# WRIA 12 Policy, Regulation, and Adaptive Management Status (05/13/2020)

**To:** Chambers-Clover (WRIA 12) Watershed Restoration and Enhancement Committee

**From:** Rebecca Brown, Committee Chair

**Date:** May 6, 2020

**Re:** Status update on policy, regulatory, and adaptive management considerations

**Background:** At the March 11 meeting, the committee began discussing policy, regulatory, and adaptive management considerations for the plan. Paul Pickett shared a document with a list of ideas. Committee members discussed some of the ideas in the meeting, and were assigned to propose their top policy and regulatory considerations for future discussion.

The workgroup discussed the proposed considerations during two workgroup meetings (April 8 and April 24). In addition, reps from Pierce County and Squaxin Island Tribe met to discuss policy and regulatory common goals and strategy. The [full summary from the Pierce County/Squaxin Island Tribe meeting](https://app.box.com/s/fpe7uysrxsph9v1vxhm3nyr0scjpl3lt) is included in the meeting packet on Box. These meetings and discussions helped to narrow down the policy and regulatory ideas proposed from committee members as well as develop a framework for presenting them in the plan.

This document integrates the outcomes from the Pierce County and Squaxin Island Tribe meeting with the April 24 workgroup discussion. The May 13 meeting will base discussions on this information and proposals from committee members.

**Discussion Status:**

Common goals

* Successful projects
* Plan that is implemented
* “Value added” plan – supports fish and other environmental benefits

Adaptive Management and Implementation

* Implementation Structure.
* Support the concept of an organization to keep plan moving forward.
* Prefer an existing group – Ecology, or possibly the Chambers-Clover Watershed Council to take lead.
* Group would need funding to create capacity.
* Ecology should also play a role through support, funding, and/or coordination.
  + Fund Department of Ecology so they can provide the framework for project tracking at a statewide level and provide adaptive management and plan implementation.
* Define the anticipated time commitment required for participants.
* Reporting
* County already provides PE well information to Ecology.
* Ecology may be able to track projects/offsets through the grant program.
  + WDFW is [proposing a centralized database](https://app.box.com/s/qfyumodoj3sad6yyh9y8574iypic3abh) for project tracking and implementation. (Proposal included in the meeting packet on Box).
  + In 5 or 10 years, if projects aren’t implemented, check in with project sponsors and find out what barriers to implementation are.
  + Track wells that are decommissioned through county land acquisition projects.
* Open to idea of reporting offset progress and other plan outcomes.
* Report is not just to Ecology (how do they use it?), but also to stakeholders and the public.
* Use a website to post information. Best if Ecology coordinates this for a consistent format and content.
* Durability
* County cannot guarantee policy or funding, even if included in plan.
* County may be willing to provide narrative on what they have done in past re: pursuing habitat restoration projects and the actions they plan to take if the plan is approved (Council approval, incorporate into existing project planning processes, pursue funding opportunities, coordinate w/ partners, etc..).
* Enforcement
* County suggests leading with education over enforcement.
* County is open to the idea of a “South Sound Water Master” or equivalent, provided this role is staffed and funded through Ecology. [Proposal included](https://app.box.com/s/pk4wgiu4eiyyngu0nasaap25ad14h08h) in meeting packet on Box.
  + - Traditional water master duties (addressing illegal use, monitoring instream flows).
    - Position could emphasize education and technical assistance for PE wells and others (conservation and drought response).
    - Respond to complaints.
    - Drought response role.
* Monitoring and Research
* Desirable in general. Describe needs specifically and link to project list and adaptive management.
* Funding is a concern, particularly long-term operation and maintenance.
* Water use assessment or monitoring might be ok – needs to be carefully described with a clear scope, purpose, and funding source.

