# Ecology logo. A state of Washington shape separated into three bands of color; light blue, green, and dark blue. a sun sits in the middle of the light blue band.MEETING SUMMARY

**WRIA 13 Watershed Restoration and Enhancement Committee**

May 22, 2019 | 9:00 a.m.- 12:30 p.m. |[committee website](https://www.ezview.wa.gov/site/alias__1962/37325/watershed_restoration_and_enhancement_-_wria_13.aspx)

## Location

Tumwater Fire Dept.
311 Israel Rd. SW
Tumwater, WA 98501**Committee Chair**

Angela Johnson
angela.johnson@ecy.wa.gov**Handouts**

1. Growth Projections Discussion Guide
2. Subbasin Discussion Guide

## Attendance

### Committee Representatives and Alternates \*

Angela Johnson (*Ecology – Committee Chair)*Kaitlynn Nelson *(Thurston County)*

Theresa Nation *(WDFW)*

Donna Buxton *(City of Olympia)*

John Kliem *(Lewis County)*

Paul Pickett *(Squaxin Island Tribe)*

Amy Hatch-Winecka *(WRIA 13 Salmon Habitat Recovery Leady Entity)*Cynthia Pratt (*City of Lacey)*

Sue Patnude (*Deschutes Estuary Restoration Team)*

Dave Monthie (*Deschutes Estuary Restoration Team)*

Jeff Dickison (*Squaxin Island Tribe)*

Dan Smith (*City of Tumwater)*

Sarah Moorehead (*Thurston Conservation District)*

### Committee Representatives Not in Attendance\*

Thurston PUD
Olympia Master Builders

City of Rainier

Nisqually Tribe (*ex-officio)*

City of Yelm *(ex-officio)*

City of Tenino (*ex-officio)*

### Other Attendees\*

Gretchen Muller *(Cascadia Consulting)*

Jimmy Kralj *(ESA)*

Sharon Haensly (*Squaxin Island Tribe)*

Wendy Steffensen (*LOTT)*

Amber Stonik (*Thurston County)*

Rebecca Brown (Ecology)

\*Attendees list is based on sign-in sheet.

## Welcome

Angela and Gretchen kicked off the meeting with meeting location logistics. Committee members and other meeting attendees introduced themselves around the room. The group reviewed the meeting agenda.

## Approval of April Meeting Summary

Angela received the following comments about the April meeting summary:

* Committee members provided clarifications on the following meeting summary sections:
	+ City Planning Panel
	+ Thurston PUD Data Presentation
	+ Technical Consultant Introduction
	+ Attendees list – clarification on Amy Hatch-Winecka’s representation title

*All of the proposed changes were made. The Committee approved the April meeting summary.*

## Updates and Announcements

Angela provided updates from Ecology.

* Drought declaration in WRIA 13
* HDR joint meeting with counties represented in WRIAs 10, 12, 13, 14, 15 to discuss growth projection methodology
* Thurston County held a data-sharing session hosted by Kevin Hansen
* Ecology Streamflow Restoration Planners participated in a meeting with Squaxin Island Tribe representatives to discuss consistency across planning groups
* Streamflow Restoration Grant Funding update
	+ Funding guidance anticipated availability date: October 2019
	+ Funding period anticipated open period: February 2020 – March 2020
* Streamflow Restoration Project Types webinar on May 30th
* Net Ecological Benefit (NEB) final draft guidance is available for public comment through June 7, 2019.
	+ Angela gave a brief overview of NEB final draft guidance

The committee discussed several ideas for a field trip in August:

* LOTT reclaimed water plant on Martin Way, and infiltration basins on Hawks Prairie.
* Middle Deschutes –Former Smith Ranch. Reclamation project site by Cities of Lacey, Olympia, and Yelm, site shows restoration, channels, and new springs.
* Upper Deschutes Park
* Thurston County Stormwater facility
* LID tour
* Woodland Creek groundwater recharge facility
* Squaxin Island golf course
* Floodplain reconnection/restoration sites

## Squaxin Island Tribe – Tribal Treaty Rights

The Committee received a presentation from Jeff Dickison and Sharon Haensly from Squaxin Island Tribe, to discuss tribal treaty rights as it relates to their work on the WRIA 13 Watershed Restoration and Enhancement Committee. Jeff and Sharon co-authored a paper that will be distributed to the Committee for review. They presented verbally without slides.

Key points from their presentation:

* Tribal treaty rights are “reserved” rights – protected by treaties and not rights granted by treaties.
* These rights include off-reservation rights for fishing in “usual and accustomed” locations.
* Court decisions have supported the need for good fish habitat to ensure a fishery, not just “nets in the water”. This can include both fish passage and adequate water.
* Treaty rights to water are the most senior – “time immemorial”
* The need to restore stream flows for fish is why the Tribe is involved in this process.
* Legal remedies include adjudication, with consumes large amounts of time, staff, and funding and can add to uncertainty. Collaborative solutions should be explored.
* Existing Instream Flow Rules in the South Sound were based on older “simplistic” methodology. They do not meet current standards and don’t take into account Tribal treaty rights.
* Basins are over-appropriated – if all rights were used, streams would dry up.
* The Tribe wants projects that restore flows to levels that protect its rights.
* The Plan needs to address more than just the “minimum” (future permit-exempt wells).
* The Plan needs to consider all uses of water to be adequate.

Committee members raised several questions/comments following the presentation:

* How do we know when we have created a successful plan?
	+ The Squaxin Island Tribe believes that the group needs to be more radical in their thinking, and needs to use creative ideas to address the challenges the group faces. The Squaxin Island Tribe would like to see substantial restoration of systems that are facing degradation.
* Past methodology for measuring streamflow could have resulted in instream flows being poorly represented. Modern methodology could result in better data; however, it does require more resources (time, money).
* Many streams have closures but not numerical targets. Deschutes has a hybrid system of closures and dates, which could be improved.

## Washington Water Law

The Committee received a presentation from Mike Gallagher (Ecology) on an overview Washington water law, with some specific data on water rights information for WRIA 13. The presentation will be made available on the Committee website.

Committee members raised several questions/comments following the presentation:

* If the Ecology well log database is not providing a reliable representation of the actual number of wells, how can we determine that?
	+ Thurston County has a robust well location database that they are sharing with the Committee – the Committee can determine how to best use this information for their planning processes.
* What is Ecology’s enforcement policy for people that do not submit a well log?
	+ Ecology will fine people who do not submit a well log within 30 days. For illegally drilled wells, enforcement is complaint-driven; however, Ecology would require illegally drilled wells to be decommissioned by a licensed driller.
* What is the context of mitigation projects that involve water rights changes?
	+ There are opportunities to obtain a portion of a water right that is not being used – Ecology determines the usages based on the last 5 years.
	+ The Committee may want to discuss mitigation opportunities with LOTT
	+ Angela has arranged for a presentation on water rights acquisitions from Kelsey Collins (Ecology) at the June meeting.

# Growth Projections

Angela provided a discussion guide and gave a brief overview of growth projection methodology to lead into the workgroup report. See the Growth Projection discussion guide handout for more detailed information.

Thurston County will coordinate with Thurston Regional Planning Council to determine growth projections, using population data methodology. They would prefer to base this information on the subbasin determined by the Committee.

Some committee members suggested it may be helpful to do a buildout projection in order to see the 20-year projection as a percentage of full buildout. Buildable lands analysis might help with determining this. Also it would be helpful to obtain a high vs. moderate range for comparison.

The technical workgroup will continue to discuss this information.

# Workgroup Report/Subbasin Delineations

Angela and the workgroup members provided a summary of the previous workgroup meeting on 5/21/19. The workgroup continued to discuss data gaps in an effort to identify any critical data gaps. HDR is putting together a data acquisition matrix to help organized the data that is available for each of their tasks, and where it will be obtained from.

Ecology noted that projects can be anywhere in the WRIA, with first priority to projects offsetting impacts within subbasins. Committee members expressed some confusion about “first and second priority” in the plans. Ecology staff noted that priorities in the plan are not the same as priorities for grants set by the funding criteria. Committee members would like to know how priorities in the plan will be considered when grants are prioritized.

The workgroup has discussed two alternatives for moving forward with subbasin delineations. HDR will put together a technical memo that will be distributed to the Committee and will be discussed at the next workgroup meeting. The workgroup and Committee will be asked to make an initial determination on draft subbasin delineations by the June meeting in order to move forward with initial growth projection analyses. Committee members have expressed that they would like flexibility to reevaluate subbasin delineations in the future, if it is necessary to adjust them based on new information. For example, there are issues with gaining and losing reaches in the middle Deschutes that affect water quality (according to the Deschutes River TMDL), for which more analysis is needed to see how projects can be beneficial. Angela will continue to provide clarification on the issue of how to identify projects within subbasin, and what criteria should be used. Ecology technical staff has conveyed to the Committee that it is not necessary to identify a project in each subbasin, and that project priority is not determined by location within a subbasin.

## Public Comment

*No comments.*

## Action Items for Committee Members

* Next meeting is June 27, 2019 at the Tumwater Fire Dept. - 311 Israel Rd. Tumwater, WA 98501.
* Technical workgroup meeting will be scheduled for June.
* Please send additional questions on Mike Gallagher’s presentation to Angela

## Action Items for Ecology:

* Angela will schedule the next technical and subbasin workgroup meeting
* Angela will distribute HDR’s subbasin memo when it is available
* Angela will continue to work on a file-sharing solution for the Committee
* Angela will distribute paper by Jeff Dickison and Sharon Haensly from Squaxin Island Tribe
* Angela will continue to share information on any funding that is available for critical data gaps
* Angela will update Committee website with Mike Gallagher’s presentation
* Angela will coordinate with Thurston County on well-log data
* Angela will ask for ideas for field trip visits for August meeting
* Angela will ask for project ideas to create a running list
* Future meetings
	+ Presentation water rights acquisition opportunities
	+ Initial subbasin delineation
	+ Discuss products from consultant and work group
	+ Field trip site discussion