



## Lake Whatcom Policy Group

### October 16, 2017 Meeting

### Brief Digest of Presentations and Discussion

**Policy Group members in attendance:** Todd Donovan, Satpal Sidhu (Whatcom County Council); Gene Knutson (Bellingham City Council); Curtis Casey (Lake Whatcom Water and Sewer District); Larry Brown (Sudden Valley). Other Council or Board members present: Todd Citron (Lake Whatcom Water and Sewer District Board); Carl Weimer (Whatcom County Council); Leslie McRoberts, Gail Chiarello (Sudden Valley Board).

#### 1. Stormwater: Review of the 2017 Homeowner Incentive Program (HIP)

In 2017 the Homeowner Incentive Program (HIP) implemented a new program design. Outreach and homeowner engagement has been contracted out, and the program hired and trained a new HIP coordinator employed by the Whatcom Conservation District. There is a new program web site: <https://www.lakewhatcomhip.org>. Homeowners can enter their address and the site will guide people to appropriate activities for their property. Fact sheets are available, and a set of landscape design templates have been created for different types of properties that homeowners can use to help decide what projects might work for their property. Information is also available for homeowners who want to accomplish small do-it-yourself projects. Workshops for do-it-yourself projects have been held, with 3 projects permitted from this process. A streamlined process for homeowner reimbursement is also in place. A vendor list is posted on the web site indicating where various materials and supplies can be purchased.

A design manual for the program is complete, and the program has trained and certified professionals who have appropriate design, engineering, and landscape expertise. Trainings for potential contractors were held in the spring and there are now 36 certified individuals working at a total of 24 separate businesses. There was a soft rollout to the newly designed HIP this year, with a series of postcards mailed to residents and other interested individuals. The Geneva neighborhood was a focus for 2017 outreach. Currently the program is focusing on properties in Basin 2 of the Lake, with properties having the highest potential for phosphorus control targeted first. These properties have large lawns, abut creeks, or are at the Lake shoreline. Currently 5 projects are moving forward, with others in the pre-design stage. One project is fully permitted. Together the 5 projects will treat about 100,000 square feet of land.

Given the realities of ramping up a new version of the program and the relatively short window in which ground-disturbing work is allowed (June through October), the number of fully permitted projects in the new HIP program has been limited. Participation will continue to ramp up through 2018. An evaluation of the early experience of the new program will occur this winter, and a full evaluation will occur at the end of the first full program year. This information will be used for continuous program improvement.

#### 2. Land Use: Update on regulation of vacation rentals in the watershed

The City and the County are both in the process of creating regulations that would apply to vacation homes and short-term rentals (less than 30 days at a time rental).

In Bellingham short-term rentals are currently not permitted unless people go through the process of permitting a B&B, which requires a conditional use permit. Very few properties have gone through this process. The City is interested in creating a framework for allowing short term rentals, as outright prohibition has not been successful in other jurisdictions. The City has held two meetings before its Planning Commission. The first meeting in August discussed general approaches to the issue and surveyed regulatory programs in other cities. At a second meeting in September draft recommendations from staff were presented and discussed. Staff will return with ordinance options in early 2018. The City has decided not to re-do its shoreline regulations at this time, and will wait to 2020 to revise the shoreline rules. For this reason, short-term rentals in Lake Whatcom will not be permitted until that year. The topic is likely to come to the City Council by February or March of 2018.

The County has created a general set of draft land use regulations that would allow short-term rentals. These have been presented for review and feedback by the County Council, and were generally supported. The County is currently in the process of revising its shoreline regulations so that any new land use rules that are adopted could be applied to shoreline areas, including Lake Whatcom. This requires a Department of Ecology (DoE) review and approval of the revisions. Different regulations may apply to the Lake Whatcom area. The next step is dependent on approval from DoE, but staff expect that the issue will be brought back to the County Council for further consideration by February or March.

### **3. Aquatic Invasive Species (AIS): Annual Program Review**

Staff reviewed the activities of the 2017 AIS program. Aquatic invasive species are non-native plants, animals, or pathogens that can cause substantial damage to habitat and infrastructure. Zebra and Quagga mussels are the greatest worry as these cause very heavy infestations and can clog drinking water pipes and foul shorelines. These species can live out of water for up to 30 days. Heavy infestations are found in the upper Midwest and parts of the South, and these species are established in some Western water bodies as well, such as Lake Mead and, more recently, appear to be established in Montana. The AIS program coordinates with other programs across the western states, which altogether includes state border inspections and boat inspections at a number of other lakes.

Local program inspectors were sent to Lake Mead for training early this year, and were also required to go through a 10 day local training course, and to pass a final exam. Inspection activities for the program ran from late April through September. Regular launch inspections occurred at three Lake Whatcom sites and one site at Lake Samish. In 2017, 6,407 annual program permits were sold, an increase of 12% from the prior year. In 2017, over 12,000 boats were inspected, with three-quarters of these at Lake Whatcom. The busiest day at Lake Whatcom was 213 boats inspected, which is about 35 boats an hour at peak times. A boat "sealing" feature of the program continues to work well, with boaters who get inspected and do not launch in other waters getting an expedited entry. This is convenient for boaters and helps staff manage the workload and provide more attention to other boats. This year weekend inspections were added at Sudden Valley and at the South Bay launch site. Inspections were extended from weekends to seven days at Lake Samish. At Lake Samish, ten boats per hour were inspected at the busiest times. Exit inspections were also held at Lake Terrell this year.

