



Meeting Summary

Snohomish (WRIA 7)

Watershed Restoration and Enhancement Committee meeting

October 8, 2020 | 12:30pm – 3:30pm [WRIA 7 Committee Webpage](#)

Location

WebEx

Committee Chair

Ingria Jones
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(425) 466-6005

Handouts (electronic)

Project development tracking sheet
Draft prospective projects & actions language
Project tiering discussion guide
Comments on Draft WRE Plan
Plan approval timeline discussion guide
NEB evaluation discussion guide

Attendance

Committee representatives and alternates

Ann Harrie (Snoqualmie Indian Tribe, alternate)
Anne Savery (Tulalip Tribes, alternate)
Bobbi Lindemulder (Snohomish Conservation District)
Brant Wood (Snohomish PUD)
Cynthia Krass (Snoqualmie Valley WID)
Daryl Williams (Tulalip Tribes)
Dave Beedle (City of Seattle ex-officio)
David Levitan (City of Lake Stevens)
Dylan Sluder (MBA of King and Snohomish Counties)
Elissa Ostergaard (Snoqualmie Watershed Forum – ex-officio)
Emily Dick (WA Water Trust)
Glen Pickus (City of Snohomish)
Ingria Jones (WA Dept. of Ecology)
Jamie Burrell (City of North Bend)
Jim Miller (City of Everett)
Joe Hovenkotter (King County)

Keith Binkley (Snohomish PUD)
Kelsey Taylor (Snoqualmie Indian Tribe)
Kevin Lee (WA Dept. of Fish & Wildlife)
Kim Peterson (Town of Index)
Kirk Lakey (WA Dept. of Fish & Wildlife)
Lindsey Desmul (WA Dept. Fish & Wildlife, alternate)
Matt Baerwalde (Snoqualmie Indian Tribe)
Megan Darrow (City of Monroe)
Mike Remington (City of Duvall)
Mike Wolanek (City of Arlington)
Sam Kollar (City of Carnation)
Stacy Vynne McKinstry (WA Dept. of Ecology, alternate)
Steve Nelson (City of Snoqualmie)
Terri Strandberg (Snohomish County)
William Stelle (WA Water Trust, alternate)
Yorik Stevens-Wajda (Snohomish County)

Committee representatives and alternates not in attendance

City of Marysville
City of Gold Bar

Snohomish Basin Salmon Recovery Forum (ex-officio)

Other attendees

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

Eric Ferguson (King County)
Stephanie Potts (Ecology)
Tristan Weiss (WDFW)

Introductions and standing business

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

Ecology updates:

- Upcoming Ecology **furlough** dates: October 19, November 30.
- Ecology awarded \$22M in **Streamflow Restoration Grant Funding** to 21 projects (over \$88M was requested across 66 projects). In WRIA 7, the City of Snoqualmie's ASR Program Development and Implementation project received \$477,400. See Ecology's [published list](#) of projects that applied, and those that were selected to receive funding.
- After a year-long assessment, Ecology's Water Resources Department released a [report](#) identifying where **water rights adjudication** would address water right uncertainties and disputes. Ecology identified two areas in urgent need of adjudication: (1) Nooksack Watershed (Whatcom County); and (2) Lake Roosevelt area on the Upper Columbia. Ecology recommends that adjudications in these areas be funded in 2021 to be filed in 2023. Ecology has requested funding for adjudication preparation and filing in its budget request to the Governor's Office.
- Ecology is completing a **Watershed Plan Factsheet** for each WRIA to summarize work done and recommendations.
 - [WRIA 59 - Colville Watershed Plan Update](#)
 - [WRIA 11 - Watershed Plan Update](#)
- WDFW conducted a [literature review on streamflow restoration project effectiveness](#) to help guide restoration project development and prioritization during the implementation phase of the WRE Plan. The document can be useful for:
 - Rationalizing where, how, and at what scale restoration activities are most likely to produce positive impacts across the watersheds.
 - Strengthening adaptive planning elements of the plan, for instance, by helping to support which actions might generate meaningful streamflow benefits in certain instances.
 - Providing several general management recommendations (at the end), which are useful high-level considerations at any stage of planning.
 - Providing additional context for discussions moving forward, using the abstract bibliography's hundreds of references to (mostly) peer-reviewed articles.
- Updates to the [WRIA 7 Committee's Operating Principles](#) were approved by all Committee members present at the meeting. Ingria followed up with members not in attendance and confirmed their approval as well. The amended operating principles are effective as of September 28, 2020.

