

NOOKSACK WATERSHED  
READINESS ASSESSMENT  
PROCESS AND  
RECOMMENDATIONS

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## INTERVIEWS & OUTREACH

- The first step in our process was to meet with legislators to discuss Whatcom County's interest as a convenor to develop water solutions.
- Legislators generally expressed support for a facilitated engagement to solve water challenges with key watershed interests. Some made that support contingent on adjudication funding also being appropriated.
- Most acknowledged the benefits of running a parallel process to negotiate a collaborative, long-term water strategy along with an adjudication.
- Many emphasized the importance of Tribes participating in the process to achieve successful outcomes.
- We then interview 25 individuals and representatives from Whatcom County from different communities and perspectives.

## AGRICULTURAL INTERESTS

- Concern that adjudication will result in the end of the regional agricultural community.
- Goal of maintaining 100,000 acres of farmland in the basin – don't want to sell off and subdivide.
- Adjudication limited to confirming scope of water rights – not solving broader challenges such as salmon recovery, habitat restoration, and overall watershed health.
- Generally, very supportive of a Solutions Table and agreement to participate.

## CITIES

- City of Bellingham is supportive of a Solutions Table, as long as the process runs in parallel with an adjudication. They want to be part of a regional water management solution.
- Bellingham is interested in creative ways to support agricultural producers' needs, while meeting the goal of not expanding urban sprawl.
- Bellingham wants the Solutions Table to focus on water rights and stream flow and to only expand scope if progress is made on water resources.
- City of Lynden believes the Solutions Table is promising and committed to being an active participant.
- Lynden has a lot of experience engaging in watershed efforts and is concerned that such efforts haven't resulted in sustainable solutions. They recommend modeling a collaborative process after the Dungeness Watershed Partnership.
- Lynden proposed addressing water resources as well as water quality, groundwater nitrates, tributaries, habitat, fish, connected water at Canadian border, agriculture and conservation practices.

## WHATCOM COUNTY PUD

- PUD neutral on adjudication but concerned that it alone won't result in better water management or a healthier Nooksack River system.
- Supportive of a Solutions Table to develop a binding agreement on a range of outcomes related to water resources and quality, salmon recovery, flood management, storage, healthy soils, and water conservation.
- Build on the Whatcom Water Management Board 5-Year Plan and better use data, technology, and engineering to solve the basin's water problems.
- Model a collaborative effort after the Walla Walla Watershed Management Partnership.

## ENVIRONMENTAL INTERESTS

- Salmon and ecosystem recovery is key and will make the basin more resilient. Multi-benefits can be achieved by making these connections with water resources solutions.
- Concerned about lack of progress in solving diminishing stream flows that are exacerbated by climate change and population growth.
- Support adjudication because scope of legal water rights must be determined to ensure a future for agriculture and will serve as a backstop if solutions aren't achieved.
- If a Solutions Table is launched, they would like a representative to participate to ensure that the environmental perspective is included.

## WASHINGTON DEPARTMENT OF ECOLOGY

- Ecology's current priority in the Nooksack Basin is preparing for and launching a water rights adjudication.
- They are taking very seriously the adjudication request petitions that they received from the Lummi Nation and Nooksack Indian Tribe.
- Ecology received the funds they requested from the Washington Legislature for preparation work needed to file an adjudication.
- They understood that a Solutions Table is not intended to interfere with preparation for or commencement of an adjudication.

## DIFFERENCE BETWEEN ADJUDICATION AND THE SOLUTIONS TABLE

- Purpose and result of a general stream adjudication:
  - Defines existing water rights in the entire basin – where; what; quantity; priority date
  - Groundwater and Surface Water
  - Minimum 10-15 year litigation
- The Solutions Table would run in parallel with the adjudication
- Develop long-term strategic plan identifying instream and out-of-stream solutions like operational changes, market-based mechanisms, natural and grey infrastructure, efficiencies
- Collaborative funding structure



# RECOMMENDATIONS

- Irrespective of adjudication, declining salmon runs, increasing drought conditions, shrinking glaciers and snowpack, as well as other climate change impacts, coupled with a growing population, will require a comprehensive plan to be developed by local water stakeholders and jurisdictions to address ongoing water challenges.
- An adjudication will not solve the main water challenges. It is a court proceeding that is strictly limited to determining the extent, validity, and priority of water rights through litigation and will not develop or fund water solutions.
- We recommend convening a Solutions Table focusing on development of a long-term strategic plan, including funding mechanisms, to meet existing and future instream and out-of-stream water demands and solve other watershed-related issues.

# RECOMMENDATIONS

- Participation by the Lummi Nation and Nooksack Indian Tribe is critical for success.
- A Solutions Table is not a substitute for adjudication and should run in parallel.
- The Watershed Management Board work can be built upon to support the Solutions Table, including reliance on the Regional Water Supply Plan and technical information that has been developed over the years. Collection of this data is ongoing through the Drainage-Based Management process and development of a Data Integration Portal.
- The first outcome of a facilitated Solutions Table will be agreement by the participants as to the scope of the water-related matters to be addressed.
- Many interviewed expressed appreciation for the County's leadership as convenor.

## SOLUTIONS TABLE NEXT STEPS

- Develop draft list of potential water supply projects by sub-basin
- Compile existing data and identify data gaps
- Develop draft list of Solutions Table Invitees
- Develop draft Operating Principals
- Develop proposed meeting schedule
- Convene Solutions Table in early 2022
- Compile Desired Future Conditions by Sector

# QUESTIONS AND DISCUSSION