

Whatcom County Council Water Work Session

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



Minutes - Draft Minutes

Tuesday, April 16, 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, OR CALL 360.778.5010)

COUNCILMEMBERS

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

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

Call To Order

Council Chair Barry Buchanan called the meeting to order at 1:30 a.m. in a hybrid meeting.

Roll Call

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

Absent: 1 - Tyler Byrd

Announcements

Meeting Materials

[AB2024-014](#) Meeting Materials for Water Work Session April 16, 2024

This agenda item was RECEIVED.

Water Issues Update

Gary Stoyka, Public Works Department updated on the following:

- Adjudication: Everything is indicating that the Department of Ecology (DOE) will file the adjudication case in Superior Court this month or the first few days of May. They are just starting to implement a contract with Aspect Consulting for technical assistance help in developing a water use calculator tool and written instructions on how to fill out the paperwork, conducting in-person and virtual public training and outreach events, responding to public inquiries via phone and email, and offering general assistance. The Public Works Department has also started working with the Administrative Office of the Courts so they can do coordinated outreach and set up a common county landing page (probably through the Executive's Office).
- They are working to finalize another grant with the DOE to do technical studies, they are working to complete the multi-purpose water storage study, and are working on the instream flow extrapolation study.
- They are working on a grant agreement for the Brian Abbot Fish Barrier Removal Board to work on four to five culvert designs in the Black Slough area. He answered whether the funds that they are going after were the funds in the 2024 supplemental budget, and if they are, whether they could be at risk since those become null and void should the Climate Commitment Act get repealed. He spoke about fund sources and stated this is a State grant. If the Climate Commitment Act gets repealed, however, it will have an impact on

flood and environmental programs.

- Public Works hired a natural resources specialist to help with the new culvert program. They have also hired an engineering manager and are in the process of hiring an engineer for that group. Once that engineer gets on board, they will solicit for an engineering technician.
- The next Watershed Management Board meeting is June 5, 2024 (the April 18 meeting was cancelled). He spoke about potential topics of discussion.
- The fleet electrification study contract will be next week as well as a contract with a consultant to do the climate element of the Comprehensive Plan.
- Next week, Chris Elder will be kicking off phase II of the Compound Flood Vulnerability Assessment.
- The next Water Work Session is May 14, 2024.
- River and Flood: They are still working on purchasing properties, and still waiting on FEMA for the second round of buyouts and elevation money for people to elevate their homes. They are working on an application for the next round of the Floodplains by Design grant and are also continuing to work with Canada to come up with a comprehensive flood strategy for the Nooksack overflow area and other flood issues.
- The Truck Road repair project bids are scheduled to be open this afternoon.
- They are close to hiring a river and flood administrative manager position, and they are recruiting for a river and flood engineering technician.

Raylene King, County Clerk for Superior Court, answered when they will actually need the expanded court space for adjudication work and stated they need it sooner than later and spoke about why.

Stoyka answered what the multi-purpose water storage is and whether it looks at the entire river. He explained what it is for and stated it is for the entire Nooksack basin.

Stremmer spoke about other places in the state that have done some comprehensive river programs.

Scanlon asked about the delays with FEMA for the next round of buyouts, whether we are seeing other delays with FEMA commitments in our county, and whether it would be helpful to have Congressman Larsen give them a

call. He stated he would check with River and Flood to see if they need any assistance for it.

Marine Resources Committee Annual Report

Austin Rose, Public Works Department, read from a presentation (on file) about the history of the Marine Resources Committee and the projects they are involved in. She answered whether there are Pacific oysters in North Chuckanut Bay and stated there are. They have been trying to use Pacific oyster shells as substrate for the Olympia oysters but so far it has not been working well because they like a hard, rocky substrate. She answered why the Beach Seine with Kids program did not involve all the school districts, and stated they are trying to broaden the program but it is just a capacity issue at this time. She answered whether there are more resources to deal with derelict vessels and whether the State tries to recoup some of the costs from registered owners. She spoke about the Department of Natural Resources Derelict Vessel Remover Program and stated the County is also working on a local level to develop a program and a process to follow.

Drayton Harbor Shellfish Protection District Recovery Plan

George Kaas, Drayton Harbor Shellfish Protection District Advisory Committee Chair, introduced the presentation.

Ingrid Enschede, Public Works Department, read from a presentation (on file) on the history of the formation of the shellfish protection district and the advisory committee. She stated they are here today to talk about the next update to the Shellfish Recovery Plan and keep talking about the work that they need to keep doing to protect water quality in the Drayton Harbor watershed. She gave an overview of what is in the 2024 Shellfish Recovery and Protection Plan and stated they will talk about the recommendations developed by the advisory committee for continued action.

