MEETING SUMMARY

WRIA 15 Watershed Restoration and Enhancement

Committee Meeting

January 25, 2021 | 10:00 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
* Revised WRIA 15 Plan
* Consolidated Comments

# 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)

Seth Book (Skokomish Tribe)

Paul Pickett (Squaxin Island Tribe)

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)

David Winfrey (Puyallup Tribe)

Brittany Gordon (WA Dept of Fish & Wildlife)

Nam Siu (WA Dept of Fish and Wildlife

## Other Attendees

Susan Gulick (Sound Resolutions, Facilitator)

Madeline Remmen (ESA, Info Manager)

Bob Montgomery *(*Anchor QEA)

John Covert (Ecology)

Stephanie Potts (Ecology)

Angela Johnson (Ecology)

## Committee Representatives Not in Attendance\*

Great Peninsula Conservancy

Kitsap Conservation District

Washington Water Service, *ex officio*

Mason-Kitsap Farm Bureau, *ex officio*

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

# Meeting Agenda and Review Meeting Summaries

The January meeting summaries will be reviewed/approved via email or at the next Committee meeting if held.

Susan Gulick (Facilitator) reviewed the agenda.

# Outstanding Plan Comments

Susan reminded the Committee that this is the last scheduled meeting before local review and that it is up to Committee members to bring up issues today and propose specific changes to the text.

Stacy gave an overview of the changes made to the Plan, going through edits and comments in each Chapter. The maps have not yet been revised, but Stacy will be working with HDR and sending the final refinements this week. Angela (Cascadia) also completed a copy edit on the Plan.

**Executive Summary**

Stacy went over edits to the Executive Summary which included incorporating more language from the NEB chapter to make a connection between meeting the offset needs in each subbasin and adaptive management. There is also a recognition that the Committee was short in meeting its goals of offset need by each subbasin (both for consumptive use estimate and for the higher offset target). The table in the executive summary was also updated to reflect the most updated numbers from 1/22/2021 based on a few adjustments to projects.

* The **Squaxin Island Tribe** objected to the language stating the plan has met NEB. . Ecology guidance says the Committee can include an evaluation, but doesn’t have to determine that the plan meets NEB. The Tribe is ok with Including the evaluation, but does not agree with the determination. The determination will be left up to the Department of Ecology.
  + **Next step:** Ecology will remove the statement from the Executive Summary and the NEB chapter.

**Chapter 1: Plan Overview**

The only change to highlight in this chapter was the language about prior appropriation, which was pulled into a text box. Previously it had been included in a footnote.

* Committee members did not have any other changes to this chapter.

**Chapter 2: Watershed Overview**

Changes to this chapter of the Plan included adding more language about the impacts of young vs. old forests on streamflow, with a footnote referencing a memo in the compendium from the Squaxin Island Tribe.

* The **Squaxin Island Tribe** felt the language added was too definitive and suggested changing the sentence to say, “research shows timber harvest may also impact streamflow as young forests often use more water then mature forests”.
* **Next Steps**: edits were made during the meeting and no further edits suggested.

The GMA language drafted by Pierce County was added to the Plan. The Squaxin Island Tribe still had some concerns.

* The **Squaxin Island Tribe** felt that this language did not address their comment and requested that language from their comment be added to this section.
* **Susan (Facilitator)** asked Paul to provide specific language they would like to see in the plan because many committee members are not GMA experts. The counties worked together in an attempt to respond to Squaxin comments; if it did not hit the mark where does it need to be changed?
* The **Squaxin Island Tribe** felt that this section did not fully explain the connections between the GMA and water law, zoning, building codes etc. and requested that more detail be added.
* **Pierce County** is trying to respect everyone’s comments on this section, but feel comfortable adding more detail and a reference that GMA was amended as part of the ESSB 6091 legislature, but does not want to get to into the interpretations of what the law states.
* The **Puyallup Tribe** requested to add a sentence stating that the GMA has not protected minimum flows.
  + Several Committee members stated that they would likely not be able to approve the plan if this type of language was added.
* **Pierce County** would like keep this section about simple facts about the legislature and linkages.
* Committee members acknowledged that they have different interpretation of the law.
* The **Squaxin Island Tribe** would like to add something that discusses how the root of the SFR act came from the Hirst decision and the hearings board decision that lead to the Hirst Decision, and that there are concerns that the implementation of GMA was not protecting streamflows. The GMA is fundamentally linked to this planning process through the Hirst decision.
* **Pierce County** supported adding a reference to the Whatcom County Hirst decision and suggested adding language from Ecology’s website.
* The **Squaxin Island Tribe** would also like to add that there the GMA also has linkages to other water system plans, building codes, zoning and water rights.
* **Pierce County** felt that some of this language would go beyond the GMA.
* **The committee agreement to continue working on the revisions at the end of the meeting.**
  + The Committee agreed to edit the section as follows:

“There are numerous linkages between growth management and water resource management. The GMA addresses water resources through requirements related to water availability as well as ground and surface water protection.  Public facilities, which include domestic water systems must be adequate to serve a proposed development at the time the development is available for occupancy.  The requirements also call for the protection of the water quality and quantity of groundwater used for public water systems in addition to critical areas including critical aquifer recharge areas. In the rural area, GMA further requires a land use pattern that protects the natural water flows along with recharge and discharge areas for ground and surface waters.  As discussed in Sections 1.1.1 and 1.1.2, ESSB 6091 was enacted in response to the State Supreme Court’s “Hirst decision” (primarily codified as RCW 90.94, and other statutes) and amended the GMA. In addition to GMA, there are other connections between land use codes, water planning and water systems.”

NOTE: *Following the meeting, revisions were proposed by Mason Co and the Squaxin Island Tribe. The revisions were sent to the counties and tribes – no concerns with the revisions raised.*

**Chapter 3: Subbasin Delineation**

More language about the linkages between projects, subbasins and goals was added to this Chapter. Stacy and Sam also discussed adding the watershed assessment units map to the adaptive management chapter instead of the subbasin chapter.

**Chapter 4: New Consumptive Water Use Impacts**

No comments noted for discussion in the Chapter.

**Chapter 5: WRIA 15 Projects**

Stacy created more of a linkage between subbasins, project and adaptive management in this chapter. Additional text about managed aquifer recharge areas was also added, as well as more language on community forest projects based on the discussion at the last meeting. The numbers on the Ridgetop project are still in development as Stacy and Bob consult with Kitsap County, so there will be an update to all the final numbers.

* **WDFW** expressed concerns about the plan stating “we do not support” instream structures and would feel more comfortable if the plan said oppose, reject, do not authorize or will not consider.
* **Mason County** stated that they liked the language as is.
* **WDFW** stated that it needs to be clear that these projects would require mitigation, because we do not want people to start these projects and then not realize they will need mitigation.
* **Ecology** suggested including a footnote that projects with ecological impacts would be required to implement some kind of impact mitigation and a revision to the language in the plan to include oppose.
* **WDFW** would consider these projects on a case-by-case basis if mitigation were implemented.
* The plan was edited to state “The Committee opposes projects that reroute streams or include instream structures (e.g., diversions) because they may result in negative impacts to ecological function” with a footnote that says these projects would be considered on a case by case basis if adequate mitigation were provided.
* A Committee member asked if this would eliminate beaver dam analogues?
  + **WDFW:** No, this would only relate to hard structures like those associated with MAR projects that draw down and put water into the stream. If someone has a more creative project with natural elements, we would consider that.
  + **Next Steps:** Revisions will be made to final project numbers based on changes to Ridgetop. No further revisions to the text requested based on the revisions made during the meeting.

NOTE: *Following the meeting, the Suquamish Tribe and WDFW requested to remove the footnote on mitigation that WDFW proposed during the meeting.*

* The **Port Gamble S’Klallam Tribe** expressed some concerns about the community forest projects and the parcels they identified in their desktop analysis before moving to review. Stating that the Committee needs to more specific with the parcels they choose and that there are modeling tools that can help with prioritization.
* **Ecology** suggested pulling the parcels thePort Gamble S’Klallam Tribe felt uncomfortable with.
* The **Port Gamble S’Klallam Tribe** instead suggested adding more language stating that these are preliminary ideas.
  + Table 15 was updated to reflect that sites identified for community forest projects are preliminary.
  + **Next Steps**: Ecology will add language that these are preliminary projects. Committee members should send Stacy any specific projects they want removed.

Stacy showed the Committee the updated project tables.

* **WDFW** thought the Tahuya River MAR was going to be deleted from the list.
* **Ecology** said that the project is fairly conceptual and based on the land owner and soil types. There is nothing currently designated or developed. She had not received any requests to remove the project.
* **No further action requested.**

**Chapter 6: Additional Plan Recommendation**

Changes to Chapter 6 included providing more language on policy recommendations and links to adaptive management and a refined scale of assessment for looking at impacts and benefits from projects, this work could be done at watershed assessment units. A map on the WAUs will be added to this chapter.

* The **Port Gamble S’Klallam Tribe** added that the sub areas in Kitsap County could be a useful analysis unit, but is limited to Kitsap County.

**Chapter 7: Net Ecological Evaluation**

* The **Squaxin Island Tribe** had requested to remove the concluding statement of the plan stating that the Committee believes the plan has met NEB. The Committee agreed to change the last few sentence of the plan to read as follows:

“The WRIA 15 Committee developed the WRIA 15 watershed plan to the best of the Committee’s ability given the limitations of the timeline and resources. The Committee developed a plan to meet NEB as this section describes, and the plan provides ecological benefits in many ways. The WRIA 15 Committee is leaving the final NEB determination to Ecology.”

* The **Suquamish Tribe** expressed concern because the plan should explain why some watersheds are falling short of their offset goals and why there are currently no projects proposed there.
  + **WDFW** expressed similar concerns that the Committee was not able to come up with enough projects in Mason County and South Hood Canal.
  + **Mason County** stated that they had proposed a project, but the Committee choose not to have it included in the plan.
  + The **Squaxin Island Tribe** added that it is too late to add any more projects, but the potential saving grace is adaptive management, where projects will continue to be developed and implemented.
  + The **Squaxin Island Tribe** also added that they liked the language Pierce County came up with on their process to continue to develop projects after plan implementation. The Tribe asked if other Counties could develop similar language.
    - **Mason County** said they would run this request back to their leadership.
    - **Ecology** stated that if other counties want to add this language, we could include it in Chapter 5.
    - **Kitsap County** stated they were not ready to commit to the language, but have the ability to coordinate with lead entity and LIOs
* **WDFW** asked if since the plan has not met offsets in some subbasins, are we going to work on that some more?
  + **Ecology** responded stating that the law speaks to NEB being met at the WRIA scale. We have tried to make it clear in the plan that it was the intent of the Committee to meet offset needs by subbasin, and that we’ve fallen short of this goal, but we present a robust set of recommendations to meet the offsets through adaptive management.
  + The **Suquamish Tribe** added that regardless of sub watersheds not meeting the targets, jurisdictions are still required to meet minimum instream flows and we will continue to look at projects in those subbasins.
  + **Next Steps**: No recommendations for language revisions provided.

# Closing: Next Steps and Action Items

* Based on today’s discussion Ecology will work to clean up the Plan and distribute by Monday, February 1.
* The watershed brochure and template presentation will be sent out with the final draft plan to aid in briefing decision makers. Everything will also be on box and the public committee website.
* Stacy (Committee Chair) and Susan (Facilitator) are both available to assist with local review briefings.
* Pierce County will be including all members in a notification when drafting their resolution.
* The final vote is scheduled for April 15, 2021. Ecology asks that your local review is completed 7 to 10 says prior to that date, so if there are any issues we can work to resolve them before the vote. A representative from each entity is required to attend this meeting.
* If the Committee does not agree to approve the plan or the director of Ecology does not adopt the plan, Ecology will finalize the draft plan and submit it to the Salmon Recovery Funding Board (SRFB) for review. Ecology will review the recommendations from the SRFB, finalize the plan and then adopt it. The law states that following adoption, the director shall initiate rulemaking. There is no timeline or role for the Committee in this process. Rulemaking would be initiated within 6 months of plan adoption.
* **Additional questions on the process:**
  + The Committee can continue to work past April 15th, but it will become increasingly difficult for Ecology to complete their review before June 30, 2021 as required by the statute.
  + The goal is to initiate SEPA within a week of the plan being received, which will require a 15-day comment period (but Ecology is aiming for 30 days). SEPA will also be initiated if plan is not approved by the committee or Ecology does not adopt the plan by June 30– after Salmon Recovery Funding Board review and before adoption.
  + Susan (Facilitator) and Stacy (Ecology Chair) will be reaching out during the local review process to make sure no issues have come up. Committee members should reach out to them if any approval issues come up.
* **The next meeting of the Committee is April 15th for the final vote on the plan. Stacy and Susan will reach out to the committee if we need to schedule an interim meeting.**