MEETING SUMMARY

WRIA 15 Watershed Restoration and Enhancement

Committee Meeting

December 3, 2020 | 9:30 a.m. – 1:00 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

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(425) 649-7114

Handouts

* Agenda
* October 29 and November 5 Meeting Summaries
* Discussion Guide: Plan Comments
* Detailed Project Descriptions and Project Inventory

# 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)

Kathy Peters (Kitsap County, alternate)

Zach Holt (City of Port Orchard, alternate)

Dan Cardwell (Pierce County)

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)

Joy Garitone (Kitsap Conservation District)

Larry Boltz (Mason-Kitsap Farm Bureau – ex-officio)

## Other Attendees

Susan Gulick (Sound Resolutions, Facilitator)

Angela Pietschmann (Cascadia, Info Manager)

Bob Montgomery *(*Anchor QEA)

Joel Massmann (Suquamish Tribe Consultant)

John Covert (Ecology)

Jim Pacheco (Ecology)

Paulina Levy *(*Ecology*)*

## Committee Representatives Not in Attendance\*

Washington Water Service (ex-officio)

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

# Meeting Agenda and Review Meeting Summaries

Susan Gulick (Facilitator) reviewed the agenda. *No changes.* Stacy Vynne McKinstry (ECY – Chair) reviewed revisions to the October 29 and November 5 meeting summaries. *Summary finalized*.

Pierce County proposed recording future meetings for reference. Stacy to follow up internally to see whether this is feasible. Great Peninsula Conservancy suggested keeping the recordings until the meeting summaries are approved to limit storage space needed.

**Reference Materials:**

* [Final October 29th Meeting Summary](https://www.ezview.wa.gov/Portals/_1962/images/WREC/WRIA15/202012/WRIA15_MeetingSummary29October2020FINAL.docx)
* [Final November 5th Meeting Summary](https://www.ezview.wa.gov/Portals/_1962/images/WREC/WRIA15/202011/WRIA15_MeetingSummary5November2020DRAFT.docx)

**Discussion:**

* **October 29:**
  + **Squaxin Island Tribe** clarified a comment they made during the Consumptive Use discussion. *“Squaxin Island Tribe stated that comments from Ecology and Counties, advocating 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 and county representatives** disagreed with the Tribe’s interpretation; they are advocating for the most realistic/scientifically accurate consumptive use estimate that aligns with other county planning estimates. Summary language was modified to address these concerns: *“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.”*
  + The Committee reviewed other suggested edits to the meeting summary. *Summary approved*.
* **November 5:**
  + The Committee reviewed suggested edits to the meeting summary. *Summary approved*.
  + Pierce County asked if Ecology could keep recordings of the meetings?
    - The Committee discussed this, with some support and some concerns.
    - Stacy will look into this and follow up.

# Remaining Obstacles to Plan Consensus

Susan reminded the Committee they will be asked to either approve or disapprove the plan at the end of our process. A vote to approve does not necessarily indicate that you like all aspects of the plan, that you believer other significant water resource issues in WRIA 15 have been addressed, that you believe that this process worked well or that you would develop a similar plan if it were solely up to you. It simply means you believe this plan, develop with the input of diverse members, is a better plan than the altertnative of not approving the plan.

If the Committee does not unanimously approve the plan, Ecology will write the plan to meet their interpretations of the law. There is no requirement for Committee input on this alternative pathway. The Committee discussed foreseen obstacles to consensus on the watershed plan.

**Discussion:**

* **Susan Gulick (Facilitator)** reflected on conversations she has had with Committee members. From the Tribes’ perspective, there are concerns around the (1) strength of the project list; (2) uncertainty around meeting NEB; and (3) assumptions that led to the consumptive use estimate. Susan’s understanding is that the Tribes can live with that uncertainty/discomfort if they have strong confidence in the Committee’s commitment to implementation and adaptive management to meet NEB. Susan spoke with 3 of 4 counties who have expressed their commitment to project implementation and achieving NEB. While ongoing communication and coordination are essential to implementation, the counties want to establish reasonable expectations around ongoing meeting participation.
* **Squaxin Island Tribe** views the key components of the watershed plan’s success as (1) sufficient projects, (2) sound consumptive use targets, and (3) adequate implementation. The Tribe believes the WRIA 15 project list—especially in the South Sound / Hood Canal are weak. Part of the reason the Tribe has advocated for higher consumptive use targets is to add protection for uncertainty in future growth and plan implementation. The Tribe wants to see projects throughout the WRIA 15 basin and and in every subbasin that put water back in the ground and restore streamflows. The Tribe would like to see language developed around the consumptive use estimate reflecting agreement on the need for sufficient projects. If the watershed plan is approved by the Committee/Ecology, implementation will be key. With a moderate consumptive use target and a weak list of projects, approval hinges heavily on implementation. The Tribe would like to see more commitment from counties and others regarding the implementation process.
  + **King County** noted they are very motivated to ongoing implementation but feels that time spent in meetings can take away time spent implementing projects. Their concern around meeting attendance does not indicate lack of commitment to implementation.
  + **Kitsap County** noted the County has limited resources. The County has committed to do the things it believes it can follow through implementation and has sufficient staff to do so.
  + **Skokomish Tribe** supports the Squaxin Island Tribe’s comments. There are currently no projects in the North or South Hood Canal in WRIA 15. The Tribe is unsure whether this will make/break their approval of the plan. The Tribe is concerned about the adaptive management and implementation components of the Plan. They do not want to see a “paper” plan. They are also concerned by Ecology’s interpretation of RCW 90.94 (implementation not required by law). This could be challenged by the Tribe’s legal team in the future.
  + **Pierce County** does not view the watershed plan as a “paper” / “shelf” plan. The County has invested a lot of time and resources in this process. The County would like to continue to have a great working relationship with stakeholders and will provide language demonstrating their support, similar to the commitments made by the Squaxin Island Tribe. The County can commit to meeting with the implementation group annually but wants to be mindful of meeting frequency beyond that.
  + **WDFW** shared the Tribes’ concerns around implementation. They are unclear how the counties could commit to implement projects that they have not sponsored themselves (e.g., on private property). The number of projects that get implemented will depend on the Adaptive Management Plan as projects get developed. We need to understand contingencies for replacing projects if deemed infeasible in future.
* **Squaxin Island Tribe** expects more implementation assurance from counties, given their role in approving and collecting fees for PE wells. The Tribe looks forward to seeing statements of assurance put forward by counties. They would like to see an entity step into leadership role to ensure the watershed plan moves forward and help the implementation group self-organize. The Tribe acknowledges that the implementation group’s success does not necessarily translate to lots of meetings—the key is entities working together, and there are multiple ways of doing that.
  + **Kitsap PUD** is willing to step up into this leadership role and hopes it is seen as a neutral party. Through an MOU, KPUD is in charge of preserving and managing water resources in Kitsapcounty. Since Kitsap County makes up most of WRIA, it seems logical that someone in Kitsap County take lead. Success is not up to one individual, but a group of committed entities.
  + **Skokomish Tribe** appreciates KPUD’s leadership. They suggested a partnership between Kitsap County and the Kitsap County Conservation District with 1-2 dedicated FTE positions under the Kitsap County CD.
* **Puyallup Tribe** would like to see counties commit to not issuing building permits in vulnerable basins and subbasins unless a project has been started/initiated in that subbasin.
* **Pierce County** requested to see Thurston County’s commitment language in the WRIA 13 Plan (referenced by Paul Pickett as a good example of county commitment statements).
  + Squaxin Island Tribe noted these commitments have been made verbally in meetings. The Tribe believes the WRIA 15 Plan’s Adaptive Management section needs more detail, particularly in the assurance section.

**Comments from Google Slides**:

* **Skokomish Tribe**: We have no substantial projects in the North or South Hood Canal Subbasins although that does not necessarily mean that Council will not approve of the plan.  Also, Ecology’s interpretation of 90.94 and subsequent policy is a concern to the Tribe:  *As articulated in the Final Guidance for Determining Net Ecological Benefit, watershed plans are to be prepared with implementation in mind. However, RCW 90.94.020 and 90.94.030 do not create an obligation on any party to ensure that plans, or projects and actions in those plans or associated with rulemaking, are implemented. Further, the law does not predicate the issuance of building permits on the implementation of watershed plans or any projects in those plans.. (page 10,*<https://appswr.ecology.wa.gov/docs/WaterRights/wrwebpdf/pol-2094.pdf>)
* **Squaxin Island Tribe**: Good discussion. Let’s try to get the good ideas put in the watershed plan. Approval will depend on what commitments are in writing.

