

## Dept. of Ecology, Bellingham Field Office Comments on Whatcom County's Urban Growth Area Review, Environmental Impact Statement

Here are comments from Ecology's BFO. I have compiled comments from several staff here, including Steve Hood and Mark Henderson. Others reviewed the EIS but had no comments.

### **General Comments:**

Of those that responded in BFO, there was general consensus that Alternative X was preferred, primarily because, of the cities in the report, Bellingham is best situated to provide water for future growth. Another reason is that we prefer infill of existing developed areas vs. new developments in rural areas, and particularly in farmland. More development typically results in more impervious surfaces and greater stormwater runoff.

### **From Steve Hood:**

Page 5, Section 4-3:

Padden misspelled in table as stream near Bellingham.

I wonder why Tenmile Creek is left off of Ferndale, but Fourmile is included?

Page 6, at bottom: Correction page 5 at bottom

Language is confusing about proportion of sources using water. Nearly 100,000 (> 50%) get their water from Lake Whatcom, so the proportion given must just be for Nooksack River. That should be clarified.

Page 9, near bottom: Drayton Harbor is a shallow bay.

Page 21: The assertion that urbanization will result in reductions of FC because OSS are fixed or replaced with sewers and pet waste is better handled is not backed up by any evidence and in fact is contradicted by existing data. The current program has begun to require O&M documentation and functional analysis at property transfer. This mechanism of repairing failing systems is in place for both rural and urban systems. Properly designed, installed and maintained OSS are as effective as properly installed and maintained sewage collection systems.

Urbanization has been associated with increased FC associated with pets and pests.

Page 30: It isn't clear how change from agriculture to residential would cause a loss of wetlands. It seems that if practices allowing farming to drain hydric soils is halted the wetland hydrology would return.

Page 32: I think the sentence

"This alternative would have a greater potential to impact the independent coastal distributaries located within Bellingham,"

should read

"This alternative would have a greater potential to impact the independent coastal tributaries located within Bellingham ...."

Page 38: Contains an incorrect tense or something.

“Federal National Pollutant Discharge Elimination System (NDPES) regulations as well as County stormwater regulations require stormwater quantity and quality controls. The County has adopted the Washington Department of Ecology Stormwater Manual for western Washington.”

The adoption of the Stormwater Manual has not been done. I am pretty sure they are trying to get it done by the August deadline. As a result of the permit modification, the date may be relaxed in which case Whatcom County may delay the adoption. Not only is it inappropriate to use past tense, but we can't be truly sure when it will be accomplished until the permit modification is complete.

Also, at this point the County NPDES permit requirement only applies to Bellingham and Ferndale UGAs. In the next permit cycle it will probably be expanded to Lynden and. I expect, as a result of the Lake Whatcom TMDL, to get the program required in the permit to be voluntarily extended to the rural areas in the Lake Whatcom Watershed, but that still does not cover most of the rural area and only part of the urban area.

**From Doug Allen and Buck Smith:**

We appreciate your consideration of water rights in evaluating UGA boundary change requests.

**Section 1 - Summary**

In the Summary Matrix of Impacts and Mitigation Measures, on Page 1-31, under the Action Alternative X column you state near the bottom that, “The City of Lynden experiences the greatest population growth to its water service area under Action Alternative X.” Did you mean to say the “City of Bellingham” instead? Under Action Alternative Y you say, “The City of Lynden water service area together with the portion of the UGA that would be served by the Delta Water Association experiences its greatest population and employment growth under this alternative.” Can it be both ways?

**Section 4.10**

We reviewed the table you provided in Section 4.10, and found a number of instances where water rights the cities and districts reported, are not what Ecology believes they have. I have attached on the next page a table we developed, with the water right totals we have determined they have based on a review of their water right documents.

For Bellingham, our records indicate the city has 125 cfs, not 250 cfs for the Qi. It's more complicated than that, but at any rate Bellingham is probably in the best shape of all the communities listed with regards to their water rights.

The City of Blaine has applications in for additional water rights that have a good chance of being approved, hence we are not too concerned about them or Birch Bay, who will purchase additional water from Blaine.

Evergreen WD and WD No. 13 are in good shape regarding water rights.

Everson appears to be ok. For Ferndale, we show less Qi and Qa than you report. They have a water right change application on file that may change our numbers, so we don't consider that a

dire situation.

PUD No. 1 matches almost exactly between the two tables.

The entry for Sumas under Qa appears to be a typo, you show 3,3225 afy.

The City of greatest concern in the near term is the City of Lynden. They assert that they have 6,623.5 afy for Qa and 14,734 gpm for Qi. We believe, supported by state Attorney General review, that Lynden has 1792 afy and 11.7 cfs (5251 gpm). We are currently entered in an MOU with Lynden that precludes enforcement on their continued exceeded of their water right, until such time as we resolve the dispute over their rights, they acquire more rights, or they work within their existing rights in city planning and development.

# WATER RIGHT TOTALS

## AS OF JUNE 3, 2009

<u>System Name</u>	<u>Qa</u>	<u>Qi</u>
Bellingham	Not determined	125 cfs
W. D. 2	Purchases water from Bellingham	
W. D. 7	Purchases water from Bellingham	
Lake Whatcom W & S	1758.3 afy	1946 gpm
Blaine	2560 afy	2170 gpm
Birch Bay W & S	Purchases water from Blaine	
Evergreen W. D.	427 afy	500 gpm
W. D. 13	454 afy	450 gpm
Everson	601 afy	800 gpm
Ferndale	2055 afy	2870 gpm
PUD 1	49923.8 afy <sup>(1)</sup>	83 cfs
Nooksack	Purchases water from Sumas	
Sumas	3744 afy <sup>(2)</sup>	3910 gpm <sup>(2)</sup>
Lynden	1792 afy <sup>(3)</sup>	11.7 cfs <sup>(3)</sup>

<sup>(1)</sup> Of this amount, 6264 afy is for irrigation supply only

<sup>(2)</sup> Of these amounts, 422.2 afy / 299 gpm is to be used for streamflow mitigation only

<sup>(3)</sup> Lynden also holds a surface water right for 70 afy / 0.57 cfs to serve (only) the EDB & 1, 2 DCP contaminated areas west of the city