Meeting Summary

**WRIA 15 Watershed Restoration and Enhancement**

**Committee Meeting**

October 1, 2020 | 9:30 a.m.-3:00 p.m.|[WRIA 15 Committee Webpage](https://www.ezview.wa.gov/site/alias__1962/37327/watershed_restoration_and_enhancement_-_wria_15.aspx)

**Location**

WebEx Only

(See instructions below)

**Committee Chair**

Stacy Vynne

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**Handouts**

* Agenda
* September Meeting Summary- Revised
* Discussion guides: Comments on Chapter 4 and Compiled Plan; NEB Evaluation; Consumptive Use Estimate
* Project Workgroup Updates and Recommendations
* Adaptive Management Draft Section
* Responses to Salmon Recovery Portal Questions

# Attendance

## Committee Representatives and Alternates \*

Joel Purdy (Kitsap Public Utility District)

Stacy Vynne McKinstry (WA Dept of Ecology)

Greg Rabourn (King County)

Teresa Smith (City of Bremerton)

Dave Ward (Kitsap County)

Zach Holt (alternate - City of Port Orchard)

Brittany Gordon (WA Dept of Fish & Wildlife)

Nam Siu (alternate- WA Dept of Fish & Wildlife)

Austin Jennings (alternate - Pierce County)

Dan Cardwell (Pierce County)

Dana Sarff (alternate - Skokomish Tribe)

Seth Book (alternate - Skokomish Tribe)

Paul Pickett (alternate - Squaxin Island Tribe)

Randy Neatherlin (Mason County)

Russ Shiplet (Kitsap Building Association)

Sam Phillips (Port Gamble S’Klallam Tribe)

Mike Michael (City of Bainbridge Island)

Dave Windom (Mason County)

Alison O’Sullivan (Suquamish Tribe)

Bri Ellis (City of Gig Harbor)

Nathan Daniel (Great Peninsula Conservancy)

David Winfrey (Puyallup Tribe)

## Other Attendees

Ingria Jones (Ecology)

Paulina Levy (Ecology)

Susan Gulick (Sound Resolutions, Facilitator)

Angela Pietschmann (Cascadia, Info Manager)

Bob Montgomery (Anchor QEA)

Burt Clothier (PGG)  
Joel Massmann (Suquamish Tribe)

John Covert (Ecology)

## Committee Representatives Not in Attendance\*

City of Poulsbo

Kitsap Conservation District

Mason-Kitsap Farm Bureau (ex-officio)

Washington Water Service (ex-officio)

## *\*Attendees list is based on roll call and participants signed into WebEx.*

# Meeting Agenda and September Meeting Summary

Susan Gulick (Facilitator) reviewed the agenda. No changes. Stacy Vynne McKinstry (ECY – Chair) reviewed revisions to the September meeting summary. Summary approved.

**Reference Materials**

* [Approved September Meeting Summary](https://www.ezview.wa.gov/site/alias__1962/37327/watershed_restoration_and_enhancement_-_wria_15.aspx)

# Updates and Announcements

Stacy provided the following updates:

* Ecology’s upcoming **furlough** days are October 30 and November 30.
* The [**Streamflow Restoration Grants Award Summary**](https://fortress.wa.gov/ecy/publications/documents/2011082.pdf) is expected next week. Stacy will share with the Committee when it is available.
* [**Adjudication Report**](https://fortress.wa.gov/ecy/publications/documents/2011084.pdf) is coming out this week or early next. It will present results and recommendations from the study undertaken by Ecology—at the direction of the Legislature—to identify next WRIAs to complete adjudications. Stacy will share with the Committee when it is available.
* Ecology’s Communications Staff are developing **factsheets** on places where the streamflow planning process is complete. The Nisqually Plan Factsheet is currently available. It is a 2-pager that summarizes the work done by the planning unit and the recommendations in the plan.
* The **Project Workgroup** met on 9/22 and 9/28. A **Policy Open House** was also held on 9/28.
* Next week, Ecology will send a **notice for removal to the City of Poulsbo** (giving them one month to re-engage), in accordance with the newly approved operating principles. Ecology will conduct extensive phone and email outreach to try and reengage Poulsbo before the month is over and they are removed from the committee.
* Tristan Weiss (WDFW) provided responses to questions raised by Committee during last Adaptive Management discussion regarding the use of the **Salmon Recovery Portal**. The responses are included in the meeting packet.
  + WDFW conducted a **literature review on streamflow restoration project effectiveness** to help guide restoration project development and prioritization during the implementation phase of the WRE Plan. The documents were distributed in the email with the meeting packet. WDFW shared that the literature review can be useful for:
    - Rationalizing where, how, and at what scale restoration activities are most likely to produce positive impacts across the watersheds.
    - Strengthening adaptive planning elements of the plan, for instance, by helping to support which actions might generate meaningful streamflow benefits in certain instances.
    - Providing several general management recommendations (at the end), which are useful high-level considerations at any stage of planning.
    - Providing additional context for discussions moving forward, using the abstract bibliography’s hundreds of references to (mostly) peer-reviewed articles.

# Plan Development

Stacy provided reminders on WRIA 15’s **planning timeline and local entity review processes**. She provided an overview of resources available to the committee to facilitate conversations with local decision-makers.

