



Overview of the Water Resources Management Program Rule for the Dungeness Watershed (WAC 173-518)

The rule applies to eastern Water Resources Inventory Area (WRIA) 18, the Dungeness watershed, from Bell Creek on Sequim Bay to the Bagley Creek subbasin. See map on page 5.

Introduction

The Department of Ecology (Ecology) adopted a new water management rule for the Dungeness watershed on November 16, 2012. It goes into effect on **January 2, 2013**. The rule comes out of many years of working with the community, tribes, and local and state governments. It includes many recommendations from the 2005 Elwha-Dungeness Watershed Plan, which obligated Ecology to adopt a water management rule.

The Dungeness watershed has many demands on its water, including a growing population, fish listed under the federal Endangered Species Act, streams with chronic low flows in the summer and fall, and most water already legally “spoken for.” Water supplies need careful management to meet current and future needs of people and the environment. The rule is designed to:

- Protect existing water rights, including well uses.
- Manage new uses of water.
- Protect fish resources.
- Protect stream flows.

How will this rule affect me?

It is important to understand that the rule only affects those who start new uses of water after the rule takes effect. This can include significantly expanding an existing water use. We recognize that existing uses can fluctuate and may increase or decrease, for example as families grow or shrink. It is not Ecology’s intent to apply the rule to existing uses that merely fluctuate within a normal range of use.

The rule does not impact continuing your current water use, whether it is from a private well or a public water supplier. The rule does not apply to a replacement well, if your existing well goes dry or you need to drill deeper because of water quality concerns.

People looking for new water supplies are required to connect to a public water system, if available. If not, water is available for a new home needing a private well, subject to the requirements in the rule.

New users are required to “mitigate,” or offset, the impact of their water use on area streams. This may be done through a one-time payment to the newly-created Dungeness Water Exchange (DWE), or through an independent mitigation plan proposed by a group or individual and approved by Ecology.

New water uses must be measured. Metering provides data on actual amounts of water used. Ecology will use this information to ensure that the mitigation program is both fair and effective.

Elements of the rule

The rule includes six key elements:

- Sets a framework for issuing future new water rights.
- Provides a mechanism to ensure year-round water supplies (mitigation plus reserves).
- Establishes instream flow levels on the Dungeness, its tributaries, and small independent streams.
- Closes specific streams and tributaries to new withdrawals.
- Allocates water from high winter flows for possible storage or restoration projects, and establishes a process to allow new storage projects.
- Regulation review.

Mitigation

Mitigation is a water management tool to offset the impacts of new water uses on area streams.

The rule provides a framework for mitigation and allows the use of a water exchange (also referred to as a water bank). You may mitigate through the Dungeness Water Exchange or on your own.

Dungeness Water Exchange (DWE): The DWE acquires water rights from willing sellers. These water rights are transferred into the state trust water program and held by the state, where they are then available for purchase by landowners applying for building permits. The DWE is an “institutional” water bank, meaning that it is a way of keeping track of the water mitigation deposits and withdrawals on paper. It is not a physical reservoir for storing millions of gallons of water. In most areas of the watershed, mitigation water will be available for both in-house and outdoor uses.

Individual mitigation plan: You may meet your “mitigation obligation” (which is based on the amount of water you expect to use) by proposing your own mitigation plan. The plan must be approved by Ecology.

Reserves of water for new uses

Water reserves are finite amounts of water set aside for new uses, and usually have specific conditions of use to access them. Uses from reserves are legally allowed to continue even if stream flows fall below the instream flow levels set by rule.

The rule creates a small reserve for each subbasin with “instream flows” established. The reserves are for indoor (household) uses only, and water uses from a reserve have to be mitigated. The reserve amounts vary, depending on the size of the stream. The reserves can be thought of as a “minimum checking account balance.”

Water from the reserves can be used by new homebuilders right after the rule takes effect and in places where mitigation water is not available. Mitigation offsets the impacts of new water uses on stream flows, and has the additional benefit of replenishing the reserves – similar to making a deposit to a checking account.

If a specific reserve gets used up and no new mitigation water is available, new uses of water that affect the depleted subbasin will not be allowed until additional mitigation water is secured. Another way of saying this is that you can't write any more checks when you are at your minimum checking account balance.

Ecology will track water use from the reserves using the 2008 Groundwater Flow Model.

Instream flows

The term "stream flow" is used to describe the actual amount of water flowing in a stream or river. "Instream flow" refers to a stream flow amount set in a rule to protect and preserve instream resources and uses, including wildlife, fish, recreation, navigation, aesthetics, water quality and livestock watering.

The rule sets instream flows for the mainstem Dungeness, its tributaries, and adjacent independent streams at the levels recommended in the Elwha-Dungeness Watershed Plan. In addition to the Dungeness, instream flows are established for:

- Bagley Creek
- Bell Creek
- Cassalery Creek
- Gierin Creek
- Matriotti Creek
- McDonald Creek
- Meadowbrook Creek
- Siebert Creek

See map on page 5.

For each of the streams, the rule lists instream flow levels for specific times throughout the year, following seasonal variations.

Instream flows are set at levels that will protect instream resources while future uses are being established, as required by state law. Setting instream flows does not put water back into streams.

Closures

"Closure" refers to closing a specified water body or aquifer to new uses. Closures protect streams, as well as existing water users, from impacts by new water uses.

In crafting the Dungeness rule, Ecology considered both long- and short-term water management needs. Ecology and the state Department of Fish and Wildlife found that water is not reliably available for new uses because flow levels in the Dungeness River mainstem are critically low during the late summer months and year-round in the independent streams. Often withdrawals for summer irrigation of lawns and gardens affect streams during critical periods of low flows. This is why mitigation is required for all new uses, and for these same reasons:

- The Dungeness River mainstem and tributaries are seasonally closed from July 15 to November 15 to new withdrawals.
- The independent streams are closed year-round.

Storage

New storage projects for environmental enhancement or other uses consistent with the Elwha-Dungeness Watershed Plan are allowed. Such projects will be evaluated on a case-by-case basis, in consultation with the Jamestown S'Klallam Tribe and other resource agencies. Each project requires a monitoring component.

Regulation review

If the Dungeness River reaches an average daily flow of 105 cubic feet per second (cfs) during the 30-day critical period for eight out of ten consecutive years, Ecology will assess whether new flow studies are needed for the Dungeness River. The flow will be calculated at River Mile 4.2.

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Ecology Dungeness website

Included on this website are links to other publications on the rule and rule elements.

<http://www.ecy.wa.gov/programs/wr/instream-flows/dungeness.html>

If you need this publication in an alternate format, call the Water Resources Program at 360-407-6872. Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

Dungeness Watershed of WRIA 18 - Stream Management Subbasins and Control Points

