

Report No. 2: Current Status: Whatcom County's Water Resource Planning Program

Whatcom Chapter - Citizens' Alliance for Property Rights (CAPR) – June 23, 2018

This report, the second in a monthly series, will summarize events since May 10, provide an overview of the process, describe the several local entities involved, and provide a calendar of upcoming events. These reports will be distributed widely and posted on our site, below, with underlined key resource documents and websites. Please support our efforts by donations or membership. Thank you.

Recent local water resource events:

Co. Council **Surface Water Work Session** May 15. The WRIA 1 Watershed Management Board (WMB) five-year implementation plan was discussed: <https://tinyurl.com/y8deeezz>

Some council members expressed concern over the limited role of the Planning Unit in water resource issues in general and the WMB five-year plan in particular. One member said the plan had no identified funding, and it looked a lot more like planning than implementation. Staff did not directly answer some questions. Council took no action; staff wants council to approve the document by this Fall.

Planning Unit regular meeting; May 23: Two PU caucus representatives were replaced: Port of Bellingham staff nominated Kurt Baumgarten to replace Sylvia Goodwin, who retired; Fishers' caucus replaced Terry Montonye with Shannon Moore, with Alan Chapman as alternate.

ESSB 6091: Rural Population Growth Estimate: **ESSB 6091** requires an estimate of new private wells over the next twenty years. The county contracted with BERK, the consultant that provided population estimates for the last Comp Plan update, to update their estimate and spread it out over the nine distinct areas into which the **staff team** has divided **WRIA 1**. Using an average household formation rate of 2.56, the **staff team** then will estimate the total number of households, hence the total number of private wells.

Consumptive use estimate: Technical consultant RH2 Engineering presented a preliminary estimate of the likely outdoor water use for lawn irrigation by rural households, which is a large fraction of total use in many cases. They intend to incorporate those figures into their report on estimating likely average total (indoor and outdoor) consumptive water use, due around June 1.

PU informed of **Watershed Management Board's** proposed five-year "implementation plan:"

The WMB has developed a five-year plan with broad scope they claim implements the 2005 Watershed Management Plan. The proposal is found here: <https://tinyurl.com/y8deeezz>

County staff reported **WMB** intends to get their five-year plan completed by August.

Some **PU** members raised the question of the **PU's** role in the **WMB's** plan.

County staff recited a summary of the steps that led to the plan. One revealing portion: staff claimed the 2010 Lower Nooksack Strategy, a precursor to the current proposed plan, was developed during a period the PU was not meeting. While strictly true, the statement obscures a larger truth: the PU was prevented from meeting during that period by action of the staff team.

The **PUD's** representative on the **PU** closed the discussion by stating emphatically that the five-year plan had to get done as soon as possible.

PU Governance & Funding Committee held June 13, Agenda: <https://tinyurl.com/ya3k3pd9> As of the preparation of this summary, no minutes yet available for PU Governance & Funding Committee.

Upcoming water resource events:

Planning Unit Meeting; Wed June 27, 6-8 PM; "Garden Rm", 322 N Commercial, Bellingham

Sources: WRIA 1 Watershed Management Project: <https://tinyurl.com/ybsq45mj>

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Identifying the entities involved in the WRIA 1 Watershed Management Project:

Water Resource Inventory Area 1 (WRIA 1) is one of the sixty watersheds delineated by Dept of Ecology (DoE) pursuant to RCW 90.54, the Water Resources Act of 1971, as planning and administrative boundaries. The Nooksack River basin is the main watershed for WRIA 1. They are also the planning boundaries for the 1997 Watershed Planning Act (WPA, RCW 90.82):

<http://app.leg.wa.gov/rcw/default.aspx?cite=90.82>

The local planning effort under the WPA is known as the WRIA 1 Watershed Management Project. Begun in 1998, it consisted of two required entities: the **Initiating Governments** (IGs): the county, Bellingham, Public Utility District and the two tribes; and the **Planning Unit** (PU), comprised of the IGs plus a wide range of government agencies and non-government water resource interests. The WPA vested **all** watershed planning responsibility in the PU. *The role of the IGs is to form the PU, its composition and mission.* The IGs also appointed staff from each IG to form a **Staff Team** (ST).

In late 1999, a new entity was formed by interlocal agreement between the IGs, with review and approval of the PU, called the **Joint Administrative Board** (JAB). It included the executive officers of the five IGs. Its scope of authority was purely administrative, eg: apply for grants, enter into and manage contracts, all for the purpose of aiding the PU in performing its duties under the WPA. Also, the IGs told the PU that the JAB would provide a means for the two tribes to continue to participate through a "government-to-government" structure. IN 2016 the JAB dissolved and its functions were assigned to the **WRIA 1 Watershed Management Board** (WMB – see 2016 item below).

In 1998, the legislature enacted the **Salmon Recovery Act** (SRA), RCW 77.85:

<http://app.leg.wa.gov/rcw/default.aspx?cite=77.85> . The geographic scope was the same as the WPA, but the administrative structures of the local processes were different. Because the subject matter of the two acts overlapped, the IGs, acting through the JAB, wanted to integrate the administrative processes for the two acts and did so in phases.

The final phase of this process was done through another interlocal agreement (ILA) adopted in 2016 by all legislative bodies of the IGs, dissolving the JAB in favor of a new entity called the **WRIA 1 Watershed Management Board** (WMB). Because of the need to integrate with Salmon Recovery, the state Department of Fish and Wildlife was given a seat on the WMB. The ILA:

<https://tinyurl.com/y9rseq16>

The IGs have established layers of administrative entities (bureaucracy) under the WMB umbrella, including the management team and some staff working groups and teams, all of which report to the WMB through the management team.

Also, the state Puget Sound Partnership designated the WMB as its local integrating organization (LIO). There is a separate LIO staff team, ie "work group", which reports to the management team. The personnel in these various entities often overlap. A list of current members of the management team and watershed staff team: <https://tinyurl.com/y7s9d7zh>

The various staff teams meet in private, although the meeting minutes of some of them *might* be found: <https://tinyurl.com/ybsq45mj>

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