

Timber, Fish, & Wildlife Policy Committee
November 3, 2016 Meeting Summary

Decision	Notes
1. Forward the package of consensus agreements to the Forest Practices Board at their November meeting.	Consensus from all caucuses (see below for votes)

Opening – Ray Entz and Adrian Miller, Co-Chairs of the Timber, Fish, & Wildlife Policy Committee (“Policy”), welcomed participants. All caucuses were represented. The goal of this meeting was to vote on Policy decisions to advance to the Forest Practices Board at their November meeting.

Motions – Policy reviewed and voted on the following motions. Some motion numbers are missing because those motions were withdrawn by their proposers at the beginning of the discussion.

1b. Motion from DNR Caucus

Part 1. “TFW Policy Committee agrees the deliberations for the inclusion of Off-Channel Habitat (OCH) rule elements, including OCH connectivity to flowing Type F Waters, in the permanent water typing rule represents our best collective guidance to date and any further deliberation would be futile, and would not result in any further consensus.”

Part 2. “TFW Policy Committee agrees the deliberations for inclusion of Type F/N breaks established through Water Type Modification Forms (WTMF) on a Fish Habitat Water Type Map in the permanent water typing rule represents our best collective guidance to date and any further deliberation would be futile, and would not result in any further consensus.”

Vote on Motion 1b: no consensus

1c/e. Motion from the Industrial Timber Landowners Caucus

Part 1. “Policy will formally present all items in consensus to the Board as a package of recommendations. The Co-chairs will also report where Policy is on the remaining issues (OCH relationship to bankfull flows, regulatory status of points on concurred Water Type Modification Forms, and use of physical defaults on Water Type Modification Forms). Policy would then continue working on these issues under the Adaptive Management Program processes.”

Part 2. “TFW Policy will move the attached package of consensus recommendations¹ to the Forest Practices Board (stricken items will not be forwarded).” [Attachment 4, *TFW Policy Committee Modifications of DNR/ Services Presented Recommendations.*]

Vote on Motion 1c/e: consensus achieved (7 up, 2 sideways)

3a. Motion from DNR Caucus

Science Needed

Part 1. Off-Channel Habitat (OCH): Implementation of the first and second phases recommended by the technical group's report. Phase 1 of the study would determine the frequency and extent of OCH across the landscape and how common the OCH rule is implemented. Phase 2 would include a more detailed research to determine whether bankfull elevation is adequate in defining the extent of OCH or what elevation would be more appropriate to capture OCH as intended by the rule.

Part 2. Physicals and LiDAR based Fish Habitat Water Typing Model: Implement research to develop default physical criteria and water typing models that are spatially explicit (e.g., WRIA, eco-region, or other unit) and consider the distribution of fishes across forested lands in Washington. By combining the research at the appropriate spatial scale, costs will be reduced and water typing (utilizing both methods) will be more accurate and precise. A necessary part of this research would include defining permanent natural barriers.

Vote on Motion 3a: no consensus

3.e. Motion from WDFW Representative

Policy will be having further discussions on the questions needed for making adaptive management decisions. This does not preclude the potential combination of these elements:

Off-channel habitat - to address uncertainty around bankfull elevation
Default Physicals
Permanent Natural Barriers
LiDAR-derived Model

Vote on Motion 3e: consensus achieved (5 up, 4 sideways)

Content of Report to the Board – Policy reviewed the following language with no vote. This language had been sent out for review on 10/20, with no dissent heard by COB 10/21.

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

- *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.*
 - *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.*
- *Policy discussion and consensus recommendations for additional content (based upon DNR/Services recommendations) for consideration in the DNR Board Manual development process.*

Attachment 1 – Attendance by Caucus at 11/3/16 Meeting

Conservation Caucus

*Mary Scurlock, M. Scurlock & Associates

County Caucus

Kendra Smith, Skagit County

*Scott Swanson, Washington State Association of Counties

Federal Caucus

*Marty Acker, USFWS

Industrial Timber Landowners Caucus

Doug Hooks, Washington Forest Protection Association

*Karen Terwilleger, Washington Forest Protection Association

Non-Industrial Timber Landowners Caucus

*Steve Barnowe-Meyer, WFFA

State Caucus – DNR

*Marc Engel, DNR

State Caucus – WDFW/Ecology

*Rich Doenges, Ecology

*Terry Jackson, WDFW

Tribal Caucus – Eastside

*Ray Entz, Kalispel/UCUT, Co-Chair

Marc Gauthier, UCUT

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	December 1	
CMER	November 16	One week early.
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—TFW Policy Committee Modifications of DNR/ Services Presented Recommendations

v. 10-25-16

This document contains the TFW Policy Committee discussed and voted-on recommendations at their 19th October 2016 Water Typing meeting. The recommendations and a summary of the votes (Attachment 1) are being presented for Forest Practices Board consideration for approval and to initiate the process to prepare and adopt a permanent water typing system rule and associated guidance. The Board is also receiving: Attachment 1, the Policy Committee *Summary of Water Typing Discussion for Forest Practices Board*, which summarizes the recommendation elements and the Policy votes; and Attachment 2, *TFW Policy Committee Recommended Elements of Current Forest Practices Water Typing Rules to be Amended and Maintained*.

