DRAFT Meeting Summary

**Snohomish (WRIA 7)**

**Watershed Restoration and Enhancement Committee meeting**

March 12, 2020 | 12:30 p.m. - 3:30 p.m. [WRIA 7 Committee Webpage](https://www.ezview.wa.gov/site/alias__1962/37310/watershed_restoration_and_enhancement_-_wria_7.aspxhttps%3A/www.ezview.wa.gov/site/alias__1962/37310/watershed_restoration_and_enhancement_-_wria_7.aspx)

**Location**

Webex**Committee Chair**

Ingria Jones

Ingria.Jones@ecy.wa.gov

(425) 649-4210

**Handouts**

Committee brochure

Consumptive use estimate – decision

memo

Timeline and Expectations for WRE

Plan memo

Water Right Acquisitions Status and

Next Steps

*Please send corrections to Ingria Jones (**ingria.jones@ecy.wa.gov**) by April 6.*

# Attendance

Committee Representatives and Alternates \*

Ingria Jones *(WA Dept. of Ecology)*

Daryl Williams *(Tulalip Tribes)*

Matt Baerwalde *(Snoqualmie Indian Tribe)*

Julie Lewis *(alternate -Snoqualmie Indian Tribe)*

Denise Di Santo *(King County)*

Erin Ericson *(alternate - Snoqualmie Valley WID)*

Brant Wood *(Snohomish PUD)*

Keith Binkley *(alternate - Snohomish PUD)*

Kirk Lakey *(WA Dept. of Fish & Wildlife)*

Emily Dick *(Washington Water Trust)*

Bobbi Lindemulder *(Snohomish Conservation District)*

Dylan Sluder *(MBA of King and Snohomish Counties)*

Mike Wolanek *(City of Arlington)*

Michael Remington *(City of Duvall)*

Jim Miller *(City of Everett)*

Rich Norris *(City of Gold Bar)*

Kim Peterson *(Town of Index)*

Matthew Eyer *(City of Marysville)*

Jordan Ottow *(City of Monroe)*

Jamie Burrell *(City of North Bend)*

Elissa Ostergaard *(Snoqualmie Watershed Forum ex-officio)*

Elizabeth Ablow *(City of Seattle ex-officio)*

Morgan Ruff *(Snohomish Basin Salmon Recovery Forum ex-officio)*

Amanda Smeller *(City of Carnation)*

Glen Pickus *(City of Snohomish)*

Steve Nelson *(City of Snoqualmie)*

Committee Representatives and Alternates in Not Attendance\*

Snohomish County

City of Lake Stevens

Other Attendees

Susan O’Neil *(ESA) (facilitator)*

Angela Pietschmann *(Cascadia) (info manager)*

Joe Hovenkotter *(King County)*

\*Attendees list is based on sign-in sheet.

# Welcome, Introductions, and Standing Business

Susan welcomed the group, began introductions, reminded the committee of operating principles and ground rules, and reviewed the agenda.

*No revisions to the agenda. One correction was made to the February 2020 meeting summary. The meeting summary was approved without further changes.*

**Ecology updates:**

* [Streamflow restoration grant](https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Streamflow-restoration-implementation-grants) applications are open until 5PM on March 31.
* As chair of the WRE committees, Ecology is leading SEPA development for the Plan, using the SEPA checklist (considered a non-project proposal for the entire watershed). Ecology has started in WRIA 9 and 10 and anticipates finishing the other WRIAs before September 2020. Paulina may reach out to entities with requests for additional information.

No additional updates from committee members.

# WRIA 7 consumptive use estimate

Susan provided an overview of the consumptive use estimate decision and process with the committee. A quorum of committee members was present. As chair, Ecology proposed the committee approve the consumptive use estimate of 797.4 acre-feet for WRIA 7 (i.e., 797.4 acre-feet is the minimum the committee will aim to offset in the Plan). Consensus reached among quorum of attending committee members. Ecology will follow up with absent members (Snohomish County and City of Lake Stevens) for their votes.

**Reference Materials**

* [Consumptive use estimate decision memo](https://www.ezview.wa.gov/Portals/_1962/images/WREC/WRIA07/202003/WRIA7-WREC-Consumptive%20Use%20Estimates%20Decision%20Memo-20200218_compressed.pdf)

**Formal decision to seek approval of the consumptive use estimate**

* Susan asked the committee, “What level of support can you provide for the planning horizon consumptive use estimate of 797.4 acre-feet for WRIA 7, determined using the methodologies and 16 sub-basins recommended by the technical workgroup and described in the decision memo?”
	+ **A. I can say an unqualified "yes"!**
		- Steve Nelson (City of Snoqualmie)
		- Glen Pickus (City of Snohomish)
		- Jamie Burrell (City of North Bend)
		- Jordan Ottow (City of Monroe)
		- Matthew Eyer (City of Marysville)
		- Michael Remington (City of Duvall)
		- Bobbi Lindemulder (Snohomish Conservation District)
		- Brant Wood (Snohomish PUD)
		- Erin Ericson (Snoqualmie Valley WID)
		- Denise Di Santo (King County)
		- Ingria Jones (WA Dept. of Ecology)
	+ **B. I can accept the decision**
		- Jim Miller (City of Everett)
		- Emily Dick (alternate - Washington Water Trust)
		- Dylan Sluder (MBA of King and Snohomish Counties)
		- Matt Baerwalde (Snoqualmie Indian Tribe)
		- Daryl Williams (Tulalip Tribes)
		- Terri Strandberg (Snohomish County)\*
	+ **C. I can live with the decision**
		- Rich Norris (City of Gold Bar)
		- Kirk Lakey (WA Dept. of Fish & Wildlife)
	+ **D. I do not fully agree with the decision; however, I will not block it**
		- Mike Wolanek (City of Arlington)
		- Kim Peterson (Town of Index)
		- Amanda Smeller (City of Carnation)
	+ **E. I block the decision**
	+ **Not present**
		- Snohomish County\* - Chair received decision via email
		- City of Lake Stevens – Chair awaiting decision
	+ Additional comments from voting members:
		- Mike Wolanek (City of Arlington) expressed concerns about the number of projected PE wells in Tulalip subbasin, within the Seven Lakes Water Service Area.
		- Amanda Smeller (City of Carnation) wants to ensure that the consumptive use estimate does not affect the City’s water rights.
	+ No additional comments from ex-officio (non-voting) members
		- Elissa Ostergaard (Snoqualmie Watershed Forum ex-officio)
		- Elizabeth Ablow (City of Seattle ex-officio)
		- Morgan Ruff (Snohomish Basin Salmon Recovery Forum ex-officio)

# Local review process and timeline

Ingria presented an overview of the plan development review and approval process and timeline. The committee is aiming for an August 14, 2020 completion date for the draft plan. All committee members must approve the final plan by February 1, 2021 (target approval date). Ecology will review the plans received after the target approval date in the order they are received.

Ecology has created the Committee Overview brochure to help with briefing colleagues and partners on the committee’s work. Ecology is also preparing a PowerPoint with talking points that committee members can use for internal briefings.

**Reference materials**

* [Plan Development Procedure Memo](https://app.box.com/s/u2wnna18he6e9p1d6eimdv95f2vslfch)
* [WRIA 7 Committee Overview Brochure](https://www.ezview.wa.gov/Portals/_1962/images/WREC/WRIA07/202003/WRIA%207-Brochure-20200218.pdf)

**Discussion and considerations**

* The committee discussed adding new projects to the inventory ASAP to prepare a draft plan by August 14, 2020. The committee discussed potentially bucketing projects into near-term/long-term actions.
* Ideally, the committee will identify all projects to be included in the plan by August. Ecology understands the committee may continue working on project analysis and descriptions after that time.
* As sections of the plan are completed, Ecology will share with the committee for committee members to provide ongoing, thorough review and vetting of draft components of the plan.
* Local approval timelines range from 1-2 weeks to up to 4 months.

