

**Draft Plan and Initial Responses for TFW Policy Input and Discussion
Regarding the Forest Practice Board's Direction to TFW Policy from May 13, 2014 Meeting**

TFW Policy Co-Chair Draft
6-23-14

NOTE: The FPB Motion language is indicated in *italicized font*. Draft example language for consideration in response to the FPB is in normal font. We will prioritize the work specifically related to glacial deep seated landslides.

Disclaimer: There are concerns by some caucuses regarding the adaptive management program's role in evaluating public safety. (Also, add what the specific concern(s) are). There is general agreement that the performance standard set by the rules to not allow forest practice activities to increase the risk of slope failure and subsequent delivery to both both public safety and to public resources is appropriate. The concerns rest more on the idea that public safety and unstable slopes are a much broader issue. For example, even if the performance target set for forestry activities is met, there could be unstable slopes posing risks to public safety that are independent of forestry activities and that therefore cannot be addressed by forest practices regulations or the Adaptive Management Program.

Comment [11]: Relate more specifically to the resource objective

Dave Somers moved the Forest Practices Board direct the Adaptive Management Program to prioritize the mass wasting work as follows:

1. Complete the process review related recommendations resulting from the Mass Wasting Effectiveness study, including potential threats to public safety, and report to the Board at the August meeting.

Findings

- TFW Policy agreed that the level of documentation and transparency in the process used to avoid harvest on unstable slopes could be improved by changes to the Forest Practice Application Form. These changes have been completed and the form has been implemented.
- The Department of Natural Resources has documented the Forest Practice Application review process for unstable slopes. At this point in time, TFW Policy has no additional comments on the review process for the Department of Natural Resources' consideration.
- TFW Policy Recognizes that the Department of Natural Resources is making changes to the Board Manual to identify GDSLs and GWRAs and specifically address the delineation of ground water recharge areas and delivery potential.
- Acknowledge that the Board Manual group will potentially identify needs, which Policy will address at a later time.
- There are remaining process concerns expressed by some caucuses that relate to both public safety and public resources. These include delineation of ground water recharge areas for glacial deep seated landslides and evaluation of delivery potential associated with all landslide types.

Additional Comments

Prior to the Forest Practice Board Direction in May 2014, TFW Policy agreed to attempt to address two specific concerns:

- There were concerns about the level of documentation and transparency in the process used to avoid harvest on unstable slopes. Specifically how unstable areas outside of the permitted area are addressed in the process.

- TFW Policy received very thorough presentations from the Department of Natural Resources on the extent of the Forest Practice Application review process. There was a request to formally document this process so that TFW Policy members could provide any other specific input to the Department of Natural Resources regarding the FPA review process for unstable slopes.

Outstanding Questions

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Recommendations

- Add information from 6/13/14 memo from Chris Hanlon-Meyer as well as the information from the revised FPA form.
- Recommend more collaboration and/or a separate process with other agencies (i.e., DOT, Counties)....

In addition, make recommendations related to:

- *Identification of potential gaps in information about location of glacial deep seated landslides and recommend measures to close gaps.*

Findings

Existing Sources of Information on Locating GDSLs:

Tool	Description	What Form Is it In? (GIS data, photos, etc.)	Who Can Access It?	Extent of Spatial Coverage?	Level of Detail (scale)?
LiDAR Topography (Digital Elevation Models)				Available over XX % of the forested areas that potentially have GDSLs.	Provides for a 2m Digital Elevation model that can help resource managers clearly identify GDSLs.
DNR Map Layer (GIS data, landslide hazard zonation, landslide inventory, mass wasting prescriptions...)					
FPA Geologic Reviews					
Field visits					
Stereo Photos					
Orthophotos (NAIP)					
Topographic maps (10m DEM layer)					

- Based on the information from the above table and input from landowners and DNR, the following is how those sources of information are used by landowners and those reviewing Forest Practice Applications:
 - Provide more specific narrative description of how screening tools and other resources are utilized in the FPA development process and by landowners, geologists, and other resource professionals.
 - Note: This might be filled in by a combination of landowner and DNR input (including geologists).

Outstanding Questions

- What tools are being used by landowners to identify GDSLs/GWRAs? If LiDAR isn't being used, how can people be encouraged to use LiDAR (or better technology)?
- With the new forms, how will DNR be collecting and tracking that data to improve the dataset and information on where GDSLs/GWRAs are and what techniques are used to identify the features?

