

Hydraulic Code Implementation Citizen Advisory Group (HCICAG)

DRAFT - Meeting Notes - DRAFT

September 8, 2016

10:00 p.m. – 3:00 p.m.

Natural Resources Building, Director’s Conference Room 537, 1111 Washington St SE, 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	
Shannon Moore	Moore Fish Company (Commercial Fishers)
Jim Shellooe	Association of General Contractors of Washington
Brandon Roozen	Western Washington Agricultural Association
Steve Whitehouse	Building Industry Association of Washington
William Thomas	Washington Prospectors Mining Association
Lisa Willis	Port of Longview
Bill Thomas	Washington Prospectors Mining 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.
WDFW Staff	
Randi Thurston	Protection Division Manager, Habitat Program
Dan Doty	Environmental Planner, Habitat Program
Teresa Scott	Facilitator, Habitat Program
Theresa Mitchell	Environmental Planner, Habitat Program

Welcome/ Agenda Review

Randi Thurston welcomed everyone and reviewed the agenda.

Old Business

Approval of April 20, 2016 Meeting Notes.

Dan Doty asked if the group had reviewed the draft meeting notes from April 20, 2016 (Revised June 29, 2016 to include Lisa Willis's comments) and if there were any comments or changes. The minutes were approved. Shannon Moore said that he was unable to attend the last meeting and would like to provide some specific input/comment to the listening session report. He will send those comments to Randi.

Update on Forage Fish Occupancy Standards.

Dan provided an update on the status of efforts to revise forage fish occupancy standards. He noted that he is setting up a meeting in October with our state and federal regulatory partners to review and discuss WDFW's forage fish occupancy standard recommendations and the regulatory path forward.

Amy Carey asked about where we had landed on the recommendations and the timeline for implementing the changes. Randi explained that we are planning on recommending an expansion to the surf smelt occupancy standards and are planning to keep the current occupancy standard for sand lance. The timeline for this process will depend on the results of our discussions with our regulatory partners.

Shannon Moore asked about how the recommended changes will affect contractor's ability to do work in these areas and mitigation options. Randi noted that these changes will affect project timing work windows and that the contractors have requested that we consider flexible mitigation options for projects that may impact smelt spawning beds.

Overview of New Program Business

HPA Program Listening Session Report and Planned Program Improvements: [HPA Program Listening Session Report](#)

Teresa Scott reviewed the report from the 2016 HPA Listening Sessions and discussed some of the planned HPA program improvements based on the feedback received from our stakeholders.

There was some general discussion about the HPA program improvements and some specific questions about efforts to create standard operating procedures for biologists to improve consistency when processing applications for frequent or high-risk hydraulic projects. Kim McDonald asked about the SOP's, what is being developed, and if the stakeholders will be involved in development of these SOP's. Randi listed the SOPs under development and noted that these SOPs are being developed internally and are intended for internal staff use. Kim and others asked if we would share these SOPs when finalized. Randi said that we could share these when finalized and that we could discuss them at the next HCICAG meeting.

- **Action Item: Send SOPs to HCICAG when they have been approved and finalized. Discuss at next meeting.**

Formal Attorney General Opinion ([AGO 2016 No. 6](#))

Teresa Scott reviewed the Attorney General's opinion (AGO 2016 No. 6 - Jun 3 2016) confirming that regulatory authority of the Department of Fish and Wildlife to require hydraulic project approval is not

limited to activities conducted at or below the ordinary high water line.

There was general discussion about the decision. Kimbal Sundberg had some questions and comments regarding feeder bluffs and the need to show direct links and effects of armoring to the processes. Stephen Whitehouse commented that he has issues with the decision and thinks there needs to be a brighter line on where WDFW's HPA authority/jurisdiction should apply above the OHWL.

9th Circuit Court of Appeal Decision [Court of Appeals Case 13-35474](#)

Randi Thurston provided an overview of the 9th Circuit Court of appeals decision that upholds the 2013 decision that Washington state must repair road culverts that are blocking salmon from spawning.

EPA Grant Funding

Randi Thurston informed the group that the HPA program has receive some EPA grant funding for a 2 year pilot project for HPA compliance. The grant provides funding for one full time compliance inspector and ½ FTE for an Enforcement officer to review HPAs projects and to assess permit compliance and unpermitted projects. The pilot project will focus on Hood Canal.

Presentation: Puget Sound Nearshore Ecosystem Restoration Project

Puget Sound Nearshore Ecosystem Restoration Project

Theresa Mitchell, WDFW Restoration Division, provided an overview of the Puget Sound Nearshore Ecosystem Restoration Projects (PSNERP) program, a multi-agency program whose goal is to protect and restore natural processes that create and maintain Puget Sound nearshore ecosystems and protect and restore ecosystem functions and structures that support biological resources that human's value.

Teresa's presentation is attached.

Below are links to the PSNERP site and other PSNERP technical publications.

- **The Puget Sound Nearshore Ecosystem Restoration Project**
<http://www.pugetsoundnearshore.org/>
- **Change Analysis** info (summary page and links to full publication, geodata):
http://pugetsoundnearshore.org/change_analysis.html
- **Strategies Report** and maps: <http://pugetsoundnearshore.org/strategies.html>
- **Peer-reviewed technical publications:** http://pugetsoundnearshore.org/technical_reports.html
- **Drift Cell Summary Sheets:** <http://www.psnerp.ekosystem.us/Map.aspx?mlayer=projects>

Stakeholder Issues/Concerns

Advisory Group Members were asked to identify any issues or areas of concern for discussion.

- Kim McDonald informed the group about two public workshops in September that will be held by WA State Senators Honeyford and Kaiser. The purpose of these workshops is to get input on an economic analysis of proposed major water infrastructure and fisheries habitat restoration investments in the state.
- Kimbal Sundberg had some questions about FEMA.
- Lisa Willis had some questions about the WDFW's jurisdiction above OHWL and how the department was going to determine when an HPA would be needed. Randi told the group that she is working on a document to provide more clarity for the biologists on what projects may require an HPA.
- Shannon Moore had some comments and questions about dredging of streams, ditches and artificial water courses where the spoils go.

- Kimbal Sundberg and other HCICAG members had some questions about the upcoming legislative session and would like to be alerted about proposed bills that may affect the HPA program. Teresa Scott noted that the WA Legislative Web Site (<http://leg.wa.gov/Pages/default.aspx>) 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.

Feedback on the Proposed Changes to Chapter 77.55 RCW (Draft)

Randi provided an overview of the proposed changes to Chapter 77.55 RCW and each advisory group member was asked to provide more input on the proposed changes. She noted that feedback from the advisory group will be shared with the HPA Legislation Stakeholder Group. The Stakeholder Group will be asked to consider the feedback at the next meeting on October 26.

There was a lot of discussion on the proposed changes and we did not capture all of the issues discussed. We recommend members send their comments/suggestions to their stakeholder group representative or to Randi directly before the stakeholder meeting on October 26.

- Committee members discussed the relative merits of compliance provisions.
- Committee members are supportive of gaining stop-work authority and made suggestions for making the stop-work authority more clear.
- Some members are very concerned about the prospect of WDFW implementing our civil authority, and want more assurance that the statute would be implemented in a fair and equitable manner that protects the rights of private property owners.
- Members discussed the disposition of increased fees and funds collected through penalties. Members want to ensure that non-compliant activities and impacts are remediated or mitigated, and that there are authority and funds to do that. There is concern that even with the updated compliance statute, there is no requirement to “make it right,” either through collection of mitigation fees or making state monies available for mitigation of illegal activities.
- [Jim had some comments he conveyed to Randi as folks were leaving that sounded important but I didn’t capture.]
- The overall question from committee members was “what does the customer get in exchange for the higher fees.”

Action Item: Members please send your comments/suggestions to their HPA Legislation Stakeholder Group representative (see attached list) or to Randi directly before the stakeholder meeting on October 26.

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 December 14 or 15 or sometime in early January.



Puget Sound Nearshore Ecosystem Restoration Project (PSNERP)

