SNOHOMISH SUSTAINABLE LANDS STRATEGY
EXECUTIVE COMMITTEE 3.8.8
Tuesday, August 14, 2018 10:00 – 12:30

Snohomish County Admin East 6th floor Conference Room 6A04
3000 Rockefeller Ave. Everett, WA 98201

PARTICIPANTS

Bartelheimer, Dan - Snohomish Valley Farms
Bernhard, Bob - Snohomish County SWM
Calvert, Dan - Puget Sound Partnership
Cereghino, Paul - NOAA
Cole, Heather - The Nature Conservancy
Desmul, Lindsey - Washington Dept. of Fish and Wildlife
Dittbrenner, Cindy - Snohomish Conservation District
Eidem, CK - Ducks Unlimited, EC Fish rep
Evans, Dan - Dan Evans Consulting, facilitator
Farris, Gregg - Snohomish County SWM
Fay, Robin - PCC Farmland Trust
Glaub, Gretchen - Snohomish County SWM
Kelly, Kristin - Pilchuck Audubon Society
Klesick, Tristan - Stillaguamish farmer, Co-chair (Ag)
Lakey, Kirk - Washington Dept. of Fish and Wildlife
Marti, Monte - Snohomish Conservation District, EC Ag rep
Neunzig, Linda - Snohomish County
Stockdale, Erik - Snohomish County SWM
Strandberg, Terri - Snohomish County
Tracy, Lauren - Snohomish County SWM
Williams, Terry - Tulalip Tribe, Co-chair (Fish)
Bennis, JB - Washington Dept. of Commerce

PURPOSE: The August SLS Executive Committee meeting has a Countywide / Ag focus and includes updates on key Countywide initiatives, including a focus on a new law affecting watershed management and rural growth (following legislative action on the *Hirst* case), SWM Strategic Plan, major funding applications, the September Farm / Fish to Table Dinner with policy level leaders, and fish-farm-flood / water management updates. Participants are invited to bring a brown bag lunch or snacks.

1) **WELCOME, INTRODUCTION (10:00-10:10)**
   a) Review purpose, agenda
   b) Introductions
2) **New Streamflow Restoration Act (RCW 90.94) – ECY briefing re *Hirst* & Legislation (10:10 - 10:50)**
   a) Overview of *Hirst* ruling, Legislative & Ecology's response (see attachment)
      i) Implementing RCW 90.94: Protecting and Restoring Streamflows in Central Puget Sound (presentation on SLS website)
         (1) Background (slide 4)
            (a) Permit-exempt wells (domestic, mostly in rural areas)
            (b) 1971 right to regulate in-stream flow rules (RCW 90.22 and 90.54)
            (c) Tribal treaty rights in western Washington have not been adjudicated
            (d) *Postema* (2000) – no impairment to instream flow is permitted, including groundwater withdrawals
            (e) Growth Management Hearing Board (2011)

(2) Whatcom County v. Hirst, et al. (slide 5)

(a) ESSB 6091, RCW 90.94 (water mgmt.), *signed 1/19/18*

(3) Streamflow restoration map (slide 7)

(a) Green watersheds (central and south Sound, including WRIAs 7 & 8) did not complete watershed planning under RCW 90.84

(4) Effects on Snohomish's WRIAs (slide 8)

(a) WRIA 5 (Stillaguamish)

(i) No new planning is required, rule established before 2001

(b) WRIA 7 & 8 (Snohomish and Cedar/Sammamish)

(i) Section 203 basins (Watershed Restoration Enhancement Committees)

1. ECY developing list of committee members needed (e.g., city, ag reps)
2. To find water for 20 yrs out and identify projects to conserve water supply/in-stream protection
3. Committees to meet starting in Sept/Oct
4. Law is meant to be action oriented, not heavy on the planning

(ii) Must develop plans by June of 2021

(iii) ECY to inform committee members on principles important for in-stream processes (e.g., climate change, hydrology)

(iv) Ria Berns and Stacy Vynne to help implementation move along until ECY hires a lead for the Snohomish WRIAs

(5) Funding opportunities, $300 million over 15 years

(a) Applications do 10/31

(b) Looking to fund shovel ready projects but can consider feasibility if it's an initial step to a near-shovel ready project

(c) Water-storage and rights acquisitions are preferred

(d) Grant guidelines will turn into rules next spring (2019), opening up more opportunities for riparian enhancement projects

(e) Watersheds that are going through the planning process (green and red watersheds) will have priority for funding

3) SnoCo's SWM Budget and Priorities – Update & Discussion (10:50 - 11:20)

a) Overview of SWM budget and support of SLS initiatives (Gregg Farris, SWM Director)

b) Discussion of SWM budget and priorities

4) Funding Strategies to Support SLS Priorities (11:20 - 11:35)

a) Floodplains by Design grant application submissions

i) Snohomish Basin (Gretchen Glaub) – will post on SLS website

(1) This type of application would be a great opportunity for the Integration Team for future grant applications

(2) Terry requested a presentation at Tribal council

ii) Stillaguamish Basin

b) ESRP, Fed Resilience NFWF grants, other funding priorities

5) Communications (11:35 – 12:00)

a) Farm & Fish to Table Dinner September 18th at Swan Trail Farm

i) Dinner agenda

ii) Laura Blackmore to facilitate roundtable discussions, Monte to mc?

iii) Poster topics/poster – also include culverts, Integration team, ag resilience, SVPI, reach-scale plan, regulatory efficiency

iv) 4 questions per table to spur conversations

v) 1 page take-away (action items) for attendants to take home?

vi) Ask attendants how they can help SLS at the end of the event (when they're inspired)

b) Video Project (WDFW) and materials

i) Lindsey/Ag – asking Linda and others about ag voice

ii) 13-14 farmers narrow down to 5, different perspectives (older and younger) on ag within Snohomish County, see interviewee list

6) Countywide Indicators & "Headline News" in Brief (12:00 - 12:25)

a) Ag Resilience Plan (Snohomish Conservation District)

i) Sent out e-update recently

ii) Crop online tool (WSU)

iii) Studies completed this fall

iv) Starting in winter steering committee to have 3 meetings (every other month) to prioritize criteria, tiered areas will receive outreach about climate impacts first

b) Integration Team

i) Cindy is solidifying ag priorities and stories, Morgan is reaching out to technical committee in both basins (technical committees beginning to prioritize areas of importance within the floodplain)

ii) IT to meet late 2018/early 2019

7) WRAP UP AND ADJOURN (12:25 – 12:30)

8) [Task Group Updates – Available on SLS website]

a) Regulatory Efficiency: culverts, drainage, Responsible Stewardship

i) Paul: materials below sent out to SLS EC participants on 8/13

9) Next month's agenda

a) Determining allowable fish limits?

    i) Possible fish managers (Ed Azner/NoF, Tulalip Tribes) to present

b) SLS to host future meeting with watershed councils about plankton recovery (October meeting?)

c) Smith Island (October meeting?)

d) Watershed Culvert prioritization committee?

Farm to Table Come-Together Agenda

September 18, 2018 | 5:00pm – 8:00pm | The Farm at Swan's Trail

4:30 pm	Doors open
5:00 – 6:00 pm	Networking, MC introduction
6:00 – 7:00 pm	Stories from Ben & Carol Krause/ Tulalip Tribes (?) and dinner
7:00 – 8:00 pm	MC opens up table discussions, facilitated by Laura Blackmore
8:00 pm	Closing remarks

Communication pieces

- Posters will be placed around the networking area to spur conversation
  - Will focus on SLS efforts to respond to concerns heard at previous dinner
    - Ag Resilience Plan
    - SVPI
    - Regulatory Efficiency
    - Other?
  - Posters will also be related to questions asked at table discussions
  - Draft posters will be outlined by the middle to end of next week
    - How do we want to approve them?

- Table discussions will be facilitated by Laura Blackmore.
  - Do we want each table to have a different question, or do we want everyone to discuss the same questions?

- We will have closing remarks by our MC and Laura Blackmore at the end of the evening.
  - Do we want to put others on the spot?
    - Dave Somers?
    - Other leaders?
    - It would ensure that they stay until the end and pay attention
    - They would be asked to give closing remarks after RSVP'ing.

Farm Story Interviewee list for video

- Alex Alexander
- Tyler Breum
- Joe Christianson
- Rick Williams
- Dan Bartelheimer
- Tristan Klesick
- Brian Bookey
- Linda Neunzig
- Ben and Carol Krause
- Don Bailey
- Marv Thomas
- Nick Pate
- Jeremy Visser

Any other women??

Need to narrow 13 down to 5 or 6, various farm sizes, various farm types (poultry, livestock, dairy, veggies, etc.)!

Need introductions to most of them (except SLS members)!

I will be reaching out to some of you (SCD, ag producers) for help with this in the next couple of weeks.

Title: Reducing Cost for Regulatory Review of Culvert Replacement
Last Update: 7/26/18

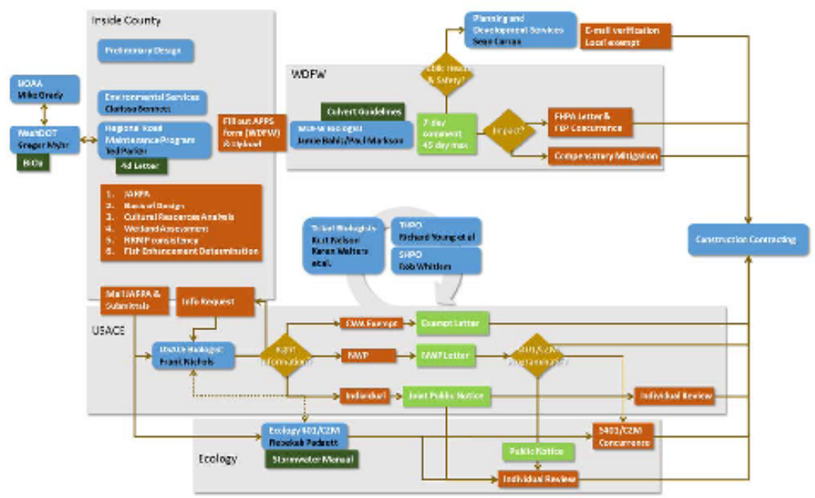
A3 Authors: Paul Cereghino
Project Lead: Paul Cereghino
Start Date: TBD

A. Problem Statement

To replace a fish-blocking culvert a local actor completes a regulatory process involving six agencies. Each agency needs different kinds of information to complete their review. While culvert replacement practices are well known, each site requires some design subjectivity. There is no standard for presenting a culvert design, and so the review process may generate lots of paper and involve starts and stops, and requests for additional information. Each applicant may prepare an application in a different way, anticipating what might be necessary for review, and billing at $100 to $150/hour. Permitting costs can exceed $20,000 per culvert. If work standardization were to reduce this cost in half for 10 counties each replacing 10 culverts a year, that could save the public approximately $10M over the next decade.

B. Current Conditions

Information flow during culvert replacement regulatory review (Snohomish Example below; some inaccuracies or simplifications remain). There is no easy way for an applicant to determine which pathway will be necessary, or develop an application to match the information needs of reviewers.



There is no mechanism for tracking the cost of culvert replacement regulation. We believe the greatest costs occur with initiation of federal review in fish-bearing waters, and where the design is responding to atypical circumstances. We can measure cost in time until completed review, cost for document preparation and revision, and number of pages of information produced.

C. Target Conditions

- Regulators are able to easily identify the information necessary to make a high quality regulatory determination with the first submittal
- Applicants have an efficient template and guidance for presenting their culvert design
- Time for review is reduced
- The number of document pages necessary to complete review is reduced

D. Root Cause Analysis

1. The decision around culvert design requires a cost-benefit assessment by the design engineer that considers many variables.
2. Each regulatory reviewer is looking for precise pieces of information but cannot prescribe how that information is presented.
3. Review in waters of the US involves six agencies three to eight tribes. No one agency knows the needs of all other agencies, and is operating under a labor deficit.
4. Each contractor may have different assumptions, resources, and values around how and why to present a culvert replacement design proposal.
5. Therefor each culvert replacement permit application becomes a unique event where different parties are presenting and looking for pieces of information in varied formats, resulting in delay and confusion.
6. Agencies do not have resources in place to analyze and improve cross-agency work flow from the perspective of applicants, Policy staff charged with cross-agency coordination are not fluent in the details of regulatory work flow from the perspective of applicants, and agency regulatory staff may not have delegated authority to modify regulatory processes on behalf of an agency

E. Countermeasures (Plan of Action)

We believe that work standardization can reduce application development time, and increase review speed.

1. Create a third party optional culvert replacement guidance and template for filling out a JARPA that meets the needs of all agencies, and represents best regional practice.
2. Within that template identify classes of culvert replacements, based on clear criteria, to guide application content and more accurately predict review pathway and information needs. The guidance would not alter agency policy or practices, but increase likelihood that information is adequate and easy to find.
3. Establish information sharing protocols to insure proactive, and parallel review rather than serial review where possible.
4. The template and guidance will be promoted through the WDOT Reginoal Road Maintenance Program, and supported by WDFW and NOAA Fish passage engineers.

F. Plan (How will you implement your test?)

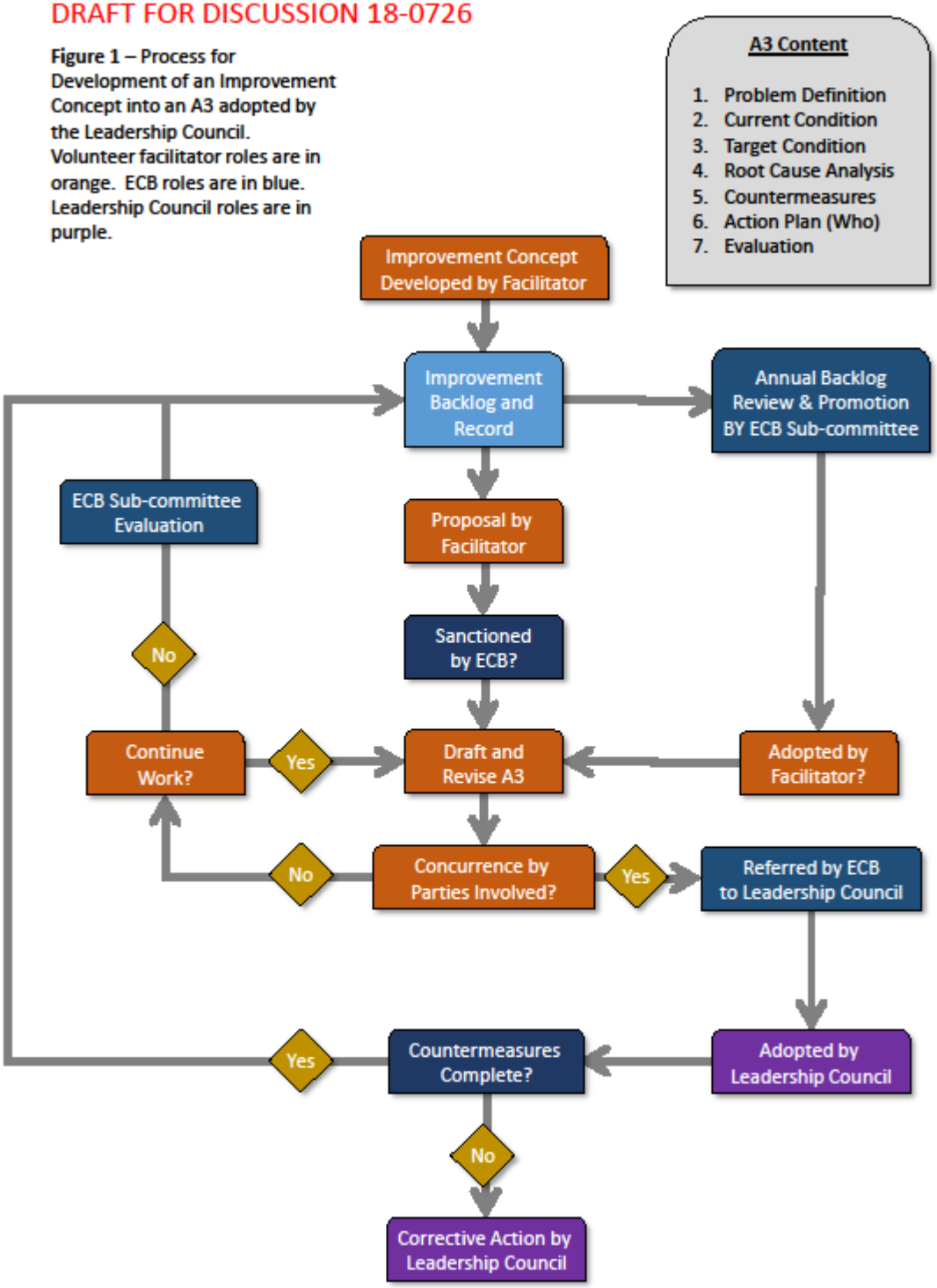
- **Project Lead** – Paul Cereghino (NOAA)
- **Team** – Randi Thurston (WDFW), Frank Nichols (USACE), Diane Hennessey (ECY), Ted Parker (Snohomish County), Kurt Nelson (Tulalip Tribes), Gregor Myhr (WDOT). Each team member will be responsible for the understanding and approval of countermeasures.
- **Scope** – Bi-weekly meetings and approximately 4 hours between meetings until completion. Paul Cereghino is anticipated to provide the bulk of labor, except for agency review and decision.
- **When** – Review status 6 months from initiation
- **How Evaluate** – Quantify before and after countermeasures, based on Snohomish County applications.
- **What to Measure** – Cost to develop single application, Number of Pages, Time to Review

