

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
LEWIS COUNTY, WASHINGTON**

**IN THE MATTER OF:**

RESOLUTION NO. 19-344

A RESOLUTION APPROVING AN ADDENDUM TO THE  
NISQUALLY WATERSHED MANAGEMENT PLAN IN  
RESPONSE TO THE 2018 STREAMFLOW  
RESTORATION ACTION (RCW 90.94)

**WHEREAS**, the Board of Lewis County Commissioners (BoCC) supports collaboration among Nisqually Watershed communities to implement a comprehensive strategy for balancing competing demands for water, while at the same time preserving and enhancing the future integrity of the Nisqually Watershed; and

**WHEREAS**, Lewis County is required to plan under the Growth Management Act (RCW 36.70A), and its Comprehensive Plan must include a plan to “provide for the protection of the quality and quantity of groundwater used for public supplies” (RCW 36.70A.070); and

**WHEREAS**, the Washington State Watershed Management Act (RCW 90.82) established a framework for water resource management in the State of Washington focusing on water availability and quality, and protecting habitat for fish and wildlife; and established the boundary of Water Resource Inventory Area 11 (WRIA 11) for the Nisqually Watershed; and

**WHEREAS**, Lewis County was one of the Initiating Governments of the Nisqually Planning Unit and participated in the development of the 2003 Nisqually Watershed Management Plan; and

**WHEREAS**, the BoCC approved the 2003 Nisqually Watershed Management Plan on April 13, 2004, in Joint Legislative Session recognizing that implementation is contingent upon available funding; and

**WHEREAS**, on January 18<sup>th</sup>, 2018, the Washington State Legislature passed Engrossed Substitute Senate Bill (ESSB 6091), an act addressing procedures for ensuring water is available to support development in response to the Washington State Supreme Court case *Whatcom v. Hirst*; and

**WHEREAS**, ESSB 6091 was codified as the Streamflow Restoration Act, RCW 90.94; and

**WHEREAS**, RCW 90.94.020 directed the Washington State Department of Ecology to work with the initiating governments and Planning Unit of WRIA 11 to review the existing watershed plan to identify the potential impacts of exempt well use, identify evidence-based conservation measures, and identify projects to improve watershed health with a deadline of February 1, 2019; and

**WHEREAS**, the Nisqually Indian Tribe was the lead agency for the planning process; and

**WHEREAS**, the Planning Unit members included the implementing governments – Nisqually Indian Tribe, Thurston, Pierce, and Lewis Counties – as well as Lacey, Olympia, Yelm, Eatonville, Thurston Public Utility District, Nisqually River Council Citizens Advisory Committee, and Washington State Departments of Ecology, Fish and Wildlife, and Agriculture; and

**WHEREAS**, in October 2018, Planning Unit Members signed a Working Agreement to address RCW 90.94 with an Addendum to the 2003 Nisqually Watershed Management Plan (Addendum) and to transfer that addendum to the Department of Ecology by the legislative deadline; and

**WHEREAS**, the Nisqually Watershed Planning Unit met seven times between June 2018 and January 2019 and created several subgroups to develop an Addendum that addresses the requirements of RCW 90.94; and

**WHEREAS**, the Nisqually Watershed Planning unit unanimously approved the Addendum to the Nisqually Watershed Management Plan to address the requirements of RCW 90.94 on January 16, 2019; and

**WHEREAS**,

a Determination of Significance and Adoption of Existing Environmental Document for the original Nisqually Watershed Management Plan was prepared and issued on February 2, 2004; and

**WHEREAS**, on January 29, 2019, a notice of modification of the 2004 Final Environmental Impact Statement for Watershed Planning was issued by Pierce County; and

**WHEREAS**, on February 1, 2019, the Department of Ecology issued an Order Adopting the Updated Watershed Plan for WRIA 11 (Nisqually), finding that the “actions identified in the watershed plan, after accounting for new projected uses of water over the subsequent twenty years will result in a net ecological benefit to instream resources within the water resource inventory area”; and

**WHEREAS**, Ecology’s Order of Adoption is predicated on the following three conditions: annual reporting to Ecology on plan implementation for the duration of the 20-year planning horizon, a detailed assessment of water quantity and instream flow benefits every five years, starting in 2024, and ongoing compliance with the required fee and recording restrictions established by RCW 90.94; and

**WHEREAS**, the BoCC finds that the strategies identified in the plan, if adequately funded and implemented, will be sufficient to offset the impacts of future projected growth in the rural area of the Nisqually Watershed on streamflows, and further will support the recovery of endangered salmon species and overall ecosystem health while allowing options for future rural development;

#### **NOW THEREFORE BE IT RESOLVED SECTION 1. WRIA 11 ADDENDUM**

**APPROVAL.** The Lewis County Board of Commissioners approves the Addendum to the Nisqually Watershed Management Plan dated January 16, 2019, as shown in Exhibit A attached hereto and incorporated herein by reference; and

**NOW THEREFORE BE IT FURTHER RESOLVED SECTION 2. WELL FEE AND RECORDING REQUIREMENTS.** Applicants for building permits in WRIA 11 shall continue to pay relevant fees and record any relevant restrictions or limitations associated with water supply with the property title, as required by ESSB 6091, until such time as the County adopts an alternative approach to addressing the requirements of RCW 90.94.; and

**NOW THEREFORE BE IT FURTHER RESOLVED SECTION 3. IMPLEMENTATION.** Further implementation of the strategies identified in the plan Addendum will require the county's continued participation in the Nisqually Watershed Planning Unit and is contingent upon adequate available funding and staff resources.; and

**NOW THEREFORE BE IT FURTHER RESOLVED SECTION 4. SEVERABILITY.** If any section, subsection, sentence, clause, phrase or other portion of this Resolution or its application to any person is, for any reason, declared invalid, illegal or unconstitutional in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof..

DONE IN OPEN SESSION this 25th day of November, 2019.

APPROVED AS TO FORM:  
Jonathan Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS  
LEWIS COUNTY, WASHINGTON

Eric Eisenberg  
By: Eric Eisenberg,  
Chief Civil Deputy Prosecuting Attorney

Robert C. Jackson  
Robert C. Jackson, Chair

ATTEST:



Gary Stamper  
Gary Stamper, Vice Chair

Rieva Lester  
Rieva Lester,  
Clerk of the Lewis County Board of County  
Commissioners

Edna J. Fund  
Edna J. Fund, Commissioner