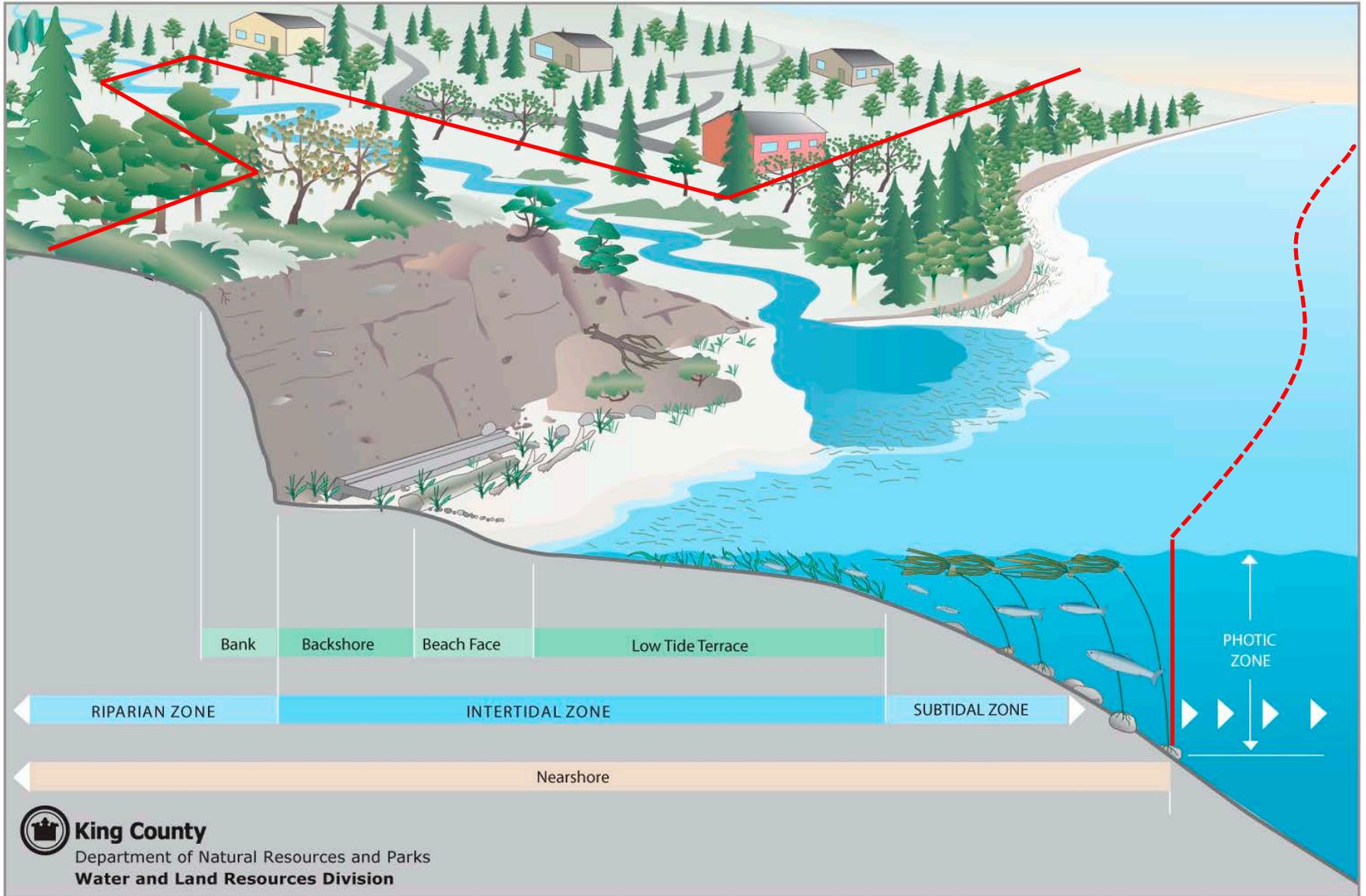
September 8, 2016 - HCICAG meeting

- ▶ Study Area (Nearshore)
- ▶ What has changed in the Nearshore?
- ▶ How can we protect and restore the Nearshore?
- ▶ Potential project identification

Puget Sound Nearshore Ecosystem Restoration Project (PSNERP)

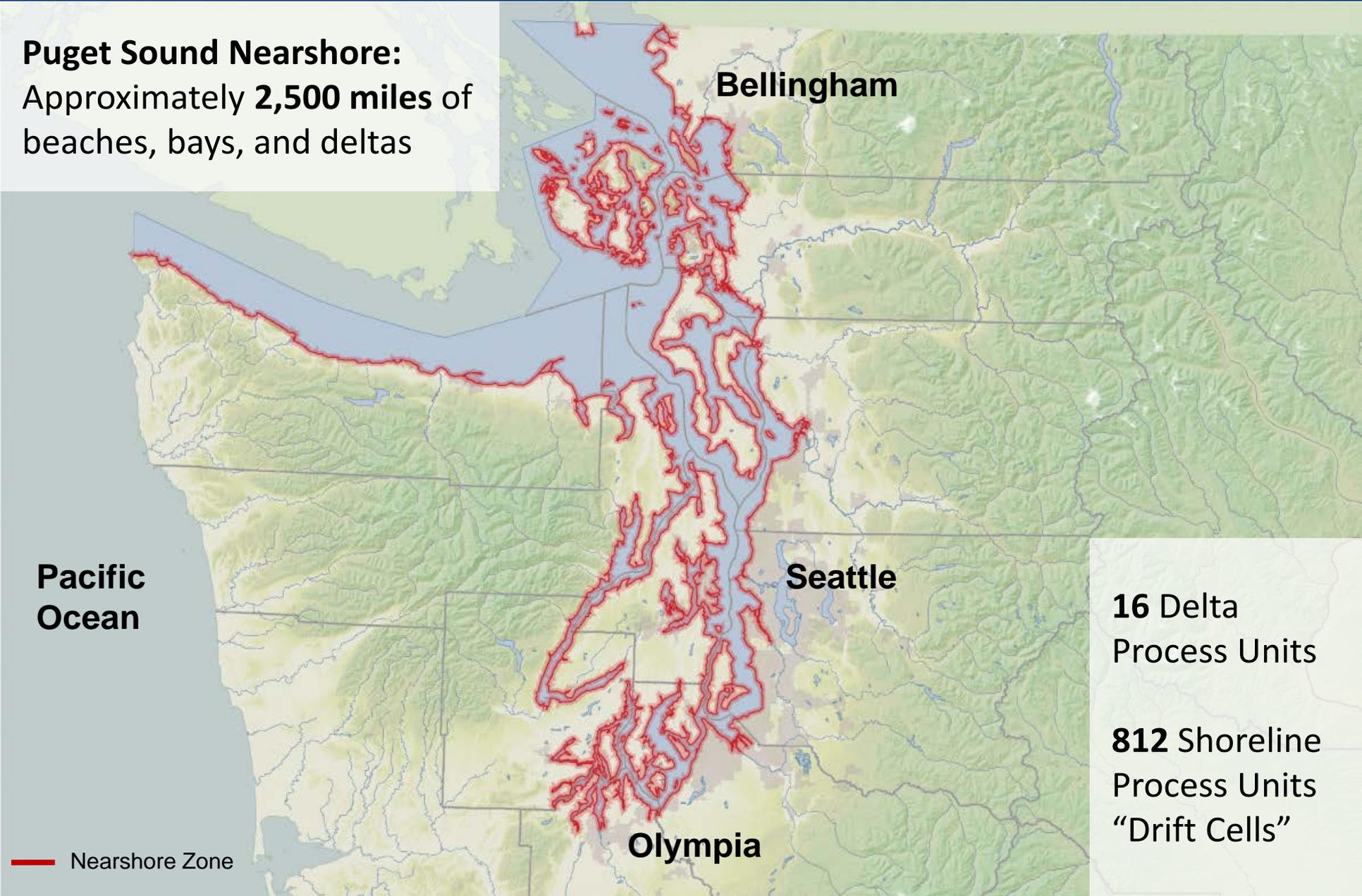
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What is the Nearshore?



Puget Sound's Nearshore

Puget Sound Nearshore:
Approximately **2,500 miles** of
beaches, bays, and deltas



Bellingham

Seattle

Olympia

**Pacific
Ocean**

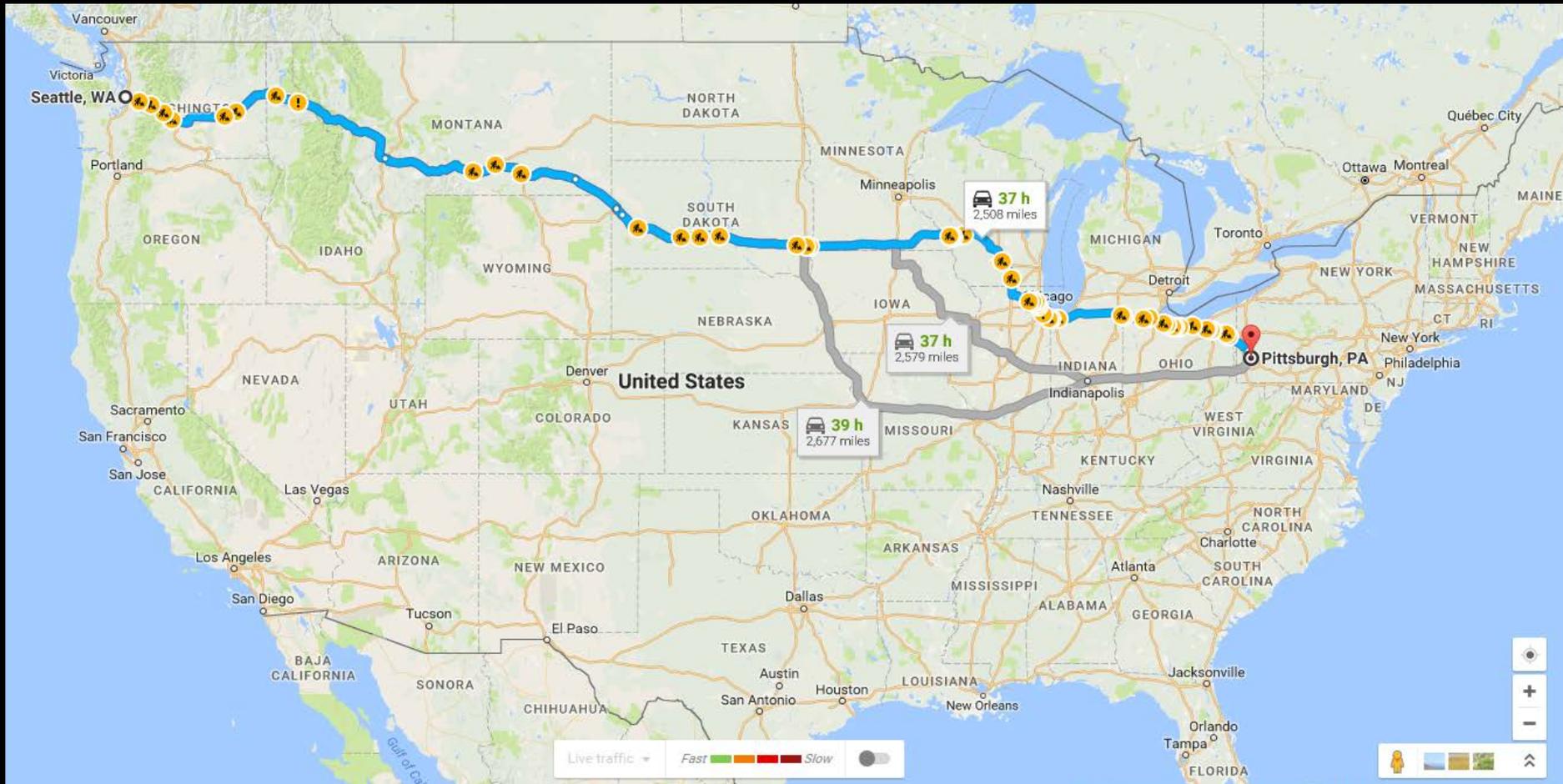
**16 Delta
Process Units**

**812 Shoreline
Process Units
"Drift Cells"**

 Nearshore Zone

Puget Sound's Nearshore

2,500 miles is the equivalent to the driving distance from Seattle to Pittsburgh.



Why the Nearshore?



Transition zone between multiple ecosystems supports rich, diverse biotic community

Ecosystem Functions, Goods, and Services (EFG&S)

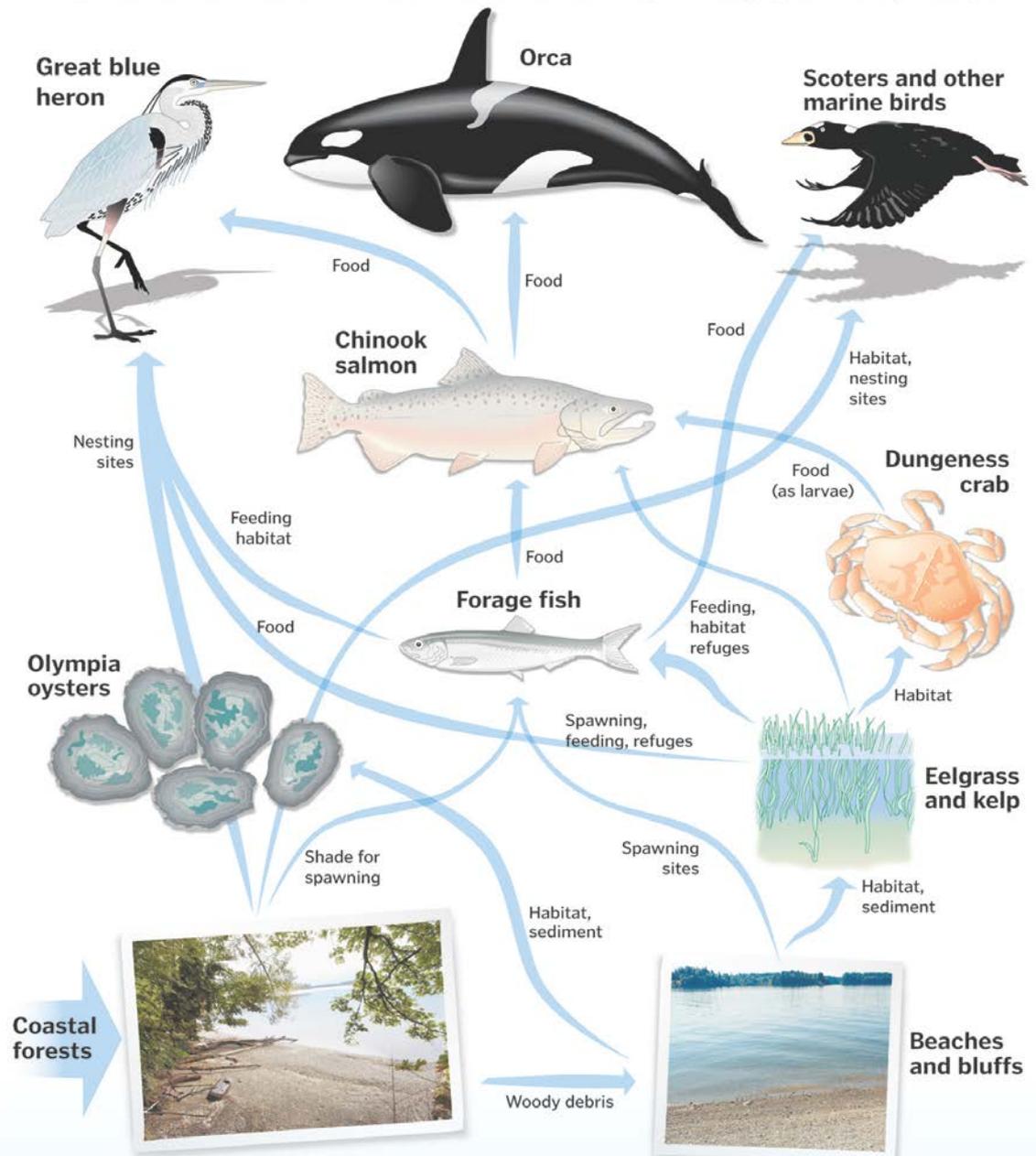
All the ways that humans recognize value in ecosystems

Tangible products, often of economic or cultural value

Provision of amenities that people enjoy such as:

- clean water,
- recreational settings,
- psychological or cultural well-being,
- storm protection

It's All Connected!



Process-based Restoration

Process-based restoration of coastal ecosystems improves the near-shore environment, enhances ecosystem functions, goods, and services



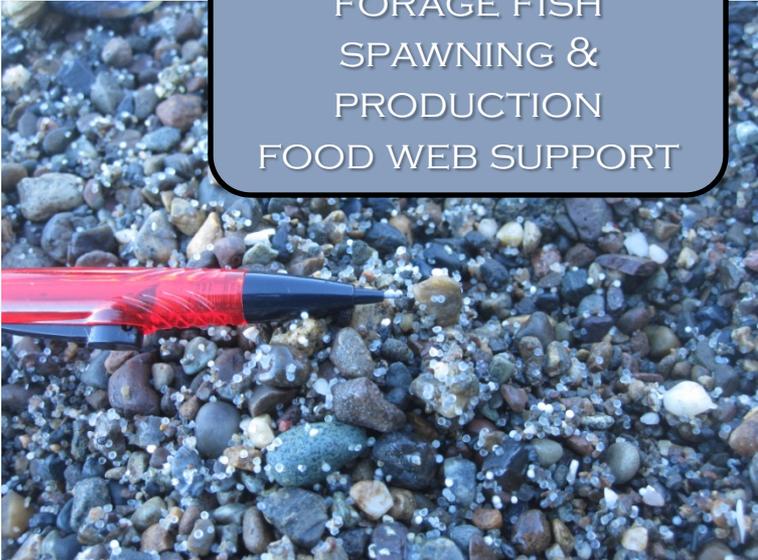
WAVE ENERGY
SEDIMENT DELIVERY
& TRANSPORT



BEACH PROFILE
SEDIMENT GRAIN SIZE
BEACH TEMPERATURE



FORAGE FISH
SPAWNING &
PRODUCTION
FOOD WEB SUPPORT



Scientific Guidance and Overview

Nearshore Science Team

Charles “Si” Simenstad, UW

(Intertidal Ecology & Habitats)

Megan Dethier, UW

(Zoology, Marine Ecology)

Tom Leschine, UW

(Social Science)

Jan A. Newton, UW

(Nutrient Dynamics)

Curtis Tanner, USFWS

(Nearshore Restoration)

Kurt Fresh, NOAA

(Biology)

Miles Logsdon, UW

(Spatial Modeling, Data Management)

Hugh Shipman, Ecology

(Shoreline Geology, Marine Sediment Dynamics)

Tom Mumford, WDNR

(Marine Plants, Ecology)

Guy Gelfenbaum, USGS

(Oceanography, Coastal Geology)

Nancy Gleason, Army Corps

(Environmental Studies and Salmon Ecology)

Randy Shuman, King County DNR

(Sediment Geochemistry)

Strategic Science

Peer Review Panel

Denise Reed, University of New Orleans

(Coastal Geomorphology)

Colin Levings, DFO & Univ. of British Columbia

(Estuarine/Coastal Ecology)

John Wells, Virginia Inst. of Marine Science

(Coastal/Estuarine Oceanography/Sediment Transport)

Maggi Kelly, UC Berkeley

(Landscape Ecology)

David Marmorek, Simon Fraser University

(Restoration Planning, Monitoring, and Assessment)

Susan Peterson, Teal Partners

(Social Science)

Independent External Peer Review

Battelle Memorial Institute (lead)

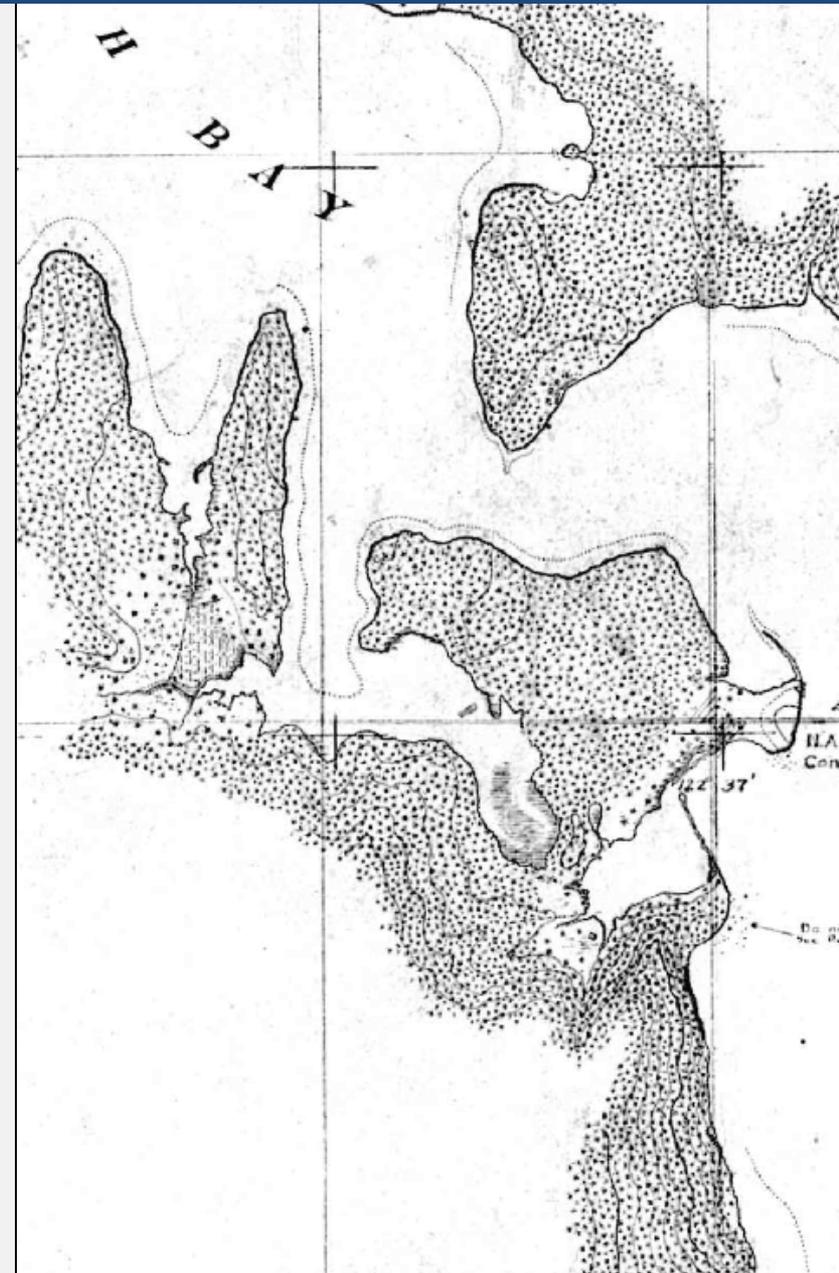
- Coastal Engineering
- Environmental
- Plan Formulation
- Civil Engineering

Historical Change Analysis

- ▶ Observe historic condition (circa. 1880)
 - Shorelines and wetlands

- ▶ Map current condition
 - Landform modification
 - Shoreline alteration
 - Upland development

- ▶ Estimate spatial loss of ecosystem services

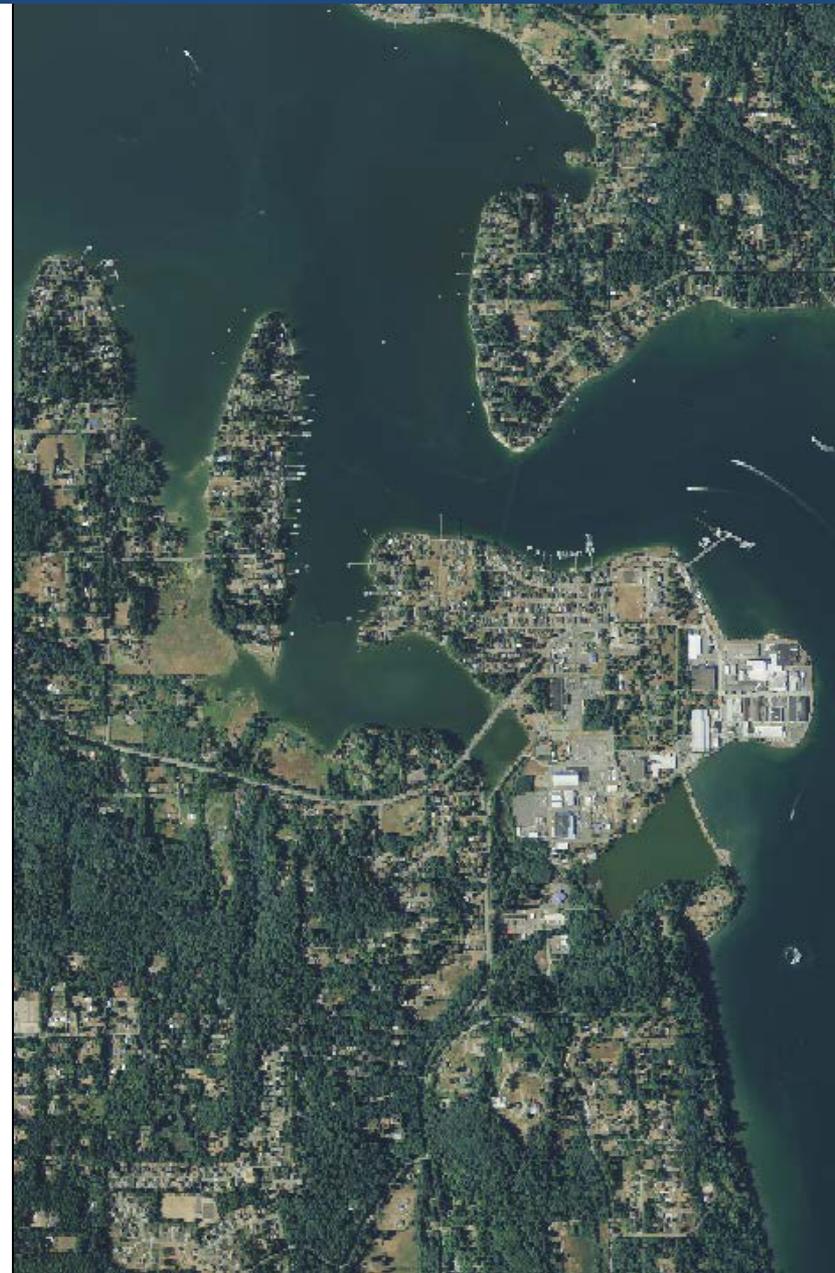


Historical Change Analysis

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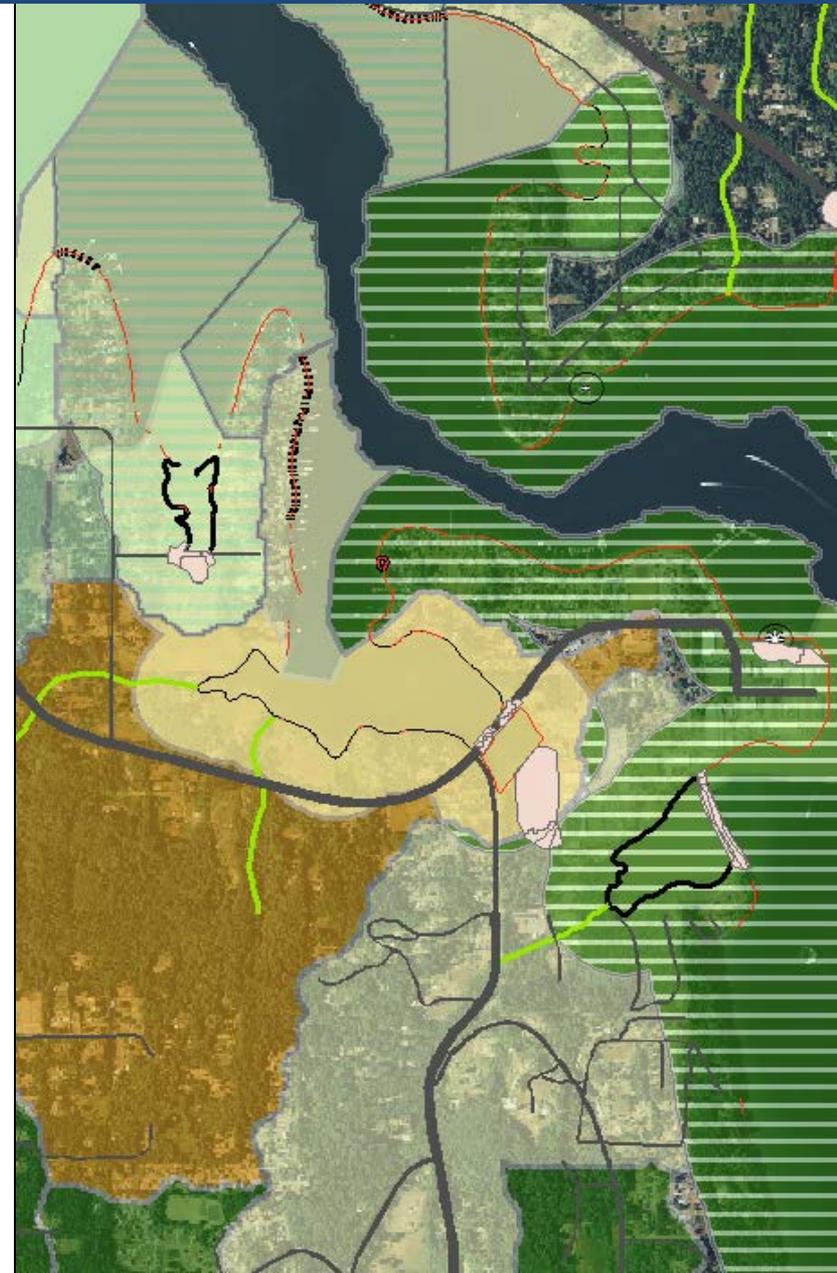
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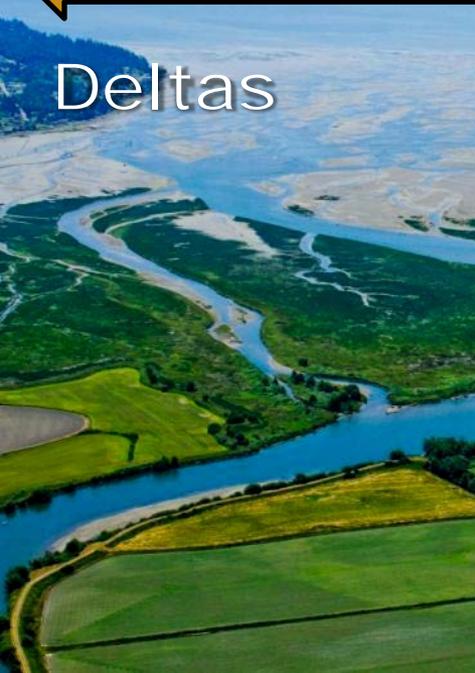
Types of Shoreline

- ▶ Puget Sound shoreline is not uniform
- ▶ Support different features & creatures
- ▶ Impacts and approaches to restoration vary

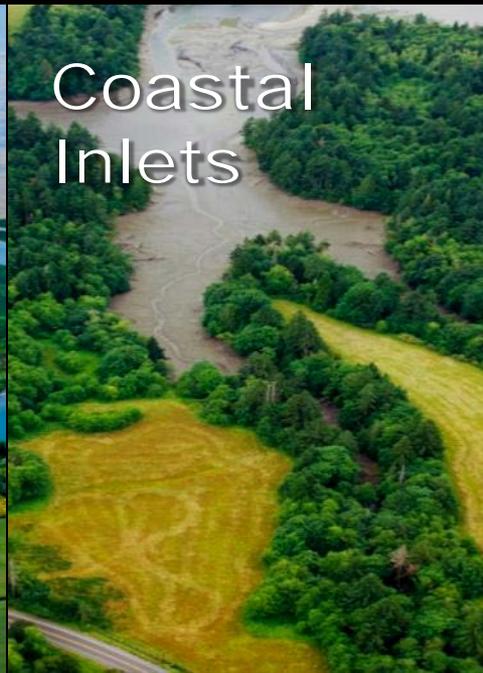
Watershed Influence

Drift Cell Influence

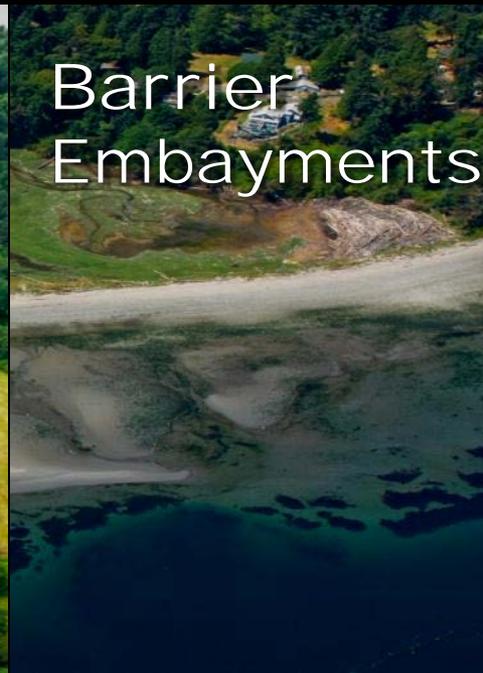
Deltas



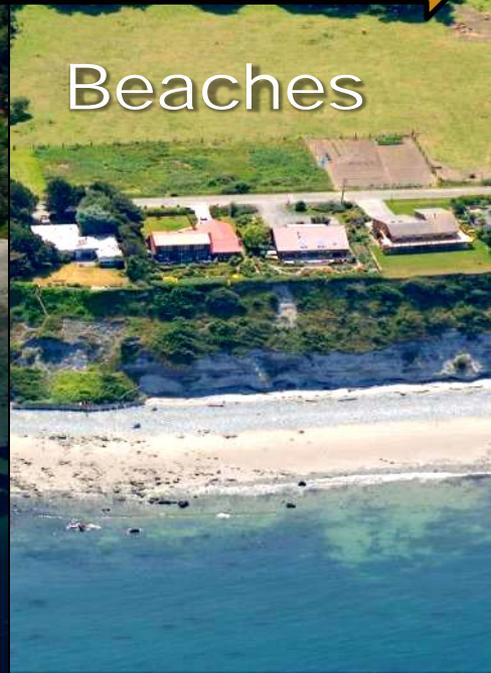
Coastal Inlets



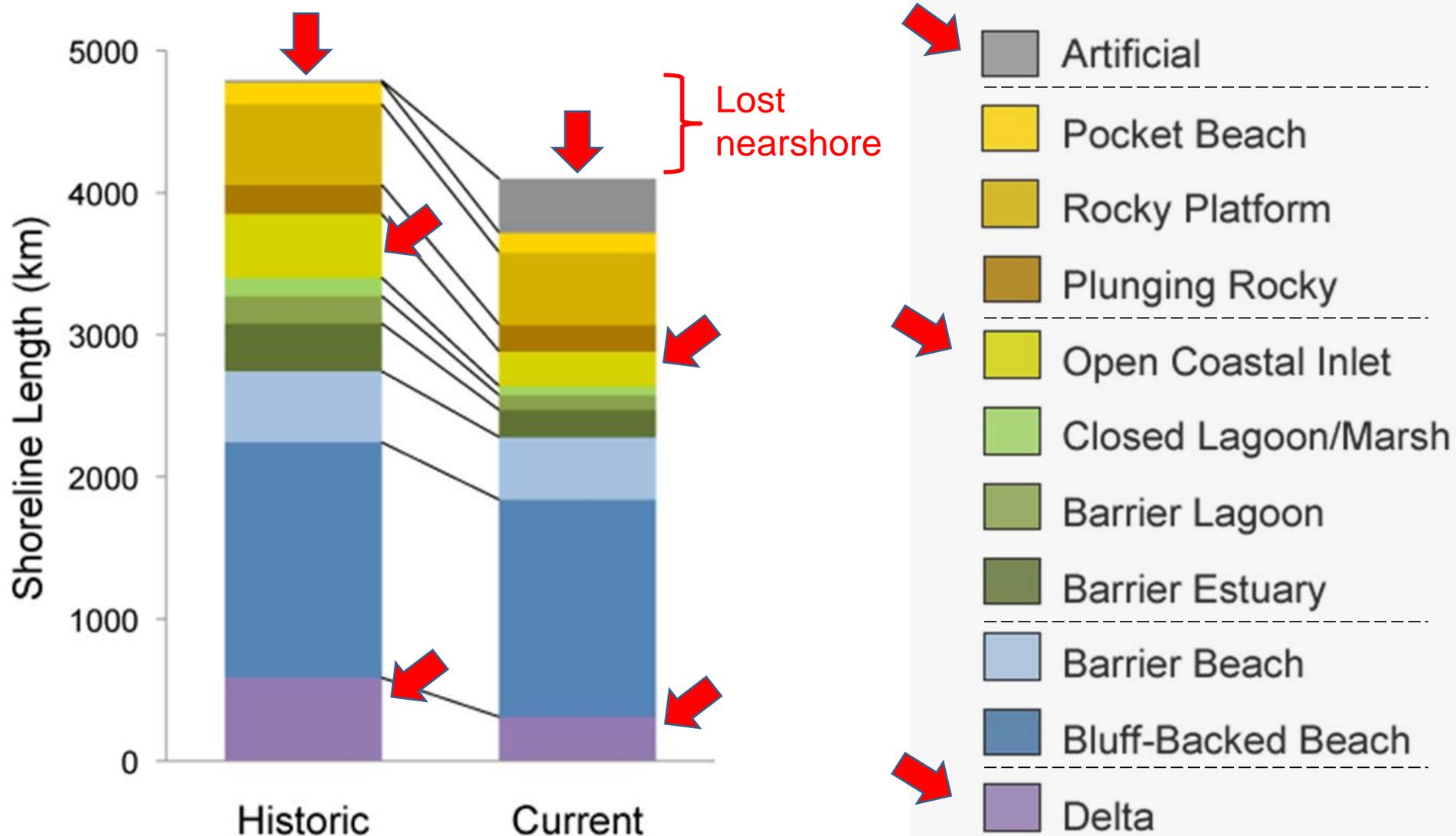
Barrier Embayments



Beaches



Shoreline Change



Shoreline Change

1. Barriers in large river deltas restrict the movement of fresh water and tides.



Barriers in large river deltas restrict the movement of fresh water and tides

Shorebirds need large river deltas and nearshore wetlands to rest and “fuel up” as they migrate through Puget Sound to their northerly breeding grounds.

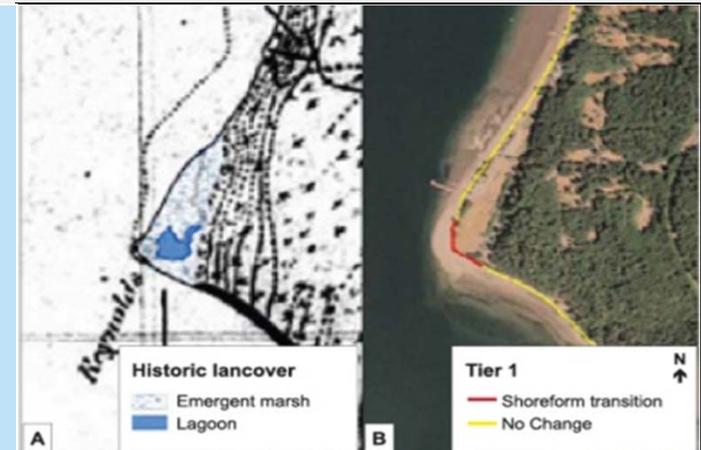
Shoreline Change

1. Barriers in large river deltas restrict the movement of fresh water and tides.
2. Small coastal inlets have been blocked off and filled in

2

Small coastal inlets have been blocked off and filled in

Salmon need large river deltas, small coastal inlets, and shallow water areas to rest, feed, and hide from predators.



Shoreline Change

1. Barriers in large river deltas restrict the movement of fresh water and tides.
2. Small coastal inlets have been blocked off and filled in



Armoring of beaches and bluffs prevents replenishment of beaches and intertidal areas

Bulkheads can prevent sediment from coastal bluffs from reaching the shoreline, resulting in fewer and smaller beaches.

Shoreline Change

1. Barriers in large river deltas restrict the movement of fresh water and tides.
2. Small coastal inlets have been blocked off and filled in

4

Nearshore wetlands have been eliminated

Loss of nearshore wetlands makes shorelines more vulnerable to the effects of sea level rise because wetlands help absorb energy from storms, waves, and high flows.



Shoreline Change

1. Barriers in large river deltas restrict the movement of fresh water and tides.
2. Small coastal inlets have been blocked off and filled in



Shoreline has become shorter, simpler, and more artificial

Loss of nearshore habitat has ecological, economic, recreational, and cultural effects: fewer salmon to catch, fewer clams to harvest, and fewer sandy beaches to enjoy.

5

5. Shoreline has become shorter, simpler, and more artificial

Shoreline Change

1. Barriers in large river deltas restrict the movement of fresh water and tides.
2. Small coastal inlets have been blocked off and filled in

Many places are affected by multiple types of changes.

6

While small scale alterations may be insignificant by themselves, cumulative impacts build over time, compounding the adverse effects.



5. Shoreline has become shorter, simpler, and more artificial
6. Many places are affected by multiple types of changes.

Program Priorities



Restore the connectivity and size of large river deltas.



Restore sediment input, sediment transport, and sediment accretion processes.

1

2

3

4

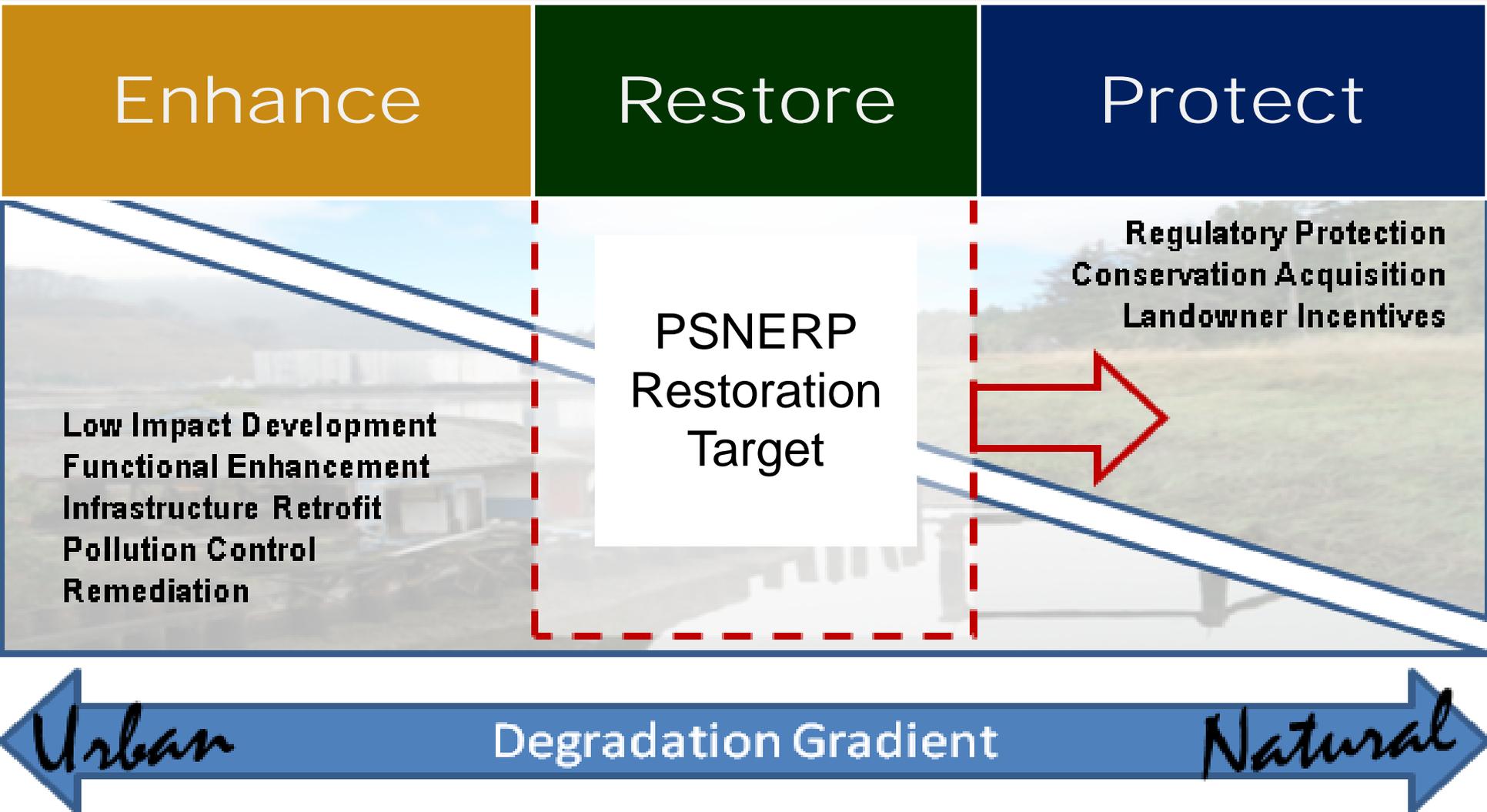
Restore embayments to increase distribution, shoreline complexity, and length.

Enhance landscape heterogeneity and ecological connectivity.

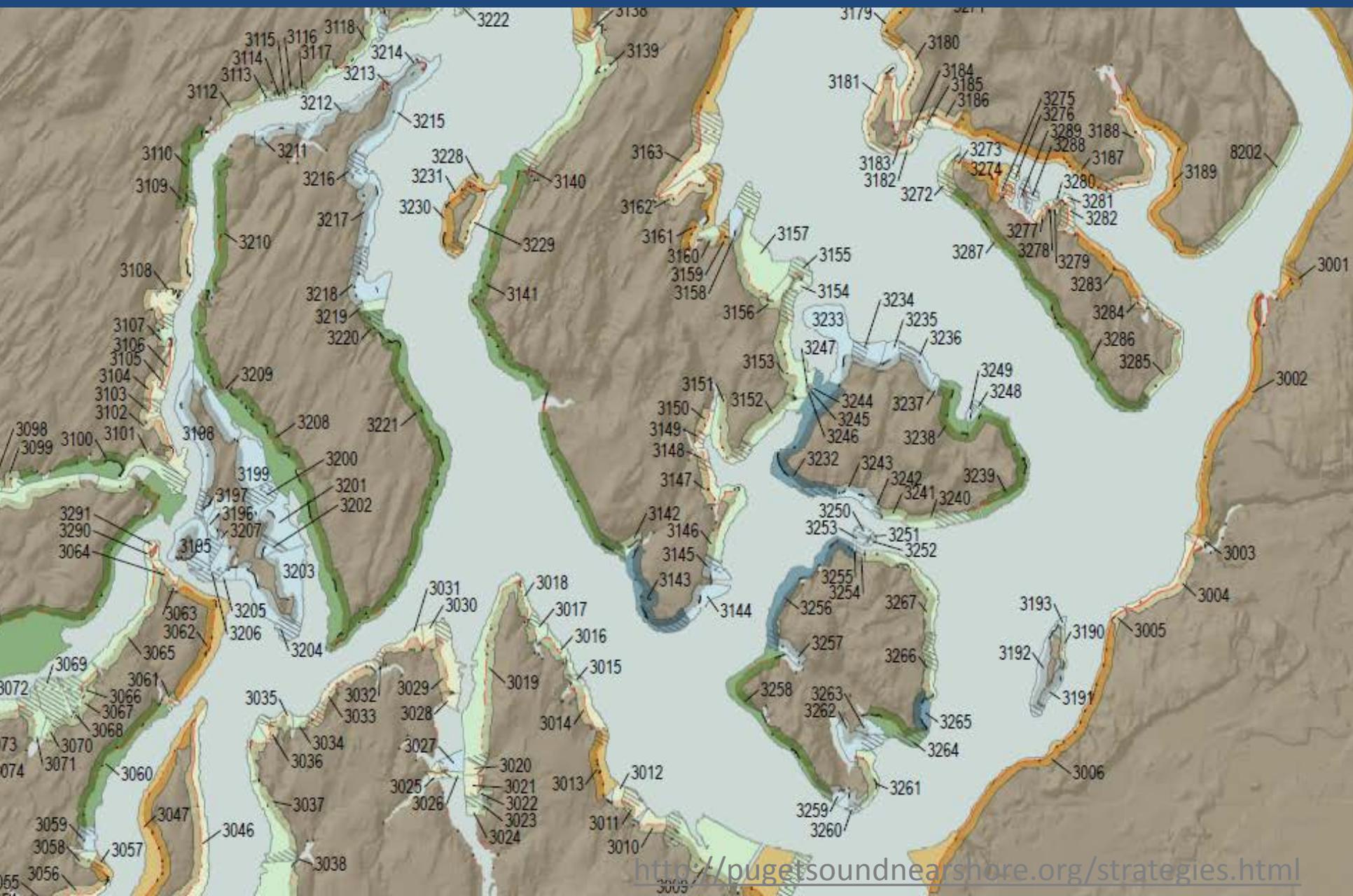


Strategies for Nearshore Protection and Restoration

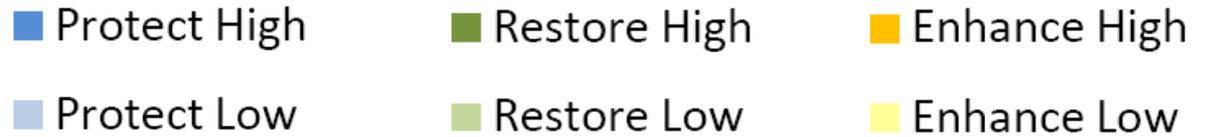
- ▶ Three approaches based on extent of degradation



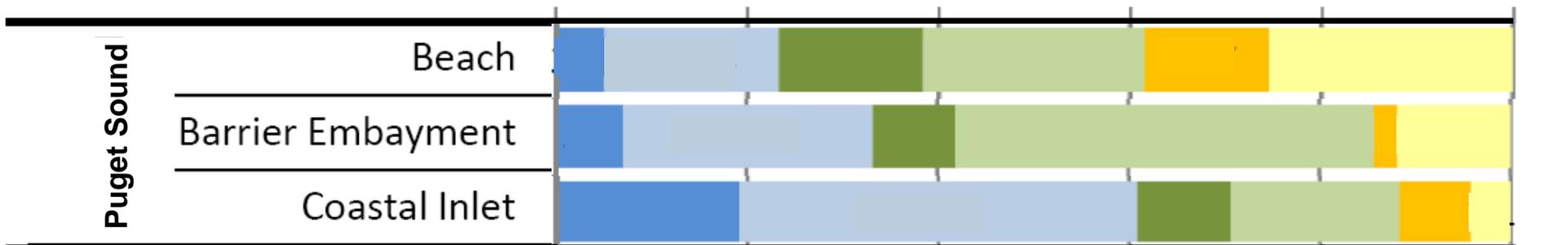
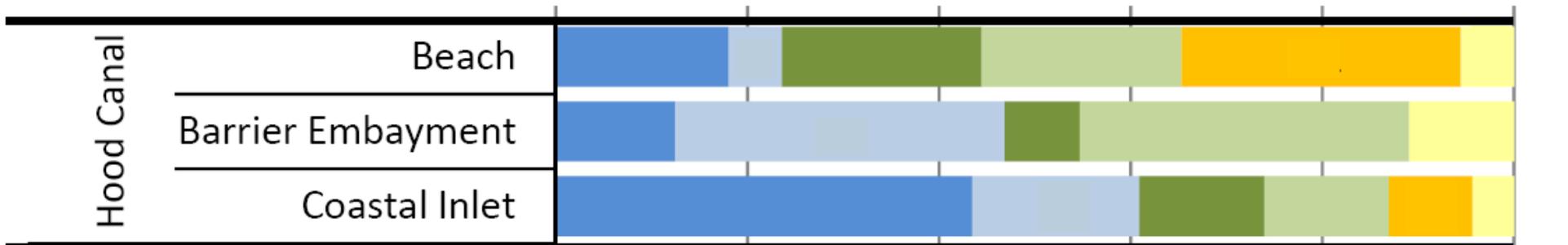
Strategies Maps



Strategy Summaries



0% 20% 40% 60% 80% 100%



Management Measures

Protect nearshore areas for plants, animals, fish and people
(PROPERTY ACQUISITION AND CONSERVATION)
 (HABITAT PROTECTION POLICY OR REGULATIONS)

Add native plants and animals to the nearshore
(REVEGETATION)
 (REINTRODUCTION OF NATIVE ANIMALS)

Remove or move dirt to allow water to flow naturally to the nearshore
(DEBRIS OR DIKE MODIFICATION OR REMOVAL)
 (CHANNEL REHABILITATION OR CREATION)
 (HYDRAULIC MODIFICATION)
 (TOPOGRAPHY RESTORATION)

Remove or repair big rocks and broken concrete slabs from the nearshore
(ARMOR MODIFICATION OR REMOVAL)

Make piers, floating decks and docks more environmentally friendly
(OVERHANGER STRUCTURE REMOVAL OR MODIFICATION)

We can employ site-specific actions aimed at protecting and restoring nearshore ecosystems and processes. PSNERP calls these actions “Management Measures.” We can apply them as stand-alone actions or combine them to serve as building blocks of multi-faceted nearshore restoration efforts.

Add sand and gravel to a beach or shallow waters to enhance habitat within the nearshore
(BEACH NOURISHMENT)
 (SUBSTRATE MODIFICATION)

Protect a restoration site from overuse by animals or people within the nearshore
(PHYSICAL EXCLUSION)

Work together to ensure continued enjoyment of natural resources in the nearshore
(PUBLIC EDUCATION AND INVOLVEMENT)

Add structure that can be used by native plants and animals within the nearshore
(LARGE WOOD PLACEMENT)
 (SPECIES HABITAT ENHANCEMENT)

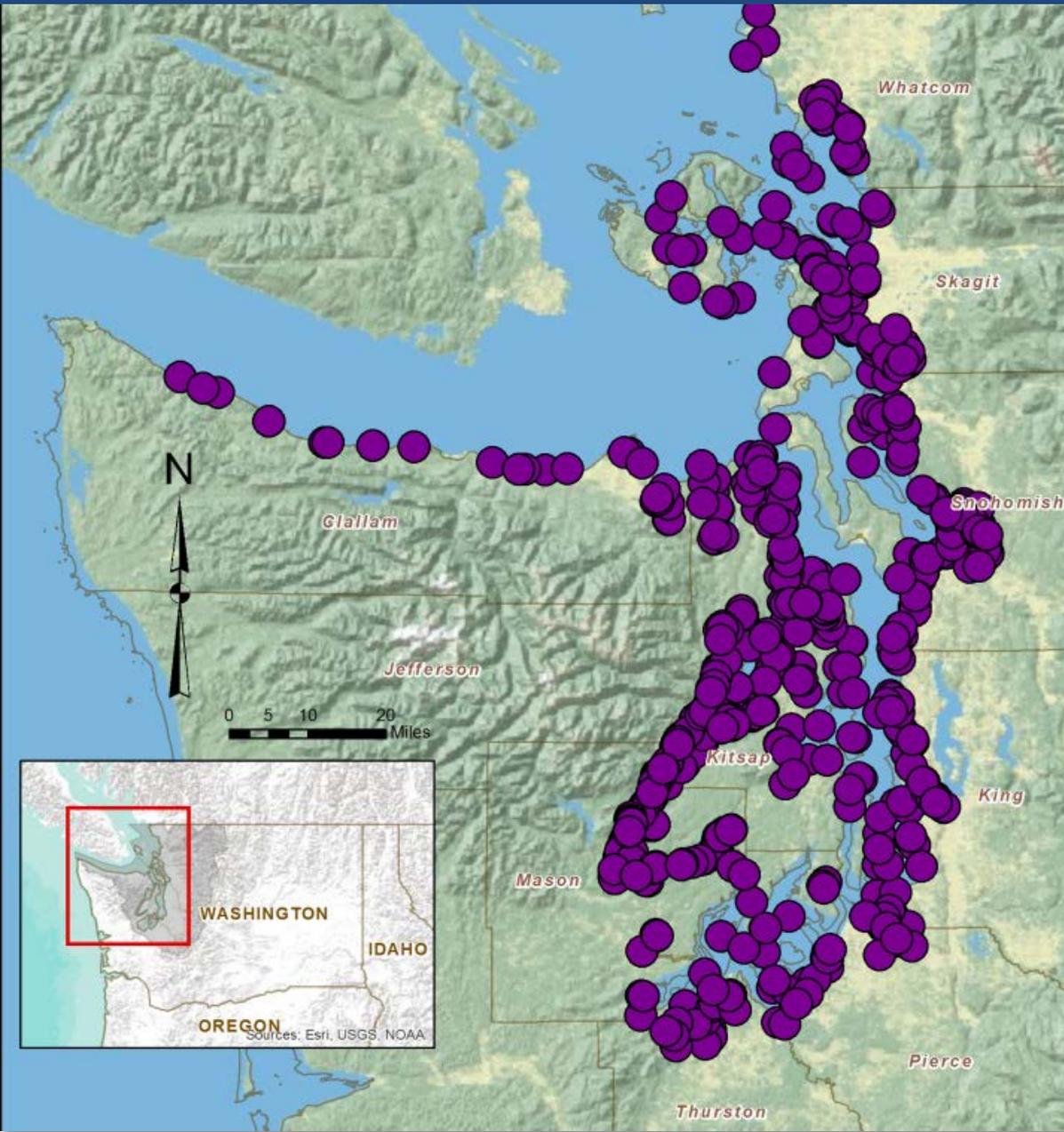
Remove nonnative plants and animals from the nearshore
(INVASIVE SPECIES CONTROL)

Remove trash and keep harmful pollutants from beaches and shallow waters in the nearshore
(CONTAMINANT REMOVAL AND REMEDIATION)
 (DEBRIS REMOVAL) (POLLUTION CONTROL)

Nearshore General Investigation (GI)



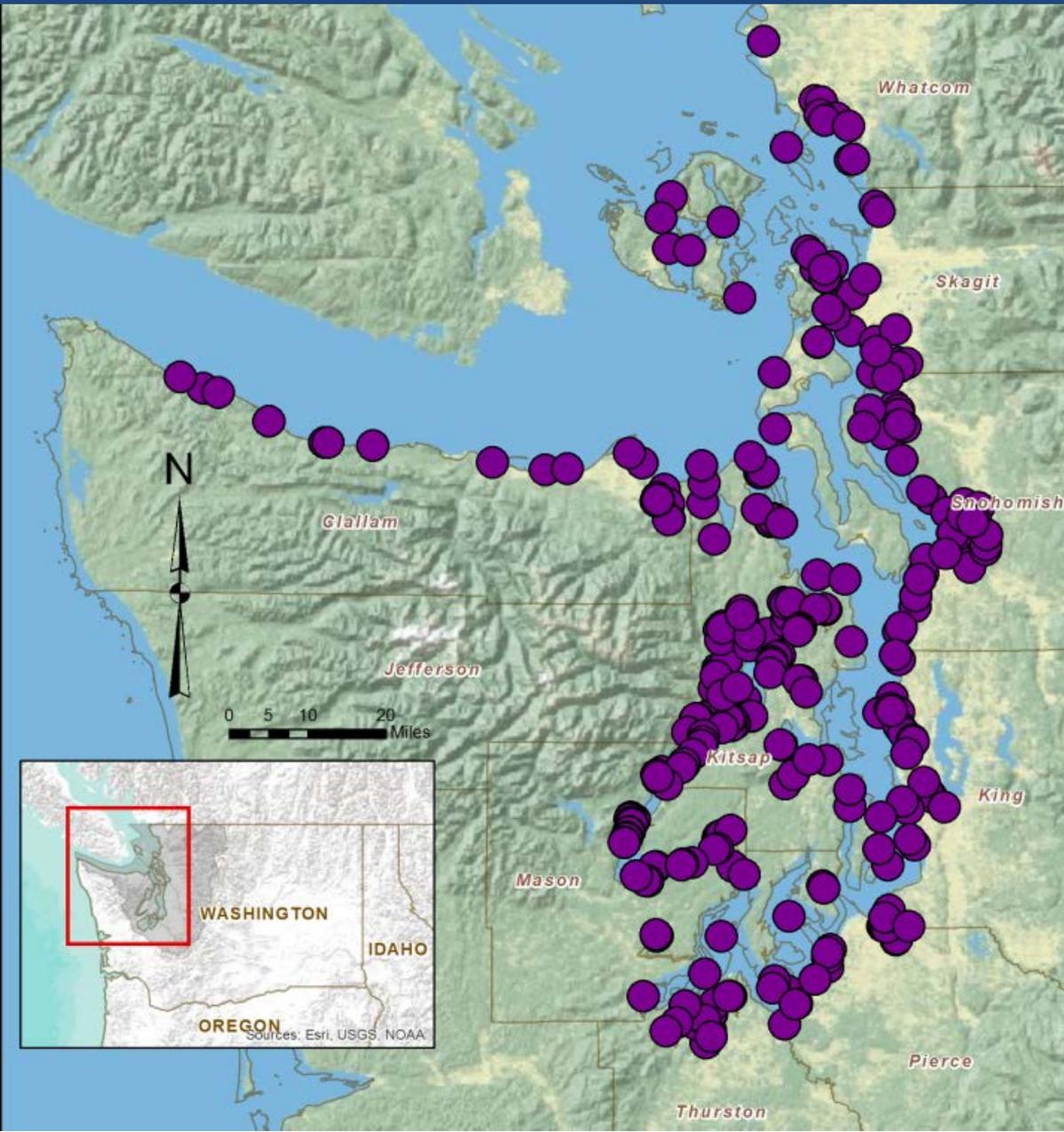
Site Evaluation



- ▶ Develop GIS database of potential restoration sites
- ▶ Solicit project ideas and view spatial extent

500+

Site Evaluation

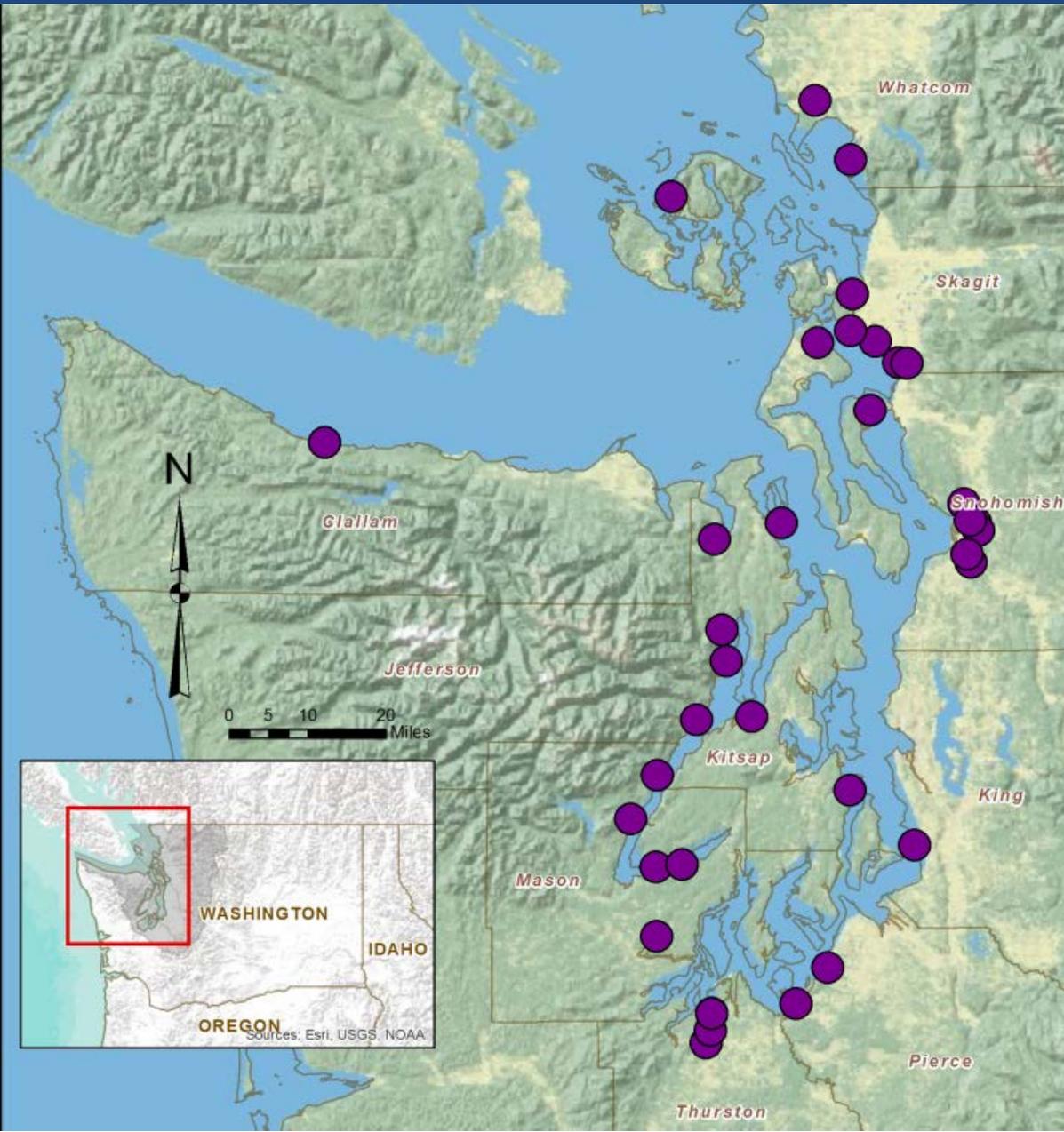


Verify projects:

- ▶ Located in study area
- ▶ Meet planning objectives

198

Site Evaluation



- ▶ Assess consistency with program strategies and objectives
“right action, right place?”
- ▶ Develop conceptual designs

Implementation Framework

36



New Corps
Construction
Authority

12
projects

Existing
Corps
Authority

12
projects

Non-Corps
Pathways

Other
Funds

Done*

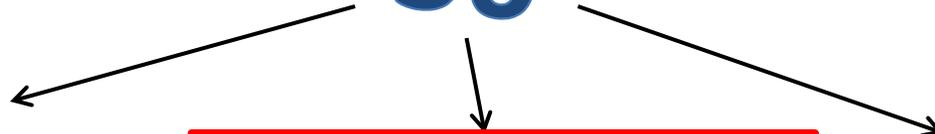
Play Movie!

First three Projects in the “New Construction Authority” bin:

▶ Nooksack River Delta	1807 acres	\$262M
▶ North Fork Skagit River Delta	256 acres	\$99.3M
▶ Duckabush River Delta	38 acres	\$90.5M
▶ Total acres:	2101 acres	
▶ Total cost:		\$452M

Implementation Framework

36



New Corps
Construction
Authority

12
projects

Existing
Corps
Authority

12
projects

Non-Corps
Pathways

Other
Funds

Done*

No Movie

First two Projects in the “Existing Authority” bin:

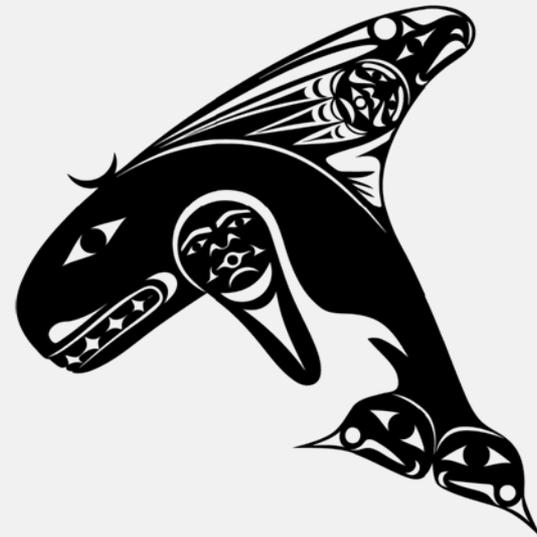
▶ Spencer Island	313 acres	\$6.5M
▶ Twanoh State Park	3-5 acres	\$4.2M
▶ Total acres:	~320 acres	
▶ Total cost:		\$10.7M

Contact Information



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360.902.2750

PUGET SOUND
NEARSHORE
ECOSYSTEM RESTORATION PROJECT



www.PugetSoundNearshore.org



Example Project that implemented process-based restoration.
1 Year Post-Project
(Seahurst Park, WA)



Pre-Project
(Seahurst Park, WA)

WDFW HPA Legislation Stakeholder Group

Members:

Allen Comstock	htechhandyman@gmail.com
Amy Carey	amy@soundaction.org
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Stinson, Morgan A (DFW)	Morgan.Stinson@dfw.wa.gov
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