# Policy and regulatory actions discussion

The committee reviewed a brainstormed list of policy and regulatory actions (including recommending changes to state laws, agency regulations and local codes, and education and outreach programs) and discussed which ones members would (1) prioritize in the plan or (2) not approve in the plan.

Committee members are expected to take the lead on developing policy recommendations to bring forward for consideration (these actions are outside the technical consultants’ scope of work). Ecology can provide technical assistance, as needed.

**Reference materials**

* [Cross-WRIA Policy and Regulatory Actions Brainstorm](https://app.box.com/s/g89w2nu49uxalihs6qokhde9v7ohnp40)
* [WRIA 7 Policy and Regulatory Actions – Committee Action Items](https://app.box.com/s/3qy1n8tekbrelrbqi4dtcj9lrc301o27)

**Discussion and Considerations**

* **Well pumps that limit usage**
	+ Emily Dick (Washington Water Trust) noted that WWT had not thoroughly reviewed recommendations as an entity, but at first glance noted that well pump projects that limit water usage require a lot of effort for minimal gain. Bobbi Lindemulder (Snohomish Conservation District) and Matthew Eyer (City of Marysville) agreed.
* **Model ordinances/outreach to Water Service Providers (WSPs)**
	+ Matt Baerwalde (Snoqualmie Indian Tribe) and Mike Wolanek (City of Arlington) have reached out to local WSPs to learn more about their policies around: connections, well decommissioning, PE well restrictions in service area, incentives, etc. WSPs range in terms of their policies and knowledge of their broad authority. Based on this information, the committee could consider education and outreach to notify WSPs of their existing regulations and that they have the authority to set policies around PE wells in their water service areas.
		- Joe Hovenkotter (King County), Erin Ericson (Snoqualmie Valley WID), and Matthew Eyer (City of Marysville) support this type of education/outreach.
* **Require and/or incentivize well decommissioning**
	+ Brant Wood (Snohomish PUD) expressed concern around water districts/utilities forcing decommissioning because it doubles the cost of connection ($6,000 fee disincentivizes connection to public water). The committee could consider incentivizing decommissioning by offsetting the decommissioning fee.
	+ Matthew Eyer (City of Marysville) agreed with Brant.
	+ Bobbi Lindenmulder (Snohomish Conservation District) favors incentivizing over requiring decommissioning. She favors incentives broadly (for rain catchment, livestock water).
	+ Dylan Sluder (MBA of King and Snohomish Counties) would have a hard time supporting mandates; prefers incentive or outreach/education approach.
* **Meter permit exempt wells for education AND/OR compliance.**
	+ Denise Di Santo (King County) would consider PE well metering projects (to understand how much water they and other surface water withdrawals use). Consider pilots.
	+ Kirk Lakey (WA Dept. of Fish & Wildlife) agrees.
	+ Matt Baerwalde (Snoqualmie Indian Tribe) would consider metering implemented by counties (some counties have authority to require metering). Homeowners could track their own water use through the meter. Could be combined with education and outreach efforts. Could target new and existing PE well users.
	+ Jim Miller (City of Everett) noted that the Department of Health required Everett to install meters as a conservation measure. Metering has reduced water usage (conservation increases as people are able to monitor usage).
	+ Emily Dick (WA Water Trust) noted that metering is powerful from an education and community engagement perspective, but sufficient data on how much water people use is already available.
	+ Joe Hovenkotter (King County) supports metering to obtain more information.
	+ Ingria Jones (WA Dept. of Ecology) noted that if the committee is interested in including a recommendation in the plan that Ecology require metering, the expectation is that Ecology will go through rulemaking then implement and manage. Ecology has concerns about recommendations that imply additional work or capacity from Ecology.
	+ Daryl Williams (Tulalip Tribes) supports using meter data for adaptive management and noted that there are current pilot projects requiring metering in the Dungeness and Kittitas watersheds.
		- Ingria is gathering updates on these pilots and will share information at the April committee meeting.
		- Mike Wolanek (City of Arlington) noted that Dungeness and Kittitas are drier basins than WRIA 7 and the committee should keep that in mind when considering their pilot data. .
		- Denise supports metering at the pilot project level to begin with.
	+ Bobbi Lindemulder (Snohomish Conservation District) noted that metering is an important option but prefers recommendations for voluntary metering or pilots and/or tying metering to education and outreach programs.
	+ Rich Norris (City of Gold Bar) supports requiring metering for all water removed from the ground.
	+ Dylan Sluder (MBA of King and Snohomish Counties) would prefer voluntary approaches to metering / pilots over metering requirements.
	+ Erin Ericson (Snoqualmie Valley WID) would consider a cost-share between King County and Ecology (similar to fish screening program cost-share) to support voluntary metering.
* **Increase the fee for permit exempt well construction.**
	+ Denise Di Santo (King County) would consider increasing permit fees to cover the lifecycle costs of PE wells.
	+ Kirk Lakey (WA Dept. of Fish & Wildlife) agrees.
	+ Dylan Sluder (MBAKS) is concerned about any policy recommendation that results in added permitting costs, or added costs to homeowners.
* **Make resources available to strengthen enforcement of existing water codes.**
	+ Joe Hovenkotter (King County) would consider recommendations in the plan that strengthen enforcement of existing water codes, provide Ecology with more funding for enforcement, and include a citizen suit provision to allow citizens to enforce water codes.
	+ Matthew Eyer (City of Marysville) supports additional funding Ecology for enforcement.
* **Water rights acquisitions.**
	+ Joe Hovenkotter (King County) would consider recommendations in the plan that request additional funding from the legislature for Ecology to acquire water rights through the trust water rights program.
	+ Matthew Eyer (City of Marysville) supports funding Ecology’s trust water rights program.
	+ Bobbi Lindemulder (Snohomish Conservation District) would be concerned if additional funding leads to increased purchases of agriculture water rights.
	+ Mike Wolanek (City of Arlington) would also be concerned if additional funding leads to increased purchases of municipal water rights near Arlington’s service area. This could be a recommendation to the legislature for additional funding for Ecology’s statewide water right acquisitions program with specific language about WRIA 7.
* **Establish specialized water courts for water-based claims.**
	+ Joe Hovenkotter (King County) would consider recommendations in the plan that establish specialized water courts for water-based claims.
* **Adjudication in WRA 7**
	+ Emily Dick (Washington Water Trust) made a long-term recommendation for a basin adjudication, noting that watermasters are likely to be less effective without it. She noted that adjudication would provide more accurate monitoring of the basin than individual well metering. She noted that WWT would support alternative methods of improving compliance. .
	+ Ingria explained that adjudication is a Superior Court process that legally determines whether a water right is valid, how much water can be used, and its priority during shortages in a defined basin. It prioritizes each individual water right according to Washington water law's “first-in-time, first-in-right” prior appropriation framework. During the 2019 legislative session, the Legislature provided Ecology funding to assess where the next water rights adjudication should take place. This assessment is in its early stages and you can learn more on Ecology’s [water right adjudications webpage](https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-rights/Adjudications) for more information.
	+ Joe Hovenkotter (King County) believes the County may support adjudication and advocates for specialized water courts to enhance compliance capacity in the state. Until these courts can be established, the County would consider authorizing Ecology for individual enforcement actions.
* **Change instream flow rule to allow for streamflow retiming projects in closed subbasins**
	+ Ingria Jones (WA Dept. of Ecology) noted that several streams in WRIA 7 have year-round closures. Projects that re-time flows in subbasins with closed streams are not currently allowable. The proposal would be to make a change to the instream flow rule for WRIA 7 that allows for retiming projects for streamflow benefit (requires rulemaking process for Ecology).
	+ Dylan Sluder (MBA) would consider policies that modify the instream flow rule to open up project opportunities in closed basins (e.g., capture and store water in high flow times, release in low flows to address seasonal issues; water banking system).
	+ Erin Ericson (Snoqualmie Valley WID) agreed.
	+ Denise Di Santo (King County) would consider these types of policies.
	+ Matt Baerwalde (Snoqualmie Indian Tribe) theoretically supports projects in closed basins (on a project by project basis).
	+ Erin Ericson (Snoqualmie Valley WID) noted that when looking through small scale storage study projects, several came up in closed basins. These storage projects are appealing – interested in as a top priority.
	+ Emily Dick (WWT) noted that changing instream flow rules could allow more opportunity, but could have unintended outcomes.
	+ Ingria Jones (WA Dept of Ecology) added that if the committee includes a recommendation in the plan to change the instream flow rule, Ecology cannot guarantee the outcome of the rulemaking process. Ecology cannot do “pilot” rulemaking; Ingria will follow-up/confirm internally.
	+ Mike Wolanek (City of Arlington) would consider opening up instream flow rules for re-evaluation.
	+ Julie Lewis (Snoqualmie Indian Tribe) suggested the committee continues to review projects that would require rulemaking and decide individually if they are worth pursuing.
	+ Daryl Williams (Tulalip Tribes) would need more internal discussion before considering changes to instream flow rules. Tulalip may not want to accept the risk.

