MEETING SUMMARY

WRIA 15 Watershed Restoration and Enhancement

Committee Meeting

January 7, 2021 | 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
* December Meeting Summary
* Revised Plan
* Comment Tracker

# 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)

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)

Nam Siu (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)

Angela Johnson (Ecology)

Ingria Jones (Ecology)

John Covert (Ecology)

Stephanie Potts (Ecology)

## Committee Representatives Not in Attendance\*

Kitsap Building Association

Washington Water Service (ex-officio)

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

# Meeting Agenda and Review Meeting Summary

**Reference Materials:**

* [December 3rd – Final Meeting Summary](https://www.ezview.wa.gov/Portals/_1962/images/WREC/WRIA15/202012/WRIA15_MeetingSummaryFinal3December2020.docx)

Meeting summary approved by committee.

# Updates & Announcements

Ecology submitted the **required report to the Legislature on RCW 90.94** in mid-December. Staff gathered information on the planning process back in spring 2020, so numbers are outdated. Next report required in 2027.

There are challenges on Ecology’s end in terms of **Webex recording** retention, storage, creating multiple records, and captions. Stacy can record future meetings if there is a strong desire by the Committee. Stacy will not plan to record the meetings unless she hears a strong desire from members of the Committee and no concerns.

The Squaxin Island Tribe submitted a letter to Ecology regarding the watershed plan and plan development process. The Skokomish Tribe provided a letter of concurrence. The letter was circulated to the Committee.

* Ecology is still reviewing the letter and has not provided a letter of response.
* The Squaxin Island Tribe shared that the letter does represent any change in positions at the meetings, but is communication to Ecology to summarize all of their issues and concerns in one place. They are not intending to take meeting time to discuss the letter.

**Reference Materials:**

* [Report to the Legislature: Streamflow Restoration Law Update](https://apps.ecology.wa.gov/publications/documents/2011096.pdf)

# Projects

The Committee reviewed projects to finalize Chapter 5 of Plan.

**Reference Materials:**

* [Projects & Actions Box Folder](https://ecy.box.com/v/WRIA15ProjectsActionsFolder)

**Discussion:**

* **Skokomish Tribe**: still concerned by the lack of projects in South Hood Canal.
* **Managed Aquifer Recharge (MAR) Projects**: Anchor QEA working to develop additional MAR project concepts. Descriptions for potential sites were distributed on 12/18 and again 1/6. In addition, Ecology reached out to Washington Water Trust (WWT) and they are willing to be a project sponsor for a limited number of MAR sites. Ecology will meet with them in the coming months to further discuss potential sites.
	+ **WDFW**: would any of these MAR projects include stream diversions?
		- **Anchor QEA**: Some MAR projects may include stream diversion.
		- **WDFW**: MAR with stream diversions are very difficult to maintain and can create negative impacts on habitat. Instream diversion structures require hydraulic project approval (HPA) and mitigation for habitat impacts.
		- **Kitsap County** agrees that diversions can have unintended consequences; have had to remove them in the past; urges caution.
		- **Suquamish Tribe** objects to stream diversions and would like any project including diversions to be removed from Plan.
		- **Anchor QEA**: there may be insufficient information to determine whether a diversion structure is needed. If these projects move forward, there would need to be extensive consultation work to develop feasibility design studies.
		- **Skokomish Tribe’s** habitat team would agree with eliminating stream diversion options from any proposed MAR project. Supports the inclusion of these projects with qualifications in reference to stream diversion issues.
		- **Mason County** is not opposed to diversion, especially in times of flood water.
		- **WDFW** requeststhe "placeholder" MAR figure be replaced with one that does not include a diversion.
		- **WDFW**: Is there an alternative that is more natural (e.g., creating some sort of wetland where water could be stored in / withdrawn from)?
		- **Ecology** noted that many projects are still very conceptual. Recommends including a statement in plan that there are concerns/objections to projects requiring stream-engineered diversion.
		- **Squaxin Island Tribe**: would diverting road runoff be an alternative to stream diversion?
		- **WDFW** supports MAR that uses stormwater or wastewater, just not MAR that is diverting stream water or using an artificial diversion of stream water. Storing stream water in some sort of natural storage solution like a wetland would be an option.
		- **City of Port Orchard** requested adding “clean” before road runoff.
		- **WDFW**: since only "passive" MAR is being considered, infiltrating the road runoff should "clean" it.
		- **City of Port Orchard**: either infiltration or passing the runoff through an appropriately sized, vegetated conveyance should meet the criteria for treatment.
		- **Suquamish Tribe**: due to the Coho study, and potential wetland use by Coho, any stormwater put into a wetland should have treatment. Wetlands also support native amphibians which are also sensitive to pollutants. How will the MARs function if overly engineered when/if the feasibility stage happens? Ecology has had issues with wetland mitigation banks that include outlet/water control structures. If we cannot commit to meeting post plan, who is on the hook for maintaining all of the structures?
		- **Next Step**: Ecology will add in some language to address concerns regarding instream structures.
	+ **Suquamish Tribe** what is the approach to estimating offsets? How much water is estimated to go into ground as a result of these projects? Or estimated based on benefit to streamflow? Will projects change timing of benefits?
		- **Anchor QEA:** technical team has not done estimates of timing. We do not have the information available to make those assessments yet as it requires hydrogeological studies to understand connection between water infiltration and where it ends up. The tech team estimated potential runoff from area and used a conservative infiltration rate of two feet per day.
	+ **Squaxin Island Tribe** requests an additional column to indicate county for each project. This issue was discussed in WRIA 13; in the long term, projects become steady state as the ground is saturated. WDFW only wants summer benefits counted. Could estimate benefits and apply 50% discount.
		- **Anchor QEA** did not apply 50% discount (too early). Applied a factor based on relative certainty of implementation; could apply factor for relative uncertainty of benefits. Multiplied potential offset by 10 to 80% for total MAR portfolio based on the feasibility of implementation and timeframe to implementation.
	+ **Port Gamble S’Klallam Tribe** requests removal of the Gamble Creek Arness Parcel and Seabeck DNR Parcel. **Ecology** will remove as it was an error carried over from earlier version of project description.
	+ **Great Peninsula Conservancy** offered to acquire the land for the Rocky Creek project if it would help the MAR proceed more smoothly; GPC is very active in that watershed.
	+ **Kitsap County**: Coulter Creek Heritage Park MAR is in project list as a placeholder because it is on publicly-owned land. Need to know what kind of commitment county has as landowner. It is a logical place to do a project because of its location in watershed. Other than model aircraft airstrip, the remaining property is forested or forested wetland; unclear where any additional water would come from.
		- **WDFW** agrees; Coulter Creek Heritage Park is pristine headwater wetlands.
		- **Kitsap County** recommends deleting from project list. The Plan already includes a lot of forested wetland.
		- **Ecology** will remove the project.
	+ **Suquamish Tribe**: who would be responsible for MAR maintenance?
		- **Ecology**: the project sponsor would need to prepare a plan for maintenance.
		- **Mason County** would be unwilling to maintain a project not owned by the county.
		- **City of Port Orchard**: would looking into the Stormwater Action Monitoring program's framework for monitoring be a possibility for keeping these systems functioning as designed? SAM is a consortium of stakeholders that pay a small fee to ECY to implement the program. City of Port Orchard pays a small fee (under $3K) set by a rate (sliding scale rate based upon population) to Ecology to conduct monitoring on a regional scale to meet permit requirements. The cost is very low compared to implementing a separate program.
* **Raingardens and LID:** Anchor QEA has met with Pierce Conservation District and confirmed with Mason Conservation District their interest in implementing these projects in WRIA 15. Ecology is revising the project description in the plan with the new calculations that were shared on December 3rd and with the additional sites.
* **South Sound Project Scoping:** Pierce County worked with the Tribes and other partners to collaboratively develop a project idea for scoping and prioritizing new offset projects in the South Sound Subbasin and South Sound Islands Subbasin.
	+ **Pierce County**: idea is based on a WRIA 11 project. During Plan development, insufficient time to vet projects at the level of detail needed. WRIA 11 study was funded by streamflow grant round. Intent is to develop highly conceptual projects in South Sound into projects with measurable offset.
