

APPENDIX I: Snohomish County Comments

The Coordination Plan developed by King County, Snohomish County, City of Redmond, City of Woodinville, and the Washington State Department of Transportation, requires that, if requested by a non-lead Permittee, King County will include additional information, dissenting opinions, conclusions, and/or alternative approaches submitted to King County by non-lead Permittees as appendices. Snohomish County has requested to submit this appendix to the Bear Creek Watershed Management Study.

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Bear Creek Watershed Management Study – Snohomish County Comments

Background of this Appendix

This Appendix was prepared by Snohomish County as part of its participation in the Bear Creek Watershed Management Study, in accordance with the Coordination Plan for the project that was adopted by all project partners.

This project was groundbreaking in its level of detail and technical specifications. All project partners understood from the outset that we needed an efficient decision-making process to complete the project on the tight schedule imposed by the NPDES Phase I municipal stormwater permit (the Permit). We also realized that there were going to be many important technical, planning, and policy issues on which reaching consensus would be at best a very slow process. At the same time, each project partner had to stand behind the final product as its own submittal to Ecology to satisfy its Permit requirement.

To meet all these constraints, the partners agreed, through the Coordination Plan, that King County would consider all input and comments provided by project partners, but that King County had “final and unilateral authority on decisions regarding implementation of the Scope of Work for the Bear Creek Watershed-Scale Stormwater Plan.” In exchange for this authority, King County would “include additional information, dissenting opinions, conclusions, and/or alternative approaches submitted to King County by non-lead Permittees as an appendix or appendices to the final watershed plan.”

Relationship of Permit requirement for watershed-scale stormwater planning to requirements for Structural Stormwater Controls Program (Permit Special Condition S5.C.6)

The 2013 Permit requirement for watershed-scale stormwater planning (Special Condition S5.C.5.c) is discussed in detail in the main body of this study. It is important to note that this Permit requirement derived from a previously existing Permit requirement: Special Condition S5.C.6 - Structural Stormwater Controls. This condition has appeared in continually refined forms in the 1995, 2007, and 2013 Permits. As currently set forth in the 2013 permit, its objective is to prevent or reduce impacts to waters of the state caused by discharges from the municipal separate storm sewer system (MS4), with the goal of addressing impacts that are not adequately controlled by the other required actions of the Stormwater Management Program (Special Conditions S5.C.1 – S5.C.5 and S5.C.7 – S5.C.10).

Under Special Condition S5.C.6 as it is written in the 2007 and 2013 Permits, a permittee is required to develop a list of projects that meet certain criteria, and report each year on the status of implementing those projects. However, these Permits did not establish a metric by which compliance would be measured, let alone establish a quantified minimum level of effort in terms of that metric. The watershed-scale stormwater planning under 2013 Permit Special Condition S5.C.5.c was created by Ecology as an initial means to determine the total level of Structural Stormwater Controls Program effort required in a watershed to meet, under future build-out conditions, water quality standards in the receiving water for

dissolved copper, dissolved zinc, temperature, and fecal coliform, and B-IBI scores that correlate to hydrologic metrics representing “the historic condition” in the watershed.

Snohomish County comments on the Bear Creek Watershed Management Study

Determining actions needed for NPDES Structural Stormwater Controls Program. As noted in the main body of the report, King County added some additional goals to the project beyond those set forth in the 2013 Permit, primarily restoration of salmonid habitat and wetland restoration / protection. These goals are reflected in the recommended actions. However, King County did not identify the subset of those actions that constitute the minimum needed to meet the environmental targets set forth in the 2013 Permit. This is not a flaw in the study results, but it adds a necessary additional step if one wanted to use the study to determine a long-term Structural Stormwater Controls Program for the Bear Creek watershed that would meet future iterations of Permit Special Condition S5.C.6.

Issues for use of questions for future consideration

Applicability of study results to other watersheds. The watershed-scale stormwater plans produced for Bear Creek and Little Bear Creek each cost over \$3M, required thousands of staff hours, and took over 3 years to complete. Snohomish County has well over a dozen watersheds that are similar to the watersheds studied. A key question since the outset has been “how applicable are such study results to other watersheds with similar characteristics?” Determining those results (and study methods) that are applicable among watersheds will save huge amounts of money and will accelerate the pace of watershed protection. A critical next step in the realm of watershed-scale stormwater planning is to determine those issues for which results from one watershed can be applied to other watersheds. As noted above, if one wanted to determine applicability of the Bear Creek Study to other watersheds vis a vis requirements of the NPDES Permit, one would first have to determine the set of study results and recommendations required for Permit compliance in the Bear Creek watershed.