# Projects

Susan provided opened the update on projects: the focus of the committee’s work over the next few months will be to come up with a list of projects to include in the plan to offset consumptive use and achieve a net ecological benefit.

**Reference materials**

* [Water Right Acquisitions Status and Next Steps](https://www.ezview.wa.gov/Portals/_1962/images/WREC/WRIA07/202003/Water%20Right%20Acquisition%20Status%20and%20Next%20Steps_20200305.pdf)
* [Project Inventory Snapshot](https://app.box.com/s/f2cwy60u9n1av5t514qwv882yv02d0qx) (projects by subbasin)
* [Meeting slides](https://www.ezview.wa.gov/Portals/_1962/images/WREC/WRIA07/202003/WRIA7-WREC-MtgSlides-20200312.pptx)

**Guiding Principles**

Susan reviewed draft guiding principles Proposed by the project subgroup, which articulate and document the subgroup's approach when narrowing and finalizing the project list for inclusion in plan. The guiding principles do not necessarily attempt to distinguish between wet water offset projects and “others.”

* Strive for no “sacrificial sub-basins”
* If/where we can’t find offset projects, offset elsewhere (ideally upstream) and justify
* Consider projects that are underway and may have more information/design
* When there are sufficient projects to choose from, the preference is for those that benefit critical flow period/summer low flow
* Prioritize habitat projects based on hydrologic benefit
* For non-offset habitat projects:
	+ Hydrologic benefit should drive habitat project prioritization:
		- Higher priority = projects with hydro benefit (beaver reintroduction, BDA, floodplain\*, forest/upland protection)
		- Medium priority = Riparian plantings/noxious weed control
		- Lower priority = fish passage, projects lower in system
		- Not considering nearshore projects

Committee members did not voice any concerns about the guiding principles. The project subgroup will continue to develop additional guiding principles.

**Updates by Project Type**

Ingria noted ongoing updates to the project inventory and reviewed the project categories/buckets that help distinguish our process for identifying and analyzing different projects for the plan, and whether they have water offset potential.

