



San Juan County Action Agenda Oversight Group/San Juan Local Integrating Organization (SJ-LIO)
Accountability Oversight Committee (AOC) Meeting
Draft Meeting Summary
March 30, 2017, 10:00 AM to 1:00 PM
Padilla Bay Reserve, 10441 Bayview-Edison Road, Mount Vernon, WA
 v 06-07-17

Action Items	Person(s) Responsible
<ul style="list-style-type: none"> • Add more context regarding outcomes into the plan. • Issue Draft San Juan Ecosystem Protection and Recovery Plan for member review in May 	Marta Green Marta Green

Record of Decisions	Person(s) Responsible
None.	

Welcome and Introductions

Jamie Stephens, chair of the Accountability Oversight Committee (AOC), convened the meeting at 10:08. The members and guests provided brief introductions. Jamie called for a moment of silence for Randy Kinley. Members added memories that he often reminded them: “It’s about the fish” and expressed appreciation that he was able to participate in the last AOC meeting.

Meeting Agenda and Summary

Today’s agenda and the September 20, 2016, summary were approved with no changes.

Public Comment

Representing the Friends of the San Juans, Lovel Pratt noted opportunities for LIO engagement:

- USCG rulemaking on anchorages is underway, and the comment period ends on May 11. [After the AOC meeting, this comment period was extended until August 9, 2017, as requested by the Swinomish Indian Tribal Community and Suquamish Tribe.]
- The Draft EIS on the Tesoro Xylene project, with 60 additional vessels/yr to transport xylene to Asia and transport reformat to the refinery, is open for comment until May 8.

The Friends of the San Juans recommends language advocating an environmental review for the USCG’s anchorage rulemaking and a greater scope of review for Tesoro’s EIS. The Department of Ecology’s annual Vessel Entries and Transits for WA Waters (VEAT) indicates the number of tankers entering the US from Canada through Georgia Strait has jumped dramatically from 18 to 54 vessel entries total transits. She distributed charts of the proposed anchorage areas with overlays, developed by the Friends, showing habitats for sand lance, smelt, and herring spawning, and for chinook, for southern resident killer whales, and for marine eelgrass in proposed anchorages areas and their immediate vicinity.

Q. to Tom Ehrlichman – which tribe is working with Coast Guard on these issues?

A. Three Tribes were in consultation with the Coast Guard 1.5 years ago about proposing the rule. Tribes recommended an EIS and a robust treaty rights analysis. Tribes attended two more meetings on proposed rule



language, then were not included for several months. They know that the rule will be published without an EIS or a detailed treaty rights analysis.

It is important that Tribes must constantly be at table with education. With frequent turnover, Coast Guard personnel do not seem to remember that the CG is the Tribes' trustee, and do not fulfill their obligation to meaningful consultation. The CG issued a letter re: rulemaking but did not determine an EIS must be performed. Anchorages already established have never been codified, and the rules affect new bunkering and ATB anchorages, including the Pt. Townsend area.

The Islands' Trust (Canadian Gulf islands planning committee) and the Salish Sea gathering discussions and actions should be heeded by the US agencies. Treaty-rights waters know no boundaries. It was suggested that Jamie write or jointly with tribes send a letter to Canadian officials. Borders do not affect impacts on the SJ islands, and the Tulalip are all affected by outfall from the Fraser River. The anchorages are not specific to US vessels. It is important to keep writing even if agencies are throwing the letters away – the Tribes are not going away. Which vessels, from what countries, use the bunkering stations to refuel? What can the Tribes and County jointly comment on? Habitat is getting lost.

The County Council has commented on Kinder Morgan, Centrum, and harbor safety, with no effect so far, and Councilmember Stephens appreciates the information from this group about cross-border projects.

Recent LIO Meetings

Marta Green reported on the Dec 7, 2016, joint meeting of San Juan Environmental Entities and the February 1 Implementation Committee meeting.

Topics and NTAs

Shoreline

- An interpretive panel will be installed at the Port of Friday Harbor
- Sea level rise workshop will be held in May or June
- A grant for technical assistance to prevent shoreline hardening is available

Stormwater

- The County has applied to Ecology for stormwater treatment funds for systems in the two County Urban Growth Areas
- Stormwater treatment structures will be installed at Orcas ferry landing

Freshwater

- Zylstra lake protection is still proposed

Comments: Go over the priorities for the action agenda. "Do no harm" is not enough, availability for project funding should not change our priorities.

