



San Juan Action Agenda Oversight Group/San Juan Local Integration Organization (SJ-LIO)
Accountability Oversight Committee Meeting
Meeting Summary
February 3, 2016, 10:30 PM to 1:30 PM
Padilla Bay National Estuarine Research Reserve, Mount Vernon, WA

Introductions and Public Comment

Jamie Stephens, SJ-LIO Accountability Oversight Committee (AOC) Chair, opened the meeting.

No public comments were received.

Adopt Agenda and Approve Minutes

The AOC reviewed the agenda. No changes were made. The meeting summary from the December 9, 2015 was accepted without any comments or edits.

Opening Remarks

Peter Murchie, EPA Puget Sound and NEP Programs Manager, shared opening remarks. He has been talking with a number of people and getting a better sense of LIOs. This is the first time he has engaged with this type of work. He is gaining an understanding of perspectives, federal role, and what EPA can do better. They are looking at how to partner together with PSP and others to make sure the Management Conference and Action Agenda fulfills the needs.

Peter clarified that he also is the leader for the federal caucus for Puget Sound (PS) Federal Caucus, formed through an MOU, providing a forum to talk about PS recovery including coordinated investment around riparian issues and treaty rights at risk work. The forum has a role not only to look at funding but also to identify where the federal family including the USCG can and should play a role in different types of projects. Peter's job scope includes leadership on treaty rights at risk and NEP program support of tribal capacity and projects.

Sheida Sahandy, Puget Sound Partnership Executive Director, provided opening remarks. She thanked the AOC for having her at this meeting and for all their efforts. The process for the 2016 Action Agenda has been a test of concept of how to engage in a way to make things work faster and better for our shared resource. It has taken perseverance, and in a lot of ways we won't know if it's better or not for a while. There is a shared commitment to do it and keep improving until we see that it's working. Sheida understand that there is some frustration out there. She will share with the AOC members what she believes the Partnership's role is and can be using the tools we have as a system.

Stephanie Solien, Leadership Council, offered opening remarks. She thanked San Juan County and the AOC for all the amazing, good, sophisticated, dedicated work, and that of the SJI Conservation District. It's a real shining example of how local effort can be effective. She also sees PSP staff dedicated and working very hard within this condensed time period. Stephanie expressed her hope that LIOs, EPA, and PSP will increasingly working together. As a result of hearing from SJI, Makah Tribe, a number of other tribes, and also trying to be responsive at the Leadership Council level to increased vessel traffic and oil spill concerns. The Leadership Council is working on a forum on based on the SeaDoc society study on transboundary agreement sometime this spring. There is no yet location for the forum, but she's talking to WWU (Salish Sea Institute). They're looking at ways this forum may come up with ideas from



improved US – Canadian coordination. She recognized that PSSA is another effort underway by Friends of the San Juans and that we may want to look at and highlight at this conference as well. There are many tools we can use beyond the Action Agenda. The Leadership Council is trying to become very active in areas that could support the goals of the agenda and take us beyond the day to day.

Sam Gibonney, SJC Director of Environmental Resources, suggested another possible location for the Leadership Council’s forum being the Northwest Maritime Center in Port Townsend. They have the vessel traffic tracking system.

Alan Chapman, representing Lummi Nation, said he’d had a talk with Josh Baldi, who was involved in the no discharge zone petition. Josh relayed that he did not fully appreciate the political power of the Maritime Industry, IMO and big bureaucracies. He also stated his interest in getting strategic planning organized, getting actions organized in sequence in priorities.

Overview of the San Juan Islands Ecosystems and LIO

Linda Lyshall, Chair of the LIO Implementation Committee presented slides overviewing SJI and the LIO. The presentation highlighted:

- Representation of the LIO, and IC/AOC structure
- History of the SJ-LIO area
- Unique and high ecological value of the area
- Priority Vital Signs for the LIO
- Pressures affecting the ecological value of the area
- High priority and needs—shoreline stewardship, impacts of climate change
- Location in the rain shadow—last summer had more extreme drought than mainland, wells drying up and streams drying up
- Emphasis on protection, high ecological value, some restoration needs

Stormwater

Sam presented information related to local stormwater quality issues. SJC just concluded a 3-year pilot monitoring program that confirmed we have some issues with bacteria, low DO, nutrients, and metals. A Stormwater Basin Planning effort looked at all the main islands and identified 25 priority projects that SJC is beginning to implement. The county received some funding from Ecology to add water quality treatment into streetscape on Orcas.

