

Ag Water Board

Regular Meeting | **Minutes** | June 19, 2024, 1:00 PM

204 Hawley St, Lynden WA

Attendees

“(t)” indicates presence via teleconference, “a” indicates alternate representative

Board Members			
Bertrand	Greg Ebe	North Lynden	none
Drayton	Marty Maberry (t)	South Lynden	Jeff DeJong
Laurel	none	Sumas	Keith Boon (a)

Staff and Consultants	
Name	Organization / Affiliation
Gavin Willis	Ag Water Board
Fred Likkel	Whatcom Family Farmers
Ramsey Kropf (t)	Somach Simmons & Dunn
Henry Bierlink	Ag Water Board
Bill Clarke (t)	Clarke Law
Jay Chennault (t)	AESI
Katie Faber (t)	AESI

Other Guests	
Name	Organization / Affiliation
Chris Heimgartner	Whatcom PUD
Atul Deshmane (t)	Whatcom PUD

Proceedings

Jeff called the meeting to order at 1:10 pm

1. Agenda was reviewed. Greg moved to approve the agenda. Keith seconded. Motion carried unanimously.
2. Minutes from March 20th were reviewed. Marty moved to approve the minutes from March 20th. Greg seconded. Motion carried unanimously.
3. Financial / Administrative
 - a. Financial reports were reviewed. Keith moved to approve the financials. Greg seconded. Motion carried unanimously.
 - b. A proposed credit card policy was reviewed. Greg moved to approve the credit card policy. Keith seconded. Motion carried unanimously.

4. Water Supply

a. Adjudication

- i. Ramsey provided a settlement update. Because adjudication has been filed, we have been pushing to speak with tribal, PUD, and other attorneys about how we might move some talks forward. Some discussion with counsel for the Nooksack Tribe, who have interest in moving settlement talked through WRIA1 WMB. One of the concerns they articulated was that they were hoping to have some way to have better ag representation given the broad decentralization of ag. There might be ways to work within the WMB structure, given the governmental nature of AWB, to have AWB represent agriculture in those discussions. Working on setting up discussions of a similar nature with Lummi attorneys.
 1. Bill noted that WMB has the right participants, with some level of structure and transparency, so the idea would be that group could get an outside group to look at what a settlement could look like (including timeline for settlement, potential barriers, etc).
 2. One other thing that came up recently is Cooperative Watershed Management Program grant funding from Bureau of Reclamation. Some of that funding might be used for early settlement processes. WMB could also ask state for funding for those purposes.
- ii. Federal lobbyist – AWB staff and counsel had a meeting with the Ferguson Group (Mark Limbaugh and Lane Dickson) on lobbying work to bring agricultural interests directly to federal congresspeople to move issues forward and find funding. For Indian Water Rights Settlements, it is important to have champions in Congress for potential future federal legislation. It could be wise to begin those conversations sooner rather than later, especially since we know those congresspeople are speaking with the tribal lobbyists. TFG staff are also able to provide assistance in pursuing federal grant funding
 1. Gavin reported that the proposed cost of a federal lobbying contract with TFG would result in additional cost to the WIDs of about \$0.85 per acre. The board supported further pursuit of that proposal, and asked that that request be taken to each of the WIDs for their thoughts before the September AWB meeting. If the WIDs support that work, it can be added to the 2025 budget.
- iii. Gavin provided an update on the public records request submitted to ECY for all WID water rights documents. The request was submitted May 1, first answer received May 30th, and expect the first part of the response on July 31st.

b. Gavin and Jay provided an update on adjudication assistance.

- i. Water rights information portal is being developed to share documentation that we received through the public records request. AESI GIS buildout currently just gives people their parcel number, in the future will also give people access to documents received as part of the public records request. Also have a resources page with worksheets, property info and other helpful links, as well as a list of water rights attorneys and consultants who can provide additional help. Those items are available on the Ag Water Board website.
- ii. Water rights office hours were on May 31st and June 12th. More sessions will be held in September or October.
 1. 4 staff from AESI held 58 sessions over 2 days. 291 water rights were reviewed and discussed in those sessions, with 3350 pages of

supporting documents and maps (including historical aerial photos going back to 1943).

2. Adjudication claims filing deadline will likely be late 2025, so we can potentially get more funding from the state to offer more sessions after July 1, 2025.

c. County

- i. Comp plan update was discussed. Fred noted that there is less energy now behind the downzoning plan.

d. Jay provided an update on the augmentation project.

- i. ECY suggested getting a biological opinion. Spoke to a few biologists, got some feedback from them, and incorporated that feedback into the biological assessment within the report. Report has been submitted as final to ECY, they will review that information and hopefully issue a water right for the project. Goal of implementing the project at the end of this irrigation season has been reemphasized to ECY, but their typical response time has been on the order of 3-6 months.

e. Jay provided a synopsis of the county's groundwater model work.

- i. Work began back in 2015, and the model was developed beginning in 2018. Latest iteration of the model represents significant improvements in timing and resolution of the model. Calibration results were very good for both groundwater and streamflow. Water budgets from the model demonstrate the minuscule impact of surface water withdrawals. MAT scenarios looked at surface to groundwater conversion, aquifer storage and recovery, conversion (numerous shallow to fewer deep wells), stream buffer creation (eg. well setback), and ditch management. Board noted plenty of potential projects for settlement discussions amongst those scenarios.

5. WQ & Drainage

- a. Gavin provided an update on programmatic permits. Everything is on schedule.
- b. Fred provided a brief update of FLIP work. Modeling work of floodwater flow and sediment movement in the river basin is ongoing.
- c. Gavin provided a brief update on buffer issues. Main concern was the SPTH recommendation from the Governor's Riparian Roundtable.
- d. Gavin provided a brief update on FEMA work for Bertrand and Sumas WIDs. Nearing obligation on all projects in both WIDs, and procurement policies have been approved so work can begin.
- e. Fred noted that NRCS funding is back for Willamette Partnership to continue to facilitate CLASS work with the Bertrand WID and City of Lynden. There is potential to connect that to FLIP work as well via parallel modeling.
- f. Fred reported that water quality has been good enough that Department of Health will likely be upgrading a portion of Portage Bay to year-round shellfish harvest.
- g. Culvert MOA between the tribes and the county was briefly discussed.

6. Communications & Outreach

- a. March 27th adjudication education event went well. Very well received by the community, who are looking to AWB & WFF as a major source of information. Between the 3 events so far have been over 1000 people show up. Planning another event for October 22nd, depending on whether anything new has been learned about the adjudication process and timelines.

- b. Fred provided a brief media report.
- 7. Other business
 - a. Gavin provided an update on ability of AWB to provide services to drainage districts. No response yet from DD#7. DD#3 now effectively defunct.
- 8. Next meetings are scheduled for September 18 and December 11.

Meeting was adjourned at 2:55pm

Meeting Chat

- none

Submitted by Gavin Willis

Approved by: *Vern Verne Smith*