

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

IN THE MATTER OF:

RESOLUTION NO. 20-368

A RESOLUTION APPROVING AN ADDENDUM TO THE
CHEHALIS BASIN 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 Chehalis Basin 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 Chehalis Basin 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 Areas 22 and 23 (WRIAs 22 and 23) for the Chehalis Basin Watershed; and

WHEREAS, Lewis County was one of the Initiating Governments of the Chehalis Basin Planning Unit, known as the Chehalis Basin Partnership, and participated in the development of the 2004 Chehalis Basin Watershed Management Plan; and

WHEREAS, the BoCC approved the 2004 Chehalis Basin Watershed Management Plan on April 9, 2004, in a Joint Legislative Session recognizing that implementation is contingent upon available funding; and

WHEREAS, on January 18th, 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 WRIAs 22 and 23 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, 2021, whereby the Department of Ecology must adopt said watershed plan amendment; and

WHEREAS, the Planning Unit members included the implementing governments as identified in Intergovernmental Agreement dated August 31, 1998; and

WHEREAS, Grays Harbor County was the lead agency for the planning process; and

WHEREAS, in July 2019, Planning Unit Members signed a Charter Addendum to the 2004 Operating Procedures with one exception from the Quinault Indian Nations who provided a written state to include with the final charter; and

WHEREAS, the Chehalis Basin Watershed Planning Unit met regularly and created several subgroups to develop an Addendum that addresses the requirements of RCW 90.94; and

WHEREAS, the Chehalis Basin Partnership intends approved the Addendum to the Chehalis Basin Watershed Management Plan to address the requirements of RCW 90.94 on or soon after November 17, 2020; and

WHEREAS, a Determination of Nonsignificance (DNS) and Adoption of Existing Environmental Document for the original Chehalis Basin Watershed Management Plan was issued by Grays Harbor County in their role as Lead Agency; 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 Chehalis Basin 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 the Lewis County Board of Commissioners approves the Addendum to the Chehalis Basin Watershed Management Plan as shown in Exhibit A attached hereto and incorporated herein by reference; and

NOW THEREFORE BE IT FURTHER RESOLVED applicants for building permits in WRIs 22 and 23 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 ongoing implementation of the strategies identified in the plan Addendum will require the county's continued participation in the Chehalis Basin Partnership and is contingent upon adequate available funding and staff resources; and

NOW THEREFORE BE IT FURTHER RESOLVED 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 19th day of October, 2020.

APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

Amber Smith
By: Amber Smith,
Deputy Prosecuting Attorney

Gary Stamper
Gary Stamper, Chair

ATTEST:



Edna J. Fund
Edna J. Fund, Vice Chair

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

Robert C. Jackson
Robert C. Jackson, Commissioner