



# WRIA 12 Watershed Restoration and Enhancement Committee Meeting

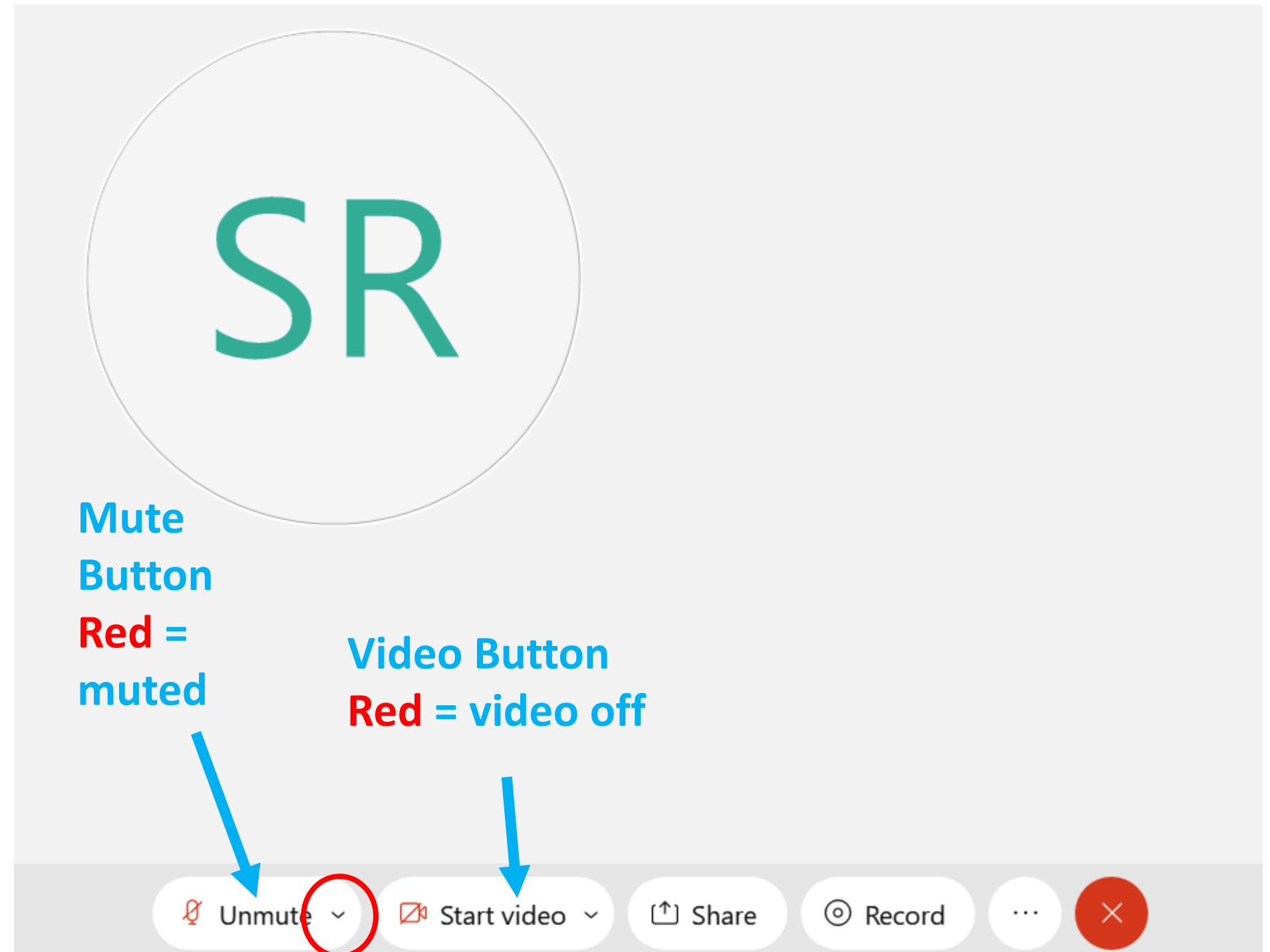
October 14, 2020





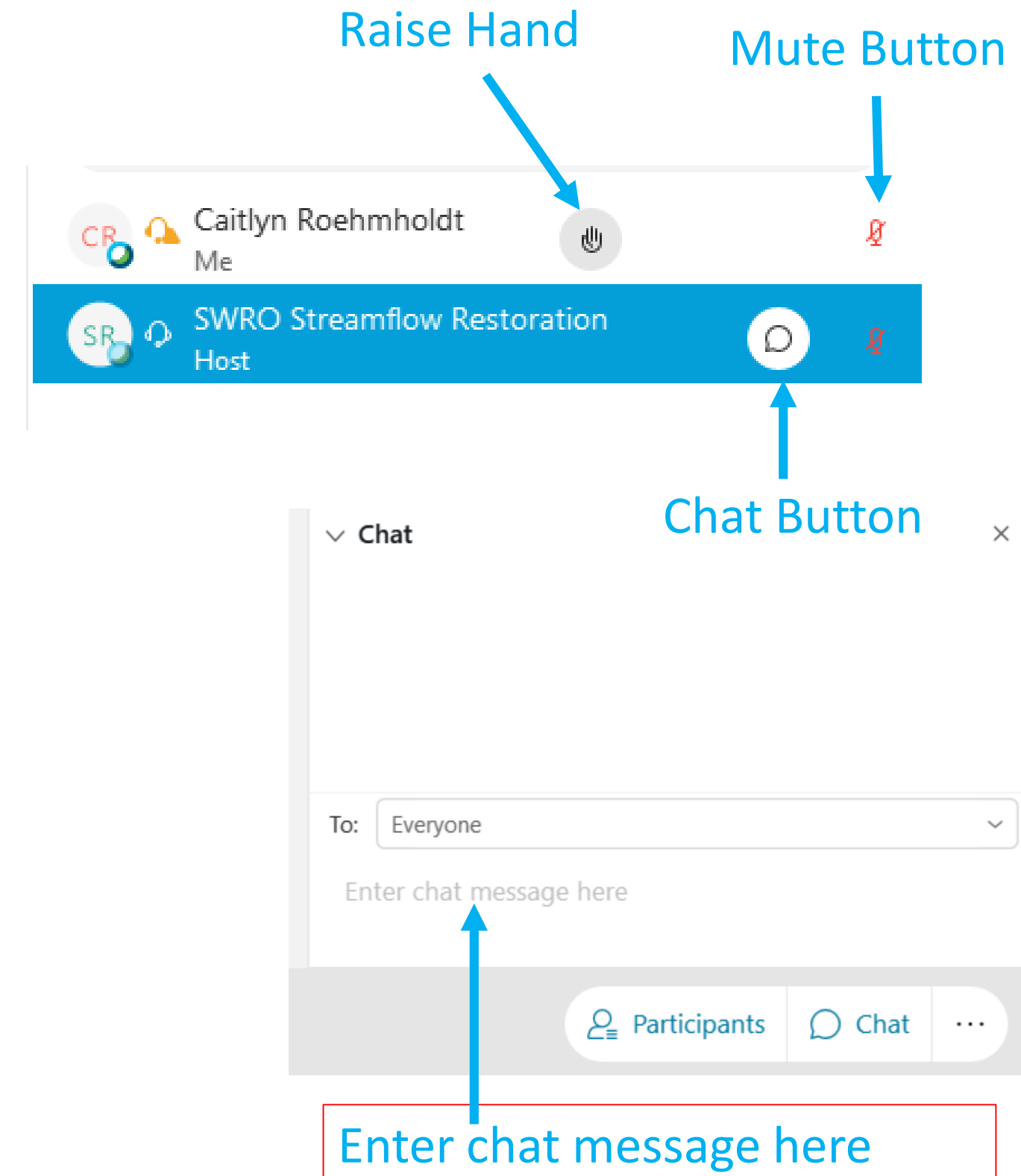
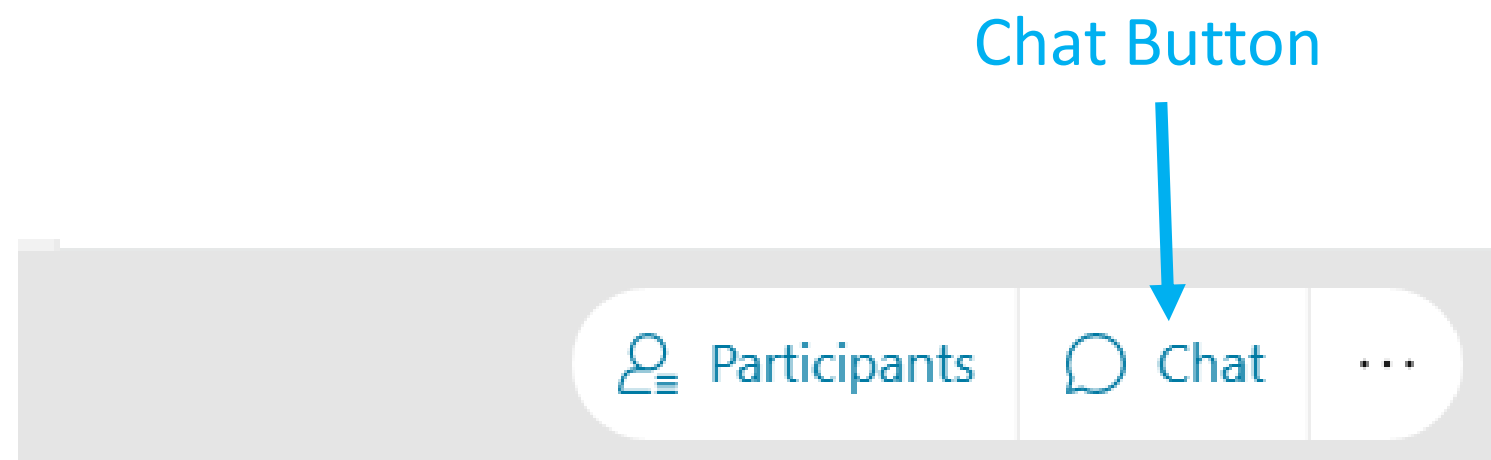
# WebEx Participation Tips

- Use a [headset/headphones](#) or take the call from a quiet space to reduce background noise/echo.
- Keep your phone or headset [muted](#) unless you are speaking to the group.
- If using phone, [do not put us on hold](#). We will have to listen to your hold music!
- Turn [off video](#) to conserve bandwidth.



# WebEx Participation Tips

- Use the [chat function](#) to submit questions and comments and/or request to speak to the group
- Remember to [state your name](#) when you speak.



# Agenda

- Welcome, Roll Call, and Committee Business
  - WebEx logistics and technology check.
  - September meeting summary.
  - Announcements and updates.
  - Public comment.
- Project Descriptions
- Chapter 7: NEB evaluation
- Break
- Plan Review:
  - Comments received.
  - Changes to chapters 5 and 6
- Wrap up

# WRIA 12 WRE Plan Status Summary

<b>Subbasins</b>	3 Subbasins developed June 12, 2019. <ul style="list-style-type: none"> <li>Chambers Creek</li> <li>Clover Creek</li> <li>Sequalitchew Creek</li> </ul>	<b>Policy, Regulatory, and Adaptive Management Recommendations</b>	Recommendations that are included in the draft Plan: <ul style="list-style-type: none"> <li>Update PE Well Log—track new PE wells.</li> <li>Track Projects with a Centralized Database.</li> <li>Periodic reporting on project status and PE wells.</li> <li>Fund improvements and connections to small public water systems.</li> <li>Drought Response Limits with Exemptions for Gardens</li> <li>Statewide Mandatory Water Conservation Measures.</li> <li>Water Conservation Education and Incentive Program</li> </ul>
<b>Consumptive Use Estimate</b>	Moderate Growth Consumptive Use Estimate: <b>0.08 cfs / 57.4 AFY</b> (finalized March 11, 2020)		
<b>Offset Target</b>	High Growth Consumptive Use Estimate: <b>0.12 cfs / 89.8 AFY</b> (finalized March 11, 2020)		
<b>Projects</b>	<ul style="list-style-type: none"> <li>Pacific Groundwater Group is assessing potential water right acquisitions</li> <li>HDR team is developing detailed descriptions and offset estimates for several projects: <ul style="list-style-type: none"> <li>Sequalitchew Creek Restoration <ul style="list-style-type: none"> <li>90 afy low offset estimate</li> </ul> </li> <li>South Tacoma Channel <ul style="list-style-type: none"> <li>579 afy low offset estimate</li> </ul> </li> <li>Reclaimed water projects</li> <li>Floodplain reconnection projects in Clover Creek</li> </ul> </li> <li>At least one habitat project in each subbasin.</li> </ul>		
<b>NEB</b>	<ul style="list-style-type: none"> <li>Committee plans to include a habitat project in each subbasin.</li> </ul>	<b>Resiliency</b>	Address in project descriptions
		<b>Plan Review Status</b>	Committee has reviewed chapters 1-7.



