



# REGULATORY TASK FORCE ISSUE PAPERS

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ISSUE PAPER 2. CLARIFY WHEN ARTIFICIAL CHANNELS NEED A PERMIT

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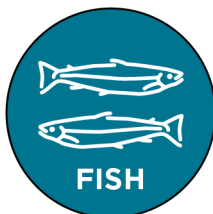
ISSUE PAPER 11. ON-SITE MITIGATION

ISSUE PAPER 12. EVALUATION OF THE EFFECT OF TREE PLANTING ON ZERO RISE

ISSUE PAPER 13. TURBIDITY STANDARD

ISSUE PAPER 14. ADDITIONAL FLEXIBILITY IN ZERO RISE THRESHOLD

Priority Topic	<i>Alluvial Fan Management Options</i>
<b>RTF Meeting Date(s)</b>	<ul style="list-style-type: none"> <li>• March 2019: Discuss code amendments, management considerations, and recommendations</li> <li>• September 2019: Updates for October IOC meeting</li> <li>• October 2019: Updates for October IOC meeting</li> <li>• September 2020: Discuss WLRD Alluvial Fan report</li> </ul>
<b>IOC Transmittal Date</b>	October 2020: Topic presented to IOC
<b>Problem Statement</b>	Alluvial fans are not defined in King County Code. Regulated as aquatic areas. Active sediment management is not allowed on these features to mitigate impacts.
<b>Main Points of Discussion</b>	<p>WLRD Geologist Todd Hurley described the natural processes involved in Alluvial Fan formation and the land management consequences (ppt. available upon request).</p> <p>WLRD Engineer Lou Beck reviewed the potential engineering solutions to Alluvial Fan deposition on agricultural lands (ppt. available on request).</p> <p>DLS-PD Governmental Affairs Manager Christine Jensen described the requirements of the Alluvial Fan Ordinance and reviewed the process for initiating a suggested code change through adoption by Council (handout available on request).</p>
<b>Desired Outcome</b>	Establish permitting pathway for drainage work in alluvial fans
<b>Recommendation/Finding</b>	The Stormwater Services team in WLRD authored a report on the findings from pilot projects on alluvial fans. The report has been delivered to Council.
<b>IOC Action(s)</b>	Updated on progress (October 2020)
<b>Follow Up Actions</b>	<p>WLRD will present findings of the Alluvial Fan Report to the IOC in early 2021</p> <p>Finding a permitting pathway for drainage work in alluvial fans will be taken up by the Integrated Drainage Program</p>
<b>Estimated Completion</b>	End of 2021





<b>Priority Topic</b>	<i>Clarify when Artificial Channels Need a Permit</i>
<b>RTF Meeting Date(s)</b>	<ul style="list-style-type: none"> <li>• March 2018: Issue introduced</li> <li>• April 2018: Review issue paper</li> <li>• May 2018: Review issue paper and develop recommendations</li> <li>• June 2018: Finalize recommendation and transmits</li> </ul>
<b>IOC Transmittal Date</b>	August 2018
<b>Problem Statement</b>	Farmers in the Snoqualmie Valley have received conflicting advice on permitting requirements for maintenance work in Artificial Agriculture Waterways.
<b>Main Points of Discussion</b>	<p>Maintenance of artificial channels within the 100-yr floodplain of the Snoqualmie Valley involves:</p> <ul style="list-style-type: none"> <li>• Obtaining a farm plan from KCD.</li> <li>• Enrolling in the ADAP program. In the Snoqualmie Valley, King County Code states that if salmon are present, artificial channel maintenance must be done through ADAP, and by public rule, all channels, including artificial channels, within the 100-yr floodplain are presumed to be salmon bearing.</li> </ul>
<b>Desired Outcome</b>	Clear, concise guidance for working in artificial channels and identifying permit process improvements should result in increased drainage maintenance work.
<b>Recommendation/Finding</b>	The FFF IOC should support the development of a modified Farm Plan specific to ag drainage work as part of the planned update to the Farm Plan public rule.
<b>IOC Action(s)</b>	Approved recommendation at August 2018 meeting
<b>Follow Up Actions</b>	Obtain concurrence memo from Permitting agreeing with the Task Force findings No Further action on Farm Plan public rule as PAO determined that update of rule is not required. The recommended changes can be done through an administrative action as part of the integrated drainage program
<b>Estimated Completion</b>	Concurrence obtained 1 <sup>st</sup> qtr. 2021



