



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**May 18, 2004**

**Motion 11924**

**Proposed No.** 2004-0205.2

**Sponsors** Patterson and Edmonds

1                   A MOTION regarding concurrence with the  
2                   recommendations contained in the South King County  
3                   Ground Water Management Plan.  
4  
5

6                   WHEREAS, the Washington State Growth Management Act requires, under  
7                   RCW 36.70A.070(1), that protection of the quality and quantity of groundwater used as  
8                   public water supplies be addressed as part of a mandatory element within the county  
9                   Comprehensive Plan; and that the county Comprehensive Plan, under RCW 36.70A.060,  
10                  designate and protect critical areas, including areas with a critical recharging effect on  
11                  aquifers used for potable water, RCW 36.70A.050; and that the county Comprehensive  
12                  Plan, under RCW 36.70A.070(5), protect surface and ground water resources in rural  
13                  areas, and

14                  WHEREAS, policy CA-5 of the countywide planning policies states that all  
15                  jurisdictions that are included in ground water management plans shall support the  
16                  development, adoption and implementation of the plans, and additionally pursue a set of  
17                  specified groundwater protection activities that include development of best management

18 practices, creation and maintenance of relevant groundwater maps, and implementation  
19 of wellhead protection programs, and

20 WHEREAS, policy CA-6 of the countywide planning policies states that land use  
21 actions should take into account potential impacts on aquifers serving as potable supplies,  
22 and avoid or mitigate for depletion or degradation of the aquifers, or include planning and  
23 developing feasible replacement sources for the aquifers, and

24 WHEREAS, policy LU-17 of the countywide planning policies states that rural  
25 areas shall be recognized as significant for the recharge and storage of groundwater and  
26 as areas necessary for the maintenance of base flows in rivers and natural levels of lakes  
27 and wetlands, and that measures, including those for the control of surface water runoff,  
28 should be adopted and implemented, and

29 WHEREAS, policy FW-12(c) of the countywide planning policies states that  
30 ensuring sufficient water supply is essential to accommodate growth and conserve fish  
31 habitat, and requires ongoing long-term water supply planning efforts, and

32 WHEREAS, policy FW-31 of the countywide planning policies states that county  
33 residents in both urban and rural areas shall have reasonable access to a high-quality  
34 drinking water source meeting all federal and state drinking water requirements, and

35 WHEREAS, policies CO-2, CO-3, CO-5 and CO-6 of the countywide planning  
36 policies state that King County jurisdictions and other service providers shall provide  
37 services and manage natural resources efficiently through regional coordination and  
38 interjurisdictional planning, shall coordinate service provision to ensure the protection  
39 and preservation of resources in rural and developing areas, shall regionally coordinate  
40 water supply to deliver reliable economic sources of water, and shall implement

41 aggressive conservation measures to address the need for an adequate supply of water  
42 resources and protection of natural resources, and

43 WHEREAS, policies E-101, E-107, E-116 and E-117 of the King County  
44 Comprehensive Plan state that King County should take a regional role in environmental  
45 stewardship, and shall take actions to manage and protect surface and ground waters,  
46 including critical aquifer recharge areas and base flows in streams, and support continued  
47 ecological and hydrological functioning of water resources to avoid adverse impacts on  
48 water quantity and quality, and

49 WHEREAS, policy E-148 of the King County Comprehensive Plan states that  
50 King County should protect the quality and quantity of the ground water countywide by  
51 implementing adopted ground water management plans, and by taking such other actions  
52 as reviewing and implementing wellhead protection plans, developing best management  
53 practices to promote aquifer recharge, and refining regulations to protect critical aquifer  
54 recharge areas and wellhead protection areas, and

55 WHEREAS, the Washington state Department of Ecology ("Ecology") designated  
56 King County as the lead agency responsible for coordinating and undertaking the  
57 activities necessary for development of ground water management programs to protect  
58 groundwater quality and quantity in five separate areas of the county under RCW  
59 90.44.400 and WAC 173-100-080, including the South King County groundwater  
60 management area, and

