



Washington’s Hydraulic Project Approval Program
Hydraulic Code Implementation Community Advisory Group (HCICAG) Meeting
Wednesday, June 5, 2024

Attendance:

Facilitation (Triangle Associates): Joy Juelson, Drew Katz

Community Advisory Group (CAG) Members
Clay Antieau (Senior Environmental Planner, City of Seattle), Dave Risvold (Retired Biologist), Edrie Risdon (Lands Specialist, Grant County Utility), Kimbald Sundberg (Technical Advisor/WRIA2 Lead Entity), Lacey Hoffman (Biologist, Ecological Land Services, Inc.), Laura Gurley (Director of Planning, Port of Everett), John Nelson (SME Water Intakes and Fisheries), Traci Sanderson (Ecologist, Blue Coast Engineering), Tricia Gullion (Senior Legislative Manager, Building Industry Association of Washington), Jenny Rotsen (Contractor/Permit Agent, Permit Consultants NW), Amy Carey (Executive Director, Sound Action) Edrie Risdon (Chelan PUD) <u>Not Present:</u> Steve West (Lower Columbia Fish Recovery Board)

Washington Department of Fish and Wildlife (WDFW) Staff
Theresa Nation (Environmental Planner and HCICAG Chair), Matt Curtis (Protection Division Manager), Gabrielle Stilwater (Environmental Planner), George Wilhere (Senior Research Scientist), Gina Piazza (Habitat Recovery Pilot Program Coordinator), Kirk Lakey (Assistant Regional Habitat Program Manager)

Meeting Action Items:

Item	Responsible
<ul style="list-style-type: none">Finalize meeting notes and post to WDFW HCICAG websiteConfirm date and times of December 2024 quarterly virtual meeting, and potential late summer ad hoc meeting	Triangle/WDFW

Meeting Notes:

Welcome

The facilitators opened the meeting with a review of the agenda and introductions.

Habitat Recovery Pilot Program – Presentation & Discussion - Matt Curtis, Protection Division Manager (WDFW)

Matt provided an update on the Habitat Recovery Pilot Program (HRPP), including a summary of the results from a recent survey completed by HRPP participants. There were 41 projects that participated, and participants reported that the program led to a simplified and consolidated permitting process. There was \$1-\$6K in cost savings per project, and a reduction in project timelines anywhere from three to six months.

Key Issues Discussed:

- WDFW continues to look for ways to improve efficiency and collaboration on projects that are subject to federal agency's (i.e., US Army Corps, FEMA, etc.) permitting processes and oversight.
- Like the Fish Habitat Enhancement Project (FHEP), but with less limitations, the HRPP can be used for a wide range of restoration projects. Questions about restoration projects' eligibility should be addressed to Gina Piazza (WDFW's Habitat Recovery Pilot Program Coordinator).
- A lack of funding, staff capacity, and National Flood Insurance Program requirements can be barriers to local jurisdiction review and pose significant barriers and delays for certain projects.
- WDFW supports HRPP becoming permanent and is currently meeting with Tribes, legislators, and other stakeholders to find allies who support the program's continuation. If no legislators step up to champion HRPP, the program will likely be discontinued. Any existing or ongoing HRPP projects will still be valid if the program is terminated.

Fish Passage Rulemaking Update – Presentation & Discussion -Gabrielle Stilwater, Environmental Planner (WDFW)

Gabrielle provided background information and an update on the Rulemaking process for RCW Chapter 77.57. WDFW is currently in the CR-101 phase of the process after the CR-102 Continuance expired January 13, 2024. A new CR-102 is expected in August or September 2024 and will be followed by a Commission-hosted public hearing.

Key Questions/Issues on the Proposed Rule Discussed:

- **How to address suspected or Rule non-compliance:** if a property owner (private or public) is suspected of non-compliance, the best course of action is to contact WDFW who will assign a compliance inspector to contact the owner and, if deemed necessary, schedule a site visit. Should mitigation be required, it is the responsibility of the landowner

to act and pay for the work, in some circumstances. The proposed Rule sets out the process for WDFW to notify the responsible party/landowner who is non-compliant, including providing them with technical assistance. The proposed Rule does not clarify the process for correcting the non-compliant structure. WDFW is currently working on a prioritization scheme to identify which non-compliant structures or projects to remove or update first. Jane Atha, WDFW Fish Passage Strategist (jane.atha@dfw.wa.gov) is leading this work and is the main point of contact.