**Next Steps**: Susan will convene a group in the next 3 days to work on further revisions to the adaptive management section. Stacy will flag revisions in the next draft of the plan.

# Updates and Announcements

Stacy provided the following updates:

* Ecology invites the Committee to [submit photos from WRIA 15](https://app.box.com/s/2k5vx120tnhld2bjvc9cw5mxbsagigft) to use for the watershed plan cover. The Committee will vote to include one or more photos during the January 2021 meeting.
* Watershed Plans for WRIAs 8 and 9 are out for local review. These are new plans with committees led by Ecology. Deadline for adoption is June 30, 2021.
* Watershed Plans for WRIAs 22, 23, 49, and 55 have all been locally approved. These are plan addendums led by local planning units. Ecology’s review is underway (deadline for adoption is Feb 1, 2021).
* [Five Star and Urban Waters Restoration Grant Program](https://www.nfwf.org/programs/five-star-and-urban-waters-restoration-grant-program/five-star-and-urban-waters-restoration-grant-program-2021-request-proposals) proposals are due 1/28/21. Approximately $1.5M will be awarded nationally.

# Outstanding Plan Comments

The Committee discussed outstanding comments on the Draft Plan.

**Reference Materials**:

* [Revised Chapters 4-7](https://app.box.com/s/60sehrii8mvg85m859tr32latz09g4l2)

**Discussion**:

* **Section 4.2 Projection of PE Well Connections:**
  + **Squaxin Island Tribe** is concerned that the callout box misses the important point around inherent uncertainty in projecting what will happen over the next 20 years. Understanding this uncertainty will allow the Committee to add safety factors to ensure the watershed plan achieves its goals (offset impacts of PE wells and provide streamflow restoration).
  + **Kitsap County** likes that the framing of this section has shifted to acknowledge the Committee has made a lot of assumptions throughout this process and there is inherent risk in these assumptions. Part of the Adaptive Management process will be tracking these risks and assumptions.
  + **Mason County** is comfortable with the uncertainties language.
  + **Next Step:** Stacy will work on revisions.
* **Section 4.2.2 Methodology:**
  + **Squaxin Island Tribe** would like to avoid the term “higher growth”. They requested consideration for a high growth scenario for Mason County, but they noted that they don’t expect this concern to be addressed and Ecology will draft the report as they choose.
  + **WDFW** generally supports this comment; could be a point for compromise during Mason County rooftop project discussion.
  + **Next Step:** Unresolved.
* **Figure 1: WRIA 15 Projected New PE Wells**
  + Stacy reached out to HDR for more information on the heat map. Some concerns were raised about “hot” areas near water systems. Will provide more information to Committee or in plan.
* **Section 4.3 Impacts of New Consumptive Water Use**
  + **Squaxin Island Tribe** can accept new language in this section but would like to modify as follows*, “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 acre-feet per year (AF/yr) should be the most likely consumptive use estimate.”*
    - **Pierce County** believes the addition of this caveat opens the plan to uncertainty and adds confusion around the final consumptive use estimate. Other language is fine. **Mason County and Kitsap County** agree.
    - **Squaxin Island Tribe** is not satisfied with this language and noted there is not agreement on this point. They will review the watershed plan as a full package to see whether this is a sticking point.
  + **Next Steps:** No revisions at this time, but open to wordsmithing on the full draft.
* **Section 4.3.2 Assumptions with Calculating Consumptive Use**
  + **Squaxin Island Tribe** requests more detail on climate change and reference to projections from UW CIG and the Climate Toolbox.
  + **Mason County** thinks climate change information is more appropriate for the Adaptive Management section of the Plan. As climate changes, the Committee can continue to make closer measurements and adjustments.
    - **Kitsap County** agrees with including this in the Adaptive Management section. Good to acknowledge climate change and the uncertainty it creates.
    - **Squaxin Island Tribe** agrees climate change should be discussed in more detail in the Adaptive Management section, but also acknowledges it is relevant to the section on assumptions. It could be a brief reference in this section (tie to uncertainty).
  + **Skokomish Tribe** would like a footnote included related to their assessment in collaboration with Aspect Consulting.
    - **Squaxin Island Tribe** would like the plan to clearly state these analyses were considered by the Committee as a factor in decision-making.
  + It was noted that the estimates for outdoor water use included in the plan are based on average years in terms of precipitation. Outdoor water use rates will generally be larger during dry or drought years. This will make the estimates included in the plan less conservative during these critical periods.
    - **Squaxin Island Tribe** supports the inclusion of this context.
    - **Kitsap County** noted the last sentence is unclear. Reality can be higher or lower than estimate.
  + **Next Steps:** Stacy and Bob will consider this discussion and work on revisions and adding some additional reference to potential future conditions.
* **Chapter 5: Projects & Actions**
  + **Squaxin Island Tribe** prefers to drop “actions” from title. **Mason County** agrees.
  + **Kitsap County and WDFW** are okay with including “actions” language or dropping.
  + **Next Steps:** Stacy will remove “actions” from this section.
* **Foster Pilot**
  + **Squaxin Island Tribe** would like the plan to reference the Foster Pilot project. There was a public presentation online which showed preliminary modeling results, demonstrating the connectivity of aquifers underneath surface watersheds. This could be stated in a nuanced way to reflect preliminary public results.
    - **Kitsap County** agrees that referencing the Foster Pilot’s preliminary work is useful.
    - **Ecology** discussed with the City of Port Orchard and agreed to reference the pilot in Chapter 2. Reserve references in Chapter 5 to actual projects being undertaken through the Foster Pilot.
  + **Next Steps**: Stacy and Bob will work on adding references to the Port Orchard model and pilot projects (Chapters 2, 5).
* **Section 5.2.1 Managed Aquifer Recharge Package**
  + Ecology noted that projects benefitting multiple subbasins are attributed to each subbasin and totaled at the end.
* **Section 6.1 Policy and Regulatory Recommendations**
  + **Squaxin Island Tribe** comfortable with current heading. Alternative could be “non-project actions.”

