

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

February 13, 2009
Lacey Community Center

Introduction (Lydia Wagner, Water Cleanup Plan Coordinator)

The purpose of this advisory group is to find way to clean up the water in the Deschutes watershed. Lydia defined her role as the TMDL Coordinator. She is responsible for getting a fair representation of organizations and individuals who are either impacting or impacted by the Deschutes watershed. She is the main contact and liaison between Ecology and this group for the work needed in developing the water cleanup plan.

Agenda (Lydia Wagner, Water Cleanup Plan Coordinator)

- Introductions
- TMDL History
- Technical Report Summary
- ***Break***
- TMDL Process Overview
- Advisory Group Process Overview

Acknowledgements (Garin Schrieve, Water Quality Program Section Manager)

Garin acknowledged and thanked those who participated in the Deschutes Technical Advisory Group (TAG). The TAG worked to build an understanding of the watershed and the impacts to it. Ecology is now forming this new TMDL Advisory Group to help answer the questions about “who” and “what” can we do to help clean up the watershed. The focus is less technical and more practical application. Garin also gave special thanks to the environmental engineering “dream team” from Ecology’s Environmental Assessment Program of Dr. Mindy Roberts, Dr. Anise Ahmed, and Greg Pelletier.

TMDL History (Kim McKee, Water Cleanup Unit Supervisor)

Kim walked through a brief history of how the Deschutes TMDL water cleanup project started and where we are today. (See handout for more information.) He reiterated the purpose of forming the Deschutes TMDL Advisory Group is to begin discussions and development of an implementation strategy.

Questions, Answers, & Comments:

Q. *What is the difference between TAG and this advisory group now forming?*

A. The TAG was established to gain the scientific understanding in order to build a technical foundation of the project. The advisory group faces a different challenge. It will focus more on a policy prospective. Answering, how do we make these things more successful from policy standpoint? This will be the opportunity to look at political options as well. What's involved with governance and implementation? Investigate types of hurdles that we may face. It is less science but look at turning it into making change.

Q. *It takes a long time to develop an implementation strategy. Is the goal to include a Detailed Implementation Plan (DIP) in the report?*

A. No, we don't have to wait 3-5 years to be able to do something. The implementation plan we develop will become the road map. With this group we are trying to determine who needs to do what. Specifics of the implementation plan include the when, where and how. Implementation doesn't have to wait until 2011, but at the same time instead of trying to shotgun things, we have a plan of implementation for efficiency and effectiveness.

Q. *Will there be feedback loops built in?*

A. Yes, in order to tie in with future monitoring, adjustments may be needed and can be made to still meet the target.

Technical Report

(Mindy Roberts, Environmental Engineer)

Mindy highlighted details of the Deschutes River, Capitol Lake, and Budd Inlet Total Maximum Daily Load (TMDL) study including:

- Project background
- Model and data results
 - Deschutes River, Capitol Lake, and Budd Inlet watershed
 - Budd Inlet and Capitol Lake water quality
- Summary of scientific findings to support implementation development

(See handout for more information.)

Questions, Answers, & Comments:

Q. (from presentation) *"How much [insert parameter] can a water body receive and still meet water quality standards?"*

A. Tributaries to lakes have a specific target. The requirements for Percival Creek will change if Capitol Lake becomes an estuary. It won't change overall, but we still have issues to address in the process.

Q. *Do the water quality standards for temperature and dissolved oxygen apply to every day of the year?*

A. Seven-day average of daily temperature can't be higher than [insert appropriate standard]. Dissolved oxygen standards at no time can it be below [insert appropriate standard]. The levels are set by taking the worst-case day.

Q. *What about the active down cutting system? Does it have to do with levees?*

A. The underlying geology is a large part of it.

Q. *What about chemical contaminations?*

A. A number of 303(d) listing and toxic listings are not included in this study. The Toxics Cleanup Program is addressing the issue through an independent process. We specifically did not include toxics because it was taken care of through an independent process.

Q. *I believe the 2008 303(d) list is in front of EPA for approval. Have you seen any changes from the previous list?*

A. We haven't seen any.

Q. *Can you look back and say there's a data information gap you wished you could do?*

A. We feel we covered the fundamentals pretty well. The only missing piece would be the social components of change – we're missing the human element.

Q. *Are you still completing technical work for the report and is there still work to be done on the marine study?*

A. We don't have final technical report done, but it is being completed while we wait for the end of the response period. The wording may change in responding to comments.

Q. *Where we go from here?*

A. If it was up to us (the environmental engineering team), we would look at what nutrient levels need to be targeted. We can provide this advisory group with starter ideas and you can come up with strategies and ideas to address them. We can then quantify what the water quality benefit might be.

Now that we know what the problems are, we need to figure out how to fix them. This group will help develop solutions. None of us can do this alone. Ecology recognizes and acknowledges certain challenges this group will face during this process. This includes: limited funding, limited staff, limited resources, the decision about Capitol Lake, and unknown factors not identified yet.

It is important to build a firm foundation for how this group will operate. To do this we need to discuss items such as expectations, ground rules, participation, note taking, and future meetings.

Expectations:

- Ecology's commitment to the advisory group: Organize meetings; update website to include meeting agendas, notes, and other information as appropriate; maintain a distribution list; keep information flowing to and from Ecology on issues related to the work of this group.
- Advisory group commitments to Ecology: Attend and participate in meetings; provide information as needed; keep information flowing to and from their represented interests.

Ground Rules:

- Agenda sent out at least one week before meeting.
- Start and end meetings on time.
- Avoid interrupting when others are speaking.
- Everyone has the opportunity to speak.
- It is okay to say "no" and "I don't know".
- Respect others.
- Media contact: If approached by media only share your opinion and not that of others. Clarify the opinion is yours or your organization's and is not representative of the advisory group. As a courtesy, let Lydia know if you are providing comment to any media.
- Decision making: When needed, will the group handle this by voting or consensus? *(The group will discuss this again at the next meeting.)*

Participation:

- Representation: Limit to two per organization – a primary and alternate. Organizations include local government, businesses, and special interest groups. Others can attend but the voice heard at the table will come from the primary or alternate.

- **Facilitator:** We discussed the value of having a facilitator or chairperson to ensure everyone has equal opportunity to participate. The group did not feel a chairperson was needed. Lydia offered to take on the role of facilitator with the option of bringing in a neutral person if needed.
- **Citizen involvement:** We discussed whether or not there should be a limit to the number of citizens on the advisory group representing the general public. The general opinion is to make the meetings open to any citizen who is interested. Lydia stated that all meetings are open to the public. She committed to having a public comment period included in the agenda of each meeting. (*The group will discuss this again at the next meeting.*) Comments included:
 - We really can't answer that until the process of decision-making is known and the role of the group defined.
 - There must be public involvement in the TMDL process. Does Ecology have a public education and involvement process developed yet? *Lydia responded that there is no public involvement factored in at this point. She stated when the technical report and Water Quality Improvement Report are completed, these will go out for public review and comment and Ecology will hold a public meeting to discuss the water cleanup plan.*
 - Maybe open the meetings up for citizens to come on interest-basis with agenda items that are intriguing to them.

Note taking: We discussed the benefits of having a note taker who is not also the facilitator. Nobody volunteered to take on this task on a routine basis. Some suggestions to deal with this item include:

- If there is a strong need for a note taker at a particular meeting, Lydia will try and find one within Ecology. If nobody is available she will send out a note with the meeting agenda asking for volunteers.
- We need to have a clear understanding of the purpose of these notes. The group sees this purpose as a record of issues discussed and decisions made. We can use the agenda as the foundation for those notes and list the key comments or results.
- Another suggestion was to record the meetings and use them as needed to fill in the blanks for the final notes. (*The group may discuss this again at the next meeting.*)

Meetings:

- **Frequency** – After some discussion the decision was left to Ecology to determine how often to meet. An initial thought was to have meetings scheduled around six weeks and then more frequently as issues begin to take form and more towards recommendations or decisions.

- Length – 3 hours maximum.
- Day of the week: The preferred days are Tuesday or Thursdays in the morning.
- Place: The group prefers to meet within the Deschutes watershed. Suggestions for locations included the Olympia Community Center, City of Tumwater buildings, and the Department of Natural Resources building in downtown Olympia. Lydia agreed to check it out and find something.

