

Lake Whatcom Stormwater Utility Funding Study
Public Questions and Comments Received April 18 – July 23, 2018

Date Received	Form	Question/Comment	Response
4/18/2018	Verbal	Request to make it clear early on in the process who will pay the new stormwater utility fee.	Discussion and analysis of which properties within the Lake Whatcom Stormwater Utility Service Area will be charged a fee will be part of the funding study. A recommendation on which properties will pay will be part of the final study outcome. This information is not known at the beginning of the funding study process. Generally, a stormwater fee can be charged to properties that benefit from services provided. Read Issue Paper #2 on Rate Structure Alternatives for a detailed discussion on this topic. <i>Revised 7/2/18.</i>
4/18/2018	Verbal	What assurance is there that current sources of funding will be maintained and the additional service charge will supplement and not be a replacement?	When establishing the Lake Whatcom Stormwater Utility in 2017, the County Council indicated their intention to continue existing funding levels and to use any new funding from the Utility for anticipated new future costs and specific services. However, it is within the County Council's authority to change funding levels in the future.
4/18/2018	Verbal	Comment that there is limited potential for fee revenue from new development.	This is true; however, providing a mechanism to charge for new development is a fairness issue.
4/18/2018	Verbal	How many properties are there that will pay the new fee?	This has not yet been determined and will part of the future funding study.
4/18/2018	Verbal	About how much will the fee be? Statement that rumors are going around that the fee will be very high.	Fee rates have not been determined. The advisory committee will evaluate alternatives through the funding study and provide a recommendation to the County Council. The County Council will make the final decision on fee rates.
4/18/2018	Verbal	Comment that it is premature to estimate what the rate will be. That is the purpose of the funding study and task force/advisory committee.	See above

4/18/2018	Verbal	How the new utility will function? Will it be an independent organization? Will consultants be hired? Will the county hire new staff? Who will be in charge?	Whatcom County's Lake Whatcom program is managed by the Stormwater Division within the Public Works Department. The Lake Whatcom Stormwater Utility is merely a mechanism for Whatcom County to generate revenue to fund stormwater needs in the Lake Whatcom watershed. Portions of the Lake Whatcom program will be managed as a utility, meaning there will be a fee that is proportional to the service provided, rather than a tax on property valuation. The creation of the utility and the funding mechanism that it provides will have no impact on the way Whatcom County manages stormwater activities. These activities will still be managed by county staff within the Public Works Department, which is part of Whatcom County government.
4/18/2018	Verbal	Will funds collected be used outside of the Lake Whatcom watershed/service area?	No, funds collected will only be used for Lake Whatcom management and water quality protection purposes.
4/18/2018	Verbal	Will the issue of homes along Northshore that are not on water/sewer be part of this effort?	Whether or not a property is connected to sewer or on a septic system does not affect stormwater runoff and therefore is outside of the scope of what the stormwater utility can base fee rates on under state law (RCW 36.89). Using stormwater utility fees to provide sewer service is not one of the stormwater program areas identified by County Council for consideration in the funding study. <i>Revised 7/27/18</i>
4/18/2018	Verbal	Will landowners get a credit for already having built a phosphorus treatment facility?	This has not yet been determined. This issue will be part of the funding study and considered in the Stormwater Rate Credits and Adjustments Issue Paper. <i>Revised 7/25/18</i>
4/18/2018	Verbal	What percentage of the Lake Whatcom watershed population is in the City of Bellingham vs. Whatcom County?	Approximately 23% of the Lake Whatcom watershed population is within the City of Bellingham and 77% is in unincorporated Whatcom County (estimate based on the number of dwelling units in the 2018 Lake Whatcom Watershed Annual Build-out Analysis Report multiplied by the countywide average of 2.56 people/household). See parcel and population estimates table in the Lake Whatcom Stormwater Utility Funding Study Summary.

