

Forest Practices Board
Committee on Water Typing Rule
October 2, 2019
Natural Resources Building
Olympia, Washington

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, Colleen Granberg, and Patricia Anderson DNR
Phil Ferester, ATG

Welcome and Introductions

Bob Guenther, Committee chair, called the meeting to order at 1:10 pm

Approval of Minutes

Committee approved the September 24, 2019, meeting minutes with no changes.

Public Comment - Width Based Potential Habitat Breaks

None.

Recommendations for Width Based Potential Habitat Breaks

Marc Engel, DNR, adding to the discussion regarding width-based PHBs at the September 24 meeting said DNR would need to re-construct the data for width-based potential habitat breaks (PHB) which will take longer than initially planned. He estimated the re-analysis would take until February 2020 to complete.

Committee member Nelson suggested the committee recommend having the Board committee continue its efforts past the November Board meeting in order to address the rule option for the eastside of Washington. Nelson suggested the committee consider making a recommendation to have a small technical group work directly with DNR to answer questions that may arise during the PHB re-analysis and anadromous fish floor (AFF) workgroup efforts. He suggested a status report be provided at each Board committee meeting.

Committee chair Guenther said they plan to ensure that representation from the eastern Washington are available before a committee recommendation is finalized regarding the eastern Washington water typing system rule.

Engel summarized the width- based PHB progress to date. He said clarification was provided to the committee by each caucus on how their width-based PHB option is to be applied and the committee now understands how the width-based PHB will be measured for the PHB spatial analysis. DNR has identified a methodology to identify the width- based PHBs and that the PHB spatial analysis will be redone for all three PHB options.

The committee acknowledged that DNR will redo the width-based PHB spatial analysis using the methodology discussed at the last meeting.

Public Comment - Anadromous Fish Floor

None.

Anadromous Fish Floor

Ash Roorbach, Northwest Indian Fisheries Commission (NWIFC), shared the amendments to the AFF charter given at the last meeting discussion. The changes include using the term “presumed” habitat, removing the acceptance of the charter by the committee, removing the placeholder to the committee to weigh in on the timing for the analysis and adding an element to develop a work plan. He suggested the Board, not the committee approve the final charter.

Roorbach mentioned the efforts to continue meeting and some of the first tasks the group will address. He said the group will determine technical and policy participants. He said the group will utilize a communication plan similar to what CMER used to provide status reports and feedback. Committee member Nelson asked what the timeline is for the two documents. He also asked if the AFF technical workgroup could designate one person to work with DNR for technical discussions.

Roorbach said the effort will take longer without a budget. He said two to three months would be needed to complete the analysis on just one watershed. He said the work plan will be able to lock down a final timeline. He said he could ask the group if they have a person in mind to help with technical questions to work with DNR should questions arise.

Engel said the AFF workgroup will provide a recommendation to the committee that could also be provided to the Board. He said DNR is analyzing the AFF as requested by the Board. Any recommendation resulting from new data/results from the AFF workgroup would need to be approved by the Board before DNR would analyze a different AFF option.

Committee member Swedeen said it is uncertain at this time if an AFF reanalysis would be needed. She acknowledged that the Board would need to redo the CR-102 if an analysis of an additional anadromous fish floor showed a change.

Engel said if the change is substantial then the Board would need to redo the CR-102.

Committee chair Guenther recapped the proposed recommendations discussed:

- Recommend that the Board committee continue to meet as needed
- Recommend that a small technical group or caucus individuals provide feedback during the width-based and AFF analysis
- Recommend DNR provide the committee a status report on the PHB analysis and AFF workgroup progress

Engel said he would work through the TFW Policy Committee (Policy) representatives to determine the appropriate technical individual to communicate with during the DNR PHB and AFF spatial analysis.

Committee member Swedeen acknowledged that a rule will not be in place for the 2020 water typing season, but asked what is in place to ensure a rule is in place for the 2021 season.

Engel said it will take longer to redo the width-based PHB analysis than originally thought. He said redoing the AFF spatial analysis given the outcome from the AFF technical workgroup may not take as long as the original AFF spatial analysis.

