

WRIA 14 Policy and Regulatory Recommendations – Refined DRAFT (v8April2020)

Refined DRAFT list based on discussion at March meeting

| Category | | Description | Purpose | Support | Potential Lead | Next steps |
|----------|---|---|--|---------|----------------|--|
| P1 | Incentives – rainwater capture | Design plans and incentives for rainwater capture systems. Pilot program on rural lot water budget management. Include cisterns, rain water capture, runoff management, and septic waste management. | Reduce reliance on PE wells for at home irrigation | High | Mason County? | Need to define how this is in addition to Mason County rooftop runoff project. |
| P2 | Incentives - Conservation and Drought Response Programs | Education, outreach and/or incentives for water conservation and drought response. Committee interest in basing conservation measures on indicators like streamflow. | Water conservation for the WRIA (not limited to PEWs?) | High | Squaxin? | |
| P3 | Incentives – longer forestry rotations | Encourage longer forestry rotations by providing incentives to landowners. Concerns raised about how this could affect existing size limits from timber processors. | Tie-in to project concept that some models suggest longer forestry rotations would increase groundwater storage. | Medium | | Get input from timber companies (i.e. Green Diamond). |
| P4 | Incentives – fees based water use | Set fees structure based on water use. Mason Co and Mason PUD are not supportive at this time. | Encourage less water use. | Low | Squaxin | |
| P5 | Regulations - Protecting groundwater recharge areas | Improve the protections for recharge areas to enhance their capacity. Committee interests in “no net loss of recharge in critical areas”. Could include concept to encourage deeper well drilling for houses with a septic to improve recharge to shallow aquifers. | Promote onsite aquifer recharge. | High | Squaxin | |
| P6 | Regulations - Protecting groundwater recharge areas – | Designate sensitive areas where shallow wells cannot be drilled. Concerns raised from PUD that there is a need to clarify that this would only apply to new PE wells and not existing wells (no re-drilling). Ecology | Promote onsite aquifer recharge. | Medium | Squaxin? | |

| | | | | | | |
|------------|--------------------------------------|---|--|--------|-----------|--|
| | sensitive area designation | tech. staff suggested blanket set-back buffer distance but this could be difficult across all streams. | | | | |
| P7 | Regulations - Water use conservation | City and water utility policy that results in a change in water consumption. Potential to build on Mason PUD conservation policies, or include existing Mason PUD policies in WRE Plan – caution from PUD that they need to retain their ability to make their own regulations. Could include water use efficiency goals to account for leakages in distribution systems, or creating incentives toward water use efficiency and adding compliance and enforcement. | Reduce water consumption. | Medium | | |
| P8 | Regulations – Codify implementation | Codify plan implementation and adaptive management in Thurston and Mason County. Could include recommendation for state-level funding of positions for implementation at County. | Provide county-level assurances for implementation | Medium | Squaxin? | |
| P9 | Regulations – Instream Flows | Updating instream flow rules and adequate monitoring to support enforcement of rules by Ecology. May include idea for compliance program for surface water diversions. May include funding proposal for additional Watermaster positions at Ecology for enforcement. | Increased enforcement to ensure compliance of instream flow rules. | Medium | Squaxin? | |
| P10 | Funding – Use of building permit fee | Permit exempt well fee (building permit fee) collected by Ecology is invested in projects in WRIA 14. | Funding assurance for WRIA 14 projects | High | | |
| P11 | Funding - support Group A systems | Long-term creative funding to support and encourage Group A system to offset high cost and difficulty in bringing Group A systems into compliance. | Reduce number of individual PE wells. | High | Mason PUD | |

| | | | | | | |
|------------|-----------------------------------|--|--|------|-------------------|------------------------------|
| P12 | Funding – affordability | Ensure that costs for new programs promote affordable housing and low costs for new home construction. Could include a sliding scale of building permit costs based on income. | Equality in affordability and access to housing resources. | High | OMB? Mason Co? | |
| P13 | Data - metering | Implement a voluntary metering program for home owner education and data collection. Requires funding to provide equipment and capacity to manage data. (note, some entities interested in mandatory metering) | Collect data on PE wells | Low | Squaxin? | |
| P14 | Data – update irrigation guidance | Update of the Washington Irrigation Guide and use of Ag Weather Net | Improved guidelines for irrigators | | Skokomish | Need to discuss at committee |
| | | | | | | |
| | | | | | | |

