

1 **WRIA 1 Planning Unit Meeting**

2 **November 28, 2018**

3 **Meeting Summary**

4 This summary captures key decisions and next steps from the November 28, 2018 meeting.
5 Digital recordings of the Planning Unit meetings can be found at the Planning Unit website at
6 www.wria1project.whatcomcounty.org.
7

8 **Caucus Attendees:**

- 9 **Agriculture** – Fred Likkel
- 10 **City of Bellingham** –Inactive
- 11 **Diking/Drainage** – Loren VanderYacht
- 12 **Environmental** – Ander Russell
- 13 **Federal Government** – Not Represented
- 14 **Fishers** –Shannon Moore
- 15 **Forestry** – Max Perry
- 16 **Land Development** – Perry Eskridge
- 17 **Non-Government Water Systems** – John Mercer/Skip Richards**
- 18 **Port of Bellingham** – Kurt Baumgarten
- 19 **Private Well Owners** – Molly Crocker
- 20 **Public Utility District # 1 of Whatcom County** – Steve Jilk
- 21 **Small Cities** – Mike Martin
- 22 **State Governments** – Kasey Cykler
- 23 **Water Districts** – Richard Banel/Dan Eisses**
- 24 **Whatcom County** – Gary Stoyka

25 ***Alternate caucus representative stands-in for the primary caucus representative during*
26 *agenda topic discussions when designated by the primary.*

27 **Others Present (based on sign-in sheets)**

28 Rob Haught	Rebecca Schlotterback	Carole Perry
29 Cliff Langley	Kathy Sabel	Jocelyn Leroux
30 Ingria Jones	Stephanie Potts	Stacy Vynne
31 Mike Curtiss	Caroline Chamblin	D. Ellen Baker
32 Mike Murphy	Dave Olson	Patrick Alesse
33 Jackque Fowler	Rebecca Cayen	Heather Good
34 Tyler Schroeder	Dave Onkels	

35
36 Kurt Baumgarten called the meeting to order at 5:30 pm.

37 **Planning Unit Motions That Passed¹**

38 **Motion** (Motion #1) by Richard Banel and seconded by Max Perry to approve the Agenda.

39 Vote:

- 40 • 14 in favor (Agriculture, Diking/Drainage, Environmental, Fishers, Forestry, Land
- 41 Development, Non-Government Water Systems, Port of Bellingham, Private Well
- 42 Owners, Public Utility District #1, Small Cities, State Government, Water Districts,
- 43 Whatcom County)
- 44 • 0 abstain
- 45 • 0 opposed

46 Motion passes

47 **Motion** (Motion #2) by Steve Jilk and seconded by Gary Stoyka to approve the November 8 and

48 corrected November 14 meeting summaries.

49 Vote:

- 50 • 14 in favor (Agriculture, Diking/Drainage, Environmental, Fishers, Forestry, Land
- 51 Development, Non-Government Water Systems, Port of Bellingham, Private Well
- 52 Owners, Public Utility District #1, Small Cities, State Government, Water Districts,
- 53 Whatcom County)
- 54 • 0 abstain
- 55 • 0 opposed

56 Motion passes

57 **Motion** (Motion #3) by Kasey Cykler and seconded by Mike Martin to elevate the Water Use

58 Efficiency program in the Plan Update and to come back and provide details at a project level at

59 a later date.

60 Vote:

- 61 • 9 in favor (Diking/Drainage, Environmental, Fishers, Land Development, Port of
- 62 Bellingham, Small Cities, State Government, Water Districts, Whatcom County)
- 63 • 0 abstain
- 64 • 5 opposed (Agriculture, Forestry, Non-Government Water Systems, Private Well Owners,
- 65 Public Utility District #1)

66 Motion passes

67 **Motion** (Motion #4) by Mike Martin and seconded by Perry Eskridge to adopt the policy

68 package on lines 9 through 14 of Handout #4 (the Planning Unit preliminary policy package

69 developed November 8, 2018).

