



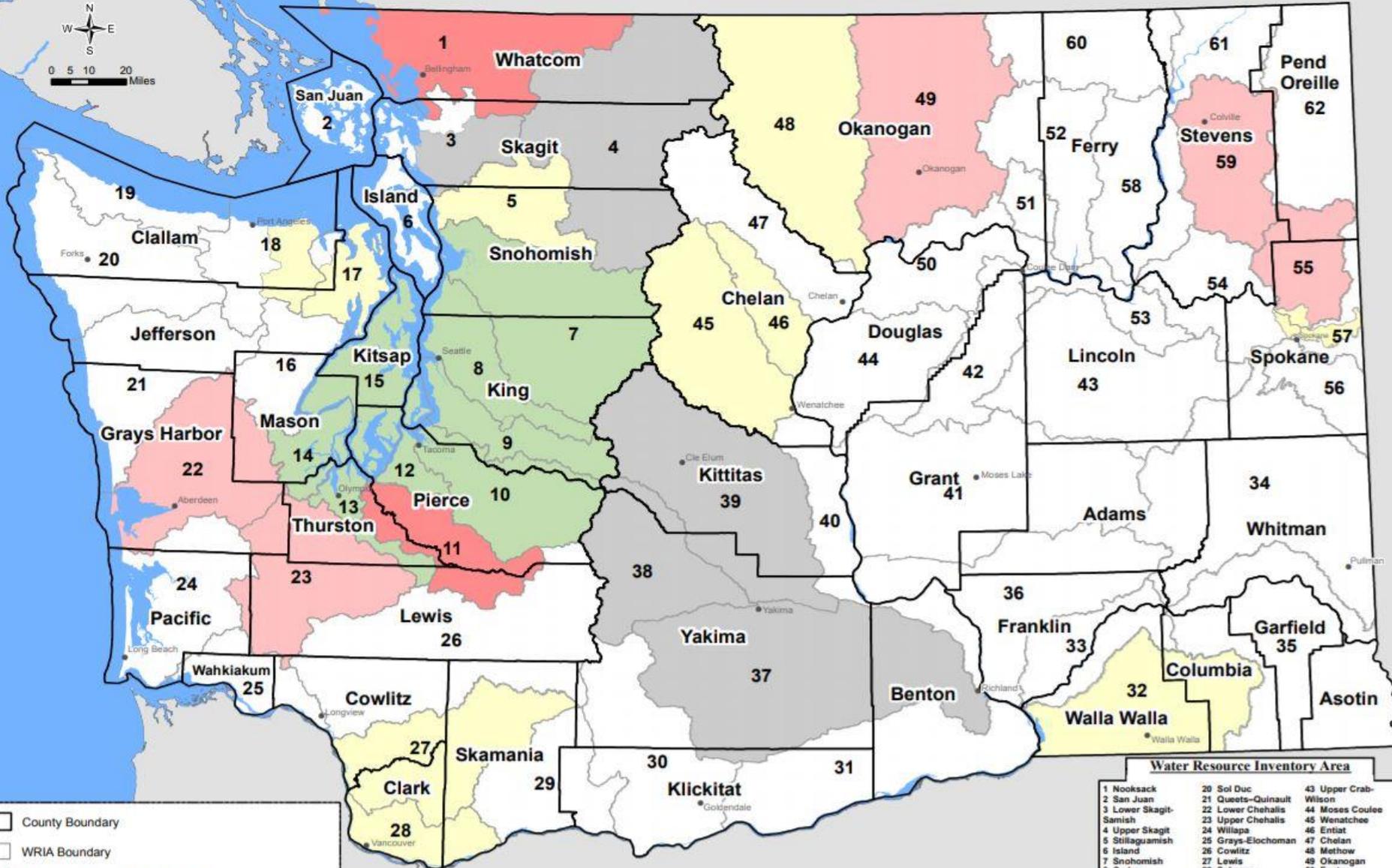
Implementing ESSB 6091: Protecting and Restoring Streamflows in Central Puget Sound

Ria Berns, Water Resources Program
Department of Ecology
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Summary of Law

- Signed into law on January 19, 2018
- Provides more certainty for rural landowners/well users (i.e., fixes “Hirst”)
 - Allows permit-exempt well development / authorizes potential impacts to regulated waterbodies
 - Adds county requirements under the Growth Management Act (sets well fees & withdrawal limits)
- Establishes \$300M over 15 years to fund projects that protect and enhance streamflows
- Sets up new watershed-scale planning processes in 15 affected basins





