

1 **WRIA 1 Planning Unit Meeting**

2 **December 12, 2018**

3 **Meeting Summary**

4 This summary captures key decisions and next steps from the December 12, 2018 meeting.  
5 Digital recordings of the Planning Unit meetings can be found at the Planning Unit website at  
6 [www.wria1project.whatcomcounty.org](http://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** – Dick Whitmore

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/Molly Crocker\*\*

20 **Public Utility District # 1 of Whatcom County** – Steve Jilk

21 **Small Cities** – Mike Martin

22 **State Government** – Kasey Cykler

23 **Water Districts** – 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 Max Perry	Richard Banel	Mark Sandal
29 Cliff Langley	Carole Perry	Chet Dow
30 Kathy Sabel	Tyler Schroeder	Oliver Grah
31 Mark Personius	Ellen Baker	Dave Onkels
32 Jay Markarian	Rebecca Schlotterback	Rick Maricle
33 Mike Murphy	Cliff Strong	Heather Good
34 Tom Fillion	Dave Olson	Karlee Deatherage
35 Rebecca Cayen	J. Fowler	

36  
37  
38 Kurt Baumgarten called the meeting to order at 2:00 pm.

39 **Planning Unit Motions That Passed<sup>1</sup>**

40 **Motion** (Motion #1) by Skip Richards and seconded by Molly Crocker to approve the Agenda  
41 with the following changes: first agenda item is next steps for plan forward whether it is a Plan  
42 Update or wrapping up the process, delete the bullet under Agenda Item 4 to consider the  
43 outcomes of the straw poll since there was not enough of a response to make it meaningful,  
44 move up the review and discussion of Caucus comments and add new agenda items for  
45 contract for Geneva Consulting and next Planning Unit Agenda topics.

46 Vote:

- 47 • 14 in favor (Agriculture, Diking/Drainage, Environmental, Fishers, Forestry, Land  
48 Development, Non-Government Water Systems, Port of Bellingham, Private Well  
49 Owners, Public Utility District #1, Small Cities, State, Water Districts, Whatcom County)
- 50 • 0 abstain
- 51 • 0 opposed

52 Motion passes

53 **Motion** (Motion #2) by Perry Eskridge and seconded by Alan Chapman to approve the  
54 November 28 and December 5 meeting summaries as amended.

55 Vote:

- 56 • 14 in favor (Agriculture, Diking/Drainage, Environmental, Fishers, Forestry, Land  
57 Development, Non-Government Water Systems, Port of Bellingham, Private Well  
58 Owners, Public Utility District #1, Small Cities, State, Water Districts, Whatcom County)
- 59 • 0 abstain
- 60 • 0 opposed

61 Motion passes

62  
63 **Motion** (Motion #4) by Dan Eisses and seconded by Paul Isaacson to continue working on the  
64 effort to come up with a plan update, not to worry about the timeline, and do the following: 1.  
65 Prepare an index of what has been done, 2. Send a letter to Ecology to inform them the Plan  
66 Update is not done but is being worked on, and 3. Send a letter to the legislators expressing the  
67 same<sup>2</sup>.

68 Vote:

- 69 • 11 in favor (Agriculture, Diking/Drainage, Environmental, Fishers, Forestry, Land  
70 Development, Non-Government Water Systems, Port of Bellingham, Private Well  
71 Owners, Public Utility District #1, Water Districts)
- 72 • 2 abstain (Small Cities, Whatcom County)
- 73 • 0 opposed

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

<sup>2</sup> The letter will be sent to the 40<sup>th</sup> and 42<sup>nd</sup> District Representatives.

- 74       • 1 recusal (State)

75    Motion passes

76

77    **Motion** (Motion #5) by John Mercer and seconded by Paul Isaacson to request Whatcom  
78 County fund the coordination support for the Planning Unit through January 2020, and  
79 encourage Geneva Consulting to consider it.

80    Vote:

- 81       • 13 in favor (Agriculture, Diking/Drainage, Environmental, Fishers, Forestry, Land  
82        Development, Non-Government Water Systems, Port of Bellingham, Private Well  
83        Owners, Public Utility District #1, Small Cities, State, Water Districts)  
84       • 1 abstain (Whatcom County)  
85       • 0 opposed

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

87    **Motion** (Motion #3) by Mike Martin and seconded by Steve Jilk to direct the WST to capture all  
88 work products created by the Planning Unit since the Planning Unit began its work on the Hirst  
89 requirements including all comments and dissenting opinions from all caucuses, and send it to  
90 the Watershed Management Board.

91    Vote:

- 92       • 6 in favor (Agriculture, Environmental, Fishers, Port of Bellingham, Public Utility District  
93        #1, Small Cities)  
94       • 1 abstain (Whatcom County)  
95       • 6 opposed (Diking/Drainage, Forestry, Land Development, Non-Government Water  
96        Systems, Private Well Owners, Water Districts)  
97       • 1 recusal (State)

98    Motion fails

99

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

- 101       • The agenda was approved (Motion #1) with modifications to the order of and elimination of  
102        one of the bulleted topics under Agenda Item #4. The bullet eliminated from discussion was  
103        the consideration of the NGWS straw poll outcomes related to the alternate Plan Update  
104        framework and structure since there was insufficient response from members to consider  
105        it.  
106       • Comments from the NGWS Caucus were reviewed: 11/28/18 Draft, lines 86-87, add “No  
107        comments or corrections were offered.” and 12/5/18 Draft, lines 162-164, leave “Remove  
108        the Governance and Administrative section...” and delete “... and provide language about  
109        how the IGs and Planning Unit operate independently and that both IGs and Planning Unit

110 are involved in deciding when to undertaken an amendment.” The Planning Unit approved  
111 the meeting summary with the changes noted (Motion #2).

112 • Planning Unit discussed next steps in terms of Plan Update to move forward. Small Cities  
113 Caucus requested clarification on the email that Whatcom County distributed regarding a  
114 recommendation from the Watershed Staff Team (WST) to the Planning Unit (PU) and  
115 Management Team, and subsequently, the WRIA 1 Watershed Management Board. Gary  
116 reviewed that the recommendation is to package the information completed to December  
117 5<sup>th</sup> with a 2-3 page narrative (description of the information) and forward it to Ecology.  
118 Other options available to the PU in addition to the recommendation from WST are to try to  
119 complete a Plan Update by January 10 or PU could prepare a different package than what is  
120 recommended by the WST. The differing perspectives on the policy issues and status of the  
121 discussions are a challenge to how the Plan Update would be completed by the deadline.  
122 Small Cities Caucus representative supported capturing all of the work that has been  
123 completed including incorporating information that captures the different perspectives on  
124 the policy issues.

125 The NGWS Caucus suggested that the Plan Update could be completed by addressing what  
126 is required for the Plan Update and setting aside other components where agreement has  
127 not been reached and addressing those issues in future updates. If there is Planning Unit  
128 support for the suggestion, then the next step is to look at the decision-making process for  
129 the Planning Unit and whether there are deal-breakers that would prevent passage of a  
130 Plan Update. The Plan Update approval by the Planning Unit requires consensus of the  
131 government caucuses and a majority of the non-government caucuses. If those two  
132 requirements in the decision-making process are met, a Plan Update could be approved by  
133 the Planning Unit. The Environmental Caucus added that if consensus is not reached, a  
134 second meeting is needed to conduct the vote, and if the suggestion of suspending the rules  
135 is pursued, there needs to be a unanimous vote of the Planning Unit to do that.

136 Another factor raised by the Environmental Caucus representative is that a Plan Update also  
137 needs to be approved by the Initiating Governments, and the Plan Update as being  
138 discussed by the Planning Unit may not have IG approval given differences in positions on  
139 the policy issues. The NGWS believes the Planning Unit should complete the Plan Update  
140 and the Initiating Governments could decide whether they support it.

141 The Private Well Owners Caucus feels that anything that is advanced should go forward by  
142 the Planning Unit and not by the WST. The Planning Unit should prepare any materials that  
143 are advanced so it represents their perspectives, positions, and work.

144 The Water District Caucus representative indicated that there are currently two draft Plan  
145 Updates and they do not feel that either version would receive approval of both the  
146 Planning Unit and the Initiating Governments. Also, the work completed is accessible to  
147 Ecology as it is so additional work to bundle the information with a report summarizing it is

148 not necessary. The Water District Caucus comments on the draft Plan Update included an  
149 outline focusing on conservation with a voluntary metering component; this was an effort  
150 to find a solution that will get support from the IGs and PU. However, if there is not a way  
151 to bridge the policy issue gap then Ecology has access to all of the work that's been  
152 completed.

153 The Private Well Owners Caucus representative asked if there are other issues aside from  
154 the policies that would prevent the Initiating Governments from approving a Plan Update.  
155 The County indicated that while there has not been discussion or direction by the County  
156 Council on the topic, County staff has concerns with the metrics used for the net ecological  
157 benefit (NEB) evaluation and, as written in the draft Plan Update, the conclusions drawn by  
158 the authors is that the Plan Update with the suite of projects for offsets does not meet NEB.  
159 Some IGs also identified spatial and temporal concerns with the suite of projects, which  
160 could be addressed with policy changes or other types of projects and in different  
161 geographic locations. This is information that is also contained within the ecological effects  
162 evaluation in Section 4 of the draft Plan Update. The Private Well Owners Caucus expressed  
163 their perspective that the IGs are bringing up concerns at the end of the process that the  
164 Planning Unit was not aware of until now, and the IGs are unwilling to negotiate on those  
165 issues. The County clarified that the NEB was just recently completed and the concerns  
166 therefore expressed. Further analysis could be done when there are new or different  
167 projects for offsets and in different locations. If there are policy issues agreed to, then  
168 those could also be incorporated into the analysis. Water District Caucus representative  
169 indicated that the temporal/spatial distribution concern was one reason their Caucus is  
170 suggesting the enhanced conservation approach as a way to address offsets on a broader  
171 geographic scale.

172 The Chair asked for the specific steps from the NGWS of how a Plan Update could be  
173 completed by the PU within the timeframe available. NGWS representative indicated:

- 174 • Rewrite Section 4.2 to remove the references to scenarios that are not identified for  
175 the consumptive use calculations agreed to for purposes of the Plan Update and  
176 state that actual impacts will be measured when the wells are actually installed.
- 177 • Make a list of issues that need to be resolved.
- 178 • Appoint an ad hoc committee to draft the plan to forward by December 17<sup>th</sup> to  
179 present to the Management Team at the December 19<sup>th</sup> meeting.

180 The Private Well Owners Caucus and Forestry Caucus have spent additional hours working  
181 with the NGWS Caucus to develop the alternate proposal. The Caucuses that have not been  
182 providing or participating in alternatives could participate in the drafting committee.

183 The Fishers Caucus restated the need to focus on the minimum requirements and remove  
184 the contentious issues that are not necessary to address the statutory requirements. The  
185 contentious issues can be addressed later in the context of a future update.

186 The State Caucus representative stated that if there is a Plan Update, there does need to be  
187 an ecological effects component that addresses the interim guidance for NEB that was  
188 released in June.

189 A motion was made and seconded (Motion #3) to direct the WST to capture all of the work  
190 products created by the Planning Unit since it began its work on the Plan Update including  
191 comments and dissenting opinions of the Caucuses, and forward it to Ecology. As part of  
192 the second to the motion, a friendly amendment was made that the work products would  
193 be forwarded to the WRIA 1 Watershed Management Board rather than Ecology. Points of  
194 discussion associated with the motion, which failed, included:

- 195 • NGWS favored completing a plan update and capturing the Planning Unit vote,  
196 which includes two of the IGs. All of the IGs have been invited to participate at the  
197 Planning Unit and have elected not to do so.
- 198 • Land Development does not support a compilation of the information and supports  
199 a plan update that will incorporate the available information, identify the  
200 information gaps and describe the process for filling those information gaps, and  
201 describe how the plan will be updated when the information is obtained.
- 202 • Private Well Owners support the Land Development position stated. It is also the  
203 position of the Caucus that anything going forward is from the Planning Unit  
204 because there are many members of their Caucus that has a distrust of government  
205 because of past actions that have affected individuals' property investments.
- 206 • The Chair asked for clarification on whether the WST recommendation to compile  
207 the information would move forward if the Planning Unit was able to complete a  
208 plan update as proposed by the NGWS Caucus. Gary replied that the WST  
209 recommendation is to both the PU and Management Team so would still go to the  
210 Management Team for the December 19<sup>th</sup> meeting and if there was a PU document  
211 it could also be forwarded for that meeting.
- 212 • The Forestry Caucus does not support bundling the information and the Planning  
213 Unit should have a plan update to show for its work. There has not been time to  
214 discuss all of the work items because of the impossible timeline.
- 215 • The NGWS and Water District Caucuses support continuing to work on the plan  
216 update by working through and incorporating the comments that have been made  
217 on the draft with the Water District Caucus suggesting that the work continue past  
218 the deadline recognizing it was not unreasonable.
- 219 • Ag Caucus favors the motion because it is consistent with the WST recommendation  
220 and the future should be working with Ecology as the Planning Unit and IGs.  
221 Ecology, the IGs, and the Planning Unit should continue working together on  
222 resolving the issues over the next several months.

- 223           • Environmental Caucus supports many of the statements that have been made by the  
224           other Caucuses but does not feel that packaging the information precludes the  
225           Planning Unit from continuing to work on the plan update.  
226           • The PUD position is that if the motion carries a very simple cover letter to the WMB  
227           and Ecology should state that accomplished a lot of work and that believe if had  
228           more time the Planning Unit and IGs would be able to find agreeable solutions to the  
229           contentious issues that had been identified.

230           A follow-up motion (Motion #4) was made to continue working on the plan update, prepare  
231           an index of work completed, and send letters to Ecology and the local Legislators indicating  
232           that the Planning Unit is continuing to work on the Plan Update. Planning Unit Caucuses  
233           expressed the need to continue working on the Plan Update recognizing that the timelines  
234           imposed were unrealistic.

- 235           • Planning Unit discussed the contract for Geneva Consulting, and requested the County fund  
236           the coordination position to support the Planning Unit through 2020 (Motion #5). A friendly  
237           amendment to the motion was to encourage Geneva Consulting to consider continued  
238           support. Current support contract runs through January 31, 2019.  
239           • Agenda items for the January 10<sup>th</sup> meeting includes using the index and compilation of  
240           comments to see where there is agreement and what needs to happen where there is not  
241           agreement, start discussion of updating the 2005 Watershed Management Plan, and revisit  
242           the PPA.

### 243 **Actions and Follow Up**

- 244           • There were four motions passed by the Planning Unit, and one motion that did not pass.  
245           • Agenda items for the January 10<sup>th</sup> meeting includes use the index and compilation to see  
246           where there is agreement and what needs to happen where there is not agreement, start  
247           discussion of updating the 2005 Watershed Management Plan, and revisit the PPA.

### 248 **Public Comment**

- 249           • Kathy Sabel requested clarification on whether the Watershed Staff Team recommendation  
250           is to the Management Team. The County's response is yes.  
251           • Jay Markarian commented on the ability to complete the Plan Update and that adaptive  
252           management is a flexible component of the plan and can be where issues that cannot be  
253           immediately resolved are addressed as information is gained.  
254           • Ellen Baker commented that a completed plan should be task specific, and deferring  
255           everything to adaptive management results in a plan to plan.  
256           • Cliff Langley expressed a lack of trust in government and for the Planning Unit to consider  
257           the preservation of individual rights as they move forward.  
258           • Carole Perry expressed appreciation to the Planning Unit Chair for allowing each of the  
259           Planning Unit members to express and discuss their opinions.

260           Meeting adjourned 4:05 pm.