

STATEMENT OF ATTENDEES
WDFW/Counties Working Group
January 15, 2008, 8:30 am – 11:30 am

1. Greg Hueckel	WDFW- Assistant Director Habitat	360-902-2416
2. Peter Birch	WDFW-Deputy Assistant Director Habitat	360-902-2641
3. Steve Manlow	WDFW-Regional Habitat Program Manager R5	360-906-6729
4. Marc Daily	WDFW-Division Manager Tech Apps Habitat	360-902-2526
5. Bob Barnard	WDFW-Environmental Engineer 3 R6	360-902-2611
6. Gary Rowe	WSACE	360-753-1886
7. Michelle Banonis	Pierce Co Public Works	253-798-4044
8. Chris Brueske	Whatcom Co Public Works	360-815-4366
9. Dan Vekved	SJC Public Works	360-370-0504
10. Jeff Monsen	County Road Administrative Board	360-753-5989
11. Doug D'Hondt	Kittitas County	509-577-7690
12. Owen Carter	Snohomish County	425-388-6460
13. Tom Robinson	WSAC	360-753-1886
14. Jon Brand	Kitsap County Public Works	360-337-5777
15. Drew Woods	Columbia County	509-382-2534
16. Rod Lakey	Lewis County	360-740-1123
17. Monte Reinders	Jefferson Co Public Works	360-385-9242
18. Janine Johanson	King Co Department of Transportation	206-205-7101
		Janine.johanson@kingcounty.gov
19. Rob Fritz	King Co Department of Transportation	206-205-7107
		Rob.fritz@kingcounty.gov

**HPA Permitting Process Work Group
January 15, 2009**

Meeting Purpose:

Identify issues/concerns with the HPA permitting process & identify next steps

Expectations (frequency mentioned):

- Take a problem solving approach
- Overcome any bad past relationships, begin to develop, improve good relationship between DFW and WSACE (4)
- Improve the HPA Process for all
- Handle Legal/Interpretation in separate category
- Address and flesh out issues, listen to issues across the state, shoreline issues (3)
- Clarify regulatory basis for Habitat Office consistency
- Improve consistency, guidance, predictability, clarity in process (5)
- Consistency from project to project, moving target, added costs, time
- Differences, clarity around “Emergencies” training for Bio’s (ECY mitigation manual, USFW)
- Improve communications
- Agree on interpretations, improve clarity
- Great response on emergencies
- Consistency about mitigation concerns, changing requirements in designs
- Clarify/resolve High Water Mark variations/limits
- Rotation, lack of continuity when Bio’s change out, training
- Well-intentioned, positive outcome, respectful

Ground Rules

- Focus on issue not individual
- One person at a time speaks
- Respectful communications
- Try to be brief
- No side bar conversations

Parking Lot

- Road maintenance forum to define fish window problem (Rob)
- Memorandum of Understanding between WSACE and DFW

Next Steps

• Publish meeting notes by Jan. 23	Jan 09
• Participant’s feedback on top 5 priorities	Jan – Feb 09
• Solicit/ volunteer to participate in work groups – expand, define, explore problems	Jan – Feb 09
• Work groups for solutions	Mar – Apr 09
• Reconvene as large group	Mar – Apr 09
• 1 st set of solutions (in preparation for annual conference)	Jun 09

ISSES/CONCERNS/PROBLEMS (regarding HPA processing)

A. Doing business differently/collaborative relationships

- 1) Need common understanding of project priorities
- 2) Trust issues
 - Different sorts of expertise
 - Different levels by city
 - There's a feeling about "gaming" the process
 - Offer the minimum, hold back, versus openness
 - "Us vs. them" syndrome
 - Not working together for solutions, limits
 - Trust the counties (engineer, biologist expertise)
 - Negotiation vs. facts, law – solve issues
 - Consider biologists being paid by customer to get priority, focus on projects (NOAA example)
 - Share, understand each others' values
- 3) Turnover of area habitat biologists (AHBs)
 - Confrontations with private owners
- 4) Staff shortages
- 5) AHB's refuse to meet
- 6) Area habitat biologist interaction with local agencies

B. Predictability in Process

- 1) Permit not in the process (45 day clock) until WDFW satisfied (asking for pre-permit)
 - Pre-submit in order to work up issues before clock starts, don't put into the "incomplete" drawer
 - Requirements change during process
 - Start clock to set decision
 - Need from DFW for complete appl?
 - Verbal agreements change
- 2) Lack of early coordination with WDFW
 - Input during construction instead of after
 - Not involved early in bridge funding & design
- 3) Mitigation guidance lacking
 - Coordination on policy early
 - Requiring mitigation where no impact to fish
 - Share cost
 - Joint meeting w/city's bios & pm's
 - Lack of predictability in mitigation
 - Big picture vs. specific project
 - Mitigation requirements (reg. HPA & emergency)
 - Mitigate or restore
 - Fish Passage projects cannot be used to mitigate other projects
- 4) County as permit applicant (not land use manager)
- 5) Limits by local auth: stimulus package money to be spent on road & roadside safety projects, not on stream crossings
- 6) Statewide system that allows for local needs
- 7) Not enough funding for mitigation
 - Process up front
- 8) Repair vs. replacement
 - Priorities
- 9) AHB needs more support/resources –large projects

- 10) Need consistency in application of mitigation (AHB needs help)
- 11) Consistent requirements for nearshore projects
- 12) Being bounced between competing resource agencies
Strength of science

C. Clarity in Roles/Biologists trying to be engineers

Keep the opinions of 1 or 2 people from impacting a project
State biologist disagree w/ local biologist

D. Technical Issues

No items

E. Consistency in applying interpretations

- 1) Fish Windows
 - Inconsistency by Bio's
 - Gold & Fish program
 - Different for egg, fish, juveniles
 - Left up to each Bio
 - Appeal process?
 - Different engineering designs
 - Other Govt. interpretations
 - Lack of clear guidance
 - HPA extension – limits, triggers?
- 2) Lack of/or poor guidance (subject to interpretations)
- 3) Protection of property vs. County expenditures of \$ and effort
 - Priorities of irrigation vs. fish pass
 - Design standard too rigid-need flexibility, priorities
 - Technical requirement, expertise
 - Fear to make a decision (defaults to “no”)
- 4) OHWM
 - Consistent definition
 - Statutory authority of agency
 - Interpretation preciseness
- 5) Application of culvert manual as requirement to bridges
- 6) Insure that mitigation reqd. is in one with impacts
- 7) Requiring designs that encourage erosive risk to neighboring properties
 - Scope creep?
- 8) Requirement of stream widening in excess of OHWM width
 - Jurisdiction
 - Interpretation
- 9) Mitigation dangerous to infrastructure
- 10) All projects held to same design standard