

## Your Water Rights are Still at Risk!

### Whatcom CAPR Report # 10: the Planning Unit Role; County Water Resource Planning \*

The county's WRIA 1 website is still down: [wria1project.whatcomcounty.org](http://wria1project.whatcomcounty.org) . Attempted access now redirects to an improvised page: <http://www.co.whatcom.wa.us/1102/Water-Planning-WRIA-1> , where meeting dates are posted, along with a link to other current materials: <https://tinyurl.com/wria1project-dropbox> **NOTE:** the posted meeting dates are not always current.

**NOTE:** For brevity here, the term “6091 Update” includes the proposed and related **Addendum** to the County's **Water Management Plan (WMP)**. ESSB 6091 is the state “Hirst fix” law, passed in Jan. 2018. Aka “The Streamflow Restoration Act”, It requires completion of certain exempt well and stream flow/habitat actions by Whatcom County by Feb 1 2019. The key section is RCW 90.94.020: <http://app.leg.wa.gov/RCW/default.aspx?cite=90.94> .

The County's WMP for WRIA 1 was first adopted in 2005; WRIA 1 means the Nooksack River and coastal creek watersheds. Map: [https://fortress.wa.gov/dfw/score/score/maps/map\\_details.jsp?geocode=wria&geoarea=WRIA01\\_Nooksack](https://fortress.wa.gov/dfw/score/score/maps/map_details.jsp?geocode=wria&geoarea=WRIA01_Nooksack)

**Revised Meeting Schedule** for Planning Unit (PU), Water Management Bd (WMB) and Mgmt (staff) Team:

**Mgmt Team: Wednesday December 19;** 10:00 am--12:00 pm; 322 N Cmcl basement

[the agenda and materials will be attached to the sending email]

**Mgmt Team:** Thursday January 3; time/place TBA

**WMB:** Thursday January 10; time/place TBA

**PU:** Thursday January 10; time/place TBA

**NOTE:** this meeting schedule is subject to change based on decisions by PU, WMB and Mgmt Team

**County Council Schedule for 6091 Update review, approval:**

**Tuesday January 8:** Council discussion in daytime committee mtg.

**Tuesday January 15:** Final Council approval; transmittal to Ecology Dept (DoE)

**NOTE:** Because the PU failed to reach agreement on a 6091 Update at its Dec. 12 mtg, the council will probably discuss the matter at the scheduled meetings, but will not have an Update to review and approve.

**Final outcome of a year-long process:**

**There will be no 6091 WMP Update presented to Council in time to meet the Feb. 1 '19 deadline.**

At its December 12 mtg, the PU considered three options for moving forward on the 6091 Update. The Non-gov't Water Systems (NGWS) caucus proposed a last ditch effort by an ad hoc drafting committee that would begin meeting ASAP to try to write a version acceptable to enough PU caucuses to get it approved in time to submit to the Management Team at their December 19 mtg. The proposal generated so little enthusiasm; no motion to adopt it was made.

The PU then entertained a proposal from the Watershed Staff Team (WST) to assemble all of the key documents generated during the year and submit that package to Ecology. The idea being that DoE would use it in the rulemaking process that it now must undertake due to the county-level failure.

Mike Martin, Small Cities caucus, moved to adopt that approach. The ensuing debate consumed almost an hour of a two-hour meeting. The motion failed.

Dan Eisses, Water Districts caucus, moved that the PU ignore the deadline and keep working on an update. A summary of that action has been posted here:

<https://tinyurl.com/ya7wlrwg>

**Motion** by Dan Eisses [*Water Districts Caucus*] and second by Paul Isaacson [*Private Well Owners Caucus*] to continue working on the effort to come up with a plan, not to worry about the timeline, and do the following: 1. Prepare an index of what has been done, 2. Send a letter to Ecology to inform them the Plan Update is not done but is being worked on, and 3. Send a letter to the legislators expressing the same.

During the discussion, Dan suggested the PU work with an outline he submitted with comments to the staff version. The 2 items should be read together, and can be found here:

<https://tinyurl.com/y858mxc4>

The outline contains measures that appear designed to appeal to the Environment and Fishers, who had been the holdouts on the major policy issues of quantity, fees and metering. Given the solid vote at a prior meeting in favor of keeping the 3,000 gallons per day and no metering, the Water Districts' concept will face strong opposition.

**Role of PU in Watershed Management Board (WMB) Five-year Work Plan for WRIA 1:** The next round of PU input to the Work Plan is on hold, pending resolution of the critical 6091 Update issues cited above.

Now that the urgency of meeting the 6091 Update deadline has passed, the effort to re-integrate the PU into the workings of the WMB may start again. Wider support for that effort may be adversely affected by the antagonism between the watershed staff team and WMB on one hand and the PU on the other.

This conflict intensified during the 6091 effort, both over process issues and major policy questions: metering, fees, withdrawal quantities.

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