MEMORANDUM

TO: Thurston Regional Planning Council
FROM: Amy Hatch-Winecka, Senior Planner
DATE: February 28, 2020
SUBJECT: Thurston Streamflow Restoration Committees Update

PURPOSE

Staff will provide an update on the work of the three Streamflow Restoration committees working to quantify then offset expected consumptive water use of permit-exempt wells over 20 years. RCW 90.94 sets aside approximately $20 million for statewide projects through 2038.

Summary:

- The Chehalis Basin is undergoing locally led development of a plan due to the Department of Ecology by February 1, 2021.
- WRIAs 13 and 14 are each engaged in Ecology-led plan development with plans due to Ecology by June 30, 2021.
- Local committees are collaborating to decide how to calculate consumptive use for permit-exempt wells, how to integrate climate science into the plans, and prioritizing sub-basins for water offset projects. Projects must deliver demonstrable stream flow benefits, and where possible, offer a net ecological benefit that protects and/or enhances fish and fish habitat.

REQUESTED ACTION

No action is required.

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BACKGROUND

In January 2018 the Legislature passed the Streamflow Restoration law that helps restore streamflows to levels necessary to support robust, healthy, and sustainable salmon populations while providing water for homes in rural Washington.

The law was in response to the Hirst decision, a 2016 Washington State Supreme Court decision that limited a landowner’s ability to get a building permit for a new home when the proposed source of water was a permit-exempt well. The law clarifies how counties issue building permits for homes that use a permit-exempt well for a water source.

The law directs local planning groups to develop watershed plans that offset impacts from new domestic permit-exempt wells and achieve a net ecological benefit within the watershed.

- Watershed plans are prepared, approved, and submitted by watershed planning groups.
- The Department of Ecology reviews the approved watershed plans and determines whether they meet the minimum requirements of the law.
- The Department of Ecology then adopts submitted watershed plans by the deadlines provided by the legislation or moves into rulemaking.

The Legislature appropriated $300 million over the course of 15 years to help with implementation of projects that improve streamflow. The funds are available statewide and administered through a competitive grant program.

The law is codified as Chapter 90.94 RCW.