



Clean Water Advisory Committee

February 16, 2023

Committee Members in Attendance: Lynn Bahrych, Jenny DeGroot, Kyle Dodd, Bob Eagan, Vicki Heater, Ann Jarrell, Judy Meyer, Kimbal Sundberg, Cathi Winings

Ex-officio, County support staff, and members of public: Paul Andersson, Tyler Davis, Erin Halcomb, Mike Pickett, Laura Pitts, Lee Robbins, Buck Smith, Kendra Smith

Pre meeting chatter between Kim & Lynn regarding ‘aged’ water study – interest in seeing results of recent analysis

9:04 AM **Welcome and Coast Salish Acknowledgement** Kim Sundberg
Let us acknowledge we reside on the ancestral lands and waters of the Coast Salish people who have called this place home since time immemorial and let us honor inherent, aboriginal and treaty rights that have been passed down from generation to generation.

9:05 AM **Public Comment** none

9:06 AM **Business Operations**
Approve agenda – no additions or objections. Lynn moves to approve December meeting minutes, Vicki seconds. No objections, all in favor, the December minutes are approved.

9:07 AM **Staff & Agency Updates**
Ecology Update Buck Smith
Michelle Curtis is processing water rights now for SJC, please let anyone with water rights issues know to contact her. There’s a pre-application form. Reminder - if using surface water from pond/stream/lake, need a water right. Someone groundwater uses don’t need a water right including stock watering irrigating up to a half-acre of lawn/garden, and for small industrial use. But for surface water there is no exemption.
Judy: there’s concern about what north Lopez services is doing here. Is there a public notice of decisions?
Buck: the applicant needs to publish a legal notice in a newspaper for two consecutive weeks, then there’s a period during which we can be contacted with complaints/issues. Decision posted on our website as a draft for 30 days during which we receive comments, then depending on comments, issue a final decision. That sets up final appeal period for 30 days during which we take appeals. So, there’s lots of opportunity.
Lynn: do these rights need to be renewed?
Buck: they’re typically permanent unless someone applies for a temporary permit. But if it’s not used for 5 years or more, relinquishes back to the state. And there are provisions – like metering and reporting water use, measuring chlorides. If it’s a surface water right need to report to WDFW to ensure intake is screened
Kim: what if we find someone is taking water without a water right?
Buck: we have a watermaster, Kelly Hamilton, based in Nooksack basin; main switchboard number is 206-594-0000, let operator know you want to file an environmental complaint and that goes through system
Kendra: on one of tributaries to Crow Valley, there’s a debate between two property owners. We were planting on property to the south and found that the neighbor was putting in an instream pond.
Buck: our preference is ponds off-line but bigger issue is they need an HPA from WDFW
Judy: I thought instream ponds weren’t being approved.

Buck: it's up to DFW. If they're putting in a dam may also need approval from Dept. Ecology for dam safety

Kendra: They're pursuing a separate storage right because of issues with adjacent property owner.

ACTION ITEM: Kendra will reach out to Michelle and bring this up.

Buck: And, beyond those exemptions I mentioned, there is a third right called a reservoir permit

Jenny: that's an F bearing stream on Orcas, seems like it should have a buffer

Ann: if someone wants to know about water rights in a group B system, who would they contact to ask?

Buck: you can use the water right search engine on Ecology site, the 'water right explorer' and look it up by water right number, the name of person who obtained it, or by a map search. Or contact Michelle Curtis

Health Update

Kyle Dodd, Jolyn Leslie

Jolyn isn't here and told Kendra no updates. Kyle can report in the groundwater subcommittee update.

Staffing Updates

Kendra Smith

Tyler is replacing Byron as new project manager.

Tyler: I have 15 years of experience, some academic research and natural history guiding/caretaking

Lynn: ...and he's a fabulous birder! - Some brief discussion of Tyler's experience in Kenya

Kendra: Krista still handling stormwater related projects. Tyler can help with some tourism related issues.

We will backfill the marine project coordinator position. Position for Environmental inspector has been moved to DCD, not yet replaced, some funding questions. Clean Water Utility will fund work done on its behalf, not whole position. Then there's the question of when to pursue another position, could wait and right-size workload to current staff and skill sets. Ramp-up in June/July – then we'll revisit new inspector role.

Judy: at one point discussed hiring another engineer, what happened with that?

Kendra: discussed with Public Works. Decided engineers should stay in the engineering dept. where they'll have other staff mentoring and our team will be scientists, planners, environmental educators.

Judy: Enforcement is an important position. I hope they will be ready to enforce environmental regulations.

Kendra: absolutely. There's a lot in flux now. We should have more clarity by the start of summer.

9:30 AM Subcommittee Updates

Review of January Surface Water Subcommittee meeting (see notes)

Judy Meyer

Wendel is working up data from 2021-22. Still samples that need to be processed, e.g., nutrient samples from fall 2022 that'll help confirm seasonal patterns. One goal was to see extent to which nutrients from False Bay creek were contributing to Ulva in the bay. So far seems source is mostly marine, but data still not definitive. Samples were collected for stable isotope analysis for which we still need results and that can confirm terrestrial vs. marine source. Interesting pattern concerning contribution of sediment from False Bay creek and those effects.

Kim: there is a draft report. What's the process for finishing it? We'd like Wendel to talk to the CWAC.

Judy: I think it's premature to present until we have all the data and results. Once we have nutrient & stable isotope data, we'll have a better report. I'm happy to help, he'll let us know when he's ready.

Kim: I think it'll be the definitive nutrient study for False Bay watershed. Captured a major flood event in November 2021, 16 months of data, 2 seasons with a range of extremes including the heat dome.

Judy: I do think sediments are a source of phosphorus, I'm more skeptical they're a source of nitrogen.

Hopefully when more cattle are removed from stream this will serve as a baseline. But no bacteria data

- Judy moves to approve the January 19 surface water subcommittee minutes, Jenny seconds. So moved.

9:38 AM Groundwater Subcommittee Updates

Kyle Dodd

Jolyn, Vicki, Ann, and I met. We decided to schedule meetings for 8am-9am so that members can attend both subcommittee meetings. I've sent email invites to all the groundwater subcommittee members.

We discussed the Lopez monitoring network. Field visit done at the end of 2022, there was a report from that I can distribute when I have it. We discussed contract with existing hydrogeologist that was stalled for most of 2022. We approved that contract in December, so they'll move ahead in 2023.

Also, discussion regarding the south end of Lopez and the county facility moving down there: Some neighbors who have worked with existing water availability are bringing issues of chloride levels and seawater intrusion forward. Our network has focused on the north end but may do more work there to capture increases and map south end.

And with respect to USGS groundwater recharge report: Staff have committed to travel to SJI to present to Ag summit participants on March 4. I've asked USGS staff to also present to County council on Feb 28th. I won't get their slides until Feb 24th ahead of Feb. 28th meeting. Everyone should tune in to that council meeting to hear the presentation. The council briefing and Ag summit presentations won't be the same.

Judy: what time will presentation be during the council meeting?

Kyle: don't have that agenda yet, I'd expect agenda to be finalized next week.

Kim: in summary, we can go to the council website to get the agenda and click into the meeting on the 28th

Bob: Cheryl Howe in Vancouver made a presentation, intent to provide data loggers for well monitoring. We discussed collaboration with Dept. of Ecology and PFAS – is that being tested for in intertidal zones?

Kendra: no, it's everywhere and ability to treat for it is minimal. Not unless we get some directive.

Bob: I'm concerned with forage fish and shellfish. I recommend we monitor for PFAS in landfill wells.

Kendra: we're not doing that; we've had no directive for that.

Kyle: that may be the next step. It hasn't come up from Dept. of Ecology to add that. We're at the lighter end of monitoring for both the County landfills on San Juan and on Orcas.

ACTION ITEM: Kyle will follow up with Bob offline, interested in DoH datalogger project and types of wells.

Question: we thought Jolyn said in our last meeting that all group B wells need to do PFAS testing, by 2025

Kyle: that's a DoH initiative for group A sources, we can get clarification from Jolyn on that.

Cathi Winings: check out <https://greensciencepolicy.org/our-work/pfas/> PFAS - Green Science Policy

Kim: I heard there's an LIO regional near-term action addressing contamination of marine waters from septic systems, have you contributed data to that? The ECB is having their annual meeting here in May, there'll be some presentations on regional nearshore systems issues. Can they come to you for data?

Tyler Davis: Puget Sound Partnership's Ecosystem Coordination Board Local Forum is May 18th

Kyle: that meeting wasn't on my radar, so Sam should reach out if he needs anything. As far as LIO goes, county health departments report their data to Dept. of Health twice a year, that info was fed through PSP.

