

# Water Typing System Rule Making Update May 7, 2024

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# Water Typing System Rule

## 1- History of the Water Typing System Rule

## 2- Rulemaking Update

- Draft Rule
- Spatial Analyses
- CBA and SBEIS
- SEPA
- Board Manual Guidance
- Timeline and Budget
- Looking Forward



# Water Typing System Rule History

## February 2013 Board

Directed Policy to initiate WTR.

Intent was to better address the FFR foundational goal to protect accessible fish habitat; to develop a field applied method of reliably identifying accessible fish habitat in an objective and repeatable manner; to maintain all essential elements of the methodology in rule; and to add long-standing Board guidance into rules where appropriate.

Goal: a sound water typing system which ensures riparian buffers are properly placed at each stream, protecting aquatic resources and their respective habitats. These goals support the statutory objectives endorsed in the Forests and Fish Report and Forest Practices Habitat Conservation Plan.



# Water Typing System Rule History

## August 2015 Board

Directed Policy to evaluate all components needed to establish a permanent water typing system rule, guidance and/or training.

The Board generally expects TFW Policy Committee to:

- Use the existing information,
- Develop a method for addressing streams not on the hydro layer,
- Make methods as accurate as possible,
- Balance error,
- Minimize electrofishing,
- Improve map over time,
- Develop methods to locate the stream break points on the ground
- Ensure the methods address small forest landowners.



# Water Typing System Rule History

## **November 2016 Board**

Directed Policy to initiate and complete Dispute Resolution to deliver consensus recommendations or the majority/minority report to the Board including:

- Acceptance of completed Type F/N points through Water Typing Modification Forms as the regulatory fish habitat points in the Fish Habitat Water Typing Map; and,
- The manner in which default physicals will be used to determine the Type F/N points



# Water Typing System Rule History

## May 2017 Board

Acknowledged Policy completion of Dispute Resolution and the Board assumed management for the development of the final issues needed to have a complete permanent water typing system in the forest practices rules.

Board accepted:

- Framework for a Fish Habitat Assessment Methodology (FHAM).
- Off-channel habitat (OCH) definitions for Type F channelized and non-channelized streams

Board approved:

- Convening of expert science team to determine those elements that would constitute a barrier and/or potential habitat break (PHB).



# Water Typing System Rule History

## February 2018 Board

Accepted 3 PHB options to be included in the draft rule proposal and accompanying analyses

## June 2019 Board Special Meeting

Board established a Board committee to:

- Determine if width can be estimated in the spatial analysis for the purposes of the required economic and environmental analyses;
- 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.



# Water Typing System Rule History

## **November 2019 Board**

Approved the anadromous fish floor workgroup charter, and directed Board Water Typing Rule Committee:

- Form a collaborative workgroup to explore whether there is other data available to inform the water typing system rule in eastern Washington;
- Provide oversight of the anadromous fish floor workgroup; and,
- To address other outstanding water typing rule issues as assigned by the Board.

## **August 2022 Board**

Approved Anadromous Fish Floor (AFF) alternatives A4 (7 percent) and D for analysis for inclusion in the statewide permanent water typing system rule





# Water Typing System Rule History

## November 28, 2022 Special Meeting

The Board acknowledged the following elements for the water typing system rule have been approved by the Board:

- To balance error
- Minimize electrofishing;
- Address stream segments not shown on the DNR hydro layer;
- Improve the water typing map over time;
- Include methods to locate the type F/N break on the ground; and ensure the methods provide the ability to be applied by small forest landowners; and
- Be consistent with fish habitat as defined in rule.

The Board acknowledged the anadromous fish floor is: “measurable physical stream characteristics downstream from which anadromous fish habitat is presumed and an agreement that the AFF would establish the location upstream of which fish protocol surveys may begin under fish habitat assessment methodology.”



**QUESTIONS?**

## **2- Rulemaking Update**

- **Draft Rule**
- **Spatial Analyses**
- **CBA and SBEIS**
- **SEPA**
- **Board Manual Guidance**
- **Timeline and Budget**
- **Looking Forward**

# Water Typing System Draft Rule

Draft Rule Amended:

- Incorporate minor changes for clarity
- Type F channelized and non-channelized habitat, May 2017 Board Motion WAC 222-16-030(2)(c)
  - (i) For channelized streams, the edge of off- channel habitat is determined based on the outer edge of inundation of the stream at the bankfull elevation flow.
  - (ii) For non-channelized streams, including stream associated wetlands, off - channel habitat is the outer edge of the area periodically inundated at the ordinary high water line.
- Future amendments to incorporate Potential Habitat Break and Permanent Natural Obstacle



# Water Typing System Rule – Spatial Analysis

## Draft WTR Spatial Analysis Report

- Provided methodology and preliminary results
- Shared with stakeholders for comments

Staff requested a reanalysis and methodological reconsiderations

Spatial analysis will be complete with DNR approval of the revised report

- Staff will forward the spatial analysis to be used in the CBA



# Water Typing System Rule – Economic Analyses

- Draft CBA methodology presented to the Economist Workgroup
- Methodology and analysis will include additional sensitivity analysis quantifying the effects of spatial analysis data relative to the contribution of other inputs in the final CBA
- Findings of preliminary analysis provided to Board in preparation for August decision for PHB and AFF inclusion in WTR
- Vendor will prepare preliminary CBA and SBEIS for November 2024 meeting.



# Water Typing System Rule – Environmental Assessment

DNR Staff will prepare an assessment showing the 3 PHB options in combination of the 2 AFF alternatives in comparison to the current rule

- Provided in materials for the August meeting
- Intended to assist the Board decision on which PHB and AFF to select for WTR

DNR staff will conduct SEPA analysis on the WTR



# Water Typing System Rule - Guidance

- Manual guidance provided for public to understand how the rule requirements would be applied
- Board Manual 23 Stakeholder Workgroup
- Draft manual section completed after Board determines PHB option and AFF alternatives for inclusion in WTR





# Water Typing System Rule - Timeline

## August Meeting

### Board receives:

- Presentation on the preliminary CBA and SBEIS analyses;
- Assessment showing the 3 PHB options in combination of the 2 AFF alternatives in comparison to the current rule

### Board actions:

- Decision on PHB and AFF for inclusion in WTR



# Water Typing System Rule - Timeline

## November Meeting

### Board receives:

- Water Typing System rule
- Preliminary CBA and SBEIS
- SEPA
- Draft Board Manual Section 23

### Board action:

- Approval of draft WTR and accompanying analysis, and direct staff to file CR-102

