

MEMORANDUM

Clallam County Department of Community Development

TO: Board of Clallam County Commissioners

FROM: The Dungeness River Management Team
The Elwha-Morse Management Team

SUBJ: Elwha-Dungeness/WRIA 18 Watershed Plan: Response to Public Comment

DATE: May 11, 2005

The Elwha-Dungeness planning teams appreciate the opportunity to provide this communication to the Board. Since the public hearings last fall, we conducted an extended public review of the 2004 Watershed Plan and would like to share the results with you. In particular, we agreed that some changes to the Plan were warranted, and request that you consider the attached document as you take action to approve or remand the Plan. This document contains revisions to some recommendations in Chapter 3, each having consensus of the full Planning Unit. In addition, a new appendix will contain written public comments and staff responses to them.

The Plan represents carefully crafted compromises; we know that implementation will require detailed discussion among many parties to put the recommendations into place. We still strongly support adoption of the Watershed Plan, with the understanding that further work is needed on the details. This applies especially to the recommendations for instream flows and future water supply which will be addressed through Ecology's rulemaking process and the associated public process.

We appreciate your support throughout the planning and review process and look forward to working with you on the next phase.

Background

The Elwha Dungeness Water Resource Inventory Area (WRIA 18) includes the area between Sequim Bay and the Elwha River. According to Chapter 90.82 RCW, Initiating Governments (IGs) in WRIA 18 include: Clallam County, City of Port Angeles, Jamestown S'Klallam Tribe, Lower Elwha Klallam Tribe, and the Agnew Irrigation District (largest water purveyor). A December 1998 Intergovernmental Agreement among the IGs initiated the watershed planning process in WRIA 18. Two planning teams comprised the WRIA 18 Planning Unit: the Dungeness River Management Team (DRMT) and the Elwha-Morse Management Team (EMMT). A representative from Washington State Department of Ecology (the implementing agency for the Watershed Management Act) worked closely with the IGs and participated as a member of both

teams throughout the process. EMMT and DRMT have worked independently, collaboratively, and with input from the public, for more than five years through Phases 1, 2, and 3 of the Watershed Planning process.

The resulting Elwha-Dungeness/WRIA 18 Watershed Plan was forwarded to the Board of Clallam County Commissioners; three public hearings were held on September 21, October 6 and October 12, 2004. The public hearing and comment period was closed on October 15. In addition to the three public hearings, two public focus sessions were held on February 3, 2005 for Groundwater Supplies and on February 8, 2005 for Instream Flows. Ideas, comments and questions were recorded at these two sessions. Letters received during this time were included with prior public comment as staff prepared responses. Government members of the planning teams, particularly the County, attended several meetings of stakeholder groups to brief them on plan contents, answer questions, and receive input.

EMMT and DRMT Review of Public Comment

County Staff compiled comments into common categories and, with the help of the Dept. of Ecology and Tetra Tech, developed responses, to a majority of the comments. Public comments and responses were distributed via a 28-page Memorandum (plus attachments), dated 3/18/05, to both Planning Teams for their review and consideration. A special meeting of the DRMT was held on March 25, 2005 to review this Memorandum. At this meeting DRMT agreed to several changes to the Watershed Plan in response to public input. EMMT convened on the morning of April 18, 2005 to review DRMT-approved changes to the Plan and other elements of the Memorandum. That afternoon the two teams met jointly to finish discussing public comments and possible changes to the WRIA 18 Plan. The document summarizing these amendments was then routed by email, underwent a few additional adjustments, and was signed by team members prior to submittal as an attachment to this memo.

Recommendation to the Board of Commissioners

EMMT and DRMT, as the Elwha Dungeness Planning Unit, recommend that the Board of Clallam County Commissioners approve the WRIA 18 Watershed Plan with the specific changes listed in the attachment to this memo. Although we recognize that some people may still disagree with some of the Plan recommendations, we have made a serious attempt to consider comments and make adjustments. The following notes should be considered along with the attachment listing specific changes.

- (1) Recommendations for Instream Flows: The Board of Commissioners should approve the Plan with direction that Dept. of Ecology and the Planning Teams continue working together and with the public on details of instream flow levels and offstream water supplies to be included in the State instream flow rule for rivers and streams in Elwha Dungeness (WRIA 18).

We have added language to Section 3.4 of the Plan (Instream Flow Recommendations) regarding the need to review the recommended instream flow numbers during rule making. (See attachment for exact language.) Within the context of rule-making there will be opportunities to review the toe-width-based recommendations in light of hydrographic data and Ecology's September 2004 guidance document.