Sam clarified that pressures include water diversions/drought, residential development, livestock and farming. Variation in pressures is elevation dependent and we experience a normal drought system. There is concern over the progression of development of ponds that can really have an impact on late summer flows. As we look at restoration efforts (such as False Bay and False Bay Creek), one of the challenges is looking at the entire system and private property owners. Residential development needs to ensure people understand BMPs and how their properties fit into the ecosystem. The county works in partnership with the Conservation District who seeks to employ BMPs. Sam mentioned that the Natural Resources programs have become part of the Public Works Department, which provides for a lot of synergy with the stormwater utility and roads department, recognizing they’re all interconnected.

A question arose of how much livestock do we have and it was explained that natural lands in SJC are primarily used for livestock and agriculture. False Bay watershed has 800-900 acres in rangeland management. False Bay watershed is the largest on SJI and historically was diked, drained, and ditched.



The creek has suffered a lot. There is work underway trying to restore that and return historic salmon runs. One of the primary water sources is Zylstra Lake, just purchased by the Preservation Trust and Land Bank.

In response to the question of whether there are septic systems on the islands, it was acknowledged that there are some failing septics and that the County has done a lot to address this. It was questioned whether the source of stormwater contamination is septics. The Conservation District has narrowed stormwater contamination sources and now will start tracing this. They've received a lot of cost-share funds to work with livestock owners and most owners they've approached have accepted assistance. There are about 20 shellfish growing areas but no downgrades and we're trying to prevent bacteria causing downgrades. It was noted that it is easier to measure areas reopened and harder to measure areas that didn't close.

Some byproducts of the dry season are metals from brake pads that then wash into the water when rains resume. Most north-counties have fees for septic or replacement—SJC put in charge last year that has really helped. SJC just started efforts on Voluntary Stewardship Program and are looking to partner with the agricultural community on employing BMP practices.

Vessel Traffic and Oil Spill Risks

Jamie reviewed efforts and needs related oil spill prevention and response. Though there has been a focus on increased oil shipments, the issues are really increased vessel traffic overall. The Gulf Islands have Islands Trust, but if vessels can't get into Port of Vancouver, they're anchored wherever they find a spot. He is worried about noise from generators at anchor, as documented in the VTRA and other studies, one done by SJ-LIO. There is a need for response and prevention but also a rescue tug either in Canada or US that could respond to a vessel in need. Our County Council has an agreement with the Islands Trust Council (elected planning group in the Gulf Islands), established with the instructions and goals including the protection of the Gulf Islands. We need that coordination but some roadblocks exist. We charge our oil companies, Canada does not; therefore the Port of Vancouver becomes a more economical place to ship to. Also liability issues exist as Canada limits spill liability to \$1,000,000. We don't have that limit but have liability if our responders go across the border. Those are some of the issues that need to be coordinated. It was confirmed that Canadian provincial and federal changes are needed. With new Canadian PM there could be some changes.

NUKA Research published that full-on equipment mobilization would take 72 hours, longer than the time for oil to reach shorelines. Response time is not fast enough so prevention is the key. Capacity evaluation showed that even in the best scenario, the most oil we would pick up is 45-50% of what is spilled.

Jamie clarified that the escort tug is in place for certain vessels and a rescue tug in Neah Bay can respond if a vessel should lose power. It would be helpful to site one in SJI. SJC helped support Makah because of their location at the most critical point, and we need other rescue tugs in the future. It was thought that response capacity on the west side of SJI would be different than Rosario Strait, but found that not to be true because of services and equipment in Port Angeles. There's a proposal for USCG to move that equipment to Neah Bay.

Sam emphasized that we are lacking a regular forum in citizen input and oversight and that we really need a place to actively engage. The group was asked whether a Canadian NW council may be a place



you could raise the concern for the liability and other issues. Peter responded that he is not sure which organization or venue(s) is appropriate, He noted that the Province has a much larger role in implementation and wants to find out who is ultimately making these types of decisions. Potential venues in which to engage are the Salish Sea Ecosystem Conference and oil spill conferences.

It is not believed that there is any single body right now trying to connect the dots for governance on this question. It has proved challenging to understand the authorities and role of USGS and others, which would be the first step. Stephanie offered to keep thinking about what they can do to help.

Sam relayed that one of our proposed NTAs is a feasibility study for a model for citizen involvement, potentially in a manner similar to regional citizen involvement councils in other areas. In the past this has not been sustainable regionally. SJC does not need to drive this as it's an effort that goes beyond the county's jurisdiction, but we've brought it forward because it needs to be addressed. She has been in conversation with Makah regarding their proposal to have a tribal caucus and safe shipping summit, as well as the NW Straits commission regarding shoreline segmentation—we see these as complementary, not competitive. But there is not a convener right now for that.

It was questioned who such an advisory group would advise when there is no single authority over all of these pieces. Peter suggested referencing the Oil Pollution Act (OPA) and its governance pieces and what Great Lakes is doing. Beyond oil pollution need to look at protection, quality of life, noise pollution, and air emissions.

Sam relayed that Regional Citizen Advisory Councils for Cook Inlet and Prince Williams Sound are positioned to have a strong voice as they're funded to have technical expertise. Peter indicated he will go back and try to understand in federal context who is doing what besides the USGC.

It was noted that within existing rule making we could look at the basic tools and whether or not they up to date; e.g., the Fate and Effects Natural Resource Damage Assessment prepared for Ecology, last published in 2006.

The Harbor Safety Committee provides for some partnership across ports, but their seat at the ECB is vacant. More LIOs are recognizing that this is a major concern to central and south PS too. One of the concerns is where this ranks in PSP's and EPA's recovery plans. The AOC asked where the oil spills will fit within the ranked list of all the NTAs, noting that originally PSP rated oil spills at 77th in the list of pressures.

Peter responded that this is a shared conversation with PSP and the Management Conference of how protection and prevention fits into the Action Agenda as an objective and how we frame and define recovery that is inclusive of these types of activities. EPA's PS team is open to looking at a collaborative governance approach. He is inclined to include in the Action Agenda priorities like this but needs to see how the planned process works.

Sheida clarified that one of the goals was to have as transparent a process as possible. The statute tells us what the goals are, and through collaborative processes we define the targets and how we're going to get there, knowing that we will make mistakes that we'll fix as we go. If we want targets to be different, the Leadership Council can change the targets and Implementation Strategies.



Alan stated that we need to get the powers with the ability to address risk of the strategies. There's a lot that could be done to reduce the risk. Balance is needed between PSP objectives, ecosystem recovery, the people part of ecosystem, and social marketing—get EPA, USGS and other agencies involved.

Funding Model

Peter reviewed EPA's perspective of how they see the Action Agenda funding model in this cycle. They've heard that they need transparency, funds at the local level, to achieve what we wanted regionally, and to refocus our efforts for things that matter most. There's also talk about a new coordinated investment approach. There are many sources including NEP funds, regulatory authorities, other agencies' funding, and state funding. NEP is the core of PS Recovery and it has certain restrictions under the appropriations language and statute.

For this year FFY'16 \$28M is the PS pot of money, and EPA has another \$600,000 that all NEP programs get. We are the only one that gets other monies but that comes with more scrutiny, more attention to how we use that money, and that we're effective in that use. In general we're good stewards of public dollars but there's been concern we weren't progressing Vital Signs and goals.

EPA has selected three SI Leads as the first level of allocation of NEP resources:

- Habitat: WDFW/DNR
- Shellfish: DOH
- Stormwater: Ecology/Commerce

Each SI Lead has partners involved that will bring more capacity into their oversight role. Peter met with them last week to start negotiating budgets and work plans and is looking to award grants in April. About \$15 M total will be equally distributed across the three Sis, which is not a precedent they'll hold to but haven't had a robust discussion with the Management Conference about allocating differently.

EPA structured the RFP to highlight what LIOs are interested in—more transparency and funds going to projects without competition. Ranked NTAs makes it easier for the Leads to fund projects directly. The Leads hold the decision making authority on funding decisions. They will be creating teams with expertise in the initiative area to help make funding decisions, answer questions, and identify gaps.

The AOC expressed interest in more detail of responsibility of the lead agency for each strategy. Teams were supposed to be designating what needs to be done with Leads to make sure it's happening. There's concern with Leads retaining the decision making ability. Peter explained that the grant holders need to be the final decision makers with significant and important roles for teams to make the recommendations, for example, if the Lead was to deviate from ranked NTA list. If NTAs are good he doesn't see a scenario where they will deviate much from the ranking except to fill gaps. They have adopted a conflict of interest policy so that folks are not reviewing and ranking NTAs they are directly involved with. Sheida emphasized that the threshold for making a change will be very high.

The AOC stated that the original sub-strategies were developed in 2 years by ECB but lacked the detailed work on getting agreement on the targets. While there can be local contribution to regional priorities, some local control for funding should address problems that have local or regional interest, which seems to have evaporated. It also was noted that SJ-LIO has a disadvantage due to geographic location. To have fair representation on these SITTs we need representatives from northern PS counties and hold meetings in the North Sound. There is concern for equity when meetings are held in Tacoma.



Peter is getting pressure for every dollar going toward PS recovery and, though he does not want to diminish local priorities, there is a need to justify. He wants everyone to feel engaged and that their interests and needs are being met. He is considering how capacity and planning money to LIOs may be structured to potentially provide some additional resources to local things. The current grant mechanism will last 5-years or more with the majority of funds going through SITs and tribes. Peter encourages the LIOs to stick with the process this year and see how this works. EPA will be listening to concerns, what's going well how to make needed changes.

The AOC stated that it is really important to have capacity and some funds for local projects and to equip LIOs to be able to participate aggressively at the ECB level. Tribes are very invested in this local process and want to see this succeed.

PSP Presentation

Sheida reviewed the perspective of the Partnership with regard to their role. She recognizes the need for local plans to exist to help get other funding. Once the infrastructure in place, more resources may be brought to the table.

PSP's direction from the Governor is to narrow their focus and do better within that focus. Key functions that PSP serves in their role of a "backbone organization" and non-regulatory state agency are:

- Shared roadmap (AA)
- Shared measures (measures of progress, effectiveness, accountability)
- Support partners to implement the roadmap (increase funding, removing barriers, legislation, policy, education of key decision-makers)

Some things they have stopped doing due to capacity include direct education and outreach.

PSP needs to ensure investment is going to the highest return. There is some confusion about the difference between the model for how we put the Action Agenda together and how the money will be distributed.

Sheida acknowledged that are learning points to figure out how to ensure dialogue and flow of information between regional and local entities, as well as the process timeline and enabling conditions such as fixing policies or regulations, removing barriers, studies. The following additional clarifications were discussed.

- The Science Panel, PS Ecosystem Monitoring Program and work groups are places for engagement. NTAs will rank regionally where it ranks as a priority. If it's not satisfactory to where it's ranked on a regional basis, we can look to other resources to address those needs.
- The LIO long-term plans may help inform an updated set of sub-strategies and priorities, which is one of key reasons for doing the long-term plans.
- PSP has a role in identifying opportunities for collaboration and putting people together, and a role for helping people create systems for scaling things. This is a fine line because in the past PSP moved into a project management role and started owning those things.



- There also is a role for the ECB as it moves towards a more deliberate organization. The SIT Lead will look across the NTAs to find opportunities to leverage collaboration and reduce redundancies. For example, there are several entities looking to address shoreline armoring, which is causing some confusion of who’s doing what and may create inherent competition.
- The \$5M going to each SIT is supposed to go to implementation; however, there is a component of capacity that will come from those funds.

Next Steps

The AOC will hold an IC Meeting on March 2nd and joint AOC-IC meeting in April. EPA and PSP are planning a meeting with all LIOs in March.

Adjourn

Meeting Participants

AOC Members

| Name | Affiliation | In Attendance |
|------------------------|--|---------------|
| Alan Chapman | Lummi Nation | X |
| Randy Kinley | Lummi Nation | |
| Stephanie Solien | Puget Sound Partnership Leadership Council | X |
| Jamie Stephens (Chair) | San Juan County Council | X |
| Stan Walsh | Swinomish Tribe, Skagit River System Cooperative | X |
| Terry Williams | Tulalip Tribes | |

Staff and Guests

| Name | Affiliation |
|-----------------|---|
| Sam Gibboney | San Juan County Environmental Resources Division |
| Marta Green | San Juan Action Agenda Oversight Group |
| Linda Lyshall | San Juan Islands Conservation District, SJ-LIO Implementation Committee Chair |
| Suzanna Stoike | Puget Sound Partnership |
| Megan Johnston | San Juan LIO Coordination Team—Triangle Associates |
| Laura Blackmore | Puget Sound Partnership |
| Peter Murchie | Environmental Protection Agency |
| Sheida Sahandy | Puget Sound Partnership |