¹ Note that motions (passed and not passed) are numbered in the order they were presented during the meeting.

70 Vote:

- 71 • 9 in favor (Agriculture, Diking/Drainage, Forestry, Land Development, Non-Government
- 72 Water Systems, Port of Bellingham, Private Well Owners, Small Cities, Water Districts)
- 73 • 3 abstain (Public Utility District #1, Whatcom County, State Government)
- 74 • 2 opposed (Environmental, Fishers)

75 Motion passes

76 **Planning Unit Motions That Did Not Pass**

77 None

78 **Other Items Considered (or Announced) By Planning Unit**

- 79 • The agenda was approved (Motion #1) with modifications to the order of the items.
- 80 Agenda Item #5 was moved to follow discussion of Agenda Item #8 Water Use Efficiency.
- 81 • The 11/8 and 11/14 draft meeting summaries were distributed with the agenda for
- 82 approval 11/28. Corrections to the 11/14 meeting summary were provided by the NGWS
- 83 Caucus in advance of the meeting. Proposed text changes to address the comments were
- 84 read and the Planning Unit approved the meeting summary with the changes (Motion #2).
- 85 • NGWS Caucus representative asked if Planning Unit members that reviewed the document
- 86 distributed by their caucus had any comments or corrections. The document was related to
- 87 the chronology of the WRIA 1 Watershed Management Plan and planning process and
- 88 minimum necessary elements to the 6091 document. It was noted that a favorable
- 89 comment had been received from the Fishers' Caucus.
- 90 • The Water District Caucus initiated discussion of the agenda item "Timing of Impact and
- 91 Offset". At the November 14 Planning Unit meeting, there was a technical staff
- 92 presentation on an evaluation of ecological impact and offsets needed for achieving net
- 93 ecological benefit. One of the assumptions in the presentation was that there is an
- 94 immediate impact from consumptive use. The Planning Unit should discuss the assumption
- 95 along with when the projects will be planned for delivering the offset water to the streams.
- 96 If the priority is for mitigation in-time and in-place, then need to consider the time lag
- 97 between when the water is used and when it reaches the stream. A consultant that has
- 98 done significant groundwater studies in Whatcom County and is working on the
- 99 groundwater model for WRIA 1 indicated that an average groundwater transmission time is
- 100 5 feet per day. Based on that estimate, consumptive use from a well that is 600 feet from a
- 101 stream that withdraws in July will take four months before the impact reaches the stream.
- 102 Therefore, under that scenario, the need for increased offset amount to the stream would
- 103 start on October 1.
- 104 Planning Unit discussion related to the above scenario included:

- 105 ○ Is it possible to evaluate the distance from the well to the stream? The distance from
106 the future placement of a well to the stream is difficult to establish until the landowner
107 plans for the installation. Looking only at individual parcels may also be a challenge
108 since multiple parcels may be under common ownership making it difficult to establish
109 where a house will be located and result in fewer wells than counting each parcel
110 individually. The BERK model that was used for estimating the number of future wells
111 is only a projection of where the growth will occur.
- 112 ○ The offset amount and whether it is in-time and in-place, whether it is an annual
113 amount and when it should be put into the streams (e.g., target low flow periods).
114 Highest priority is for in-time and in-place although the legislation recognizes that the
115 offsets may not all meet that priority. Both the Watershed Staff Team and Planning
116 Unit at different times have referenced the need for offsets to occur in the low flow
117 periods.
- 118 ○ Suggestions were made to consider for the Plan Update²:
- 119 ▪ Consider asking the County through the permitting process to condition distance
120 of a well to a stream if it is a fish-bearing stream so the well is drilled as far away
121 from the stream as possible.
- 122 ▪ Acknowledge the importance of the distance of the well from the stream and the
123 lag time between time of withdrawal and time of impact and address as part of
124 the Adaptive Management process.
- 125 ▪ State in the Plan Update that all or most of the offsets need to occur in the low
126 flow periods or critical periods for fish.
- 127 ▪ Recognize in the Plan Update that the goal is to balance requirements of 6091 to
128 prioritize in-place and in-time offsets with the WRIA 1 goals of increasing stream
129 flows in critical periods.