Many factors need to be taken into consideration in developing flow recommendations for rules: existing surface and ground water rights, inchoate rights, water right claims, well users exempt from water right permitting (under RCW 90.44.050), restrictions on diversions recommended by WDFW under the Fisheries Code, pollutant listings on the Environmental Protection Agency's 303(d) list, hydrologic information available from real-time stream gauges, staff gauges and miscellaneous flow measurements, the characteristics of the watershed's geology and its hydrology, future needs for water supply and the presence and status of fish populations and habitat. The Plan's flow recommendations are intended to be the starting point for rule discussions.

- (2) Dungeness Groundwater Reserve: We suggest that details of the ground water reserve such as quantities of future domestic water supply available under the reserve and joint management of the reserve by the County and Ecology also be addressed during rule-making. Several elements of the Plan will require regulatory status under the state's administrative code.

Clallam County PUD Commissioners strongly prefer that details of the MOU on the reserve be finished prior to Plan approval by the Board of Clallam County Commissioners. They view this as an important and necessary preliminary step to assure that some water is made available (and how much) for their needs.

- (3) Scientific basis: General concerns, such as that the Plan is based on "junk science," were addressed in the 3/18/05 Memorandum on pg 17 (Item 6). Specific concerns raised about particular studies were also addressed in detail in the same section. Staff worked closely with Ecology and consultant/authors of various studies to provide a direct response to each (pgs 18-20).

The two major complaints involved the buildout study (groundwater modeling) and instream flow methodologies. With regard to the first, the Planning Teams briefly considered the possibility of conducting additional study and/or applications of the groundwater model and buildout analysis prior to finalizing the reserve and/or instream flow rule – but did not consider this essential and chose not to recommend this. With regard to the second complaint, the Teams felt they had addressed the underlying concern about instream flow recommendations by adding language to the Plan itself referring to near-future public discussion of flow numbers and adjustments where appropriate.

- (4) New appendix: The Teams agreed to add a final Appendix to the Plan which will include (a) public comment available in written form, (b) staff memos responding to comments, and (c) the document attached here, summarizing revisions to the Plan. Team members felt it important to include in the Plan itself an accurate description of the results of the public process, beginning with the County hearings, in order for members of the public to have an opportunity to evaluate this information in the future.
- (5) Climate change and/or fish recovery: Recommendations in the Plan do not directly consider the possible implications of climate change, or what should happen in the event that a listed species becomes delisted. However, several parts of the Plan encourage continued or additional data gathering and analysis that would detect changes over time, allowing for evaluation of these potentials:
- 3.1.4 (E), Groundwater Supply Sources: WRIA 18 Groundwater Modeling and Research
 - 3.3.1 (D), Area-Wide Habitat Restoration, Salmon Recovery and Fish Management: Monitoring
 - 3.3.2 (D), Rural Streams: Research and Monitoring

Also note that the Plan explicitly contains a process for Plan revision (Section 3.8.1 (I)).

Attachment: "List of Recommended Changes to the Proposed Elwha-Dungeness/WRIA 18 Watershed Plan, May 2005" (signature pages included)

cc: Rob Robertson
Steve Gray
WRIA 18 Initiating Governments
Cynthia Nelson
Project file

List of Recommended Changes to the Proposed Elwha-Dungeness/WRIA 18 Watershed Plan

May, 2005

Submitted by the WRIA 18 Planning Unit
(see end for members' signatures)

3.1 WATER QUANTITY RECOMMENDATIONS

3.1.1 Future Water Supply Strategies for People and Fish

Strategies for future water supply are described below. Each strategy is cross-referenced to the sections of Chapter 3 that contain the principal recommendations that would implement it.

- ***Investigate Groundwater Supply for New East WRIA 18 Water Supply:***
Focus upon ground water and water gained through savings or management (i.e. storage) as the resources with the most potential for residential and municipal development in East WRIA 18. In this area, direct all new wells, exempt or non-exempt, to the middle and deeper aquifers wherever these sources occur and provide a minimum 100' wellhead protection zone around all wells. Develop a legal mechanism to allocate an agreed-upon amount of saved water to development, while protecting instream flows and existing water rights. Emphasize water service to new development from the existing larger systems (City of Sequim, Clallam PUD) wherever feasible, with the goal of integrated water delivery systems, rather than a series of separate and local water delivery systems. Explore feasibility of utilizing deep aquifer sources to meet new water demand growth, if such development can demonstrate no impairment to limited surface waters. (Section 3.1.4)

3.1.2 Water Rights and Water Use Data

B. Water Use Measurement:

2. For the purpose of ~~determining~~ estimating average single residential use from an individual well, the County should seek funding to design and implement a multi-year voluntary ~~well metering~~ water use measurement pilot study on a ~~statistically valid~~ sample of willing participants using new and existing individual wells in the Dungeness River and a West WRIA 18 watershed.