Recommendations

- TFW Policy recommends that the quantity and quality of LiDAR coverage in areas that have potential glacial deep seated landslides be considered in the prioritization process for acquisition of LiDAR coverage.
- Recommend that DNR track data from new forms for how features are being identified...

• *Evaluation of existing mitigation measures under current rule pertaining to groundwater recharge areas associated with glacial deep seated landslides.*

Start with a summary of what Policy thinks the Board Motion asked for.

Findings

Identify and evaluate the existing mitigation measures under current rule about ground water recharge areas associated with GDSLs:

Information. The following information will help inform the discussion on existing mitigation measures:

- What is the total number of FPAs filed in areas where glacial deep seated landslides have been identified over the last XX years?
- Of those, what is the total number of applications that were classified as Class IV Special as a result of an activity associated with a ground water recharge area associated with a glacial deep seated landslide?
- Assuming there are some, what were the activities and what were the site specific mitigations prescribed in the application?
- Are there any specific watershed analysis prescriptions associated with ground water recharge areas? In the data analysis of the FPAs, consider questions: how many WAPs? What was a prescription?

Comment [12]: DNR to determine how far back to check (the farther back they look, the more time it will take. DNR will go as far as they can in the timeframe we have. The GDSL Technical Group will help with this effort.

Avoidance. The fundamental premise in our current rule structure as it relates to all unstable areas is that of avoidance. Avoidance is a type of mitigation... While technically, this is not mitigation, it is

Comment [13]: May need to specify language. Go beyond identifying the mitigation measures beyond what is in SEPA. Maybe incorporate language from current rules

important to recognize that the majority of applications associated with ground water recharge areas avoid harvesting on this landform type, avoiding the need for any mitigation. For example between the DATE and DATE, X percent of applications avoided any activity associated with a groundwater recharge area of a glacial deep seated landslide.

Class IV Specials. However, the existing rule structure does allow the option for harvest or roading on these features through the Class IV Special process. Between Date and DATE, there were XX application that proposed an activity associated with a groundwater recharge area of a glacial deep seated landslide. The Class IV Special Process relies on a State Licensed Geologist who is also a Qualified Expert as defined in the rules and the Department of Natural Resources to make a determination that the proposed activity has been mitigated so that it will not increase the risk of the landslide failing and delivering to a public safety or public resource value.

Comment [14]: Use language directly from rule (which is likely very close to the resource objective language)

Watershed Analysis Prescriptions. There is an exception to this situation, watershed analysis prescriptions... (Language for consideration if there are any specific prescriptions in any approved watershed analysis related to GDSL GWRAs.) This section will be informed by the data collected by DNR to answer the above questions.

Extent of Avoidance. Additionally, there remain some questions regarding the “extent of avoidance.” In other words, assuming the edge of the groundwater recharge area is well defined, how close are proposed activities to the recharge area? DNR to provide a summary of the extent of avoidance.

The majority (state amount) of applications in areas subject to potential ground water recharge areas associated with deep seated landslides avoid GDSLs entirely, and do not go through Class IV Special...

Due to the facts that mitigation measures applied in Class IV special applications are specific to both the site and the proposed activities and prescribed by licensed professionals, TFW Policy can only provide examples from the few occurrences where activities have been approved on the ground water recharge areas of glacial deep seated landslides. This type of feature is unique/rare...(Karen to help with this language)

List examples:
Xxxx

Language for consideration if there are any specific watershed analysis prescriptions for ground water recharge areas associated with deep seated landslides: These prescriptions are required to be reviewed periodically, including any related to deep seated landslides. TFW Policy agrees that the existing process for watershed analysis prescriptions is sufficient to evaluate the prescriptions for the purposes of the Forest Practice Board’s direction. Summarize where watershed analysis is still used, describe geography...

2. Begin the review of the existing mass wasting research strategy, including potential threats to public safety and the glacial deep seated landslide program, with an initial report back at the Board's August meeting.

See GDSL Technical Group assignment from Policy subgroup, v. 6-20-14.

I further move that the Forest Practices Board direct TFW Policy Committee to complete the Type F assignments by the November meeting and report back to the Board at the August meeting on progress.

Answer depends on TFW Policy's progress on existing Board direction on unstable slopes.

DRAFT