

Water Type Review Team Guidance

During 2010, the Department of Natural Resources (DNR) identified members of a steering committee to review DNR's procedure for processing Water Type Modification Forms. The steering committee was made up of representatives from the Upper Columbia United Tribes (UCUT), Department of Ecology (ECY), Department of Fish and Wildlife (WDFW), Northwest Indian Fisheries Commission (NWIFC) and the Yakama Indian Nation. The group agreed to a process using Water Type Review Teams in order to facilitate an effective and efficient way to manage the review, comment and decision making process. The process described below may be evaluated and adjusted in the future.

A flow chart and narrative was developed that illustrates the pathways a Water Type Modification Form (WTMF) can take after it has been accepted by the DNR. It is important to recognize this flow chart is designed to accommodate both straightforward and contentious WTMFs. A high percentage of the WTMFs are non-controversial and get approved after going through the first few steps. However, a small percentage will likely need to go through many of the steps to reach resolution. Reading the descriptions of each step reduces the first-glance complexity of the flow chart.

The flow chart is only the road map of the process that reviewers will follow. The most significant piece of this review process is the implementation of Water Type Review (WTR) Teams. The concept is that the reviewers (DNR, tribes, ECY, and WDFW) in each DNR Region will meet to form one or more WTR Teams. Each WTR Team consistent with the guidance provided herein will develop ground rules, communication standards, a method for prioritization and frequency of meetings. WTR Teams will develop clear, written procedures for processing single WTMFs and large batch submissions of WTMFs. Self-forming and self-determination of the WTR Teams is important because while this guidance provides a somewhat uniform process there is far too much variability in demographics, geography and existing relationships to try to create absolute uniformity across the state.

The newly formed WTR Teams are intended to provide increased collaboration, communication, and transparency of decision making and provide better access to the process. Through this team approach the demands on any one individual may be reduced due to sharing of responsibilities, relying on other WTR Team members and decreasing duplication of work. No organization has enough people and site specific knowledge to adequately review each WTMF submitted. So when WTR Teams develop operating plans to implement the WTR Team concept, those plans are intended to allow each organization to focus their limited resources where they will do the most good.

While DNR remains the regulatory decision maker on water typing, it is not intended that DNR make these decisions absent consultation with the tribes and other resource agencies. The stature of each member and organization on a WTR Team is enhanced through active participation and collaboration. As an example, it is envisioned the WTR Team could decide to assign particular members to be the default or "first called" by DNR for water typing expertise in specific geographic areas. This may be more efficient and effective than a WDFW biologist being the default for an entire Region or more. Such an assignment of responsibilities would be a WTR Team decision rather than one made by DNR.

The WTMF review process will also incorporate the following procedures:

- Review of WTMFs and water type decisions shall be based on the Forest Practices Rules, the Board manual, established protocols and Forest Practices Division guidance. All decisions must adhere to this approach to be able to withstand an appeal.
- The goal of the process is to reach consensus, but ultimately DNR has the regulatory obligation to make a decision if consensus is not reached on a WTMF.
- When WTMFs are received by the DNR:
 - Those not associated with a forest practices application/notification (FPA/N) will be scanned and sent electronically to all WTR Team members.
 - Those associated with a FPA/N shall be scanned and entered into the Forest Practice Application Review System (FPARS). WTR Team members shall be

alerted to the existence of the WTMF. These WTMFs have the highest priority for processing.

- FPA/N(s) with associated WTMF(s) won't be approved prior to 30 days without comments from all reviewers, unless the FPA/N(s) provide protection that equals or exceeds what would be required for the highest potential water type for the water in question.
- For batch and other non-FPA/N associated submissions, the WTR Team will prioritize the WTMFs for review and establishes the organization and timeline for the review.
- Once a WTMF review has been officially initiated the forms will be assigned a 30 day deadline for comments. However, submissions of large numbers of WTMFs must be prioritized and divided into groupings where, based on communication with the WTR Team, it is determined reasonable to expect the reviews can be initiated and completed within 30 day periods for each grouping.
- When there is non-concurrence, approval or disapproval of WTMFs shall not occur unless a field review and additional discussions to reach agreement have failed. If field reviews are required, the WTR Team would assist in determining who would be needed on the interdisciplinary review (ID) teams.
- When approving or disapproving a WTMF, DNR will document the basis for the action on the Water Type Modification Summary and Decision Sheet.
- Per Board Manual Section 13, landowners, organizations, and contractors should discuss their plans and methodology with the WTR Team prior to conducting a field survey. Otherwise, submissions that do not meet protocol survey standards may be rejected.
- Submitters of WTMFs (landowners, contractors and others) will be informed that some WTMFs may not be acted upon until seasonal conditions allow an adequate field review. They will be encouraged to resubmit WTMFs at times when sites are accessible for field review.
- When submitting WTMFs, not associated with FPA/Ns, landowners are encouraged to identify those WTMFs where operations may be planned in the near future. This will aid the prioritization process.
- Landowners and other submitters of WTMFs shall be kept apprised of the status of WTMF reviews for water on their ownerships.
- When a WTMF is submitted by someone other than the large forest landowner, or their contractor, the large forest landowner will be invited to participate in the review.
- WTR Teams should develop After Action Reviews or other assessments to evaluate team performance and modify, within these guidelines, their procedures as necessary.

