# 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.APPROVED MEETING SUMMARY

**WRIA 13 Watershed Restoration and Enhancement Committee**

September 23, 2020 | 9:00 a.m. - 1:00 p.m. |[committee website](https://www.ezview.wa.gov/site/alias__1962/37325/watershed_restoration_and_enhancement_-_wria_13.aspx)

## Location

Webex**Committee Chair**

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

1. August 2020 Meeting Summary
2. Project/Technical Workgroup Summary
3. Consumptive Use Discussion Guide

## Attendance

### Committee Representatives and Alternates \*

Angela Johnson (*Ecology – Committee Chair)*

Paul Pickett (Squaxin Island Tribe)

Dave Monthie (*Deschutes Estuary Restoration Team*)

Adam Peterson (*Thurston Conservation District*)

Sarah Moorehead (*Thurston Conservation District*)

John Kliem (*Lewis County*)

Amy Hatch-Winecka (*WRIA 13 Lead Entity – Ex Officio)*

Donna Buxton (*City of Olympia*)

Wendy Steffensen (*LOTT-Ex Officio*)

Dan Smith (*City of Tumwater*)

Cynthia Pratt (*City of Lacey*)

Julie Rector (*City of Lacey*)

Charlie Schneider (*Tumwater City Council*)

Kaitlynn Nelson *(Thurston County)*

Erin Hall *(Olympia MBA)*

Noll Steinweg (*WDFW*)

### Committee Representatives Not in Attendance\*

### Other Attendees\*

Gretchen Muller *(Cascadia Consulting)*

Jimmy Kralj (*ESA*)

Mike Noone (*Ecology*)

Tom Culhane (*Ecology*)

Chad Wiseman (*HDR*)

Jim Pacheco (*Ecology*)

\*Attendees list is based on WebEx attendance.

## Welcome

Angela and Gretchen kicked off the meeting with WebEx logistics. Gretchen took a roll call of all Committee member on the call. The group reviewed the meeting agenda.

Committee members were provided with a link to an interactive Google Slides presentation to promote engagement and capture comments during the discussion. [These slides](https://app.box.com/s/4xhp5dahyy5fxisfy81b7h44jlfo0wmh) have been saved to Box.

## Approval of August 2020 Meeting Summary

* Angela received comments on the following sections:
	+ Projects
	+ Plan Development
	+ Other Technical Items
* Committee members approved the August 2020 meeting summary.

## Updates and Announcements

* The Streamflow Restoration Grant Awards will be announced at the end of the month.
* Ecology has prepared a plan overview presentation for WRIA 13 to support the local review process. Angela will distribute this to committee members.
* Ecology has announced that remote work will continue through June 2021.
* The compiled version of the draft plan will be sent out after the meeting, or the following day.
* Angela has sent links to a poll to schedule the November and December meetings because they conflict with holidays.
* Photo Contest: If there is interest in a contest for the cover photo of the WRIA 13 plan, Angela can set that up through the Box site.
* The Squaxin Island Tribe asked about continued meetings after the plan is sent for local approval.
	+ Angela stated that if these meetings are not necessary, they will be cancelled.
* The Squaxin Island Tribe mentioned an online presentation about low flows on the Deschutes River and will send information to Angela to distribute to the committee.

# Plan Development

* Angela provided a summary of the plan chapter development process with committee members.
	+ Chapters 1-4 have been reviewed by the committee.
	+ Chapter 5 is in final stages of development and will be distributed with the draft plan.
	+ Chapter 6 has been reviewed by the committee. Comments were addressed during this meeting. A revised version will be included in the draft compiled plan.
	+ Chapter 7 is in development. An outline of the chapter will be included in the draft compiled plan.
* Estimated Plan Review Timeline
	+ September 24: Draft compiled plan will be distributed.
	+ October 28: Committee meeting to discuss plan comments.
	+ November: Angela will revise and complete a second draft compiled plan and it will be distributed for 2 weeks prior to approval for the local review process.
	+ December: If the draft plan is not approved for local review in the November meeting, the committee will meet in mid-December.
	+ December – February: Local Review
	+ January: If the plan is not agreed upon for local review in November and December, the committee will meet again.
		- If the committee cannot agree on a plan for local review, it will jeopardize the Ecology June deadline.
	+ February 24: Committee meeting for potential vote on final plan approval.
	+ March: If plan is not approved in February, a meeting will be scheduled in March.
	+ June 30: Director of Ecology to make decision on plan adoption.
	+ A more [detailed timeline](https://app.box.com/s/v44btb3pteh938obwq9vv1wc7kmf60pa) is available on Box, Angela will continue to revise as needed.
* Some Committee members shared their plan review process in the [interactive Google slides](https://app.box.com/s/4xhp5dahyy5fxisfy81b7h44jlfo0wmh) as well as additional support they need to review the plan with local leadership.
* Angela provided a review of the committee plan approval process
	+ If the Committee approves the plan, Ecology will review it, make an NEB determination, and the Director of Ecology will make a determination on plan adoption by June 30, 2021.
	+ If the Committee does not approve the plan, Ecology will finish writing the plan, send it for technical review by the Salmon Recovery Funding Board, and finalize and adopt the plan and initiate a rule making process if appropriate.
	+ If Ecology finds the plan does not meet NEB, Ecology will not adopt the plan.
* DERT commented that it is their interpretation of the law that regardless of the approval mechanism, rule-making shall be implemented by Ecology.
* Lewis County asked about continued funding and grant availability for committee participation after the June 30th deadline.
	+ Ecology grants for committee participation (tribes and counties) run through December 2021.

## Draft Plan Comments

Angela and Gretchen reviewed comments that have arisen during plan review. Items covered included general plan comments, chapter 4, and chapter 6.

