

## Meeting Minutes – Nisqually Watershed Planning Unit

December 19, 2018 – 9:00am-12:00pm

Nisqually Indian Tribal Council Chambers

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| David Troutt, Nisqually Indian Tribe       | Allison Osterberg, Thurston County      |
| Willie Frank III, Nisqually Tribal Council | Julie Rector, City of Lacey             |
| James Slape Jr., Nisqually Indian Tribe    | Jesse Barham, City of Olympia           |
| George Walter, Nisqually Indian Tribe      | Paula Holroyd, League of Women Voters   |
| Emily McCartan, Nisqually River Foundation | Abby Gribi, Town of Eatonville          |
| Lisa Dally Wilson, Dally Environmental     | Lee Napier, Lewis County                |
| Gary Bahr, Dept. of Agriculture            | Fred Evander, Lewis County              |
| Jeff Dickison, Squaxin Island Tribe        | Lois Ward, Nisqually River Council CAC  |
| Matt Curtis, WDFW                          | Justin Hall, Nisqually River Foundation |
| Mike Gallagher, Dept. of Ecology           | Kevin Hansen, Thurston County           |
| Tom Culhane, Dept. of Ecology              | Rance Smith, Pierce County              |

### 1. Welcome, Introductions, Administrative

The November 14<sup>th</sup> meeting minutes were approved.

David, George and Lisa met with Ecology to discuss the challenges of meeting the Feb. 1 deadline. No statutory changes via the Legislature are possible before the end of March, which is too late. Ecology does not have statutory authority to grant an official extension. If Ecology does not approve the addendum by Feb. 1, they must move into rulemaking and adoption would no longer be voluntary for the implementing governments. However, Ecology indicated the possibility of recognizing that the addendum may be approved with the knowledge that further analysis and work will need to be done on quantification and other additional information. The Planning Unit should proceed with developing as much detail as possible on the current deadline, but there was recognition that we can meet the legal requirements with room for further amendment, and that some aspects may be put forward in concept with more details to be developed later. The February 1 deadline is for the Ecology director to adopt or not adopt, meaning staff need to have the plan in review prior to that date.

Lee Napier (Community Development Director) will serve as Lewis County's voting representative to the Planning Unit.

#### *Continuing Planning Unit Activities After Feb. 1*

The PU expects to continue to work and meet occasionally after February 1. Ecology may respond after February 1 with requests for additional information and follow-up. It was agreed that the PU plan to continue meeting regularly (schedule to be determined). The current grant for coordination of the PU has some funds available. George will follow up with Ecology regarding whether that funding can be spent after the statutory deadline – Ecology believes it should continue through the contract period (scheduled to expire on March 31). Ecology recognizes that developing local ordinances and moving through a public process takes time, and

that counties will need to coordinate with the planning timelines in other watersheds ..

If the deadline is missed and Ecology proceeds to rulemaking, the deadline for rule adoption is August 2020. Ecology would consider recommendations from the draft unadopted plan, and would engage with counties, tribes, and other parties (but not the Planning Unit directly).

## **2. Watershed Addendum Progress Update**

Lisa distributed the Gantt Chart, schedule for adoption, and draft table of contents, with thanks to everyone who has worked very hard to accomplish this so quickly using internal resources. Outstanding components and decision items include:

- LID stormwater projects – can a portion of flow benefits from mandatory LID projects be applied to streamflow restoration under this law? Ecology is looking into this question. If possible, it would require county regulations to stipulate that the benefit is directed toward streamflow restoration and no other needs to avoid double-counting.
- Washington Water Trust report – WWT has provided an initial draft list of active and valid water rights. We hope to have a summary to include in the Addendum. No specific projects or parcels will be identified to maintain confidentiality and quantification of benefits would still be several steps down the line.
- Group A & B infrastructure improvement – Thurston PUD has provided a letter regarding three water systems in the Prairie Tributary, Thompson/Yelm and Lackamas/Toboton/Powell sub-watershed that could benefit from improvements. Their analysis is conceptual and not quantified, and they would need funding to have hydrogeologist look at water quality before implementing.
- Mitigation Credit system – Thurston and Pierce counties would be responsible for developing these systems if needed and are writing up conceptual summaries and next steps to move forward in addressing any needed changes to building permits and COWAs.
- Yelm Water Right and infiltration analysis – not yet received.