Projects

Ingria Jones (Chair) recapped the 9/23 Project Subgroup Meeting and 10/1 SVWID Storage Project Meeting. The Project Subgroup recommends:

- Including the **Snohomish CD's small farm water pilot storage project** in WRE plan (NEB). Snohomish CD is developing a project description to include in Appendix to Chapter 5.
- Including the **Lochaven Source switch project** in WRE Plan with updated offset estimate (13 acre-feet per year) based on portion of water right consumptively used.

- Including **MAR projects as a package**, with potential to identify additional sites in the future. Include offset estimate of 100 AF, based on the range of streamflow augmentation benefits during the critical flow period for the five identified sites. Ingria working with Bridget to include summary in projects chapter: framing as “MAR in Snoqualmie Watershed,” identifying 5 sites as potential sites, and mapping as one project in the middle of the upper Snoqualmie Subbasin. Include detailed project descriptions for example sites in the Appendix to Chapter 5.
- Including **SVWID storage project** with an offset range and specific design considerations. Instream flow benefit should be adjusted to 12-week period. Water offset: median (104 AF) - high (3,311) of current ranked sites; Ecology will take the lower end of the range. SVWID will work with engaged Tribes & stakeholders to finalize ranking. SVWID has funding to conduct further analysis on highly ranked sites. Committee anticipates one or more highly-ranked sites will be constructed. SVWID will consider ranking the sites by size or relative contribution to streamflow as their analysis progresses (this may occur after the plan is finalized). . No detailed feedback from landowners yet.

Daryl Williams (Tulalip Tribes) provided overview of a **new Coho Creek Relocation & Streamflow Enhancement Project**:

- This project includes restoration of fish habitat within Coho Creek, a tributary to Quilceda Creek located on the Tulalip Reservation. Tulalip Tribes proposes using effluent from a Membrane Bioreactor (MBR) Wastewater Treatment Plant adjacent to Coho Creek to (1) relocate and restore stream habitat conditions within Coho Creek; and (2) augment summer low flows.
- Treated wastewater quality is close to drinking water standards and would receive additional treatment to reduce temperature before putting into streams.
- The project area will be included in the Tulalip Tribes’ annual Coho Creek maintenance and monitoring efforts to track results and needed modifications to ensure success.
- The Tribe is conducting a preliminary analysis to evaluate flow augmentation location, quantity, and quality.

Discussion:

- Matt Baerwalde (Snoqualmie Tribe) asked about the rate of streamflow benefit year-round and relative to the receiving streamflow. Daryl provided additional detail:
 - The 0.5 cfs of effluent (on average; fluctuates between 0.2 and 0.75 throughout year) is currently being injected into wells and would be available right away (without increasing current size of infiltration).
 - While benefits to Quilceda Creek would be minimal, huge benefits expected for Coho Creek.
 - Coho Creek low flows dip to 1 cfs of natural flow; proposed project would provide an additional 20% during low flows.
 - Tulalip proposes re-evaluating old channel designs, adding a water reuse system (approximately 0.5 cfs), constructing 1300 feet of new stream channel, and replanting approximately 3 acres of riparian area.

No additional questions or concerns from the group.

Next Step: Include the Shonomish CD small farm water storage project (NEB), Lochaven source switch (13 AF offset), MAR project (100 AF offset), SVWID storage project (104-3,311 AF offset) and Coho Creek relocation & streamflow enhancement (362 AF offset) projects in the plan and Chapter 5 (projects).

Ecology proposed a path forward for additional projects:

- **Marysville Stormwater Retrofit Project (aka Quilceda Stormwater)**

- Include in plan (NEB; recommendation to not include as offset)
- **Silver Fir Stormwater Retrofit Project (aka Little Bear Stormwater)**
 - Include in plan (NEB; recommendation to not include as offset)
- **Sultan Source Switch**
 - Do not include in plan due to uncertainty; see [prospective projects & actions language](#)
- **May Creek/Gold Bar/Startup Source Switch**
 - Do not include in plan due to uncertainty; see [prospective projects & actions language](#)

No questions or concerns from the group.

Next Steps: Include the Marysville stormwater retrofit project (NEB) and Silver Firs stormwater retrofit project (NEB) in the plan. These projects will be included in Chapter 5 (projects). Remove Sultan Source Switch and May Creek/Gold Bar/Startup Source Switch from the project list.

Ecology presented options for tiering the project list within the Plan (optional and up to the committee). The Project Subgroup did not recommend tiering the project list.

Ecology will share Chapter 5 (Projects) with the Committee on 10/15. Committee to review and provide feedback by November 6 for discussion during 11/12 Committee Meeting.

Susan asked the group to use interactive slides to rate their comfort with the current list of offset projects on a continuum. A few members indicated that they had concern with some specific projects, while most others were neutral to indicating a level of comfort with the list. The committee members with concern about specific projects should make those known during their review of Chapter 5 or sooner.

Resources:

- [Project Development Tracking](#)
- [Discussion Guide: Project Tiering](#)
- [Draft Prospective Projects and Actions Language](#)

Discussion:

- **Project Tiering Considerations**
 - **City of Everett** noted there are several techniques the Committee could consider for tiering (ordering) projects in the WRE Plan. One option could be tiering by estimated cost per acre-foot/year. Indicate which projects are highest priority. Not a deal breaker if list is not tiered.
 - **Ecology** noted that many of the cost estimates for offset projects are extremely rough, and cost estimates are available for only some of the habitat projects.
 - **Tulalip Tribes** would have a hard time prioritizing projects when many have not moved far along in the design process. Projects may be ranked different in the future when they have been further developed.
 - **Snohomish PUD** asked how tiering would impact project funding decisions.
 - **Ecology** noted it is up to the committee to determine what tiering means in the Plan. If tiering is used, need to be clear on how Ecology should evaluate.
 - **Snohomish PUD** asked whether tiering has been used in other WRIAs.
 - **Ecology** noted that WRIA 8 has started tiering. WRIA 15 is categorizing projects in their list but not tiering.
 - **Snohomish Conservation District** asked whether tiering could be addressed through Adaptive Management (i.e., projects could be re-evaluated by group/category).
 - **Snoqualmie Valley WID** is unclear on the benefits of tiering.

- **King County** is unsure whether there is capacity to tier projects at this point.
- **City of Duvall** would prefer including guiding principles for projects rather than ranking them. Hard to predict the future and fully understand project impacts without more specific data. There may be unintended consequences not fully evaluated at this point. Not sure prioritizing the list gains anything.
- Susan asked the group to use interactive slides to indicate their thoughts on tiering on a matrix. The overall feedback indicates the Committee is not supportive of tiering the project list. City of Everett thinks it will be harder to approve the plan, but does not feel that this must be included.

Next Steps: The Committee will not tier the project list. The projects will be included in Chapter 5 or not as determined above. A draft chapter will go to the Committee for review on October 15th. Committee members are encouraged to identify any projects that they have specific concerns so they can be addressed now.

- **Prospective Projects and Actions Language**

- Section 5.2.3 Prospective Projects and Actions in the plan lists the types of projects that the Committee supports if they are developed in the future. For example: water rights acquisitions; improved lake level management; stormwater projects; MAR projects; incentives for PE well users to connect to water systems; water conservation education and outreach; studies, monitoring, & long-term forest management; beneficial source switches; levee setbacks, floodplain restoration; and beaver restoration.
- **City of Arlington** asked how generic vs binding this section would be.
 - **Ecology** noted the section is not meant to be detailed. It would be a statement supporting the types of actions this Committee would support if opportunities not already identified on the project list arise into the future.
- **City of Arlington** concerned with *“Projects or programs that support connections of existing homes on exempt wells to public water systems without impacting critical areas or indirectly encouraging development outside of UGAs. Projects could provide financial incentives for homes using PE wells to connect to public water service and decommission the well; and/or provide financial support for water purveyors to extend water distribution systems further into their individual service areas, particularly where PE wells are concentrated or rapid rural growth is anticipated. The purveyor will need to demonstrate how they plan to connect PE users to the extended line. The purveyor will need to agree forgo the consolidation of the groundwater right(s) exempt from the permit requirement under RCW 90.44.050 (the groundwater right associated with the formerly exempt well) through the RCW 90.44.105 process.”*
 - **Ecology** noted that these prospective actions do not obligate a water provider in any way. In the event a municipality or water provider pursues such a project, in order for Ecology to consider this type of project an offset, the purveyor will need to agree forgo the consolidation of the groundwater right(s) exempt from the permit requirement under RCW 90.44.050 (the groundwater right associated with the formerly exempt well) through the RCW 90.44.105 process.

