

Whatcom County Council Water Work Session

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



Minutes - Draft Minutes

Tuesday, February 13, 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

In the absence of the Chair and Vice Chair, Dana Brown-Davis, Clerk of the Council, called the meeting to order at 10:31 a.m. in a hybrid meeting.

Roll Call

Because there was not a quorum at the roll call, or a chair, Donovan nominated Stremler to chair the meeting.

Clerk's note: Stremler and Donovan were present at roll call, then Scanlon and Byrd joined the meeting later.

Present: 4 - Tyler Byrd, Todd Donovan, Jon Scanlon, and Mark Stremler

Absent: 3 - Barry Buchanan, Ben Elenbaas, and Kaylee Galloway

Announcements

Meeting Materials

[AB2024-012](#) Meeting Materials for Water Work Session February 13, 2024

This agenda item was RECEIVED.

Water Issues Update

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

- The Department of Ecology (DOE) is still on schedule to file for adjudication with Superior Court in April. Once they file, they will be sending legal notice to every single water right holder and exempt well owner in WRIA 1 (maybe around May or June). The grant approved by Council to provide technical assistance to some of those water users is now in place and Public Works is going through the process of selecting a contractor to develop a water-use calculator tool and written instructions for people on how to fill out their paperwork and respond to the court. He described other things the contractor would be doing.
- There is a second DOE grant which will help Public Works to provide funding to conduct technical studies.
- They are nearing completion of the current phase of the groundwater model and it is scheduled to be completed at the end of this month.
- They are working on the groundwater/surface water interaction study which will provide on-the-ground information that they can use to verify the groundwater model. Most of that is being paid for by a grant.

- They are near completion of a multi-purpose water storage study. Then they will develop the next steps, such as which storage solutions warrant further study.
- They are working on the next phase of the instream flow extrapolation study which will help them better assess the needs of fish.
- They are in the process of finalizing a \$5.517 million streamflow restoration grant with the DOE for the purchase of Phase II of the Stewart Mountain Community Forest. That means they have a total of about \$8.5 million in available grant funding between that and the Whatcom Land Trust's \$3 million grant. The purchase price is around \$16 million. He answered where the \$5.517 million grant came from and stated they will be looking at phasing that purchase since they do not have the money for the full purchase price.
- They are nearing completion of a boundary line adjustment for the Black Slough property in the South Fork, and once that is done, they can section off a house and about 40 acres of agricultural lands which they can then sell.
- Whatcom County is working with the Nooksack Tribe to support a grant application to fund implementation of natural storage projects associated with the Black Slough and Acme floodplain properties.
- He spoke about the topics of discussion in the last Watershed Management Board meeting and gave the date for the next meeting. At that meeting, they anticipate the agenda will include an update on the development of the board's next five-year work plan.
- Regarding the Climate Action Program, they just completed selection of consultants on two Requests for Proposal (RFPs). One was for a fleet electrification study and the other was for a charging station installation study.
- They are in the process of selecting a consultant to do the incorporation of climate action into the Comprehensive Plan.
- The next Water Work Session is on March 12, 2024.

He answered how the adjudication process starting in three months syncs with the other studies that are not yet complete. He stated ideally, they would have had these studies done ten years ago. They were able to use some of the money from the Legislature for outreach and to conduct the technical studies, and the hope is also that the Tribes and other big entities can come together and try to come up with some solutions to these water issues. He answered whether the comment period for the forms they are intending to send out has closed, and he stated he thinks it is closed but he is not sure.

Becky Snijder van Wissenkerke, Public Works Department, stated the comment period for the claims form is still open and closes March 2, 2024.

He answered what the back-story is on the Stewart Mountain area.

Donovan announced that Councilmembers Scanlon and Byrd had joined the meeting since the roll call.

Stoyka requested that they flip the order of the next two agenda items.

Overview of Lake Whatcom Management Program

This and the next item were flipped. See discussion on this item below.

