joint DNR-WDFW FPA screening process continues to effectively identify potential risks to the butterfly from proposed forest practices activities. There have been no issues or concerns with FPAs since the Board approved its voluntary cooperative protection approach for the butterfly, leaving WDFW confident the resource risk from forest management is low. The Board had requested the agencies provide annual reports, then shift to a five-year reporting cycle upon completion of WDFW-approved large landowner management plans. These plans were finalized in 2013 but annual reports continued since federal critical habitat had just been designated. The agencies now recommend shifting to a two-year reporting cycle prior to transitioning to a five-year cycle to ensure the Board is informed of any new issues in a timely manner.

Ongoing cooperative conservation activities include WDFW, DNR, the Center for Natural Lands Management, U.S. Fish & Wildlife Service, Joint Base Lewis-McCord, Washington State Recreation and Conservation Office, and U.S. Department of Defense. Activities include ongoing restoration and enhancement of habitat and large-scale captive rearing and reintroduction efforts, County governments of Thurston, Clallam, Island, and Skagit continue to utilize WDFW's GIS locational data as they conduct their local land use planning. This committed collective of agencies, organizations, and individuals have made tremendous efforts and progress to address threats and recover the Taylor's checkerspot butterfly in Washington. However, the species persistence remains tenuous.

Source: WA DNR, WDFW and ESRI



Legend

- Federal Critical Habitat (buffered)
- WDFW Habitat (buffered)

**Forest Practices
Division**



WASHINGTON STATE DEPARTMENT OF
NATURAL RESOURCES

**Figure 1:
Taylor Checkerspot Butterfly
Screening Areas**

NAD_1983_HARN_StatePlane_Washington_South_FIPS_4602_Feet
Drawn by: JT Couillard | Date: 4/20/2017



State of Washington

DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: P.O. Box 43200, Olympia, WA 98504-3200 • (360) 902-2200 • TDD (360) 902-2207

Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia, WA

August 8, 2018

M E M O R A N D U M

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 by USFWS
- 1997: FPB enacted State Forest Practices Rules
- 2017: State up-listed to Endangered

The up-listing of the marbled murrelet from state threatened to endangered became effective February 4, 2017. With an observed 4.4% annual population decline since 2001 the status of the marbled murrelet in Washington has not improved since state listing in 1993. WDFW has been pursuing strategies to address threats to the species in an attempt to prevent extirpation in Washington. WDNR, in consultation with WDFW, recommended that the Forest Practices Board (Board) support WDFW's initiation of a marbled murrelet rule assessment involving a diverse group of stakeholders, which was planned to be convened in early 2018. Due to multiple factors, initiation of the assessment was delayed. To date, WDFW has met with WDNR policy staff and an email has been sent out to the caucuses that have previously participated in the working group to invite participants. Responses to this request were to be fulfilled by the end of July 2018. The goal for the group will be to evaluate rule effectiveness in protecting murrelet habitat, identify weaknesses in rule language and/or on-the-ground implementation, consider potential habitat conservation incentives, and bring consensus recommendations to the Board.

WDFW also continues working with partners to conduct at-sea monitoring surveys and pursuing other critical research regarding sea diet. USFWS and WDFW are also revisiting the Federal Recovery Plan and considering possible recovery actions for protection of the Murrelet.

Canada Lynx

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

The up-listing of the lynx from state threatened to endangered became effective on February 4, 2017. Current information indicates that the distribution of lynx in Washington has contracted significantly from its historic range and the only remaining resident lynx population is in Okanogan County. Threats to lynx include loss and fragmentation of habitat, small population size, and the potential effects of climate change. Most habitat changes have been due to large wildfires within the last 12 years. Current estimates of population size suggest it may include approximately 54 individuals. There are no indications that the conservation status of Washington's lynx population has improved since it was state and federally listed.

Despite the up-listing, WDFW recommended to WDNR (and WDNR to the Board) that no action be taken at this time to add Canada Lynx to the forest practices rule designation for critical habitats (state). WDFW also recommended maintaining the voluntary protection approach for lynx while they continue to evaluate existing protection mechanisms and identify the best conservation alternatives in collaboration with landowners, academic partners, Canadian federal and provincial entities, US Fish & Wildlife Service, US Forest Service, conservation organizations, and tribes. The goal is to refine recovery actions that can be implemented in the near- and long-term to benefit lynx conservation.

In addition to screening forest practices, WDFW has recently coordinated with the USFS, USFWS and WDNR to increase awareness and develop strategies about remaining lynx habitat that is at risk to wildfire and the heightened importance of protecting it in the event of a fire.

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

At its February 2016 meeting the Washington Fish and Wildlife Commission voted to retain the Northern Spotted Owl as endangered in the state of Washington. The species' population has continued to decline, primarily due to ongoing habitat changes from timber harvest and wildfires, as well as competitive interactions with Barred Owls. The Northern Spotted Owl Implementation Team (NSOIT) continues working towards developing a Safe Harbor Agreement (SHA) for forest landowners to provide federal assurances while protecting existing habitat and recruiting new habitat. The group is also exploring other opportunities for landowner incentives.

Fisher

- 1998: State listed as Endangered
- 2016: Federal status: Final decision for west coast DPS - not warranted for listing (April 2016).

The fisher, a member of the weasel family, continues to be re-introduced to the state after disappearing from Washington's forestlands during the last century. So far, WDFW and partners have successfully relocated a total of 159 fishers from British Columbia to the Olympic National

Park and other federal lands within the southern Cascade Mountains. Sixty-nine (69) fishers have been released at Mount Rainier National Park and the Gifford Pinchot National Forest since December 2015.

Unfortunately, due to extensive wildfires in British Columbia (BC) in 2017 affecting fishers and fisher habitat in the area where WDFW has been receiving source fishers, BC made the decision that they could no longer provide animals for translocation to Washington. This resulted in a delay of reintroductions into the Cascades during winter of 2017/2018. WDFW continues to explore partnership opportunities with the Calgary Zoo and Alberta Environment and Parks, Canada, to potentially receive fishers from Alberta for reintroduction into the north Cascades in the coming winter of 2018-2019.

These recovery efforts, combined with the Candidate Conservation Agreement with Assurances (CCAA) program administered by WDFW, are assisting the species return to the state. Non-federal landowners can continue to enroll in the CCAA and receive federal regulatory assurances in the event that the fisher becomes listed under the ESA in the future. By signing on to the CCAA, landowners agree to follow basic conservation measures that protect fishers that may use habitat on their private lands. To date, 47 landowners and just shy of 3 million acres of non-federal forest lands are enrolled in the CCAA.

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, DNR 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 DNR continue to coordinate in order to anticipate federal actions and/or state action in response to changes in the status of any given species.

cc: Hannah Anderson
Wendy Connally
Terra Rentz
Chris Conklin
Marc Engel
Sherri Felix
Joseph Shramek

**FOREST PRACTICES BOARD
2018 WORK PLAN**

TASK	COMPLETION DATE/STATUS
Adaptive Management Program	
• Buffer/Shade Effectiveness Study (amphibian response)	<u>May2019</u>
• CMER Master Project Schedule Review*	May
• CMER Master Project Schedule Compliance Review*	August
• Hardwood Conversion Study	<u>May2019</u>
• PHB recommendation from science/technical experts	February
• TFW Policy Committee Progress Report on Unstable Slopes Recommendations from the Board approved Proposal Initiation	As needed
• Small Forest Landowner Western Washington Low Impact Template: TFW Policy Recommended Review Process & Timeline*	November
• TFW Policy subgroup & SFL Report on template alternatives and methodologies	February
• Hard Rock Study	<u>August2019</u>
• Validation Study Design Approval	November 2018
• Validation Study Pilot	November 2018
Annual Reports	
• WAC 222-08-160 Continuing review of FP rules (Annual Evaluations), <i>by tradition the Board has received an annual evaluation of the implementation of cultural resources protections</i>	August
• Clean Water Act Assurances	August
• Compliance Monitoring 2014-2015 Biennial Report (w/ISPR Review)	February
• Compliance Monitoring 2016-2017 Biennial Report	August
• Northern Spotted Owl Conservation Advisory Group	August
• Taylor's Checkerspot Butterfly Report	August
• TFW Policy Committee Priorities*	August
• Western Gray Squirrel	May
Board Manual Development	
• Section 23 (Part 1) Field Protocol to Locate Mapped Divisions Between Stream Types*	2019
• Section 23 (Part 2) Perennial Stream Identification*	2019
CMER Membership	
Critical Habitat - State/federal species listings and critical habitat designations	As needed
Field Tour	
	October
Forest Health and Wildfire Recommendations for Process & Timing	
	February
Washington Geologic Survey Presentation	
	February
Rule Making	
• Water Typing System – CR103	August 2019
• Water Typing System – CR102	May 2019
• Electronic FPA/N, Signature and Payment	February
• Public Records Fee Schedule	February
Subcommittee Recommendations on AMP Improvements	
	On-going

**FOREST PRACTICES BOARD
2018 WORK PLAN**

TASK	COMPLETION DATE/STATUS
Cultural Resources Recommendations from Facilitated Process (progress reports)	On-going
Quarterly Reports	
• Adaptive Management Program*	Each regular meeting
• Board Manual Development	Each regular meeting
• Compliance Monitoring	Each regular meeting
• Clean Water Act Assurances	February
• Legislative Activity	February & May
• NSO Implementation Team	Each regular meeting
• Rule Making Activities	Each regular meeting
• Small Forest Landowner Advisory Committee & Office	Each regular meeting
• TFW Cultural Resources Roundtable	<i>To be determined</i>
• TFW Policy Committee Work Plan Accomplishments & Priorities*	Each regular meeting
• Upland Wildlife Working Group	Each regular meeting
Work Planning for 2019	November