Stacy noted that some entities have **differing interpretations of the law** than Ecology. The Committee discussed how to capture these differences in the plan in a way that allows entities to move forward with plan approval.

Stacy noted that comments received by 9/24 on the Draft WRE Plan (Chapters 1-7) are included in the discussion guide (or have been addressed if they were corrections or minor revisions that did not change the intent). Comments that came in after the meeting packet was distributed will be addressed at the late October and November meetings. The Committee discussed some of these comments, as summarized below. Committee members should send comments on latest draft 10 days ahead of the next Committee meeting for inclusion in the meeting packet.

**Reference Materials**:

* [WRIA 15 2020 Work Plan](https://app.box.com/s/bs8f08neukdjr45jsxq1452xstiw0pte)
* [WRIA 15 Local Approval Process for WRE Plan](https://app.box.com/s/jy6iacdzgz6iho4zlfb5hqd99y0yvhi2)
* [Discussion Guide](https://app.box.com/s/zry1pnz8ho1q5k53zswxwv8w6fk7ysed): Proposed Revisions Chapter 4 and Draft Compiled Plan.
* [Comments received on Draft Compiled Plan.](https://app.box.com/s/cs3et9d0jjes4sj1vanyueyvggbvgquy)

**Discussion**:

**Timeline and local entity review process:**

**Pierce County** noted it has been challenging to provide comments within the designated review periods. Difficult to manage time, participating in meetings across three WRE Committees.

**Suquamish Tribe, City of Bainbridge Island, and Mason County** agreed.

* + - **Mason County** notedinternal timelines have beenseverely impacted by COVID, restrictions in county, and reduced commission meetings, which has greatly reduced the ability to get in front of commissioners over the next three months. Timelines that were appropriate a year ago are not as appropriate now.

**Squaxin Island Tribe** asked for explanation on why Ecology is using a review timeline that appears to be more accelerated than what the law requires.

**Ecology** noted that the Director of Ecology must make determination on whether to adopt the WRE Plans by June 30, 2021. The WRE Committee needs to approve the plan before then to give Ecology sufficient time to review and consider adopting WRE Plans across eight WRIAs. Ecology has already reduced their review timeline by two months. Entities should consider whether local review process could be condensed. Stacy will distribute a survey to interested entities that have seen their timelines shift.

**Pierce County** noted that reviewing the full plan is more time intensive than individual chapters. It would be helpful to see the changes made between drafts to focus on any changes and make review more efficient.

**Suquamish Tribe** noted the next chapters are denser so it may be better to have chapter by chapter comment periods and discussions.

**Kitsap County** would have internal challenges with the WRE Plan review by chapter because multiple departments need to review and comment on drafts. Firm dates are helpful to hold time with county board and others in advance. The WRE Planning process has been far more time consuming than initially expected (for example, cancelling two other meetings to attend this five-hour WRE Committee meeting – after a long meeting earlier in the week).

**Suquamish Tribe** sees this as a preliminary review and comment. Alison is briefing decision-makers in the interim but does not expect them to have much input until there is a full second draft.

**Ecology** is open to suggestions for changes to the process, working within the legislative deadline. The goal of sharing early drafts is for representatives to vet content internally with decision-makers to address issues early on. There are different ways to package the WRE Plan. Some entities need to see the full plan as a package. Stacy and Angela will work together to provide different review options for entities.

**Pierce County** asked other county representatives whether or not they are reviewing the WRE Plan with their respective Planning Commissions. Pierce County is waiting to determine what type of land use recommendations will be included in the plan, which would need to go through the Planning Commission; otherwise, may be able to take directly to Council.

**Kitsap County** is not planning to take the WRE Plan to its Planning Commission. The Plan is not legislative for the county. If legislation comes out of recommendations in the Plan, it would be reviewed by the Planning Commission at that time.

**Mason County** noted that if land use changes/regulations are included in the WRE Plan, they would need to go to the Planning Commission. Would like to avoid additional layers of review that would draw out the process.

**Differing interpretations of the law and other dissenting opinions**

* + **Susan** acknowledged that in consensus-based processes, there is often a signing statement or other opportunity to members to explain their vote and acknowledge their concerns on the record. She would like to find a path forward where entities can provide their dissenting opinions on the record without undermining their approval of the plan. This is a diverse group for a reason, and it is important to hear those diverse views to understand how consensus emerged or failed.

**Squaxin Island Tribe** does not support using a footnote to acknowledge these differing interpretations; footnotes imply a minor issue. Consider including language in the paragraph that talks about legal requirements, indicating alternative interpretations. The Tribe will not approve the plan if it feels like it is taking away rights for potential litigation around something they disagree with. Suggest counties propose an alternative approach if appendix is unacceptable and then Tribal staff will bring to Tribe’s legal staff for consideration.

* + **Mason County** believes including dissenting opinions would open the County up for future lawsuits. County cannot put itself in position to be sued over this plan. It is okay if these dissenting opinions go on the public record as long as they are completely separate from the plan itself. Acknowledge it is opinion and not part of the plan. Avoid confusing public record with plan approval. The County suggests that including signing statements on the Ecology website would be appropriate (after-the-fact document).

**Pierce County** agrees a footnote is inappropriate, but they are concerned that including dissenting opinions in the Appendix is still part of the WRE Plan (the Council approves plan as a whole, which includes appendices). At the beginning of the plan, could note that signing letters in appendix were not approved as part of planning process, but included in WRE Plan as part of the record.

**Port Gamble S’Klallam Tribe** intends to write comments they would like captured in Appendix.

* + **Kitsap County** is concerned that including dissenting opinions would undermine the plan and create inconsistencies that would put the County in a legally vulnerable position. Kitsap County spent 2.5 years litigating an unaffiliated document outside of County’s planning documents. Cannot ask County prosecutor to defend that an appendix is not part of plan.

**Skokomish Tribe** notes that they agree with some of the Squaxin Island Tribe’s comments. The Tribe would like to capture what is said in meetings to show what happened throughout this whole process. If the plan is approved and projects move forward (meeting offset needs), there won’t be legal problems.

**Ecology** noted that any signing statements or additional information included as part of a plan that creates uncertainty in terms of whether or not this plan is meeting NEB, can indicate lack of assurance as Ecology makes their determination. The law requires full committee approval of the plan but does not prescribe a process for local entity plan review. Committee members have the ability to approve or not approve the WRE Plan. The Committee should be explicit in identifying how Ecology should or should not consider any signing statements as part of the plan review.

**Great Peninsula Conservancy** believes thatappendices are part of WRE Plan when it comes to the project list. GPC was perfectly comfortable with projects being included in appendices as part of the plan, but if some appendices are excluded from the plan, would that extend to the project list?

**City of Bainbridge Island** would like to have a way for committee members to express their thoughts and dissent on aspects of the plan, even if they approve it. But the dissent should not be part of the plan.

**Susan and Stacy** will work with counties to find options to share with the Committee.

* + **Squaxin Island Tribe** noted that they will not give away their rights to litigate in the future. They will see what the Counties offer and bring it to their legal staff. To use a sports analogy, it’s like a game played under protest, but in this case the protest will last for 20 years. If it turns out well, the protest won’t matter, but the Tribe’s concerns are a reality and everyone will just have to live with that.

**Review of Comments on Draft WRE Plan (Chapters 1-7)**

**Squaxin Island Tribe**: Add foundational information about legal requirements for critical areas and the Counties' adoption of critical area ordinances. A short summary that mentions relevant laws is sufficient.

**Kitsap County** recommends including existing language from GMA RCW.

**Mason County** OK with including existing language of law.

**Stacy** will work on updating language with a footnote to cite the law and make sure counties/others have a chance to review.

**Squaxin Island Tribe:** Include a table that lists the streams categorized by subbasin, and by annual or seasonal closure, and by ISF limits set. Add a count of the listings for temperature, DO, pH, and TP (the impairments most likely to be worsened by low flows). Also add a footnote with a link to Ecology's assessment webpage.

**Ecology** noted that details in Chapter 2 were scaled back at Ecology’s direction.

**Mason County** is not sure that this piece is integral to Plan.

**Squaxin Island Tribe** believes there is notenough detail in this section. It is relevant information to include in Plan because a purpose of the Plan is senior water right protection. List the streams affected and cite the ISF rule. See WRIA 12 Draft Plan for language that handles this topic well. Provide as background info related to NEB / overall goals and context of plan.

**Port Gamble S’Klallam Tribe** notes it is important to refer to ISF rules for public awareness of senior water rights.

**Stacy** will work with Bob to review WRIA 12 example and include revisions in next draft.

# Projects

Stacy provided an update from the 9/22 and 9/28 Project Workgroup meetings (see link below). The Committee discussed the Project Workgroup’s recommendations coming out of those meetings. The Project Workgroup will seek feedback on revisions and recommendations over the next six weeks. Feedback is needed by the November Committee meeting in order to determine revisions to Chapter 5 and the project inventory in the Appendix.

The Committee also discussed whether to pursue Kitsap Public Utility District’s (KPUD) Stream Augmentation Projects.

**Reference Materials**:

* [Updates on Project Development and Recommendations from Project Workgroup](https://app.box.com/s/fp3bdank408nn2vr6yta9wrpm52unfph)
* [Discussion Guide](https://app.box.com/s/r4jogoe4nilqkm5krsnfo0biv9x72i8r): Kitsap Public Utility District Stream Augmentation Projects

