



Washington's Hydraulic Project Approval Program Hydraulic Code Implementation Citizen Advisory Group

Thursday, December 8th, 2022

10:00 a.m. – 12:00 p.m.

Online meeting via Teams

Attendance

Citizen Advisory Group (CAG) Members	
Amy Carey	Jenny Rotsen
Josie Cummings	Kimbal Sundberg
Norm Peck	Tony Warfield

Washington Department of Fish and Wildlife (WDFW) Staff: Matt Curtis (Protection Division Manager), Theresa Nation (Environmental Planner and HCICAG Chair), Gabrielle Stilwater (Fish Passage Policy and Rules Coordinator), Kelly, McCaffrey (Shoreline Revolving Loan Fund Coordinator)

Facilitation (Triangle Associates): Annalise Ritter, Alex Sweetser

Action Items

Item	Responsible
Coordinate compliance Program Updates for next meeting.	Theresa
Confirm dates and locations for 2023 meeting dates.	Triangle

Welcome and Introductions

The facilitator opened the meeting. WDFW staff and HCICAG members introduced themselves. The agenda was reviewed. WDFW confirmed that the compliance update requested by the CAG will be coordinated for the next meeting in 2023.

Updates from WDFW

Staffing: Hannah Faulkner is now the full-time Regulatory Service Division Manager. WDFW has hired Dierdre Bissonnette as the project manager for the Aquatic Protection Permitting System (APPS) replacement and other work. Dierdre came over from the WDFW Fish Program. WDFW Protection Division is looking for a new HPA processing member and oil spill team biologist.

APPS Replacement

The APPS replacement feasibility study is expected to be completed by late December. The study will discuss subjects such as cost, appropriate platforms, and high-level system requirements. The report will be shared with the 2023 legislature. The progress of the project will depend on funding decisions by the legislature.



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2023 Legislature

Matt Curtis shared a fact sheet explaining WDFW's 2023-2025 legislative priorities and highlighted two items:

- \$47.6m ask for a biodiversity decision package. This request will add about 300 employees, mostly mid-level environmental planners.
- \$7.3m for HPA permitting system replacement.

Comments and questions from the CAG included:

- ***Does the funding come from new sources or general funds?***
Requested funds will come from general funds to support operating needs. There was discussion over new funding revenue such as direct user payments, such as those used in Alaska; hunting and fishing licenses; or novel approaches.
- ***How does WDFW plan to approach the protection of threatened and endangered species in regard to the balance between hatcheries and native salmon stock?***
The Department of Fish and Wildlife has no statement at this time. Staff are still evaluating and receiving community input.

Shoreline Restoration Revolving Loan Program

Kelly McCaffrey gave a presentation on the shoreline revolving loan program, which aims to improve ecosystem function across the Puget Sound nearshore habitat through private stewardship and investment. See attached slides and links for more information.

Comments and questions from the CAG included:

- ***Will the selection of the loan process factor in response to sea level rise?***
The agency is working towards including sea level rise as a consideration for future applications. The loan can be viewed in terms of a security or collateral loan.
- ***Will there be a lien on property for repayment of the loan?***
If there were a lien to fund the loan, the lien would be paid upon resale of the property. Grant funded projects may function differently.
- ***What thought has been given to the life of projects?***
Projects could extend 10 to 20 years, which is a longer timeframe than most lenders would provide a loan for. This is where a government loan program can play a role in allowing for a longer time to complete projects.

Comment: Ecology had to receive authorization from the legislature for statutory authority to place a covenant on the loan/property.

Members noted in the chat that Ecology's Model Toxics Control Act (MTCA) has statutory authority to include restrictive covenants as part of a remedial (cleanup) action. Agency request legislation may be needed to get authority to impose restrictive covenants to preserve either grant-funded or loan recipient actions (if that is an approach the loan program chooses to take).

Update on Fish Passage Rule Making

Gabrielle Stilwater gave a presentation on the fish passage rulemaking effort to implement



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Engrossed Substitute House Bill 1109. The new rules will address compliance issues and codify WDFW's standards for instream structures, diversions, and crossings. See attached slides and the links below for more information.

- [Project Website](#)
- [Webinar Recording for Updated Policy](#) (October 25, 2022)
- [Public Input for Fish Passage Rulemaking](#)

Comments and questions from the group included:

- **Will there be an interagency agreement between WDFW and Ecology to meet the needs?**
The rule is anticipated to be finalized and adopted by the end of the biennium. It is too early to comment on interagency agreements but both agencies have a good relationship.
- **Is there low water flow, temperature, and pollution impacts considered in the rule making?**
Low flows are Ecology's authority to enforce, and therefore not part of this WDFW rule making.
- **Comment: Some road crossings cost over \$1 million but flow is minimal.**
WDFW will need to strategically enforce this issue.

HPA Rule Making Update

Theresa Nation shared an update on the rule making effort for Substitute Senate Bill (SSB) 5273 regarding shoreline stabilization. The public comment period was held from October 5 – October 31, 2022. WDFW received a relatively low number of comments during this period compared to other rule makings. A small number of comments were received after the comment period and just before the vote to adopt. To provide time to address these comments, the adoption vote was postponed to December 9. The final rule includes minor changes to the published rule to update non-regulatory sections and clarify certain language.

Theresa also shared an update on the rule making effort for SSB 5381 regarding Fish Habitat Enhancement Projects (FHEP). See attached slides or the [project webpage](#) for more information. This rule making does the following:

- Clarifies the intent of the legislature for local governments to continue administering the National Flood Insurance Program and other federal programs and has language on multi-agency permit coordination.
- Amends FHEP streamlining of HPA permits to include WSDOT fish passage barrier corrections as part of larger projects (not stand alone as current law).
- Adds federally recognized tribes to the list of project sponsors.

Comments and questions from the group included:



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- **Are shoreline armor removal projects included in streamline permitting?**

Not at this time.

- **What problem is the legislature trying to solve?**

The aim of FHEP streamlining is to make the permitting process easier and include local government participation while reducing local permitting burdens. Language from the previous statute did not require applicants to have local permits and reviews, and local governments were concerned they could not meet the National Flood Insurance Program Requirements.

Roundtable

Kimbal provided an update that nearly 100 Coho salmon returned to Cascade Creek on Orcas Island, a return similar to runs back in early 2000's. The success is related to efforts to purchase and restore riparian habitat and funds for a bridge.

Tony provided an update that Upper Clear Creek salmon returns are near 1970s levels. The Puyallup Tribe and Port have directed significant funding and resources into this creek. There is another barrier removal project planned that should improve future returns.

Wrap Up and Next Steps

The group discussed the 2023 meeting schedule. The group confirmed a preference to keep meetings scheduled for Thursdays in June and December with ad-hoc meetings as needed. Members were open to pursuing in-person meetings and discussed possible venues in King and Pierce Counties. The next meeting is tentatively set for Thursday, June 1st, 2023. Theresa Nation will begin the recruitment process for new members.

The group identified the following potential topics for the next meeting:

- Compliance program updates
- APPS system development
- Barriers for WDFW to regulate fish habitat protections

There were no public comments or attendees from the public. The meeting adjourned at 12:00 p.m.