	County Boundary
	WRIA Boundary
	Watershed plan: update due 2019
	Watershed plan: update due 2021
	Watershed restoration and enhancement plan: due 2021
	Existing rule that regulates permit-exempt uses
	Other requirements apply
	No Instream Flow Rule (See page 2 for details)

Streamflow Restoration Domestic Permit-exempt Withdrawals: New Regulations (2018 Legislation: ESSB 6091)

Water Resource Inventory Area		
1 Nooksack	20 Sol Duc	43 Upper Crab-
2 San Juan	21 Quets-Quinault	Wilson
3 Lower Skagit-Samish	22 Lower Chehalis	44 Moses Coulee
4 Upper Skagit	23 Upper Chehalis	45 Wenatchee
5 Stillaguamish	24 Willapa	46 Entiat
6 Island	25 Grays-Elochoman	47 Chelan
7 Snohomish	26 Cowlitz	48 Methow
8 Cedar-Sammamish	27 Lewis	49 Okanogan
9 Duwamish-Green	28 Salmon-Washougal	50 Foster
10 Puyallup-White	29 Wind-White	51 Nespelem
11 Nisqually	30 Salmon	52 Sanpoil
12 Chambers-Clover	31 Klickitat	53 Lower Lake
13 Deschutes	32 Rock-Glade	54 Lower Spokane
14 Kennedy-Goldsborough	33 Walla Walla	55 Little Spokane
15 Kitsap	34 Palouse	56 Hangman
16 Skokomish-Dosewallips	35 Middle Snake	57 Middle Spokane
17 Quilcene-Snow	36 Esquatzel Coulee	58 Middle Lake
18 Elwha-Dungeness	37 Lower Yakima	59 Roosevelt
19 Lyre-Hoko	38 Naches	60 Colville
	39 Upper Yakima	61 Kettle
	40 Alkali-Squilchuck	62 Upper Lake
	41 Lower Crab	Roosevelt
	42 Grand Coulee	62 Pend Oreille

Feb. 2, 2018



How does this new law impact WRIAs 5, 7, and 8?

WRIA 5 (Stillaguamish):

- Mostly unaffected/no new planning process required
- Eligible for project funding

WRIAs 7 (Snohomish) and 8 (Cedar/Sammamish):

- Establish new Watershed Restoration Enhancement Committees
- Committees must develop plans by June 2021 that:
 - Identify actions necessary to offset the consumptive impact from new permit-exempt wells
 - Prioritize mitigation that is “in-time and in-place”
 - Meet a “net ecological benefit” standard
- Capacity funding available for tribal and local governments



More on plan development...

- What will Ecology do with committee-approved plans?
 - Evaluate the plans based on the net ecological benefit standard
 - Initiate rule-making where required and/or agreed-upon
- What happens if the plans are not approved by the committees, by consensus?
 - The plan goes to the Salmon Recovery Board to make recommendations to Ecology's Director, followed by rule-making.
- What happens after June 2021?
 - Rulemaking likely
 - Plan implementation and ongoing mitigation project work
 - grant program management



Ecology's near term priorities

1. Issue initial policy interpretations to assist counties in implementing the new law and guide the fast track planning processes in WRAs 1 and 11 (Winter 2018)
2. Develop interim guidance around “**net ecological benefit**” standard (Spring 2018)
3. Develop interim project and funding criteria (summer 2018)
 - Will issue interim criteria, then do rule-making
4. Hire staff, including Ecology chairs for the WRA 7 and 8 watershed committees, to help the organization through program development and organizational change
5. Develop and initiate watershed planning processes that honor the process outlined in the new law and leverage existing work and relationships in the affected watersheds



Other elements of ESSB 6091

- **Metering:** establishes a domestic metering pilot in two watersheds (Dungeness and Kittitas)
- **Foster “Fix:”** forms a new legislative taskforce to review the “Foster” Supreme Court decision
 - Allows for 5 “Foster” pilot projects
 - This is the only part of the law that affects the water right permitting process



Thank You!

Questions?

Ria Berns

Manager, Northwest Region Water Resources Program

Department of Ecology

(425) 649-7270

Ria.Berns@ecy.wa.gov