## **3. Schedule for plan writing and review**

- Final components are due by Dec. 24 to allow time to compile the Addendum.
- Draft will be finalized on January 4 and circulated as a PDF with a “draft” watermark.
- PU will have January 4-11 to review. Late comments may not be addressed. Reviewers are encouraged to focus on substantive issues and major deal breakers, not stylistic or copy-editing issues.
- Emily, George, David, and Lisa will reconcile comments on the 14<sup>th</sup> and 15<sup>th</sup>.
- PU meeting on January 16 to vote to approve. We will review a tracked changes document on 1/15 and walk through any changes at the meeting.
- Any changes will be incorporated on Jan. 16-18.

- Electronic copy submitted to Ecology on Jan. 18. Formal hard copy will be submitted and distributed after printing, prior to the Feb. 1 deadline.

Ecology staff noted that their role is to make a recommendation to ECY leadership, who will make the final decision. Ecology recognizes that, given the short deadline, there will be elements of the plan that are still conceptual. They will do their best to let the PU know if there are major issues. The PU requested that, during Planning Unit Review from Jan. 4-11, ECY limit comments to high-level critical issues, so that we can address and complete the plan on time.

The PU approved as a provisional title: “Nisqually Watershed Response to the 2018 Streamflow Restoration Act (RCW 90.94) – Addendum to the Nisqually Watershed Plan.” Note that this document is an addendum, not an update or standalone document.

#### **4. Water Forecasts**

In review of draft chapter, Ecology recommended an additional forecast for actual consumptive use based on irrigation assumptions and local weather factors. The Counties had used very conservative forecasts in our original method. The Addendum also uses the legal consumptive use, even though individual connections are unlikely to use it, as the high marker for potential NEB. Based on Ecology’s guidance, an additional “actual” consumptive use estimate was run which assumes:

- 0.2 acres irrigated
- 90% irrigation efficiency (ECY’s example was 75% efficiency, but adapted for the more rural profile where people are watering less sidewalks)
- Used Olympia precipitation data

This method yields a watershed-wide consumptive use forecast of 747 afy/1.032 cfs, a little more than twice our original method. Adding these figures and explanation of the method are the only further changes to the Forecast chapter since it was approved at the last PU meeting.

#### *Discussion:*

Thurston County proposed continuing to use our original methodology for estimating actual consumptive use based on Thurston PUD data as the floor, because it’s based on actual water use data in our basin. In the context of the regulatory permitting processes being considered at the county, the micro mitigation levels are scaled to the PU floor using local data. Fine to keep the Ecology method in as a middle of the road baseline more generalizable across the state. ECY’s guidance states that Planning Units can provide other methodologies based on local contexts. Lewis County concurred with including all three methods. Ecology noted that the third method provides a slightly higher bar than the local methods for mitigation (in case some projects targeting the legal water maximum are less certain and the legal ceiling may not be met). Since this is one of the first WRIA plans to be submitted, it is also helpful to Ecology if we use their methodology as a model for other WRIAs.

## 5. **Habitat/natural resource projects**

Quantifiable estimates were developed for 6 types of habitat/natural resource projects with streamflow impacts by Kevin Hansen at Thurston County. Project categories are:

### ***Acquisition/New Construction Projects***

*Managed forestry* – The Nisqually Community Forest’s analysis has identified 400 parcels by average age in the upper watershed. Many are above 40 years old now, the age at which VELMA modeling shows a positive streamflow impact from forest maintenance. (Younger trees draw up water from the system at a faster rate; 40 years is approximately neutral, and flow gains from that point.) Using VELMA model data and assuming a conservative acquisition rate of 1 section per year allowed us to develop a year-to-year figure for streamflow accrual per acre of managed forest. Flow benefits compound each year if the average stand age starts at 40 years. The resulting baseline generates an average 1698.6 afy benefit in the Mashel and 80.9 afy in Thurston basin, the largest component of habitat restoration benefits to streamflow. It also provides economic benefits for communities through forestry management jobs.

