

# Ag Water Board

## Regular Meeting June 16, 1 pm

Ag Water Board office, 204 Hawley Street, Lynden

Zoom Meeting ID: 829 0407 4734 Passcode: 150943

<u>AWB Board:</u>	<input type="checkbox"/> Andy Enfield	<input type="checkbox"/> Marty Maberry	<input checked="" type="checkbox"/> Brad Rader
	<input type="checkbox"/> Mike Boxx	<input checked="" type="checkbox"/> Jeff De Jong	<input type="checkbox"/> Greg Ebe
<u>Alternates:</u>	<input type="checkbox"/> Vern Vande Garde	<input type="checkbox"/> Terry Lenssen	<input checked="" type="checkbox"/> Scott Bedlington
	<input type="checkbox"/> Rich Appel	<input type="checkbox"/> Landon Van Dyk	<input type="checkbox"/> Rod Tjoelker
	<input type="checkbox"/> Leroy Plagerman	<input type="checkbox"/> Kevin Te Velde	<input type="checkbox"/> Keith Boon
	<input type="checkbox"/> 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"/> Fred Likkel	<input checked="" type="checkbox"/> Gavin Willis	<input checked="" type="checkbox"/> Henry Bierlink
	<input type="checkbox"/> Bill Clarke	<input type="checkbox"/> David Haggith	<input type="checkbox"/> Meg Harris
	<input type="checkbox"/> Gary Stoyka	<input type="checkbox"/> Paula Harris	<input type="checkbox"/> Dillon Honcoop
	<input type="checkbox"/> Katie Faber	<input type="checkbox"/> Kasey Cykler	<input type="checkbox"/> Jay Chennault
	<input type="checkbox"/> Tom Perkow	<input type="checkbox"/> Chris Elder	<input type="checkbox"/> Atul Deshmane

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

Brad called the meeting to order at 2:06.

- I. Review & Approve – March 17 board minutes, April 21 Special Board minutes – Scott moved to approve these minutes, Andy seconded, motion passed unanimously.
- II. Financial/Administrative - Financial Reports were reviewed. All is in line with budget projections. Andy moved to approve the reports, Jeff seconded, motion carried unanimously.
- III. Water Quality/Drainage/Flood
  - A. Quality update was done in each WID meeting
  - B. [DNA project – Avian project](#) - Avian project report has been received. It helps clarify some issues but more questions arise. There is some interest in pursuing more data to answer these questions. Fred expects to arrange a fall meeting where Exact can present the data to the sponsoring WIDs and discuss next steps. The WIDs have suggested that there was little need to identify every source. For our benefit, it is important to isolate if the source is human, wildlife, or cattle.
  - C. Update on Floodplains by Design discussions and potential projects – Gavin noted that WFF was preparing a series of videos under contract with AWB and the Flood Board. They feature the Duffner Tidegate project and the Cougar Creek project at Appels. He also called attention to a Natural Conservancy WA video on history of the Nooksack River which should be coming out in a few weeks.
  - D. Jeff alerted the Board to the value of the service Fred is providing to farmers through his work with the Flood Board. It is crucial to have ag engaged in these projects and discussions and the work Family Farmers provides under contract with AWB is invaluable.
- IV. Communication/Education
  - A. Media Relations report – Gavin reported on the social media work Family Farmers is doing for AWB and the newsletters produced by WFF that have replaced the biennial newsletters that AWB produced in the past. He noted the op/ed recently published by Cascadia Weekly by Hans Wolfisberg on the adjudication question.
  - B. REAL campaign – a video on the improvements on Kamm Creek at the Badger crossing is in the works. Fred Polinder was very complimentary of the support received by the WCD and SLWID.

Darigold also produced a video featuring local dairy farmers' cooperation on salmon habitat protection.

- C. South Fork participation – Fred has organized a group of farmers who are connecting with the AWB work through Family Farmers.

