

FFF Regulatory Task Force Background, Goals, Assumptions and Processes

FFF Background: In 2017 the Farm, Flood, Fish Advisory Committee agreed to a set of more than 30 recommendations that, if implemented, would significantly improve ecological function and habitat quality, while at the same time strengthening the agricultural economy, and reduce flood risk. The immediate priorities were to improve drainage and accelerate large capital projects for salmon recovery. The Regulatory Task Force will be instrumental in achieving these objectives.

Task Force Goals: Identify actionsⁱ (from FFF 1.0) that will:

1. Make drainage projects cheaper and easier (Farm 2)
2. Make farms safer during floods (Farm 3)
3. Minimize the impact of mitigation actions on farmable land (Farm 5)
4. Maintain the current level of environmental protections

Products: Several distinct tasks within each of the goals are identified in the FFF Scope of Work. Each type of task has a specific outcome. The Implementation Oversight Committee (IOC) is the recipient of the Task Force work products. The IOC will review and determine which recommendations and processes to include in a FFF Decision Package transmittal to the County Executive's Office.

Task	Clarify Regulations	Identify Regulatory Barriers	Develop Strategies
Action	Determine code requirements for projects, Identify permitting pathways	Pinpoint regulations and processes that create obstacles to farming	Evaluate and develop approaches to enable farming in the floodplain
Outcome	Obtain Agency concurrence with findings	Recommend regulatory remedies to IOC	Recommend process improvements to IOC
Implementation	Create and distribute guidance materials *	Include in FFF IOC Decision package that potentially includes legislative actions and funding requests	
Desired Effect	Consistent application of code, increased certainty	Cheaper, faster permitting, more productive farmland available, durable regulatory framework	

* In consultation with regulatory agencies, the Task Force will provide plain spoken guidance on the regulatory requirements for resource issues associated with commercial agriculture.

Base Assumptions:

We are working at a local level within a regulatory hierarchy that involves federal, state and local codes that are structured to meet the requirements of governing statutes e.g., Clean Water Act, Endangered Species Act, Growth Management Act, Shorelines Management Act, the Hydraulic Code and SEPA.

Most of the *Priority Topics* in the Regulatory Task Force Scope of Work can be effectively addressed within the existing regulatory environment. The existing Washington State Hydraulic Code and the Agricultural Drainage Assistance Program (ADAP), provides a permitting pathway for most agricultural drainage activities.

Task Force recommendations might include permit process improvements, interpretation /clarification of regulations, technical and/or financial assistance. Change to the regulations themselves might be proposed for regulations that are inappropriate in an agricultural landscape or where the goal of the regulation could be achieved through an approach that has less of an impact on agriculture while still being protective of fish habitat.

DRAFT Agriculture Measures of Success that have the Regulatory Task Force as the Responsible Party. The Fish and Flood Measures of Success did not specifically mention the RTF.

Measure 2: A drainage comprehensive technical needs assessment to inform a "Drainage Recovery Plan" that involves the SVWID, KCD, and the Flood Control District.

- 2.1 Overall drainage assessment. A basin delineation and prioritization plan was adopted by the WID August 2017. Project lists are completed for 1 basin, 5 remain to be completed. Timeline: December 2020
- 2.2 Detailed sub-basin drainage and restoration plans adopted for each of the top 6 sub-basins. The plans will include, in addition to ditch maintenance and associated plantings; tiles, floodgates, pumps, alluvial fan and beaver management strategies. Timeline: plan for one sub-basin complete by December 2020.
- 2.3 Funding plan for implementation of Adopted Plans Timeline: December 2020.
- 2.4 Sustained funding for development of remaining sub-basin plans. Timeline: December 2020.
- 2.5 Pathway articulated for landowners not in SVWID priority basins so they can pursue on their own if they choose to accelerate beyond SVWID's schedule. Timeline: December 2020

Measure 3: Opportunities to install and/or improve necessary drainage infrastructure including field tiles, flood gates, and pumps on modified waterways and activities not currently covered by ADAP aka Comprehensive Drainage

- 3.1 Quantify/identify waterways that qualify for this expansion.
- 3.2 Agreement on a clear permit pathway for streams identified in 3.1. Timeline: RTF take up in December 2019.
- 3.4 In a public facing format, show the steps and resources available (permitting, funding, etc.) for maintenance and replacement of pumps and floodgates. Timeline: December 2019.

Measure 4: Address alluvial fan management in partnership with relevant agencies, KCD, and community-based organizations.

- 4.2 Code language allowing for work on alluvial fans drafted by Department of Local Services - Permitting Division and transmitted to Council. Timeline: Summer 2020.
- 4.3 In a public facing format, show the steps and resources available (permitting, funding, etc.) to address alluvial fan management. Timeline: Once there is a code change, estimating by December 2020.

Measure 5: Address beaver management in partnership with relevant federal agencies, KCD, and community-based organizations.

- 5.1 Code language allowing for landowner management of beaver dams prepared by Department of Local Services - Permitting Division and transmitted to Council. Responsible party: DLS-PD with support from Regulatory Task Force. Timeline: transmitted to Council by Summer 2020.
- 5.2 In a public facing format, show the steps and resources available to address beaver and dam management options. Responsible party: Regulatory Task Force with support from WID. Timeline: Once there is a code change, estimating summer 2020.

Measure 6: Evaluate the total cost of drainage and look for ways to reduce costs including regulatory-driven components.

- 6.1 King County staff are exploring what *Comprehensive Drainage Assistance* looks like and what is possible (see Table from FFF 1.0 Draft Agreement). Topic for Regulatory Task Force at spring 2019 meetings for discussion.
- 6.2 In a public facing format, show the steps and resources available (permitting, funding, etc.) for agricultural drainage. Include a list of the options for mitigation. Obtain policy sign off from DLS-PD and WDFW. Timeline: December 2020.
- 6.4 Caucuses will support related Regulatory Task Force recommendations which may include: promulgating ordinances to create specific resource-related pilot projects and funding BMP (planting, fish impacts, specific maintenance techniques, etc.) effectiveness monitoring by WLRD, KCD or the SV WID. Timeline: Ongoing, through December 2020.

Measure 7: Explore utilizing the individual permit for turbidity standards that larger projects use. If there is a positive outcome, pursue a pilot project followed by widespread implementation.

- 7.1 Turbidity BMPs will be discussed at the RTF with Ecology staff in early 2020

Measure 8: Research mitigation requirements for projects that need periodic maintenance. In the case of mitigation for re-dredging, find out whether farmers owe new net acres.

Timing: The Regulatory Task Force has met regularly since February 2018. Meetings are held every six weeks. The Task Force has already provided recommendations to IOC on the requirement to pursue ESA coverage for drainage work, the utility of revising the Farm Plan to be drainage specific and through the Task Force process, identified and implemented procedural changes for fish handling and movement as part of ADAP. The Task Force anticipates concluding their activities by end of Second Quarter 2020.