Forest Practices Board
Water Typing Rule Committee
May 5, 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 10:40 a.m.

Approval of Minutes
A motion to approve the Water Typing Rule Committee (Committee) April 17, 2020, meeting minutes was withdrawn so that additional discussion points could be included regarding the eastside data collection. The Committee will consider approval at their next meeting.

Status on Eastern Washington Fish Data Technical Group
Marc Ratcliff, DNR provided an update on the work being done to gather additional fish data for eastern Washington. He said a consensus recommendation is still not available. The goal today is to provide additional clarification on the points of disagreement – either use a set of criteria to screen fish data or use a complete representative sample of the data. He noted that the majority of the group supports using a quality assurance/quality control screening process in order to provide end of fish points not influence by anthropogenic or other factors.

The technical members supporting the screening of the Cooperative, Monitoring, Evaluation and Research Committee (CMER) data believe: (1) screening the data allows for the ability to provide end of fish points that are not influenced by anthropogenic (i.e., culverts) or transient woody barriers and allows for fish points taken at the highest seasonal location; (2) the screening criteria is consistent with how potential habitat breaks will be used with the fish assessment method (FHAM); and (3) the Qa/Qc is similar with how the screening occurred for the initial spatial analysis.

The technical members supporting the use of all the CMER believe: (1) screening the data compromises the representative sample of the end of fish points as collected within an entire watershed; (2) screening the data ignores the benefit of using data from an unbiased approach to get a complete census of how fish habitat is determined; and (3) screening data has the potential for eliminating useful fish points.

Given the fact that there is disagreement on the methodology to bring forth data, Ratcliff said the Committee has two options to consider:

1. Continue the screening effort using set criteria to provide fish data not influenced by deformable barriers, culverts or seasonal low flow data, or
2. Use all the CMER data which was collected as a representative non-biased census of barriers to fish.

Ratcliff added that if the Committee feels a different set of criteria to identify fish habitat is needed, they should provide input. He concluded by stating that DNR will still need to acquire spatial points to accompany the data and confirm lidar availability.

Committee members Guenther and Nelson agreed that a larger sample size is a viable goal for gathering data.

Committee member Swedeen supported having consistency for the criteria used for both sides of the state. She said appropriate data is needed to ensure an accurate concept for how FHAM would be applied. Using all points may introduce a biased analysis.

Ratcliff mentioned that the Qa/QC subgroup has identified approximately 60-plus data points in addition to the existing 18 points and added that the screening of the 2001 CMER data is not yet complete.

Ray Entz, Kalispel Tribe, said he believes the process should come up with a data set that is similar to how the fish habitat will be identified in the field. It is important to select data that does not have controversy such as blocking culverts.

Board member Davis felt that using all the data points from these studies would introduce bias. He supported following the Qa/Qc process.

Chris Mendoza, Conservation Caucus, reminded the Committee that the technical group is working for the Committee and they should be providing the guidance for which process to use and which criteria to use. He suggested the Committee could allow the current screening to finish and then assess if more points are needed.

Steve Barnowe-Meyer, Washington Farm Forestry Association, said that some of the 2001 CMER data found fish higher in the stream system than other studies and said that sort of data should not be thrown out. He clarified that there is not disagreement of using data that produces the most accurate fish point.

Brian Fransen, Washington Forest Protection Association (WFPA), had concerns with introducing bias by screening data. He said that the 18 initial points were derived from 500 points. CMER data was a research study to build the model and contained a complete census. Throwing out data would not be a representative sample. He added that there is no common understanding of the target of this effort or the use of FHAM, which indicates fundamental problems needing understanding and agreement.

Darin Cramer, WFPA, said there is lack of understanding of the goal of this rule. He said there were many inaccurate statements made by the Committee and DNR and that the Committee is not in the position to make decisions on these issues. He said forming these recommendations outside of the adaptive management program is a bad idea.

Chris Mendoza said he disagrees with Cramer's statements. He clarified that the Qa/Qc screening being done does consider the highest fish point within a stream. He offered that if the Committee doesn't want the same criteria used for western Washington, then the Committee needs to provide additional guidance. He added that having TFW Policy representatives weighing in on technical issues is problematic.

Committee member Nelson suggested the group continue going through the data and then see what is produced.

Committee member Swedeen agreed and encouraged consistency with using the further upstream fish point. She said she does not feel there is disagreement with the goal of the rule and said she is frustrated that some folks have questioned the need for a rule at all. She believes rule making is needed to align the rule structure consistent with the Forest Practices Habitat Conservation Plan and goal for identifying fish habitat.

Committee member Herrera agreed with having the group continue and finish screening the data. He believes his technical folks are able to help him understand the technical issues and said he believes the rule is needed.

Committee Davis agreed with having the group continue. He said it is clear to him that there is a lot of work needed to restore relationships in order to reach common ground.

Committee Chair Guenther asked the group to continue working through the data and bring back what they come up with to the Board Committee.

Status on Anadromous Fish Floor GIS Analysis Contract
Marc Engel, DNR, provided a brief update on the work to initiate the contract for the Anadromous Fish Floor (AFF) analysis. He said after approval of the scope of work, which was drafted for a specific company to perform the analysis, another company indicated to DNR that they would challenge a sole source contract through the State's bidding process. Therefore DNR will proceed to announce the contract through the competitive bid process. He added that DNR will work with the AFF workgroup to select panel members to screen potential contract bidders.

Public Comment
None.

Develop Committee Update, Including Possible Recommendations, for the May Forest Practices Board Meeting
Committee Chair Guenther asked Committee members to help development talking points for their presentation at the May 13 Board meeting.

Committee member Nelson offered that the update should be a brief discussion on the main points from the last two Committee meetings specific to the AFF contract and gathering data for eastern Washington. He suggested a bullet list of main points. Committee members agreed.

Meeting adjourned at 11:30 a.m.