Next Steps: Draft prospective projects and actions language will be included in draft Chapter 5 (projects) to comment on.

NEB Evaluation

Ecology gives considerable deference to the planning groups to decide what NEB means for each watershed. Per NEB guidance:

- A watershed plan that includes a NEB evaluation based on Ecology guidance will significantly contribute to the reasonable assurance 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.

Ecology's guidance sets the minimum threshold: do more than offset the consumptive use from new permit-exempt domestic groundwater withdrawals over the planning horizon. Committees decide how much more is needed to achieve NEB. If this section is not included in the plan, Ecology will do the evaluation based on information included in the plan.

Resources:

- [Discussion Guide](#): NEB Evaluation

Discussion:

- **City of Everett** believes NEB is the basis of legislation. Need to include in Plan.
 - **Tulalip Tribes** agrees. Recognize the impact of impervious surfaces on groundwater recharge as we develop in rural areas.
 - **Washington Water Trust, Snoqualmie Indian Tribe, City of Duvall, City of Arlington, and WDFW**, support including NEB Chapter in the WRE Plan.
 - The Committee is supportive of following Ecology's outline for the NEB Chapter.
- **Snoqualmie Watershed Forum** asked how many meetings and/or how much time NEB chapter is anticipated to take.
 - **Ecology** estimates at least 2 Committee meetings. Committee will need a chance to provide feedback, which could take a considerable amount of time. The technical consultant team could start right away and have a draft ready in time for late October subgroup meeting. The technical consultants could then revise the draft based on subgroup feedback. It would lengthen the overall project planning timeline and shorten review time.
 - **Snoqualmie Watershed Forum** believes including the chapter is still worthwhile and willing to help if the Committee is supportive of including.
- **Interactive slides were used to get feedback on elements on Chapter 5:**
 - **What should be included in Section 5.3.1: Summary of Projects & Benefits?**
 - Summarize offsets and NEB by subbasin and WRIA in a table/matrix.
 - Sorted by project type.
 - Could use different symbols for each type of project (habitat, water offset, etc.)
 - Identify surpluses and deficits.
 - Estimate cost per acre-foot per year.
 - Acknowledge the long-term regional water supply planning the Committee has discussed.
 - Include maps.
 - Provide a list of benefits to the watershed, environmental health, and habitat.
 - Tell the story of how we can protect the area we love while managing growth.
 - Make it clear how these projects affect us.
 - **What should be included in Section 5.3.3: Certainty of Implementation?**
 - Project sponsors (adds certainty).

- Status of project plans (i.e., does project sponsor have landowner or water rights holder support?).
- Cost estimates.
- Partners on board, landowners engaged and supportive, community engagement where needed, any opportunity for better cost estimates would be helpful.
- Cross-walk with other restoration processes.
- Other regulatory elements that prioritize the project (water quality, permits, protecting treaty rights).
- High/low (simple) assessment. High to be done within next 10 years and/or have sponsor certainty despite timeframe. Everything else would be low.
- Consider including certainty of implementation as a factor in the project write-ups.

No member expressed concerns with developing an NEB chapter.

Next Steps: Technical consultants develop a draft Chapter 7 (NEB) for the Project Subgroup and Committee to review. Committee provides feedback in draft Chapter 5 (Projects) – chair will distribute October 15.

WRE Plan

Because the law requires that all members of the committee approve the plan, Ecology requests that committees collectively determine how to address proposed revisions to the draft plan. Ingrid incorporated comments related to corrections or text edits into the revised draft. Committee members should review these and ensure they are comfortable with the text edits.

