



Meeting Summary

Snohomish (WRIA 7)

Watershed Restoration and Enhancement Committee meeting

April 9, 2020 | 12:30 p.m. - 3:30 p.m. [WRIA 7 Committee Webpage](#)

Location

Webex

Committee Chair

Ingria Jones
Ingria.Jones@ecy.wa.gov
(425) 466-6005

Handouts

Draft March Meeting
Summary
Water Right Acquisitions
Handout
Non-Acquisition Water Offset
Work Plan

Attendance

Committee Representatives and Alternates *

Ingria Jones (*WA Dept. of Ecology*)
Stacy Vynne McKinstry (*alternate-WA Dept. of Ecology*)
Daryl Williams (*Tulalip Tribes*)
Anne Savery (*alternate - Tulalip Tribes*)
Matt Baerwalde (*Snoqualmie Indian Tribe*)
Julie Lewis (*alternate -Snoqualmie Indian Tribe*)
Denise Di Santo (*King County*)
Cynthia Krass (*Snoqualmie Valley WID*)
Brant Wood (*Snohomish PUD*)
Keith Binkley (*alternate - Snohomish PUD*)
Kirk Lakey (*WA Dept. of Fish & Wildlife*)
Lindsey Desmul (*alternate - WA Dept. of Fish & Wildlife*)
Emily Dick (*Washington Water Trust*)
William Stelle (*alternate - 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*)
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*)
Glen Pickus (*City of Snohomish*)
Steve Nelson (*City of Snoqualmie*)
Terri Strandberg (*Snohomish County*)

Committee Representatives and Alternates in Not Attendance*

City of Lake Stevens
Snohomish Basin Salmon Recovery Forum (*ex-officio*)

City of Carnation
City of Gold Bar
Town of Index

Other Attendees

Susan O'Neil (*ESA (facilitator)*)
Angela Pietschmann (*Cascadia (info manager)*)
Joe Hovenkotter (*King County*)
Megan Darrow (*City of Monroe*)
Stephanie Potts (*WA Dept. of Ecology*)
John Covert (*WA Dept. of Ecology*)
Paulina Levy (*WA Dept. Of Ecology*)

Kevin Lee (*WA Dept. of Fish & Wildlife*)
Bridget August (*GeoEngineers*)
Jonathan Rudders (*GeoEngineers*)
Alexa Ramos (*Snohomish County*)
Yorik Stevens-Wajda (*Snohomish County*)
Ann Harrie (*Snoqualmie Indian Tribe*)

Introductions and standing business

Susan welcomed the group, began introductions, and reviewed the agenda. *No revisions to the agenda.*

Ecology received corrections from Washington Water Trust on the draft March meeting summary about their methodology for the water rights assessment. Ecology included Snohomish County's approval (provided via email) of consumptive use estimates in the summary. *The meeting summary was approved without further changes.*

Ecology updates:

- The City of Lake Stevens has not provided their decision on consumptive use estimate and currently does not have staff capacity to send a representative to Committee meetings. The City did not previously voice concern over the estimate.
- The deadline for submitting streamflow restoration grant applications has been extended to April 30, 2020 at 5PM.
- Ecology is launching an [Advisory Group on Water Trust, Banking, and Transfers](#). The first meeting is on April 16, 2020. To receive info, sign up for the Advisory Group email [listserv](#).
- The project subgroup now has a standing meeting date –every 4th Wednesday from 2PM -4PM. The subgroup met on March 25th to provide direction to GeoEngineers on their non-acquisition water offset work plan and to discuss existing non-acquisition water offset projects. The subgroup sought more feedback and ideas from the Committee during this meeting. Their next meeting will focus on beavers, beaver dam analogues (BDA), and other habitat projects.

Committee member updates:

- Daryl provided updates on Tulalip Tribes' capacity for engagement. Daryl and Anne anticipate being able to continue involvement in the WREC meetings, but time and resources are limited with other staff being furloughed.

Non-acquisition water offset projects presentation and discussion

Currently, non-acquisition water offset projects are underrepresented in the WRIA 7 project inventory, which consists largely of habitat and other related projects. Non-acquisition water offset projects are largely centered on changes in how and when water is diverted, withdrawn, conveyed, or used to benefit streamflow and instream resources.