Hudson Road Bridge Repair

Paula Harris, Public Works Department, stated they have been working for several years on a floodplain integrated planning process to try to update our Comprehensive Plan and integrate it with the needs of fish and the community. They have been focused, since the 2021 flood, on the acquisition program and got their first FEMA grant in November of 2023. They have also applied for other grants. She updated on technical analysis of river flooding, and a requested \$10 million of grant funding to advance all the projects they have been working on. She answered questions about gauging the Nooksack River, how they take advantage of knowledge that is in the community, whether they need anything from the Federal and State government to get better systems in place and more funding, and whether there is anything the Council can help with.

Elizabeth Kosa, Public Works Department Director, stated she wanted to say thank you to the Council, because part of the reason they got the FEMA money was because of the Council's support. Past emergencies are still emergencies, and continued support would be welcomed for people still suffering in those areas.

Harris read from a presentation about the Hudson Road Bridge Repair project. She spoke about the background of the project, why the bridge needs repairs, and a proposed path forward. The Washington Department of Fish and Wildlife (WDFW) will only allow a temporary repair with a condition that the County puts in a new bridge in five years. The opportunity here is that the County will get 95 percent reimbursement from FEMA and FEMA will fund a study to look at alternatives. She answered whether she

has any sense of the costs, whether there are any options for a level of repair, and whether any of the debris at the Turkington Road bridge makes its way down to Hudson Road. She spoke about a railroad bridge replacement just downstream that could undermine the Hudson Road bridge, and she answered whether the train bridge that goes over Jones creek is designed wide enough for the alluvial fan, and what she is hearing from property owners by the bridge about potential changes.

Overview of Lake Whatcom Management Program

The following people read from a presentation (on file) about the Lake Whatcom Stormwater Program.

- Kraig Olason, Public Works Department
- Cathy Craver, Public Works Department
- Cody Swan, Public Works Department

Olason introduced new staff members Alyssa Voelker and Daniel Hertel, read from the presentation, and answered questions. He stated he would address questions that have come up over time regarding the Lake Whatcom Stormwater Program, and gave an overview of the Stormwater Division's activities and program areas. He spoke about funding arrangements for stormwater programs, how they used the Lake Whatcom Stormwater Utility in 2023 and whether they are using it as intended, the various funding sources that fund the Lake Whatcom Management Program, and a goal of adding an extra capital project every other year and using the capital facility funds from the utility to pay for those.

Craver presented on an overview of the Lake Whatcom Watershed, and the Lake Whatcom Total Maximum Daily Load (TMDL) plan. She gave a history of the TMDL and what Whatcom County and the City of Bellingham are doing to meet the Department of Ecology's 50-year timeframe to bring dissolved oxygen levels in the lake back to water quality standards. She spoke about the areas in the watershed where they can deploy the most effective programming and projects and she and Olason answered questions.

Swan presented on the history and evolution of the Stormwater Capital Program as it pertains to Lake Whatcom. He spoke about routine maintenance of cartridge vaults and using lessons learned in that process that are then applied to retrofit projects. He and Olason answered questions.

Olason spoke about expenses associated with cartridge vaults, making sure they are strategically sited so that they are not intercepting off-site drainage

from forested or undeveloped areas, an example of a solution they found for the design and effectiveness of a specific treatment vault (Edgewater Lane capital project) that saved the County thousands of dollars, focusing on source control to reduce phosphorus input into streams which can be more cost-effective than attempting to remove it through stormwater treatment, how they measure what they are getting done, and how that fits in to their progress toward the 50-year goal. He and the speakers answered questions.

WRIA 1 Planning Unit update

Alexander Harris, Land and Water Policy Manager at Re Sources and WRIA 1 Planning Unit, stated the Planning Unit will be meeting in the next few weeks to talk about the Comprehensive Plan. They will deliver recommendations as a Planning Unit from their different caucuses to the consultants, who will then move that forward in the Comprehensive Plan process.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 12:40 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Cathy Halka, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription