



SQUAXIN ISLAND TRIBE

COMMENTS SUBMITTED ONLINE

September 6, 2019

Rebecca Inman
Department of Ecology
Water Resources Program
P.O. Box 47600
Olympia, WA
<http://ws.ecology.commentinput.com/?id=NgH8R>

Re: Squaxin Island Tribe's comments on Ecology's draft Streamflow Restoration Competitive Grants Guidance

Dear Ms. Inman:

The Squaxin Island Tribe ("Tribe") respectfully submits the following comments on the above guidance.

Chapter 1: Overview

1. Page 3, next to last bullet: This should refer to Appendix D.
2. Page 4, 5th bullet: Given the first bullet's emphasis on adaptive management, it should also state, "Applications should identify the source(s) of any additional funding needed to fully implement the proposed project, including operating and maintenance costs and adaptive management costs over the lifetime of the project."
3. Page 4: We support feasibility studies and phased studies.
4. Page 5, 3rd bullet: Project proposals should include a quantified estimate of the ultimate streamflow benefits of the project as a whole (by itself or after fulfillment of all phases) in terms of both the amount and location of flow added to the stream.
5. Page 5, 4th bullet: Please add a bullet, "Include all steps and tasks in the funded proposal, such as required permits or approvals, or cooperation of landowners or agencies."

Chapter 2: Application considerations for project types

6. Page 7: We suggest adding, "An application proposing the sale of all or part of a water right to Ecology. . ."

Natural Resources Department • 200 S.E. Billy Frank Jr. Way • Shelton, WA 98584
Phone (360) 426-9781 • Fax (360) 426-3971

7. Page 8, “Water Storage”

a. This section is confusing, because it focuses on engineered storage projects. In reality, however, there is a continuum from fully engineered systems, to partially engineered systems (like off-channel restoration), to habitat projects that provide storage benefits. The wording of this section, and of the following section entitled “Watershed function . . .”, erroneously suggest that only engineered systems have flow benefits and that this is a black/white, either/or choice. Ecology should either change the title of this section to “Engineered Water Storage” and in the later section discuss the storage benefits of some habitat projects, or expand the discussion in this section to include habitat projects with storage benefits, such as floodplain and side-channel reconnection, and beaver dam analogs and beaver reintroduction.

b. Another type of project to add to this section is stormwater retention projects (but not those required by the NPDES stormwater program, such as a retrofit of legacy stormwater systems or enhancement of storage to address flooding and also provide infiltration). This could include a range of projects such as infiltration basins, galleries and rain gardens.

c. Wastewater reclamation projects should be included and described somewhere in this guidance, perhaps in this section. This can include using reclaimed wastewater for infiltration, constructed wetlands or source water replacement. The discussion can include requirements such as replacing a marine discharge with an upland recharge.

8. Page 9, “Other information”, last sentence: We suggest rewording as “Finally, stored water that is released to surface waters should ~~not exceed~~ comply with surface water quality standards.”

9. Page 10, “Altered water management or infrastructure”: We suggest revising this section to better describe source change projects – i.e. providing a deep groundwater source to replace a surface withdrawal, shallow well withdrawal, or group of permit-exempt wells with shallow sources. This type of project would involve both infrastructure (a new well or changes in piping) and water rights changes. There are significant differences between water efficiency projects and source changes, so both should be described separately and in more detail.

10. Page 10, Watershed function, riparian and fish habitat improvement / Definition:

a. This statement is inaccurate: “Projects of this type generally do not increase streamflow, but do benefit instream resources, and are therefore eligible, however they will tend to be less competitive within this grant program” (See comment 7a). We suggest revising it to read, “Projects of this type ~~generally do not increase~~ vary in their benefits to streamflow, ~~but do~~ while also benefitting instream resources, ~~and are therefore eligible, however they will~~

Projects without quantifiable streamflow benefits would tend to be less competitive within this grant program.”

b. As mentioned in comment 7a, we suggest providing a broader discussion here of habitat projects with streamflow benefits, perhaps by dividing the list into projects with greater flow benefits and projects with few flow benefits. Alternatively, we suggest including habitat projects with water storage elements in the Water Storage section.

11. Page 11, Watershed function, riparian and fish habitat improvement / Definition, continued:

a. We suggest combining “*Levee modification*” and “*Floodplain modification*” into a single item called “*Floodplain Reconnection*” because there is much overlap. For example, a levee setback is just one type of floodplain reconnection project; and the benefit of levee setback projects for flow is that winter flows can inundate the floodplain and replenish a local shallow aquifer, which then support summer baseflows. Similarly, the statement “These projects may provide streamflow benefits by elevating the water table” is vague and can be more accurately worded. We also suggest having a floodplain specialist review this section.

b. “*Strategic land acquisition*,” we suggest:

i. Renaming “*Strategic land or easement acquisition*”; and

ii. Expanding this discussion to include upland projects that increase infiltration such as putting areas into a land trust that converts land use in a way that increases infiltration, or managing forest stand age to increase baseflow.

c. We suggest adding Beaver Dam Analogs to the discussion of Beaver reintroduction.

12. Page 11, “Purpose and primary ecological benefits”: We suggest including the benefit of “increase dry season baseflows.”

13. Page 11, Environmental Monitoring: We suggest renaming this section “Environmental Monitoring and Analysis” or something equivalent, in order to broaden the topic to include modeling and data analysis.

14. Page 11, Environmental Monitoring / Definition: We suggest the following:

a. Including studies that support instream flow rule revisions (e.g., toe-width or fish habitat studies);

b. Including studies that quantify the streamflow benefits of offset projects; and

c. Including modeling studies that improve the tools available to assess the effectiveness of offset projects.

15. We suggest adding to this section another category of projects called regulatory or policy projects. These could include, for example:

- a. Developing local ordinances to promote or enforce water conservation;
- b. Establishing sensitive area designations where shallow wells would not be allowed; and
- c. Establishing mechanisms for implementation and adaptive management at the WRIA level for long-term tracking and sustainability. This could include funding mechanisms, creating organizations for long-term WRIA planning, and establishing programs to quantify and catalog water benefits.

16. Page 13, “Select ineligible project elements”: We are concerned that Ecology’s statement in the section that “This is not an exhaustive list” could lead it to arbitrarily deciding what is ineligible. We suggest that Ecology clarify this and perhaps provide criteria for deciding ineligibility.

Chapter 3: Applying for Funding

Scoring criteria

17. In Section 1.1, a project identified in an Ecology-adopted WRIA plan or through Ecology rulemaking receives 15 points. We are concerned that this inappropriately gives greater weight to: (1) projects listed in .020 plans, whose plans are on a shorter timeframe for approval (and adoption) than .030 plans; and (2) to only those projects mentioned in plans that committee members unanimously approve. While the Tribe is invested in helping to develop plans that the committees unanimously approve, that outcome is not guaranteed. Moreover, there is no statutory deadline for Ecology’s adoption of a plan or for rulemaking, which will diminish projects’ scoring until after either event happens. In these ways, the guidance’s approach to scoring appears inconsistent with the statute. Instead, the scoring focus should be on awarding higher scores to eligible projects in priority basins.

18. The scoring system repeatedly improperly favors shovel-ready projects to the near exclusion of funding for feasibility studies, including data gathering and analysis that leads to shovel-ready projects in § 203 WRIAs. Similarly, the guidance implies that monitoring should not be a stand-alone project. As the Tribe has repeatedly explained, the reality is that specific data must be collected and analyzed as a precursor to developing projects and drafting meaningful watershed plans with scientifically-supported restoration and mitigation projects. *See, e.g.,* Squaxin’s Oct. 15, 2018 letter to M. Bellon. Ecology’s approach is also inconsistent with the Streamflow Restoration Act. RCW 90.94.060 (account

expenditures include for “collecting data and completing studies necessary to develop, implement, and evaluate watershed restoration and enhancement projects”); RCW 90.94.070 (expenditures from taxable bond account may be used to “assess, plan, and develop projects”); RCW 90.94.080 (same for tax exempt bond account); RCW 90.94.030 & .030 (“recommendations may include . . . stream gaging, groundwater monitoring . . .”).

19. The scoring system improperly awards points for projects that benefit ESA-listed salmonids and “aquatic species of concern”. (§ 1.3, text following § 2 “Project benefits, p. 16) As the Tribe has explained in earlier letters, that prioritization and emphasis is inconsistent with RCW Ch. 90.94. While the Tribe has Treaty rights to ESA-listed steelhead and to coho that is a “species of concern”, it also engages in Treaty fishing for chum.
20. In Section 2.2, points are awarded for projects that “align with watershed and community planning” (text refers to projects that “align with the needs of the community”). This seems like a very subjective standard. What does it mean? How is it decided?
21. Points are awarded for providing letters of support from “key stakeholders”. (§ 6.1, p. 21) This also appears subjective. What is the definition of a “key stakeholder”?
22. Climate change and drought resilience is a critical element of projects and should be emphasized. The Tribe believes that Ecology should award many more points than the 8 points proposed (only 2.7% of the total 292 points) for climate change and drought resilience. (4.5, p. 20).
23. It is unclear how a feasibility study or first phase of a multi-phase project is scored. When the guidance says “project”, does it mean the total project as envisioned, or just the part for which funding is requested? If the latter, then this program is heavily weighted against feasibility studies or multi-phase projects that could be highly beneficial. We recommend language clarifying whether the long-term benefits from a multi-phase project concept are reviewed, or just the benefits of the piece being funded.
24. We do not see any points awarded for timing. Scoring should take into account the length of time for project benefits to be realized. Some projects may have benefits within a few years, while others might take decades.
25. Another scoring factor to consider is whether the project has multiple benefits, such as flood control, water quality or habitat improvements. Conversely, what if a project has negative impacts, such as loss of habitat or decreased water quality? Consider awarding no points if there are no ancillary benefits or any benefits are offset by other impacts, and high points if there are multiple benefits with negligible impacts.

Appendix C: Reference Material for Project Applicants

26. Under “Partner and stakeholder engagement”, the guidance states that “all projects should contact and consult with Tribes in the region of the project,” (p. 26). We suggest that this be

changed to “all project proponents should contact and consult with affected Tribes that have adjudicated U&A in the project’s area of impact.”

27. Under “Climate Change”, we suggest these additions: “Washington State will experience reduced snowpack, hotter and drier conditions from late spring through early fall, increased stream temperatures, and changing ocean conditions.”

Thank you for the opportunity to submit these comments.

Sincerely,

s/ Andy Whitener

Andy Whitener, Director

Squaxin Island Natural Resources Department