

# Stillaguamish River Clean Water District Advisory Board

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April 29, 2014

Debbie Terwilleger, Director  
Snohomish County Public Works, Surface Water Management  
3000 Rockefeller Ave, MS607  
Everett, WA 98201

Dear Ms. Terwilleger,

Pursuant to Title 25A.30.030 of the Snohomish County Code, the Stillaguamish River Clean Water District Advisory Board (CWDAB, the Board) offers the following comments and recommendations to Snohomish County Surface Water Management (SWM) regarding the 2015 work plan and budget, and concerning the immediate issues that have arisen from Snohomish County Ordinance 13-009.

### Restoration of RCW 90.72 Revenue

In response to your comments on the Board's earlier proposal to restore RCW 90.72 (shellfish protection/water quality) revenues, the CWDAB Finance Committee has offered an alternative in the form of the following amendment to Title 25A.10.070(3):

"From the funds collected under the authority of chapter 90.72 RCW, and 13.33% of funds collected under chapter 36.89 RCW pursuant to 25A.10.070(2)."

This alternative amendment restores the RCW 90.72/RCW 36.89 (storm water) revenue ratio that existed prior to 13-009, while avoiding the loss of \$36,000 in total revenue that would have occurred with the earlier proposal.

Nevertheless, because 13-009 cut CWD revenue by well over \$500,000, the revenue for 90.72 programs, even with this amendment, still falls by about 22% (instead of 52%) from 2012. The base funding estimates resulting from the amendment are as follows:

- 1) Discretionary Fund (DF) – **\$52,000**. The 2013 expenditures were \$172,510. Even assuming substantial savings from the proposed On Site Septic (OSS) loan program, this amount is barely sufficient to sustain the DF, which funds not only OSS projects but other types as well. Moreover, it virtually prohibits, in the future, larger grants such as the \$40,000 requested by SWM for phosphorus pollution abatement in Lake Ketchum, or the \$30,000 granted to Drainage and Diking District 7 (DD7) by CWD funds to aid water quality in Skagit Bay.

- 2) Snohomish Conservation District (SCD) – **\$215,000**. The 2013 expenditures were \$239,739 – 71% of the budgeted amount. The Board values highly the special relationship between SCD and the CWD, a view fully shared by the SCD Board of Supervisors. The Stillaguamish River watershed leads the county in the extent of farm activity – commercial, small farms, and widespread horse ownership. SCD also offers habitat restoration resources (bank stabilization and revegetation), that are likely to be called upon to assist in remediation of the Oso slide.
- 3) Shellfish Protection/Water Quality – **\$386,000**. As with other 90.72 programs, this one faces a rapidly shrinking fund balance, despite stopgap transfers from 36.89 funds. Again, this amount is barely enough to sustain efforts to protect 4,000 acres of approved commercial shellfish growing areas and to restore thousands of acres of unclassified shellfish beds, for SWM administration and water quality monitoring, for support of the Pollution Identification and Correction (PIC) program, and for funding the CWD contract with Snohomish Health District (SHD). Added expenditures resulting from the water quality impacts of the Oso slide also fall within the responsibility of this program.

The Board regards the 90.72 programs as key to the mission and identity of the Clean Water District. Only through dedicated revenue for a base level of funding can these programs be reliably sustained. **We recommend** that the alternative amendment above be included in your Title 25A amendment package, and urge you to actively support it before the Snohomish County Council.

#### Service District Reassessment Study (SDRS)

It was suggested to our Finance Committee at our April 16<sup>th</sup> meeting with SWM that the SDRS process might lead to establishment of a county-wide 36.89 district, to improve administrative “flexibility.” The Board has concerns about this option, for the following reasons:

- 1) If CWD 36.89 revenue is not accounted for separately, our proposal for restoring revenue to 90.72 programs would no longer be feasible. Furthermore, the legal basis for the Board’s authority to advise SWM or Council on 36.89 “funding levels and priorities” for water-quantity management is called into question.
- 2) Title 25A.05.010 states: “It is the purpose and intent of this title to: ... (6) Recognize that programs to restore water quality and manage water quantity will vary from watershed to watershed...” This recognition stems from the fact that *service needs* also vary. The Stillaguamish basin is not South County, and ease of administration is not identical to service responsive to local needs.
- 3) Creating a county-wide 36.89 district would mean substantial revision to both Title 25 and Title 25A, as well as to the watershed-specific promises reflected in those laws. Consideration of such a sweeping change has not been part of the SDRS public outreach process.

**The Board requests** a workshop with SWM for additional information and the opportunity to provide input and formal comments on SDRS proposals.

#### On Site Septic System Point of Sale Verification:

The CWD Advisory Board has supported SHD’s efforts to develop a program for point of sale verification of OSS compliance with operation and maintenance guidelines. In view of the proposed OSS loan and grant program, it is more important than ever to help encourage participation by homeowners. **The Board encourages** SWM to support SHD’s creation of a point of sale verification program.

Referral and Compliance:

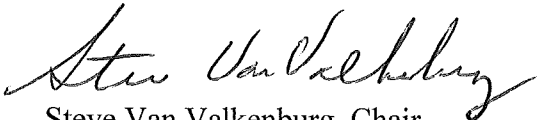
The Board continues to be concerned that the regulatory referral and compliance process for environmental protection now in place has been ineffective, and polluting practices are too often allowed to persist for lack of enforcement. We appreciate that SWM is currently working with the Snohomish County Department of Planning and Development Services (PDS), SCD, SHD, and Washington Department of Ecology (WDOE) to clarify the County's referral and compliance process. **The Board requests** that SWM continue its efforts to develop an effective referral and compliance policy.

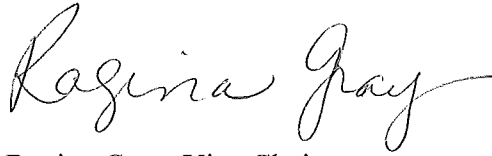
Redefining Unincorporated Urban Growth Area (UGA) Board Position to At Large:

The current CWDAB position for Single Family-Unincorporated UGA has proven very difficult to fill. **The Board recommends** that the Title 25A amendment package include changing this position to Single Family At Large #4.

The Board thanks you for considering our recommendations and comments, and for your consistent responsiveness to our concerns. We look forward to receiving your written response by July 1, 2014.

Respectfully,

  
Steve Van Valkenburg, Chair

  
Ragina Gray, Vice Chair

Cc: Mark Ericks, Deputy Executive, Snohomish County Executive's Office