

**HPA Citizens Advisory Group – Meeting Notes**

**Date: March 14, 2019**

**Time: 10 am to 3 pm**

**Place: Olympia Center, Olympia, Washington**

**Summary: Follow-up actions**

<b>Item</b>	<b>Follow-up</b>
Discussion on enforcement by Scott Bird at last meeting	A link will be sent to those meeting notes for people to get caught up on the discussion
Updated WDFW organizational chart; updated list of CAG members and contact info	Will be sent to members; please notify Randi or Neil if you don't want your phone number listed in contact info
Update on Orca Task Force	Schedule for next meeting
Online application system testing	Notify staff if you want to be included in the testing

**Attendance:**

Ted Burns	Edrie Risdon
Scott Brown	Jennie Rotsten
Amy Carey	Jim Shellooe
Josie Cummings	Lane Stremmler
Sydney Harris	Kimbal Sundberg
Kim McDonald	Tony Warfield
Norm Peck	Steve West
Shane Phillips	

**Staff:** Randi Thurston, Dan Doty, Teresa Scott, Chelsea Rustad, Alison Kycek, Faith Sexton, Neil Aaland

**Visitors:** Nancy Brown, Bedrock Prospectors

**Welcome/Introductions/Agenda Review:** Neil Aaland, Facilitator, opened the meeting. Introductions were made around the room. The agenda was reviewed.

**Margen Carlson, WDFW:** Margen Carlson, Deputy Assistant Director with the Habitat Program, welcomed the group members. WDFW knows it is a lot of work for participants in advisory groups. Issues are never black and white. Members had some questions and comments; responses from Margen are [in brackets]:

- What is meant by the term “customer service” that WDFW has been using? [This refers to how WDFW gets its work done; the legislature has sometimes changed authorities if they don't believe WDFW is going about their mission in the “right” way]
- WDFW HPA system is great and easy to work with, but there doesn't seem to be as much cooperation with federal agencies and local government. WDFW is encouraged to get involved with these entities and seek their participation.
- It appears fish food is not part of habitat protection, e.g. macroinvertebrates, which is concerning. [We must consider all parts of the ecosystem as habitat. I can come back another time and discuss.]
- Are there any bills being considered this session related to cumulative impacts? [Nothing specific. This was discussed in the context of orca recovery bills. Provisions have to be related to the specific project; probably need more science.]

- It seems that guidance documents are out of date and not as helpful. [I agree, guidance can quickly get outdated. We could use help in figuring out what project types need new or updated guidance.]

**Member self-introductions:** Neil said that with the addition of new members it would be helpful to go around the room and hear why people are interested in being part of this group.

*Edrie Risdon:* HPAs are an easier process, and she is interested in helping with that.

*Jenny Rotsten:* She is interested in enhancement projects. Wants to make things easier – and things are already easy. She noted that 75% of the projects handled by her company are restoration projects.

*Shane Phillips:* He was here before, want to help utilize information to help the process.

*Kimbal Sundberg:* He was also here before, 2-3 years on the group. He worked in Alaska before retirement. The different here is it is more of a build environment. His primary interest is ensuring protection of salmon habitat.

*Kim McDonald:* She is here representing Trout Unlimited, other groups. Interest is freshwater fisheries and habitat.

*Norm Peck:* He is a limnologist; first met Dan Doty in 2000 at the Whatcom County site. He is retired and here for Kittitas Audubon chapter.

*Ted Burns:* His company has been in business for 72 years, piledriving company. They apply for 10-20 HPAs per year. It's becoming difficult to juggle the three levels of governmental permitting – local, state, federal. It takes 6 months to 2.5 years to get permits. WDFW is doing a great job.

*Josie Cummings:* Represents Building Industry Association of Washington (BIAW). 8,000 small business members. She notes that HB 1579 has some legs this year; changes enforcement from criminal to civil.

*Amy Carey:* She represents Sound Action. Interest is marine nearshore protection. Focus on this through the hydraulic rule. Goal is to support the department in meeting its goals.

*Scott Brown:* Goal is to educate and provide legal assistance for his group, small scale miners. Focus on education. WDFW is spot on right now.

*Tony Warfield:* Represents Port of Tacoma/Northwest Seaport Alliance and WPPA. He manages a group that handles SEPA, permitting and the design and construction of habitat mitigation projects.

*Lane Stremmer:* Lives near Lynden and wants to make it as easy as possible to get HPA. He did commercial fishing for several years in Alaska. He likes the diversity on this group.

*Steve West:* Here for Lower Columbia Fish Recovery Board. He was a fish bio for several years. He worked on HPAs for 12 years for DFW in lower Columbia River.

*Sydney Harris:* Represents Washington Environmental Council. Interest is broad. She leads WEC habitat work for the Puget Sound Program. They support 1579.

*Jim Shellooe:* Represents Associated General Contractors (AGC). He has 30 years of experience in this realm. He was personally involved in many designs.

**Purpose of the CAG:** Randi Thurston explained why the CAG was established. It is intended to help WDFW improve the operation of the HPA program. They want to find ways to get efficiencies and consistency. Also want to increase the public's understanding. They will be improving outreach and education and want help in thinking about that. In response to a question, she said DFW views customer service as a positive way of interacting with the public. The CAG is not here to recommend statutory changes, but to provide input on operational aspects.

Neil mentioned there is a DFW guidebook on advisory committees, each member should have a copy of that. Randi explained what happens to CAG perspectives: they are provided to the Habitat Program management team. Kimbal asked for an updated listing of how the department is organized; Randi will see if an updated one is available. She will also provide a member list and asked each member to let her know if they don't want their phone numbers provided on that list.

**Focus for 2019:** Several items are on the list for the CAG for 2019:

- Online application system; they are looking for volunteers to test it
- Improve the civil compliance program (want to improve tools such as technical assistance)
- List of technical service providers – who should be on the list?
- If legislation passes, it has some new tools – would need advice on a penalty schedule

Kimbal noted that in Alaska they could write tickets, issue infractions Randi noted their authority is civil. DFW also wants perspectives on outreach and education. What audiences, what priorities, what is needed. Ted thinks this is a good idea.

Josie asked to get caught up on the discussions regarding enforcement – a link will be sent to the meeting notes from the last meeting where a presentation was made by Scott Bird.

**HPA Program/Implementation Overview:** Pat Chapman made this presentation. He reviewed a PowerPoint presentation (will be attached to meeting notes on website). He noted that 2,263 HPAs were issued; only deny when they can't mitigate for fish impacts. Very few formal appeals are filed with the Pollution Control Hearing Board (PCHB). Lane asked about the ability to fine \$150 per day; Randi said that penalty is not enforced. Kimbal said the statistics reflect people in the system; how many are not in the system? Randi is not sure, but there are some. Ted noted that permits are effective immediately but there is a 30 day appeal period; is this a problem? Randi thinks this could be a problem in some instances.

A lunch break was taken at approximately noon to 12:30.

**New Application System – Demo:** Chelsea Rustad explained that DFW wants to improve on the current system. Kim Marshall, on the phone, explained what the HPA Portal System is. She said that prior application data will be imported into the new portal. A “SAW” account is used (this is also used to access many different state systems). She walked the group through the demo. There was one request to see if information on spawning areas could be included. It was also noted that it would be good to be able to define a polygon, rather than just a point. They plan to go live mid to end of September 2019. DFW staff said if there are any questions, or you want to be a tester, contact Pat Chapman. His email is pat.chapman@dfw.wa.gov.

**Compliance Information:** Teresa Scot presented this information, requested by the group at the last meeting. They hope to do this on an annual basis. The data represents a couple of years. Two tiers of information: First is “contact”, where staff go out, perhaps issue a verbal warning. The second tier is classified as an “incident”. This is beyond a verbal warning. Most of the incidents are a response to complaints. Randi and Teresa were both surprised at the high numbers of contacts.

Some questions from the group:

- Why was this date range chosen for the data? [not sure]
- Kim said she was able to get this information from DFW staff
  - She would like to see this information by project type
- How many DFW officers are there? [140-150 including HQ staff]
- Jim wondered if 1.5 contacts/month per HPA is a reasonable amount [Randi noted officers respond more to unpermitted items]
- Norm noted that some response came from county enforcement

**Roundtable:** Neil explained that this was requested by members. The purpose is to have some unstructured time for members to bring up items for the group. It will be on future meeting agendas.

- Shane said a year ago there was discussion about standard operating procedures; he wonders if these were rolled out? [Randi said yes, and now they're being revised – not a specific schedule for updating]
- Norm said that Ecology uses an environmental reports tracking system (ERTS) to track complaints; might be able to use that here
- Tony would like to dive deeper into online application system (JARPA); perhaps schedule a presentation here. Also, would like information on the ability to accommodate mitigation banking on permitting. Finally, culvert guidance applied to intertidal is not a good fit. Randi could invite people who are working on this guidance.
- Jim thinks it would be good to have a session on culverts [Randi thinks it would be good to hear from the engineers developing that guidance]

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

**Next meeting: June 13, 2019 – Location TBD [Date may change based on comments from CAG members]**