	+ **Port Gamble S’Klallam Tribe**: does this project align with grant guidance (i.e., limitation around conducting studies).
		- **Pierce County**: yes, the project is based on similar language used in the application for WRIA 11’s Plan, which was funded by streamflow restoration grant. The project is framed as a phase approach, with project selection and prioritization being only the first step.
* **PE Well Decommissioning:** Kitsap PUD is interested in a project where they (and other water purveyors) would connect homes that are currently on PE wells to public water systems and then decommission the wells. While these projects *can* be counted as an offset benefit, they are expensive (2-15K per well, depending on depth, diameter, etc.) and will require some funding to do on a large-scale basis. If the Committee wants to include the project as an offset benefit, consider having targeted areas in WRIA 15 to focus an incentive or decommissioning program. The following language is taken from WRIA 7, where they included connections and decommissioning as a general project type that they support but did not account for an offset benefit: *Projects or programs that support connections of existing homes on exempt wells to public water systems without impacting critical areas or indirectly encouraging development outside of UGAs. Projects could provide financial incentives for homes using PE wells to connect to public water service and decommission the well; and/or provide financial support for water purveyors to extend water distribution systems further into their individual service areas, particularly where PE wells are concentrated or rapid rural growth is anticipated. The purveyor will need to demonstrate how they plan to connect PE users to the extended line. The purveyor will need to agree forgo the consolidation of the groundwater right(s) exempt from the permit requirement under RCW 90.44.050 (the groundwater right associated with the formerly exempt well) through the RCW 90.44.105 process.*
	+ **Kitsap PUD** favors a general statement of support in lieu of specific project description.
	+ **Kitsap County** agrees with targeting specific areas, especially in rural areas with small legacy lots and/or high concentrations. County is willing to work with PUD to identify target areas.
	+ **Bainbridge Island** agrees. In addition to areas in Kitsap County, Bainbridge Island has good potential for concentrated PE well areas outside water utility service areas.
	+ **Next Step**: Ecology will add the language to the plan under the general project statements.
* **Stormwater Projects: Koch Creek and Ridgetop Blvd.** These West Sound projects have been on the project inventory for a long time. Ecology has not received any input on them; flagged them in the draft plan for feedback on whether to keep. The Ridgetop Blvd project applied for streamflow funding in 2019 but was unsuccessful.
	+ **Kitsap County** is comfortable including these projects for offset benefit and looking for input from other Committee members. Ridgetop Blvd Phase 3 is on hold due to funding. No similar projects are planned in the near future.
	+ **Next Steps:** Ecology and Anchor QEA will add the projects to the plan.
* **Clear Creek and Coulter Creek Heritage Park:**
	+ **Kitsap County** recommends removal from Plan.
	+ **Next Step:** Project will be removed.
* **Kingston WTP Project:**
	+ **Suquamish Tribe** requests removal as project sponsor. Tribe is not opposed to it remaining on list.
	+ **Next Step:** Tribe will be removed as a project sponsor.
* **Johnson Farm Project:**
	+ **City of Bainbridge Island:** how was the offset calculated for this project?
	+ **Anchor QEA:** MAR portfolio has a low certainty of implementation and a 10% discount factor was applied.
	+ **Next Step:** Bob will double-check this specific project and connect with Mike & Christian on details.
* **Winslow Treatment Plant Project**
	+ **City of Bainbridge Island:** general sewer plan references reclaimed water, given constraints of facility and long-term needs. Implementation would be a ways out.
	+ **Next Step:** Bob will work with the City on the project description and offset value.
* **Water Rights Acquisitions**
	+ **Squaxin Island Tribe**: where are the water rights acquisition projects discussed in South Sound?
	+ **Ecology**: potential projects came off list iteratively due to (1) lack of interest from landowner or water rights holder, based on initial outreach; or (2) water had not been put to use. The only areas where potential water rights felt feasible to include were on Bainbridge Island and Vashon-Maury Island. Ecology has included a general statement in plan that the Committee wants to pursue water rights as they are identified, available, and feasible. None of the options in South Sound looked feasible to explore; may change in the future.
	+ **Squaxin Island Tribe**: will the list of water rights the consultants developed be included in an Appendix?
	+ **Ecology**: not planning to provide inventory of water rights in Plan because of privacy concerns (plan is a public document). The information Ecology would feel comfortable including in the Plan wouldn’t be useful for pursuing rights in the future. [List is available on Box](https://ecy.box.com/v/WRIA15WRAcquisitionsAssess).
	+ **Squaxin Island Tribe** would like to include thelist in Plan (as other WRIAs have been doing). WRIA 13 included a map with circles / general locations of water rights without names of right holders on it. Ecology Chairs should discuss consistent approach.
	+ **Ecology:** other WRIAs are including these lists because there is future potential. WRIA 15 does not have projects left on the list that are likely to be pursued.
	+ **Next Step:** Ecology will provide the Box link to water rights information and provide the detailed information to partners (GPC, KCD, Washington Water Trust, and others as requested) for future exploration of projects.
* **Port Gamble Heritage Park Community Forestry Project**
	+ **Kitsap County** supports this project, subject to existing acquisition agreements. Would like those agreements memorialized in plan.
	+ **Port Gamble S’Klallam Tribe:** not sure how the project ties to streamflow. Need to identify which stream reach will be improved through that project. Not much habitat downstream from forest.
	+ **Next step:** Ecology will include a note about existing agreements and also consideration for the past and future use of the land.
* **WDFW** noted that if the plan goes to rulemaking, the Salmon Recovery Funding Board (SRFB) will be making decisions and approving projects. Reminder to project sponsors – SRFB is used to getting well-developed projects that have been vetted and expect a certain level of quality/development. WDFW encourages sponsors to develop projects as much as possible, whether they will be approved by this group or SRFB.
	+ **Ecology** clarified that while SRFB provides technical review, if the Committee does not finalize/approve the plan and/or if not adopted by Ecology’s director, Ecology will finalize the plan. Ecology will consider SRFB comments but they are not the final approvers.

