Summary

**WRIA 15 Watershed Restoration and Enhancement**

**Committee Meeting**

October 29, 2020 | 9:30 am to 12:30 pm

## Location

WebEx (see below)

**Committee Chair**

Stacy Vynne McKinstry

Svyn461@ecy.wa.gov

(425) 649-7114

**Handouts**

* Agenda
* Memo on Project Updates and Recommendations
* Discussion Guides: Adaptive Management, NEB Evaluation, Consumptive Use

# Attendance

## Committee Representative and Alternates\*

Alison O’Sullivan (Suquamish Tribe, alternate)

Allison Satter (City of Bremerton, alternate)

Austin Jennings (Pierce County, alternate)

Bri Ellis (City of Gig Harbor, alternate)

Brittany Gordon (WDFW)

Christian Berg (City of Bainbridge Island, alternate)

Dan Cardwell (Pierce County)

Dave Ward (Kitsap County)

Dave Windom (Mason County, alternate)

David Winfrey (Puyallup Tribe)

Nathan Daniel (Great Peninsula Conservancy)

Greg Rabourn (King County)

Joel Purdy (Kitsap PUD)

Joy Garitone (Kitsap CD)

Mike Michael (City of Bainbridge Island)

Paul Pickett (Squaxin Island Tribe)

Randy Neatherlin (Mason County)

Russ Shiplet (Kitsap Building Association)

Sam Phillips (Port Gamble S’Klallam Tribe)

Seth Book (Skokomish Tribe)

Shawn O’Dell (WA Water Service, *ex officio*)

Stacy Vynne McKinstry (WA Dept of Ecology)

Teresa Smith (City of Bremerton)

Zach Holt (City of Port Orchard, alternate)

## Other Attendees

Susan Gulick (Sound Resolutions, Facilitator)

Angela Pietschmann (Cascadia, Info Manager)

Bob Montgomery (Anchor QEA)

Joel Massmann (Suquamish Tribe Consultant)

John Covert (Ecology)

Isabel Jamerson (Ecology)

## Committee Representatives not in Attendance\*

Mason-Kitsap Farm Bureau (*ex-officio*)

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

# Consumptive Use

The Committee discussed the following options for addressing Consumptive Use in the WRE Plan:

1. Consumptive use estimate of **766.4 acre feet per year** (irrigated area method, medium growth projection).
2. Include a **range**, using a combination of growth scenarios and methods.
3. Present the different growth projection scenarios and methods for calculating consumptive use, but **do not state a consumptive use estimate**.

**Materials:**

* **Discussion Guide:** [Consumptive Use](https://app.box.com/s/tm2xx83ohm57z07azsqs2jjt6kqucwvx)

**Discussion:**

* **Mason County** will support only the USGS method for estimating Consumptive Use.
* **Squaxin Island Tribe** proposes the following range:
  + Most likely scenario = 766.4 af/year (irrigated area method, medium growth projection).
    - Higher scenario = use irrigated area of 0.12 acres at higher PE growth projections. If offsets in each subbasin meets the higher number, that will be a success for addressing consumptive use and restoring streamflows.
    - Offsets in each subbasin that fall between the likely and high scenario would be a concern (need to put more attention towards offset projects).
    - If offsets in each subbasin fall below the likely scenario, that would be a critical problem (law not being met).
  + **Skokomish Tribe** agrees. Adaptive Management component important here.
  + **Puyallup Tribe** agrees with Squaxin and Skokomish.
  + **Mason County** does not support these higher CU estimates and does not think they are realistic numbers. There are insufficient projects in Mason County to achieve higher target.
  + **Squaxin Island Tribe** stated that comments from Ecology and Counties, that appeared to advocate for a lower number to make the CU estimates more achievable, were offensive, since those comments suggest that they care more about development than protecting Tribal water rights or salmon.
    - **Ecology** responded in the chat that the chair has not provided this perspective in WRIA 15.
* **Kitsap County** does not support using any of the high growth scenarios because they do not reflect best estimates; counties are required by state law to take action if they deviate from the mid-growth scenario. The County prefers the USGS method to the irrigated area method but could live with using the irrigated area method. Uncomfortable with using a range as a target as it does not provide a clear measure of success.
  + **King County** could support a range as long as the floor/minimum is clear (pass/fail line).
  + **Pierce County’s** perspective aligns with Kitsap and King Counties. Can live with a range as long as it is clear that 766.4 af/yr is the number that will determine whether the watershed plan is successful. The County would like to see additional text to explain the purpose of the higher number.
* **Great Peninsula Conservancy** believes the USGS method is most scientifically sound and most likely to happen. 766.4 af/year is a reasonable offset estimate. GPC could support a range, but don’t see a reason for it.
  + **Kitsap PUD** notes that the law requires the Committee to offset impacts of consumptive use. Although real data was used in the USGS model, KPUD could agree to the higher estimate calculated using Ecology’s indirect irrigated area method as a more conservative compromise. Will Adaptive Management be used if PE wells are higher/lower than anticipated? Or only if higher? If a range is used, be clear about the floor.
  + **Kitsap County** agrees with GPC and KPUD. Not clear on the purpose of the range.
  + **Squaxin Island Tribe** has provided evidence several times that the USGS method estimate is too low.
* **City of Bainbridge Island** agrees a pass/fail point needs to be clearly determined.