4/18/2018	Verbal	What is the population of the new Lake Whatcom Stormwater Utility service area?	The approximate population of the new service area is 14,000 people (estimate based on the number of dwelling units in the 2018 Lake Whatcom Watershed Annual Build-out Analysis Report multiplied by the countywide average of 2.56 people/household). See parcel/population estimates in the Lake Whatcom Stormwater Utility Funding Study Summary.
4/18/2018	Verbal	How many parcels are in the service area?	There are 7,988 parcels in the new service area. Not all parcels will be eligible to be charged the new fee. For example, the 133 parcels in commercial forestry cannot be charged according to state law (<i>updated with correct parcel number of 7,988 on 6/19/18</i>).
4/18/2018	Verbal	What percentage of the service area parcels are in tax-exempt status?	There are 515 parcels within the new service area with some form of tax-exempt status; however, parcels with tax-exempt status can still be charged service fees. This will be determined through the funding study process.
4/18/2018	Verbal	What do city water users pay for Lake Whatcom watershed protection? How does this compare to County residents? (multiple questions/statements about what city and county residents pay)	Residents within the Bellingham City Limits currently pay three fees that provide funding for Lake Whatcom stormwater-related expenses: the stormwater utility fee, Lake Whatcom watershed charge, and the Flood Control Zone District tax. Whatcom County residents currently pay the Flood Control Zone District tax, which provides funding for Lake Whatcom programs. For a home valued at \$400,000 the annual cost/year is \$359.35 in the City of Bellingham and \$66.37 in unincorporated Whatcom County. See table in the Lake Whatcom Stormwater Utility Funding Study Summary.
4/18/2018	Verbal	Comment that city residents are not paying their fair share and/or not very much for watershed protection.	See above. For a house valued at \$400,000, a city homeowner pays more than five times more than a homeowner in unincorporated Whatcom County.
4/18/2018	Verbal	Comment that city stormwater utility revenue is not being spent on stormwater-related expenditures.	The City of Bellingham stormwater fees pay for: maintenance and operation of the City's stormwater system; replacement of existing facilities and construction of new facilities; flood control, improved water quality, and enhanced fish habitat; compliance with state and federal water resource regulations. Direct additional questions to City of Bellingham Public Works Stormwater Section (360) 778-7800.

4/18/2018	Verbal	What types of expenditures go into the administrative category? Concern that the percentage is too high.	The administrative cost covers departmental and county overhead expenses, annual fee roll development, and other expenses such as vehicle usage, postage, and office supplies. County overhead expenses include management oversight, accounting, treasurer, and legal services. The rate for these expenses will be based on actual use of these services by the utility. <i>Updated 7/20/18</i>
4/18/2018	Verbal	Will the new revenue generated by the stormwater utility affect the ability to receive grant funds?	Grants have been increasingly less reliable for funding stormwater related projects over the past few years. The Washington State Legislature has experienced delayed budget approvals that have resulted in years-long delays in the Department of Ecology award process. The existence of a utility is not part of the criteria for rating projects and should not directly affect the awarding of grant funds for a Lake Whatcom water quality improvement project. Having a local funding source may help provide required match for potential future grant awards.
4/18/2018	Verbal	Request to put the April 18 public meeting presentation available online.	All meeting materials are available at http://whatcomcounty.us/2830/Lake-Whatcom-Stormwater-Utility .
4/18/2018	Verbal	Request to use Nextdoor to share information about comments/questions and responses.	Whatcom County staff will periodically post updates on the funding study through our Nextdoor account. These posts will direct interested residents to visit our website page where a question/response document will be available.
4/18/2018	Verbal	What kinds of qualifications are required to be considered for the citizen advisory committee?	Any registered voter who lives in the service area is eligible to serve on the advisory committee.
4/18/2018	Verbal	Who will decide who the Sudden Valley Community Association representative on the citizen advisory committee will be?	Whatcom County Council will appoint the Sudden Valley representative.
4/18/2018	Verbal	Comment that an advisory committee of five is not enough. There should be more members to be representative.	The size and structure of the advisory committee was modeled on other Whatcom County advisory committees and was set by the County Council.

