

**Kitsap Peninsula (WRIA 15)
Watershed Restoration and Enhancement Committee
DRAFT Meeting Summary**

Please send corrections to Stacy (Stacy.Vynnemckinstry@ecy.wa.gov) by January 31, 2019

Committee webpage:

https://www.ezview.wa.gov/site/alias__1962/37327/watershed_restoration_and_enhancement_-_wria_15.aspx

Next Meeting:

February 7, 2019

9:30am to 12:30 pm

Eagles Nest Community Center, 1195 NW Fairgrounds Road, Bremerton

Meeting Information

Monday, January 15, 2019

10:30 am – 2:00pm

Poulsbo Public Library

Agenda

	Topic	Time	Action	Handouts	Lead
1.	Welcome and introductions	10:30am			Chair
2.	Approval of agenda and December meeting summary	10:40am	Vote	- Agenda - December summary (limited copies)	Facilitator
3.	Watershed restoration and enhancement plan requirements and timeline	10:45am	Presentation and discussion	- Plan requirements and timeline (DRAFT)	Chair
4.	Operating Principles	11:00am	Discussion	- Draft Operating Principles v 1/2/2019	Facilitator
5.	Break <i>-please bring a lunch!</i>	12:00pm			
6.	Instream flows overview	12:15pm	Presentation and discussion		Jim Pacheco, Ecology
7.	Committee support <i>- technical workgroup, ex officio membership</i>	1:15pm	Discussion		Chair
8.	Action items and next steps	1:40 pm			Facilitator and Chair
9.	Public comment- limit to 3 minutes per person	1:50 pm			Facilitator
10	End	2:00pm			
11					

Handouts:

1. Agenda
2. Revised Operating Principles v Jan 2, 2019 clean with comments
3. Proposed timeline, decisions and plan components

SCHEDULED 2019 MEETINGS

Thursday February 7th, 9:30am Eagles Nest
 Thursday March 7th, 9:30am Eagles Nest

Thursday April 4th, 9:30am TBD
 Thursday May 2nd, 9:30am Eagles Nest

Committee Representatives in Attendance*

Name	Representing	Name	Representing
Josh Kahan	King County (alternate)	Dave Ward	Kitsap County
Mike Michael	Bainbridge Island	Dave Nash	Kitsap County (alternate)
Leonard Forsman	Suquamish Tribe	Helen Jones	Kitsap Conservation District (alternate, representing agricultural interests)
Alex Gouley	Skokomish Tribe	Cami Apfelbeck	Bremerton (alternate)
David Winfrey	Puyallup Tribe	David Windom	Mason County (alternate)
Allison O’Sullivan	Suquamish Tribe (alternate)	Joy Garitone	Kitsap Conservation District (representing agricultural interests)
Mayor Becky Erickson	Poulsbo	Trent Ward	Gig Harbor
Joel Purdy	Kitsap Public Utility District	Russ Shiplet	Kitsap Building Association (representing residential construction industry)
Brittany Gordon	WDFW	Sam Phillips	Port Gamble S’Klallam Tribe
Nam Siu	WDFW (Alternate)	John O’Leary	Suquamish (alternate)
Teresa Smith	Bremerton	Sandra Staples-Bortner	Great Peninsula Conservancy (representing environmental interests)
Stacy Vynne McKinstry	Department of Ecology	Tiffany O’Dell	Pierce County (alternate)
Thomas Hunter	Port Orchard	Scott Steltzner	Squaxin Island Tribe (alternate)

Committee Representatives Not in Attendance*

Representing	Representing	Representing
NA		

Other Attendees*

Name	Representing	Name	Representing
Ingria Jones	Ecology	Jim Pacheco (guest presenter)	Ecology
Susan Gulick	Sound Resolutions (facilitator)	Shawn O’Dell	Washington Water Service
Fern Schultz	Department of Health - ODW		

*based on sign in sheet

Approval of Agenda and Meeting Summary

Susan requested changes to the agenda. No changes were proposed by committee members. Susan requested changes to the December 18 meeting summary. There was a request to add a reference to Sovereign Tribal Treaty Rights to the meeting summary on page 3 summarizing discussions on key interests.

Meeting summary was approved by all members present at last meeting.

