



Clean Water Advisory Committee Meeting Minutes

Clean Water Advisory Committee

July 11, 2019

Committee Members in Attendance: Jenny DeGroot (on the phone), Vicki Heater (on the phone), Kyle Loring (on the phone), Laura Jo Severson

Ex-officio and County support staff: Krista Davis, Kyle Dodd, Marta Green, Tom Huse, David Kane, Mike Ramsey, Byron Rot, Kendra Smith, Buck Smith

8:48 Convene Meeting. Approval of March, May, and June meeting minutes delayed to September

8:49 Final CIP review and budget approval for submission into the County budgeting process (Bob Naiman, Judy Meyer already approved)

Kendra

- Question about Orcas ferry landing: Kendra explains that grit is being swept from ferry parking area. We have applied for filtration retrofit for each of the three main ferry landings.
- Question about False Bay Creek restoration: most land owned by Preservation Trust, proviso that current land manager can farm. Most water quality issues from cattle, should improve once riparian plants are established
- Question about Zylstra lake, damming and water rights: Land Bank is doing a management plan now.

ACTION ITEM: make Zylstra Lake water rights an agenda item for next meeting.

8:57 AM Introductions around the room (including members on the phone)

8:59 AM Laura Jo moves to approve the CIP, Jenny seconds. All in favor, none opposed

9:00 Cascade Creek new water master, reflections from field visit with Gary Sayles, management of Mountain Lake outflow into Cascade Creek

Buck Smith

Danny is taking over from Gary Sayles. Brought Tom Perkow and Kelly Gillingham (metering specialist) from Dept. of Ecology to meet Gary on Orcas, tour hydrology of the system. Also Jenny, Kyle Loring. Went to Summit Lake near top of Mt. Constitution, then Mountain Lake Dam. Toured whole basin, discussed fish issues. Jenny discussed issue of no water getting to Coho Reserve.

- Question: Can we use the existing stream gauge? Answer: problem of cell phone coverage.

Jenny: when the water is not flowing over the diversion, that's when we get zero flow at Coho Reserve. That's why a camera would work –by observing whether water is flowing over the diversion. If no water, talk to Dept. of Ecology (Buck) and have them release more water because the fish have water rights. Camera can get put into place by September. Ecology will pay for it, work more with Kelly

9:10 Primer on water extraction and water rights in San Juan County. What is allowable water withdrawal from surface or ground water and which withdrawals requires a water right? Informal discussion

Buck Smith

The backdrop is the proposal Vicki presented last meeting, the idea of 5 farmers putting forth applications to formalize existing water use (both ground and surface water).

WA became a state in 1889, had a water code almost immediately. First code was for *Riparian* water rights. In 1917 enacted *Prior Appropriation* system. Entity needs to apply to State for appropriation of surface water rights. There is a database of those rights. Since 1945 this same system applied to ground water. Can use up to 5,000 gallons/day for domestic or industrial, or watering a half acre of crop or watering stock without applying for a water right. All four of these types of water uses can be stacked on one property.

- Irrigation of a commercial property is deemed to be an industrial use of water. Creating something to market/sell is industrial, limited to 5,000 gallons/day (for groundwater), not limited by acreage.

In the last decade or two more court cases to clarify issues between ground water and surface water. If water reaches the atmosphere, it's surface water. If you need to dig to access water in a pond with a pump, you're bringing it to the surface, then you need a right. Water rights are mapped in San Juan County, those data are available.

In the last 20 years, all new water rights have metering requirements (not true of the older rights).

- Question: what if one has a water right and did not use it for a certain amount of time? Do they lose it?

Buck: IF there's a new owner using an old water right that hasn't been used for 5 years or more (without good reason, e.g. you were drafted into the military), water right can be forfeited back to the state.

Faith (*on the phone*): as far as dormancy of water rights, particularly on Ag resource lands. How can we ensure that gets maintained as Ag lands even if water rights aren't being used?

Buck: there are methods to protect a good water right, hold it temporarily in keeping of Dept. Ecology

Mike: what if they say their pond is for fire protection?

Buck: don't need a water right for that, if it's an emergency for fire fighting.

There's also reservoir permitting: if 10' more in depth or 1 acre 10' deep. Eg: Roche Harbor Briggs reservoir. They needed a permit to impound/store that water. Then we have a dam safety group who will need to inspect design of storage, inspect downstream dams etc. every 5-10 years.

