



Snohomish County
Public Works
Surface Water Management

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Dear Members of the Stillaguamish River Clean Water District (CWD) Advisory Board:

Thank you for your time and effort to advise Surface Water Management (SWM) in your recommendations letter dated May 2, 2011. The intent of this letter is to provide a response to your recommendations and let you know how your recommendations relate to SWM's proposal for the 2012 Snohomish County work program and budget. Each of your May 2, 2011 recommendations is included below in italics followed by SWM's response.

Finances and Accounting

*The Clean Water District (CWD) fund balances for RCW 36.89 (drainage) and RCW 90.72 (shellfish protection) revenues, including those for Water Quality, the Snohomish Conservation District (SCD), and the Discretionary Fund, are substantial and growing. The **Board therefore recommends** expeditious implementation of such related projects as Discretionary Fund on-site septic repair (OSS) and Shellfish Protection, and that the SCD contract be budgeted to draw on the SCD fund balance, in addition to their 33% allocation of projected RCW 90.72 revenue.*

As part of our 2012 budgeting work, SWM is evaluating using Stillaguamish Clean Water District fund balance for 36.89 RCW funds and 90.72 RCW funds to help supplement project work in the Stillaguamish Clean Water District, including work with the Snohomish Conservation District and additional resources for Discretionary Fund projects.

The Board believes CWD projected revenue and current fund balances provide adequate funding to support our recommendations. The Board recommends that SWM expeditiously use these financial resources to develop and implement projects related to shellfish protection, stewardship and education, lakes, stormwater, and fecal waste and trash at public access areas.

As stated above, SWM is evaluating using Stillaguamish Clean Water District fund balance for 36.89 RCW funds and 90.72 RCW funds to help supplement project work in the Stillaguamish Clean Water District. In planning for the use of any fund balance dollars, SWM must budget and plan based on the availability of staff resources for expanded work efforts in the Stillaguamish Clean Water District or Watershed Management Areas.

Similarly, the Snohomish Conservation District must also look at the availability of staff resources for expanded work efforts resulting from additional 90.72 RCW fund balance in the 2012 budget process.

We recommend the current CWD rate structure be maintained for 2012.

SWM is studying and will evaluate options that will make our rate structure more equitable. SWM does plan to begin assessing service charges for federal lands in 2011 and for railroad properties in 2012 or 2013. SWM will discuss any new proposals with the Board.

*The Board thanks SWM for agreeing, last year, to provide certain accounting by each March and August, to better inform the Board in time for its recommendation letters to SWM and Council. This accounting includes the CWD Fund Balance Summary, Project Expenditures to date, and Projected Revenues. To ensure complete and timely delivery, **the Board requests** that a written procedure be instituted for providing these documents.*

SWM is committed to working with the Stillaguamish Clean Water District Advisory Board and the Finance Subcommittee to promote fiscal responsibility, accountability, and transparency in our collection of SWM service charges and project expenditure accounting. SWM recommends setting up Finance Subcommittee meetings in advance for the year to provide a predictable schedule. SWM will work with the Finance Subcommittee to document agreements about reporting and methodology.

Shellfish Protection

*The Board commends SWM on the release of the Stillaguamish Shellfish Protection Program final report in March 2011, and the development of a strong implementation program starting this year. For the purpose of assessing any possible threats to the shellfish resource and to human health from chemical toxins in Port Susan and South Skagit Bay, **the Board recommends** compiling and evaluating the Mussel Watch data being collected in Port Susan, and any dependable related water quality data from the tribes and other shellfish stakeholders.*

The Snohomish County Marine Resources Committee is working on several items related to the compilation of Mussel Watch data collected in Port Susan. Specifically, Oren Perez at NOAA is currently working to compile the most recent Mussel Watch data in spreadsheets for the Snohomish County Marine Resources Committee.

The Snohomish County Marine Resources Committee will be developing a summary of the last two years of Mussel Watch work in a report due to the Northwest Straits Commission toward the end of June, 2011. SWM will make this report available to Stillaguamish Clean Water District Advisory Board members.

We ask that SWM coordinate with the appropriate stakeholders to accomplish this and that SWM encourage the relevant government agencies to consider establishing shellfish consumption guidelines for South Skagit Bay and Port Susan, and to focus future program planning on filling any data gaps identified in the course of this evaluation.

SWM's Shellfish Protection Program staff, Sean Edwards, is working with stakeholders, including the Tulalip Tribes and the Stillaguamish Tribe to compile all water quality data for the Stillaguamish watershed and Port Susan area and identify any data gaps where they occur. Sean will also coordinate with the Washington Department of Health regarding shellfish consumption guidelines for South Skagit Bay and the Port Susan area.

The Shellfish Protection Subcommittee will continue to work closely with SWM and partners in implementing the Stillaguamish Shellfish Protection Program. We ask that SWM provide the Shellfish Subcommittee with updates on Shellfish Protection Program expenditures and an overview of SWM's strategy for ensuring that the budget and expenditure of all RCW 90.72 CWD revenues are focused on the highest priorities of the Shellfish Protection Program.

SWM appreciates the support of the Shellfish Protection Subcommittee and will provide the Shellfish Protection Subcommittee with updates on the Shellfish Protection Program as requested.

Stewardship and Education

*The Board supports increasing the efforts of SWM, SCD, Snohomish Health District (SHD), and other organizations to raise public awareness of water quality issues in the CWD. **The Board recommends** that the 2012 SCD and SHD contracts contain ample funding for response to education and outreach opportunities in the coming year.*

The base amount of funding in the yearly scope of work between Snohomish County and the Snohomish Conservation District is addressed by Title 25A and is 33% of SWM service charges collected under the authority of chapter 90.72 RCW. Based on 2012 revenue projections, SWM expects the Snohomish Conservation District allocation to be approximately \$253,981.

SWM also tracks fund balance for 90.72 RCW funds allocated to the Snohomish Conservation District. Currently, there is approximately \$104,478 available in 90.72 RCW fund balance that is allocated for the Snohomish Conservation District. SWM has been in contact with the Snohomish Conservation District to determine how much of the fund balance that the Snohomish Conservation District can use in 2012. For 2012, the Snohomish Conservation District has requested to use \$35,000 of the total \$104,478 available in 90.72 RCW fund balance that is presently allocated for the Snohomish Conservation District.

Please keep in mind that these figures are preliminary budgeted amounts in the Proposed 2012 SWM Budget and are subject to County Executive and County Council review and approval.

Unlike the Snohomish Conservation District, there is no set allocation to the Snohomish Health District in Title 25A. In 2011, the money for the intergovernmental services agreement between Snohomish County and the Snohomish Health District is funded through SWM's Shellfish Protection Program Project (WA 561). In 2012, SWM anticipates continuation of the intergovernmental services agreement between Snohomish County and the Snohomish Health District through SWM's Shellfish Protection Program Project.

***The Board also recommends** reinstatement of a full time watershed steward for the CWD.*

At this time, SWM does not anticipate reinstatement of a full-time watershed steward for the Stillaguamish Basin. SWM is moving away from geographically specific stewards (e.g., Stilly Steward, Snohomish Steward, and South County Steward) to county-wide stewards with specific expertise. SWM has found that our current stewards, Cindy Flint and Peggy Campbell, have done an effective job in addressing all requests for stewardship assistance in the Stillaguamish Basin. Cindy and Peggy have also been integral in developing the Stillaguamish Clean Water District Education and Outreach Strategic Plan.

***The Board requests** that SWM, SCD, and SHD work together and with other partners as needed to implement the CWD education and outreach strategic plan that SWM, SCD, and the Board created earlier this year.*

SWM is committed to partnering and working with the SCD, the SHD, the Stillaguamish Tribe, the Tulalip Tribes, the Flood Control District, other state and federal agencies, cities, interest groups, and public to implement the Stillaguamish Clean Water District Education and Outreach Strategic Plan.

Lakes

SWM data show a clear trend of deteriorating water quality for lakes in the CWD. Though continued monitoring is needed, sufficient information is now available to address failing lakeside septic systems, misuse of landscape fertilizers and chemicals, loss of native riparian buffer vegetation, and pet waste. The Board supports the SWM proposal to create a pilot community outreach program, and collaboration with homeowners and volunteers to boost the level of community participation, acceptance, and adoption of BMPs around Lake Howard. **We encourage** acceleration of the Lake Howard Program in 2011 to validate the effectiveness of program design.

