
From: Nancy Alyanak <bc98229@comcast.net>
Sent: Thursday, May 31, 2018 1:49 PM
To: LWStormwaterUtility
Subject: Public Comment : The TMDL's elephant in the room: The Middle Fork Nooksack diversion system

The TMDL's elephant in the room: The Middle Fork Nooksack diversion system

The county's new Lake Whatcom Stormwater Utility Service Area was created because Total Maximum Daily Load (TMDL) findings require an implementation plan to develop stormwater projects that reduce phosphorus-laden runoff entering Lake Whatcom. The stormwater programs are supposed to keep sediment out of Lake Whatcom. Shoreline and creekside projects are especially important because those are the last chance to keep sediment and its phosphorus from entering lakes and creeks. On the other hand, the city's Middle Fork Nooksack(MFN) diversion delivers sediment directly into lakes and creeks -- exactly what county stormwater projects seek to prevent.

TMDL modeling identified the MFN diversion as the single largest source of total phosphorus loading in the Lake Whatcom watershed area. Those models formed the basis for Ecology's TMDL determination. Final Model Reports found the MFN diversion contributes roughly twice the annual total phosphorus load as all impervious developed land combined. No other single source comes close to the loading impact from the MFN diversion.

For over 50 years the MFN diversion system has carried a significant volume of fine grained, highly mobile sediment and water from the Middle Fork Nooksack River dam into the lake and its watershed. From the dam, water and sediment move through a tunnel, a power plant, a pipeline and a canal into Mirror Lake and then Anderson Creek. Mirror Lake was re-aligned to create a settling pond and Anderson Creek was channelized to quickly and efficiently deliver the water and remaining sediment into Lake Whatcom. The city sells the water and the county is left with the sediment.

The MFN diversion has delivered a massive amount of fine grained, highly mobile sediment and phosphorus into Lake Whatcom watershed. Each time the diversion is activated or it rains the sediment is re-suspended and carried farther down Anderson Creek and into Lake Whatcom. As of 1999 the MFN diversion had deposited 60,000 cubic yards of mostly silt sized, glacially sourced "rock dust" into Mirror Lake. The sediment will continue on into Lake Whatcom whether or not the diversion is active.

The water sales made possible by the MFN diversion system are a highly profitable business for the city of Bellingham. Dumping the waste sediment into Lake Whatcom and the watershed surely

increases their profit margin. However it is not so good for Whatcom County residents, especially those of us living in the new Service Area.

Nancy Alyanak
May 31, 2018

References:

Final Model Report for Lake Whatcom Watershed TMDL Model Project, The Cadmus Group, Inc. and CDM, Bellevue, WA. July 2007. Ecology Publication No.09-10-010, pages 2-4,2-5,2-6, fig. 3-8.

Amendment to Lake Whatcom TMDL Final Modeling Report – Full Buildout/Rollback Scenarios and Translator Technical memorandum from The Cadmus Group, Inc. & CDM to the Washington State Department of Ecology, November, 2007 Publication no. 09-10-011, table A-5

Changes in Mirror Lake, Northwestern Washington, as a Result of the Diversion of Water from the Nooksack River, WWU Masters Thesis, Karel Tracy, November 2001

From: Lawrence Quinlivan <larqqq@gmail.com>
Sent: Tuesday, June 12, 2018 9:38 AM
To: LWStormwaterUtility
Subject: Questions

1. Whatcom county has more money per capita on the books than the rest of the counties in the state. Why not appropriate some of that money for storm water?
2. Is everyone on the board a property tax payer and live in the watershed?
3. Is input from citizens going to have any impact on the final decision or is it already a settled matter?

From: Nancy Alyanak <bc98229@comcast.net>
Sent: Wednesday, June 13, 2018 1:28 PM
To: LWStormwaterUtility
Subject: How Is the Aquatic Invasive Species(AIS) Program a Stormwater Program ??
Attachments: Public_Comment_June13_2018.pdf

Please my find public comment on the attached file: Public_Comment_June13_2018.PDF.

Thank you.

Nancy Alyanak

To: LWStormwaterUtility@co.whatcom.wa.us

How Is the Aquatic Invasive Species(AIS) Program a Stormwater Program ??

In December 2017, the Whatcom County Council established the Lake Whatcom Stormwater Utility Service Area (Ordinance 2017-076) under the authority of RCW 36.89.080. Under RCW 36.89.080, the Service Area exists to fund stormwater control facilities by charging a fee to those who contribute to an increase of surface water runoff.

The code goes on to state those fees are "to be used only for the purpose of paying all or any part of the cost and expense of maintaining and operating stormwater control facilities, all or any part of the cost and expense of planning, designing, establishing, acquiring, developing, constructing and improving any of such facilities..."

Unfortunately, at the June 6 meeting "Aquatic Invasive Species" is suggested as a potential recipient of Stormwater Utility Service Area funds. A program that inspects and decontaminates boats is not a stormwater program. The boats do not bring stormwater from runoff into the lake. The AIS program may benefit Lake Whatcom. However it does not fit the criteria laid out in RCW 36.89.080 so funding by Lake Whatcom Stormwater Utility Service Area fees is not appropriate.

Starting next year I will be charged a substantial fee for living in the Service Area. I would appreciate my fees being spent on RCW 36.89.080 appropriate projects.

Yours truly,
Nancy Alyanak
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RCW 36.89.080

Stormwater control facilities—Rates and charges—Limitations—Use.

(1) Subject to subsections (2) and (3) of this section, any county legislative authority may provide by resolution for revenues by fixing rates and charges for the furnishing of service to those served or receiving benefits or to be served or to receive benefits from any stormwater control facility or contributing to an increase of surface water runoff. In fixing rates and charges, the county legislative authority may in its discretion consider:

- (a) Services furnished or to be furnished;
- (b) Benefits received or to be received;
- (c) The character and use of land or its water runoff characteristics;
- (d) The nonprofit public benefit status, as defined in RCW 24.03.490, of the land user;
- (e) Income level of persons served or provided benefits under this chapter, including senior citizens and disabled persons; or
- (f) Any other matters which present a reasonable difference as a ground for distinction.

(2) The rate a county may charge under this section for stormwater control facilities shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(3) Rates and charges authorized under this section may not be imposed on lands taxed as forestland under chapter 84.33 RCW or as timberland under chapter 84.34 RCW.

(4) The service charges and rates collected shall be deposited in a special fund or funds in the county treasury to be used only for the purpose of paying all or any part of the cost and expense of maintaining and operating stormwater control facilities, all or any part of the cost and expense of planning, designing, establishing, acquiring, developing, constructing and improving any of such facilities, or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bonds issued for such purpose.