



# YESTUARY

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THE NEWSLETTER OF THE DESCHUTES ESTUARY RESTORATION TEAM (DERT)

# It Was the Water!

## ***DERT and Deschutes River Watershed Restoration and Enhancement Effort***

**By David Monthie**  
*DERT Board Vice-President*

In 2018, the Washington State Legislature directed the Washington Department of Ecology (Ecology) to convene local committees in 14 watersheds in the state to develop watershed plans no later than June 2021.

The purpose of each watershed plan is to provide for "restoration and enhancement" to compensate for impacts to streamflows and fish and wildlife habitat caused by past and anticipated population growth, and increased water withdrawals from streams and aquifers. Once each plan is completed, Ecology is required to adopt its provisions into formal legal protection for the water resource.

Each committee is known as the "Watershed Restoration and Enhancement Committee" or "WREC." Each has representatives from a number of interested parties, including environmental organizations, as well as local governments. Tribes with le-

gal rights and interests in each watershed are also participating.

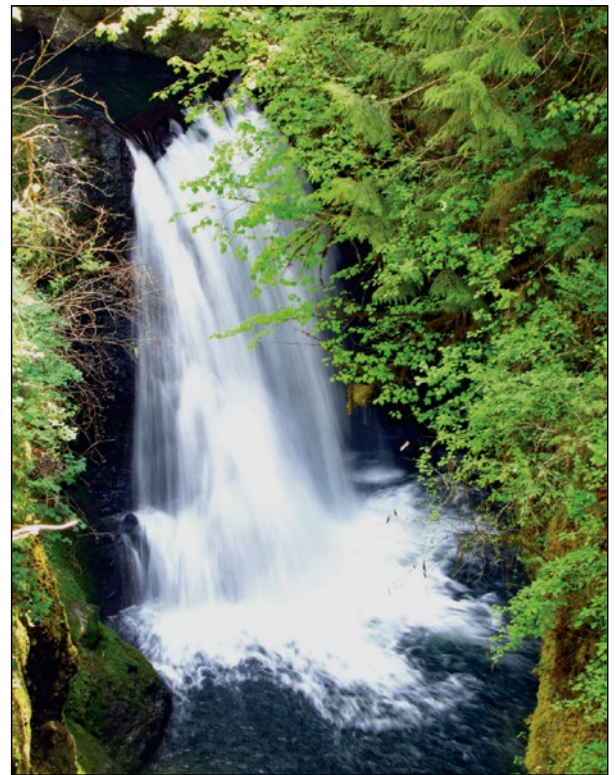
These 14 watershed committees have been directed to develop plans that will "measure, protect, and enhance instream resources, and improve watershed functions that support the recovery of threatened and endangered salmonids."

In general, each plan will develop an estimate on potential water needs for future growth, and a strategy for providing water supply for that growth that, at a minimum, provides for replacing that water through a variety of measures. The goal is both to protect and to restore healthy water and habitat conditions.

The Legislature included two watersheds in Thurston County – the Deschutes Watershed and the Nisqually Watershed.

Ecology named DERT as the environmental representative to the Deschutes Watershed "WREC."

Among the other participants are Thurston County, cities of Olympia, Lacey, Tumwater, the Squaxin Island



*The upper falls of the Deschutes River. (Dani Madrone photo)*

Tribe, the Thurston Conservation District, WRIA 13 Salmon Recovery Lead Entity, Thurston PUD, and Olympia Master Builders.

The legislation was a response to two Washington Supreme Court decisions.

The first, called the "Hirst case," ruled that local governments have

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*Imagine the Estuary, Where the River Meets the Sea*

# Deschutes Watershed Planning

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to include potential water resource impacts of small wells – those that are “exempt” from Ecology’s water rights process in their planning and permitting decisions.

In the second decision, called the “Foster case,” the Court ruled Ecology had violated the state’s water laws by allowing the City of Yelm to drill a new well that would reduce legally-protected flows in the Nisqually River and nearby streams. The Court also rejected the argument that the impacts to the water could be “mitigated” by projects like habitat restoration.

There is widespread regional concern over the precarious condition of fisheries like salmon and steelhead that live in the state’s waterways.

These fish and their habitat are protected by the federal Endangered Species Act (ESA) and tribal rights to hunt and fish and to 50% of the harvest. Water withdrawals and degraded environmental conditions have been putting these fish at risk. Those risks are being compounded by the increasingly worse temperature and flow conditions caused by climate change. And now the endangered Southern Resident Orca Whale (J pod) who feast primarily on Chinook salmon are starving due to increasingly low numbers of fish in Puget Sound and the Salish Sea.

Local governments have over the past several decades relied more and more on the use of unregulated, “exempt” wells to supply water to new development. Their argument is that frequently there are no public water systems for supply as development expands in urban growth areas, and that the overall impact on water resources is small.

Ecology has agreed with their positions in court, but the Supreme Court decisions are requiring a new strategy.

