Appendix M

Assurances

I. Prescriptions. The authors of this Report recommend the adoption of statutes, rules, and regulations necessary to implement the following and commit to take the actions set forth below:

M.1 General state assurances

(a) The contents of this Report will be adopted and summarized in the forestry module of the state salmon recovery strategy being developed under chapter 75.46 RCW (“Salmon Recovery Strategy”).

(b) The authors of this Report will support the adoption of legislation substantially in the form attached as Schedule M-1 and will support the adoption and modification of rules and regulations necessary to make the forest practice rules, hydraulic code regulations and regulations of the department of ecology consistent with the recommendations contained in this Report.

(c) DNR and DOE agree to exercise their discretion to protect covered resources and other fish under all applicable laws, regulations or rules in a manner consistent with the recommendations contained in this Report. DOE and DNR agree to direct their respective personnel not to exercise any site, application or project-specific conditioning authority to impose conditions on a forest landowner or operator which are more burdensome than the recommendations in this Report except as may be necessary for the prevention of potential or actual material damage to a public resource where such material damage would be attributable to one or more unique and unusual features of the proposed site, application or project. Upon any written request by a landowner relating to a specific situation, DNR and DOE will promptly investigate any claim that one of their respective employees is disregarding such direction and will take all appropriate corrective and disciplinary action. If consistent with the terms of this paragraph, any such additional conditions are imposed, written documentation will be provided to the landowner or operator by the applicable State Agency describing the circumstances necessitating such condition.

(d) WDFW agrees to exercise its discretion to protect covered resources through its habitat protection and permit conditioning authorities in a manner consistent with this Report for issues and activities addressed in this Report. This is not intended to limit WDFW’s hydraulics authority as established by the hydraulic code.

(e) If WDFW deems it necessary to modify regulations adopted under the HPA after the adoption of rules that implement this Report (except as provided for in subclause M.1(b) above) which changes will affect state or private forest landowners and impose restrictions or burdens on forest practices beyond those contemplated by the recommendations of this Report for issues addressed in this Report, WDFW will invoke the adaptive management process described in Appendix L prior to forwarding proposed changes to the Director or Commission. If TFW so elects, the proposed rule change will be processed through such adaptive management process. (If the adaptive management process is not triggered by TFW, WDFW will pursue its normal rule adoption process as directed by the APA and involve affected parties through that process.) If made applicable, the adaptive management process described in Appendix L will be used, where relevant, to review the scientific information, propose adjustments, and issue a final report to the WDFW who will then take these findings and incorporate them into the normal HPA rule adoption process. When considering and adopting final HPA rules that affect state and private forest landowners regarding activities addressed in this Report, WDFW will seek to make rule changes in a manner that maintains the integrity and furthers the purposes of the recommendations in this Report to the maximum extent practical, consistent with its statutory authority, legislative mandates, court orders, agreements, and fiscal resources.