

# **Whatcom County Council Water Work Session**

**COUNTY COURTHOUSE  
311 Grand Avenue, Ste #105  
Bellingham, WA 98225-4038  
(360) 778-5010**



## **Minutes - Draft Minutes**

**VIRTUAL MEETING - VIEW ONLINE**

**Tuesday, July 14, 2020**

**10:30 AM**

**Virtual Meeting**

### **COUNCILMEMBERS**

Rud Browne  
Barry Buchanan  
Tyler Byrd  
Todd Donovan  
Ben Elenbaas  
Carol Frazey  
Kathy Kershner

### **CLERK OF THE COUNCIL**

Dana Brown-Davis, C.M.C.

**Call To Order**

Council Chair Barry Buchanan called the meeting to order at 10:30 a.m. in a virtual meeting.

**Roll Call**

**Present:** 6 - Rud Browne, Barry Buchanan, Tyler Byrd, Todd Donovan, Ben Elenbaas and Carol Frazey

**Absent:** 1 - Kathy Kershner

**Birch Bay Watershed and Aquatic Resources****Management (BBWARM) District****2019 Annual Report and 2019 Financial****Report**

Holly Faulstich, Public Works Department, gave a presentation and Councilmembers commented on it.

**Water Resources Update**

Gary Stoyka, Public Works Department, updated the Councilmembers on the following:

- The new Nooksack WRIA 1 instream flow rule recently took effect on June 27, 2020
- A recent Watershed Management Board meeting, which included a summary of the actions that happened in 2019 and a presentation by Robin McPherson from the Department of Ecology (DOE) regarding DOE's process for selecting the next basin for adjudication
- The Watershed Management Team meeting which took place on July 8, 2020
- The Regional Water Supply Plan process led by the Public Utility District (PUD) using grant funds. They hired a consultant whose role is to take all the available information for water quality, water quantity, instream flows, and habitat and identify data gaps.
- A Drainage Base Management project which is a county-wide project and looks at water quality, water quantity, instream flows, and habitat as well as ways to integrate land use and flood plain management. They got a \$100,000 grant from the National Estuary Program and there is a scheduled meeting with the grantors to put together a scope of work for how to use that grant money to further the Drainage Base Management Program. The County put in a grant application for the streamflow restoration grant with the DOE to

further the process and bring the tribes, farmers, water right holders and others together to work on goals and identify action projects. The Drainage Base Management Project could be used either as a prelude to the adjudication process or instead of the adjudication process to help lay the groundwork to getting a settlement of all the necessary parties on all of these issues.

- Continued work on water use efficiency projects both domestic and agricultural
- Planning Unit Meetings in which they discussed their position on adjudication and procedure for sending letters of support for grants, a summary from the DOE on the new instream flow rule, an update on the plan to update the 2005 Watershed Management Plan, and a special meeting that was held on July 8, 2020 with the DOE regarding the adjudication process.
- The next Lake Whatcom Policy Group meeting
- Work of County Staff with the City of Bellingham on proposed modifications to the Homeowners Incentive Program
- Edgewater Lane stormwater project which will start construction in August of 2020
- The field and laboratory work along Northshore Drive for the onsite septic system investigation

### **Potential Water Rights Adjudication and Settlement**

Gary Stoyka, Public Works Department, gave a presentation about potential water rights adjudication in the Water Resources Inventory Area (WRIA) 1.

Satpal Sidhu, County Executive, continued the presentation and spoke about his settlement proposal to work with all parties either within the adjudication process or outside of it if this basin is not chosen for adjudication proceedings.

Sidhu and Stoyka answered questions about whether there is a process for how a settlement would be made if the adjudication process does not go forward, how the proposed settlement process is different than what they've been doing for the last ten years, whether the tribes were principles in the 2015 agreement, and working on additional sources of water supply in parallel to a settlement process.

The following people spoke:

- Henry Bierlink
- Bill Clarke

Staff and the speakers answered questions about why the adjudication process in Yakima has taken so many years and is only half way done and what the next steps should be for this issue.

**Adjournment**

The meeting adjourned at 12 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

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Dana Brown-Davis, Council Clerk

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Barry Buchanan, Council Chair

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Kristi Felbinger, Minutes Transcription