



Board Actions for the Water Typing System Rule and Inclusion of an Anadromous Fish Floor

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Workshop Presentation

- **History of Board Actions for the Water Typing System Rule**
- **Actions for Inclusion of an Anadromous Fish Floor (AFF)**
- **Overview of the AFF Workgroup Technical Report and Addendum**
- **AFF Policy Recommendations by Caucuses**



Board Actions on the Water Typing System Rule

November 2016 Board, by motion:

- Accepted the Policy consensus recommendations for the water typing system rule and associated Board manual guidance to:
 - Maintain consensus elements of the current rules by blending Washington Administrative Code (WAC) 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.
- Directed Policy to enter into dispute resolution for non-consensus elements and present a majority/minority report at the May 2017 Board meeting
- Directed staff to file a CR-101 for the Water Typing System rulemaking.



Actions for Inclusion of an Anadromous Fish Floor (AFF)

February 2018

The Board, by motion, accepted inclusion of the Western and Eastern Washington tribal and Industrial landowner anadromous fish floor AFF alternatives for the draft Water Typing System rule proposal and accompanying analysis

June 2019

The Board, by motion, established a Board committee to work with stakeholders to resolve any outstanding issues regarding the anadromous floor.

August 2019

The Board accepted the Policy recommendations that an anadromous floor should be considered for inclusion as a component of the water typing system rule



Board Actions on the Water Typing System Rule

February 2018 The Board, by motion:

- Accepted PHB options to be included in the draft Water Typing System rule proposal and accompanying analysis:
 - No action option – existing rule;
 - Western Washington tribal option;
 - Industrial landowner option; and
 - Eastern Washington tribal option
- Accepted inclusion of the Western and Eastern Washington tribal and Industrial landowner anadromous fish floor (AFF) alternatives for the draft Water Typing System rule proposal and accompanying analysis;
- Requested staff to consult with stakeholders to incorporate the PHB options and AFF alternatives into draft water typing system rule and board manual guidance, and the required analysis (CBA, SBEIS, and SEPA) to accompany the draft Water Typing System rule.



Board Actions on the Water Typing System Rule

June 2019 The Board, by motion:

- 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 water typing system effort, specifically to:
 - Understand the spatial analysis and work to resolve whether width can be precisely estimated for the purposes of the required economic and environmental analyses;
 - Determine how the rule making should be applied in eastern Washington;
 - Determine if and when the PHB validation study should be done and whether it should be combined with the study to determine physicals; and,
 - Determine if rule language, Board resolution, or other non-rule options would suitably encourage moving toward a Lidar modelled map-based water typing rule.
 - Work with stakeholders to resolve any outstanding issues regarding the anadromous floor.
- Directed Policy to address first the anadromous floor and then road water crossing structures to recommend whether these items should be part of the water typing system rule



Board Actions on the Water Typing System Rule

August 2019

The Board 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.

The Board, in response to an update from the Committee, approved:

- Support for continuation of the Committee;
- Full Committee review of PHB options;
- Committee recommendation for the western Washington tribes to facilitate AFF technical workgroup discussions to develop a charter to present it to the Board committee;
- Committee oversight of the AFF Workgroup; and
- Support for DNR staff to secure funding to contract Expert Science Panel to provide clarification on the recommendations in their PHB report



Board Actions on the Water Typing System Rule

November 2019

The Board, by motion, approved the following recommendations as brought forward by the Committee:

- Approved how to perform the spatial analysis for the width-based PHBs;
- Directed the Cooperative Monitoring, Evaluation and Research Committee (CMER) to develop study designs for the PHB validation, physical characteristics, and map based Lidar model studies;
- Directed the Committee to explore whether there is other data available to inform the water typing system rule in eastern Washington; and
- Approved of the AFF workgroup charter, assigning oversight of the AFF workgroup to the Committee, and directing the Committee to bring recommendations to the Board



Board Actions on the Water Typing System Rule

August 2020

The Board, by motion accepted the Committee's recommendation to use the additional eastern Washington fish data identified by the eastern Washington Qa/Qc technical group screening process. Tribal data provided will be evaluated in the same Qa/Qc process similar to how the CMER data was evaluated and added to the potential data used by DNR. The additional data will be used by DNR in the potential habitat break spatial analysis.