Rule Process Recommendations

The *TFW Policy Committee Recommended Elements of Current Forest Practices Water Typing Rules to be Amended and Maintained* document (attachment 2) shows recommended existing rule language components which will be maintained, shown as gray text in the document, and rule language recommend for amendment, shown as black text in the document.

1. **Recommend maintaining elements of current rules in a permanent rule:**
 - a. DNR has the authority and will, in cooperation with WDFW and ecology and in consultation with affected Indian tribes, classify the water typing of streams, lakes and ponds (WAC 222-16-030).
 - DNR will prepare fish habitat water type maps showing location of Type S, F, and N (Np and Ns) waters within the forested areas of the state (WAC 222-16-030).
 - DNR will update fish habitat water type maps to reflect observed in-field conditions (WAC 222-16-030).
 - DNR will provide a Water Typing Modification Form and update the fish habitat water type map as soon as practicable. If a dispute arises concerning a water type, DNR shall convene an Interdisciplinary team which shall include WDFW and ecology, affected Indian tribes, and those contesting the adopted water types (WAC 222-16-030).
 - b. Definitions and descriptions of Type S, Np, and Ns Waters (WAC 222-16-030)
 - c. Definitions and descriptions of Type F Waters as pertains to segments of natural waters including flowing waters; or within lakes, ponds, or impoundments having a

surface area of 0.5 acre or greater at seasonal low water and which in any case contain fish habitat or are described by waters which are (WAC 222-16-030):

- Diverted for domestic use by more than 10 residential or camping units; public accommodation facility serving more than 10 persons (WAC 222-16-030);
 - Diverted for use by federal, state, tribal, or private fish hatcheries (WAC 222-16-030);
 - Within federal, state, local, or private campground having more than 10 camping units (WAC 222-16-030).
- d. The description and use of “physicals” found in WAC 222-16-031(3)(b)(i)(A) – (D) characteristics of Waters presumed to have fish use, and (ii)(A) – (C) exceptions to the characteristics listed in (i).
- e. Maintain Wetlands typing system rule (WAC 222-16-035), Wetland mapping rule (WAC 222-16-036), and Wetlands management zones (WAC 222-30-020(8)).
- f. Maintain definitions of:
- Fish Habitat – remains the same (222-16-010)
 - Bankfull Depth and Width – remains the same (222-16-010)
 - Off-channel habitat rule elements in WAC 222-16-030(2)(d), with Policy recommended amended language: “*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. Note, a second option was brought forward at the 19th October Policy meeting. This option, to add the language “includes but may not be limited to” before “aquatic habitat features.” Neither option received consensus, see Attachment 1.

2. **Recommend amending elements of current rules in a permanent rule**

- a. Policy recommends inclusion of general objectives for the water typing system: highly accurate, minimize error, and balance remaining error (reduce systematic bias). Also adding the rule needs to be consistently implementable.
- b. Establish Fish Habitat Water Type Maps:
- WTMF points:
 - Accept all existing Type F/N points that have been added to Water Type maps through Water Type Modification Form process as permanent regulatory Type F/N points on the fish habitat water type maps
 - Retain WTMF and ID Team process identified in 1.a. above
 - DNR will provide a Water Typing Modification Form and update the fish habitat water type map as soon as practicable (WAC 222-16-030). An Interdisciplinary team may be convened, per WAC 222-16-010, which shall include WDFW and ecology, affected Indian tribes, and those contesting the adopted water types.
 - Water Typing Model:
 - Accept initial Model Pilot as proof of concept and continue development of water typing fish habitat model including field