G. Evaluation

- What are the results?
- Are you on track?
- What is the process for ongoing PDCA?
- How well did you practice Lean behaviors?
- What issues remain unresolved?

DRAFT FOR DISCUSSION 18-0726

Figure 1 – Process for Development of an Improvement Concept into an A3 adopted by the Leadership Council. Volunteer facilitator roles are in orange. ECB roles are in blue. Leadership Council roles are in purple.



Regulatory Efficiency
Monthly SLS Steering Committee Report
August 2018 – paul.r.cereghino@noaa.gov

Priority Objective	Description	Tasks	Work Group
1. Regulatory Efficiency (a) Culvert Replacement Permitting Strategy (b) French Slough Drainage Maintenance Permitting Strategy	(a) Reduce the cost per culvert of regulatory review. (b) Obtain permits for drainage maintenance and test mechanism for more efficient reach scale regulatory assessment.	• Summarize regulatory regime • Assess protected resources (water types, etc.) • Scope impacts • Define stewardship approach and document net-gain • Secure permits	**Paul Cereghino** (NOAA, lead) Monte Marti (SCD) Erik Stockdale (SnoCo) Dan Evans (SLS) Kirk Lakey (WDFW) Janet Currna (NOAA) Diane Hennessey (Ecology) Frank Nichols (USACE) Morgan Ruff (Tulalip) Sean Curran (SnoCo)

CULVERTS

We are using culvert replacement regulation to promote and test the use of the Puget Sound Ecosystem Coordination Board for inter-agency improvements. The ECB formed a sub-committee and I have facilitated three work sessions through summer. This has brought agency leadership to the table including Army Corps. There is general agreement to develop standard methods for culvert design presentation and review, based on concepts developed by the Snohomish Team. We have draft mechanisms for how any volunteer facilitator can approach the ECB to address other inter-agency improvement opportunities.

NEXT STEPS – We expect review of proposed culvert review improvements by agency leadership and staff by end of August, including delegation of an agency point of contact. I will be checking the ECB-based problem solving approach with coordinators who may serve as future facilitators (LE, LIO, ERC, MRC, etc). Our target is for agency leadership and staff to make final comments on the "problem definition" and "countermeasures" by end of August. Then ECB would ratify the approach at their October meeting, notify the Puget Sound leadership council, and verify that agencies implement countermeasures.

DRAINAGE MAINTENACE

After researching the best regulatory approach, and introducing Ducks Unlimited to French Slough District as a potential implementation partner, I made a proposal to help French Slough District prepare the JARPA, with a few conditions around transparency. French Slough District declined my services. There are increasing regional efforts to develop standards and practices for drainage system management. WSU Puyallup will be hosting a workshop on drainage management in early 2019. Skagit Districts have formed a consortium and have hired an ex-WDFW staffer to develop standard practices. An agreement and management plan format developed by WFDW is increasingly standard practice.

NEXT STEPS – I will be summarizing my findings to share in support of WSU Puyallup. I will stay in contact with the Skagit consortium, and participate in the February symposium. If a drainage system in Snohomish or Stillaguamish needs support with developing a regulatory strategy, we are positioned to assist, but now I don't have a client.