3.1.3 Surface Water Supply Sources

B. City of Sequim:

1. Pumping from the Dungeness River Ranney system during low flow periods should be ~~gradually eliminated~~reduced to the minimum flow needed to maintain that source as an emergency backup, in accordance with the City's water right and Department of Health regulations and permits, ~~retaining the source as an emergency backup~~.
2. The City should continue to incorporate findings from East WRIA 18 water resources studies into long-term planning strategies for water resources, if based on best available science.

3.1.4 Groundwater Supply Sources

A. Groundwater Withdrawals:

New items:

4. For purposes of assessing aquifer and streamflow impacts, recharge capabilities of onsite septic systems should incorporate a realistic recharge quantity, such as 70-75% of in-house use, as well as recharge quality.
5. For all new well construction activity, make it clear that the date of priority (i.e., seniority) of a water right is the date the water is put to beneficial use, not the date the well was drilled.

C. Exempt Well Regulation:

2. New exempt wells should be drilled only where public water service is unavailable. Unavailable means not within a reasonable timeframe, is not cost-effective, or is not feasible. If new development lies within a reasonable distance from the boundaries of the service area of a public water system, that public water system should have been contacted and requested to provide service prior to land use approval. Note that this recommendation shall not be implemented by the County prior to definition of terms and proper codification including public review prior to adoption.
3. Clallam County should approve building permits served by exempt wells only if public water service is unavailable according to other recommendations in this section.
 - a) The County should allow exempt wells to serve new development in East WRIA 18 according to the intergovernmental agreement to be developed (see Recommendation 3.1.4 (D) below). *(See Section 3.6.3 with regard to the interaction between wellhead and septic zones of control and with regard to County oversight on well siting.)*
 - b) In West WRIA 18, where stream closures have been recommended or established by rule (or indicated by the SWSL), exempt wells may still be developed according to exceptions developed in an intergovernmental agreement between the State and the County, at minimum. This agreement will be developed by summer 2004.

5. Where new development is proposed and ~~Group A~~ public water service is unavailable as described in Recommendation C-2 above, formation of a water system is encouraged, and Ecology should consider issuing a water right for those systems. Note that in areas where water rights will be administered through a groundwater reserve, that reserve must be established by rule prior to implementation of this recommendation.
6. ~~Without good cause, t~~ Those users currently connected to public water service should not be allowed to disconnect in order to use a new exempt well or to shift water use to an existing exempt well. Such users also should not be allowed to drill a new exempt well to augment water supply. Use of existing exempt wells within water system service areas should be discouraged, especially during late summer.
7. Consolidation of exempt wells (individual and group) to public water rights and service from existing Group A systems is strongly encouraged (with coordination between the County and water systems as recommended in section 3.1.5). Incentives for consolidation should be developed. The plumbing for unused wells should be removed and these wells properly decommissioned or dedicated to scientific purposes. Note that implementation of this recommendation should be given high priority.
8. WRIA 18 recommends to the Legislature that the RCW 90.44.050 exemption for individual residences (and associated outdoor water use) should be reduced to a more realistic withdrawal volume, such as 500 gpd. This would not apply to wells serving Group B systems.

D. Intergovernmental Agreement for Dungeness Planning Area Groundwater Withdrawals: (the following version was accepted by the subcommittee on February 3, 2004)

Note: The Lower Elwha Klallam Tribe decided to abstain from voting on this recommendation, as mentioned in their cover letter to this plan.

Surface water flows in the Dungeness planning area of WRIA 18 and 17 are seasonally limited, with late season flows generally providing much less water than that needed to support both offstream uses and healthy fish stocks and ecosystems. Technical studies and the results of groundwater modeling for east WRIA 18 indicate a significant connection between the Dungeness River and area aquifers. This situation has contributed to a delay in decision making on water right applications. The current pattern of water development and unmanaged withdrawals, including use of wells exempt from water right permits, poses risks to water quality and stream flows.

Clallam County, the Department of Ecology, and the Jamestown S'Klallam Tribe will work over the next six months to create an intergovernmental agreement identifying a groundwater reserve or other water management vehicle consistent with existing law that will facilitate land use planning, managed growth and protection of instream flows in the Dungeness watershed. The following shared goals of the governments will be addressed in the intergovernmental agreement:

- Protect, restore, and increase flows in the Dungeness River necessary for fish and wildlife populations and habitat, particularly during critical periods of the year;
- Provide certainty in meeting the future water needs of people, while protecting existing rights and without reducing or otherwise adversely altering existing flows that are necessary for fish and wildlife;
- Identify and fully mitigate ~~(bucket for bucket)~~ future water use impacts to surface waters where recommended instream flows for fish are not met, during fish-critical times; and
- Implement conservation practices and innovative water management strategies across the watershed, such as surface water storage, aquifer storage and recovery, improved management or curtailment of late season use by existing and new water users, public outreach and education, and other measures listed in the Plan.

For the purposes of this section of the Plan, mitigation is defined as the following: Modifications of actions that (1) avoid impacts by not taking a certain action or parts of an action; (2) minimize impacts by limiting the degree or magnitude of the action and its implementation; (3) rectify impacts by repairing, rehabilitating, or restoring the affected environment; (4) reduce or eliminate impacts over time by preservation and maintenance operations during the life of the action; or (5) compensate for impacts by replacing or providing substitute resources or environments.

Potential Conservation, Regulatory and Management Tools

The means of achieving the above goals will be through implementation of various tools including conservation, innovation, regulation, and measurement. For example, water for new development will be obtained from existing water rights, conservation and efficiency, water resource management measures [\(such as a groundwater reserve\)](#) and other mechanisms, rather than new development relying ~~mainly~~ on traditional paths such as using exempt wells or obtaining new appropriations of water. The effects of growth on streams and rivers will be minimized and mitigated, and late season impacts on regulated surface waters or fish populations will especially be avoided. Several of the primary tools necessary to achieve the common goals are as follows:

Conservation Measures: The County will institute a ~~coordinated~~ series of ~~voluntary and regulatory~~ water use conservation and efficiency measures that would affect existing wells, in addition to new public and exempt wells. ~~The State, County and irrigators will investigate the feasibility of linking residential development to mitigation offered by conserved water from irrigation or other sources.~~

Historically, water savings and improvements to Dungeness stream flows have come from changes in irrigation infrastructure. These water savings are protected by the 1998 Trust Water Right MOU and allocated 2/3 to instream flows and 1/3 to future adjudicated agricultural uses. If water savings are put to

beneficial agricultural use or come from other sources, details would need to be addressed in the intergovernmental agreement described in this section.

Innovative Water Management Projects: The County and other entities will explore and implement innovative ways of returning water to aquifers and streams through aquifer storage and recovery, off-channel surface storage, etc.

One avenue of investigating the potential for use of deep aquifers could be through a collaborative effort between resource managers and a developer or other entity. A developer (or other entity) might drill a deep test well for purposes of a) assessing water availability and potential impairment of existing rights for purposes of securing a water right, b) providing information on deep aquifer conditions, c) conducting pumping tests to try to assess effects on surface water, and d) providing information to help verify the 2003 regional ground water model.

Such an exploration of the potential for deep wells to provide water without impairing surface waters could be pursued through the use of preliminary permits. A preliminary permit is issued to a water right applicant when the application is lacking information upon which to make a decision. Although the combination of deep aquifer water and mitigation of late season effects might well be a feasible source of supply, there is no prior guarantee of a water right as the result of work under a preliminary permit.

Regulatory Controls: ~~The County will pursue legally-enforceable regulatory controls aimed at:~~ If a formal agreement is considered necessary by the County and state, once it has been finalized and signed by at least the County and Ecology, legally-enforceable regulatory controls will be pursued with the following goals: (1) ~~limiting the number of new exempt wells in favoring of~~ larger water systems ~~over individual wells~~, (2) regulating the ~~locations~~ safe-siting and, minimum depth ~~(second aquifer) and density~~ of wells, and (3) ~~conservation, such as reducing restricting the withdrawal rate use of outdoor lawn irrigation allowed from new exempt wells~~ groundwater development managed within the groundwater reserve. Elements of public water system plans, growth management plans, GMA and zoning ordinances, and building ordinances related to water development, use and delivery will ~~be consistent with and support implementation of watershed plan elements~~ not be inconsistent with and will support adopted ordinances and rules implementing the watershed plan.

