FEBRUARY 2020 MEETING SUMMARY

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

Tuesday, February 25, 2020 | 12:30 p.m. - 3:30 p.m. |Committee website

Location	Committee Chair	Next Meeting
Meeting Room A Tukwila Community Center 12424 42nd Ave S, Tukwila	Stephanie Potts Stephanie.Potts@ecy.wa.gov 425-649-7138	Tuesday, April 28, 2020 12:30 p.m. – 3:30 p.m. Tukwila Community Center

Attendance

Committee Representatives and Alternates*

Lisa Tobin, *Auburn*
Steve Lee (alternate), *Covington Water District*
Scott Woodbury, *Enumclaw*
Evan Swanson, *Kent*
Eric Ferguson (alternate), *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*
Mike Perfetti, *Tukwila*
Stewart Reinbold, *Washington Department of Fish and Wildlife*
Stephanie Potts (chair), *Washington State Department of Ecology*

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

Committee Members Not in Attendance*

Center for Environmental Law and Policy
Tacoma Water, ex officio
WRIA 9 Watershed Ecosystem Forum, ex officio (cities caucus rep)

Other Attendees

Ruth Bell (facilitator), *Cascadia Consulting Group*
Caroline Burney (information manager), *Cascadia Consulting Group*
John Covert, *Washington State Department of Ecology*
Stacy Vynne McKinstry, *Washington State Department of Ecology*

*Attendees list is based on sign-in sheet.

Standing Business

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

Chair received some comments and corrections to the meeting summary and circulated the revised meeting summary by email. The Committee voted to approve the January WRIA 9 WREC revised meeting summary. The final version will be posted on the Committee website.

Updates and Announcements

Chair provided updates from Ecology.

- Streamflow restoration grant applications are open until 5pm on March 31.
- Meeting schedule update: meeting schedule going to every other month to give workgroup, chair and technical consultants more time between meetings to prepare materials for Committee input and decision. Will schedule additional meetings as needed.
    - Technical workgroup will meet 1-2 times per month on Tuesday afternoons.
        - Technical workgroup meetings are open to all Committee members.
        - Technical workgroup will focus on identifying and reviewing projects to recommend to the Committee for inclusion in the plan.
- Technical Workgroup: Stephanie distributed technical work summary document and the latest versions of subbasin, growth projection and consumptive use memos.
    - The technical work summary provides a short summary of the methods, results, Committee decision, and the status of the technical memos for each component of the plan.
    - The technical memos summarize the technical work completed to support components of the plan and will be included in the plan appendices. All memos are final draft. Please review by March 20 and contact the chair with errors or major concerns.

WRE Plan Approval Process

Objective

- Learn about the approval process for each Committee member's organization/government.
- Understand Ecology's Plan development process and timeline.
- Discuss concerns, coordination, support, and timing.

Reference materials

- Ecology Memo re: WRE Plan Development, Review and Committee Approval

Plan development and review timeline

Stephanie provided an overview of the timeline and expectations for Watershed Restoration and Enhancement Plan development, review and Committee approval, as outlined in the memo. Ecology has a target date of August 14, 2020 for distribution of the draft plan for Committee review and a target date of February 1, 2021 for submittal of the final approved plan. A schedule for Fall 2020 will be developed to accommodate thorough review and vetting by all entities before a vote on the final plan.

Discussion

- Carla suggested including a problem statement about exempt wells in the plan.
- Committee members asked why Ecology needs several months to review the plans.
    - Ecology anticipates receiving eight watershed plans simultaneously in early 2021. The Ecology review team needs to carefully review each plan and make recommendations before the statutory deadline of June 30, 2021.
    - The review period needs to accommodate time for the SEPA public comment period.

Plan Approval Process

Ecology distributed the WRE Plan Local Approval Process form to understand Committee members' timeline and needs related to internal review and approval of the plan. This information provided by Committee members will help the chair and facilitator develop the timeline for plan review for the WRIA 9 WREC.

Committee members shared their responses to the WRE Plan Local Approval Process Form:

Entity	Who at your organization will need to review the plan before approval?	Are there specific individuals or bodies that must authorize approval of the plan prior to your vote?	Briefly describe the process and timeline for reviews, including meeting schedule and/or frequency.	How can Ecology help?
Department of Ecology	• Water Resources Regional Section Manager • Streamflow Section Manager	• Water Resources Regional Section Manager • Streamflow Section Manager	• Chair briefs the section managers every 6-8 weeks • 30 days to review draft plan	
Department of Fish and Wildlife	• Science team • Policy team • Other WDFW staff, as appropriate	Streamflow restoration team and possibly other management staff	• Streamflow restoration team meets every 2 weeks • Minimum 6 weeks to review	• Provide as much time to review plans as possible
Tukwila*	• Public Works • Community Development • Parks and Recreation	Mayor	• Once the draft plan ready, will meet with 3 depts to discuss any concerns (time estimate: 3 weeks) • Brief mayor and City executive • Draft authorizing resolution for City Council (meets two times per month) • Total estimated time: 2-3 months	• Briefing document for executive • Presentation to City Council
Master Builders of King and Snohomish Counties	WRIA 7, 8, and 9 WREC representatives, Director of Govt Affairs	If there are any big concerns, will need to take to Board of Directors (meet monthly)	• WRIA 7, 8, 9 WREC reps meet monthly • 1-2 weeks for plan review, 1 month at most	
King County	• Department of Natural Resources staff • Department of Local Services staff	• Directors of Department of Natural Resources and Department of Local Services	• Gov relation officer initiate staff review- 30 days • Signature approval- 30 days • Total estimated time: 60 days	• Start drafting plan sections • Reduce number of meetings, focus meetings on decision-making
King County Ag Program		If projects impact agriculture, would ask Ag Committee to review (meet monthly)	Same as process for King County	
Covington Water District*	Board of Directors	Board of Directors	• Board of Directors meets twice a month. • Should take ~1.5 months for plan review and approval.	

Kent*			• If Plan impacts land use standards, will need to go through formal review process (City Council) and will take 2 months • If Plan will not impact land use standards, will take 1 month	Potential presentation to City Council
Muckleshoot Indian Tribe	• Fish biologists • Habitat program manager	Director and Fisheries Commission (meets once a week, less if fishing)	• Review by technical staff • Approval by managers • Present to Commission for approval • Total estimated time: 2 months	Ecology available to answer questions
Enumclaw	• City administrative staff • City Council Public Works Committee	City Council resolution	• City Council meets 2x a month • Around 3 weeks for Council review and approval	• Briefing materials • Potential presentation to City Council
Auburn*	Upper-level managers for Public Works and Community Development	Upper-level managers for Public Works and Community Development	• If requires changes to codes, additional 6 months needed for review	• Presentation with talking points • Potential presentation to City Council
Seattle*	• Seattle Public Utilities and Seattle City Light Line of Business Directors • Corporate and Government Relations • SPU and SCL WRIA 7,8,9 coordination group	• CEO/General Manager or designee	• Monthly internal coordination meetings for WRIA 7, 8, 9 • Monthly SPU and SCL LOB briefings	• Ecology available to answer questions • Cover letter outlining what plan approval means
Black Diamond	• Community Development Director reviews and makes recommendation to City Council	• City Council authorizes approval	• Committee Rep presents to City Council workshop (2nd Thursday of month) • City Council adopts plan by resolution • Council meets 1st and 3rd Thursdays, staff schedules council agenda item 2 weeks in advance	• Handouts and presentation • Ecology staff present at Council workshop
Center for Environmental Law and Policy	Board of Directors	Executive Director	Quick process	
Normandy Park*	• Community Development Director and Environmental	• City Council resolution	• Council meets second Tuesday of each month • ~2 months for reviewing Plan and a resolution	

	Specialist will review prior to submission to City Council • Subcommittee of City Council			

*Committee member has not submitted the Local Approval Process Form.

Discussion

- The Committee discussed the local government level of approval and the formality and time needed for processes like city council resolutions. Committee members recommended that cities on the Committee consider whether a formal resolution is needed.
- Ecology reminded Committee members that Section 7 of the Streamflow Restoration Policy and Interpretive Statement states that the plan does not create obligations for local governments: "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."
- Ecology added that when considering policy and regulatory actions, please consider whether any actions may cause concern for your jurisdiction, impact the time and review required for plan approval, or inhibit your ability to approve the plan by the target date of February 1, 2021.
    - Committee members recommend phrasing policy and regulatory actions as recommendations for jurisdictions to consider adopting.

Next Steps

- Committee members should send completed Local Approval Process forms to Stephanie, if you haven't already, and let Stephanie know if you are reconsidering the level of review and approval needed.
- Ecology will develop a WRE Plan review timeline considering Committee members' timelines for internal review and approval.

Adaptive Management

Objective: Brainstorm adaptive management strategies that committee members are interested in including in the WRE Plan.

