

WRIA 9 Watershed Ecosystem Forum Meeting Summary

SeaTac City Hall

May 14, 2015, 4:01– 6:25 p.m.

Members/Jurisdictional Staff Alternates Present		
1.	Councilmember (CM) Bill Peloza, Meeting Chair	City of Auburn
2.	CM Marlla Mhoon, Co-Chair	City of Covington
3.	CM Sally Bagshaw	City of Seattle
4.	Al Barrie	Mid-Sound Fisheries Enhancement Group (MSFEG)
5.	Katy Buck	King County
6.	CM Kathryn Campbell	City of SeaTac
7.	Jay Covington	City of Renton
8.	CM Bob Edgar	City of Burien
9.	Matt Goehring	WA Dept. of Natural Resources
10.	Chris McMeen	Tacoma Water
11.	CM Erika Morgan	City of Black Diamond
12.	Joan Nolan	WA Dept. of Ecology
13.	CM Dana Ralph	City of Kent
14.	James Rasmussen	Green Duwamish Watershed Alliance (GDWA)
15.	CM Dennis Robertson	City of Tukwila
16.	Loren Reinhold	City of Des Moines
Other Alternates Present		
17.	Noel Gilbrough	MSFEG
18.	Antonia Jindrich	MSFEG
19.	Mike Mactutis	City of Kent
20.	Kathy Minsch	City of Seattle
21.	Ron Straka	City of Renton
Other Attendees		
22.	Elizabeth Butler	Recreation and Conservation Office
23.	Andrea Cummins	City of Tukwila
24.	Annika Fain	Golder Associates
25.	Kollin Higgins	King County/WRIA 9
26.	Ryan Larson	City of Tukwila
27.	Pat Sumption	GDWA
28.	Jenna Wallis	City of Auburn
29.	Jean White	King County
30.	Bruce Wulkan	Puget Sound Partnership
31.	Karen Bergeron	WRIA 9 Habitat Project Coordinator
32.	Linda Grob	WRIA 9 Administrative Coordinator
33.	Maureen Judge	WRIA 9 Communications Coordinator
34.	Elissa Ostergaard	WRIA 9 Planning & Stewardship Coordinator
35.	Doug Osterman	WRIA 9 Watershed Coordinator

Meeting Chair Bill Peloza opened the Watershed Ecosystem Forum (WEF) meeting, and asked everyone to introduce themselves.

1. Public Comment

There was no public comment.

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2. Approval of Meeting Summary

The Watershed Ecosystem Forum unanimously approved the meeting summary for the February 12, 2015 meeting.

3. 2016 WRIA 9 Budget, Scope of Work and Cost Shares

Doug Osterman, Watershed Coordinator, made note of the new meeting packet format, now all on white paper, PDF'd, stapled together, and hand-numbered starting with the agenda. The budget is on page nine, the scope of work is page 11, and the 2016 cost shares are page 14. He explained that he has been lugging around the wrong cost share information to his ILA presentation meetings with cities, but the cost share tables in the packet are correct. Renton, Covington and Seattle should use the 2015 table on page 15 for this year. The 2016-2025 WRIA 9 Interlocal Agreement (ILA) begins on page 16, and he passed around an updated substitute version that includes a legal review by the King County (KC) Prosecuting Attorney's Office (PAO). The 2016-2025 WRIA 9 Memorandum of Understanding (MOU) is on page 28. The rest of the packet is project-related except for the last page, which is a letter to Senator Andy Hill about the Governor's budget.

Doug explained that the ILA Parties of the WEF (those with green table tents) vote on the budget, scope of work, and cost shares, but any WEF members can ask questions or make comments. The entire WEF is the citizen-based committee that votes/decides where to spend Cooperative Watershed Management (CWM), Salmon Recovery Funding Board (SRFB), and Puget Sound Acquisition and Restoration (PSAR) project dollars.

2016 Budget:

Bill Peloza briefly went over the budget footnotes. The footnotes now list which of the WRIA 9 staff are funded by the ILA cost shares. By approving the budget the WEF is also approving the cost shares for 2016.

Discussion:

- Sally Bagshaw noted there was a minor error in footnote 1, and she asked if it was corrected. Doug Osterman explained the error was in the number of cost share increases in the last nine years, which has been corrected to say there were two increases, 3% in 2014, and 5% in 2015.
- Kathryn Campbell asked why there was a decrease in Miller Walker supplies from \$17,688 in 2015 to \$7,000 in 2016. Doug replied that Elissa Ostergaard, the Miller Walker Basin Steward, said she did not need as much for the work in 2016.
- James Rasmussen said footnote 6 says there is no money from the U.S. Environmental Protection Agency (EPA) for the monitoring and adaptive management (M&AM) work, which is mandated. Doug Osterman responded that it is the classic unfunded mandate, and we are not assuming that the required work will be funded. Bruce Wulkan, Puget Sound Partnership (PSP), reported that PSP has a request into the state legislature for funds, and we plan on passing some of that along to the watersheds. James noted that because we have the superfund site in this watershed, fish tissue sampling is mandated and will be done to show how we're doing. Doug explained that footnote 6 refers to specific M&AM funding targeted to salmon recovery, not fish tissue testing.
- Sally Bagshaw asked if the KC budget principles for WRIA 8 that were included with their packet also apply to WRIA 9. Jean White, KC, responded that she brought and shared the budget principles for WRIA 9 with the Management Committee (MC), but didn't get many questions about them. She said WRIA 9's are a little different than 8's. CM Bagshaw explained that she wanted them for background and to make sure they were consistent with WRIA 8.

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The Watershed Ecosystem Forum unanimously approved the WRIA 9 2016 budget.

2016 Scope of Work:

Bill Pelozo reported that the MC went over the scope of work in detail, cleaning things up. Doug Osterman said the scope of work is another information piece, showing the work of the WRIA 9 staff covered by the ILA cost shares, plus significant funding from other sources. The scope of work is Attachment A to the MOU.

Discussion:

- Bill Pelozo asked about the part of the scope of work that is new next year. Doug Osterman explained that we will be doing more public outreach and communications, and other outreach projects that are in the works with the increased funding that was put back into the budget last year.
- Dennis Robertson reported he sits on various groups that cross WRIAs, and besides WRIA 8, we are the only ones that cost share funding. The rest of the WRIAs don't have cost shares like we do, so they operate on \$60,000 a year, and are inconsistent in what they do each year and what they do to restore their watersheds. It makes a difference, and the \$400,000 we contribute is a little over half of what we spend on staff. The rest is funded by grants, but grants are hard to rely on and not always consistent.
- James Rasmussen commented that this does not include NRDA issues on the Duwamish River, including the Boeing restoration, and Port of Seattle's T-117 restoration. He said he was sorry we don't have a Boeing representative here tonight. The Port is delayed another year on the restoration site on T-117, which is huge. He said this group should be pushing to make sure these things happen as quickly as they can. There is more going on than what is in this budget and scope of work. Doug Osterman responded that we go to a lot of meetings. He said Bill Pelozo is going to discuss the meetings that staff attend just to stay on top of all the moving parts.
- Jay Covington mentioned that at one of the last WEF meetings the latest Green Duwamish Strategy program was announced. He said one of the things we do is keep track of all these new initiatives, work on what we are funding, and make sure we're not duplicating other's efforts. We need to continue working on our project priorities and continue to encourage other groups to do what they need to do. He reported that there are 16 organizations that staff represents us on, per Dennis Robertson's diagram.
- Dennis Robertson added that besides representing WRIA 9 and fish interests, at lot of times staff ends up being the technical experts. An example is Kollin Higgins, KC/WRIA 9, who worked on the SWIF. Staff wears many different hats when working to restore habitat on the Green/Duwamish.

The Watershed Ecosystem Forum unanimously approved the 2016 scope of work.

2016 ILA Cost Shares:

Bill Pelozo announced that the total 2016 ILA cost share is \$424,320.

The Watershed Ecosystem Forum unanimously approved the 2016 ILA cost shares.