~~Implementation of regulatory controls will depend on concurrent implementation by The County and Ecology of their respective duties. will develop approaches to joint, concurrent management of the reserve and will each be responsible for implementation of appropriate regulations.~~

Measurement and Tracking: The County, Ecology and others will ~~monitorecreate~~ a system of monitoring withdrawals, water use, static water levels, and stream flows ~~in an effort to through:~~

- (1) measuring trends in use and results of conservation,
- (2) ~~estimating, through voluntary metering, the amount of water withdrawn by individual exempt wells,~~
- (23) tracking the quantity of new domestic groundwater use, including that covered by new or existing water rights and new exempt community wells;

[Return flow (quality and quantity) from septic systems will be considered in reviewing consumptive water use (amount withdrawn minus amount of return flow).].

(4) evaluating situations with possible well interference or impairment of existing water rights,

(53) verifying regional groundwater model results, and

(64) determining the need for new or adjusted policies.

Future Water Availability Framework

~~Several different approaches could be used to establish water availability for future re-allocation. One~~ The proposed approach would be to define a mechanism that reserves a limited amount of ground water. This amount would be derived ~~replenished, over a length of time to be defined later,~~ from conservation water savings, or aquifer or off-channel storage, ~~for new residential developments,~~ provided use of such reserved water would not degrade fish populations, ~~or habitat,~~ or beneficial uses and is mitigated. ~~Such mitigation would likely include water conservation and water management strategies and commitments.~~ Details of the legal framework for such a reserve and associated mitigation requirements would need to be worked out in the intergovernmental agreement and in the watershed plan's implementation plan and rule. ~~For the purposes of this plan, the term "reserve" describes the concept of a defined amount of water gained through water savings, allocated to new development and administered jointly by the County and Ecology. Such a reserve would need to be recognized through a rulemaking process for a reservation under the Water Code if Ecology is to recognize that water as a reserve for purposes of its regulatory and permitting decisions.~~

These approaches share the following common elements:

1. A groundwater reserve for a finite amount will be established by rule; the reserve will be for human domestic needs (limited outdoor use) and not subject to interruption.
2. The amount of water set aside for the reserve (i.e., x cfs) will be restored to the river over a length of time to be defined later.
- 4.3. Once the reserve has been fully allocated, additional water for domestic needs and other development will need to be obtained or mitigated through other measures such as storage or other mechanisms. Capacity for new groundwater development beyond the reserve will be created from water efficiency savings, retirement of existing water rights, re-use, or other means of providing water supply (e.g. off-channel storage or artificial aquifer recharge) that does not impinge on seasonally limited surface waters.
4. The potential will be explored for establishing geographic and quantitative groundwater extraction boundaries based on the 2003 regional groundwater model, the results of model runs of future build-out scenarios, efforts to characterize effects of groundwater withdrawals on stream flows,

and other available technical information. Any delineation of boundaries will consider effects on fish habitat and instream flows, etc., as well as preliminary indications that withdrawals from deeper zones may affect surface water. Potential depth of wells, density of wells and extraction volumes will be evaluated. The aquatic habitat value of all fish-bearing streams within the watershed will be assessed and the potential effects of groundwater pumping (differentiating between various rates and depths of pumping, such as between larger public supply wells and exempt wells) on these streams will be evaluated using existing information.

3.5. Regular monitoring of static water levels in each aquifer and stream flows will be conducted.

4.6. If requested by the Planning Unit following plan approval and based on staff availability, Ecology will take appropriate actions to process pending water right applications. In order for Ecology to issue new water rights, applications would still need to meet all tests for water availability, beneficial use, and no impairment of existing rights or the public interest, as well as including mitigation of effects on surface waters.

5.7. The intergovernmental agreement will consider developing direction for the defining of areas within the Dungeness watershed for early processing of water right applications.

Elements of a Reserve if Established

If a reserve appears to be the most practical approach for making water available for future development, then legal obstacles associated with establishment would need to be explored. Regardless of the mechanism eventually developed, a rule element establishing water for future allocation should outline the processes for evaluating water savings and availability, reallocating saved water, and addressing mitigation requirements. The rule elements should be based on the following, at minimum:

- a. Capacity for new ground water development would first come from saved water or other means of providing water supply that does not impinge on limited surface waters-a groundwater reserve established by rule and not interruptible.
- b. While the reserve is being used, development of additional sources of water would occur, such as through storage, reclamation, desalinization, saved water or other means of providing water supply that does not impinge on limited surface waters.
- c. Following full use of the reserve, future appropriations could make use of these additional sources, either for direct withdrawal or through use as a mitigation tool.
- d. The County and Ecology would agree on an as-yet-undefined split in allocation from the reserve between exempt wells (including both individual and community) and non-exempt groundwater rights.

- e. Cumulative quantities allocated through water-related decisions by the State and County could not exceed the reserve amount agreed to in the intergovernmental agreement and established by rule.
- f. The reserve quantity will be defined in the rule, and is anticipated to be based on the consideration of a number of factors, including current zoning and parcels, potential build-out over the next 20-years (see next paragraph for criteria), fisheries resources, instream flow data, and results of groundwater modeling.
- ~~d.g.~~ All new permit-exempted and permitted withdrawals would be debited from the reserved quantity, ~~for the full quantity potentially withdrawn, which would be based on X gpd (to be defined by rule) per household with limited outdoor use and incorporating a factor for septic recharge (unless on sewer).~~
- ~~e.h.~~ Withdrawals from the reserve would be monitored ~~individually or as part of a study as described under "Measurement and Tracking," above, and these data tracked in a database reviewed annually by the County and Ecology (at a minimum) to determine the extent of remaining water.~~ Amendments to this process could be made if monitoring data indicated the need.
- ~~f.i.~~ Users of new withdrawals from the reserve may be required to enter restrictive covenants to decommission their wells if public water supply becomes available. The conditions under which public water supply is considered available would need to be defined. Funding through state and local mechanisms would be sought to assist decommissioning. Both public and individual systems will be able to draw from the reserve; those requiring water rights will still need to satisfy the tests for a water right.
- ~~f.~~ The groundwater reserve would be acknowledged with respect to instream flows established by rule.
- ~~h.j.~~ High levels of water conservation and efficiency would be required as a condition for use of reserved water as part of a building permit or water right. This would apply to both inside and outside water use efficiency. Use of reserve water ~~for outdoor use might also would be limited in extent and possibly~~ require curtailment of late season use or other measures to minimize impacts. (See Section 3.1.7 and Appendix 2-D for proposed water conservation measures.) In addition, an outreach program would be conducted encouraging all users in seasonally water-short areas to limit late summer water use.

3.1.5 Public Water Supply (i.e., via Group A and B drinking water systems)

B. New or Amended Water Rights for Public Water Service:

1. Recognizing projected buildout and new growth within and beyond current service areas, Group A systems should make application to Ecology for water rights needed to serve that growth with water use efficiency, take steps to extend service areas to serve that growth where feasible and cost-effective, and initiate capital facility planning to support these steps (along with

coordination between Group A systems, as described elsewhere in this subsection).

2. New or amended water rights should be granted only where public-Group A or B water systems require new or expanded water rights to serve new connections under development in conformity with this watershed plan and City or County comprehensive and regional planning and where they are implementing water conservation measures (see Section 3.1.7). (If a Group B system expands and uses >5000 gpd, then a water right permit would be needed. If a Group B takes on 15 or more connections, then Department of Health regulations for Group A systems will apply.)

- C. Connection to Public Water Service: ~~The extension of public water service should be encouraged wherever feasible.~~ Growth should be managed by directing those who want to develop land in growth areas (R1 zones in particular) to public water service, preferably larger Group A systems (see Recommendations 3.1.4 C 1-8). Connection to public water systems should be required for all new development inside or adjacent to the boundaries of service areas for all 1.25-acre lots (and smaller) wherever service is legally and economically feasibly available or feasible (or can be created by a new Group B system). Note that this recommendation shall not be implemented by the County prior to definition of terms and proper codification including public review prior to adoption.

New Item:

- E. Disincentives for small Group A systems: Work with state and federal agencies overseeing drinking water systems to reduce disincentives for creating small (e.g., 15-100 connections) water systems, such as by adding flexibility to water quality testing based on source information, recent test results, etc.

3.1.7 Water Conservation

B. Regional Water Conservation Planning and Standards:

2. Coordinate Link-water conservation plans of water purveyors, including small drinking water systems and irrigation systems. ~~D, and~~ develop area-specific County water conservation planning. Identify and target population growth areas outside of UGAs, as well as areas within UGAs that are served by irrigation water. Acknowledge commercial agriculture as first priority use for irrigation water.

New item:

5. The "Clallam County Water Purveyors Group" (including Dry Creek Water and other providers) should reconvene to look at water conservation and water loss accountability, as well as definitions for timely and reasonable, etc.