**Straw Poll: “**Can you live with the 766.4 as the cu estimate with the higher range of 1218 aft per year as optimal target?” **No consensus reached.**

|  |  |
| --- | --- |
| **YES** | **NO** |
| * Great Peninsula Conservancy * King County * Kitsap Conservation District * Kitsap Public Utility District * Pierce County * Squaxin Island Tribe * Skokomish Tribe * Suquamish Tribe * City of Gig Harbor * City of Port Orchard | * Kitsap Building Association * Mason County * Puyallup Tribe * Kitsap County * City of Bainbridge |

* Kitsap County noted that if the wording identified 766 as the target, and identified 1200 as aspiration, Kitsap's vote would change to yes. Bainbridge Island agreed with Kitsap County.
* The Squaxin Island Tribe stated that if the wording was changed to what Kitsap County proposed, they would vote no.

**Next Steps:** Stacy and Susan will have conversations with Committee members over the next week and bring back a revised proposal on November 5.

# NEB Evaluation

The Committee discussed the **structure of the NEB (Net Ecological Benefit) Evaluation** in the WRIA 15 WRE Plan. Ecology is required to complete a review of each WRE Plan to determine whether it meets NEB. Ecology’s guidance states that, to meet the NEB threshold, plans must demonstrate that offsets from projects and actions exceed projected consumptive use from new permit-exempt domestic groundwater withdrawals over the planning horizon. However if the Committee chooses to include the evaluation, Ecology (as noted in the NEB Guidance) will give considerable deference to our committee to decide what NEB means for our watershed.

In the **NEB guidance**, Ecology recommends steps for planning groups to complete the NEB evaluation.

The **Squaxin Island Tribe** proposes an alternative process, presented in the discussion guide.

**Materials**:

* **Discussion Guide**: [NEB Evaluation Chapter Structure](https://app.box.com/s/2p45uyemijyyuduxd5cd2jc6wes480ec)

**Discussion**:

* **Squaxin Island Tribe** emphasized the following components of their proposed language:
  + Comparison of areas where stream improvement is expected and where lacking benefit.
  + Evaluate likelihood of implementation and whether the plan will meet the goals of streamflow restoration.
    - **King County** thinks Ecology’s NEB guidance covers this component.
* **Kitsap County** questioned the Committee’s authority to change the NEB evaluation methodology recommended by Ecology.
  + **Ecology**’s NEB guidance provides recommendations on how to complete the NEB evaluation. If the Committee diverges from Ecology’s recommended steps, they may not give as strong a deference to Committee (as noted in the NEB Guidance). Could potentially complicate NEB review.
  + **Kitsap County** recommends using Ecology’s methodology, but suggested some language could be added based on the Squaxin Island recommendations.
  + Bob Montgomery said he could use a simple approach that has been used in other reports.
* **Pierce County** would prefer consistency across WRIAs (Ecology method).
  + **Ecology** noted that some committees have deviated from Ecology’s guidance.

**Next Steps**: Ecology and HDR will begin drafting the NEB Evaluation (Chapter 7), following Ecology’s guidance but taking into consideration the additional information that Squaxin Island Tribe has requested. Ecology will share the draft Chapter with the Committee in November or early December.

# Adaptive Management

The Committee reviewed and provided feedback on updates to the Adaptive Management Section of the watershed plan.

