# 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 14 Watershed Restoration and Enhancement Committee**

June 13, 2019 | 9:00 a.m.- 12:30 p.m. |[committee website](https://www.ezview.wa.gov/site/alias__1962/37326/watershed_restoration_and_enhancement_-_wria_14.aspx)

## Location

Mason County Public Works
100 Public Works Dr.
Shelton, WA 98584**Committee Chair**

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

1. Workgroup Meeting Summary
2. Water Right Acquisitions

## Attendance

### Committee Representatives and Alternates \*

Angela Johnson (*Ecology – Committee Chair)*

Ron Gold *(Mason PUD 1)*

Darin Hall *(Mason PUD 1)*

Larry Boltz (*Mason Kitsap Farm Bureau)*

Seth Book *(Skokomish Tribe – phone)*

Dana Sarff (*Skokomish Tribe)*

Dave Windom (*Mason County)*

Craig Gregory (*City of Shelton)*

Barbara Adkins (*Mason Conservation District – ex-officio)*

Fern Schultz (*DOH – ex-officio)*

Kaitlynn Nelson (*Thurston County)*

Allison Cook (*WDFW)*

Paul Pickett (*Squaxin Island Tribe*)

Jeff Dickison (Squaxin Island Tribe)

Erin Hall (*Olympia Master Builders*)

Marilyn Vogler (*WA Sierra Club*)

### Committee Representatives Not in Attendance\*

None

### Other Attendees\*

Susan Gulick *(Sound Resolutions)*

Jimmy Kralj *(ESA)*

Paula Holroyde (*League of Women Voters)*

Amy Correa (*Thurston County*)

Sharon Haensly (*Squaxin Island Tribe*)

Kelsey Collins (*Ecology*)

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

## Welcome

Angela and Susan 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 May Meeting Summary

Angela received comments on the following sections of the May meeting summary:

* Debrief from County/City Presentations
* Mason County – Domestic Use Water Model
* Mason Public Utility District 1 and WA. Department of Health
* Technical Consultant Introduction
* Growth Projections/Consumptive Use
* Workgroup Report/Subbasin Delineations
* Action Items for Ecology

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

## Updates and Announcements

Angela provided updates from Ecology.

* Severe drought declaration in WRIA 14
* HDR joint meeting with counties represented in WRIAs 10, 12, 13, 14, 15 to discuss growth projection methodology
* Ecology Streamflow Restoration Planners participated in a meeting with Squaxin Island Tribe representatives to discuss consistency across planning groups
* File sharing – Ecology has approved the use of “Box” for file sharing. Angela will be setting this up for the Committee and will distribute more information when available.
* Data acquisition matrix from HDR – Angela has received comments and will distribute to HDR. A revised version will be distributed to the Committee.
* Please send field trips ideas to Angela for the August meeting.

Committee members provided additional updates:

* DOH is hosting a webinar on June 24th for information on drought funding.

## Public Comment

*No comments.*

## 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 14 Watershed Restoration and Enhancement Committee. Jeff and Sharon co-authored a paper that was distributed to the Committee for review. They presented verbally without slides, however an outline of their discussion is available on the Committee website.

Key points from the 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:

* The Skokomish Tribe commented that diminished resources have real impacts on tribal treaty rights, and distributed the “Treaty of Point No Point, 1855” for the Committee’s review.
* How does water quality relate to the tribe’s ability to harvest fish?
	+ In 2017, Ecology submitted a fish consumption rule to the EPA that was rejected in favor of EPA standards. Ecology adopted EPA water quality standards for fish consumption that are based on serving size and are more protective of previous rules. EPA recently reversed its decision to override the original rule proposed by Ecology in 2017; however, Ecology is continuing to operate under the current EPA rule in an effort to ensure continuous implementation. The Squaxin Island Tribe has performed a tribal study of fish consumption – they are following this issue.
* Mason County accounts for the Squaxin Island Tribe’s treaty when considering access to natural resources like fishing and access to streams/rivers. This planning process may help this stay consistent as population is projected to increase.
* If there is no legal requirement to fulfil the plan, how does this planning process fit with the Squaxin Island Tribe’s expectations?
	+ The Plan needs to be funded and implemented. The Squaxin Island Tribe will continue to pursue funding for projects outside of the Ecology funding source. Mechanisms to implement the plan locally should be considered – mitigation of the Yelm water right application could be an example. As part of the Plan, the Committee should look at “Actions” that can support implementation. The Squaxin Island Tribe is committed to move forward, and wants to achieve success with the planning Committee to reach real outcomes.

## WRIA 14 Water Rights Assessment and Acquisition Opportunities

Kelsey Collins, Dept. of Ecology Acquisitions Lead, provided an introduction to water right acquisitions and related projects. She also discussed the process for completing a water rights assessment for WRIA 14 in order to address a data gap that was identified by the group. Ecology has resources available to assist the Committee with this assessment. This information could be used by the Committee when identifying projects. A handout with an overview of this information was provided to the group and is available on the Committee website.

Reference Materials: Water Right Acquisitions handout

Committee members raised several questions/comments following the presentation:

* The certainty and timeline of completing acquisitions is variable, and there is not a definitive answer for how long it could take to acquire a water right once it has been identified. If all factors move smoothly, the process could be fairly quick. However, unforeseen circumstances could arise that delay the process.
* Through an assessment, Ecology hopes to be able to help the group identify potential projects.
* Streamflow Restoration grant money can be used for water right acquisition projects.
* A water right can be changed from a shallow well to a deep well through a transfer, after an evaluation to determine if there are any negative impacts.
* Ecology contracts with organizations that assist with the assessment and acquisition work – this can be useful if water rights holders are hesitant to work with a government agency.
* Some Committee members are interested in knowing how much groundwater is being used by permit-exempt domestic wells vs. water rights.
* There are not many surface water rights in WRIA 14, however this should be a priority for the Committee to look into offset opportunities to change use, season, or timing.
* Input from the group on what Ecology should look into for acquisitions:
	+ Businesses, farms, etc. that have closed in the last 5 years with a water right before it passes the relinquishment deadline.
	+ Survey of NPDES permit managers to see if there are wastewater plants facing capital improvements that could be opportunities for reclamation projects.
	+ Which water rights could use reclaimed water vs. potable water
	+ The Committee is interested in seeing a list of what is already in trust.
	+ Look at City of Shelton to see where big users are located and existing water rights.
	+ Support from Ecology to look at replacing well use with reclaimed water at the Corrections facility in Shelton.
	+ Identification of shallow wells near streams.
	+ Opportunities for consolidation of group B systems
		- DOH may have funding available to assess the feasibility of projects like this.
* The Committee agreed that Ecology should begin a water right assessment for WRIA 14, with updates and future discussion from Kelsey on project types.

# Workgroup Report/Subbasin Delineations

Angela and the workgroup members provided a summary of the previous workgroup meeting – see workgroup meeting summary from 6/7/19 for more details.

## Reference Materials: 6/7/19 WRIA 14 Workgroup meeting summary

Discussion:

* Workgroup discussed:
	+ Data Available
	+ Growth Projection methods
	+ Considerations for data and project types
	+ Subbasin delineations
* Subbasins delineations:
	+ Building off of the HUC 12 boundaries for WRIA 14, the group proposed a draft subbasin delineation which includes 8 subbasins.
		- Hood
		- Case
		- Oakland
		- Harstine
		- Goldsborough
		- Mill
		- Skookum
		- Kennedy
* Committee comments:
	+ The Committee agreed to move forward with the draft subbasin delineation which includes the 8 subbasins mentioned above, and will include the proposals that the “Mill” subbasin extend to the shore of Hammersley Inlet.
	+ The draft subbasin delineation will be used for an initial growth projection analysis. The Committee agreed that they would revisit the subbasin delineation in the future if it is necessary to adjust boundaries to meet their needs.
	+ It is not necessary to place a project in every subbasin, however an attempt will be made to put offset projects as close to impacts as possible. Priority should be given to projects that are best for fish.
	+ The group would like to get information on fish populations basin by basin – Salmon Recovery Lead Entity may be a source for this information.
	+ Some Committee members are still concerned about the groundwater drainage to Hood Canal in basins where surface water goes the other direction – this is something that the Skokomish Tribe will be using their resources on for more information.
* Next steps:
	+ The draft subbasin delineations will be used for an initial growth projection analysis in Thurston County and Mason County. This will be discussed at the next workgroup meeting.
	+ The workgroup would like to start discussions on projects, however this will be a Committee discussion as well.

## Action Items for Committee Members

* Next meeting is July 11, 2019 at the Mason County Public Works – 100 Public Works Dr., Shelton, WA 98584.
* Next WRIA 14 technical workgroup meeting will be July 9, 2019.

## Action Items for Ecology:

* Ecology technical staff review of Mason County water use model.
	+ Angela will send comments to Committee.
* Angela will ask for ideas for field trip visits for August meeting
* Angela will ask for project ideas to create a running list
* Angela will set up the next technical workgroup meeting
* Future meetings
	+ Discuss products from consultant and work group
	+ Initial assessment of growth projections
	+ Presentation on groundwater model from USGS
	+ Field visit site discussion
	+ Update from Kelsey Collins on water right acquisitions work, and future discussion on project ideas.
	+ Discussion on project types and phasing