Meeting Summary

**Snohomish (WRIA 7)**

**Watershed Restoration and Enhancement Committee meeting**

November 12, 2020 | 12:30pm – 3:30pm [WRIA 7 Committee Webpage](https://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) 466-6005

**Handouts (**[**link to November meeting materials folder**](https://app.box.com/s/gg2xhf6677yf1sbvai6totajq8egq61u)**)**

Draft October Meeting Summary

Project development tracking sheet

& maps

Draft Chapter 7 (NEB Evaluation)

Draft Chapter 5 (Projects) and Revised Draft Chapter 6 (Adaptive Management)

Comments on Draft WRE Plan

Revised plan approval timeline

Please send corrections to [ingria.jones@ecy.wa.gov](mailto:ingria.jones@ecy.wa.gov) by COB December 7.

# Attendance

## Committee representatives and alternates

Mike Wolanek (City of Arlington)

Mike Remington (City of Duvall)

Jim Miller (City of Everett)

Rich Norris (City of Gold Bar)

David Levitan (City of Lake Stevens)

Matthew Eyer (City of Marysville)

Megan Darrow (City of Monroe)

Jamie Burrell (City of North Bend)

Liz Ablow (City of Seattle, ex officio)

Glen Pickus (City of Snohomish)

Steve Nelson (City of Snoqualmie)

Denise Di Santo (King County)

Dylan Sluder (MBAKS)

Bobbi Lindemulder (Snohomish CD)

Terri Strandberg (Snohomish County)

Brant Wood (Snohomish PUD)

Keith Binkley (Snohomish PUD, alternate)

Matt Baerwalde (Snoqualmie Indian Tribe)

Cynthia Krass (Snoqualmie Valley WID)

Elissa Ostergaard (Snoqualmie Watershed Forum, ex officio)

Daryl Williams (Tulalip Tribes)

Anne Savery (Tulalip Tribes, alternate)

Kirk Lakey (WDFW)

Lindsey Desmul (WDFW, alternate)

Kevin Lee (WDFW, alternate)

Ingria Jones (Ecology)

Stacy Vynne McKinstry (Ecology, alternate),

Emily Dick (WWT)

Will Stelle (WWT, alternate)

## Committee representatives and alternates not in attendance

City of Carnation

Snohomish Basin Salmon Recovery Forum (ex-officio)

Town of Index

## Other attendees

Susan O’Neil (ESA – Facilitator)

Angela Pietschmann (Cascadia – Info Manager)

John Covert (Ecology)

Joe Hovenkotter (King County)

# Introductions and standing business

Susan O’Neil (Facilitator) welcomed the group, began introductions, and suggested several revisions to the agenda. *No concerns with revisions to the agenda*. *The October meeting summary was approved without further changes*.

**Ecology updates**:

* Draft **Pilchuck River Temperature and Dissolved Oxygen Total Maximum Daily Load (TMDL)** [**Water Quality Improvement Plan**](https://fortress.wa.gov/ecy/publications/SummaryPages/2010035.html) available.
* Snohomish County’s Surface Water Management team has proposed [Ordinance 20-077](https://snohomish.granicus.com/MetaViewer.php?view_id=2&clip_id=7637&meta_id=491091), which would **eliminate annual inflationary adjustment to stormwater management rates**. The County Executive proposes forming new “Department of Natural Resources and Conservation.”
* American Water Resources Association WA is hosting a virtual lunch meeting, “**Pilchuck River Dam Removal: A River Reconnected**”. Free [registration](https://www.waawra.org/event-4047814/Registration).
* Ecology’s **findings and recommendations on water trust, banking, and transfers** is available [here](https://www.ezview.wa.gov/site/alias__1962/37617/advisory-group-water-trust-banking-transfers.aspx).

