

**Puyallup River Executive Task Force  
Summary Notes**

**May 20, 2011**

**Port of Tacoma – Fabulich Center**

**Task Force Members**

<b>Organization</b>	<b>Representatives in Attendance</b>	<b>Unable to Attend</b>
Pierce County Executive Office		Pat McCarthy, Pierce County Executive
Pierce County Council	Joyce McDonald, Councilmember	Dan Roach, Councilmember
Pierce-County Chamber of Commerce		<i>Invited</i>
Puyallup Tribe of Indians	Bill Sullivan, Director of Natural Resources Lisa Brautigam, Attorney	Sylvia Miller, Councilmember Rory LaDucer, Director of Public Safety
City of Tacoma		Ryan Mello, Councilmember
City of Fife	Carl Durham, Community Development Director	Barry Johnson, Mayor
City of Puyallup	John Knutsen, Councilmember Rob Andreotti, Acting Director of Public Works	
City of Orting	Ken Wolfe, Building Official	
City of Auburn		Chris Andersen, Environmental Protection Manager
City of Buckley		Pat Johnson, Mayor
City of Sumner	Dave Enslow, Mayor Bill Pugh, Director of Public Works	
King County		Katy Vanderpool, White River Basin Coordinator Jeanne Stypula, Supervising Engineer
Port of Tacoma	Clare Petrich, Port Commissioner Robert Brenner, Port Staff	
Washington State Department of Transportation (WSDOT)		Camie Bevv JoAnn Schueler, Project Development Engineer
Washington State Department of Ecology (Ecology)	Tom Clingman, Floodplain Manager Alex Callender, Wetland/Shoreland Specialist	

Washington State Department of Natural Resources (WSDNR)		Derrick Toba, South Puget Sound Shoreline District
US Army Corps of Engineers (Corps)	CJ Klocow, Project Manager	Doug Knapp, H & H Specialist

**Other Attendees:**

Harold Smelt, Pierce County Water Programs Manager  
 Brynn Brady, Pierce County Government Relations  
 Tom Young, Congressman Dave Reichart's office  
 Brian Ziegler, Director, Public Works & Utilities, Pierce County  
 Marylou Todd, citizen, City of Sumner  
 Keri Rooney, Pierce County  
 Marci Scott, Pierce County  
 Penny Mabie, facilitator  
 Sara Haner, note taker

**Meeting Summary**

**Welcome**

The meeting started at 9 a.m. with Penny Mabie, meeting facilitator, welcoming the group.

**Brief introductions**

Penny Mabie asked Executive Task Force (ETF) members to introduce themselves.

**Review meeting agenda and ground rules**

Penny Mabie reviewed agenda items, which included an ETF work review, Army Corps of Engineers General Investigation (GI) study update, a continuation of the regulatory/land use strategies discussion, and local updates.

Penny reviewed the ETF ground rules established at the first meeting, which are as follows:

- Start and end on time
- Silence cell phones
- Come prepared
- Listen respectfully
- Speak from interests, not positions
- Participate in the process

**Review Apr. 8, 2011 meeting notes**

Penny Mabie asked whether there were any changes to the draft notes from the previous ETF meeting. No changes were requested, and the notes were approved.

## **Task Force Work Review**

Penny Mabie led the group in a presentation of ETF accomplishments over the past several years. Penny shared that the ETF has developed a set of guiding principles, possible solutions, and funding alternatives since its inception.

### *Comments and questions*

Dave Enslow expressed concern that the ETF may begin to focus too much on issues that are not related to flooding, but shared appreciation for the work that the ETF has accomplished so far.

Joyce McDonald also shared her concerns about the ETF focusing on non-flood related issues, but noted that she is very optimistic about the future of the ETF, as the ETF has laid the foundation for future work.

Ken Wolfe asked for an update on the new flood control district. Harold shared that the process has begun, and mayors of local jurisdictions are now being briefed on the history and next steps. The State Environmental Policy Act (SEPA) process has been initiated, and the ground work is being laid to move the flood control district forward. Overall, the process is moving slowly but methodically, and there are no updates for the ETF since the last meeting.

