

William Weiler Stewardship



July 25, 2014

Patricia Anderson Forest Practice Board Rules Coordinator
1111 Washington St., SE
PO Box 47012
Olympia, WA 98504-7012

Dear Ms. Anderson:

Subject: Petition to the Forest Practices Board for New Rules for the Conservation of the State Threatened Western Gray Squirrel

Under WAC 222-08-100, Washington citizens are allowed to petition the Forest Practice Board to consider new rules. This petition specifically requests adding the western gray squirrel conservation measures to rules to 222-10-040 (1) and (2) and to re-instate former western gray squirrel guidelines into (3) in order to conserve the state threatened western gray squirrel.

The western gray squirrel was listed as state threatened species in 1993. Even before the listing, according to WDFW, "Beginning in the mid-1980s, western gray squirrel habitat in south-central Washington has been logged at an accelerated rate due to a strong timber market and attempts to salvage beetle and drought-killed ponderosa pine (*Pinus ponderosa*). To address this threat, in 1996 the Washington Forest Practices Board established guidelines for commercial harvest within areas occupied by western grey squirrels. These guidelines were designed to protect existing nest trees and provide for retention of mast-producing trees and corridors to water sources within sites used by squirrels." (Surveys for Western Gray squirrel Nests on Sites Harvested under Approved Forest Practice Guidelines, WDFW. 2004).

From documents obtained from WDFW, it is clear that when individuals and timber companies followed the guidelines, western gray squirrel habitat was successfully protected. (Attachment 1 WDFW Habitat Biologist letter), and that "damage to public resource" was threatened when the former Western Gray Squirrel Guidelines were not implemented (Attachments 2 and 3 WDFW Habitat Biologist letters).

In addition, WDFW research undertaken in 1999 determined the following research results: "In the spring of 1999 we began revisiting sites that had been harvested under approved forest practice applications for the purpose of documenting post-harvest nesting activity by western gray squirrels. Our objective was to address two questions of direct relevance to current nest protection guidelines: 1) does timber harvest affect nesting activity of western gray squirrels?, and 2) are operators complying with the current voluntary guidelines? Our approach was to

resurvey sites that had been surveyed in prior years and document change in number of active nests. We resurveyed 10 sites that had been surveyed for western gray squirrels and subsequently harvested for timber, and 10 sites that had been surveyed but not harvested. All nest trees on post-harvest sites were evaluated for quality of protection according to nest protection guidelines. All sites were located within the Klickitat River drainage.

Examination of nests marked during pre-harvest surveys revealed that operators **frequently were not complying** with nest protection guidelines specified in individual forest practice permits. In some cases the violations appeared to represent disregard for the nest protection measures (e.g., removal of large pine trees in close proximity to nests), whereas in others the violations were less obvious. For example, fair or poor ratings for many of the nest trees on one site resulted from understory thinning of young trees within the 50-ft buffer (Surveys for Western Gray Squirrel Nests on Sites Harvested Under Approved Forest Practice Guidelines. WDFW, 2004).

This petition asks the Forest Practices Board to re-instate the former WDFW Recommended Western Gray Squirrels Management Guidelines (Table 1) that (when enforced) were shown to be effective in protecting western gray squirrel nests and habitat. These guidelines were applied to all harvest units with documented squirrel occurrences. Before harvesting, surveys must be completed and reported to WDFW personnel who are trained in identifying squirrel habitat. Management includes maintenance of nesting areas, providing minimum canopy requirements around nest areas, and retaining connectivity among nest areas. Management guidelines also include seasonal activity restrictions.

Since the release of the WDFW Survey Report in 2004, western gray squirrel populations have been negatively impacted by a series of deleterious events and actions:

1. Boise Cascade Corporation liquidation and subsequent sale of 60,000 acres of western gray squirrel habitat in Klickitat County.
2. Numerous Klickitat County wildfires including the (7,000 acres near Satus Pass), and in the past week, the fire in Okanogan County that destroyed prime habitat in Black and Squaw Canyons for the only western gray squirrel population in northern Washington.
3. Confirmed existence of eastern gray squirrels in Klickitat County.
4. Extensive forest practices by the Yakama Nation within western gray squirrel habitat in northern Klickitat County/southern Yakima County.
5. No WDFW Habitat Biologist presence in Klickitat County in 2009 and no implementation of the former Western Gray Squirrel Management Guidelines also since 2009.

We recommend the Forest Practices Board add the former Western Gray Squirrel Management Guidelines into its rule package in order to ensure conservation of one of the largest squirrels in North America.

Sincerely,

William J. Weiler
Wildlife Biologist

Cc: Tahoma Audubon
Portland Audubon
Conservation Northwest and
Distribution List A

Table 1. Standard guidelines for protecting western gray squirrel habitat in Washington (WDNR 1996).

- 1) Protect all squirrel nests and nest trees
- 2) Maintain a no-cut buffer within 50 feet of each nest tree
- 3) Retain at least 50% canopy coverage within 400 feet of each nest tree
- 4) Maintain arboreal “stringers” of trees between nests and other important resources (nearby water sources, foraging habitat, and other nest trees).
- 5) Retain all oaks whenever possible
- 6) Avoid logging, road building, or other noisy activities within 400 ft of all nest trees during the western gray squirrel breeding season (1 March – 30 September)



STATE OF WASHINGTON
DEPARTMENT OF FISH AND WILDLIFE

5405 NE Hazel Dell Avenue • Vancouver, Washington 98663 • (360) 696-6211 FAX (360) 690-7238

November 27, 1996

Pete Stocks, Forester
Department of Natural Resources
P.O. Box 185
Husum, WA 98623

*Soda
Springs
State 1*

SUBJECT: Forest Practices Application #FP-01-08881, Boise
Cascade, 60% cut on 185 acres in western gray squirrel
nesting and foraging habitat, Pts. S 1/2 of Section 21,
T05N, R14E, near Canyon Creek, WRIA 30.0069

Dear Pete:

Boise has reported that there are approximately 61 western gray squirrel nests on this property, and you have also reported nest presence.

We concur with your recommendation to apply the standard gray squirrel protection rules to this forest practice, including maintenance the 50 foot no entry buffer around the nest trees, maintenance of at least 50% canopy coverage within the next 350 feet of the nests, etc. These provisions will help to prevent the local extirpation of the species.

Please call me at (360) 835-8831 if you have any questions.

Sincerely,

Carl Dugger
Carl Dugger
Area Habitat Biologist

cc: Bryan Cowan
Dan Guy
F:FPA/Klickitat

Frank Gribble
August 7, 1998
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None of the sample plots had trees with an average DBH in excess of 20 inches or less than 15 inches.

The formula assumes minimal damage to the remaining trees during harvest. Also, we did not measure trees less than 12 inches in diameter, because of the company's intent to retain the largest trees. These small trees did contribute to canopy coverage, but the degree of their contribution is nearly impossible to estimate. As stated in the FPA, no harvest should occur within 50 feet of any nest, in order to protect the integrity of the nest tree.

The FPA requires that all leave trees be marked on the bole and root collar with paint for inspection by WDFW prior to harvest. However, we would be willing to accept a flagged, no entry perimeter around a group of nests, as was proposed previously, provided that the perimeter is at least 50 feet from any individual nest. The previously flagged perimeter does not always meet that standard. With such a flagged perimeter, individual leave trees within it would not have to be painted. We will also recommend to DNR that trees within the 50% retention zone (50 to 400 feet from a nest or group of nests) would not have to be individually painted, provided we have written assurance from the company that the operators would be following the spacing guidelines recommended in this letter.

The guidelines that we have developed have been based on experience gained in managing western gray squirrel habitat over the past 5 years, and are designed to provide the minimum level of protection necessary to prevent local extirpation of the species. We appreciate SDS's willingness to work with us to accomplish that goal. Please call me at (360) 835-8831 if you have any questions.