**Committee updates**:

* The **Upper Snoqualmie River Resilient Corridor Project** is a research and planning project that the Snoqualmie Tribe is conducting to hear from the Tribal Community in particular, and the broader community at large, about what they see currently happening to this part of the Snoqualmie River and surrounding land, what is important to them and their relationship to the river, and how they think it will change in the future. [Survey](https://snoqualmietribeforms.us/the-snoqualmie-river-resilient-corridor-project) available.

# WRE Plan Approval Timeline

**WRE Plan approval** reminders:

* Susan O’Neil (Facilitator) shared a reminder of the process for plan approval:
  + Approval of the WRIA 7 Committee’s WRE Plan is **binary** (approve/do not approve).
  + Approval indicates support of the plan in order for it to be provided to Ecology for NEB review and potential adoption (from [operating principles](https://www.ezview.wa.gov/Portals/_1962/images/WREC/WRIA07/202010/WRIA%207%20Operating%20Principles-Amended-20200928.pdf)).
  + The Plan needs **unanimous** approval from voting members of the Committee to submit to Ecology​. If the Committee does not approve the plan, Ecology will write a plan for WRIA 7 (see [streamflow restoration policy interpretive statement](https://appswr.ecology.wa.gov/docs/WaterRights/wrwebpdf/pol-2094.pdf), page 8).
* Susan provided additional considerations for plan approval:
  + Approval does not necessarily indicate (1) strong enthusiasm for the plan; (2) other water resource issues in WRIA 7 have been addressed; (3) this process worked well and Ecology or the legislature should replicate it in the future; (4) your entity would develop a similar plan if solely responsible for addressing PE wells in WRIA 7.

**WRE Plan review** timeline:

* Ecology anticipates that the Committee will miss the February 1 target date for submitting the final plan to Ecology.
* During the December 10 Committee Meeting, the Committee will **decide whether to** **include Chapter 7 (NEB)** in the full draft plan to be distributed. ​
* The timeline provides Committee members with **3-weeks for a red-flag review of the full draft plan from December 14 – January 6** (note that one week of these weeks is over the holidays). Red flags = any elements that if present or missing would result in your entity not being able to approve the plan.
* Ecology will seek interim **approval to distribute the WRE Plan for local review on January 14** at the Committee meeting – all Committee members should attend or send alternate.
* ​The timeline provides Committee members with **10 weeks for local review of the Final WRE Plan from January 18 – April 5**.
* Ecology will not seek comments on the final plan after the local review process is initiated; **no changes are anticipated to be made after the plan goes out for local review** due to constraints in getting full committee buy-in and changing the version that currently going through local approval by other entities**.** If committee members identify fatal flaws with the final plan that would affect their ability to approve, Ecology will work with the committee to determine time needed for a second-round review by local decision-making bodies and reschedule the vote on approval of the final plan. Fatal flaws identified after the local review process is initiated could jeopardize final approval of the plan.

**Resources:**

* [Revised Plan Approval Timeline](https://app.box.com/s/ntpft01yo3fb1i35vemn09ewkoq3fooa)

**Discussion:**

* April 15 will likely be over spring break for some school districts. A member recommended in the chat that Ecology consider allowing Committee members to email approval.
  + The chair will look at options and report at the December 10 Committee meeting.

# Adaptive Management and Policy Recommendations

Chapter 6 of the WRE Plan focuses on Policy, Adaptive Management, and Implementation Recommendations. Policy recommendations are optional; adaptive management is a recommended inclusion in the Plan. The Committee discuss red flag comments on the Chapter 6 Draft.

**Resources:**

* [November 12 Compiled Draft Plan with comments](https://app.box.com/s/edmq78jo26fee0zzivtqdkrwg5fsr3x7)

**Discussion:**

* **Tulalip Tribes** requested the following language be added to the “**Encourage conservation through connections to public water**” policy recommendation: *Demonstrate the WRIA 7 Committee’s endorsement of encouraging conservation through promoting connections to public water systems, provided that all provisions of GMA continue to be followed, and that rural growth is not accelerated through the extension of water lines into rural areas, thereby unintentionally counteracting potential benefits of conversation with impacts from increased rural development.*
  + **City of Everett** objects to the inclusion of this phrase because it contradicts the purpose of the policy to “promote timely and reasonable connections to municipal and regional water supplies.” If development is compliant with GMA and zoning regulations, it is perfectly legal. Connecting to public water reduces the impact on the watershed because imported water in being delivered instead of exempt well withdrawals.
  + **City of Marysville** agrees with City of Everett.
  + **Snohomish PUD** has extended water lines to fix failing Group A/B systems, transitioning them off groundwater onto City of Everett’s water. Snohomish PUD has no control over zoning or land use.
  + **Snohomish County** noted that extending public water lines into rural areas is consistent with GMA. Rural growth limits are not influenced by the provision of public water (GMA focuses on sewer). Water lines are not a major driver of density increases in rural areas. Easy to comply with language suggested by Tulalip (already doing).
  + **Snoqualmie Indian Tribe** wants this policy recommendation to stay in the plan.
  + **Tulalip Tribes:** Kurt Nelson (Tulalip Tribes staff member) had concerns about this. He and Daryl will need to be on the same page when presenting the plan to their Board. This is a strong yellow concern, but not something that would lead to disapproval of Plan.
    - **Next Steps:** Tulalip Tribes (Kurt and Daryl), Snoqualmie Tribe, City of Everett, and Snohomish PUD work offline to proposed edits to “Encourage conservation through connections to public water” policy recommendation.
* **Snohomish County** commented on the “**Voluntary domestic permit exempt well metering program**” policy recommendation. The County is unlikely to support requiring meters on PE wells. A pilot project with voluntary participation would be acceptable; however, it is unlikely that the County will have the resources to sponsor and manage a pilot project.
  + **Tulalip Tribes** had questions about how the metering program would be implemented, what type of meters would be used, and how data would be tracked and reported.
  + **King County** developed this policy recommendation but has not canvassed widely to gauge appetite in participation. Voluntary nature of metering is indented to help well users understand their water use (self-education). Data could help show which times of year more water is being used and generate ideas for water use decisions in future.
  + **WWT** noted that Conservation Districts may be able to better manage this type of pilot than the counties.
  + **Next Step**: Remove Snohomish County from proposal as “implementing entity.”
* **Snohomish County** is unlikely to support regulatory approaches to water conservation (“Statewide mandatory water conservation measures in unincorporated areas of the state during drought”).
  + **Next Step:** update language to “*County councils could pass legislation encouraging or requiring water conservation to the extent such mandates are lawful and enforceable or implementable.*”
* **Tulalip Tribes** asked whether offset water is accounted for as water over and above the instream flow that must be found within the stream prior to any issuance of water rights. They noted that Ecology continues to issue water rights in WRIA 7, despite instream flow not being met. How can the state ensure purchased water won’t be appropriated?
  + **Ecology** noted that how offset water is accounted for depends on the project. Water above instream flow threshold is available for appropriation but interruptible. MAR projects will likely use interruptible rights to divert water during high flow seasons (above instream flow) as source supply.