Harold Smelt noted that Brian Ziegler and he have been asked to give a briefing on the new flood control district on June 8 in Fife. Harold explained that public dialogue is starting, which is very good. Harold will forward information about this meeting to the ETF.

## **General Investigation (GI) Study update and measures**

CJ Klocow, US Army Corps of Engineers (Corps), gave an overview of the Corps' GI Study to date, noting that work to obtain funding has been ongoing. Specifically, the Corps has secured \$450 thousand for fiscal year (FY) 2011, which is what the Corps had hoped for. This amount for FY 2011 may indicate that the Corps will receive funding again in FY 2012, although funding past 2011 is not guaranteed. The Corps is also working on funding for FY 2013. To obtain funding, the Corps is working to explain the project and its benefits to the Legislature.

CJ updated the ETF on the Corps' list of measures, saying that after the last meeting, he implemented the ETF's comments into his draft. The Corps is currently developing a comprehensive list of measures and obtaining an understanding of how each measure ties into the overall project. The Corps will then start siting and screening each measure, and CJ will distribute this draft when complete.

CJ also shared that the Corps is working on an existing conditions report, with a draft anticipated in September. As part of this report, geotechnical investigations and borings are taking place, but the Corps is striving to use existing borings when available.

CJ explained that another piece of work currently taking place is an economic structures inventory. As part of this inventory, the Corps is trying to evaluate and get the cost of each structure along the project area. The Corps uses assessors data and ground truthing. The Corps has hired a contractor to assist with this work, and a draft should be available in early June.

CJ shared that the Corps is also coordinating with Anchor Environmental to pull together environmental documentation studies that will inform future Corps work on this project.

CJ provided an update on sediment management, saying that Pierce County has approached the Corps to discuss possible permitting for this activity. CJ explained that this will be an ongoing discussion, and that the Corps will be working with the County's regulatory department.

Harold Smelt shared that the sediment management topic is an ongoing discussion, and that the County is at a critical decision point on how many resources it wants to consider using on the topic of sediment management.

CJ asked if the regulatory discussion would be tied into the GI, noting that if sediment management is something the ETF wants to consider, the ETF and the Corps would need to continue talking about it.

Harold said that the ETF would like more information on the effects and cost of gravel removal. The ETF would like this information quicker than the information available in the GI.

CJ also highlighted work that the Corps is doing in-house, without the assistance of outside contractors. This work includes levee, hydraulics, and sedimentation analyses. CJ offered Corps presentations on this work, if the ETF was interested.

Penny Mabie clarified that the Corps will be completing many studies over the summer. CJ confirmed that studies would be ongoing, and a preliminary scoping meeting will take place in August. Harold said the County will be talking more with CJ about the Corps' technical process. He will notify the ETF of any plans for a smaller, technical meeting, in case they are interested in attending.

#### *Comments and questions*

Harold Smelt commented that he heard the recent Corps trip to Washington D.C. went well. Executive McCarthy and Councilmember Bush were in a long series of meetings, and Senator Cantwell's office helped the Corps obtain an additional \$35 thousand allocation. Harold noted that between the roll-over of funds from the previous year, and the current funding, the project is fully funded for FY 2011. Harold believes that this will help the project become more mature, and increase chances of a higher level of funding for FY 2012.

Harold asked if any ETF members would be interested in having future ETF meetings dedicated to a Corps presentation about current engineering. Joyce McDonald shared that

she'd like to see a presentation after the structural analysis of the levees, saying she would prefer to learn about results rather than details. Dave Enslow agreed with her.

John Knutsen asked for the Corps' opinion on what the immediate dangers are to the levee structures, and how the Corps plans to address those. CJ shared that the levee analysis will be part of the greater study, which will inform what the greatest determined risk areas are.

John Knutsen shared his opinion that measuring economic impacts isn't as important as protecting the integrity of a structure. John suggested that rules should be in place preventing development within a certain distance from the river. CJ shared that hopefully after the analysis is completed, the Corps will have a better idea about the importance of economic impacts versus structural integrity.

Dave Enslow said that historically, sediment management has been common on the river, and it has been very effective. He added that the public might be interested in using the gravel that is removed from scalping.