Roorbach said completion of the AFF analysis is possible by February 2020.

Committee chair Guenther suggested the committee accept the AFF technical workgroup charter including any necessary financing. Committee members suggested the committee mention the need for funding possibilities to the Board at the November Board meeting.

Public Comment – PHB Validation Study

Jim Peters, NWIFC, said their caucuses' concerns were noted, but not addressed in the PHB study design, specifically that low elevation streams are not included in the site selections. He said the study does not include any evaluation of anadromous fish streams. He said the study design includes electrofishing for arriving at fish use. He said they have some of the concerns with the physical stream criteria study. They recommend sending the PHB validation study and physical stream criteria study to CMER for formal review and approval.

PHB Validation Study

Mark Hicks, Adaptive Management Program Administrator (AMPA), provided a status update on different water typing products – PHB pilot study, the PHB validation study, default physical stream study and the lidar modeling study.

Hicks said the pilot study and the PHB validation study design were completed. Both studies went through an independent science peer review process, not the normal adaptive management process. The PHB validation study design was not funded in the master project budget, but a line item for water typing strategies was added. He said no work is being done on any of the three studies this time – if any work is to be done then a new contract would have to be initiated to move them forward.

Committee member Swedeen said she is in support of re-thinking the PHB validation study to ensure it does not contain the concerns it currently has.

Committee member Nelson said the PHB validation study should include both an anadromous fish element and the default physicals stream study. He said discussions should occur to evaluation options to resolve the lack of support for the PHB validation study.

Committee member Herrera said the cost of the study is also a concern. He said the western Washington tribes did not believe the PHB validation study and default physical stream study be combined since the data (water type modification forms) for the PHB study is not applicable for a default physical study.

Committee member Swedeen suggested the committee recommend to the full Board a re-evaluation of the process for the PHB validation study for saving costs and improving accuracy.

General Public Comments

Steve Barnowe-Meyer, Washington Farm Forestry Association, said he supports Jim Peters' comments and implored the committee to remember the lidar-based model approach. This method is what will work best for small forest landowners. He also reminded the committee of the step to seek Policy's input to support a budget for the AFF work group.

Darin Cramer, Washington Forest Protection Association, supports comments made related to the study designs going through the adaptive management process. He said the science work needs to be done first. He also indicated that in order for the studies to get launched, resolution needs to be reached on how to use concurred Type F/N water points and that habitat needs to be based on fish presence needs to occur or nothing will be successful.

Board Member Nelson and Davis agreed with Cramer that a discussion needs to occur on what the target is for determining the extent of fish habitat.

Tim Romanski, USFWS, suggested to start with the Habitat Conservation Plan on what the commitment is for fish habitat. He also suggested that the fish habitat discussion should occur at a principals meeting.

Scott Swanson, Association of Counties, supports the studies going through the adaptive management process. He also commended the committee on their communication with one another on this task.

Next Meeting

Committee chair Guenther recapped the recommendations discussed so far:

- The committee will have the Board sanction the AFF workgroup charter
- DNR will communicate with Policy leads to address technical questions during the reanalysis of the PHBs and the AFF.
- Keep the Water Typing Board Committee intact for working through the issues and providing recommendations to the Board.
- Progress reports will be provided to the committee at each meeting

Committee member Davis asked the committee to make a recommendation for DNR to update the water type layer for both the water typing modification forms and when typing waters for a forest practices application.

Committee chair Guenther said the committee could take this up at the next meeting.

Engel said a summary of the recommendations from past committee meetings could be provided prior to the October 14 committee meeting. He also reminded the committee that they will need to address the lidar-based model at an upcoming meeting. He suggested the November 5 meeting could determine the committee's presentation format for the Board.

The committee discussed options for beginning the lidar-based model discussion for upcoming meetings. Engel said he would discuss the status of the study with the AMPA.

Engel noted the next scheduled Committee meeting is Monday, October 14, 2019 at 1 p.m.

The agenda will include discussions on the PHB validation and default physical study, water typing system rule for eastern Washington, and initiate discussion on Lidar modeled map-based water typing rule;

Meeting adjourned at 3:03 p.m.