

Timber, Fish, & Wildlife Policy Committee
 October 19, 2016 Meeting Summary

Action Items

Decision	Notes
1. Voted on areas of the water typing system and to bring areas of agreement to the Forest Practices Board.	See Attachment 4 for separate votes.

Action	Assignment
2. Present agreements to the Board.	Co-Chairs
3. Write up process to develop Board Manual Section 23 and distribute to caucuses for editing.	Co-Chairs/AMPA/facilitators

Opening – Ray Entz, Co-Chair of the Timber, Fish, & Wildlife Policy Committee (“Policy”), welcomed participants and led introductions (*please see Attachment 1 for a list of participants*). The goal of this meeting was to focus on finalizing the permanent water typing recommendations for the Forest Practices Board’s November meeting. Ray noted that the day needed to end with a decision to forward to the Forest Practices Board (“Board”) at their November meeting. The Co-Chair reminded caucuses that the Board is looking for broad concepts with consensus on essential elements.

Type F: Finalize Recommendations to the Board –The DNR and federal caucuses introduced their “straw fish” proposal, which included a version of the current water type rule language where grey text signaled text that may be updated, black text signaled finished text.

Policy reviewed sections of the DNR/Federal Proposal and discussion included:

- Water Type Modification Points (WTMF points)

The proposal suggested that all approved WTMF points would be permanent Type F/N points on the regulatory map. The DNR representative clarified that approved WTMF point assumes concurrence, which is defined as WTMF points that have been offered to partners for review before finalization. The conservation caucus noted that concurrence may have a different definition for other caucuses. The federal caucus noted their concerns based on the biological aspects of concurred WTMF points and would like to discuss if these should be “last fish” or “end of habitat” points.

- Water typing model

This section is currently not proposed to be part of the rule language, but the proposers noted that the rule would clarify the model points. The timing of re-building the model is uncertain. As the model becomes available, it will establish the regulatory break. Field validation is part of the model. Regulatory points that were previously established, based on approved WTMFs, will continue to stay as they are. 20% of the known streams on the map have a mapped F/N break due to a WTMF submission

- Description of flowing Type F waters

The proposal noted the need to define the bed and banks of flowing water, and the extent of fish habitat accessible at bankfull flows.

- Default Physical Criteria

The proposal noted that physicals can be used for FPA purposes, but not to change the hydro layer.

- Board Manual Process

Step 1: Incorporate appropriate pieces of Section 13 into the new Section 23..

Step 2: Section 23 will provide guidance for stream evaluation and establishing the Type F/N water type break. The proposers realized that some parts of Section 23 are needed before the upcoming 2017 water typing season begins. Proposing an interim habitat assessment protocol for this field season is a possibility. Some components are needed further out (9 months to a year, or by the end of the 2017 water typing season).

- Training

The proposal suggested that training be required for reviewers and practitioners. Other training suggestions include regionalized training and team training for inter-disciplinary teams (ID Teams). Policy recognized that certification on the fish habitat assessment methodology needs more discussion. Policy's role regarding training is to recommend high level concepts to the Board. The west side and east side tribes noted that co-managers need to be involved in training development. The industrial timber landowners caucus also expressed a hope to be involved in training development.

- Science Needed

Policy has previously discussed this section.

1. Off-channel habitat (OCH): the "straw fish" included a phased approach as has already been discussed by group. DNR recognizes a concern that the water quality studies are at the top of the list and that additional science does not bump other research off the list. This is not in lieu of work that has already been identified, prioritized, and/or funded.
2. Physicals and LiDAR: There was a discussion to combine Physicals and LiDAR because there was believed to be an advantage in having physicals that are at the same spatial scale as the model. However, multiple caucuses proposed that these should be listed as separate options, though there could be future considerations for combining where appropriate. There were also other options to consider, such as permanent natural barriers.