<b>Priority Topic</b>	<i>Beaver Dam Management</i>
<b>RTF Meeting Date(s)</b>	<ul style="list-style-type: none"> <li>December 2018: Present current efforts, identify focus for RTF, discuss next steps</li> <li>March 2019: Proposed RTF recommendation</li> <li>September 2019: Developed recommendation</li> <li>October 2019: Approved transmittal for October IOC meeting</li> <li>September 2020: Beaver Working Group updates</li> </ul>
<b>IOC Transmittal Date</b>	October 2019: Findings were presented to IOC
<b>Problem Statement</b>	Specific regulations for beaver dam management are not defined in King County Code and the allowed management actions specific to beavers are not identified. Permit requirements variable depending on the potential Critical Area impacts of removing or modifying a beaver dam.
<b>Main Points of Discussion</b>	The code changes suggested by the King County Beaver Working Group will be further developed by the King County Permitting Division. Options for managing beaver dams were presented by J. Vanderhoof with King County and Molly Alves of the Tulalip tribes.
<b>Desired Outcome</b>	Establish systematic permitting pathway for managing beaver dams
<b>Recommendation/Finding</b>	The Beaver Working Group is developing Best Management Practices to manage beaver dams and will seek permitting improvements with Permitting Division and code changes relevant to county and landowner beaver dam management.
<b>IOC Action(s)</b>	Updated on progress (October 2019)
<b>Follow Up Actions</b>	The permitting requirements along with necessary code revisions will be developed as part of the Integrated Drainage Program being established in WLRD with Permitting Division support.
<b>Estimated Completion</b>	In progress – King County Beaver Working Group collaborating with Permitting Division on developing permitting options and process. Code language to be drafted over 2021 as part of the Integrated Drainage Program .





<b>Priority Topic</b>	<i>Bypass requirements for small waterways</i>
<b>RTF Meeting Date(s)</b>	<ul style="list-style-type: none"> <li>• May 2018: Developed problem statement</li> <li>• June 2018: Reviewed issue paper and developed recommendations</li> <li>• August 2018: Discussion of IOC presentation</li> </ul>
<b>IOC Transmittal Date</b>	August 2018: Findings were presented to IOC
<b>Problem Statement</b>	The Agricultural Drainage Assistance Program (ADAP) requires efficient and effective methods to remove water and fish from project areas. There should be a review of available methods, the associated costs and operational capacity and the resource impacts; both to fish and water quality.
<b>Main Points of Discussion</b>	<p>The FFF Agreement calls for Stormwater Services to expand services to include larger waterways than currently undertaken by the ADAP. Some participants believed the capacity limitations of a 4" pump imposed an unmanageable upper size limit on the modified waterways that could be dredged.</p> <p>The extent/scope of future ADAP projects will require revisions to the ADAP interlocal agreement with WA Dept. of Fish&amp; Wildlife to allow a change. The Regulatory Task Force considered what criteria are suitable to allow for efficient implementation while meeting the environmental and regulatory requirements of an expanded program.</p>
<b>Desired Outcome</b>	Verification that current Best Management Practices are the most effective
<b>Recommendation/Finding</b>	The Bypass Priority Issue presents several opportunities for process improvement. As of 2019, water quality parameters (temperature and dissolved oxygen) are measured at both the project site and the receiving waters to ensure fish are released into areas of equal or better water quality.
<b>IOC Action(s)</b>	Approved finding
<b>Follow Up Actions</b>	The water quality assessment is an ongoing part of the ADAP operating procedures moving forward



