

**HPA Citizens Advisory Group – Meeting Notes**

**Date: June 13, 2019**

**Time: 10 am to 3 pm**

**Place: Washington State PUD Association, Olympia, Washington**

**Summary: Follow-up actions**

<b>Item</b>	<b>Follow-up</b>
User group for climate change information	Notify George or Jane if interested in participating
Suction dredging data as directed by DFW Commission	Ask Tim Quinn to come to next meeting and discuss protocols

**Attendance:**

Amy Carey	Jennie Rotsten
Kim McDonald	Jim Shellooe
Hannah Marcley	Kimbal Sundberg
Norm Peck	Tony Warfield
Edrie Risdon	Steve West

**Staff:** Randi Thurston, George Wilhere, Jane Atha, and Allison Cooke; Neil Aaland (Facilitator)

**Welcome/Introductions/Agenda Review:** Neil Aaland, Facilitator, opened the meeting. Introductions were made around the room. Hannah Marcley, BIAW, is sitting in for Josie Cummings. Randi noted that Dan Doty has retired, and Teresa Scott is home sick today. The agenda was reviewed.

**Culvert Friendly Design:** George Wilhere and Jane Atha presented this topic. George said the more correct title is “incorporating climate change information into culvert design.” He showed a powerpoint presentation. In the future we’re likely to have less snow and more rain. This will affect carrying capacity of culverts. WDFW decided to look into this and partnered with UW Climate Impacts Group. Bank full width is a key parameter for culvert design. They looked at 10 global climate models and came up with projected streamflow for the 2040s and 2080s. They also looked at the percent change. There is an intranet site that shows projected streamflows, will be moving it to the internet for greater access. They’d like the CAG’s help.

Questions and comments included:

- Will this be supported in WAC? [Randi said they are still exploring; presently this is all voluntary]
- Has this been coordinated with DOT? [They were invited to be on the team in 2015; several presentations have been made to them. They’re interested but may have their own methods]
- Will this be included in the WDFW guidance manual? [still under discussion]
- Surprised that climate change is not a required consideration
- Is there a preference for bottomless culverts instead of closed-bottom? [they are better]

George posed several questions:

- For the internet site, what do people need?
- What is the best format?
- Do people want to be able to upload information?

He doesn't want the internet site to be an obstacle. They want user group input into site design. Jane is setting up the user group; if you're interested contact either Jane or George.

Additional comments:

- Looks like a great tool, still a need to consider costs versus tradeoffs. Kimbal noted a project in the San Juans where a culvert was collapsing
- Tony Warfield said the most useful for his group is output that goes right into plans and specs

Neil will include a link to the climate change page in meeting notes. [link: <https://wdfw.wa.gov/species-habitats/habitat-recovery/fish-passage/climate-change>]

**HB 1579 (Chinook bill):** Randi Thurston presented this topic. She asked Amy to make introductory comments, since she was on the prey availability subgroup. Amy summarized the process for the bill. It includes a number of actions, including giving WDFW civil authority.

Randi then walked through the bill section by section. She noted WDFW will be doing rule-making.

- Section 1: introduction
- Section 2: increase bag limits for non-native fish
- Section 3: creates recreational license for surf smelt
- Section 4: most directly relates to this group's charge. It sets up a pre-application process, which is voluntary. Norm thinks WDFW should ensure that Office of Regulatory Assistance knows about this.
- Section 5: gets into civil compliance, talks about technical assistance program. This is the backbone of the civil compliance program.
- Section 6: allows WDFW to issue a stop work order, under a manager's signature. Most likely when people are working without a permit. Amy said the intention is there is a "road map" of authorization.
- Section 7: provides a "notice to comply", requiring correction of problem. This can include compensatory mitigation, appealable to PCHB. Will likely need management signoff. Randi thinks this section is very valuable. The notice of rule-making (CR-101) will likely be filed in August.
- Section 8: civil penalty section.
- Section 9: administrative inspection warrant created; ask a judge for access.
- Section 10: changes to PCHB so they can hear these appeals.
- Section 11: non-exclusivity of remedies under this law
- Section 12: amends PCHB appeals to include portions of this law
- Section 13: vetoed by the Governor.
- Section 14: repealed the single-family bulkhead exemption.

Lunch break was taken for a half hour.

**Roundtable:**

- Kim McDonald said the DFW Commission on May 31 directed habitat staff to collect data regarding suction dredging; she'd like Tim Quinn to come to the next CAG meeting and discuss protocols for this work. Randi thinks this is possible.
- Norm noted that Ecology says suction dredging requires a water quality permit; any discussions between WDFW and Ecology? [Randi does not know what Ecology is planning]
- Kimbal said the U. S. Supreme Court declined to hear appeal of a 9<sup>th</sup> circuit case in Oregon; the state can regulate environmental impacts on federal lands

- Kimbal noted they have a SRFB grant for a test eelgrass restoration; this type of restoration has had inconsistent results. Eelgrass has been added to list of eligible projects for the fish habitat enhancement permit process.
- Randi attended a Puget Sound federal task force meeting aimed at streamlining permits; NOAA is hoping to get several things done by February. There is some skepticism about this February date.
- Edrie said the PUD is working on a programmatic permit.
- Jim Shellooe is interested in hearing more about the Fish Barrier Removal Board. [See these links for additional information: : <https://wdfw.wa.gov/about/advisory/fbrb> and <https://wdfw.wa.gov/species-habitats/habitat-recovery/fish-passage>]
- Norm asked about complaint tracking system; Randi said WDFW also uses ERTS. [Information about ERTS: : <https://ecology.wa.gov/About-us/Get-involved/Report-an-environmental-issue>]

### **Compliance:**

Randi introduced Allison Cook, habitat biologist. They have a PSP grant for compliance pilot. They started in summer of 2017. She showed a powerpoint presentation that summarized the pilot. They made 1.8 inspections per project, 98 projects total. She described an unpermitted project at Gig Harbor and discussed several other sites. Voluntary compliance is the biggest success. The report has 20 recommendations.

Randi asked the CAG to consider what a compliance program might look like and asked about higher level goals. Comments and questions included:

- Coordinating with local code enforcement staff work well; develop those relationships
- NOAA might have enforcement training (Allison noted more training is a recommendation)
- Amy thinks a goal is to add teeth to enforcement and use it; without that it's a dis-incentive to getting a permit
- Kim agreed and said there's a fine line between empathy and enforcing a violation
- Hannah said multiple regional bodies make it complicated to comply; try and fit within county and other agency regulations
- Tony said this is not really aimed at bigger entities which tend to comply
- Hannah remarked on L&I "safe harbor" which is separate from formal enforcement, people can ask agency for help without getting penalized
- Kim raised the idea of advertising to call attention to permit requirements – "Need a dock? Get a permit!"
- Norm said if state/local agencies are a proponent, they should talk with WDFW before an RFP is issued
- Kimbal suggested working with interested NGOs as appropriate
- Steve wondered about this providing an opportunity to work with DNR

Randi said the funding for Dan Doty's position will likely go to a new compliance manager position.

**The meeting adjourned at 3:00 pm.**

**Next meeting: September 26, 2019 – Location TBD**