

**DEPARTMENT OF ECOLOGY'S ORDER
ADOPTING THE UPDATED WATERSHED PLAN
FOR WATER RESOURCES INVENTORY AREAS 22 and 23
(CHEHALIS WATERSHED)**

In accordance with the Streamflow Restoration Act, RCW 90.94.020, the Department of Ecology (Ecology) received the Addendum to the Chehalis Watershed Management Plan (WRIAs 22 and 23 Updated Plan) submitted by the Water Resources Inventory Areas 22 and 23 Planning Unit on November 23, 2020.

Ecology has reviewed the Updated Plan for WRIAs 22 and 23 to determine whether it meets the requirements for adoption under RCW 90.94.020(4). As part of this review, Ecology staff conducted a technical review of this Updated Plan, and produced a report dated November 2020 and entitled the "Washington State Department of Ecology Water Resources Program Final Technical Review Report of Chehalis Watershed (WRIAs 22 and 23) Response to the 2018 Streamflow Restoration Law and Addendum to The Chehalis Watershed Management Plan." This technical report supports Ecology's decision on the Updated Plan for WRIAs 22 and 23 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 Chehalis Watershed Plan Addendum. This Memorandum supports Ecology's decision on the Updated Plan for WRIAs 22 and 23 and is incorporated into this Order by reference.

Under RCW 90.94.020(4)(c), "[p]rior to the adoption of the updated watershed plan, the department must determine 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."

Ecology finds that the Chehalis Watershed Updated Plan's projection of 4,555 new wells being installed over the twenty -year period, resulting in 0.697 cubic feet per second (cfs) of new consumptive water use, is based on sound methodology. In particular, the Planning Unit 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. As such, the Planning Unit and Ecology believes their calculations over-estimate impacts.

Ecology finds that the 74 different projects and actions i.e. projects, inclusive of the 20 specifically detailed and categorized by the Planning Unit as high certainty, or "Core," identified in the Chehalis Watershed Updated Plan provide sufficient assurances that they will offset consumptive use impacts to instream flows that would be caused by the 0.697 cfs of new consumptive water use projected to occur throughout the watershed over the twenty-year period.

Ecology's technical review examined the Chehalis Watershed Updated Plan's analyses that led to the determination that the total projected impacts through 2038 will be 0.697 cfs. Likewise, Ecology's technical review examined each of the 74 projects included in the Updated Plan and has concluded their 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 Planning Unit's intent to implement the plan.

Ecology finds, based on Ecology’s technical review, that the 74 projects in the Chehalis Watershed Updated Plan, when totaled, are projected to offset approximately 5.4 cfs of stream flow impacts, or approximately seven times the 0.697 cfs potential consumptive use impacts to instream flows projected to occur in the basin over the next 20 years.

After evaluation of the Chehalis Watershed Updated 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 Updated 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 74 strategies described in the Updated Plan. Regarding the 20 projects detailed and categorized by the Planning Unit as high certainty, or “Core,” many of these also include the explicit identification of project proponents who appear likely to pursue funding to implement their respective projects. Additionally, these core projects in the Planning Unit’s portfolio appear well designed to offset projected impacts in multiple subbasins, and enhance streamflow as well as biological function.

Therefore, **Ecology finds** that the Updated Plan for WRIAs 22 and 23 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 the foregoing, Ecology **ADOPTS** the Watershed Plan Update for WRIAs 22 and 23, with the following **CONDITION**:

1. Ongoing Compliance with RCW 90.94.020(5). Planning unit governments will continue to fulfill the requirements of RCW 90.94.020(5), 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 Updated Plan for WRIAs 22 and 23.

Neither this decision to adopt the updated 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 28th day of January, 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
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW, Suite 301 Tumwater WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia WA 98504-0903

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

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