Components of the Watershed Restoration and Enhancement Plans

Stacy presented a high-level snapshot of decisions the committee will need to make to build the plan as well as the timeline associated with the decisions. Stacy presented an overview of the required and optional components of the plan based on the legislation and initial interest from the committee. The presentation is posted on the committee webpage.

Stacy clarified that metering is an optional component of the plan.

Ecology will evaluate whether the watershed restoration and enhancement plan meets net ecological benefit. Ecology [issued interim guidance on NEB](#) in June 2018. The interim guidance is being used for evaluation of the WRIA 1 and 11 plans (February 1, 2019 deadline). Each plan must demonstrate that it meets NEB, so each Committee will need to make an argument and provide supporting evidence that the plan meets NEB. Ecology will provide presentations on NEB to the Committee in the coming months ahead of finalizing the guidance. Final NEB guidance anticipated in late summer/early fall 2019.

Ecology anticipates having several discussions on the projects, including an introduction to different types of projects – water for water, non-water – as well as field trips. Ecology anticipates beginning to develop the project list in the fall.

The draft timeline document will serve as a reference throughout planning; Ecology will adjust the timeline when needed. Committee members should provide feedback on the document to Stacy.

Operating Principles

The purpose of today’s discussion is to come close to agreement on the decision-making process and to highlight key revisions made to the December version of the operating principles. The group started with the decision making process.

Comments and Discussion Section 6:

Susan introduced a discussion guide on consensus and two major options for consensus-based decision-making: Option 1) Consensus with an off-ramp that allows a super-majority vote after substantive discussion and a decision cannot be reached; and Option 2) Consensus with no off-ramp that allows for a vote if consensus cannot be reached. Ecology wants a clear process defined for Committees that decide to use consensus-based decision-making, in the event that agreement is not reached on decisions leading up to the final plan approval.

- Some committee members expressed concern about consensus on decisions along the way, with fear the committee may stall on decisions early in the process. They would like to see voting included as an option in the case that consensus cannot be reached after substantial discussion.
- Other committees have pitched the idea for adding a dispute resolution process for entities not in agreement. The option would take the pressure away from a decision at the meeting and the parties would work outside of the meeting to come to resolution/recommendation that would be brought back before the committee.
- Some committee members expressed that small decisions, such as meeting summary approval, could be held up by consensus. Stacy shared that the chair and facilitator will work to minimize decisions to keep to five or six major decisions. Ecology may seek input from the committee on other items throughout the process, but may not bring forward as a committee decision, such as choosing technical consultants.
- There was concern expressed that entities may have turnover in their representatives. The operating principles need to consider longevity of attendance and how that affects newcomers to the group.
- Some committee members expressed concern that there may be a technical dispute or disagreement that is difficult to overcome through mediation. If a discrepancy is technical, the chair and facilitator will do what they can to work with the parties in dispute to identify the need, data gap, timeline, budget and whether additional information can be acquired within the timeline for decision-making.
- The committee came to general agreement to go with an “option 3” where the committee will strive for consensus, and if consensus cannot be reached, the parties in disagreement will work through mediation to propose a recommendation or resolution back to the committee. The committee recommended further defining this process, such as convening a meeting and defining the need and timeline for a recommendation within 7 days. There was recognition that some flexibility is needed on how long to get to a decision/agreement depending on the area of disagreement (e.g. Technical underpinnings may need longer to resolve).
- The chair and facilitator will be available to support mediation as appropriate.
- Stacy will revise operating principles to include a dispute resolution off-ramp with a process that aims to reach compromise on areas of disagreement before the next meeting. A process will need to be defined for additional data gathering.

Comments and Discussion Section 1 and Section 2:

- Removed background information.

Comments and Discussion Section 3:

- Regarding remote participation, there was concern by many committee members about the requirement for all members to be present for any decision-making to take place. Stacy clarified that a decision could be made at a meeting if a quorum is present (ie. Not all members of the committee need to be present for a decision to be made).
- Reminder that entities have alternates, but concern that some entities do not have capacity to have alternates. Concern was expressed that unforeseen circumstances may arise.
- Stacy will leave in language for option 1 on remote participation, but will clarify the language and include emergencies as an exception. Stacy expects that most of the WRIA 15 meetings will have capacity for remote participation.
- Stacy recommended that committee members review ground rules and participation expectations.
- Recommendations to add “assume good intent” to ground rules.

Comments and Discussion Section 4:

- Stacy flagged participation language and clarified that Ecology cannot remove entities from the committee if they stop participating, unless that entity provides a statement in writing withdrawing their seat.
- For WRIA 15, all groups identified in the legislation have chosen to participate.
- Stacy will clarify language on latecomers to include only relevant portions regarding replacement entities (e.g. replacement entities cannot revisit decisions already made by the committee.)
- Susan pointed to the ad hoc member provision that was added and clarified that these members would not have a vote.

Comments and Discussion Section 7:

- Letters of support language added.

Comments and Discussion Section 9:

- Signature block will be included.

Overall comments and next steps:

- Ecology will revise language throughout the document referencing decision making to include consensus based.
- Goal is to finalize operating principles at the next meeting. Susan reminded committee members to review operating principles carefully. Ecology will distribute the final version of the operating principles for signature after the February meeting.

Instream Flows Presentation¹

See committee webpage for Jim Pacheco’s presentation.

¹ Instream Flows is Ecology’s term for set flow levels in administrative rules. For WRIA 15, the Instream Flows (also referred to as the WRIA 15 Instream Flow Rule) are described in [WAC 173-515](#).

Comments and Discussion:

- KPUD has been monitoring ~ 30 streams in WRIA 15 since the 1990s. The data is mostly continuous and is hourly telemetry data. Joel will connect with Jim to provide data.
- Several gages in WRIA 15 were shut off in 2012.
- Despite being a rain-fed system, groundwater levels are high relative to other rain-fed systems, so summer streamflow is higher, given no snowmelt.
- There is recognition that WRIA 15 has a lot of stream data, but Ecology's access to water quantity data is limited. There is a lot of water quality data available. Example: 20 years of measurement on Dogfish Creek for stormwater permitting.
- In addition to KPUD data, USGS data are also available. Spot records and manual stage height measurements are useful, but not always sufficient for setting instream flows, however USGS and Ecology data are rigorous.
- Jim clarified that revisiting instream flows is an option, not a requirement in the Watershed Restoration and Enhancement Plan. However, there is value in understanding how instream flows are set for WRIA 15 as it can influence project development.
- Preference and data for setting instream flows are predominately surrounding anadromous species, but resident species may be considered.
- If an instream flow is not met, then users with a priority date junior to the instream flow rule, that junior user may be shut off. Because of capacity limitations, shutoffs are complaint-driven in locations where Ecology does not have timely streamflow measurements.

Committee Support

- Stacy proposed formation of a work group to focus on data availability and needs for the committee. There are a number of decisions coming up in the near term and it would be helpful to have folks with knowledge of the basin identify data to inform the process. There may be a need for a future or additional workgroup to focus more on planning. Initial interest in workgroup includes: Joel from KPUD, John from Suquamish Tribe, David from Mason C, Chris from Kitsap Co.
- Concern expressed by committee members that the SEPA review will take time and 6+ months needs to be built into the schedule.
- Committee member recommended providing a brief summary of examining municipal water uses and water rights in addition to permit-exempt wells, including a summary of active water rights in WRIA 15 and total volume limitations on those water rights. Committee members are interested in understanding water availability in the basin.
- Committee expressed no concerns about Stacy reaching out to specific individuals who may be helpful on a technical work group.
- Stacy flagged ex-officio membership opportunities; interest from Washington Water Service.
- Committee member recommended setting a limit to the number of ex-officio members.

Public comment

There was no public comment.

Next Steps and Action Items

- Stacy will provide revisions to the operating principles by January 22nd. Live changes will be made, if necessary, at the February meeting.
- Committee members should review the updated version and **come prepared to approve the operating principles at the February meeting.**
- Committee members should provide recommendations to Stacy for individuals to join a technical work group.
- Committee members should provide recommendations to Stacy for ex officio members.
- Committee members should identify who at their entity will need to sign the operating principles.
- Next meeting is Thursday, February 7th at the Eagles Nest Community Center, 9:30 am-12:30 pm.
- Ecology is identifying opportunities to streamline presentations across Committees and may schedule webinars in the late February/early March timeframe.