Kendra: as we work on managed retreat, should look at everyone within 100-year flood plain and confirm whether we've inspected their septic systems. Can we use GIS to delineate those?

Kyle: I'm curious to see that plan. We can monitor and report on inspections but that doesn't give certainty going forward. Managed retreat is longer term – how do we manage or even move those septic systems?

9:57 AM New Business Discussion

Zylstra Water Rights Continued Effort

Kendra Smith

Kim: the surface water subcommittee has been discussing the Zylstra water right and the dispute there.

Kendra offered to push this at the county prosecutor level rather than with the Land Bank's lawyer.

Kendra: There are some other issues, i.e., County looking at trail between town and the lake. From a water quality perspective need to find a remedy. One way is managing the flow. There'll be some wetland mitigation with added benefit of taking degraded wetlands to a higher ecological function. And an opportunity to provide a trail network. I'll be working on this with Tyler and the Land Bank and the prosecuting attorney's office to figure out best strategy going forward.

Judy: I'm unaware of what the trail idea is, can I learn more about that? The Preservation Trust has a strong interest in trails and access to reserves. AND I was remiss in subcommittee updates I didn't mention the letter we wrote to the Land Bank regarding cattle removal. I'd love to hear from Erin about that.

Kendra: to your first question we are launching a new website, <https://engage.sanjuancountywa.gov/> that'll have the fact sheets, FAQ's around our larger scale projects. This is part of a big federal grant for a multi-modal trail to the Zylstra lake area. Looking at land ownership, conservation lands, at what is the most strategic routing to meet all objectives. Grant Carlton would love to talk to Preservation Trust about this. As to the letter, I'm meeting tomorrow with Land Bank, hope we can bring it to the commission's attention.

Erin: the letter and 10-year-old False Bay creek management plan were sent out. It's on the commission meeting agenda. There are several new commissioners, we'll get everyone up to speed. We learned from Ecology that property acquired from coastal wetland grant can't be used for mitigation, like Zylstra was.

Kendra: yes, but there may be property around that is eligible for mitigation.

Judy: do we know if rancher wants to continue leasing? Erin: yes, fairly certain that yes, he does.

Kendra: Duff's, property owner just downstream between preserve and UW's property, has cattle on it. Bottom line goal is a nice linear healthy system, filter out nutrient and sediment before it gets to False Bay Lynn: I'm new to discussion of this trail but it sounds like it'll pave over significant amount of wetland.

Kendra: every trail has an impact on resources. It's an 8' wide multimodal path, obviously want to avoid wetland impacts as much as possible but there will be some. It's the nature of needing to add infrastructure. Grant is aware of wetland areas as we look at map and options, we'll do our best to mitigate. Wetlands most impacted will likely be agricultural that are already impacted, we'll replace and enhance quality.

Lynn: but don't want to impact agriculture! This makes alarms go off for me, but I'll educate myself more.

Ann: did you say this is a straight-line path drawn from hospital to Zylstra or it could take a different route?

Kendra: yes, options are open for how to get from point A to B in a cost-effective, environmentally friendly way. That's Grant Carlton's task, he has a lot of trail experience. We're sensitive to community concerns.

Go to <https://engage.sanjuancountywa.gov/projects> to comment, ask question of project manager.

Kim: can we focus on the issue of the water right rather than the bike path, this is a about a major consumer of water in False Bay creek and its effects. I want to know that this is being looked at.

Kendra: I need to review everything, sit down with Lincoln, and with prosecuting attorney. Also want to bring in Ecology. Consider repercussions. We're focused on water rights and quality, but this whole system will be under debate. Awareness is important, e.g., some landowners affected by both water rights and the trail.

10:20 AM **Agricultural Summit March 4 Presentation**

Kendra Smith

I'm on a panel discussion. It'll be about adequate buffers around streams, we have a bacteria-loading issue in this county and some of that comes from agriculture and livestock. I don't have slides, I'll get feedback and I'll say it's required by state law to protect water quality. I'll hold firm, want to ensure they understand.

Mike: Be blunt, I'd appreciate you being straightforward as to what's expected from the Land Bank in terms of quality control. Our mandate is to protect existing and future potable water sources.

Lynn: from point of view of CD, there are funding opportunities for landowners to keep livestock out of stream, grants for technical assistance to help. It's a problem that is and can be solved at public expense.