(Suzanna Stoike, Puget Sound Partnership, arrived at 10:40)

Puget Sound Partnership Updates

Suzanna reported on the LIO Conference Summit March 3, Olympia

- It was well-attended, including three representatives from EPA, who saw a conversation they have not had access to before.



- Overview of timeline and next steps with Plan and Action agenda: Moving from a two- to four-year cycle will enhance ability implement priority actions. A poster session of the Ecosystem Protection and Recovery Plans was held by LIO Coordinators, with the objective of communicating with an audience of non-experts, which are an important group to address effectively in future. Breakout sessions were held to develop solutions. Meeting notes are posted on the PSP website. The day was not entirely satisfying since no tangible next steps were identified. The timing was not ideal, since it was too late to influence the 2018 Agenda and too early to affect regional priorities.
- Comments: the meeting fell short in giving the LIOs an opportunity to talk about their shared questions. The bigger picture is a better discussion for them than results chains. The LIOs should use these meeting times to identify regional priorities, not just local, and come to conclusions. Different definitions are used for the same terms, which works against combining priorities.
- PSP response: every LIO will find themselves in the regional priorities. The 10 'areas of focus' vital signs have been accepted. It is time to look again and see if the strategies fit.

Marta presented slides on the Quadrennial update to Action Agenda in 2018 and 2022 and on the scope and schedule of 2018 Action Agenda Update – revised regional priorities to be finalized in the fall along with the 2018 NTA solicitation.

Alan Chapman distributed diagrams of vital signs he developed. It shows a different way of organizing than MIRADI does, with focus through a few pressures which go to outcomes. The goal is telling a meaningful story better than the Vital Signs filter, which is not helping the LIOs to prioritize on a regional basis.

San Juan Ecosystem Protection and Recovery Plan

Marta Green provided an overview of the EPRP schedule, local priorities and scope.

- Goals, Strategies, and Near Term Actions
 - Shoreline Hardening included a discussion on Key Pressures and potential solutions, as well as quantitative objectives and barriers and gaps. An example action is County CDPD increasing pre-application permit consultation.

Comment: Adding Whys to these outcomes would be helpful to see the projected end-point of these processes. Consider: to what is it relative? This approach could help tell the story succinctly, then touch back on the reasons for the goals and strategies. Marta agreed to put more context into the plan.

- Stormwater Management – the group viewed a poster on the subject, along with the strategies and NTAs to reduce stormwater and its impacts. The Spring Street treatment vault has received most of its permitting. Funds have been a problem and the County may seek an increase in utility fees for stormwater management. Fees on every parcel have been a challenge. The budget contains funds for a person to run the stormwater program, and a goal is to raise enough money to fund key projects in Lopez Village and Eastsound.



- Freshwater Restoration – the strategy is to implement salmonid stream habitat restoration projects and complete permitting for 3 projects and have 2 under construction within 5 years

Marta recommended that the AOC members review the results chains. She will distribute to this group a complete plan for approval at next meeting in June. Considerations in the plan development include ongoing questions:

- What is relationship between vital signs and priorities?
- What strategies will be the best use of our funds at this time?
- How to make progress in the established time frame?

An effective approach may be to go very narrow and deep on only a couple of vital signs. The region is the entire Sound, and the plans must standardize our taxonomy for a regional synthesis. To demonstrate progress under the current funding and to qualify for ongoing project funding, the LIOs must show how they are responding to and aligned with their own area's priorities.

Comment: frustration with funding limits and protocols. A more effective system could be streamlined NTA funding requests and an ability to direct funds to projects that may not be on the Action Agenda, but match up with established goals.

- Jan 11 Vessel Traffic Teleconference and Feb 1 Vessel Traffic Core Team Working Session
A Large oil spill remains San Juan LIO's highest priority threat.
The fundamental understandings of the LIOs role was discussed and agreed.

Discussion: the proposed anchorages are in the realm of government to government roles. All vessels have impacts and cumulative impacts should be evaluated, not just larger vessels. What is the overall picture of impacts? Proposed actions should articulate with treaty rights, and that should be evident in the document for years to come. How do we partner and tell the story? How do we support each other, the lifeways of the San Juan Islanders? These perspective may not in be in the Action Agenda.

Comments: Tribes have treaty-reserved fishing rights and the LIO should support the position that they take, not have a committee to decide what would be good for the tribes. The LIO will not address treaty rights but fills a role to support our tribal partners in their actions to protect their rights. PSP recommended using that language. Eight tribes have history and interest in the San Juan Islands, but don't have treaty-reserved rights there. Nonetheless their comments should be included.

Further discussion: Status of Swinomish-Tulalip-Suquamish risk assessment, which may not be released for some time due to potential legal considerations, and the Department of Ecology VTRA preventative measures.

Members discussed recommending a clarification of the VTRA study with confirmation from Ecology. The environmental, cultural, social and economic consequences study proposed in a 2016 NTA would be very useful to decision-makers. Jamie recommended that the group look at Vendovi area, the risk for which changed dramatically when it included bunkering activity.

Comments: The fundamental basis is that the current level of risk is unacceptable.



The objection to use of VTRA wasn't estimation of impacts, but that it was characterized as mitigation for increased risks. The San Juan Islands susceptibility to oil spill is for all our shorelines.

Level stated that analysis in preparation for the VTRA 2015 update shows a 20% increase in the risk of oil spills (by volume) from the VTRA 2015 Calibration Case (which uses the VTRA 2010 Base Case vessel data) to the VTRA 2015 Base Case. *[Note that the highest factor/multiplier is for the San Juan Islands waterway zone (4.83), followed by Guemes (1.55), and then both Haro/Boundary and Rosario (1.28).]*

The Coast Salish gathering spent an entire day on vessel traffic and found it shocking. Tribal leaders were not aware of the volume of traffic and the associated risks.

The San Juan Ecosystem Protection and Recovery Plan current focuses on large commercial vessels and a large spill, but could be expanded in the future to include threats from recreation and fishing vessels.

- Vessel Traffic Strategy
 - Goals, Strategies, Near Term Actions
 - Reduce risk of large oil spills
 - Focus on vessel traffic impacts and protection of marine life
 - See the handout for implementation. Consider performance objectives.

Level emphasized that a regional system that identifies funding a Transboundary safety forum is listed as a high priority in Ecology's VTRA preventative measures. It was suggested that the LIO strategy focus on governmental (SJC) participation in such a forum. The BC-Pacific States Oil Spill Task Force is likely to take the lead on this measure.

Jamie pointed out that numerous Canadian authorities/agencies impact our waters. Different fees and programs are in place to identify and control impacts. The Tribes and the LIOs have the ability to keep reminding these authorities that transboundary harmonization must happen to adequately protect the waters. How do transboundary issues affect the treaty rights? Make the lines clear.

Comment: The Swinomish tribe doesn't want to participate in a citizen's advisory committee, prefers a sovereign nation consultation. Governments need to do more than check the box that consultation with tribes are conducted. The Tribes want to engage with the County.

- Resources to Inform
 - Swinomish-Tulalip-Suquamish Risk Assessment, when issued
 - Dept of Ecology VTRA –preventative measures of local significance
 - San Juan MRC Marine Managers Workshop Apr 3-4
 - Rule-making on oil transportation safety (HB 1611, SB 5462)

Meeting Schedule

Next AOC meeting is tentatively set for Wednesday June 14, to discuss and recommend to approve the Ecosystem Protection and Recovery Plan *[Note: re-scheduled as a joint AOC-IC meeting on June 1]*.



Next Steps

- 2018 Plan document will be ready for review in early May
- May 8-28 LIO members review and comment
- June 7 – IC members recommend approval
- Mid-June – AOC member approval
- June 30 – submit EPRP TO PSP

Meeting Adjourned at 1:00 pm

Attachment - Meeting Participants

Members

Name	Affiliation	In Attendance
Alan Chapman	Lummi Natural Resources Department	X
Lisa Cook	Lummi Nation	
Patti Gobin	Tulalip Tribes	X
Terry Williams	Tulalip Tribes	
Linda Lyshall	San Juan Islands Conservation District	
Stan Walsh	Swinomish Tribe, Skagit River System Cooperative	X
Jamie Stephens (Chair)	San Juan County Council	X
Stephanie Solien	Puget Sound Partnership Leadership Council	

Staff and Guests

Name	Affiliation
Marta Green	San Juan Action Agenda Oversight Group
Suzanna Stoike	Puget Sound Partnership
Lovel Pratt	Friends of the Earth and Friends of the San Juans
Tom Ehrlichman	Special Council to Swinomish Tribe
Elizabeth Anderson	EBAAnderson Consulting