Meeting Summary

Snohomish (WRIA 7)
Watershed Restoration and Enhancement Committee meeting
January 14, 2020 | 12:30 - 2:30 p.m. | Committee website

Location
WebEx

Committee Chair
Ingria.Jones@ecy.wa.gov
425-466-6005

Handouts (link to January meeting folder)
Draft December 10 Meeting summary
Revised draft plan
Changes to draft plan
Plan approval timeline

Attendance

Committee representatives and alternates

Ann House (Snoqualmie Indian Tribe, alternate)
Anne Savery (Tulalip Tribes, alternate)
Bobbi Lindemulder (Snohomish CD)
Brant Wood (Snohomish PUD)
Cynthia Krass (Snoqualmie Valley WID)
Daryl Williams (Tulalip Tribes)
David Levitan (City of Lake Stevens)
Denise Di Santo (King County)
Dylan Sluder (MBAKS)
Emily Dick (WWT)
Elissa Ostergaard (Snoqualmie Watershed Forum, ex officio)
Erin Ericson (Snoqualmie Valley WID)
Glen Pickus (City of Snohomish)
Ingria Jones (Ecology)
Jamie Burrell (City of North Bend)
Jim Miller (City of Everett)
Joe Hovenkotter (King County)
Keith Binkley (Snohomish PUD, alternate)
Kevin Lee (WDFW, alternate)
Kim Peterson (Town of Index)
Kirk Lakey (WDFW)
Lindsey Desmul (WDFW, alternate)
Liz Ablow (City of Seattle, ex officio)
Matt Baerwalde (Snoqualmie Indian Tribe)
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)
Sam Kollar (City of Carnation)
Stacy Vynne McKinstry (Ecology, alternate)
Stephanie Potts (Ecology, alternate)
Steve Nelson (City of Snoqualmie)
Terri Strandberg (Snohomish County)

Committee representatives and alternates not in attendance

Snohomish Basin Salmon Recovery Forum (ex-officio)

Other attendees

Susan O'Neil (ESA – Facilitator)
Angela Pietschmann (Cascadia – Info Manager)
John Covert (Ecology)
Kelsey Taylor (Snoqualmie Indian Tribe)

Introductions & Standing Business

Susan O'Neil (Facilitator) welcomed the group, began introductions, and reviewed the December 10 draft meeting summary. *The December meeting summary was approved without further changes.*

Ecology Updates

- Ecology submitted the Pilchuck River Dissolved Oxygen and Temperature Total Maximum Daily Load (TMDL Plan) water quality improvement plan to EPA.
- Ecology published its Report to the Legislature: Streamflow Restoration Law Update.

- Send Notices of Intent (NOI) to Cory Zyla (czyla@kingcounty.gov) at Snoqualmie Watershed Forum by February 1st, 2021 for consideration for King County's Cooperative Watershed Management Grant Program.
- Virtual tour available for Fall City Floodplain Restoration Project.
- Tulalip Tribes has released a video introducing a new project (Haskel Slough) that the Tribe's Natural Resources Department is involved with. This project is in the WRE Plan and will benefit fish, farmers, and flood management.

Additional Updates

- Jim Miller (City of Everett) is retiring.
- Cynthia Krass (Snoqualmie Valley WID) is leaving the SVWID; Erin Ericson assuming Cynthia's role.

Comments on WRE Plan

The Committee reviewed final edits to the Draft WRE Plan to finalize for local review. Ingria walked the group through each change using slides with the recommended edits shown in red.

