



Hydraulic Code Implementation ~~Citizen~~Community Advisory Group (HCICAG) Charter

~~February 6, 2019~~July 27, 2023

Background

The WDFW Habitat Program Protection Division is charged with guiding implementation of the state's hydraulic code, Chapter 77.55 RCW - Construction Projects in State Waters. The hydraulic code authorizes WDFW to issue a permit - the Hydraulic Project Approval (HPA) - to ensure that actions affecting the bed or flow of state waters provide adequate means for the protection of fish life. Hydraulic code rules have been adopted to guide implementation of the HPA program and inform ~~citizens~~community members about the measures typically required to provide protection of fish life.

Day-to-day implementation of the HPA program is a team effort involving Protection Division staff (located at WDFW headquarters in Olympia), who are engaged in statewide and cross-regional topics as well as handling submitted applications, and regional staff, who review permit applications and issue HPA permits.

Objectives of the Protection Division include to maintain and improve consistency and effectiveness of the HPA Program; improve the soundness of permits and rules; and improve outcomes for fish and people. To do this, Protection Division develops rule language, conducts the rule making process, engages in legislative issues including bill analysis and response to legislative inquiries, and develops and maintains statewide guidance, training, and tools to support staff implementing the HPA Program. Protection Division also reviews submitted applications for completeness, manages the HPA database, and administers informal appeals of HPA decisions.

HCICAG Purpose

The purpose of the HCICAG is to provide input to Washington Department of Fish and Wildlife (WDFW) HPA Program staff on operations of the HPA Program in order to 1) maintain and improve consistency and effectiveness of the HPA Program; 2) improve the soundness of permits; 3) increase understanding of the public about the importance of the HPA in protecting fish life, and 4) improve outcomes for fish and people.

HCICAG Objectives

Within the context of resource and people priorities set by WDFW, the HCICAG provides input on the effectiveness of the HPA program in such areas as procedures, transparency, consistency, outcomes, compliance, and communications/outreach. Fish protections that can be improved through operational measures without changes to rule or statute will also be posed for input from HCICAG.

HPA Program Implementation Constraints

Members of HCICAG must acknowledge certain constraints of the HPA Program. First, changes to foundational authorities cannot be made at the operations level - authority issues are addressed at the legislative level. HCICAG members understand that WDFW must focus limited staff and funding resources at the highest risk project types. Advice should be directed at helping WDFW use the resources available to maximize the effectiveness of the program as a whole rather than optimizing one particular topic or project area. Recommendations that require legislative action or cross-agency coordination are not appropriate for HCICAG.

Role of WDFW Staff

- Chair the HCICAG
- Clearly communicate the HCICAG's scope and role as outlined in this document.
- Provide background on Habitat Program initiatives and activities, agency programs, and the WDFW's mission and goals that are relevant to HPA implementation.
- Respond to advisors' requests for information relating to HPA implementation, including scheduling presentations about specific topics.
- Provide timely opportunities for advisors to provide input to the agency on emerging HPA implementation issues.
- Communicate the HCICAG recommendations, comments, views and perspectives to Habitat Program Senior Management Team for incorporation into decision making and implementation procedures.
- Provide feedback to HCICAG regarding how Habitat Program uses the group's input.

Role of HCICAG

HCICAG members will provide the following advice to WDFW staff, as requested:

- Provide recommendations on operations of the HPA Program.
- Communicate stakeholder opinions, attitudes, and needs relating to HPA implementation.
- Identify areas of concern about, and recommend changes to, HPA operations.
- Assist the Department in developing communication strategies and communicating with members of the public regarding the issues that come before the HCICAG.
- Review materials and come to meetings prepared to discuss the assigned topic.

Role of HCICAG Facilitator:

- Work with staff to develop productive agendas that clearly outline the desired outcomes of each meeting.
- Facilitate group meetings
- Distribute materials in advance of HCICAG meetings, to the extent possible.
- Develop and distribute HCICAG meeting notes that summarize the key discussion points, conclusions, next steps. Distribute draft meeting notes for review, and finalize for adoption prior to or at the next group meeting.

- Assist with HCICAG work planning and member interviews as needed.

HCICAG Bylaws

Membership

HCICAG should have between nine and twelve members. Members are selected through an open process requiring letters of interest and review and selection by the department director, with the following considerations:

- Members represent a group or organization affected or impacted, by and/or interested in improving hydraulic code implementation;
- Members are committed to sharing information and bringing to the group feedback from their respective organizations/constituents;
- Members are committed to working collaboratively;
- Members understand the mission of HPA Program implementation, the goals and objectives of the HCICAG, and are comfortable serving in an advisory capacity.

Members represent:

- Key customers (HPA applicants);
- Western Washington / marine interests;
- Eastern Washington interests;
- ~~Fishing~~, ~~Landowner~~, contractor, government and environmental interests.

Members are expected to serve for no more than two years. Members can apply to be considered for subsequent terms.

HCICAG members are expected to attend all advisory group meetings. Members can identify and brief an alternate to participate and/or take notes at the meeting. Members will notify ~~Randi Thurston (Dan Doty)~~ Theresa Nation if unable to attend and indicate whether an alternate will attend in their place.

Members absent for more than two meetings in a 12-month period may be asked to end their terms; WDFW will identify a permanent alternate member.

HCICAG members are responsible for their own travel and meal expenses unless otherwise previously provided.

Operating Guidelines

Meeting Frequency and Location

~~HCICAG will meet approximately quarterly, typically in March, June, September, and November. Meeting times are generally from 10 a.m. to 3 p.m. on weekdays. Meeting locations will alternate, as much as possible, between Olympia and North Sound, including locations in Tacoma, Seattle and/or Mill Creek. In person participation is preferred. Webinars might be used when appropriate to the subject matter. A conference telephone line may be provided in extenuating circumstances, but phone attendance is discouraged.~~

The HCICAG will have two regularly scheduled meetings annually, typically in June and December. WDFW may also call up to 3 ad hoc meetings to discuss timely topics. To foster stronger relationships, the group will meet at least once a year in-person. The meeting location will be between Olympia and North Sound, including locations in Tacoma, Seattle and/or Mill Creek. A Microsoft Teams link may be provided for those who absolutely cannot attend in-person. At least one meeting annually will take place virtually, using Microsoft Teams. Virtual meetings will generally be 2 hours long, while in-person meetings will run 5-6 hours. All meetings will be on weekdays.

Meeting Discussion Guidelines

HCICAG members are expected to conduct themselves in a professional manner and be respectful of the values and views of others. The following discussion guidelines are recommended to facilitate productive meetings and advisory group interactions:

- All members are expected and encouraged to participate.
- No member, perspective, or coalition should dominate.
- Raise your hand or ~~text~~ name card to indicate desire to speak.
- Keep an open mind.
- Actively listen.
- Stay focused on the meeting objectives.
- Refrain from side discussions when others are talking.
- Ask for clarification when needed.
- Recognize the role of the facilitator.

Public comment at HCICAG meetings

The purpose of advisory group meetings is primarily for group discussion of participants. This may be supplemented and enhanced with input from members of the public and other interested parties. HCICAG meetings are open to the public and an opportunity for public input will be provided at each meeting having public in attendance. Members of the public will be recognized at the beginning of each HCICAG meeting, and time for public comment will be provided at the end of the meeting, as time allows. If necessary, time limits for public comment may be imposed to allow members enough time for HCICAG discussion.

Guidelines for External Communications

- HCICAG members can cite their participation on HCICAG as one basis for their expertise relating to implementation of the HPA Program.
- HCICAG members should not convey HCICAG recommendations or opinions, as such, outside the department. Nothing prevents an individual advisor from expressing their views as a private citizen or as a representative of their organization.
- The HCICAG should not meet as a formal group with outside entities unless it has prior approval from Department staff.

Decisionmaking / Advice

The HCICAG is not a decision-making body or voting group. Members are expected to advise staff about their views on HPA Program implementation. Consensus of the group is not required, nor will it be specifically sought; however, staff will seek to understand common as well as divergent views, and consider all HCICAG input before making and implementing decisions about the hydraulic code.

HCICAG staff and facilitator will capture recommendations, viewpoints and opinions by HCICAG members including divergent or dissenting views. A member can abstain or recuse themselves if necessary.

Recommendations will be expressed in meeting notes or other form of statement from the group as necessary. Members will be given time to review the statement prior to its being passed along or acted upon.

Staff will typically implement HCICAG advice directly or convey HCICAG recommendations to the Habitat Program Senior Management Team. How or whether the advice is used will be reported back to the HCICAG along with reasons for partial or non-implementation.

HCICAG Roster, Agendas, Meeting Materials, Meeting Notes

An HCICAG roster, identifying members' names and organizations, in addition to WDFW staff and facilitator contact information, will be posted on the agency website, along with agendas, meeting materials, and meeting notes at <http://wdfw.wa.gov/about/advisory/hcicag/>. Background information requested by the HCICAG can also be posted at this location.

HCICAG Contact Information

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