



# JULY 2020 MEETING SUMMARY

**Cedar-Sammamish (WRIA 8)**  
**Watershed Restoration and Enhancement Committee**

July 23, 2020 | 9:30 a.m. - 12:30 p.m. | [Committee website](#)

## Location

WebEx

## Committee Chair

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

## Next Meeting

August 27  
9:30 am – 12:30 pm  
WebEx

## Attendance

### Committee Representatives and Alternates\*

John McClellan, *Alderwood Water & Wastewater District*  
Dan Von Seggern, *Center for Environmental Law and Policy*  
Rick Reinlasoder, *King County Agriculture Program*  
Denise Di Santo, *King County*  
Gina Clark, *Master Builders Association of King and Snohomish Counties*  
Michele Koehler, *Seattle*  
Terri Strandberg, *Snohomish County*  
Matt Baerwalde, *Snoqualmie Indian Tribe*

Ann Harrie, *Snoqualmie Indian Tribe*  
Kurt Nelson, *Tulalip Tribes*  
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 Mulvihill-Kuntz, *WRIA 8 Salmon Recovery Council, ex officio*  
Aaron Moldver, *City of Redmond*

Cities caucus members: Bellevue, Bothell, Issaquah, Kenmore, Mukilteo, Redmond, and Sammamish

### Committee Members Not in Attendance\*

City of Kent  
Muckleshoot Indian Tribe<sup>1</sup>

### Other Attendees

Gretchen Muller (facilitator), *Cascadia Consulting Group*  
Caroline Burney (information manager), *Cascadia Consulting Group*  
Bridget August (technical consultant), *GeoEngineers*

Stacy Vynne McKinstry, *Washington Department of Ecology*  
John Covert, *Washington Department of Ecology*  
Joe Hovenkotter, *King County*  
Eric Ferguson, *King County*

\* Attendees list is based on roll call and participants signed into WebEx.

## Standing Business

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

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<sup>1</sup> Muckleshoot Tribe is unable to send a representative due to COVID-19 related furloughs.

Chair did not receive comments on the meeting summary. The Committee voted to approve the June WRIA 8 WREC meeting summary, with the cities caucus rep abstaining. The final version will be posted on the Committee website.

## Updates and Announcements

Chair provided updates from Ecology.

- Muckleshoot Tribe Participation: Carla Carlson is expected back at work July 27.
- The City of Mukilteo withdrew from the Committee. They had previously participated through the cities caucus.
- Ecology offices will be closed the following days due to furlough:
  - July 24
  - August 31
  - September 4
  - October 30
  - November 30
- WRE Plan Development timeline: Chair anticipates distributing the draft plan late, in early September. The delay will not reduce Committee members' time to review the draft plan. Chair has informed Ecology management that we may not submit an approved plan by the February 1, 2021 target date.
  - Chair plans to distribute draft chapter 4 in the next few weeks.

## Public Comment

*No comments.*

## Projects

Objective:

- Recap of July 14 Technical Workgroup (WG) meeting.
- Share workgroup recommendations for water rights acquisitions, water offset projects, and additional habitat projects and ask for Committee support for including those projects in the plan.
- Status update on other water offset projects still in development.
- Update on tiering the project list.

Reference materials:

- [Project development tracking sheet](#)
- [Project tiering criteria descriptions](#)

### Technical Workgroup Update

- The workgroup discussed additional habitat projects to include in the plan and recommended adding a general habitat project in May/Coal subbasin and a general habitat project in priority streams in Lake Sammamish Creeks subbasin (Ebright Creek, Zackuse Creek, Laughing Jacobs Creek).
- The workgroup reviewed project profiles for water rights acquisitions in Washington Water Trust report and recommended including all of the water rights from the report in the plan.
- The workgroup reviewed the draft project description for the Sammamish River recycled water MAR project and recommended including that project in the plan, as well as a Snohomish County recycled water MAR project.

- The workgroup briefly discussed stormwater projects and will continue that discussion at the August 20 meeting.

### Water Rights Acquisition Projects

- Stephanie went over expectations for water rights acquisitions projects in the plan.
  - It is up to the Committee to decide what information is needed in order to count projects as a water offset.
  - Do not expect any water rights acquisitions to be completed before the plan is submitted. Negotiating water rights transactions can take months to years.
  - The project profiles in the Washington Water Trust report include a preliminary water offset quantity associated with the water rights acquisitions based on assumptions related to the current land use, or trust water amounts if the water right is in temporary trust. Do not have capacity to do a more thorough extent and validity analysis before submitting the plan.
  - The workgroup talked about including a generic water right acquisition opportunity in the plan in order to allow opportunistic acquisitions in future grant rounds.
- At the June WREC meeting, WWT shared the water right project profiles for WRIA 8. At July workgroup meeting, workgroup recommended keeping all of the water rights acquisition projects on the project list for inclusion in plan but would like to tier based on feasibility and certainty, etc. (see [tiering criteria descriptions](#)).

### Discussion:

- Question on the funding for the water rights acquisitions. The main source of funding is streamflow restoration grants.
- Rick Reinlasoder shared several concerns with water rights acquisitions from an agricultural perspective, including:
  - Concerns with use of recycled water for agriculture because it may not be available in perpetuity and reliable delivery of recycled water to parts of the Sammamish River Valley ag production district is still many years off
  - Uncertainty around consumers' acceptance of recycled water
  - Concerns with cost for recycled water. Needs to be comparable to cost of using surface or groundwater.
  - Concerns about entire water rights being put into permanent trust. Interest in transferring irrigation water rights to other farms downstream. Rick is working with King Conservation District on an assessment of agriculture water needs in the area.
  - Not concerned about sites that are downstream of any large agricultural use (e.g. Wayne Golf Course in Bothell)
- The Committee supported including the non-irrigation water rights in the plan:
  - Overdale (pre-identified 2)
  - Pre-identified 4
  - Wayne Golf Course (pre-identified 7)
- Committee members added that removing irrigation water rights from the project list increases uncertainty for how to achieve the water offset.

### Next steps:

- Rick will review the WWT report and web map to determine which water rights acquisitions projects King County Ag can support including in the plan. Stephanie will share feedback with workgroup and Committee.

- Stephanie will work with Rick to refine language and address concerns related to the specific water rights acquisitions and generic language in the plan around water rights acquisitions.

### Water Offset Project Development

Stephanie Potts and Bridget August provided updates on several water offset projects:

#### *Managed Aquifer Recharge (MAR)*

- The workgroup discussed managed aquifer recharge projects that use recycled water and supported a project in the Sammamish River valley and a project in the Snohomish County portion of WRIA 8.
- Bridget provide an overview of the project descriptions:
  - [Sammamish River Valley Recycled Water MAR](#): near term opportunity. A few potential sites identified. Estimated offset of 181 acre-feet/year.
  - [Snohomish County Recycled Water MAR](#): longer term opportunity, once King County constructs a storage facility onsite at Brightwater. No sites identified yet. Estimated offset of 181 acre-feet/year.
- The first phase of any MAR project funded by a streamflow restoration grant is a feasibility study. The [2020 Streamflow Restoration Grant Guidance](#) describes the components of a feasibility study in Appendix D

Discussion:

- Aaron Moldver noted that new uses of recycled water in Redmond are prohibited by an ordinance to protect critical aquifer recharge areas. Redmond is in discussions with Cascade Water Alliance about changes to the ordinance language. It may take longer for MAR to happen in Redmond.
- Stewart Reinbold asked for clarity regarding the length of time water offset projects should occur, in perpetuity or the duration of the plan (20 years)? NEB guidance states “Offsets need to continue beyond the 20-year period for as long as new well pumping continues.”
- Rick Reinlasoder asked about the portion of Brightwater recycled water production that this project would use. Ecology discussed this with King County recycled water staff and they didn’t think this would use much of their output, expect that there would be plenty of recycled water left for other uses.
- The Committee supported including the two recycled water MAR projects in the plan.
  - Stewart Reinbold said that WDFW supports including recycled water MAR projects in the plan but has questions about using them as water offset. WDFW wants water for water.
- The workgroup will also briefly discussed MAR on the Cedar River. The workgroup did not have much time to discuss this and can have additional discussions at a future meeting.