**Discussion**:

* **Water Right Assessment**
  + **Kitsap County** noted it is important to talk to landowners (or owners of water rights) to determine whether or not the rights are viable.
    - **Ecology** noted the next step for all water rights would be outreach to landowners, depending on capacity. Determine interest from Committee in potentially including water rights as an offset benefit before conducting outreach.
  + **Squaxin Island Tribe** asked how much information is needed to count a water right towards the offset target. Do a sponsor and landowner need to be identified?
    - **Ecology** noted the Committee must demonstrate reasonable assurance that the project will move forward and meet offset; “reasonable assurance” is determined by the Committee. Committee can lower offset value to represent lack of confidence, if desired.
  + **Skokomish Tribe** asked if Ecology or technical consultants are vetting whether these water rights are actually being used?
    - **Ecology** noted that for the water rights the Committee wants to count towards offset benefit in the WRE Plan, the Committee would need to include whatever amount of information folks need to feel comfortable. There will not be sufficient time/budget to complete the full review process that water right needs to go through to determine whether they can be moved to the trust program. However, the Committee could conduct initial outreach and research to build confidence in including water rights in the Plan. Ecology recommends only spending resources where there is potential to include the right as an offset in Plan.
  + **Suquamish Tribe** asked whether the technical consultants have conducted awater rights analysis, looking at large (20 acre) parcels in rural areas that could be subdivided into 5 acre parcels and result in more wells per parcel (i.e., 20 acres, divided into 5 acre parcels could lead to 5 PE wells instead of 1). Tribe is particularly interested in acquiring large parcels in headwater wetland areas to better protect headwaters and remove PE wells in headwaters where effect is more detrimental.
    - **Port Gamble S’Klallam Tribe** thinks Suquamish’s proposal is a good one.
    - **Ecology** noted this was not considered in the initial water rights analysis. Project Workgroup noted the additional benefits of acquiring these large parcels (preventing up to 5 new wells) could be described qualitatively but not added to quantitative offset.
    - Approximately 80% of **Kitsap County’s** rural lots are undersized for zoning under GMA; County would like to better manage those lots.
    - **King County** believes offset should be counted based on fixed number of developable lots.
    - **Mason County** has more lot consolidations than subdivisions. Each lot has requirements for onsite septic and wells require a certain amount of land area. In rural Mason County, unlikely to find parcels in headwaters (owned by timber companies; already have protection from long term forests). The County does not support acquiring municipal water rights, as it affects the affordability and availability of affordable and low income housing.
    - **Ecology** will draft a general statement that the Committee supports land acquisitions that prevent or remove PE wells, especially in headwaters. Updated language will be discussed at the next Project Workgroup meeting.
  + **Squaxin Island Tribe** requested a broader statement to replace the water rights general statement. Partial acquisition applies to other water rights as well. Opportunities exist to provide efficiencies through conservation and/or consolidations that allow water rights to be put into trust.
    - **Pierce County** would like to broaden statement beyond active farms. Statement should also relate to areas designated as agricultural resource lands (ARL); not all land designated as ARL are active farms.
    - **Kitsap County** recommends modifying language to say “agriculture” instead of “farmers.” Many farms in county are small scale / hobby farms that would not self-characterize as “farmers,” but definitely grow food.
      * **Suquamish Tribe** is not aware of any GMA designated "agricultural" parcels in Kitsap County.
    - **WDFW** recommends using “producers” instead of “agriculture” or “farmers.”
    - **Port Gamble S’Klallam Tribe** noted climate change could actually make agriculture more viable in the WRIA. Consider greatest use of water.
    - **Skokomish Tribe** suggested an exemption for small scale farms (i.e., half acre or less).
    - **Next Steps: Ecology** will work on revisions to the general water rights statement based on feedback. **Ecology** will continue to work on development of the water right opportunities and bring back updates to the committee.
* **Offset Benefits for Projects**
  + **Port Gamble S’Klallam Tribe** noted the Seabeck road widening project is not a viable opportunity.
  + **Kitsap County** generally supports raingarden LID development. For new development, Kitsap already requires LID where appropriate (including rain gardens/infiltration pits). Huge part of the problem is legacy developments before stormwater codes were in place. County is discussing practical approaches to moving towards LID retrofits.
  + **Ecology** noted that a “deep dive” meeting will be scheduled to further discuss the Mason County rooftop infiltration project. Many technical comments and concerns have been expressed by committee members, and further revisions are needed.
  + **Squaxin Island Tribe** noted all projects will have uncertainty around offset estimate. A range is more transparent and acknowledges scientific integrity. Would like to see a range of low to high offset estimates, developed from the technical analysis.
    - If a range of offset values for each project is included in the WRE Plan, **Ecology** would likely default to low end of range in terms of counting towards offset unless committee directs Ecology otherwise.
    - **Kitsap County** suggests using specific offset estimates where projects are well-developed, and Committee is reasonably confident in estimates. Where projects have more uncertainty, a range of values may be more appropriate.
    - **Next Steps: Ecology and Anchor QEA** will revise the project descriptions and provide suggested number or ranges for feedback.
* **Habitat Benefit Projects**
  + **Kitsap County** does not support excluding habitat projects from inventory. Could include a range of potential offset estimates that could be refined over time (but exclude from offset total in Plan).
    - **City of Port Orchard** agrees.
    - **Ecology is not** removing any projects from the project inventory unless flagged for removal by the Committee. Remaining projects can be included in project inventory appendix and/or body of Plan. WDFW has concerns about quantifying and counting habitat project offsets towards total.
  + **Port Gamble S’Klallam Tribe** is comfortable with including habitat projects in the plan but leaving them unquantified.
  + **Great Peninsula Conservancy:** As long as it is clear the projects in the appendix are part of the plan and are eligible for the Streamflow Restoration Grant "bonus points," then GPC is fine with the NEB-focused projects staying in the appendix.
  + **Ecology** will include habitat projects in project inventory (appendix), and note in Chapter 5 of the Plan that projects in appendix are part of plan implementation and to meet NEB.
* **Project Inventory Clean Up and Organization**
  + The **Project Workgroup** discussed organizing the project list into four categories:
    - Projects with quantifiable offset benefits
    - Projects with non-quantifiable offset benefits
    - Projects that provide habitat benefits only
    - Projects that cannot currently move forward at this time / conceptual projects
  + **Great Peninsula Conservancy** suggested elevating projects in the plan that are ready to be implemented in the short-term (“shovel-ready”), as long as this does not imply projects in appendix are less valuable.
  + **Kitsap County** asked how projects that cannot be quantified will be moved forward (what is incentive?).
    - **City of Bainbridge Island** agrees. Some projects may need to be implemented to then create a baseline for future evaluation of the benefit of similar projects.
  + **Squaxin Island Tribe** agrees with WDFW about not including projects without water benefit in body of Plan. The Committee should set some boundaries to avoid piling on habitat projects for a false NEB. But it’s Ok to cast a wide net and include robust project list in appendix.
  + **Pierce County** suggests including narrative project categories in body of plan, then keeping project list in appendix. County does not support removing non-water offset projects from plan.
  + **Ecology** and technical consultants will develop descriptions of projects for Chapter 5 and Appendix for committee review.
* **KPUD Stream Augmentation Project**
  + **Squaxin Island Tribe** noted that the discussion guide misstated the Tribe’s concerns. They recommend that the augmentation project undergo a feasibility study that includes a technical study of the impacts of project outside target stream. We also need to evaluate how Water System Plans would account for future water use for stream augmentation.
  + **Kitsap County** is concerned that this project would draw water from deeper aquifers. The projects in WRE Plan infiltrate water or buy water rights. Proposing to take existing water rights and spill into stream is contradictory. Entire stormwater program (NPDES and Ecology’s Stormwater Manual) are intended to put water back into the ground. If project stays in Plan, include a statement to justify how this is not inconsistent with state and local government efforts to infiltrate water LID and stormwater management.

**WDFW** agrees with Kitsap County.

* + - **Suquamish Tribe** would like to keep this project on the table as an option. While not ideal, this type of project is already occurring as a mitigation option. Keep in the project list as an option if urgently need water in streams. Mitigation for Well 7 in Poulsbo is augmentation; also occurring on Gorst Creek and possibly Grovers.

**Port Gamble S’Klallam Tribe** agrees with Suquamish Tribe.

**Skokomish Tribe** sees both perspectives. Not opposed to keeping on project list with concerns stated.

**Squaxin Island Tribe** noted that this ties into the adaptive management approach. Over 20 years, how do we add projects in if they are needed, such as if projects on the list come off for some unexpected red flag?

**Based on comments, Ecology** will remove this project from Chapter 5 (do not include as contributing to offset benefit). The project will remain on the project inventory noting that there our outstanding concerns and requests for a feasibility study prior to implementation.

# Policy Recommendations

Susan provided an update to the committee on the proposals that were flagged for revision in the survey. The proposals are now revised in Chapter 6 for committee feedback. Susan provided an update from the Policy Proposal Open House (9/28), which discussed proposals that entity flagged as potential for not approving the plan if included. Policy proposals will not be brought back to Committee meetings unless proponent/opponent have come to agreement. Proponents should submit revised versions of policy proposals to Stacy eight days before next Committee Meeting for inclusion in meeting packet.

**Reference Materials**:

* [Policy Proposal Open House – Synopsis of Meeting Results](https://app.box.com/s/mtbz5ss3ke2jjqdx8vu9tf31noh62x8g)

# Adaptive Management

The Committee discussed **updates to the Draft Adaptive Management Chapter of the WRE Plan** as well as proposed revisions from the Squaxin Island Tribe. Susan noted that further discussion is needed on a general monitoring recommendation (for things above and beyond Adaptive Management) to be included in Policy Chapter along with funding for things outside of Adaptive Management. Funding component of Adaptive Management Chapter will need to be developed as Committee determines what needs to be funded.

Ecology does not have authority from legislature for Adaptive Management or future review of plan/projects. Once the WRE planning process is completed, the Committee can choose how to manage project list. If new projects are added to the WRE Plan after approval, they will not get the benefit of “bonus points” from Streamflow Restoration Grant Funding process as they were not part of the adopted plan. WRIA 7 is considering a proposal in the WRE Plan to ask legislature for Adaptive Management funding and allow for Adaptive Management of refinement of project list into the future (Stacy will share).

Stacy shared responses to committee questions on the **Salmon Recovery Portal** (provided by Tristan Weiss, WDFW):