- validation. When complete, the model will be an integral part of the fish habitat rule.
- Board must adopt new modeled map points; when adopted, those points will be the regulatory F/N breaks except for previously-approved WTMF points.
 - Determine frequency of ongoing updates to the model, identified as five years in WAC 222-16-030.
 - Policy Committee recommends funding for the water typing model project as funds becomes available through annual budget modifications or Board priority set-asides.
 - Existing Mapped Type F/N breaks (points not established through WTMF process):
 - Identify these as the starting points for the application of the fish habitat assessment method to determine the Type F/N break (assessment methodology will determine the Type F/N point, directionality, up or downstream, is to be assessed and is not implied);
 - Require the Water Type Modification Form process for approval of these points as the permanent regulatory Type F/N points on the fish habitat water type maps. When approved, these points will be and added to the hydro-layer as the regulatory F/N breaks.
 - c. Description of flowing Type F Waters (no consensus)
 - Natural segments of flowing waters within the bankfull width of defined channels
 - Define bed and banks of flowing waters
 - Extent of fish habitat accessible at bankfull flows (including OCH)
 - Ability for fish to move at bankfull flows
 - Connectivity to OCH
 - d. Physical defaults
 - Physical defaults can be used for FPA purposes
 - Physical defaults will not be used to change the hydro layer (no consensus)

Board Manual Process (New Board Manual Section 23)

1. DNR, per WAC 222-12-090, prepares and submits manual sections to the Board for approval.

Policy has considered that the manual must include guidance for stream evaluation and the establishment of the Type F/N water type break. Policy wishes to continue to discuss these items and provide consensus recommendations where feasible. Board Manual Section 23 should address the following:

- a. Describe elements of Type F waters including field indicators and examples
 - Describe bed/bank for typed waters
 - Natural segments of flowing water
 - Accessibility to habitat at bankfull flow
 - Connectivity to typed water
- b. Provide clarification and examples of existing definitions
- c. Include sketches, diagram and images

- How to identify features used to define typed waters
 - d. Locating the Type F/N Break
 - Fish habitat assessment method
 - e. Water typing for Type F waters for harvest purposes only
 - Default physical criteria
 - Provide guidance on how to apply them
 - f. Modeled points
 - How to use model points (in the future)
 - How to place a modeled point on the ground (in the future)
 - g. Training
 - Training required for reviewers and practitioners for water typing
 - Certification may be helpful
2. Policy has consensus on the fish habitat assessment method process. The output will be used to develop a final policy recommendation to DNR for inclusion in the board manual. Timeline for extension likely to be by May of 2017 (as draft rule is developed).
- a. Policy believes the fish habitat assessment method will not be finalized until after the 2017 field season and requests the Board extend the timeline for Policy to complete the fish habitat assessment method, through the completion of the following tasks:
 - i. 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.
 - ii. Policy will send proposals to the AMPA for evaluation. Thee 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.
 - iii. 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.

Training program for water typing rule and Board Manual Section 23

1. Training coordinated by DNR to include WDFW, Tribes and stakeholders
2. Include all elements of water typing contained in Board Manual Section 23
3. Specific training on fish habitat within specific geographic areas

Science Needed (no consensus reached due to lack of time for discussion)

1. OCH: Implementation of the first and second phases recommended by the technical group's report. Phase 1 of the study would determine the frequency and extend of OCH across the landscape and how common the OCH rule is implemented. Phase 2 would include a more

detailed research to determine whether BFE is adequate in defining the extent of OCH or what elevation would be more appropriate to capture OCH as intended by the rule.

2. Physicals and LiDAR based Fish Habitat Water Typing Model: Implement research to develop default physical criteria and water typing models that are spatially explicit (e.g., WRIA, ecoregion, or other unit) and consider the distribution of fishes across forested lands in Washington. By combining the research at the appropriate spatial scale, costs will be reduced and water typing (utilizing both methods) will be more accurate and precise. A necessary part of this research would include defining permanent natural barriers
Expectations from Policy to address accuracy, error, and bias in the study design for the water typing model.
Ongoing updates to the model as necessary consistent with current or new rule language

Administrative/Operational Requests to and Conversations with DNR:

Policy recommends the Board request DNR to consider:

- The need to notify reviewers for FPAs containing Type F/N water type breaks determined by older WTMFs. DNR has already committed to making the water typing map system more transparent, this will allow reviewers to see when the WTMFs were submitted and assure the cardinality of Type F Waters from their origin downstream the length of the water;
- Administrative request for DNR to write process guidance outlining water typing protocol and WTMF process to be used in the 2017 field survey season and only in place until new rule and accompanying BM guidance is in place:
 - To only include process based on existing rules and guidance;
 - Incorporate existing elements in Board Manual Section 13 and incorporate Type; F/N technical group consensus recommendations (except #s 3, 5, 18);
 - To consult with stakeholders; and
 - To be in place by March 1, 2017