

Director's Briefing Form

(provide completed form to the Director's Assistant at least two days prior to any scheduled meeting)

Meeting date: 12/12/2024

From Ria Berns, Water Resources Program Manager Date prepared: 12/9/2024

Choose one: Informational Decision Needed Deadline? 12/17/2024

Issue: Adopt five watershed plans for WRIAs 7, 8, 13, 14, and 15 prepared pursuant to RCW 90.94.030(3)(h).

Background:

The 2018 streamflow restoration law (chapter 90.94 RCW) directed 15 local planning groups to develop new watershed plans or update existing plans. The purpose of these plans is to offset the projected impacts of new domestic permit-exempt (PE) wells on rivers and streams and result in a net ecological benefit (NEB). Ecology, with considerable work from local committees, adopted nine watershed plans and amended one rule by the statutory deadlines. The five remaining committees (in WRIAs 7, 8, 13, 14, and 15) were unable to prepare their plans by the deadline. As required by RCW 90.94.030(3)(h), the Water Resources Program prepared final drafts of these plans, coordinated with the Recreation and Conservation Office to complete the required technical review by the Salmon Recovery Funding Board (SRFB), considered SRFB's input (see attached comment response document), and prepared the five final watershed plans for Ecology's adoption (also provided in this briefing package).

The table below summarizes the projections and project information from each of the five watershed plans under consideration.

Watershed	Estimated PE Wells (2018-2038)	Estimated Consumptive Use (AFY) (2018-2038)	Offset From Projects (AFY)	Water Offset Surplus (AFY)	Number of Projects in Plan	Projects most likely to offset impacts from new permit-exempt wells (2018-2038)
WRIA 7 (Snohomish)	3,389	797.4	1,444.4	647	11 Water offset projects 26 habitat projects	Water offset projects including lake level management, water right acquisition, MAR, water storage, and reclaimed water augmentation

Watershed	Estimated PE Wells (2018-2038)	Estimated Consumptive Use (AFY) (2018-2038)	Offset From Projects (AFY)	Water Offset Surplus (AFY)	Number of Projects in Plan	Projects most likely to offset impacts from new permit-exempt wells (2018-2038)
WRIA 8 (Cedar-Sammamish)	967	425.4	1,805.1	1,379.7	10 water offset projects 23 habitat projects	Water offset projects including diversion of reclaimed water for MAR, and water right acquisition
WRIA 13 (Deschutes)	2,616	464	1,801	1,366	6 water offset projects 19 habitat projects	Water offset projects including, water storage/infiltration, stormwater infiltration, and MAR
WRIA 14 (Kennedy-Goldsborough)	4,294	760	1,725	965	8 water offset projects 25 habitat projects	Water offset projects including infiltration, storage, reclaimed water recharge, MAR, water right acquisition, and LID
WRIA 15 (Kitsap)	5,215	717.8	2,873.1	2,155.3	15 water offset projects 31 habitat projects	Water offset projects including reclaimed water recharge/augmentation, MAR, water storage, stormwater infiltration, stream augmentation, forest stand acquisition, water right acquisition, and LID

During Ecology’s finalization of the five plans, a 14-day SEPA review was conducted on an environmental checklist and a Determination of Nonsignificance (DNS) was made for each of the watersheds. The SEPA review materials were made available on the Streamflow Restoration website and were advertised

through relevant listservs. Five entities submitted comments, including the Snoqualmie Tribe, Squaxin Island Tribe, and the Port Gamble S'Klallam Tribe. The Program reviewed the comments and concluded that no impacts or conditions were brought to the agency's attention that would lead to the revision or withdrawal of the DNS. Therefore, the Program recommends retaining the DNS.

In summary, and thanks to the work of each of the five committees as well as the SRFB, Ecology has finalized watershed plans for these watersheds that meet the requirements of the law, advance the spirit of the local committee work, and when implemented will offset the projected impacts of new domestic permit-exempt wells on rivers and streams and result in a Net Ecological Benefit.

We anticipate there will be a high level of interest among a limited number of external entities. Members of all five planning groups worked diligently on developing the initial plans, and it is likely that many of the entities, including the Tribes that participated in the planning process, will take interest in this recommended plan adoption and subsequent rulemaking. Several tribes commented during the SEPA process. The communications plan included with this briefing package details the Water Resources Program's messaging and process recommendations.

Rulemaking

RCW 90.94.030(3)(h) also requires Ecology to "initiate rule making within six months of plan adoption to incorporate recommendations into rules... and ... adopt amended rules within two years of initiation of rule making." Upon adoption of these five plans, the Water Resources Program intends to amend five Instream Flow Rules (chapters 173- 507, 508, 513, 514 and 515 WAC) to include relevant information from RCW 90.94.030(4) that would otherwise sunset with the adoption of the plans (e.g., recording the number of building permits and subdivision approvals, limits domestic water withdrawals to a maximum annual average of 950 gallons per day). After seeking advice from the Attorney General's Office, the Program plans to proceed using the expedited rule process.

If plans are adopted on December 17, 2024, as recommended, the Program plans to file the CR-105 by May 21, 2025, initiating the expedited rulemaking. A 45-day appeals window follows and the CR-103 will be filed on July 9, 2025, completing rule adoption.

Option(s) (Please include all available options. If you are recommending one or more options, please underline them):

1. Adopt all five of these watershed plans via signature on the draft adoption orders provided in this briefing package.
2. Do not adopt between one and five of these watershed plans.

Please answer the following environmental justice questions:

1. What measures have you taken to ensure equitable access to public engagement for communities with environmental justice considerations (people of color, indigenous peoples, and people with lower incomes), including addressing barriers to language, culture, education, and technology?

Each watershed plan was initially developed by a watershed planning group made up of local governments, tribes, interest groups, and stakeholders. As directed by 90.94.030(2)(a), Ecology chaired the planning committee and invited entities to participate that were identified in the statute. The

committees met monthly for 2.5 years before taking a final vote on locally approving the plan. Although not a requirement of RCW 90.94, all meetings were open to the public, and public comment was recorded and considered. Meetings were held in-person from October 2018-March 2020 with a virtual attendance option; however, following the COVID-19 pandemic, all meetings were held virtually through the completion of the planning group process in April 2021.

All published documents have undergone a plain language and accessibility review prior to publication, and all watershed planning documents contain information on ADA accessibility and language services available.

2. Which available options prioritize environmental and health benefits for people with environmental justice concerns?

The adoption of the watershed plans allows for the implementation of projects that can collectively achieve a net ecological benefit in each watershed, as directed by RCW 90.94. The watershed plans do not specifically address health benefits to people.

3. Which available options might negatively impact people with environmental justice considerations, and what measures would you recommend to avoid, eliminate, or remediate negative impacts?

Adoption of these plans does not present any negative impacts to people with environmental justice considerations.