  + **Snoqualmie Tribe** noted that not all new water rights issued are interruptible.
  + **WWT** noted the best mechanism to protect these water rights is adjudication with a water master with authority to enforce.
  + **Next Step**: Ecology to connect with Tulalip to update language to capture concerns.
* **Master Builders Association of King and Snohomish Counties (MBAKS)** has concerns with tracking relying only on PE well permit fees and that this may pressure a desire to significantly increase these fees. Counties are already dealing with financial challenges and this expectation could exacerbate the issue more. Broad based funding that spreads the cost more effectively would be a better option.
  + **Ecology** noted that counties are required to remit $350 of the $500 they collect to Ecology. The remainder is intended to support administrative costs. Do Snohomish and King counties have concerns about the level of cost and effort to track PE wells at a subbasin level?
  + **King County** said they are essentially tracking the location of each PE well already. It would be fairly simple to identify which subbasin new PE wells are located within.
  + **Snohomish County** noted that their permit tracking is geographically based; County can assign new wells to subbasins (GIS exercise).
  + **Next Step**: no changes needed.
* **Tulalip Tribes** suggested the project subgroup reconvenes to review implementation and reports out to membership; losing continuity of membership over time is a risk.
  + **MBAKS** has serious concerns with trigger thresholds included in draft plan for reconvening committee. Suggests Ecology convenes the Committee every five years.
    - **Tulalip Tribes** supports having a Committee meeting every 5 years with biannual progress reports with updates on WRE Plan Project List. They are concerned with removing the triggers to reconvene the Committee.
    - **King County** and **WDFW** agrees with Tulalip. Would like to see report scheduled to coincide with biennial budgets.
    - **MBAKS** noted it can take a long time to get projects up and running but open to modifying five-year timeline.
    - **Tulalip** agrees that early implementation may take some time and suggests having the first Committee meeting at the 5-year mark, then potentially more frequently after that time, if needed.
  + **Snoqualmie Valley WID** is uncomfortable specifying triggers for reconvening the WRE Committee.
    - **WWT** would like to include some triggers to reduce ambiguity around who is doing what and when. Could make existing plan language less restrictive but important to include language to point to who has the power to convene the Committee and what would trigger those meetings after the 5-year mark.
    - **City of North Bend** agrees that including afew basic triggers could be helpful.
    - **Tulalip Tribes** and **Snoqualmie Indian Tribe** support including trigger language.
    - **Ecology** noted that WRIA 7 could pull from WRIA 8’s adaptive management draft on reconvening the Committee.
    - **Snoqualmie Indian Tribe** noted that they are more interested in the WRIA 8 plan including some of the details we have here rather than using WRIA 8 as a model for our Adaptive Management section.
    - **MBAKS** noted even basic trigger language could be a red flag for their entity, but they are willing to work with others on what the basics triggers might be acceptable.
    - **Straw Poll on resolving trigger language in Adaptive Management Chapter:**
      * *This is critical to my entity’s approval of the plan. I will help revise and negotiate details.*
        + MBAKS, Tulalip Tribes, WWT, WDFW, Snoqualmie Tribe
      * *This is important to my entity, but we will defer to others to address.*
        + City of Arlington, King County, City of Seattle, Snohomish CD, City of Marysville, Snoqualmie Valley WID, Snohomish County, Snoqualmie Watershed Forum.
      * *This isn’t a key issue for my entity’s approval of the plan.*
        + City of Snohomish, City of North Bend, City of Monroe, City of Lake Stevens, Snohomish PUD, City of Duvall, City of Everett, City of Gold Bar.