C. Water Shortage Response Planning:

6. Clallam County, Clallam PUD, the cities of Sequim and Port Angeles, ~~and~~ the Dungeness River Water Users Association, and other purveyors, should

develop a coordinated Emergency Water Shortage Response Plan including “fish triggers” to implement a phased response plan with multiple triggers at stages as a low flow situation unfolds. These triggers should be adopted by ordinance and/or interlocal agreement, and apply first to surface water uses.

D. Seasonal Water Conservation:

3. Storage and fire protection measures should not require the development of new sources or instantaneous withdrawals in low flow periods; the requirements should apply consistently throughout all jurisdictions.

E. ~~Comprehensive~~ Water System Conservation Plans:

2. All Group A and B water systems should document actual progress in implementing conservation measures.

F. City of Sequim Water Audit:

1. The City of Sequim should ~~move forward with~~ continue its water audit program, ~~included as a recommendation in its 1995 plan, before the next water system planning process (as scheduled in the 2000 plan), which has an update to the Water Comp plan due in 2006.~~
2. The City of Sequim should strive to maintain or reduce its 2004 level of 9% lost and unaccounted for water ~~from the current 30% to the targeted 15% more quickly than over the 20-year planning horizon identified in the Water System Comprehensive Plan.~~

3.1.10 Reclaimed Water Supply

A. Feasibility Study: Jurisdictions or industries which ~~discharge wastewater effluent~~ have water supply needs should study the feasibility of obtaining waste water for reuse or storage and treating it according to water quality needs.

C. Stormwater Reuse: Investigate the feasibility of constructing stormwater retention ~~ponds-facilities~~ at parks and ballfields and reusing stormwater for park and field irrigation.

3.2 WATER QUALITY RECOMMENDATIONS

3.2.1 Pollution from Failing Septic Systems (and mis-managed or improperly-designed systems)

F. Local Jurisdiction Coordination: Local jurisdictions should coordinate to accept septage for treatment and disposal (as allowed by state regulations).

3.2.3 Groundwater Quality

A. Critical Aquifer Recharge Areas (CARAs)

5. All jurisdictions with aquifer recharge areas should provide appropriate protections and land use requirements (such as low-impact development techniques), particularly in the Sequim-Dungeness Valley.
6. Where jurisdictions share or abut a critical aquifer recharge area, the involved jurisdictions should coordinate land use planning and management to ensure protection (e.g., as Service Extension Review Process (SERP) agreements are updated).
9. Enforce the following everywhere, but particularly within Critical Areas Ordinance for CARAs (Cities and County):
 - a. Review project proposals for potential groundwater contamination resulting from (but not limited to) wastewater (individual and community onsite systems), stormwater, seawater, fertilizers, pesticides, detergents, and other domestic and commercially-used chemicals.
 - b. Require pre-treatment of stormwater prior to infiltration for appropriate contaminants given the land use.
 - c. As new information becomes available, make appropriate adjustments to pertinent ordinances and comprehensive plans.

B. Wellhead Protection Program (State Dept. of Health)

1. ~~Work with County,~~ State and local purveyors ~~should to~~ coordinate recharge area delineation and aquifer protection measures (such as contaminant source identification), with the goal of facilitating wellhead protection programs ~~in the study area~~ and/or ~~establishing improving flexibility efficiency~~ in meeting some requirements.

3.2.6 Shellfish

Issue: Marine waters fail to meet bacterial standards for shellfish harvesting and show increasing pollution levels. (Much of this pollution is non-point source pollution and not regulated under the Clean Water Act's NPDES program.)

B. Education/Outreach:

2. Post closure signs on public shellfish beaches and offer signs to private landowners. (Note that NPDES requirements are specific to those discharges.)

3.3 HABITAT RECOMMENDATIONS

3.3.7. Floodplains and Flood Hazard Management

A. Flood Hazard Management Planning & Floodplain Restoration

4. For urbanized and urbanizing WRIA 18 subbasins, determine existing effective impervious cover and establish goals that balance existing development, planned growth, and stormwater management. Outside of existing urban areas and designated urban growth areas, limit impervious cover to no more than 7%. Inside urban areas and designated urban growth areas, incorporate low impact development standard techniques. Strive to limit total effective impervious cover in each WRIA 18 subbasin to less than 7%. (See also Section 3.5)

3.4 INSTREAM FLOW RECOMMENDATIONS

A central purpose of watershed planning is to recommend instream flows for streams and rivers within the WRIA, for use by Ecology as rule-making discussions begin. An instream flow regulation establishes a “water right for the river” which is junior to all existing water rights but is senior to all new (future) appropriations. This has the effect of conditioning new water rights to maintain the regulatory instream flow level in the river, when available after legally authorized senior water rights have been satisfied. (Also see the box below, Appendix 3-C, and Sections 2.3.2 and 2.3.4 for further discussion of instream flow terms and the relation between instream flow and water rights.)

