

Whatcom County Council Water Work Session

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



Minutes - Draft Minutes

Tuesday, September 17, 2024

10:30 AM

Civic Center Building Conference Room / Hybrid Meeting (322 N.

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

COUNCILMEMBERS

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

CLERK OF THE COUNCIL

Cathy Halka, AICP, CMC

Call To Order

Council Chair Barry Buchanan called the meeting to order at 10:31 a.m. in a hybrid meeting.

Roll Call

Present: 6 - Tyler Byrd, Barry Buchanan, Kaylee Galloway, Todd Donovan, Jon Scanlon, and Mark Stremler

Absent: 1 - Ben Elenbaas

Announcements

Buchanan stated he was going to change the order of the agenda items and consider the 2025-2030 Water Resources Improvement Program first.

Meeting Materials

[AB2024-019](#) Meeting Materials for Water Work Session September 17, 2024

This agenda item was RECEIVED.

2025-2030 Water Resources Improvement**Program**

This item was considered first, out of agenda order, and the following people spoke:

- Gary Stoyka, Public Works Department
- Paula Harris, Public Works Department
- Elizabeth Kosa, Public Works Department Director
- Christina Schoenfelder, Public Works Department
- Cody Swan, Public Works Department
- Ingrid Enschede, Public Works Department
- Holly Faulstich, Public Works Department

Harris read from the Six-Year Water Resources Improvement Program (on file in the packet) and briefed the Councilmembers on the river and flood projects, and the speakers answered questions about the projects, the Flood Fund balance, and funding sources.

Swan presented on the stormwater portion and the 2025 construction schedule, and the speakers answered questions about the projects.

Water Issues Update

Gary Stoyka, Public Works Department, gave updates on the following and

answered questions:

- The status of the water rights adjudication process and tools (including an online adjudication web map and water use calculator) to help people with filing claims
- An upcoming informational event in Ferndale for permit exempt well holders
- Work with other County departments to compile a list of County water rights
- Technical studies, including a completed multi-purpose water storage study and the next step of looking at two of the storage options, approval to do a field study of agricultural tile drain management, and looking into doing another groundwater modeling scenario
- Fish barrier and culvert projects
- The need for more time for the draft 2025-2029 Lake Whatcom work plan due to the number of public comments received
- An upgrade in shellfish beds (discussed in more detail in the next agenda item)
- The next Watershed Management Board meeting scheduled for November 14, 2024
- Work on climate action projects, including the recently approved sea level rise vulnerability assessment phase 2, the electric vehicle charging station study and transition plan, and integrating climate change into the Comprehensive Plan
- Preparing for flood season and demolition of eight of the homes purchased by the County

Portage Bay Shellfish Growing Area Upgrade

Ingrid Enschede, Public Works Department, briefed the Councilmembers (see visual on file) on the Washington State Department of Health (DOH) approval of an upgrade to the Portage Bay shellfish growing area. She answered if they know why things got better, and spoke about several factors, but stated they cannot pinpoint one specific program or effort. She answered how long DOH needs to get good readings before the area can get an upgrade and stated they look for a sample set of 30 samples which can span over a little less than three years. She stated a press release will go out soon.

WRIA 1 Planning Unit update

The following people spoke:

- Chris Elder, Public Works Department
- Henry Bierlink, WRIA Planning Unit Agriculture Caucus

Bierlink updated the Councilmembers on what the Planning Unit has been working on, including land and water integration policy and how they can ensure that what they plan in water planning is the same as what is being done in land use planning. He and Elder spoke about the West Ferndale rural land pilot study. Bierlink updated on other projects and future Planning Unit discussions.

Elder stated the Planning Unit had a recent update on the County's adjudication resources and will be getting an update from Department of Ecology's Robin McPherson at their October meeting.

Lummi Island Ferry

The following people spoke:

- Elizabeth Kosa, Public Works Department Director
- Laura Frolich, Public Works Department
- Roland Middleton, Public Works Department

Frolich read from a presentation (on file) and she and the speakers discussed with Councilmembers whether design changes (such as a smaller vessel or type of propulsion) can be made before triggering the Federal National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA) processes. They discussed that it would essentially mean not continuing with the RAISE grant because of size change and time constraints and because the current design is what was used on the grant application, exploring whether US Department of Transportation (USDOT) might grant an exception or change of scope, and whether the County can even afford to accept the \$25 million.

Middleton answered how much longer (beyond the one year minimum for the NEPA process) potentially having to go through an Environmental Impact Statement (EIS) process would take, and stated it would be lengthy. He spoke about other unsuccessful grants and stated the grant administrators told them they would not support lessening the size.

Councilmembers and the speakers discussed that the 34-vehicle level of service was developed through a long process and how it was determined, the lack of electrification infrastructure and the fact that it is not included in the projected cost, where that infrastructure would be located, whether they should also have conversations with the Public Utility District (PUD)

and Orcas Power and Light Cooperative (OPALCO) (Puget Sound Energy is the provider in the area) to see if they might have capacity to service this, and future relocation of the terminal.

Frolich played audio of an article on the Jones Act (Merchant Marines Act of 1920).

Clerk's note: The audio did not play on the meeting recording but the article which was read aloud is attached to the file in the meeting materials.

Donovan stated the County may have priorities for capital funds that they want to lobby the Legislature for and he would be worried about prioritizing the ferry for those capital funds over things that might address the housing crisis or other capital needs. They can ask for a lot of things, but if it drowns out their asks for other priorities he would be cautious. He stated he would like to hear more about the countywide district and if it would take some pressure off the Road Fund.

Scanlon stated it would be helpful to know all the costs involved (such as the \$8 million for the electrification infrastructure), and what impact all the financing options would have on the General Fund.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 12:30 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Cathy Halka, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription