



# Meeting Summary

**Snohomish (WRIA 7)**

**Watershed Restoration and Enhancement Committee meeting**

September 10, 2020 | 12:30pm – 3:30pm [WRIA 7 Committee Webpage](#)

## Location

WebEx

## Committee Chair

Ingria Jones  
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(425) 466-6005

## Handouts (electronic)

Draft August Meeting  
Summary  
Operating Principles –  
Suggested Revisions  
Project Development Tracking  
Document  
Draft Adaptive Management  
Chapter  
Template for NEB Chapter

## Attendance

### Committee representatives and alternates

Ingria Jones (WA Dept. of Ecology)  
Daryl Williams (Tulalip Tribes)  
Matt Baerwalde (Snoqualmie Indian Tribe)  
Denise Di Santo (King County)  
Cynthia Krass (Snoqualmie Valley WID)  
Kirk Lakey (WA Dept. of Fish & Wildlife)  
Emily Dick (WA Water Trust)  
Mike Wolanek (City of Arlington)  
Mike Remington (City of Duvall)  
Jim Miller (City of Everett)  
Matthew Eyer (City of Marysville)  
Liz Ablow (City of Seattle ex-officio)  
Steve Nelson (City of Snoqualmie)  
Terri Strandberg (Snohomish County)  
David Levitan (City of Lake Stevens)  
Stacy Vynne McKinstry (WA Dept. of Ecology, alternate)

Lindsey Desmul (WA Dept. Fish & Wildlife, alternate)  
William Stelle (WA Water Trust, alternate)  
Bobbi Lindemulder (Snohomish Conservation District)  
Dylan Sluder (MBA of King and Snohomish Counties)  
Elissa Ostergaard (Snoqualmie Watershed Forum – ex-officio)  
Megan Darrow (City of Monroe)  
Anne Savery (Tulalip Tribes, alternate)  
Brant Wood (Snohomish PUD)  
Keith Binkley (Snohomish PUD)  
Glen Pickus (City of Snohomish)  
Jamie Burrell (City of North Bend)  
Kurt Nelson (Tulalip Tribes, alternate)

### Committee representatives and alternates not in attendance

City of Carnation  
City of Gold Bar  
Town of Index

Snohomish Basin Salmon Recovery Forum (ex-officio)

### Other attendees

Susan O'Neil (ESA – Facilitator)  
Angela Pietschmann (Cascadia – Info Manager)  
John Covert (WA Dept. of Ecology)

Joe Hovenkotter (King County)  
Eric Ferguson (King County)

## Introductions and standing business

Susan O'Neil (Facilitator) welcomed the group, began introductions, and reviewed the agenda. *No revisions to the agenda. The August meeting summary was approved without further changes.*

