

Forest Practices Board
Committee on Water Typing Rule
September 24, 2019
Natural Resources Building
Olympia, Washington

Committee Members Present:

Bob Guenther, Committee Chair and General Public Member
David Herrera, General Public Member
Jeff Davis, Director's designee, Washington Department of Fish and Wildlife
Paula Swedeen, General Public Member

Committee Members Absent:

Tom Nelson, General Public Member

Staff

Marc Engel, Sherri Felix, and Colleen Granberg, DNR
Phil Ferester, ATG

Welcome and Introductions

Bob Guenther, Committee chair, called the meeting to order at 1:05pm

Approval of Minutes

This committee approved the July 30, 2019, meeting minutes with no changes.

Public Comment – Width based Potential Habitat Breaks (PHB)

Ken Miller, Washington Farm Forestry Association, said the rule making is difficult because the stakes are so high. He encouraged the Committee to consider having general conversations regarding how big the Type F stream buffer should be beyond end of fish.

Darin Cramer, Washington Forest Protection Association, said he appreciates the department's willingness to re-do the spatial analysis and that he thinks there is an opportunity to improve the analysis. He requested that identifiers be added to the data set to show which streams were evaluated and for each stream to show the associated Type F/N points which were used in the analysis. Cramer said that he would like the spatial analysis to include distances between the locations of the last observed fish and the associated Type F/N points, and then measure from each of those points the distance to each PHB for each alternative, and stratify each stream analyzed by laterals and terminals.

Width based PHBs – Committee Discussion on Recommendations for the Board

Marc Engel said he appreciates the discussion that occurred during the July, 2019, Board Committee meetings and the clarity these discussions provided regarding how the width-based PHBs were to be measured by the proponents of Option C. Based on the clarification, DNR will re-do the spatial analysis for all three PHB (width, gradient, and barriers) options accepted by the Board. The width-based PHBs will be added to the base set of streams that have been previously analyzed.

Committee Member Paula Swedeen asked for clarification about what is meant by measuring at tributary junctions.

Engel explained that the remote analysis of the width-based PHBs will use stream flow volume as a surrogate for bankfull width. He said the analysis of the width-based PHBs will use a stream flow volume model to estimate width. For Options A and B the flow volume model will be applied in a running average for a distance of 20 times BFW to determine the approximate area in which the width PHB is located. For these options the width PHB is the default physical criteria width. Engel stated that for Option C the stream will be analyzed at each point where a tributary stream flows into the stream being surveyed to determine if a width PHB exists at that point. He said the flow volume model will be applied to calculate the stream flow volume immediately upstream of the tributary junction and then applied to calculate the stream volume flow immediately downstream of the tributary junction to determine if a width PHB exists in the stream being surveyed. If the stream flow volume for the upstream calculation is 20-percent less than the calculated downstream stream flow volume then the stream being surveyed contains a width based PHB at the point where the tributary stream flows into it.

Engel provided a hand-out depicting a sample basin featuring a main stream segment with a tributary flowing into it. He explained that the analysis for the Option C width-based PHB will use stream flow volume modelling to locate when a 20-percent reduced flow occurs in the main stream segment immediately upstream of the tributary. Engel said for the DNR reanalysis the tributary junction will be used as a point of reference for situating measurements of the width-based PHB for Option C.

Committee member Swedeen asked if DNR has enough information for staff to re-start the analysis. Engel responded yes.

Public Comment – Anadromous Fish Floor Workgroup Charter

Ash Roorbach, Northwest Indian Fisheries Commission, provided a summary of the draft charter and the workgroup discussions during their meeting on September 9, 2019.

Ash said the workgroup requests clarification and guidance from the Committee for portions of the charter.

Roorbach said the draft charter has full consensus from the workgroup except for two issues: 1) whether the definition of AFF habitat is to be based on “presumed” or “likely” habitat and 2) the scope of work to define the AFF habitat end points. He requested clarification and guidance from the committee.

Committee member Swedeen said the discussions about the AFF proposals measure gradient in two different ways, neither as described in the draft rule language. She asked, as a work product, can gradient be measured approximating the rule. Roorbach replied yes, the issue should be brought to the technical group.

Committee member Jeff Davis confirmed that none of the gradients in the proposals themselves would be dropped from the spatial analysis.

Darin Cramer said WFPA is interested in working on clarity for the AFF alternatives and is supportive of the AFF charter but that he is concerned the problem statement is not tightly focused on what the Tribal caucus brought forward to the Board and that he feels different caucuses have different ideas on what an anadromous fish floor is. He stated WFPA supports a science-based product and there is a real lack of data on this topic.

Engel confirmed DNR will analyze the alternatives in regards to AFF. He said there are four gradients proposed, the 10 percent AFF as presented in Option A and in Option B and 5-, 7-, and 10-percent as presented in Option C.

Committee member Swedeen asked whether the PHB and the AFF spatial analyses can be done simultaneously. Engel replied the analyses would need to be done sequentially.

Anadromous Fish Floor (AFF) Work Group Charter – Committee Discussion

Committee member Davis asked if there is a difference between “presumed” and “likely” since there is an option for biological information based on on-site situations.

Committee member Dave Herrera said Tribal comments included the use of field Identification Teams (IDT). He said there is a difference between the terms “presumed” and “likely” and he would be OK with using “presumed” habitat for the AFF.

Committee member Swedeen agreed the term “presumed” more accurately reflects what we are looking for and comes from the present situation so the term “presumed” should apply where there is anadromy all the time. Committee member Davis added that AFF areas should be those streams where there is no need to electrofish.

Committee chair Guenther stated the Committee agrees “presumed” is the appropriate term for AFF habitat. He further said the need for IDTs should be incorporated into the rule, but the use of IDTs should be minimized.

Committee member Swedeen suggested clarifying Deliverables no. 2. “*Further refine definition of anadromous fish habitat end points (e.g. stream width/gradient, swale, undefined channels, etc.) by ending the sentence with “within draft rule language”.* Committee members agreed.

Committee chair Guenther confirmed committee consensus for the AFF workgroup to continue its work. He also confirmed the committee’s AFF charter recommendation to the Board would wait until Committee member Nelson could weigh in.

Water Typing System Rule for Eastern Washington

Engel said there are only 18 data points available for evaluation of the PHB options in eastern Washington and they are all in one ecoregion. He encouraged Committee discussion as to whether that was enough data to evaluate and then apply this rule to eastern Washington.

The committee agreed a meaningful discussion cannot take place without eastern Washington tribal and landowner representatives present during the discussion. Committee member Swedeen stated she felt the federal Services should also participate in the discussion.

Next Meeting Dates

Engel noted the next scheduled Committee meeting is Wednesday, October 2, 2019 from 1:00 – 4:00 p.m. in NRB room 362.

After a Committee discussion, Chair Guenther confirmed the final two Committee meetings in preparation for the Boards November meeting will be on October 14 and November 5, 2019.

Meeting adjourned at 3:03 p.m.