**Water Rights Acquisitions**

* The City of Snohomish water right acquisition is no longer under consideration for the plan. WWT, Ecology, and King County are continuing to identify water right acquisition opportunities.
* Emily Dick (Washington Water Trust) provided an update on the status of their water right acquisitions assessment. WWT found 1,920 water right documents in Little Pilchuck, Lower/Middle Pilchuck, and Quilceda. 167 of these water rights were identified to have 317 potentially irrigated acres.
* Ecology asked WWT to look into projects involving reclaimed water facilities. WWT’s initial research found all WRIA 7 reclaimed water facilities to be at full capacity. It was agreed that only nearby (within one mile) and large water rights (>75 acres) would merit further review due to the permitting and infrastructure constraints that would have to be addressed in order to serve additional uses.
* WWT is not looking into water rights with potential risk of relinquishment unless irrigated in 2013/2017; WWT is looking for the most likely sources of wet water.
* Ecology shared their list of trust water program donations and identified potential acquisitions for WWT to investigate.
* WWT will only identify water rights with visible irrigation, including municipal, industrial and other rights, through their GIS analysis. If there are additional water rights that would *not* show visible irrigation but merit review, please bring them to Ecology so they may decide whether they fit within WWT’s current scope.
* WWT’s proposed prioritization is just for their water right acquisitions assessment and is not for the purpose of prioritizing project types for the plan.

**Non-acquisition water offset projects**

* Ingria proposed the committee discuss potential for modification of reservoir operations as a water offset project for the plan. The committee expressed interest in hearing more about two potential projects on Tolt and Spada reservoirs at the April committee meeting.
	+ Daryl Williams (Tulalip Tribes) and Matt Baerwalde (Snoqualmie Tribe) consider this a lower priority project for the plan since the Sultan River and Tolt River typically meet minimum instream flows.
* The next Project Subgroup meeting will focus on reviewing the Non-Acquisition Water Offset Work Plan that GeoEngineers is developing, which outlines their process to identify and develop non-acquisition water offset projects.

**Habitat projects with water offset**

* The project subgroup reviewed GeoEngineers’ [Estimating Water Offset from Habitat Projects Work Plan](https://app.box.com/s/5yvbx02s4ozb0yuoieh67vfsplzzcwq1) and recommended that the Snoqualmie Watershed Forum and Snohomish Basin Salmon Recovery Forum identify a subset of habitat projects for GeoEngineers to further filter and analyze for water offset.
* The subgroup identified priority subbasins for floodplain projects and water offset analysis: Snoqualmie S, Snoqualmie N, Upper Snoqualmie, Raging, Skykomish Mainstem, Pilchuck, & Sultan
* The subgroup will continue discussions of considering critical flow periods in project selection.

**Other Habitat projects**

* The Project Subgroup is still developing guiding principles for habitat projects that do not have large/readily quantifiable water offset.
* There is interest in discussing beaver reintroduction/BDAs at a future meeting.

**Other projects**

* Other projects may be considered under the non-acquisitions water offset work plan or they may fall under our policy and regulatory actions, to be further developed by a task force. Committee members should continue brainstorming out-of-the-box ideas!

# Public Comment

*There was no public comment.*

# Action Items for Committee Members

* Email Ingria your responses to the [policy and regulatory actions - committee action items](https://app.box.com/s/3qy1n8tekbrelrbqi4dtcj9lrc301o27)
	+ What are your entity’s top 3 policy recommendations?
	+ Are there ideas your entity would oppose?
	+ Are there ideas you are willing to develop individually or as part of a task force with other committee members?

# Action Items for Technical Consultants and Ecology

* Ecology will follow up with absent members (Snohomish County and City of Lake Stevens) for their votes on WRIA 7’s consumptive use estimates.
* Ecology will share updated list of potential policy and regulatory actions and give Committee members another opportunity to review. Committee members will need to further develop top recommendations individually or create an ad-hoc policy workgroup (i.e., “disappearing task force”) which would be self-directed.
* Ecology will follow up internally on instream flow rule recommendations.

# Next Steps

* Next WRIA 7 **Committee** meeting: Thursday, April 9, 12:30-3:30; WebEx
* Next **Project Subgroup** meeting: March 25, 1-2:30; WebEx.
* Next **Technical Workgroup** meeting: N/A; Technical workgroup on pause to allow committee to focus on project development