

# **Whatcom County Council Water Work Session**

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



## **Minutes - Draft Minutes**

**Tuesday, March 12, 2024**

**10:30 AM**

**Civic Center Building Conference Room / Hybrid Meeting**

**HYBRID MEETING - (PARTICIPATE IN-PERSON, SEE REMOTE JOIN  
INSTRUCTIONS AT [www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil), OR CALL  
360.778.5010)**

### **COUNCILMEMBERS**

Barry Buchanan  
Tyler Byrd  
Todd Donovan  
Ben Elenbaas  
Kaylee Galloway  
Jon Scanlon  
Mark Stremmler

### **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 hybrid meeting.

**Roll Call**

**Present:** 7 - Tyler Byrd, Barry Buchanan, Ben Elenbaas, Kaylee Galloway, Todd Donovan, Jon Scanlon, and Mark Stremmer

**Announcements****Meeting Materials**

[AB2024-013](#) Meeting Materials for Water Work Session March 12, 2024

**This agenda item was RECEIVED.**

The agenda items were discussed.

**Water Issues Update**

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

- Adjudication:
  - The Department of Ecology (DOE) is still on schedule to file the adjudication in April (probably toward the end). Whatcom County staff assisted DOE with three public meetings two weeks ago that were geared toward small farmers and had a booth at the Small Farm Expo.
  - The County got a grant through a proviso in the Legislature to do technical assistance and has selected a consultant for that work. It will include both in-person and virtual training events, assistance in filling out forms, and coming up with frequently asked questions. The consultant is setting up a phone line and email address that people can contact. They will also be setting up a water-use calculator tool for exempt wells.
- There is a second grant in the works to fund technical studies such as the last phase of the groundwater modeling project.
- They are still working on the ground water/surface water interaction study which is looking at on-the-ground measurements for stream flows.
- They are close to finishing a multi-purpose water storage study and are looking for things that would help with flood control, provide water supply, and augment instream flows. The report should be done within a couple weeks. He and John Thompson, Public Works

Department, answered what kind of storage it would be.

- The instream flow extrapolation study will be underway soon and should be done by June 30.
- They are nearing completion on a sort of boundary line adjustment on the Black Slough property so they can sell a part of it that they do not need and be able to maintain the other part that is good for wetland restoration.
- Whatcom County participated with the Watershed Management Board entities to submit an application for a grant to implement some of the natural storage projects that were mentioned in the storage study.
- The next meeting of the Watershed Management Board is on April 18 and they anticipate the agenda will be to develop the next five-year work plan for the board and get updates on the studies that he mentioned.
- They have selected a consultant for the fleet electrification study and are working on putting a contract together.
- The next Water Work Session is scheduled for April 16. They are looking at proposals for scheduling these meetings and will present those at a later date.
- They have purchased ten properties to date under the Hazard Mitigation Grant (HMG) Program plus two others with different grants. Staff is preparing a bid package for demos which is part of the HMG grants. They are still working with FEMA and the State Department of Emergency Management on the second grant which will provide funding for people to elevate their homes.
- They are working on design and permitting for the Cougar Creek-Neevel Levee Improvement project, the Ferndale Levee Improvement Project, Truck Road Bank Stabilization Project, and the Glacier Creek Alluvial Fan Restoration Project.
- The department is recruiting for two positions: a replacement of someone who left and a River and Flood Manager.

He answered what their experience has been in getting their permits and whether they ever get held up by a State or Federal permit, and he stated he is not aware of any particular problems that River and Flood is having. He answered how much the County's information on adjudication will be available to the public and whether the DOE will be sending out notices to people soon. He stated the County will just be another venue for information that is similar to what is posted by the DOE and he spoke about outreach efforts. As for the notices, he thinks they will go out in the summer. People will have one year from whenever they receive the notice

to respond with a description of their water use, and then they will have an additional three years to come back with evidence of that water use. He answered what the term “exempt wells” means and what they are exempt from, and stated the term DOE uses is permit-exempt wells and it is based on withdrawals. The permit exemption is not changing and Ecology is developing two forms. There will be a short form for people who use 500 gallons per day or less, and those who use more than that will need to fill out the full form. That is why the water estimation tool will be useful.