4/18/2018	Verbal	Suggestion to have smaller neighborhood scale meetings to gather input.	<p>Whatcom County typically uses advisory committees to help guide these types of public processes, and County Council chose this method to gather stakeholder input on this funding study. All advisory committee meetings are open to everyone who wants to attend and provide comments. Furthermore, members of the public can provide written comments on specific issues as the committee is developing their recommendations. Another public meeting will be held after the advisory committee develops their preliminary recommendations, and a public hearing will be held before the council makes any decisions.</p>
4/18/2018	Verbal	Why are other ways to increase dissolved oxygen beside phosphorus reduction not being considered?	<p>The Washington State Department of Ecology (Ecology) conducted a Lake Whatcom water quality study from 2002 to 2008. Findings from this study found that excess phosphorus in the lake is the main cause of declining oxygen levels. Based on these findings, Ecology is requiring Whatcom County and the City of Bellingham to reduce phosphorus levels in the lake to meet dissolved oxygen water quality standards through their municipal stormwater permits. For more information, read the Water Quality Study Findings document at https://fortress.wa.gov/ecy/publications/summarypages/0803024.html.</p>
4/18/2018	Verbal	Comment that more flow is needed in the lake to increase dissolved oxygen levels.	<p>There is no direct correlation between the amount of water that was used by Georgia Pacific, the City of Bellingham's Nooksack Diversion, and low dissolved oxygen levels. It can be several years from the introduction of phosphorus into the lake to see lowering dissolved oxygen levels, and is quite difficult to determine when the lake exhibits effects from historic phosphorus loads. The city has not diverted water from the Middle Fork Nooksack for almost four years. Studies show that the amount of water diverted at that time of Georgia Pacific do not create a "flushing" of the lake and do not have a significant effect of ridding the lake of phosphorus that contributes to low dissolved oxygen levels.</p>

4/18/2018	Verbal	Comment that sediment inputs from the Middle Fork Nooksack River diversion and Mirror Lake should be considered as a source of phosphorus.	Since the diverted water from the Nooksack does not contribute to surface water subject to stormwater facility control it is not subject to a stormwater utility fee under RCW 36.89. The City of Bellingham has recognized the need to address the Middle Fork Nooksack River diversion's contribution to phosphorus loading in Lake Whatcom. The city completed a study to determine the amount and seasonality of the phosphorus load in the Middle Fork Nooksack River, the diversion pipeline, Mirror Lake and in Anderson Creek. The study's data were used to identify the periods of low phosphorus load in the river and to then provide guidance for operating the diversion with the least impact on Lake Whatcom. The city has also contracted a study of Anderson Creek to identify opportunities for habitat and water quality improvements such as channel stabilization that will decrease erosion of the stream channel and lessen sediment deposition in Lake Whatcom. This is in addition to property acquisition and restoration planting of the Anderson Creek stream corridor. <i>Revised 7/27/18</i>
4/18/2018	Verbal	Comment that boats contribute to phosphorus loading in the lake.	Phosphorus inputs from motor boats were not considered in the Washington State Department of Ecology's Total Maximum Daily Load (TMDL) water quality study and model. The ban of two-stroke carbureted engines on Lake Whatcom in 2006 (City of Bellingham) and 2009 (Whatcom County) limit the amount of unburned fuel, and any phosphorus it contains, from entering the lake. Sediment already in the lake does not change with motor boat activity. Wakes from motor boats could cause shoreline erosion, increasing sediment and phosphorus inputs into the lake; however, no data are available to quantify this source.

