




DEPARTMENT OF
NATURAL
RESOURCES

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MEMORANDUM

April 04, 2024

To: Forest Practices Board 
FROM: Saboor Jawad, Forest Regulation Division Manager
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SUBJECT: Monthly Progress Update: Developing Rule Materials for Water Typing System Rule and Type Np Waters Buffer Rule

This memo serves as a monthly progress update to the Board. The following are key highlights of work completed in March 2024:

- 1- Spatial Analysis of Water Typing System Rule:** the draft spatial analysis report for the water typing system rule – containing methodology and preliminary results – was completed and shared with stakeholders. Staff also organized a stakeholder meeting in which the methodology and baseline data were presented. A two-week stakeholder review period has now ended with staff receiving a large set of comments and requests for report amendments and methodology reconsiderations. Board staff is reviewing the feedback and will instruct the DNR vendor to revise the report based on a review of comments that are relevant, objective and can improve the quality of the final report. The Board will receive a summary of all stakeholder comments alongside the final report.

A desktop based spatial analysis of proposed rules continue to be a challenging process requiring numerous reviews and iterative process of feedback and revisions. As of this update, spatial analysis has introduced a potential timeline delay of about two months. Staff will present an updated timeline at your May 2024 meeting.

Spatial analysis of the Type Np water buffer rule continues in parallel. The draft report is ready and will be released to stakeholders on or about April 08, 2024. As with the previous review, stakeholders will have two weeks to review the report.

- 2- Preliminary Cost-Benefits Analysis (CBA):** The draft CBA methodology for water typing system (WTR) rule was developed and presented to the economist working group. Spatial analysis products have not been forwarded to the CBA analysis yet. Spatial analysis delays are likely to affect the CBA timeline. For the Type Np CBA, DNR concluded the procurement process. Industrial Economics Inc. (IEc) is the apparent

successful bidder. Staff expect to have a contract executed in April 2024. Work on Type Np CBA will begin soon thereafter.

- 3- **SEPA:** When the spatial analysis has been completed, staff will initiate the preparation of a comparison of the Board approved fish habitat assessment methodology (FHAM) applying the three approved potential habitat breaks (PHB), and the anadromous fish floor (AFF) to the current rule. This analysis assists the Board in the review of the WTR packet to approve which PHB and AFF will be included in the Board approved filing of the CR-102 initiating the public review of the proposed Water Typing System rule. The SEPA for the water typing system rule will be conducted by DNR staff with the Board Chair, as the Responsible Official, issuing a threshold determination on the rule language the Board directs staff to move forward with at the August meeting.

You will receive a revised and updated rule development timeline in your mailing packet for the May 2024 meeting (April 30, 2024). At the May meeting, staff will seek your guidance on the following:

- 1- Revised rule-development timeline and ways to address a potential two-months delay.
- 2- Need for a series of special meetings to receive final products and presentations in advance of a rule-making decision meeting.
- 3- Revised rule language for Type Np and the water typing system rules.

I look forward to discussing these items with you at your May meeting. Please reach out to me if you have any questions. You are also welcome to reach out to the following DNR staff:

- Marc Engel, Senior Policy Advisor (marc.engel@dnr.wa.gov)
- Karen Zirkle, Assistant Division Manager Policy and Landowner Services (karen.zirkle@dnrwa.gov)
- Maggie Franquemont, Policy Program Manager (Maggie.franquemont@dnr.wa.gov)

c: Katie R. Allen, Deputy Supervisor Aquatic Resources, Forest Regulation and Resilience; *a.i*
Terry Pruit, Assistant Attorney General, Forest Practices Board Attorney
Marc Engel, Senior Policy Advisor
Karen Zirkle, Assistant Division Manager Forest Regulation Division