Resources:

- Final Plan Draft
- Meeting Slides

Discussion:

- Ecology fixed several typos throughout the plan and is still working through final copy editing.
    - **No concerns.**
- **Chapter 1: MBAKS** proposed language: *The Committee believes that, were a similar planning approach adopted in the future to address new domestic permit-exempt wells, it ~~will~~ may be increasingly difficult to identify water offsets.*
    - **No concerns.**
- **Chapter 2: MBAKS** proposed language: *Streamflow conditions within primary WRIA 7 rivers are summarized by the following 90% exceedance flows, which can be used to represent base flows (USGS 2020):*
    - *USGS stream gage 12150800 (Snohomish River near Monroe): 90% exceedance flows in the second half of August are approximately 1,422 cfs for the period of record from 1964 - 2016.*
    - *USGS stream gage 12149000 (Snoqualmie River near Carnation): 90% exceedance flows in the second half of August are approximately 532 cfs for the period of record from 1930 – 2016.*
    - *USGS stream gage 12134500 (Skykomish River near Gold Bar): 90% exceedance flows in the second half of August are approximately 561 cfs for the period of record from 1929 – 2018.*
    - **No concerns.**
- **Chapter 4:** Ecology moved "Summary of WRIA 7 Consumptive Use Estimate" to Section 4.4 and moved summary of uncertainties to Section 4.5 for better flow and consistency with other chapters.
    - **No concerns.**
- **Chapter 5:**

- **Ecology** updated project name for project 7-P-H7 to match name provided by project sponsor. Added WRIA 7 project numbers to Appendix H. Retained other assigned project numbers in footnote; compiled all project descriptions into one document and edited for consistency.
    - **No concerns.**
- **WWT** proposed language: *In some circumstances, there are inherent uncertainties in protecting offset water once it has been secured for streamflow enhancement purposes, partially due to the fact that WRIA 7 remains un-adjudicated.~~; that is to say, the offset water that was added to the stream through an offset project could be appropriated downstream by another water user.~~*
    - **Snoqualmie Indian Tribe, King County,** and **WWT** can accept this revision.
    - **King County** requests replacement of "due to the fact" with "given."
    - **Agreement from Committee on updated language.**

- **Chapter 6:**
    - **MBAKS** proposed language*: The Committee recognizes that a successful plan must acknowledge that climate is changing and ~~include a mechanism to ensure that the statutory requirements to offset water withdrawals by new PE wells and provide~~ ensure that net ecological benefit will be met under future climatic conditions.*
        - **WWT** alternate proposed language: *The Committee recognizes that there is no statutory mechanism ~~a successful plan must acknowledge that climate is changing and include a mechanism~~ to ensure that the goals of this plan, ~~statutory requirements~~ to offset ~~water withdrawals by new~~ PE wells and ~~provide~~ achieve net ecological benefit, will be met under future climatic conditions.*
            - **Agreement from Committee on this updated language.**
    - **MBAKS** proposed language: *To address some of the above challenges, the WRIA 7 Committee recommends the following implementation, monitoring, and adaptive management strategies, and for each proposes an implementing entity, roles and responsibilities, funding mechanisms, and resulting actions.*
        - **No concerns.**
    - **MBAKS** proposed language: *If, after 2026, at the time of developing the biennial report (see watershed plan implementation reports below) Ecology identifies that the adopted goals of the watershed plan are not on track to be met in the plan's 20-year timeframe.*
        - **No concerns.**
    - **King County** proposed changing the following language in the plan: *In keeping with the Committee's commitment to strive for offset projects to be identified in all subbasins with consumptive use impacts, the Committee recommends that new projects may be considered for addition to this plan. If ~~well-suited~~ habitat projects emerge for the Tulalip subbasin that are appropriate and consistent with the type and nature of projects already on the project list, ~~during adaptive management and implementation,~~ the Committee ~~hopes~~ recommends that the new projects may be considered for addition to this plan. If ~~well-suited~~ water offset projects ~~are identified~~ emerge in subbasins that do not currently have water offsets and these projects are appropriate and consistent with the type and nature of projects already on the project list, the Committee ~~hopes~~ recommends that ~~new projects may~~ these be considered for addition to this watershed plan.*
        - **No concerns.**
    - **Town of Index** proposed language: *The legislature should also provide funding to adequately compensate for staff time to support continued participation of entities on the Committee.*

        - **Snoqualmie Indian Tribe** supports including this language; having funding for tribal participation was very helpful.
        - **King County** supports including this new language to address equity and meaningful participation from stakeholders and tribes.
        - **City of Arlington** requested consistency throughout the plan when making a recommendation or request of the Legislature.
        - **City of Everett** recommended: *The legislature should also provide funding to ~~adequately compensate for staff time to~~ support ~~continued~~ the participation of entities on the Committee, as needed.*
            - **No concerns.**
    - **Ecology proposed language:** *The WRIA 7 Committee recommends that Ecology consider the following process for reporting on the status of the watershed plan.*
        - **No concerns.**
    - **Ecology** proposed footnote: *These recommendations are provided by the WRIA 7 Committee for Ecology's consideration in developing an efficient and effective implementation and adaptive management program.*
        - **No concerns.**
    - **Ecology** proposed footnote: *RCW 90.94.30 (3) (a) clarifies that re-timing project can provide water offset: "…plan recommendations may include, but are not limited to, acquiring senior water rights, water conservation, water reuse, stream gaging, groundwater monitoring, and developing natural and constructed infrastructure, which includes but is not limited to such projects as floodplain restoration, off-channel storage, and aquifer recharge. Qualifying projects must be specifically designed to enhance streamflows and not result in negative impacts to ecological functions or critical habitat," (RCW 90.94.030 (3) (a)).*
        - **No concerns.**
    - **Ecology** proposed footnote: *While many Committee members preferred water right acquisitions, the retiming projects included in this watershed plan provide water offset. Ecology's Final NEB Guidance describes potential water offset projects, including non-acquisition water offset projects and states that, "these [non-acquisition water offset projects] types of water offset projects will typically involve retiming high flow season surface waters," (Ecology, 2019, 10).*
        - **Snoqualmie Indian Tribe** recommends "*can* provide water offset." Some projects in plan are under- or un-studied and Committee does not know whether there will be offset benefit. **WDFW** and **King County** agree. King County proposed "can potentially provide."
        - **Snoqualmie Watershed Forum** noted the language indicates uncertainty around some projects but per the law/NEB guidance, they do count as offset. Balance skepticism with desire for plan to be approved as adequate.
            - **King County** clarified these projects can count if they do provide offset.
        - **Snoqualmie Valley WID** suggested clarifying "can potentially provide legal water offset."
        - **Tulalip Tribe** noted the offsets from many habitat projects support NEB but offset is unquantifiable. Water offset projects have quantified numbers attached that the Committee is comfortable with. Incorporating this language "undoes" conversations the Committee has had over time.
        - **The Committee agreed not to add this footnote to the WRE Plan.**

Susan O'Neil (Facilitator) asked the Committee if there were any other outstanding concerns or changes to the plan to discuss as a group before it is ready for local review.

- **WDFW** requested removal of the Stillwater site from **Snoqualmie Watershed MAR [7-US-11].**
- The land is under farm lease with the County. Viability for future MAR low or non-existent.
    - **Susan (Facilitator)** noted that removing this project would not affect estimated water offset numbers.
    - **Snoqualmie Valley WID** had similar concerns that were addressed last meeting through the conditions attached to selection criteria.
    - **WWT** would prefer to keep all projects on the list until initial feasibility screening is complete. However, there have been several flags with this site and WWT would not be opposed to taking it out if the Committee agrees. For context, WWT's Dungeness sites are installed on agricultural properties as well. The construction could potentially be done in the off season.
        - **WDFW** clarified there is no offseason for this farm area. During the "offseason," the land is used by water fowl hunters, dog training, etc.
        - **Tulalip Tribes** supports removal from plan.
        - **The Committee agreed to remove the Stillwater potential MAR site.**
- **Ecology** noted the need to change language describing the water offset estimate in the **Snoqualmie Watershed MAR [7-US-11]** project summary since the Committee removed the Stillwater site.
    - **Snoqualmie Indian Tribe proposed revision:** *The Committee analyzed the timing of streamflow augmentation for ~~five~~ potential MAR sites and developed the 100 AFY offset estimate based on the ~~median of the~~ anticipated "non-diversion" streamflow augmentation quantities projected for ~~during~~ the low flow period from July through September for the potential sites, assuming two sites are developed and the estimated streamflow augmentation aligns with the Committee's analysis.*
        - **No concerns.**

Seek Approval to Initiate Local Review

Reference Materials:

- Plan Approval Timeline

Local Review Process and Timeline

Ingria reviewed the local review process and timeline:

- Chair Will post final draft plan and supporting materials on the Committee webpage early next week, including:
    - Final Draft Plan
        - Appendices
        - Policy supplemental materials
    - Plan cover memo
    - Plan review timeline
    - Updated plan overview PowerPoint slides
    - Committee overview handout
    - NEB guidance
    - Policy and interpretive statement
- Committee members finish local review week of April 5th – by April 9th at the latest – so we can identify any red flag concerns that come up during local review and inform the Committee before we meet on April 15.

- The next meeting is April 15 via WebEx. The meeting's objective is to vote on approval of the plan.
- If all Committee members approve the plan, Ingria will finalize the plan (placeholder language around number of meetings, etc.) and submit it to Ecology for review and NEB determination.

Susan O'Neil (Facilitator) provided an overview of interim approval:

- **What does interim approval mean?** Interim approval is committee member approval of the draft plan in advance of committee members sharing the draft plan with their local decision makers.
- **Why are we soliciting interim approval?** This is a consensus-based process and full committee approval is needed for final plan approval. We want to make sure committee members support the draft plan before it gets shared more broadly. If a committee member does not support the draft plan, it's important that we address committee member concerns first.
- **If we don't have interim approval, how will this impact our overall review timeline?** We don't know yet. It will be dependent on the committee member(s) needed change(s) and the extent and timing of those changes. We will discuss this as a full committee.

Vote to approve Draft WRE Plan to initiate local review

Susan took a vote of the full Committee on approving the draft WRE Plan to initiate each entity's local review.

"I support the draft plan (including changes agreed upon during today's Committee meeting) and think it is ready to be shared with my local decision makers."

- Brant Wood, Snohomish PUD: approved
- Bobbi Lindemulder, Snohomish Conservation District: approved
- Steve Nelson, City of Snoqualmie: approved
- Cynthia Krass, Snoqualmie Valley WID: approved
- Daryl Williams, Tulalip Tribes: approved
- David Levitan, City of Lake Stevens: approved
- Denise DiSanto, King County: approved
- Dylan Sluder, MBAKS: approved
- Emily Dick, Washington Water Trust: approved
- Glen Pickus, City of Snohomish: approved
- Jamie Burrell, City of North Bend: approved
- Jim Miller, City of Everett: approved
- Kim Peterson, Town of Index: approved
- Kirk Lakey, WDFW: approved
- Matt Baerwalde, Snoqualmie Indian Tribe: approved
- Matthew Eyer, City of Marysville: approved
- Megan Darrow, City of Monroe: approved
- Mike Remington, City of Duvall: approved
- Mike Wolanek, City of Arlington: approved
- Rich Norris, City of Gold Bar: approved (via chat and email)
- Sam Kollar, City of Carnation: approved
- Terri Strandberg, Snohomish County: approved
- Ingria Jones, Department of Ecology: approved

Susan O'Neil (Facilitator) reiterated that the process would now move to local review which Ingria will describe in the next steps. She invited Committee members to share updates or new information about their local approval process.

- **Matt Baerwalde (Snoqualmie Indian Tribe)** noted that while is confident moving the plan forward to leadership / Tribal Council for approval, there is an ongoing broader concern between the Tribe and Ecology (not specific to WRIA 7 Plan) that may ultimately prevent the Tribe from approving this plan.
- **No further questions or comments.**

Public Comment

No public comment.

Next Steps and Action Items

- Ecology will post all plan materials on Committee webpage.
- **Local review deadline**: April 9, 2021.
- **Committee members:** Keep Ingria updated on local review and approval progress for tracking.
    - For full transparency, Ecology will update the committee if a member is unable to approve the plan and there are no changes that the Committee can make to get them to approval. It would then be up to each entity to determine whether to continue with their local approval process.
- **Vote to approve WRE Plan is on April 15, 2021**: Ingria will send calendar invite to Committee members and alternates. Attendance is required to vote on WRE Plan approval.