

09/23/97

ROB MCKENNA
PETE VON REICHBAUER
CYNTHIA SULLIVAN
JANE HAGUE
LARRY PHILLIPS
Brian Derdowski

sub 6/12/98 kn

Introduced By:

Proposed No.:

97-595

MOTION NO. **10494**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

A MOTION regarding concurrence with the recommendations contained in the East King County Ground Water Management Plan.

WHEREAS, the Washington State Growth Management Act requires jurisdictions to designate critical areas, including areas with a critical recharging effect on aquifers used for potable water, RCW 36.70A.050, and

WHEREAS, Policy C-5 of the Countywide Planning Policies states that all jurisdictions that are included in ground water management plans shall support the development, adoption and implementation of the plans, Ordinance 11446, and

WHEREAS, Policy NE-333 of the King County Comprehensive Plan states that King County should protect the quality and quantity of the ground water countywide by placing a priority on implementation of ground water management plans, and

WHEREAS, the Washington State Department of Ecology has designated King County as the lead agency responsible for coordinating and undertaking the activities necessary for development of ground water management programs in the county, WAC 173-100-080, and

1 WHEREAS, a ground water advisory committee has been established for the East
2 King County ground water management area, and

3 WHEREAS, the ground water advisory committee contained representatives of
4 local governments, special purpose districts, water associations, agricultural interests, well
5 drilling firms, industry and environmental organizations, and

6 WHEREAS, the East King County ground water advisory committee has overseen
7 the development of the East King County Ground Water Management Plan, and

8 WHEREAS, the oversight provided by the ground water advisory committee has
9 included reviewing the work plan, schedule and budget for development of the plan,
10 assuring that the proposed plans are technically and functionally sound and verifying that
11 the proposed plan is technically and functionally sound and verifying that the proposed
12 plan is consistent with Washington state laws and authorities of affected agencies, WAC
13 173-100-090, and

14 WHEREAS the Washington State Department of Ecology, the King Conservation
15 District, Washington State Department of Natural Resources, Water District 119, City of
16 Duvall, Ames Lake Water Association, Dawnbreaker Water Association, Riverbend
17 Homeowners Association, Rutherford Estates, Sallal Water Association, Spring Glen
18 Water Association, Fall City Water District (formerly District 127), Wilderness Rim
19 Association and the Upper Preston Water Association are required to implement some of
20 the recommendations in the East King County Ground Water Management Plan and have
21 issued letters of concurrence, and

22 WHEREAS, following the King County council's review and comment on the
23 plan's recommendations, the East King County Ground Water Management Plan will be

1 submitted to the Washington State Department of Ecology for certification in accordance
2 with WAC 173-100-120, and

3 WHEREAS, following the Department of Ecology's certification of the East King
4 County Ground Water Management Plan, the metropolitan King County council will be
5 responsible for implementing those portions of the Plan which are within their
6 jurisdictional authority to implement;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

NOW, THEREFORE BE IT MOVED by the Council of King County:

The King County executive is hereby requested to transmit to the East King County Ground Water Advisory Committee a letter, substantially in the form attached, identifying the county's findings and indicating areas of county concurrence and non-concurrence with recommendations contained in the East King County Ground Water Management Plan.

This letter should contain the following:

- 1. a clear statement of concurrence or nonconcurrence;
- 2. a statement of agreement with the goals and objectives of the ground water program; and
- 3. specific revisions necessary for county concurrence.

PASSED by a vote of 11 to 0 this 6th day of July

1998.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Ronise Miller
Chair

ATTEST:

[Signature]
Clerk of the Council

Attachments:

- 1. Concurrence Letter

June 12, 1998

Dick Jones
Chair, East King County Ground Water Advisory Committee
P.O. Box 244
Carnation, WA 98014

Dear Mr. Jones:

King County generally agrees with the goals and objectives of the East King County Ground Water Management Plan, yet makes a statement of nonconcurrence based on its finding of inconsistency between the recommendations contained in the Plan and the intent of chapter 90.44 RCW and other federal, state and local laws. The County recognizes the importance of the Plan's recommendations to preserve and protect ground water, a highly valued natural resource. The County's role in implementing the recommendations of this Plan reflects the County's responsibility as a resource manager, a land development regulator, and the permitting authority for the unincorporated areas of King County.

King County's statement of nonconcurrence is based on its finding of inconsistency between several recommendations included in the Plan and adopted county comprehensive planning policies and county laws. These recommendations must be modified as set forth below to achieve consistency and to allow county concurrence with the Draft Ground Water Management Plan. These recommendations include Management Strategy AP-1A, Management Strategy SG-2B1, Section 3.4, Ground Water Management Committee and Section 3.7, Plan Implementation. A summary of the basis for inconsistency and the changes necessary for King County concurrence follows.

King County does not concur with the "export" language currently included in Management Strategy AP-1A. This finding of inconsistency is based upon the fact that that the strategy:

1. is inconsistent with County Wide Planning Policy CA-6;
2. is inconsistent with King Count Comprehensive Plan Policy F-304; and
3. would prohibit exporting water from the East King County Ground Water Management Area, which contains an aquifer (North Bend Aquifer) that potentially could serve future water demands of the County.

King County can make a finding of consistency only if the text of Management Strategy AP-1A is amended as follows: "While protection and sustainable use of ground water based drinking supplies in the East King County Ground Water Management Area is preferred over importing or exporting water outside of the Ground Water Management Area, exporting water will not be prohibited, provided local water needs are met first.

King County does not concur with Management Strategy SG-2B1 (Reclamation Plans) as it is currently written. This finding of inconsistency is based upon the fact that the State DNR has regulatory authority over mine reclamation plans. King County's regulatory authority is limited to offering comments on proposed reclamation plans to DNR for consideration.

King County can make a finding of consistency only if the text of Management Strategy SG-2B1 is amended as follows: "King County will provide comments to the State DNR on mine reclamation plans proposed within the East King County Ground Water Management Area. Additionally, consistent with KCCP Policy NE-333, King County will develop with affected jurisdictions, Best Management Practices for mining operations.

King County does not concur with the recommendations of Section 3.4 as they are currently written. King County can concur with the East King County Ground Water Management Plan if a statement is added to Section 3.4 which states: "The Management Committee shall be established by motion by the Metropolitan King County Council with members nominated by the Council, each serving staggered terms of three years.

King County does not concur with the recommendations contained in Section 3.7 regarding implementation of the Plan. A finding of inconsistency is based upon existing obligations imposed by federal, state and local laws related to county revenues and expenditures. These limitations restrict the county from being able to fully commit to Plan implementation following certification.

King County can make a finding of consistency only if the text of Section 3.7 is amended to include the following statement: "King County implementation efforts will be phased in over time and is dependent upon the availability of funding."

King County places a high priority on implementing the specific management strategies relating to wellhead protection, development of best management practices, education, and mapping of critical aquifer recharge areas. Once the Council adopts a long-term funding option, the County would start to undertake other implementation activities. Such activities would include coordinating and staffing the anticipated interjurisdictional ground water management committees; developing a data collection and management program to monitor ground water quality and quantity; and enhancing education programs to promote ground water protection.

Thank you for the dedication and diligence of the East King County Ground Water Advisory Committee on this lengthy project. Please contact Mark Isaacson, Department of Natural Resources, Water and Land Resources Division, at 206-296-8369 to discuss starting this work.

Sincerely,

Ron Sims
King County Executive