**Materials**:

* **Discussion Guide**: [Adaptive Management](https://app.box.com/s/sr6tthkptenlxirfik60oxaenl1rwtlr)

**Discussion**:

1. **Should Adaptive Management (including the group that convenes after this process is completed) be limited to implementation of this plan/offsets from PE wells, or should it also address broader watershed issues?** 
   * **Squaxin Island Tribe** thinks this AM group should look at the Plan as a whole, and could address streamflow restoration more broadly than what is in the watershed plan and CU offsets. Other WRIAs have created similar successful groups, which show the value of building relationships and adapting to future developments.
   * **Port Gamble S’Klallam Tribe** wants the AM Section to include a 5-year review of streamflow status and trends.
     + **Suquamish Tribe** agrees.
     + **Skokomish Tribe** generally agrees with PGST and notes there must be a review component so that the watershed plan can be effectively adaptively managed to meet plan goals.
     + **King County** agrees that a 5-year review sounds like a reasonable frequency. The AM group should avoid duplicating watershed efforts and interests of the salmon recovery lead entities.
     + **Kitsap County** agrees with PGST and thinks AM could include a review of streamflow status/trends (ultimately the purpose of legislation). The County is reluctant to commit to a threshold beyond what is in legislation. Even if all PE well withdrawals are offset, streamflow could still trend flat or downward because many factors influence streamflow. Focus on offsets, but don’t forget underlying purpose of legislation.
   * **Pierce County** is unclear whether there would be legislative support or authorization to address broader watershed issues through this watershed plan. The Adaptive Management Section of watershed plan should focus on implementation of plan and adapting projects and actions to meet consumptive use offsets.
     + **Kitsap County** agrees. The AM Section should focus on the adaptive management of the actions within the Plan, focusing on whether offsets are being met.
   * There was no objection to converting monitoring and reporting recommendations that go beyond adaptive management into the policy recommendations, and not including them as part of the adaptive management recommendation. (Note that this does not change the inclusion of the recommendations—it merely moves them from one part of Chapter 6 to another.)
2. **There is a need for clarity on the reporting requirements.** 
   * **Kitsap County** can provide the data required by law and the PE well locations.
     + **Pierce County** agrees.
   * **Squaxin Island Tribe** emphasized the importance of identifying PE well locations by subbasin to ensure offsets by subbasin are being met. Mapping can be “if feasible”.
   * **Ecology** has no concerns as long as “if available” is included in language.
3. **Does the Committee want to recommend that ECY compile and report additional water resource information (see lines 199-213)?** 
   * **Pierce County** observed the language primarily applies to Ecology’s work; defer to Ecology on how to frame in the watershed plan. Recommend explaining how this information will be used and how it relates to PE well consumptive use.
     + **Ecology** noted that if framed as a recommendation, they won’t object to its inclusion in watershed plan. Ecology has shared its concern about data/gaps and going beyond the intent of law with Squaxin Island Tribe.
   * **Squaxin Island Tribe** noted that they are currently suggesting a report at the end of the first 5 years.

**Next Steps**: Susan will work on revisions to the Adaptive Management Section of the plan as well as the Policy Recommendations and redistribute Chapter 6 for further review.

# Other Policy Recommendations

The Beaver Task Force is refining the Beaver Package to address concerns raised in survey results. The Task Force will bring updated Package to Committee to discuss at 11/5 Committee Meeting. The Committee will also discuss funding for overall plan implementation at that meeting.

# Background Materials on Plan Development

The Committee discussed options for presenting (1) background materials on plan development and consensus building; and (2) different interpretations of the law.

**Question 1**: How does the committee want to incorporate background information provided by participating entities or partners? ​

* **Example**: The Skokomish Tribe prepared an analysis of outdoor irrigation and an associated report. They would like the report included in the plan. ​
* **Working proposal (recommended to the Committee)**: Develop a compendium document that includes background information not generated and/or approved by the committee. This document would come after the appendices and be submitted with the final plan to Ecology. A note would be included at the top of the document indicating that the materials included within were not vetted or approved by the committee and represent the authors’ opinions only.

**Question 2:** How does the committee want to address differing interpretations of the law and other statements from entities? ​

* **Example:** Multiple Tribes have a different interpretation of the law than Ecology. ​
* **Working proposal (recommended to the Committee):** Develop a compendium document that includes signing statements from each entity that chooses to submit. This document would come after the appendices and be submitted with the final plan to Ecology. A note would be included at the top of the document indicating that the materials included within were not vetted or approved by the committee and are represent the authors’ opinions only.

