



Water Typing System Rule-Making Update

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Status of Water Typing Rule-Making Products

The Board started the rulemaking process to revise, update and make permanent a water typing system rule through directing staff to file a CR-101 in November 2016.

In February 2018 staff initiated preparation of the draft Water Typing System rule for presentation to the Board at the May 2019 meeting the following work has been completed.



Water Typing Rule-Making Status

Draft Rule

- Four draft rule stakeholder meetings have been held
 - Current draft rule includes Board's accepted elements from 222-16-030 and 031; new definition for OCH; and two processes, physicals or FHAM, to determine the F/N break (end of fish habitat).



Water Typing Rule-Making Status

Draft Forest Practices Board Manual Section 23

- Ten board manual guidance stakeholder/technical expert meetings have been held
- Draft guidance will be completed for three primary parts to accompany the draft rule:
 - How to conduct FHAM
 - BMPs for electrofishing
 - How to delineate Off-Channel Habitat
- Three field days reviewing methods to field identify PHBs
- Two field days determined the PHB's could be field identified



Water Typing Rule-Making Status

Preliminary Cost Benefit Analysis (CBA) and Small Business Economic Impact Statement (SBEIS)

- Staff has convened an Economist Working Group
- Members
- The Working Group has developed a Charter and will meet to:
 - Review elements for evaluation, including the manner in which the elements will be evaluated, to determine the costs and benefits of the proposed water typing system rule.
 - Review CBA and discuss the need for a Small Business Economic Impact Statement (SBEIS), if needed, identify elements for evaluation for the SBEIS.
 - Review draft CBA/SBEIS products as being developed and provide comments to DNR.



Water Typing Rule-Making Status

Preliminary Cost Benefit Analysis (CBA) and Small Business Economic Impact Statement (SBEIS)

- DNR posted a Request For Proposal to prepare the Forest Practices Rule Cost Benefit Analysis and Small Business Economic Impact Statement
 - Closed on July 31, 2018
 - Two responsive bidders
 - Contract expected to be awarded by September 14, 2018



Water Typing System Rule-Making Status

- Staff must use Board approved elements to prepare draft rule and guidance at the request of the Board.
- For the water typing system rule, the elements for inclusion in the draft rule and guidance have been provided through a suite of Board approved elements at the May 2017 meeting and the PHB options approved for analysis by the Board at the February 2018 meeting.



Staff Recommendations

Staff requests Board clarification of the PHB options, specifically PHBs applied to tributary streams, to be evaluated for Board consideration for inclusion in:

- The Fish Habitat Assessment Method (FHAM); and
- Anadromous Fish Floor



Questions?



The Board adopted PHB motion:

Tom Nelson moved the Forest Practices Board accept the following PHB options to be included in the draft rule proposal and accompanying analyses:

No action – existing rule language;

UCUT Proposal as amended during board discussion at 2/14/2018 meeting;

Western Tribes Proposal as presented at 2/14/2018 meeting; and

Landowner's Proposal, as amended during board discussion at 2/14/2018 meeting; (test #15 from the science team's recommendations plus their description of an anadromous layer, eastern and western Washington.)

He moved the Forest Practices Board direct staff in consultation with stakeholders to incorporate the above PHB options into rule language, guidance and required analyses (CBA, SBEIS and SEPA) to accompany the draft water typing system rule.

He also moved to direct staff to work with fish habitat technical group and other stakeholders to report back at the June meeting on the ability to implement each approved PHB option.



Table showing PHB options accepted by the Board for analysis through the motion

Source	PHB Gradient/Width Combination Included in Scientific Panel Report?	PHB Stream Gradient Factor	PHB Stream Width Factor	PHB Natural Obstacle Factor	Anadromous Floor Presumption
WFPA	Yes; option 15 from 2 nd Science Panel Report	Change of 5% (both E & W WA)	0.8 ratio (2 nd Science Report Option 15)	≥ 3' non-deformable vertical; or ≥ 20% gradient and elevation change ≥ upstream bankfull width	Supports concept. Study options of 5%, 7% and 10% gradients to be used as the floor
Westside Tribes (NWIFC)	No; this is a hybrid approach of possible PHBs in 2 nd Science Panel Rept. (Defer to E WA tribes for E WA PHBs)	Change of 5% (W WA only)	≤ 2' bankfull width	≥ 3' non-deformable vertical or ≥ 1 bankfull width; or ≥ 30% gradient and elevation change ≥ 2x upstream bankfull width	Yes; all waters <10% gradient presumed to be fish habitat.
UCUT Kalispel Tribe	Yes; Option 4; top option for east (defer to W WA tribes for W WA PHBs)	Change of ≥ 10% (E WA only)	≤ 2' bankfull width	"Follow the Science Panel" ≥ 3' non-deformable vertical; or ≥ 20% gradient and elevation change ≥ upstream bankfull width	Yes; all waters <10% gradient presumed to be fish habitat.