# NEB Evaluation

Chapter 7 of the WRE Plan focuses on Net Ecological Benefit (NEB).

* Ingria reviewed Ecology’s definition of net ecological benefit:
  + Net Ecological Benefit (NEB): The outcome that is anticipated to occur through implementation of projects and actions in a plan to yield offsets that exceed impacts within: a) the planning horizon; and, b) the relevant WRIA boundary ([Final NEB Guidance](https://fortress.wa.gov/ecy/publications/documents/1911079.pdf)).
* Ingria noted that Ecology will review the plan as package and consider whether the plan provides reasonable assurance that it offsets consumptive use and meets NEB at the WRIA scale. Ecology gives considerable deference to the planning groups to decide what NEB means for each watershed. 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.
* Susan walked through a slide that showed a series of key planning steps and decision points. These collectively resulted in a different final list of projects and a different plan than some entities expected when this process began and these steps are now culminating with the current decision around whether the plan achieves NEB. The slides posed questions to the group based on some concerns that have been voiced in the comments about the number of projects, costs, and how the Committee defines NEB. The Committee discussed comments on the Chapter 7 Draft.

**Resources:**

* [November 12 Compiled Draft Plan with comments](https://app.box.com/s/edmq78jo26fee0zzivtqdkrwg5fsr3x7)

**Discussion:**

* **City of Everett** thinks the Chapter 7 Draft is a good start but suffers from overload. By including all 11 offset projects and 30 habitat projects (costing over $70 million), it suggests the Committee is providing a brainstorm list of all the projects without considering cost or need. The nearly $9M of actual water offset projects are estimated to provide 172% of the estimated PE well consumption over the next 20 years. The Legislature provided $300M in funding for the next 20 years; WRIA 7 may receive up to $20-25M max. Recommend limiting habitat projects to one for each subbasin in Table 2 that do not have offset projects that fully offset PE well consumptive use.
  + **Tulalip Tribes** noted many of the proposed habitat projects are also on Snohomish/Snoqualmie Watershed Forum’s salmon recovery list. Could be double-counting benefits in both plans. The biggest projects are likely to be funded through Floodplains by Design. Tribe does not expect all projects will get developed.
    - **Snoqualmie Watershed Forum** went through a prioritization process in terms of the types of projects we wanted to consider for this plan and in which sub-basins. The project workgroup prioritized floodplain reconnection projects and the mainstem sub-basins that are recognized in the salmon plan. Difficult to predict how funding priorities might shift in the next 20 years.
  + **Snoqualmie Indian Tribe** noted Everett’s proposal ignores that some subbasins are more productive than others. Unclear what benefit of limiting projects in plan would be.
    - **Snohomish PUD** agrees. Brant noted that he first had concerns during the project subgroup meeting with not being clear about what exact number needed to meet NEB is for, but he has since become comfortable with the idea that NEB is a construct and a filter to say that the plan is conservative enough.
    - **Tulalip Tribes** agrees. Nearly half of water offset projects are within the lower system (not mitigating water withdrawals higher in system).
  + **King County** noted Ecology’s guidance does not prescribe a NEB threshold beyond exceeding estimated consumptive use offset. Some projects may not be implemented within 2038 timeline. Project list has already been pared down considerably. Limiting projects puts the Plan at risk given uncertainty into future.
  + **Ecology** noted the statewide grant program provides guidance on prioritizing and reviewing applications. Projects listed in the plan will receive priority points, but no guidance provided on prioritization of projects included within the Plan.
    - **Tulalip Tribes** recommends that only projects funded by the streamflow grant should count towards the NEB. Projects funded by other sources are likely to be implemented regardless and unlikely to mitigate for PE well consumptive use. Unclear how projects could be sorted by grant source before awarded. Prefer a long list, in the hopes that the streamflow grants fund enough projects to mitigate PE well demand.
  + **WWT** proposed including language to the effect that“*the Committee was unable to develop a more finely calibrated screening mechanisms for projects. Using a course scale of analysis inescapable, given the Committee’s limited time and resources. As such, the Committee has focused efforts to date on early stage analysis. The Committee proposes a very ambitious portfolio of projects assuming some may become infeasible/undesirable over time and with further analysis.*”
    - **Next step:** Ecology develop proposed revisions to NEB Chapter to address the City of Everett’s concerns, considering language proposed by WWT.

# Signing Statements

Susan reviewed options for how to capture different interpretations of the law, concerns with the planning process that aren’t addressed in the plan, or concerns entities want Ecology to hear.

* Proposed Options:
  + Entities can **send Ecology letters** with their concerns separate from the plan at any time.
  + **Footnote** particular areas of the plan where there is disagreement and note which entity has raised concerns.
  + Entities submit **memos or “signing letters”** to include in the appendix, link to Committee webpage, or attachment to final meeting summary to document their concerns and differing interpretations of the law or disagreement with certain elements of the plan.
* Considerations:
  + Final plan approval will be done through a vote captured in the meeting summary. Vote is yes/no – no abstentions and no conditional votes.
  + **Ecology noted this may introduce ambiguity and uncertainty into their review process**
  + Checked in with people before the meeting: Overwhelming concern from voting members with including these as an appendix. **Hearing from Committee members that could decrease certainty their entity can locally approve the plan.**

**Discussion**:

* **Ecology** noted that these statements would likely **not** be available to other entities during final plan review/approval; these statements would come from the entity (as opposed to individuals) and be part of the plan review and approval process locally.
* **City of Everett** thinks signing statements should be optional. They complicate the approval process. Everett would opt to not provide a signing statement.
  + **Ecology:** signing statements are optional (*added after meeting*).
* **King County** suggested that entities use other avenues (letter to Ecology/Legislature) to provide statements outside legal scope of this plan. Adding signing statements after or during approval muddies the waters and presents scope creep. Not aligned with consensus-based approach to decision-making. King County would opt to not provide a signing statement.
  + **Tulalip Tribes** agrees.
  + **MBAKS** agrees.
* **City of Arlington** noted that environmental plans often include pros/cons, opinions, public comments, remarks, responses, etc. These statements would not be part of plan itself but provides a minority opinion and provides stronger rationale for the decisions the Committee arrived at. Could prevent approval of plan if unable to include signing statement.
  + **Snoqualmie Indian Tribe** requested a list of issues/concerns the City would like to address in its signing statement to see whether those issues could be resolved/acknowledged in the plan in lieu of including signing statements.
* **City of Marysville** would opt to not provide a signing statement.
* **WWT** is unlikely to provide a signing statement but would not be concerned if other entities did. Entities approving plan should have opportunity to explain their position, particularly if it enhances their ability to support the Plan. Their statement could take whatever form they choose. These potential statements should not to be a part of the plan because they are unilateral and not subject to review and approval by the Committee.

# Public comment

No public comments.

# Next steps and action items

* Meeting on November 20 will focus on resolving NEB and AM Chapter comments. Any members with strong opinions on these issues should attend or provide alternate if possible. Known attendees: MBAKS, WWT, Tulalip Tribes, WDFW, Snoqualmie Tribe.
* Review redline edits & comments on Draft Chapters 1-5 (see [WRIA 7 WRE Draft Plan-Compiled-November 12](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fapp.box.com%2Fs%2Fedmq78jo26fee0zzivtqdkrwg5fsr3x7&data=04%7C01%7Cijon461%40ECY.WA.GOV%7C12ff241aac174302883908d8876baf98%7C11d0e217264e400a8ba057dcc127d72d%7C0%7C0%7C637408243874304249%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=XeUkT7mfAZSQtov0mK%2Ff4X0UCjBwgBzY1%2Bh853OuT3k%3D&reserved=0)) and notify Ingria of any concerns about proposed changes **by Nov 25**. Resolve any changes at December Committee meeting.
* Committee members should review local approval process form sent to Ecology in the spring; notify Ingria **by December 4** of any changes to your approval process.
* Committee members send proposed cover photo for the plan **by November 25** or upload in this [proposed cover photos](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fapp.box.com%2Fs%2Fv6df4vij2gjbzzjocvnz1pul5l3ighir&data=04%7C01%7Cijon461%40ECY.WA.GOV%7C12ff241aac174302883908d8876baf98%7C11d0e217264e400a8ba057dcc127d72d%7C0%7C0%7C637408243874314203%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=45MrSweA%2Fku3BBCVT5M8dovm0wFQrln4s7cATzGNQQw%3D&reserved=0) folder on box.
* Tulalip Tribes, Snoqualmie Tribe, City of Everett, and Snohomish PUD work offline to propose edits to “Encourage conservation through connections to public water” policy recommendation.
* Next Committee meeting: December 10, 2020.