

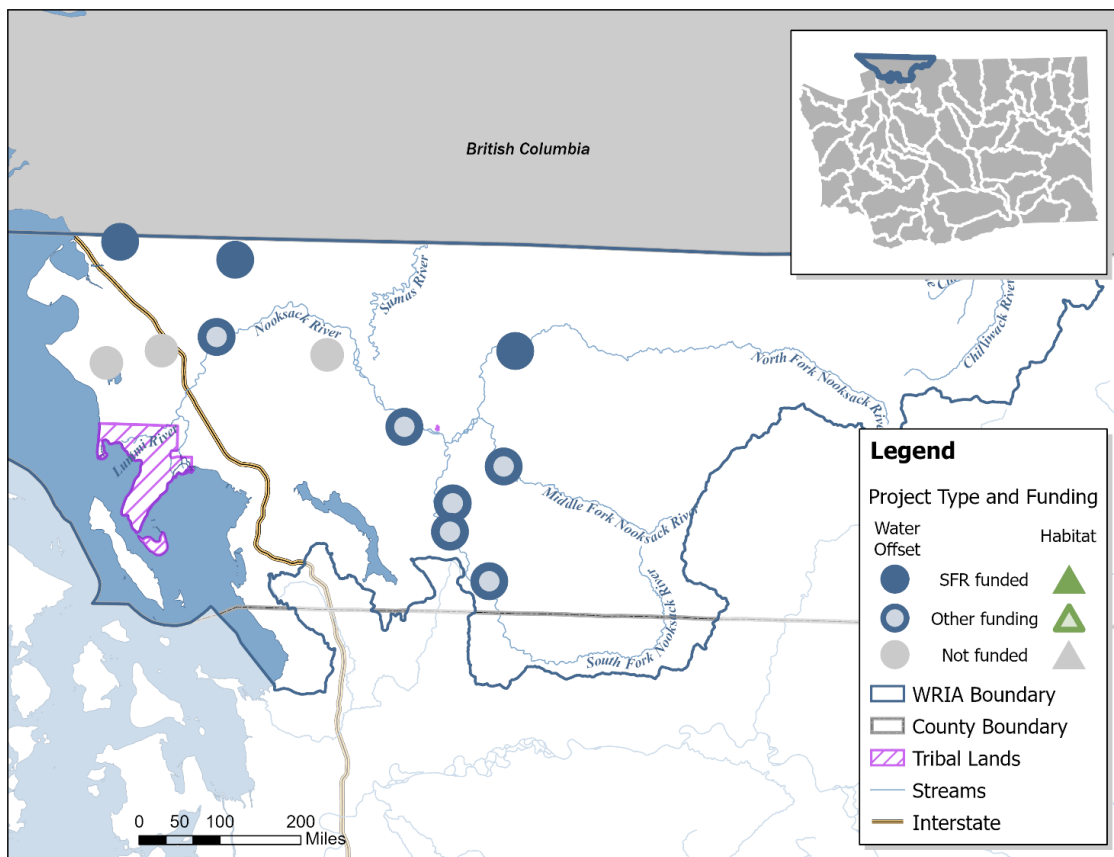
# Implementation Assessment for the Nooksack Watershed's 2020 Instream Flow Rule Update

The Washington Department of Ecology adopted limited amendments to the Instream Resources Protection Program for the Nooksack Water Resource Inventory Area (WRIA) 1 (chapter 173-501 WAC), which took effect June 27, 2020. A rule supporting document included a list of projects intended to offset the impacts on streamflows from new domestic permit-exempt (PE) wells and achieve a net ecological benefit (NEB). To meet the requirements of RCW 90.94.020, local entities are securing funding and developing these projects.

Ecology assesses project implementation periodically and conducts outreach to WRIA 1 partners and project sponsors to present information to the best of our ability. This assessment provides an update on:

- Local water offset and habitat projects (as defined in the rule supporting document).
- Current and projected new domestic PE wells.
- Current estimated and projected consumptive water use impacts from these new wells.

## Projects in WRIA 1 (Nooksack Watershed)

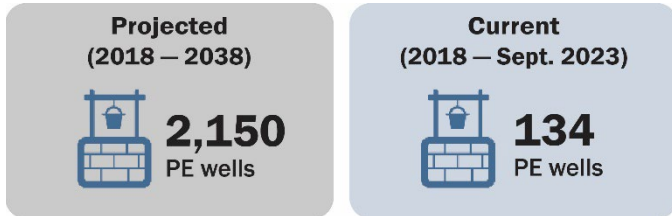


Approximate locations of projects in WRIA 1 as identified in the Rule Supporting Document. Projects contribute to the anticipated net ecological benefit and to offsetting the impacts from new PE wells. Projects are funded through Ecology's Streamflow Restoration (SFR) grants or other funding sources. Multiple funded projects may be reflected by a single location.

