

Bertrand Watershed Improvement District

Minutes – March 11, 2024

Attendees

“(t)” indicates presence via tele-conference, “(p)” indicates proxy vote.

Board – Present	Board – Absent with Notice
Vern VandeGarde (<i>chair</i>) Scott Bedlington Greg Ebe Pete Vlas Mike Schoneveld	

Staff and Consultants	
Name	Organization / Affiliation
Gavin Willis	Ag Water Board
Frank Corey	Whatcom Conservation District
Bill Clarke (t)	Clarke Law
Jay Chennault (t)	AESI

Other Guests	
Name	Organization / Affiliation
Alan Chapman (t)	Whatcom Conservation District

Proceedings

Vern called the meeting to order at 2:01 pm.

1. Consent Agenda

- a. Agenda was reviewed.
- b. Feb 12 minutes were reviewed.
- c. Financial reports were reviewed.
- d. AP voucher in the amount of \$25,459.77 was reviewed.
- e. Greg moved to approve the consent agenda. Scott seconded. Motion carried unanimously.

2. Administration

- a. Greg moved to approve Resolution 2024-01 – Appointment of Agent to Receive Claims for Damages. Scott seconded. Motion carried unanimously.

3. Ag Water Board / Water Supply

- a. Bill provided an update on Ecology’s draft claims form. ECY received 26 different comment letters. They are going to turn the form and the comments over to the AG office, so we likely won’t see another draft form for a couple of months. The main issue that has been raised is that many of the things in the form can be proposed by ECY, but are ultimately a decision of the court. After the case is filed but before summons are issue, the form may be challenged in court. Most notable items commented on are now the form deals with stockwater, and the proposed simplified path for domestic exempt well owners. Another question that was brought forward is

how claims information will be made accessible to other entities not party to the case (eg people interested in buying a property after the period for filing claims forms has ended).

- i. Question was asked about what legal options are available. The info in the claims form is set by statute. Until that form is made final, there likely isn't any agency action to file suit against. Some things will likely be legally challenged once the case is filed, at which point it becomes a question of ripeness.
- b. Bill provided a legislative update. Two relevant bills were passed: an additional superior court judge for Whatcom County, and allowing the use of court commissioner in the adjudication process.
- c. Gavin sent 2025 Comp Plan Update comments to the county planner. Expect to have the opportunity to comment on the first draft of the new comp plan this fall.
 - i. Discussion followed on potential issue of downzoning, which has occurred elsewhere in the state.
- d. Fred noted the need for one or two more farmers to join the county's Ag Advisory Committee.

4. Drainage / Habitat / Flood

- a. Frank provided an update on the buffer program. The new program took effect March 1, providing \$25M to plant buffers across the state. Will have a fact sheet available soon that can be attached to a letter to key landowners. Gavin and Frank will re-work the previously sent letter and send to board members to provide an opportunity for feedback.
- b. Discussion about stormwater drainage on Bertrand at Rathbone. Need to identify priorities from WID perspective.
 - i. Due to federal budget fiasco, funding for Willamette Partnership to participate in CLASS work has dried up, but it looks like they will have funding again soon.
 - ii. Fred and Dale also went back to FLIP SC to get an additional \$40k to finish WSE engineering work that will allow them to finalize the models.
- c. Discussion about issues with Fishtrap levee re: timing for FEMA work and need for intermediate repair work. Fred and Gavin will meet with Nooksack tribe to explore potential projects in Reach 2.
- d. Fred provided a FLIP update. Expressed frustration at lack of action coming out of FLIP. Seems like the county will espouse the benefits of FLIP being work with ag, tribes, etc, but then won't listen to ag when it comes to lack of action. Timelines for any action (other than buyouts & elevations) is 15+ years. In the meantime, farms in the floodplain are in danger and the river has lost 30% of it's capacity.

5. Water Quality

- a. Fred provided a WQ update. Generally looks good, but we continue to see issues coming across the border. Cautiously optimistic that we will see more shellfish bed openings.

6. Communications / Education

- a. Water rights info evening will be at 6:30 pm on March 27th at the Northwest Washington Fairgrounds.

7. Next Meeting

- a. Next meeting is scheduled for April 8th at 2:00 pm.

Meeting was adjourned at 3:34 pm.

Submitted by Gavin Willis, Ag Water Board

Approved by *Vern Vande Munte*