4. WRIA 9 Interlocal Agreement (ILA) Renewal

Bill Pelozo reported that the ILA has been reworked for 2016. Doug Osterman has given presentations at ten cities about the ILA.

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Doug Osterman explained that it has been a year-long process for the WEF to get to where we are now with the ILA. The ILA we've been operating under for the last ten years has been updated, and it was out for review to jurisdictions in February 2015. The KC PAO commented on the ILA but not in time to make the meeting packet. Doug passed around a copy of the latest ILA with the PAO changes that were made in the past two weeks.

Discussion:

- Sally Bagshaw asked if any of the changes are substantive. Jean White explained that the PAO review did not result in substantive changes, but mostly in definitions and clarifications.
- Doug Osterman reported that Section 4.4 (page 7) of the ILA now includes a clearer way of stating how annexations affect cost shares. Dennis Robertson explained that the biggest issue was what changes the cost shares: population increases and annexations. He said KC would like that to be calculated, and also was concerned that in WRIA 9 there wasn't a fixed time when cost shares are updated. With the new language the cost shares now will be recalculated every three years or when significant annexations occur.
- James Rasmussen suggested that where it says in Section 4.4 "in accordance with the formula set forth in Exhibit A" we may want to explain that Exhibit A is the cost share table.
- Dana Ralph said she agreed with the KC PAO that in Section 5.2.3, an abstention shouldn't count as "no" vote. She said she didn't think that the language in the first sentence of Section 9.1 to do with termination is very clear, and proposed the following: "Termination can only occur on an annual basis, beginning on January 1 of each calendar year, and then only if the terminating body, through action of its governing body, provides at least sixty days prior written notice of its intent to terminate." Marlla Mhoon said she like's Kent's 9.1 version more.
- Dana Ralph next discussed Section 10, the "hold harmless" section, and asked if in the last sentence. WRIA 9 should similarly indemnify each party, and if it work both ways. Kathryn Campbell asked if is indemnification should be commiserate with the amount of the cost share. Jean White said she would be happy to ask our PAO.
- Sally Bagshaw asked if this is a real problem here, or an earnest attorney just raising the question. Mike Mactutis said it has been a question of Kent's on several of the ILAs. CM Bagshaw said it was considered in Seattle, but our attorneys didn't think it was worth making an issue over.
- Dennis Robertson said that in normal ILAs, we have cities with ongoing funding. But WRIA 9 doesn't have any resources, so it doesn't make sense for them to hold other parties harmless in turn.
- Loren Reinhold requested he be sent the new "clean" ILA and a copy with the track changes.

The Watershed Ecosystem Forum unanimously approved the motion on the amendment to change the wording of Section 9.1 of the ILA to "Termination can only occur on an annual basis, beginning on January 1 of each calendar year, and then only if the terminating body, through action of its governing body, provides at least sixty days prior written notice of its intent to terminate."

5. WRIA 9 ILA Memorandum of Understanding

Doug Osterman reported that the MOU outlines the expectations ILA members have of KC to meet this agreement. The MOU includes the Scope of Work, Attachment A, which changes every year and is annually approved with the budget. There used to be a second attachment as well, the Staffing Plan, but at their last meeting the MC decided it was confusing to have both documents. He said the MOU is signed by Christie True, Director, KC Dept. of Natural Resources and Parks, and Dennis Robertson, MC Chair.

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Bill Pelozo proposed a title change for the Watershed Coordinator in the MOU (page 2, section 5) to “WRIA 9 Executive Director”, saying he wants to elevate the coordinator’s position title because Doug is meeting with mayors and other elected officials, and the new title is more clearly representative with what the position does. CM Pelozo also said the signature blocks should be changed from Dennis Robertson to WEF Co-Chairs Marlla Mhoon and Bill Pelozo.