The Committee also discussed how to capture different interpretations of the law and other statements from entities. Proposed options:

- **Footnote** particular areas of the plan where there is disagreement and note which entity has raised concerns.
- Entities submit **memos or “signing statements”** to include in the appendix or link to Committee webpage to document their concerns and differing interpretations of the law or disagreement with certain elements of the plan.
- Ecology noted several **considerations for signing statements:**
 - Final plan approval will be done through a vote captured in the meeting summary. Vote is yes/no – no abstentions and no conditional votes.
 - Increases ambiguity and decreases certainty about how Ecology will review the plan.
 - Entities would need to be very explicit about what these statements mean – what the intent is and how it relates to their vote.
 - Some committee members may consider appendices to be a part of the plan, others may see these as extraneous to the plan language – could affect ability to support including this information in an appendix.
 - Some committee members may consider footnotes to be part of the plan.

Letters with concerns can be sent to Ecology separate from the plan. Consider whether any entities truly need this outlet in the plan.

Next Steps: Committee members consider whether your entity would support a plan that included signing statements or footnotes which will be revisited at the November meeting.

Ecology prepared draft Chapters 1, 2 and 3 and distributed to the WRIA 7 committee in July for review. Ecology prepared draft Chapter 4 and the policy recommendations section of chapter 6 and distributed to the committee in August for review. As all committee members must approve the plan, the

committee must be comfortable with any revisions proposed by entities. Ecology distributed all comments to the committee for review and to identify any concerns with the proposed revisions. The committee discussed select comments that propose the addition of information or a change in the original content.

Resources:

- [Discussion Guide](#): Draft Plan Comments
- [Draft Plan with Committee Comments](#)
- [Discussion Guide](#): Plan Approval Timeline

Discussion:

- **City of Arlington:** *“A clear synopsis of the Hirst decision is critical early in the background of the plan. It is far more than clarification of local permitting processes, and more than the interception and reduction of groundwater that would otherwise discharge to and sustain streamflows. What was the decision? What were the effects of the decision that spawned the legislative action? The Hirst decision identified the infringement upon or the impairment of the beneficial use of one water user (User Group A) by another beneficial user of water (Group B) during water limiting situations when the former (Group A) have a senior priority for beneficial use of the water when there is not enough to go around. The text makes no reference to the conflict between “parties” with water seeking to put the same water to valid beneficial uses.”*
 - While **Tulalip Tribes** agrees with some of the City of Arlington’s comments, many of these edits do not align with the intent of document. While the Committee’s tasks are derived from Hirst decision, the legislature’s direction to the Committees only covers part of the issues with Hirst. Concern with moving beyond scope of what committee was assigned to do.
- **Snoqualmie Valley WID:** Chapter 6 – Policy Recommendation 7, *“This policy appears to address the issue that the WREC has been formed by statute to address. My concern is that the inclusion of this policy undermines the work of the WREC. Much work has been done by the committee and am concerned that this threatens the likelihood of successful adoption of the plan.”*
 - **City of Arlington’s** intent was to point to bigger issues with the patchwork of well-intentioned laws.
 - **City of Duvall** recognizes things need to be fixed but the framework for this process/plan has limits. City of Arlington raises important issues but the Committee is not the best place to address them. Include dissenting comments in plan?
 - **MBAKs** is unlikely to be able to approve language that falls outside the Committee’s scope of work or could potentially undermine what the Committee is trying to do.
- **Plan Approval Timeline**
 - Ecology proposed two-weeks for a “red-flag review” before the Draft WRE Plan is distributed for local approval (3 months).
 - City of Everett, City of Duvall, and Snoqualmie Watershed Forum noted that this review period is sufficient.
 - Two weeks may be insufficient if it doesn’t align with Board schedule for Snohomish CD and WWT.

Next Steps: Policy Recommendation 7 will be removed from the plan, due to red flag concerns. The Chair will continue to work with committee members offline to address comments and provide proposed revisions to the Committee for review. Some comments could be addressed in the “Challenges” section of Chapter 6 (Policy & Adaptive Management).

Public comment

No public comments.

Next steps and action items

- **Next Committee Meeting:** November 12, 12:30-3:30 pm, WebEx
- **Next Project Subgroup Meeting:** October 28, 2:00 – 4:00 pm
- Ingria will provide a **revised plan approval timeline** in a standalone email
- Ingria will distribute the **draft Chapter 5 (Projects) and revised Chapter 6 (Policy & Adaptive Management)**
- Technical consultants will **draft Chapter 7 (NEB)**
- Committee members consider whether your entity would support **footnotes or signing letters** where entities capture concerns not addressed in the planning process.