

Deschutes River, Capitol Lake, and Budd Inlet TMDL Advisory Group Meeting

Tuesday, January 12, 2010 -- 9:00 a.m. to 11:50 a.m.
Tumwater Fire Department, 311 Israel Rd. SW

Attendees

Agriculture, WA State Dept. of

- Ann Wick

Black Hills Audubon Society

- Sue Danver

Capitol Lake Improvement and Protection Association (CLIPA)

- Jack Havens

Ecology, WA State Dept. of

- Kim McKee
- Lydia Wagner

Fish & Wildlife, WA State Dept. of

- Hal Michael

General Administration, WA State Dept. of

- Nathaniel Jones

LOTT Alliance

- Karla Fowler
- Laurie Pierce

Natural Resources, WA State Dept. of

- Craig Zora

Olympia, City of

- Laura Keehan

Olympia Yacht Club

- John DeMeyer
- Jim Lengenfelder

Thurston Conservation District

- Brian Thompson

Thurston County Environmental Health

- Sue Davis

Thurston County Land Use & Environmental Review

- Mike Kain
- Cynthia Wilson

Thurston Public Utilities District

- Chris Stearns

Transportation, WA State Dept. of

- Jana Ratcliff

Tumwater, City of

- Tim Wilson

U.S. Environmental Protection Agency

- Dave Ragsdale

Thurston County Land Use & Environmental Review

Guest speakers: Mike Kain, Manager, Thurston County Land Use and Environmental Review, and Cynthia Wilson, Senior Environmental Planner, Thurston County Long Range Planning.

There were approximately 500 Class 4 acres converted in 2009. This was the biggest year in recent memory but it also the lowest in the last 10 years for subdivisions. This figure was surprising given the current economic decline.

What happens when land converts? The DNR has relinquished work to the County, including conducting SEPA reviews. On November 15, 2009, they started a stormwater review for the newly adopted stormwater management plan. Approximately 7,000 square feet of disturbed land must comply. The Urban Growth Area (UGA) requires 5% of retention of trees. Fir trees can turn into “danger” trees and they are therefore usually clear cut. Many trees are required to be planted in subdivisions but they don’t act the same as forested lands. Usually conifers are planted with some ornamentals on private property. SEPA requires notification of neighbors for conversion applications and anyone commenting on the SEPA review can appeal the decisions. Applicants must submit a subdivision design in the UGA. Trees can’t be touched in critical areas. Forestland can convert to agricultural land but trees must be retained in the buffer zones. Trees cannot be cut within a critical area or buffer without public process. Additionally, a Forest Practices Permit and SEPA, both issued by the County, are needed to convert 5000 board feet of timber in the rural area and 5000 square feet in the UGA. Approximately 2000 acres converted in the last seven years.

2003 was the start of good data. DNR handles Class 3 areas (must replant trees). Thurston County rules are not applicable for Class 3 areas. The stormwater regulations previously only applied to logging roads. No inspections were required. Now inspectors look for erosion and pollution control measures. Coming up in 2010, the Board of County Commissioners want to change codes to protect more trees. As an example, if a danger tree is within the critical area, an arborist must declare it a hazard to a habitable structure. If it isn’t, the tree remains.

Buffers – the goal is to have fallen trees to stay put. Landowners must replant at least three 4-6 ft. high trees for each tree that falls or is removed as a danger tree. A tree tract is a natural grove of trees. If trees are not already present, landowners must plant 5% of the subdivision.

Cindy talked about the forest land conversion ordinance. Class 2 and Class 3 are managed through the WA State Department of Natural Resources (DNR). Wetlands The biggest differences include inclusion of channel migration zones (CMZ) and more restrictive forest practices in wetlands. More information and the draft CAO is available online. The County uses the latest Federal Emergency Management Agency (FEMA) flood plains maps along with better science with Lidar technology.