Other issues:

- Process timeline: The suggestion was made for Lydia to develop a draft timeline with key issues or topics with assigned meeting dates. This will help coordinate arranging special speakers to come and address these issues. For example, Mindy Roberts or Anise Ahmed could come to discuss modeling; or Andrew Kolosseus could discuss the Puget Sound Dissolved Oxygen Study. *(The group may discuss this again at the next meeting to identify some key issues and topics.)*
- Letters of Commitment: We spent a significant amount of time discussing the merit of having a letter signed by the participating organizations. The purpose of the letter is to provide assurance of follow through once the implementation strategy is developed. There was discussion about at the end of the process having a formal “Letter of Commitment” which has been used in other water cleanup plans. The suggestion was made to work on a template letter at the next meeting. Each organization can then take it back to their management. The letter will include the names of the representatives they are assigning and will get sent to Lydia. *(The group will continue this discussion and come up with a conclusion at the next meeting.)* Comments included:
 - If it’s easier for Thurston County to commit to the process, then Ecology can build this into the process. Letters of commitment are especially important for local governments and from businesses.
 - Ecology realizes it may not be possible for advisory group members to attend every meeting but would like some type of commitment to participate. It would be good to get letters from those who are willing to participate at the beginning of the process and not just those who want to jump on board at the end.
 - Once the water cleanup plan is approved by the EPA, Ecology has the expectation the participating organizations will implement what is in the report. If commitment letters carry more weight and give the sense that we commit to give the job done, we can do it.
 - If the advisory group members know about the decision regarding a letter of commitment at the beginning of process, then they can go to board members,

commissioners, or other decision makers early and share the process with them in order to get signed letters of commitment at the end.

- One suggestion was to have participating organizations provide a declaration at beginning and letter of commitment at the end.
- Perhaps this group could create a Letter of Commitment template for easier processing. Included in the letter would be the expectation for a letter of commitment later in the process, and staff and resources needed for implementation.

Questions/Answers:

- Q. *Will Mindy be part of the advisory group or at least attend? With a lot decisions that are science-based (increase or decrease in places) will there be someone to talk about the scientific aspects?*
- A. We will definitely look into that and try to bring people needed to address agenda topics. Mindy can be available when needed. She has other work obligations and we need to respect her time and use it appropriately.

Next Meeting Draft Agenda Items

- Decision-making.
- Citizen involvement
- Process timeline: key issues, approaches, and timing.
- Letter of commitment: Develop template.
- Public comment.

Updates:

- Due to scheduling conflicts, the next meeting is rescheduled for Thursday, March 26, at a new location, the Tumwater Fire District, 311 Israel Rd. SW.
- Wednesday, April 22, Lacey Community Center *
- Wednesday, May 27, Lacey Community Center *
- Wednesday, June 24, Lacey Community Center *
- Wednesday, July 22, Lacey Community Center. * *(Special note: This is the same day as Ecology's Reclaimed Water Advisory Committee. Lydia asks that organizations who are participating on both groups send their alternate for this meeting and she apologizes for the inconvenience.)*
- Remaining meetings will occur within the Deschutes watershed. The most central location is probably Tumwater.

(Lydia will explain why these meetings are at this location.)*

Attendees:

Sue Danver, Black Hills Audubon Society
Sue Davis, Thurston County Environmental Health
Duane Fagergren, Puget Sound Partnership
Karla Fowler, LOTT Alliance
Kirt Hughes, Department of Fish & Wildlife
Ken Johnson, Weyerhaeuser
Laura S. Keehan, City of Olympia
Jim Lengenfelder, Olympia Yacht Club
Paul Malmberg, Capitol Land Trust
Dave McBride, Department of Health
Jeff Mocniak, South Puget Environmental Education Clearing House (SPEECH)
Cliff Moore, Washington State University, Thurston County Extension
Laurie Pierce, LOTT Alliance
Dave Ragsdale, U.S. Environmental Protection Agency
Bob Simmons, Washington State University, Mason County Extension
Dan Smith, City of Tumwater
Mark Swartout, Thurston County
Ann Wick, Department of Agriculture
Cathy Wiggin, Capitol Land Trust
Tim Wilson, City of Tumwater

Department of Ecology:

- Shawna Beers, Water Quality, Headquarters
- Chuck Hoffman, Water Quality, Southwest Regional Office
- Kim McKee, Water Quality, Southwest Regional Office
- Brad Murphy, Shorelands and Environmental Assistance, Southwest Regional Office
- Mindy Roberts, Environmental Assessment Program
- Garin Schriever, Water Quality, Southwest Regional Office
- Lydia Wagner, Water Quality, Southwest Regional Office