Kim: Also add that we're not taking lands out of production. Just the use near streams is affecting water quality. Even Zylstra preserve is available for agriculture, it's not being paved over by houses because the public put it aside for conservation, public use and agriculture. It's just the type of ag we want to modify so doesn't affect surface water and habitat.

Kendra: places with are willow thickets are future restoration sites. revegetating with native species, etc.

Vicki: Scott Meyer's operation on Lopez – managing a wetland area with cattle for years, it's covered in reed canary grass, and he manages that seasonally with his cattle, working with various agencies and he's got great partnerships. At the Ag summit there will be a strong bias, but they want the same outcomes.

Kim: Scott Meyer uses portable electric fences to move cattle to minimize wetland impacts. It's labor intensive, not practiced on False Bay Creek Preserve.

Jenny: Kendra, there will be a lot of support for you at the Ag summit March 4, a lot of fisheries interests

Erin: Grazing reed canary grass as a forage practice and trying to restore wetlands that are taken over by reed canary grass are important delineations. And water availability – that’s been a challenge at FB creek.

Kim: water availability problem at the False Bay preserve is connected to the water right we were discussing earlier. And then the fish lose out. Water availability is an issue aside from the fencing.

Cathi: Kendra, it would be great if you talk about the basic concept of remobilizing bacteria, explain that at FB preserve there are areas that flood and even though that’s when cattle aren’t there it’s still an issue.

Kendra: my point about 303D listing is that if regulated as a TMDL (Total Maximum Daily Load), we would need to set buffers. Now, there’s a choice. The way to avoid that is for everyone to do their part.

10:40 AM **Website Upgrades**

Kimbal Sundberg

Discussed in December. Concept is to create additional content for the CWAC website, some easily digested information on issues CWAC covers. Lynn could work up a one-pager on water rights issue, Ecology fee structure.

ACTION ITEM: Lynn is willing to tackle this. Judy willing to do something similar for water quality?

ACTION ITEM: Judy and Kim will discuss this offline, figure out exactly what Kim has in mind. Like a primer on water quality, state standards. e.g., getting listed if high bacteria/temps. Basic ‘why-are-we-concerned’.

Kendra: I would add an element of climate change, e.g., heat domes and various temperature changes.

Broader need to protect this water to share with wildlife and fish. Maybe two separate fact sheets

Erin: one talking point is the slow water movement, keeping it on the land. benefits: erosion, filtration

Jenny: I can work on a fact sheet about fish life – the other beneficial users of water.

Kendra: can you do fish and add in some amphibians and reptiles? (some discussion of turtles etc.)

- And if you have images that would be great. We can push these out as eco-news around the county.

Jenny: do you have a general format so that we’re reaching similar messages?

Kendra: If you have a map, we’ll put that on the back side, we have a couple already associated with street sweeping to look at if you go to the current county website. Since this is educational, just get down key messages.

Kim: not just educational, but also “if you’re going to do work in a stream you need an HPA etc.”

Jenny: would be nice to have some chapter links to some things like salmon recovery

ACTION ITEM: we have a surface water subcommittee meeting for March, those of us who agreed to write items should bring outlines and go over those at that meeting (Judy & Lynn & Jenny agree to do that)

Buck: this is what we use for FAQ sheets, [Water Availability Focus Sheet - WRIA 2](#)

ACTION ITEM: Kendra will get back to committee members with any specifications.

10:54 AM **Committee Housekeeping**

Member Recruitment. Vacant Seats: San Juan Position 4, Orcas Position 5, Lopez/Shaw Positions 11/12

Kendra: continually looking for folks on Lopez and Shaw. Maybe we need to do a recruitment push.

Discuss ideas – someone from Shaw, someone who works with Tribes...

Kim: can we ask Byron to be on this committee? (Approval all around)

Vicki: Now Doe Bay and Olga systems are being managed. As far as Orcas goes, it would be great to get someone from there on this committee. Someone in that area involved in those systems.

Jenny: I wonder about Gary Sales. Or do you mean particularly someone who works for Eastsound water?

Vicki: Gary would be ideal, he’s very knowledgeable.

ACTION ITEM: anyone with suggestions for names please send to Kendra and we’ll set up some interviews.

Kim is going to Australia in March, back in April. Cindy is in DC, sends her support.

Kim: I got an email from Cindy; she had a good meeting with Cantwell about the ERTV, that’s so important.

Kendra: we had a good talk, I briefed her with the materials all of you provided, I know that info got to staff.

11:01 AM **Adjourn Meeting**