

# Hydraulic Code Implementation Citizen Advisory Group (HCICAG)

## December 14, 2016 Meeting Notes

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10:00 p.m. – 3:00 p.m.

Location: WDFW Region 4 Office Mill Creek, 16018 Mill Creek Boulevard, Mill Creek, WA 98012

These meeting notes are intended to convey highlights from the meeting, including information and perspectives shared and discussed. Decisions made during the meeting are included.

This document is not a word-for-word transcription of the meeting. We have tried to capture the main topics and issues discussed and highlight some of the main questions, comments and action items raised by group members during the meeting.

Members: Please verify and correct any comments attributed to you so that we can accurately capture the issues or points made during the meeting.

### Attendees

Name	Affiliation
<b>HCICAG Members</b>	
Shannon Moore	Moore Fish Company (Commercial Fishers)
Jim Shellooe	Association of General Contractors of Washington
Brandon Roozen	Western Washington Agricultural Association
Amy Carey	Sound Action
Kim McDonald	Fish not Gold
Kimbal Sundberg	Lead Entities, San Juan County (WRIA 2) Lead Entity
Stephan Dillon	Hancock Forest Management, Inc.
<b>WDFW Staff</b>	
Randi Thurston	Protection Division Manager, Habitat Program
Dan Doty	Environmental Planner, Habitat Program

## Welcome/ Agenda Review

Randi Thurston welcomed everyone and reviewed the agenda.

## Old Business

### **Approval of September 8, 2016 meeting notes.**

Dan Doty reviewed the draft meeting notes from the September 8 meeting and noted that this version included specific comments received from Jim Shellooe (10/6/16 email). There were no additional comments or changes. The meeting notes were approved.

### **Update on Forage Fish Occupancy Standards - status and next steps.**

Dan provided a summary and update on the status of efforts to revise forage fish occupancy standards.

- As noted previously, WDFW is moving forward with a recommendation to expand the surf smelt occupancy standards and is planning to keep the current occupancy standard for sand lance.
- WDFW met with our state and federal regulatory partners in October, 2016 to review and discuss WDFW's forage fish occupancy standard recommendations get some agreement on the regulatory path forward. The State and Federal partners generally agreed with the WDFW's recommendation to extend the amount of "documented" surf smelt spawning habitat based on recent studies conducted by research scientists from our WDFW Science Division.
- Next Steps: The recommendations will be presented to the Fish and Wildlife Commission for their review in February 2017.
- WDFW will submit proposed changes for review and comment through the State Environmental Policy Act (SEPA) process.

Amy Carey expressed concern about the timeline for implementing the changes for surf smelt. She also asked about the status of Science Division's research efforts to address the gaps in knowledge on sand lance spawning and occupancy standards.

### **Action Item: WDFW will provide an update on sand lance spawning habitat research efforts to the group at the next meeting**

### **HPA Program Improvements - accomplishments and activities report**

Randi briefed the group on the program's internal visioning efforts to identify and focus on key HPA program improvements in the coming biennium.

The group reviewed and discussed the *HPA Program Improvements* handout (attached). There was some general discussion about the HPA program improvements and some specific questions on several topics on the list.

- Kim McDonald asked about the "*Piloting biologist justification /standardizing mitigation documentation*" efforts. Randi explained that WDFW has developed some draft tools and a process for documenting mitigation decisions and these tools are currently being tested by selected biologists in Regions 4, 5 and 6(?). Results of these tests will be used to determine the next steps.
- Kim McDonald had some questions about the status of the Standard Operating Procedures (SOP). Randi noted that the SOPs are under final internal review and that they will be finalized in early 2017. These SOPs are designed to provide biologists with general guidance for handling and

processing applications for frequent or high-risk hydraulic projects. Kim and others asked if we would share these SOPs when finalized.

**Action Item: Send SOPs to HCICAG when they have been approved and finalized.**

- Kim McDonald asked if invasive species issues and equipment cleaning requirements were being considered for mineral prospecting equipment.

**Action Item: Check with Alan Pleus, WDFW Invasive Species Section Manager. Consider inviting Alan to give a presentation to HCICAG.**

- Stephan Dillon asked about department efforts for training, coaching and mentoring new staff. In the past they have encountered problems with inexperienced biologists that have not had proper training or coaching. RT and DD noted that the program has a detailed training process and that there is increasing emphasis and effort by Assistant Regional Program Managers to spend more time mentoring staff.
- Kimbal Sundberg asked how the Attorney General's Decision regarding authority for issuing permits above OHWL would affect the program improvements. Randi explained that the decision confirms our authority for projects above OHWL and how we have been doing business. Note that the department has also developed draft guidance to help biologists and applicants determine when an HPA will be required for work above OHWL.
- Shannon Moore had a question about the Coweeman Mitigation Bank. Dan gave a quick overview.
- Randi provided an update on the Compliance Inspector Position. The position is for 1 FTE and will be responsible for covering Hood Canal. The position was advertised and 12-15 applications were received. Interviews will be conducted by the end of December.

#### **HPA Proposed 2017 Legislation Discussion (Comments received and current draft Z-0034.5)**

Randi provided an overview of the most recent draft of the proposed HPA legislation and summarized the latest edits for each section (see handout "Summary of Edits Proposed in HPA Legislation, Version "Z-0034.5""). There was general discussion on each of the changes and several issues are noted below.

- Jim Shellooe would like to see way to easily extend, adapt or modify existing HPAs to allow for greater flexibility in making changes to design build projects.
- Section 1. Amends existing 77.55.141, Single Family Residence Bulkhead  
Amy Carey expressed her concern about the proposed changes, noting that it really doesn't fix the ongoing problems with the statute. (She noted that she sent an email to this group expressing her concerns on 12/13/16). She recommends that the group consider providing input that would call for the section to be removed, as originally proposed, and continues to recommend that all bulkhead proposals processed under the same predictable regulations and pathways.
- Section 2. Amends existing 77.55.181, Fish Enhancement Projects  
Shannon Moore had a question about the definition of "local governments" and wanted clarification on if that included both cities and counties.  
Brandon Roozen expressed concerns that local districts are not having a voice in these projects. Wants to make sure that local districts (diking, irrigation, conservation, utility, etc. ) have an opportunity to provide input on environmental, public health or safety concerns about projects.

**Action Item for members: Send any specific comments, suggestions on the latest draft legislation to Randi.**

### **HCICAG Charter Reaffirmation & potential revisions**

Discussions on the Charter and any revisions was postponed until the next meeting.

### **Committee membership and procedures for new appointments**

Most members have expressed interest in staying on the HCICAG for another 2 year term. There are a couple of vacancies on the group. Randi will be sending out an announcement in the next month specifically seeking candidates to represent small-scale mineral prospectors and eastern Washington environmental interests, as well as shore side residents and contractors who construct hydraulic projects.

**Staying informed during the legislative session** Dan gave a brief overview about how to find and track proposed legislation by going to the Washington Legislature Web site: <http://leg.wa.gov/>. This site has various tools that you can set up to alert you of legislation using keywords. We will also try to update the advisory group members of proposed legislation via email communications.

### **2017 HCICAG Work Planning (Direction and topics for 2017)**

Advisory Group Members were asked to identify any issues or areas of concern. We asked the group for feedback on how the group was working, what they liked and did not like about the process, and what key issues or topics that they (or the group that they represent) would like to see addressed in the coming year.

There was generally positive feedback from the participating members about the group and the process in general. Note that not all members could attend this meeting. It was suggested that we should continue this discussion with the entire group. Below are a few comments/suggestions.

- There was a recommendation that members make sure that designated Alternates attend the meetings when they are unable to attend.
- Consider having tribal representative(s) on the group.
- One member thought that maybe we spent too much time and got too detailed on the forage fish spawning issue and discussions.
- Consider more discussion on culvert issue and prioritization process for local, city, county barriers.
- Members liked the HPA Program improvements Summary and program updates.
- Members appreciated the presentations by staff from the program and agency on topic issues.
- Continue discussions on nearshore issues (such as armoring and forage fish). State of the science updates.
- Interested in issues related to instream flows, drought, suction dredging.

### **Topics for Future discussion and possible presentations**

- WDFW and Climate Change (Helbrecht)
- Voluntary Stewardship Council (Windrope)
- Presentations by Biologists/Technical staff on permitting and issues for specific project types
- Consider a panel discussion on Ordinary High Water Line jurisdictional issues and regulatory overlap. Include WDFW and other regulatory agencies.
- Presentation(s) by Fish Passage Division Staff overview and process for inventory and prioritization.
- Updates on science related to HPAs (nearshore, suction dredging, gold and fish, fish passage)  
Would like more discussion on streamlining permit processes to add flexibility for changing and adapting to situations encountered while working on design/build projects.

**Meeting Wrap – up**

**Agenda topics for the next meeting**

Please send your request for discussion topics to Randi.

Some possible topics are:

- Update on the status of forage fish occupancy recommendations and discussions with the regulatory stakeholders
- Review of HCICAG charter and administrative issues (e.g., how to replace members or add new members)
- Update on listening session follow up
- Review of the legislative process and tools made available by the legislature for the public to track issues and bills.

**Date and location for next meeting.**

Dan will send out a meeting request regarding the group's availability for the next meeting sometime in early January.