

**DEPARTMENT OF ECOLOGY'S ORDER
ADOPTING THE
WATERSHED RESTORATION AND ENHANCEMENT PLAN
FOR WATER RESOURCES INVENTORY AREA 15
(KITSAP)**

In accordance with the Streamflow Restoration Act, RCW 90.94.030, the Department of Ecology (Ecology) finalized the Watershed Restoration and Enhancement Plan (Watershed Plan) for the Kitsap watershed (WRIA 15 Watershed Plan), initially developed by the Water Resources Inventory Area 15 Watershed Restoration and Enhancement Committee from October 2018 through April 2021. The Committee was unable to locally approve the Watershed Plan by the legislative deadline of June 30, 2021, and Ecology has finalized the plan in accordance with RCW 90.94.030(3)(h) including consideration of technical recommendations from the Salmon Recovery Funding Board.

Ecology has finalized the WRIA 15 Watershed Plan to meet the requirements for adoption under RCW 90.94.030. Ecology staff conducted a technical review of this Watershed Plan and produced "Chapter 6 Net Ecological Benefit" of the Watershed Plan which provides Ecology's analysis of the WRIA 15 Watershed Plan's reasonable assurance in meeting Net Ecological Benefit. This chapter supports Ecology's decision on the WRIA 15 Watershed Plan.

Under RCW 90.94.020(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]."

Under RCW 90.94.030 (3)(h), and prior to plan adoption, Ecology "...shall submit the final draft plan to the salmon recovery funding board... [and] shall consider the recommendations and may amend the plan without committee approval prior to adoption."

Under RCW 90.94.030 (3)(h), and after plan adoption, Ecology "... shall initiate rule making within six months to incorporate recommendations into rules adopted under this chapter or under chapter 90.22 or 90.54 RCW, and shall adopt amended rules within two years of initiation of rule making."

Ecology finds that the Kitsap Watershed Plan's projection of 5,215 new wells being installed over the twenty-year period, resulting in 717.8 acre-feet per year (AFY) of new consumptive water use, is based on sound methodology. The calculated consumptive water use is based on guidance developed by Ecology which, by design, assumes greater water use than most homeowners will likely use for their lawns and gardens, and thus results in a conservative estimate of consumptive water use.

Ecology finds that the 15 different projects and actions (i.e., projects) identified in the Kitsap Watershed Plan provides sufficient assurances that they will offset consumptive use impacts to instream flows that would be caused by the 717.8 AFY of new consumptive water use projected to occur throughout the watershed over the twenty-year period.

Ecology's technical review of the Kitsap Watershed Plan's analyses led to the determination that the total projected impacts through 2038 will be 717.8 AFY. Likewise, Ecology's technical review examined each of the 15 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 local intent to implement the plan.

Ecology finds, based on its technical review, that the 15 projects in the Kitsap Watershed Plan, when totaled, are projected to offset approximately 2,873.1 AFY of stream flow impacts. Therefore, this Watershed Plan is designed to exceed projected impacts by 2,155.3 AFY or 300%.

After evaluating the Kitsap 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 15 strategies described in the Watershed Plan. This finding is further reinforced by the Plan's exceedance of the projected impacts, the inclusion of 31 additional promising habitat projects, as well as the inclusion of projects that have a high likelihood of implementation and an identified project sponsor.

Ecology finds that the environmental impacts of the plan were fully considered. Ecology issued a determination of non-significance under the State Environmental Policy Act (SEPA) and sought public comment on this environmental review.

Therefore, **Ecology finds** that the WRIA 15 Watershed Plan meets the requirement "that actions identified in the watershed 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 these findings, Ecology **ADOPTS** the WRIA 15 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 County, after Ecology's adoption of the WRIA 15 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.

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. 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 notice of appeal and a copy of this decision with the PCHB (see filing information below). "Filing" means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. "Notice of appeal" is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this decision on the Department of Ecology by mail, in person, or by email (see addresses below).

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

Filing an appeal

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: <https://eluhho.wa.gov/> or call: 360-664-9160.

Service on Ecology

Street Address:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Mailing Address:

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

E-Mail Address:

ecologyappeals@ecy.wa.gov

More information

- **Pollution Control Hearings Board Website**
<https://elaho.wa.gov/>
- **Chapter 43.21B RCW – Environmental Hearings Office – Pollution Control Hearings Board**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Ecology’s Laws, Rules & Rulemaking**
<https://www.ecology.wa.gov/About-us/How-we-operate/Laws-rules-rulemaking#ws>

Americans with Disabilities Act information

Accommodation Requests

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-7668 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

So ordered this 17th day of December, 2024.



Laura Watson, Director
Department of Ecology