<b>Priority Topic</b>	<i>Comprehensive Drainage: Maintenance of larger waterways, replacing failing flap/floodgates, new drain tiles and other drainage issues identified in FFF 1.0</i>
<b>RTF Meeting Date(s)</b>	<ul style="list-style-type: none"> <li>• March 2019: Introduction to topic</li> <li>• April 2019: Presentation by Subject Matter Experts and discussion</li> <li>• September 2019: Discussed fit with sub-basin planning, recommendations to IOC</li> <li>• October 2019: Approved transmittal package for October IOC meeting</li> <li>• December 2019: Reviewed scope and regulations, discuss possible recommendations</li> <li>• September 2020: Update on proposal now being reviewed by WLRD management</li> </ul>
<b>IOC Transmittal Date</b>	<ul style="list-style-type: none"> <li>• October 2019: Progress presented to IOC</li> <li>• October 2020: Recommendations delivered to IOC</li> </ul>
<b>Problem Statement</b>	A comprehensive drainage program includes many different systems, regulations, and collaborators. A detailed review of maintenance work for drainage infrastructure is needed to develop BMPs and better understand regulatory requirements. The request is to address permitting barriers and develop pathways to make drainage cheaper and easier.
<b>Topics Presented</b>	Comprehensive Drainage Assistance Program presentation included information about RTF priority issues, collaborator roles, ADAP, drainage infrastructure, regulatory requirements, and intended deliverables.
<b>Desired Outcome</b>	Expanded drainage services that meet the requests of FFF 1.0.
<b>Recommendation/ Finding</b>	WLRD staff is tasked with drafting a Comprehensive Agricultural Drainage Assistance Program proposal, which includes collaborative work within WLRD and between WLRD & WID. Initial conversations have been started with WDFW Region 4 to understand fit with existing ADAP agreement.
<b>IOC Action(s)</b>	Included request for resourcing the development of a comprehensive program-now termed <i>Integrated Drainage Program</i> in the IOC letter to the Executive.
<b>Follow Up Actions</b>	Comprehensive Agricultural Drainage Assistance Program is under development. Implementation anticipated in 2021; Associated pilot projects are also being implemented.
<b>Estimated Completion</b>	End of 2021





Priority Topic	<i>Cultural Resources</i>
<b>RTF Meeting Date(s)</b>	<ul style="list-style-type: none"> <li>February 2020: DNRP Archeologist presented the requirements for Cultural Resources review. A team discussion followed, and recommendations were drafted</li> <li>September 2020: Reviewed, revised and approved recommendations for October IOC meeting</li> </ul>
<b>IOC Transmittal Date</b>	October 2020: Findings presented to IOC
<b>Problem Statement</b>	There was a perception that for agricultural projects that involve King County, such as ADAP, substantial project funds go to the cultural resources review rather than construction. This limits the extent, and presumably the effectiveness, of a project.
<b>Main Points of Discussion</b>	<p>King County internal policy on cultural resources was presented and discussed. Tribal perspectives on cultural resources was presented and discussed.</p> <p>Horticultural practices on private lands are generally not subject to cultural resource reviews. A review of data suggests that the maximum costs are less than \$10,000 per project with a median cost of ~\$1000/project.</p>
<b>Desired Outcome</b>	Understand requirements and costs for reviewing cultural resources
<b>Recommendation/ Finding</b>	The RTF decided that the costs and scheduling of the review can be addressed through effective Project Management on each individual project. The cost of cultural resources is not a significant barrier to getting projects done.
<b>IOC Action(s)</b>	Topic presented at October 2020 meeting
<b>Follow Up Actions</b>	No further actions needed