May 2021

The Committee reported that the process to screen and match the CMER and tribal eastern Washington fish data is complete, adding 176 points from the CMER data subset, 23 points from the Yakama Nation and 28 points Kalispel Tribe to the existing 18 fish data points to perform the eastern Washington PHB spatial analysis.



Actions for Inclusion of an Anadromous Fish Floor (AFF)

February 2018

The Board, by motion, accepted inclusion of the Western and Eastern Washington tribal and Industrial landowner anadromous fish floor AFF alternatives for the draft Water Typing System rule proposal and accompanying analysis

June 2019

The Board, by motion, established a Board committee to work with stakeholders to resolve any outstanding issues regarding the anadromous floor

August 2019

The Board accepted the Policy recommendations that an anadromous floor should be considered for inclusion as a component of the water typing system rule



Actions for Inclusion of an Anadromous Fish Floor (AFF)

September 24, 2019

The Committee discussed whether the objective of AFF should be based on “presumed” or “likely” habitat. There was general agreement that an AFF based on “presumed” habitat more accurately reflects what the Board is looking for where there is assumed anadromy all of the time and comes from the present situation so the term “presumed” should apply where there is anadromy all the time, and there is no need to electrofish.

November 2019

The Board, by motion: approved the recommendation for Committee oversight of an AFF workgroup; the AFF Workgroup charter; and for the Committee to bring AFF recommendations to the Board

Board approval of AFF Workgroup Charter which defined the anadromous fish floor as measurable physical stream characteristics downstream from which anadromous fish habitat is presumed.



Actions for Inclusion of an Anadromous Fish Floor (AFF)

March 10, 2022 Addendum to AFF Policy Member Memo:

The AFF Policy members in the development of potential AFF alternatives are utilizing the definition of the 'anadromous fish floor' found in the Board approved AFF Workgroup Charter, where the AFF is defined 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 Fish Habitat Assessment Methodology, thereby reducing electrofishing in waters that are presumed to have anadromous fish habitat.



Board Actions for the Water Typing System Rule and Inclusion of an Anadromous Fish Floor

Questions?



Anadromous Fish Floor Policy Recommendations by Caucuses

AFF Policy members development of AFF recommendations:

- Utilizing the definition of the 'anadromous fish floor' found in the Board approved AFF Workgroup Charter, where the AFF is defined 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 Fish Habitat Assessment Methodology, thereby reducing electrofishing in waters that are presumed to have anadromous fish habitat.
- Goals: 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: The AFF Policy members failed to reach consensus on an AFF Alternative(s) and have determined that each caucus would bring forward their preferred or recommended AFF Alternative for Committee and Forest Practices Board consideration.
- The Small Forest Landowner, western Washington Tribal, Conservation Caucus will each present their recommendation



Anadromous Fish Floor Policy Recommendations by Caucuses

Alternative A4 (7% and 10%)

- 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 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.



A Look Ahead

Future Board Actions – August Board meeting

- Board decision for inclusion of an AFF alternative
- Board decision on completion of Water Typing System Rule elements
 - Review Board Actions accepting:
 - Committee understanding on how to perform the spatial analysis for the width-based PHBs; and
 - Committee recommendation to adding 227 points to the existing 18 fish data points to perform the eastern Washington PHB spatial analysis
 - Review unresolved Board Actions to:
 - Determine how the rule making should be applied in eastern Washington; and
 - Determine if rule language, Board resolution, or other non-rule options would suitably encourage moving toward a Lidar modelled map-based water typing rule
- Review of Status of staff preparation of Rulemaking Timeline