WTR Team Process Narrative

- **Pre-Season** - Prior to the project season, large landowners should consult with the WTR Team. Consultation with WDFW, ECY, affected Tribes, and DNR should occur prior to the survey effort. This allows for a clear understanding of the process and expectations of the parties involved. This also provides an added benefit to the landowner by saving survey time and money. Consultation meetings should be well documented with an Informal Conference Note.
- **Step 1 - Preparation** - Proponent/Contractor prepares the Water Type Modification Form (WTMF) according to Forest Practices Rules and Board Manual Section 13 and submits proposal to DNR.

- **Step 2 - Initial submittal review** - DNR Forest Practices reviews the proposal to ensure that the WTMF paperwork packet is complete and accurate and ready to be passed on to the next level. The packet should contain all of the information requested in the WTMF instructions. If the packet is not complete, it is returned to the proponent for further information and subsequent resubmittal.
- **Step 3 - Processing of proposal** - Proposal packet is assigned a WTMF number, is scanned, and emailed to the WTR Team members responsible for the water resource inventory area (WRIA) that the proposal lies within.
- **Step 4 - Prioritizing Batches** - Submissions of large numbers of WTMFs must be prioritized and divided into groupings where, based on communication with the WTR Team, it is determined reasonable to expect the reviews can be initiated and completed within 30 day periods for each grouping. If the proposal is not part of a large stream typing effort, for example a small landowner or a single water typing issue associated with an FPA/N, this step may be bypassed.
- **Step 5 - Concurrence review** -
 - If the WTMF is not part of an FPA/N: Within the first 30 days the WTR Team will use local knowledge, fish distribution data bases, GIS, and previous WTMFs in the area to evaluate the proposal for accuracy and acceptability. A response of concur or non-concur (further questions/clarification are documented initially as non-concur) is then passed back to the Forest Practices region office staff. If concurrence is reached with all reviewers the proposal is approved. If concurrence is not reached with all reviewers, the Forest Practice Forester documents the questions/ concerns and contacts the landowner for further information.
 - If the WTMF is part of an FPA/N: The timeline for decision on the WTMF will be tied to the timeline of the FPA/N. If insufficient knowledge exists among WTR Team members to concur with the WTMF within the required 30-day review period and it is not possible to conduct a field review or receive clarifying information needed from the proponent, the WTMF will be disapproved and returned to the applicant for resubmittal.