Joyce McDonald asked Harold about the profitability of gravel bars, and if he was still doing a pilot project about bars. Harold replied that pilot projects will require significant investments to move through environmental review. Joyce followed up by asking if the County is ceasing all pilot projects. Harold replied that as the County continues its work, they will do so in the most cost effective way, which may impact some pilot project plans. Harold continued by saying that the County is committed to moving forward with the gravel removal discussion, but the environmental process necessary to complete any gravel removal has not been started. CJ clarified by saying that to apply for any environmental permits, there needs to be a full design in place.

John Knutsen expressed his concerns about explaining a million dollar study to his constituents, when citizens would gladly remove gravel for free. He shared concerns about the ETF being all studies and no action.

Bill Sullivan responded by saying that there are environmental laws in place, and the ETF must follow them. Sediment management would require studies, permits, and following the law.

Harold agreed that John Knutsen has a good point. However, the ETF is looking for valid, long-term solutions, which is what makes all of these smaller decisions so complex.

### **Regulatory and land use strategies update**

Harold Smelt led the group in an overview of regulatory and land use strategies, continuing the discussion that took place at April's ETF meeting. Harold explained that because of the Federal Emergency Management Agency's (FEMA) Biological Opinion, the communities of the ETF are

required to reevaluate their floodplain regulations. Harold reminded the group that participating in FEMA's National Flood Insurance Program (NFIP) ensures federally subsidized flood insurance for a community. However, participating in the program also requires compliance with federally mandated flood regulations.

Harold provided the ETF with a background on FEMA's Model Ordinance, explaining that section seven of the Endangered Species Act requires federal consultation between public agencies. FEMA did not consult with other public agencies about floodplain regulations, as they believed that they were not affecting wildlife. The National Wildlife Federation (NWF) disagreed, and felt that FEMA's floodplain regulations were impacting fish. NWF then sued FEMA, and requested that they complete a consultation. The Federal courts ruled in NWF's favor, and tasked the National Marine Fisheries Service (Fisheries) with developing a biological opinion. The Biological Opinion found that the NFIP could reduce impacts on critical fish habitat areas by changing the way the program is implemented in Puget Sound communities. The Model Ordinance is one way FEMA is responding to the Biological Opinion.

Harold announced that by September 22, 2011, all communities participating in the NFIP must comply with FEMA's new floodplain guidelines.

Harold took the ETF through the remainder of his presentation about FEMA regulations, and how the Model Ordinance affects requirements. The entire presentation can be found [online](#). Highlights of each slide include:

2. **Floodplain mapping.** The Model Ordinance does not include significant changes to the way Pierce County communities conduct floodplain mapping.
3. **Floodplain data requirements.** The Model Ordinance is adding significant changes here, including updates to studies and mapping.
4. **Floodway regulations.** No changes due to the Model Ordinance, and the current regulations will remain in effect.
5. **Channel migration zone floodways.** Harold explained that mapping a channel migration zone involves mapping where the river moves when it's not in flood stage. The Model Ordinance is very specific about the need to map and regulate development in channel migration zones.
6. **Deep and/or fast flowing water floodway.** Pierce County considers these areas too dangerous to build in. However, there is no requirement for individual communities to adopt this policy.
7. **Subdivision of land.** The Model Ordinance requires that when a subdivision of land occurs, it is done so a buildable lot is created outside of the floodplain for every lot that is created inside of the floodplain.