<b>Priority Topic</b>	<i>De-fishing requirements and methods for ADAP</i>
<b>RTF Meeting Date(s)</b>	<ul style="list-style-type: none"> <li>• May 2018: Developed problem statement</li> <li>• June 2018: Reviewed issue paper, discussed with SME's and developed recommendations</li> <li>• August 2018: Discussion of IOC presentation</li> </ul>
<b>IOC Transmittal Date</b>	August 2018: Findings were presented to IOC
<b>Problem Statement</b>	The ADAP requires efficient and effective methods to remove fish from project areas prior to dredging artificial channels. There is a lack of understanding regarding the effectiveness of various de-fishing methods, the associated costs and operational capacity and the resource impacts; both to fish and water quality.
<b>Main Points of Discussion</b>	The team reviewed data on the efficacy and associated mortality of moving fish out of project areas. The Snoqualmie WID has become a valuable collaborator in the ADAP and now has the capacity (a staff biologist, minnow traps and backpack electro-fisher) to assist in de-fishing drainage project sites. How community partners may be integrated into the ADAP workflow should be explored.
<b>Desired Outcome</b>	Effective fish removal process that limits stressors on fish
<b>Recommendation/Finding</b>	No recommendations were forwarded to IOC as the existing process appeared effective. However, in consultation with WDFW and the Co-Managers, water quality measurements are now used to identify captured fish release points (See Bypass Issue Paper #4)
<b>IOC Action(s)</b>	Approved finding
<b>Follow Up Actions</b>	Revised processes in consultation with WA Dept. of Fish & Wildlife and Tribal co-managers
<b>Estimated Completion</b>	Improvements accomplished by King County staff in Spring 2019 and implemented over the 2019 construction season. Now a standard operating procedure



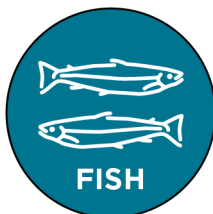


<b>Priority Topic</b>	<i>Endangered Species Act (ESA) incidental take coverage</i>
<b>RTF Meeting Date(s)</b>	<ul style="list-style-type: none"> <li>• May 2018: Developed problem statement</li> <li>• June 2018: Reviewed issue paper and developed recommendations</li> </ul>
<b>IOC Transmittal Date</b>	August 2018: Recommendations presented to IOC
<b>Problem Statement</b>	The risk of ESA take for Puget Sound Chinook and Steelhead posed by the ADAP waterway maintenance is not well understood. Pathways of obtaining coverage need to be explored.
<b>Discussion</b>	<p>An evaluation of the ESA risk profile includes the likelihood that a listed species will be encountered. If King County expands Agricultural Drainage Assistance Program (ADAP) to larger tributaries it is logical to assume the likelihood of encountering Chinook salmon will increase. King County should consider consultation with the NOAA Regional office for an opinion on different approaches for coverage.</p> <p>The risk of a third-party lawsuit cannot be overlooked. Open communication about the BMPs in-place, the impacts on listed fish populations and a demonstrated willingness to adjust processes should reduce the possibility of such a suit.</p>
<b>Desired Outcome</b>	ESA Incidental “take” coverage for ADAP
<b>Recommendation/ Finding</b>	King County DNRP should initiate consultation with the federal Services to obtain Incidental Take coverage for the ADAP. The agreement would cover currently ESA listed salmonids (Chinook, Steelhead) as well as salmon species that may be listed in the future (Chum, Coho).
<b>IOC Action(s)</b>	Approved recommendation
<b>Follow Up Actions</b>	WLRD staff currently working with National Marine Fisheries Service to develop a Safe Harbor Agreement
<b>Estimated Completion</b>	Negotiations and approval a 2-year process. Goal is completion by end of 2022



