

Ag Water Board

Regular Meeting September 16, 2020, 1 pm

Ag Water Board office, 204 Hawley Street, Lynden

Zoom Meeting ID 876 1816 2818 Passcode: 289082

<u>AWB Board:</u>	<input type="checkbox"/> t__ Andy Enfield	<input type="checkbox"/> x__ Marty Maberry	<input type="checkbox"/> x__ Scott Bedlington
	<input type="checkbox"/> x__ Mike Boxx	<input type="checkbox"/> o__ Jeff De Jong	<input type="checkbox"/> x__ Kevin Te Velde
<u>Alternates:</u>	<input type="checkbox"/> x__ Vern Vande Garde	<input type="checkbox"/> Terry Lenssen	<input type="checkbox"/> Greg Ebe
	<input type="checkbox"/> Rich Appel	<input type="checkbox"/> x__ Landon Van Dyk	<input type="checkbox"/> Rod Tjoelker
	<input type="checkbox"/> Jon Maberry	<input type="checkbox"/> Brad Rader	<input type="checkbox"/> Keith Boon
	<input type="checkbox"/> x__ Rod Vande Hoef	<input type="checkbox"/> Rolf Haugen	<input type="checkbox"/> Larry Stap
	<input type="checkbox"/> Ed Blok	<input type="checkbox"/> Pete Vlas	<input type="checkbox"/> Harmon Brar
<u>Others:</u>	<input type="checkbox"/> x__ Fred Likkel	<input type="checkbox"/> Gerald Baron	<input type="checkbox"/> x__ Henry Bierlink
	<input type="checkbox"/> t__ Bill Clarke	<input type="checkbox"/> David Haggith	<input type="checkbox"/> Steve Jilk
	<input type="checkbox"/> t__ Gary Stoyka	<input type="checkbox"/> Paula Harris	<input type="checkbox"/> Dillon Honcoop
	<input type="checkbox"/> t__ Katherine Beeler	<input type="checkbox"/> t__ Chris Elder	<input type="checkbox"/> t__ Jay Chennault

t = present *o = absent with notice* *t = teleconference*

Scott called the meeting to order at 1:03.

- I. Review & Approve - June 17, 2020 – Marty moved to approve, Kevin seconded, motion passed unanimously.

- II. Financial/Administrative
 - A. Financial Reports – Henry reviewed. Mike moved approval, Kevin seconded, motion carried unanimously.
 - B. Ecology Grant - \$150k for 2 years – Katherine and Jay from AESI, the subcontractors under Reichhardt and Ebe working on the project, provided an update. The two surface to groundwater conversions are slowly developing but the uncertainties over the availability of complete financing for the projects has made caused both farms to be wary of moving forward.
 - i. Develop Project Lists – surface to ground and augmentation potential sites
 - ii. Progress toward implementing 2 conversions, 1 augmentation project
 - C. [New Ecology application – capital projects to support DBM](#) – 4 from Whatcom – decision in October – this would complete the finances requested to complete the surface conversions and reactivate those projects.

- III. Water Quantity/Supply
 - A. Adjudication debate
 - i. Ecology report due September 1 – delayed until the 15th – still not complete but it is expected in a few days. The Ecology request to the Governor for preparing his budget indicates they will be requesting funds for both the Upper Columbia and the Nooksack. Ecology indicates they would not expect to file the adjudication until 2023.
 - ii. Adjudication supported only by Tribes, Fishers, and environmental. Realtors have given oral support but not in writing to our knowledge.
 - iii. Family Farmers’ campaign, Ecology correspondence – there is a significant amount of doublespeak from Ecology or simply a lack of comprehension on how an adjudication would affect our growers.