In 2017, 325 boats required more attention. Some required full decontamination, and others required drying and physical removal of foreign material. On-site inspections were held at 227 sites, with inspections of multiple boats when possible. For example, at the Lakewood marina, 68 boats were inspected.

A review of data on inspected boats indicate that boats had previously been launched, at some point, in water bodies of 45 different states or provinces, and had been in a total of 728 different water bodies; 54 of these water bodies are infested with mussels.

Education is a key part of the program. One component is an on-line AIS course with a test that, if passed, provides a discount against the cost of an annual permit. Since the program has started almost 7000 people have taken and passed the test. Revenues for the program this year were about \$140,000 and expenses were about \$400,000.

The program is working with Washington Department of Fish and Wildlife (WDFW) to conduct surveys and analyses to detect AIS. Activities include placement of artificial substrates to collect invasives, plankton tows, as well as water sampling with DNA analysis to determine if invasive species tissues are found in Lake Whatcom or Lake Samish. Staff are awaiting results of these activities. If water tests for DNA result, additional investigation would occur, since the presence of genetic material does not necessarily indicate an established infestation. Shoreline surveys by staff of select areas also occurred. Additional Asian clam-infested areas in Lake Whatcom have been found, but habitats have not been substantially affected yet. Asian clams have not been detected in Lake Samish yet. Staff also conducted an aquatic invasive plant survey, in cooperation with the Whatcom County Noxious Weed Control Board. Water treatment of Lake Terrell with the selective herbicide 2, 4-D occurred to control invasive Milfoil plants, with assistance and grant money from the WDFW.

An informal compliance survey of boats indicated that about 10% did not have annual stickers, or had expired stickers. A question arose whether boats with single-day permits get a sticker. This would make it easier for area residents to notify the program when boats appear to be out of compliance. Staff were also asked if out-of-state boats could be quarantined. The program rules would have to be changed to allow that.

#### **4. Administration: Proposals for Whatcom County Flood Control Zone District fund**

The balance in the Flood Control Zone District Fund has been dropping. The fund pays for water projects Countywide, including in Lake Whatcom. Staff believe that, at expected rates of spending, the Fund reserves will allow for spending through the end of 2018. After 2018, reserves would drop below the stipulated program minimum of \$5 million. The County Council has asked the administration to bring back proposals for a special funding district in Lake Whatcom to help fund program activities. Given time constraints, the Council could create a district this year, and a consultant may be retained in 2018 to examine funding mechanisms and rates. The district could be either a Flood Control Sub-Zone District, or a Stormwater District. The County Council may also consider raising the general flood control rate this year to solve part of the funding problem.

Sudden Valley residents are concerned that they may not get credit for activities already underway to control phosphorus. Sudden Valley representatives asked whether properties already employing phosphorus control would get a special rate. This may be possible, but the implementation of an exemption would introduce substantial administrative complexities into the program, and it may be difficult to administer an

exemption program fairly. Sudden Valley representatives asked to be consulted as an organization as the process goes forward. Staff noted that there will be a number of outreach events and opportunities as the work commences in 2018 to design the fee mechanism. In the meantime, Sudden Valley was asked to provide documentation of the current control measures at properties in the association.

## 5. Administration: TMDL Implementation Plan update

A Lake Whatcom Watershed Total Phosphorus and Bacteria Total Maximum Daily Load Implementation Plan has been submitted to the Washington State Department of Ecology (DoE) for approval. The plan includes ten years of milestones to achieve water quality improvements. The first 5 years are more detailed and correspond to the existing program 5 year plan. This includes a list of tasks to be performed and tracked. The National Pollution Discharge Elimination System (NPDES), which is used by DoE to regulate stormwater discharges under authority of the Clean Water Act, will include the TMDL milestones as part of compliance. The intent is to align the different phases (program plans, NPDES, and TMDL phasing) by 2024. DoE has completed its initial review of the implementation plan.

During the first 5 years of the TMDL, some activities will differ between the City and the County. The County is developing an emergency response plan for hazardous spills, and creating homeowner agreements for phosphorus control for use within its jurisdiction. The City will conduct surveys of homeowners to understand whether education efforts are having the desired effect. Both entities will undertake an evaluation of their existing stormwater systems and programs. After the first 5 years, it is expected that program activities and standards will be closely aligned.

## 6. Administration: Policy Group meeting dates and potential topics for next year

There will be 5 Policy Group meetings next year: February, May, July, September, and November. The February meeting will be used to plan the Annual Joint Councils and Commission meeting, tentatively scheduled for March 28, 2018. A general set of topics to be covered next year include:

- Annual meeting planning (Feb.)
- HIP program
- AIS review
- Stormwater capital program
- TMDL updates
- Monitoring: LW water; tributary; construction trends, etc.
- Funding/budget issues
- Land use topics – acquisition, management, forestry, regulations (e.g. vacation homes)
- Lake Whatcom Water and Sewer District updates

### *Upcoming Meetings (2018):*

**Annual Lake Whatcom Joint Councils and Commission meeting** is tentatively scheduled for March 28, 2018

**Lake Whatcom Policy Group** meetings will occur in February, May, July, September, and November. Dates and times TBD.