

HPA Citizens Advisory Group – Meeting Notes

Date: December 10, 2020

Time: 10 am to 12 pm

Online/telephone conference call meeting

Summary: Follow-up actions

Item	Follow-up
Continuing CAG membership	Notify Theresa by Dec. 18 if you want to continue

Attendance:

Ted Burns	Edrie Risdon
Alexei Calambokodis	Jennie Rotsten
Amy Carey	Jim Shellooe
Josie Cummings	Kimbal Sundberg
Norm Peck	Tony Warfield
Shane Phillips	Steve West

Staff: Theresa Nation, Chris Conklin, Andy Carlson, Neil Aaland (Facilitator)

Welcome/Introductions/Agenda Review: Neil Aaland, Facilitator, opened the meeting. The agenda was reviewed. Members introduced themselves.

Updates from Chris Conklin

- Chris introduced himself to the group; he is the Habitat Program Deputy Director. He has a variety of experience including with tribal government, DNR, and now DFW.
- FEMA policy update: FEMA recently started asking whether local governments were fulfilling their obligations for the NFIP program regarding FHEP projects. Over the summer, FEMA region X policy providing flexibility on restoration projects was rescinded. Reason is that FEMA believes projects were not getting due diligence. This issue is still being worked on. Questions and comments:
 - Kimbal asked about armor and structure removal to restore natural processes; Chris says FEMA requires ALL projects in mapped floodway to undergo review.
 - Alexei asked if this needs a legislative fix; Chris said they are discussing with some legislators. It would be a clarifying fix.
 - Steve West noted fish enhancement groups are not sure what to do; what should they tell sponsors – ask for more funding, come in with additional studies? Chris recommends they contact the local jurisdiction’s floodplain managers and ask what they will need.
- Electron Dam: Chris reviewed the background. Dam was built in early 1900s, pre-dates fish passage and screening authority. Original owner was Puget Power, now owned by Toll House Energy. 9 years ago, state and federal agencies started working with owners on screening. It is difficult to achieve. An agreement was created, and owners went to work last summer. In middle of construction, they had an issue with the plastic liner and decided to put down astroturf. It was corroded and washed out; crumb rubber was deposited. A stop work order was issued. They could not complete corrective work within fish windows. COE has now issued a notice of infraction. EPA is working on that as well. Agencies do not want them to go into water now, will wait till next window. Still not sure how this will play out. Looking at using DFW’s civil authority.

- Legislative Session: budget outlook is better than it appeared in the spring. Not asking for much. DFW had four packages last week but dropped one. Nothing related to HPA authority has been requested. A bill regarding fish habitat enhancement might show up.

Rulemaking overview and discussion

Theresa reminded the group that materials were sent in advance. There is a webinar on this late next week. Rulemaking was authorized by ESHB 1261. Section 2 requires siphon aquatic mining to obtain an NPDES permit from Ecology. It also prohibits that mining type from waters that are deemed critical habitat. She noted that waters of the state include groundwater and storm water facilities. Kimbal asked whether there is an official map of salmonid habitat; Andy said there is no official map.

Theresa reviewed the basic changes and amendments by section. Questions and comments:

- Norm asked if she was working with Ecology to clarify waters of the state; Theresa said waters of the state includes groundwater. Norm thinks this will be unclear to some.
- Kimbal asked if the bill referred to all waters containing salmonids; Theresa said it is all waters with listed species. Kimbal asked for a map of all salmonids known to DFW; Theresa said there is not a map like this, would also need to consult with federal agencies on this
- Andy said the presumption is everywhere; they will check on this.

Budget overview

Andy Carlson provided this update. He showed a powerpoint presentation that highlighted the budget request. They are planning on about \$23.5 million in reductions due to COVID; they are also asking for some enhancements. Kimbal asked about the status of implementing the civil penalties. DFW is not filling the compliance positions this biennium, as the funding was held back due to budget impacts of COVID. The positions are part of the ask for next biennium.

Miscellaneous updates

- ACE Nationwide permits: Andy explained every 5 years NWP are updated. The NW was not yet due for update, but federal agencies got direction to update early. Andy reminded that CAG members received a copy of the DFW comment letter by email. Theresa noted that nationwide permits don't directly tie into HPAs. Kimbal thinks the map provided with the comment letter was confusing.
- CAG members continuing: if interested, members need to submit a letter of interest to the Director. Get back to Theresa by December 18 if you are interested.
- Theresa noted the 2021 meeting schedule; let her know if there are any problems. Dates are:
 - March 11 (this is a change from what was previously announced);
 - June 10 (this is also a change from what was previously announced);
 - September 23; and
 - December 2.

Roundtable

- Norm asked if the department has looked at the Yakima Basin Implementation Plan (a water supply related plan) regarding the impact on water resources; Theresa was not sure about that.

The meeting adjourned at 11:50 am.

Next meeting: Thursday, March 11, 2020 (NOTE: this is a change in the previously announced date due to a schedule conflict)