* General plan comments:
	+ Committee members discussed potential options for capturing differing opinions on the legal interpretation of the Streamflow Restoration Law. An example includes Squaxin Island Tribe’s interpretation that the plan must include information on consumptive use beyond new permit-exempt domestic wells. Ecology has stated that their interpretation is that the plan will include offsets for consumptive from PE wells at a minimum, and it is up to the Committee to agree to include any additional information beyond that, taking into consideration limited time and resources.
		- The Squaxin Island Tribe proposed: 1) that Ecology acknowledge that the Tribe is correct in its interpretation of the law; or 2) that the committee agree to provide the information even if there’s no agreement about the law; or 3) that a minority report be included with final plan approval.
			* Also, the Tribe suggested that “rebuttal” may be a better term than “minority report”, since there has never been a vote to determine who agrees with the Tribe’s concerns.
		- Ecology noted that their interpretation has been thoroughly vetted with the Attorney General’s office and feels confident in their interpretation.
		- LOTT noted that legal interpretation concerns will not be able to be addressed by the committee and will need to be decided outside of the planning process.
		- DERT agreed with the Squaxin Island Tribe concerns about legal interpretation. DERT feels there needs to be an explanation as to why Ecology’s interpretation of the law differs from the text of the law.
		- Olympia Master Builders would support the inclusion of a minority report. OMB questioned the implications of what happens if WRIA 13 follows a different interpretation of the law, but other committees do not.
			* Angela clarified that the information in the WRIA 13 plan will only pertain to the decisions and recommendations of the WRIA 13 committee.
		- Thurston County proposed addressing consumptive use outside of permit exempt wells in an adaptive management section.
		- Ecology clarified that their messaging on the minimum requirements of the law has been consistent from the beginning of the planning process. The Committee discussed possibly including additional information in the Plan (e.g. consumptive use beyond permit exempt wells) but the committee as a whole has never agreed to do so.
			* However, the Squaxin Island Tribe has submitted a proposal to collect this information as part of implementation, which the committee agreed to include in the draft plan.
			* The Squaxin Island Tribe also noted that they did not expect agreement on the law from the Committee, but that if the Committee agreed to a good faith effort to provide the information that the Tribe believes the law calls for, then the legal interpretation question would be moot.
		- LOTT questioned what details are necessary for offsetting consumptive use beyond permit exempt wells.
* Chapter 4 Comments
	+ Committee members provided comments on an initial draft of Chapter 4. Angela talked through some of the comments received, and the process for making revisions to include in the next draft.
	+ General comments were received related to consistency in the plan language, uncertainties, calculations, and planning horizon.
	+ Angela noted that wells, connections, etc. will be clarified to a single term of Permit Exempt (PE) wells.
	+ Angela will add information regarding climate change to address uncertainty around climate change in the plan.
		- Ecology noted this would also be a good place to note that the consumptive use estimates are made with watering rates of commercial turf grass which is much higher than traditional domestic use.
		- The City of Lacey supports adding information related to climate change.
		- Thurston Conservation District noted that the turf irrigation requirements in the Washington Irrigation Guide should specify that they were drawn from Appendix B, which were more up-to date figures than those provided in Appendix A.
	+ Angela asked the committee how to address the error that was corrected in the PE well growth estimate, which did not include the Silver Hawk development. Angela stated that it was important to be consistent with concerns expressed from entities that this may be an example of uncertainty in the calculation.
		- The Committee agreed to language to refer to this as an error that was corrected, and therefore an example of uncertainty.
	+ DERT asked if the assumptions used in the plan capture the wells built since 2018.
		- Ecology noted that assumptions were made from 2018 – 2038 in accordance with the Thurston Regional Planning Council and that here was not sufficient information to provide accurate well counts since 2018.
* Chapter 6
	+ Committee members provided comments on an initial draft of Chapter 6. Angela and Gretchen talked through the process of revising Chapter 6 for the next draft. The input received during this meeting will be included in the next draft of the chapter, which will be sent out after the meeting in the draft compiled plan.
		- Several red flag comments were received. These were grouped into two buckets: word choice edits that didn’t change the intent of the policy proposals, and edits that would change the intent of the proposal or would cause an entity to not approve the plan.
		- The latter comments were discussed during the committee meeting.
		- The Water Conservation Statewide Policy recommendation will not be included in the draft plan because they did not have full support from the Committee. The “Water Conservation Education and Incentives Program” recommendation was combined with the existing “Water Conservation and Drought Adaptation, Education, and Outreach” recommendation.
	+ Comments discussed
		- The Squaxin Island Tribe proposed removing language related to implementation that states the plan does not obligate entities to taking action.
			* Angela clarified it is important that Ecology note this in the plan.
			* Thurston County would like to see this language stay, but would agree to removal if other members strongly supported its removal. Ultimately, Thurston County does not want to include plan language that says they are obligated to implement plan provisions.
			* The City of Olympia fully supports implementation but noted that it’s important to reflect there is no obligation.