Voting and Review

The Policy Committee went through DNR/Federal Services proposal. The Co-Chair reminded the group that the language being voted on is not the rule; it is the path to developing the rule. As the group reviewed the text in pieces, provisional consensus was recorded. [Attachment 4]

Discussion Highlights

- Rule Process 1a: additional language including the general objectives for the water typing system was discussed, such as: highly accurate, minimize error, and balance remaining error (reduce

systematic bias), and consistently implementable. There was concern expressed by several caucuses that “balancing remaining error” was not appropriate for all aspects of the water typing system. It was originally applied to the model, but may not be appropriate for other aspects such as the habitat assessment methodology. The group then discussed “reduce systematic bias” as being more appropriate.

- A section of Administrative Requests to DNR was added that DNR can begin soon without waiting for further Board direction.
- Small forest landowners potentially may be disproportionately impacted by the model and therefore asked for potential mitigation by giving them an ability to re-measure points. DNR noted that the special needs of small landowners will likely be addressed through the small business impacts analysis and EIS, which are required for a rule change.
- There is consistent disagreement on the definition of OCH, and whether it should be limited to bankfull flows. However, all agree that off-channel habitat qualifies as Type F and therefore should get Type F buffers.

Next Steps

- Policy will show the day’s votes to the Board to show the Board Policy’s progress (see Attachment 4).
- Policy may need to give the Board ideas on how to finish the habitat assessment method, or give them options. More work at the Policy level may need to happen soon.
- Policy discussed an approach for moving forward:
 - Presenting a 2-part report to the Board
 - What Policy has agreed/voted on so far
 - Policy’s next steps and the request for more time to work on Board Manual Sections 13 and 23 content. This will include taking options for Board Manual 23 from within Policy and sending to an independent contractor for an evaluation of the options back to Policy.

The Co-Chair adjourned the meeting at 5:00 pm.

Attachment 1 – Attendance by Caucus at 10/19/16 Meeting

Conservation Caucus

Jamie Glasgow, Wild Fish Conservancy
Peter Goldman, Washington Forest Law Center
*Mary Scurlock, M. Scurlock & Associates
Chris Mendoza

County Caucus

*Scott Swanson, Washington State Association
of Counties
Kendra Smith, Skagit County

Federal Caucus

*Marty Acker, USFWS (phone)

Industrial Timber Landowners Caucus

Brian Fransen, Weyerhaeuser
Doug Hooks, Washington Forest Protection
Association
*Karen Terwilleger, Washington Forest
Protection Association

Non-Industrial Timber Landowners Caucus

Ken Miller, Washington Farm Forestry
Association
*Steve Barnowe-Meyer, WFFA
Phil Hess

State Caucus – DNR

*Marc Engel, DNR
Howard Haemmerle, DNR
Joe Shramek, DNR (phone)
Marc Ratcliff, DNR

State Caucus – WDFW/Ecology

*Rich Doenges, Ecology
Mark Hicks, Ecology- phone
*Terry Jackson, WDFW

Tribal Caucus – Eastside

*Ray Entz, Kalispel/UCUT, Co-Chair
Marc Gauthier, UCUT- phone
*Joseph Pavel, Skokomish Nation (phone)
Derek Marks, Tulalip Tribes (phone)

Tribal Caucus – Westside

*Jim Peters, NWIFC
Ash Roorbach, NWIFC

*Caucus representative

Others

Hans Berge, AMPA
Claire Chase, Triangle Associates
Rachel Aronson, Triangle Associates

Attachment 2 – Ongoing Priorities Checklist

Priority	Assignment	Status & Notes
Type N	Type N policy subgroup	Caucuses are encouraged to talk offline about the wet season default methodology.
Type F	Policy	At regular meetings, Policy is working towards responding to the February 2014 Board motions (specific to off-channel habitat and electrofishing) in addition to other related water typing issues (such as default physical criteria, recovery, habitat, etc.).
Small Forest Landowners Westside Template	SFLOs Template Subgroup	Subgroup is meeting separately; co-chaired by Marc Engel and Dick Miller.
Unstable Slopes	Policy	UPSAG hired a contractor to do a glacial deep-seated literature synthesis. Policy is also considering how to respond to the AMPA’s recommendations on the unstable slopes proposal initiation, presented to the Board in February 2016.
Ongoing CMER reports reviewed by Policy	Doug Hooks & Todd Baldwin, CMER Co-Chairs	CMER Co-Chairs to give update(s) as needed at Policy meetings; AMPA to give quarterly reports for when CMER studies to come to Policy.