61 WHEREAS, in accordance with a December 17, 1986, interlocal agreement  
62 between King County and the Regional Water Association of South King County  
63 ("RWA"), and subsequent amendments, King County delegated to the RWA, as co-lead

64 agency, the responsibility for preparing a draft ground water management program and  
65 plan for the south King County area that complies with state law and Ecology  
66 requirements, and

67 WHEREAS, in accordance with the interlocal agreement, the RWA has had the  
68 responsibility to manage a grant contract from Ecology for the development of the draft  
69 program, and to manage technical and multiinterest stakeholder advisory work for  
70 development of the program, and

71 WHEREAS, a ground water advisory committee was established for the south  
72 King County ground water management area, which contained representatives of local  
73 governments, special purpose districts, water associations, agricultural interests, well-  
74 drilling firms, industry and environmental organizations and other parties interested in  
75 groundwater issues in the area, and

76 WHEREAS, the south King County ground water advisory committee has met  
77 periodically to oversee and participate in the development of the South King County  
78 Ground Water Management Plan, and

79 WHEREAS, the Regional Water Association of South King County has  
80 completed and published a draft "South King County Ground Water Management Plan,"  
81 on which the Department of Ecology conducted a public hearing on November 18, 2003,  
82 and

83 WHEREAS, under WAC 173-100-120, local governments affected by the  
84 provisions of a draft ground water management plan are to develop findings that evaluate  
85 the proposed plan's technical soundness, economic feasibility and consistency with  
86 chapter 173-100 WAC and other federal, state and local laws, provide a statement as to

87 whether the government concurs or does not concur with the provisions in the plan that  
88 affect the government or its responsibilities, and provide such statements to the  
89 groundwater advisory committee for possible revisions to the plan before submittal to  
90 Ecology, and

91 WHEREAS, under WAC 173-100-120, once a plan is approved and certified by  
92 Ecology, affected local governments shall adopt or amend any combination of  
93 regulations, ordinances and programs for implementing those provisions of the plan  
94 within their jurisdictional authorities, and shall be guided by the adopted program when  
95 reviewing and considering approval of all studies, plans and facilities that may utilize or  
96 impact the implementation of the plan, and

97 WHEREAS, the metropolitan King County council reviewed the plans submitted  
98 for the other four groundwater management areas within King County, and in 1998  
99 authorized the King County executive to communicate the county's findings and to  
100 concur with the draft plans only after certain substantive and procedural changes to the  
101 plans were made, and

102 WHEREAS, in 2000, Ecology certified the four completed plans, after changes  
103 were made that addressed King County's concerns and those expressed by other affected  
104 local governments, and

105 WHEREAS, in October, 2001, the metropolitan King County council adopted  
106 Ordinance 14214, codified in K.C.C. chapter 9.14. that established a countywide  
107 groundwater protection program, and created separate groundwater protection  
108 committees responsible for implementation of their respective certified groundwater  
109 management plans, and

110 WHEREAS, since that date the King County executive has appointed, and the  
111 metropolitan King County council has confirmed, members for each of these  
112 groundwater protection committees, and each committee has been meeting to address  
113 implementation of the groundwater management plans and other groundwater issues  
114 within their areas, and

115 WHEREAS, in accordance with K.C.C. chapter 9.14, each of those groundwater  
116 protection committees will go out of existence on December 31, 2004, and each is  
117 preparing recommendations that will be provided to the King County executive and the  
118 metropolitan King County council before then on their preferences for a structure,  
119 approach, and funding for continuing to address groundwater quantity and quality issues  
120 within their respective areas after December 31, and

121 WHEREAS, as part of the budget adopted for 2004, the metropolitan King  
122 County council required the department of natural resources and parks to prepare and  
123 present to the council by June 15, 2004, a report on the status and future of the  
124 countywide groundwater protection program, and

125 WHEREAS the King County executive has prepared and transmitted to the  
126 metropolitan King County council proposed revisions to the King County Comprehensive  
127 Plan, which must be adopted by December 31, 2004, and which include substantial and  
128 comprehensive revisions to elements regarding protection of natural resources generally  
129 and to specific elements regarding protection of critical groundwater aquifers used for  
130 potable supplies in particular, and

131 WHEREAS, King County and other affected local governments must submit  
132 findings and statements of concurrence or nonconcurrence with the draft South King  
133 County Ground Water Management Plan, and

134 WHEREAS, following the Department of Ecology's certification of the South  
135 King County Ground Water Management Plan, the metropolitan King County council  
136 will be responsible for implementing those portions of the plan that are within the  
137 council's jurisdictional authority to implement through ordinances, policies, or  
138 regulations;

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

140 The King County executive is hereby requested to transmit to the south King  
141 County ground water advisory committee a letter, substantially in the form of Attachment  
142 A to this motion, identifying the county's findings and indicating areas of county  
143 concurrence and nonconcurrence with recommendations contained in the South King  
144 County Ground Water Management Plan. This letter should contain the following:

145 A. A statement of agreement with the goals and objectives of the ground water  
146 program outlined in the draft plan;

147 B. Findings with regard to technical soundness, economic feasibility, and  
148 consistency with intent of chapter 90.44 RCW, Regulation of Public Ground Waters, and  
149 chapter 173-100 WAC, Ground Water Management Areas and Programs, and other  
150 federal and state laws and the King County Code;

151 C. A clear statement of concurrence or nonconcurrence; and

152 D. Specific revisions necessary for county concurrence and certification of the  
153 plan.

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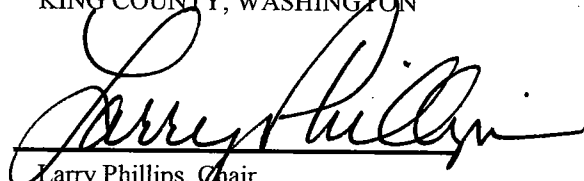
Motion 11924 was introduced on 4/19/2004 and passed by the Metropolitan King County Council on 5/17/2004, by the following vote:

Yes: 10 - Mr. Phillips, Ms. Edmonds, Ms. Lambert, Mr. Pelz, Mr. McKenna,  
Mr. Ferguson, Mr. Hammond, Mr. Irons, Ms. Patterson and Mr. Constantine

No: 0

Excused: 3 - Mr. von Reichbauer, Mr. Gossett and Ms. Hague

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

**Attachments** A. Concurrence Letter to Gary Cline, revised on May 13, 2004



May \_\_, 2004

Gary Cline, Chair  
South King County Ground Water Advisory Committee  
Regional Water Association of South King County  
27224 - 144<sup>th</sup> Avenue SE  
Kent, WA 98042

RE: Draft South King County Ground Water Management Plan

Dear Mr. Cline:

I want to congratulate you and the members of the Ground Water Advisory Committee (GWAC) and the Regional Water Association of South King County (RWA), and commend you for publishing the draft South King County Ground Water Management Plan (GWMP). This is an important step toward developing a comprehensive approach and plan for protecting groundwater quantity and quality in the South King County area, which began in 1986. We share the goals and objectives of the draft GWMP, and look forward to working together with interested governments, utilities, and other parties to meet them.

I would also like to note that, although the South King County area does not have a certified groundwater management plan, its representatives have voluntarily participated in stakeholder discussions led by the Department of Natural Resources and Parks (DNRP) with regard to the scope and priorities for the countywide groundwater protection program, and the long-term funding options for that program. We very much appreciate your willingness to do that, and hope that we can count on your continued participation.

This letter provides you with the information required by RCW 90.44.400 and WAC 173-100-120, specifically (1) King County's findings with regard to the GWMP's technical soundness, economic feasibility, and consistency with intent of RCW 90.44, Regulation of Public Ground Waters and WAC 173-100, Ground Water Management Areas and Programs, and other federal and state laws, and King County Code; (2) a clear statement of concurrence or non-concurrence with the strategies identified in the plan for King County; and (3) specific revisions necessary for County concurrence. Under WAC 173-100-120, once a groundwater plan is approved and certified by Ecology, King County and other affected local governments must adopt or amend regulations, ordinances, and/or programs for implementing those provisions of the plan within our jurisdictional authorities, and must be guided by the adopted program when reviewing and

considering approval of all studies, plans and facilities that may utilize or impact the implementation of the plan. For that reason, we have taken care to review and comment on the plan.

The following is the response for all King County agencies, including Seattle-King County Public Health (PH), to the draft plan. We know that there may be some difficulty in Ecology's certifying this plan, given the length of time it has taken to develop, and the dated nature of some of the information in it. We hope that the following comments from King County will lead to useful discussions as to how we can use this opportunity to move forward with multiple partners to implement a groundwater protection program that we all would like to have in South King County.

#### Implementation process

Ecology's guidance for groundwater management plans states, "Technical soundness is a factual question related to whether or not the GWMP can be implemented." The South King County plan proposes creation of a Management Committee, of which King County would be a member, that would develop and implement an annual workplan under an annual budget that would be funded from existing funding sources. A key funding principle would be that those who benefit from the activities and services should pay for them. Although this approach has inconsistencies with the approach to implementation for the other four management areas prescribed in the groundwater ordinance adopted by the King County Council in 2001 (now codified in King County Code 9.14), those provisions of the ordinance sunset as of December 31, 2004. DNRP staff are currently pursuing an interim approach for the other four areas similar to that described in the South King plan—e.g., interlocal agreements, annual workplans with annual budgets—while DNRP develops a long-term strategy for its Water and Land Resources Division, and while the Council also is evaluating the long-term options for both the countywide program and implementation of each of the groundwater management areas. For that reason, we can accept generally the proposed approach to implementation for South King County, on the same interim basis as we are pursuing the other areas, although we do request that the plan include a provision for revising the composition and procedures of the Management Committee, similar to those in the ordinance, to broaden membership and describe how it will proceed. If this change is made, we believe that a plan that is technically sound can be implemented. The Council is likely to be having discussions on the long-term future for the County program following receipt of a report on that topic that DNRP will provide to the Council by June 15; those discussions would be more complete and valuable if the GWAC or Management Committee were to participate and contribute the perspectives of interested parties from this portion of the county.

#### Substantive technical soundness

In essence, the current draft plan is a menu of management activities, engendered by the earlier assessment of groundwater problems within the area ("area characterization"), with some sense of priority developed by the GWAC. The expectation is that the responsible parties identified in

the plan (including King County) will actually undertake the activities, even though the plan may not formally commit them to those activities.

There are 67 "implementation priorities" in the draft plan. Of those, King County departments, agencies, or programs are responsible in whole or in part for 36. Seattle-King County Public Health is wholly or partly responsible for an additional 12.

As noted above, Ecology's guidance for groundwater management plans states, "Technical soundness is a factual question related to whether or not the GWMP can be implemented." We believe that the draft plan, unless it undergoes some revision, falls short of this standard, with regard to its substantive content. However, we believe it can be revised, without undue additional time or expense to address our concerns, as we explain in the conclusion to this letter. The following are our primary concerns:

(1) *New technical information*- As the draft plan acknowledges, the technical information used to describe the hydrogeology of the area, and the potential issues related to groundwater quality and quantity, was developed between 1990 and 1995. While much of that information is likely to still be valid, there has been a large body of technical information collected since 1995 that should be reflected in the characterization of the area, and identification of priority issues. Examples include: Sea-Tac Third runway surface/groundwater investigations; City of Auburn groundwater investigations; Cascade Water Alliance/Puget Sound Energy technical work for Lake Tapps water right (related to White River/Green River); City of Kent technical work for proposed Rock Creek Habitat Conservation Plan; water resource inventory areas 8, 9, and 10 technical work for Chinook salmon recovery plan for each watershed and the Puget Sound evolutionarily significant unit; City of Tacoma technical work for Green River HCP; King County Green/Duwamish Water Quality analysis and watershed modeling; King County stormwater/surface water modeling; regional transportation planning by the Puget Sound Regional Council, and others, including mitigation for potential fish and water impacts; Tri-County Endangered Species Act (ESA) work; state Department of Health evaluations of Group A systems with potential Groundwater under the influence of surface water (GWI) sources; Group A purveyor water quality data under the federal Safe Drinking Water Act; wellhead protection studies done by individual Group A purveyors; identification of new hazardous waste sites east of the Maple Valley highway that pose a threat of potential contamination to groundwater within the study area. Because we do not have unlimited resources, we have to prioritize our activities for protecting groundwater to those that we have a sound technical basis for believing are the most important. While we would expect that each of the foregoing pieces of technical work would have varying relevance to the objectives of the GWMP, these (and potentially other) sources of information must be evaluated, and reflected in the GWMP's priorities, before we can implement a comprehensive and meaningful groundwater protection strategy. We believe this can be done by adding language outlined in our conclusions.

(2) *Changes in Legal and Regulatory Context* -The draft plan also acknowledges that there have been a number of legal, regulatory, and programmatic changes since 1995 that have significantly altered the setting for the plan's development. The draft plan acknowledges specifically these

three: implementation of the Growth Management Act through development of comprehensive plans by King County and other local governments; development of individual utility wellhead protection programs as required under the federal Safe Drinking Water Act and state rules; and creation by King County of a comprehensive countywide Groundwater Protection Program. Because of their comprehensive nature, each of these would likely have significantly altered the proposed strategies described in the plan. In addition, the following legal/regulatory/programmatic changes, with potential impacts on groundwater protection strategies within the South King study area, have occurred since 1995: incorporation of new cities (e.g., Covington, Maple Valley); development of WRIA 8 and 9 salmon recovery plans under the state's Salmon Recovery Act (RCW 77.85); development of King County draft 2004 comprehensive plan update (and other local government comprehensive plans within the study area); King County draft 2004 Critical Aquifer Recharge Area revisions; multiple federal/state Safe Drinking Water Act regulations for water utilities (including source protection), including 1999 Department of Health comprehensive update to WAC 246-290; ESA listings for both Chinook and bull trout within the Cedar, Green, and White/Puyallup basins, and accompanying biological opinions/recovery planning; draft revisions to King County and other local government surface water management program (under federal, state, and local laws and ordinances); adoption of Underground Injection Well regulations by the Environmental Protection Agency and Ecology; enactment of King County Surface Water Management/Rural Drainage Program with supporting fees; completion by King County DNRP of a data management plan, and implementation of a prototype groundwater data collection and evaluation program for the Vashon-Maury Island GWMA. In addition, there have been Supreme Court decisions on water rights related to the use of exempt wells, and the hydraulic continuity between surface water, as well as substantial revisions to state law in 2003 regarding municipal water supplies and water conservation/efficiency. Because all of these factors are driving, either individually or collectively, the prioritization of resources and staff by local governments, utilities, and other parties, the set of management strategies identified in the draft plan may in fact not be implementable because they may have been supplanted or superseded by these, and potentially other, changes in authorities or programs. Until those changes have been evaluated, and incorporated to the extent relevant into an updated strategy for South King County, the proposed activities in the draft plan cannot be considered today's "implementation priorities." However, we believe that a set of implementable priority strategies—based on the County's existing programmatic priorities—can be identified and incorporated into the Plan, as we outline below.

(3) *Outdated Strategies* - Much of the work identified in the proposed strategies has either already been done, is no longer relevant, or is no longer a priority. For instance, PH has reviewed in detail the 12 proposed strategies identified for it in the plan. The PH review concluded that 10 of the 12 strategies included in the plan no longer require concurrence, either because PH has already implemented the strategy, or PH is no longer responsible for it. The remaining two [WQ4-B, water conservation, and OS-4, Operation and Maintenance]—addressing adopting water conservation for small public water systems and on-site septic maintenance—have already been partially implemented. Although PH supports the objectives

associated with these two strategies, PH has no plans for further implementation of them, and therefore does not concur.

The remaining strategies identified in the plan for King County are similar to those in the four other groundwater plans for areas of King County that were approved by the County in 1998. DNRP technical staff have reviewed the three specific management strategies identified in its August, 1999 letter to the RWA as areas of concern in the then-existing draft plan, and have concluded that the current draft has adjusted the text to mitigate these three strategies to a degree that the County Council may be willing to accept. DNRP staff have coordinated reviews of the similar sets of strategies for various King County programs in the other four groundwater management plans, and have generally concluded that the majority of them have either been implemented or have been supplanted by other programs and strategies. DNRP will make the detailed reviews from the other four plans available to the GWAC at a later date, along with a notation of the corresponding strategies within the South King plan that need to be modified or deleted. Until that review is completed, we believe that some relatively simple language described below can appropriately condition the County's commitment to implementation of all or any of those strategies.

#### Economic feasibility

Evaluation of economic feasibility addresses only monetary questions - priorities are not involved. The draft plan may or may not be economically feasible, in that the funding for King County's groundwater program expires at the end of 2004, and King County currently has no funding identified to participate in a South King County strategy beyond the end of 2004. With the additional language described below, however, we believe that this issue can be addressed in the plan.

#### Consistency with federal, state, and local laws and ordinances

There is an inaccuracy in the environmental checklist, which was prepared by the RWA for this draft plan under the State Environmental Policy Act (RCW 43.21C) as required by Ecology rules. The checklist states that there are no animals listed as threatened or endangered under the federal ESA within the area covered by the plan. The checklist prepared for the current, July 2003 draft plan is substantially the same as the one prepared in 1996. Although it was reviewed and, to some extent, modified and updated by the RWA before inclusion with the current draft plan, it mistakenly says that there are no listed (threatened or endangered) species of animals within the study area. While this statement was true in 1996, there have been subsequent listings of Chinook salmon and bull trout as threatened under the ESA, both of which occur in the area covered by the draft plan. DNRP staff have reviewed the checklist, and believe that the remainder of the checklist is accurate, and agree with the determination of non-significance (DNS) threshold decision for the plan. The checklist and DNS determination were not appealed during the time provided for in State Environmental Policy Act, but this error was noted at the November public hearing. The inaccurate statement with regard to the ESA listings needs to be corrected by the GWAC in the plan before submitting it to Ecology.

As noted above, the comprehensive groundwater ordinance adopted by the King County Council in October 2001, prescribes an approach to implementation of the groundwater management plans for the other areas in King County that is different than the approach proposed in the South King plan. At the time the ordinance was adopted, the Council noted the ongoing development of a plan for South King County, and included a statement that the legislation was intended to "complement and not replace" the work of the GWAC in developing a plan and set of recommendations for implementation. The "Implementation Process" discussion above outlines the differences between the ordinance and the South King draft plan, which may be overcome through either an interlocal agreement with King County and other parties, or through some other process developed in the coming months by the Council with participation by interested parties in the South King County area.

As discussed at length above, there have been a number of statutory, case law, and regulatory changes at all levels of government that have occurred since 1995 that have significant relevance to any comprehensive program for addressing groundwater protection in King County and in the area covered by this plan. Of particular significance right now to King County and groundwater protection are impending updates to the King County Comprehensive Plan, and amendments to the Critical Areas Ordinance and Critical Aquifer Recharge Areas. In and of themselves, the scope of these changes could dramatically affect King County's priorities relative to its responsibilities for groundwater protection across the county, and could preempt the need for substantial rewriting of the South King County groundwater management plan relative to the County's intended activities. The groundwater protection committees for the other four groundwater management areas have spent considerable time over the past year reviewing with DNRP and other King County staff the proposed changes. Although not a condition of King County's concurrence, it would be logical for the Plan to acknowledge these current County undertakings, and recognize their significance and relevance to the County's future participation in groundwater protection activities in South King County.

#### Other issues

There are some drafting errors that need to be corrected in the text of the document. For instance, the text should reflect the role of the RWA in drafting the current version of the plan, pursuant to the division of responsibilities between King County and the RWA in our 1986 interlocal agreement. DNRP staff can provide a list of other proposed changes of this nature.

#### Conclusions as to concurrence and non-concurrence and requested changes

King County supports the goals and objectives of the plan, and desires to move forward with groundwater protection for South King County in partnership with other local governments, utilities, and other interested parties. King County cannot concur with the plan as written. However, King County can concur with the plan if the following changes are made.

First, we request that the following be inserted into the plan at the beginning of the section on Management Strategies:

1. King County will generally prioritize its groundwater protection services and strategies as follows:
  - o To meet the groundwater protection responsibilities and priorities defined in King County Code 9.14 (Groundwater Protection Program)
  - o To implement the Critical Aquatic Recharge Area (CARA) regulations defined in the (soon-to-be-adopted) Critical Areas Ordinance (and currently the Sensitive Areas Ordinance)
  - o To meet the pertinent provisions of the King County Comprehensive Plan and implementing ordinances, including the December 31, 2004 changes and any future updates to that plan (the principal relevant provisions are contained in Chapter 7, which address potable water systems, regional water supply planning, interties, reuse and conservation, resource management and protection, surface water management, and floodplain management)
  - o To review, comment on, and approve water system plans per the Utilities Technical Review Committee responsibilities under King County Code 13.24
2. All plan elements, policies, programs and regulations identified in the plan that King County agencies (including the Seattle-King County Department of Public Health) are responsible for will be implemented within the context of, and on the basis of, all changes in technical knowledge, policies, programs and regulations that have occurred at the local, state and/or federal level since the plan's initial drafting - circa 1996.
3. All plan elements, policies, programs and regulations identified in the plan that King County agencies (including the Seattle-King County Department of Public Health) are responsible for will be implemented completely contingent on the availability of funds and appropriation of those funds by the appropriate legislative authority (normally the King County Council).

Second, we request some simple edits to the list of strategies:

4. Seattle-King County Department of Public Health requires the modification of the plan, and deletion of specific implementation actions (related to on-site septic operation and

maintenance, and small water system conservation) with which they do not concur, as identified above, and outlined in the matrix provided as part of King County's informal comments of February 20 of this year.

Finally, King County would also expect the following changes to be made in order to address issues identified in its findings:

5. The plan will acknowledge the mistake in the SEPA checklist, and will recognize the listing of Chinook salmon and bull trout in 1999 under the federal Endangered Species Act.
6. King County requests a multi-stakeholder Groundwater Management Committee to coordinate plan implementation whose membership and procedures reflects the broad constituency defined by King County for the other groundwater management area committees (see KCC 9.14).

It is King County's expectation and hope that the South King County utilities led by the Regional Water Association, King County, other local municipal governments, all interested stakeholders, including business and citizen representatives, will work together through the Groundwater Advisory Committee (GWAC) to address and resolve these and other issues of concurrence. It is anticipated that changes addressed above will be accomplished by November 1, 2004; the Council's Natural Resources and Utilities Committee will expect a report on progress from DNRP by that date. It is also King County expectation and hope that a similarly constituted Groundwater Management Committee will, in due course, work together to address and resolve shared management roles and responsibilities and to update technical information as we cooperatively work to improve groundwater protection in the South King County area.

It is my understanding that Ecology expects that the GWAC will review all comments and letters of concurrence/nonconcurrence and make appropriate revisions to the plan prior to forwarding it to Ecology for certification. Ecology will then evaluate the plan for certification relative to the intent and requirements of the underlying legislation: its technical soundness; its consistency with local, state and federal law; and its implementability. We understand your concerns with the delay in current jurisdictional review of the plan and are supportive of your prompt convening of the GWAC so we may move forward with this process. We would anticipate that the GWAC would be convened by August 1, 2004. I look forward to the discussions of the GWAC with regard to these items, and others that have been raised by local governments or through the public hearing process, and moving toward more comprehensive groundwater protection in South King County. If you would like to discuss this further, please feel free to contact either Joanna Richey, Strategic Initiatives Manager in the Water and Land Resources Division of DNRP, at 206-296-8056, or Sarah Ogier, Groundwater Protection Program Manager in the Water and Land Resources Division of DNRP, at 206-263-6159.

Thank you.

Sincerely,



Gary Cline  
May ., 2004  
Page 9

Ron Sims  
King County Executive

cc: Pam Bissonnette, Director, Department of Natural Resources and Parks (DNRP)  
Dave Monthie, Regional Water Policy Analyst, DNRP  
Joanna Richey, Strategic Initiatives Manager, Water and Land Resources Division  
(WLRD), DNRP  
Sarah Ogier, Groundwater Protection Program Manager, WLRD, DNRP