MEETING SUMMARY

WRIA 15 Watershed Restoration and Enhancement

Committee Meeting

November 5, 2020 | 9:30 a.m. – 2:00 p.m. | [WRIA 15 Committee Webpage](https://www.ezview.wa.gov/site/alias__1962/37327/watershed_restoration_and_enhancement_-_wria_15.aspx)

Location

WebEx

Committee Chair

Stacy Vynne McKinstry

Svyn461@ecy.wa.gov

(425) 649-7114

Handouts

* Agenda
* Discussion Guide: Proposed Plan Revision
* Chapter 6
* Project Updates and Recommendations Memo
* Discussion Guide: Funding Section

# 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)

Allison Satter (City of Bremerton, alternate)

Dave Ward (Kitsap County)

Kathy Peters (Kitsap County, alternate)

Zach Holt (City of Port Orchard, alternate)

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

Austin Jennings (Pierce County, alternate)

Dana Sarff (Skokomish Tribe)

Paul Pickett (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)

David Windom (Mason County, alternate)

Alison O’Sullivan (Suquamish Tribe)

Bri Ellis (City of Gig Harbor)

Nathan Daniel (Great Peninsula Conservancy)

David Winfrey (Puyallup Tribe)

Brittany Gordon (WA Dept of Fish & Wildlife)

## Other Attendees

Susan Gulick (Sound Resolutions, Facilitator)

Angela Pietschmann (Cascadia, Info Manager)

Bob Montgomery *(*Anchor QEA*)*

Joel Massmann (Suquamish Tribe Consultant)

John Covert (Ecology)

Stephanie Potts *(*Ecology*)*

## Committee Representatives Not in Attendance\*

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 August Meeting Summary

Susan Gulick (Facilitator) reviewed the agenda. *No changes.* Stacy Vynne McKinstry (ECY – Chair) reviewed revisions to the October 1 meeting summary. *Summary finalized.* Stacy and Angela will retain a PDF copy of the Google Slides in case future reference is needed to comments made during the meeting. Comments made on the Google Slides and via Chat on Webex are incorporated into meeting summaries. The Committee will review the October 29th and November 5th meeting summaries during the December 3rd Committee meeting.

**Reference Materials:**

* [Link to October 1 Meeting Summary](https://app.box.com/s/5lz5r69vlrg5uru9t4kelyc7ijiufz7x)

# Updates and Announcements

Stacy provided the following updates:

* Ecology awarded $22M across 21 projects via the Streamflow Restoration Grant process. There were 66 project applications for over $88M collectively. None of the projects funded are in WRIA 15.
* City of Poulsbo provided a written withdrawal from the committee. They plan to track progress and Ecology may provide them with some briefings in the future.
* Ecology invites the Committee to [submit photos from WRIA 15](https://app.box.com/s/2k5vx120tnhld2bjvc9cw5mxbsagigft) to use for the watershed plan cover.

# Projects

Stacy provided updates on projects from the October 2nd Project Workgroup Meeting and since the October 29th Committee Special Meeting.

**Reference Materials:**

* [Link to Project Updates and Recommendations](https://app.box.com/s/tc1ydw21umem8rlbtvmr00gbczzb29j9).