SWM appreciates the Stillaguamish Clean Water District Advisory Board support for the Stillaguamish Lake Outreach Project and more specifically current community outreach efforts for the Lake Howard area in 2011. SWM is on target to develop the pilot program for Lake Howard in 2011 and continue the pilot program in the Lake Howard area through 2012.

We request that the Lakes Outreach and Remediation project be fully budgeted in 2012 for expansion to all lakes in the CWD.

SWM expects to expand the Stillaguamish Lake Outreach Project to other lakes in the Stillaguamish Clean Water District in 2013, based on the lessons learned in the pilot program for the Lake Howard area in 2011 and 2012.

Stormwater

Polluted stormwater is a major source of water quality degradation in the Puget Sound region. **The Board supports** promoting developer and homeowner incentives for Low Impact Development (LID) and using a share of the RCW 36.89 CWD revenues and fund balance to expand Project WA8593 (low impact development) or similar projects to achieve on-the-ground results.

SWM appreciates the support of the Stillaguamish Clean Water District Advisory Board in promoting developer and homeowner incentives for Low Impact Development (LID) and will continue to evaluate LID incentives for all Watershed Management Areas and the Clean Water District.

We support the county-wide Water Quality Facilities Plan that includes evaluation of stormwater facilities and identification of program actions to reduce water quality impacts of stormwater from County properties and rights-of-way and **we request** periodic updates on the plan.

SWM appreciates Stillaguamish Clean Water District Advisory Board support of the Water Quality Facility Plan program and will keep the Board apprised of our progress. SWM would like to present an overview of the Water Quality Facilities Plan at the Board's July 28th meeting.

The Board requests that SWM provide an update on its Pollution Source Control Business Inspection Program.

SWM Business Inspection Program staff is available to provide an update on the Pollution Source Control Business Inspection Program at an upcoming Advisory Board meeting.

Fecal Waste and Trash at Public Access Areas

The Board continues to be concerned about deteriorating water quality due to pet, equine, and human fecal waste from public trail systems within the CWD. **The Board supports** expanding SWM's South County Pet Waste Program into the Stillaguamish CWD, including outreach through commercial pet facilities (i.e., breeding, boarding, grooming, and veterinary businesses).

In 2011, SWM will perform the necessary research and program development to expand SWM's South County Pet Waste Program to the Stillaguamish Clean Water District. Research and program development activities include the following:

- Conduct audience research to align SWM messages and preferred behaviors among dog owners in the Stillaguamish Clean Water District. Dog owners in the Stillaguamish Clean Water District are likely to have different attitudes, beliefs and behaviors associated with the topic of pet waste compared to residents in South Snohomish County. SWM plans to conduct focus groups with Stillaguamish Clean Water District residents to ensure messages and preferred behaviors align to maximize the effectiveness of our outreach plan.
- Revise outreach materials (mailers and brochures) based on key findings from audience research.
- Pilot an effort to partner with two veterinary clinics in the Stillaguamish Clean Water District in the latter half of 2011 and develop a plan to launch a more robust program with additional veterinary clinics in 2012.
- Work to develop a partnership with WDFW to post signage, and to conduct feasibility of creating a volunteer-led outreach program during duck hunting season at public boat launches (which could potentially be piloted in 2011 if partnerships align).
- Expand the poop toss game to ensure usage by ECONet members at public fairs, and events.

We encourage SWM to revisit with the Snohomish County Parks Department the importance of signage, dog-waste disposal bag dispensers, and waste receptacles at County parks.

SWM has initiated discussion with Parks about the Board's recommendation. Parks has re-affirmed its commitment to continue to enforce existing leash laws and pet waste scoop laws at County Parks property (SCC 22. 16.010 and SCC 22.16.030 respectively). However, SWM and Parks are also exploring the possibility of conducting a cooperative evaluation of the scope of the pet waste problem at County park properties within the CWD for either 2011 or 2012. SWM will keep the Board informed about progress and outcomes of this inter-departmental discussion.

