



AUGUST 2020 MEETING SUMMARY

Duwamish-Green (WRIA 9) Watershed Restoration and Enhancement Committee

August 25, 2020 | 12:30 p.m. - 3:30 p.m. | [Committee website](#)

Location

WebEx

Committee Chair

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

Next Meeting

September 22
12:30 p.m. – 3:30 p.m.
WebEx

Attendance

Committee Representatives and Alternates*

Lisa Tobin, *Auburn*

Trish Rolfe, *Center for Environmental Law and Policy*

Tom Keown, *Covington Water District*

Steve Lee, *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*

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

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

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

Committee Members Not in Attendance*

Tacoma Water, ex officio

Other Attendees

Gretchen Muller (facilitator), *Cascadia Consulting Group*

Caroline Burney (information manager), *Cascadia Consulting Group*

Stacy Vynne McKinstry, *Washington State Department of Ecology*

John Covert, *Washington State Department of Ecology*

Bridget August (technical consultant), *GeoEngineers*

Eric Ferguson, *King County*

Joe Hovenkotter, *King County*

Joel Massmann, *Consultant for Muckleshoot Indian Tribe*

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

Standing Business

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

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

- Upcoming Ecology furlough dates (September furlough day changed):
 - August 31
 - September 25
 - October 30
 - November 30
- Grant update: Ecology program leadership team is reviewing the grant scoring. Expect to announce awards in the fall. Will share with Committee when that happens.
- New Focus sheet: "[How the Foster decision affects our work](#)"
 - Overview of how the Foster's decision affects Ecology's work on water right change applications, mitigation packages, and water banking in watershed with instream flow rules.
- Recap of key plan requirements:
 - The plan must address indoor and outdoor household water use from new permit-exempt domestic groundwater withdrawals over the 20 year planning horizon: January 19, 2018 – January 18, 2038.
 - The plan is required to provide water offset for the consumptive use amount AND achieve NEB.
 - Offsets must continue as long as well pumping continues.
 - Projects and actions identified in watershed plans are not limited to those that can provide strict in-time, in-place offsets, though projects in the same sub-basin or tributary (within the same WRIA), and during the same time that the use occurs (year-round) are prioritized.
 - All Committee members must vote to approve the plan in order for it to go to Ecology for review and adoption. If the Committee does not approve the plan, alternative is that Ecology completes the plan without additional Committee input and then adopts the plan through rulemaking, which is open to statewide input.
- WRE Plan Development timeline: Chair anticipates distributing the draft plan for Committee review in mid- September.
 - Ecology is drafting a cover memo and PowerPoint to send with the draft plan to help brief decision-makers.
- Operating Principles: The Committee reviewed the section on remote participation in the [Operating Principles](#) (section 4, page 5) and determined that it adequately allows for remote voting on the final plan.

Public Comment

No comments.

Projects

Objectives

- Recap of August 11 Technical Workgroup meeting
- Discuss water offset estimates for MAR projects.
- Comprehensive review of projects that will be included in the plan.

- Update on tiering the project list

Reference materials

- [Project development tracking sheet](#)

Technical Workgroup Update

Chair provided an update on the topics discussed at the August technical workgroup meeting.

- Recommendation to include Tacoma Water Streamflow Augmentation and Eagle Lake siphon as water offset project in the plan.
 - Tentative support, need some additional internal discussions to confirm.
- Briefly discussed how to count the water offset benefits from MAR.
- Discussed how to include support for more general project types if we don't have a specific project description.
- Continued project tiering discussion.
- Discussed proposal for a safety factor: double consumptive use estimate.

Water offset estimates from MAR projects

- GeoEngineers estimated water offset based on an assumed amount of water (1 cfs) being diverted and the anticipated number of days the diversion would occur (when instream flows are met).
- Carla proposed discounting the quantity of benefits from the Green River MAR project to just the portion of water that would arrive during the critical flow period.
 - Carla added that the state instream flow is too low for salmon and other habitat.
 - The critical flow period will need to be determined by the Committee.
- Ecology believes it is more justified to credit the entire quantity of recharged water from MAR projects within the watershed plans.
 - Shared a [memo prepared by the Ecology technical staff](#) that provides that justification.