**Discussion:**

* *Mason County Rooftop Infiltration Project*
	+ **Squaxin Island Tribe** noted concerns around this project and compliance with the statute and Ecology’s stormwater infiltration requirement. The Tribe would like a projection around when Phase 2 stormwater permits will go into effect in Mason County. Would like response from Ecology in writing on both those points. Concern that other projects are being neglected because too much time has been spent on this concept.
		- **Ecology** is looking for the project proponent or the Committee to make the case that this project goes above and beyond requirements of law for stormwater/LID improvements with new building permits. While Ecology does not have concerns with this project, they do not recommend spending more of the consultant’s time and resources on it at this time because four entities have raised concerns and two entities have asked that the project not be included as an offset benefit. Ecology will bring back any updates from WRIA 14 as they continue to evaluate the project. If a path forward is determined in WRIA 14, Stacy will talk with entities that expressed concerns about the project and see if the concerns can be resolved.
		- **Mason County** would like the WRIA 15 Committee to reconsider its rooftop project post-discussion with WRIA 14.
		- **Next Steps:** Stacy will update the committee on progress made at the WRIA 14 Committee.
* *Beall Creek Stream Restoration Project*
	+ **King** County noted this project would maintain a level of constant flow in the streambed rather than diverting the whole stream and then dumping excess back in.
	+ **WDFW** generally does not support fish barrier removal as an offset project but is comfortable including other benefits of these types of projects.
	+ **Next Steps**: The technical consulting team will move forward with developing a write-up for this project.
* **Squaxin Island Tribe** expected more technical consultant work on the Belfair WWTP Reclaimed Water Project and Port Orchard Airport Project, but nothing has happened for months. The Tribe would like more attention focused on these types of projects. Offset needs must be met within the South Sound subbasin, as well as throughout the WRIA. The WRIA is large and diverse and includes many different Tribal U&A areas. Subbasins are closely aligned with Tribal U&As.
	+ **Bob Montgomery** explained that these projects have not moved forward because they are too speculative and would not likely happen in the near future. The team has collected all the information they anticipate being able to find. It is unclear how these projects could be taken further. No one has conducted outreach with the Port Orchard Airport Project landowner. Would Kitsap County consider sponsoring this project?
	+ **Kitsap County** is not interested in pursuing this project due to its speculative nature and being entirely on private property. Kitsap County does not put regional stormwater facilities on private property, especially without a conversation with the landowner. There are also questions about what happens to groundwater after the quarry next door goes below grade level. They are open to further discussion.
	+ **Next Steps:** Stacy and Bob will connect on what information is available for the Belfair WWTP Reclaimed Water Project and Port Orchard Airport Project.
* **Squaxin Island Tribe** is concerned by lack of offset projects in South Sound.
	+ **Ecology** confirmed that South Hood Canal, South Sound, and South Sound Islands are currently falling short of offset goals by subbasin.
	+ **Great Peninsula Conservancy** asked whether longer stand rotation projects could be considered as valid offsets. There are several watersheds within Key Peninsula / Gig Harbor where GPC could submit more acquisition projects that they could manage as a working forest.
	+ **Squaxin Island Tribe** is okay with a toolbox approach; however, longer stand rotation projects have small offsets and take a long time to have an effect. The Tribe is very interested in projects but feeling like the WRIA 15 Committee is not committed to projects in the South Sound subbasin. The Tribe would like to see the counties “step up.”
	+ **Next Steps:** Stacy and Bob will continue to work to find project sponsors and new projects in the subbasins that are falling short of meeting their offsets.
* **Kitsap Conservation District Raingarden Project**
	+ **Squaxin Island Tribe** asked about the status of Tom Culhane’s (Ecology) concerns about these projects that were raised in the WRIA 14 Committee Meeting.
		- **Next Steps**: Stacy, Angela Johnson (Chair of the WRIA 14 Committee), and John Covert are meeting with Tom next week to discuss. Further technical analysis will need to be conducted. Expect a revised description/technical analysis from HDR for Committee review.
* *Project Inventory Clean Up and Organization*
	+ **Kitsap PUD** suggests listing 10 or so well-developed projects with higher certainty in the body of the plan itself, then referencing full list in appendix/inventory.
	+ Stacy working on significant revisions to Chapter 5 and inventory and is looking for feedback.
* *General Statements - Water Right Acquisitions*
	+ **Squaxin Island Tribe** requests clarifying that full or partial acquisitions are both of interest.
* *General Statements - Climate Resiliency*
	+ **Ecology** noted that climate resiliency is a factor considered on applications for streamflow restoration grant funding.
	+ **Squaxin Island Tribe** would like the watershed plan to cite Beechie et al’s 2013 work around restoration projects and climate change.
	+ **Kitsap County** can support wording; “*The WRIA 15 Committee recommends that projects and actions include components that help improve the resiliency of our stream systems, but also for projects and actions themselves to be resilient to the impacts of climate change*” is the key message.
	+ **Port Gamble S’Klallam Tribe** asked whether “adaptation” should be included as well.
* *General Statements - MAR/Storage Projects*
	+ **Mason County** supports MAR/storage projects, especially in headwaters. They’d like the committee to consider applicable incentives outside of County funding and request funding from legislature.
	+ **Port Gamble S’Klallam Tribe** requests further explanation in the watershed plan around how MAR functions (e.g., conceptual diagram).
		- **Kitsap County** noted it could be helpful for readers to include some examples to illustrate projects.
	+ **Great Peninsula Conservancy** asked whether beaver dam analogues (BDAs) could be considered as an MAR offset.
		- **Kitsap County** would support including if offset is viable.
		- **WDFW** does not support BDA projects for offsets, given the uncertainty of long term success. WDFW has not seen much success with beavers using and maintaining BDAs.
		- **City of Port Orchard** asked whether WDFW’s position also applies to Engineered Log Jams (ELJ) and Large Wood Debris (LWD)?
			* **WDFW** noted the intent of an ELJ and LWD is to function as natural wood to add stream complexity. We can have relative certainty that those will successfully provide those functions. Whereas the intent of a BDA is for beavers to use and maintain it to gain recharge and flow benefits, and we don't have much certainty those projects will succeed long term.
	+ **Squaxin Island Tribe** would like the watershed plan to mention that MAR/storage projects will likely require long term maintenance (unlike water right acquisitions and homeowner maintained projects). Incentive to develop and maintain these projects may increase if MAR project has multi benefit (e.g., designed to have co-benefit with off channel habitat for fish).
	+ **Ecology** noted these general statements would not be intended to call out specific projects or quantities for offset. These statements would inform future grant round funding to show support for types of projects the Committee supports that may not be conceived of yet. Ecology will take Committee’s comments into consideration when revising statements in Draft Plan.
* The Committee agreed to pause further Project Workgroup meetings and instead have discussions around projects at the Committee level.
* **Next Steps:** Stacy and Bob will work on revisions to projects based on feedback; Stacy and Bob will further develop projects as needed; Stacy will include general statements in Chapter 5; Stacy will keep committee updated on raingarden and rooftop runoff project discussions; Stacy will send out detailed project descriptions and project inventory for committee feedback.

# Consumptive Use Estimate

​The Committee was presented with two options for addressing Consumptive Use in the watershed plan:

* **Option 1**: *The committee recommends a consumptive use estimate of 766.4 acre feet per year. This is based on the medium growth projection for the irrigated area method and is viewed as the most likely consumptive use. Based on data presented, some members of the committee supported a lower consumptive use estimate and others supported a higher number, but the committee ultimately agreed that 766.4 af/yr should be the CU estimate. The committee recognizes that a targeted offset of 1218 acre feet per year, while not required, would be beneficial to streamflows. The WRIA 15 Implementation Group should review and recommend adaptations to the targeted offset based on actual growth, water use, project implementation and other new information as the plan is being implemented.*
* **Option 2:** If the Committee cannot agree, an alternative option is to present the different methods and scenarios in Chapter 4 and do not present a specific consumptive use estimate. While not ideal, it would allow the Committee to move forward with a plan. ​

**Reference Materials:**

* Draft language provided in [meeting presentation](https://app.box.com/s/rcklzkebqp7jv2irsemsvsaa0y0wlz6p).

**Discussion**:

* *Option 1:*
	+ No issues: **Kitsap County**, **City of Bainbridge Island**.
	+ This option is unacceptable to **Squaxin Island Tribe**. The Tribe holds treaty water rights. PE wells violate those rights by taking water that should be protected for those rights. Chapter 90.98 RCW and this Plan are intended to correct the impairment of senior water rights like the Tribe’s from PE wells. Therefore, the Plan cannot say “maybe we won’t impair your rights” or “most likely we won’t impair your rights”. The Tribe will not compromise by giving up their rights. The test for consumptive use targets in this Plan must be “beyond a reasonable doubt”. The higher value is based on future possibilities that are real, such as high levels of growth and more water use in hot summers. The higher value is necessary to protect senior water rights beyond a reasonable doubt. The Tribe is open to other suggested language, but not if it dilutes their primary concern.
	+ **Port Gamble S’Klallam Tribe** suggested using the 1218 af/year as a safety factor.
	+ **Pierce County** has strong concerns about the technical basis for the 1,218 acre feet number. They feel the Ecology irrigated yard area method is sufficiently protective of the resource since turf irrigation very likely overstates the average water use for a residential lawn. Based on Ecology’s method and the High Growth scenario, Pierce County’s understanding is that the upper range of consumptive use was nearer to 846. It is unclear in the draft compiled plan or HDR technical memos where the 1218 number arose from, and the County is hesitant to include this number in the plan without discussion of its technical merits. Initial impressions are that it is inconsistent with the results of months of technical review and discussion, and with the general agreement among many committee members that 766 is technically sound and incorporates protective measures. A footnote to acknowledge the 1218 number is insufficient; as much real estate should be dedicated to 1218 in the plan as the 766 number.
		- **City of Bainbridge Island** agrees**.**
		- **Mason County** also has concerns about the 1218 number. Months of work have gone into developing an accurate model based on data. The use of turf numbers for irrigation are substantially higher than the 1 inch per sq. ft per week as recommended by USDA for lawn and garden irrigation. The County will accept this number if used as a basis for a safety factor. Unclear why this estimate is being introduced in the 11th hour. 1218 isn’t anywhere in the previous body of work and seems to be based on feelings rather than data.
		- **Suquamish Tribe** noted the turf irrigation method was used to address higher irrigation requirements during drought years (i.e., it might not be a safety factor under drought conditions).
		- **Kitsap PUD** agrees with Pierce County. Should all numbers proposed by committee members be included to show diversity of opinions?
	+ **Kitsap Building Association** would like to ensure the consumptive use estimate takes into consideration the substantial growth expected to continue in Kitsap and Mason Counties. More folks from King and Snohomish Counties are moving into areas like Gig Harbor.
* *Option 2:*
	+ This option is unacceptable to **Squaxin Island Tribe**. For the Plan to be legal, it needs to have an estimated consumptive use target; otherwise there is no way to know whether the plan is succeeding.
* *REVISED Option 1 language:*
	+ “*The committee recommends a consumptive use estimate of 766.4 acre feet per year.  This is based on the medium growth projection for the irrigated area method and is viewed as the most likely consumptive use.  Based on data presented, some members of the committee supported a lower consumptive use estimate and others supported a higher number, but the committee ultimately agreed that 766.4 af/yr should be the CU estimate.* ***The committee recognizes that some members believe that a higher consumptive use estimate--1218 af/yr--is necessary to ensure that offsets are met, and streams are benefited.  While there is not consensus on using the higher number as the consumptive use estimate, the committee does agree that attempting to reach an offset target of 1218 af/yr would be beneficial to streams.*** *The WRIA 15 Implementation Group should review and recommend adaptations to the targeted offset based on actual growth, water use, project implementation and other new information as the plan is being implemented.”*
		- Susan Gulick (Facilitator) proposed the Committee agree to the unbolded language above for now and continue to try and reach consensus on the bolded text.
		- **King County** supports this proposal.
		- **Mason County** would accept the unbolded text.
		- **Pierce County** is uncomfortable with any draft that includes the bolded text without a technical basis for that number.
		- **Squaxin Island Tribe** noted the 1218 number comes from using the 95th percentile to irrigated acreage and includes margin of safety to account for uncertainties in future (replaces the .08 average acreage for outdoor irrigation with .12 acres and uses the high growth scenario). Agrees that language should make clear how this number was calculated/selected.
* **Next Steps:** Stacy will work on revisions to Chapter 4 that update the bolded text above and clarify how the 1218 af/yr was calculated.

# Plan Development

Ecology received over 200 comments from multiple entities on the WRIA 15 Draft watershed plan. Ecology made clarifications, corrections, or simple fixes to language. The compiled comment tracker includes how each comment is being addressed and if it still needs committee conversation. Today’s discussion focuses on the comments that need committee input.

**Reference Materials**:

* [Discussion guide](https://app.box.com/s/tc1ydw21umem8rlbtvmr00gbczzb29j9)
* [August Draft Plan and Compiled Comments](https://app.box.com/s/fhvdqfkyb5cvl1jx0o1ysc8e2s1nbjzw)

**Discussion**:

* *Local Entity Review*
	+ **Mason County** will be holding a workshop with commissioners later this month to coordinate WRIA 14 and 15 reviews and put WRIA 22/23 on the agenda for a hearing in December.
* *General Comments*
	+ **Squaxin Island Tribe**: insert quotations from the law.
		- **Ecology’s** goal is to use plain talk in the plan and summarize the law to the extent possible.
		- **Squaxin Island Tribe** suggested using call out boxes/side boxes for quotes and include plain-talk in text.
		- **Kitsap County***:* appreciate plain talk but ok to include direct quotes when discussing where the Committee must meet specific parts of RCW.
		- **Ecology** will include quotes where requested. Coordinating with other WRIAs where this was requested.
* *Plan Overview*
	+ **Port Gamble S’Klallam Tribe**: We decided that salmon recovery program goals which focus only on listed stocks with limited freshwater residency were not appropriate for this plan. Instream flows and streamflow restoration must strive to protect fish stocks and aquatic life, regardless of listing status, and in order to provide a benefit to the greatest length of stream channel, protection and restoration of headwaters streamflows would be the highest priority.
		- **WDFW** and **Squaxin Island Tribe** support this statement.
		- **Kitsap County** has no objections.
		- **Suquamish Tribes** supports “*Instream flows and streamflow restoration must strive to protect fish stocks and aquatic life, regardless of listing status, and in order to provide a benefit to the greatest length of stream channel, protection and restoration of headwaters streamflows would be the highest priority.”*
		- **Mason County** is concerned this statement goes beyond 9094 requirements; does not discuss fish stocks or aquatic life.
		- **Ecology** will work on revisions and cross-walk to the law (which speaks about fish and aquatic life) to ensure consistency.
	+ **Squaxin Island Tribe** requested adding "Watershed plans must be prepared to ensure full implementation.”
		- **Kitsap County** noted that not everything in the plan is required to happen; some are recommendations.
		- **Squaxin Island Tribe** noted the Tribe’s view is that the Plan should include an obligation to fully implement the Plan and disagrees with Ecology’s interpretations. There needs to be consequences for the Plan not being adequately implemented. If offset projects are not adequate to protect PE well impacts, Ecology needs to take action, which could include water use restrictions or restriction on permits for new PE wells.
		- **Ecology** can negotiate this language but cannot go outside ofEcology’s interpretation of the law. Committee members can self-obligate as desired. Will include some language about it being the intent of the Committee that the plan is implemented.
	+ **Squaxin Island Tribe**: Clarify what projected uses must encompass. See RCW 90.94.030(3)(e) -estimates of the cumulative consumptive water use impacts over 20 years. This comment relates to the Tribe’s legal opinion that the Plan should have more information than just consumptive use of future permit exempt wells. Chapter 6 may address this concern.
	+ **Port Gamble S’Klallam Trib**e: The law requires projects to offset impacts from new wells over the 20-year period. We assume the impacts will continue beyond the 20-year period (in perpetuity), so the offset projects must continue as well.
		- **Kitsap County** agrees.
		- Consistent with Ecology’s interpretation. Stacy will incorporate language into the plan.
* *Watershed Overview*
	+ **Squaxin Island Tribe**: this section must state that there are instream rules and closures in place; that instream flows in many streams are unmet and basins are over-appropriated; and must include and cite to supporting data to that effect. Link habitat needs of fish to instream flows.
		- **Mason County** would like to review the language. Correlation does not equal causation (i.e., other environmental impacts can lead to low instream flows aside from PE wells).
		- **Squaxin Island Tribe** – could list as a limiting factor (may not be a limiting factor in every case).
		- Squaxin Island Tribe to provide specific language to discuss with the committee in December.
	+ **Suquamish Tribe**: Add discussion regarding hydrologic maturity and the effects on evapotranspiration and streamflows. We know that young forests use more water than mature forests. This ties in with project prioritization acquisition of key riparian areas.
		- **Mason County** noted that younger forests support a wider variety of wildlife.
		- **Suquamish Tribe** noted that younger forests support different wildlife. Mature forest edge areas also have an impact.
		- **Suquamish Tribe** to provide specific language to discuss with the committee in December.