*This table notes the Policy Committee priorities that were sent to the Forest Practices Board and any other major topics or issues that arise during the year.

Attachment 3 – Entities, Groups, or Subgroups: Schedule and Notes

Entity/Group/Subgroup	Next Meeting Date	Notes
TFW Policy Committee	November 3	
CMER	October 25	
Type N Policy Subgroup	TBD	
Type F		To be addressed at regular Policy meetings.
Forest Practices Board	November 8 & 9	November 8 as workshop; November 9 as regular business meeting.
Small Forest Landowners Template Subgroup	TBD	As workload allows.

Attachment 4: Summary of Water Typing Discussion for Forest Practices Board

Timber, Fish, & Wildlife Policy Committee
 Summary of Water Typing Discussion for Forest Practices Board
 v.10-25-16

The following is a summary of consensus and non-consensus votes on various elements of the water typing issues, and a request from the TFW Policy Committee to the Forest Practices Board.

A. Discussions Had and Votes Taken

Rule Based Content	Vote (at 10-19-16 Policy meeting) Note: A sideways vote means the caucus would accept a majority decision to approve
1. Maintain elements of current rules:	9 caucuses approved
a. Accepting parts of 030/031 for Type F Waters as pertains to flowing waters and other Type F features (e.g., lakes, ponds, impoundments, domestic water supply, campgrounds, fish hatcheries) – Refer to attachment of black/gray rules	
b. Wetlands typing system, definition of wetlands, and WMZ rules remain the same.	9 caucuses approved
c. Definitions of:	9 caucuses approved
Fish Habitat – remains the same (222-16-010)	
Bankfull Width – remains the same (222-16-010)	8 approved, 1 sideways
Off-channel habitat rule elements, with Policy recommended amended language (version 1) <i>“Off-channel habitat” consists of aquatic habitat features that are connected via surface flow to Type S/F waters by inundation at bank full flow of the Type S or F water.</i>	8 approved, 1 rejected
Off-channel habitat rule elements, with Policy recommended amended language (version 2) <i>“Off-channel habitat” includes but may not be limited to aquatic habitat features that are connected via surface flow to Type S/F waters by inundation at bank full flow of the Type S or F water. 2 options, 2 votes</i>	2 approved, 3 sideways, 4 rejected
2. Permanent water typing rulemaking – clarifications:	7 approved, 1 sideways, 1 rejected
a. Fish Habitat Water Type Map WTMF points <ul style="list-style-type: none"> • All existing WTMF points having concurrence are permanent regulatory Type F/N points on the fish habitat water type maps. • Retain ID Team process under 030/031. <i>(continued on page 2)</i>	
Water Typing Model <ul style="list-style-type: none"> • Accept initial Pilot as proof of concept and continue development of water typing fish habitat model including field validation. When 	

