

**Snohomish (WRIA 7)
Watershed Restoration and Enhancement Committee
Meeting Summary**

Committee webpage:

https://www.ezview.wa.gov/site/alias__1962/37310/watershed_restoration_and_enhancement_-_wria_7.aspx

Next Meeting:

February 14th, 12:30-4:00 pm, Willis Tucker Community Park, Gary Weikel Room | 6705 Puget Park Drive, Snohomish

Meeting Information:

Thursday, January 10, 12:30-4:00 pm

Everett Transit Center, Mt. Baker Room | 3201 Smith Ave, Ste. 215, Everett

Agenda

	Topic	Time	Action	Handouts	Lead
1.	Welcome and Introductions	12:30	None	- Agenda	Chair
2.	Approval of agenda and minutes	12:40	Vote	- December minutes - Agenda	Facilitator
3.	Presentation: Instream Flows	12:45	Presentation	-	Jim Pacheco
4.	Break	1:45	-	-	
5.	Components of the Plan and Timeline	1:55	Presentation and discussion	- Plan requirements overview	Chair
6.	Operating Principles discussion	2:40	Discussion	- Operating Principles	Facilitator
7.	Next steps	3:40	None	-	Chair
8.	Public comment	3:50	-	-	Facilitator
9.	Close	4:00	-	-	Chair

*All handouts are available on the Committee website

Handouts:

1. Agenda
2. Draft Operating Principles
3. Committee Calendar
4. Timeline for WREC Plans
5. Components of the WREC Plans

SCHEDULED 2019 MEETINGS

Thursday, February 14, 2019: Willis Tucker Community Park, Gary Weikel Room

Thursday, March 14, 2019: Duvall Public Library

Thursday, April 11, 2019: TBD

Thursday, May 9, 2019: TBD

Summer 2019: We will likely meet one or two times and have a project site visit

Committee Representatives in Attendance*

Name	Representing	Name	Representing
Kirk Lakey	Department of Fish and Wildlife	Jim Miller	City of Everett
Susan Adams	Washington Water Trust	Mike Remington	City of Duvall
Ingria Jones	Department of Ecology	Daryl Williams	Tulip Tribes
Mike Pattison	Master Builders Association of King and Snohomish Counties	Matt Baerwalde	Snoqualmie Tribe
Cynthia Krass	Snoqualmie Valley Watershed Improvement District	Mike Wolanek	City of Arlington
Janne Kaje	King County	Brant Wood	Snohomish Public Utility District #1
Glen Pickus	City of Snohomish	Terri Strandberg	Snohomish County
Matt Eyer	City of Marysville	Jamie Burrell	City of North Bend
Steve Nelson	City of Snoqualmie	Ben Swanson	City of Monroe
Bobbi Lindemulder	Snohomish Conservation District	Lindsey Desmul (alternate)	Department of Fish and Wildlife
Emily Dick (alternate)	Washington Water Trust	Stacy Vynne (alternate)	Department of Ecology
Julie Lewis (alternate)	Snoqualmie Tribe		

Committee Representatives not in Attendance

Representing	Representing	Representing
Town of Index	City of Carnation	

Other Attendees

Name	Representing	Name	Representing
Kama Seliverstova	Department of Fish and Wildlife	Stephanie Potts	Department of Ecology
Kevin Lee	Department of Fish and Wildlife	Paul Faulds	City of Seattle
Perry Falcone	Snoqualmie Watershed Forum	Beth Liddell	Snohomish County
Liz Ablow	Seattle City Light	Ruth Bell (facilitator)	Cascadia Consulting

*Attendees based on sign-in sheet.

Approval of Agenda and Meeting Summary

- Angie Stevens has left MBACKS and the alternate, Mike Pattison will be the main representative.
- Ruth identified the minor changes to the meeting summary and asked for additional changes.
- Matt asked to correct that David is not with the Snoqualmie Tribe nor an alternate, but he is a consultant for the tribe.
- All approve, with Mike Pattison abstaining because he did not attend the last meeting.

- Ruth provided an overview of the agenda. There were no additions. Ingria let the committee know that we are delaying conversations on non-voting members until the February or March meeting to allow for more discussions offline.

Instream Flows Presentation

Jim Pacheco introduced himself as a senior biologist and lead for Instream Flows¹. He works across the state and has participated in most of the Instream Flows development work in the state. Jim's presentation is posted on the Committee website.

The Committee had a number of questions for Jim, including clarifying what exceedance flows mean, the use of Surface Water Source Limitations (SWSLs), the potential implications of stream closures and changes to the Instream Flows, and field methods for setting Instream Flows. The Committee also discussed the relationship of Instream Flows to the work the Committee will need to do to identify water offset projects and meet Net Ecological Benefit.