**Comments from Google Slides**:

* **Ecology**: MAR projects: "The project should be specifically designed to enhance streamflows and to avoid a negative impact to ecological functions and/or critical habitat needed to sustain threatened or endangered salmonids"
* **Mason County**: in response to maintenance of MARs, the county would be unwilling to maintain a project not owned by the county.
* **Bainbridge Island**: Bainbridge is looking to recommend splitting the Johnson Farm project into the MAR portion and a second project including the source change. We are also looking to add a potential reclaim project (which we previously chose not to include) primarily as a placeholder. This has come from comments from 2 of our advisory committees and will be coordinated by Christian as our “project workgroup lead”
* **Kitsap PUD**: I don’t agree that we should unilaterally delete the MAR projects in Coulter Creek from the list. It is a large basin with diverse habitat conditions. I can think of one pond/lake that could have potential for raising its level to impound more water, possibly increasing groundwater recharge or delayed surface water release.
* **Great Peninsula Conservancy**: If you have willing sellers, the Rocky Creek MAR project may include property acquisition by GPC. This may help facilitate the successful implementation and long-term maintenance of any off-stream, flood-stage MAR project. On your draft regarding the South Sound streamflow restoration strategy, Great Peninsula Conservancy’s title is misspelled as “Greater.”

# Outstanding Plan Comments

Ecology received comments from: Kitsap PUD, Kitsap County, Pierce County, Mason County, Skokomish Tribe, City of Bainbridge Island, City of Bremerton, Squaxin Island Tribe, and a note from City of Gig Harbor that they had no comments. The Committee reviewed comments and discussed how to move forward with resolution.

**Reference Materials:**

* [WRIA 15 Timeline](https://app.box.com/s/bs8f08neukdjr45jsxq1452xstiw0pte)
* [Local Entity Review Process](https://app.box.com/s/jy6iacdzgz6iho4zlfb5hqd99y0yvhi2)
* [Watershed Plan Folder](https://app.box.com/s/8hloh1ja8ivc8out74z6oparow00iw81), including consolidated comments

**Discussion:**

* **Executive Summary**
	+ *The law directs the Department of Ecology to lead local planning Committees to develop Watershed Restoration and Enhancement Plans that identify projects to offset potential consumptive impacts of new permit-exempt domestic groundwater withdrawals on instream flows over the next 20 years (2018 –2038) and provide a net ecological benefit to the watershed.*
		- **Squaxin Island Tribe** noted the underlying issue is legal interpretations. Clarifying that this is Ecology’s interpretation is reasonable. While the Tribe has identified red flag flaws in the plan, one red flag on its own does not necessarily mean the Tribe will veto the plan. Will look at the overall plan and determine whether benefits outweigh flaws.
		- **Puyallup Tribe** is uncomfortable with differing interpretations of law; believes the Committee should start from the same place / same realities. May become an issue for plan approval.
		- **Susan (Facilitator)** noted this has been an issue since the process began. The plan will include a compendium where members may provide their interpretations.
		- **Puyallup Tribe** would like to pursue having the law interpreted in court.
		- **Squaxin Island Tribe** proposed potentially vetting with legislators in upcoming session. Talk to the people who drafted the bill regarding their intent.
	+ *The WRIA 15 Committee believes that this Watershed Restoration and Enhancement Plan meets the requirements of the law.*
		- **Pierce County**: should this sentence also clarify that it is Ecology’s interpretation? Would it be better to change from “committee believes” to “Ecology believes”?
		- **Ecology** cannot include that language until Ecology has completed the review and adoption of the Plan.
		- **Mason County** supports the language as-is. The County feels it meets the requirements of the law.
		- **Suquamish Tribe** suggested rephrasing to say the plan is *intended* to meet the requirements of the law. **Skokomish Tribe** agrees.
			* **WDFW** replacing "the plan *will* offset impacts of permit exempt wells," with "the plan *is intended to* offset impacts of permit exempt wells” throughout the entire plan due to the uncertainty around implementation and the conceptual status of projects. **Suquamish Tribe** agrees.
	+ *This watershed plan includes projects that provide an anticipated offset of xx acre-feet per year to benefit streamflows and enhance the watershed.*
		- **Squaxin Island Tribe**: Explain that offsets must meet PE well consumptive use estimates by subbasin, and provide a summary of the plan's results by subbasin.
		- **Mason County** disagrees. WRIA 22/23 plans were very clear that NEB is WRIA wide. Ideally, projects should be close to impacted areas but it is not required.
		- **Squaxin Island Tribe** would like a decision from committee. There are five different tribes in this subbasin with different U&A areas. In this basin, it is critical to offset by subbasin. Major red flag for plan approval—language must describe meeting offsets by subbasin as more than a goal—must have. The Committee should make a clear decision or the plan should reflect there is no consensus on this point.
		- **Port Gamble S’Klallam Tribe:** important to look at finer scale for mitigation (Watershed Assessment Unit (WAU)). PGST has an outstanding to Ecology to get data on wells and proportional impacts to streamflow.
		- **Ecology** noted the law speaks to meeting NEB at the WRIA scale and prioritizing projects closest to impact. It is a goal of the committee to meet the offset need by subbasin.
		- **Kitsap County** does notrecall earlier discussions regarding meeting offsets by subbasins as an absolute; desired but not mandatory. Meeting offsets by subbasin was contingent on availability of offset projects.
		- **PGST** believesthe tiered approach is necessary as a framework. The Committee should estimate the impact locally, look for offset opportunities, then estimate at the intermediate scale, look for offset opportunities, then estimate at region scale as last resort. At each step away from near the location of impact, the magnitude of benefit is increased. **Suquamish Tribe** agrees.
		- **Next Step:** Ecologywill to ensure language in consistent throughout plan and also on the nested approach for projects as part of adaptive management.
* **Chapter 1: Plan Overview**
	+ *The purpose of the Water Resource Inventory Area (WRIA) 15 Watershed Restoration and Enhancement Plan is to identify projects and actions intended to offset the impacts of new domestic permit-exempt wells to streamflows.*
		- **Squaxin Island Tribe**: This sentence is an incomplete statement of what the law requires. Rewrite to broaden the purpose and emphasize restoration of streamflows and include achievement of NEB, like the beginning of Ecology's report to the legislature. The law requires offsetting existing domestic PE wells too, at least dating back to when ISFs were adopted, plus estimating cost of offsetting all new domestic water uses over 20 years. At a minimum, note that this is Ecology's interpretation of the law and the Tribe's signing statement in the compendium provides the alternative view that this sentence is a misstatement of what the law requires.
		- **Next Steps:** Ecologywill review further; the report talks about the entire law, not just 90.94. This language was provided by our management.