Rule Based Content	Vote (at 10-19-16 Policy meeting) Note: A sideways vote means the caucus would accept a majority decision to approve
<p>complete, the model will be an integral part of the fish habitat rule.</p> <ul style="list-style-type: none"> • Policy Committee commits to support funding for the water typing model project, as funding comes available through annual budget modifications or Board priority set-asides. • As the new modelled maps are adopted by the Board, those points will be the regulatory F/N breaks except for previously-approved WTMF points. • Ongoing updates to the model as necessary consistent with current or new rule language <p>Existing Mapped Type F/N Breaks (for non-WTMF points) These are the starting points for applying the fish habitat assessment method to demonstrate how they determined the Type F/N break (assessment methodology will determine the point, not directionality).</p>	
<p>b. Description of flowing Type F Waters Natural segments of flowing waters</p> <ul style="list-style-type: none"> • Define bed and banks of flowing water (the flowing Type F water) <p>Extent of fish habitat accessible at bankfull flows (including OCH)</p> <ul style="list-style-type: none"> • Ability for fish to move at bankfull flows • Connectivity to OCH 	6 approved, 2 sideways, 1 rejected
<p>c. Physical defaults (version 1)</p> <ul style="list-style-type: none"> • Physical defaults can be used for FPA purposes, but will not be used to change the hydro layer. 	8 approved, 1 rejected
<p>c. Physical defaults (version 2) – presented day of meeting</p> <ul style="list-style-type: none"> • Physical defaults can be used for FPA purposes • Physical defaults will not be used to change the hydro layer 	First bullet: 9 caucuses approved Second bullet: 4 approved, 4 sideways, 1 rejected
<p>Additional overall language:</p> <ul style="list-style-type: none"> • Include general objectives for the water typing system: highly accurate, minimize error, and balance remaining error (reduce systematic bias). • Also consistently implementable. 	9 caucuses approved
DNR Administrative and Operational Recommendations Content	Vote (at 10-19-16 Policy meeting) Note: A sideways vote means the caucus would accept a majority decision to approve
<p>Administrative/Operational Requests to and Conversations with DNR:</p> <ul style="list-style-type: none"> • Active notification that if a WTMF existed previous to [x date], it triggers 	9 caucuses approved

Rule Based Content	Vote (at 10-19-16 Policy meeting) Note: A sideways vote means the caucus would accept a majority decision to approve
a special notification to reviewers.	
<ul style="list-style-type: none"> • Administrative request to DNR (but DNR will work with stakeholders): Use existing elements in Board Manual Section 13 and incorporate consensus recommendations from the Type F/N tech group (except #s 3, 5, 18 and 3 proposals at end). Notes about this: <ul style="list-style-type: none"> ○ For use in the 2017 field survey season and only in place until new rule and accompanying BM guidance is in place; ○ Clarify the interim guidance through an administrative procedure to be ready by March 1, 2017; and ○ The only things within this update are covered in existing rule and existing Board Manual. 	6 caucuses approved, 3 sideways
Board Manual 23 Content	Vote (at 10-19-16 Policy meeting) Note: A sideways vote means the caucus would accept a majority decision to approve
Training program for water typing rule and Board Manual Section 23: <ul style="list-style-type: none"> • Training required for reviewers and practitioners for water typing. • Training coordinated by DNR to include WDFW, Tribes and stakeholders. • Include all elements of water typing contained in Board Manual Section 23. • Specific training on fish habitat within specific geographic areas. 	9 caucuses approved
Certification may be helpful in addition to training.	4 approved, 5 sideways

B. Request to the Board

Extend a timeline until the draft rule is completed in order for Policy to work on Board Manual Section 23, in the following tasks:

1. Develop a recommendation for considering a new Habitat Assessment Methodology for determining the Type F/N break in unmapped streams or in streams where the new map/model has not been applied.
 - a. Policy will take the three proposals that came out of the F/N Technical Group and include up to 3 additional proposals from caucuses (limited to 1 proposal per caucus) on a new fish habitat protocol survey methodology.
 - b. Policy will send proposals to the AMPA for evaluation. The AMPA will work with an independent scientific review group or contractor(s) to review the proposals, provide an assessment of each, and provide Policy a recommended best method (which could be one proposal, a combination of several, or an entirely new proposal). This review will incorporate the general objectives for the water typing system (highly accurate, minimize

- error, and reduce bias), while also developing as consistently implementable method as possible.
- c. Policy will use this science reviewed recommendation to inform its recommendation to the Board for Board Manual Section 23 development, following the development of the draft rule.
2. Policy discussion and consensus recommendations for additional content (based upon DNR/Services recommendations) for consideration in the DNR Board Manual development process.