Proposals to be brought forward from Committee members

See Appendix A: Policy and Implementation Packages from Paul Pickett (Squaxin Island Tribe)

See Appendix B: draft proposal of Policy/Regulatory Actions from Paul Pickett (Squaxin Island Tribe)

| Category | | Description | Purpose | Support | Potential Lead | Next steps |
|----------|-----------------------|--|---|---------|----------------|---|
| | Regulations- land use | Restrict shallow wells near surface waters. Provide a buffer to surface waters with a minimum well depth requirement. | Improve streamflows by reducing the impact of PEWs on streamflow. | | Squaxin | See Appendices A and B. Draft Plan section will be presented. |
| | Regulations- land use | Increase protection for headwater wetlands and aquifer recharge areas through increased regulations of critical areas or improvements to ECY's wetland rating system. ("no net loss" and mitigation for all new permits) | Promote onsite aquifer recharge. | | Squaxin | See Appendices A and B. Draft Plan section will be presented. |

| | | | | | | |
|--|------------------------|--|---|--|---------|---|
| | Regulations- land use | Increase land use regulations to prioritize/promote low impact development and management of stormwater. | Promote onsite aquifer recharge. | | Squaxin | See Appendices A and B. Draft Plan section will be presented. |
| | Drought response | Upon the issuance of a drought emergency order, withdrawal of groundwater exempt from permitting will be limited to no more than three hundred fifty gallons per day per connection for indoor use only. A limited exemption is allowed for growing food or commercial products and for maintaining a fire control buffer. Use of water under this exemption would be subject to an odd-even watering day program. | Build resilience into the plan to address extreme events of heat, dryness, and low flow | | Squaxin | See Appendices A and B. Draft Plan section will be presented. |
| | Drought response | County water conservation plan for PE wells, similar to Group A conservation plans. | Build resilience into the plan to address extreme events of heat, dryness, and low flow | | Squaxin | See Appendices A and B. Draft Plan section will be presented. |
| | Drought response | An education and outreach program will be developed and implemented to educate and notify the public about water conservation and drought water use limitations and practices. | Build resilience into the plan to address extreme events of heat, dryness, and low flow | | Squaxin | See Appendices A and B. Draft Plan section will be presented. |
| | Drought response | Enforcement program for limitations | Build resilience into the plan to address extreme events of heat, dryness, and low flow | | Squaxin | See Appendices A and B. Draft Plan section will be presented. |
| | Regulations – PE wells | Designate an entity to manage PE wells. This could be county-wide PE well utility, such as the county itself, or a designee (PUD or other utility). It could also be a Water Master. | Consistent management of permit exempt wells to support streamflow restoration | | Squaxin | See Appendices A and B. Draft Plan section will be presented. |
| | Regulations – PE wells | Develop tiered PE well water use limits based on those in 90.94, which would | Consistent management of permit exempt wells to | | Squaxin | See Appendices A and B. Draft Plan |

| | | | | | | |
|--|-------------------------------------|--|--|--|---------|---|
| | | change based on success in achieving offsets and on drought declarations | support streamflow restoration | | | section will be presented. |
| | Regulations – PE wells | Develop compliance criteria for PE water used based on public information and observations | Consistent management of permit exempt wells to support streamflow restoration | | Squaxin | See Appendices A and B. Draft Plan section will be presented. |
| | Regulations – PE wells | Define “Critical Basins” where the ISR Rule has closed the basin for further appropriations, or where flows set in the ISF rule are not met 2 or more years out of 10 years. | Consistent management of permit exempt wells to support streamflow restoration | | Squaxin | See Appendices A and B. Draft Plan section will be presented. |
| | Regulations – PE wells, data | Critical basins will have mandatory metering for new PE well connections or when property ownership changes. | Consistent management of permit exempt wells to support streamflow restoration Consistent management of permit exempt wells to support streamflow restoration | | Squaxin | See Appendices A and B. Draft Plan section will be presented. |
| | Regulations – PE wells, funding | Critical basin will have annual fees using a used-based tiered fee schedule. | Consistent management of permit exempt wells to support streamflow restoration | | Squaxin | See Appendices A and B. Draft Plan section will be presented. |
| | Regulations – PE wells, enforcement | Enforcement will focus on Critical basins. | Consistent management of permit exempt wells to support streamflow restoration | | Squaxin | See Appendices A and B. Draft Plan section will be presented. |
| | Regulations- land use | County provides PE well certificate to new owners with a list of expectations. | support streamflow restoration with revisions to land use codes and plans | | Squaxin | See Appendices A and B. Draft Plan section will be presented. |
| | Regulations- building permits | Require hookup to Group A systems for all new construction in system boundaries | support streamflow restoration with revisions to land use codes and plans | | Squaxin | See Appendices A and B. Draft Plan section will be presented. |

| | | | | | | |
|--|----------------------------------|--|---|--|---------|---|
| | Regulations- building permits | Incentives for building and subdivision plans that conserve water and optimize recharge | support streamflow restoration with revisions to land use codes and plans | | Squaxin | See Appendices A and B. Draft Plan section will be presented. |
| | Regulations- land use | Incentives to keep forest average stand age greater than 40 years | support streamflow restoration with revisions to land use codes and plans | | Squaxin | See Appendices A and B. Draft Plan section will be presented. |
| | Regulations – Instream Flow | Provide exemptions for closed basins to allow water diversion for habitat and streamflow restoration projects when flows exceed a set amount (for example, 10th percentile low flows for watering plantings, 90th percentile high flows for MAR) | improve rules to support plan implementation and better protect flows for aquatic habitat | | Squaxin | See Appendices A and B. Draft Plan section will be presented. |
| | Regulations – Instream Flow | Update existing ISF seasonal limits with current methodology | improve rules to support plan implementation and better protect flows for aquatic habitat | | Squaxin | See Appendices A and B. Draft Plan section will be presented. |
| | Regulations – Instream Flow | Add streams to ISF rule not currently protected. | improve rules to support plan implementation and better protect flows for aquatic habitat | | Squaxin | See Appendices A and B. Draft Plan section will be presented. |
| | Regulations – Instream Flow | Change seasonal limits to closures for streams with critical low flows | improve rules to support plan implementation and better protect flows for aquatic habitat | | Squaxin | See Appendices A and B. Draft Plan section will be presented. |
| | Regulations – Instream Flow | Add other plan requirements to rules | improve rules to support plan implementation and better protect flows for aquatic habitat | | Squaxin | See Appendices A and B. Draft Plan section will be presented. |
| | Funding | Raise PE fees described in RCW 90.94. | Provide capacity for Plan implementation | | Squaxin | See Appendices A and B. Draft Plan section will be presented. |

| | | | | | | |
|--|--------------------|---|---|--|---------|---|
| | Funding | Apply permit fee to properties with existing permit exempt wells when the property is sold or transferred. | Provide capacity for Plan implementation | | Squaxin | See Appendices A and B. Draft Plan section will be presented. |
| | Funding | Create an annual fee for permit exempt wells. Fee will begin with new PE wells and be phased in for existing wells when a property is sold. | Provide capacity for Plan implementation | | Squaxin | See Appendices A and B. Draft Plan section will be presented. |
| | Funding | Allow administrative adjustment of fees over time to keep up with inflation or meet unmet needs. | Provide capacity for Plan implementation | | Squaxin | See Appendices A and B. Draft Plan section will be presented. |
| | Voluntary Programs | Education and support programs for water conservation and irrigation efficiency | encourage behavior that supports PE well offsets and streamflow restoration | | Squaxin | See Appendices A and B. Draft Plan section will be presented. |
| | Voluntary Programs | Programs to encourage and support rain gardens and other residential infiltration facilities | encourage behavior that supports PE well offsets and streamflow restoration | | Squaxin | See Appendices A and B. Draft Plan section will be presented. |
| | Voluntary Programs | Soil improvement programs | encourage behavior that supports PE well offsets and streamflow restoration | | Squaxin | See Appendices A and B. Draft Plan section will be presented. |
| | Voluntary Programs | Education programs on native plant landscaping that is drought-resilient and has low water needs | encourage behavior that supports PE well offsets and streamflow restoration | | Squaxin | See Appendices A and B. Draft Plan section will be presented. |
| | | | | | | |

WRIA 14 Adaptive Management, Monitoring and Implementation Recommendations -Refined DRAFT (v8April2020)

Current DRAFT list or potential proposals

| | Category | Description | Purpose Statement | Potential Lead | Next steps |
|-----------|---------------------------------|--|---|----------------|--|
| A1 | Reporting | Provide regular, brief written updates on progress or project implementation (and new wells?) to interested parties. | Provide transparency and accountability for Plan implementation | | |
| A2 | Reporting | An annual summary report of the PE wells installed in the previous year, and the offset projects completed in the previous year. | Provide transparency and accountability for Plan implementation | Squaxin | See Appendix A. Draft Plan section will be presented |
| A3 | Reporting | A five-year report that includes information from the previous 5 years: (1) gaged streamflows; (2) status of Plan implementation, including, project and actions; (3) mitigation; (4) meter information on water use; (45) accounting on successful completion of offset use and restoration projects and number of new PE wells and connections. | Provide transparency and accountability for Plan implementation | Squaxin | See Appendix A. Draft Plan section will be presented |
| A4 | Reporting | Ecology should update the well database to include a more complete set of information, and online data input portal, and an online data access portal. | Provide transparency and accountability for Plan implementation | Squaxin | See Appendix A. Draft Plan section will be presented |
| A5 | Adaptive Management - structure | <p>Work with existing organization to take the lead on adaptive management (LIO, watershed councils, Ecology, others) and reconvene as needed. Ongoing SRC Committee activities are expected to include:</p> <ul style="list-style-type: none"> • Support for review, revision, and prioritization for grant applications, to ensure consistency with the overall approach of the Plan • Tracking of offsets and the number of exempt well developments authorized by the counties, both by WRIA and by sub-basin. • Reporting of Plan progress to Ecology, Committee members and the public. | Support continuing activity of the WRIA Streamflow Restoration Committee (WRIA SRC) and the on-going engagement by Committee members. | Squaxin | <p>See Appendix A. Draft Plan section will be presented.</p> <p>Note from Angela: WDFW working on a project and well implementation tracking proposal; Facilitation team working to coordinate AM recommendations across committees as appropriate. We will need to coordinate</p> |

| | | | | | |
|------------|---|--|---|---------|--|
| | | <ul style="list-style-type: none"> • Identification and development of long-term stable funding. The Plan proposes funding to provide capacity to the Lead. The funding strategy is described below. • Development of an Inter-local agreement that establishes roles and responsibilities, including funding, of the participants. • Developing and maintaining the institutional knowledge needed to provide a continuing approach to implement over the long-term. The long-term responsibility for Plan implementation as implied by the RCW. | | | across all of these proposals. |
| A6 | Adaptive Management | Develop a mechanism to assess whether the assumptions used in the plan (e.g. growth, outdoor watering, etc.) are validated over time or will need to be revisited as part of adaptive management. | | | |
| A7 | Adaptive Management-funding | Secure ongoing funding for adaptive management and implementation from the legislation. | | | |
| A8 | Adaptive Management – durability | Develop an Inter Local Agreement amongst the committee members for ongoing implementation and adaptive management. | Ensure long-term implementation despite uncertainties of future organizational leadership | Squaxin | See Appendix A. Draft Plan section will be presented |
| A9 | Adaptive Management – durability | Build plan elements into local ordinances, such as county codes or plans | Ensure long-term implementation despite uncertainties of future organizational leadership | Squaxin | See Appendix A. Draft Plan section will be presented |
| A10 | Adaptive Management – durability, enforcement | Create or designate a county-wide PE well utility to implement plan and related regulations | Ensure long-term implementation despite uncertainties of future organizational | Squaxin | See Appendix A. Draft Plan section will be presented |