4/18/2018	Verbal	<p>Comment that Lake Whatcom water quality monitoring and the Total Maximum Daily Load (TMDL) study and implementation plan process have been going on for decades. There are other ways to get involved on this subject.</p>	<p>Citizens interested in learning more about the science behind phosphorus regulation in Lake Whatcom can visit https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Total-Maximum-Daily-Load-process/Directory-of-improvement-projects/Lake-Whatcom-Watershed-multi-parameter-TMDL. To learn more about Lake Whatcom management policy, interested citizens may attend the Lake Whatcom Policy Group meetings. Information on these meetings is available at https://www.cob.org/gov/council/lwpg.</p>
4/18/2018	Verbal	<p>Comment that impervious surface is not the cause of the problem.</p>	<p>Impervious surfaces are an indirect cause of excess phosphorus loading in Lake Whatcom. Sources of phosphorus like sediment, pollen, and animal waste collect on these surfaces and are washed into the lake during rainstorms. In a forest, phosphorus sources soak into the ground and the soil and plants act as a natural filter. Read the Rate Structure Alternatives Issue Paper for additional discussion of this topic. Revised 7/25/18</p>
4/18/2018	Verbal	<p>Too many deer in the watershed are causing the problem with bacteria.</p>	<p>Fecal coliform bacteria live in the waste of all warm-blooded animals. Sources of fecal coliform in the Lake Whatcom watershed include wildlife, domestic animals (dogs and other pets), livestock, and human waste from failing on-site sewage systems (septic systems) or sewer system failures. Our current bacteria reduction programs focus on strategies to address all of these sources. While newer technologies are emerging that may help identify specific sources of bacteria, there is not currently a cost-effective and reliable way to quantify the amount of fecal coliform in a water body coming from any specific animal. These technologies will be incorporated into current pollution identification and correction programs as another tool for source tracking as they become available. In areas around the county where bacteria reduction efforts have been successful, we have found that by addressing human sources of bacteria (e.g., septic systems, pet waste, and farm practices), we can improve water quality and meet our water quality goals, even when wildlife are still present.</p>

4/18/2018	Verbal	Comment that county parklands and increased park use have an impact on water quality.	Increased recreational use of county parks does affect lake water quality. As the property owner, Whatcom County will be subject to pay the stormwater fee for its park property not zoned as commercial forestry like all other property owners according to the final rate structure. <i>Revised 7/27/18</i>
5/31/2018	Written	Comments received from Nancy Alyanak regarding phosphorus loading into Lake Whatcom from the City of Bellingham's Middle Fork Nooksack River diversion.	Forwarded to the Advisory Committee for consideration. See response dated 4/18/2018 above on this topic.
6/14/2018	Written	Questions received from Lawrence Quinlivan: (1) Why not use other Whatcom County funds for stormwater?(2) Is everyone on the board [Advisory Committee] 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?	Forwarded to the Advisory Committee for consideration. (2) Advisory Committee members must maintain a primary residence within the service area, which is the portion of the Lake Whatcom watershed outside of city limits. (3) Whatcom County Council created the Lake Whatcom Stormwater Utility Service Area (authorized by state code RCW 36.89) in December 2017 for the purpose of creating a special funding source dedicated to Lake Whatcom stormwater management. That decision has been made. No decision has been made regarding the stormwater utility rates and rate structure. Citizen input to the Advisory Committee will be considered, and the Advisory Committee will make a recommendation to County Council at the end of the funding study. County Council will make the final decision on rates and rate structure.
6/14/2018	Written	Comments received from Nancy Alyanak regarding the new stormwater utility fee should not be used to the fund Aquatic Invasive Species program.	Forwarded to the Advisory Committee for consideration. The stormwater program areas identified by County Council for consideration in the funding study include capital project construction and maintenance, enhanced outreach and education, Homeowner Incentive Program/residential retrofits, and monitoring. The Aquatic Invasive Species (AIS) program has funding from other sources.