	+ *While this watershed plan is narrow in scope and not intended to address all water uses or related issues within the watershed, it may provide a path forward for future water resource planning.*
		- **Squaxin Island Tribe**: the plan is overly narrow in scope and does not meet all requirements of the law. The Tribe emailed Stacy a list of comments for Ecology to review and consider, not necessarily group discussion. The language with the sentiment that this can be the foundation of future work can stay as is in Plan (do not delete sentence).
	+ *1.1.1 Legal and Regulatory Background for the WRIA 15 Watershed Restoration and Enhancement Plan*
		- **Squaxin Island Tribe**: this section needs a more complete discussion of laws that are related to this planning process. See the letter from Jeff Dickison to Mary Verner dated December 7, 2020.
		- **Ecology** added a footnote: *ESSB 6091 includes the following: “AN ACT Relating to ensuring that water is available to support development; amending RCW 19.27.097, 58.17.110, 90.03.247, and 90.03.290; adding a new section to chapter 36.70A RCW; adding a new section to chapter 36.70 RCW; adding a new chapter to Title 90 RCW; creating a new section; providing an expiration date; and declaring an emergency.” (p. 1)*
	+ *1.1.2 Domestic Permit-Exempt Wells*
		- **Squaxin Island Tribe**: This section needs additional explanations of the prior appropriation doctrine and the relationship of PE wells (which each have a seniority date) to more senior rights (including Tribal rights) and instream flows set by rule. This is important foundational information. Point to Ecology publications that explain prior appropriation doctrine; Hirst decision; and relationship of senior water rights to PE wells.
		- **Next Steps**: Ecology will talk with management and include language if okay.
	+ *For WRIA 15, this watershed plan recognizes the goal of protecting fish stocks and aquatic life, regardless of listing status.*
		- **Skokomish Tribe**: Revise "For WRIA 15, this watershed plan recognizes the goal of protecting fish stocks and aquatic life" to read: “For WRIA 15, this watershed plan recognizes the goal of protecting water quantity as the primary component of habitat for fish stocks and aquatic life.”
		- **WDFW** suggested “fish populations” instead of “fish stocks.”
	+ *It is the WRIA 15 Committee’s intent that the WRIA 15 watershed plan is prepared to ensure full implementation.*
		- **Pierce County**: The Committee is limited to the commitment of advancing projects and adaptive management provisions with an intent to achieve full implementation; the Committee doesn't have the ability to write the plan to "ensure" full implementation as the statement currently infers.
		- **Ecology’s proposed language**:
			* **Option 1**: The WRIA 15 Committee prepared the WRIA 15 watershed plan with implementation in mind.
			* **Option 2**: The WRIA 15 Committee prepared the WRIA 15 watershed plan with the expectation that the plan is fully implemented.
				+ **Squaxin Island Tribe** prefers Option 2, perhaps worded as “with the intent to be fully implemented”.
				+ **Next Step:** Ecology will work on a revision based on committee input.
* **Chapter 2: Watershed Overview**
	+ *Past timber harvest and ongoing residential and commercial development have removed forest and riparian cover and increased impervious surfaces in most areas of the Kitsap Basin.*
		- **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.
		- **Next Step**:Waiting on specific suggestion for language.
	+ *County and city comprehensive planning under the Growth Management Act of 1990 identifies where and how future population, housing, and job growth is planned. The comprehensive plans set policy for development, housing, public services and facilities, and environmentally sensitive areas, among other topics.*
		- **Squaxin Island Tribe**: a paragraph should be added to describe the linkages between GMA and water planning. Under GMA and state water laws, water system plans cannot encourage development that is inconsistent with zoning nor allow municipal water rights holders to use water consumptively in excess of their actual rights, and must require mitigation for instream flow impacts under certain circumstances. GMA comprehensive plans and development regulations protect groundwater and surface water and their associated resources by, among other things, establishing planning policies, land use and rural elements and critical area ordinances. In addition, ESSB 6091 amended the GMA and state Building and Subdivision Codes to allow counties to rely on instream flow rules, and amended the Building Code to allow for reliance on compliance with the SRA. Because of this legal regime, this plan must meet all mandates established in the SRA and other laws. This includes implementation to ensure offsets that protect and restore streamflows, and amendment of instream flow rules.
		- **Mason County** disagrees; misinterpretation of linkage between growth management and water plans.
		- **Kitsap County** agrees with Mason County on water system plans; phrasing not quite right. Unclear what the desired change/goal of changing language is. Advocates for more general language.
		- **Squaxin Island Tribe’s** legal department believes there are anumber of linkages between 90.94, GMA, and this plan.
		- **Mason County** believes this additional language complicates the plan and provides opportunity for legal challenges and lawsuits.