Reference Materials:

- Adaptive Management Discussion Guide

Ruth posed several questions regarding adaptive management to the committee for general consideration:

1. How does this committee want to engage in the monitoring of success and adaptive management of the plan going forward?
2. Do we want to commit to a standing meeting to review progress and make adjustments?
3. Are there certain "triggers" that would bring the group back together?
4. Do we want to have a subset of the committee meet going forward?

Discussion

- Committee members agreed that adaptive management and ongoing monitoring is critical to ensure that projects are implemented.
- The Committee discussed which entities should be responsible for different components of adaptive management.
    - Suggestion to reconvene the group periodically – every 5 years or so or based on pre-identified triggers, to review number of new wells and project implementation.

    - Some Committee members thought that Ecology should be responsible for adaptively managing the Plan and that reconvening the Committee may be inefficient.
    - Committee members suggested that the County should be responsible for tracking population growth and reporting to Ecology for its ongoing monitoring.
    - Entities responsible for projects should have monitoring requirements.
- The Committee discussed how to incorporate climate change considerations through adaptive management, including how to educate PE well users to conserve water during times of drought.
- The Committee discussed monitoring and whether it's possible to measure the impacts of new wells since the water use is very small and there are many other variables that impact streamflow levels.
- Carla wants to consider offsetting water for PE wells used for irrigation.
- Ecology clarified that if the Plan does not meet the requirement to offset consumptive use, the Committee cannot use adaptive management to meet it later down the road.

Policy and Regulatory Actions – Next Steps

Objective: Identify priority policy and regulatory recommendations to develop for inclusion in the WRE Plan.

Reference Materials

- WREC Policy and Regulatory Ideas List

The facilitator provided the following context for the discussion:

- 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.
- Committee members may choose to work individually or form work groups to further develop policy recommendations. Ecology does not have capacity to staff the work groups.
- The final plan requires all Committee members to approve it, so policy and regulatory recommendations need to be supported by everyone on the Committee.
- Committee members should flag the ideas that raise concerns, so we don't spend time working on a recommendation that won't be approved by the full committee.
- There are a few options for moving the policy development forward, that the Committee will discuss at the next meeting:
    - Individual Committee members can develop policy recommendations for discussion at technical workgroup and Committee meetings.
    - Create a separate policy workgroup to develop and review policy recommendations before bringing them to the Committee

Committee members wrote down their top policy and regulatory recommendations (up to 5) on sticky notes (see table on last page). The Committee discussed a few of the ideas, including well fees and metering.

Next Steps

- Stephanie compiled the sticky notes and distributed the list of top policy and regulatory recommendations by email (see table on last page).
- Committee members should review the list of top policy recommendations and respond to Stephanie by 3/23 regarding the following questions:

    - Are there policies your entity would oppose or has concerns about?
    - Are there policies you are willing to take the lead to develop?
    - Are there policies you would like to help develop?
- At the next meeting, the Committee will discuss how to move forward with developing the policy recommendations that Committee members support.

Projects Update

Objective: Provide a report out from the Technical Work Group meeting and solicit input from committee.

Technical workgroup update

- Stephanie provided a report out on the February 18th WRIA 8 & WRIA 9 joint technical workgroup meeting. The meeting notes are posted on Box in the technical workgroup folder. The workgroup discussed consumptive use impacts, managed aquifer recharge opportunities, estimating water offset benefits of habitat projects, and the Eagle Lake siphon project.

Water Rights Assessment Update

- Stephanie provided an update on the water rights acquisition assessment that Washington Water Trust (WWT) is working on for WRIA 9.
- WWT is reviewing some specific water rights, including temporary trust donations, as potential opportunities.
- WWT is also conducting a GIS analysis to scan for water rights in use in priority subbasins.
- WWT will provide an update on the ongoing work at the March 24 technical workgroup meeting.

Projects Status Update

- Stephanie provided an update on the project list status.
- The WRIA 9 project inventory is a master list of projects from various existing lists, like the salmon recovery 4-year work plans, as well as new project ideas generated by Committee members. Not all projects on the inventory will be included in the plan. The Committee will need to decide which water offset and habitat projects to include in the plan to offset consumptive use and achieve a net ecological benefit.
- Project list status:
    - 141 projects on the project inventory
    - Of the 141 projects, 3 are water offset projects
- Stephanie has not received any responses so far to the Call for Projects, which has a deadline of March 31.
- Stephanie asked Committee members to let her know if your entity has priority projects to include in the plan. Stephanie will use Committee member priorities as an initial way to filter the project list to a more manageable size and schedule time on workgroup and Committee agendas to discuss priority projects.