### Ecology updates:

- Upcoming Ecology furlough dates: 9/25, 10/30, 11/30
- Streamflow restoration grant: Ecology program leadership team is reviewing the grant scoring; expect to announce awards in the fall. Ingria will share with Committee when available.
- Ecology has developed a new [Focus Sheet](#) that provides an overview of how the Foster decision affects Ecology's work on water right change applications, mitigation packages, and water banking in watershed with instream flow rules.
- Recap of WRE Plan requirements:
  - Draft plan was distributed on 8/27 for Committee review. Includes draft Chapters 1-4, outline of Chapters 5 and 7, and draft policy chapter. The draft incorporated relevant comments from WRIA 8 on Chapter 4.
  - The Committee should focus comments on the new content (Chapters 4, 5, 6, 7).
  - The Committee should be briefing decision-makers:
    - Ecology provided a cover memo with the draft plan and other resources.
    - Ecology has developed a [presentation](#) committee members can use to brief decision makers. Contact Ingria if you need assistance tailoring to meet your needs, or would like Ecology to present to your decision makers.
  - Required elements of plan:
    - As articulated in the [Streamflow Restoration Policy Interpretive Statement](#), *"Watershed plans must identify projects and actions necessary that at a minimum, offset the consumptive use of new groundwater permit-exempt domestic withdrawals over the planning horizon and achieve NEB."* NEB is evaluated at the WRIA scale.
    - The plan must address indoor and outdoor household water use from new permit-exempt domestic groundwater withdrawals over the 20 year planning horizon: January 19, 2018 – January 18, 2038. Offsets must continue as long as well pumping continues.
    - Offset time and place: *"Projects and actions identified in watershed plans are not limited to those that can provide strict in-time, in-place offsets, though projects in the same sub-basin or tributary (within the same WRIA), and during the same time that the use occurs are prioritized."*
    - Plan does not obligate entities to implement projects or actions: as articulated in the [Final Guidance for Determining Net Ecological Benefit](#), watershed plans are to be prepared with implementation in mind. However, RCW 90.94.020 and 90.94.030 do not create an obligation on any party to ensure that plans, or projects and actions in those plans or associated with rulemaking, are implemented.
  - All Committee **voting** members must approve the plan in order for it to go to Ecology for review and adoption. The alternative is that Ecology finishes the plan and then adopts it through rulemaking, which is open to statewide input.

## Operating Principles

The committee can periodically review its operating principles and amend them as needed.

Unanticipated circumstances have raised the need for the chair to bring forward a recommendation

for an amendment regarding remote participation in the final approval of the plan and addressing members that stop participation in the committee.

It is unlikely that the committee will meet in person for a final plan approval vote due to the global pandemic. The committee voted on a revision to the operating principles to formalize and clarify the allowance of remote participation and voting. In addition, to reduce complications during a final plan approval vote, the committee voted on a revision to account for members that stop participating in the committee process or those that would like to resign ahead of a final plan approval vote.

#### **Proposed additions to Operating Principles:**

- Remote participation section: *“If extraordinary events, such as a pandemic or natural disaster, require the committee to meet remotely, all meetings will be held remotely and the operating procedures will remain in force, except portions that assume in-person versus remote participation.”*
- Final approval of Plan section: *“The final plan approval may also be given verbally when in person participation is not possible: Approve or Disapprove.”*
- \*NEW\* withdrawal/resignation section:
  - Resignation from the Committee: *“If an entity no longer wishes to participate in the committee process or the final plan approval, they should send written notice (electronic or mailed notice) to the chair as early as possible prior to their resignation. Advance notice will support the chair and facilitator in managing consensus building and voting procedures.”*
  - Presumed Withdrawal from the Committee: *“Entities must participate in the committee process for the six month period prior to the final plan approval in order to vote on the final draft plan. (“Participate” means partaking in a minimum of one full committee or workgroup meeting, engaging over email or phone. It does not mean presence at every committee meeting with the understanding that entities may need to occasionally miss committee meetings.) If an entity does not respond to communication over email or phone, or does not attend committee or workgroup meetings, during the six month period prior to the vote on the final plan, it is assumed that they have withdrawn from the committee. The chair will send an electronic notice to all entities providing this information no later than September 30, 2020. The chair will send electronic notice to all entities providing this information at least two months prior to the anticipated vote on the final plan and no later than January 31, 2021.”*

#### **A quorum was established. The following voting members approve proposed additions to Operating Principles:**

- |                                      |                                     |
|--------------------------------------|-------------------------------------|
| • City of Snoqualmie                 | • Washington Water Trust            |
| • City of Snohomish                  | • WA Department of Fish & Wildlife  |
| • City of North Bend                 | • Snohomish Public Utility District |
| • City of Monroe                     | • Snoqualmie Valley WID             |
| • City of Marysville                 | • Snohomish County                  |
| • City of Lake Stevens               | • King County                       |
| • City of Everett                    | • Snoqualmie Indian Tribe           |
| • MBA of King and Snohomish Counties | • Tulalip Tribes                    |
| • Snohomish Conservation District    | • WA Department of Ecology          |