	+ **Squaxin Island Tribe**: This discussion should be expanded to provide more complete and clear information about the relationship of GMA to water planning. For example, water system plans should not encourage development that is inconsistent with zoning, should not allow municipal water rights holders to consumptively use water in excess of their actual rights, and should require mitigation if system expansion or other change in use will impact instream flows. Add language about legal requirements for critical areas and the Counties' adoption of critical area ordinances, and how critical areas protect recharge and salmon habitat. Also describe how ESSB 6091 amended the GMA and Subdivision Code to allow for reliance on instream flow rules, and the Building Code to allow for reliance on compliance with the SRA. Ecology therefore must ensure that this plan meets all mandates established in the SRA (and other laws), including implementation to ensure offsets, restoration and enhancement.
		- **Kitsap County** unclear on purpose of including additional information here. We have information on Critical Area Ordinances; don’t believe ESSB6091 amended GMA in subdivision code.
		- **Squaxin Island Tribe** noted this comment came from their legal staff. Could explore linkage more thoroughly in plan. Paul Pickett to review with legal staff and request a paragraph or so of proposed language. Stacy will share proposed language with counties prior to including in plan.
	+ **Mason County**: Saltwater intrusion seems extraneous to the instream flow requirements of the plan.
		- **Pierce County** and **Kitsap County** agree.
		- **Squaxin Island Tribe** will confer with staff but assuming saltwater intrusion is a minor issue in this context.
		- Stacy and Bob will review language to address comment.
	+ **Skokomish & Squaxin Island Tribes**: Given that aquifers may be continuous beneath several drainage basins, we need to say something about the dynamics when adjacent basins are experiencing different levels of development (urban/UGA vs rural) and the effects that could result to streamflow from cross basin transfer of groundwater. For example, the Gig Harbor/Silverdale/Bremerton urban area is more urbanized that the south and West sides of WRIA 15 (the western half of the South Sound subbasin and the Hood Canal Subbasins). Maybe describe the Port Orchard Foster modeling project which is now underway. (Out of basin water transfers that are causing impacts to salmon bearing rivers and streams in an adjacent basins must be mitigated "in kind" and "overriding consideration of public interest" (OCPI) does not qualify except under certain circumstances. In Foster v. Department of Ecology, 184 Wn.2d 465, 362 P.3d 959 (2015); according to the Supreme Court, the prior appropriation doctrine does not allow for any impairment, even de minimis impairment, of senior water rights, in accordance with the Court's earlier decision in Postema v. Pollution Control Hearings Board, 142 Wn.2d 68, 11 P.3d 726 (2000). Accordingly, out-of-kind mitigation may not be used to remedy impairments to senior water rights, and the OCPI exception may only be used to offset temporary impairment of minimum flows.)
		- **City of Port Orchard** noted the Foster modeling is a subset of a bigger project. Timing of this project will not align with publication of WRE Plan. Fine with referencing the project as work currently occurring but won’t be able to contribute data output.
		- Stacy & Bob to work on draft language and reach out to City of Port Orchard for input.
	+ **Pierce County**: The increase in impervious surfaces are related to past development practices...should there be acknowledgement of Low Impact Development requirements related to new development?
		- **Squaxin Island Tribe** ok with using County’s LID language.
		- Pierce County to provide specific language to discuss with the committee in December.
	+ **Suquamish Tribe**: Please discuss the limitations of the Climate Toolbox due to the small size of our watersheds. The UW is developing modeled future stream flows and temperatures for Chico Creek under future climate scenarios which might have relevance for other small adjacent watersheds.
		- **Squaxin Island Tribe** suggests acknowledging the Climate Toolbox as one source of information. Acknowledge information gaps. Provide context.
		- Stacy will follow up with Alison and work with Bob on revisions.
	+ **Suquamish Tribe**: Note that the 2020 Water Quality Assessment does not include all of the up to date information. Suquamish has submitted updated stream temperature data several years ago that is still not reflected. Specifically, Salmonberry Creek is not listed for temperature and it regularly exceeds the7DADmax of 16C throughout the summer.
		- Stacy will follow up with Alison.
* **Next Steps**: Stacy and Bob will work on revisions for the next draft of the plan. The committee will continue discussions on outstanding plan comments at the December meeting. The committee will receive a “clean” version of the plan as well as a version with track changes in December.

# Adaptive Management & Other Policy Recommendations

The Committee discussed updated Adaptive Management and Policy Recommendation language in the Draft watershed plan.

**Reference Materials**:

* [Revised Chapter 6](https://app.box.com/s/mph2t4zqv102hylfrdvm6hbbnwljg95s)
* [Discussion Guide- Funding](https://app.box.com/s/ncyrtfwmrwp4gqchnq4dctoqhc4qc9yo)

**Discussion:**

* *Policy Recommendation - #8 Beaver Package*
	+ Beaver Taskforce worked through revisions to address the concerns raised in the survey.
	+ **Kitsap County** willing to participate and hopes this package will eventually grow into a partnership with GPC, who brings a lot to the table, especially for the acquisition piece, outside of what Kitsap County could do. The County has had reductions in GIS capacity – reached out to UW for support on analysis / modeling. The County will also continue to explore transferred development rights program.
	+ **Great Peninsula Conservancy** finewith being named in this section; package aligns with GPC’s strategic goals.
* *Policy Recommendation – Financing Package*
	+ Options for Committee Consideration​:
1. Request that new PE well fees are increased to $1500 per connection. ​
2. Request the legislature provide funding for plan implementation. ​
3. Request the legislature provide funding for plan implementation, monitoring, and adaptive management.
	* **Mason County** is opposed to Option 1; does not support any increases to PE well fees. Any fees generated in counties should stay in county. Need funding from state for state mandated actions.
	* **King County** generally supports developers paying for development. Need to be clear on how increased fee was calculated and how it would be used. Consider alternate language noting that the implementation body will review fee increases as a funding option when the Plan is being implemented. Support request to legislature for funding for plan implementation.
	* **Pierce County** has concerns about a recommendation to increase fees as part of a future financing package. The 1500 number appears arbitrary and it is already unclear what is happening to existing fees transmitted to Ecology. If the ‘implementing committee’ were to recommend fee changes, this would require rulemaking and Ecology has expressly indicated they will not approve a plan which requires conditional rulemaking as a component of adaptive management. We are not opposed to fee increases provided there is a technical basis for the increase amount and a clear plan for specifically how those funds will be spent to benefit streamflows. We are opposed to including a recommendation for future revisions to the fee by some unidentified subset of the committee representatives outside of the plan development process.
	* **Squaxin Island Tribe** noted the $1,500 was an imprecise placeholder number in original proposal. Agrees that Plan could include several potential funding options (e.g., requests to legislature for dedicated funding; grants; shared funding from local agreements/contributions; increased PE well fees) for the implementation body to evaluate after first year’s analysis.
		+ **Kitsap PUD** agrees with including options for funding but not providing a specific number.
	* **Pierce County** noted that planning groups may include components which they believe help ensure that projects/actions will be completed successfully (e.g. conditions to allow for adjustment of the watershed plan in the future) as an “adaptive management” element. However, Ecology cannot adaptively change statutory-defined requirements, such as water quantities or the connection fee, at some future date if certain projects or actions are not completed. Such a change requires rulemaking. Ecology could not include such a “potential conditional rulemaking” for adaptive management as part of a watershed plan adoption. Ecology’s interpretative statement – cannot approve plan that recommends changes to rulemaking.
		+ **Ecology** reviewed with management; okay as long as framed as a recommendation. Would not support if framed as “plan approval / adoption contingent on future change.”
	* **Kitsap County** is opposed to inclusion of specific amount of PE well fee increase without a budgetary basis. Not categorically opposed to raising fees, just needs sound basis. Under what authority could an implementation group propose an increased fee? Counties do not have authority to raise fees.
		+ **Ecology** noted the state would need to increase fees through rulemaking unless legislation changes.
		+ **Squaxin Island Tribes** believes thecounties would still have significant influence over potential fee increases.
	* There was general agreement that option 3 was the best approach, with a general statement that in the future the committee may also recommend consideration of a broad range of additional options, such as grants, fees, shared contribution or other options.
* *Adaptive Management – Reporting & Adaptation (C)*
	+ *The WRIA 15 Committee believes a group of engaged stakeholders and tribal representatives are needed to continue collaboration on the implementation of this plan. The Committee recommends continuing to meet as needed, with participation from all interested WRIA 15 representatives.*
	+ **Kitsap County** does not have an issue with some committee members continuing to meet but concerned by “meet as needed” language. What would be covered in an “as needed” meeting.
	+ **Squaxin Island Tribe** noted the Plan does not need to be prescriptive. Leave self-organization and schedule-setting up to committee. Convene at least annually.
	+ No changes will be made at this time.
* *6.3 – 1. Assurance of Plan Implementation*
	+ Entities can provide language they want included in this section at any time, but anticipate many entities will provide language as complete the local review.
* *Proposed Drought Response Policy:*
	+ **Squaxin Island Tribe**: *Limit withdrawal of groundwater exempt from permitting under RCW 90.44.050 to no more than three hundred fifty gallons per day per connection for indoor use only. A limited exemption to outdoor water use is allowed for growing food, maintaining a fire control buffer, or supporting an environmental restoration project. Support for drought response will be provided by a water conservation program (separate proposal). This education and outreach program will educate the public about water conservation practices. Ecology will include these requirements in a package for rule-making. Propose legislation to apply this program to all PE wells statewide.*
	+ Possible way forward: No mention of law. Acknowledge Ecology’s role in addressing drought declarations and requirements in the law. Recommend that local governments develop drought response plans, including education and outreach. Encourage partnerships for this effort that could include Ecology, Counties, Health Districts, Conservation Districts, and others.
	+ **Port Gamble S’Klallam Tribe** supports drought response action.
	+ **Mason County** think this policy conflicts with WAC. Mason County has an Emergency Management Planning Department with drought response plans already in place that address Group A/B water use systems.
		- **Squaxin Island Tribe** thinks this policy is worth including because other jurisdictions do not have a drought response plan in place. Some discussion of drought is important to the Plan, especially with projected impacts of climate change (need a margin of protection for dry years). Aspect’s study conducted for Skokomish Tribe shows dry years are likely to use much more water and have lower streamflows.
		- **Mason County** has no major objections; if other jurisdictions do not already have a drought response plan, good to include.
		- Susan will draft language based on this discussion to ensure that the initial blocks have been removed; if so, we will add the recommendation to chapter 6 of the plan.
* *Proposed South Sound Planning Study:*
	+ - Paul believes that the concerns were addressed in the policy open house.
		- Susan will draft language based on this discussion to ensure that the initial blocks have been removed; if so, we will add the recommendation to chapter 6 of the plan.
* **Next Steps**: Susan will work on revisions to Chapter 6 based on the input from today’s meeting.

# Public Comment

No public comment.

# Upcoming Meetings

* Next meeting—Thursday, December 3, 2020, 9:30-2:00 (anticipated) WebEx

# Action Items for Committee Members

* Review revised project summaries.
* Review project inventory.
* Review revised Chapter 6.
* Possible review of first draft of Chapter 7 prior to December meeting.

# Action Items for Ecology and Consultants

* Stacy and Bob will continue to update project inventory and project descriptions.
* Continue to refine Consumptive Use language for Committee approval; Stacy will work on revisions to Chapter 4.
* Continue to refine Chapter 6.
* Prepare updated Draft Plan for Committee red flag review.