TO: Washington State Forest Practices Board

FROM: Ecology/Department of Fish & Wildlife Caucus
Department of Natural Resources Caucus
Industrial Landowners Caucus
Small Forest Landowners Caucus
Counties Caucus

SUBJECT: Joint Recommendation of Resolution of the Type F Charter

DATE: December 23, 2013

Background:

The Board asked Policy to prepare recommendations for implementation of the water typing system with an emphasis on completion of Type N water recommendations followed by recommendations for Type F waters. Policy formed subcommittees for both of these issue areas. The Type F subcommittee worked through calendar year 2012 focusing on implementation issues and largely avoiding substantive Policy concerns. In January 2013, the Conservation Caucus invoked stage 1 of dispute. In an attempt to expedite the Charter development timeline, Policy agreed to resolve the dispute by broadening the type F discussion and putting specific action items into a Charter. The process of developing a Charter flushed out some specific areas of concern to many different caucuses that are broadly captured as: off-channel habitat; current practice of identifying the F/N break (electrofishing, protocol surveys, and physical default criteria), use of a model to produce fish habitat water type maps, and rule and guidance implementation.

Despite progress in outlining the details of these issues in a Charter, there remained some overarching concerns with respect to two fundamental concepts related to shared risk and fish habitat. Some caucuses strongly believed that until there was a common understanding of these fundamental concepts, further progress on the tasks identified in the charter would be difficult. In July 2013, the Conservation Caucus exercised their right to invoke stage two of dispute resolution, and Policy agreed to focus on resolving these fundamental concepts in a mediated process. Mediation, while helpful in creating some specific examples about how these concepts could be addressed within the context of some of the issue areas identified in the charter, did not fully satisfy all caucuses. At the end of mediation, Policy could not agree on how to move forward in the dispute resolution process. As a result, the issue of Type F water typing, as a whole, is before the Forest Practice Board.

Policy has made slow, but steady progress on developing a common understanding of shared risk and the definition of habitat and on creating a draft Charter with objectives and tasks related to the identified Type F topics. These are highly complex issues; many of which will require substantive policy discussion including requests for technical input, and potentially additional data and/or science. Resolution of the issues will affect ecological and economic resources. For the adaptive management process to work effectively, Policy must be given the time to perform a thorough analysis of options and to prepare and present thoughtful science based recommended solutions to the Board.

<u>Recommendation</u>:
The five caucus majority believes the Policy Committee must present recommendations to the Board containing clear options with associated implications to consider before changing rules or guidance. We believe the board should direct Policy to design a water typing system that meets Forests and Fish goals while minimizing and balancing error (shared risk). Policy should be tasked with completing the Charter to collaboratively resolve these long-standing issues. The Charter should outline specific objectives, tasks, timelines and identification of appropriate Policy or Technical sub-groups. The Policy Committee must address the following topic areas, accompanying questions are not exclusive but are provided to indicate the kinds of issues being considered under each topical area.

- Off-Channel Habitat
    - How do landowners and DNR currently identify and protect off-channel habitat based on current rules?
    - Are there gaps in the current identification and protection of off-channel habitat used by fish for essential life functions?
    - If so, how can off-channel habitat used by fish for essential life functions be clearly defined so that rules can be repeatable, implementable, and enforceable?
- Electrofishing, protocol surveys, and physical default criteria
    - In the absence of a model, how does the current system balance the errors and associated risks in establishing the Type F/N water typing break?
    - How accurate is the current system in delineating the F/N break?
    - If there is a need to more accurately delineate the F/N break, how can the current system be modified to more appropriately address fish habitat and shared risk?
- Use of a Model to produce fish habitat water type maps
    - Would an updated model (e.g. using LiDAR or other recent information) provide improved model performance acceptable for use (minimal and balanced error) in establishing a regulatory water type map that could be used in forest practices?
    - Could the current run of the model be used in areas where it works well?
- Rule & Guidance Implementation
    - Are rule changes necessary? If so, what are the ecological and economic impacts of the options?
    - Can additional rule and/or guidance make the system more effective?

The completed Charter should be presented to the Board at the May 2014 meeting.

In closing, **the five caucus majority respectfully request the Board direct the Policy Committee to continue their work on development of the Charter.** Policy should also be accountable for reporting progress on Charter implementation on a quarterly basis, after the May 2014 Board meeting.