Forest Practices Board
Water Typing Rule Committee
August 3, 2020
Meeting conducted via GoToWebinar

Committee Members Present:
Bob Guenther, Committee Chair and General Public Member
David Herrera, General Public Member
Jeff Davis, Director's designee, Washington Department of Fish and Wildlife
Paula Swedeen, General Public Member
Tom Nelson, General Public Member

Staff
Marc Engel and Marc Ratcliff, DNR
Phil Ferester, ATG

Welcome and Introductions
Bob Guenther, Committee chair, called the meeting to order at 1:35 p.m.

Outline Goals of the Meeting
Marc Engel, DNR, said the Committee scheduled today's meeting to address questions regarding the different options for utilizing the eastern Washington Cooperative Monitoring, Evaluation, and Research Committee (CMER) data. He said Brian Fransen is not available today to present his approach for analyzing the CMER data; Chris Mendoza will be presenting the Qa/Qc evaluation process. Engel said there will be an opportunity for technical members and the public to share their comments on the data screening process and Qa/Qc results. He said the goal is to put together a report to send to the full Board in preparation for the August Board meeting.

Summary on the process to identify suitable stream data to be used in the DNR potential habitat break (PHB) spatial analysis
Chris Mendoza, eastern Washington technical team member, provided a presentation on the process to screen the 2001 CMER data. He referenced his methodology memo (July 1, 2020) which outlines the Qa/Qc screening process. He reminded the Committee that they asked the group to continue screening the data by using criteria that most represents logical end of fish points – eliminating points with blocking culverts, transient woody debris, surveys conducted past July 15 and stream segments containing 100 meters of dry stream channel. The initial screen excluded most of the CMER data (retained 26 out of 314 points).

Mendoza demonstrated how the screening process looked in a spreadsheet. A specific color code was assigned per criteria for tracking and comparison purposes. He mentioned that post-2001 annual variability studies, such as the ABR survey, provided the opportunity for cross-referencing the 2001 CMER data with subsequent surveys for identifying the most upstream fish point for a particular stream.

He said a more detailed screening occurred to discern other stream factors contributing to fish distribution and to see if those points could be utilized. In some situations, detailed survey information allowed for an evaluation of other stream characteristics that may have prevented fish from advancing upstream. He said when you look closely at the data, some of the sites had permanent natural barriers with non-fish detections above the barrier, steep gradient segments or lack of defined channel. In such

cases, those fish points would have merit because other factors besides simply a survey conducted past July 15 contributed to fish distribution.

The white colored rows in the spreadsheet indicated viable fish points for consideration – the colored rows contain the screened criteria. In some cases, a colored row may contain more than one criteria. He walked the Committee through several examples within the spreadsheet and how survey data was beneficial to providing input for fish points. From that information, he was able to salvage additional points through the second, more detailed screen. The second screen produced approximately 150 points that could be considered, which is significantly larger number than the initial screen which eliminated points July 15.

Committee member Nelson asked why July 15 was used as the cut-off date, and if any sensitivity analysis was done for the data.

Mendoza said they used July 15 because that is the normal survey window for collection permits and for capturing average flow before streams generally dry up. No sensitivity analysis was done beyond that. He said if subsequent surveys for a stream was done within the window, he used that data. He offered that one could assess if the culverts identified in the surveys were replaced, which could show a different fish distribution location for today.

Committee member Davis asked if drought years were factored into the screening process.

Mendoza said he did not crosswalk past drought year data partly because drought records are not readily available for the 2000s. He added that some survey notes provide helpful characterization on dry stream conditions or lack of surface flow.

Jim Matthews, Yakima Nation, and Ray Entz, Kalispel Tribe also provided fish eastern Washington fish data points for consideration. Matthews said their data uses similar screening criteria and surveys done under the current protocol. Entz said their data was not screened, but contained known end of fish habitat points.

Eastern WA fish data Qa/Qc group members and general fish data technical team members input regarding the quality of the stream data proposed for inclusion in the spatial analysis

Jim Matthews, eastern Washington technical team member, recognized the rigorously assessment done by Mendoza. He referred to his email provided to the Committee where he gave an example of a specific data point. He referred to the Naneum 80 data point and said from additional survey work, they located the end of fish 2000-feet upstream from where the CMER point had originally placed the fish. The example demonstrated that even with considerable screening, the CMER data still contains some gaps. He added that the 2001 CMER data was collected during a drought year.

Ray Entz, eastern Washington technical team member, said he appreciates the work Mendoza did to go through the data given feedback from the technical group and the expanded second evaluation. He said they support the work by Mendoza.

Public Comment

Steve Barnowe-Meyer, eastern Washington technical team member representing Washington Farm Forestry Association, agreed that the initial screen and second evaluation done by Mendoza was very important. He said he is frustrated along with Committee members because the Committee intended to have resolution amongst the group for how the data will be used. He said he supports the use of the additional 150 sites identified through the screening process plus the Yakima Tribal and the Kalispel

tribal data and said it is a significant improvement over where we started with 18 data points. He added that he would like the Committee to make a recommendation to the full Board for them to hear from Mendoza and Fransen collectively about the additional analysis option.

Darin Cramer, Washington Forest Protection Association, reminded the Committee that he and Fransen have stated several times that they would like to see the Committee utilize the entire CMER dataset – both during technical team discussions and in front of the Committee. He said they do not support using the screened dataset. They plan to conduct their own spatial analysis from the screened dataset and are willing to share the result when complete. He said resolving the policy-level debate and performance target is needed before any technical issues advance any further. He urged the Committee to recommend to the full Board that those conversations occur.

John Heimburg, eastern Washington technical team member, said his biggest concern regarding the CMER data is with survey timing. Many of the surveys were done outside the protocol window and the variability survey done in 2002 was also documented as a low water year. He recently learned that some of the 2001 surveys were conducted without a secondary surveyor necessary for spotting fish during a survey and that they may have only sampled 20% of the laterals. He said he is unsure given the difference in the protocols, surveys done outside the window, lack of water typing modifications or interdisciplinary team calls, why the dataset would be considered representative of current rule for purposes of the cost/benefit analysis.

Committee discussion regarding recommendations for the Board accept Qa/Qc stream data and forward to DNR for inclusion in the PHB spatial analysis

Committee member Nelson acknowledged that the second screening makes a lot more sense. However, he said he is concerned that consensus does not exist amongst technical members. He asked if DNR has the funding source to acquire the data needed to run the spatial analysis and if a contract has been awarded for this work. He suggested that if the answer is no, then the Committee should ask the technical folks to keep working to reach consensus.

Engel said DNR would first need to find funding to acquire the spatial location for the data points – this this may need to come through a funding request from the Board. Once DNR has the additional eastside data, DNR will need to put together a contract to apply the PHB options in both western and eastern Washington, after which, DNR would complete the spatial analysis internally in preparation for the cost/benefit analysis.

Engel said he does not know how long it would take to secure the funds. In order to complete the cost/benefit analysis and environmental analysis, DNR needs the PHB spatial analysis as well as the anadromous fish floor analysis completed. He suggested that the PHB analysis could be completed concurrently with the AFF analysis by May 2021.

Committee member Swedeen said given the different perspectives from technical team members and from the Qa/Qc subgroup members, she would like clarification on where consensus is lacking amongst technical team members. She asked Matthews specifically if his concern with specific data points would not be addressed if the full CMER dataset was used.

Matthews responded that he became aware of this specific point (Naneum 80) in 2005 because they have monitored this stream several times. He said the spatial location for the data is necessary for doing follow-up evaluations. Since the spatial locations are not currently available, he is concerned that other sites may have similar issues.

Committee member Swedeen said she believes the dispute is about whether or not one should use the full CMER dataset. She recognized that additional work could be done given Matthew's example, but questioned if the Qa/Qc approach is as accurate as possible, or if the effort should use all the CMER points.

Matthews said he does not support using all of the 2001 CMER data because of the things that Mendoza has pointed out. For example, he questioned the validity of using points that contain blockages, streams without defined channels or streams surveyed late in the year.

Committee member Davis said he has expressed concern in the past of using data that has blocking culverts or temporary wood structures, but has not been on the record regarding drought. He suggested that the 150 points provide the best opportunity for accuracy over the 314 sites in the initial list. He said that many of those sites were done during low flows, which could skew fish distributions downstream.

Committee member Herrera said he had thought the Committee had resolved this issue at the last meeting. He appreciated hearing from the folks that are working the data, but said he supports using the 150 points identified in the second screening process. He believes the Committee got the answers to their questions and should make a decision today.

Committee member Davis said he does not believe the Committee should be spending time with the difference of interpretations of the HCP or Forest and Fish. He supports the process being done by Francine (Center for Conservation Peacebuilding) as the best opportunity to resolve the larger, historic differences of opinion or interpretation.

Committee member Nelson said his biggest fear is that the effort will have to be redone if the Board does not get the dataset correct. He said he does not think DNR is a position to push forward on this very quickly, especially without funds. He added that if the Committee voted today, he would vote no because he does not support the dataset the Committee is considering.

Committee member Davis said he does not believe consensus is possible within the technical group. He said he is reminded of the objective of this effort – to arrive at a rule with a meaningful level of accuracy to identify the upper extent of fish use. He said he believes the technical group found the best data from the 314 sites.

Committee member Swedeen said she does not think there is massive disagreement. She believes that most of the members of the technical group think that the screening approach is the right way to go. She said she believes the Committee has enough information to make a decision to move forward. She suggested that none of the analyses used for rule making may ever reach 100% accuracy, but the rule will help folks figure that out in a more accurate way to identify habitat in the field.

Chair Guenther asked Crammer to clarify his earlier comment about WFPA conducting their own spatial analysis using the CMER points.

Committee member Swedeen said she does not think the discussion is appropriate at this time. She believes most of the Committee members are ready to vote and move on.

Committee member Nelson said he believes he heard Cramer say that they would run a spatial analysis on the screen data, not on all the CMER data. He said he was hoping to get more consensus with the

technical group about the data and that although he may not vote the same as the majority, he agreed that a vote is needed.

Develop Water Type Board Committee recommendations for the August Forest Practices Board Meeting
Engel suggested the Committee call for a motion and develop recommendations to take to the full Board.

MOTION: Jeff Davis moved that the Committee advance the screen data presented by Chris Mendoza forward.

SECONDED: Dave Herrera

Discussion:
Swedeen confirmed that the data set the Committee is recommending to move forward includes the 150 sites resulting from the more thorough evaluation and screen.

ACTION: Motioned passed (4 support / 1 opposed (Nelson))

Committee members acknowledged that DNR staff would prepare a memo to the Board for the August 12 meeting. The memo would include a progress report on the anadromous fish floor contact, the need for funding for the spatial fish data and the Committee recommendations.

Meeting adjourned at 3:05 p.m.