- **The proposed Rule as it pertains to existing dams:** if a dam is a private or state-owned structure, then the structure must be compliant with the Rule. For example, all WDFW dams and structures are subject to the Rule, and in some instances have had to dismantle or upgrade their own structures to make them compliant. The proposed Rule does not apply to Tribal or federally owned or managed dams.
- **Fish passage criteria:** WDFW criteria and language has been focused on *what is a barrier to fish* and continues to work on language and clearer definitions for *what makes a barrier "passable" or "unpassable."* WDFW and NOAA fish screening criteria are aligned, however passage criteria can differ.
- **Species criteria:** the Rule applies to all species that are present in a given stream system.

Climate Change Projections for Culvert Design -George Wilhere, Senior Research Scientist, Habitat Science Division (WDFW)

George provided an abridged presentation on the implications of climate change projections for the design, building, and updating of new and existing culverts. Climate change is projected to result in higher and in most cases earlier peak flows, which will have significant impacts on infrastructure and ecosystem management. Correct culvert sizing and stream bed widths are essential to handle peak water flow events and prevent flooding and erosion.

Ongoing collaboration with the University of Washington Climate Impacts Group (CIG) is crucial to integrate climate science into WDFW projects. CIG recognizes and is working on adjusting global climate projections for the Pacific Northwest (PNW) region. This adjustment will help in creating effective and region-specific solutions for infrastructure and environmental management. WDFW is currently seeking additional funding to continue its research on climate projections and culvert guidelines and will undergo a Rulemaking and guidance update process to account for climate change projections, including but not limited to sea level rise, property damage, and loss of life considerations.

Key Questions/Issues Discussed:

- **Cost concerns:** Members expressed concerns about the affordability of construction for future climate conditions based on projections. Stream bed changes due to climate change, including cutting, bedload, width, and depth, could potentially make many of the existing culverts ineffective or obsolete. In addition, designing culverts for flood mitigation rather than fish passage could lead to exorbitant replacement costs.
- **Need for regional and watershed-specific climate projections:** projections on changes to peak flows seem to be focused on the Columbia Basin, and do not provide the same level of specificity for areas such as the San Juan Islands or Eastern Washington. George

clarified that projections and maps are continually being updated, and new, regional projections from CIG are expected. WDFW has requested more funding to complete research and collect enough data to make educated and informed recommendations.

Climate Adapted Culverts HPA Rulemaking – Discussion -Matt Curtis and Gabrielle Stilwater (WDFW)

As a follow up to George Wilhere’s presentation, Matt and Gabrielle led an informal discussion about the Rulemaking process for climate adapted culverts. The process is still in the early phases, but there is WDFW support and funding to begin the process in the summer/fall of 2024. The expectation is that the process will take between 1-2 years to complete.

Key Issues Discussed:

- **Climate impacts are already stressing infrastructure:** numerous members shared stories from around Washington state where existing fish passage infrastructure are being impacted by increased peak flows. Members expressed appreciation that climate projections and impacts are being taken seriously and are a priority for WDFW.
- **More education and case studies needed:** Members shared that education and access to information (i.e., climate data, case studies) will be crucial to mitigate impacts and update infrastructure. Education should be available for everyone impacted and involved, including agency staff, engineers, and landowners.

HCICAG Round Table Discussion -Facilitated by Triangle Associates

Members were asked to share their answers to the following questions:

1. *What is one success and one challenge related to the HPA Program in your work?*
2. *What are 1-2 tangible ways the operation and implementation of the HPA Program can be improved?*
3. *Are there any project updates, upcoming events, or opportunities you would like to share with the group?*

Summarized responses below:

-Clay Antieau (Senior Environmental Planner, City of Seattle)

- The ability to apply for a single HPA for multiple yet connected project sites was more efficient and streamlined than doing multiple HPAs, especially in places like Seattle where there are so many project sites in a relatively small area.
 - *Kirk Lakey Response:* WDFW is moving away from doing single HPAs for multiple project sites since it can be difficult to account for differing site conditions in one permit. The current limit is five project sites per HPA.
- Private landowners are generally uninformed and often surprised when they are told a permit is required to do work on their own property (i.e., mitigate flooding issues). Additional outreach

and engagement with landowners will help prevent blockage of waterways, especially on private property.