### *Questions:*

- Will we see these benefits within the 20-year planning horizon? Long-term value is useful, but also need to consider flow impacts within the 20-year planning horizon if we are acquiring recently-harvested parcels younger than 40 years.
  - At 20 years from current conditions, would see 1779.5/2.456 cfs, if we acquire 1 section/year with stand age of over 40 years.
  - The Tribe noted that we should consider not just what happens if we do acquire forestlands, but also what would happen if we don’t – stands will continue to be harvested in less than 40-year increments, with recurring negative impacts to streamflows. The acquisition rate assumed in these calculations so far is very conservative.
- How do you ensure that lands will be managed consistent with this plan?
  - Deed of right associated with state-funded conservation purchases, other ways of securing that need to be addressed in the write-up.

*Stream restoration* – A template was developed from 10 years of groundwater data collected at Ohop Creek sites restored by the Nisqually Indian Tribe. This model was applied to 19 similar projects in Thurston (compressed ditches on prairie streams) to calculate per stream-mile benefit. Benefits were scaled down to 20% for project funding uncertainty. Pierce County has not identified specific target sites, but the same model will be run on total length of stream miles in Muck and other Prairie Trib streams. Projects are conceptual/hypothetical, hence the strong factoring down.

*Eatonville Stormwater/Capital Improvement Projects:* Projects include Aquifer Storage and Recovery project and 6 stormwater projects with seasonal benefits during the low-flow summer months, and two water system efficiencies projects

with year-round benefits. It assumes building all Eatonville projects. There are concerns about cost-effectiveness for Eatonville's alternate water source project. The Tribe indicated it was more important to identify the needed projects to achieve mitigation, and then look for funding.

### ***Projects Reducing Consumption***

*LID stormwater infiltration* – preliminary analysis suggests LID infiltration could more than compensate for consumptive use in every sub-basin (under PUD's forecast; most also exceed ECY method). It could be considered as a demand reduction from the current forecasts, if not as mitigation. Ecology needs to evaluate if this is a feasible option.

*Use of Rainwater harvesting/cisterns* - would generate less than 1 afy based on participation rates and amount saved. Likely too small to spend time administering.

*Reduce/eliminate watering of lawns* – rough estimate could yield 117.2 afy. It would require either regulation or local ordinances for Ecology purposes. Counties indicated this would be better as an education outreach program than a regulation.

## **6. Other Mitigation Strategies**

- LID Stormwater credit?
- Water Rights purchases – some good potential purchases identified, and would target purchasing a portion of the water right, so the entity can continue to irrigate. It would be identified in the plan as one possible tool to be pursued in more detail.
- Yelm data not yet available.

## **7. Discussion**

### ***Rulemaking***

A single domestic permit-exempt well in WRIA 11 can use 3,000 gpd under current law. The PU could recommend rulemaking by Ecology to reduce the limit in this plan. Ecology requires a petition to the director to engage in rulemaking, which could take place after the February 1 deadline. Opening the process up to rulemaking or legislative changes always come with the potential for opening the floor to a wide range of new changes from other sources. PU members agreed to consider this as a possibility for the future under adaptive management in the Addendum. It may be beneficial to run an additional forecast showing the legal maximum water use if the limit was reduced to 950 gpd.

### ***Metering***

Thurston and Lewis Counties are not proposing any mandatory metering requirements for new or existing well users under this process. The three counties may consider voluntary metering as a mitigation credit option, but would need a significant amount of further discussion before implementation. Ecology is running pilot metering programs in Kittitas County and the Dungeness watershed, with data that will be available over the next 10 years and may inform feasibility for future discussions.

**8. SEPA Check-In**

Pierce County is conducting the SEPA review. 30 day review period will begin by the end of this week. ECY wants checklist done now, likely with DNS, for date of submittal. Mike will check on when the SEPA checklist is due to Ecology.

**9. Public Comment**

There was no public comment. The meeting was adjourned at 12:15pm.