

Hydraulic Code Implementation Citizen Advisory Group Meeting

Meeting Notes for Thursday, March 22, 2018

Date: Thursday, March 22, 2018 10:00 am - 3:00 pm

Location: Large Conference Room, 600 Capitol Way N, Olympia, WA 98501

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	
HCICAG Members		
Amy Carey	Sound Action	X
Stephan Dillon, P.E.	Hancock Forest Management, Inc.	X
Kim McDonald	Fish Not Gold	X
Shannon Moore	Moore Fish Company (Commercial Fishers)	X
Norman Peck	Kittitas Audubon Society	X
Shane Phillips	Civil Engineers/Shoreline Property Owners	Via Phone
Brandon Roozen	Western Washington Agriculture Association	X
Jon Chalfant (for Jim Shellooe, P.E.)	Association of General Contractors	X
Kimbal Sundberg	Lead Entities – San Juan Island Lead Entity	X
Stephen Whitehouse	Building Industry Association of Washington	X
Shawn Doyle (for Chuck Wilson)	Washington Prospectors Mining Association	X
WDFW Staff		
Margen Carlson	Deputy Assistant Director, Habitat Program	X
Randi Thurston	Protection Division Manager, Habitat Program	X
Dan Doty	Senior Environmental Planner, Habitat Program	X
Teresa Scott	Policy Coordinator, Habitat Program	X

Introductions, Old Business and General Updates

Randi welcomed everyone.

Introductions and Agenda Review

Approval of January 2018 Meeting Notes.

Dan asked the group members to send any changes or edits to the January meeting notes to him by close of business March 28.

Habitat Program Updates and Discussion

Margen Carlson, Habitat Program Deputy Assistant Director, provided updates on the 2017 Legislative Session and the status of the HPA legislation, an overview of ongoing Habitat Program issues, and answered questions and comments from the HCICAG members.

Updates on HPA Rulemaking

Randi updated the group on the status of the rule changes.

Strategic Planning Work Session

Randi, Teresa and Dan led a discussion to review the HCICAG roles and responsibilities, identify key stakeholder issues and areas of concern related to implementation of the hydraulic code, and develop a work plan for the next year. Below is the list of issues and thoughts from the discussion.

Statutory/Legislation issues

- Aquaculture
- Emphasis on some species (ESA) over other fish species
- Additional restrictions for ESA-listed species from new development
- Avoidance – don't accept
- Cumulative impacts need to be considered
- After the fact permits need to be considered
- Saltwater freshwater rivers lakes differentiate standards
- Definition of Habitat
- Optimizing habitat for fish life
- Fish prey included

Agency field staff input

- Feedback from field biologists on what issues they are having with permitting
- Regional differences in implementation
 - How does staff deal with this
 - Avoid one size fits all

Interagency Coordination

- Water Quality permitting
- Interactions / contributions between state / federal agencies

- Fish passage
 - Industry has meet requirements, what about downstream blockages (double standard, totality)
- Eelgrass survey protocols
- How does WDFW work with co-managers
- MAP team, TFW, Evaluate local, state, federal
- Work window coordination

Rule changes

- 320 – saltwater habitats of special concern
- Improve protection for ESA species
- Invasive species – BMPs, etc.
- Is Zoster japonica an AIS?
- Saltwater and lakes very different
- Differentiate eelgrass from macroalgae protections

Definitions

- Define WDFW role in recovery
- “Habitat” – strong emphasis on fish versus habitat; little guidance on optimizing habitat for fish protection
- Define prey as habitat
- Clearly define jurisdiction boundary
- “Natural flow”
- Defining habitats & mapping data layer
- How we define fish habitat

Improving fish life protection

- Emphasizing ESA species
- Invasive species regulation (what are we doing)
- Better mapping of fish habitat

Improving consistency

- Availability of science tools
- Better internal guidance
- Better technical assistance delivery
- How does WDFW ensure consistency? What does WDFW do?
- FPA/HPA consistency still not smooth – water typing
- Consistency on parameters
- But understand how staff applies provision differently in different regions
- Training biologists (field trips, SOPs)
- Overreach re: jurisdiction
- Interpretation of guidance
- Staff topic specialists
- Correct implementation of survey protocols
- Updating survey protocols

Improving compliance

- What violations are seen?
- What does WDFW do about it?
- Is there adaptive management to reduce violations or improve response?
- How does WDFW view contract requirements (Kim’s permit requirements are contract requirements – what do we do to enforce or monitor compliance?)
- What are invasive species requirements
- Compliance re: fish passage structures in forest environments

- Package of documents related to compliance (enforcement/compliance; policy 5212)
- Alternatives to criminal prosecution
- After-the-fact permits
- More flexible enforcement mechanisms

Improving outreach

- Training for contractors
- ESA species (how our regulations protect ESA species)
- What are permittee responsibilities (vis-à-vis requirements in a permit)
- Landowner “rights” (what to expect/demand from contractors)
- Outreach to local government
- Outreach on the importance of habitat to fish
- Prey as habitat
- In-water work windows
- PHS and other mapping – what’s available?

Customer Service

- Improve information for applicant
- Map data delivery
- Define habitat for the lay person

Improving transparency

- Understanding how WDFW implements the code
- Structure
- Policy? Guidance? Tools? [note: when Steve is talking about policy he’s mainly talking about internal guidance documents, but is sometimes talking about agency policy like 5212]
- In water work windows

HPA implementation mechanisms

- Concurrence under FPA/HPA
- Mechanism for getting CAG advice to decisionmakers (SMT?)
- What are the expectations of permittees’ responsibilities
- Regional flexibility – want to hear more about what this is like
- Dual/trio responsibilities of protection, restoration, information provider/advisor – diversification (was this a good step for fish protection?)
- Documentation of HB decisions – “basis”
- Forage fish work windows/protection tools

Other

- Want to know what is the implementation environment
- CAG wants field trips, see site-specific stuff, have same resources as a habitat bio before go out in the field
- WAC review (most members appear not to even know what’s in WAC)
- For CAG meetings, limit the education of cag members
- Focus more on feedback/issues from CAG
- HCICAG more in control of the agenda
- Rotating chair to set agenda and lead meeting
- Any information to share with CAG re: aquaculture permitting?
- Updating protocols
- Science
- Internal communications and coordination (HBs not consulting with science staff)
- Tools – one stop shop for info
- Timely updates to (....?)

Next Steps and Action Items:

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- WDFW will type up and distribute the list of topics and “buckets”
- WDFW will distribute a copy of the list of project types relating to the jurisdiction issue
- CAG members will send in their comments on the CAG charter
- WDFW will compile comments on CAG charter

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