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<b>Priority Topic</b>	<i>Ongoing program to assist with non-fill options to provide for flood safety</i>
<b>RTF Meeting Date(s)</b>	<ul style="list-style-type: none"> <li>December 2020: Discussed the issue</li> <li>September 2020: Reviewed transmittal letter to IOC</li> </ul>
<b>IOC Transmittal Date</b>	10/7/2020 This effort is better addressed by the Ag Strategic Plan task force
<b>Problem Statement</b>	Flood risk reduction is critical in the Snoqualmie Valley. Non-fill options are an alternative to farm pads to provide flood refugia while minimizing displacement of flood waters
<b>Discussion</b>	The task force decided that that the Ag Strategic Plan Task Force was the appropriate body to move this work forward.
<b>Desired Outcome</b>	Identify alternatives to farm pads
<b>Recommendation/Finding</b>	The Ag Strategic Plan Task Force will include examination of non-fill options for flood risk reduction as part of their scope of work.
<b>IOC Action(s)</b>	Agreed with recommendation
<b>Follow Up Actions</b>	Agriculture Strategic Plan Task Force to take up issue
<b>Estimated Completion</b>	TBD



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<b>Priority Topic</b>	<i>Off-site Mitigation (including area wide mitigation)</i>
<b>RTF Meeting Date(s)</b>	<ul style="list-style-type: none"> <li>July 2019: Discussion of off-site mitigation/basin planning</li> <li>September 2020: Reviewed, revised and approved recommendations for October IOC meeting</li> </ul>
<b>IOC Transmittal Date</b>	October 2020: Recommendations presented to IOC
<b>Problem Statement</b>	Mitigating for project impacts on lands not on the project site requires multi-agency and landowner agreements. Substantial time and expertise are involved in developing mitigation instruments, ratios and conservation easements.
<b>Main Points of Discussion</b>	Off-site mitigation is a component of the soon to be developed Watershed Improvement District Drainage and Conservation plans. Current ADAP protocols allow for some planting site flexibility on the same or an adjacent parcel along the same waterway
<b>Desired Outcome</b>	Understand requirement for off-site mitigation and develop recommendations for how such a program would be developed
<b>Recommendation/ Finding</b>	Form an ad hoc work group of Subject Matter Experts to conduct a needs assessment and cost-benefit analysis of developing a program for off-site mitigation for agricultural projects (both project-specific and mitigation bank options).
<b>IOC Action(s)</b>	Requested the Executive to direct the creation of ad hoc work group to examine the issue in more detail and develop a strategy
<b>Follow Up Actions</b>	Create and fund an issue specific ad hoc workgroup. The scope of work is being drafted by WLRD staff.
<b>Estimated Completion</b>	End of 2022



<b>Priority Topic</b>	<i>On-site Mitigation: Advance mitigation, Multi-year permitting HPA, Ability to redo maintenance in the future</i>
<b>RTF Meeting Date(s)</b>	<ul style="list-style-type: none"> <li>• August 2018: Introduced priority issue, developed problem statement, discussed scope</li> <li>• November 2018: Review issue paper</li> <li>• December 2018: Develop recommendations</li> <li>• April 2019: Understand options, presentation, discussion</li> <li>• July 2019: Discuss findings for IOC transmittal</li> <li>• September 2019: Discuss IOC transmittal package for October meeting</li> <li>• October 2019: Approved revisions - transmittal package for October IOC meeting</li> </ul>
<b>IOC Transmittal Date</b>	October 2019: Recommendations presented to IOC
<b>Problem Statement</b>	Regulatory clarification is needed for on-site mitigation. Permit processes are difficult to navigate and because mitigation guidance does not account for specific situations, there is considerable uncertainty as to what activities are allowed and what permits are required.
<b>Main Points of Discussion</b>	A “brainstorming session” with WA Dept. of Fish & Wildlife and King County Permitting Division staff provided a rough outline for examining the issue. Discussions included defining mitigation, water quality considerations, ADAP, and surface water management. Specific items that were clarified through the discussion and follow up study included agricultural drainage definitions, buffer requirements needed for recurrent maintenance at short intervals, and strategies for on-site mitigation actions. These finding are vetted with Permitting Division.
<b>Desired Outcome</b>	Clarify regulatory requirements for on-site mitigation, specifically the ability to redo maintenance in the future.
<b>Recommendation/ Finding</b>	The buffer and permitting requirements for mitigation of a sediment management project will be presented in Farm Practices Illustrated, a public-facing regulatory guidance bulletin being developed by DNRP and partners.
<b>IOC Action(s)</b>	Approved of the process
<b>Follow Up Actions</b>	Awaiting Permitting Division Concurrence-anticipated completion early Q1 2021
<b>Estimated Completion</b>	Farm Practices Illustrated bulletin estimated completion in 2 <sup>nd</sup> quarter 2021



