

1 **WRIA 1 Planning Unit Meeting**

2 **December 5, 2018**

3 **Meeting Summary**

4 This summary captures key decisions and next steps from the December 5, 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** – Henry Bierlink

10 **City of Bellingham** –Inactive

11 **Diking/Drainage** – Loren VanderYacht

12 **Environmental** – Ander Russell

13 **Federal Government** – Not Represented

14 **Fishers** –Alan Chapman

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** – Paul Isaacson

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

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 Dan Eisses	Kathy Sabel	Rick Maricle
30 Jon Hutchings	Shannon Moore	Cliff Langley
31 Molly Crocker	Carol Frazey	Caroline Chamblin
32 Jocelyn Leroux	Dave Olson	Mike Curtiss
33 Satpal Sidhu	Ellen Baker	Jacque Fowler
34 Rebecca Cayen	Mark Sandal	Heather Good
35 Oliver Grah	Tyler Schroeder	Dave Onkels

36
37 Kurt Baumgarten called the meeting to order at 6:00 pm.

38 **Planning Unit Motions That Passed¹**

39 **Motion** (Motion #1) by Ander Russell and seconded by Loren VanderYacht to approve the
40 Agenda.

41 Vote:

- 42 • 14 in favor (Agriculture, Diking/Drainage, Environmental, Fishers, Forestry, Land
43 Development, Non-Government Water Systems, Port of Bellingham, Private Well
44 Owners, Public Utility District #1, Small Cities, State Government, Water Districts,
45 Whatcom County)
- 46 • 0 abstain
- 47 • 0 opposed

48 Motion passes

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

50 None

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

- 52 • The agenda was approved (Motion #1) as presented. Minutes from the November 28, 2018
53 meeting were not available, and will be presented for approval at the December 12, 2018
54 meeting.
- 55 • Gary Stoyka provided a reminder of the approval process diagram that was approved by
56 both the Planning Unit and WRIA 1 Watershed Management Board at the start of the
57 process and the detailed schedule for completing the update and obtaining approvals that
58 was presented at the Planning Unit's October 24 meeting. Based on the schedule, the
59 Planning Unit approval for the Plan Update is anticipated at the December 12th Planning
60 Unit meeting.
- 61 • Gary provided an overview of the afternoon's² WRIA 1 Watershed Management Board
62 discussion by summarizing the policy issue positions of the WRIA 1 Board members
63 including the Initiating Governments (IG). The goal of the meeting was to see if there was
64 agreement on the policy issues. While consensus was not reached, there were themes on
65 what was being considered including:
 - 66 ○ Four of the IGs agree with metering and the fifth IG could agree to the metering for
67 purposes of achieving consensus but does not feel it provides meaningful
68 information.
 - 69 ○ Withdrawal limits ranging between 350 and 950 gallons per day; there was not
70 agreement and several members expressed interest in the lower end of the range.

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

² December 5, 2018 WRIA 1 Watershed Management Board meeting took place from 1:30-3:00.

71 ○ Offsets should be at 150% of consumptive use.

72 The topics of fees and net ecological benefit were not discussed in depth by the WRIA 1
73 Board at the meeting.

74 Based on the schedule for completing and approving the Plan Update, the WRIA 1
75 Watershed Management Board will make their final decisions for approval on January 10th.

76 A tiered approach for water use, fees, and metering that had been briefly discussed at the
77 WRIA 1 Board meeting was reviewed. The Private Well Owners Caucus indicated that they
78 are unlikely to support a tiered approach because it sets up a system because it is not
79 equitable with those with more wealth having greater access to the water.

80 Planning Unit discussed the difference between the policy package they passed at their
81 November 28 meeting and the direction of the IGs. Points of discussion included:

82 ○ The Small Cities representative asked if the IGs were providing the information on
83 policy issues as a result of the Planning Unit voting on their positions at the
84 November 28 meeting. In response, Gary noted that the IGs are providing the
85 Planning Unit information on where they are at with regard to some of the same
86 issues since both the Planning Unit and IGs both need to approve the Plan Update.

87 ○ The Private Well Owners do not feel that the IGs or WST have provided a clear
88 position on the policies issues so that the Planning Unit knows what they are
89 proposing. Additionally, the IGs appear to support a metering program but have not
90 provided details about how a metering program would be implemented.

91 ○ The Fishers representative asked Ecology to provide the minimum requirements for
92 inclusion in a plan update that Ecology needs to establish compliance with the
93 legislation. The Adaptive Management section would then be written to include
94 reviewing the entire Watershed Management Plan with definite milestones and
95 commitments.

96 ○ In response to the Small Cities request for clarification on what it means to not be in
97 agreement with the IGs, it was noted that if the Planning Unit and IGs did not
98 approve a mutually agreed to Plan Update by the deadline, the process would be
99 turned over to Ecology. The Small Cities representative suggested that if the work
100 completed over the past 10 months is packaged and turned over to Ecology, it may
101 be an acceptable outcome. It is not likely that the Small Cities will change their vote
102 on the policy positions without a reason from the IGs for doing so.

103 ○ The Ecology representative reply to comments regarding the path forward if the IGs
104 and the Planning Unit cannot reach agreement on a Plan Update to approve referred
105 to the legislation, which provides two paths. One path is a locally developed plan
106 update and if the update cannot be completed, approved, and adopted by February 1
107 then it goes down the second path, which is state-wide rulemaking. With state-wide
108 rulemaking, Ecology will consider the work completed to date in WRIA 1 along with

- 109 the input and comments received from across the state. With regard to the second
110 question that had been asked about whether the draft Plan Update includes more
111 information than what is required by Ecology for adoption, the legislation identifies
112 what needs to be included and there are multiple people at Ecology that will be
113 conducting the review.
- 114 ○ The Environmental Caucus indicated that if the Planning Unit is unwilling to revisit
115 their policy package, which would take a consensus of the Planning Unit to change
116 the vote, then the Planning Unit is in conflict with most of the IGs on policy issues.
117 Under that scenario, there is not a path to a mutually agreed to plan update and it
118 does not make sense to continue working on a Plan Update that the Planning Unit
119 knows will not be supported by all of the IGs. It was noted that it is not a failure of
120 the Planning Unit's effort but that the timeline for completing the process was
121 unreasonable. Packaging the work completed and passing it on to Ecology does not
122 mean that the Planning Unit stops working on the larger water issues.
 - 123 ○ The Private Well Owners representative suggested that it may be worth using the
124 next meeting to lay out what should be included in a Planning Unit package to
125 Ecology.
 - 126 ○ The PUD feels the Planning Unit should continue with a plan to forward to the WRIA 1
127 Watershed Management Board representing what the Planning Unit was able to
128 accomplish. If the WRIA 1 Board and County Council doesn't approve it, then that
129 becomes the package that is handed off to Ecology.
 - 130 ○ The Water District Caucus noted that the net ecological benefit report had people
131 taking different paths of support. More time needed to be spent on the interim
132 guidance for addressing impact; most of the time was spent on consumptive use and
133 addressing offsets. There was insufficient time to accomplish both. If a plan update
134 moves forward, it should include a recommendation that more time needs to be
135 spent on the net ecological benefit.
- 136 ● Skip Richards, NGWS Caucus, presented an alternative draft Plan Update and described the
137 format, which included:
 - 138 ○ Consolidating all actionable items represent the main body of the update
 - 139 ○ Using electronic tools like hyperlinks to subsections and appendices from the main
140 body. This allows the reader that is reading the actionable items to link to a higher
141 level of detail if they are interested. It eliminates the need for the reader to scan
142 through pages of detail to find the pertinent information.
 - 143 ○ Moving all information that is not part of the actionable part of the document to
144 subsections (e.g., uncertainty analysis)
 - 145 ○ Housing all relevant documents as links in the appendices. The appendices should be
146 categorized with the actionable appendices first followed by the Ecology documents

147 and legislative information. The intent is that the update should contain all the
148 information necessary for anyone in the future to have all the information in one
149 place.

150 In addition to the structural changes, the NGWS Caucus expressed the need for an
151 electronic database for the Plan Update that is searchable with a dash board that provides
152 the status. The database should be part of the Monitoring and Adaptive Management and
153 there should be a data viewer that will chart or graph data gathered through the
154 monitoring.

155 In terms of specific changes to content, the NGWS Caucus provides the following
156 comments:

- 157 ○ Section 1.2 does not describe the iterative process beyond the diagram in the
158 appendices.
- 159 ○ Amend the Ecological Effects section so that it limits the statement to there was
160 preliminary work completed but it was not provided to the Planning Unit in time to
161 be considered and add the content as information in the appendices.
- 162 ○ Remove the Governance and Administrative section and provide language about how
163 the IGs and Planning Unit operate independently and that both IGs and Planning Unit
164 are involved in deciding when to undertake an amendment.
- 165 ○ Include statement about binding legal effect.
- 166 ○ Adaptive Management should be two years initially and in the adaptive management
167 diagram “relevant information from outside sources” should be part of the review
168 trigger.