### **Streamflow Restoration Grant**

Chris Elder, Public Works Department, read from a presentation (on file). He spoke about the Streamflow Restoration Grant from the Department of Ecology and stated they have \$40 million available to implement streamflow projects which are generally supposed to augment late summer streamflow and offset permanent exempt well impacts. This year, the County applied for a project they titled the South Fork Nooksack Natural Storage Restoration Project Phase One. He gave a project overview and stated they applied for \$2.7 million to design and construct projects on two County-owned properties (Black Slough and Acme Floodplain) and complete a feasibility assessment and estimated streamflow benefit. He described each of those tasks and what the application priorities and benefits are, and he answered questions.

Gary Stoyka, Public Works Department, stated the entities of the Watershed Management Board were all amenable to this project. They are trying to coordinate themselves so that they are not all competing for the same grant dollars.

### **Phase II Sea Level Rise & Flood Vulnerability Assessment**

Chris Elder, Public Works Department, read from the presentation and gave an overview of the project. He stated the grant agreement is approved and in place and he is in process of doing a Request for Proposal (RFP) for consultant support. He described each task of the project and honed in on Task Four which is to develop an adaptation plan for frontline Communities. He reviewed potential impacts to properties from coastal and riverine flooding and spoke about types of adaptation strategies including protecting with hard defensive structures and soft shore techniques, accommodating by elevating or waterproofing structures and elevating property grades, limiting development in coastal hazard areas, and transferring, purchasing, and extinguishing development rights (also called retreating). He stated once they get the consultant on board they will pick the community which will be the focus of their adaptation plan. They are thinking that Birch Bay is the best option.

He and Stoyka answered whether they are seeing people in shoreline and flood areas losing insurance, how much of the structural adaptation measures are Army Corps permitting versus County permitting when you start changing the shoreline, whether there is an update on where the shoreline chapter is with the State, whether we are incorporating all of this knowledge into our Comprehensive Plan, and whether it will inform us on how and where we grow.

John Thompson, Gary Stoyka, and Elder answered, going back to the natural storage restoration, whether you can store enough water to use later and make an impact. Stoyka stated the City of Lynden is doing a study in the Middle and South Fork of the Nooksack to look at aquifer storage and recharge. They are trying to find a way to pump water out of the river in high-flow times and inject it into the ground so that it will release back into the creek in the summer.

### **Comprehensive Plan Update – Climate Element**

Chris Elder, Public Works Department, read from the presentation about the Climate Element of the Comprehensive Plan and all of the consultants, projects, assessments, and plans that will be a part of that.

John Thompson, Public Works Department, answered what the status is of the Salmon Recovery Plan update and stated it is a bit delayed. He answered whether they could request that a draft of it go out to various advisory committees for review. He stated that is not the usual process but he can ask about it.

Elder continued with the presentation on the tasks of the Cascadia Consulting Group for the Climate Element technical assessments. He answered whether they could incorporate feedback from the (Conservation District) Firewise Program about what is not currently included (wildfire or climate resilience) in the Natural Hazards Mitigation Plan into one of the tasks, whether the audit of the plan will result in updating it, whether the Health Department gets involved in the human health impacts caused by wildfire and other natural hazards, and whether we are still waiting to hear back from the State regarding a six-month extension. Elder stated the extension was approved.

### **WRIA 1 Planning Unit update**

Alexander Harris, Land and Water Policy Manager at Re Sources and WRIA 1 Planning Unit, stated they met a few weeks ago and were able to consolidate comments from different caucuses into a high-level,

synthesized, one-page document. This has given the SCJ Alliance consultants what the Planning Unit has been talking about the past few years as it relates to the Comprehensive Plan. They have written about five letters in response to the Council's resolution, as well as in response to some of the floodplains work that Elder just went over, and some of the climate vulnerability work that the County is currently doing. They synthesized all of that into one page and they can send that to the Council. They are hoping the consultants will take that up and integrate some of these watershed resilience elements into the Comprehensive Plan.

Elder stated a lot of the Planning Unit's recommendations are centered around bringing water use and land use in sync. They are trying to enter into a small contract to get some additional consultant support. But he agrees with what Alexander said and would be happy to share the one-page letter.

### **Other Business**

There was no other business.

### **Adjournment**

The meeting adjourned at 11:31 a.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