



JANUARY 2020 MEETING SUMMARY

Cedar-Sammamish (WRIA 8) & Duwamish-Green (WRIA 9) Watershed Restoration and Enhancement Committees

Tuesday, January 28, 2020 | 12:30 p.m. – 3:30 pm | [WRIA 8](#) and [WRIA 9](#) websites

Location

Banquet Room C
Tukwila Community Center
12424 42nd Ave S, Tukwila

Committee Chair

Stephanie Potts
Stephanie.Potts@ecy.wa.gov
425-649-7138

Next Meeting

WRIA 8: Thursday, February 27,
9:30 a.m. – 12:30 p.m.
WRIA 9: Tuesday, February 25,
12:30 p.m. – 3:30 p.m.

Attendance

WRIA 8 Committee Representatives and Alternates**

John McClellan, *Alderwood Water & Wastewater District*

*Trish Rolfe (alternate), *Center for Environmental Law and Policy*

*Evan Swanson, *Kent*

Denise Di Santo, *King County*

*Rick Reinlasoder, *King County Agriculture Program*

Gina Clark, *Master Builders Association of King and Snohomish Counties*

*Carla Carlson, *Muckleshoot Indian Tribe*

Michele Koehler, *Seattle*

Elisa Dawson (alternate), *Snohomish County*

Matt Baerwalde, *Snoqualmie Indian Tribe*

Julie Lewis (alternate), *Snoqualmie Indian Tribe*

*Stewart Reinbold, *Washington Department of Fish and Wildlife*

*Stephanie Potts (chair), *Washington State Department of Ecology*

Ingria Jones (alternate), *Washington State Department of Ecology*

Jason Wilkinson (cities caucus rep), *WRIA 8 Salmon Recovery Council, ex officio*

Cities caucus members: Bellevue, Bothell, Issaquah, Kenmore, Mukilteo, Redmond, and Sammamish
Committee members not in attendance: Tulalip Tribes

WRIA 9 Committee Representatives and Alternates**

Lisa Tobin, *Auburn*

*Trish Rolfe, *Center for Environmental Law and Policy*

Tom Keown, *Covington Water District*

Scott Woodbury, *Enumclaw*

*Evan Swanson, *Kent*

Josh Kahan, *King County*

*Rick Reinlasoder, *King County Agriculture Program*

Jennifer Anderson, *Master Builders Association of King and Snohomish Counties*

*Carla Carlson, *Muckleshoot Indian Tribe*

Kathy Minsch, *Seattle*

*Stewart Reinbold, *Washington Department of Fish and Wildlife*

*Stephanie Potts (chair), *Washington State Department of Ecology*

Tyler Patterson (alternate), *Tacoma Water*

Matt Goehring (cities caucus rep), *WRIA 9 Watershed Ecosystem Forum, ex officio*

Cities caucus members: Black Diamond, Normandy Park, and Tukwila

Other Attendees

Clay White, *LDC, Inc.*

Eric Ferguson, *King County*

Joe Hovenkotter, *King County*

Kathleen Gobush, *Conservation Northwest*

Ruth Bell (facilitator), *Cascadia Consulting Group*
Caroline Burney (information manager),
Cascadia Consulting Group

Bridget August (technical consultant),
GeoEngineers
John Covert, *WA Department of Ecology*
Paulina Levy, *WA Department of Ecology*

*Representative for both the WRIA 8 and WRIA 9 Committee

**Attendees list is based on sign-in sheet.

Standing Business

Facilitator reviewed the agenda. *No revisions to the agenda.*

Chair received one comment on the WRIA 8 meeting summary: to correct the scientific name for “*Oncorhynchus nerka*.” The WRIA 8 Committee voted to approve the December WRIA 8 WREC meeting summary, with the cities caucus rep and the Snoqualmie Indian Tribe abstaining.

Chair did not receive comments on the WRIA 9 meeting summary. The WRIA 9 Committee voted to approve the November WRIA 9 WREC meeting summary.

The final versions of both summaries will be posted on the respective Committee websites.

Updates and Announcements

Chair provided updates from Ecology.

- Water Rights Acquisitions Assessment: Washington Water Trust is beginning work on the water rights acquisition assessment for WRIA 8 and WRIA 9 and should have something to share by the end of Q1.
- Call for Projects: The Committees recommended a “Call for Projects” at the last Committee meeting. Stephanie distributed the Call for Projects flyer by email on 1/13 with a deadline of March 31 for project idea submission (also posted in the “Projects and Actions” folder on box). Please share widely with colleagues and partners.
- WRE Plan - Local Approval Process Form: Reminder to complete the Local Approval Process form and prepare to report out at an upcoming Committee meeting. Each Committee representative, including cities caucus members, will have a final vote to approve the plan (anticipated for Q4 2020 or early Q1 2021). The chair and facilitator would like to have a better understanding of your internal approval process so we can build in time and provide the resources you need to get internal approval before the final vote.
 - WRIA 8: Please [complete the WRIA 8 form](#) and send to Stephanie by 3/26 or bring to the March meeting.
 - WRIA 9: Please [complete the WRIA 9 form](#) and send to Stephanie by 2/25 or bring to the February meeting.
 - Section 7 of the [Streamflow Restoration Policy and Interpretive Statement](#) talks about plan implementation: “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. Further, the law does not predicate the issuance of building permits on the implementation of watershed plans or any projects and actions in those plans.”
- Technical Memo Review: GeoEngineers has drafted several technical memos for inclusion as appendices in the final plan. Please submit the following feedback by the dates requested:

Technical Memo	Status	Feedback Requested	Due Date
Subbasins	Draft	Comments	2/18
Growth Projections	Final Draft (coming soon)	Red flag review	TBD
Consumptive Use	Final Draft	Red flag review	2/18

- SEPA Non Project Review: Paulina Levy may reach out to Committee members for data to include in the SEPA checklist.
- Box.com: Notify Stephanie if you need a new invitation to access Box.com (invitations expire after 30 days) or if you are having trouble using it. Make sure you are not trying to log in as Ecology staff!
- Technical Workgroup: Ruth provided a recap of the technical workgroup meetings. Technical workgroup meeting notes are posted on Box in the technical workgroup folder. Key updates include:
 - Reviewed updated consumptive use technical memo, irrigated area comparability study memo, and discussed recommendations for how to proceed with consumptive use estimate.
 - Reviewed proposed project screening criteria.
 - Discussed project prioritization.

Consumptive Use Update

Objective: Discuss consumptive use results and readiness for a decision on the consumptive use estimate.

Reference Materials

(latest versions in [WRIA 8](#) and [WRIA 9](#) consumptive use folders on box)

- Irrigated Area Comparability Study Technical Memo
- Consumptive Use Technical Memo (dated 1/27/20)
- Consumptive Use Calculator Tool

Irrigated Area Comparability Study Memo

- Bridget reviewed key results and recommendations from the Irrigated Area Comparability Study. GeoEngineers recommends that Ecology and the WRIA 8 and WRIA 9 WRECs accept the irrigated area results completed by the GeoEngineers and HDR teams. The GeoEngineers and HDR teams have confidence in their completed work and, notably, in each other's work for their respective WRIAs.
 - 0.32 acres average irrigated area per home for WRIA 8
 - 0.3 acres average irrigated area per home for WRIA 9

Consumptive Use Estimates

- Stephanie distributed the updated consumptive use memo for [WRIA 8](#) and [WRIA 9](#). Methods used to estimate consumptive are based on recommendations in Appendix A of the [NEB guidance](#). Results are below:
 - WRIA 8: 425.4 af/yr or 0.59 cfs
 - WRIA 9: 247.7 af/yr or 0.34 cfs
- At a minimum, the plan must do more than offset consumptive use.