Next Steps:

- Stephanie will follow up with Stewart to get more information on the specific questions and concerns WDFW has about the two recycled water MAR projects.

#### *Stormwater projects*

- Project descriptions for [8 stormwater projects](#) with water offset potential are available on box.
- The workgroup wanted to have additional discussion about stormwater projects before making recommendations to the Committee.

Next steps:

- The workgroup will discuss these projects at the next meeting on August 20. If Committee members are interested in discussing these projects in detail, plan to attend the 8/20 technical workgroup meeting.

#### *Cedar River reservoir release*

- Michele Koehler provided an update on the SPU Cedar River reservoir release project. SPU had internal discussions and decided that the project is not appropriate, because the City of Seattle already releases a buffer of 3-5 cfs above their minimum flows.
- Ecology proposed an alternative project, to codify a 1 cfs buffer over the minimum instream flows required in Seattle's Instream Flow Agreement. SPU currently releases more than the minimum instream flow requirement. This project would memorialize that additional release and commit Seattle to continuing to release at least 1 cfs more than the instream flow requirement in the future.
  - Several committee members are supportive of this idea (Eric, Gina, Dan, Rick, Terri, Denise).
  - Matt Baerwalde would like more time to think about this proposal. Matt will connect with Michele offline.
- Michele offered to share additional information on the Instream Flow Agreement for the Cedar River. The Committee was not interested in holding a separate meeting on that topic. Individual Committee members can reach out to Michele directly with questions.

#### *North Creek streamflow augmentation*

- City of Everett currently has four wells that had previously been used for streamflow augmentation. None of the wells are currently being used but they have not been decommissioned so the infrastructure still exists. Everett is not interested in pursuing this project on a long-term basis. Everett could hand over the wells to another entity to operate.
- GeoEngineers sent the project information to Tulalip Tribes.
- Additional information about the [North Creek streamflow augmentation project](#) is on box.

#### *Habitat projects*

- The Committee supported the workgroup recommendation to add habitat projects in May/Coal and Lake Sammamish Creeks subbasins.
  - May/Coal subbasins
    - Specific project types and locations
    - Denise following up with her colleague for ideas
  - Lake Sammamish Creeks
    - Projects in these three priority creeks (Ebright, Zackuse, Laughing Jacobs)

#### *Project tiering*

- Stephanie distributed draft [project tiering criteria descriptions](#) to the workgroup for feedback and did not receive any comments or edits.

#### *Next Steps:*

- Ecology staff will add readily available tiering criteria information to project inventory.
- The workgroup will fill in gaps in information and develop recommended project tiering to bring to the Committee.

#### *Next Steps for Project List Development*

- The technical workgroup will discuss the following at the August 20 meeting:
  - Stormwater projects
  - Tiering the project list using the tiering criteria
  - Discuss whether to add a MAR project on Cedar river

- GeoEngineers will start working on drafting Chapter 5: Projects & Actions.
- Committee members should review the projects on the “short list” tab and “conceptual ideas” tab on the [project inventory](#) and consider whether this set of projects meet your expectations for the plan. If Committee members think there are critical gaps in the project list, up to Committee members to voice those concerns during meetings, or to the facilitator or chair during check-in calls, and bring new project ideas forward to fill in those gaps.

## Adaptive Management

### Objectives:

- Recap adaptive management discussions to-date.
- Gather input on key components for adaptive management.

