



CONSERVATION COMMISSION
MEETING PACKET

DECEMBER 2013



**WASHINGTON STATE
 CONSERVATION COMMISSION REGULAR MEETING**
 Suncadia Lodge
 3600 Suncadia Trail
 Cle Elum, WA 98922

PRELIMINARY MEETING AGENDA
December 5, 2013

TIME	TAB	ITEM	LEAD	ACTION/INFO
9:00 a.m.	1	Call to Order <ul style="list-style-type: none"> Additions/Corrections to Agenda Items (pgs. 3-4) 	Chair Jim Peters	
25 minutes		Introductions	All	
***** PUBLIC COMMENT WILL BE ALLOWED PRIOR TO ACTION ITEMS *****				
5 minutes	2	Consent Agenda <ul style="list-style-type: none"> Approval of the WSCC September 19, 2013 Minutes (pgs. 6-11) Approval of Executive Director, Chair and Vice Chair to attend NACD February 2-5, 2014 		Action
180 minutes	3	Ag/Water Quality: Discussion on the Northwest Indian Fisheries Commission letter to WSCC & related issues. (pgs. 13-32)	Mark Clark	Action
12:30 (30 min)	LUNCH: PLEASE RSVP TO THE CONSERVATION COMMISSION			
20 minutes	4	District Operations <ul style="list-style-type: none"> Good Governance procedure, checklist and policy (pgs. 34-49) Conservation District Supervisor Appointment (pgs. 50-50) Annexation of Orting into Pierce CD (pgs. 51-55) 	Ray Ledgerwood Lori Gonzalez Ray Ledgerwood	Action Action Action
45 minutes	5	Policy/Programs <ul style="list-style-type: none"> Agricultural Conservation Easement Policy (pgs. 57-57) Update on Elections and Administrative Efficiencies Proviso (pgs. 58-93) VSP Report to Legislature 	Josh Giuntoli Ron Shultz/Ray Ledgerwood Ron Shultz	Action Action Action

TAB 3



Washington State Conservation Commission

November 18, 2013

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Ron Shultz, Policy Director

SUBJECT: Ag and Water Quality - NWIFC Letter to SCC and Plan for Response

SUMMARY

On September 25, 2013 the Commission received a letter from the NW Indian Fisheries Commission (NWIFC) requesting the Commission take action to help protect member-tribes' treaty rights and help meet water quality standards. They requested the Commission "take decisive action" at the December Commission meeting.

COMMISSION ACTION REQUESTED:

Staff requests guidance on a recommended path forward to collect further information and bring the issue back before the Commission at the January meeting.

Attachments:

- Letter from Michael Grayum, NWIFC to Mark Clark, WSCC September 25, 2013
- Letter from Mark Clark, WSCC to Michael Grayum, NWIFC October 3, 2013
- Letter from Will Stelle re buffers January 2013
- Letter from Will Stelle re modified buffers April 2013
- NMFS Riparian Buffer Table and Guidance August 2013

BACKGROUND

The letter from the NWIFC made several assertions regarding the programs of the Commission and conservation districts and whether these programs will protect treaty rights and protect water quality. The letter also included several requests of the Commission to correct the issues they identified. The NWIFC also requests the application of NMFS buffer recommendations to WSCC programs.

Actions of other state and federal agencies to address these resources are also described in the letter, and the NWIFC states there is a "recognition that dramatic change from business-as-usual habitat management" is needed.

The NWIFC letter makes several assertions as well as several requests outlined below:

Assertions:

- previous letters went unanswered
- inability to ensure temperature water quality standards are addressed through all WSCC-led conservation programs
- conservation districts are ideologically opposed to working with federal fish agency expertise, and unwilling to implement their recommendations
- conservation districts have commented funding programs should narrow their focus to only address one or two pollutants and not be required to address all resource impacts affecting treaty resources on a stream

Requests:

- Take action at the December WSCC meeting
- Provide appropriate guidance to conservation districts consistent with applicable state and federal obligations
- Apply the NMFS buffer table to WSCC funded conservation programs
- Communicate the importance of treaty right protection to conservation districts

Provided in this meeting packet for your reference are copies of two letters from Will Stelle, Regional Director, NOAA Fisheries regarding an interim matrix of riparian buffers recommended for use by EPA and NRCS. This matrix and Mr. Stelle's request and recommendation form the basis of recent actions by EPA and Ecology to require the use of these buffers to receive certain funding. This required use is what is commonly referred to as "conditioning of funds".