# Announcements and Updates



- Covid-19: Ecology staff working remotely until June 2021.
- Survey.
- Grant announcements!
- Committee Announcements
- Public Comment





# Projects



# Project Offset Tally

- CU High Estimate: **89.8 AFY**
- High certainty offset projects:
  - Sequalitchew Restoration: **90 AFY**
  - South Tacoma Channel: **701 AFY**
- Total offset: **790 AFY**
- Difference: **+700.2**



# Project Descriptions

- Project descriptions sent to committee:
  - Sequelitchew Restoration—received comments
  - Floodplain Reconnection—received comments
  - South Tacoma Channel
  - Reclaimed Water
- Other projects will be on the project list without descriptions.



# NEB Evaluation

NEB Definition: The outcome that is anticipated to occur through implementation of projects and actions in a plan to yield offsets that exceed impacts within a) the planning horizon; and b) the relevant WRIA boundary.



# From the NEB Guidance

- Committees have the option of including an NEB evaluation within the plan.
- A watershed plan with an NEB evaluation based on NEB guidance significantly contributes to the reasonable assurances that offsets and NEB within the plan will occur.
- Ecology will review any plan with an NEB evaluation with considerable deference in light of the knowledge, insights, and expertise of partners who influenced the preparation of the plan.
- One purpose of the NEB Evaluation Chapter is to make the case to the Ecology reviewers and management that the plan meets the threshold for NEB.
- In the NEB guidance, Ecology recommends a process for Committees to complete NEB evaluations. The steps are:
  - Compare consumptive water use to water offsets at the WRIA scale.
  - Compare consumptive water use to offsets within each subbasin.
  - Identify the projects and actions that go beyond the needed offset in order to achieve NEB.
  - Include a clear statement that the Committee finds that the combined components of the plan do or do not achieve a net ecological benefit.
  - If desired, include adaptive management (optional).

# Plan Comments on NEB

- “Add explicit language to this section that describes how the Plan is expected to result in restoration of streamflows. Describe specifically the elements needing to be fully implemented to achieve this goal. Describe any gaps in the plan that may result in failing to restore streamflow in certain areas of the WRIA or at certain times (low flows, dry years).”
  - Reference material in Chapter 2 (salmon habitat, limiting factors, etc.) as applicable to projects.



# 10 Minute Break







# Plan Review





# Plan Comments

- Thank you to everyone who provided comments in this round.
- We will not get to every comment today:
  - corrected factual information.
  - identified areas that were not clear or needed more context,
  - Provided alternate phrasing.
  - Requested that “the plan” be referenced more than “the committee”.
- We will not review all comments in a linear fashion.

# Interpretations of 90.94.030

- Disagreements with Ecology's interpretation of the law around the focus on the consumptive use of new permit-exempt wells.
  - Ecology's interpretation is based on the principle that statutes should be read as a whole and should be interpreted to be internally consistent.
  - Several organizations disagree with Ecology's interpretation in different ways.
  - Ecology published Streamflow Restoration Policy and Interpretive Statement that explains how Ecology interprets 90.94.
  - Provides consistency of interpretation for 15 plans across the state.



# Direct Quotes from 90.94.030

- Requests to quote 90.94.030 directly in several sections of the plan.
  - Ecology prefers not to quote the law directly because the plan is supposed to be written in plain talk and easily understood.
  - The law is readily available for anyone who wants to read the exact language.
- Should the plan directly quote RCW 90.94.030 throughout the plan?