There's also water rights claims. After 1917 and 1945 you needed a water right, but there were already thousands of water users. They were exempted from new rules and allowed to continue use. In 1960's there was an idea to get Columbia River water to S. California. WA was able to show all the surface and ground water users, and then asked all previous users to register a water rights claim to track use. On Orcas Island the state has legally confirmed Rosario's claim dating back to 1884.

9:48 Final water quality and water quantity monitoring plan approval for budgeting purposes

Marta/Kendra

Four objectives for monitoring –

1. Storm water quality (street sweep and catch basin),
2. Surface Water quality (focus on priority stream restoration projects, est. baselines),
3. Surface Water quality source control (Identify new/temporary contaminant sources so we can seek control actions), then
4. Stream flow monitoring (support restoration planning). In past years the plan provided for 120 samples but we weren't able to collect all of them for various reasons. Now scaled back and planned for half of that.

The subcommittee met, this reflects final recommendations out of those discussions

On SJI three sample locations.

- False Bay Creek, 3 surface water locations. We're planning to move monitoring upstream and sample each creek separately.
- Friday Harbor ferry terminal. The only stormwater sample for SJI will be at ferry terminal in FH.
- Garrison Creek. Subcommittee recommended to cease sampling in Garrison Creek at this time (no current restoration, data looked good from previous 5 years)

On Lopez,

- stormwater at Village and ferry terminal.
- Possible sample site at ditch/tributary going past transfer station into fisherman bay.
- A couple of sites the committee agreed to drop, one is part of the new bioswale.

Anacortes. NPDES requirements for ferry terminal on mainland, WSDOT distinguishes between Phase 1 (required to have characterization of stormwater) and 2 which just needs to use best management practice (urban and rural). Water from Anacortes ferry terminal isn't treated.

On Orcas,

- Stormwater samples in Eastsound village and the ferry terminal. Eastsound has been sampled, and has bacteria problems. Crescent Beach and Ship Bay rated for shellfish but issues with fecal choliform
- Then at Crow Valley/Westsound Creek, limited samples from stream gauge site near the mouth (CV1). Moved the water quality samples about ½ mile upstream to where the two tributaries

join (north and east). This is closer to where restoration activities will occur. Continuing Stream flow monitoring at CV1.

- Flow monitoring at Doe Bay, Crow Valley/Westsound, and Fish Trap Creeks.

That's a total of 10 stormwater sampling, 5 sites 2 events. Then for surface water 5 sites 3 events, total of 15 samples. Total of 25 samples and a few more source control samples (up to 10).

If a change in flow or potential contaminant is observed please let Marta know

Stormwater sample the first flush = first possible opportunity when sheet flow starts collecting on impervious surfaces. As soon as possible after first big rainstorm. After we do this we may be able to compare our results to places like Seattle or Bellevue, and then employ best management practices accordingly. This is not sampling just for sampling's sake. We have funding under programmatic resources to look at source control and run monitoring. Previously we were spending over \$60K for monitoring, this is more like \$10K. We are moving onto the next step, implementing street sweeping. Then we need to assess if it's working. Using monitoring to inform our actions.

ACTION ITEM: We don't have a quorum to approve this now but will do so at the next meeting

ACTION ITEM: Byron will update on Fish Trap Creek/Cormorant Rd culvert at next meeting

10:20 Potential: Conservation District Draft Drought Conservation Plan

Mike Ramsey

Draft conservation plan (not management plan) on website, no designation for drought conditions. It's largely educational recommendations (Conservation district is not a regulatory body). It could be turned into a drought management plan. It borrowed from Whidbey Island's management plan.

The plan has sections on climate trends, precipitation etc. An appendix at the end lays out actions for practices and example drought applications. It's focus is Ag because it discusses crop/pasture land/irrigation etc. Also has an urban/residential column but talks a lot about crop rotation, buffer strips, cover crops, Critical area planting, drainage water, etc. NRCS best practices for ag management. It could be updated to include more residential recommendations (like watering at night).

- Question: since we don't have the stream monitoring, are there other ways to look at drought?

Buck: you need to be at 75% or less of *normal* water supply and have undue hardship being caused. We'd need to show Dept. of Ecology and governor's office that those criteria are met. Therefore, what's considered normal water supply? Reservoirs or also wells.

10:29 No other miscellaneous items by committee members. No Public Comment.

10:30 Adjourn