8. **Placement of structures in flood fringe.** If there is high ground on a property, owners must build any structures there. The Model Ordinance will be strict about this. If part of a property is located outside of the floodplain, then structures must be built there.
9. **Access.** Under the Model Ordinance, new structures will be required to create access at least one foot above 100-year floodplain elevations. This will be a significant change, as there is currently nothing in FEMA guidelines about access elevations.
10. **Substantial damage/improvement threshold.** The Model Ordinance is adding the concept of multi-year tracking of flood damaged properties, and will be tracking the cumulative damage over 10 years.
11. **Zero rise analysis.** As new structures are built, floodwaters may be blocked and displaced, and neighbors may be harmed as a result of new construction. The Model Ordinance will require that a zero rise analysis is completed any time construction or fill is placed in the floodplain.
12. **Compensatory Storage.** If fill is added to one location on a floodplain property, a comparable excavation must take place nearby. This ensures that floodwaters are distributed equally, and development can take place without harming neighbors. The Model Ordinance is very specific about what qualifies as satisfactory compensatory storage. The cost of developing compensatory storage will increase due to extra analysis and engineering required under the Model Ordinance.
13. **Variances.** Pierce County has established a list of reasonable criteria for variances, and no variances have been issued yet. Under the Model Ordinance, annual audits of floodplain regulations will be conducted, so logging variances will be very important.
14. **Elevation above base flood elevation: single family residence.** FEMA requires building above base flood elevation, and insurance discounts depend on how many feet above base flood elevation residences are constructed. Pierce County requires that every new structure is constructed at least two feet above base flood elevation. The Model Ordinance will only require one foot.
15. **Elevation above base flood elevation: commercial/industrial.** The NFIP does not allow the flood-proofing of residential structures. However, flood-proofing is allowed on commercial structures. The Model Ordinance will require that commercial properties are flood-proofed, or elevated at least one foot above base flood elevation.
16. **Elevation above base flood elevation: critical facilities.** Critical facilities include hospitals, aid centers and fire stations. The Model Ordinance requires that critical facilities are kept out of the 100-year floodplain, and Pierce County enforces a 500-year floodplain rule. If a critical facility is located within the 100-year floodplain, the Model Ordinance requires that the facility is elevated at least three feet above base flood elevation.

*Comments and questions*

Brian Ziegler asked whether an out-of-compliance community would impact other communities in the County. Harold confirmed that if one city in Pierce County does not comply with the regulations, other communities in the County would not be impacted.

Joyce McDonald asked if the County would be available to assist smaller communities that may need technical assistance. Harold confirmed that the County would be available to help, and also suggested that communities could adopt the County's policies as a total package. Harold noted that the County's package is in total compliance with the new regulations, but some communities are doing their own work to comply as well.

Dave Enslow asked how one can guess where a river will travel, especially in a valley. Harold clarified that channel migration is studied within a defined window, such as where the river travels during storms. Data from this defined window helps inform projections about channel migration zones.

Ken Wolfe commented on the importance of uniform flood management on both sides of the river. Harold agreed that this is very important, as having a coordinated flood management plan can protect each community without hurting anyone else along the river.

Dave Enslow asked about repairing flood damage to properties located within a floodway. Harold said that in Pierce County, property owners are not able to rebuild if substantial damage occurred. However, if damage was not flood-related, re-building would be allowed in a floodway.

Ken Wolfe shared that individual property owners who do not comply with the County's floodplain construction regulations can be individually removed from the NFIP without the rest of the community losing its eligibility for the plan. Harold agreed that this is a tool that communities can consider, but it does little to help with emergency risk management.

Harold pointed out that one of the biggest incentives to comply with floodplain regulations is related to home financing. If an owner is going to have a federally insured mortgage, the home must have flood insurance. If a community decides not to participate in the flood insurance program, its residents will not be eligible for federally insured mortgages.

Joyce McDonald said that if over 50% of a home in a floodplain is damaged, it is not eligible for rebuilding. However, if 20% of a home is damaged each year for three years, this presents an issue that communities are currently not able to capture. Harold clarified that the County does track cumulative damage over a five year period. Under the Model

Ordinance, Pierce County will track damage claims over a 10 year window. This is a large change, and will result in more properties being removed from the floodplain.

Brynn Brady asked about the link between bringing in fill to create elevation, and if elevation fill will be required to participate in compensatory storage and a zero rise analysis. Harold confirmed that if fill is used to create elevation, compensatory storage and a zero rise analysis will be required. However, Harold noted that there are other ways to elevate structures not requiring fill.

Clare Petrich inquired about FEMA's capacity to pay off on flood insurance claims. Harold replied that the flood insurance program is operating in a deficit, and the recent developments on the Mississippi River will impact the program's funds as well.

