

# Bertrand Watershed Improvement District

Minutes – Regular Meeting – September 9, 2024

## Attendees

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

Board – Present	Board – Absent with Notice
Pete Vlas Greg Ebe Vern VandeGarde Scott Bedlington Mike Schoneveld	

Staff and Consultants	
Name	Organization / Affiliation
Gavin Willis	Ag Water Board
Trevor Gearhart	Whatcom Conservation District
Fred Likkel	Whatcom Family Farmers
Ethan Brown (t)	Willamette Partnership
Bill Clarke (t)	Clarke Law
Jay Chennault (t)	AESI
Katie Faber (t)	AESI

Other Guests	
Name	Organization / Affiliation
Alan Chapman (t)	Whatcom Conservation District
Jon Hutchings	City of Lynden

## Proceedings

Vern called the meeting to order at 2:03

### 1. Consent Agenda

- a. Agenda was reviewed.
- b. May 13 minutes were reviewed.
- c. Financial reports were reviewed.
- d. Voucher B.Gen.0724a in the amount of \$26,655.52 was reviewed.
- e. Voucher B.Gen.0724b in the amount of \$4,560.00 was reviewed.
- f. Voucher B.PD.0824 in the amount of \$7,057.59 was reviewed.
- g. Voucher B.Gen.0824 in the amount of \$9,622.10 was reviewed.
- h. Pete moved to approve the consent agenda. Mike seconded. Motion carried unanimously.

### 2. Ag Water Board / Water Supply

- a. Bill provided an update on adjudication.
  - i. ECY has filed their proposed claims form. Anyone who wants to file a motion objecting to the claims form will need leave from the court in order to file. Claims form has been combined into a single form, which is fairly lengthy. Exempt stockwater use is better

defined. Likely that the summons won't go out until late 2024 or early 2025, which would set the filing deadline to be early 2026.

- ii. Court is creating a case management / steering committee, which is typical for large lawsuits like this. Ramsey has applied to serve on the committee as an ag representative, we should find out if she is appointed in the next week or so.
  - iii. Gavin provided an update on preliminary draft AWB budget, which will incorporate funding for Ramsey to serve on steering committee, as well as a federal lobbyist contract. Would result in approx. 28% increase in WID contributions. Board indicated support for the increased budget, and encouraged other WIDs to raise assessment rates to equalize assessment rates across all WIDs.
- b. Bill provided update on legislative requests for 2025.
- i. First request would be for increased funding for technical support for adjudication defendants.
  - ii. Second request would be for WMB to hire a consultant to look at what type of structure could be utilized for a federal settlement process, and what barriers or obstacles might exist to prevent a settlement process from beginning.

### **3. FEMA**

- a. Parklyn Drainpipe physical work is completed. Gavin will work with Jordan to close out the project at the end of this month.
- b. Farm Field Debris and Lavender Ditch (A&E Only) projects are working towards procurement.
- c. Gavin will reach out to Travis about DD work on Fishtrap Creek dike repair, and coordination with WID FEMA work.
- d. Duffner Floodgate project was discussed – board member mentioned need to ensure that floodgate has full range of motion prior to flood season.

### **4. Drainage / Habitat / Flood**

- a. Fred provided a CLASS update. Discussion followed about need for solutions with more urgency than has been felt in the past 10 months.
  - i. Ethan provided update on Willamette Partnership capacity. Will include development of project list, as well as contract with another consultant to determine how the city can fund long-term maintenance of those projects.
  - ii. Bill provided an update on legal options for the WID should the CLASS work not result in project execution.
  - iii. Decision on whether or not to amend the ILA to extend it through 2027 was tabled until the next WID meeting.
- b. Fred provided an update on mainstem flood work. Nooksack Tribe has identified potential projects in the general area of the mouth of Bertrand Creek which would both provide habitat benefits and potential floodwater conveyance benefits.
- c. Scott noted need for more beaver removal in Schneider Ditch. Gavin will follow up with Otis.
- d. Gavin will investigate Jackman Ditch, and has approval to get it sprayed if he deems it necessary.
- e. Fred noted that the county declined to clean up a ditch in North Lynden; they claimed that undersized private culverts were part of the rationale to choose to not clean the ditch. Fred will follow up to determine if that will be an ongoing county policy; seems more likely to be a fiscal issue.

### **5. Water Quality**

- a. Trevor provided a WQ update. Generally low to moderate counts with 2 sites of interest.
  - i. Duffner Ditch just south of the pond has some higher counts during heavy rain events, but that is a complicated system with a variety of possible inputs, including septic, agriculture, and wildlife.
  - ii. Bertrand at Loomis Trail slightly elevated.

- iii. General hot spots in the district are not being looked at as agricultural issues at this point.
- b. Shellfish harvest areas in Portage Bay have been upgraded. Approx 360 acres upgraded to approved for year-round harvest, and seasonal closures in other areas have been reduced from four months to three months.
- c. Gavin noted that if you see significant wildlife, including waterfowl, on your fields, to take a picture and text it to him so he can log it into the Whatcom Wildlife Tracker.

## **6. Communications / Education**

- a. WFF will be hosting another water rights / adjudication info evening on Oct. 22<sup>nd</sup> at NWWF.
- b. County is hosting an info session on Sept. 23<sup>rd</sup> about domestic well use.
- c. WFF is hosting their annual farmer rally on Nov. 20<sup>th</sup> at NWWF.

## **7. Next Meeting**

- a. Next meeting scheduled for October 14.

Meeting was adjourned at 3:40pm.

Submitted by Gavin Willis, Ag Water Board

Approved by *Vern Vande Griend*