



## Clean Water Advisory Committee

October 17, 2024

**Committee Members in Attendance:** Lynn Bahrych, Jenny DeGroot, Bob Eagan, Vicki Heater, Ann Jarrell, Judy Meyer, Laura Pitts, Melissa Rohde, Kimbal Sundberg

**Ex-officio, County support staff, and members of public:** Krista Davis, Kyle Dodd, Susan Eshelman, Kelly Hamilton, Buck Smith, Kendra Smith, Cindy Wolf

9:01AM      **Convene meeting**      *Kimbal Sundberg*

9:01 AM      **Public Comment**      *none*

9:10 AM      **Business Operations**

- Welcome new CWAC member, Laura Pitts. Filling position #2 for SJI

Laura: I'm a natural resource project manager with the SJ Conservation District, I work on riparian projects. I've already been attending some meetings and excited to be part of the committee

- Approve October 17<sup>th</sup> Agenda – no additions/corrections, no objections, all in favor, the agenda is approved
- Approve August 15<sup>th</sup> Minutes –Judy moves to approve, Lynn seconds, the August Minutes are approved

9:04 AM      **Staff & Agency Updates**

- Ecology

*Kelly Hamilton*

Buck may pop in later but he's retiring at the end of this month (gasps of surprise around the virtual room)

Drought declaration extended through November, if you want more info on that please reach out

- Environmental Stewardship

*Kendra Smith*

Funding came through for the eDNA project, so we'll get started on that.

Krista put out a press release about upcoming weather for contractors and property owners, "Button up and Batten down". It's a public service announcement about atmospheric rivers this winter

We have a constructability contractor who has looked at the Bayhead culvert, and we'll use that information for some public engagement. Staying in contact with FEMA, they may call in an immediate need provision to direct money toward disaster relief rather than recovery, that's already happened before with this project

Susan: Tyler mentioned they're installing beaver analogs at JB farm in Crow valley and on Garrison creek and starting to harvest live stakes in upper part of Lake Zylstra and start to move them down throughout winter.

Harvesting stakes means to take a branch of a willow tree and plant in the ground. You can order them in different lengths, Land Bank has been finding more success with taller 6' stakes. Tyler is working on a plan

Bob: who's doing the work on Garrison creek?

Laura Pitts: largely the CD, the beaver analogs look great, we're already seeing some pooling, they were installed adjacent to some riparian restoration areas. The concept is to mimic what a beaver would naturally do. We've been using large diameter poles, driven in and layered with woody debris, mud and willow trimmings

- Kendra provides more information about how beavers select locations for dams at constriction points and how dams work – natural strategy to retain as much water as possible on the land, keep streams cooler

Melissa: We have a beaver building dams on our weir on SJI. We don't know who to talk to about the situation.

Kendra: you can talk to Laura at CD to me or to WDFW and we can offer advice. We can usually work with site conditions and aim to coexist. Beaver is the best way to restore a marsh. ACTION: Melissa will contact offline

Jenny: I'd love to see some photos of the beaver analogs in Crow Valley

Laura: our crew didn't see fish; installation was before rain and flow was restored. We'll monitor for damage

-More discussion of beaver dams and how they'll behave in winter weather, degree of flooding potential

Bob: my worry is the potential for flooding damage downstream. Beavers can put a large volume of water behind a dam, it can be a major flood if it washes out. Almost inevitable at some point. So, important to know what's downstream.

Susan: Attended a conference recently, discussion of beaver dams, using GIS to find best locations for analogs.

9:26 AM • Health & Community Services

*Kyle Dodd*

USGS recharge study – we've heard that the calibration of the soil/water balance model for Puget sound was completed, that's what they were waiting for, so should have a draft to review this month

Hannah Heights – we've finalized an agreement with Dept. of Commerce, our third since the emergency declaration, supporting reimbursement for hauled water while seeking another source. Ecology continues site characterization work there. We should get a summary report of that when that work is done

Kim: Is that just to measure PFAS or is there any proposed action to treat the contaminated well?