130 The Water District Caucus alternate’s perspective is that based on the assumptions in the
131 November 14 presentation to the Planning Unit and the ecological effects section in the
132 11/20 Draft Watershed Plan Update, the indication is that the Plan Update will not meet the
133 requirements for addressing impact without further actions for offsets or addressing the
134 assumptions in the ecological effects evaluation. The NGWS Caucus suggested that the
135 assumptions in the Ecological Effects Evaluation be discussed under the Watershed Plan
136 Update Draft agenda item.

- 137 • The Whatcom County representative initiated the discussion of the “Water Use Efficiency”
138 agenda item by reporting that the Environmental Caucus submitted a proposal to the
139 County Council to allocate budget to water use efficiency. \$50,000 of a \$200,000 allocation

² *Suggestions and points of discussion are only intended to show the range of information discussed. They are not intended to reflect agreements and/or consensus of the group.*

140 to 6091 by the Council will be dedicated to Education and Outreach for domestic and
141 agricultural water use.

142 The Environmental Caucus representative added that in addition to the allocation of
143 funding, their letter to the County Council requested that the Council provide direction to
144 the County's Planning Unit representative to support elevating county-wide water
145 conservation as a high-priority project in the Plan Update. Originally, several caucuses felt
146 that water conservation should be higher on the list of projects in the Plan Update and it
147 had been scheduled for discussion at previous Planning Unit meetings whether to elevate
148 the project in the Plan Update. Since the high priority projects in the draft Plan Update were
149 those with identified funding, the request for the budget allocation was made so that it was
150 at par with the other high-priority projects.

151 There was a brief discussion of whether Water Use Efficiency and Water Use Conservation
152 are interchangeable; the Environmental Caucus' perspective is that they are the same. The
153 NGWS Caucus expressed opposition to using the terms conservation and water use
154 efficiency interchangeably, and that a distinction needs to be made between using water
155 efficiently and conserving water.

156 Given limited funding, the Land Development Caucus expressed concern about including
157 agriculture in the water use efficiency/conservation in the program because the intent of
158 the legislation and Plan Update is to address domestic water use.

159 The Private Well Owners Caucus supports water use efficiency but would like more
160 information on how the \$50,000 for an outreach will be expended.

161 A motion was made (Motion #3) to elevate the water use efficiency program in the Plan
162 Update and for the Planning Unit to help define the program at a later time. A friendly
163 amendment to the motion was offered that would state the program would be consistent
164 with the first three pages of the Environmental Caucus handout; the amendment was not
165 supported. The PUD No. 1 and the NGWS indicated that they were not supporting the
166 motion given the lack of definition of the program.

167 • Gary Stoyka recapped that the outcome of the November 14 WRIA 1 Watershed
168 Management Board meeting was for the Initiating Government (IG) staff to discuss options
169 for bridging the different perspectives expressed at the meeting prior to the December 5
170 WRIA 1 Watershed Management Board meeting. The IG staff met earlier in the day and
171 conceptually discussed a tiered approach for fees, water use, and metering. The concept
172 will be discussed further by the IG staff with the goal to have something to bring forward to
173 the WRIA 1 Watershed Management Board on December 5th.