6/20/2018	Written & Verbal	Comments provided by Kris Ungern at the June 20, 2018 Advisory Committee meeting regarding: (1) phosphorus inputs from groundwater, the Middle Fork Nooksack diversion, and storm runoff; (2) how progress toward water quality goals is measured; (3) the need to include how much money is needed as part of the funding study; (4) the need to address the right problems; and (5) notification of citizens regarding this process.	Written statement read at the meeting; forwarded to the Advisory Committee for consideration. (1) See response dated 4/18/18 on the topic of the Middle Fork diversion. (2) Comments noted. (3) An estimate of annual revenue needs to supplement the Lake Whatcom stormwater program areas identified will be a part of the funding study. (4) Comments noted. (5) See response dated 6/21/18 regarding notification actions taken to date.
6/20/2018	Written	Comments received from Nate Marino regarding: (1) new development in the Lake Whatcom watershed, (2) rate structure should be based on lot-specific factors that give credit to responsible owners for environmental stewardship, and (3) impacts from new parks.	Forwarded to the Advisory Committee for consideration. (1) Comments noted. (2) Read the Stormwater Rate Credits and Adjustments Issue Paper for discussion of this topic. (3) See response dated 4/18/18 regarding impacts from park use.
6/21/2018	Written	Questions received from Andrew Conn: (1) What notification was provided for the June 20 Advisory Committee meeting? (2) What are the plans for substantiating the specific residential property attribution of responsibility for stormwater management? (3) What is the name of the county's legal counsel assigned to this matter?	Forwarded to the Advisory Committee for consideration. (1) Notification of the funding study, including information on how to receive meeting notices, was provided through two press releases, the April 18 public meeting, and postings to the Whatcom County and Lake Whatcom Management Program websites, Facebook, Nextdoor, and Twitter. (2) The funding study will address options for setting rates that include lot-specific factors; read the Rate Structure Alternatives and Stormwater Rate Credits Issue Papers for discussion of these topics. (3) Legal counsel is provided by the Whatcom County Prosecuting Attorney's Office, Civil Division.
6/26/2018	Written	Comments received from Andrew Conn regarding increased public notifications through mailers and/or utility bill inserts.	Forwarded to the Advisory Committee for consideration. Whatcom County Public Works is researching cost and options to send a mailer for the next general public meeting.
6/28/2018	Written	Comments received from Nancy Alyanak regarding fiscal policy.	Forwarded to the Advisory Committee for consideration.

6/20/2018	Verbal	<p>Comments received from Rick Kiene: (1) concern that administrative costs are too high and data acquisition costs are too low, (2) property owners that properly maintain their stormwater ponds should be given a credit in the new rate structure, (3) properties that were built according to the requirements at the time of their permit should not be penalized because they don't have pervious soil (i.e., meet current stormwater code), (4) request to see a list of proposed capital projects and detailed revenue needs for the funding study, (5) County Council should have provided more guidance to Public Works and the committee, (6) Committee members can be better prepared, (7) look at the RCW that dictates reserves required and be able to justify any reserves calculated into the rate structure.</p>	<p>Heard by the Advisory Committee for consideration. (1) Estimated administrative costs for the utility will be presented at the August 1 meeting. (2) & (3) Read the Stormwater Rate Credits & Adjustments Issue Papers for discussion of considerations regarding credits for private stormwater facility maintenance and credits for performance against current standards. (4) See the 2017 Final Lake Whatcom Capital Project Plan available at http://whatcomcounty.us/1022/Lake-Whatcom-Comprehensive-Stormwater-PI for a list of proposed stormwater projects. Additional detail on projected costs for Lake Whatcom stormwater capital projects and other stormwater program revenue needs will be provided at the August 1 advisory committee meeting. (5) & (6) Comments noted. (7) Additional information on required and available reserves applicable to Whatcom County stormwater program funding sources will be provided at the August 1 advisory committee meeting.</p>
6/20/2018	Verbal	<p>Questions and comments received from Lawrence Quinlivan: (1) Per capita, Whatcom County is one of the richest counties. Can county funds be reappropriated to pay for stormwater? (2) Is citizen input going to have an impact or is the stormwater fee already decided? (3) There should not be any septic systems around the Lake. Is some of the new stormwater fee going to be spent to provide sewer service?</p>	<p>Heard by the Advisory Committee for consideration. (1) Currently, the County's entire Lake Whatcom Program is paid for with Flood, Road, and Real Estate Excise taxes. The County Council has decided that future additional costs should be borne by residents in the watershed since they have a bigger impact on lake water quality than people living outside the watershed. (2) See response dated 6/14/18 regarding impact of citizen input on the new stormwater fee. (3) See response dated 4/18/18 regarding considering sewer vs. septic in the stormwater utility rate structure. State law authorizing the stormwater utility (RCW 36.89) dictates that funds may only be used to pay for services related to stormwater; therefore, the new Lake Whatcom stormwater fund cannot be used to expand sewer service along the lake.</p>