**Materials**:

* [Compiled Comments on Draft Watershed Plan](https://app.box.com/s/cs3et9d0jjes4sj1vanyueyvggbvgquy)

**Discussion**:

* **Kitsap County** thinks the wording is ambiguous. If incorporated in the document or appendices, Kitsap will consider part of the plan (red flag). If provided as a separate document, no issues.
  + **City of Bainbridge Island** notes that if something is not included in the watershed plan distributed to City Council, it cannot be included as part of the final watershed plan. It could be provided as background information on the public record in a compendium or other form.
* **Squaxin Island Tribe** noted the Plan will need to have narrative to explain the context and purpose of the compendium. The signing statements are important to provide the Tribe’s concerns if they agree to approve the Plan, so they are concerned about the statements being “not part of the plan”. They will discuss with their attorney whether Tribe would be okay with signing statements being included as a document separate from plan.
* **Pierce County** understands goal of including these statements, but many of Squaxin Island Tribe’s issues are already reflected in meeting summaries.
  + **Ecology** will maintain meeting summaries on EZ view page. Compendium would guide readers to meeting summaries for more information.
* **Port Gamble S’Klallam Tribe** noted the signing statements would come from sovereign governments on their own letterhead and would not obligate other committee members to anything outside the plan. Unclear how this could open anyone up for liability/litigation.
  + **Mason County** noted that these statements would be established as part of the overall plan and could be challenged in court (review of intent).
* **Great Peninsula Conservancy** noted that if the watershed plan is not approved because of this issue and goes to Ecology, the signing statements won’t be included anyway. Would like to find middle ground.
  + **Squaxin Island Tribe** will submit a letter whether or not watershed plan is approved.

**Next Steps**: Susan noted that there is no agreement yet, but will draft recommendations for the Committee to move forward, based on having a place to put important things on the record without including them in the watershed plan itself. We will include clear language that these statements/background materials are NOT part of the plan. Squaxin Island Tribe will consult with legal team on whether this is acceptable.

# Project Updates

Stacy provided updates and recommendations on projects.

* **Water Right Acquisitions​**
  + No longer pursue the McNeil Island Water Rights (DOC).
  + Support a package of water right acquisitions for Vashon Maury. Determine portion of available water rights to include as offset benefit in plan (e.g. % of 279 acre feet).
  + Update Bainbridge Island water rights with most recent information.
  + Reach out to McCormick regarding South Sound subbasin water right.
  + Reach out to Anderson Island Parks District for opportunities.
* **Offset Benefits for Projects​**
  + Keep Mason County Rooftop Infiltration Project on project list as a potential future consideration. Multiple entities provided comments expressing concern about including this project as an offset benefit (comments will be distributed after meeting). Some entities want to continue the technical work. Without counting this project towards offset, there are gaps in meeting offset need by subbasin in some areas of WRIA 15. Given limited time, capacity, and budget, Ecology recommends pausing work on this project to conserve budget/resources and redirect consultant time towards finding other projects.
  + Support inclusion of the MAR package, with potential for additional site inclusions. The package currently recommends inclusion of 582 acre feet per year for offset benefit across the WRIA.
  + Review the Beall Creek Stream Restoration Project following revisions.
  + Support inclusion of the Kitsap Conservation District Raingarden and LID project. Recommend targeting applications across subbasins.
  + Support inclusion of the Community Forest Project. The project package includes a total of approximately 178 acre feet per year of offset across WRIA 15.
  + Continue outreach to Anderson Island Parks District for additional opportunities.
* **Project Inventory Clean Up and Organization​**
  + Continue to add categories to projects (i-iv), additional descriptions, outcomes and sponsors where available.
  + Subbasin groups review projects and provide additions and corrections.
  + Determine removal of projects flagged.
* **Offset Benefits by Subbasin​**
  + Ecology reminded the committee that RCW 90.94.030 requires that offsets and NEB are met at the WRIA scale
  + Committee is seeking to find enough offset benefits to meet and exceed the anticipated consumptive use estimate for each subbasin.
  + With inclusion of additional projects, we are likely short in South Sound Subbasin and South Sound Islands. We are talking to Pierce CD regarding raingardens for SS and SSI.

**Materials**:

* [Memo on Project Updates and Recommendations](https://app.box.com/s/pcvwrtcqejpdg9n3rceql8c48tvx1s0h)

**Discussion**:

* **Water Right Acquisitions​**
  + King County / City of Port Orchard – no concerns.
  + Next steps: Revise Vashon Maury water right acquisition opportunity package and distribute for review. Work with technical consultants and King County to recommend a reasonable offset benefit.
* **Offset Benefits for Projects​**
  + **MAR Package**
    - **Port Gamble S’Klallam Tribe** requested removal of the Gamble Creek and Seabeck DNR projects (not well vetted). PGST supports the MAR package, with an interest in identifying new projects during implementation.
    - **Kitsap PUD** noted the Silverdale Recycled Water Project would benefit streams in North Hood Canal and West Sound Subbasin areas.
    - **Kitsap County** has no concerns.
    - **King County** requested inclusion of general language in high priority areas like Vashon with about pursuing if funding becomes available.
    - **Skokomish Tribe** is concerned there are insufficient offsets in North Hood Canal without Mason County project. The Tribe generally supports MAR projects, especially in upper reaches of watersheds. Belfair MAR groundwater discharges to Coulter Creek but could possibly direct discharge to Union River but would need work (maybe the sewer extension to Bremerton airport could have MAR component?). Upper Union River/Gorst Creek MAR project not feasible at this time, per conversations with City of Bremerton.
    - **Ecology** noted the likelihood of implementation of Water Right Acquisition and MAR projects are included in package; trying to balance offset assigned to projects with the likelihood that the projects will move forward.
    - **Squaxin Island Tribe** asked if water rights and MAR projects will have offset values set, even if no sponsor or landowner has been identified. The Tribe is concerned because they have not seen Pierce or Kitsap Counties show a willingness to move these projects forward, and Mason County has put “all their eggs in one basket” with rooftop runoff, but are not pursuing other opportunities.
      * **Skokomish Tribe** agrees regarding project sponsors.
      * **Ecology** noted that the identification of a sponsor will affect the “probability” of a project being completed. They are looking for sponsors for more of these projects.
    - **Suquamish Tribe’s** support of MAR projects will depend on details (for example, injection is not supported but infiltration is).
  + **Kitsap Conservation District Raingarden & LID Project**
    - **Kitsap Conservation District** has to meet benchmark number of projects each year; while they do not know the location of every project, they normally develop 45 rain gardens and 20-30 other practices that infiltrate water. KCD wants to recognize these projects in the Plan.
    - **Squaxin Island Tribe** asked if more projects could be included in the South Sound headwaters, which are in Kitsap County. KCD could look into other headwaters as well, such as South Hood Canal.
      * **KCD** can do work anywhere in any watershed and/or incorporated areas in the county. KCD conducts an inventory every year on performance.
    - **Squaxin** asked whether there are mechanisms to ensure rain gardens are protected and maintained in the long run (e.g., an easement or a signed landowner agreement)?
      * **KCD** noted there is a signed landowner agreement. If the landowner fails to maintain the instillation, they have to pay back the lifespan of the practice. The landowner reports to KCD every year for five years and KCD inspects those gardens to make sure they are still functioning as intended. Sometimes education is needed when property changes hands.
    - **Ecology** noted these projects are currently estimatedat 29 afy in the project description; can count projects back to 2018.
    - **City of Bainbridge Island** is in favor of this project; looking for ways to bring to Bainbridge.
  + **Community Forest Project**
    - **Port Gamble S’Klallam and Skokomish Tribes** support this project.
    - **Squaxin Island Tribe** noted that there was interest in Community Forests on Anderson Island.
    - **Ecology** has reached out to Pierce County partners but has not heard back.
* **Offset Benefits by Subbasin​**
  + Kitsap Conservation District can work within the South Sound to help develop project proposals.

**Next Steps:** Stacy and Bob will work on revisions to project descriptions and distribute for review in November. Stacy and Bob will continue to seek out projects in southern subbasins.

# Public Comment

No public comments.

# Upcoming Meetings

* **WRIA 15 Committee Meeting**: Nov. 5 from 9:30AM – 2:30PM (anticipated)

# Action Items for Committee

* Review Nov. 5th meeting agenda and come prepared for discussion.

# Action Items for Ecology & Consultants

* Provide revised consumptive use estimate proposal.
* Update Chapter 6 (Policy Recommendations and Adaptive Management) of the watershed plan.
* Draft Chapter 7 (NEB) in alignment with Ecology guidance and consider additional components proposed by Squaxin Island Tribe.
* Work on project revisions.
* Distribute October 1 Committee Meeting Summary for review.