169 NGWS suggested that interested members of the Planning Unit meet with some of the WST
170 members that have been working on the Plan Update to see if the two documents can be
171 merged.

172 The Fishers Caucus would like to distill the Plan Update down to what is required now for
173 approval and adoption.

174 Whatcom County staff that worked on the draft Plan Update noted that she had reviewed
175 the alternative update provided by NGWS Caucus and does not believe that excluding
176 Section 4.2 from the November 20 Draft Plan Update will meet Ecology’s needs evaluating
177 net ecological benefit. Additionally, there appears to be incomplete sections and
178 information that when completed may result in a lengthier document.

179 The Environmental Caucus is not sure that the Planning Unit will be able to approve
180 something that will pass out of the Planning Unit under the approval process in the Process
181 and Procedural Agreement. If that is the case, then should spend the time capturing what
182 the Planning Unit agrees on and the differences among caucuses.

183 The Water District Caucus noted that the Planning Unit meeting minutes include the
184 different perspectives of the Planning Unit Caucuses over the past 10 months and could be
185 part of the package to Ecology.

186 The Small Cities support the Environmental and Water District caucuses' perspectives and
187 also does not feel that a draft update can be completed that will be approved.

188 Land Development Caucus suggested an approach that would present a minority report for
189 the policy topics that are not required to be addressed, and a majority report for the rest of
190 the update that were agreed to including consumptive use, the projects for addressing
191 offsets, and evidence-based conservation.

192 The Well Owners Caucus expressed frustration with the non-negotiable positions that have
193 been taken by some of the IGs when the Planning Unit Caucuses have been asked to be
194 open to negotiating positions.

195 There was further discussion by the Planning Unit members about the legislation, how it is
196 written, and the responsibilities of the IGs and the Planning Unit as it pertains to writing the
197 plan update.

198 The NGWS commented that if the deadline is not going to be met, then Ecology can be
199 notified. This then frees up the Planning Unit to work on other efforts that still need to be
200 addressed.

201 A suggestion was made for a straw poll on whether to proceed with a plan update or
202 whether to wrap up the process and package the information for Ecology. The Water
203 District representative expressed interest in holding off on the straw poll because the
204 caucuses were not prepared for the question, and letting caucuses consider those options
205 prior to the December 12 Planning Unit meeting. Deciding on the path forward would be
206 the first agenda item on the 12th.

207 A motion to have the NGWS work with the Watershed Staff Team to reconcile the two
208 documents was withdrawn during discussion. The Environmental Caucus stated that by
209 merging the documents the assumption is that the Planning Unit is supporting the NGWS
210 document, and that has not been decided. Their caucus has provided comments on the
211 November 20 Draft Update distributed by the Staff Team and it raises the question of what
212 is done with those comments.

213 The Private Well Owners representative expressed the opinion that by the Planning Unit not
214 resolving the development of the document, the version that will move forward whether to
215 Ecology or the Council, will be the Staff Team's version of the document, which is
216 unreadable. Their Caucus does not want the Staff Team's version represented as where the
217 Planning Unit left off because it is not the Planning Unit's document. They do not want it
218 presented in that manner.

219 The NGWS Caucus indicated that short of direction to stop working on the Plan Update, the
220 Watershed Staff Team will continue to work on resolving Planning Unit comments.

221 **Actions and Follow Up**

- 222 • Agenda was approved as presented.
- 223 • Follow-up discussion of whether to continue developing a draft plan update or
- 224 consolidating information into a package to send to Ecology will be on the agenda for the
- 225 December 12 Planning Unit meeting.

226 **Public Comment**

- 227 • Carole Perry commented that there did not seem to be an appreciation of the Planning
- 228 Unit's work at the WRIA 1 Watershed Management Board and County Council meeting, and
- 229 to move forward without addressing the policy issues.
- 230 • Ellen Baker expressed interest in having comments submitted on the plan update publicly
- 231 accessible, and commented that the County Council took a straw vote on the policy issues
- 232 and did not seem to understand what they were being asked to vote on.
- 233 • Kathy Sabel commented on all the work completed and suggested the Planning Unit
- 234 continue working on a Plan Update.
- 235 • Shannon Moore noted that comments can still be accepted through Dec 11, commented on
- 236 the net ecological benefit and the need for a definition and process, and that there needs to
- 237 be recognition of the uniqueness of each basin.
- 238 • Dave Onkels commented on the metering discussion at the WRIA 1 Watershed
- 239 Management Board and the Council meeting, that metering will not measure impacts, and a
- 240 stream gaging project suggested by Steve Jilk from the PUD.
- 241 Meeting adjourned at approximately 8:15 pm.