6/20/2018	Verbal	Comments received from Jean Quinlivan: (1) Watershed properties only contribute 15% of the phosphorus in the lake compared to 85% from the Nooksack River diversion yet property owners are the ones being taxed. This is not equitable. (2) Expressed suspicions due to history of Water District 10 requirements when building their home.	Heard by the Advisory Committee for consideration. (1) See response dated 4/18/18 regarding the Middle Fork diversion. (2) Comment noted.
6/20/2018	Verbal	Question from Nancy Alyanak: Did County Council direct that the fee only be on developed properties? Can the funding study include analysis of impacts from undeveloped land?	Answered at the meeting. No, County Council did not limit the scope of the fee to only developed properties. The funding study will include discussion and analysis of stormwater runoff impacts from both developed and undeveloped land.
6/20/2018	Verbal	Comment received from Nancy Alyanak: Because the middle fork diversion handles water from one watershed to another, Ecology cannot regulate the diversion through the Total Maximum Daily Load (TMDL). Whatcom County and the stormwater utility do not have this same limitation.	Heard by the Advisory Committee for consideration.
6/20/2018	Verbal	Comments received from Kris Halterman requesting that the committee include analysis of best possible solution to Lake Whatcom water quality problems as part of the funding study and recommendation to consider options to treat water quality in the lake instead of reducing phosphorus in runoff entering the lake.	Heard by the Advisory Committee for consideration. See response dated 4/18/18 regarding the Lake Whatcom Total Maximum Daily Load (TMDL) requirements and the Rate Structure Alternatives Issue Paper page 3. Whatcom County is required to meet the TMDL requirements to reduce phosphorus. The City and the County continually evaluate the best methods for removing phosphorus from the lake including a recent proposal to implement hypolimnetic oxygenation. A reevaluation of the science behind the TMDL study and alternative solutions to increase dissolved oxygen in Lake Whatcom are beyond the scope of the Lake Whatcom Stormwater Utility Funding study.
6/20/2018	Verbal	Comments received from Joe O'Keefe regarding concerns about effects of natural disasters and environmental factors impacting the lake.	Heard by the Advisory Committee for consideration.

6/20/2018	Verbal	<p>Comment and request received from Wendy Eickmeyer: Increased use of Whatcom County parks in the service area has an impact on water quality. Research whether or not a parking fee for Whatcom County parks can be included as part of the stormwater utility to offset impacts from additional vehicle trips in the watershed.</p>	<p>Heard by the Advisory Committee for consideration. See response dated 4/18/18 regarding impacts from increased park usage. As property owner, Whatcom County is responsible for paying any applicable stormwater utility fee, not park users. Whatcom County Parks and Recreation may choose to recover those costs through user fees; however, the department has considered user fees in the past and decided against them. If fees are charged for recreational use, the county will lose liability immunity granted under RCW 4.24.210. The public can provide comments regarding park user fees or other park management concerns to Whatcom County Parks and Recreation directly or through an online survey available at http://whatcomcounty.us/1787/Parks-Recreation.</p>
7/23/2018	written	<p>Comments received from Nancy Alyanak regarding the new stormwater utility fee rate structure with recommendation to base the rate on parcel size.</p>	<p>Forwarded to the Advisory Committee for consideration.</p>
7/23/2018	written	<p>Comments received from Michael and Marianne Allsop regarding the history of water quality impacts to Lake Whatcom and equitable allocation to pay for the cost of cleanup.</p>	<p>Forwarded to the Advisory Committee for consideration. See response dated 4/18/18 regarding the Lake Whatcom Total Maximum Daily Load (TMDL) requirements and the Rate Structure Alternatives Issue Paper page 3. Whatcom County is required to meet the TMDL requirements to reduce phosphorus and has created the stormwater utility as a means to fill the funding gap required to this state mandates. Addressing impacts from other pollutants, including historic impacts from past practices, is beyond the scope of the stormwater utility although many of the measures being taken to address phosphorus runoff, address other pollutants as well. See ordinance 2017-076 Establishing the Lake Whatcom Stormwater Utility Service Area.</p>