Policy and regulation

* Drought response
  + Legal requirements already being recorded on titles per RCW.
  + Like the idea of some allowance for gardening.
  + Enforcing drought restrictions is a good role for water master.
* PE well management
  + WRIA 10 exploring Health Department role – County will share this information with WRIA 12.
  + Well metering (WRIA 10 metering discussion notes included at the end of this document, and a [document on metering programs](https://app.box.com/s/0ujsrqwp6zxlpod6tzeopac60nkrtppk) from across the state is included in the meeting packet on Box).
    - Requiring well metering and reporting is challenging.
    - The County supports voluntary metering for monitoring consumption – indoor and/or outdoor.
    - Collected data could be useful if used for adaptive management/water consumption assumptions.
    - A scientifically-designed pilot project or study with volunteers could be useful.
    - Metering focused on priority basins might be appropriate.
    - Issues with management of metering and property access create difficulties.
* Land Use and building regulations
  + County and TPCHD already have regulations in place for a lot with these (site development manual, critical areas, environmental health code, etc..)
  + County is willing to help with the Tribe’s understanding of existing rules
* Funding
  + County will be reluctant to raise fees of any kind without a clear purpose for those funds.
  + Ecology needs to provide more information on how fees are used now.
    - Ecology staff are pulling together information for the committee.
  + Annual fees would be difficult to administer or justify.
  + Any Fee proposal will need to be very clear and specific about who gets the money and what it is used for. The County needs a clear value for any fee increase considered.
    - Changing the fees may require rulemaking.
* Idea: Make funding available to alleviate the costs of hooking up to municipal water.
  + Direct HDR to identify specific locations where new wells are anticipated in the water system service area.
  + Funding to assist water purveyor to subsidize future connections in specific locations.
* Voluntary programs
  + Good ideas, should have broad support
  + Conservation District in a good position to administer water conservation ed/outreach projects.

Plan Structure

* Have one “Recommendations” section, that includes the policy, regulatory, and adaptive management recommendations.
* List the recommendations specific to Ecology.
  + Separate recommendations that Ecology can do with existing resources from recommendations that will require a legislative request.

Next Steps:

* Get feedback from committee on general structure and ideas and specific proposals.
* Identify champions to draw up specific proposals to present to committee.
* Track proposals that are common across committees.

# WRIA 10 Metering Discussion Status

| **Question to Resolve** | **Direction from Workgroup** |
| --- | --- |
| What is the purpose? | Enforcement of regulations/education/check our assumptions |
| Who collects the data? | Health department, State |
| How is data collected? | Self-reported or remote (less likely option). |
| Voluntary or mandatory? | Voluntary, mandatory, or voluntary leads to mandatory. |
| Extent of program: Pilot area, regional program, or statewide? | Pilot or statewide offering (depends) |
| Who pays for the program? | SFR grant, existing well fees, health department. |
| Someone to develop proposal? |  |

**Background:** Several committee members are supportive and interested in including a metering proposal in the plan. During the April 22 meeting, the workgroup discussed the benefits and drawbacks of different metering approaches. The workgroup did not come to a conclusion or recommendation on metering for the plan.

**Discussion points:**

* Purpose
  + The purpose and implementation are important details.
  + Purpose helps drive whether the metering is voluntary or mandatory.
* Data Collection
  + State (Ecology) or local health jurisdiction collects the data.
    - TPCHD does not have legal authority over individual wells after they have been approved.
  + Physical access to meters may be difficult due to meter locations and private property rights.
    - May also be limited and difficult because of limited staff and remote locations of PE wells.
  + Telemetry meters (using cellular networks) are expensive and do not always work in remote locations.
  + Self-reporting is not always reliable. May need reminders (voluntary and mandatory) or penalties (mandatory) to ensure reporting.
* Mandatory vs. Voluntary
  + Required metering would ensure that regulations are being followed.
  + Mandatory metering would be very challenging to implement and may require changes to TPCHD regulations.
  + Voluntary metering may be easier to implement but may end up with biased results.
  + Potential to start as voluntary and move towards mandatory as part of adaptive management.
* Funding
  + Develop a pilot program using SRF grant funds.
  + Use well fees to subsidize meters as an incentive for a voluntary program.