

## Streamflow Restoration Act – RCW 90.94 – update for Snohomish-Stillaguamish LIO

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Contact: Ingria Jones, [ingria.jones@ecy.wa.gov](mailto:ingria.jones@ecy.wa.gov), (425) 649-4210

### Note to Readers

This brief is a follow-up to the original update for the LIO on “Section 203” Watersheds presented in April 2018 and does not provide comprehensive background on the Streamflow Restoration Act. It is intended as a process update. More information on the background of the Hirst decision, ESSB 6091, and Streamflow Restoration can be found [on our Streamflow Restoration webpage](#). For the codified Streamflow Restoration statutes, reference [RCW 90.94](#).

### Overview: Streamflow Restoration Grant Program

- \$14M is available for this year’s streamflow restoration funding program. The grant round opens no later than October 1 and closes October 31. Applications are submitted through EAGL (Ecology Application Grants and Loans program).
- Ecology has published [Interim Funding Guidelines](#) that will be used for projects seeking funding in the first round of Streamflow Restoration Grants in 2018-2019. A detailed presentation with an overview of the funding program and introduction to EAGL is posted on the Streamflow Restoration webpage. Finalized guidance for future rounds of grants will be in place in 2019.
- Ecology has published [Interim Guidance for Determining Net Ecological Benefit](#) for streamflow restoration planning and mitigation pilots.
- Workshop dates to provide input on the funding program rule and final net ecological benefit guidance are available on our webpage.

### How does the Streamflow Restoration Grant Program prioritize funding?

- Funding is available statewide. Highest priority areas for funding are watersheds identified in the legislation for planning (including the Snohomish Basin, Watershed Resource Inventory Area or WRIA 7), whether or not they have completed a plan.
- Projects that offset consumptive use impacts during the same time and place as the impacts of use are prioritized for funding. Projects that are in the same basin (WRIA) as impacts but that replace water only during critical flow periods receive lesser funding priority. Projects that improve instream resources without offsetting consumptive water quantity also receive lesser funding priority.
- Projects are also prioritized based on basin needs, permanence and resiliency of the project, project costs, as well as the capacity for project management, readiness to proceed, and a monitoring and maintenance plan.
- Even though a Watershed Restoration and Enhancement Plan has not been adopted in WRIA 7, entities may still apply for funding to support projects that benefit streamflow. Funded projects do not necessarily have to be identified in finalized Plan. In the future, projects identified in a Plan *may* receive a higher priority, but final guidelines have not yet been adopted for future funding cycles.
- Direct questions regarding funding to Stacy Vynne McKinstry, [svyn461@ecy.wa.gov](mailto:svyn461@ecy.wa.gov), 425-649-7114.

### Update: Watershed Restoration and Enhancement Committee Formation in WRIA 7

- A new committee, the Watershed Restoration and Enhancement Committee, is established in WRIA 7. Seven other committees are established across the other Section 203 watersheds in central and

south Puget Sound. The Committee has until June 2021 to complete a plan that estimates the 20-year consumptive use from permit-exempt wells and identifies projects to offset that consumptive use. The plan will need to meet net ecological benefit.

- The first meeting of the WRIA 7 Committee will take place on October 25, 2018 at the Everett Public Library.
- The legislation identifies the [Committee roster](#), but nominations are being accepted through October 1 for entities to represent environmental interests, agricultural interests and the residential construction industry. Ecology has invited nominations for entities to represent these interests and will distribute a survey to member governments in early October to rank the nominees.
- Over the course of the summer, Ecology met with the counties and tribes in WRIA 7 to discuss the 90.94 statute and receive input on Committee formation and relationship with existing groups (e.g. Snohomish Forum).
- In mid-September, Ecology sent official invitations to cities, counties, tribes, Department of Fish and Wildlife, the largest irrigation district, and the largest water purveyor (not a municipality) inviting them to participate on the Committee.
  - Ecology requested letters of commitment to participate by September 26.
  - Due to internal review processes, Ecology has allowed these entities to formalize participation after the first committee meeting.

The most up to date information on implementation of RCW 90.94 is posted on Ecology's Streamflow Restoration Webpage:

<https://ecology.wa.gov/Water-Shorelines/Water-supply/Streamflow-restoration>