			* The Squaxin Island Tribe would like to see a section in adaptive management that discusses the ways the plan may be implemented by entities based on past practice or standard procedures. This section could also refer to the other sections.
		- The Squaxin Island Tribe made a comment about including the initial policy proposals in the plan appendices.
			* Earlier in the summer, the committee decided to use a template for the policy write-ups included in the body of the plan and each policy lead provided input on the draft short write-ups before circulating the draft Chapter 6 for committee review.
			* The Squaxin Island Tribe noted that if the full proposals are not included, the summaries should be expanded. The facilitator noted that the committee discussed and decided to use the template and shorter write-ups in the body of the plan. The facilitator also noted that the appendix may be considered part of the plan and, if the full proposals are included in the appendix, level of support by some committee members may change for some of the policies included in the body of the plan. The facilitator also noted that the full proposals are still drafts and some of the proposals reflect comments/edits that have been received by committee members when reviewed and other proposals do not. The facilitator noted that if the Committee agreed that the full proposals would need to be agreed upon to include in an appendix, it would be up to each policy lead to refine their respective full proposals and work offline with the full committee to determine what, if anything, needed to change in order to gain consensus on the full proposals.
			* Ecology would like to make a distinction between the summary and the full proposal in reference to potential decisions made by the committee. Angela suggested that due to time constraints, it may be difficult to get consensus on the full proposals. The Committee may want to consider including the full proposals with clarifying language that Chapter 6 reflects recommendations from the Committee, and the full proposals are included as a reference but are not considered to be fully agreed upon by the Committee.
		- The Squaxin Island Tribe made a comment about funding sources and including a similar funding source section for each proposal.
			* City of Lacey suggested a general funding approach.
			* The Squaxin Island Tribe suggested listing possible funding sources to move policies forward.
				+ DERT agreed with this.
				+ The Squaxin Island Tribe proposed adding a blanket statement that states funding is needed to support the plan from a variety of sources.
				+ Angela will make this revision in the next draft.
		- Angela proposed a clarification to the South Sound Water Master proposal to note that the position would assist with the existing responsibilities of water managers.
			* The Squaxin Island Tribe would like to have the plan mention the idea of seeking additional resources for a water steward focused on South Sound, possibly through specific legislative funding.
		- Revisions to Instream Flow Rule recommendation:
			* The Thurston Conservation District raised a concern about how instream flow rule revisions will impact existing permits that might advance to certificates.
				+ Angela proposed language that would clarify this proposal would apply to water rights that have a priority date after any changes made to instream flow rules.
			* The Squaxin Island Tribe did not agree with listing the specific streams, as proposed by the Thurston Conservation District.
				+ Thurston Conservation District expressed a concern that if the streams are not listed, there may be more ambiguity in the proposal.
				+ But the Squaxin Island Tribe noted that if the streams are listed, it might create the wrong impression that those are the only streams, when the assessment requested may identify other salmon streams, like small coastal streams. Ecology should work with WDFW and the Tribes on identifying the streams.
				+ The Thurston Conservation District would like to review final language before providing feedback.
				+ Angela will work on language to include in the plan for review to address this issue.
		- Deschutes Watershed Council
			* Thurston Conservation District proposed including citizen involvement in the proposal.
			* The Squaxin Island Tribe suggested this proposal could address water quality and quantity issues through a variety of methods, and provided a list of suggested topics to include in the proposal.
			* DERT agreed with the language proposed by the Squaxin Island Tribe.
			* Angela will include the suggestions in the next draft of the plan for Committee review.
		- Annual Reporting and Adaptive Management
			* The Squaxin Island Tribe proposed that project sponsors report to the Deschutes Watershed Council on project status, and on estimated “as-built” water offset amounts when the project is completed.
		- WDFW proposed adding more specificity to the water offset projects review if permit exempt impacts are higher than originally expected.
		- The Squaxin Island Tribe noted that they had previously provided a proposal on “durability”. The committee supported developing draft language for inclusion in the plan, and could be used to develop example language regarding implementation assurances. Ecology and Thurston County will need to provide specific examples, and any local governments who expect to contribute to implementing the plan.
		- Thurston Conservation District provided the committee with a summary of their objections to the two WRIA-wide policy proposals. “Water Conservation Education and Incentives Program” and the “Water Conservation Statewide Policy”. These centered around concerns of duplicating existing policies in the plan, and concern about undefined mandatory conservation measures.
			* As stated above the “Water Conservation Statewide Policy” recommendation will not be included in the draft, and the “Water Conservation Education and Incentives Program” recommendation will be combined with the existing “Water Conservation and Drought Adaptation, Education, and Outreach” recommendation.
			* There was support among some members for a revised version of the second cross-WRIA proposal (mandatory conservation program), if the Plan makes it clear the proposal is intended to be a statewide request to the legislature and aspirational.

## Projects

Angela and HDR provided updates to the committee regarding the development of projects, and finalizing project descriptions in order to develop Chapter 5 of the plan. Angela noted that the project workgroup will be discussing project descriptions at their next meeting.

* Habitat Projects
	+ Spurgeon Creek – Draft has been developed
	+ Chambers Creek – Draft has been developed
	+ Woodard Creek – Draft has been developed
	+ McLane Creek – Description is in development
	+ Green Cove Creek – Description is in development
* Categorical Projects
	+ Floodplain Restoration – Description is in development
	+ Forest Stand Age – Description to be developed, HDR will assist
	+ Water Rights – PGG is developing write-up of analysis
* Water Offset Projects
	+ Schneider’s Prairie - Thurston County and HDR are finalizing the analysis and developing a description and technical memo.
	+ Hicks Lake - Project description and technical memo are complete.
	+ Lilly Road - Analysis is complete and the description is being finalized.
	+ Spooner Farms - Project description is complete.
	+ Donnelly Drive Infiltration - Project description and technical memo are complete
	+ Thurston Conservation District Green Cove - HDR is coordinating with the Thurston Conservation District on this project.
	+ MAR - Project description and offset quantification are in development.
* The project subgroup has made three recommendations for projects
	+ Continue analysis on prioritized projects to develop final offset quantifications and descriptions.
	+ HDR will continue to develop the project descriptions and technical memos, and the workgroup and Committee will provide review.
	+ Project memos should address seasonality. Current assumptions relate to a steady state for Permit Exempt Wells, but this may need to be reconsidered for specific projects. Chad and Angela will coordinate on this issue.

## Other Technical Items

* Consumptive Use Offset
	+ At the previous WRIA 13 WREC meeting, Angela raised the topic of finalizing the consumptive use estimates to include in the plan. After Committee discussion, it was agreed that the technical workgroup should discuss this further at their next meeting. The technical workgroup met in September and developed the following recommendation:
		- **The technical workgroup recommends using the consumptive use analysis based on 0.10 irrigated acres as the “most likely” estimate. The committee workgroup recommends that the consumptive use analysis based on 0.12 irrigated acres could be included in the plan as a goal to achieve through adaptive management as a measure of success.**
		- **Based on the growth estimate of 2,616 new PE wells, the consumptive use estimates are:**
			* **435 afy (most likely estimate)**
			* **513 afy (goal to achieve through adaptive management)**
	+ The Squaxin Island Tribe had concerns with the language that was used during discussion relating to an “aspirational goal”. Instead they would propose stating that 435 afy is the most likely value, and the 513 afy is the measure of “success” that accounts for uncertainty.
	+ The Squaxin Island Tribe stated their opinion that as progress is being assessed in the future, if offset projects are on target to meet the 513 afy level, the plan is working well. If projects offsets are between 435 and 513 afy, that would be a level of “concern” and more action on projects may be needed. If projects offsets are below 435 afy, that represents a “problem”, and a significant effort would be needed to implement projects would be necessary.
	+ DERT continues to have concerns about the methods used to calculate outdoor irrigation but noted that they would likely abstain during the decision on this.
	+ The Thurston Conservation District suggested having a low minimum in the plan, and creating a list of projects that meets the higher projected value.
	+ The committee agreed to proceed with the workgroup recommendation.
		- Approve
			* Ecology
			* City of Lacey
			* City of Olympia
			* Lewis County
			* Squaxin Island Tribe
			* Thurston County
		- Abstain
			* DERT
			* WDFW
		- Not present during decision
			* Thurston PUD
			* OMB
			* City of Tumwater
	+ Angela noted that she will follow-up with the Committee members that were not present for the decision to confirm their position on the recommendation.
	+ Angela will revise Chapter 4 of the plan to reflect the Committee’s decision.

## Public Comment

No public comments were provided

## Next Steps and Action Items

* The next committee meeting is October 28, 2020.
* Committee members should review the draft plan and send comments by October 15, 2020.
* Angela will reschedule the November and December committee meetings due to conflicts with Holidays, based on Committee input from a poll.
* Angela will schedule the next project subgroup meeting.
* Angela will continue to work with HDR and PGG on project descriptions and finalizing analysis.
* Angela will recirculate Ecology’s [plan development procedures](https://app.box.com/s/efmclkyh6f7f7i0i6ki03nd3uhdwtbfn) document.
* Angela will circulate the [plan approval timeline](https://app.box.com/s/v44btb3pteh938obwq9vv1wc7kmf60pa).
* A link will be sent to the [full policy proposals](https://app.box.com/s/fcia034jfmvz9bolbdltsndjhy2cdx71) used to develop Chapter 6.
* If committee members would like to participate in the photo contest for the cover image of the plan, they should [upload their photos with their name in the file name on](https://app.box.com/s/x7emsmivkf7b1d6qfu23zf5lfqz83yra) Box by Friday, October 16th**.**