		- **Pierce County** agrees; some information is incorrect (e.g., water system plans cannot encourage development). Local jurisdictions that have a coordinated water system plan have a checklist to ensure plans are consistent with local comp plans.
		- **Next Step:** Pierce County is willing to work on this language with other counties.
	+ *2.3.4 Water Quality*
		- **City of Bainbridge Island**: Do we want to broaden this section to include other water quality assessments (i.e., Kitsap, Bainbridge, South Sound monitoring programs)? Just make reference, do not need details. Reference broader information available so folks can dig deeper if they want to.
		- **Next Step**: Ecology will reach out to Christian / Mike for more detail.
* **Chapter 3: Subbasin Delineation**
	+ *For some Committee members, it was also important to consider alignment of subbasins with Tribal Usual and Accustomed fishing areas and county jurisdiction. A more detailed description of the subbasin delineation is in the WRIA 15 Subbasin Delineation Technical Memorandum, available in Appendix F.*
		- **Port Gamble S'Klallam Tribe** was uncomfortable with an administrative watershed boundary along its reservation, as it exists on a narrow peninsula with limited available groundwater resources. However, for the purposes of the plan, the delineation presents a workable framework to meet the needs of the statute.
		- **Next step:** No specific revision requested from the Tribe.
* **Chapter 4: New Consumptive Water Use Impacts**
	+ *While there was not consensus on using the higher number for the consumptive use estimate, the Committee did agree that reaching an offset target of 1,218 AF/yr would be beneficial to streams.*
		- **Squaxin Island Tribe**: delete first half of this sentence ("While there was not consensus on using the higher number for the consumptive use estimate,"). Sufficient to just state what we agreed upon. Or else also note that there was no consensus for the moderate value as the only estimate.
		- **Mason County** does not agree with removing the first part of sentence.
			* **Next step**: Plan will reflect that there was agreement that the higher target was beneficial for streams.
		- **Squaxin Island Tribe** sent additional comments on this same theme. The paragraph discusses two estimates; the Committee came up with nuanced language that would be a middle ground on how those two estimates were used. Would like consistent language throughout the plan. Although the Tribe agrees 766.4 af/yr is the most likely consumptive use estimate, the higher number ensures we provide sufficient project offsets for uncertain future. Estimates could be impacted over time by higher growth, climate change, etc. The Tribe does not accept 766.4 as *only* estimate / target.
		- **PGST** consider noting the legal limit as an upper bound (does not need to be included as a “target,” but provides additional context).
		- **Kitsap County** is fine with the language as currently written.
		- **Ecology** noted the language presented in plan reflects the language the committee discussed and agreed on.
		- **Squaxin Island Tribe** does not agree with the language. The moderate is not protective of streamflows in an uncertain future. The Tribe does not see agreement. Ecology can pick which side they agree with and put it in the plan, and the Tribe will decide based on the language Ecology chooses.
		- **Susan (facilitator)** stated that we are working to reach consensus on the plan.
		- **Ecology** stated that they are not going to pick a side but instead are working to represent the various opinions in the plan and demonstrate where we do and do not reach concensus. Ecology will work on consistency of language throughout the plan and also improve the linkage to adaptive management. Need proposals from committee if seeking a language change.
	+ *Irrigated Area Method*
		- **Squaxin Island Tribe**: add a table for the results using the 95th percentile irrigated area (0.12 acre). Add a paragraph explaining that the 95th percentile area is used to provide a safety factor for future conditions, such as climate change and higher PE well growth than expected, and that this "high estimate" provides certainty for offsets and streamflow restoration.
		- **Mason County**: noted there are safety factors already built in. The County agreed to use the irrigation method instead of USDA watering method.
		- **Kitsap County** agrees with Mason County. If adding higher value, include lower estimate as well.
		- **Squaxin Island Tribe** disagrees, and notes that they’ve argued this point for 2 years.
* **Statements of Assurance nd Next Steps for Working through Comments**
	+ At the end of Chapter 6, committee members are invited to submit an assurance of implementation statement.
	+ **Kitsap County**: noted that they’ll be signing via resolution and are working on the language now that will be used for the assurance of implementation statement. County prefers to wait until language is final prior to sharing draft.
	+ The committee discussed options for moving forward with plan revisions. The committee agreed to another meeting to work through major revisions based on today’s meeting and to address any new comments that come in ahead of next meeting (anticipated from Mason County, Port Gamble S’Klallam Tribe, Suquamish Tribe and City of Port Orchard).
	+ **Ecology** will send out a link to the revised draft ahead of the January 19th meeting.
* **Chapter 5: WRIA 15 Projects**
	+ - *(the committee discussed the Mason County rooftop project at this point and that discussion is summarized below)*
