



Surface Water Subcommittee

March 20, 2025

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

Ex-officio, County support staff, and members of public: Krista Chavez, Tyler Davis, Susan Eshelman, Ethan Schmidt, Kendra Smith

9:01 AM **Convene Surface Water Subcommittee Meeting** *Kimbal Sundberg*

9:03 AM **Public Comment** (Please limit to 2 minutes or less) *none*

9:04 AM **Comp Plan Water Element Draft Review** *Kimbal Sundberg*

- Discuss draft, review suggested edits

A lot of work has gone into this over many months. Everyone has the draft emailed by Tyler

Tyler: describes the color coding of edits. The bulk of our time will likely be spent on the goals and policies.

For Background/Intro section

Vicki: a few editorial comments, in this first part there's historic language, concepts behind some of the writing e.g. 'instream flow' is specifically related to water rights. But this document should just say 'stream flow'.

A reference to degradation of water i.e. pollution and uses the word 'conservation', but it doesn't fit there. I'm concerned because some of us on the groundwater committee went through with attention to wording that gets at county code. This document should be more of an overview, e.g., there's a list of naturally occurring contaminants, manganese has been added to that list, but that needs to be a change of code. This is more of an overarching document. On page 2 there's a list of plans related to coordinated water system planning, with the word 'potable'. But that system planning is directly related to Dept. of Health. And adding concepts of climate change to the document may skew the meaning of the original intention.

Bob: there's a reference to all fertilizers and I think it intended to say 'chemical fertilizers'. I want to be sure we're not lumping in all fertilizers. In Goal 3 Policy 3.1, 'Develop and fund programs to a) reduce the use of harmful chemicals including pesticides and all fertilizers'

Jenny: I'm curious why "instream flow" should be changed to "stream flow"? Shouldn't we be clearer?

Judy: if we can't be looking forward, what is the comp plan supposed to do? How can we make progress?

Kendra: the idea is to plan for growth, integration of climate because we see that things are shifting, baseline conditions are not the same as they were in 2004. We need to state where we are today. The goals and policies feed into update in county codes. But we want to make sure we're not putting in a level of specificity that should come out in the code. County needs to update our code. There will be opportunity to ensure things are codified that support the goals and policies written here. The first section is a recap and appendix with basic information. The goals and policies is where the rubber hits the road – the guiding vision for future updates

Vicki: There are some redundant points in the policies section, but my concern is that this document is many decades old, and the work we did in the past was so focused on water rights, drinking water, over-allocation, and capacity. There's terminology there that relates to that, like 'adequacy' that have meaning in that context.

Now including all waters along with marine waters. So, we just need to be clear about the legacy language.

- Kendra describes some recent communications with Council and issues with some redundancies

Melissa: there are a few policies about monitoring groundwater usage, but we don't know how much water we have in our aquifer. I'd like to see more hydrogeological studies that we can compare with volumetric pumping usage data. That's the only way to tell if we're sustainably using that resource

Kim: Vicki will provide notes to Kendra for the introduction. We're not going to leapfrog over that part

Any objections to moving forward onto goals and policies with just a few word changes to the background?

MOTION: Lynn moves for the surface water subcommittee to approve the background/intro section in the draft water element with a few minor changes to be made by Kendra based on Vicki's and Bob's comments. Judy seconds. All in favor, the motion passes. Next, let's dive into the goals and policies

9:30 AM **Review and Discussion of Goals and Policies**

Kendra: I found some redundancy and an overlap of requests, e.g. monitoring in both Goal 1 and 3. So I tried to streamline that. I've outlined the goals around 'manage water quantity', Goal 2 is 'protect water quality'. (Kendra continues to go through each goal.) We had a lot about monitoring and tracking, needing a water budget, so Goal 3 has the most policies under it. I tried to boil them down to four policies.

Any questions or feedback about that basic framework of goals?

Judy: I agree, but aren't we unable to allocate? Isn't that Ecology? How can we assure flows are allocated?

Kendra: right, County can work with State to encourage not over-allocating and support stream flows

Kim: I've been watching this for 25 years; the County doesn't often comment on Ecology's water rights allocations. There isn't real participation from the County. We've had a few rights issued in Crow Valley that may impact our goals and it's individual citizens who comment. Do we need to put something in that says the County will start commenting on these rights in order to meet the goals of this comp plan?

Kendra: yes, and maybe this will force the issue, the County needs to ensure water is adequately appropriated. The CWAC can encourage the Clean Water Utility and Health dept. to check those. That hasn't yet been identified in any code or standard

Kim: someone will need it budgeted into their job description to review those rights and make sure they meet the goals of our comp plan. And the comments by the County will mean more than a private citizen's.

Vicki: There used to be a concept of a water right review board set up by State Code. We determined that it wasn't feasible. It's not a simple process to look into these water rights issues. I like this policy, but it's not easily achieved. I don't think the word 'ensure' is feasible, this is a big effort.

Bob: We were trying to follow the model of an irrigation district, like Skagit, that reviewed water rights. It just didn't fit for SJC. I understand it's difficult to feel comfortable with Ecology but I don't think they haphazardly hand these rights out. They're well-advertised, everyone in the watershed should know

Jenny: I disagree, I think Ecology passes a lot that seem against what our salmon recovery work is trying to do. We've asked Ecology reps in these meetings to include us, and they say it's publicly available, but I often feel I don't know what's going on with these rights. They impact so many of our existing plans and they're happening at such a quick pace – especially with instream flows for agricultural lands – it's hard to get a handle

Kendra: you've highlighted good points for why we want this policy. We should set up a subcommittee or our team here working with Health dept to sort out how to divide and conquer covering these

Lynn: I'd be happy to be on a subcommittee to review those. I think it's essential

Kim: In some cases, County may recommend the applicant hire a hydrogeologist to assess. And much of the time they're required to monitor and provide data, but I don't see that they're doing anything with the data

Kendra: if we have a touchpoint at the beginning and know what's issued, and tie that back to Goal #3 monitoring and tracking so over time we will have a better understanding of whos' using what where.

These first three policies are ok, I note Vicki's comment about 'ensure' but that will give us cover to make the argument that we must looking at these, up until now we've had no marching orders to give this attention.

- **Goal #2 to protect and improve quality**, trying to get at multiple issues i.e. ‘seawater intrusion’, contaminants in water systems, etc. Making sure whatever we need to have in code gets in there. The second policy to maintain stream buffers and stormwater treatment to remove contaminants and improve habitat. Ensuring that facilities and agricultural practices improve water quality. And thirdly, to ensure septic and water systems are addressed with respect to sea level rise. Recognizing some approved systems may not be able to stay where they are because of impacts to water quality.

Judy: as for group A and B systems, doesn’t that fit better into the Goal #3 around monitoring? I agree with what’s in 2.2 but that assumes buffers are the only way to address ag contamination. Also, other mitigation

Kendra: we could add more detail in there e.g., manure management, bioswales, etc.

Judy: I want something more directed toward better agricultural practices, this is all urban

-Kendra suggests new phrasing, Judy approves

Kim: I’d like to see some acknowledgement in Policy 2.3 about septic system monitoring, i.e. “not just for sea level rise, but maintain and improve the onsite septic system program ...system maintenance and operation reporting for septic systems in the County” and then some wording about sea level rise/

-Kendra has that wording, Kim approves

Kendra: we have an EPA grant to address onsite septic, \$180K over next two years. We’re working on better mapping of septic systems & outreach to people in those areas. That’ll help Health Dept. to do technical assistance. Code can include incentives and penalties to ensure people are addressing it. Thumbs up on Goal 2.

10:01 AM **Discuss Goal #3**

Kendra reviews the policies; develop a robust quantity monitoring program, knowing where Group A & B systems are (a broad category of water assets covering both public and private systems) and water quality.

Judy: is this where Melissa’s comments about understanding water quantity fit in? It doesn’t say anything about how much there is. Should we mention something about a hydrogeologist in this section?