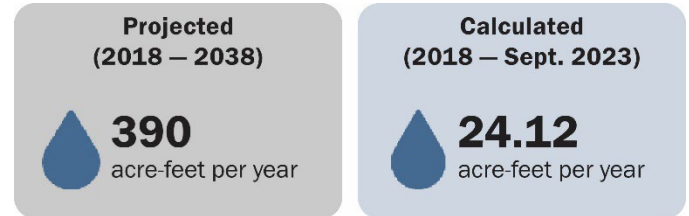
## Streamflow restoration in WRIA 1

Ecology is using the following parameters to track progress on project implementation.

### Number of new permit-exempt wells

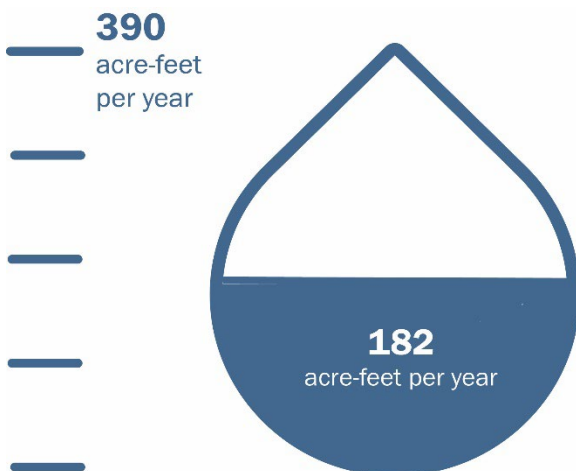


### Consumptive water use from PE wells



### Water offset from completed projects

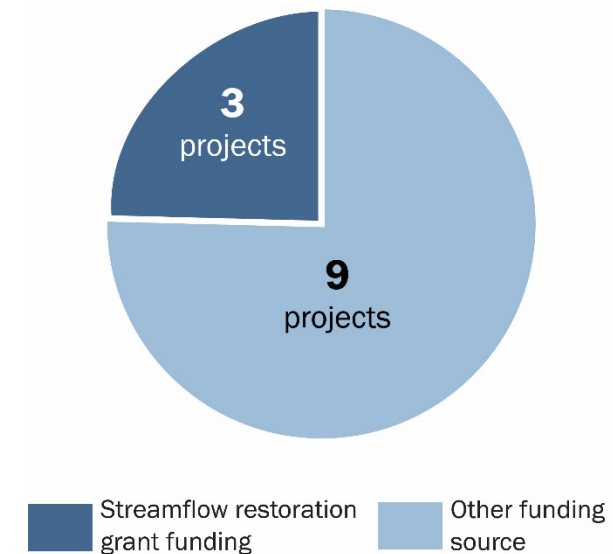
We estimate the offset benefit of completed projects is 182 acre-feet per year.



**Water offset projects completed: 2**

### Funding sources for projects

Projects have received funding from Ecology’s Streamflow Restoration grants or other sources.



## Implementation snapshot

- Installation of new PE wells in WRIA 1 (Nooksack Watershed) is proceeding at a slower rate than the local watershed plan projected (77% below projected rate). Using the rule supporting document’s assumption of consumptive water use per new PE well, Ecology estimates the consumptive water use impacts from these new wells is also 77% below the projected rate.
- Several projects are underway, with funding from Ecology’s Streamflow Restoration competitive grants, the federal government, state government, local government, and other sources. In 2019, 2020, and 2022 Ecology received a total of six applications seeking competitive Streamflow Restoration grant funding for projects in the WRIA 1. Three of these projects received funding totaling around \$10.4 million.
- At this time, 12 out of 14 projects identified in the WRIA 1 Rule Supporting Document have received funding, and two are complete. Completed projects, including the Bertrand Groundwater Augmentation, have resulted in a total water offset of 182 acre-feet per year in the watershed. As a result of these projects, WRIA 1 is about halfway to offsetting the projected consumptive water use from new PE wells.

## Rulemaking summary

The WRIA 1 Streamflow Restoration occurred from February 2018 to January 2019 to develop a watershed plan update. Despite working hard, the local planning group did not approve the plan update for Ecology to review. Ecology proceeded with the statutorily required rulemaking to amend the existing instream flow rule and meet the requirements of the Streamflow Restoration law (RCW 90.94.020). The limited rule update was adopted on May 27, 2020. The Rule Supporting Document:

- Projected 2,150 new PE wells from years 2018 to 2038.
- Estimated the impact of these wells on rivers and streams at 390 acre-feet per year.
- Identified 14 water offset<sup>1</sup> projects, many with habitat benefits, to provide a [net ecological benefit](#) to streamflows in the watershed.