| | | | | | |
|------------|-----------------------------------|--|---|---------|--|
| | | | leadership, and compliance with regulatory elements | | |
| A11 | Adaptive Management – durability | Committee members identify short-term actions or institutional practices that assure Plan implementation: | Ensure long-term implementation despite uncertainties of future organizational leadership | Squaxin | See Appendix A. Draft Plan section will be presented |
| A12 | Adaptive Management - projects | Focus adaptive management at the project level (e.g. engineered projects may need more refinement than other projects). | Ensure compliance with regulatory elements of the plan | | |
| A13 | Adaptive Management - enforcement | Counties should develop a Compliance Plan that includes education and outreach, criteria for determining noncompliance, and procedures for addressing noncompliance through a stepwise escalation of actions. <ul style="list-style-type: none"> • If violation, voluntary compliance unless egregious; if ineffective, then notice of violation, order, or civil penalties. • Immediate action if causing harm to other water rights, public or tribal resources. | Ensure compliance with regulatory elements of the plan | Squaxin | See Appendix A. Draft Plan section will be presented |
| A14 | Adaptive Management - enforcement | Create and fund the position of “South Sound Water Master” (RCW 90.03.060 and 90.03.070) <ul style="list-style-type: none"> • Monitors instream flows, wells, and other relevant water bodies • Enforces ISF rules an issues “water calls” when flows drop below ISF levels • Investigates and enforces against illegal water use • Enforces the PE well water use limitations, including special conditions for drought • Conducts education and outreach for permit exempt wells owners and water rights holders • Provides technical support to Ecology water rights decisions in the South Sound | Ensure compliance with regulatory elements of the plan | Squaxin | See Appendix A. Draft Plan section will be presented |

| | | | | | |
|------------|---------------------------------------|---|--|---------|--|
| A15 | Adaptive Management – Ecology support | Identification of available resources for implementation support. | Support plan implementation and water management | Squaxin | See Appendix A. Draft Plan section will be presented |
| A16 | Adaptive Management – Ecology support | Development and adoption of regulations under the WAC that support the Plan’s recommendations. | Support plan implementation and water management | Squaxin | See Appendix A. Draft Plan section will be presented |
| A17 | Adaptive Management – Ecology support | Support for legislative action to provide authorities and funding to support implementation | Support plan implementation and water management | Squaxin | See Appendix A. Draft Plan section will be presented |
| A18 | Monitoring and Research | Support flow monitoring at all sites with ISF levels. Suggestion has been made have monitoring program to tie into project impacts as well. | Support plan implementation and water management | Squaxin | See Appendix A. Draft Plan section will be presented |
| A10 | Monitoring and Research | Improve ground water information – data, maps, and models <ul style="list-style-type: none"> • Quantify impervious surface and critical recharge zones • Ongoing improvement of regional groundwater models • Map flow paths and rates for stream baseflow • Expand ground water monitoring | Support plan implementation and water management | Squaxin | See Appendix A. Draft Plan section will be presented |
| A20 | Monitoring and Research | Establish a program for habitat and NEB monitoring | Support plan implementation and water management | Squaxin | See Appendix A. Draft Plan section will be presented |
| A21 | Monitoring and Research | Project implementation and effectiveness monitoring | Support plan implementation and water management | Squaxin | See Appendix A. Draft Plan section will be presented |
| A22 | Monitoring and Research | Monitor all water use for better water management <ul style="list-style-type: none"> • Characterize future inchoate water - mitigated and unmitigated • Characterize historic unmitigated water rights • Characterize historic PEWs: number and locations • Conduct a study of PE well water use, including consumptive use amounts | Support plan implementation and water management | Squaxin | See Appendix A. Draft Plan section will be presented |

| | | | | | |
|------------|-------------------------|---|--|---------|--|
| A23 | Monitoring and Research | Identify and obtain funding for monitoring and research | Support plan implementation and water management | Squaxin | See Appendix A. Draft Plan section will be presented |
|------------|-------------------------|---|--|---------|--|

WRE Committee Policy and Implementation packages

Paul Pickett, Squaxin Island Tribe

March 5, 2020 – DRAFT

Regulatory and Policy Approaches

1. Drought Response
 - 1.1. Purpose: Build resilience into the plan to address extreme events of heat, dryness, and low flow
 - 1.2. Possible elements
 - 1.2.1. Outreach and education
 - 1.2.2. Mandatory restrictions during drought declaration
 - 1.2.2.1. Water use limitations – watering days, daily amounts
 - 1.2.2.2. Enforcement – metering, penalties
2. PEW regulation
 - 2.1. Purpose: Increased regulatory control of PEWs
 - 2.2. Possible elements
 - 2.2.1. More stringent PEW withdrawal limits
 - 2.2.1.1. Reduced irrigation areas
 - 2.2.2. Targeted regulations in priority areas
 - 2.2.3. Stricter PE well use limitations is new well construction exceeds successful offsets
 - 2.2.4. Metering of PEWs
 - 2.2.4.1. All new PE wells or PE well connections
 - 2.2.4.2. Add in metering when ownership changes
 - 2.2.5. Minimum setbacks for PE wells near streams
 - 2.2.6. Requirements for PEW construction, testing, approval
 - 2.2.7. PE wells must obtain credit from an existing offset (from a reservation or water trust) & County certificate
 - 2.2.8. Notice on plats re PEW offsets
 - 2.2.9. Improved water conservation codes
3. Offset Regulations
 - 3.1. Purpose: Build in regulatory actions that create offsets
 - 3.2. Possible elements
 - 3.2.1. Funds to incentivize alternatives to PEW wells that reduce impacts on streamflow
 - 3.2.1.1. Strengthen requirements to hook up to Class A systems
 - 3.2.1.2. Incentivize drilling deep wells in aquifers
 - 3.2.2. Funding for water rights acquisition
 - 3.2.3. Create a water bank for purchase of offsets for new PE wells (e.g. Kittitas rule)
 - 3.2.4. Strategy and criteria for rainfall runoff capture
4. Recharge regulation
 - 4.1. Purpose: Build recharge protection and enhancement into code as a margin of safety for PEW offsets
 - 4.2. Possible elements
 - 4.2.1. Incentivize storm water and reclaimed water infiltration and reuse
 - 4.2.2. Sensitive recharge areas w "no net loss" requirements
 - 4.2.3. Restrictions on development in recharge areas
 - 4.2.4. Require LID for rural lots
 - 4.2.5. Forestry regulations for longer cut rotations

5. Project support
 - 5.1. Purpose: Approaches to aid in project development
 - 5.2. Possible elements
 - 5.2.1. ISF exemption in closed basins for MAR and habitat projects
 - 5.2.1.1. Exemption should be quantitative and specific
 - 5.2.2. Standards and requirements for system consolidation that reduces PEW impacts
 - 5.2.3. Incentivize multi-purpose projects that have flow restoration benefit
6. Restoration regulation
 - 6.1. Purpose: Add mitigation beyond PEW offsets to advance streamflow restoration
 - 6.2. Possible elements
 - 6.2.1. Require mitigation for inchoate water previously unmitigated, if use is increased by a water system plan amendment
 - 6.2.2. Mandate 2:1 offsets or mitigation (1 for impact, 1 for salmon)
7. Instream Flow rule revisions
 - 7.1. Purpose: Update and improve Instream Flow regulations
 - 7.2. Possible elements
 - 7.2.1. Add PE well requirements to rules
 - 7.2.2. Update ISF seasonal limits with current methodology
 - 7.2.3. Add streams to ISF rule not currently protected.
 - 7.2.4. Change seasonal limits to closures for streams with critical low flows
8. Monitoring and Research
 - 8.1. Purpose: Support plan implementation and water management with monitoring and research
 - 8.2. Possible elements
 - 8.2.1. Identify and obtain funding for research - monitoring and models
 - 8.2.2. Require flow monitoring at all sites with ISF levels
 - 8.2.3. Ongoing improvement of models
 - 8.2.4. Habitat and NEB monitoring
 - 8.2.5. Project implementation and effectiveness monitoring
 - 8.2.6. Monitor all water use for better water management
 - 8.2.6.1. Characterize future inchoate water - mitigated and unmitigated
 - 8.2.6.2. Characterize historic unmitigated water rights
 - 8.2.6.3. Characterize historic PEWs: number and locations
 - 8.2.7. Evaluate consumptive use amounts
 - 8.2.8. Ground water monitoring
 - 8.2.9. Map and quantify impervious surface and critical recharge zones
9. Voluntary programs
 - 9.1. Purpose: voluntary programs to support reduction or offset of PEW impacts
 - 9.2. Possible Elements
 - 9.2.1. Basin-wide PEW conservation program
 - 9.2.2. Incentivize conservation
 - 9.2.3. Expand rain garden program
 - 9.2.4. Soil improvement programs
 - 9.2.5. Education programs on native plants (low water needs)
 - 9.2.6. Incentivize irrigation efficiency
 - 9.2.7. Encourage water-thrifty pasture grass
 - 9.2.8. Information on water use passed on with sale of home

Implementation and Adaptive Management

10. Implementation structure

10.1. Purpose: build in structure for plan implementation to support adaptive management

10.2. Possible elements

- 10.2.1. Committee continues to meet on a regular schedule to track progress
- 10.2.2. Develop and track performance measures and offset criteria
- 10.2.3. Review project proposals for grant funding
- 10.2.4. Review new opportunities for PE well offset projects
- 10.2.5. Direct bookkeeping and reporting
- 10.2.6. Document and track PE offsets when they are realized
- 10.2.7. Compare PE well construction to offsets to determine progress
- 10.2.8. Trigger responses when wells get ahead of offsets (or when offsets are ahead of wells)
- 10.2.9. Clear roles and responsibilities for project sponsors and owners
- 10.2.10. Advocate for and make use of Ecology support for implementation

11. Reporting

11.1. Purpose: Provide adequate reporting for effective plan implementation

11.2. Possible elements

- 11.2.1. Annual and 5-year reports with PEW compliance assessment and offset progress report
- 11.2.2. Update the Ecology Well Database

12. Financial

12.1. Purpose: Fund implementation and regulatory aspects of the Plan

12.1.1. Possible elements

- 12.1.1.1. Increase fees for new PE wells; consider tiered rates
- 12.1.1.2. Allow administrative adjustment of fees over time
- 12.1.1.3. Charge an annual fee; consider tiered rates based on water use
- 12.1.1.4. Expand fee program over time: to PE wells when they change ownership; to PE wells inside Group A service areas

13. Implementation Durability

13.1. Purpose: ensure long-term implementation despite changing organizational leadership

13.2. Possible elements

- 13.2.1. Adopt an Interlocal agreement as a binding contract for 20 years
- 13.2.2. Build plan elements into local ordinances, such as county codes or plans
- 13.2.3. Create a county-wide PE well utility to implement plan and related regulations

14. Enforcement

14.1. Purpose: Include effective enforcement mechanisms to ensure compliance with regulatory elements of the plan

14.2. Possible elements

- 14.2.1. Metering of PE wells to track use and enforce compliance with PE regulations
- 14.2.2. Create the position of a "South Sound Water Master"
 - 14.2.2.1. Provides education and outreach
 - 14.2.2.2. Reviews compliance with PE well regulations and plan elements
 - 14.2.2.3. Reviews ISF compliance, water overuse, and water right relinquishment or abandonment
 - 14.2.2.4. Issues orders and penalties

Appendix B – Squaxin Island Tribe Proposal for Policy and Regulatory Actions

Note: DRAFT for Committee review. This is my first draft of potential Plan language. Details still need to be developed – this is intended to further Committee discussions.

Paul Pickett, Squaxin Island Tribe, March 31, 2020

Policy and Regulatory Actions

Including policy and regulatory actions in the Plan help to achieve the Plan's benefits of providing water offsets for PE wells, net environmental benefit, and streamflow restoration. Objectives of proposed policy and regulatory actions include:

- Providing resilience to address the Plan's inherent and future uncertainty
- Providing support to achieve successful projects
- Build a stronger and more integrated water management regime
- Support plan implementation and adaptive management
- Develop a community ethic of responsible water use and conservation

Drought response

Purpose: Build resilience into the plan to address extreme events of heat, dryness, and low flow

Proposed Actions:

- Consistent with RCW 90.94.030(4)(b), upon the issuance of a drought emergency order under RCW 43.83B.405, withdrawal of groundwater exempt from permitting under RCW 90.44.050 will be limited to no more than three hundred fifty gallons per day per connection for indoor use only.
A limited exemption is allowed for growing food or commercial products and for maintaining a fire control buffer. Use of water under this exemption would be subject to an odd-even watering day program.
- County water conservation plan for PE wells, similar to Group A conservation plans.
- An education and outreach program will be developed and implemented to educate and notify the public about water conservation and drought water use limitations and practices.
- Enforcement program for limitations

Implementation of these actions:

- Counties or their designee (for example, Conservation Districts) should develop the water conservation plan and the education and outreach program, with support from Ecology and WSU Extension
- Ecology should develop and adopt a rule for use limitations, conservation program, and enforcement
- Counties should consider adopting ordinances for these actions

Permit exempt well management

Purpose: Consistent management of permit exempt wells to support streamflow restoration

Proposed actions:

- Designate an entity to manage PE wells. This could be county-wide PE well utility, such as the county itself, or a designee (PUD or other utility). It could also be a Water Master.
- Develop tiered PE well water use limits based on those in 90.94, which would change based on success in achieving offsets and on drought declarations
- Develop compliance criteria for PE water used based on public information and observations
- Implement other elements of the Plan related to residence-based policy and regulatory actions and implementation.
- Define “Critical Basins” where the ISR Rule has closed the basin for further appropriations, or where flows set in the ISF rule are not met 2 or more years out of 10 years.
 - Critical basins will have mandatory metering for new PE well connections or when property ownership changes.
 - Critical basin will have annual fees using a used-based tiered fee schedule.
 - Enforcement will focus on Critical basins.

Implementation of these actions:

- Ecology should establish these requirements by rule.
- Counties could take a lead role in implementing the rule and in outreach and education work.

Land use and building regulation

Purpose: support streamflow restoration with revisions to land use codes and plans

Proposed Actions:

- Restrict shallow wells near surface waters. Provide a buffer to surface waters with a minimum well depth requirement.
- Improve protections for recharge – “no net loss” and mitigation for all new permits
- County provides PE well certificate to new owners with a list of expectations.
- Require hookup to Group A systems for all new construction in system boundaries
- Incentives for building and subdivision plans that conserve water and optimize recharge
- Incentives in land use regulations for Low Impact Development and stormwater recharge
- Incentives to keep forest average stand age greater than 40 years

Implementation of these actions:

- Counties should consider ordinances, fees, or plan amendments
- Ecology should provide technical support and consider rule revisions

Instream Flow rule updates

Purpose: improve rules to support plan implementation and better protect flows for aquatic habitat

Proposed actions:

- Provide exemptions for closed basins to allow water diversion for habitat and streamflow restoration projects when flows exceed a set amount (for example, 10th percentile low flows for watering plantings, 90th percentile high flows for MAR)

- Update existing ISF seasonal limits with current methodology
- Add streams to ISF rule not currently protected.
- Change seasonal limits to closures for streams with critical low flows
- Add other plan requirements to rules

Implementation of these actions:

- Ecology should develop and adopt rule revisions

Funding

Purpose: Provide capacity for Plan implementation

Proposed Actions:

- Raise PE fees described in RCW 90.94.
- Apply permit fee to properties with existing permit exempt wells when the property is sold or transferred.
- Create an annual fee for permit exempt wells. Fee will begin with new PE wells and be phased in for existing wells when a property is sold.
- Allow administrative adjustment of fees over time to keep up with inflation or meet unmet needs.

Implementation of these actions:

- Counties would collect the fees and track compliance.
- Ecology would develop and adopt rules for proposals requiring rule-making.
- Request Legislative action for new authorities where necessary

Voluntary programs

Purpose: encourage behavior that supports PE well offsets and streamflow restoration

Proposed Actions:

- Education and support programs for water conservation and irrigation efficiency
- Programs to encourage and support rain gardens and other residential infiltration facilities
- Soil improvement programs
- Education programs on native plant landscaping that is drought-resilient and has low water needs

Implementation of these actions:

- Local programs could be developed through the County, CDs, or watershed groups
- Ecology and the State Conservation Commission could provide technical support for programs