Discussion:

- Stewart shared that WDFW feels that there is a net benefit to the stream during low flow times because of the water retiming benefits that an MAR project provides.
 - Stewart added that while an MAR project doesn't give you the same certainty as buying a water right, it does provide streamflow benefits.
- Matt added that the minimum instream flow is probably not the best target due to habitat concerns for the rearing period.
- Matt suggested looking at the water offset from days when surface water is not diverted to the project.
- Eric added that MAR would address uncertainties with climate change by adding more flexibility to the system in periods when we need more water. Eric supports counting the year-round benefits.
- Lisa expressed concerns about meeting the offset quantity required in the plan. She would like to see how the numbers pan out. Scott shares these concerns.
- Carla mentioned that she does not have the same concerns for the CWD MAR project because the source of water is different and the CWD project benefits a closed stream. Year round benefits for Covington Creek are more probable because Covington Creek can have low flows between storm events.
- The Committee wanted additional information in order to decide the water offset quantity to include for the Green River MAR project. The Committee requested water offset estimates for:
 - streamflow benefits anticipated during the critical flow period

- streamflow benefits on days when surface water is not being diverted to the project

Next Steps:

- GeoEngineers will develop water offset estimates for the Green River MAR project for 2 scenarios: (1) streamflow benefits anticipated during that critical flow period, and (2) streamflow benefits on days when surface water is not being diverted to the project.
- The workgroup will discuss the water offset for the Green River MAR project at the September 8 meeting.

Other MAR updates

- Ecology and GeoEngineers are reaching out to the landowners of the potential sites identified for the Green River MAR project.
 - Ecology spoke with Tacoma Water about the project concept for MAR on the Green River headworks property, and they are supportive.
 - GeoEngineers reached out to WA state parks, they expressed some initial support for the MAR project.
- Ecology spoke to Washington Water Trust about being the project sponsor for the Green River MAR project, they are interested in advancing that project. Stephanie will add them to the project description as a potential project sponsor.
- Muckleshoot Indian Tribe had concerns with the method to estimate facility size. Stephanie will update the MAR project descriptions to remove the facility size estimate. The facility size does not impact the water offset estimate and would be determined during feasibility study based on site investigation.

Update on water right acquisition opportunities

- There are 4 water rights acquisitions projects on the list.
- The plan will also include language to show Committee support for general water rights acquisitions opportunities that come up in the future.
- King County Agriculture Program supports acquisitions of irrigation water rights that are in use for agriculture if the farm has an alternative water source available. They do not support acquisition of water rights on properties that are enrolled in the farmland preservation program.
- Two water rights in Newaukum and Jenkins subbasins were removed from the project list based on King County Agriculture Program feedback.

Eagle Lake siphon

- The workgroup recommended including the Tacoma Water Streamflow Augmentation and Eagle Lake siphon project as a water offset project in the plan.

Discussion:

- Stewart asked whether the 1,000 acre-feet from Eagle Lake can only be used for streamflow augmentation?
 - They can use it for streamflow augmentation and anything else they need. With a drought year, they may need a little more flexibility.
- Carla added that Tacoma Water wants flexibility and a buffer to meet their water demand.
- The Committee supported including the project in the plan.
 - Carla is tentatively supportive of the project but needs to have an internal discussion with MIT technical and legal staff.

General projects

- The workgroup supported including language in the text in Chapter 5: Projects to express Committee support for more general water offset projects, without writing up a project description or estimating a water offset quantity.
- The projects would not include an estimated water offset or habitat benefit and therefore would not contribute to meeting NEB.
- General projects include:
 - Water rights acquisitions: opportunities that haven't been identified yet.
 - Increase connections for PE wells users to water service.
 - Source switches: surface water to groundwater, or to municipal or recycled water.
 - Water conservation and irrigation efficiency.

Next steps:

- Stephanie will draft language to express Committee support for these general project types and share with the workgroup for feedback and discussion at the 9/8 meeting.

Project Tiering

- At the technical workgroup meeting, Stephanie shared the project tiering information. The workgroup did not have much time to discuss it during the meeting.

Next steps:

- The technical workgroup will continue the tiering discussion at the 9/8 workgroup meeting and then bring recommendation to Committee.

Overall project list discussion

- Stephanie provided an overview of the project list.
- Gretchen provided a reminder of the following:
 - The plan must offset the impacts of new consumptive permit-exempt well water use and achieve a net ecological benefit to the watershed.
 - This is the list of water offset and habitat projects we have in the plan to meet those goals.
 - Committee members should consider whether this set of projects meet their expectations for the plan. If there are critical gaps in the project list, up to Committee members to bring new ideas forward.

Discussion:

- The Committee provided feedback on the following questions on [Google slides](#):
 - Are people comfortable with the list of water offset projects?
 - Committee members voted "yes" to "very much so."
 - Are people comfortable with the distribution of water offset projects across the WRIA?
 - Committee members indicated generally yes; the projects are hitting the geographic mark.
 - Trish and Carla raised concerns about the lack of offset projects in Jenkins and Newaukum Creek subbasins, where there will likely be PE wells. Would also like more projects in Soos subbasin.
 - Stephanie added that several projects were removed from the list due to Committee members not supporting them.

- Eric added that there are habitat projects in those basins. There will be some streamflow benefit from those habitat projects, but it's hard to quantify.
- Carla asked whether we can potentially provide grant funding to improve water quality treatment at the hatchery? It wouldn't count as an offset but will improve water quality issues.
- Are people comfortable with the water offset quantities associated with each project?
 - Committee members indicated generally yes, but people may need more information on certain projects, including the Green River MAR project.
- Do you think this list of projects achieves a Net Ecological Benefit?
 - Committee members indicated generally, yes.
 - Trish shared her concerns about the project list, but did not have any solutions for the lack of projects in some subbasins.

Next Steps:

- If Committee members think there are critical gaps in the project list, please bring new project ideas to the Committee.
- Stephanie is working on writing Chapter 5: Projects.
 - Will include a table of all the projects and list the project tier, and brief project descriptions.
 - The longer project descriptions will be included in the appendix.

Offset Target/Safety Factor

Objectives:

- Share consumptive use safety factor proposal discussed by workgroup.
- Discuss whether to add a safety factor to the consumptive use estimate, as a way to address uncertainty.

Stephanie provided an update from the technical workgroup meeting:

- The technical work group discussed a safety factor at the August meeting .
- Trish proposed doubling the CU estimate of 247 to create an offset target of 495.4 af/year.
 - Carla suggested that the habitat projects contribute to meeting the safety factor.
- Given the current offset project list, the technical workgroup was comfortable with the 495.4 af safety factor proposal. However, workgroup members agreed to revisit should the proposed project list change.

Discussion:

- Trish shared that after reviewing other plans, it seems that most are adding a larger safety factor.
- Lisa asked what are the benefits of increasing the offset target?
 - Trish suggested that there is a better chance that projects get funded.
 - John clarified that there is no direct link between the offset target and likelihood of projects being funded.
- Carla agreed with the proposal to increase the safety factor as new growth in King County will likely have large lots.
- Stephanie added that the differences in safety factor may be due to people talking about it differently (i.e. multiplier vs percentages).
 - Eric prefers using a multiplier (e.g. 2 times the CU estimate)

- Technical work group agreed that doubling made sense.
- Rick asked what NEB says about the safety factor?
 - NEB gives deference to the committee. The committee can decide what the safety factor should be.

Next Steps:

- The workgroup will continue to discuss the safety factor at the 9/8 technical work group meeting.

Adaptive Management & Policy Recommendations

Objectives:

- Review draft adaptive management chapter.
- Update on status of policy recommendations in WRIA 8 and discuss how to proceed in WRIA 9.

Reference materials:

- [Draft Chapter 6: plan implementation and adaptive management](#)

Gretchen provided a recap of adaptive management discussions to date:

- Discussions at several committee meetings.
- Cross-WRIA written proposals from committee members.
- Draft climate change statement from committee members.
- Committee brainstorm questions sent around by email after July meeting.
- Adaptive management section includes:
 - Cross-WRIA high-level statement.
 - WDFW's project tracker proposal.
- WRIA 8 is including policy recommendations.
 - Stephanie shared the [WRIA 8 policy recommendations](#) with WRIA 9 so the Committee could see what was included.

Discussion:

- Kathy and Trish expressed concern that there are no policy recommendations.
- Lisa added that the fact that the policies will be included in other plans is reassuring.
 - She suggested adding a paragraph to the plan stating that many members of the Committee supported policies, but that because policies were not supported universally, they are not included.
- Scott added that the Committee may consider not approving the plan without policies so that it goes to rulemaking.
 - Stephanie reminded the Committee that rulemaking is a statewide process and does not mean that policies will be included.
- Kathy suggested adding the water conservation policy as a project.
 - Trish supports this idea
- Scott shared that there are no red flags with the Adaptive Management chapter yet, but Enumclaw City Council has not had a chance to review.
- Scott suggested having dates for the reports instead of saying every 5 years, and noted that the legislation requires a report to the legislature in 2027.

Next Steps:

- Committee members should review Chapter 6 and provide comments by 9/4 via the comment tracker.
- Stephanie will draft language to talk about water conservation as a project.
 - Discuss at next technical workgroup meeting and then share with Committee as part of draft plan.

WRE Plan

Objectives

- Share comments received on Chapter 4 and get Committee input on how to address comments.
- Discuss next steps for developing the draft plan.
- Discuss the optional NEB evaluation.