Mike also talked about upcoming changes. A main change is in the fines for civil infractions. Currently, illegally cutting trees is considered a Class 2 infraction with a fine of \$257. In the new proposal, each tree cut is a separate Class 1 infraction with a \$513 fine per tree. The County hopes this is a bigger incentive for landowners to keep trees

on the property. Currently, if trees are cut illegally without a permit, the County will not approve any other permits for six years. This includes no house or subdivision unless the applicant goes through the SEPA process and develops a Class 4 conversion plan. Waivers are no longer granted. The applicant must mitigate to repair damage. "Cut" means 5,000 board feet for rural and 5,000 square foot canopy for urban.

Cindy gave the following numbers for Class 4 conversions: In 2007:27; 2008:17; and 2009:11. The number of permits is not big, coming to approximately 300 acres per year. Conversions will require buffers. The DNR still allows some logging in forested wetlands.

When asked about the need for riparian restoration in more streams, Cindy responded that work can be problematic with differing and sometimes conflicting regulations. For example, the new buffer CAO increasing to 250 ft. The new CAO and the stormwater management plan have to be consistent with one another. Another challenge is "no touch buffers". Conservation tract usually owned by the Homeowners Association.

Helpful website links for Thurston County Government:

- Development Services home page: <http://www.co.thurston.wa.us/permitting/>.
- Critical Areas Update home page: http://www.co.thurston.wa.us/permitting/Critical_Areas/Critical_Areas_Home.htm
- Water and Waste Management home page: <http://www.co.thurston.wa.us/wwm/>.
- Thurston County Government home page: <http://www.co.thurston.wa.us/index.asp>.

Thurston Conservation District

Guest speaker, Brian Thompson. He started by providing two handouts, a general guide (website link provided later in these notes) and "Tips on Land and Water Management for Small Farm and Livestock Owners in Western Washington."

Conservation Districts are non-regulatory subdivisions of state government. Their purpose is to promote conservation of natural resources and issues unique to its county. The Thurston Conservation District (TCD) administers technical and financial assistance to local landowners. They provide information and resources to help landowners responsibly manage natural resources.

The Thurston Conservation District (TCD) started in 1948. Their mission is "to conserve, sustain, and protect our natural resources for the people of Thurston County through rural and urban partnerships, fostering volunteerism, cooperation, education, leadership, and technical and financial assistance." TCD covers all of Thurston County

with the exception of a small part of Yelm and Olympia. They get 30-40% funding from county assessments of \$5.00 per parcel with an additional .10 per acre for more than five acres.

They have three programs that work together.

1. **Landowner Assistance Program:** Offers technical support to county residents and business owners with land management issues. Staff can develop conservation plans containing information and recommendations on pasture and manure management to help property owners protect their land resources and water quality.
2. **Habitat Assistance Program:** Offers technical guidance to private and commercial residents who want to restore and protect native habitat. Staff can develop habitat plans with recommended practices to address issues such as erosion of river and stream banks, wetland restoration, and maintenance and improvement of wildlife habitat. Examples include developing a riparian restoration plan and stabilizing stream banks. This program also holds annual native plant sales in February.
3. **Education and Outreach:** Offers progressive education to youths and adults through workshops, special events, resource library, and individual discussions. A key educational program is South Sound GREEN (Global Rivers Environment Education Network) where students get “hands on” learning with activities such as water quality monitoring and visiting local shellfish farms.

He talked about the role of the TCD in forestry issues. The DNR used to have a Stewardship Forestry Program with an assigned forestry specialist for this area. Unfortunately this program doesn't exist anymore. Brian fills this role with the TCD. He is not a “forester” but has lots of experience with forest practices. He provides site visits on tree farms and advice on management plans. He works with property owners who forest their land for timber production, agriculture, or recreational use. He asks them what they intend to do with the land and develops a resource management plan to “sustain beneficial use” of their property. He is an advocate for landowners and is not regulatory. He reminds property owners that forestry is a viable option.