Jonathan Rudders (GeoEngineers) provided an overview of the work plan GeoEngineers developed which outlines the process they will use to identify and preliminarily evaluate non-acquisition water offset projects within the watershed. GeoEngineers is planning to do the work in phases, to get information and feedback from the Project Subgroup and Committee on which projects to prioritize:

- **Phase 1:** Identify contacts with key knowledge of the project type or area, conduct a desktop screening for candidate potential project sites/areas, if necessary, and work with key contacts to develop a list of preliminary concepts for non-acquisition water offset projects.
- **Phase 2:** Prioritization and further analysis. Work with the WRIA 7 Project subgroup and Committee to identify priority projects that should be further analyzed. Conduct further analysis for priority projects.
- **Phase 3:** selection of projects for inclusion in the plan. Develop a short (approximately 1 to 2 pages) project summary sheet for each project or action the Committee selects for inclusion in the Plan.

John Covert (Ecology) provided examples of non-acquisition water offset projects:

- Water Storage and Retiming Projects
- Stormwater Infrastructure
- Modification to Reservoir Operations
- Water Right Source Switches
- Conservation and Efficiency Projects
- Streamflow Augmentation

Resources:

- [Preliminary Work Plan: Non-Acquisition Water Offset Project Identification](#)
- [Meeting slides \(slide 7-42\)](#)

Discussion:

The Committee discussed non-acquisition water offset project ideas for WRIA 7. The following is a list of project ideas brought forth by Committee members, including ideas shared through the WebEx chat function.

- **Water Storage and Retiming**
 - Gravel pit on the Pilchuck River (also potential for MAR).
 - Raising outfalls of numerous high-elevation ponds and lakes by installing concrete/wood beam weirs at the outlets. Challenges: permitting, environmental issues, downstream consequences. Smaller projects easier to permit/locate and get landowner cooperation.
 - Oxbow ponds: tend to harbor a lot of invasive predatory fish and bullfrogs (bad for salmon). Where reconnection cannot happen, consider raising the outlet.
 - Sloughs along the Skykomish River / Raging River delta. Connect with King County Rivers Group to make sure this wouldn't violate rules about zero rise. Flood risk is a concern if this would decrease the capacity of the floodplain to store waters during a flood.
 - PUD fisheries staff could be a resource for identifying opportunities.
 - **Modification of existing storage facilities:**
 - WDFW and Tulalip are evaluating a flow control weir at headwaters of Tulalip Creek (Lake Shoecraft).
 - There was a suggestion to consider mimicking Lake Shoecraft on the numerous small lakes and ponds at higher elevations (but not so high where you'd lose shading and temperature control).
 - Twin Lakes (South of Marysville Costco).
 - Lake Stevens weir.
 - SVWID would consider being a project proponent for Lake Margaret (potential to impact high flows in Cherry Creek, which have been problematic).
 - **Managed Aquifer Recharge (MAR)**
 - John has identified potential MAR project ideas and discussed with project subgroup:
 - One potential project (Three Forks Park) is on King County property. MAR sites may be compatible with King County Parks, but not in designated natural areas.
 - Shallow monitoring wells are likely needed when building MAR projects.
 - Ecology would issue a new (junior/interruptible) water right for MAR sites. Cannot issue new water right in subbasins or tributaries with year-round closures (requires rulemaking – further discussed later in meeting).
 - Proper project citing is important (e.g., avoid putting projects close to active floodplains or known landslide areas) to avoid adverse impacts (e.g., potential

changes to groundwater movement, new springs popping up in unexpected places – causing landslides or surface water expressing itself in unexpected areas).

- Snoqualmie Sand and Gravel is within a mile of City of Snoqualmie’s wastewater treatment plant. Potential to infiltrate Class A reclaimed water there. Currently being discharged to Snoqualmie and irrigation of golf course/City landscaping.

- **Stormwater Infrastructure**

- Cannot take credit for the stormwater management that is required under regulatory authority (i.e., must go “above and beyond” minimum requirements to count as offset). Can increase the size of an existing reservoir (include additional volume as offset in portfolio). Advantage – do not need a water right for stormwater management projects.
- Opportunities to expand existing stormwater ponds. Snohomish Conservation District is looking at potential sites in Marysville.
- Nexus between stormwater and farm water activities.
- Large-scale cisterns at residences and businesses to capture winter rains and reuse indoors or for irrigation. Consider expanding Seattle-King County incentive program (Rainwise) beyond the current CSO/WTD service area to encourage people to build rain gardens and use rooftop cisterns.
- Mimic constructed stormwater wetland at Arlington. Eight acres takes runoff from 280 acres of pre-regulatory development. Recharges near-channel aquifer, rather than direct discharge to river.
- Use existing retention/detention ponds that do not work or have not been maintained.

- **Water Right Source Switches**

Note: The Committee could identify surface to groundwater source switches, but the Foster Supreme Court decision currently limits the ability to permit these.

- Pilots for capturing and storing/using water from drain tiles.
 - Create project similar to “Walking Wetlands” project in Skagit/Whatcom County.
 - Identify deep, marine-discharging aquifers to benefit valley bottom tributaries lower in the basin.
 - Switching from surface tributaries to surface main stem. Surface water source switches may be easier to permit. They can provide habitat benefit, but limited offset potential.
 - Connect smaller water systems lower in Snohomish to Everett and or Snohomish PUD water service.
 - City of Snohomish could put their Pilchuck water right into permanent trust (the City of Snohomish does not support this idea).
 - City of Arlington could have lots of water for Quilceda but waiting on Foster pilots to identify opportunities for the City (timing does not align with our final plan target date).
- **Streamflow Augmentation**
 - WWT may identify potential streamflow augmentation and irrigation efficiency projects through water rights analysis (permanent – put into trust).
 - **Conservation and Efficiency**
 - Snohomish CD is continuing to look for opportunities to improve irrigation efficiencies assistance with NRCS and farm bill funding and hope to expand that program this next year and beyond.
 - WWT identified a water right that has a source in WRIA 5, but discharges into WRIA 7 (Little Pilchuck). Consider how Committee would look at acquiring foreign flow rights.
 - Arlington noted concerns over out-of-basin water moves, especially if Ecology has closed the source basin to new appropriations.

Discuss interest in reservoir release projects

City of Seattle and Snohomish PUD have had internal discussions and would like to know if the Committee is supportive of reservoir releases from Spada Reservoir and Tolt Reservoir as water offset

projects before doing more work on it internally (development is time intensive). These projects could (1) provide certain water offset, (2) be part of our suite of projects, (3) help us go above and beyond, and/or (4) allow us to spend time focusing on habitat improvements and other projects.

Meeting materials:

- [Meeting slides \(slides 43-49\)](#)

Discussion:

- Matt Baerwalde (Snoqualmie Tribe) asked whether there are Instream Flow Incremental Methodology (IFIM) studies on the Sultan and Tolt that indicate a need for additional flow.
 - IFIM studies for Sultan are about 10 years old. IFIM flows in the Sultan offer percentages of habitat for each life stage and species.
 - IFIM studies are only on the South Fork Tolt, not the main stem, and are 20 years old.
- Committee members shared the following benefits and related considerations:
 - Ingria Jones (Ecology) noted that the project would be measurable, have a certain water offset quantity, and be memorialized through an agreement or water right change that guaranteed benefits in perpetuity.
 - Mike Wolanek (City of Arlington) expressed support for agreements with operators of Spada and Tolt reservoirs.
 - If falling short of water needs for Chinook (or similar need), even a little more water might help.
 - Flexible: it could be 1 cfs year-round or a 12 cfs in a summer month.
 - Improved water temperature is a consideration. Tolt cools the main stem in summer.
 - Climate resilient solution; water will always exist but might come as rain instead of snowpack (should have good outlook).
- Committee members shared the following concerns and related considerations:
 - Denise Di Santo (King County) suggested considering reservoir releases a temporary measure, given uncertainty, changing conditions, and political acceptance. She suggested the project could operate in tandem with other projects and actions but questioned whether it is a reliable offset over time.
 - Committee members discussed limitations in quantifying the benefits for fish species. Models can quantify habitat changes, however it is challenging to do this for small quantities of water (e.g. 1 or 2 cfs), since IFIM is relatively coarse when considering the amount of water we are talking about. Several Committee members expressed concern that adding additional flow of only 1 or 2 cfs may not result in any real benefit for fish.
 - Consider alternatives that would provide benefits to pipe water to small tributaries with greater need and ways to benefit groundwater.
 - Consider how additive streamflow benefit would be affected by future changes in FERC instream flow requirements. The Tolt river instream flow requirements will be reassessed during the next few years as the current FERC license expires and Seattle applies for a new license.
 - Daryl Williams (Tulalip Tribes) expressed that he would rather see additional flows restored in the streams being hardest hit by new developments or the streams that have the greatest need for higher flows.
- Next steps: The project will remain on the table as an option; the Committee can revisit in the future if unable to find sufficient offset projects.

Water rights acquisitions: prioritization results

Washington Water Trust (WWT) provided an overview of (1) their initial water rights assessment and prioritization and (2) next steps.

Resources:

- [Draft WRIA 7 Water Rights Assessment Due Diligence Technical Memo](#)

Discussion:

- All potential projects would still need to be further developed to clarify uncertainties.
 - WWT has not yet contacted landowners, other than a couple identified by Ecology.
 - WWT will determine whether projects are feasible based on water rights/past use before conducting outreach with water rights holder.
- **Recommendations from Committee members:**
 - Snoqualmie Valley WID may have concerns with specific projects and will work with WWT.
 - Look into big 127 AFY water rights on Patterson (sources are Snoqualmie River and groundwater within Snoqualmie basin). Not sure how much direct Patterson benefit there would be.
 - Snoqualmie Indian Tribe will provide WWT feedback on acquisitions in the Raging.
 - WWT will work with Arlington to address concerns about potential acquisitions near the City's water service area.
 - Suggestion to bring forward some opportunities that might be smaller/further down the list but have greater consensus among Committee members.
- Next step: WWT will develop 15 project opportunities with further due diligence (could include multiple types of projects) by June 30, 2020. Send WWT feedback by next week.

Policy and regulatory actions discussion

Committee members interested in including policy and regulatory recommendations in plan will need to lead the further development of those policy recommendations (facilitation team can support). Ecology can offer technical assistance but is not able to take the lead drafting proposals for the Committee to consider. Some existing and forthcoming resources related to policy recommendations include:

- Facilitation team is developing broad language for committee members to consider around adaptive management.
- WDFW is working on a proposal for project tracking to facilitate adaptive management. WDFW cannot lead on policy and regulatory recommendations.
- Ecology has compiled initial responses from [outreach to water purveyors in WRIA 7, 8, and 9](#).
- Ecology has prepared a [Foster Pilot projects update](#).
- Ecology is preparing an overview of existing permit-exempt well metering programs.
- Ecology is preparing an FAQ on well decommissioning.

Committee members sent feedback on the policy ideas brainstormed at the December meeting and some self-selected as leads to develop proposals and background information. Ecology summarized the feedback it received (list the categories), some of the feedback arriving day of meeting. Additional comments and nuances are in the notes and that Ecology can share with the leads. Ingria shared slides showing the feedback on each policy idea organized by those with leads, supporters and potential opposition. A few ideas have strong support but no lead, or leads but no strong support.

The Committee supported moving forward with developing policy recommendations that had self-selected leads and also strong support from Committee members. The initial work will be for policy leads on those with the most promise to develop proposals, connect with those who have potential concerns, and provide additional background information to assist in clarity around decisions when these come back to the Committee. Susan will convene a task force meeting in May for the policy leads to discuss proposals for recommendation to the Committee.

Discussion:

- Snoqualmie Valley WID could help facilitate source switching in WID, but they are resource constrained and would want to closely examine cost/benefits.
- Snoqualmie Indian Tribe encourages reframing these as ideas that could lead to project or policy recommendations to avoid using loaded terms like regulatory actions.
- Snohomish Conservation District interested in supporting irrigation efficiencies that are more applicable to the broader Ag sector. Also interested in opportunities for roof water catchment.
- Snoqualmie Watershed Forum and Snoqualmie Valley WID will collaborate on source switching with irrigators and see if King County Conservation District could support. Ecology would like to stay in the loop on these conversations.
- Ingria reminded the Committee that Ecology has four new staff funded through legislative appropriations tied to Puget Sound Orca recovery (compliance and enforcement staff). One FTE is dedicated to metering.
- City of Arlington supports "One Water" principle; i.e., maintain consistency in water use allocations based on actual physical availability. If water use for a specific purpose by a specific method is denied because of lack of water availability, it should be understood to be unavailable for any other purpose (consumptive) or method (individual or corporate/public). (This proposal may be inconsistent with Ecology's existing policy and guidance.)

