

**DEPARTMENT OF ECOLOGY'S ORDER
ADOPTING THE UPDATED WATERSHED PLAN
FOR WATER RESOURCES INVENTORY AREA 59
(COLVILLE RIVER)**

In accordance with the Streamflow Restoration Act, RCW 90.94.020, the Department of Ecology (Ecology) received the Addendum to the Colville River Watershed Management Plan (WRIA 59 Updated Plan) submitted by the Water Resources Inventory Area 59 Planning Unit on December, 23 2019.

Ecology has reviewed the WRIA 59 Updated Plan 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 the WRIA 59 Updated Plan, and produced a report entitled the "Washington State Department of Ecology Water Resources Program Final Technical Review Report of Colville Watershed Response to the 2018 Streamflow Restoration Act (RCW 90.94) – December 16, 2019 Addendum to the WRIA 59 Watershed Plan," dated December 16, 2019. This technical report supports Ecology's decision on the WRIA 59 Updated 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 WRIA 59 Watershed Plan Addendum. This Memorandum supports Ecology's decision on the WRIA 59 Updated Plan 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 WRIA 59 Updated Plan's projection of 1,118 new wells being installed over the twenty -year period, resulting in 0.6 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 believes their calculations over-estimate impacts.

Ecology finds that the 16 different projects and actions, i.e. projects, identified in the WRIA 59 Updated Plan provide sufficient assurances that they will offset consumptive use impacts to instream flows that would be caused by the 0.6 cfs of new consumptive water use that is projected to occur throughout the watershed over the twenty-year period.

Ecology's technical review examined the WRIA 59 Updated Plan's analyses that led to the determination that the total projected impacts through 2038 will be 0.6 cfs. Likewise, Ecology's technical review examined each of the 16 projects included in the Updated Plan and has concluded it likely underestimates the total offset volumes associated with these projects. Ecology's technical review also focused on a particular project, "the Waitts Lake water right,"

which was identified by the Planning Unit as one of the WRIA 59's Updated Plan's high priority projects. The Waitts Lake water right, currently held in trust by the State of Washington in the Trust Water Rights Program, was purchased by Steven County thanks to its receipt of a 2019 Ecology Competitively Funded Streamflow Grant. As a result, WRIA 59 can and, as the Plan Update makes clear, intends to use the Waitts Lake water to offset the total projected impacts in the WRIA. Ecology's technical review and analysis of this high priority project resulted in a downward adjustment, specific to this project, to 1.07 cfs, from the Updated Plan's projected offset, for this specific project, of 1.54 cfs. This adjustment was made to account for seasonal aspects of the right the WRIA 59 Plan Update did not address. This adjustment decreased the entire plan's projected offsets to 1.63 cfs, from the original total projected offset of 2.1 cfs. However, even with this downward, seasonally based adjustment, the Waitts Lake acquisition alone (1.07 cfs) is still larger than the total WRIA-wide projected impacts through 2038 (0.6 cfs).

Ecology finds, based on Ecology's technical review, the 16 projects in WRIA 59's Updated Plan, when totaled, are projected to offset 1.63 cfs of stream flow impacts, or slightly less than triple the 0.6 cfs potential consumptive use impacts to instream flows projected to occur in the basin over the next 20 years.

After evaluation of the WRIA 59 Updated Plan to determine that it identifies strategies to offset all potential consumptive use impacts to instream flows, Ecology's technical review also evaluated the WRIA 59 Updated Plan to assess if the Plan includes the projects or strategies necessary to achieve a net ecological benefit. Reviewers considered the unique hydrogeological characteristics of the basin, locations of projected new permit exempt domestic wells, and habitat benefits of the 16 strategies described in the WRIA 59 Updated Plan. Most of the 16 projects include the explicit identification of project proponents who appear likely to pursue funding to implement their respective projects. Additionally, the 16 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 WRIA 59 Updated 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 the foregoing, Ecology **ADOPTS** the WRIA 59 Watershed Plan Update, 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 WRIA 59 Updated Plan.

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 25th day of June, 2020.



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

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>