# Parcels Outside of Group A Service Areas

- “The statement “The analysis showed 28 parcels available for future development outside of water system service areas” seems to contradict the earlier statement that “Most of the PE wells are likely to be installed in the eastern portion of the Clover Creek subbasin that is not served by Group A water systems.” Expand this discussion to clarify. Will the 28 parcels be subdivided to fit the several hundred wells? Or is most the growth actually occurring inside Group A system areas?”
  - Assumption in the projections that most (not all) wells will be outside Group A systems.
  - Illustrates the watershed is mostly urbanized and has limited opportunity for new PE wells, regardless of what our projection shows.



# Adaptive Management

- “ESSB 6091 doesn't use the phrase "reasonable assurance." In order for impairment to be allowed, there needs to be certainty that the project or action will be implemented and will work; and, if it doesn't work, then other actions than ensure the requirements of the law are met.”
- “How can Ecology amend/adjust projects if they are not lead agency? If project amended/adjusted can entity opt out of lead status? What if there's not agreement?”
- “There must be consequences, described in the plan, that get water back into streams if the plan and projects intended to offset new wells don't come to fruition.”
  - How should Ecology respond when projects and actions are not on track to provide sufficient offsets?
  - Since the plan does not obligate anyone, what consequences would be appropriate?
  - Ecology Policy interpretation states that Ecology could not include conditional rulemaking for adaptive management as part of a plan adoption.
  - Recommendation: If the offsets don't materialize, turn to the water right list.

# Adaptive Management: Reporting

- “Within the 1st 5 years? it takes time...if report done every 5 years...you need data from projects at least 6 months prior...and how long does it take?”
  - Leave as 5 years?
  - First report coincides with Ecology’s 2027 Report to the Legislature?



# Statewide Mandatory Water Conservation Measures

- “Industry is generally concerned about rulemaking. Not sure if we'd support this as written presently.”
- “Is there any way I could get language changes to specify the current standard for drought is what will be enforced? Industry is worried that Ecology rule making might go above and beyond to some super strict criteria.”
- “how is a county an implementing entity? Wouldn't it be a recording of restrictions on title? Consistent with existing requirements?”
- How should the plan address the Mandatory Water Conservation Measures recommendation?
  - Keep in plan but re-write to address specific concerns.
  - Keep in plan as is.
  - Remove from plan.

# Adaptive Management Intro

- “With the exception of the first bullet, the language used in WRIA 10 draft plan for section 6.1 and 6.1.1 should be used. That includes the intro paragraph, which is clearer and more concise in the WRIA 10 plan”
  - Recommend using WRIA 10 language (adds consistency across plans).



# Implementation

- “Add a subsection on how Ecology and Pierce County expect to implement the plan ("durability"), based on past practices and SOPs.”
  - Discussed at September meeting.
  - Ecology considering draft language to include.
  - Do other committee members or project sponsors want to include a sentence on implementation?
    - Project chapter will include a section on “Certainty of Implementation”.

# Policy Proposals

- “Include proposals that were considered and not included in an appendix.”
  - Base the appendix on the list of ideas the committee dot-voted on.

# Bringing the Band Back Together

- "However, members of the WRIA 12 Committee are not expected to reconvene after approving the plan, but may choose to by mutual agreement."
  - Creates a number of new questions we don't have the time to resolve: who reconvenes the committee? who leads it? to what purpose? Who develops the agreement? etc.
  - The Committee may choose to reconvene by mutual agreement without expressly stating so in the plan.
  - Recommendation: Keep as is (without the addition "but may choose to by mutual agreement.")



# Updates to Chapters 5 and 6

- Added one item to the project chapter based on September meeting and titled this item “Programmatic Actions”:
  - Water Conservation Education and Incentive Program
- Added a section on “Assurance of Plan Implementation”
- Added a section identifying rulemaking and legislative funding requests.
  - Update WAC 173-512 to include 350 gpd indoor only drought limit, with exemptions for food production, fire protection, and environmental protection.
  - Update WAC 173-512 to add exemptions to stream closures to allow for the diversion of water during the highest flows for environmental projects as necessary.

# Wrap Up and Next Steps

- Next meeting is scheduled for November 11, 2020.
  - Reschedule or skip?
- Next workgroup meeting will be scheduled to accommodate schedules.
- See interactive slide for additional next steps.