



Meeting Minutes
Nisqually River Council Meeting
October 20, 2017
UW Pack Forest
Information: 360.438.8715

Attendees:

Council Members:

Amy Cruver – *Pierce County Council*
Abby Gribi – *Town of Eatonville*
Amber Martens – *JBLM*

Amber Moore – *Puget Sound Partnership*
René Skaggs – *Pierce Co. Conservation Dist.*
David Troutt, Chair – *Nisqually Indian Tribe*

Citizens Advisory Committee Members:

Robert Smith – *CAC/Stream Stewards*
Marjorie Smith – *CAC/Stream Stewards*
Fred Michelson – *CAC*
Howard Glastetter – *CAC*

Colleen Glastetter – *CAC*
Karelina Resnick – *CAC*
Lois Ward – *CAC*

Guests:

Roger Andrascik – *NLT/Stream Stewards*
Jeff Barney – *Pierce County*
Warren Bergh – *Nisq. Stream Stewards*
Lloyd Fetterly – *NLT/Stream Stewards*
Cathy Hamilton-Wissmer – *JBLM*

Joe Kane – *Nisqually Land Trust*
Katelyn Kinn – *Puget Soundkeeper*
Rebecca Kowalski – *JBLM*
James Reistroffer – *NLT/Stream Stewards*
Ashley Von Essen – *Nisqually Indian Tribe*

Staff and Associated Nonprofits:

Brandon Bywater – *Nisqually River Foundation* Sheila Wilson – *Nisqually River Foundation*
Emily McCartan – *Nisqually River Council*

1. Call to Order, Approval of Minutes and Agenda, Introductions

Call to Order – David called the meeting to order at 9:12 am.

Approval of Minutes and Agenda – It was moved and seconded that the minutes from the September meeting be approved. The minutes were approved, as was the agenda for today's meeting. At the chair's request, it was officially noted that participants are speaking loudly over the sound of a crackling fire in Pack Hall.

2. Reports

Advisory Committee Reports

Citizens Advisory Committee – Fred Michelson offered the CAC report from the Oct. 10 meeting. There were several issues discussed at that meeting:

- Pierce County Flood Hazard Management Plan (FHMP) for 2018: The CAC voted in favor of the following resolution:

Resolved: CAC suggests that the NRC ask Pierce County to request that Tacoma Power maintain a fall / wintertime pool level no higher than ten feet below capacity at their Nisqually River Alder Lake Reservoir. The reservoir is full at 1207' and should not exceed 1197' from Labor Day to Memorial Day. This request should be sent as an official output document from Pierce

County's 2018 Flood Hazard Management Plan. The logic for this is based on a presentation that CAC member, Howard Glastetter, gave during the development of Thurston County's 2017 FHMP.

Howard Glastetter presented the CAC's resolution and background on the issue. Several weeks ago, Justin passed around the FHMP with Pierce County's request for comments. Howard responded to Justin and Pierce staff with his comments, having just finished working with Thurston County's FHMP where he gave a presentation in July. He passed that presentation on to Pierce County (available for those who would like to see it). David: before we take a position, the Council would like to get a full perspective of cost and benefits. We have asked Tacoma Power to present at the next meeting on Nov. 17. Timeline for comments: Pierce County is hosting initial advisory meetings this month to begin getting public input. Those will be over by 11/17, but we will inquire about the window for public comment. *Post-meeting update: Emily spoke with Pierce County's flood plan lead. The NRC would be welcome to provide input at meetings in January and February of 2018, and/or during the public comment period in April.*