174 The outcome of the Planning Unit agenda item was for the Planning Unit to approve a policy
175 package. The question was posed whether the Planning Unit is prepared to vote on a policy
176 package. Points of discussion included:

- 177 ○ The County Council has not yet provided direction on policy issues and is scheduled to
178 do that on December 4th.
- 179 ○ Concerns by some IGs related to the spatial and temporal distribution of projects and
180 offsets to impacts. One approach for addressing may be onsite mitigation, which
181 addresses in-place and in-time. The on-site mitigation was not one of the projects in
182 the suite of projects.
- 183 ○ Consideration of whether there are opportunities to bridge the gap between the policy
184 positions of the IGs and the Planning Unit as presented in the preliminary policy
185 package.
- 186 ○ Perspectives of some Planning Unit members that the Planning Unit needs to make
187 their own decisions based on the different perspectives at the Planning Unit regardless
188 of the positions of the IGs. Perspectives of other Planning Unit members is that waiting
189 for the IGs to come to a resolution of their positions is information for the Planning
190 Unit to consider but does not preclude the Planning Unit from making their own
191 decisions.

192 A motion was made (Motion #4) to approve the preliminary policy package that was
193 prepared by the Planning Unit November 8th. As part of the discussion on the motion, the
194 procedural issues of voting on the preliminary package were raised including that if a vote is
195 taken, according to the Planning Unit's Process and Procedural Agreement, the issue cannot
196 be revisited unless there is a consensus of the Planning Unit. The perspective of some
197 Planning Unit members is that voting on the preliminary package as laid out on November
198 8th does not preclude the Planning Unit from voting on a different policy package later; it
199 limits the ability to vote on the same policy package. There was a suggestion for a
200 procedural motion within the motion to approve the policy package; the suggestion was not
201 supported.

- 202 ● The discussion of the draft Plan Update was initiated with Gary Stoyka reviewing that the
203 Watershed Staff Team is reviewing the draft Plan Update concurrent with the Planning
204 Unit's review. Planning Unit discussion included:
 - 205 ○ Some Planning Unit caucuses do not favor using the comment form that had been
206 provided for reviewing the Plan Update. It was explained that the comment form is a
207 way to provide a standardized approach for comments so substantive comments can
208 be reviewed in a sequential format once consolidated.
 - 209 ○ Clarification that the reason the Watershed Staff Team comment form with line
210 numbers references does not align with the November 20th draft Plan Update is
211 because the line references were made during the Staff Team review. Some of the
212 comments from Staff Team were to shorten and remove duplicative information in
213 sections, which was done in the November 20th version that the Planning Unit is

214 reviewing, which is why the line references do not align. Another draft is not
215 anticipated until all of the comments are received.

- 216 ○ Several Planning Unit members commented that the draft Plan Update is too long.
- 217 ○ Concern was expressed over the net ecological benefit section and assumptions used
218 to generate the conclusions. Some concerns expressed were related to the methods
219 used to evaluate impact and whether there are other methods that may be more
220 applicable for evaluating net ecological benefit. Other concerns expressed were similar
221 to those raised earlier in the meeting such as assumption of immediate impact and the
222 need to consider well location in proximity to the stream. It was noted during the
223 discussion that if there is an agreed to policy package the analysis can be updated to
224 reflect the policies (e.g., any changes to water use, offsets, etc.).

225 The NGWS Caucus noted that the timing of receiving the information on the ecological
226 effects evaluation was late in the process and did not provide sufficient opportunity to
227 thoroughly review and comment on the evaluation. Therefore, they suggest restricting
228 Section 4 to focus on fulfilling the requirements of the interim net ecological benefit
229 guidance. The remainder of the information can be included in the appendix as information
230 only.

231 The Fishers Caucus read comments from one of their caucus members regarding the water
232 use estimates and variable such as rainfall during the irrigations season, monitoring during
233 dry seasons to establish a baseline, the need to evaluate net ecological benefit for the
234 selected actions, and the need for more emphasis on strategies and actions to provide net
235 ecological benefit across the watershed.

236 The Water District Caucus suggested a mechanism for evaluating impact to the stream is to
237 consider the distance of the well to the stream and the time of travel as had previously
238 been discussed.

239 The NGWS Caucus reminded the Planning Unit that the addendum format that they had
240 prepared and distributed several meetings earlier focuses on providing key information
241 upfront and putting the rest of the information in appendices, similar to the inserted
242 comment on the uncertainty analysis section in the 11/20 draft Plan Update that suggests
243 summary statements in the plan content and the rest in the appendices.

