

# **Whatcom County Council Water Work Session**

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



## **Minutes - Draft Minutes**

**Tuesday, October 18, 2022  
10:30 AM  
Virtual Meeting**

**VIRTUAL MEETING - VIEW ONLINE - 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  
Carol Frazey  
Kaylee Galloway  
Kathy Kershner

### **CLERK OF THE COUNCIL**

Dana Brown-Davis, C.M.C.

**Call To Order**

Council Chair Todd Donovan called the meeting to order at 10:31 a.m. in a virtual meeting.

**Roll Call**

**Present:** 7 - Barry Buchanan, Tyler Byrd, Todd Donovan, Ben Elenbaas, Carol Frazey, Kaylee Galloway, and Kathy Kershner

**Absent:** None

**Announcements****Water Resources Update**

Gary Stoyka, Public Works Department, updated the Councilmembers on several topics.

Adjudication and settlement: Indications from the Department of Ecology (DOE) are that they still plan to file the Nooksack Basin adjudication in Whatcom County Superior Court next summer and they have put a budget request into the Legislature to fund the adjudication. The County is still working with Cascadia Policy Solutions to further develop a forum where they can talk about water solutions. The County and DOE are preparing for a presentation at the October 27 Watershed Management Board meeting. DOE suggested they get folks that participated in the Yakima Basin Integrated Plan to come and speak and they are working with the County to have future outreach events like this over the next year or so.

Public Works recently finished a draft report summarizing the results of the pilot project for Drainage-Based Management (Bertrand and Schneider Creeks and South Fork Nooksack sub basin). They will evaluate what their next steps are in the process.

County staff is continuing to participate in the regional water supply planning process which is led by the Public Utility District (PUD). They are entering the next phase of that process which is expanding from some pilot basins to look at regional water supply solutions for the entire WRIA 1 or Whatcom County.

The County is taking the lead on a whole bunch of technical studies that parties have identified are needed in order to find solutions. Council already approved a contract with a consultant to do the next phase of the groundwater model. The amount to fund this “phase five” was more than anticipated, so they are breaking that work up into two phases. The first of

those is underway and the money for the second is included in the proposed Flood Control Zone District budget. They may also be able to use about \$100,000 from the Floodplains by Design grant to help off-set some of the cost of this groundwater model.

They are moving forward with a groundwater/surface water interaction study. They are in the process of entering into a contract, and the estimated cost will be about \$432,000 so it will be broken into two phases.

He answered whether these technical studies will provide information that will help with the adjudication process, and what the reasons are that phase five of the groundwater model is more expensive than they thought.

He spoke about the process and funding for a water storage study and an instream flow extrapolation study, an update on Southfork property acquisitions, and \$5.5 million of grant funding from the Streamflow Restoration Act grant program to put toward the Stewart Mountain Community Forest.

Chris Elder, Public Works Department, answered whether the \$5.5 million is not for the first phase of the project they have already undertaken, and stated they have applied for reimbursement funding for the phase one allocation through the Puget Sound Acquisition and Restoration Fund.

Stoyka continued his update and stated the cost all of these technical studies exceeds our local ability to fund all of them. The Executive has submitted a request to the Governor asking for \$1 million to continue to fund the solutions table process and help us fund some of these technical studies. The Executive has also put in \$250,000 for the 2023 Flood Control Zone District budget as he has done the past two years.

Stoyka gave updates on the GIS data hub and work to make it publicly available, and the upcoming Watershed Management Board meeting and topics that will be covered. He asked the Council about their interest in Water Work Session meetings being in-person or hybrid going forward.

Dana Brown-Davis, Clerk of the Council, answered what the legal boundaries are regarding how they would be able to do the meetings if they are hybrid, how either type of meeting would affect Council staff time, and whether it is an easier process to have the in-person element in the Council Chambers.

Councilmembers concurred that they would like to have a hybrid model.

**2023-2028 Water Resources Improvement****Program**

Gary Stoyka, Public Works Department, briefed the Councilmembers and stated the 2023-2028 Six-Year Water Resources Improvement Program would be presented in two sections.

Kraig Olason, Public Works Department, presented on Lake Whatcom, Birch Bay, and Lake Samish projects.

He answered whether the Academy Road Stormwater Improvements project is the one they were working on with Western using a new type of material to take the phosphorus out, whether they have any idea how effective the Lake Whatcom projects are, whether they are measuring how much phosphorus they are taking out with each one of these projects and doing a cost analysis, and what the Lake Samish Stormwater project was.

Paula Harris, Public Works Department, presented on River and Flood projects and answered whether some of the work for the Ferndale Levee Improvement project can be contracted out. She and Stoyka answered whether there is something the Council can do to help make the benefit package that the County is offering to potential employees a little bit more attractive so candidates do not go somewhere else (since they can live here and work elsewhere).

Harris continued her presentation and answered whether the \$5 million for 2024 under Floodplain Acquisition is hoped to be Federal Emergency Management Agency (FEMA) money, and how to see what the projects listed in the 2023-2028 Six-Year Water Resources Improvement Program will actually cost.

**Proposed 2023 Flood Control Zone District****Budget**

Paula Harris, Public Works Department, spoke about the budget as it relates to Flood Maintenance and Operations.

Gary Stoyka, Public Works Department, spoke about the budget as it relates to Natural Resources Administration and Operations and about the decline of the Flood Control Zone District fund balance since 2013. He stated that with the work that they proposed for next year, the balance will drop well below the \$5 million minimum balance threshold they are required to meet. As part of the budgeting process, the Administration is proposing an increase in the flood tax of \$0.03 per \$1,000 of assessed value to bring in an additional \$1.2 million per year and help stabilize this continued decline

in the flood fund balance.

Harris and Stoyka answered how much the flood tax increase was in 2017, whether we are tapping into the emergency reserve because we had an emergency, how much the County collects now for the flood fund and how much more an increase would allow us to collect, and whether we have projects in the flood control program that could be looked at for priority or ones that they could say they are not going to do right now if they did not have the ability to raise taxes.

**Discussion with WRIA 1 Planning Unit**

The following people presented about how the Planning Unit can be more productive and effective in participating in watershed management conversations in Whatcom County, and the review of and comments on the South Fork Drainage-Based Management Plan:

- Dan Eisses, Birch Bay Water and Sewer District and WRIA 1 Planning Unit
- Alexander Harris, RE Sources and WRIA 1 Planning Unit

Eisses answered who might make aerial maps of the basin as was suggested, and how the participation in the Planning Unit meetings has been across the caucuses.

**Other Business**

There was no other business.

**Adjournment**

The meeting adjourned at 11:59 a.m.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

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Dana Brown-Davis, Council Clerk

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Todd Donovan, Council Chair

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Kristi Felbinger, Minutes Transcription