- *Matt Curtis response*: limited staff capacity makes outreach and education to private landowners a challenge for WDFW. Staff have attended forums and made recent inroads into some farming communities.
- *Kimbal Sundberg response*: consider including fish-related education materials in fishing regulations.

-Jenny Rotsen (Contractor/Permit Agent, Permit Consultants NW)

- There has been some confusion over how to interpret threshold repair and replacement definitions, and there is a lack of guidance on what site conditions require an alternatives analysis.
 - Theresa Nation response: these terms are defined in the Hydraulic Code Rules but acknowledges and understands that putting them into practice can be difficult.

-Kimbal Sundberg (Technical Advisor/WRIA2 Lead Entity)

- A WDFW habitat biologist was recently appointed in San Juan County and their presence and work is much appreciated.
- A 10-year restoration project on San Juan Island is nearing its end, and the project has been a success. A large mound of gravel was moved from a beach site in San Juan County, leading to overall site improvements.
- HPA compliance can be difficult when projects or local conditions require pumping water out of streams.

-Lacey Hoffman (Biologist, Ecological Land Services, Inc.)

- There have been instances when local jurisdictions have received bad press for signing MOAs with WDFW for not installing fish passage when there is an impassable barrier downstream, or when there is not viable fish habitat upstream of the barrier. It would be helpful if WDFW could clarify the MOA process, and how they can support local entities in the matter. This could include providing language about why opening passage may not be required when there are downstream barriers in place, how the MOA process works, and where legal issues could come into play *after* the MOA is approved by WDFW.

-Laura Gurley (Director of Planning, Port of Everett)

- Shared kudos to WDFW for their quick feedback time on regulatory reviews and schedules.
- Provided an update that The Port of Everett has been working with several agencies, including WDFW, to stand up a beneficial use of dredged material program for the Snohomish River material being dredged by the Army Corps. Agencies include the Port of Everett, EPA, Corps, WDFW, Ecology, and DNR, as well as the Tulalip tribes. Beneficial use can be everything from habitat restoration, flood/storm protection, economic development, cleanups, and more.
- Differences between the Army Corps of Engineers' regulations and requirements and those of WDFW, especially when it comes to mitigation, can pose significant challenges to certain projects.

- Laura asked if there would be a consolidated electronic application form.
 - *Matt Curtis response:* the new APPS system will be a new, centralized electronic portal to access and fill out all documents required in the HPA process. APPS will not, however, necessarily expedite the turnaround time for reviews.
 - *Laura (from follow up email on 6/24):* In talking with other ports and WA Ferries, folks are interested in helping to beta test the new HPA software. All are frequent users of the APPS system. WDFW should contact Laura if they are looking for additional beta testers.

-Traci Sanderson (*Ecologist, Blue Coast Engineering*)

- Noted that the lack of specific HRPP guidance in tidal-influenced areas is challenging and that more clarification is needed.
- Provided an update on a HRPP estuary restoration project on private property that was approved and will soon undergo construction in Kitsap County.

-Tricia Gullion (*Senior Legislative Manager -- Building Industry Association of Washington*)

- Echoed Jenny Rotsen's confusion over the definitions and guidance for threshold repair and replace definitions, and that more clarity and guidance is required, especially during the construction stage of projects.

-John Nelson (*SME Water Intakes and Fisheries*)

- Overall, John noted that the HPA process has been easy and straightforward.
- Noted that the Army Corps of Engineer's typical project timeline of 18-24 months (about 2 years) is a big barrier to getting projects done.
- Expressed his appreciation that WDFW would be updating its guidance and rules to prepare for and adapt to climate projections. Climate impacts are already being felt and significantly impacting infrastructure in certain areas.

**Informal discussions and side conversations were held amongst members after the roundtable and throughout lunch. After lunch, members toured Edgecomb Creek, a habitat restoration project outside Arlington.*