

**DEPARTMENT OF ECOLOGY'S ORDER  
ADOPTING THE UPDATED WATERSHED PLAN  
FOR WATER RESOURCES INVENTORY AREA 49  
(OKANAGAN RIVER BASIN)**

In accordance with the Streamflow Restoration Act, RCW 90.94.020, the Department of Ecology (Ecology) received the Addendum to the Okanagan River Basin Management Plan (WRIA 49 Updated Plan) submitted by the Water Resources Inventory Area 49 Planning Unit on October 20, 2020.

Ecology has reviewed the Updated Plan for WRIA 49 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 Okanogan River Basin (WRIA 49) Watershed Plan Addendum." This technical report supports Ecology's decision on the Updated Plan for WRIA 49 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 Okanagan River Basin Watershed Plan Addendum. This Memorandum supports Ecology's decision on the Updated Plan for WRIA 49 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 Okanagan River Basin Updated Plan's projection of 596 new wells being installed over the twenty -year period, resulting in 0.28 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 21 different projects and actions i.e. projects, identified in the Okanagan River Basin's Updated Plan provide sufficient assurances that they will offset consumptive use impacts to instream flows that would be caused by the 0.28 cfs of new consumptive water use projected to occur throughout the watershed over the twenty-year period.

Ecology's technical review examined the Okanagan River Basin Updated Plan's analyses that led to the determination that the total projected impacts through 2038 will be 0.28 cfs. Likewise, Ecology's technical review examined each of the 21 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 21 projects in the Okanagan River Basin's Updated Plan, when totaled, are projected to offset approximately 3.85 cfs of stream flow impacts, or approximately thirteen times the 0.28 cfs potential consumptive use impacts to instream

flows projected to occur in the basin over the next 20 years.

After evaluation of the Okanogan River Basin's 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 21 strategies described in the Updated Plan. This finding is further reinforced by the Addendum's inclusion of two projects that were selected for funding in the 2020 Streamflow Restoration competitive grant round. These projects are the "Antoine Valley Ranch Acquisition," which includes approximately 1,200 acre feet of water rights, and 500 acre feet of reservoir rights, as well as the "Methow Beaver Project's Restoring Streamflow after Wildfire in Okanogan and Methow River Sub-basins," which is a robustly designed habitat restoration project.

Therefore, **Ecology finds** that the Updated Plan for WRIA 49 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 WRIA 49, 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 WRIA 49.

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 28<sup>th</sup> day of January, 2021.

A handwritten signature in black ink, appearing to read "Laura Watson", written in a cursive style.

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**

<b>Street Addresses</b>	<b>Mailing Addresses</b>
<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.eho.wa.gov>

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