- iv. Plan for Legislative education – Step 1 will be to provide education and generate local opposition to convince the Governor to not include the Nooksack in his budget request. A meeting of those who have already expressed concerns will be organized by the AWB in the next weeks. We expect to generate more coordinated pressure on the Governor. This group will also work to educate legislators and other partners represented by lobbyists in Olympia that a Nooksack adjudication is not desirable.
 - v. County position – the Executive has indicated concerns about an adjudication but has not opposed it. The Council has been listening but not taken a position. We need to press them to do so. AWB will seek to get this on the Council agenda in October.
 - vi. Scope of an adjudication – there were questions about potentially limiting the scope of an adjudication. Perhaps eliminating non-Nooksack River drainages. Or only surface water. These decisions may be made in the development of the work for the Superior Court.
 - vii. Relinquishment – Bill felt that there was disagreement on when relinquishment occurs. Ecology maintains that it occurs upon a right being inactive for 5 years. Others believe that it can only occur after Ecology provides a Relinquishment notice and the process allows an appeal option. It seems clear that the lookback will be to 1967 when the Relinquishment Law was passed.
- B. Bill Clarke report
- i. Upcoming legislative agenda – no request legislation from Ecology on water banking.
 - ii. Bill is preparing a paper outlining 4-5 examples of water agreements that accomplished much more than what an adjudication would provide.
 - iii. Bill suggested that the anti-adjudication coalition request a budget provision of something well under the \$1 million Ecology is requesting to support the Drainage Based Management (DBM) work occurring under the Water Management Board.
 - iv. Bill raised the point that we should argue with the Governor that by funding the Ecology request he would be allowing one agency to be working against another in the Nooksack. Puget Sound Partnership is already funding DBM. Ecology adjudication would destroy that effort.
- C. County Executive proposal
- i. Built on Lummi proposal (2015) and Drainage Based Management.
 - ii. Is presented as a better alternative to an adjudication.
 - iii. Seeking support from water users – Tribes are receptive but not fully onboard. Satpal wants to keep this in draft until they are committed.
- D. Regional Water Supply task force - Aspect Consulting as contractor
- i. Timeline for the project through the end of 2020 was displayed.
 - ii. Draft map <http://aspectconsulting.com/wria1map> of the water rights in the three pilot areas was displayed.
 - iii. This project will be used to set the stage for DBM.
- E. Launch of Drainage Based Management – Chris Elder
- i. \$100k provided by Puget Sound Partnership (PSP).
 - ii. County is coordinating this work. Core group involves AWB, Tribes, PUD, County PW and Planning, WDFW, and Ecology. Each pilot has additional invitees based on the area. Looking at inviting DNR and the Conservation District too.

IV. Communication/Education

- A. Media report/opportunity – the board saw a need and opportunity to contract with Family Farmers to educate key decision-makers surrounding adjudication issues. Fred and Gavin estimated between \$20-40k would be needed to be effective.
- B. Fish Need Farms; Farms Need Fish campaign – this has just been launched and the response numbers have been very encouraging.

V. New Business

- A. 2021 Budget – the need/opportunity to head off adjudication or scope it well if we do not succeed in stopping it was evident. More funding in the Legal and Public Relations budgets seemed prudent. It was noted that whatever is collected and not spent in 2021 would be available for future years relieving pressure on the WID project budgets. Mike moved, Kevin seconded, to present the following budget to the WIDs as a request for 2021, motion carried unanimously.

2021 Proposed AWB Budget

<u>WID</u>	<u>Acres</u>	<u>%</u>	<u>Office/ Misc</u>	<u>Admin</u>	<u>Legal</u>	<u>Reserve</u>	<u>Water Supply</u>	<u>Quality & Drainage</u>	<u>Public Affairs</u>	<u>TOTAL</u>
Bertrand	14,956	22.00%	\$5,500	\$15,400	\$8,800	\$11,000	\$11,000	\$8,250	\$17,050	\$77,000
North Lynden	5,909	8.70%	\$2,175	\$6,090	\$3,480	\$4,350	\$4,350	\$3,263	\$6,743	\$30,450
South Lynden	12,439	18.30%	\$4,575	\$12,810	\$7,320	\$9,150	\$9,150	\$6,863	\$14,183	\$64,050
Drayton	7,363	10.80%	\$2,700	\$7,560	\$4,320	\$5,400	\$5,400	\$4,050	\$8,370	\$37,800
Laurel	8,326	12.20%	\$3,050	\$8,540	\$4,880	\$6,100	\$6,100	\$4,575	\$9,455	\$42,700
Sumas	19,047	28.00%	\$7,000	\$19,600	\$11,200	\$14,000	\$14,000	\$10,500	\$21,700	\$98,000
	68,040	100.00%	25,000	70,000	40,000	50,000	50,000	37,500	77,500	350,000

Adjustments form 2020:

- Moved \$20k from Office to Admin for budget and report clarity
- Added \$5k to Office – primarily rent and office supplies, etc.
- Added \$30k to Legal and Reserve
- Added \$40k to Public Affairs

VI. Adjournment - Next Meeting

Meeting adjourned at 2:50.

December 16

Respectfully submitted by Henry Bierlink, Ag Water Board

Approved by _____