Terwilleger Speaking Points for Forest Practices Board Meeting (2-14-2018)
Washington Forest Protection Association

- Introduction/Thanks/ Happy Valentine's Day

- WFPA supports the Board's identification of several alternatives to be assessed for cost, benefit and accuracy considerations: Administrative Procedures Act required analyses and whether the Water Typing system meets the FFR/HCP objectives.

- WFPA recommends that Alternative 15 be tested in the analysis for both Eastern and Western Washington: 5% gradient change; .8 (or .7) size change; obstacle recommendation (Vertical: 3 ft; Non-vertical; Obstacle gradient over 20% and change in elevation over obstacle distance greater than the upstream bankfull channel width.

  We also support the evaluation of andromous zone that could be tested at various gradient floors.

- Fish Habitat Technical Group as technical experts should oversee the analysis.

- WFPA believes this proposal is consistent with the Fish Habitat Assessment Methodology and expectations of the water typing system adopted by the Board.

- Analysis necessary to understand how options meet the FFR/HCP objectives for the water typing system are clear: highly accurate; balance remaining risk allocation:

  "*Failure to correctly identify fish-bearing waters will occur and is assumed to lessen over time. It is assumed that any methods used to map or delineate such waters will have an approximately equal probability of identifying waters as fish-bearing where fish do not actually occur or the reverse, identifying waters as non-fish-bearing where fish actually do occur. It is further assumed that such*

errors will be relatively small and largely offset at the landscape scale. This assumption is based upon the fact that this concept of equal error probabilities was inherent to the FPHCP. (emphasis added)."[1]

- The Administrative Procedure Act Assessment includes: cost, benefits, impact to small businesses, and "after considering alternative versions of the rule" and these analyses "that the rule being adopted is the least burdensome alternative"

- The proposal builds upon and incorporates the Science Panel's work and recommendations. Testing alternatives is necessary given the information provided in the latest Science Team Report.

    - CMER data in Eastern Washington was not used in analysis (alternatives should be tested against that information).

    - Weakness in the new data set: only F/N Break EOF points collected; significant lack of downstream EOH measures in the data set.

    - While new data set is more geographically dispersed it is not as representative of stream types (under-representation of laterals which may comprise up to half of surveys).

    - The data collection standard for the new data set was considerably relaxed. Although it has been reported that the new data set was randomly selected, the unused/un-useable data has not been released nor the criteria used for selecting which data was deemed usable. WFPA and others have repeatedly requested in writing and verbally that the Science Panel/AMPA/DNR release this information…to date, the requests have not been granted. Therefore, we can't evaluate whether the new data set is truly random.

[1] National Marine Fisheries Service Biological Opinion, June 5, 2006, p. 180.

- Fish habitat is described in general terms by the 010 definition ("used by fish, ***LIKELY*** to be used by fish), but there is a lot more detail that must be part of this conversations (accuracy, balance, understanding how change will meet public resource protection/economic viability goals).

- WFPA has also conducted and incorporated additional analysis of PHB alternatives that recognizes the Board's need to understand accuracy and error allocation in their decision-making and analysis.

- Fish Habitat Assessment Methodology clarification and this new permanent rule is a framework to provide consistency and reproducibility for protocol field surveys, it is not a framework for renegotiating the core elements of the FFR and HCP.

- We are committed to supporting the completion of supplemental analyses, including a spatial analysis of potential PHB alternatives, to include multi-stakeholder representation and oversight to refine and more fully develop a recommendation that includes specific numeric criteria in time for use in the 2019 field season. (Including: foresters, water typing experts, scientists, economist, company officials and policy staff.)

- WFPA looks forward to continued work with the Board on these critical water typing issues.