Projected PE well growth and consumptive water use (years 2018 - 2038)



**2,150**  
PE wells



**390**  
acre-feet per year

Projected streamflow benefits from planned projects



**3,767**  
acre-feet per year

A volume of 390 acre-feet is equal to about 192 Olympic-sized swimming pools.

## Benefits of WRIA 1 rule update implementation



Initiates locally led solutions.



Improves rivers and streams for salmon.



Offsets consumptive water use from rural homes.

## Streamflow Restoration Law (RCW 90.94)

In January 2018, the Washington State Legislature passed the Streamflow Restoration law (RCW 90.94) to help restore streamflows to levels necessary to support robust, healthy, and sustainable salmon populations while providing water for new homes in rural Washington.

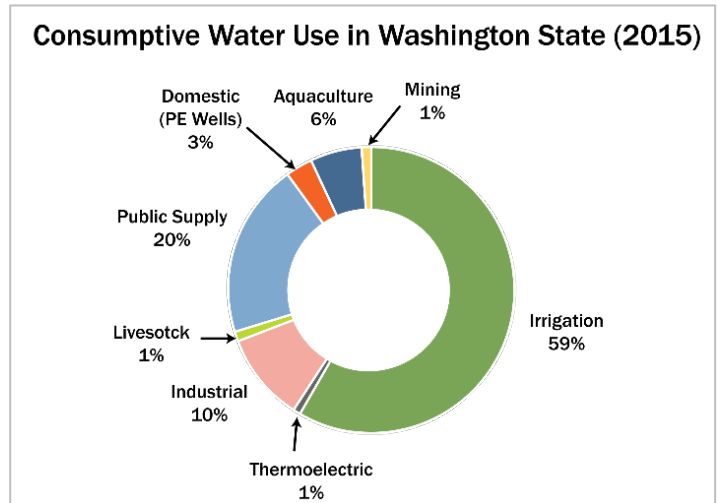
Ecology has been actively implementing this law since its passage. Ecology, in coordination with state and local agencies, Tribal governments, and non-profit organizations has funded, led, and supported a range of 15 diverse local watershed plans across the state. Ecology, with generous support from the Legislature has also implemented a competitive grant offering to help state and local agencies, tribal governments, and non-profit organizations implement projects in the local watershed plans or amended rules required by this law.

<sup>1</sup> From NEB Guidance (Publication number 19-11-079): Offset is the anticipated ability of a project or action to counterbalance some amount of the new consumptive water use over the next 20 years (2018 – 2038). Offsets need to continue beyond the 20-year period for as long as new well pumping continues.

## Consumptive water use in Washington State

Significant resources and collaboration went into statewide and local planning, and ongoing local plan and rule implementation to offset water use from domestic permit-exempt wells in Washington State.

Consumptive water use from these wells accounts for about 3% of water use in Washington, a small portion compared with other consumptive water uses.



Data adapted from U.S. Geological Survey’s report on Water Use in Washington (2015).

## Webpages

- [Streamflow Restoration](https://ecology.wa.gov/StreamflowRestoration): ecology.wa.gov/StreamflowRestoration
- [Streamflow Restoration Grants](https://ecology.wa.gov/StreamflowGrants): ecology.wa.gov/StreamflowGrants
- [WRIA 1 Rule Amendment](https://ecology.wa.gov/NooksackRuleUpdate): ecology.wa.gov/NooksackRuleUpdate

## Publications

- [Streamflow Restoration Competitive Grants Status](#): Publication number 22-11-026
- [Streamflow Restoration Planning Update](#): Publication number 21-11-015
- [Final Guidance for Determining Net Ecological Benefit](#): Publication number 19-11-079

## Other resources

- [WRIA 1 Five Year Assessment](#) (PDF from Whatcom County Public Works Department)<sup>2</sup>

Watershed partners and project sponsors can update Ecology on the status of watershed plan implementation by emailing [WRProjects@ecy.wa.gov](mailto:WRProjects@ecy.wa.gov).



Streamflow Restoration  
[WRProjects@ecy.wa.gov](mailto:WRProjects@ecy.wa.gov)  
 360-688-8928



To request an ADA accommodation, contact Ecology by phone at 360-407-6831 or email at [WRPubs@ecy.wa.gov](mailto:WRPubs@ecy.wa.gov), or visit <https://ecology.wa.gov/accessibility>. For Relay Service or TTY call 711 or 877-833-6341

<sup>2</sup><https://apps.wr.ecology.wa.gov/docs/WaterRights/wrwebpdf/WhatcomCountyWRIA1RuleAmendmentStreamflow2020AnnualReport.pdf>