Kendra: could say “water resources – quantity, quality, and use” And yes, we’d need a hydrogeologist.

Melissa: maybe ‘hydrogeological studies’ would be broader? There’s no indication here that we should be doing more in-depth studies. In addition to metering use, we need to call for voluntary groundwater monitoring studies where well-users share data with County. There should be incentives to provide that data in addition to more advanced studies to give us better info about water storage. Not just metering

Kendra: so under 3.2, could say, via hydrogeological studies and “support the establishment of localized water budgets with information generated through hydrogeological surveys and surface water hydrogeological analysis to ... “ will finesse that a bit more. We need to approve it by whole group and then send it off

Vicki: I love this section, I’m very much in support. It’s ambitious, picks up the ball we dropped a decade ago. I love that you put in here, ‘local water budgets’ that’s the key to this focus

Bob: I’m with Vicki, I’m into this. But this is an aggressive and difficult thing for the County to do

Kendra: we haven’t hired a hydrogeologist yet. We’ve hired one as a consultant and money has been allocated that hasn’t been used. If we say now this is something we must do, like with Fisheries, focus on certain key locations with water resources and spend more energy around that going forward.

Kim: I’m adding my support, this is what we’ve been trying to get going in the County for a long time. There are hydrogeological studies available, but they’re site specific and there’s so much variability in SJC. Some of us monitor our own wells and collect static water samples, need to collect it into a database. There’s been no coordinated program. County should be the lead on this. Just need to figure out how to fund it.

Melissa: Here is a good example of a state supported voluntary groundwater monitoring program,

<https://water.ca.gov/Programs/Groundwater-Management/Groundwater-Elevation-Monitoring--CASGEM>

10:21 AM **Discuss Goal #4**

Kendra defines 'development' in this context, reads verbiage and describes policies under this Goal; promote ag best practices, VSP, protect & conserve. Thinking through the lens of doing everything to mitigate impacts
Kim: don't we already do this in Policy 4.1, Health dept issues a certificate of water availability. But the question of preventing impairment is the key piece. They look at whether water supply is available/ adequate for number of bedrooms and look at impairment of neighboring wells. They don't look at fish and wildlife.

Question about 4.2, what's a leaky pond?

Judy: could be that it's leaking to the stream, and invasive fishes? Are these ponds with permeable bottoms?

Kendra: that was my attempt to address a previous comment. How about permeable-bottomed pond?

Kim: is this really an issue? I don't know if we should include this

Kendra: what if we just said artificial recharge through ponds -removing this phrase about ponds

Vicki: back to the discussion of new development and adequate availability. What's adequate availability?

For single family residence we were generous but with creating new parcels we were stringent.

Bob: what does management mean? It means monitoring consumption, managing the water level, etc. The Group A's do that, the Group B's not as much, but it's in everyone's best interest

Question: how to capture that? - discussion of Policy 4.1 and how to show impairment on another well

Kendra: like with Policy 3, we want to promote best practices but there's also the VSP. We don't have that on the development side. It's complaint-driven on an individual basis, don't know how to minimize that risk

Kim: I think we need to improve the reporting from group B systems. Just knowing if they're using water as approved etc. After the original permit is issued, the actual usage has more effect

Kendra: does Policy 3.1 capture that in terms of developing robust monitoring system and reporting program?

Vicki: Policy 3.1 touches on it. It's this kind of information, creating a more robust Group B program, but there's no money for County staff to do that; no requirement for private homeowners to share data about their wells.

Kendra: we should add that to code as it gets updated.

Judy: I don't like the word 'mitigate', why not reduce? I'm going to complain about that for Goal #5 as well.

-everyone is in support of changing the word to 'reduce'

Melissa: with 'mitigate' you're trying to offset the impact

10:42 **Discuss Goal #5**

Preserve and restore water resources through projects and programs. Kendra reviews the policies.

Judy: again, I don't like the word 'mitigate'. Why not just protect, restore and enhance?

-Kendra makes that change, remove 'mitigate'

Kim: this year we're bringing \$3million to the County in projects, is that what you're referring to?