In the Deschutes watershed, it is clear that flows in the River and its streams are dropping, and that the temperatures in the streams are getting higher, particularly in summer and fall. These in turn have contributed to the water quality problems in the Deschutes Estuary and Capitol Lake.

Ecology developed a study, called a “TMDL” (total maximum daily load), to address these and other water quality issues in the River, its tributary streams, and Budd Inlet.

Thurston County has also done an analysis of groundwater aquifers that shows new “exempt” wells or other withdrawals of water would illegally affect existing water rights or adversely affect stream and river flows.

The process for developing the watershed plan includes looking at existing impacts, forecasted growth, and resulting impacts to the watershed. The plan must include actions and activities to offset the impacts.

The highest priority projects must include replacing the quantity of water that is expected to be used, in the same location and at the same time. It may include other projects to offset the impacts, such as habitat restoration or improvement. It “should” also include other actions, such as acquiring senior water rights, water conservation, water reuse, stream gauging, groundwater monitoring, floodplain restoration, off-channel storage, and aquifer recharge. It may also include recommendations for fees, and reduced quantities of water allowed from new wells.

Reclaimed water may be an important option in Thurston County, where LOTT (the regional wastewa-

ter authority) is already providing reclaimed water for outdoor irrigation and aquifer recharge in some areas.

The legislation allows local governments in the 14 watersheds to use “exempt” wells for new growth, provided there is mitigation for the anticipated impact over the period of time covered by the plan (at least through 2038). Withdrawals are limited to 900 gallons per day.

The Legislature gave Ecology the authority to reduce the 900 gallons to 350 gallons per day in the event of a declared drought. Although the Deschutes and a number of other watersheds declared droughts this summer, Ecology so far has not used this authority. New development using exempt wells is also required to keep all stormwater onsite, for the purpose of recharging aquifers.

The Deschutes Watershed WREC is still in the process of developing data and getting growth forecasts from local government, while identifying specific sub-basins where impacts from development can be aggregated and addressed.

DERT is pushing hard to ensure that as much relevant data is included, particularly from the TMDL process, and also with regard to opportunities to reduce use or substitute reclaimed water where appropriate. This work fits well within DERT’s mission to restore the Deschutes River estuary into a healthy, functioning, and attractive resource for the region.

The DERT representatives to the WREC are Executive Director Sue Patnude, with Board members Dave Monthie and Dave Peeler as alternatives.

***If you have any questions, or for further information, please go to the [DERT website](#), or the [Ecology website for the Deschutes Watershed](#).***



The Youth Climate Rally on the steps of the Washington State Capitol. (Maurice Major photo)

# Equity and Cultural Context in Estuary Restoration

*By Ali Johnson, DERT Board*

**I**n a world often dictated in terms of data and economic incentive, what weight can ethics and principles of sustainability hold in policy creation?

In the process of determining whether the Deschutes/Steh-Chass Estuary will be restored, can our officials take ethics and environmental justice into equal serious consideration as monetary value, aesthetics, and partisan opinion? (1)

These are the questions I have for State Legislative Representatives, the

Department of Enterprise Services, Thurston County, the Port of Olympia, and the Olympia and Tumwater City Councils. These are the key non-tribal decision makers in the long-standing lake vs. estuary debate.

If we look at this issue using the three pillars of sustainability (environment, equity, and economics) we can better examine the environmental and cultural context of this debate and reach a more meaningful and just solution.

In context, we are seeing a startling decline in salmon, orca, and seabird populations throughout the region.

The general consensus in Western Washington is that we are destroying habitat faster than it can be restored. This trend, in combination with an increasingly unstable climate and projected mass population influx makes one wonder what will be left for future generations here? Can we humans maintain the health of the Puget Sound/Salish Sea and cohabitate with other species? Is it too late?

The Deschutes River Watershed is the headwaters of the Puget Sound/Salish Sea. The river and estuarine system worked in harmony for thou-

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# Executive Director's Report

By Sue Patnude  
Executive Director

*Thank you for joining us in our first newsletter for 2020!*

DERT has officially been around for 10 years - and we are closer than ever to seeing a restored Deschutes estuary because of all of you and your encouragement and support.

Something we do every year is hold a couple of community forums.

***Our next forum is on March 12th at the Olympia Community Center with a dam theme.***

The program, "What's Up with Dams?," will inform and educate on the newly proposed Chehalis River dam, the successful dam removal project at Goldsborough Creek, how Alder Lake dam has impacted Nisqually estuary restoration and of course - our favorite - the Deschutes River dam at Budd Inlet. As always - free pizza!! See you there!

DERT also wants to wholeheartedly thank everyone who enjoyed our Annual Fun-Raiser in October 2019! We had a great time and made a bundle of cash - much needed to continue on our important water quality work.

And to Rep. Beth Doglio - a special thanks to you for conducting the best auction ever!

***Our next annual event will be October 17th - more to come on that later!***

## Equity and Cultural Context in Estuary Restoration

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sands of years, only to be degraded, dammed, and turned into a sediment reservoir.

In times of great uncertainty and concern for our environment's future, let's work to find sustainable and equitable solutions.

Removing the 5th Avenue Dam and restoring the Deschutes/Steh-Chass Estuary would create 260 acres of chinook salmon habitat that would be used by salmon as far north as the Green River Watershed, thus generating food for Southern Resident Killer Whale (SRKW) populations, and creating necessary habitat. (2)

Recovering chinook and SRKW populations has been a major goal of Governor Inslee the past two years, however, one glaring solution remains in his backyard. Preventing the extinction of endangered marine species and restoring critical habitat is incredibly important on its own. Yet what many do not realize is how the damming of the Deschutes/Steh-Chass estuary is an issue of equity, Tribal sovereignty, and treaty fishing rights.

The Deschutes/Steh-Chass estuary was and still is a culturally significant

site, a classroom, and much more to the Indigenous people who have lived there since time immemorial.

Treaty Tribes in Washington have federally reserved rights to fish in their usual and accustomed areas (among other rights) reserved by the signing of the "Treaty of Medicine Creek" in 1854 and upheld by the 1974 "Boldt Decision."

The estuary is the usual and accustomed fishing and gathering grounds of the Squaxin Island Tribe. The damming of the estuary and subsequent ecological degradation and loss of habitat impairs these rights.

Though no native salmon run used the Deschutes in written memory, Percival Creek hosts a native Coho run and is a tributary to the Deschutes River. We need estuarine habitat now more than ever for the health of salmon, the health of the community and as the Indigenous cultural backbone and federally reserved right of the Squaxin Island Tribe.

The option to restore the estuary is not only the most sustainable economically and ecologically, but a chance to undo a devastating mistake. It is a chance to practice good

ethics and government to government cooperation.

I encourage decision makers and members of our community to learn more about the history of the Steh-Chass and the health of the Puget Sound/Salish Sea in the wider lake vs. estuary debate.

The Squaxin Island Museum, Library, and Research Center in Kamilche and publications, "Once Upon These Waters" and "State of Our Watersheds Report," are great sources for more information. (3)

There is a rich cultural history of the estuary cut short by European settlement and development. By understanding historical and cultural contexts and giving equal consideration to equity in debate, only then can we make better decisions.

1 - "Steh-Chass" is the Indigenous Lushootseed name for the area in which the historic estuary once spanned. It was home to members of the Medicine Creek Treaty Tribes.

2 - Squaxin Island Tribe conducted a tagging study in 2015 showing juvenile salmon as far north as the Green River Watershed would use the Deschutes Estuary.

3 - Squaxin Island Museum website: <http://squaxinilandmuseum.org/>

# New Board Members

## Sarah O'Neal



I support restoration of the Budd Inlet estuary because it is so clearly the most cost-effective, lowest maintenance, and ecologically sound strategy to restore the ecosystem.

After years of working throughout the Pacific Rim on salmon ecosystems, the dam removal projects I've seen are by far the most successful for habitat restoration.

Rivers and estuaries are amazing ecotypes which are entirely capable of taking care of themselves, given half a chance.

I believe dam removal is the obvious answer for the watershed in which I was born and raised.

## Katrina Keleher



I first learned about the Estuary/Lake debate when I moved to Olympia in 2016. Academically trained in ecology and data science, I've long been an advocate for conservation and restoration efforts that are supported by best science. DERT's well-researched recommendations fall into this category, as they are based on comprehensive ecological, cultural, and economic needs. This impressed me.

I'm looking forward to continue to learn about and strengthen DERT's efforts, which are rooted in the fundamental understanding that our environment's integrity is more important than a reflecting pool.

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## Thank you to our generous funders!

- **Rose Foundation:** Puget Sound Grassroots Fund
- **Squaxin Island Tribe**
- **Nisqually Indian Tribe**
- **Salmon Defense**
- **Puget Soundkeeper Alliance**
- Our wonderful new and returning **Supporters**



DERT's ongoing work is enabled by the Puget Sound Stewardship and Mitigation Fund, a program created by the Puget Soundkeeper Alliance and administered by the Rose Foundation for Communities and the Environment.

# Support Your Local Estuary



## Become a DERT Supporter

As a DERT supporter you will receive regular newsletters and a Yestuary bumper sticker!



**I say YES to the Deschutes Estuary!**

Enclosed is my donation \$ \_\_\_\_\_

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Donate online, or mail this form to: DERT Membership, PO Box 11093, Olympia, WA 98508

[www.deschutesestuary.org](http://www.deschutesestuary.org)

## DERT

The Deschutes Estuary Restoration Team is a nonprofit 501(c)(3) organization. Donations are tax deductible.

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- Dave Peeler, President
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