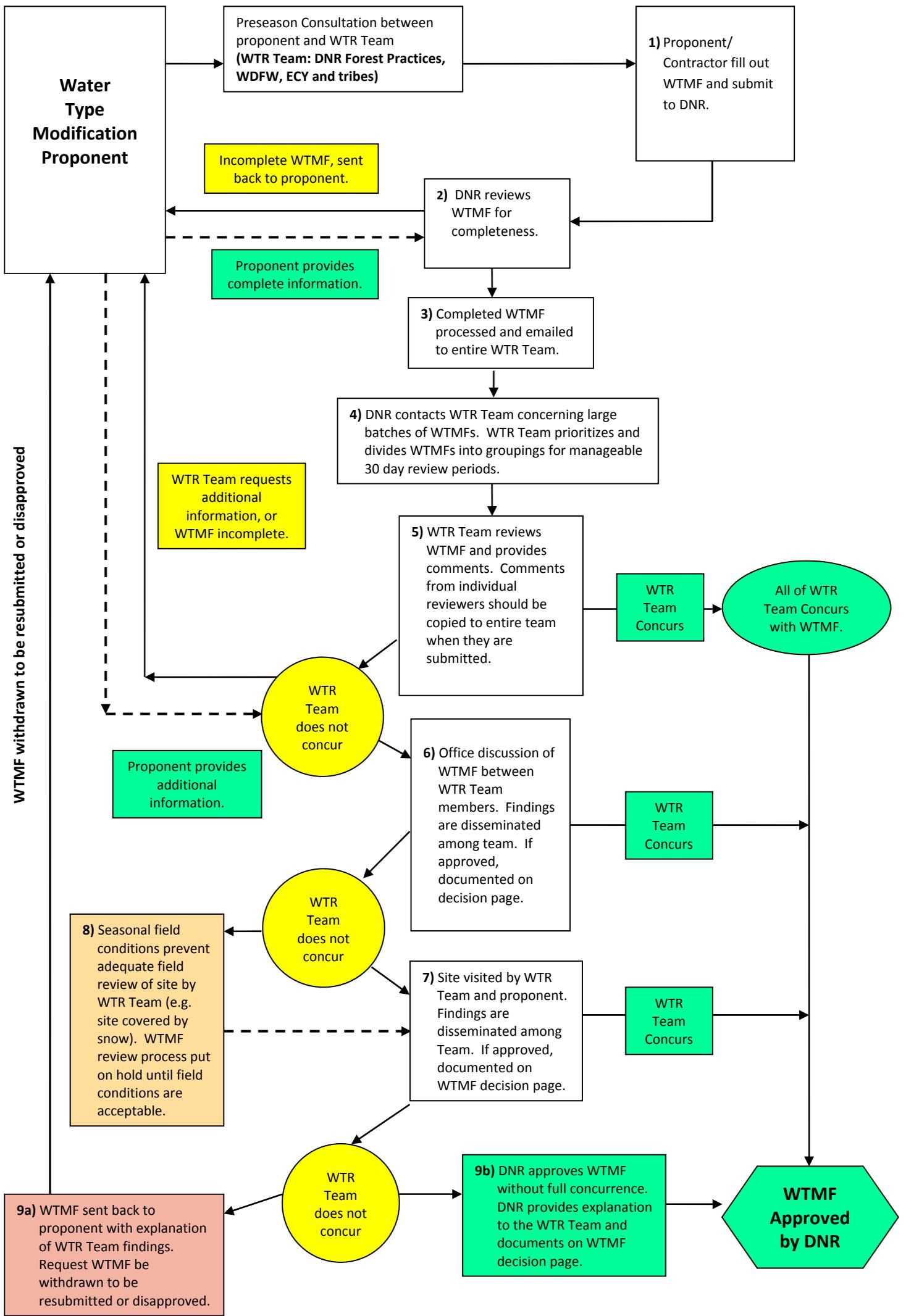
Note: If the WTMF is associated with activities for a small forest landowner, then intermediate steps may be skipped and the process can move forward to a field visit.

- **Step 6 - Concurrence office discussion** - Remaining WTMFs with questions/concerns are discussed amongst the WTR Team. Local knowledge is combined, proponent answers to questions are discussed, maps and GIS are examined. Any written comments from the WTR Team will be attached to the proposal. If concurrence is reached, then the proposal is approved and documented on the decision page.
- **Step 7 - Field Visit** - A field visit occasionally occurs earlier in the process in an attempt to quickly answer a question and to speed up concurrence. If the WTMF has progressed through the previous steps to this point and before a final determination is made, a field visit is made with the WTR Team, the proponent and their consultant, if desired. Any written comments from the WTR Team will be attached to the proposal. If concurrence is reached, then the proposal is approved and documented on the WTMF decision page.
- **Step 8 - Field Conditions not conducive to field visit** - If an adequate field review of the WTMF by the WTR Team is not possible due to field conditions, (e.g. site covered by snow) the WTMF will be held until a time at which the site can be visited. If the WTMF is attached to an FPA/N the landowner will have the option of

withdrawing the FPA/N or amending the FPA to protect the stream at the higher order stream type classification until the site can be evaluated.

- **Step 9a - Non-concurrence Withdrawal/Disapproval** - If concurrence has not been reached in the field, the proponent has the option of withdrawing the proposal and resubmitting. The proponent can resubmit the proposal taking into account the discussions and findings of the WTR Team during the site visit. If the landowner does not wish to withdraw and resubmit, the DNR forester may disapprove the proposal.

- **Step 9b - Non-concurrence DNR Approval** - In the situation where concurrence cannot be reached within the WTR Team, the DNR forester may decide on an approval of the proposal if it meets the Forest Practices Rules and Board Manual Section 13. In this situation, the DNR forester will document their decision with an explanation, attach the documentation to WTMF, and make it available to the WTR Team. Any written comments from the WTR Team will be attached to the proposal. Documentation of the decision will be made on the WTMF decision page.



WTMF withdrawn to be resubmitted or disapproved