The NWIFC, as noted above, is requesting the Commission apply the buffer table to WSCC funded conservation programs as one tool to address resource concerns identified in the tribal Treaty Rights at Risk document and other sources.

Discussion

The issue of conditioning funds on the buffer table has generated a significant amount of discussion and concern among conservation districts and stakeholder groups. Concern has been raised that if conditions are too severe, landowners will not take advantage of incentive based programs and funding.

At the same time, concern has been growing that natural resource issues are not being adequately address in the implementation of incentive based programs. With limited funding at public agencies at all levels we need to show funds are going to those actions that are most likely to achieve the natural resources improvements that are needed.

As reflected in the reply letter from Mark Clark to Michael Grayum, this issue is a complex and has a significant impact on the work of conservation districts and their relationship with landowners. Also, as noted in the NWIFC letter, this discussion and decision involves an evaluation of our “book of business” and whether changes are needed.

Because of these factors, the WSCC staff recommendation is no action be taken at the December meeting on the NWIFC request. Instead, WSCC staff would engage with districts, stakeholders (of all interests), and other agencies to gather feedback and present the results of this fact finding to the Commission at the January regular meeting.



Northwest Indian Fisheries Commission

6730 Martin Way E., Olympia, Washington 98516-5540

Phone (360) 438-1180

www.nwifc.org

FAX (360) 753-8659

September 25, 2013

Mark Clark, Executive Director
Washington State Conservation Commission
PO Box 47721
Olympia, WA 98504-7721

Re: Request for WSCC Action to Protect Treaty Rights

Dear Mark Clark,

On behalf of the Northwest Indian Fisheries Commission (NWIFC) I would like to respectfully request that your agency take action to help protect our member-tribes' treaty rights and help meet water quality standards. Many state and federal agencies are now stepping forward to enhance the accountability of their grant programs and align their agency's efforts with protection of treaty-reserved resources. We are strongly encouraged by this forward movement, and it is our hope that your agency will join the effort. Specifically, the NWIFC would like to request that Washington State Conservation Commission (WSCC) take decisive action at the December Conservation Commission meeting, and agree to support implementation of the riparian buffer recommendations for grant programs from the National Marine Fisheries Service (NMFS). Adoption by the WSCC of the NMFS recommended interim buffer guidelines would provide assurances that WSCC administration of funds will be consistent with protecting treaty-reserved resources, including salmon and shellfish, and implementing state water quality standards.

The NWIFC and its member tribes have worked long and hard to ensure that Washington State recognizes and protects treaty rights. As often noted by long-time member and current WSCC Chair Jim Peters, state agencies have obligations to support salmon recovery, protect shellfish beds, and implement state water quality standards. These obligations come from the fishery co-manager relationship, as well as state and federal statutes. These obligations are realized when state agencies conduct their efforts in a way that is consistent with protection of our treaty rights.

In previous correspondence, the NWIFC has identified how WSCC programs do not assure treaty resource protection. As a result, the NWIFC has made numerous requests that your agency take actions

to provide the necessary assurances and alignment with treaty resource protection.¹ Unfortunately, those requests have elicited little response, let alone prompt action. For example, we are disheartened that our January 2nd, 2013 letter and request for information remains unanswered. Also troubling is the inability to ensure that temperature water quality standards get addressed through all WSCC-led conservation programs. Nevertheless, the NWIFC remains hopeful that the WSCC will carry out their conservation mission by providing appropriate guidance to conservation districts that is consistent with applicable state and federal obligations.

At the federal level, the Natural Resource Conservation Service (NRCS), the United States Environmental Protection Agency (EPA), and NMFS have now taken significant steps forward to try to align some of their programs to be consistent with salmon recovery and meeting state water quality standards. For example, NMFS has recently identified interim riparian buffer recommendations to guide the use of federal and state funds spent to address water quality and/or fish habitat protection where agricultural activities occur along streams.² In turn, EPA has agreed to condition NEP and § 319 funds spent to address water quality problems stemming from agricultural activities to require implementation of the NMFS-recommended riparian buffers.³ Additionally, NRCS recognizes that its riparian guidance has been inadequate to address salmon recovery so we have been told that, consistent with its own procedures, it has developed its own requirements where the end results differ little from those called for by NMFS.

At the state level, the Department of Health (DOH) and the Department of Ecology (DOE) are also poised to take significant steps toward enhancing accountability and grant performance expectations. The DOH has undertaken efforts to provide better oversight of Pollution Identification and Control Programs, which we hope will ultimately mature into assurances that PIC programs implement pollution controls consistent with the protection of all treaty-reserved resources. Additionally, EPA and NMFS have also provided direction to DOE regarding the need to upgrade the state's Coastal Nonpoint Pollution Program (16 USC §1455b) to protect treaty reserved resources, implement water quality standards and support salmon recovery. Similar direction has also been provided regarding the state's §319 program.

Overall, these federal and state actions have been under consideration for many months and stem from the recognition that dramatic change from business-as-usual habitat management is necessary to reverse the decline of ESA-listed, treaty-reserved salmon. And again, it is our hope that the WSCC will join the effort to turn the tide.

¹ See Letters from NWIFC to Mark Clark, Executive Director of the Washington State Conservation Commission Dated: July 12, 2011, March 2, 2012, and January 2, 2013

² See Letter from Will Stelle, NMFS, to Roylene Rides at the Door, NRCS, and Dennis McLerran; EPA (January 30, 2013 (including accompanying matrix and technical justification from the NW Fisheries Science Center. *See also* Letter from Will Stelle, NMFS, to Roylene Rides at the Door, NRCS, and Dennis McLerran, EPA (April 9, 2013) (matrix modifications).

³ See Letter from Linda Anderson-Carnahan, EPA, to Josh Baldi, EPA (May 20, 2013).

The NWIFC would also like to request your support in communicating the importance of treaty right protection to conservation districts. We recognize the central role of the WSCC in coordinating with conservation districts. The NWIFC, therefore, believes that the WSCC is well suited to address some of the misunderstandings emerging from conservation districts. For instance, it has been repeatedly noted that a few select conservation districts are ideologically opposed to working with federal fish agency expertise, and are unwilling to implement their recommendations.⁴ Also, some conservation districts have commented that funding programs should narrow their focus to only address one or two pollutants and not be required to address all the resource impacts affecting treaty resources on a stream.⁵ The NWIFC believes that shellfish and salmon protection are not separate, water quality standards are not separate, and that riparian health, salmon productivity, and shellfish production are all interconnected. In other words, good stewardship should protect all of the treaty-reserved resources. We believe that the misunderstandings of a select few are not representative of the broader conservation community, and therefore these issues should be effectively addressed through good communication and coordination. We also believe that correcting these misunderstandings is an important task well suited for your organization.

The NWIFC recognizes that we are asking the WSCC to take a new direction, and that this type of change is not always easy. However, there has been much discussion of the tribes' requests in past years and we believe that the WSCC could provide the necessary leadership to the conservation districts to overcome any barriers that may emerge. Accordingly, we respectfully request that the WSCC adopt the NMFS-recommended riparian buffer guidelines for use in conservation district projects, plans, and practices along watercourses. Given the need to provide guidance so that conservation districts and others can make informed funding requests, we respectfully ask that the WSCC take definitive action at the December meeting.

We look forward to new leadership presence from your agency in ensuring that grant programs are aligned with treaty-resource protection, implementation of water quality standards and alignment with salmon recovery. Should you have any questions on this issue, please don't hesitate to contact myself or Jim Peters at (360) 438-1180.

⁴ For example at the Clean Samish Initiative Outreach and Education Meeting Notes June 26, 2013: "Kristi reported that SCD is unlikely to accept the EcoNet Social Marketing grant they were awarded for manure management outreach in the Thomas Creek watershed due to concerns regarding the requirement that the SCD require NOAA buffers if it takes the grant, and because less funding is being provided than was originally offered."

⁵ See Letter from the Puget Sound Conservation Districts to the Puget Sound Partnership (March 9, 2013) (comments on themes for pathogens and nutrients and toxics lead organizations): "Unlink salmon recovery from pathogen control efforts. The coupling has unduly complicated programs resulting in dissension [sic], lost time and deterioration of working relationships that have been examples of non-point pollution success stories in the past."

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Grayum". The signature is fluid and cursive, with the first name "Mike" being more prominent than the last name "Grayum".

Mike Grayum, Executive Director

cc

Commissioners

Governor Jay Inslee

Dennis McLerran, US EPA Region 10

Dan Opalski, US EPA Region 10

Roylene Rides at the Door, NRCS

Maia Bellon, Department of Ecology

Will Stelle, NOAA Fisheries

Jerrold Davis, Office of Shellfish and Water Protection, WA DOH



STATE OF WASHINGTON
CONSERVATION COMMISSION

PO Box 47721 • Olympia, Washington 98504-7721 • (360) 407-6200 • FAX (360) 407-6215

October 3, 2013

Michael Grayum, Executive Director
Northwest Indian Fisheries Commission
6730 Martin Way E.
Olympia, WA 98516-5540

RE: NWIFC letter to the Conservation Commission dated September 25, 2013

Dear Mr. Grayum,

Thank you for your letter of September 25, regarding implementation of grant programs at the Conservation Commission.

As you indicate in your letter, your request involves issues that will require reflection on how the Commission and conservation districts have conducted business over the past many decades and how our work has supported protection of natural resources. Because of the composition of the Commission, our relationship with conservation districts, our relationship with various partner agencies and stakeholder groups, and our broad agency mission, it will take some time to evaluate your request and prepare a response. In the meantime, please be assured this will be a priority for us. We will schedule this matter to come before the Commission at the December meeting.

We share the commitment to the protection and enhancement of our natural resources as we also work to support our state's farmers and landowners. Commission staff has briefed the full Conservation Commission on several occasions since the Treaty Rights at Risk paper was released. Staff has also briefed all conservation districts as to the concerns of the Tribes and entered into discussions with them about evaluating our work in the context of the issues raised. Your staff has received copies of these.

Michael Grayum, Executive Director
NWIFC October 3, 2013

We recognize that balancing these needs is not always easy but a review of how we are doing is long overdue. We look forward to working with you on this matter.

If you have any questions, please don't hesitate to contact me or Ron Shultz, WSCC Policy Director at (360) 407-6200.

Sincerely,



Mark Clark
Executive Director

cc: Governor Jay Inslee
Dennis McLerran, Administrator, US EPA Region 10
Roylene Rides at the Door, NRCS State Conservationist
Will Stelle, NOAA Fisheries
Dan Opalski, US EPA Region 10
Maia Bellon, Director, WA Department of Ecology
Bud Hover, Director, WA Department of Agriculture
Jerrod Davis, Office of Shellfish and Water Protection, WA Department of Health
JT Austin, Executive Policy Advisor, Governor's Executive Policy Office



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

January 30, 2013

Ms. Roylene Rides-at-the Door
USDA Natural Resources Conservation Service
316 W. Boone Avenue, Suite 450
Spokane, Washington 99201-2348

Mr. Dennis McLerran, Regional Administrator
EPA - Region 10
1200 6th Ave., Suite 900
Seattle, Washington 98101

Dear Ms. Rides-at-the-Door and Mr. McLerran:

Our three agencies have been in very active discussions on opportunities to restore the health of our streams and nearshore areas as part and parcel of our collective effort to address the Treaty rights issues associated with the continuing loss of habitat productivity of importance to salmon and steelhead populations and other fishery resources in the Pacific Northwest. In particular, we have been examining the adequacy of our current approaches to describing those riparian buffers in lower elevation landscapes that may be necessary to protect and restore important aquatic functions.

NOAA Fisheries has recently reviewed the current scientific information associated with this topic in order to assist us in identifying approaches that might help protect aquatic functions important to fishery resources. In this context, I am writing to recommend that you use on an interim basis the enclosed matrix of riparian buffers in programs EPA or the NRCS support or fund. I would also couple this with our request to join with us and others to refine the matrix based on best available science over the coming months. For your information, I have enclosed a brief synopsis of existing scientific information about the relationship between riparian buffers and aquatic stream functions important to Pacific salmonids in the low elevation agricultural landscapes of western Washington which I believe will help provide some meaningful background for our recommendation.

Several factors provide context for our recommendation. Numerous populations of salmon and steelhead in the Pacific Northwest are at risk of extinction and as a consequence, federally-reserved treaty rights to harvest these fish are also at risk. Degradation and loss of freshwater and estuary habitat are significant factors in the decline of these populations. Salmon habitat ranges from the forested areas of the upper elevations to the lower-elevation floodplains to the estuarine and near-shore habitats of Puget Sound. All of these areas provide vital functions in



the system as whole, particularly the lower-elevation and estuarine areas that are the focus of my recommendation. There are many ongoing efforts to rebuild Puget Sound salmon, including those of numerous state and federal agencies, tribal and local governments and the private sector. I am providing the enclosed matrix as NOAA Fisheries' recommendation for minimum riparian buffers in lower-elevation agricultural landscapes. Our technical guidance is intended to help shape recovery and rebuilding efforts effectively and to offer our technical advice on what aquatic functions fish need.

In some cases, our recommendations are framed in terms of ranges of buffer widths rather than point estimates, and expressed as probabilities of achieving desired outcomes. Local conditions and local circumstances matter, and may affect the choice of the riparian buffer most effective at achieving salmon recovery. Nevertheless, the scientific information does support conclusions about the probability of differing buffer ranges to provide a range of aquatic functions that are essential for water quality and salmon needs, as depicted in the enclosures. We are ready to work with project proponents, landowners, agencies, departments and tribes to provide technical advice and find solutions that will support salmon recovery.

The enclosed matrix has its origins in the Washington Agriculture, Fish and Water process (AFW), which occurred from 1999 to 2003 and included participation by state and federal agencies, tribal governments and diverse agricultural interests. One of the efforts undertaken in the AFW process was to identify riparian buffers for agricultural landscapes that provide adequate salmon habitat and are implementable. Several options were developed by the AFW caucuses. For the sake of clarity, the enclosed matrix displays the proposal developed by the federal caucus at the request of the AFW Executive Committee, Option 3. It was presented to the Executive Committee by NOAA Fisheries, along with several caveats which still hold true today: 1) there is a technical basis for the buffer table, supported by the refereed literature and other references; 2) it represents a coarse-scale classification; and 3) the goal of the matrix is to meet state and federal water quality standards and improve salmon habitat. NOAA Fisheries explained the numbers are within an advisable range, and stated there is flexibility to implement more complex approaches when looking at specific sites, so long as water quality protection and salmon habitat function are equivalent or better than that provided by our recommendations.

This history is relevant today as our view of the buffer table is unchanged. We supported its use in 2002, and we still support its use in 2012 as a guide for establishing interim minimum buffers for programs to promote good water quality and aquatic conditions important to salmon and other aquatic life. While the table identifies buffers as narrow as 35 feet for limited situations, in most settings buffers will need to be significantly wider than this to meet salmon habitat needs. We recommend protecting wider buffers where they exist and creating wider buffers where it is practicable and where local watershed conditions warrant. Further, we are convinced that any strategy to meaningfully increase the agricultural landscape's contribution to salmon recovery, as well as any strategy to sufficiently protect water quality, should contain a robust riparian restoration program.

If you have any further questions about this letter, please feel free to call me directly or Mr. Steve Landino, the director of our Washington State Habitat Office.

Sincerely,

A handwritten signature in blue ink that reads "William W. Stelle, Jr." in a cursive style.

William W. Stelle, Jr.
Regional Administrator

Enclosures

cc: Puget Sound Federal Caucus Agencies
Northwest Indian Fisheries Commission
Washington State Dept. of Ecology
Washington State Department of Fish and Wildlife
Washington State Department of Natural Resources
Washington State Department of Agriculture
Washington State Department of Health
Washington State Conservation Commission
Washington Recreation and Conservation Office
Puget Sound Partnership

**Interim Riparian Buffer Recommendations for Streams in Puget Sound Agricultural Landscapes
November 2012
(Originally proposed as federal Option 3 for the
Agriculture Fish and Water (AFW) Process, March 2002)**

Channel Type	Habitat Functions	Composition	Buffer Width	Comments
Class I Constructed ditches; small non-fish bearing streams	Water quality protection; shade; sediment filtration	Grasses, trees or shrubs; may only need woody vegetation on one side of channel	As wide as necessary to meet water quality standards; can be determined by NRCS Field Office Technical Guide (FOTG)	Channels constructed for purpose of draining farmland. If dredged, dredging should occur when fish are absent or at lowest densities
Class II Fish bearing streams; natural and modified natural watercourses that are incised and cannot move	Water quality; LWD for cover, complexity; litter fall; shade	Site potential vegetation; trees where they will grow	2/3 Site potential tree height; 50 ft. minimum to 180 ft. maximum	Portions of natural watercourses that can no longer migrate laterally
Class III Fish bearing; natural unconfined channels	Same as above, but structural LWD essential	Same as above	3/4 Site potential tree height	Highly desirable to buffer entire channel migration zone (CMZ)
Class IV fish bearing streams confined by dikes or other hardened man- made feature	Water quality; complex cover; litter fall; shade	Trees and shrubs	Face of levee, from top of dike to Ordinary High Water (OHW) mark	
Class V Fish bearing intertidal and estuarine streams and channels	Water quality; food inputs; habitat complexity	Site potential vegetation (salt- tolerant sedges, shrubs, trees)	35-75 ft.; varies according to adjacent land use	

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WSSC



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

April 9, 2013

Ms. Roylene Rides-at-the-Door
Washington State Conservationist
USDA - Natural Resources Conservation Service
316 W. Boone Avenue, Suite 450
Spokane, Washington 99201-2348

Mr. Dennis McLerran, Regional Administrator
U.S. Environmental Protection Agency – Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101

Dear Ms. Rides-at-the-Door and Mr. McLerran:

I am writing to convey my support for slight modifications to the riparian matrix that I distributed on January 30 of this year. As Natural Resources Conservation Service (NRCS) staff developed guidance for implementing riparian restoration actions consistent with the matrix, they discovered that internal agency issues prevented the use of a 100-year soil site index upon which the matrix is predicated. It is my understanding that the NRCS is required to use soils data that are available on line, and that only 50-year soil site index data are so available. Fortunately, NRCS and NMFS staff crafted a workaround that requires only minor modifications to the matrix while enabling the use of 50-year soil site index data.

Buffers for two of the channel types on the matrix were to be set at minimums equal to either two-thirds or three-fourths of a 100-year-old site potential tree. Using the same fractions of a 50-year site index potential tree height, at least where site potential trees are conifers, would result in much narrower buffers. However, a review of conifer growth rates across a range of western Washington soil types suggests that modifying the matrix to set minimums at three-fourths and 100 percent of a 50-year old site potential tree height, respectively, would yield nearly identical minimum buffer widths as those in the original matrix. I support this modification as a practical accommodation to on-the-ground implementation.

In addition, I understand there are concerns that the matrix is too vague regarding type 1 channels. The intent is that type 1 channels not contribute to water quality problems downstream. Reference to the Field Office Technical Guide is intended to convey that the necessary width and composition of buffers on type 1 channels will vary depending on the adjacent land use and geomorphic setting.



To implement the recommendations in the matrix, when surface waters are present, water quality must be identified as a resource concern and appropriate combinations of best management practices (BMPs)¹ must be applied to ensure the associated farm operation will comply with water quality standards. For example, where pathogens are of concern, there is no support in the literature for buffers narrower than 35 feet. Therefore, we expect that type 1 channels on lands occupied by livestock or where manure is being applied will be treated with a combination of BMPs that will result in a buffer width of 35 feet or greater, e.g., a 15-foot wide hedgerow and a 20-foot or wider filter strip.

Lastly, I agree that channel type 4, leveed channels, should be removed from the list, as these features are managed according to Corps of Engineers' requirements.

I look forward to working with each of you in applying our shared authorities and responsibilities to dramatically improve habitat and water quality in the Puget Sound basin. If you have any further questions about this letter, please feel free either to call me directly or to contact Mr. Steve Landino, the director of our Washington State Habitat Office.

Sincerely,



William W. Stelle, Jr.
Regional Administrator

cc: Washington State Dept. of Ecology
Washington State Conservation Commission
Mike Grayum, Northwest Indian Fisheries Commission
Thomas Eaton, Environmental Protection Agency
Linda Anderson Carnahan, Environmental Protection Agency
Sherre Copeland, Natural Resources Conservation Service

¹ BMPs may include conservation practices found in the Field Office Technical Guide applied in manner that results in compliance with water quality standards.

