



## Land Use & Environment Committee

### Deschutes Watershed Restoration and Enhancement Plan

**Agenda Date:** 2/18/2021  
**Agenda Item Number:** 6.B  
**File Number:**21-0179

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**Type:** decision **Version:** 1 **Status:** Passed

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#### **Title**

Deschutes Watershed Restoration and Enhancement Plan

#### **Recommended Action**

##### **Committee Recommendation:**

Move to approve the Utility Advisory Committee's (UAC) recommendation of support for staff representation on the Watershed Restoration and Enhancement (WRE) Committee to vote on the Deschutes WRE Plan (Plan) for submittal to the Washington Department of Ecology (Ecology).

##### **City Manager Recommendation:**

Move to approve the Utility Advisory Committee recommendation.

#### **Report**

##### **Issue:**

Whether to support staff representation on the WRE Committee to vote on the Plan for submittal to Ecology for evaluation and possible rulemaking.

##### **Staff Contact:**

Donna Buxton, Groundwater Protection Program Manager, Public Works Water Resources,  
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##### **Presenter:**

Donna Buxton, Groundwater Protection Program Manager

#### **Background and Analysis:**

##### The Deschutes WRE Committee

The 2016 Washington State Supreme Court "Hirst Decision" changed how counties decide to approve or deny new building permits that propose to use domestic (permit-exempt) wells for a water source. In response to this decision, the Legislature passed the 2018 Streamflow Restoration law (law; RCW 90.94). The law supports water availability for both salmon recovery and homes in rural Washington. It requires local watershed planning to improve streamflows and clarifies the process for counties to issue building permits for homes using a permit-exempt well.

As required by the law, Ecology convened the WRE Committee to estimate the impact of permit-

exempt well withdrawals on streamflows. The WRE Committee proposed projects and regulatory actions to offset this impact, while providing a net ecological benefit to the Deschutes watershed over a 20-year period.

#### The Deschutes Watershed Plan

The Plan provides a collaborative path forward to address technically and politically complex issues in regional water resources management. The WRE Committee prepared the Plan with the intent of implementation. Plan recommendation proponents have indicated commitment to investigate the feasibility of proposed projects and regulatory actions. Ecology policy interprets the law as not obligating any entity to implement projects, regulatory actions, or associated rulemaking.

#### Plan Implementation and Adaptive Management

The WRE Committee identified an adaptive management strategy to address uncertainty in the Plan and provide reasonable assurance of success through implementation. Strategy elements include oversight, project tracking, monitoring and research, and funding options. Oversight would occur via the proposed Deschutes Watershed Council (DWC), a collaborative local-based partnership that invests in protecting, conserving, and restoring the watershed. Proposed DWC tasks include identifying water management solutions, tracking offsets and permit-exempt wells, reporting, establishing roles and responsibilities via formal agreements, pursuing and managing funding sources, and maintaining institutional knowledge.

The Plan identifies potential funding mechanisms for implementation activities including a request for sustainable funds from the Legislature; a permit-exempt well fee increase; and cost-sharing among DWC members. Projects or regulatory actions will be eligible for Ecology's \$300M 15-year statewide competitive WRE grant program.

#### Next Steps - Plan Approval and Rule Adoption

The WRE Committee must approve the Plan by consensus for submittal to Ecology in April 2021. If Ecology determines the Plan is in compliance with the law, Ecology may initiate rulemaking. If the Committee does not reach consensus or the Plan does not meet the law, the Salmon Recovery Funding Board will review the Plan and make recommendations to Ecology, which will then evaluate the revised Plan and decide whether to initiate rulemaking. Ecology has a June 30, 2021 legislative deadline to determine any rulemaking action.

Staff attended the February 4, 2021 Utility Advisory meeting to brief them on the Deschutes WRE Plan and ask for their support and recommendation to City Council. The UAC unanimously supported staff's proposal and is drafting a letter to be submitted with the staff report for the March 23, 2021 Council item. The recommendation letter will show UAC support for staff representation on the WRE Committee to vote on the Plan for submittal to Ecology.

**Neighborhood/Community Interests (if known):** Every WRE Committee meeting agenda includes a public comment period. A League of Women Voters representative attended some early meetings. To date, no substantive comments have been received on the Plan by the public.

#### **Options:**

1. Approve the Utility Advisory Committee's recommendation of support for staff representation on the Deschutes Watershed Restoration and Enhancement (WRE) Committee to vote on the

Deschutes WRE Plan (Plan) for submittal to the Washington Department of Ecology (Ecology). Staff ability to vote on the Plan could support a WRE Committee consensus approval of the Plan positioning Ecology to evaluate the Plan and initiate rulemaking, which could then support Plan implementation.

2. Do not recommend support for staff to vote on the Plan and provide justification for the lack of support. If staff do not have support to vote on the Plan, consensus approval of the Plan would not be possible. Ecology would then seek technical recommendations on the Plan from the Salmon Recovery Funding Board and evaluate the revised Plan rather than the Plan developed by the WRE Committee.

**Financial Impact:** No commitment incurred. If the Deschutes Watershed Council forms, one funding proposal includes partners contributing funds to support part-time staff plus basic administrative costs via formal agreements among DWC members.

**Attachment:**

DOE Watershed Restoration and Enhancement Committee Webpage w/ Plans and Appendices