	+ *Table 12*
		- **WDFW**: Please add an additional column to describe the estimated timing of benefit, such as whether the benefit will occur during specific months, the low flow period, or year-round. Please add an in-text description of considerations used to assign estimates of ‘relative certainty of implementation’. Consider adding a ‘certainty of benefit ‘estimate that accounts for potential discrepancies between estimated and actual offsets.
		- **Next Step:** Anchor QEA can include requested detail for some projects but won’t know for all because hydrogeological information is not available. Simple to calculate for WRIA 10, can vet with WDFW.
* **Chapter 6: Additional Plan Recommendations**
	+ *The watershed plan also provides adaptive management recommendations (see Chapter 6) to increase reasonable assurance that the projects and actions in the plan will be implemented.*
		- **Squaxin Island Tribe**: certainty for the implementation of projects is required, either in Plan or through rule amendment. One way to demonstrate certainty is for Section 5.3.3 to have language from each county on how they intend to support the development, funding, and implementation of projects. Pierce County and the Tribe collaboratively developed language about project implementation. Please contact Pierce County for this language and add it to the plan. It is a good example for other counties as well. This comment falls under umbrella of what Ecology will do if the plan is falling short (part of adaptive management). If plan / projects are not getting developed and PE wells are going in faster than projects, what will Ecology do? Need to make up for lack of projects through actions Ecology should consider doing / may need to do if plans are not being fully implemented.
		- **Mason County** noted that WRIAs 22 and 23 did not include any policy/regulatory recommendations and their plans moved through this process more smoothly.
		- **Next step**: Committee representatives are invited to provide language for this section of the plan prior to release of the draft plan or at the final meeting.
	+ *6.3 Assurance of Plan Implementation*
		- Seeking a statement from each committee member regarding how they will commit to plan implementation.
		- **Kitsap County** will be signing off on the plan via resolution. The resolution will include ~16 bullet points outlining these commitments. Plans to take language from resolution and include as County’s statement in the plan. Prefer not to share draft language at this time.
	+ *1. Track the number and location of permit-exempt wells*
		- **Squaxin Island Tribe**: The proposal document that goes with this particular item elicited no Committee concerns and can be considered a consensus document. Developed cooperatively with Ecology. The document contains important details to this proposal. Please include the original document in the Appendix and reference in this section.
		- **Suquamish Tribe** asked whether Kitsap PUD is already doing this.
			* **Ecology** noted the KPUD recommendation is specific to improvements of the Ecology well tracking database; some actions are already underway to make improvements.
			* **Kitsap PUD** noted their efforts are specific to Kitsap County. Obtain well logs from County during permitting process, enter into KPUD database, plot on map (above and beyond what Ecology is doing right now).
			* **Next step:** Ecology will add the full proposal to the appendix.
* **Chapter 7: Net Ecological Benefit Evaluation**
* **Appendix H: Project Inventory**
	+ *Mason County Rooftop Runoff Infiltration Project*
		- **Mason County** requests that the project be included in Chapter 5 as an offset project or removed from project list.
		- **Suquamish Tribe** believes the offset value is high and questions the actual benefit (what amount of water was already infiltrating before project?). Cannot commit to including this project in Plan.
		- **WDFW** has major concerns with this project counting towards offset. WDFW could not commit to accepting the project at this time.
		- **Mason County** noted that not all water that falls currently infiltrates due to evapotranspiration, runoff, sheet flow, runoff to Puget Sound, etc. Mason County would like to be consistent between WRIA’s 14 and 15.
		- **Ecology** noted (per HDR's tech memo) the project is estimated to provide 72 AFY for South Hood Canal and 7 AFY for South Sound. This is a large reduction from the original calculations based on revisions to the approach from partner input.
		- **Squaxin Island Tribe** noted WRIA 14 is including this project in their plan. Squaxin and Skokomish are not blocking the project. Unclear why not including. HDR looked at baseline and reduced numbers by half.
		- **Ecology** will provide additional information to Suquamish Tribe and WDFW for further review. If unable to commit to including the project as an offset, Ecology will remove from plan, per Mason County’s request.

**Comments from Google Slides:**

* [Chapter 3 & 4] **Pierce County**: KPUD notes in several locations that they would like to see gpd values included. Pierce County supports this addition. I believe we have also made this request in previous review rounds. It’s helpful context.

# Vote on Plan Cover

With a total of five Committee votes (!), the photo below will be featured on the WRIA 15 Plan cover:



# Public Comment

No public comment.

# Upcoming Meetings

**January 19, 2021**: 9:30AM to 2PM **January 25, 2021**: 10AM to 1PM (if needed)