<b>Priority Topic</b>	<i>Evaluation of the effect of tree planting on zero rise</i>
<b>RTF Meeting Date(s)</b>	<ul style="list-style-type: none"> <li>February 2020: Discussed issue</li> <li>September 2020: Review, revised, and approved recommendations</li> </ul>
<b>IOC Transmittal Date</b>	October 2020
<b>Problem Statement</b>	Last year, the RTF drafted a letter on behalf of the Flood Caucus to the IOC supporting development of a 2D Hydraulic Model. It is not clear if the 2D model would be suitable for a tree planting-flood elevation analysis, so a first step would be to complete a literature review
<b>Discussion</b>	RTF decided that a first step of any assessment would be a comprehensive literature review on parameters that influenced flood elevation.
<b>Desired Outcome</b>	Understand the effects of tree planting of flood elevations
<b>Recommendation/Finding</b>	Form an ad hoc group to evaluate the literature review and determine suitable methods for completing such an investigation.
<b>IOC Action(s)</b>	Agreed to support a study to examine the issue, beginning with a literature review.
<b>Follow Up Actions</b>	Obtain funding for the literature review. Develop scope of work and RFP. Identify Project Manager.
<b>Estimated Completion</b>	TBD



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<b>Priority Topic</b>	<i>Additional flexibility in zero rise threshold</i>
<b>RTF Meeting Date(s)</b>	February 2020
<b>IOC Transmittal Date</b>	September 2020
<b>Problem Statement</b>	It is unclear if there is flexibility in applying the King County zero-rise threshold. RTF seeks to understand if there are opportunities to revise the threshold.
<b>Main Point of Discussion</b>	Received a briefing from River and Floodplain Management staff. Given the limited ability of the task force to influence this issue because zero rise is not only a King County regulation but also a federal regulation, it was decided to drop this Priority Topic.
<b>Desired Outcome</b>	Understand opportunities to revise threshold
<b>Recommendation/Finding</b>	This is a component of the National Flood Insurance Program rating system. The RTF decided that given the complex relationship with local and Federal code, no action was appropriate.
<b>IOC Action(s)</b>	Briefing received at October 2020 meeting
<b>Follow Up Actions</b>	The IOC and WLRD FFF team will continue to monitor the issue and engage as appropriate



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<b>Priority Topic</b>	<i>Turbidity Standard (when and where measured)</i>
<b>RTF Meeting Date(s)</b>	<ul style="list-style-type: none"> <li>February 2020: Reviewed standard, recognized issue was addressed through the ADAP interlocal agreement requirements</li> <li>September 2020: Reviewed and approve recommendation for October IOC meeting</li> </ul>
<b>IOC Transmittal Date</b>	October 2020: Recommendation that no action is necessary
<b>Problem Statement</b>	There is a need to understand BMPs currently in place for agricultural drainage to assure compliance with the Washington state water quality standards. The initial request from FFF 1.0 was for a “turbidity permit”. No such permit exists and is not needed.
<b>Desired Outcome</b>	Achieve compliance with state water quality standards using BMPs to minimize turbidity for agricultural drainage maintenance
<b>Main Point of Discussion</b>	The BMPs currently in place for the ADAP program assures compliance with the Washington state water quality standards.
<b>Recommendation/ Finding</b>	This issue is addressed by existing, effective ADAP BMPs. The IOC recognizes that no additional work on turbidity standards is needed.
<b>IOC Action(s)</b>	Approved recommendation at October 2020 meeting
<b>Follow Up Actions</b>	No further actions required
<b>Estimated Completion</b>	Completed

