



Lake Whatcom Policy Group

September 23, 2020 Meeting

Brief Digest of Presentations and Discussion

Policy Group members in attendance: Todd Donovan (Whatcom County Council); Michael Lilliquist, Hannah Stone (Bellingham City Council); Bruce Ford (Lake Whatcom Water and Sewer District Board). Other representatives or executives present: Satpal Sidhu, County Executive; Todd Citron, Lake Whatcom Water and Sewer District; Leslie McRoberts, Sudden Valley Community Association Board

1. Land Use: City of Bellingham Lake Whatcom Development Regulations revisions

The development regulations and the stormwater regulations work together to guide development in the City portion of the watershed. Relatively small changes are expected for the development regulations—for example, to make the regulatory chapter consistent with the stormwater chapter. The emergency exemption provision for land disturbance activities during the no build season will be relaxed somewhat to allow for some minor digging projects that would have no or only minor impacts. A loophole will be closed under which certain large remodeling projects were allowed without triggering the low impact development requirement. For example, existing single-family homes were adding a second story without being held to the requirements in the stormwater manual.

Since this code was created in 2009, 26 homes have been built, and there are 101 potential new units. In general, the existing code is working as intended and is proving to be stringent enough to provide the intended results. The code revisions are due to be in place before the next building season. The Homeowner Incentive Program (HIP) complements development standards by reaching existing properties not covered by the development code.

2. Administration: City/County Shoreline Master Plan updates

City of Bellingham: The City is in the process of finalizing the scope for the Shoreline Master Plan (SMP) Update. This update will be limited as the City did a more extensive update recently. The status of short-term rentals will be analyzed. These are currently prohibited within the City portion of the watershed. New rules will take into account sea level rise, and the City has received a \$28,000 grant from the Department of Ecology to analyze this risk. The UW Department of Urban Design and Planning will participate in the sea level study.

The threshold for review of some smaller projects by the Planning Commission's Shoreline committee will be increased. Under the current threshold, some projects with very small impacts have been required to receive a full review. A process for public review and input into the proposed changes to the SMP will start soon.

Whatcom County: The County is seeking to bring its SMP into compliance with changes in local rules, and to also align it with changes in state law since the plan was written in 2007. Some changes will be made to reflect recent revisions to County regulations affecting Cherry Point. The rules for extraction of sand and gravel will also be updated, as will rules for public access and park development within the shoreline area.

	<p>Modifications will also occur to require shoreline stabilization during timber harvesting or other forestry activities.</p> <p>The SMP update project began about a year ago with a public scoping process, but because of COVID the project is behind schedule. For the Lake Whatcom watershed, special attention will be paid to permitting of docks and other overwater structures.</p>
3. Stormwater: Homeowner Incentive Program (HIP) update	
	<p>A HIP pilot program to assist homeowners in completing stormwater retrofits on their properties was in place from 2011 to 2015. The pilot was followed by the present program, which was fully implemented by 2017. The current program is primarily City-funded and focused on Basins Two and Three (the north end of the Lake) with about 2,600 eligible properties. The County took the lead in managing the program, with the public outreach component contracted to the Whatcom Conservation District. There are two pathways in HIP: projects assisted directly by the program and its associated contractors, and a do-it-yourself pathway for simpler projects.</p> <p>In 2020 in-person workshops were scheduled but were cancelled because of COVID. A virtual information session was held on June 23 instead. A native landscaping video tour was also created—See https://www.lakewhatcomhip.org/general-program/.</p> <p>Ten initial site visits have occurred this year, down 64% from 2019. A total of 16 projects are currently in design or construction. For the do-it-yourself component of the program, 37 households have registered for workshops, down 24% from the prior year, and 13 DIY projects are in the design or construction phases.</p> <p>Changes for 2021 include a transition to each jurisdiction funding projects within its geographical area. A new Lake Whatcom utility is providing funding for expansion of the program into Basin 3 properties at the southern half of the lake. Properties eligible for retrofitting in the County will increase from about 1,900 to 5,100. The County program will take into account capital projects to be built that will also control stormwater. Smaller native landscaping projects will also be a focus of the County program. The City program will remain essentially the same. Another HIP program update will be presented at the December Policy group meeting.</p>
4. Monitoring and Data: Lake Loading and Response Model update	
	<p>There is a 2023 deadline from Department of Ecology for updating phosphorus loading estimates for the Total Maximum Daily Load (TMDL) regulatory requirement. Initial estimates were based on only a few years of data. There are two models. One estimates phosphorus loading and the other relates to the lake response to that loading. The framework for developing the models has been reviewed by DoE and will be up for final approval soon. Contractor Brown and Caldwell will work with Portland State U. to update the loading model. New estimates of loading and the allocation of that loading to different components could result in some modification of the TMDL targets.</p>
5. Monitoring and Data: Water quality data reports	
	<p>On-Site Septic Impact Study findings. A study was commissioned in 2017 by the Lake Whatcom Water and Sewer District out of concern that there was onsite septic systems (OSS) drainage reaching the Lake. There are about 100 OSS in the N. Shore area. OSS were releasing fecal coliform and phosphorus and some outflow from septic systems was reaching the Lake, but further study was needed to assess the findings.</p>

A second phase of study, which was completed this year, took a broader look at three areas: parts of the lake with OSS; those with sewer systems; and, an undeveloped area. The presence of optical brighteners from detergent was used to identify flows from human sources. Both storm events and base flow events were sampled. Fecal coliform was also sampled. Samples were taken both at the locations of the OSS and sewer systems, as well as in the lake water itself.

Very high phosphorus was found near some of the septic sampling sites. However, overall phosphorus in the lake water was higher in areas of the lake near the sewer area, as compared to the OSS area. With higher water flows, the concentration of phosphorus decreases. However, fecal concentrations go up with water flow, as animal deposits are transmitted to the lake.

Overall findings were:

- Human biomarkers are high in the OSS areas but concentrations of fecal coliform and phosphorus are low. OSS are not a significant source of fecal bacteria or phosphorus loading to the lake.
- Septage is transported slowly through soils in some drainages, but not by overland flow.
- Fecal bacteria die-off when water is infiltrated through the soil, and phosphorus adheres to soil particles, reducing the overall impact—although other chemicals from human sources may get to the lake.
- OSS repairs since the 2017 study did not reduce septage inputs to the lake.

Tributary monitoring. Tributary monitoring has been done for 11 years. Contractor Brown and Caldwell is in the final quarter of this round of studies, and a comprehensive report will be available later this year. Preliminary results indicate that some tributary bacterial counts are down. Controlling E. Coli is also part of the TMDL. The City and County are coordinating with the Institute for Watershed Studies (IWS) to plan for the next phase of monitoring, and sampling done by Brown and Caldwell will complement sampling completed by IWS. Tributaries were sampled by the City for Glyphosate, and at all sampling sites in Lake Whatcom watershed tributaries, none of the herbicide was detected.

6. Administration: Agenda for next meeting

The following items were tentatively added for the December meeting:

- AIS 2020 Program Review
- Tributary monitoring report
- Update on HIP Program changes
- Review of forest practice issues and monitoring
- Land acquisition program review

Policy Group members indicated that, to the extent possible, staff should highlight or emphasize policy issues in future presentations.

Upcoming Meetings:

- The next Lake Whatcom Policy Group meeting is scheduled for December 2, 2020, 3:00 PM, via Zoom