Exceedance

- The Tolt River graph shows the 95% exceedance. This is the flow that is met 95% of the time, so it signifies very low flows, or dry conditions.

SWSLs

- Jim clarified that a SWSL is a request from DFW to put conditions on future water rights when DFW determines there is an issue with a stream. SWSLs generally do not have control points and documentation for recommendations can be difficult to find. According to Jim, Ecology generally complied with DFW's recommendations when setting the WRIA 7 Instream Flow Rule, but not always. Jim stated that the Committee could reevaluate SWSLs if it chooses.
- More information can be found in the [WRIA 7 Instream Flow Rule](https://apps.leg.wa.gov/WAC/default.aspx?cite=173-507-030): <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-507-030>

Closures and Implications of Changes to Instream Flows

- A closure means that no water is available at any time of the year, including water for new surface water and groundwater permits. Recommended changes to the Instream Flows could include changing year-round closures to seasonal closures in order to provide opportunities for storage and release of winter water. Jim was unsure whether the WRIA 7 Instream Flow Rule included high flow prescriptions. He provided examples of ways to use the winter water to improve summer streamflow, including Aquifer Storage and Recovery (ASR), Managed Aquifer Recharge (MAR), and surface storage. These types of projects could help offset domestic use. Kirk mentioned that DFW has been working to change instream work windows for Hydraulic Project Approvals (HPAs), which requires rulemaking.

Methods for Setting Instream Flows

¹ Instream Flows is Ecology's term for set flow levels in administrative rules. For WRIA 7, the Instream Flows (also referred to as the WRIA 7 Instream Flow Rule) are described in [WAC 173-507](https://apps.leg.wa.gov/WAC/default.aspx?cite=173-507-030): <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-507-030>

- Jim took several flow measurements on Quilceda Creek, which he described as a muddy run with reed canary grass near the mouth. He noted upstream coho, chum and cutthroat spawning and (if doing a full assessment) would need to look at channel features and salmon presence in other reaches. The Committee discussed that reaches upstream look very different and that salmon use the creek for spawning and it is important to know where the fish are and do toe-width measurements at the location where fish spawn in order to protect spawning flow. Instream Flows are protected at a point downstream. If an upstream spawning flow was higher than a downstream flow need, then the spawning flow number would be used. Further evaluations could potentially be done, based on input from the Committee. The toe-width method can provide important data to consider opening up shoulder seasons.

Water Offset and NEB

- Jim hopes to be at the meetings 3-4 times of year so he can bring some guidance to the Committee. In his opinion, the biggest challenge is year round closures that may not be justified due to high winter flows. Studies would be important to identify aquifer recharge opportunities.
- The Committee discussed the need for water offsets projects, not just habitat projects. While habitat projects will be a piece of the plan, they won't be enough to offset water use. All water must be accounted for. Some water projects may be downstream of points of use, and may need habitat projects to overcome the deficit these water projects create. Permitting for projects will depend on the location and specifics of the project (e.g. within a closed sub-basin).

Components of the Plan and Timeline

Ingria provided an overview of the plan component requirements (per legislation) and optional components (per legislation and identified by committees and partners).

The Committee had questions regarding data needs, the 20 year consumptive use estimate, how water rights are affected, the need for water offset and non-water offset projects, and the implications of rulemaking.

Data Needs

- The Committee discussed analysis used for Comprehensive Plans and noted that the Committee will need to discuss the feasibility of extending water lines outside of an Urban Growth Area (UGA), incentivizing hookups to water service, and GIS mapping analysis. The Committee discussed the short timeline and the need to make sure the group has information they need to make decisions. There may be complications getting data and working with private landowners.

Consumptive Use Estimate

- The consumptive use estimate is for permit-exempt domestic wells (indoor use and up to ½ acre lawn). Consumptive use is the portion of water withdrawn from the well that is not returned to groundwater through infiltration (i.e. through a septic system). We will need to do spatial analysis and Ecology will provide technical assistance (through a consultant or internal capacity). Need to make sure estimates are accurate and based in reality. The Committee can consider

policy actions for the plan that could impact the consumptive use estimate (e.g. encourage hookups to water systems).

How water rights are affected

- RCW 90.94 established the Foster Task Force to identify pilot projects for out of kind mitigation (not water for water) for water right permits, but this is not part of our Committee process and does not affect how water rights are currently issued in basins with Instream Flows.

Water Offset and Non-water Offset Projects

- The Committee does need water projects to offset the entire projected consumptive use. Not all water for water projects need to be in the same location as the water use or in the same sub-basin. While Ecology is still working on final guidance for NEB, the legislation says we need to offset consumptive water use throughout the basin, we need to prioritize projects in the same time and place, and we will need additional projects to meet Net Ecological Benefit. The NEB requirement is for the whole plan--our plan will be assessed as a package, and likely at the sub-basin level as well.