* **Question**: Will SRP include measuring project effectiveness (i.e. estimating offset)?
  + **Response**: The SRP is both a web-based data repository and tool that provides a framework from which to archive projects and actions recommended within the watershed plans and chronicle the development, funding, and implementation of new projects related to streamflow restoration. As such, the SRP is a tool and a database that can be used to record information about project effectiveness but will not conduct any project effectiveness monitoring of its own. Its primary utility is to provide a platform from which to conduct implementation monitoring which could include identifying sub-basins with project deficits, assessing streamflow restoration funding needs, cataloging quantified (or estimated) project benefits, and tracking permit exempt well development.
* **Question**: How will the data stewards be funded/maintained over the long-term?
  + **Response**: WDFW has already provided funding to conduct pilot projects (in WRIAs 11, 22, and 23) to update the SRP to accommodate streamflow restoration projects and to evaluate the costs necessary to expand tracking statewide. WDFW intends to provide some long-term recurring annual funding to support streamflow restoration project tracking. RCO staff estimate that recurring annual costs (associated with updating project information and uploading newly funded projects) are likely to be relatively small. However, the total costs will remain uncertain until the pilot projects are completed (~January 2021).
* **Question:** Who will manage this effort over the long-term? Is WDFW prepared to do that?
  + **Response:** WDFW is prepared to work with RCO, UW data stewards, and Ecology to ensure continuity of annual data uploads and adequate quality assurance of project information on an annual basis.
* **Question:** How easy will it be to download information from the SRP to include in the WREC reports (many WRECs are going to recommend that Ecology or another entity develops regular reports on project status)?
  + **Response:** a primary function of the SRP is to generate reports of project status, watershed restoration implementation status, and grant funding across programs and regions. Filtering and downloading data is easy and producing reports should be relatively straightforward. It may be possible to develop additional reporting features as needed.

**Reference Materials**:

* [Updated Adaptive Management Chapter](https://app.box.com/s/8vmr1f4s2gd8gsd7u5zu5lo8kexn94fu)
* WDFW responses to Salmon Recovery Portal Questions (see meeting packet).

**Discussion**:

Susan reviewed proposed additions to the Section from Paul Pickett (Squaxin Island Tribe):

1. Paul asked that in addition to tracking and reporting new PE Wells, new connections to water systems should also be tracked and reported. He also requested that the data be organized by subbasin.

* **Ecology** noted that jurisdictions report new wells by WRIA, and the amount of fees collected but do not currently report by subbasin. Some counties have had difficulty reporting by WRIA.
* **Pierce County** currently provides whatever information is required along with fees collected to Ecology. Data is available on number of permits and associated parcel numbers. Using GIS, we could easily figure out which subbasin these wells fall within but that is not currently required. How does collecting data on non-PE wells add value to adaptive management that is focused on mitigation of PEW?
  + **Squaxin Island Tribe** would like enough information to use the WRE Plan and its implementation in the context of overall water management. The WRE Plan is part of broader water right management regime.
* **Mason County** notes that reports on Group A systems are not required by law. If latitude and longitude are included on each start card, Ecology could pull information and include on map.
* **Kitsap County** only reports on one WRIA. They produce a list of building permits on PE wells because that is how the fees are transmitted to Ecology. Theoretically, could get an account of all wells across the county and subtract PE wells to calculate Group A/B systems. Breaking out by subbasin relies on data that is not normally collected but you could do a GIS exercise to obtain. There is currently no way to do a direct data poll on Group A systems.
* **Susan and Stacy** will work on updating this language to include the recommendation of breaking out data by subbasin if efficient/feasible. Further input needed on inclusion of water system data, but counties currently not interested in including.

1. Paul requested that the annual reports include an estimated “as built” offset estimate for each completed project.

* **Pierce County** noted that once a project is completed, it takes time to determine the full extent of its benefits. Benefit observed can increase over time.
* **Squaxin Island Tribe** suggests conducting an initial assessment on how the project was built and review all projects every five years to see if they are functioning as expected. Could also monitor groundwater levels.
* **King County** notes that restoration projects could take a few years (e.g., for rainfall event to shift channel or create storage; or for BDA to bring in beavers). As such, annual required monitoring may not be very useful. Suggest noting any significant changes in design from what was proposed in WRE Plan and at least every five years, provide a summary of projects.
* **Pierce County** agrees with premise of information being helpful for Adaptive Management. Language is very generic right now; be clear about whether Plan recommends a qualitative or quantitative assessment of project. Quantitative reporting is not easy to generate; we cannot guarantee we will be able to provide quantified measurements without a separate effectiveness monitoring project. Consider serious investments associated with monitoring, for example: it costs roughly $100K to put in stream gauging stations.
* **Squaxin Island Tribe** recommends relying on the project sponsors to provide data. Include practical language in WRE Plan to indicate how realized offsets of WRE Plan projects will be estimated into the future. Imagine that there may be a future request by the legislature or other interested parties for information on how much water was created by offsets, and you can give them an answer.
* **Susan** to develop draft language to address these points.

1. Paul proposed a rewrite of the Salmon Recovery Portal section.

* **Susan** will revise this section to incorporate Paul’s suggestions and Tristan’s responses to questions without changing the meaning or intent of the section**.**

1. **Squaxin Island Tribe** recommends that the first annual report includes an estimate of expenses necessary for implementation, a recommended Permit Exempt Well fee increase to cover those expenses, and a proposed schedule for rule-making to implement the higher fee. If raising PE well fees, need to indicate what these additional funds will be used for.
   * **Kitsap County’s** principle objection is right now there is no budget to base fees upon. If raising fees now, it would be very hard to get specific on how they would be used. As a county agency, Kitsap has to justify each fee charged and the budget behind it. This analysis could be very helpful if it is a robust analysis of implementation costs and the associated fee increase to cover these costs. Suggests revisiting this idea farther out into plan implementation (more appropriate for 5-year check in).
   * **Mason County** is opposed to fee increases if unclear what they will be used for.
   * **Susan** will draft language that speaks to a future assessment. Will need to discuss more about how many years out, what it includes, etc. and bring back to the group for consideration.
2. **Squaxin Island Tribe** would like to add a requirement that Ecology prepare a special report with the following information:
   * An estimate of the total number of connections to PE wells currently in use, as described in RCW 90.94.030(3)(b).
   * An estimate of the number domestic and municipal water rights in use and their current quantity of use, including estimates of inchoate water remaining in municipal water rights, and categorized by whether they are mitigated or not and which subbasin they are in, as described in RCW 90.94.030(3)(c).
   * Estimates of the cumulative consumptive water use impacts on instream flows from all pre-2018 permit-exempt wells and unmitigated municipal water rights, as described in RCW 90.94.030(3)(d)(e).
   * An evaluation of the costs of offsetting all new domestic uses over 20 years, as described in RCW 90.94.030(3)(d).
   * The initiation of adjudication would be considered an acceptable substitute for this study.

* **Squaxin Island Tribe** is requesting additional data for water management (information the Tribe believes the law calls for).
  + Some members of the committee feel this collection of data is not related to adaptive management of this plan so would prefer to move it to another section of the plan for committee consideration.
  + **Susan** will work with Paul to develop language to address this need.

1. **Kitsap County** questioned the purpose of the email address for each well location. Not the most useful information to collect; already have taxpayer of record information.
   * **Susan** noted this was included in WRIA 1’s rule; flag to potentially remove.
2. **Squaxin Island Tribe** would like additional information added about how Ecology and Counties will implement the plan.

* **Squaxin Island Tribe** has raised these points before: expectations of each Committee member to implement WRE Plan.
  + **Ecology** has significant concerns about current wording regarding commitments to plan approval and rulemaking. Ecology may be comfortable with broad statements about reviewing the WRE Plan against NEB guidance and implementing a funding program, but will need management review.
  + **Pierce County** cannot commit future councils to specific actions. Could potentially incorporate language reflecting the review of the county’s Comprehensive Plan against WRE Plan during next periodic review and update (required by GMA) in 2024.
  + **Mason County** agrees and would need to review language in writing before commenting.
  + **Squaxin Island Tribe** recommends including whatever language counties think is appropriate (i.e., what have counties done with similar plans in the past? What will happen with this one? What might be considered in the future?).
  + **Kitsap County** notes the Comprehensive Plan updates are a public process. Cannot guarantee any specific outcomes of process. Seems like commitments are placed on County and Ecology but there will be a number of individual project sponsors that should be held to same standard.
  + **Susan** will add a place-holder for each entity to provide text on what they are able to commit to.
  + This is not adaptive management so will be moved to an implementation section of the plan for committee consideration.

# Consumptive Use Estimate & NEB Evaluation

The Committee discussed **consumptive use estimates** and a path forward for the WRE Plan. The current draft plan presents two methods for calculating consumptive use estimates (USGS Groundwater Method vs Irrigated Area Method), and a range of estimates based on the various growth projection scenarios. Ecology requests a decision from the Committee by 11/5 on how to address consumptive use in WRE Plan.

The Committee also discussed whether to include a **NEB evaluation in the WRE Plan**, and if so, what that evaluation should include. Ecology is required to complete a review of each watershed plan to determine whether it meets NEB; plans must demonstrate that offsets from projects and actions exceed projected consumptive use from new permit-exempt domestic groundwater withdrawals over the planning horizon. The WRIA 15 Committee has the option of including a NEB evaluation within the plan. Ecology will give considerable deference to Committee to decide what NEB means for the WRI A15 watershed.

**Reference Materials**:

* [Discussion Guide](https://app.box.com/s/09pn0tumj6gm3rm3h0nqwg0jwebtqyc0): Consumptive Use Estimate
* [Discussion Guide](https://app.box.com/s/bvzj46wcqq82dd1iuj0ebrh65sfvmi2d): NEB Evaluation (Chapter 7)

**Discussion**:

* **Consumptive Use**
  + **Squaxin Island Tribe** would like to use a range for consumptive use targets in WRE Plan. Medium growth projection is good as a moderate estimate and the most likely outcome. Higher estimate would account for higher growth and climate change. Suggest using irrigated area method with higher growth projection with 0.12 irrigated area included. Define offset values within range:
    - Below moderate projection = problem (strong push for offset projects needed).
    - Between moderation and high growth projection = concern (need to look for more offset projects)
    - Above high projection = success
  + **Kitsap County** prefers the USGS method due to its extremely large sample size relative to the number total connections in the WRIA, the lack of evidence that residences on wells use more or less water than those on public water supplies, and the inherent assumptions and uncertainties in the irrigated-area method.
  + **Mason County** would support the irrigated area method because it accounts for water at turf production rates—which would be an acceptable "safety factor" because it is much higher than actual irrigation for lawns (766 af/yr).
  + **Pierce County** does not support the inclusion of additional consumptive use numbers this late in the process. A suite of options are on the table and the Committee has not been able to reach consensus. Adding new numbers now would reverse previous Committee agreements and further complicates a decision that the Committee has struggled with for over a year. Pierce County’s preference would be 467.8 to 766.4 acre feet per year (med growth scenario/USGS method –med growth scenario/irrigated area method). Lawn area is the method used in other watersheds and the County is striving for consistency across all of their WRE plans. However, the USGS method offers substantially larger sample sizes that would help justify the use of an alternative method - particularly if that flexibility helps to achieve committee consensus.
  + **City of Bainbridge Island** believes the unknowns and conservative nature of the mid-range estimate combined with a robust adaptive management plan is sufficient contingency for the unknowns of this analysis. Additional factors of safety added to the current consumptive use estimates would be difficult to justify to our council. (sent via email to Stacy and comment provided in chat)
  + **Great Peninsula Conservancy** believes the USGS estimate seems most rigorous, but GPC is willing to support whichever estimate will help reach consensus.
  + **Ecology** noted that last fall the Committee decided not to substitute null values within the irrigated area method results. As an alternative to finding consensus on a specific number or range, the Committee could choose to leave present consumptive use information as it is currently laid out in Draft Chapter 4 (i.e., describe different methods and results). Ecology’s review would likely default to the highest range unless the Committee directs Ecology elsewhere.
    - **Kitsap County** would be comfortable with this approach. Need to adjust plan language around Kitsap’s calculation of population growth. Did not use a range, used medium number with margin of error.
    - **Ecology** will revise the discussion guide for continued discussion at the next meeting and to see if the committee can reach a decision.
* **NEB Evaluation**
  + In the NEB guidance, **Ecology** recommends steps for planning groups to complete the NEB evaluation:
    - Compare consumptive water use to water offset benefits generated by projects and actions 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 NEB.
    - If desired, include adaptive management.
  + **Port Gamble S’Klallam** would like to include an evaluation of NEB based on the timing of impact relative to the timing of benefit. Could assume steady state impacts vs benefits during critical flow periods.
  + **Squaxin Island** would support including a NEB evaluation within the plan but diverging from the steps Ecology outlined above. The Tribe has offered alternative language; the heart of NEB is ensuring streamflows are restored.
  + **Pierce County** supports sticking to the process defined by Ecology and their NEB technical reviewers. Divergence from that adds unnecessary complexity and lessens the certainty that the Committee arrives at a plan Ecology will adopt.
  + **King County** asked what approaches other WRIAs are using. Avoid creating a new process if possible.
    - Stacy will check with WRIA 7, 8, and 9 Chairs.
  + **Kitsap County** believes most logical approach is using the process as outlined in Ecology’s NEB interpretation since that is what will be used to evaluate WRE Plans.
  + **Ecology** is concerned that the current project list will fall short of offset benefit if the KPUD Stream Augmentation Project and Mason County Rooftop Project are not included as offsets in the Plan. Focus resources/technical consultant time on developing a robust project list.
  + There is general support for attempting to prepare a draft NEB chapter. Ecology will work with the technical consultants to prepare a draft, with consideration for Squaxin Island Tribe’s revisions. (Note that the projects will need to be further developed prior to completing the NEB chapter.)

# Public Comment

No public comment

# Next Steps and Action Items

* Next **Committee Meeting** is Thursday, October 29 (9:30 AM – 12:30 PM).
* Ecology looking to schedule **Project Workgroup meeting** for October (a week ahead of Committee Meeting).
* Ecology will share the **Streamflow Restoration Grants Award Summary** and **Adjudication Notice** when they are available.
* Ecology will reach out to **City of Poulsbo** to begin removal process.
* Committee members should send **comments on latest WRE Plan Draft** 10 days ahead of the next Committee meeting.
* Ecology and Facilitation Team will discuss with Counties how to **address differing interpretations of law and other dissenting opinions** “on the record.”
* Ecology will update Draft WRE Plan language with a footnote to cite the **legal requirements for critical areas** and the Counties' adoption of critical area ordinances.
* Ecology and Technical Team will review **WRIA 12 example table** that (1) lists the streams categorized by subbasin, by annual or seasonal closure, and by ISF limits set; (2) includes a count of the listings for temperature, DO, pH, and TP (the impairments most likely to be worsened by low flows); and (3) includes a footnote with a link to Ecology's assessment webpage.
* The Committee should **submit revised versions of policy proposals** to Stacy eight days before next Committee Meeting for inclusion in meeting packet.
* Ecology and Facilitation Team will **refine Adaptive Management Chapter** based on Committee discussion.
* Ecologywill draft a general statement in Chapter 5 of WRE Plan that the **Committee supports land acquisitions that prevent or remove PE wells, especially in headwaters**. Updated language will be discussed at the next Project Workgroup meeting.
* Ecology will send invitations for a “deep dive” meeting to discuss the **Mason County rooftop infiltration project**.
* Ecologywill include habitat projects in project inventory (appendix), and note in Chapter 5 of the Plan that **projects in appendix are part of plan implementation and to meet NEB**.
* Ecologyand technical consultants will develop clear recommendations for **how to present projects in WRE Plan** for discussion later in October.
* Ecology and technical consultants will update **KPUD Stream Augmentation Project** in inventory to describe Committee’s concerns and need for feasibility studies.
* Ecology and the consultants will make a first attempt at drafting the **NEB Chapter** for discussion at a future Committee meeting.