#### **Voting members not present:**

- City of Arlington (not present for this portion of the meeting)
- City of Duvall
- City of Carnation
- City of Gold Bar
- Town of Index

**Resources:**

- Updated Operating Principles (see [meeting packet](#))

## Projects

The projects chapter will include recommendations from the WRIA 7 Committee for projects and actions to offset consumptive use and meet NEB. Projects identified in a watershed plan that has been adopted by Ecology, or through a rulemaking process to meet the requirements of RCW 90.94, receive priority points in the streamflow restoration grant program. The demand for these competitive grants is likely to exceed available funding and projects identified in a plan are not guaranteed funding.

As articulated in Ecology’s Final Guidance for Determining NEB, watershed plans are to be prepared with implementation in mind. However, RCW 90.94.020 and 90.94.030 do not create an obligation on any party to ensure that plans, or projects and actions in those plans or associated with rulemaking, are implemented.

The project list will contain projects in varying levels of development with varying available information. Projects with project sponsors committed to implementing the project provide an increased level of certainty. The Committee can continue to identify and seek to implement projects that are not included in the plan at the time of adoption, but Ecology only has authority to adopt the plan once (e.g., cannot add projects to adopted plan).

The Project Subgroup will aim to finalize project list during 9/23 Project Subgroup meeting. The Committee will review their recommendation during 10/8 Committee meeting. GeoEngineers and Project Sponsors will finalize project descriptions by 10/5. Ecology will distribute draft Chapter 5 (Projects) by 10/23. The Committee will review and discuss comments at 11/12 Committee meeting.

**Resources:**

- [Project Development Tracking Document](#)
- [Detailed Project Descriptions](#)
- [Project Inventory](#)

**Discussion:**

- **Water Offset Projects:**
  - *Lake Stevens Outlet Modification:* Finalizing project description. The City of Lake Stevens is actively pursuing this project.
  - *Lake Shoecraft:* Finalizing project description. Tulalip Tribes will be listed as project sponsor. Potential additional benefits due to hydrologic connection between Lake Shoecraft and Lake Goodwin, but too uncertain at this point to estimate benefits.
  - *Lochaven Source Switch:* Project Subgroup recommended counting the portion of water consumptive used for the offset estimate. If the project progresses, Ecology would still be interested in acquiring the whole water right to protect the used and inchoate portion instream.
  - *Water Rights Acquisitions:* Washington Water Trust (WWT) developed offset estimates based on available information about water use from metering records and aerial

photos and estimating the portion of water that is consumptively used. The Project Subgroup recommends keeping these estimates as they are.

- **MAR Projects:**

- Currently have a suite of MAR projects in inventory with WWT as project sponsor, who would work with landowners & develop feasibility study. GeoEngineers has developed project descriptions for 5 potential MAR projects.
- MAR projects would withdraw water when ISF rules are being met – typically during the winter, and recharge it into the aquifer for release to the streams. GeoEngineers used a USGS analytical tool to develop estimates for the timing of benefits based on best available information and informed assumptions about aquifer characteristics.
- The Project Subgroup discussed only counting the offset from augmented streamflow when water is not being withdrawn for the MAR facility, or only during the critical flow period. GeoEngineers has developed monthly offset estimates for each MAR project as well as an estimate based on when water is not being withdrawn. The Subgroup will discuss these at the next Project Subgroup meeting.
- King County prefers to avoid describing MAR projects as “adding” water to the aquifer. Rather, water is controlled and retimed as it moves through the aquifer.
  - John Covert (Ecology) noted that water is taken out of a river, infiltrated into the aquifer, then moves through back into river. Water that otherwise would have stayed in the river is being added to the aquifer at the storage facility.
- Snoqualmie Indian Tribe is concerned by the large estimated water offsets for MAR and stormwater projects. The Project Subgroup discussed reducing these estimates or not including MAR projects in offset total (include in NEB).
  - WDFW, King County, and Tulalip Tribes agree.
  - The project subgroup will revisit these estimates at next meeting and develop recommendation for offsets to include in plan.
- King County suggested combining the 5 MAR projects into a Snoqualmie basin package (potentially tiered); do not want to discount offset altogether but could reduce to more conservative estimate and/or include a range. MAR projects work quite well at retiming and adding water to the system.
- Tulalip Tribes noted that GeoEngineers is developing estimates using USGS formula with existing data only. To build confidence in offset numbers, need more site specific information currently unavailable (e.g., geology and rate groundwater moves in area). Generally support retiming projects that provide water when it’s needed most.
- Ecology noted the Salmon Recovery Fund Board has funded feasibility studies and construction of MAR projects. As the sponsor, Washington Water Trust would conduct a feasibility study as a first phase in any MAR project.

- **Stormwater Projects:**

- There are two stormwater projects on the Committee’s working project list: Little Bear Stormwater Project (Snohomish County project) and Quilceda Stormwater Project (Snohomish CD project involving several small stormwater upgrades and depave projects—above and beyond existing stormwater requirements). The Snohomish CD applied for streamflow restoration funding for this project.
- The Project Subgroup has expressed concerns about assuming year-round benefits from stormwater projects because they infiltrate water into the aquifer and the timing of the release into the stream cannot be controlled and is based on distance to the stream and

aquifer characteristics. The Project Subgroup will revisit the offset estimates for stormwater projects at the next meeting.

- **SVWID Storage:** Project Subgroup will discuss a few sites with potential at next meeting and decide how to include in the plan. If more conceptual, can still include just less certainty with offset and/or may not have offset numbers.
- **Snohomish CD Storage:** Snohomish CD received a streamflow grant to identify small storage opportunities in Woods Creek, Pilchuck, and Lower Mid-Skykomish subbasins. They will provide an update at next Project Subgroup meeting. The Subgroup will develop a recommendation for how to include in the plan. If more conceptual, can still include just less certainty with offset and/or may not have offset numbers.
- **Source Switches:**
  - Removed Sultan – dam upgrade already in progress, making it less financially viable.
  - Removed May Creek/Gold Bar/Startup – removed one of Gold Bar’s wells from the offset estimate since it taps a deep aquifer that is likely not connected to the Skykomish River, reducing overall cost/benefit ratio. Gold Bar indicated they do not support the project at this time.
- **Tulalip Coho Creek Project:** the Tribe is working to restore Coho Creek to a meandering stream/wetland. Partially restored with stream barriers removed. Since the Tribe implemented a membrane bioreactor (MBR) system, the WWTP outfall/effluent is close to drinking water standards. Effluent from MBR plant is currently discharged into EPA-approved UIC facility, which goes into the ground and eventually reaches Quilceda Creek. The UIC facility is currently at capacity and looking for other options for discharging effluent. Parametrix is studying additional treatment locations/options for resolving effluent issues (temperature, nitrogen). Study nearly completed.
  - The Project Subgroup will discuss this new offset project at 9/23 meeting; if information not ready in time, can discuss at October Committee meeting.
- **Habitat Projects:** GeoEngineers and project sponsors are developing project descriptions for projects recommended for inclusion in the Plan. Project Subgroup will finalize any remaining recommendations at next meeting; do not anticipate much change to this list of habitat projects. Information about funding status will be included in the project descriptions. Have at least one habitat project in every subbasin except Tulalip and Lower Mid-Skykomish (Wallace/May Creek).
  - Snoqualmie Valley WID is working with King County to identify habitat projects that would be implemented on agricultural land to identify potential conflicts and determine whether projects would be reviewed by the Fish Farm Flood group.
- **Expressing support for types of projects/prospective projects:**
  - Ecology doesn’t currently have authority to re-adopt a plan. Committees cannot add projects to an already approved project list but can still continue to identify new projects and seek to implement them. However, the projects included in the “adopted plan” are relevant to the funding priority. The WRIA 7 Committee could choose to include language in the WRE Plan to express support for certain *types* of projects/include prospective projects without writing up a project description or estimating a water offset quantity. The projects would not include an estimated water offset and would not contribute to meeting NEB. Ecology cannot guarantee these projects would receive priority points in future grant rounds.
    - Tulalip Tribes wants to ensure source switch language would consider relevant mechanisms and controls for future water right changes and would not limit the ability to comment on a water right change in the future.

