

Whatcom County Council Water Work Session

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



Minutes - Draft Minutes

Tuesday, May 14, 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 10:01 a.m. in a hybrid meeting.

Roll Call

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

Announcements

Meeting Materials

[AB2024-015](#) Meeting Materials for Water Work Session May 14, 2024

This agenda item was RECEIVED.

Water Issues Update

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

- **Adjudication:** The Department of Ecology filed the water rights adjudication on May first. The next steps will be the summons being sent to water right holders in the summer or fall. Public Works staff has developed a communications team and common landing web page for the County. They are getting started with implementing the County's contract with Aspect Consulting to assist with outreach and education and he described what the consultant and Public Works will be doing in the coming months. Public Works staff has been working with staff from Facilities, Parks, and the Treasurer's Office to try to compile all of the properties that the County has (both water rights they have on record and any exempt well uses they may have).
- **Technical studies:** They are continuing to work on the Ground Water/Surface Water Interaction study, they are getting closer to completing a multi-purpose water storage study and expect to get that done in about a month, they are working on an instream flow extrapolation study to help them understand how much water fish need and the anticipation is that the Tribes would use that information to make their claim for off-reservation water rights, and they are continuing to work on getting a grant set up to pay for all the studies.
- **Fish barrier removal:** They are working on fully staffing the culvert fish barrier removal group.
- **The next Watershed Management Board meeting is June 5 and the topics will be the development of the next five-year work plan and a status update on many of the recent studies.**

- Climate action: They are moving forward with their fleet electrification and charging infrastructure studies, and with the process of incorporating climate into the Comprehensive Plan, and they are planning for program budgeting for the next biennial budget.
- The next Water Work Session is scheduled for June 11.
- River and Flood: They have not purchased any additional properties since the last Water Work Session meeting but there is one pending and four they are getting appraisals on. All five of them will be purchased with Floodplains by Design money. They just received the elevation grant from FEMA that will provide money for people to elevate their homes, they just submitted their next round of Floodplains by Design grant applications for \$10 million, and they are continuing to meet regularly with Canadian counterparts on cross-border flood issues. He answered questions about the efficiency of how they meet as three separate tables.
- Capital Program: The Truck Road project bid came in and they are moving forward with implementing that project this summer.
- Public Works' new River and Flood Manager (Julie Anderson) started on May 6. The main goal of that position is to take over a lot of the administrative work of the flood division.

He answered where the County is a water rights holder and stated they are trying to figure that out but think it is mostly parks. He answered when the County will get the adjudication summons from the Department of Ecology and stated it will be at the same time as everyone else. He answered whether Culvert remediation projects are all on County right-a-ways and stated they are associated with county roads. He answered why the city of Abbotsford in Canada has someone at the table for the inter-country task force but Sumas and Everson do not, and stated it is something the State and Province decided on.

Birch Bay Watershed and Aquatic Resources Management District Rate Study - Revenue Requirements and Rate Design Alternatives

Holly Faulstich, Public Works Department, introduced the discussion and the following people read from a presentation (on file) regarding the revenue requirement (the financial plan), the existing rate structure, the alternative rate structure, and next steps:

- John Ghilarducci, FCS Group President and Principal
- Tage Aaker, FCS Group Senior Project Manager

Ghilarducci, Aaker, Kraig Olason, Public Works Department, and Faulstich discussed the item with Councilmembers and answered questions.

They answered what capital expenditures were considered in the study, what the likelihood is that there would be no Road Fund participation (represented as Scenario 2) to share some of the cost of capital projects, the intention to use the Road Fund on a case-by-case basis depending on what portion of a project is a road, which current density tier most single-family properties are in, what sort of a public engagement process would take place to start implementing a new rate structure, whether there is any impact or late-comer fee or whether current properties are subsidizing development that will happen later, when they would use the Road Fund if it is on a case by case basis, what the impact would be on the Road Fund if the rate structure includes that, the fact that Scenario 1 would use about \$4 million of Road Funds, why the recommendation is to significantly increase rates in the first five years and whether there is a possibility of spreading them out over ten years, what the consequences might be for development if the density tiers are eliminated from the rate structure, whether there is anything in place to help people who do projects on their own that help with run-off, and whether there is any way to lessen the hit for those who would have the greatest rate increase.

Jane Mauk, Birch Bay Watershed and Aquatic Resources Management Advisory Committee, spoke about the committee's perspective and that at some point the district needs to start funding themselves because they keep hearing from neighbors about why their project is not on the list. She stated if they can mitigate the five-year rate increase ramp that would be wonderful, and then how the County communicates the rates to those customers that are going to be impacted is going to be critical. The increase, however, is needed.

Lake Whatcom Management Program 2025-2029 Work Plan Development

Galloway spoke about a recent Lake Whatcom Policy Group meeting that was a work session to provide legislative and policy direction on the upcoming Lake Whatcom Management Program 2025-2029 Work Plan. She stated the reason she and Councilmember Donovan asked for Gary's assistance in bringing this conversation here today is because there is an opportunity now to get our council's feedback on the process so that, when they go back to the policy group in June, they can say they have engaged the Council and the Council has provided comments and feedback.

Gary Stoyka, Public Works Department, read from a presentation (on file) on Lake Whatcom Management Program 2025-2029 Work Plan development. He stated there are ten program areas in the current plan and they intend to keep those and add two more (climate action and forest

management). He summarized each program area, which existing actions or programs they propose to continue in the new plan, and new work plan items introduced and proposed for consideration for inclusion in the 2025-2029 Work Plan.

Stoyka, Councilmembers, and Cathy Craver, Public Works Department, discussed that the process for review and comment on private forest applications (program area #3 - continued actions) is something they discussed wanting to have a broader discussion about, whether there has been any recent look at what impacts boating has on water quality and whether boats can increase oxygenation in the lake (program area #6), adding a suggestion about taking a new look at potential zoning changes that would remove development units from the watershed (Policy Group input - Land Preservation/Land Use), getting a better sense of data for where they are (in terms of progress) in the State-mandated goal of reducing 31,000 pounds of phosphorus per year in fifty years from the start of the plan, what the method is for measuring how much phosphorus is being taken out and how big a factor filter vaults are in removing phosphorus, the fact that water body impairment is based on low oxygen which is caused primarily by too much phosphorus getting into the lake and also fecal coliform in the tributaries, having a model and metrics that show where it makes the most sense for the County to put money and where we are in reaching goals, what else can be done to reduce the cost of cleaning the water for drinking, what kind of increased activity is happening at the treatment level, and thinking about the 2025 legislative session and adding to the legislative agenda any changes they need from the Department of Natural Resources or the State.

WRIA 1 Planning Unit update

Dan Eisses, Birch Bay Water and Sewer District and WRIA 1 Planning Unit, stated Chris Elder is trying to get the Request for Proposal (RFP) out for the West Ferndale study and that should hopefully be done in the next week. He also stated the Whatcom County Coordinated Water System Plan has had a couple of good meetings. The preliminary information coming out of that is that the water associations do not seem to have quite as many connections available as the last go-around indicated. Some of that information is going to be good coming into that West Ferndale study and hopefully they can tie all that together in the next couple of months.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 12:18 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription