Meeting Minutes
Nisqually River Council Meeting
June 21, 2019
Ashford Fire Hall
Information: 360.438.8715

Attendees:

Council Members:

Dan Calvert – Puget Sound Partnership
Gary Stamper – Lewis County

Citizens Advisory Committee Members:

Phyllis Farrell
Ed Kenney
Robert Smith
Marjorie Smith

Guests:

Roger Andrascik – NLT/NSS
Brad Beach – Nisqually Indian Tribe
Michelle Brigham – Preserve the Commons
Chris Ellings – Nisqually Indian Tribe
Liz D'Arcy – JBLM ITAM
Allie Denzler – JBLM ITAM
Cathy Hamilton-Wissmer - JBLM
Sally Jones – JBLM ITAM
Joe Kalama – Nisqually Indian Tribe
Becky Kowalski - JBLM
Matt Sehrsweeney – Univ. of Michigan
Etsuko Reistroffer – NLT/NSS
Jim Reistroffer – NLT/NSS
Maya Teeple – Thurston County
Ashley Von Essen – Nisqually Indian Tribe

Staff:

Justin Hall – Nisqually River Foundation
Joe Kane – Nisqually Land Trust
Emily McCartan – Nisqually River Fdn
Chrissy Webb – Nisqually River Foundation
Sheila Wilson – Nisqually River Foundation

1. **Call to Order, Introductions, Approval of Minutes and Agenda**
   Phyllis called the meeting to order at 9:06am. Minutes from the May meeting were approved, as was the agenda for the day.

2. **Committee Reports and Updates**
   Advisory Committee Reports:
   Citizens Advisory Committee – Phyllis Farrell
   The CAC met on Tuesday. Matt Sehrsweeney discussed his research project on climate change planning. The CAC continues to follow biosolids in Yelm, the WRIA 11 Planning Unit, and Nisqually Subarea planning.

   Michelle Brigham with Preserve the Commons provided an update on the Yelm biosolids application. After public activism by Preserve the Commons and others, the timber company which owns the property withdrew their consent for biosolids application on the site. Commissioner Edwards had also expressed concerns. Ecology staff had indicated that they

have halted their review because the landowner had withdrawn consent for the application, but it could begin again if consent is renewed. Preserve the Commons will continue to monitor the status.

Chair Report
David is absent from today's meeting. He is initiating a working group to address Japanese knotweed infestations in the upper watershed, including at Alder Lake, which will be seeking participation from member organizations.

Staff Report – Emily McCartan
The NRC Annual Retreat will be on August 16, at Anderson Island. Emily is finalizing the report on the Nisqually Watershed Stewardship Plan to deliver at that meeting and work on setting upcoming priorities.

The WRIA 11 Planning Unit will continue to meet (less frequently) as it moves into implementation efforts for streamflow restoration projects. Efforts are focused on getting projects grant-ready for the next grant round (early 2020), but the lack of funding from the state is a challenge for all participating entities.

USGS is putting together a workshop this summer on Delta Ecosystem Services assessment for the Nisqually Estuary, working with the Refuge, the Tribe, and other stakeholders including NRC members. Chris is a co-author on the project and can be a contact for more information.

Thurston County Subarea Plan Update – Maya Teeple
The Board of County Commissioners voted 2-1 for a stakeholder (not advisory) group to provide community input on the Nisqually Subarea Plan. The stakeholder group is a non-binding entity in the process. The Subarea Plan's deadline is currently postponed, with several other components of the Comprehensive Plan, due to staffing shortages. Community members including Emily and Howard attended the public informational meeting with the consultant on the Recycled Asphalt literature review. Questions and comments will be summarized online. The literature review found there is the potential for leaching, highly variable depending on the type of asphalt and conditions. Next steps are to study best management practices that could mitigate leaching and other considerations, including water quality, rural character, and transportation impacts. RAP is not expected to go to Commissioners for decision until 2020.

Allied Program Reports:
Nisqually Land Trust – Joe Kane
NLT staff attended the Regional Land Trust meeting last week. Several active transactions are in process in the Ohop Valley and elsewhere. Many of these transactions are the result of NLT's success with receiving acquisition grants, but there are still challenges with aligning properties moving at a rapid market speed with the slower speed of government/conservation funding.

Nisqually River Education Project – Sheila Wilson
NREP has held 13 Eye On Nature field trips with 645 total students from Nisqually and Chehalis basins. Lots of volunteer participation made the student-adult ratio very low. 402 students have come to Nearshore trips studying ocean acidification through NOAA grant – most have never been on a Puget Sound beach before. Invasives removal field trips with Nisqually Land Trust, funded by NIT Salmon Recovery. Summer Institute for Teachers is next week, on the theme of climate change and endangered species, with 58 teachers registered. There is still time to register for Stream Stewards, starting July 11. NREP received the next round of funding through the NOAA BWET program (on ocean acidification) and received state ALEA funding for next several years of plantings with NLT. Waiting to hear back about state No Child Left Inside Grant, which would fund work with Nisqually/Tribal youth. NREP is also working to reengage with Yelm schools, potentially through after-school clubs. Members present noted the importance of education work, and the role that young people play in bringing environmental messages to their parents.

Nisqually River Foundation and Community Forest – Justin Hall
The Foundation is preparing for its Evans Event fundraiser on September 4th. Save The Dates have been emailed to NRC and others. Justin is working with the WRIA 11 Planning Unit and on contracting/grants management tasks.

The Community Forest hosted a Northwest Community Forest Coalition field tour last week with 55 attendees from Oregon and Washington. A planned legislative field tour was cancelled due to weather, but plan to reschedule it. The NWCFC hopes to build support for the bill to create a statewide community forest acquisition mechanism next session.

Salmon Recovery Program – Ashley Von Essen and Chris Ellings
Ashley led SRFB sites visits with technical committee members and project partners to the 5 projects proposed for the 2019 grant round. The ranked list will be done on July 10, with follow-up presentation to the NRC in July. There are concerns about finding new, ongoing funding sources for continued knotweed control. SRFB funding has supported 10 years of work, but there are still infestations in the upper watershed that could recolonize areas that have already been restored, and need to be addressed on a long-term basis. Final estimates of steelhead returns from WDFW and NIT spawning surveys should be available soon – looks like about 2,000 fish, similar to last year. Installing an adult camera trap at the Centralia fish ladder next year will help get more precise counts in the future.

A report via WDFW on flame retardants (PBDEs) in Nisqually salmonids should be available this summer. It is part of an ongoing multi-year Salish Sea marine survival project. Data is still being analyzed. The hope is it will indicate locations for more in-depth assessment to identify sources and actions. Flame retardants are in consumer products (couches, clothing) that pass through our bodies and into wastewater systems – small wastewater treatment outfalls seem to be one relatively common source, among others potentially contributing to Nisqually levels.

3. **Muck Creek LRI Lawsuit Update**
Katelyn Kinn, Puget Soundkeeper
Katelyn last presented to the NRC about 18 months ago. Puget Soundkeeper is a grassroots non-profit focused on protecting water quality in Puget Sound and its tributaries (part of global Waterkeeper Alliance). The Clean Water Act is foundational federal law for water protection, with permits granted under National Pollution Discharge Elimination System (NPDES). In Washington, authority is delegated to the state Department of Ecology. Citizens and groups like Puget Soundkeeper can file lawsuits to enforce permits in cases of violations.

LRI operates a 320-acre landfill in Graham on Muck Creek. It was built on 21.6 acres of wetland, so they were required to construct 85 acres of new wetland as mitigation. The wetland area discharges to Muck Creek. The landfill is constructed in cells, which are lined, filled, and then sealed one at a time (working face is the currently exposed area where trash is actively deposited). Liquid waste systems are regulated by type (stormwater on covered areas is regulated differently than contact stormwater which hits the working face of the landfill, wastewater, and leachate). Leachate is the industrial fluid produced at a landfill, and isn't permitted for onsite discharge to the wetland – it is supposed to be collected and trucked offsite for disposal. Improper leachate discharge is the basis for the current lawsuit, filed in federal court in 2017. Soundkeeper's investigation started with an anonymous report, and found a decade of violations documented at Ecology and Pierce Dept. of Health. Photos show contact stormwater washing over tarps and mixing leachate with stormwater discharged to the wetlands/creek. Also found leachate seeps where seal is failing and allowing leachate into stormwater ditches. LRI had been sampling wastewater only where the wetland discharges into the creek, where it's more dilute, but the law requires them to sample where the landfill's stormwater pond discharges to the wetland. Aerial photos over 15 years shows cloudiness, turbidity in wetland that appears to match the turbidity in the stormwater pond. Tested turbidity levels from their diluted samples are still regularly exceeding allowed turbidity levels (actual discharge measured at the correct site would likely be much higher).

Developments since the lawsuit was filed: In May/June 2018, there was a series of leachate seeps due to failure of liner welds. Had to do remediation until the soil tested clean. In fall 2018, LRI reached out to Ecology to seek advice and guidance and filed for a stay, which delays the lawsuit, but is a positive step toward fixing the problem. Ecology has confirmed the wetland is a Water of the US, not a treatment system, and entered into an agreed order with LRI in April 2019 requiring them to change the sampling point and evaluate the stormwater pond and leachate controls. Soundkeeper collected their own samples in March 2019 (after receiving a court order to compel reentry after LRI's initial refusal), which were fortunately less contaminated as they feared. Cleaner water could be because of the time of year (pond and wetland were very full), and/or because LRI may have internally begun improving their practices. Ecology's engineering report in May 2019 requires a new advanced stormwater treatment system by December 2019.

Currently, waiting for court to decide schedule as the stay is lifted. Soundkeeper is hoping to pursue additional data collection as evidence. Resolution should be repayment to community for mitigation of the water pollution. Soundkeeper's goal is to dissuade the facility from

future violations and restore the costs that have been externalized onto the community through these violations.

Questions:

- Will the recent federal undermining of Clean Water Act protections for offchannel areas affect this case? - Probably won't be finalized in time to impact this case, but it could affect similar cases in the future. Ephemeral or seasonal streams might lose CWA protections.
- Will you able to capture first "fall flush" of discharge when most pollution is present? - LRI is legally required to sample – now from the actual discharge site – at that time. Hopefully the treatment system will be in and data won't show problems, but will have assurance.
- Is there access to groundwater sampling around the area? - Yes, and groundwater data does not show major problems. Haven't looked at records from other area landfills.
- When is this site expected to reach capacity? - Not sure. Will follow up.

4. AmeriCorps Year In Review

Chrissy Webb, Nisqually River Foundation Washington Service Corps Member

Chrissy served with NREP through Washington Service Corps this year. One of her main reflections on the year was the sense of place she developed working, living, and recreating in the Nisqually Watershed, and how that carried over into sharing with students and community groups. Leading many different types of field trips gave her the opportunity to build science communication skills in different contexts (water quality monitoring required precise direction-following, tree-planting is more open-ended). In tree planting, saw a difference between students from different areas (Lacey vs. Eatonville) and their comfort level digging in the dirt. Middle school quote: "I learned some real life skills. I helped the environment, and I had fun." Students knew a surprising amount about salmon and got to interact with them very personally in salmon tossing. Lots of connections between personal and professional life – hiking along the Mashel River, getting hooked on identifying plants from Eye On Nature field trips at the Refuge. Strong relationships was also a theme – blown away by volunteer support, enjoyed learning with Foundation staff, and building relationships with students over the course of the year.

Chrissy also developed new skill sets beyond her background in ecology, working on program administration, grant writing, and education. She wrote this year's ALEA grant, which was funded, and helped develop new CLAMSS field trips on marine biology and work on teacher professional development. Chrissy and Emily attended the NOAA Environmental Literacy Grantee Conference in Washington, DC in April, a chance to collaborate with big institutions and small grassroots organizations from around the country, all working toward a common goal of teaching people about climate change and empowering action. There was a lot of discussion on environmental justice, although almost all of the participants were white. It became a theme of the conference to try to be more diverse and inclusive in environmental work.

Chrissy is going to Alaska this summer to research chum salmon with the Sitka Sound Science Center in Juneau.

6. **Nisqually Community Forest**

Justin Hall, Nisqually River Foundation/Nisqually Community Forest

The Nisqually Community Forest (NCF) now manages 1,920 acres (3 sections). There is funding for more, waiting for the right seller. The Land Trust currently owns the land, and it will be transferred over to the NCF sometime this year. The property is in the south fork of upper Busy Wild Creek, a tributary to the Mashel River. NLT owns three sections south of the NCF, purchased as part of the Microsoft carbon project.

Impetus behind the NCF has been around salmon recovery, because the best way to change management practices is to own the land and the trees. Goals are different than industrial commercial forest – don't need to maximize profits for investors, need to maximize salmon returns, recreation opportunities, or habitat, as decided by community ownership. The Busy Wild watershed was first harvested in the 1930s-40s. Second growth was mostly natural, some planting. Getting ready for harvest of the second growth. The area is relatively unstable, unconsolidated soils, so earlier clearcutting generated a ton of sediment that is still making its way through the system. Want to be careful about not impact salmon by increasing sediment flows as we harvest, even under current Fish & Forest rules. Purchased first two and a half sections with PSAR, WWRP, PCF, UW funds. NLT took a commercial loan in order to purchase the last piece on the necessary timeline, and the loan was just retired with a SRFB grant plus the recent Puget Sound Energy grant. Harvest by thinning (from "below", taking smaller/less healthy trees to improve the overall health of the stand), on a cycling basis. Thinning creates small openings for small trees to come back so there are always a variety of ages and species in the stands. Modeling done with EPA at OSU (Visualizing Ecosystem Land Management Assets - VELMA) shows that large clearcuts creates flashiness, flooding and erosion problems. After replanting, trees pull water during their early rapid growth, so replanting a large area all at once has a measurable lowering effect on streamflow. The Mashel at its mouth in August flows at just 2-3 cubic feet/second. Increasing the average age of the trees in the upper Mashel (including the Busy Wild) to 80 years, rather than harvesting at 40, would contribute 6-8 additional cfs. More flow would create more spawning areas for steelhead and Chinook.

The meeting was adjourned at 11:00, with interested members joining a field tour of the Community Forest property.

Next meeting:
Friday, July 19, 2019
Billy Frank Jr. Nisqually National Wildlife Refuge