

Ag Water Board

Regular Meeting | **Minutes** | December 11, 2024, 1:00 PM

204 Hawley St, Lynden WA

Attendees

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

Board Members			
Bertrand	Vern Vande Garde (a)	North Lynden	Brad Rader
Drayton	Marty Maberry (t)	South Lynden	Jeff DeJong
Laurel	Mike Boxx	Sumas	Terry Lenssen (a)

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

Other Guests	
Name	Organization / Affiliation
Chris Heimgartner	Whatcom PUD
Atul Deshmane (t)	
Mark Stremmer (t)	Whatcom County Council
Alan Chapman (t)	Whatcom Conservation District
Alex Harris (t)	Whatcom PDS
Helen Solem (t)	

Proceedings

1. Brad called the meeting to order at 1:02pm.
2. Agenda and Minutes
 - a. Draft agenda was reviewed.
 - b. Draft minutes from September 18 meeting were reviewed.
 - c. Jeff moved to approve the agenda and minutes. Terry seconded. Motion carried unanimously.
3. Financial and Administrative

- a. Gavin shared an insurance quote from Enduris.
 - i. Gavin noted that due to AWB's unusual structure most insurance companies are declining to provide quotes.
 - ii. Gavin noted that the property insurance rate in the quote was the minimum participation amount in the pool. Given the relatively small amount of property that AWB owns, it would be more cost-effective to self-insure there, and just seek coverage for liability, D&O, and crime.
 - iii. Gavin shared draft Resolution 2024-02, which would authorize membership with Enduris.
 - iv. Marty moved to adopt Resolution 2024-02 Authorizing Membership with Enduris. Jeff seconded. Motion carried unanimously.
 - b. Gavin shared a proposed update to the 2025 staffing plan for AWB. The changes would involve reducing Gavin's hours from 0.95 FTE to 0.8 FTE and hiring an additional staff member to take on office and administrative responsibilities. Gavin expects that the changes will result in cost savings of approximately \$9,000 over the course of 2025.
 - i. Terry moved to approve reducing Gavin's hours and pro-rating his salary accordingly. Vern seconded. Motion carried unanimously.
 - c. The AWB-appointed term on Whatcom Family Farmers currently held by Joe Vanderpol is expiring at the end of the year, and AWB will need to appoint someone to another 3-year term.
 - i. Brad and Fred both noted that Joe has been a valuable member of the WFF board.
 - ii. Vern moved to reappoint Joe to the WFF board. Terry seconded. Motion carried unanimously.
 - d. Gavin shared a draft 2025 contract with Whatcom Family Farmers for Water Quality, Drainage, and Communications services. The total contract amount is \$100,000.00.
 - i. Mike moved to approve the WFF contract. Marty seconded. Motion carried unanimously.
4. Water Quality and Drainage
- a. Gavin provided an update on programmatic permits. Work is on schedule, although the county planning department is moving slowly on permit issuance.
 - b. Fred provided a FLIP update. Meetings are ongoing related to potential berm projects that would reroute floodwaters around urban areas.
 - i. Question from board member about transboundary flood issues. Fred noted that current county plans wouldn't change international issues, and the TFI is moving slowly if at all.
 - c. Fred provided a CLASS update. Things are moving along well now that Willamette Partnership is back. It was noted that the loss of the dogfood plant may have an impact on the project.
 - d. Gavin provided a FEMA update. There is one project awaiting obligation in Bertrand, and four projects in Sumas. Also currently awaiting EMD approval of a draft RFQ for A&E services, and FEMA approval of a draft Invitation to Bid for debris removal services. Delays in those document approval processes are slowing down the projects.
5. Water Supply
- a. Bill provided a legislative update.
 - i. Senator Shewmake was named chair of the Senate agriculture and water committee. Bill has talked with her about adjudication claims reopening that would allow pre-code water uses without an existing statement of claim to

participate in the adjudication process. She seems generally supportive of the bill, but will seek tribal input.

1. City of Blaine and Whatcom PUD have stated they will support the bill.
 - ii. Christine Reeves is chair of the agriculture and water committee on the House side. Not a strong water rights background, but appears to be a good choice.
 - iii. New ECY director is Casey Sixkiller. General expectation that he will be more of an outward public figure than the outgoing Director Watson. Remains to be seen whether that will provide opportunities for settlement in the adjudication.
 1. A board member noted that the Sixkiller administration in EPA Region 10 has not been a friend to agriculture, especially dairy, in the state.
 - b. Bill and Ramsey provided an adjudication update.
 - i. Bill noted that the court has set May 1, 2026 as the filing deadline. Summons will start going out in February.
 - ii. Ramsey provided a brief update on the settlement outlook. She will be speaking with the federal settlement team at DoJ soon to get an idea of what they are thinking now that the order of service is out.
 1. Also noted that the Sixkiller appointment may provide opportunities to build new relationships with ECY leadership which could lead to stronger support for settlement discussions.
 2. Doug Burghum's appointment to Chair the Department of Interior appears to be a positive development. Remains to be seen who will be appointed in Dept. of Interior to deal with federal water rights settlements. Dan Keppen's name has been floated as a possibility.
 - c. Jay provided an update on adjudication technical assistance for landowners.
 - i. Office hours over the last year went well, plan is to continue those in 2025.
 - ii. Information portal is in progress – final batch of documents from ECY is due to AWB next week, which would allow us to launch the info portal in early 2025.
 - d. Henry provided an update on county government work.
 - i. The Watershed Management Team met this morning. The focus of the meeting was a discussion about the USU study and underlying assumptions of optimal fish flow. City of Bellingham and the PUD have been continuing to push against the assumptions that model is based upon. There are a series of letters that have gone back and forth between WMB members, Henry will share that information.
 1. The LGC will meet early next year, and will be looking for input on the agenda. Gavin will follow up with Chris.
 - ii. The Ferndale pilot project is still looking at integrating water supply with land use planning. The RFQ went out, and the committee received a proposal from the Washington Water Trust. Henry is concerned that they may not understand the nuances of Whatcom County water issues. It appears that the pilot project is moving along slower than was originally anticipated.
6. Fred provided a written communication and outreach update.
 - a. Most of the work over the past 3 months has been related to education events: an adjudication info evening, Farm Circle, and the annual Farmer Rally.
 - b. The next newsletter will go out in Q1 2025.
 - c. A new REAL video highlighting irrigation efficiency work on local dairies was released recently. An additional mini-documentary about irrigation efficiency work in potatoes is in the finishing stages of production and should be released in Q1 2025.
 - d. The 2nd annual ag career fair will be hosted at the NWWF on February 7, 2025.

- e. There is not currently an additional adjudication info evening scheduled, although most likely will be hosting one late in Q1 2025.
7. Gavin noted that a proposed merger between DID#3 and the Laurel WID is on hold because a small portion of the drainage district is outside of the WID. Bill is looking at a potential legislative fix.
8. Atul expressed personal thanks as a county resident for the water rights office hours.
9. Vern moved to adjourn the meeting. Terry seconded. Meeting was adjourned at 2:41 pm.

Meeting Chat

- *none*

Submitted by Gavin Willis

Approved by: _____