Funding is limited at the TCD and they have no dedicated funds at this time for the Deschutes watershed. If the water flows into the South Puget Sound there is limited funds available. Cost share money is available for the Henderson, Nisqually, and Totten/Eld Inlets but none for the Deschutes. Cost share is broken out by TCD 75% - Property Owner 25%. Sometimes they can get grants to implement but they need money for maintenance. The TCD did have an Ecology grant for this watershed but had

a difficult time getting property owners to use it. One possible reason is a negative perception of “government” money.

A discussion followed later in the meeting about outreach. Since perception is a “people” issue perhaps a better choice is person to person instead of the traditional mail outs. Go to the areas and actually talk to property owners. One barrier we need to overcome is the perception of “government” always as a strong regulatory arm. Government can also provide technical assistance and sometimes monetary as well.

Helpful website links for Thurston Conservation District:

- Thurston Conservation District Home Page: <http://www.thurstoncd.com>.
- TCD General Information Guide: <http://www.thurstoncd.com/files/TCD.pdf>
- Annual Native Plant sale: <http://www.thurstoncd.com/?id=73>
- South Sound GREEN: <http://www.thurstoncd.com/?id=28>
- Publications: <http://www.thurstoncd.com/?id=2>

General Discussion

Forests & Fish: Is there any entity we haven’t heard from yet related to Forest & Fish issues? Possibly the WDFW. Hal mentioned the main issue for them is hydrology. Fish management in the watershed could change as soon as February 2010. The changes would emphasize wild cutthroat trout population in the whole watershed. *(Lydia will follow up with the WDFW.)*

The suggestion was made that we need a summary of all the Forest and Fish issues discussed during the last three meetings. The summary should include challenges and obstacles surrounding these issues. Possibly review Ecology’s draft technical study (Oct08) which identifies who is affected and what activities are needed to bring the watershed into compliance with the state water quality standards. Identify what we can and cannot influence. Lydia will prepare a summary and presentation for the next meeting.

Gravel mining: A concern was raised that this activity can result in reduced fish populations. This is not allowed on 303(d) listed waterbodies. For more information, check out these Ecology websites:

Sand and Gravel General Permit Home Page:
<http://www.ecy.wa.gov/programs/wq/sand/index.html>

Draft Sand and Gravel General Permit: *(Comment period ends February 24, 2010.)*

<http://www.ecy.wa.gov/programs/wq/sand/SandandGravelGenPermit01202010.pdf>

Sand and Gravel General Permit Fact Sheet:

<http://www.ecy.wa.gov/programs/wq/sand/SandGravelFactSheet012010.pdf>

Maps: *Can Ecology provide a map that overlaps parcels and zones with the segments identified from the draft technical study?* This could help the group focus on the “where” and “what”. For example, specific data on acres, miles, and parcel numbers for areas needing riparian vegetation restoration. Parcel data is available through GeoData.

Next steps: Questions we need to ask to begin drafting the implementation strategy include:

- What needs to happen next in this process?
- What will get successful results?
- Who needs to do it?

Open Comment

Jana Ratcliff, WSDOT: She introduced herself and explained her representation on behalf of the WSDOT. She is only a half-time position who oversees all the TMDL-related issues statewide. The WSDOT has to prioritize her time and presently the Deschutes watershed is not on that list. Ecology has committed to giving her a “heads up” for issues she needs to pay closer attention. She is on the distribution list for this water cleanup plan.

Nathaniel Jones, GA: He gave us an update on the New Zealand mud snails in Capitol Lake. According to the WDFW, the infestation is contained to the lake. Experimenting with freezing seems to be successful. The snails are able to clone themselves so total eradication, or total mortality, is the key to resolving this issue.

Chris Stearns, Thurston PUD: Stated that planning trends indicate the county population will increase to 175,000 in 30 years. A fair amount of the growth will occur in the Urban Growth Areas as well as rural.

Next meeting

It is on Thursday, March 11, from 9:00 a.m. – 12 noon, at the Tumwater Fire Department, 311 Israel Rd. SW.

Potential agenda items:

- Summary of Forest and Fish Issues.
- Begin discussion on the middle basin of the watershed. Identify key issues and areas.