

**DEPARTMENT OF ECOLOGY'S ORDER  
ADOPTING THE  
WATERSHED RESTORATION AND ENHANCEMENT PLAN  
FOR WATER RESOURCES INVENTORY AREA 9  
(DUWAMISH-GREEN)**

In accordance with the Streamflow Restoration Act, RCW 90.94.030, the Department of Ecology (Ecology) received the Watershed Restoration and Enhancement Plan (Watershed Plan) for the Duwamish-Green watershed (WRIA 9 Watershed Plan) submitted by the Water Resources Inventory Area 9 Watershed Restoration and Enhancement Committee on February 24, 2021.

Ecology has reviewed the WRIA 9 Watershed Plan to determine whether it meets the requirements for adoption under RCW 90.94.030. As part of this review, Ecology staff conducted a technical review of this Watershed Plan, and produced a report dated March 2021 and entitled the "Technical Staff Net Ecological Benefit Determination: RCW 90.94.030 Watershed Restoration and Enhancement Plan Duwamish-Green Watershed (WRIA 9)." This technical report supports Ecology's decision on the WRIA 9 Watershed Plan and is incorporated into this Order by reference.

Ecology's Water Resources Program, through its Program Manager, issued a Memorandum to Ecology's Director delivering the Program's Recommendation to adopt the Duwamish-Green Watershed Plan. This Memorandum supports Ecology's decision on the WRIA 9 Watershed Plan and is incorporated into this Order by reference.

Under RCW 90.94.030(3)(c), and prior to plan adoption, Ecology "...must determine that actions identified in the plan, after accounting for new projected uses of water over the subsequent twenty years, will result in a net ecological benefit [NEB] to instream resources within the [WRIA]."

**Ecology finds** that the Duwamish-Green Watershed Plan's projection of 632 new permit-exempt domestic (PE) wells being installed over the twenty-year period, resulting in 0.34 cubic feet per second (cfs) of new consumptive water use, is based on sound methodology. In particular, the Watershed Restoration and Enhancement Committee (Committee) calculated consumptive water use based on guidance provided by Ecology which, by design, assumes greater water use than most homeowners will likely use for their lawns and gardens. Furthermore, the Committee decided to double this projection to achieve what they termed "a margin of safety" to account for uncertainties they identified while planning and termed this higher figure (0.68 cfs) their local "water offset target." Given these approaches, Ecology believe these calculations over-estimate impacts.

**Ecology finds** that the 6 different projects and actions i.e. projects, identified in the Duwamish-Green Watershed Plan provides sufficient assurances that they will offset consumptive use impacts to instream flows that would be caused by the 632 new PE wells projected to occur throughout the watershed over the twenty-year period.

Ecology's technical review examined the Duwamish-Green Watershed Plan's analyses that led to the determination that the total projected consumptive use impacts through 2038 will be 0.34 cfs. Likewise, Ecology's technical review examined each of the 6 projects included in the Watershed Plan and has concluded the analysis is thorough and well executed, and uses reasonable and scientifically-sound methods. Furthermore these projects are well integrated with existing and current watershed protection and restoration efforts, and include a robust implementation and adaptive management strategy that clearly indicates the Committee's intent to implement the plan.

**Ecology finds**, based on Ecology’s technical review, that the 6 projects in the Duwamish-Green Watershed Plan, when totaled, are projected to offset approximately 1.5 cfs of stream flow impacts. Therefore, this Watershed Plan is designed to exceed projected impacts by 1.14 cfs or 434%, and exceeds the more conservative local “water offset target” by 0.80 cfs or 217%.

After evaluation of the Duwamish-Green Watershed Plan to determine if it identifies adequate strategies to offset all potential consumptive use impacts to instream flows, Ecology’s technical review also evaluated the Watershed Plan to assess if it includes projects or strategies necessary to achieve a net ecological benefit. In doing so, Ecology considered the unique hydrogeological characteristics of the basin, projected locations of potential new permit-exempt domestic wells, and habitat benefits of the 6 strategies described in the Watershed Plan. This finding is further reinforced by the Plan’s vast exceedance of the projected impacts, the inclusion of 10 additional promising habitat projects, as well as its approach to project prioritization based on the Committee’s assessment of projects that are more ready to proceed than others and that also have an identified project sponsor.

**Ecology finds**, that the Department of Ecology further considered the environmental impacts of the plan and after doing so issued a determination of non-significance under the State Environmental Policy Act (SEPA) and sought public comment on this environmental review. No comments were received after a 30 day comment period.

Therefore, **Ecology finds** that the Watershed Plan meets the requirement “that actions identified in the plan, after accounting for new projected uses of water over the subsequent twenty years, will result in a net ecological benefit to instream resources within the water resource inventory area.”

Based on the foregoing, Ecology **ADOPTS** the WRIA 9 Watershed Plan, with the following **CONDITION**:

1. Ongoing Compliance with RCW 90.94.030(4). Planning Committee governments will continue to fulfill the requirements of RCW 90.94.030(4), which include recording relevant restrictions on titles, and recording and reporting the number of building permits issued by the Counties and Cities, after Ecology’s adoption of the WRIA 9 Watershed Plan.

Neither this decision to adopt the Watershed Plan, nor the inclusion of any conditions in this approval, provide any guarantee that Ecology will approve any requests for project funding.

**So ordered** this 11th day of May, 2021.



Laura Watson, Director  
Department of Ecology

Enclosure: Your Right to Be Heard

## YOUR RIGHT TO APPEAL

You have a right to appeal this Decision to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Decision. The appeal process is governed by chapter 43.21B RCW and chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Decision:

- File your appeal and a copy of this Decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

## ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road SW, Suite 301 Tumwater WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia WA 98504-0903

For additional information, visit the Environmental Hearings Office Website: <http://www.eluho.wa.gov>

To find laws and agency rules visit the Washington State Legislature Website: <http://www.leg.wa.gov/CodeReviser>