Meeting Summary

**Snohomish (WRIA 7)**

**Watershed Restoration and Enhancement Committee meeting**

December 10, 2020 | 12:30pm – 4:30pm [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 December meeting materials folder**](https://app.box.com/s/yef2nv4f2tim18oob4eou11rrxvd1czd)**)**

Draft November Meeting Summary

WRE Draft Compiled Plan (v12/03)

Draft WRE Plan Master Comment Tracker

# Attendance

## Committee representatives and alternates

Bobbi Lindemulder (Snohomish Conservation District)

Brant Wood (Snohomish PUD)

Keith Binkley (Snohomish PUD)

Cynthia Krass (Snoqualmie Valley WID)

Denise DiSanto (King County)

Dylan Sluder (MBAKS)

Erin Ericson (Snoqualmie Valley WID)

Matt Baerwalde (Snoqualmie Indian Tribe)

Kelsey Taylor (Snoqualmie Indian Tribe)

Ann House (Snoqualmie Indian Tribe)

Kevin Lee, WDFW

Kirk Lakey (WDFW)

Lindsey Desmul (WDFW)

Elizabeth Ablow (ex-officio, City of Seattle)

Emily Dick (Washington Water Trust)

David Levitan (City of Lake Stevens)

Glen Pickus (City of Snohomish)

Jamie Burrell (City of North Bend)

Jim Miller (City of Everett)

Kim Peterson (Town of Index)

Matthew Eyer (City of Marysville)

Megan Darrow (City of Monroe)

Mike Remington (City of Duvall)

Mike Wolanek (City of Arlington)

Rich Norris (City of Gold Bar)

Steve Nelson (City of Snoqualmie)

Terri Strandberg (Snohomish County)

Elissa Ostergaard (ex-officio, Snoqualmie Watershed Forum)

Ingria Jones (Committee Chair – Ecology)

Stacy Vynne (Alternate Chair – Ecology)

## Committee representatives not in attendance

City of Carnation

Snohomish Basin Salmon Recovery Forum (ex-officio)

## Other attendees

Susan O’Neil (ESA – Facilitator)

Madeline Remmen (ESA – Info Manager)

John Covert (Ecology)

Yorik Steven-Wajda (Snohomish County)

# Introductions and standing business

Susan O’Neil (Facilitator) welcomed the group, shared Google slides for members to choose the image for the plan cover, took attendance, noted Committee members who would be joining late, ran through the meeting agenda, and recapped the November meeting. *The November meeting summary was approved without further changes*.

**Ecology updates**:

* The WRIA 8 and 9 plans received interim approval and are out for local review.
* Ecology published the final report on **Trust Water, Banking and Transfers in Washington State**, available [here](https://fortress.wa.gov/ecy/publications/documents/2011091.pdf).
* The 202 watershed plan updates were locally approved and are under review. Ecology must make an NEB determination by February 1st.
* Ingria shared several funding opportunities:
	+ [Five Star and Urban Waters Restoration Grant Program 2021 Request for Proposals](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.nfwf.org%2Fprograms%2Ffive-star-and-urban-waters-restoration-grant-program%2Ffive-star-and-urban-waters-restoration-grant-program-2021-request-proposals&data=04%7C01%7CMegan.Kernan%40dfw.wa.gov%7C765da801a0524e05797808d89713ff7c%7C11d0e217264e400a8ba057dcc127d72d%7C0%7C0%7C637425459448980634%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=xc3xAeuMXFcok59OdNq9gjRMUb%2B1dixf%2BBVLnBk0hpE%3D&reserved=0) (Due February 28)
	+ [USFS Community Forest and Open Space Conservation Program](file:///C%3A%5CUsers%5Cspwagp%5CDownloads%5CPublishing-Community-Forest-Program-08-14-2020-17838%20%281%29.pdf) (Due January 11)
	+ Snohomish (WRIA 7) Salmon Recovery Funding Board Grant Program (send NOI to apply via email to Gretchen Glaub, Snohomish Basin Lead Entity Coordinator (gretchen.glaub@snoco.org by December 23)
	+ [FEMA Flood Mitigation Assistance Grant Program & Building Resilient Infrastructure and Communities Grant Program](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.fema.gov%2Fpress-release%2F20200929%2Ffema-opens-660-million-grant-application-process&data=04%7C01%7Cijon461%40ECY.WA.GOV%7Cd504005a4c694734b63b08d8916f0910%7C11d0e217264e400a8ba057dcc127d72d%7C0%7C0%7C637419254862236935%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=gUtK86TCbd4p7uG0X0S0fjr86fl%2B%2BY1%2FMAQi35VyBMo%3D&reserved=0) (due January 21)

**Committee updates**:

* No committee updates.

# Chapter 1-4: Plan Overview, Watershed overview, Subbasin Delineation, and Consumptive Use Estimate

Ingria gave an overview of changes to the Chapter 1-4 of the plan and gave the Committee the opportunity to provide oral comments and discuss changes. Ingria noted that comments were received from City of Arlington, Snoqualmie Indian Tribe, and WDFW. Changes to Chapter 1-4 included the following:

* An acknowledgement and executive summary section were added to the plan along with an overview map of the watershed at the beginning of the plan.

**Chapter 1**

* The goal is to keep this section very similar across all the plans.
* Some language acknowledging that there is not sufficient water to meet all needs in the watershed was added.

**Chapter 2**

* Worked with the Tribes on revisions to section 2.1.2.
* In Section 2.3.3, added overview of instream flows. Added 90%exceedance flows because they are a better indicator of base flows than average flows are.
	+ A committee member asked where the exceedance value comes from.
		- Jim Pacheco at Dept. of Ecology did the calculation; the data was taken from USGS steam gauges and can be found on box [here](https://app.box.com/s/dvbu7kfdxyp88c9h6cocumu2ol1lvutk).
		- Mike noted in the chat that these are often available/analyzed by USGS.
* In Section 2.1.3, added kokanee to salmonids present in WRIA 7, however they are not naturally producing, WDFW stocks them. Added clarification that predation and rearing habitat are limiting factors for salmonids.
* **WDFW** requested that the information about streams with instream flow limitations be put into a table or map to better identify the locations of streams and ease reader review.
	+ Ingria expressed that this would likely be difficult to put into a map.
	+ Several Committee members agreed that they supported having this information in the plan, but suggested presenting it in a different way.

**Chapter 3**

* Added note to Table 3.1 to identify which subbasins have instream flows and year round closures in the WRIA 7 instream flow rule, in response to comment from Tulalip Tribes.

**Chapter 4**

* Several edits were proposed to section 4.4, Summary of Uncertainties. Added a statement about additional text on Snohomish County’s method, which assumes that single family homes built within 100 feet of an existing distribution line will connect to public water service (proposed county code) and how it relates to uncertainty.
	+ **MBA** **of King and Snohomish Counties** asked if Snohomish County had passed their proposed water code changes.
		- **Snohomish County** is still working on it; there are a lot of variables and complexities. The statement in the plan is still accurate and no change warranted.
* The Committee reviewed the new language proposed by City of Arlington about the Seven Lakes Water Association (SLWA) and had the following discussion:
	+ **MBA of King and Snohomish Counties** expressed that this new language raised concerns and questions from their members because it: 1.) Provides details on a very specific issue that is inconsistent with the level of the detail in the rest of the plan and thus raises questions for a reader; and 2.) raises an issue that the scope of this plan is not set up to resolve.
		- In the chat, other entities, including Tulalip Tribes and Snoqualmie Valley WID expressed agreement that this goes beyond the scope of the plan and may not warrant being overly specific about one location when this is an issue in other parts of the basin. In response, Mike indicated he was not aware that this was an issue in other parts of the basin; simply that he recalled the significant increase in projected PE wells in the subbasins served by SLWA when it was determined that they “would not” be a source of water.  Mike (Arlington) requested examples of this issue, particularly where it affected the Committee’s consumptive use calculations.
		- **Ecology** stated that there are nuances to the water right portfolio for each of the many water purveyors in the watershed. Ingria also noted that the Committee does not have authority over water right decisions; the Committee’s assumption regarding SLWA was an assumption in our growth projections.
	+ **The City of Arlington** expressed great interest in ensuring that the context around the SLWA is included specifically in the plan both as part of clarity around how that area was considered in the PE well projections and the larger issue that there are two systems in the state: permitted (RCW 90.03) and permit-exempt (RCW 90.44.050) approach to providing water. Further, Mike expressed his view that the Committee is being asked to avow “*Net* Ecological *Benefits*” when water is being appropriated through the permit-exempt approach, while Ecology previously would not simply declare *no impacts* or “mitigated impacts” from the downstream move and consolidation of five existing water rights/five wells into five existing water rights/two wells, (unless SLWA provided proof that cannot be provided in a model), under the permit/change approach.
	+ **Ecology** noted that the SLWA water right change applications have local complexities and are not simply “downstream changes.” Ingria also noted that the physical means of appropriation are not the same for permitted and permit-exempt uses– a handful of exempt wells might remove a few hundred gallons per day from a tributary stream basin, and ultimately the stream.  A municipal well might remove several hundred gallons per minute from a tributary basin (and the stream).
	+ **Snohomish PUD** agrees that this is an issue for water purveyors but does not see the merit in including this level of specificity in the plan. Brant also noted that the challenges facing SLWA are not unique, and that other water purveyors in the WRIA face similar challenges and that this plan is not set up to develop solutions to address the issue. Brant pointed out that the wells have been accounted for in our consumptive use estimates and the group has been conservative by not assuming that connections would be able to occur even if that would be the Committee’s preference. If connections do occur then the plan will be even more protective of the resource.
* This issue was revisited at 3:30 after the close of the formal meeting to develop language that all parties could agree to. The discussion highlighted importance of readers not interpreting this plan as an endorsement of actions or policies that promote PE wells. The Committee used the best information available to project new PE wells; the consumptive use estimate methods do not presume connection to existing water service in areas where there is not a current pathway connecting new customers. The Committee has included a policy recommendation to encourage connections to public water - see Section 6.1.2 in Chapter 6, for the Committee’s recommendation. In previous meetings, the Committee discussed including a broader policy recommendation to the legislature to change its approach to water right permitting and the permit-exemption in the plan, but there was not full support for the recommendation.
* **The City of Arlington** shared the underlying basis for their position in this matter has always been avoidance of impacts. Whereas some would see the Committee’s approach as conservative from the compensatory perspective (because these hundreds of wells are included in the Committee’s PE well consumptive use estimate), Mike countered that it is much less conservative when viewed from the avoidance perspective. At this point, with only 13 members and staff remaining on the call, Mike left all remaining editing of text related to this issue to Ingria’s discretion.
* **Ecology** edited section 4.4 of the plan during the meeting and the group reached the following language:

*The ability of water purveyors to serve new customers in the future is an additional element of uncertainty in this plan. In many cases, it is extremely challenging for water purveyors to change their existing water rights or acquire new water rights to meet the needs of new customers year-round. When this occurs, new PE wells may be constructed instead of homes connecting to public water. One example of this is the Seven Lakes Water Association in the Tulalip and Quilceda subbasins. The Committee realized that it generally favors the avoidance of PE well impacts by facilitating connections to publicly owned and regulated water utilities (See policy recommendation in Chapter 6). In searching for a resolution to this conflict, the Committee recognized that the conflict originated between laws at the statute level, and were beyond the scope and authority of the Committee to correct it. Accordingly, the Committee resigned the notion of a legislative fix, and sought to craft a sound and implementable plan that successfully fulfills all objectives the Legislature assigned to the Committee.*

* The revised language in Chapter 4 describes some of the challenges facing water purveyors and highlights Seven Lakes as a specific and relevant example in the watershed.
* City of Arlington’s original comment on Chapter 4 in its entirety can be found [on Box](https://app.box.com/s/7fbawecj4p3zk669jue45u8v35ic1wub).
* **City of Arlington** (added after the meeting) shared that their position has been the following order of mitigation measures: avoidance of impacts; minimize the magnitude of the impact; reduce the duration of the impact; rectify the impact at the site; compensate for the impact off the site.

# Chapter 5: Projects

Ingria shared the changes and comments received on this section of the plan. The Snoqualmie Tribe and WDFW commented on Chapter 5.

* **Snoqualmie Valley WID** requested that the following added sentence be changed so that it is not causative: “*The low number and volume of water acquisition projects in WRIA 7 is striking, with respect to the size of the WRIA and shows that the basin is over allocated.”*
	+ Tulalip Tribes (in the chat) stated that the point of the change was to highlight that there aren’t enough water rights available for instream flows. Don't need a causative sentence that links the two, just stating the facts works.
	+ Group discussed more, clarified that this is about all water rights, not just irrigation water rights, and agreed to revisions.
* **Section 5.2 Projects and Actions**
	+ **WDFW** discussed the potential challenges of using the Stillwater site for a Managed Aquifer Recharge (MAR) project. There are multiple stakeholders and outreach may take 10-20 years, which may go beyond the planning horizon.
		- **Snoqualmie Watershed Forum** had requested earlier that the Stillwater site be removed from the list of potential future MARs. If the site is not removed, Elissa would like to add something stating that MARs will not be located in areas that impact floodplain connectivity.
		- **Washington Water Trust** suggested keeping this location in the plan as well as stating all the potential concerns because other sites may also have constraints but best to keep all options available.
		- Ingria added language in the plan about floodplain connectivity and channel migration to address Elissa’s concern.
		- Kirk stated that he was working across WDFW departments to ensure that the inclusion of Stillwater as a potential MAR site will not be a surprise and thought keeping the site in the plan would be ok.
	+ **WDFW** stated that there was a lot of discussion on the offset credit for MARs and that the Committee did not include year round water offset credit, but only during the critical flow period. In some places the plan’s description of water offset estimates is very specific and not in others. In the bullet for MAR it discusses benefits, but does not discuss that the Committee is only using partial seasonal credit for MAR.
		- When the Committee developed the offset estimates we did not designate a critical flow period, this would be a good section to add something about it.
		- In chapter 7, the plan talks about timing benefits, we said low flow periods would have timing benefits, with a footnote to Table 7.1 that MARs are expected to result in year-round benefits.
		- At the meeting, the footnote to Table 7.1 was modified to say that MARs *can*provide year round benefits.
		- The Committee asked for additional clarification on how the 100 AF/year of water offset was reached.
		- **Snoqualmie Indian Tribe** added in the chat that they took the mean or median of GeoEngineers and estimated streamflow benefits of the five potential MAR sites for July-Sept and it equaled ~100AF and that’s where the water offset estimate came from.
		- (Added after meeting) Matt reviewed the spreadsheet of GeoEngineers’ stream deplete analysis and described his proposal (discussed by the Project Subgroup in September and Committee in October) to assume 100 AF of water offset based on the median of the anticipated streamflow augmentation from July-Sept. for the five potential sites. Ingria added detail to the project summary for Snoqualmie Watershed MAR in section 5.2 of the plan and uploaded Matt’s notes in on Box in the Project Subgroup [meeting notes folder](https://app.box.com/s/k07wg74dgds943xo5bjnv6f75raj1o0t).
	+ The Committee agreed to add language supporting beaver restoration to **Section 5.2.3 Prospective Projects and Actions.**

# Chapter 6: Adaptive Management and Policy Recommendations

There was a small group meeting to discuss concerns with the conservation through connections policy recommendation and the NEB chapter based on the discussion at the November meeting. Ingria is making sure that Ecology knows how important this section of the plan is to the Committee. As Ecology reviews the plan, they will review and consider these recommendations.

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

* The **MBA of King and Snohomish Counties** requested that the plan clearly states that the plan does not recommend a well fee increase in Section 6.1.2 and other that reference the fee in *Funding Sources.*
	+ Ingria added language, where applicable, specifying *existing* PE well fees as a potential funding source.
* Ingria discussed the proposed language about watershed plan implementation reporting and reconvening the Committee.
* The group discussed the pros and cons of being more specific about the bullet that mentions the reconvened committee must include at least one city. The group determined that all cities currently on the Committee would be invited and many would participate if they have capacity and the work is relevant. The text should remain as is.

# Chapter 7: Net Ecological Benefit

A majority of the edits to this chapter were discussed at the November meeting; a small group met to resolve some remaining concerns in this section.

* Susan reminded the Committee that this section of the plan is optional. She gave the Committee an overview of the NEB statement at the end of this chapter and asked for Committee feedback, which included:
	+ The **City of Everett** and **Snohomish County PUD** asked for clarification that the Committee does not expect every project to be implemented by stating the Committee is putting forward this portfolio assuming not all the project will be implemented, but enough projects will be implemented to achieve NEB.
	+ Susan re-read the paragraph that includes those details and the group made an adjustment so that the NEB statement at the end of the chapter is about the plan as a whole.

# Plan Finalization and Approval

Committee members have between now and January 6, 2020 to submit red flag review comments. If the plan is approved in the interim at the January meeting it will go out for local review then for 11 weeks.

* Ingria asked that all committee members attend or send an alternate to both the January meeting and the final approval meeting.
* The full plan will be distributed on Monday December 14, 2020 for the 3-week red flag review period. Once Committee reaches interim approval of the plan, Ecology will finish all the copy editing and post the final draft plan, appendices, the approval timeline, and supplemental materials on the webpage to share with decision makers during the local review process.
* Ingria will also post the Committee brochure, streamflow restoration program brochure, streamflow policy interpretive statement and presentation on the Committee webpage to help with briefing decision-makers. (Ingria will update the presentation by January 14.)
* No signature will be needed for plan approval, just asking for verbal approval or disapproval that will be recorded in the meeting notes.

# Public comment

No public comments.

# Next steps and action items

* Ingria post the exceedance flow spread sheets on box (done – see [other data resources reports folder](https://app.box.com/s/dvbu7kfdxyp88c9h6cocumu2ol1lvutk)).
* Ingria will check in with Matt about the MAR offset on whether or not the mean or median was discussed (done – see [notes on box](https://app.box.com/s/vwwc0dk795l2x8p40unczdfzwtl49h7w) and revision to project summary in section 5.2.
* Ingria will consider edits to how ISF information is presented (done – see revisions in section 2.3.3.
* Next WRIA 7 committee meeting will be a shortened meeting held on January 14, 2021 from 12:30 to **2:30** via WebEx.
* Committee members prepare for **interim approval** to begin the local review process