**Comments from Google Slides**:

* **Skokomish Tribe**: We simply have not had enough time, given COVID and the resultant effects on capacity in the workplace, to review several narrative iterations of the draft plan chapters and language, especially in two WRIA’s (14 and 15). We understand that no extensions will be granted.
* **Mason County**: Our comments mirror those from the Skokomish. With the roll-out of the Covid vaccine, we may have very little time to review plans while trying to do mass vaccination clinics.
* **Squaxin Island Tribe**: [Chapter 4] To clarify, we believe the target should be the higher number. Counties want the moderate number to be the target. No agreement has been reached on this point.
* **Squaxin Island Tribe**: [Chapter 5] To avoid confusion, just avoid using “actions”.
* **Squaxin Island Tribe**: [Chapter 7] The draft presented was disappointing. It did very little to assess ecological benefits and success in achieving streamflow restoration. More is needed than just water for water by WRIA.
* **Next Steps**:The Committee ran out of time to complete the review of the draft plan. Committee members can provide additional input ahead of the December 11 draft or on the next draft. Stacy and Bob will work on incorporating the feedback from today’s discussion in the plan.

# Projects

Chad Wiseman (HDR) provided an update on the [technical analysis](https://app.box.com/s/g55ptwznl4srv8tvl94htibaobcpfs94) of the Mason County Rooftop Infiltration project. HDR is working on a map of Group A, B, and C soils in Mason County for WRIA 14 and can share with WRIA 15. Assumption that parcels are five acres. May seem large, but HDR received direction from Dave Windom at Mason County who explained that the average composition of rural parcels available for development is about 7-8 acres. Used 5 acres as conservative estimate to account for locations where infeasible. 40 ft width of infiltration filter strip assumptions are based on EPA and Ecology guidance for standard BMPs. Appendix A includes responses to all technical comments received to date.

Bob Montgomery (Anchor QEA) provided an update on the Kitsap County Conservation District’s Raingarden project. Kitsap Conservation District has criteria used to decide which projects to implement each year. One criterion is how likely raingardens are to be connected to stormwater systems. For size calculated in Group B soils, assumed raingardens have enough capacity in less than 50 inch areas to recharge all rainfall (discounted by 10% safety factor). HDR feels comfortable with this as a planning level estimate.