Discussion:

- Jay Covington said he assumes the new job title will be a working title.
- Jean White said she’s not sure how this working title change will work. KC does the hiring within our classification system, and there are two other watershed coordinators which makes her a little uncomfortable approving this tonight. She said she is unsure what Christie True will think, and we can make a motion contingent upon her approval.
- Sally Bagshaw asked if the title change can be made dependent/consistent with what Christie True wants, and contingent upon her approval.
- Jay Covington noted that it does not have to affect the official position title within the county, or be in conflict with KC’s classification system.

The Watershed Ecosystem Forum unanimously approved accepting the Memorandum of Understanding as amended with changes to the signature blocks, and to Section 5, Item 6, contingent on approval by the Director of the KC Department of Natural Resources and Parks.

6. WRIA 9 Implementation Progress Report Update

Doug Osterman thanked the staff for all their work on the updated Implementation Progress Report, which he’s been taking to his city ILA presentations.

Maureen Judge, Communications Coordinator, thanked everyone who helped with the Progress Report update. She said the whole WRIA 9 Team contributed to the new report, the KC Graphics Section did a fabulous job, and it was a great effort by all. One of the important pieces is the table and map showcasing the active and completed projects – and it is an impressive list. She said you should all give yourself a round of applause. The report also tees up the next big thing, which is the

7. WRIA 9 Program Implementation Survey

Maureen thanked Kathy Minsch and Tyler Patterson, Tacoma Water, for serving on our Survey Committee along with Elissa Ostergaard, Planning & Stewardship Coordinator. She said we plan to have the survey out within a month, and she urged all jurisdictions to complete the survey and to get the right people to answer the questions. We will send out a survey link and give partners at least thirty days to complete. She said we will also be available to answer questions and help with the survey.

Maureen handed out the Implementation Progress Reports, and requested people email her directly (Maureen.judge@kingcounty.gov) with any questions.

8. 2015 WRIA 9 Capital Project Funding

Karen Bergeron, Habitat Project Coordinator, reported that WRIA 9 has three decision items that need approval by the WEF (available funding is in parentheses):

- 2015 SRFB (\$327,353) and PSAR (\$1,101,070) project list and funding amounts, including request for additional funds for the Duwamish Gardens project (\$1,428,423 total)
- 2015 WRIA 9 CWM (\$1,585,227) project list and funding amounts; and

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- Formation of Implementation Technical Committee (ITC) subcommittee to recommend projects for Project Implementation and Development Award (PIDA) funds.

SRFB/PSAR Projects:

- **Mill Creek – Leber Property Restoration** (City of Kent): Mike Mactutis reported that Leber is upstream of Downey, and there are many projects in the same reach (Riverview and Tufel). Kent purchased this portion from the original homeowner, and it includes 1½ acres off channel habitat, 50 acres additional flood storage, and two acres of riparian habitat. He said Leber is a multi-benefit project, backs up Mill Creek, and we have measured that the amount of flood storage could reduce the flow of the river by 1,000 cfs. The project will preserve 80-90 trees, add wood structures, and plant hundreds of trees and shrubs under the existing trees. This funding takes the project to final construction. Proposed funding: \$292,000 PSAR and \$558,000 CWM (\$850,000 total).
- **Downey Farmstead Restoration, Phase 1** (City of Kent): Mike Mactutis said Frager Road, which runs along the river at the Downey site, will be moved south along SR 15 and away from the river. 130 acre-feet of the project will be for flood storage, affecting the river by six inches at high flows. He said we are trying to work with King County to get the road closed to vehicles, open only to bikes and pedestrians. The project will plant trees and restore six acres. Proposed funding: \$327,353 SRFB, \$372,647 PSAR, and \$106,227 CWM (\$806,227 total).
- **Duwamish Gardens Cost Increase** (City of Tukwila): Karen Bergeron reported she is here to request \$36,423 in remaining PSAR funding. The project is ready to construct in July, but bids came in high due to the booming economy, and Tukwila is \$400,000 short of the engineer's budget. The proposal is to split that amount with Tukwila, meaning we are still short \$160,000+. She said she is optimistic that other WRIA 9 projects will return funds, and is seeking WEF approval for any other money that becomes available to fill this funding gap, which she noted also happened with Fenster/Downey. Proposed funding: \$36,423 PSAR.
- **Lones/Turley Levee Setback Conceptual Design** (King County): Karen Bergeron said she is presenting for Josh Kahan, KC Basin Steward and sponsor, who could not attend. Ten levees upstream of Auburn were evaluated for setbacks, and the Lones and Turley Levees, which are about a mile apart, rated highly to provide ecological benefit relative to the money spent. Porter and Auburn Narrows are nearby, and these projects work together. Setting back the levees benefits salmon and improves flood storage for cities downstream. Lones is a huge levee of dredged soil with face rock on the top that was designed 50 years ago. The project would remove the face rock, set back the levee, and allow the river to remove the sediment. The existing levee at the Turley site constrains the river, and a similar design would bury the revetment further from the river for agriculture protection, and remove the rock to let the river take out the levee. Proposed funding: \$200,000 PSAR.
- **Maury Island Aquatic Reserve Armoring Removal Acquisitions** (King County): Kollin Higgins presented for Greg Rabourn, KC Basin Steward and sponsor, who is on vacation. The proposed acquisitions are on Maury Reserve in the area where we are doing an ESRP project. Burton Marsh is a rare, fully functioning estuarine habitat, so protecting feeder bluffs that support the marsh is important. The goal is to acquire a variety of properties along that shoreline, which was an unrecognized landslide-prone feeder bluff area where people built houses. Quarter Master Harbor has a lot of eelgrass and kelp, and good forage fish spawning. Herring and surf smelt are fatty fish and favorite salmon food. He said we are looking to acquire houses/shacks built in the intertidal on the beach. Proposed funding: \$200,000 PSAR.