Discussion

- Ruth asked Committee members to answer the following questions:
    - What do you think is the most important next step in identifying projects to include in our plan?
    - Which specific projects or project concepts should we discuss at future workgroup and committee meetings?
- Responses included:

    - Interest in multi-benefit projects
    - Several Committee members wanted to prioritize water rights acquisitions to meet the offset target, and habitat projects to meet NEB.
    - Other committee members expressed concern over finding enough water rights to meet the offset target and recommend considering large levee setback projects, agricultural irrigation efficiencies, and other water offset projects.
    - What are focus areas for streamflow augmentation?
- Eric Ferguson asked whether we could include projects that put water rights into temporary trust. For example, hold a water right, or portion of water right, in temporary trust for 25 years and the Committee could manage the temporary trust donation through adaptive management, based on the implementation of other water offset projects. Local example is the Lake Tapps water right.
    - Stephanie will consult with Ecology streamflow team regarding using temporary trust donations to meet the water offset and provide a response at an upcoming meeting.

Next Steps

- Let Stephanie know if your entity has priority projects to include in the plan.
- Re-share the Call for Projects.
- Stephanie will consult with Ecology streamflow team regarding using temporary trust donations to meet the water offset and provide a response at an upcoming meeting.

Public Comment

No comments.

Action Items for Chair:

- Develop a WRE Plan review timeline considering Committee members' timelines for internal review and approval.
- Compile the sticky notes and distribute the list of top policy and regulatory recommendations by email (see table on last page).
- Consult with Ecology streamflow team regarding using temporary trust donations to meet the water offset and provide a response at an upcoming meeting.
- 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

- Review subbasin, growth projection, and consumptive use technical memos for errors or major concerns by 3/20.
- Send completed Local Approval Process forms to Stephanie, if you haven't already, and let Stephanie know if you are reconsidering the level of review and approval needed.
- Review the list of top policy recommendations (see last page) and respond to Stephanie by 3/23 regarding the following questions:
    - Are there policies your entity would oppose or has concerns about?
    - Are there policies you are willing to take the lead to develop?
    - Are there policies you would like to help develop?
- Let Stephanie know if your entity has priority projects to include in the plan. Stephanie will use Committee member priorities as an initial way to filter the project list to a more manageable size and schedule time on workgroup and Committee agendas to discuss priority projects.
- Re-share the Call for Projects with your colleagues and partners

- Send Stephanie comments or corrections to the draft February meeting summary by March 27.

Next Meeting: April 28, 2020

- No WREC meeting in March
- Next WREC meeting: Tuesday, April 28, 2020 at 12:30 p.m. WebEx and Tukwila Community Center.
- Next Technical Workgroup meeting: Tuesday, March 24, 1-3:30pm via WebEx (normal WREC meeting time)

WRIA 9 WREC: Policy Recommendations from 2/25 meeting

Policy/Regulatory Action Recommendation	Level of Interest (# of times on sticky note)
Metering permit-exempt wells: policy could include just new wells or also existing wells; could be voluntary or mandatory.	6
Education/outreach/incentives for water conservation: native/drought-tolerant plants, rainwater storage for irrigation, etc.	5
Increase water service connection: strengthen requirements for new homes to connect to water service (timely & reasonable language), require/incentives for homes that connect to decommission wells, incentives for homes to connect. Example: CWD's code language	5
Fees for permit-exempt well users: charge a fee for existing wells; increase fee for new PE well users (currently $500); make the fee an annual fee. Funds support monitoring and implementation of the WRE plan and expansion of water service infrastructure	4
Expand water service infrastructure: funding to expand Group A water system infrastructure to connect existing PE well users and new development	3
Increase enforcement of existing state regs: Funding for Ecology to increase enforcement of existing water use requirements. Includes enforcement of reduced water use during drought.	3
Increase enforcement of existing county regs: Increased enforcement of county requirements related to water service connection.	2
Reduce lawn size limit for homes using permit-exempt wells (currently 1/2 acre)	2
Plan implementation: Funding/legislative authority for Ecology to implement the WRE plan	2
Improve Ecology well tracking: Improve the Ecology well log database to include GPS coordinates, link records for new and decommissioned wells, identify permit-exempt wells.	2
Establish a water bank	1
Incentivize deep wells	1