Reference materials

- [Comments](#) on WRE plan chapter 4: PE wells and consumptive use, and [revised chapter](#)
- [Chapter 7: NEB outline](#)

Chapter 4: New Consumptive Water Use Impacts

- Stephanie received comments from the following entities. Several other members said they reviewed the chapter and did not have any comments.
 - CELP
 - WDFW
 - Muckleshoot Indian Tribe
- Some of the comments were corrections or text edits and Stephanie incorporated them into the revised draft.
- Comments for Committee Feedback:
 - Combining section on uncertainties.
 - No comments from Committee.
 - Stephanie will make the change.
 - Streamflow information to include:
 - Carla added that this could be good to include but is not critical as it is addressed elsewhere in the Plan.
 - Stephanie will not add more streamflow data before sending out the draft plan.
 - How to address the CU scenarios? (950 gpd and ½ acre lawn)
 - Carla recommended providing a brief summary and then referencing the appendix for more details.
 - Stephanie will add that to Chapter 4.
 - Order of chapter and recommendation to move the uncertainties section to the end, after summary of results.
 - No comments from Committee.
 - Stephanie will make the change.
- Stephanie noted that the initial draft of chapter 4 was the same for WRIA 8 and WRIA 9. WRIA 8 Committee members submitted more requested changes, so the chapters are now different. Stephanie asked whether the WRIA 9 Committee wants to try to keep the chapters the same and incorporate the comments from the WRIA 8 Committee members?
 - The committee shared that it would be nice to have it simplified but there are specific WRIAs with specific needs.
 - The committee would like to see any edits made to WRIA 8

- Stephanie posted the [WRIA 8 Chapter 4](#) to box.

Chapter 7: Net Ecological Benefit

- The NEB evaluation is an optional component of the plan.
- NEB Guidance says that during Ecology technical review, they will give deference to Committee if the plan includes the NEB evaluation.
- Stephanie shared an outline of what that chapter could include:
 - Compare water offset to consumptive use at WRIA level
 - Compare water offset to consumptive use at subbasin level
 - Explain how plan achieves NEB by providing additional benefits to instream resources, beyond those needed to offset consumptive use
 - Explain how adaptive management helps with plan implementation
 - Statement that the Committee believes we achieved NEB

Discussion:

- The committee supported including NEB evaluation.
- Stephanie noted that the NEB chapter can also explain components of the plan that the Committee would have continued to work on, if given more time (e.g. we support this list as achieving NEB given the limited time we had, but think we there should be more projects in subbasins with higher CU estimates).

Next steps:

- Committee members should provide feedback on the NEB chapter template by 9/8.
- GeoEngineers will start working on the tables for the NEB chapter.
- The Committee will continue to discuss other information to include in that chapter.

Draft Plan Update

- Stephanie provided an update on the components of the draft plan, which will be distributed for review in mid-September.
 - Chapter 1: plan overview
 - Chapter 2: watershed overview
 - Chapter 3: subbasin delineation
 - Chapter 4: PE wells and growth projections
 - Chapter 5: projects
 - Will include approach to develop projects, tables with summary information for all projects.
 - Project descriptions will be included in appendix.
 - This chapter will not have a separate review period, Committee will review and comment as part of draft plan
 - Chapter 6: Plan implementation and adaptive management
 - Chapter 7: NEB evaluation
 - The draft plan will include the outline for this chapter.
- Stephanie will share an updated plan review timeline, along with the draft plan.
- Stephanie expects that the Committee will miss the February 1 target date for submission of the final plan and will communicate that to Ecology management.

Action Items for Chair/Consultant teams:

- GeoEngineers will develop water offset estimates for the Green River MAR project for 2 scenarios: (1) streamflow benefits anticipated during that critical flow period, and (2) streamflow benefits on days when surface water is not being diverted to the project.
- Stephanie will draft language to express Committee support for general project types (including water conservation) and share with the workgroup for feedback and discussion at the 9/8 meeting.
- Stephanie will revise Chapter 4 (PE wells and consumptive use) to address the remaining comments discussed at the meeting.
- Stephanie will update the fall plan review timeline and share it with the Committee.
- Facilitation team or chair will touch base with each Committee member to discuss process for review of draft plan.

Action Items for Committee Members

- Review the project list and associated water offset quantities. If Committee members think there are critical gaps in the project list, please bring new project ideas to the Committee.
- Review Chapter 6 (adaptive management) and submit comments by 9/4.
- Provide feedback on the template for Chapter 7: NEB Evaluation by 9/8.
- Continue to keep local decision makers updated on the Committee's discussions and decisions.
- Review the meeting summary and provide comments by 9/15.

Next Meeting: Tuesday, September 22: 12:30 pm – 3:30 pm

- Next technical workgroup meeting: Tuesday, September 8, 10 am – 12 pm
 - Discuss the water offset for the Green River MAR project and recommend a water offset to include in the plan.
 - Review language in Chapter 5 on general project types.
 - Continue tiering discussion.
 - Continue to discuss the safety factor/offset target.
- Next WRIA 9 WREC meeting: Tuesday, September 22, 12:30 am - 3:30 pm