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The 2015 SRFB/PSAR list of projects seeking approval:

#	SRFB/PSAR Project	Amount
1	Mill Creek – Leber Construction	\$292,000
2	Downey Farmstead, Phase I Construction	\$700,000
3	Duwamish Gardens Construction	\$36,423
4	Lones/Turley Levee Setback Conceptual Design	\$200,000
5	Maury Island Aquatic Reserve Armoring Removal Acquisitions	\$200,000
	Total	\$1,428,423

Discussion:

- Ron Straka asked where it leaves the Duwamish Gardens construction if the project only gets \$36,000. Ryan Larson, City of Tukwila, explained that the city is looking for the remaining amount, and in the meantime will raid its own funds to award construction contract in hopes WRIA 9 will provide funds later on.

The Watershed Ecosystem Forum unanimously approved the 2015 SRFB/PSAR project list totaling \$1,428,423, and additional funding that comes in for Duwamish Gardens Construction.

CWM Projects:

Karen Bergeron reported that the WEF set up three categories for the CWM grant funds: Small Grant Program, Large Capital Projects, and Outreach, Education, Monitoring and Support. Requests in each category that are new this year include:

Small Grant Program:

- **Revegetation Grant Round:** \$250,000 from CWM, plus \$250,000 from Boeing as part of a partnership totaling \$750,000. The grant round would support revegetation projects by non-profits and cities in the Green/Duwamish, targeting revegetated riparian areas that would produce the most shade

Large Capital Projects/High Priority Project Implementation Funds:

- **Mill Creek – Leber Restoration:** \$558,000.
- **Downey Farmstead Restoration, Phase 1:** \$106,227.
- **McSorley Creek Pocket Estuary Design** (WA State Parks/WRIA 9): Karen Bergeron said last year this project received \$200,000 in PIDA funds; \$250,000 in CWM funds would continue the design seamlessly. Three designs are being considered.

Outreach, Education, Monitoring and Support:

- **2015 Green River Temperature Data Compilation and Report** (King County): Karen Bergeron said a map will be created of who is doing what on temperature monitoring. The project includes compiling and analyzing all data, quality control, and creating a report to share where there are temperature concerns to prioritize areas for revegetation. \$15,000.
- **Juvenile Salmon Use in Duwamish** (University of Washington): Will look at existing and future project sites. \$65,000.