Existing Conditions and Current Actions

Formal instream flows have not been set by rule for any WRIA 18 streams (although many are either closed to further withdrawals or are operating under the provisional limitations placed on surface water sources pursuant to Ch. 75.20 RCW). ...[more, unaltered]

Recommendations *(note that instream flow recommendations for ~~regulatory instream flow levels~~ Ecology’s rulemaking for the Dungeness River are made in Section 3.13)*

A. Regulatory Instream Flow Levels: Tables 3.4-1 and 3.4-2 present instream flow recommendations ~~to Ecology~~ for East and West WRIA 18 subbasins, respectively (including the Sequim Bay watershed in West WRIA 17). This plan recommends that the flow levels indicated in Tables 3.4-1 and 3.4-2 ~~as the basis for~~ be forwarded to Ecology as the starting point for rule-making discussions. The planning unit understands that further planning team and public review will be part of rule-making. Table 3.4-1 recommends flows based on toe-width analysis with the exception of the Dungeness River; Table 3.4-2’s recommendations minimum instream flows are also based on toe-width analyses, with the exception of Morse Creek (based on IFIM Study and the Elwha River. Flow setting on the Elwha mainstem is being deferred to a point at which the river has stabilized sufficiently to assess habitat suitability and fish flow needs.

3.5 STORMWATER RECOMMENDATIONS

B. Impervious Surfaces:

4. ~~Strive to maintain average effective impervious cover in WRIA 18 subbasins at less than 7%.~~ For urbanized and urbanizing WRIA 18 subbasins, determine existing effective impervious cover and establish goals that balance existing development, planned growth, and stormwater management ~~within the UGAs.~~ Incorporate low impact development techniques. Strive to limit total effective impervious cover in each WRIA 18 subbasin to less than 7%.

J. Sediment Management:

1. Clallam County ~~and City of Sequim~~ should adopt clearing and grading ordinances.

3.6 LAND USE AND LAND MANAGEMENT RECOMMENDATIONS

3.6.2 Development in Sensitive Areas

- C. Incorporate Watershed Plan Recommendations: The objectives, policies and recommendations of the Watershed Plan should be incorporated into the Clallam County, City of Port Angeles and City of Sequim sensitive area ordinances and policies, land use codes and other plans as they are periodically updated. Tribes should consider doing the same.

3.6.6 Forest Lands Management

- E. Clearing and Grading: All WRIA 18 local governments should regulate clearing and grading activities for sediment control within their authority.

3.8 WATERSHED MANAGEMENT RECOMMENDATIONS

3.8.1 WRIA 18 Watershed Councils

- C. West WRIA 18 Watershed Council Makeup: The ~~West~~ WRIA 18 Watershed Councils should comprise a cross section of participants from Federal, Tribal, State, County, and City governments, special purpose districts, water purveyors, the business community, the public, nonprofit and citizen groups involved in the restoration or management of ~~West~~ WRIA 18 streams, and other watershed stakeholders.

3.14 EAST STRAIT INDEPENDENT DRAINAGES RECOMMENDATIONS

3.14.5 Bell Creek

C. Habitat:

1. ~~Restore~~ Improve restricted estuarine function to Washington Lagoon by addressing the outfall's causeway and culvert.

3.15 SEQUIM BAY AND DRAINAGES RECOMMENDATIONS

3.15.7 Sequim Bay Estuarine Wetlands

Washington Harbor

B. Habitat:

1. ~~Restore-Improve~~ tidal exchange between the northern and southern portions of the estuary currently constricted by the two culverts under the Sequim Sewage Treatment Plant outfall.

3.15.8 Sequim Bay Marine Shoreline and Waters

A. Water Quality:

9. Encourage water reuse and reclamation (see Section 3.1.10); consider East WRIA 18 regional sewer system.

Elwha-Dungeness Watershed Plan Recommended Changes, May 2005

PLANNING UNIT APPROVAL

By signing these pages, members of the Elwha-Dungeness (WRIA 18) Planning Unit signifies the approval by himself, herself, or on behalf of his or her organization, as noted, of the above changes recommended to the Elwha-Dungeness Watershed Plan this May, 2005.

Name

Affiliation

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