Implications of Rulemaking

- If the plan is approved by all Committee members and meets NEB with no triggers for rulemaking, then no rulemaking (plan is influenced by local community). Rulemaking is triggered for an approved plan if the Committee recommends a change to 1) the fee associated with building permit, 2) a change in max. water use, or 3) the Instream Flows. Rulemaking is also triggered if the plan is not approved. Rulemaking involves statewide input (and plan is no longer only locally influenced).

Ingria covered the timeline/schedule and where major decision points are anticipated.

Committee members discussed the need for a clear process for how projects line up with existing project lists, who provides technical support, and how we generate projects and refine our project list. Some Committee members noted that the Committee first needs consumptive use estimates before developing a project list. Committee members are interested in how large the WRIA 7 offset will be. Ingria mentioned that King County has done recent work to estimate a full buildout scenario and noted that the Committee will likely an opportunity to learn more about their estimates and methods.

Operating Principles – Revisions and Discussion

Ruth provided a section by section walk through of the key revisions made to the operating principles based on feedback from Committee members.

Section 3:

- Reference to 80% participation: Ingria will delete and paragraph will only state that the chair and facilitator will work to track down folks whose participation lapses.
- Discussion surrounding no remote participation for voting on operating principles or voting on final approval of the plan: Many want to allow for voting on the final plan remotely because decision likely won't be influenced day of and in case of unexpected event (i.e. illness, weather);

however recognize that there are glitches with technology that could allow for folks not to be able to vote (i.e. the call gets dropped).

- Group needs to respect each other and bring concerns forward as well as bring back to their decision making authorities.

Section 4:

- Committee discussed Ecology's need to change wording of the latecomer provision. Committee reiterated concerns regarding latecomers who could walk in at the last minute and torpedo the process. Latecomers would still be subject to provisions such as abiding by operating principles and not revisiting previous decisions. For WRIA 7, there are 7-8 cities that are still on the fence about participating. Ecology needs to receive written acknowledgement that these cities are forfeiting their seat on the Committee. Streamflow Section manager has offered to help to get all the appropriate documentation in place. Would prefer latecomer language that is consistent across the 203 Committees.

Section 5:

- Designation of interim chair has duplicate language. Ingria will remove.

Section 6:

- Definition of quorum should reference remote voting. Ingria will change.
- Will remove reference to specific number for quorum. Will clarify that ex-officio members do not influence quorum and chair will round up when determining quorum.
- Clarified that quorum of the Committee must be in attendance to hold a vote or reach consensus. Will clarify that 2/3 of those *in attendance* must approve a decision.
- Committee discussed conflict of interest. The language should not prohibit approving the final plan. Will clarify that this pertains to *personal* financial interest in a *specific* decision.

Section 7:

- Committee discussed reasonable length for public comment and whether to provide opportunity for written public comment. Public comment will be 3 minutes per person in attendance, but is not specified in operating principles. Committee recommended written public comment to the chair in advance of the meeting and comments would be read at the request of any Committee member. The timing of public comment on the agenda will be at the chair and facilitator's discretion.
- Committee discussed the need to ensure ample time to review information they are asked to support. Ingria reminded Committee that they may want to provide letters of support for projects that will end up in our plan.
- Committee discussed the process for approving and signing the operating principles. Recommendation to allow for quorum to approve with those present signing and those not present signing electronically. Ingria will work with Committee members to highlight importance of attending February meeting to approve operating principles.

Ruth stated that the Committee is very close to finalizing the operating principles.

Next Steps

- Ingria will delete Outlook recurring calendar invitation and send out individual meeting requests as the venues are booked. Please hold the 2nd Thursdays 12:30-4:00pm on your calendar.
- Ingria will revise operating principles and send the Committee a revised draft by January 17th.
- Ingria will continue to coordinate with Ecology technical staff to identify opportunities for attending Committee meetings and best process for identifying specific technical needs.
- Next meeting is February 14th at the Willis Tucker Community Park in the Gary Weikel Room.
- Next meeting topics: Presentation on hydrogeology from Ecology hydrogeologist John Covert; discussion on sub-basins; **vote on operating principles**; presentations from potential ex officio members and discussion; possible discussion on formation of technical work group.
- Webinars will be scheduled on best practices from the WRIA 1 & 11 plan development.

Committee Member Action Items

- Committee members should thoroughly review the operating principles before the next meeting and **prepare for a vote to approve the operating principles**.
- Committee members should send Ingria any follow-up questions from the Instream Flows Presentation.
- Committee members should send Ingria questions on hydrogeology or topics you want covered.

Public Comment

There was no formal public comment.

The meeting adjourned at approximately 4:00 pm.