

Clark County Comments on Preliminary Draft Watershed Planning Language

Foreword

The initial section of these comments is in direct response to the 2013 permit language and was drafted before Ecology released preliminary plans for the 2019 permit. It is retained here as documentation of Clark County's thoughts on the watershed planning effort and is intended as support for Ecology changing the approach in the 2019 permit.

S5.C.5.c. Planning for Stormwater Management and Stream Restoration Under the 2013 Permit

Under the 2013 permit, Ecology and the phase I counties embarked on an experiment to craft plans that demonstrate designated use attainment. The exercise used complex hydrologic and water quality models to simulate past and future conditions. King County and Snohomish County also used elaborate optimization models only available to a few experts to create their final plans.

Clark County found that the project provided insight on the limitations of stormwater management options. Current stormwater regulations will not restore designated uses within decades or perhaps even a century. Zoning is not driven by stormwater issues under current and foreseeable political regimes. Development tends to follow existing transportation corridors, not necessarily areas conducive to LID BMPs. The understanding that regulation alone will not restore designated uses led counties to create plans relying heavily on capital construction retrofits for most of their planning areas. It also led to the use of channel restoration and flood plain projects to manage hydrology and riparian restoration to meet temperature standards.

The conclusion is that the 2013 approach was a useful exercise to define the scope of the problem and verify through multiple studies the approximate cost for full restoration of designated uses of smaller urbanizing and rural watersheds. However, the 2013 permit approach is not appropriate for the next permit term.

Clark County suggests continuing the effort to define acceptable and successful approaches to making progress toward designated uses considering two key issues:

- Define the environmental targets for the near term of a decade or so using existing salmon recovery plans and cleanup plans
- Define attainable designated uses for urban streams and urbanizing streams as a state funded effort

Cost Issues

Cost to Complete Plans

The four plans cost between about \$1 million and \$ 3 million each to complete. The main issue with plan development cost is that the resulting plans are not implementable due to their scale of analysis and extreme implementation cost. The scale of analysis for watershed-level planning precluded the detail needed to specify individual projects that will prove to be feasible, making the plans a general blueprint for moving forward.

Watershed Planning Should not be a MS4 Stormwater Management Program

The NPDES phase I municipal stormwater permit is for stormwater discharges from the MS4. Many elements of watershed planning and its implementation go well beyond management of the MS4 to reduce the discharge of pollutants in stormwater.

The federal standard for MS4 discharges is not water quality criteria; the federal standard is to reduce pollutants to the Maximum Extent Practical (or MEP) in recognition that meeting water quality standards at MS4 outfalls is beyond the power of municipalities considering available resources.

The MEP standard is most comparable to the use of AKART as the presumptive compliance approach in the SWMMWW and the permit performance measures.

At this point in time, the SWMMWW is AKART for new development and redevelopment. Permittees should not be expected to perform actions that control pollutants beyond the standards of the SWMMWW for new development and redevelopment as a watershed planning exercise. Clark County's analysis of Whipple Creek suggested that where the Minimum Requirements of permit Appendix 1, including the LID performance standard are fully implemented, stormwater discharges should be protective of stream habitat on a site-by-site basis.

Clark County believes permittees should receive some credit for work outside the MS4 to improve receiving water, but actions outside the MS4 should not be required.

Watershed Planning and Restoration is a Regional Effort for Phase I Counties

Phase I counties are unique in that their permit area includes predominately rural areas where the MS4 is limited to a fairly sparse network of county roads and many miles of private rural roads and driveways.

Restoration and protection efforts must focus on larger watershed management goals such as optimizing salmon production, which are clearly beyond the scope of the MS4 SWMP. This situation requires regional efforts by state and local agencies or regional planning entities such as salmon

recovery programs to address most of the conditions contributing to impaired water quality and habitat conditions.

Integrating Salmon Recovery Plans into Permittee Planning

Planning should consider salmon recovery plans as a tool to guide capital planning within the MS4. Capital plans should consider fish benefits when establishing restoration goals for individual streams that may or may not include salmon habitat. For example, MS4 conveyance systems to small urban streams devoid of salmon habitat should not be targeted for flow control retrofits if those retrofits will not improve salmon productivity at the watershed scale. On the other hand, water quality projects such as bioretention retrofits in urban catchments may provide benefit if salmon are present in the downstream receiving water.

Comments on the Draft Long Range Planning Document for the December 11, 2017 Workshop

Overall Planning Scope

Try not to be overly ambitious for this permit term considering there is no capital requirement for phase IIs and many may have little or no resources to design and build capital improvements in the 2024 permit term.

Leave more latitude for permittees to use methods they develop or prefer to obtain the overall goals or objectives. One of the unstated goals of the 2013 permit effort was to allow some latitude and see how counties approached meeting the assessment and planning requirements.

Ecology acknowledges the permittees already have planning documents and assessment approaches. We should be able to use them to meet the goal of identifying a suite of actions to reduce stream degradation due to MS4 discharges.

Focus the work on identifying capital improvement projects needed to make progress toward restoring beneficial uses in streams degraded by MS4 discharges. The process of countywide prioritization, having public meetings, identifying data gaps and generally assessing stream conditions should not be part of an MS4 permit.

In the 2013 permit, Ecology listed Whipple Creek and Salmon Creek basins as priority basins for stormwater planning. These two basins contain most of the unincorporated urban area (100s of outfalls) and could be a focus of capital planning for the foreseeable future. Urban areas in these basins have been the focus of county stormwater capital improvement programs since the late 1990s.

Planning Scope Considering MS4 Extent

Watershed planning by its nature extends beyond the actual boundaries of the permitted MS4 conveyance system, especially in rural areas. One of the reasons Clark County suggests limiting

watershed planning to designated urban growth areas is they are the areas more fully served by a built or to be built MS4 system.

Attainable Uses

There should be some effort to define attainable water quality goals rather than simply using generic designated uses. Focusing on attainable water quality goals requires Ecology input and should be completed under several GROSS funded projects. Perhaps one in SW WA considering salmon recovery goals and several more in the Puget Sound region considering both shellfish farming and salmon recovery goals.

Stakeholders

Do not mandate a public involvement or stakeholder process. Permittees know what their public involvement policies are and what is legally required for their municipal entity.

Study Area Focus

During the next permit term, limit the scope to watersheds with a significant fraction of their area inside urban growth areas designated by GMA and/or the phase II permit area. Clark County suggests the watershed have at least 50 percent of its area in a UGA.

The suggestion to limit study to urban growth areas is based on countywide stormwater needs assessments completed by Clark County before the 2013 permit. These assessments found few options for permit-driven stormwater capital projects or code changes in rural areas. This is especially true now with mandatory LID.

Strongly consider allowing permittees to limit study areas to their municipal boundaries, keeping in mind the problems King and Snohomish counties had completing work in areas shared with cities.

There will be urban areas where the MS4 drains to retention facilities. Exempt these areas from consideration.

Use Grants to Complete Analysis

Consider grants to larger municipal entities to complete regional analysis.

Reports to Ecology

Considering the challenges faced by King and Snohomish County efforts to collaborate with phase II municipalities in their 2013 permit study areas, there will be a much larger set of problems when all phase II permittees are pulled into the mix. Ecology could end up with dozens of reports.

Are interim reports needed? If there are steps or performance measures, perhaps these could be simple year-end reporting requirements.

Other Needed Steps

There are actions that should be completed before a stormwater planning effort begins. For example: Mapping all conveyance systems with outfalls smaller than 24 inches in the UGAs. Mapping all regulated

stormwater treatment and flow control facilities. Fully implementing source control programs. Gathering data to describe stream conditions.

Options for Phase I Counties

Phase I counties should have several options for performing the planning requirement depending on their past work and program trajectory. Clark County suggests some examples for consideration:

- Continue refining the plans from the 2013 permit to select and plan specific capital projects to retrofit the MS4 and make habitat improvements outside the MS4.
- Perform planning in urban growth area catchments to identify projects to retrofit the MS4 and projects outside the MS4 to reduce impairments downstream of the catchment.
- Identify projects to provide stream habitat protection and restoration in high priority urbanizing rural areas outside the UGAs.

Identifying and Characterizing Basins

Under item 1, the proposal calls for convening a team of experts from various departments. This is not needed to complete the basin characterization.

Under item 2, the proposal refers to the Puget Sound Watershed Characterization for subwatershed boundaries. Presumably, Clark County will use their existing subwatershed boundaries.

Under item 3, it might be appropriate to add land cover and zoning as an alternative to impervious area. Land cover could be specified as simple, easy to map land use categories such as urban single residential, commercial, multifamily, forest, parks, rather than WWHM land cover types.

Under item 4, there will be situations where permittees may be duplicating efforts where more than one has area draining to a surface water body. Also, note that the area may be exempt because it drains to groundwater. Consider raising the threshold for performing work to a higher percentage, perhaps 40 or 50 percent.

Item 5. Will Ecology be updating its basin boundaries using the information provided by permittees? If not, the GIS data may not be needed. Also, getting GIS data from a variety of sources might be a challenge to work with.

Prioritizing Basins

Clark County believes that all areas of the urban MS4 should be a priority for planning. The focus should not be on a creating a generic prioritization of basins, but instead on prioritizing the types of actions that are a priority in each basin or catchment. One example is deciding where detention retrofits are not a priority due to an inability to improve stream conditions, but stream channel stabilization is needed to prevent slope failure, or treatment retrofits are needed for arterial and collector roads.

A focus on urban growth areas will allow permittees to go directly from characterization to identifying actions to meet resource management goals.

Recognize that stormwater management strategies that produce the greatest improvement will be applied to streams most impaired by stormwater discharges from the MS4. Examples are increased sweeping, retrofitting collectors and arterials with bioretention, focused source control work and so on.

It seems inevitable that areas of phase II permittees will include significantly degraded streams, placing them in a category of needing some level of rehabilitation. Basins having a “protect” designation must be very rare within phase II municipalities.

Based on our work in Clark County over the last 15 years, streams in urban growth areas will be degraded to the point where BIBI scores are almost always indicative of non-supporting stream habitat.

Under item 2.b, the ability of the permittee to manage the majority of subwatershed area is a good prioritization point and probably inherent in any municipality’s efforts.

Catchment Area Planning

Level of Effort at Catchment Level

The permit should provide some boundaries on the amount of catchment planning. Under the 2013 permit, the county planning area was about 11 square miles, including rural lands where stormwater strategies were very limited. Whipple Creek had about six square miles of urban growth area defined by its comprehensive plan, which is about 4,000 acres. Assuming a median catchment area of 500 acres, the previous effort would have been 8 catchments. That would be a significant project at the level of effort needed to identify and evaluate specific actions.

Considering the ability to plan and build projects, detailed analysis of one or two catchments could create a project inventory sufficient for several permit terms.

Phase I counties have enormous permit areas compared to phase II permittees. Focusing on urban growth areas helps bring some equity in level of effort between phase II and phase I permittees.

Planning Effort

This planning effort sounds very much like the work performed under the 2013 permit without the calibrated models.

Item 3.b. takes into account the permittees input on the value of habitat improvements. It’s likely that promoting visible restoration projects in areas open to the public will be an important part of any plan that hopes to gain support from elected officials.

Is Ecology’s intent to allow habitat projects such as barrier removals to receive compliance credit for S5.C.6. if they are part of a plan?

Item 3.c. calls for a guided assessment of BMPs. What is the protocol for completing a guided assessment? The stormwater transfer program has limited use as a planning tool because it is mainly a list of things to consider with little guidance on how to use them.

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