244 The Environmental Caucus asked for clarification on whether Ecology considers the work
245 done to date if there is not an approved update and the process goes to rule-making. Kasey
246 clarified that rule-making is a statewide process and all comments are considered.

247 The Land Development Caucus reviewed the elements of the plan update that are required
248 by the legislation: identify potential impacts, identify evidence based conservation
249 measures, and identify projects to improve watershed health. Ecology's obligation is to
250 evaluate for net ecological benefit. The analysis should follow the four elements in the

251 interim guidance and if there are areas that need more information, then the information
252 should be added to the plan with an explanation for how it will be addressed.

253 The NGWS will put the information from the draft 11/20 Plan Update into the structure
254 they proposed in their addendum document with support of other Planning Unit members
255 that have technical expertise or plan writing experience. The County representative
256 commented that the Planning Unit can decide how they want to proceed with the draft Plan
257 Update, and provided a reminder that both the Planning Unit and the IGs need to approve
258 the Plan Update. It will be important to consider what is needed by the different groups as
259 changes are made to the draft Plan Update regardless of who is revising it. The NGWS will
260 move forward with interested Planning Unit members in restructuring the draft update.

261 There was discussion of the Plan Update approval process that was agreed to at the
262 beginning of the local process that involved an iterative process for preparing the update.
263 While the legislation reads that the IGs will develop the update in collaboration with the
264 Planning Unit, it does not say that policy issues need to be addressed; it reads that at a
265 minimum the update must include those actions that the Planning Unit determines to be
266 necessary. One suggestion is that the Planning Unit addresses the things they are required
267 to do according to the legislation and provide it to the IGs. It was noted that both groups
268 need to approve the update and the challenge is trying to bridge the gap in perspectives.

- 269 • Gary Stoyka provided a brief lead agency update, which included the County Council
270 approving the budget with an allocation to the 6091 effort as previously discussed and that
271 there is a County Council meeting on December 4th with the intent to present the draft Plan
272 Update to them and possibly a proposal from the IGs on policy issues.

273 **Actions and Follow Up**

- 274 • There were four motions passed by the Planning Unit.
- 275 • The NGWS Caucus with interested Planning Unit members are structuring the content of
276 the draft Plan Update using the addendum format previously distributed by the NGWS
277 Caucus.
- 278 • Agenda items for the December 5, 2018 Planning Unit meeting is continued discussion and
279 feedback on the draft Plan Update.

280 **Public Comment**

- 281 • Kathy Sabel commented that the IGs are part of the Watershed Staff Team so the Planning
282 Unit knows what the IG positions is, suggested considering asking the legislature for an
283 extension in January when they are back in session, and asked if the general public that are
284 not part of a caucus will be able to comment to the Council on December 5.
- 285 • Jay Markarian commented on Councilmember Sidhu's correspondence, status of the
286 technical staff that presented to the Planning Unit on November 14, and the plan update
287 and compliance with the legislation.

- 288 • Dave Onkels commented that the IGs and Planning Unit accepted the RH2 technical work
289 for the project, and the work completed by technical staff on behalf of their IG put the
290 Planning Unit in an untenable situation.
- 291 • Ellen Baker indicated that comments and feedback submitted on the draft Plan Update
292 should be accessible to the public, and commented that the authors of the plan update
293 should be identified.
- 294 • Roger Almskaar commented that there is not an Executive Summary of the plan update that
295 provides an overview of the document and purpose, and that there is not quantitative
296 evidence of domestic wells impacting stream flows.
- 297 • Wendy Harris commented that there should be a watershed by watershed characterization,
298 some of the terms in the draft plan update are not well defined, and anyone can setup a
299 farm in rural Whatcom County and have access to the well exemption for livestock water.
- 300 Meeting adjourned 8:10 pm.

DRAFT