- From section 3.2.3.5 of the NEB Guidance: “Watershed plans must, at a minimum, identify projects and actions intended to offset impacts associated with new consumptive water use. Planning groups may, at their discretion, decide to address new water use beyond these minimum requirements. Such an optional approach may include, but is not limited to, new water use beyond the 20-year planning horizon, or beyond new consumptive water use, or other goals of the planning group. However, watershed plans are not required to include such projects and actions. Any work undertaken beyond the specific planning 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.”
- Ecology’s perspective is that the consumptive use estimates are conservative and likely overestimate water use because:
 - The growth projection is higher than what has been reported since 90.94 required jurisdictions to report to Ecology.
 - The crop irrigation requirement used in the consumptive use estimate assumes rural residents water grass at the level needed for commercial turf. The Irrigated Area Comparability Study results showed that rates of watering are often not enough to show a clear delineation between watered and non-watered areas.
 - The crop irrigation requirement comes from the Washington Irrigation Guide (WAIG), published in 1997. More recent estimates for crop irrigation requirements are lower in the Puget Sound area than the ones in the WAIG.
 - The consumptive use estimate is about 2.5 times the average annual water use for rural, non-city water purveyors (241 gpd per home). The indoor water use estimate is similar, when compared to winter water use from Covington Water District and Snohomish Public Utility District. The difference is mainly because of outdoor water use component.
 - WRIA 8: 634 gpd per home for CU estimate
 - WRIA 9: 581 gpd per home for CU estimate
- There is uncertainty in the consumptive use estimate because it assumes current indoor and outdoor water use practices will continue over the next 20 years and does not factor in climate change. The Committee can address this uncertainty in several ways:
 - Develop a water offset target by adding a safety factor to the consumptive use estimate
 - Develop a water offset target based on a high water use scenario, such as all homes using an average of 950 gpd or all homes watering a ½ acre lawn
 - Include adaptive management in the plan to monitor progress
 - Include projects to provide more water offset than needed

Discussion

- The chair proposed a vote to approve the consumptive use estimates at the February WREC meetings.
 - The operating principles allow votes on interim decisions with supermajority required for approval. Committee representatives can vote remotely on interim decisions. See section 6 of the WRIA 9 WREC Operating Principles on decision-making and section 4 on participant expectations.
 - Voting on interim decisions can ensure Committee members are supportive of key components of the plan prior to voting on final plan approval.
- CELP raised concerns that the consumptive use estimate is too low since the law states people may use a maximum annual average of 950 gpd and there is no metering data to show water use from PE wells. CELP recommends using the legal limit (950 gpd) for use in calculating consumptive use.

- Muckleshoot Indian Tribe proposed a range for consumptive use with the 950 gpd being used as the high end of the range.
- Some Committee members expressed concern about finding enough water offset projects to exceed a higher consumptive use estimate.
- Some Committee members supported developing an offset target by adding a safety factor to the consumptive use estimate to incorporate all of the uncertainties and concerns.
- Committee members agreed that adaptive management is important.

Next Steps

- The WRIA 8 and 9 WRECs will not vote on consumptive use at the February meetings. The chair and facilitator will continue to work individually with Committee members to try to get consensus on a consumptive use estimate.
- The workgroup and Committee will focus on finding and developing water offset projects.

Water Use and Rural Residential Development

Objective: Gain an understanding of rural growth and development trends, land-use practices, and regulations.

Reference Materials

(slides and recording posted in the [WRIA 8 January meeting folder](#) and [WRIA 9 January meeting folder](#) on box)

- Regulations and incentives that influence rural development presentation
- Covington Water District Exempt Well presentation
- Covington Water [District Administrative Code](#). See sections 1.06 and 4.08.125 for policies related to permit-exempt well connections.
- WA Dept of Health [overview of timely and reasonable water service](#)
- [King County code Title 13](#) Water and Sewer Systems: See Section 13.24.138 Water facilities in rural areas.

Presentations

Clay White, Director of Planning for LDC, Inc. discussed regulations and incentives that influence rural residential development.

- Many federal, state, and local policies and regulations guide where development takes place.
- Rural development in Snohomish, Kitsap, King, and Pierce Counties has decreased, due to several factors including:
 - Codes have cut down on residential options
 - Uses limited in rural areas
 - Increased regulations for rural development
 - High costs of permits
- Some of the recent subdivision development in rural areas is from applications submitted before the recession.
- Clay shared several recommendations for the Committee to consider, including:
 - Voluntary measures
 - Expand existing outreach and education programs: for example, Conservation Districts educating rural landowners about benefits of rain gardens and natural lawn care
 - Advocate for programs that conserve rural areas, e.g. transfer of development rights

- Regulatory measures
 - Before proposing new regulations, review the regulations already in place
 - Think about whether the local government would be receptive to new requirements
- Are there opportunities for partnerships?

Tom Keown, General Manager for Covington Water District discussed CWD’s policies related to permit-exempt wells.

- CWD implemented a policy where landowners that connect to CWD must obtain all water from CWD and decommission their private well per WAC 173-160.
- CWD has a cost-share program to reduce the facility charge if a landowner connects to water service and decommissions the well.
- CWD estimates 1,000+ PE wells within their service area boundaries.
- In the last 2 years, there has been only 1 new PE well within the CWD water service area and 6 wells decommissioned in the same time period.
- The biggest barrier to increasing water service connections is the cost of the last mile of infrastructure.
- Opportunities to reduce number of PE wells:
 - Funding options to close infrastructure gaps in rural growth area to prevent new PE wells.
 - Prioritize and fund existing PE wells to connect to municipal water supplies.

Discussion

- The Committee discussed well consolidation, which allows water purveyors to add 800 gallons per day to their water right when a home connects to water service and decommissions the PE well (see [RCW 90.44.105](#)). Not all water purveyors take this step after connecting homes using PE wells.
- Muckleshoot Indian Tribe is interested in developing a project in Crisp Creek to connect PE well users to CWD water service.
- The Committee discussed regulations and incentives to encourage growth in urban areas, such as upzoning, which can also improve housing affordability.

Policy and Regulatory Idea Brainstorm

Objective: Brainstorm ideas for policies and regulations to include in the plan.

Reference Materials

- [Policy and Regulatory Actions Discussion Guide](#)

Discussion

- The facilitator provided the following context:
 - The Committee can decide to include policy and regulatory recommendations in the plan, including recommending changes to state laws, agency regulations and local codes, and education and outreach programs.
 - Committee members are expected to take the lead on developing policy recommendations to bring forward for consideration. This is outside the technical consultant scope of work. Ecology can provide technical assistance, as needed.
- The Committee had a rapid brainstorm of policy and regulatory ideas to potentially include in the plan (see photos of flip charts at end of meeting summary):
 - Limit irrigated footprint and enforce
 - Limit indoor water use

- Require metering
 - Consider critical subbasins where offsets are needed
 - Not just new water users- include all PE well users
- Education on indoor water use and landscaping conservation practices
- Not allowing grandfathered development permits- all development should meet current standards
- Requiring hookups to water lines when timely and reasonable
 - Clarify authority to water districts to require hookups
 - County enforcement of existing policies
- Incentives and cost sharing for decommissioning PE wells
- Requiring existing wells to decommission when hooking up to water purveyors
 - Using lower number for water purveyors if they take over the water right (lower than 800 gpd)
- Improve well log database
 - Track where wells are, what kind, depth
- Recommend that the legislature provide funding for record keeping, enforcement, for Ecology
- PE well users pay into a water offset fund (old and new)
- Mandatory conservation during drought
- Funding for required upgraded infrastructure from people creating impacts
- Incentives for water conservation
 - Tiered rates
 - Additional water use information for consumers

Next Steps

- Ecology will share the policy and regulatory action ideas generated by other Committees.
- Committee members should review the list and prepare to share the following at the February meeting:
 - What are your entity's top 3-5 policy ideas? Considerations could include:
 - The impact of the action to instream streamflow and/or fish habitat?
 - The feasibility of the action in terms of level of effort, responsible agency/entity for oversight and implementation, and funding?
 - Receptivity to the action, i.e. do we anticipate the effected parties will accept or adopt the action?
 - Interactivity –how does the action interact with other policies and regulations?
 - Are there ideas your entity would oppose?
 - Are there ideas you are willing to take the lead to develop?
- At the next meeting, the Committee will discuss a process for further developing policy and regulatory recommendations to include in the plan. Committee members are expected to take the lead on developing policy recommendations to bring forward for consideration.
- Clay White offered to review policy recommendations the Committee wants to include in the plan and provide technical assistance.

Estimating Water Offset from Habitat Projects

Objective: Understand methodologies for quantifying water offset from habitat projects.

Reference Materials

(slides and recording posted in the [WRIA 8 January meeting folder](#) and [WRIA 9 January meeting folder](#) on box)

- Estimating Offsets from Habitat Projects presentation

Presentation

- At previous meetings, Committee members wanted to know how water offset quantities could be estimated from habitat projects like floodplain restoration.
- Bridget August, GeoEngineers, presented case studies and a simplified analytical method for estimating water offset benefits from habitat projects.
- Detailed offset analysis is not practical, given the large number of projects. GeoEngineers can analyze a subset of projects to estimate water offset potential. The list can be prioritized based on characteristics such as: project type, project size, and aquifer characteristics.

Discussion

- GeoEngineers estimates roughly 8 hours of work per project to quantify water offset using this methodology.
- Committee members shared their hopes that we find water rights acquisitions to cover the agreed upon offset number and that the habitat projects are for NEB while recognizing there are additional (perhaps unmeasurable) benefits back to the streamflow.
- Seattle shared the Thornton Creek example as a floodplain restoration project with monitoring.
- Committee members raised the concern that this methodology shows the offset at a point in time and not necessarily over the entire lifespan of the project.

Next Steps

- GeoEngineers will develop a work plan for estimating water offset from a subset of habitat projects.
- The technical workgroups will discuss the work plan, whether to move forward with this work, and projects to recommend for water offset analysis at the next technical workgroup meeting.
- Committees will talk about whether to use habitat projects to contribute to water offset.

Public Comment

No comments.

Action Items for Chair:

- Continue to work individually with Committee members to try to get consensus on a consumptive use estimate.
- Share the policy and regulatory action ideas generated by other Committees.
- Work with GeoEngineers to develop a work plan for estimating water offset from a subset of habitat projects.
- Contact Committee members to set up a time to talk about your entity's priorities for the plan and discuss project ideas.

Action Items for Committee Members

- Complete the **Local Plan Approval Process Form**
 - WRIA 8 deadline: 3/26
 - WRIA 9 deadline: 2/25
- Review **technical memos**:
 - Comments on subbasin memo by 2/18

- Final review of consumptive use memo by 2/18
- Final review of growth projections memo (coming soon, due date TBD)
- Share the **Call for Projects** with your colleagues and partners
- If your entity has **priority projects** to include in the plan, email the list to Stephanie by 2/21. Stephanie will schedule time on workgroup and Committee agendas to discuss priority projects.
- Review the **policy and regulatory recommendations** and prepare to share answers to the following questions at the February meeting. At the February meeting, the Committee will discuss a process for further developing policy and regulatory recommendations to include in the plan. Committee members are expected to take the lead on developing policy recommendations to bring forward for consideration.
 - What are your entity's top 3-5 policy ideas? Considerations could include:
 - The impact of the action to instream streamflow and/or fish habitat?
 - The feasibility of the action in terms of level of effort, responsible agency/entity for oversight and implementation, and funding?
 - Receptivity to the action, i.e. do we anticipate the effected parties will accept or adopt the action?
 - Interactivity –how does the action interact with other policies and regulations?
 - Are there ideas your entity would oppose?
 - Are there ideas you are willing to take the lead to develop?
- Send Stephanie comments or corrections to the draft January meeting summary by February 18.

Next Meetings

- WRIA 8: Thursday, February 27 from 9:30 a.m. – 12:30 p.m., Ecology NW Regional Office, Bellevue
- WRIA 9: Tuesday, February 25 from 12:30 p.m. – 3:30 p.m., Tukwila Community Center, Tukwila

Flip Charts from Policy and Regulatory Idea Brainstorm