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The complete 2015 CWM list of projects seeking approval:

#	CWM Project	Amount
Small Grant Program		
1	Revegetation Grant Round	\$250,000
Subtotal		\$250,000
High Priority Project Implementation		
2	Mill Creek – Leber Construction	\$558,000
3	Downey Farmstead, Phase I Construction	\$106,227
4	McSorley Creek Pocket Estuary Design	\$250,000
Subtotal		\$914,227
Outreach, Education, Monitoring & Support		
5	Environmental Science Center Education Program	\$30,000
6	Seattle Aquarium Beach Naturalist Program	\$21,000
7	Green River Smolt Trap	\$40,000
8	2015 Green River Temperature Data Compilation & Report	\$15,000
9	Juvenile Salmon Use in the Duwamish Study	\$65,000
10	WRIA 9 Capital Projects Implementation/Outreach & Communication	\$250,000
Subtotal		\$421,000
Total		\$1,585,227

Discussion:

- James Rasmussen questioned the Boeing revegetation project, and where plantings would occur. Karen Bergeron said Boeing would solicit funding and decide where the plantings go in. James noted that an organization that is not mentioned has been doing that work on the Duwamish for years: Duwamish Alive. They've had almost 1,500 volunteers on the river, are supporting WRIA 9 habitat, and they go out and get funding every year. Karen reported that we are trying to create a regular source of funding, and Duwamish Alive could apply for that funding.
- Doug Osterman said Boeing wants to fund nonprofits to plant more vegetation along the river, targeting it to improving areas needing shade to lower temperature, and making sure funding is consistent with the recovery of salmon. The revegetation program would be fleshed out if approved.
- Marlla Mhoon asked if the Muckleshoots haven't already done a Green River temperature data report. Kollin Higgins explained that TMDL collected data in 2006, put it into a model and made predictions about what the worst case temperature conditions would be. This year is predicted to be a very low water year, so it is a chance to see what is actually happening. There are about seven different entities collecting data along river, and this would make sure predictions fit the worst case scenario we are expecting this year. CM Mhoon commented that the Muckleshoot temperature study is really good. Kollin said we would use that, but it's been almost ten years since the last comprehensive analysis. We need to go out and see what is happening to see what needs to be fixed.
- Al Barrie asked if the temperature study is establishing the base line data. Kollin Higgins said it will not be exactly baseline, but success will be related to documenting riparian conditions over time and how revegetation efforts fare. Trees have grown up, and we will look at that and see if we've made progress on revegetation.

The Watershed Ecosystem Forum unanimously approved the 2015 CWM project list totaling \$1,585,227.

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Project Implementation Development Award (PIDA):

Karen Bergeron said PIDA is an additional funding source on top of the PSAR funding. In the past the amount has been \$130,000-\$140,000, but this year we are not sure of the exact amount because it's not yet approved. We need to select a project in the next few months to capture the funds, and are seeking approval from the WEF for establishing an ITC subcommittee to review project ideas, select a project, and send out to the WEF for input. Last year Kathy Minsch and Tyler Patterson volunteered to review projects. Bob Edgar, Erika Morgan, and Jenna Wallace, City of Auburn, tentatively volunteered.

The Watershed Ecosystem Forum unanimously approved creating a PIDA subcommittee of the Implementation Technical Committee.

9. Public Comment

James Rasmussen reported that Ecology is having an open house on their Pollution Loading Assessment (PLA) at the Tukwila Community Center, May 28, 2015, 10:00 a.m. – 3:00 p.m. The meeting will explain what PLA and the pollutant loading model is about, and how incredibly important it is to the watershed. Joan Nolan said some WEF members have already been sent invites, and she'll get information to Doug Osterman to send out. The open house is focused on toxics in the Green/Duwamish, and is related to source control and the Superfund cleanup. She said we would love to have your input, so please RSVP.

10. Wrap Up/Next Steps

Doug Osterman said July 14 is Yellow Bus Tour. Kathy Minsch noted that the Flood Control District also meets that day.

The next WEF meeting is Thursday, August 13, 2015, 4:00 to 6:30 p.m., Renton City Hall.