V. New Business

- A. Conservation District – Henry updated the board on changes at the Whatcom Conservation District. Frank Corey is filling the Interim Ex. Director role with George's June 1 retirement. They seem to have narrowed the search down to three candidates. The CD is encouraging farmers to participate in the interviews with these candidates. Alan was reelected to the WCD board and Fred Berman was appointed to the board to replace Larry Davis.

VI. Water Quantity/Supply

A. County led Collaboration

- i. Legislature provided 2 years funding @ \$125k/yr. Conflicting letters from [ReSources](#) and [Family Farmers](#) concerning where to apply this funding. The [Executive's response](#) challenged ReSources desire to abandon collaboration and focus only on data collection.
- ii. Cascadia Policy Solutions - Maia, Jay – report due in July. Will likely be retained as a neutral party able to provide communications with Tribes and Ecology.
- iii. County Executive meeting with AWB Water Supply Committee – June 8<sup>th</sup> - was summarized. Satpal understands the concerns with an adjudication and shares our goal of illustrating a better path to a solution by the time the 2023 Legislature considers the filing and funding of an adjudication. Tribes remain non-committal to an alternative path. A Tribal meeting with Ecology this month may help them determine their approach to County led collaboration.
- iv. Request for infrastructure projects – ARA providing \$45 million to the County – Satpal challenged AWB and the WIDs to provide projects that would contribute to solving some of our water challenges. Ideas generated by the board include augmentation projects, surface to ground conversions, storage, and using PUD, Lynden MAR, and BBWSD water to create a water bank and pipelines to deliver water. It was noted that farmers along the mainstem of the Nooksack River and those on the tributaries have differing needs. Each WID should generate ideas pertinent to their area and the AWB with gather them all and provide the County a list of specific WID projects and countywide ag water projects by this fall.

B. Watershed Management Board projects

- i. Drainage Based Management - [outline](#)
  - o Seeking expansion of outline AND key initial projects from each pilot
- ii. Regional Water Supply Plan – [data collection](#)

- C. Legal Preparation – AWB Legal committee and Bill Clarke are recommending some steps to prepare for an adjudication, should one actually be filed. We will set aside time at future AWB Board meetings for Executive Sessions as we prepare for litigation. We are planning to rotate Executive Sessions among future WID meetings as well to keep WID boards fully informed as well. Some adjudication topics can be discussed in regular session, but other topics involving analysis of legal claims, defenses, or strategy would be done in Executive Session consistent with the Open Public Meetings Act and attorney-client privilege. Bill suggested that WIDs consider acquiring water rights, both for long-term agricultural water banking and from farmers who will not have the funds for the legal costs of defending water rights in an adjudication.

- D. Legal support for farmers and WIDs – Bill and the AWB are developing a roster of legal firms able to help individual farmers with preparation for a potential adjudication. We are working to clarify what an appropriate role for the AWB and WIDs might be in an adjudication with a goal of providing landowners as much support as we can. It is clear that we cannot provide individual legal support

for each water right holder but generating background analysis, data and other services that all members could equally access is being pursued.

- E. Tribal engagement – questions about how to best engage the tribes in productive discussions concerning our mutual resource management goals were expressed. We had a late 2020 Zoom discussion with their leadership that was useful but has not led to movement towards resolving our differences over the potential effects of an adjudication. Since that meeting a few letters have been exchanged and the Legislature has given support to both pre-adjudication and collaborative paths. The Board felt that a letter inviting a future discussion between our leadership was needed. Board members were encouraged to express their thoughts on what should be included in this letter and send to the AWB office as a letter is drafted. Waiting to build on the Cascadia readiness assessment report in mid-July seemed wise but the board did not support waiting beyond late July. The letter should express what is best for ag and invite the Tribes to respond in-kind.

VII. Adjournment - Next Meetings

Brad adjourned the meeting at 3:10. Next meeting is September 22.

Respectfully submitted by Henry Bierlink, Ag Water Board

**Approved by** \_\_\_\_\_