Kyle: Ecology's ongoing work now is part of site characterization. Their primary goal is to find a new source.

Bob: I worked with Paul Hart to do some testing, and Mauldins removed/extended surface seal on the #2 well.

Buck: I'm retiring October 31, I've been meeting with this group many years, I've known Bob Eagan for 33 years

Kelly will take my place on this committee, and Michelle Curtis will oversee processing water rights applications

-Everyone on CWAC thanks Buck, appreciate his dedication and attention spent on the SJI's; he'll be missed

Buck: spent more time on Cascade creek than many others in my career, it's important to me. Buck signs off

-Vicki and Bob have known Buck for several decades, tell a few stories about memorable things Buck did

9:42 AM      **Subcommittee Updates**

• Surface Water Subcommittee – *no September meeting*

• Groundwater Subcommittees

*Kyle Dodd*

We discussed hauled water – details around the availability approval process and reasons why people may apply for it. I produced all applications since the 1990's, 105 total. At times, well-drillers can't meet time frames for building applications, so they're submitted with hauled water approval

Bob: As a waterworks operator I find it hard to remove quality source of water when there's a willing purveyor

Vicki: we also discussed how, except for Hannah Heights, most water use is in the summer and for non-potable use. The purveyor needs to look at its value and priorities. Town of FH has allocated a certain amount of water to be used in their service area' it's a planning issue if volumes go out to areas outside service area. We also talked about fine-tuning the permit process for applying for water availability. The biggest concern is capacity.

9:48 AM      **Ongoing Business Discussion**

• Hauled Water & Comp Plan

*Discussion*

Kim: I pulled water certificates for town of FH and for Roche Harbor; for both those group A systems, use of water is restricted to service area. Could Kelly elaborate on Ecology's restrictions on this kind of water right?

Kelly: Buck spoke with AG's office in the past and they weren't concerned about hauled water out of service areas. For municipal water rights, place of use is the service area described in the water system plan. It would be good for these systems to put hauled water in their water system plans. But Ecology isn't worried about water being hauled outside of service area and doesn't have restrictions on that.

Judy: question for Kyle – is there a limited time on these permits to haul water during construction?

Kyle: the building permit requires an approved source of water at time of building and after that County is uninvolved. In our subcommittee meeting, we discussed providing a deadline and a mechanism to show a new source by time of occupation. But now County code still allows hauled water as an alternative source and that code would need to be changed to make a deadline like that effective.

Kelly: what if they drill and don't hit water and now, they have a brand-new home built? they may lose access to water if the hauled water is cut off

Kim: In 1987 we bought our property with a well contingency agreement saying I wasn't obligated to buy the property if there wasn't sufficient water. Should wait to build on property until it's known there's water on it

Kendra: is there an obligation that it might be a taking to not provide hauled water as an option?

Kyle: no that's just the way the drinking water code was approved. Commissioners believed water would not control growth and that's why we have these approvable sources.

Bob: Some pushback is that there's also a purveyor willing and able to provide service outside of their area. From a conservation standpoint if it's not negatively affecting their own constituents, it's a win. Consider Rosario and its capacity, they must be able to serve their preexisting area with their treatment facility but if they can also provide to other homeowners, it's a financial gain that can lead to improvements in the system. The opposition is about not wanting to put extra burden on the customers within the service area. Alternative water systems are not for the development of future tax parcels but for preexisting tax parcels. Now the radius around a well has increased and that adds to the sanitary burden for nearby neighbors.

Vicki: Kim, you bought your property in the 80's prior to growth management that defined the code. At that time SJC was the only county recognizing rainwater catchment as an alternative.

Kenda: as we update the comp plan and consider climate change and potential extension of the dry season, we must consider these things in that context. Town of FH has some tough decisions to make for their system. We must look more seriously at conservation, encourage switching to low flow and restrictions on irrigating.

