

STORMWATER WORK GROUP

Wednesday, May 20, 2011 9:00 AM – 1:00 PM
USGS, Columbia Room
934 Broadway, Tacoma

Draft Summary

OF THE MEETING'S KEY DISCUSSIONS, DECISIONS AND AGREEMENTS

ATTENDEES:

Work Group Members and Alternates, and the Organizations or Groups and Caucuses they Represent:

Neil Aaland (WSAC/AWC), Local Governments; **Mark Biever** (Thurston Co.), Local Governments; **Shayne Cothorn** (WDNR), State Agencies; **Jay Davis** (USFWS), Federal Agencies; **Ken Dzinbal** (Puget Sound Partnership), State Agencies; **Heather Kibbey** (Everett), Local Governments; **Adam Lorio** (Sammamish Nation), Tribes; **Dino Marshalonis** (USEPA), Federal Agencies; **Bill Moore** (Ecology), State Agencies; **Mel Oleson*** (Boeing), Business Groups; **Kit Paulsen** (Bellevue), Local Governments; **Tony Paulson** (USGS), Federal Agencies; **Tom Putnam** (Puget Soundkeeper Alliance), Environmental Groups; **Jim Simmonds** (King Co.), Local Governments and the Work Group's Chair; **Carol Smith** (WA Conservation Commission), Agriculture; **Bruce Wulkan** (Puget Sound Partnership), State Agencies.

* present only for the discussion of Ecology's preliminary draft permit monitoring language

Others in attendance: **Jennifer Bayer**, USGS/PNAMP; **John Collins***, Pierce Co.; **Mike Milne**, Brown and Caldwell; **Mark Palmer**, City of Puyallup; **Mark Rettman**, Port of Tacoma; **Bill Taylor**, TEC Inc.; **Dan Wrye***, Pierce Co.

Work Group Staff: **Karen Dinicola** (Ecology), Project Manager.

Others in attendance only for the PNAMP presentation: **Scott Collyard**, Ecology; **Ron Cummings**, Ecology; **Chris Magirl**, USGS; **Patrick Moran**, USGS; **Rick Wagner**, USGS.

A call-in phone line was also provided for interested parties to hear the discussion.

WORK GROUP DISCUSSES ECOLOGY'S PRELIMINARY DRAFT PERMIT MONITORING LANGUAGE

Bill Moore presented an overview of the informal draft permit language Ecology released on May 16, highlighting the decisions Ecology made in moving forward with the SWG's recommendations for permit monitoring requirements. Bill stressed that this is informal preliminary language and Ecology will respond to comments and issue a revised, formal draft permit for a 3-month comment period in October 2011. Bill also noted that the local governments' fiscal relief legislation was signed yesterday, and will likely affect the dates presented in the preliminary language. Everyone is encouraged to submit their comments and suggestions.

The two most significant decisions Ecology made were:

1. For the level of effort for effectiveness studies, Ecology decided to accept the local governments' proposal of \$1.5M/year for Puget Sound in years 2-5 of the permit (\$6M total). Ecology also decided to expand this level of effort to southwest Washington permittees on a per capita basis. Discussion: Ecology was among the SWG members arguing in October 2010 that this is an insufficient amount of funding for effectiveness studies, but believes this is a reasonable starting point for developing a regional program.
2. Ecology did not offer an "opt out" provision in the preliminary draft permit. Discussion: Ecology prefers a regional approach and hopes that most permittees will participate. An "opt out" provision could weaken the approach overall and also complicate Ecology's administrative tasks. If an "opt out" provision is desired, it needs to be defined in comments on the preliminary language. Some Phase I permittees want to preserve this option at least until they know what the regional study topics will be.

Ecology also proposed a tool for allocating costs among permittees by population and/or by using a base level contribution for status and trends or for effectiveness studies. The preliminary language presents 3 options, for illustration purposes, and Ecology hopes that the local government caucus will develop a proposal. Ecology prefers that the allocation be based on data generated by OFM and be fairly simple, and easy to replicate. Ecology recognizes that many factors influence a jurisdiction's ability to generate income to implement a stormwater management program. Ecology had not considered changing cost allocations mid-permit cycle due to annexations.

The costs were allocated only among cities, counties, and the Ports of Seattle and Tacoma. No other secondary permittees or non-municipal permittees were considered in the allocation. WSDOT will likely be included when their permit is reissued.

The costs used for the preliminary language were those provided by the SWG in October 2010; these costs need to be refined and confirmed. The final cost allocation needs to ensure that sufficient funds will be collected to administer and conduct the program; some cost overrun contingency needs to be included. Ecology is developing a work plan for administering the program and will provide a specific line item in the budget for transparency.

A draft agreement was also released with the preliminary language. It includes a provision for returning unspent funds to permittees. The work plan likely needs more specificity.