- The Project Subgroup has expressed interest in support for types of habitat projects and may want to include language to support these in the plan.
  - Ecology will work with Snoqualmie Indian Tribe and Tulalip Tribes to prepare draft language for committee consideration at a future meeting.
- **Potential for tiering the project list in WRE Plan:**
  - Project subgroup discussed option to tier/sequence the project list. *Tiering* would involve organizing our project list in tiers, based on likelihood that the project will be completed. *Sequencing* our projects would involve organizing them in terms of priority for funding. Project Subgroup recognized the potential benefit of tiering but felt that the project list is short enough to forgo this task, given the level of effort to develop and apply tiering criteria, which would still be somewhat subjective.
  - The Subgroup thought that once project descriptions are all submitted, a more obvious sorting of projects could come up and they may recommend revisiting later to organize projects by subbasin in plan. Project descriptions will have estimated cost information and project status (i.e., shovel ready vs conceptual) if available.
    - Tulalip Tribes suggested potentially tiering by near-term/long-term implementation, prioritizing shovel-ready projects.
    - City of Everett supports tiering and would like to see cost/benefit information. Concerns that the project list does not include costs, benefits or priorities at this point. The City indicated that they could not support a plan if the project list was not tiered or sequenced in some way.
    - King County supports tiering after project list is more developed.

## Adaptive management & policy recommendations

WRE Committees may decide to address water use beyond minimum requirements of law. However, any work undertaken beyond the minimum requirements increases the likelihood that time and funds are spent on matters that will not necessarily yield a locally approvable or adoptable plan within the very tight timeframes of the law.

Committee members should consider support/lack of support from their respective entities for policies included in Chapter 6. Provide comments via the comment tracker by 9/28; policy recommendations with red flags (serious concerns) will be dropped. Policy recommendations with yellow flags will work with lead and entity with concerns to address; note that policy leads have already put in a considerable amount of time and limited time will be spent further tweaking policy recommendations.

The Facilitation Team is drafting an Adaptive Management Chapter for review by a subset of Committee members. Denise Di Santo (King County), Daryl Williams (Tulalip Tribes), Matt Baerwalde (Snoqualmie Tribe), Liz Ablow (City of Seattle) and Mike Wolanek (City of Arlington) volunteered to review and refine the draft.

### Resources:

Draft adaptive management chapter and draft policy chapter (see [meeting packet](#))

### Discussion:

- **Policies**
  - *Proposal: Encourage conservation through connections to public water*
    - City of Everett is concerned about funding source noted in proposal (fees collected through local permitting processes; pass-through fees associated with well maintenance services collected by service providers; state or local rate

increases or taxes.). Local funding sources need state funding; add Salmon Recovery Funding as potential funding source.

- Tulalip Tribes would like more information on how able these public water systems are to take on additional Group systems. Some small water systems were built before GMA; larger municipal systems may allow for expanded growth in areas where growth is not desirable (densities beyond what is currently allowed under GMA). Avoid encouraging growth in these areas through this recommendation.
- *Proposal: Development and use of reclaimed water*
- City of Seattle noted it would be helpful to provide more information on the goal of this proposal. The City has concerns around water quality and will add specific comments to tracker for this chapter.
- King County is comfortable adjusting this proposal based on Committee feedback. County will work with any proposed changes. Want to heighten public awareness of potential uses for reclaimed water and its fitness to restore streamflow.
- *Proposal: Correction of impediments to sustainable watershed restoration and streamflow enhancement*
  - MBA of King and Snohomish Counties thinks “proliferation of PE wells” is strong language. The WRE Committee’s goal is to offset PE wells; proposal could inadvertently undermine the plan (looks like Committee did not serve its purpose).
  - Everett noted the goal of this proposal is to address the large number of PE wells allowed to take water where streams are closed (to new appropriations) or water purveyor has turned down new customers because there is “no water available”. Support extending water service to areas that need water and to reduce the number of PE wells.
  - Snoqualmie Valley WID has minor concerns. Language is unclear: “no water available.” Agrees this proposal could undermine plan.
  - Ecology noted including “require the Legislature” in the proposal is strong. The first bullet of this recommendation is already covered by *Encourage conservation through connections to public water* proposal. Last two bullets of recommendation are outside the scope of offsetting PE wells.
- **Committee members provide feedback on policy proposals in comment tracker for draft plan by September 28.**
- **Adaptive Management**
  - City of Everett proposed a 5-year update schedule. King County agrees.
  - Tulalip Tribes would like progress updates every other year (send out information to full Committee to show progress). For example, how many new PE wells have gone in and project status. The trigger for reconvening the committee is the most important piece of the adaptive management proposal. Potentially look at percentage of development as a threshold (may need to tailor for small basins).
    - Snohomish CD recommended including environmental triggers as well (e.g., drought conditions).
  - **Committee members provide feedback on draft adaptive management chapter in comment tracker for draft plan by September 28.**



## WRE Plan Chapter 7: Net Ecological Benefit (NEB)

The NEB evaluation is an optional component of the WRE Plan; however, NEB guidance recommends a process for planning groups to use to complete a NEB evaluation: *“A watershed plan that includes a NEB evaluation based on this guidance significantly contributes to the reasonable assurances that the offsets and NEB within the plan will occur. Ecology will review any such plan with considerable deference in light of the knowledge, insights, and expertise of the partners and stakeholders who influenced the preparation of their plan.”*

The Draft WRE Plan included an outline of potential elements to be included in Chapter 7:

- Compare water offset to consumptive use at WRIA level.
- Compare water offset to consumptive use at subbasin level.
- Explain how plan achieves NEB by providing additional benefits to instream resources, beyond those needed to offset consumptive use.
- Explain how adaptive management helps with plan implementation.
- Statement that the Committee believes we achieved NEB.

### Resources:

- Draft NEB chapter outline (see [meeting packet](#))
- [Final Guidance for Determining Net Ecological Benefit](#)

### Discussion:

- **Pros for including NEB evaluation section:**
  - Better chance Ecology will approve the plan.
  - Focused time on evaluating overall ecological impact of plan.
  - Good exercise to go through to build confidence in plan, regardless of whether it is included.
  - Gives more credibility to the ecological benefits of plan.
  - Opportunity to reconsider small offset credits for habitat projects if falling short.
- **Cons for including NEB evaluation section:**
  - Could create institutional drag on approval process.
  - Time commitment.

## Public comment

No public comment.

## Next steps and action items

- Next WRIA 7 Committee meeting: Thursday, October 8, WebEx
- Next Project Subgroup meeting: Wednesday, September 23, WebEx
- Committee members should continue to keep local decision makers updated on the Committee discussions and decisions.
- Committee members provide comments on the draft plan, including policy recommendations and adaptive management plan via the comment tracker by September 28 (see [Draft Plan Compiled 8/27](#) and see [meeting packet](#) for draft adaptive management plan).
- Snoqualmie Valley WID, Snohomish CD, and King County will meet to review projects for impacts to zoned agricultural land and ensure alignment with Fish, Farm, Flood.
- Ecology request vote on operating principles from Committee members not present.
- Ecology draft language for prospective projects and send to Snoqualmie Tribe and Tulalip Tribes for review.
- Consultants develop draft projects chapter for the plan.