Lynn: Once we get the USGS data, put together a county-wide water conservation campaign to raise awareness about the value of potable water and meaningful practices we can do to make a countywide effort. Also, there are people on Shaw that bought property with water but now wells are going dry. Hannah Heights is an extreme example, but at any time a domestic well can cease operating.

Cindy: first preliminary results from USGS study showed that we're primarily dependent on shallow aquifers with annual recharge. So, an educational campaign needs to be about not draining your own well, considering how to manage your water through dry season. Question for Kyle about: how many of those applications are for which island? I'd like to know who's actually using hauled water.

Kyle: it's a decent cross-section across islands. And yes, important to conserve and plan on storage if needed.

Kim: we have a salmon recovery plan that speaks to instream flow and surface water. But in Rosario, taking surface water to supply group A systems. More demand on those systems to supply systems outside of service area means using water to the detriment of the islands in places like Cascade and False Bay creek

Cindy: we pointed out to town of Friday Harbor (FH) that the water haulers are within their bounds. If FH is at capacity, those haulers must look for another source and that'll drive up costs.

Vicki: another idea from our Groundwater subcommittee discussion was of haulers needing to be permitted.

Kim: Could we propose some new language for a revised recommendation to the County? <Lynn agrees>

Kendra: Yes, the sooner the better for the comp plan and we can certainly tie it to the climate element where there's concern about desalination and its power use and potential implications for OPALCO.

Kim: I suggest we reconvene the subgroup that created original draft of the Water Element recommendations.

Bob: Our code is specifically written to not allow people to hoard or preserve a source of water so that others can't use it for beneficial use. I strongly advocate the need for us as a committee to view conservation as not abusing the water, not to mean not using the water. Find the best source possible at the least cost

Kendra: next week there'll be some popups for engagement with the comp plan. There've been some delays. Likely won't see the revised water element until Feb, now is a good time to hand in any additional thoughts

10:21 AM • CIP Update

Kendra Smith

Kendra shares description in CIP from 2022 regarding modification of dams at Zylstra, just remnants of language but really the work happening now is around planting and water quality improvement. We originally discussed this after flooding at end of 2021 and early 2022 and concerns about structural issues with the dam. So now I'd like to recommend adjusting that language to what I'm showing here (Kendra reads new description, makes clear focus is on improving water quality and planting) It mentions that this project collaborates with the Land Bank. Clarifies that should the dam need attention, there will be a public review process and there will need to be County council approval etc. There's no change in the dollar amounts in the CIP but this language change and two others makes everything clearer.

MOTION: Lynn moves to approve the amended language. *Hold motion* to vote on all changes together.

Kendra: the other two changes follow up on meeting with Jane Fuller yesterday – although Council has already approved these plans, she expressed concern about projects on Lopez. Public Works will also talk with her. Changes to language on the Hummel Creek project, some implications for sea level rise and septic systems – this project is primarily about water quality, but we'll open it up to the community. Questions about drainage and removal of the tide gate. So, we put in language about plans to work with VSP (Voluntary Stewardship Program) for upper watershed and we'll evaluate dynamics of the tide gate and share all information with property owners. Not necessarily proposing to remove or update tide gate – just clarifying language details. And the third change is for the Davis Bay/Richardson Marsh restoration to make it clear we're evaluating the feasibility of designing and implementing the proposed restoration work, because this is a small amount of money. Fuller was concerned that we were partnering with Friends of San Juans, but Friends had pursued the grant, our money was just match. This language change clarifies that this project is just at the feasibility stage

Cindy: Why are we taking this step here? Reconsideration of a motion approval must be done at a Council level.

Kendra: I let her know that CWAC would meet today about this updated language, and we'd bring it to Council November 5<sup>th</sup>. We still need to return to council to approve the Weeks Point Way project.

Cindy: This isn't proper procedure she must ask Council for reconsideration. Need to run this by the PA's office.

Kendra: would it be helpful to confirm advisory committee's approval first or wait until we get that approval?

Cindy: Need to hold this, it's not proper to spend time rewriting this on direction of a single council member

ACTION: then let's add this to the agenda for next week

-Lynn withdraws previous motion or let it stand?

-Kendra shares table with standardized rates showing a base rate and then a capital rate which is slightly less on Shaw. It's a balance of what's specified in code vs. what's needed in terms of resource.

Vicki: we are consistently asked to approve rates without being provided the information to review ahead of time. The budget requires being looked at carefully, but this committee needs the details in advance and more time to talk about. This wasn't on the agenda today, just the language about the Zylstra

Kendra: I'm sharing this more as a courtesy because it's actually Council that approves the rate, CWAC approves advancing the CIP. I'm sharing to show that we can make the rate slightly lower than code dictates and to show the recommendation I'm sharing with Council. But I can share it in advance if you want

Kim: initially San Juan Island was lower because town of FH was taking care of some water quality issues, so what's the logic behind flattening the rate among islands?

Kendra: previous auditor made sure we were building up capital reserves per island. That's what allowed reducing rates. Trying to standardize. We're at a better point now in the utility with water quality projects, there are grant funds we can access. We have issues with quantity (stormwater, flooding) which are more challenging to fund; that's why CIP is more focused on water quality, that's where we have grant money

Kim: Bayhead creek is about stormwater and capacity, right?

Kendra: yes and that's one for which we have FEMA funding. We don't have similar funding for some others

Kim: back to the motion regarding language about Zylstra in the CIP, can we just vote on that and not bundle it?

Cindy: But because the CIP was already approved, a council member must move to reconsider it before we spend time doing so. At that point we can direct Kendra to get approval from the advisory committee. It's not simple due to ensuring council's role as the fiscally responsible body to authorize Kendra's time

Kendra: the county-wide CIP isn't approved yet because of the conditional inclusion of the Weeks' way project

Cindy: this still needs to follow proper process according to County charter. We're going to need to go back and do that reconfirmation officially. You could vote on a recommendation to suggest reconsideration

Vicki: the CIP references harmful algae blooms and calls it toxic. Was it ever tested? Kim: yes, it was toxic

- Lynn modifies previous motion to a recommendation from the committee for all three language changes

Judy seconds, Kim calls the vote – no objections

MOTION is for CWAC to advise Council to recommend that Council reconsider the motion to approve the CIP in order that language in CIP can be modified to better reflect what's happening in these three specific ways.

All approved, so moved.

Kendra will work with Cindy and PA to ensure correct way to bring this to Council.

Kim: echo the request that we'd like information on proposed CIP modifications provided in advance so we have a better opportunity to review before we vote.

#### 10:57 AM **New Business**

- Sea Level Rise Vulnerability and Risk Assessment

*Kendra Smith*

There's a story map on the County's engage page, type in sea level rise. Nice story map to explain the thick report, you can navigate around and see expected levels. More to come over next couple of months

#### 10:58AM **Housekeeping**

- Vacant Seats remaining: District 1 (SJI) Position 1, District 3 (Lopez/Shaw) Positions 11 & 12

Kim is running down a few people who may be interested. We'd like to get the committee up to 12 people

- 2025 Meeting Dates

Will discuss at next meeting. For November meeting hope we can continue discussion of hauled water for the water element and then hopefully we can pass something on a recommendation at December meeting

#### 11:00 AM **Last report** - *let's put this on the agenda for next month*

Vicki: on the list of CIP rates, I represent the 'other'. Waldron gets no benefit from CIP rates. I'm working with other Waldron islanders to secure electric vehicles for access to Orcas via Deer Harbor. It's a mess in terms of parking and logistics. I'm proposing application for a grant for a couple of EV's and a charging station for people going back and forth to Waldron. Support from over 70% of respondents. That would remove 10-15 cars from the Deer Harbor parking lot. I'd like an endorsement from this committee. Application not due until the spring.

Kim: need to know how this issue relates to CWAC and Clean Water Utility

Kendra: may be more appropriate issue for Climate and Sustainability Advisory Committee

#### 11:04 AM **Adjourn Meeting**