**NMFS Riparian Buffer Table
Guidance**

Channel Type	Functions	Composition	Buffer Width ("Option 3")	Buffer Length (Added by NRCS for Clarification for Field Staff; based on discussion with NMFS)
1. Fishless, or constructed ditches	Water quality, shade, filter	Grasses, trees or shrubs where shade needed	As determined by Electronic Field Office Technical Guide (eFOTG)	Entire planning unit.
2. Fish bearing, modified natural channel, entrenched or spring fed	Water quality, large wood debris (LWD) for cover, complexity and shade	Site potential vegetation. Trees where they will grow.	2/3 Site potential tree height; 50 ft. min – 180 max.	Entire planning unit
3. Fish bearing	Same as above, but structural LWD is essential.	Same as above.	¼ Site potential tree height.	Entire planning unit
4. Diked, permanently fixed	Habitat complexity, near shore refuge, a food source.	Site potential vegetation. Trees where they will grow.	From top of dike to Ordinary High Water Mark (OHWM).	Entire planning unit.
5. Fish bearing, intertidal/estuary	Same as #1, plus food source and habitat complexity.	Site potential vegetation (salt water) sedges, shrubs, etc.	35-75 feet varies according to adjacent land use	Entire planning unit.

1. Channel Type 1 “Fishless, or Constructed Ditches”

a. This is defined as:

i. *Fishless* streams

1. These are mapped by WDFW Priority Habitats and Species (PHS) and/or WDFW Salmonscape <http://wdfw.wa.gov/mapping/salmonscape/> as having no fish
2. Biologist (WDFW, Tribal, NRCS, etc) determines no fish within stream

ii. Constructed ditches

- 1. These ditches NEVER were streams historically; these were constructed solely for the purpose of removing water from a farm.**

2. Can have seasonal fish use during winter months when fish move into reaches and flooded fields with reduced flows
- b. ***Rachel and Deb to provide field staff with NRCS eFOTG Resource Concerns and Conservation Practices used to treat them for this Channel Type, such as:***
 - i. ***Water Quality, Temperature***
 1. ***422 Hedgerow and Filter Strip (example only)***
 2. ***422 Hedgerow***
 - ii. ***Water Quality, Excess Sediment***
 1. ***422 Hedgerow and Filter Strip (example only)***
 2. ***393-Filter Strip***
 3. ***327-Conservation Cover***
 4. ***383-Fence***
 - iii. ***Water Quality, Excess Nutrients***
 1. ***393-Filter Strip***
 2. ***327-Conservation Cover***
 3. ***382-Fence***
 - iv. ***Water Quality, Excess Pesticides***
 1. ***393-Filter Strip***
- c. ***Ditch maintenance is allowed***, but will be prescribed (for ditches NOT maintained by DD) to limit impacts to instream habitat such as:
 - i. Allow for machine entry on one side of ditch only. Allows woody vegetation to remain undisturbed on one side.
 - ii. Use mower to trim top of vegetation, then use machinery to dredge ditch and lift material out and over vegetation to upland area.
 - iii. Specify timing of dredging, ***especially if ditch has fish use during winter months. Emergency ditch clean out is authorized with appropriate regulatory agency permissions/permits.***

2. Channel Type 2 “Fish bearing, modified natural channel, entrenched or spring fed”

- a. This is defined as:
 - i. Fish bearing streams
 1. Mapped by WDFW PHS database and/or SalmonScape
 2. Local knowledge
 3. WDFW, Tribal or Agency Biologist (etc.)
 - ii. Fish bearing streams that have been or are modified:
 1. Occasionally ditched
 2. Moved and/or straightened historically
 3. Occasionally cleaned/dredged
 - a. Removal of wood/trees
 - b. Removal of gravels/silt/sand/other substrate
 - c. Etc.

- iii. Streams that are entrenched and not connected to floodplain
 - 1. Where stream bottom elevation has degraded and stream does not flow out of its banks during normal bankfull events.
 - 2. From dredging and spoil placement on sides of stream
- iv. Streams that are connected hydrologically to Springs
- b. Buffer Width is 2/3 Site Potential Tree Height (SPTH), 50 min – 180 max.
 - i. Conservation Planners will follow these steps:
 - 1. Identify Site Potential Tree Height from a NRCS Soil Survey or using Soil Data Mart (<http://soildatamart.nrcs.usda.gov/>) or Web Soil Survey (<http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>) on the “Woodland Management and Productivity” Table.
 - 2. Find the **conifer** Site Index (if more than one is given, use the predominant tree species for the area)
 - 3. Multiply the Conifer site index by 2/3 for the INITIAL buffer width.
 - 4. If no Site Potential Tree Height is given, then consult Area Soil Scientist, Area Biologist, or State Biologist.
 - 5. The soils will need to be ground-truthed to determine whether or not the soil information for that site is correct (and therefore the SPTH is accurate).
 - 6. Adjust INITIAL buffer by ground-truthed soil inventory accordingly.
 - a. For Example, if the INITIAL SPTH buffer is 140, **but there is an inclusion of Semiahmoo muck adjacent to the stream for 40 feet, then the 92 ft wide planting may include:**
 - i. **A 40 foot buffer of grasses, emergent wetland species, or shrubs that would grow on those soils, and**
 - ii. **A 52 foot buffer of trees adjacent to the grass/shrub planting.**
 - 7. Planners can use an **AVERAGE width.**
 - a. Averages are only good for one side of the stream (i.e., a buffer can’t be 180 feet on one side and farming up to the bank (0 ft) on the other side = giving the producer an average of a 90-foot buffer total).
 - b. **Hard structures, such as barns and roads (etc.) or farming utility (tractor turn around areas, etc) can have narrower buffers and wider buffers elsewhere so that the average equals the above formula.**
- c. Projects on stream channels (natural or previously modified) that are within Drainage Districts with a stream maintenance program, or are disturbed by the landowner (or third party) to enhance drainage efficiency (dredging, removal of instream wood, removal of stream bank vegetation, etc) will not be funded.
 - i. Options for landowners to receive NRCS funding include:

1. Streams must be managed for salmon and salmon habitat. Meaning no removal of instream wood, no dredging and riparian vegetation planting as specified above.

3. Channel Type 3 “Fish bearing”

- a. As defined by:
 - i. Fish bearing streams
 1. Mapped by WDFW PHS database and/or SalmonScape
 2. Local knowledge
 3. WDFW, Tribal or Agency Biologist (etc.)
 - ii. These streams are not manipulated or constrained by levees
 1. No dredging
 2. No removal of materials
- b. Buffer Width is 3/4 Site Potential Tree Height (SPTH)
 - i. Conservation Planners will follow these steps:
 1. Identify Site Potential Tree Height from a NRCS Soil Survey or using Soil Data Mart (<http://soildatamart.nrcs.usda.gov/>) or Web Soil Survey (<http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>) on the “Woodland Management and Productivity” Table.
 2. Find the **conifer** Site Index (if more than one is given, use the predominant tree species for the area)
 3. Multiply the Conifer site index by 3/4 for the INITIAL buffer width.
 4. If no Site Potential Tree Height is given, then consult Area Soil Scientist, Area Biologist or State Biologist.
 5. The soils will need to be ground-truthed to determine whether or not the soil information for that site is correct (and therefore the SPTH is accurate).
 6. Adjust INITIAL buffer by ground-truthed soil inventory accordingly.
 - a. For Example, if the INITIAL SPTH buffer is 140, but there is an inclusion of Semiahmoo muck adjacent to the stream for 40 feet, then the 105 ft wide planting may include:
 - i. A 40 foot buffer of grasses, emergent wetland species, or shrubs that would grow on those soils, and
 - ii. A 65 foot buffer of trees adjacent to the grass/shrub planting.
 7. Planners can use an AVERAGE width.
 - a. Averages are only good for one side of the stream (i.e., a buffer can’t be 180 feet on one side and farming up to the bank (0 feet) on the other side = giving the producer an average of a 90-foot buffer for both sides of the stream).
 - b. Hard structures, such as barns and roads (etc.) or farming utility (tractor turn around areas, etc) can have narrower buffers with wider buffers elsewhere so that the average equals the above formula.

4. Channel Type 4 “Diked, permanently fixed”

- a. The buffer width table requires planting 'From top of dike to Ordinary High Water Line' which does not meet NRCS Dike practice standard O&M; therefore, we will not be able to work with producers who have engineered dikes/levees constructed for flood control with FY 13 Salmon Recovery Funds.

5. Channel Type 5 "Fish bearing intertidal/estuary"

- a. As defined as:
 - i. Fish bearing streams
 - 1. Mapped by WDFW PHS database and/or SalmonScape
 - 2. Local knowledge
 - 3. WDFW, Tribal or Agency Biologist (etc.)
 - ii. Streams having direct, daily tidal influence such that the vegetation is adapted to saltwater conditions
- b. Adjacent Land Use is defined as:
 - i. Intensity of farming
 - 1. If cropland is adjacent to the stream, then the buffer width is 75 feet.
 - 2. If the area adjacent to the stream is covered with herbaceous vegetation, such as in a Pasture condition, then the buffer width is less than 75 feet (minimum of 35 feet).