

Please send feedback to:

Danielle Shaw: Washington Environmental Council danielle@wecprotects.org

2018 Stormwater Permit Subgroup: Watershed Planning Guiding Principles

Current Permit Feedback

- The current Phase I watershed planning requirement is too prescriptive in its approach to be applied more broadly. A better balance needs to be struck between prescription and flexibility.
- Current language in the first paragraph presupposes stormwater is the primary cause of harm to existing and designated uses. Recommendation to change language in first paragraph of permit requirement from “result in” to “fully support,” then add the language of “that contribute to.”
- The price tag and resource commitment required under the current Phase I watershed planning requirement has proven a heavy lift and would be overly burdensome on smaller Phase II jurisdictions as well as an unsustainable path for Phase I jurisdictions to continue to pursue.
- The current modeling results are not generating transferrable knowledge to build the case that high initial expenditures can produce payoffs by helping reduce the price tag for other watershed plans.
- Some of the prescriptive requirements do not translate well across jurisdictions or watersheds. For example, B-IBI data is not always an appropriate biological assessment tool for certain types of waterbodies.
- Additionally, current prescriptive requirements are not beneficial for generating output to help inform flood control programs and other basin planning efforts, potentially proving counterproductive as resources are driven from those efforts towards this resource-intensive requirement.
- Implementation, evaluation, and adaptive management were neglected in this permit requirement.

Guiding Principles for 2018 Watershed Planning Requirements

1. *Regulatory Purpose*
 - The purpose of the watershed planning requirement is the protection and restoration of the beneficial uses of our water bodies.
 - To meet this purpose, the requirement should generate a planning tool to guide and target capital actions (e.g., retrofits, facility improvements, restoration) and programmatic efforts (e.g., education and outreach, O&M, source control, land use planning, etc.) that support stormwater management efforts to achieve clean water and ecological function goals.
 - This purpose is environmental. This planning tool should focus on stormwater, recognizing that the impairments are likely tied to a broader set of pressures/sources.
2. *Outcome-Based Requirement*
 - The requirement should be reframed by its intended outcome: guide stormwater management investment and programs that contribute to healthy waterways.
 - The discrete outcome could be a generating a list of prioritized actions and/or targeted programs necessary to contribute in achieving clean water goals within a 5-year permit cycle. One example of a discrete outcome could be a certain number of stormwater retrofit projects.
3. *Increased Flexibility*
 - An outcome-based requirement could allow more flexibility in the approach to achieve the prescribed outcome.
 - The diversity of watersheds and jurisdictional capacity and resources should lend to a more flexible and effective watershed planning requirement than what the current Phase I permit language allows.
 - The scale of the planning effort needs to be flexible as well. Some might be multi-jurisdictional and large in scale, others might be small and within one jurisdiction. The permit should not

predetermine an acceptable size. Though cross-jurisdictional collaboration should continue to be supported when the watershed prioritized crosses jurisdictional boundaries.

- To that same point, the way watershed sizing has been described in current Phase I requirements should not be applied to Phase IIs. Smaller jurisdictions may only be able to manage their watershed as a microcosm within a greater watershed.
- A watershed plan should (1) prioritize a watershed, (2) identify impairments, (3) identify and execute projects or actions to address impairments, (4) assess effectiveness, and (5) adaptively manage.
- A flexible and effective planning requirement may not necessarily prescribe modeling assessment tools. Though, the watershed prioritization process, identification of impairments, and priority actions should be based on accepted, defensible scientific and analytical methods.
- The permit requirement should be focused on a planning tool instead of data and modeling. Some data will be needed on watershed characteristics but the emphasis should be to determine what the Permittee thinks the waterbody needs from a stormwater management standpoint.
- The identified projects and actions to address impairments should help inform, guide, and prioritize other program areas contained in the permits, such as outreach and education, retrofit planning, capital projects, business inspection, pollutant source identification, and data gathering.
- This process can be achieved in a variety of ways and flexibility fostered as long as scientifically and analytically defensible and transparent to enable accountability.
- Department of Ecology (or other Ecology-approved entity, perhaps a subgroup for SWG) should develop guidance/methodology to support/direct Permittee work. This will be especially useful for smaller jurisdictions. Possibly, follow approach in IDDE field screening or LID code update.
- Overall, we seek planning permit language that allows for effective and defensible process that provides actionable information to support stormwater management efforts that contribute to clean water.

4. *Transparency & Accountability*

- Overall, the watershed planning requirement must balance flexibility (Permittee-designed approach) with accountability (discrete, trackable permit performance measures).
- Strong public review processes (with opportunity for involvement and comment) along with accountability mechanisms must be included to ensure transparency, effectiveness, and compliance.

5. *Broader Application*

- As long as the watershed planning requirement is structured with enough flexibility to not overly burden smaller jurisdictions, this permit requirement should be expanded to all Phase I and Phase II local government permittees.

Commented [LS1]: Just a heads-up that this may raise concerns of double dipping as one of the sellable points of the regional monitoring program was to relieve individual jurisdictions the burden of having to conduct monitoring on their own.

Commented [ZH2]: Could this be funded by SWG effectiveness studies funding?