**Reference Materials:**

* [Project Inventory](https://app.box.com/s/fkj0udurm65uewl2q0yqzlq3acgfyo2g)
* [Offset Benefit Project Descriptions](https://app.box.com/s/3zemlhb7ncl7if1ebgl95cqro9r08rxe) (detailed)
* [Mason County Rooftop Infiltration Project](https://ecy.box.com/v/MasonCoRooftopWRIA15)
* [Kitsap County Conservation District Raingarden Projects](https://app.box.com/s/h3sigv5mslcxrq49wvvdtikgazyxvszl)
* [Community Forest Package](https://app.box.com/s/ppedfyibb53y0nixxwyael79eohvu28s)

**Discussion:**

* **Mason County Rooftop Infiltration project:**
  + **WDFW** noted that the anticipated runoff/infiltration is high, even with relatively impermeable soils.
    - HDR agrees there are instances where 100% of runoff is infiltrated without any onsite facility. Infiltration rates are quite variable. The rates selected in this analysis are the typical rates assumed for design of stormwater systems based on guidance from WA Stormwater Manual.
  + **Kitsap County** favors including this project in WRIA 15’s Plan.
  + **Squaxin Island Tribe** proposed different discount numbers for Group A, B, and C soils. The assumptions around bedrock separation to groundwater is not always true; in winter saturates groundwater near surface. If this project is included in the watershed plan, the Tribe would like Ecology to include a statement that clearly explains what “extent practicable” means, as stated in the the law, which says, “applicant may manage to extent practicable.” Explain why this project is acceptable for Mason County but other counties are held to a different standard.
    - **Ecology** is evaluating the watershed plan for NEB and expects the committee to provide justification for projects included in plan.
    - **Squaxin Island Tribe** noted that Ecology needs to make legal calls, not the committee
  + **Suquamish Tribe** noted Mason County needs additional offset projects. If this project is included in the plan, it should be part of the NEB, not offset. Unclear whether this technical analysis provides sufficient assurance that streamflows will be maintained and that the amount of additional water gained is above the existing conditions.
  + **Mason County** would like to have consistency across watershed plans wherever possible (i.e., aligning WRIA 14 and 15 Plans).
    - **WDFW** is uncomfortable deferring to WRIA 14’s decision on this project. WRIA 15’s topography, soils, hydrology, and development patterns are significantly different than WRIA 14. Uncomfortable including this project with any sort of offset quantity because it is based on so many assumptions. WDFW is okay with including this project as a NEB project, but Committee still needs to develop significant offset projects in Mason County. Most rural properties are already infiltrating a lot of their stormwater without any facilities.
  + **Next Steps:** Without full agreement by the committee to include the project as an offset benefit, Ecology will keep this project in the inventory for now, with further Committee discussion in January. Stacy asked the Suquamish Tribe and WDFW to review the technical memos between now and then for additional context and let Stacy know if opinion on project changes.
* **Kitsap County Conservation District Raingarden Project**
  + **Squaxin Island Tribe** is concerned with how net offset is calculated. How much water would infiltrate without the raingardens?
    - **HDR**’s analysis includes an 80 square foot trench baseline.
    - **Ecology** noted that part of the reason for redoing this analysis from first draft was to develop this baseline.
  + **Next Steps:** Stacy and Bob will incorporate revisions into the project description. Committee should let Stacy and Bob know if any concerns.
* **Community Forest Package**
  + **Great Peninsula Conservancy** is ready to add more community forest projects in the South Hood Canal and South Sound regions. Please email [nate@greatpeninsula.org](mailto:nate@greatpeninsula.org) if you have ideas on possible acquisitions in these regions.
* **Next Steps:** Committee ran out of time to complete the discussion on the projects. Committee should send Stacy and Bob any additional feedback on projects. Projects will be incorporated into the next draft of the plan.

# Public Comment

No public comment.

# Upcoming Meetings

* Next meeting—Thursday, January 7, 2021, 9:30-2:00 WebEx

# Action Items for Committee Members

* Review Draft Plan between 12/11/20 and 1/4/21 for “red flag” edits. Submit comments by close of business 1/4/21. Prepare to discuss and address comments during 1/7/21 Committee Meeting. Prepare for local review to begin in January.
* Send additional feedback on projects as soon as possible for consideration in the 12/11 draft.
* Interested members participate in a follow up discussion on adaptive management and implementation.

# Action Items for Ecology and Consultants

* Prepare updated Draft Watershed Plan for Committee red flag review by 12/11/20.
* Identify the underlying information used to generate the heat map.
* Continue with project identification and development, especially in South Hood Canal and South Sound subbasins.
* Look into potential to record meeting.