Policy Recommendations and Policy Leads:

- **Increase water service connection and well decommissioning:** strengthen requirements for new homes to connect to water service (timely & reasonable language), require/incentives for homes that connect to decommission wells, incentives for homes to connect. Example: CWD's code language. Matt Baerwalde, Snoqualmie Indian Tribe. **Policy lead: Matthew Baerwalde, Snoqualmie Indian Tribe (Mattb@snoqualmietribe.us); Support: Mike Wolanek, City of Arlington (mwolanek@arlingtonwa.gov)**
- **Metering of permit-exempt wells:** policy could include just new wells or also existing wells. Could include a pilot in a specific subbasin; could be voluntary or mandatory. **Policy leads: Denise Di Santo, King County (ddisanto@kingcounty.gov); Matthew Baerwalde, Snoqualmie Indian Tribe (Mattb@snoqualmietribe.us)**
- **Change the fee for permit exempt well construction:** could include recommendation to Ecology to increase permit fees to cover the lifecycle costs of PE wells; Ecology would need to go through rulemaking to change the fees. Other ideas include a tiered fee based on property value or lawn size to fund adaptive management or incentivize reduced irrigation, low impact development, or salmon-friendly landscaping; annual irrigation fee for domestic permit-exempt wells; or waive \$500 fee if someone joins an educational program, plants native plants, reduces outdoor water use, etc. **Policy Lead: Emily Dick, Washington Water Trust (emily@washingtonwatertrust.org).**
- **Increased funding for water right acquisitions:** could be a recommendation to the legislature to increase funding for the trust water rights program; could recommend additional funding for certain types of acquisitions or certain watersheds. **Policy Lead: Washington Water Trust (emily@washingtonwatertrust.org).**
- **Improve Ecology well tracking:** Improve the Ecology well log database to include GPS coordinates, link records for new and decommissioned wells, identify permit-exempt wells. **Policy Lead: Matthew Baerwalde, Snoqualmie Indian Tribe (Mattb@snoqualmietribe.us)**
- **Education/outreach/incentives for water conservation:** incentivize rain catchment and storage for outdoor irrigation, landscaping and outdoor water use, native plants, planting technical assistance for new homeowners. **Policy Leads: Matthew Baerwalde, Snoqualmie Indian Tribe (Mattb@snoqualmietribe.us) and Bobbi Lindemulder, Snohomish Conservation District (bobbi@snohomishcd.org)**

- **Additional funding for plan implementation:** Funding/legislative authority for Ecology to implement the WRE plan. **Policy lead: Emily Dick, Washington Water Trust (emily@washingtonwatertrust.org)**
- **Develop mitigation bank:** No additional details have been discussed to-date. **Policy Lead: Emily Dick, Washington Water Trust (emily@washingtonwatertrust.org)**

Public comment

There was no public comment.

Action Items for Committee Members

- Send location/ownership ideas on using oxbows that cannot be reconnected to Jonathan Rudders (GeoEngineers).
- WA Water Trust will develop 15 water rights acquisition project opportunities with further due diligence (could include multiple types of projects) by June 30, 2020.
- Send WA Water Trust feedback on Draft Due Diligence Technical Memo by next week.
- If committee members want to request a deadline extension for the WRE plan, contact your legislator to help make that happen (Ecology does not anticipate making this request).
- Reach out to Susan if you would like to lead an additional policy proposal for consideration by the committee (soneil@esassoc.com).

Action Items for Technical Consultants and Ecology

- Ecology to send language from Nooksack plan for proposed rulemaking. The committee requested more information/examples where rulemaking went differently than expected.

Next Steps

- Next WRIA 7 **Committee** meeting: Thursday, June 11
- Next **Project Subgroup** meeting: April 22, 2PM-4PM; WebEx.
- Next **Technical Workgroup** meeting: N/A; Technical workgroup on pause to allow Committee to focus on project development.