Kendra: not just salmon recovery but also the Clean Water Utility

Judy: do we need the word 'pilot'? it sound short term, can't we just say 'promote or support projects'?

- Kendra removes the word pilot

Discuss Goal #6: making sure we support funding

Kendra: support and *expand* funding... Hopefully this shores up protests against fees and funding mechanisms Policy #2. Continue to use existing resources (i.e. VSP and salmon recovery program specifically called out)

Jenny: I don't want to preclude other potential funding sources. Maybe, "continue to utilize State funds *and seek more..*" Let's have wording in reference to finding other funding. Recognize there might be other sources

Kim: there are other sources like private and NGO funding, or partnering with NGO's to further those goals

Judy: what about, "investigate other sources"

Kendra: do we want to keep these in there? The way we 'expand' is by pursuing grants, sometimes private from foundations. It's tough for us as a County to secure those funds. Should we put a third policy there under the funding goal about securing additional funding or any other partners?

Tyler: I interpret 6.1 to include that with 'expand' so maybe add more there? (you just did this simplification)

Jenny: in that case do you want to roll policies 1 and 2 together and not call out those specific programs?

Kendra: I mentioned those because they're State-funded programs but run by County-entities. Before there had been a comment just about the VSP but I added in salmon recovery because it also acts that way

- Kim suggests new wording added to 6.1, Kendra adds it

Kim: I think we should keep policy 2 to make sure it's known we want those programs to continue

Vicki: for VSP and salmon recovery, let's make sure. I notice you don't mention federal funds?

Consensus: don't add a 6.3, incorporate all this discussion into 6.2

Kendra: so we'll add the wording, 'state and federal funds. I also added 'partnerships' in two places

10:58 AM **Discuss Goal #7**

Kendra: I used the word 'continue' inclusive water resources planning management and education'...across departments', assigned staff, etc., 'support staff and professional services who provide technical assistance'

Kim: just put 'biologists' for people who work on fisheries

Kendra: more wording about water conservation and efficiency, suggest we add a fourth policy to encourage voluntary static water levels from wells... that would be 7.4

Kim: do we need to call out static water levels or can we just say 'data collection'? We did that with remote monitoring of data, let's not be specific about technology

Kendra: the broad goal is about voluntary participation and data collection

Judy: I like having examples because then it sounds less vague

Susan: what about water testing from industrial applications?

Kendra: that would be under goal 4 under 'ensure development has water availability', then should we add something about discharge/treatment (capture the backside of water usage)

Judy: say, 'ensure residential and industrial'?

Kendra: or just say 'all development'? capture what Kim said about circling back following up on permits issued

4.1 "ensure all development ... has treatment systems in place"

Tyler: it wouldn't be a bad idea to say, 'new and existing development' to highlight new development

Judy: are we saying all these things need to be done and acknowledging the stresses of climate change?

Kendra: it is up above in the 'background' in the risks and vulnerabilities. When thinking about water resources, can't ignore climate. Need to move on to getting an integrated water resources management plan in place because things are going to get tighter. Is there a specific place the language needs to call out climate?

Judy suggests an added phrase to policy 6.1, added threat as a result of climate change and population growth

Vicki: I'm a little uncomfortable with making it sound like we're doing these things because of climate change, we need to do these things regardless. Even though the threats are exacerbated by climate change

Kim: Agree, I think we're asking for things we should've done years ago. The last water element wasn't adequate. We've already mentioned climate change in the first part

-Judy is ok with that, leave it as is

So that's what we have, seven goals and 22 policies

Kim: Kendra will you pass around final version to CWAC and give to Sophia at end of month?

Kendra: we'll need to do a vote by email because she needs this by the 28th

Kim: let's shoot for March 28th. We're just talking about a few minor tweaks.

Kendra: this new overhaul will be new for council. We'll pull it together start of next week. Tyler will have to send out a voting email for CWAC to approve. If you have any other minor tweaks please let us know

-everyone thanks Kendra, this was a good discussion and huge improvement.

11:14 AM **Adjourn meeting**