# Discussion Guide: Policy and Regulatory Actions

## 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 NEB. 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]](#footnote-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]](#footnote-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 year[[3]](#footnote-3) AND the groundwater code set a limit of 5000 gallons on any given day[[4]](#footnote-4)). 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]](#footnote-5)

## Considerations for the Committee

As this process moves forward, committee members—individually or as a group—are encouraged to share ideas for possible recommended 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.

The chair has sent the committee a list of ideas that were raised in brainstorm sessions across WRIAs 7-15. Committee members are encouraged to review that list for ideas and red flags.

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.

As a reminder, nothing in the plan can obligate Ecology or other entities to take an action. Any policy and regulatory actions listed in the plan will be *recommendations*, not requirements.

## Questions for the Committee

1. Do you think the committee should consider including recommendations for policy or regulatory actions in the plan?
   1. What, if any, concerns do you have about policy or regulatory recommendations?
   2. Are there policies and actions listed above, included in the Policy and Regulatory Ideas list, or discussed by the Committee that your entity would not support?
2. Do you have any ideas for policy and regulatory actions you would like to share with the committee?
3. Are there policy or regulatory actions that you want to develop into a recommendation and bring to the committee for consideration, either on your own or with a coalition of partners from this and other committees?

Next Steps

* The Chair will send the committee the brainstorm from this meeting and an updated list of policy and regulatory actions ideas that have been raised in WRIAs 7-10 and 13 -15.
* Committee members will be asked to provide the following feedback by the deadline:
  + Identify up to 5 recommendations your entity is most in favor of or most likely to support. Indicate your interest in championing any of these recommendations.
  + Flag any of the policy recommendations your entity would oppose.
* The Chair will compile this feedback and provide it to the committee.
* Committee will decide which policy and regulatory actions (if any) to develop into recommendations for the plan. The facilitation team will support developing actions across WRIA committees.

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

   Recommendations for modification to fees established under this subsection;

   Standards for water use quantities that are less than authorized under RCW [90.44.050](http://app.leg.wa.gov/RCW/default.aspx?cite=90.44.050) or more or less than authorized under subsection (4) of this section for withdrawals exempt from permitting;

   Specific conservation requirements for new water users to be adopted by local or state permitting authorities; or

   Other approaches to manage water resources for a water resource inventory area or a portion thereof. [↑](#footnote-ref-1)
2. 90.94.030(4)(a)(vi)(A) [↑](#footnote-ref-2)
3. 90.94.030(4)(a)(vi)(B). [↑](#footnote-ref-3)
4. 90.44.050 [↑](#footnote-ref-4)
5. 90.94.030(3)(g) [↑](#footnote-ref-5)