### Recap of Discussions to Date

- Brainstorm in December where small-groups identified potential ways this committee could engage in adaptive management (AM) of plan going forward, including:
  - Meet periodically for 5 years – committee meeting that Ecology convenes
  - Annual report developed by Ecology
  - Tracking – plan and project level (require monitoring at project level); track PE wells; stream monitoring; by sub-basin; habitat value; stream gauging; PE well metering.
- Discussed additional AM strategies this spring:
  - Agreement to include cross-WRIA high-level statement requesting funding and authority for AM from legislature
  - Agreement to include WDFWs project tracking proposal to address AM at project level
  - Proposal write-ups from CELP and King County related to plan implementation.
  - Volunteers to support consultant team in drafting of AM chapter (Dan, Stewart, Gina, and Elisa).

### Discussion:

- The Committee responded to the following questions via [interactive slides](#):
  - What information should be tracked?
  - What should happen if tracking shows significant diversion from planned outcomes?
    - What is the appropriate role for the Committee in adaptive management?
    - What is the appropriate role for Ecology?
    - What is the appropriate role for local jurisdictions that permit rural development?
  - Are there data gaps that should be addressed in this section?
- A summary of the discussion questions is below:
  - What information should be tracked?
    - Number of PE Wells
    - Location of PE Wells
    - Water use of PE Wells
    - Project status
    - Project data
    - Lawn sizes of new residential development
  - What should happen if tracking shows significant diversion from planned outcomes?
    - Ecology should take action to ensure offset goals are met
      - Stephanie added that we cannot edit the project list once the plan is submitted.

- Ecology to track and report on metrics.
- Reconvening the WREC
  - Note: there is some disagreement around whether or not to reconvene the WREC.
- Assigning responsibility to another existing group (e.g. LIOs, Counties, Watershed Councils, etc.)
- Establishing triggers for action
- Determine what is causing the diversion
- Are there data gaps that should be addressed?
  - PE water use
    - Consider metering
  - PE well decommissioning
  - Streamflow benefit of projects and contribution to instream flow
  - Assumptions used in consumptive use estimates and other calculations
  - Are conservation efforts working? How to quantify the benefits of education?
  - Cost of recycled water transition
  - Climate change
  - Ship canal temperature issue
  - What are counties doing with the PE well fee?

#### Next Steps

- Consultant team to coordinate with AM sub-group (Dan/Stewart/Gina/Elisa) to use the input received from the Committee and draft AM chapter.
- Plan to distribute draft adaptive management chapter to Committee for review and discussion at August 27 meeting.

## Policy Recommendations

#### Objectives:

- Recap of July 8 policy subgroup meeting.
- Discuss process for drafting the policy chapter and share policy chapter template.

#### Reference materials:

- [Draft policy chapter template](#)

Recap of joint WRIA 7, 8, and 9 Policy Subgroup meeting on July 8.

- Discussed policy proposals and level of support.
- Identified [chapter structure including individual policy template](#).
- Identified next steps and timeline.
- The sub-group discussed moving forward the following policy proposals:

Policy*	Lead	Discussion & Next Steps
<b>Improve ECY Well Tracking</b>	Matt Baerwalde	Matt to combine Squaxin Island Tribe proposal with addition to better enable tracking on PE Well form.
<b>Encourage Connection to Public Water</b>	Matt Baerwalde	Name changed from 'Increase Water Service Connection.'  Matt and Gina Clark are working to refine.

Policy*	Lead	Discussion & Next Steps
		Will circulate updated draft soon.
<b>Education/Outreach/Incentives for Water Conservation</b>	Matt Baerwalde (WRIA 9: Kathy Minsch, Trish Rolfe)	Will circulate next week for review by Committee.
<b>Development and use of reclaimed</b>	Joe Hovenkotter	Refined to focus on source switches from surface and groundwater rights.  Joe to update and re-circulate to Committee.
<b>Metering PE Wells</b>	Denise DiSanto	Gina and Denise working together to identify incentives that would be helpful for builders and well users to implement metering.
<b>Increased Enforcement of Existing State Regulations</b>	Joe Hovenkotter	No changes.
<b>Enable Ecology to Fully and Comprehensively Administer State Water Laws and Plan Implementation</b>	Joe Hovenkotter & Dan von Seggern	Combine proposals.  Add concepts of education/outreach; incorporate comments from Tulalip Tribe re: beneficial use.  Resubmitted.
<b>Instream Flows and Trust Water Rights Program</b>	Joe Hovenkotter	Joe and Dan von Seggern discussing concerns offline. May choose to wait and see whether others are interested in this policy.
<b>Reduce lawn size limit</b>		Not moving forward.

\*see [policy recommendations folder](#) on box for more information

#### Plan Chapter Structure Recommendations

- [Policy Chapter](#) will include a high-level overview of the policies.
- Supporting materials can be included as appendices or attachments.

#### Discussion:

- Question about whether the language in the longer policy proposals will be memorialized. May decide to include only a shorter write up for certain policies to help get to consensus. Can decide whether to include additional information on a policy by policy basis.

#### Next Steps:

- Policy leads to draft short write-ups based on chapter template.
  - Consultant team will work with policy leads to identify what, if anything, should be included in appendix.
- Facilitation team will compile all the policies into a draft chapter, using the template.
- Facilitation team will share policy chapter draft with all policies incorporated for committee review in August.



## Consumptive Use

Objectives:

- Committee decision on consumptive use estimate to include in the plan.
- Discuss adding a safety factor or offset target to the consumptive use estimate.

Reference materials:

- [Consumptive Use Decision Memo](#)

Discussion

- Stephanie provided a recap of methods used to develop the consumptive use (CU) estimate.
- The consumptive use estimate based on average lawn size is: 425.4 acre-feet/year
- The Committee will vote on the consumptive use estimate of 425.4 acre-feet per year at the August meeting when Carla Carlson is back.
- Committee members are comfortable with moving forward with drafting Chapter 4, which includes PE well projects and consumptive use, based on the CU estimate of 425.5 af/year.
- Several committee members noted that the CU estimate should be the required baseline, and that they would like to see offset projects that go beyond the 425.5 af/year as an offset target or safety factor.
- Committee members discussed adaptive management as important to ensure water offset is achieved.

Next Steps:

- Stephanie to draft Chapter 4 with CU estimate of 425.5 af/year and note in a comment that the Committee has not voted to approve that number.
- The workgroup will discuss ideas for a safety factor/offset target at the August 20 meeting. Committee members should provide feedback on ideas for safety factor by August 13.

## WRE Plan Chapters 1-3

Objective: Share comments received and get Committee guidance on how to address comments.

Reference materials:

- [Revised Chapters 1-3](#)

Discussion

- The [WRE Plan folder on box](#) includes a list of entities that provided comments, the compiled comments from Committee members, and a revised chapter 1-3 that incorporates comments.
- Ecology Streamflow Restoration Management staff will review comments on Chapter 1 because changes might apply to other WRIA plans and aim to keep language consistent.
- Corrections were incorporated into revised draft that Stephanie sent out to the Committee for review. Stephanie did not receive any feedback on the revised chapters 1-3.
- Comments on sections related to Tribal reservations and treaty rights are being reviewed by all Tribes on the Committee before incorporating.
- Comments for Committee discussion:
  - Section 2.2.1: Snohomish County said that “new homes within water retail service areas are not currently required to hook-up to water provider systems, and Group A systems are not

always consulted before a new well is drilled. Group A systems do not ‘allow’ a well to be drilled.”

- Eric Ferguson added that King and Snohomish Counties have different ways they interpret the law within their water service areas. He recommended clarifying what each entity does.
- Dan von Seggern added that Snohomish County is working on tightening language around an ordinance on the ‘timely and reasonable’ requirement but it’s unclear who has the burden of proof. Should be clarified.
- Stephanie will work with the counties to edit the language.
- Section 2.3.3: Snohomish County asked whether there is going to be any discussion about the relative impact from residential consumptive use on stream flow.
  - Terri Strandberg clarified that consumptive use is only one component of impacts to flows. Terri will provide recommended language to include in the plan to address her comment.
- Section 2.3.2: Tulalip Tribe asked whether the plan discusses the interruption of recharge from the built environment anywhere.
  - Matt Baerwalde expressed support for adding references to soil compaction and impervious surfaces as limiting recharge.
  - Jason Mulvihill-Kuntz added that the Salmon Recovery Board for WRIA 8 has information in the 2017 plan.
  - Denise di Santo added that the Bear Creek Watershed Study is a helpful reference.

#### Next Steps:

- Snohomish County and Tulalip Tribes will provide suggested language to address their comments.
- Stephanie to share draft plan in early September, after the August 27 Committee meeting.
  - Will ask for feedback on policy and AM chapters at the August meeting
  - Will include revisions to chapters 1-3 as well as remaining chapters.
  - Will still have work to do on some of those chapters.
- Chapter 4 (PE well growth and consumptive use): Stephanie will send out a draft in next few weeks. Plan to discuss comments at August 27 Committee meeting.
- Chapter 5 (projects): GeoEngineers is working on the draft of the chapter but likely will not have all project descriptions ready to include in the draft plan (included in appendix).
- Chapter 6 (AM/Policy recommendations) will be compiled for August but may need work after that depending on proposal status.
- Chapter 7 (NEB) will need more discussion.

### **Action Items for Chair/Facilitator/Consultants:**

- Stephanie will work with Rick to refine language and address concerns related to the specific water rights acquisitions and generic language in the plan around water rights acquisitions.
- Stephanie will follow up with Stewart to get more information on the specific questions and concerns WDFW has about the two recycled water MAR projects.
- Ecology staff will add readily available tiering criteria information to project inventory.
- GeoEngineers will start working on drafting Chapter 5: Projects & Actions.
- Consultant team to coordinate with AM sub-group (Dan/Stewart/Gina/Elisa) to use the input received from the Committee and draft AM chapter. Plan to distribute draft adaptive management chapter to Committee for review and discussion at August 27 meeting.
- Facilitation team will compile all the policies into a draft chapter, using the template. Facilitation team will share policy chapter draft with all policies incorporated for committee review in August.

- Stephanie will share draft Chapter 4: PE well projects and consumptive use.

## Action Items for Committee Members

- Rick will review the WWT report and web map to determine which water rights acquisitions projects King County Ag can support including in the plan. Stephanie will share feedback with workgroup and Committee.
- Stewart will check in with WDFW headquarters staff regarding using recycled water MAR projects as offsets
- The workgroup will discuss stormwater projects at the next meeting on August 20. If Committee members are interested in discussing stormwater projects in detail, plan to attend the 8/20 technical workgroup meeting.
- Committee members can reach out to Michele directly with questions about the Cedar River instream flow agreements.
- Committee members should review the projects on the “short list” tab and “conceptual ideas” tab on the [project inventory](#) and consider whether this set of projects meet your expectations for the plan. If Committee members think there are critical gaps in the project list, up to Committee members to voice those concerns during meetings, or to the facilitator or chair during check-in calls, and bring new project ideas forward to fill in those gaps.
- Policy leads to draft short write-ups based on chapter template.
- The workgroup will discuss ideas for a safety factor/offset target at the August 20 meeting. Committee members should provide feedback on ideas for safety factor by August 13.
- Snohomish County and Tulalip Tribes to provide suggested language to address their comments.
- Review meeting summary and provide comments by August 19.

## Next Meeting: Thursday, August 27, 9:30 – 12:30 pm

- Next WREC meeting: Thursday, August 27: 9:30 am - 12:30 pm
- Next Technical Workgroup meeting: Thursday, August 20, 9:30 -12 pm
  - The technical workgroup will discuss the following at the August 20 meeting:
    - Stormwater projects
    - Tiering the project list using the tiering criteria
    - Discuss whether to add a MAR project on Cedar river