Overall, work group members appreciated the extent to which Ecology applied our recommendations. Jim Simmonds will lead a subgroup (Kit Paulsen, Heather Kibbey, and Tom Putman volunteered) to develop a draft comment letter. The work group will discuss and approve a final version at our next meeting on June 15. The messages/points to include in the letter are:

- Thank Ecology for the degree to which they followed our recommendations
- Outline specific consistencies, and support and endorse that proposed language
- Promise our continued good faith efforts and cooperation to continue to develop the program
- Our technical subgroups will continue to work on specific aspects of the program
- Consider attaching proposed oversight committee charter to scope of work in the funding agreement

WORK GROUP APPROVES DRAFT POOLED RESOURCES OVERSIGHT PROPOSAL

The SWG's Pooled Resources Oversight Subgroup revised the formal Oversight Committee charter as discussed at the last meeting. The work group agreed to clarify roles and responsibilities as follows: the point is not to slow down the process of awarding contracts to do the work and implement the regional program, but to ensure that (1) the SWG owns the process and agrees with the results, and (2) Ecology has a doable and clear set of expectations. The Oversight Committee and SWG subgroups will have limited capacity to write RFPs and rank proposals, and the balance between the SWG and Ecology performing these tasks will evolve over time.

With minor changes, the work group approved the preliminary draft charter that will be available for public comment through July 11. The work group will discuss comments received at the July 20 meeting.

WORK GROUP DISCUSSES EFFECTIVENESS STUDY SELECTION PROCESS AND TIMELINE

The SWG Effectiveness Study Selection Subgroup will consider the ideas submitted in response to our request, the compiled Phase II submittals, and comments provided on our draft strategy during the public comment period in May 2010. The criteria remain that we want regionally relevant studies to be conducted with the pooled resources. The topics will be recommended to Ecology and hopefully will be listed in the October formal draft permit. RFPs would be sent out after the comment period and studies hopefully selected in advance of the final permit issuance.

The subgroup will also describe the "universe" of ideas to be considered and finalize the keyword list so that the library search can proceed for the literature review.

WORK GROUP DECIDES WHAT MESSAGES TO INCLUDE IN NEXT SWG REPORTER

The next issue of the SWG reporter will encourage folks to comment on Ecology's proposed permit language, thank them for submitting ideas for effectiveness studies and tell them about our plans and timeline for recommending topics, and solicit their input on the draft charter for pooled resources oversight. Karen Dinicola will draft the next SWG reporter for review by communication subgroup members prior to sending it out by the end of this week.

PUGET SOUND PARTNERSHIP CONTINUES TARGET SETTING; STEERING COMMITTEE TO MEET JUNE 6

Bruce Wulkan shared PSP's schedule and process for target setting for ecosystem indicators and pressure reduction. B-IBI (stream benthos index) has been proposed as an additional ecosystem indicator to fill a perceived gap, with targets for preservation of high-scoring streams and improvements in low to medium-scoring streams (but not poor); the Science Panel appears to favor a pre-spawn mortality indicator. The Ecosystem Coordination Board will discuss the targets next week. After the Leadership Council adopts ecosystem indicator targets for 2020 in June, then PSP will begin identifying the management actions needed to meet the targets. Bruce will send the SWG members a link to the site where the documents are posted.

The Puget Sound Coordinated Monitoring and Assessment Program's Steering Committee membership has been finalized and the group is scheduled to meet for the first time on June 6. Karen Dinicola will present a brief overview of the SWG to the committee and discuss ways the committee can support the SWG and further our successes. Ken Dzinbal will send the agenda and list of Steering Committee members to the SWG.

WORK GROUP HEARS ABOUT PNAMP

Jennifer Bayer of USGS, and staff for the Pacific Northwest Aquatic Monitoring Partnership, gave our third brown-bag presentation to learn about monitoring efforts of other groups. Jen walked the group through the group's efforts to coordinate federal, tribal, and state salmon and salmon habitat monitoring programs in the Columbia River basin and shared lessons learned from the effort, including the challenges of encouraging folks to share/change protocols and relying on voluntary participation.

Jen's colleague Phil Larsen at USEPA has developed tools for managing sampling site locations and assisting in probabilistic site selection. Many of the folks with statistical expertise who have been providing technical assistance over the years are nearing retirement. They are looking for input and interest in expanding the support tools beyond the Columbia, particularly to include Puget Sound. The now-defunct Washington Forum on Monitoring would perhaps have provided a better venue for discussing the broader issues of data sharing and accessibility, documentation needs, and supporting a protocol library and glossary of terms.

Jen's slides will be posted on the SWG webpage. She can be reached at jbayer@usgs.gov by anyone interested in further information and/or willing to be interviewed by Phil Larsen as to specific recommendations for scaling and expanding the tools PNAMP has developed for the Columbia.

UPCOMING MEETINGS

The work group's upcoming meetings and expected discussion topics are:

- Wednesday June 15, 2011 from 9am-12pm at the USGS office in Tacoma: continue to discuss Ecology's preliminary draft monitoring language; approve a comment letter; hear a description of the "universe" of effectiveness study ideas submitted to the SWG and Ecology in March-April; and hear about initial findings of the effectiveness literature review.
- Wednesday, July 20, 2011 from 9am-noon at the Tacoma Central Treatment Plant Visitor Center: discuss initial rankings of effectiveness study topics; discuss comments received on draft oversight committee charter; hear initial findings of (1) streamflow gauging network analysis, (2) analysis of PSAMP sediment

data, and (3) desktop survey of mussel populations in Puget Sound to support status and trends monitoring; determine messages and timing for next SWG Reporter.

- No SWG meeting is scheduled in August; the next meeting will be Wednesday, September 21, 2011 from 9am-noon at the USGS office in Tacoma.