Kaas read from the presentation about how the committee developed the recommendations and went over the new priorities in Appendix A.

Enschede, Erika Douglas, Public Works Department, and Kaas answered questions about the recommendation to combine individual shellfish protection districts in light of the fact that Birch Bay overlaps and is paired up with the Birch Bay Watershed and Aquatic Resources Management (BBWARM) District, making it very different from the other two protection districts. A proposal to combine the districts would involve amending the Whatcom County Code which would have to be approved by the Council.

Kaas continued with his presentation and Steve Seymour, Drayton Harbor Shellfish Protection District Advisory Committee, spoke and answered questions about the new priority (under Urban Areas) to explore options to reduce the shellfish harvesting closure zone around the Lighthouse Point Water Reclamation Facility outfall on the outside of Semiahmoo Spit.

Kaas continued and finished the presentation.

Rick Beauregard, Drayton Harbor Shellfish Protection District Advisory Committee, summarized three iterations of the shellfish protection district. First, they spent a lot of money and effort to replace the old sewage treatment plant, which had an immediate positive impact on water quality. Then they started looking at improving water quality upstream and worked with the agricultural community on managing their nutrients. And now, there has been some regression (downgrades) in the last couple years, so they will start to focus on prevention from the “triple threat” of growth and development in the county, aging urban infrastructure in the City of Blaine, and climate change and sea level rise.

Scanlon asked what lessons we learned in 2007 to help us now going forward. Enschede stated they have learned that they are never done and these are really ongoing efforts. Douglas stated some things in the 2007 plan are ongoing and it is going to take community stewardship and continual engagement in long-term solutions.

Kaas and Katherine Garrah, Drayton Harbor Shellfish Protection District Advisory Committee, answered a question about what it means that there has been a change in soil and water chemistry. Kaas stated it is what is being released into the water that has changed. Garrah stated water is a matrix and there are conditions that affect it such as pH, carbon dioxide, oxygen, metals, nutrients, bacteria, viruses and other pathogens. These are the things that need management and have changed, along with the activity levels of those elements.

Enschede stated they will be bringing a resolution to Council on May 7 to approve the 2024 plan. She answered if there will be budgetary implications of the changes and stated there will not.

Clerk's note: Kurt Baumgarten, Drayton Harbor Shellfish Protection District Advisory Committee member, was present but did not speak.

Pollution Identification and Correction (PIC) Program Agricultural Cost Share Adjustment Recommendation

The following people read from a presentation (on file):

- Ingrid Enschede, Public Works Department,
- Corina Cheever, Whatcom Conservation District

They gave an overview of the Agricultural Cost Share Program and talked about a need to adjust it to increase the maximum cost share amount. Right now, it is 75 percent of the total cost of the project (recommended infrastructure changes), up to \$3,000 and they are recommending increasing that to \$4,500 due to inflation. Cheever explained the program and gave examples of success stories. Enschede stated the budget would remain the same so it might mean that fewer, but good quality, projects get done. It would just be a small administrative change to their interlocal agreement with the Conservation District, but they wanted to bring it to Council's attention.

They answered how many projects a year can be done, why there has been a reduced interest in the program and how this could help, and whether there is anything in this program or in another fund for maintenance. They stated there is not, but they are trying to get ahead of potential breakage by building infrastructure that will last.

WRIA 1 Planning Unit update

Chris Elder, Public Works Department, introduced the discussion.

Dan Eisses, Birch Bay Water and Sewer District and WRIA 1 Planning Unit, gave an update on Planning Unit activities. He stated the Planning Department came to the Planning Unit meeting in January to say they are kicking off the Comprehensive Plan and to ask the Planning Unit for advance comment. Planning requested comments to be submitted within a month which is hard for the Planning Unit to do. He stated they have been sending letters to the Council over the last two years regarding the upcoming Comprehensive Plan, a lot of which had to do with tying water use to land use and making sure that there is water supply for how Whatcom County is zoned. Elder was able to go back through the record for the last two years and put those letters together, then the Planning Unit was able to edit them and send them to the Planning Department. He stated Elder is still working on the West Ferndale study and trying to get a consultant on board to see if there is enough water supply for the zoning out there.

Elder stated he also gave the Planning Unit an update on the Phase II flood vulnerability assessment project and they discussed that briefly.

Buchanan asked if anyone had public comment and the following person spoke:

- Ryan Bowman

Other Business

There was no other business.

Adjournment

The meeting adjourned at 12:24 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Cathy Halka, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription