

TO: TFW Policy Committee, Co-chairs

March 26, 2015

From: Ray Entz and Dick Miller

Subject: Off-channel habitats (OCH), Rules and BM

In response to our assignment at the policy meeting of March 13, 2015, we offer the following files that document our review of OCH text in WAC 222-16-030 and ...031:

1. Rule text with unclear, ambiguous text highlighted in yellow and surplus words stricken.
2. Our proposed revised text for Type F OCH WAC Policy discussion... with questions/comments in the margin.
3. A list of definitions extracted from pertinent WACs to help frame future discussions.
4. Board Manual excerpts relating to off channel guidance – this will need more discussion and work to provide better guidance with regard to the rule for folks on the ground. Our feelings are to first confirm a solid recommendation on rule language for the Board to consider and then embark upon BM guidance development.

Joint recommendations for policy consideration/discussion:

A. Recommend Policy discussion on revising WAC 030 Water typing System (not in effect currently) to make it the permanent and active rule. Add (salvage) pertinent text from 031 (interim rule) if necessary or use within the BM development phase.

B. Seek understanding and acceptance of pertinent science about OCH and their relation to fish populations. Discuss and define clearly... with advice of fish biologists:

* connected... accessible (to fish)

* periodicity (activation of OCH by flooding... and likely fish use); e.g. 1 year in 10 (10%) ...1 year in 100 (1%), choosing a reasonable flood return interval to determine Type F buffers for connected OCH consistent with the four goals for FFR/HCP.

* likelihood of fish use (of specific types of OCH)

C. Develop or refine BM text to inform implementation and/or tools for the final recommended OCH rule. Consider attached text that is high-lighted in green. We found little text in the BM about OCH... only in sections 2, 13 (determining fish use/ water typing ...M13-2).

We encourage the Policy group to actively collaborate, agree on pertinent science, and get closure on OCH and the Type F rule. We look forward to an agreeable solution and joint Policy recommendation to the Board on Type "F" OCH.

RDE and DM.