Lisa Brautigam shared that from a tribal perspective, the Model Ordinance still isn't fully supported, and no-build decisions will be important for the tribe. Overall, the tribe feels that the County is moving in the right direction.

CJ Klocow asked if FEMA has been invited to participate in the ETF. Penny confirmed that they were present last spring, but have not been back since. CJ recommended that FEMA be invited in the future, in order to answer questions.

Harold noted that several key stakeholders, including many tribes and Fisheries have not approved the Model Ordinance yet. However, by creating the Model Ordinance, FEMA is attempting to follow the Biological Opinion. Lisa Brautigam pointed out that the NWF, the organization that filed the lawsuit against FEMA, has not yet weighed in on the Model Ordinance, either. Harold responded that FEMA is in a very difficult situation, and is working to minimize risk as an organization as best they can.

Harold noted that if something changes in the Model Ordinance, that information will be brought back to the group.

### **Next Steps and items for future discussion**

- The Corps GI
  - GI study. This will continue this summer, and the group would be interested in hearing the results at the next meeting.
  - GI National Environmental Policy Act (NEPA) public scoping meeting. CJ announced that a public meeting will be taking place in several months, and the Corps will be looking to the ETF to help publicize the event. At the meeting, the Corps will present what information they've collected so far and solicit public feedback on the scope of the GI.
  - More information on the evaluation screening criteria.

- Gravel decision with County, and the environmental review process for sediment management.
- More information on sediment management.
- Flood hazard management plan
- FEMA letter.
  - Harold told the ETF that a letter from FEMA is included in their meeting packet. This letter was sent to every community participating in floodplain mapping efforts. Current mapping efforts at the County have been stalled, as FEMA is updating everything that was mapped in 2002. The letter from FEMA suggests that if communities would like 2002 data, they should request it in writing. Otherwise, FEMA will continue to update each community's maps, which may be unnecessary, and cause a delay in receiving these maps.
- Next meeting
  - Penny Mabie reported that the next meeting will be scheduled for August 2011.

### **Local Updates**

**City of Orting.** Ken Wolfe reported that the City of Orting is designing and preparing for permitting comments during the last week of July for the 1.5 mile levee setback project. Orting has also met with Puyallup and the Washington Department of Fish and Wildlife to review habitat elements. The EnviroScape educational tool was used successfully at a resource fair last week, and Orting is also working with Citizens for a Healthy Bay to create rain gardens at several city businesses. Tours of Environmental Protection Agency sites are being given to middle and high school students, and Orting participated in four river cleanups this year, with a total of 41 participants so far.

**Port of Tacoma.** Clare Petrich and Robert Brenner reported that a rain garden was opened at the Port of Tacoma earlier this year. The Port is also close to completion of a major mitigation project at Parcel 88.

**City of Puyallup.** John Andreotti reported that a request for proposals has been released for setback levees at a new Puyallup property. The City of Puyallup is also working with rain gardens.

**Puyallup Tribe of Indians.** Bill Sullivan and Lisa Brautigam reported that the Tribe recently held a press conference on Clarks Creek with the Environmental Protection Agency, the Department of Ecology, Washington State University, and Representative Norm Dicks where the Tribe is examining a long-term solution for flooding and sediment management. Lisa reported that the City of Puyallup is one of 10 cities nationwide that is being awarded for green initiative.

**Pierce County.** Harold Smelt reported that Pierce County is working to remove aquatic weeds from Clarks Creek, as they can cause flooding in the summer.

**City of Sumner.** Bill Pugh reported that the City of Sumner is continuing its floodwall design around the water treatment plant, and is now working to secure funding.

**City of Fife.** Carl Durham reported that the City of Fife is working on several development-driven projects.

**Department of Ecology.** Alex Callender reported that the Department of Ecology has just finished the latest round of Puyallup watershed reviews. The department is discussing restoration and development of the river.

**Public comment**

There was no public comment.

The meeting was adjourned at noon.

**ACTION ITEMS**

**ACTION ITEM:** CJ Klocow to provide a list of measures as revised.

**ACTION ITEM:** Harold Smelt to send the June 8 event invitation to the ETF.