- **Salmon Recovery Plan:** The CAC requested a presentation from NIT Natural Resources on the Tribe's new salmon recovery plan, involving moving Green River Hatchery Chinook into natural spawning. The CAC was interested in understanding the range of options considered in the lead-up to this decision and why it was selected. David gave a brief overview, and we will invite Chris Ellings to provide a full overview at the November or December meeting.
 - The stock of Chinook now being relocated were originally Green River hatchery fish, from a line that had been in Soos Creek for 40 years. They have been Nisqually River fish since 1991, when they were transferred to Kalama Creek Hatchery, and moved from there to Clear Creek. They are creek fish that prefer spawning in smaller bodies of water, and have quickly moved into the Yelm, Mashel, and Ohop. It appears that within one or two generations, they've returned to their natural small-stream spawning activity.
 - From 2011-2016, the recovery plan centered on using the weir to exclude hatchery fish from the spawning ground. After 5 years, several of which were unusually low flow, NOAA concluded that this approach wasn't successful and had ended up stopping upstream migration of Chinook. NOAA requested it no longer be part of our plan and that the Tribe submit a revised recovery plan this fall (submitted 9/21). The revised plan centers on an effort to reestablish a naturally-spawning run of at least 3,000-3,500 fish. This year, NIT has been hand-trucking and releasing fish above Centralia Dam and Centralia Power Plant. They've all been genetically sampled and jawtagged, which will allow testing of future returns to match them to parents and find out where they are spawning.
 - For the next few years, people on small streams should see lots of really big Chinook, as the Tribe continues studying what the river can sustain. Ultimately, goal is to have a wild population being driven by the wild environment, not the hatchery environment. The recolonization project will be studied for 8 years and then integrated with the hatchery program, prioritizing wild fish through fishing or reducing hatchery production. It's being developed in close collaboration with

NOAA and the other comanagers. When NOAA says the revised plan looks good under the Endangered Species Act, NIT will bring it to the Council.

- The goals and strategies of the recovery plan change based on failure or success of our strategies. They spent a lot of work getting that weir to work, and it failed. Part of the problem was that of the 5 years the weir was in operation, none were normal (giant pink runs, two September floods, and the lowest flows and highest temperatures on record in 2015). With more time, it might have returned to a normal pattern.
- Ed: so you're using the same fish that have been somewhat naturalized to the Nisqually – not “natural” fish but somewhat familiar. David: yes, very familiar. Chinook returns have been great this year, close to 40,000. Everywhere else in Puget Sound is down. These are locally adapted hatchery fish that we think over time will become natural fish. It's never been done before, but that's the goal. Fred: all the habitat and infrastructure improvements should be a plus. David: if the experiment's going to work anywhere, it's going to work here. The key is not having too many hatchery fish overwhelming the wild population so the hatchery doesn't drive population diversity.
- Earmarking Thurston Conservation Futures Fund for Mazama pocket gopher habitat: The CAC was concerned about limiting the use of the funds in that way. Joe and David may have sent a letter already to the county, and it might be appropriate for Council to send a letter as well. Emily and David will draft and circulate to CAC.
- Karelina asked if there was going to be discussion of the Youth Resolution? Emily will talk to Justin about that and provide an update for the CAC at their next meeting.
- Lois expressed concern about continued use of Atlantic salmon pens. It's too early to tell if the release has impacted our local fish, but will continue to monitor.

Chair Report – David spoke this week to Oregon-Washington NOAA field staff who handle HCPs and Section 7 permitting. They came to the Refuge to learn about how permitting processes fit into the bigger picture with citizens and restorations effort. David presented on Nisqually model and also talked about the salmon recovery plan.

Allied Program Reports

Nisqually Land Trust

- NLT has welcomed three new board members recently. Suzanne Nelson is a biologist with USFWS and one of only 5 wildlife nutritionists in the country. She is one of the leads on the pocket gopher question for WDFW. Katie Wilcox, daughter of JT Wilcox, is a businesswoman in the Nisqually and the Land Trust's first second-generation board member. Sean Smith is the assistant superintendent for CalPortland's Dupont plant.
- Moving ahead on purchase of the next section for Community Forest. The NIT is also in the process of purchasing a section. Also took the first step to authorize Community Forest to partner with NIT in seeking loan funding from the Clean Water State Revolving Fund. Leaves option open for when land comes on the market, creating a package to purchase for big portions. Robert Smith: Are we putting together an administrative group to manage the land? Joe: a management plan is in place. Northwest Natural Resource Group would manage timber-harvest operations, under contract to the NCF board: Bryan Bowden, Justin Hall, Paula Swedeen, George

Walter, Kirk Hanson, Joe Kane. They are putting together advisory group: anyone interested contact Joe. Keeping community connection is critical to project. Ecology has been helping by rewriting revolving fund rules to include watershed-scale purchase plans.

- On Monday, NLT took up the AI unit from Microsoft, who are interested in using cloud storage and massive computational capacity to study conservation issues. A potential project would track actual stream flow after timber harvest for comparison to modeled stream flow, imagery of pools, stream widths, etc.; we can predict with a pretty high degree of confidence impact of timber harvest regimes on stream flows – this would ground truth the modeling and also make it much faster and more responsive.
- Signed purchase for 10 acres at mouth of Toboton Creek with a little cabin. The Salmon Recovery grant funding is hung up in the capital budget, so NLT is going to front the money from reserves.

Nisqually River Education Program – NREP started off the school year with a sprint. Sheila went to Boston for the NOAA Environmental Literacy Grant conference and met with 40 other grantees working on climate resiliency projects. 350-400 students (all of the 7th and 8th graders from Nisqually Middle School) came out for Nisqually Nearshore field trips out at Nisqually Reach Nature Center. Yesterday, Oct. 19, was Water Quality Monitoring Day, with 37 sites monitored by 46 teachers. Brandon prepared students with more than 20 classroom presentations. Some got to tour part of Kalama Creek Hatchery. Planting days at Middle Ohop (thanks to work of NLT to prepare the sites!) are coming up with school groups (11/7, 8, 9, and 14) and Stream Stewards/community planting event on 11/18. There will also be tree planting at JBLM with about 100 kids. If you're interested in volunteering with any of those events, let Sheila know.

Salmon Recovery – The 20th annual Nisqually Watershed Festival took place on September 30. It poured rain in the afternoon, but that didn't stop people from coming to the salmon barbecue. We sold out an unprecedented 200 meals in 2.5 hours. George Walter barbecues a mean salmon. There were lots of smiling children who didn't care that it's raining! Awesome day. Thanks to all the volunteers. We think about 800 people came, which is down from last several years, but considering the weather, not bad.

3. **LRI Muck Creek Suit** – *Katelyn Kinn, Puget Soundkeeper staff attorney*

Presentation: <https://www.slideshare.net/Nisqually/puget-soundkeeper-community-enforcement-to-protect-muck-creek>

- The federal Clean Water Act (CWA) gives general framework to keep waters swimmable, fishable, and safe for drinking.
- One of the tools is National Pollution Discharge Elimination permitting system. General prohibition of discharges from a point source without a permit. Usually requires permitted entity to take samples and test them to verify that pollution is controlled at proper levels. If that's not working, they have to take certain actions.
- EPA has the primary authority to write permits, and in states they can delegate to local authority (in Washington, it's the Department of Ecology). Ecology issues general permits for industrial and construction stormwater.

- Why is Puget Soundkeeper doing enforcement? The agencies (EPA or Ecology) has the first opportunity. Where they're not acting, CWA allows "any citizen to commence a civil action on his own behalf." This can include community groups. Community enforcement actions can call for remedies including both injunctive relief (on-the-ground improvements to correct the problem) and monetary civil penalties (high for CWA violations). If a civil penalty is awarded as part of a formal judgment, the money goes to the US Treasury. However, if the case is settled, the money can stay in the injured watershed for restoration, mitigation, water quality work.
- The facility in question in this case is Pierce County Recycling and Disposal, LLC (privately owned, not County), which does business as LRI and Waste Connections of WA. Katelyn visited the site last Friday. Industrial landfill managing both residential and industrial (auto shredder residue, construction, high in PCVs).
- Runoff from the landfill impacts Muck Creek (South Creek) and its fish runs: coastal cutthroat and steelhead trout, coho and chum salmon. There are also a lot of wetlands in the area (a mitigated wetland constructed next to site of current landfill).
- Puget Soundkeeper received an anonymous hotline tip from a local community member, which prompted them to go through agency records from WA Ecology and county health inspection reports. Found disturbing pattern over at least 5 years, consistently documented. Sampled runoff was exceeding levels allowed in permit for zinc, copper, other fluids. Repeated discharges of leachate comingling with stormwater and ending up in the creek, rather than going to a separate runoff treatment system as it's supposed to. Report said failures were "intentional and knowing," and LRI failed to self-report as required under permit. There are also concerns about their monitoring point being located too far from the facility.
- Photo from Ecology shows leachate gushing into stormwater runoff. Contact stormwater is more highly polluted, should have been handled differently. Pond photo shows highly contaminated water. 10 ppm copper will kill salmon other than chum, 5100 ppm in sample. As of May 2017, they are still documenting leachate seepage.
- The community lawsuit process starts with a letter from Puget Soundkeeper to the LRI and cc'd to EPA and WA Ecology, giving them 60 days notice to acknowledge problems and come into compliance. EPA/Ecology also has a chance to take over enforcement action within this window (they have not done so). If the corporation doesn't take corrective action within 60 days, Puget Soundkeeper files the complaint in the U.S. District Court of Western Washington.
- Questions and comments:
 - Did Ecology or LRI change the frequency of permit approval? Katelyn: might have been a different permit, probably not water.
 - Why didn't Ecology want to take this on? Katelyn: I'm disappointed, but lot of reasons. Limited resources is a big one. Political pressure is also a factor.
 - Before landfill was built, there was a long, very contentious discussion about whether this was the right place to put a landfill. Katelyn: We're digging into the history. Community members have offered a lot of helpful information.
 - David: The Tribe might be filing an amicus brief. We had a presentation from WDFW around elevated levels of PEDs in steelhead, highest levels in Puget Sound. Trying to identify the source, but this probably is it.

- When lawsuit is filed, what are we asking for? Katelyn: Injunctive relief is that they stop polluting. We'll hire experts to analyze what they propose.
- Who owns the landfill? Katelyn: It's a private corporation, part of a national conglomeration of waste management.
- If violations have been documented for the last 5 years, is that when Waste Connections took over from LeMay? Katelyn: we start at 5 years because that's the statute of limitations, but we do look into it longer to see what the pattern is.
- Next steps: fact gathering, visiting site, digging into documents, hiring experts. Will probably be in litigation for a period of time. If LRI comes back with a proposal, Puget Soundkeeper will involve the community in assessing it, and may request to come back to the NRC. Timeframe is hard to say: depends on LRI's reaction and how aggressive they want to be. Can't give much info at this point. Could take a couple of years, but hopefully not. EPA and Ecology have not gotten involved. Likelihood of going to trial is very slim – 180 cases over 3 years, only gone to trial once. Puget Soundkeeper only files cases where there are very clear violations so violator has a strong incentive to settle and keep any settlement money in the affected watershed.

4. JBLM Sustainability – *Cathy Hamilton-Wissmer, Sustainability Outreach Coordinator*
 Presentation: <https://www.slideshare.net/Nisqually/jblm-sustainability-overview>

- DOD's sustainability program has a triple bottom line: Compliance, Sustainability, Mission Support. JBLM is a leader in the DOD, and has been a pilot project site for numerous programs and initiatives. Especially as urban areas grow around JBLM, base leadership on sustainability helps address encroachment, create mutually beneficial relationship with community and enhance public perception of military as useful neighbor. Environmental Management System integrates environment into planning considerations for every function on installation.
- Net Zero Goals
 - Energy: Achieve a secured, renewable sourced energy installation by 2040.
 - Water: Achieve a secured, net zero water installation by 2020.
 - Product & Materials Management: Achieve a net zero waste installation by 2020.
- *Net Zero Air* – Alternative fuel stations for motorpool and GSA fuel use targets for non-tactical fleet (tactical vehicles are exempt from reporting requirements). Extensive on-base shuttle system free to DOD cardholders, bikeshare, vanpool for civilian employees, partnership with Kitsap, Thurston, and Pierce county transit systems helps reduce vehicle use.
- *Sustainable Forestry* – Certified as a well-managed forest by Forest Stewardship Council in 2002. For every mature tree harvested, 15 planted, 10k trees planted annually. Partial harvesting, variable density thinning, remove 10-20% of trees across all sizes. Minor species are left for structurally diverse forests.
- *Net Zero Energy* – Development is guided by 30-year sustainable communities plan. Building to LEED Gold standard, emphasizing more walkable neighborhoods.
- *Net Zero Waste* – JBLM has a very ambitious recycling program and sustainable acquisition policies targeting waste reduction. Each building on base is required to have one or more containers to capture all recyclables (wood, mixed, metal, etc). Two recycling centers on base capture additional items that can't go into home mixed recycling (books, batteries, electronics, cooking oil). Metal recycling sales fund

- morale programs and free transit systems. Significant problems with trash dumping on backroads training areas of the base. Greg Mason is the Illegal Dumping Investigator. Base visitors (horseback riders, etc.) are encouraged to report dumping to him at 253-377-4749. There are spring and fall cleanup efforts every year.
- *Earthworks* – The closed landfill site Earthworks is now a compost facility. Biosolids are land applied there to maintain cover. Working with WSU on a pilot project to use compost for cover on Eagles Pride golf course.
 - *Water resources* – Low impact development and onsite filtration for stormwater management, using to create wetlands. JBLM just took over management of a new wastewater treatment plant at Solo Point. Eliminating the Puget Sound discharge point was discussed a few years ago. Eventual goal is to try to take all of the effluent wastewater and use it for irrigation on base rather than sending it out to the Sound. The project is funding dependent. David: Tribe could probably help convince reps to move on this – strong interest in getting discharge out of there for shellfish.
 - *Habitat restoration* – Amber discussed at Sept. NRC meeting: controlled burns on native prairies and ongoing restoration work to enhance habitat for rare species.
 - *Cultural resources* – The Department of Public Works manages 400 historic buildings and 391 archaeological sites, working in consultation with Nisqually, Puyallup, Squaxin Island, Yakama, and other tribes.

5. For the Good of the Order

- Howard: Thurston RFP for expert to analyze recycle asphalt policies has received no response. Open until 11/7. Reissued a simplified RFP.
- René: We are ramping up marine shoreline education and restoration program with Thurston Conservation District. Education and technical assistance for marine shoreline owners to replace bulkheads with natural shorelines. 50 shoreline owners participated in a boat tour of the area last weekend. Actively seeking funding to assist residences in bulkhead removals.
- Emergency Services Thurston County: working on Flood Hazard Maps, surveying properties around Nisqually between October and January.
- Amber: Public meeting about Eurasian Milfoil issue in American lakes. 10/26, 6:30, Tillicum Elementary School.
- David: learned from JT Wilcox that McKenna is Pierce County's 3rd highest per capita income, behind Gig Harbor and Steilacoom.
- David: report on current status of southern resident killer whale population is not looking good. They feed primarily on Chinook. All of the calves born in the last two years have starved and died. Currently 76 members; if it drops below 70, population may not be able to recover. Governor Inslee is organizing a task force to propose quick actions to improve conditions (prey availability, toxicity are key issues). NRC will probably be involved at some level. We almost have 70,000 surplus hatchery Chinook, so there must be some timing or stock issue, but they're in desperate need of intervention. Lots of press coverage coming in next weeks/months. May be an opportunity to forward some salmon recovery stuff. Dealing with I-5 crossing at the Nisqually delta will be an issue – it's a \$900m project, and if there's going to be a big response around killer whales, that could generate momentum behind a bridge.

6. Adjourn

The meeting was adjourned at 11:32 am.

Next Meeting: Friday, November 17th, 2017
NWSP Topic: Sustainable Resource Use