

WRIAs 8 & 9 Discussion Guide: Policy and Regulatory Actions

January 2020

Purpose of Discussion

The WRE Committee will need to decide if they want to recommend regulatory or policy actions in the WRE plan in addition to projects to offset consumptive use and achieve a Net Ecological Benefit. The purpose of today's discussion is to initiate a brainstorm and conversation of the types of policy changes and regulatory actions that could be considered, and to identify a process to identify these potential recommendations as we move ahead in the planning process. The options laid out in this document are intended as ideas to start discussion and are not recommendations from Ecology or the consultant teams.

Background

The Streamflow Restoration law (90.94.030) lays out minimum requirements for watershed plans. The law does not require the plan to include any policy or regulatory actions. The law does include a list of optional elements for committees to consider (90.94.030 (3)(f)).¹ These include:

- Establish higher or lower fees for building permits and subdivision approvals. The streamflow restoration law established a fee of \$500 for new homes that rely on new wells.²
- Change the gallon per day withdrawal limits from the current requirements. For our watershed, the streamflow restoration law set an annual average limit of 950 gallons per day over the course of a year³ AND the groundwater code set a limit of 5000 gallons on any given day⁴). During drought emergencies, this may be limited to no more than 350 gallons per day, for indoor use only. Note: the committee can recommend changes higher or lower than the 950 gallon per day average, but the statute does not allow committees to increase the 5000 per day maximum (though they can recommend lowering it).
- Specific conservation requirements for new water users.
- Other approaches to manage water resources for the WRIA or a portion of the WRIA.

The committee could also consider recommending other policy actions, including such things as:

- New laws or regulations (state or local).
- Amendments to state laws.
- Amendments to state rules.
- Amendments to local ordinances.
- Education and incentive programs.

Note that a recommendation to change the building permit fee or gallon per day allocation requires rulemaking.⁵

¹ (f) The watershed restoration and enhancement plan may include:

- (i) Recommendations for modification to fees established under this subsection;
- (ii) Standards for water use quantities that are less than authorized under RCW [90.44.050](#) or more or less than authorized under subsection (4) of this section for withdrawals exempt from permitting;
- (iii) Specific conservation requirements for new water users to be adopted by local or state permitting authorities; or
- (iv) Other approaches to manage water resources for a water resource inventory area or a portion thereof.

² 90.94.030(4)(a)(vi)(A)

³ 90.94.030(4)(a)(vi)(B).

⁴ 90.44.050

⁵ 90.94.030(3)(g)

Considerations for the Committee

As this process moves forward, committee members—individually or as a group—are encouraged to share ideas for possible changes to state or local laws and regulations that could enhance the watershed plan and achievement of NEB. As needed, the chair will provide time on meeting agendas for briefings on these topics and committee discussion.

WRE Committees throughout the state may work together on recommendations for changes to laws or regulations and provide a unified request. There are potential benefits to committees coordinating on policy recommendations to state and local governments in order to show broad support for specific proposals. If committees across Puget Sound show interest in similar recommendations, a process for coordination can be established through the facilitation team with leadership from each committee.

Questions for the Committee

1. Do you think the committee should consider including recommendations for policy or regulatory actions in the plan?
 - a. What, if any, concerns do you have about policy or regulatory recommendations?
2. Do you have ideas for policy and regulatory actions you would like to share with the committee?
3. Are there policies and actions listed above or discussed by the Committee that your entity would not support?
4. What should we consider when discussing policy or regulatory actions? For example:
 - a. The impact of the action to streamflow and/or fish habitat?
 - b. The feasibility of the action in terms of level of effort, responsible agency/entity for oversight and implementation, and funding?
 - c. Receptivity to the action, i.e. do we anticipate the effected parties will accept or adopt the action?
 - d. Interactivity – how does the action interact with other policies and regulations?