Sincerely,


Carl Dugger
Area Habitat Biologist

Enclosure

cc: Pete Stocks, DNR-SE
Frank Backus, SDS Lumber Company
Rich Costello
Timothy Quinn
Jeff Lewis
F:FPA/Klickitat



State of Washington
Department of Fish and Wildlife

2108 Grand Blvd. • Vancouver WA 98661 • (360) 696-6211

October 15, 1998

Eric Keller, Forester
Boise Cascade Corporation
P.O. Box 106
Goldendale, WA 98620

SUBJECT: FPA #2700728, and western gray squirrel management considerations, Canyon Creek, WRIA 30.0069, Section 3, T5N, R14E

Dear Eric:

As we discussed during our recent field visit, it is critical that your surveyors more carefully check for western gray squirrel nests during your field surveys. Two nests, #518 and #519, (see enclosed map) were recently missed by one of your surveyors. We can understand how easy it is to miss these nests, as our own surveyor missed some also, but the species can ill afford such mistakes.

We are also concerned that so many take trees had been marked. Per our agreement, Boise is to maintain 65% canopy coverage within 50 feet of any nest tree, and **50% canopy coverage** within 50 and 400 feet of each nest tree. However, your crew had marked so many take trees that well under 50% canopy coverage would be left following harvest. This could have resulted in a take of a threatened species.

As we discussed, we have developed tree spacing recommendations based on DBH of mixed fir/pine stands similar to the stand at Canyon Creek. The recommendations are as follows:

<u>Average DBH of Trees over 12"</u>	<u>Recommended Average Spacing to Retain 50% Canopy Coverage</u>
14" or less	15'x15'
15"	15'x15'
16"	15'x15'
17"	16'x16'
18"	16'x16'
19"	18'x18'
20"	18'x18'
21" or greater	20'x20'

Letter from WDFW
to DNR

average 11 acre home range, within an average of 50% canopy coverage. 400 feet is the approximate radius of a circular 11 acre range. As an alternative, we have recommended in the past that the **best 11 acres of habitat** around a nest be protected by an area containing 50% canopy coverage, but that requires a judgement call that most loggers are not qualified to make, so we haven't pressed the concept.

4. Regarding the comment to retain large mast producing trees, usually live trees do not present an L&I safety hazard if the logging is carefully conducted. Over-emphasis of "hazard trees" may result in unnecessary destruction of valuable forage habitat.
5. The timing requirement normally applies within **400 feet of all nests**, not just 200 feet of **active** nests (It is very difficult to determine just what nests are or are not active, with the exception of remnant nests.). The 400 feet was a minimum standard, based on observations by Susan Foster and other individuals. We have also recommended a minimum 1/4 mile buffer for unusually loud activities such as blasting. In addition, we recommend staying with the current Options A and B, which allow the logger greater flexibility. Option A is the one you described. Option B prohibits operations from February 1 to April 30 and from July 1 to September 15, but allows operations during the month of June, which is sometimes a critical month for operations. It shortens protection during the second breeding season, but offers protection during the early breeding season.
6. As noted above, remnant nests should be protected for three years. Intact, old nests should be protected permanently, since it is nearly impossible to determine whether or not they are being used from time to time. Nests that are not being used will usually deteriorate and turn into remnants over time, and their lack of use usually becomes obvious.
7. All nest locations, including those of remnant nests, should be reported to WDFW using the enclosed data forms.

We are now conducting studies that will help determine, in part, whether our current nest protective standards are adequate, or even over protective. However, it has been my experience in the field that current standards represent the bare minimum necessary to prevent local extirpation of the species. I am particularly uncomfortable with the size of the no entry area. It should probably be expanded to 80 or 100 feet. If DNR wants to provide a higher level of protection, that might be a good place to start.

Sometimes we can reach an equal or higher level of protection with an "alternate plan," but those