

Water Typing System Rulemaking

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Water Typing System Rulemaking

Review and Highlight Board Discussion and Actions:

- Inclusion of an Anadromous Fish Floor (AFF) alternative
- Decisions and Elements regarding the Water Typing System Rule



Decisions regarding inclusion of an AFF alternative

The Board:

- In November 2019, approved the AFF Workgroup Charter which defined the anadromous fish floor as:
“measurable physical stream characteristics downstream from which anadromous fish habitat is presumed.”
- In June 2022, accepted additional clarification through the AFF Policy Member Memo Addendum that defined the AFF as:
“measurable physical stream characteristics downstream from which anadromous fish habitat is presumed and an agreement that, for the permanent forest practices water typing system rule, the AFF would establish the location upstream of which protocol fish surveys to determine the water type may begin under the FHAM, thereby reducing electrofishing in waters that are presumed to have anadromous fish habitat.”



Decisions regarding inclusion of an AFF alternative

March 10, 2022 AFF Policy Member Memo Addendum:

Goals of Policy Members: to identify points of agreement; and to develop AFF recommendation(s) to bring forward to the Water Typing System Rule Committee for consideration and recommendation to the full Forest Practices Board.

Results from Policy Members: Not able to reach consensus on an AFF Alternative(s); and, as a result, the Small Forest Landowner, western Washington Tribal, and Conservation Caucus each brought forward an alternative for the Board's consideration.



Decisions regarding inclusion of an AFF alternative

Alternative A4 (7%) [WWA Tribal] and Alternative A4 (10%) [Conservation]

- All waters included in the SWIFD GIS database of documented (observed) and presumed anadromy, plus upstream associated waters occurring below a sustained channel gradient of **7% or 10%** or a permanent natural barrier, whichever comes first; and,
- All waters connected to saltwater and extending upstream to a sustained **7% or 10%** gradient or a permanent natural barrier as defined using defined barriers within streams with no anadromous fish data.

Alternative D [Small Forest Landowners]

- All waters included in the SWIFD GIS database of known and presumed anadromy including tributaries lacking a 5% gradient increase or permanent natural obstacle at the junction with the main stem SWIFD stream to the PHB framework for PHB option B.



Decision regarding inclusion of an AFF alternative

There are two unresolved AFF rule elements for Board consideration:

- Selection of Anadromous Fish Floor alternative(s) for analysis;
- Inclusion of an AFF in eastern Washington



Water Typing System Rule Decisions

In August 2016, the Board provided Policy with general water typing system rule development expectations:

- Balance error;
- Minimize electrofishing;
- Address stream segments not shown on the DNR hydro layer;
- Improve the water typing map over time;
- Include methods to locate the Type F/N break on the ground; and
- Ensure the methods provide the ability to be applied by small forest landowners.

In February 2021, the Board Chair acknowledged that the Board’s acceptance of the 2016 and 2017 Policy recommendations for the rule framework confirmed the Board’s rule objective “to more accurately identify end of fish habitat by reducing usage of electrofishing and by reducing the degree of subjectivity that exists within the current water typing system rule based on what has been learned over the last 20 years.”



Water Typing System Rule Decisions

Board approval, by motion, of Policy recommendations:

November 2016, approved recommendations to:

- Maintain consensus elements of the current rules by blending WACs 222-16-030 and 222-16-031;
- Retain the current definition for wetlands, fish habitat, and bankfull width; and
- Develop a fish habitat assessment methodology (FHAM) to reduce electrofishing, establish known breaks limiting fish movement upstream, and achieve consistency in application.

May 2017, approved recommendations to include in rule:

- Existing approved Water Type Modification Form F/N break points;
- Framework for a FHAM; and,
- Define off-channel habitat for Type F in channelized and non-channelized streams



Water Typing System Rule Decisions

Board approval, by motion, of Policy recommendations:

August 2019, Accepted the Policy recommendations:

- An AFF should be considered for inclusion as a component of the water typing system rule; and
- Additional water-crossing structure language not be included in the water typing system rule.



Water Typing System Rule Decisions

Board approval, by motion, of rule elements developed outside of Policy

February 2018, Accepted PHB options and AFF alternatives to be included in the draft rule and analyses:

- PHB options: No action option – existing rule; western Washington tribal option; industrial landowner option; and eastern Washington tribal option;
- AFF alternatives: western and eastern Washington tribal; and industrial landowner

June 2019, Established Board Water Typing Committee (Committee) to facilitate staff and Policy caucuses' discussions in order to make recommendations on outstanding issues associated with the proposed rule.



Water Typing System Rule Decisions

Board approval, by motion, of rule elements developed outside of Policy

November 2019, Board approved Committee recommendations:

- Directed DNR to redo the PHB spatial analysis with Committee approved methodology to apply the width-based PHBs;
- Directed CMER to develop study designs for the PHB validation, physical characteristics, and map-based lidar model studies;
- Directed the Committee to explore whether other data were available to inform the water typing system rule development for eastern Washington; and
- Approved the AFF workgroup charter, assigned oversight of the AFF workgroup to the Committee, and directed the Committee to bring AFF recommendations to the Board



Water Typing System Rule Decisions

Board approval, by motion, of rule elements developed outside of Policy

November 2019, Board accepted Committee recommendations pertaining to the following, but took no action to address:

- Clarifying the goals and targets for the water typing system rule.
- Delaying adoption of the permanent water typing system rule for eastern Washington, phasing the PHB validation study to start in eastern Washington.
- Whether a map-based modeled water typing system is one of the goals of a permanent water typing system rule.



Water Typing System Rule Decisions

Board approval, by motion, of rule elements developed outside of Policy – additional eastern Washington decisions

- November 2019, accepted the Committee recommendation to discuss delaying adoption of the permanent water typing system rule for eastern Washington.
- November 2019, directed the Committee to explore whether there were other data available to inform the water typing system rule development for eastern Washington:
 - August 2020, Accepted the Committee's recommendation to use the additional eastern Washington fish data identified by the eastern Washington technical group screening process; and
 - May 2021, Accepted the to add 217 fish data points to the existing 18 fish data points to perform the eastern Washington PHB spatial analysis.



Remaining Water Typing System Rule Elements for Board Decisions

There are five Board actions for consideration

- For the AFF:
 - Selection of an AFF alternative
- For the overall Water Typing System Rule:
 - Confirming that eastern WA will be included in the rule; and,
 - Determining if an AFF will be applied in eastern Washington