We also recommend SWM discuss with Snohomish County Solid Waste the feasibility of a periodic no-fee day to dispose of trash at County Transfer Stations in an effort to reduce trash entering the river system.

Asking the Solid Waste Division for a periodic no-fee day to dispose of trash would not necessarily result in reducing trash from entering the Stillaguamish River. Individuals who throw trash in the river are probably not going to change their behavior because they can take their trash to the transfer station for free one day per year. What we should be looking at, through outreach and education efforts, is changing the behavior of people who dispose of trash in the river in the first place. SWM will coordinate with Solid Waste on exploring ways to reduce trash in the rivers through education and outreach.

The Board recommends that SWM discuss with the Washington Department of Fish and Wildlife (WDFW) the option of pursuing installation of restroom facilities at WDFW public access areas. We also encourage SWM to discuss with WDFW the need for enforcement of proper anti-litter and pet waste disposal practices at their shoreline public access areas.

SWM has initiated discussion with WDFW about how to address litter, pet waste, and human waste issues at WDFW public boat launches and shoreline access areas in the CWD. WDFW has expressed some interest in the possibility of using the CWD Discretionary Fund as a short-term measure to provide portable toilets at heavily used, yet undeveloped public access sites, such as Blue Stilly near Island Crossing. The "Washington State Discover Pass", which was approved by the 2011 Washington State Legislature, is expected to provide much needed funding in the future for operation and maintenance of state-managed outdoor recreation lands and facilities. More information about the Discover Pass is available on the Internet at <http://discoverpass.wa.gov/>.

CWD Discretionary Fund

The Board recommends that on-site septic (OSS) projects be made eligible for financial assistance from the CWD Discretionary Fund. Failing septic systems have been recognized as a threat to water quality and shellfish ever since the CWD was founded, and the SHD's more-active participation provides a practical footing for Discretionary Fund OSS projects.

SWM supports in principle the Board's recommendation that OSS projects be eligible for financial assistance from the CWD Discretionary Fund. SWM is seeking legal review of the Board's updated Discretionary Fund guidelines, application form, and evaluation matrix as a whole package to ensure that it is consistent with laws related to issues such as gifting of public funds, conflict of interest, and appearance of fairness.

We recommend that up to 25% of the Discretionary Fund budget be available for education and outreach, provided that funding for proposed projects cannot be arranged in the current year through SCD or from SWM project funds.

SWM's understanding is that this is a recommendation made by the Discretionary Fund Subcommittee to and accepted by the Stillaguamish Clean Water District Advisory Board.

We further recommend that all Discretionary Fund projects have a per-project CWD contribution limited to \$20,000, unless an exception is made by a majority board vote, through 2012, and require a minimum 25% match.

Once again, SWM's understanding is that this is a recommendation made by the Discretionary Fund Subcommittee to and accepted by the Stillaguamish Clean Water District Advisory Board.

Other Recommendations

The Board requests that SWM provide periodic updates on the progress of proposed CWD service charges for federal land and railroad property.

SWM will be billing for Federal properties in 2011. The bills for specific federal agencies are being compiled now and should go out later this summer. Whether SWM receives payment for service charges assessed for Federal lands is another issue. If the money for payment of surface water fees is not included in the federal appropriations for a federal agency, then the federal agency may or may not pay the service charges.

Railroad properties cannot be billed without modification to county code, Title 25 and Title 25A. Code changes cannot be applied retroactively so railroads will not be able to be billed until 2012, presuming the code change becomes effective by 1/1/2012. If the code change is not effective by 1/1/2012, then railroads will not be able to be billed until 2013.

The Board recommends continuation in 2012 of the intergovernmental services agreement between SHD and Snohomish County for 2011, including sanitarian services in the CWD and SHD participation on the CWD Advisory Board.

SWM anticipates continuation of the intergovernmental services agreement between Snohomish County and the Snohomish Health District in 2012. The amount of money involved in the agreement is dependent on approval of the County's 2012 budget.

The Board appreciates SWM's commitment to present to the Board any proposed changes to Snohomish County Code Title 25A. We request sufficient lead-time for the Board's comments to be considered for incorporation prior to SWM's submittal of the proposed changes to the County Council.

SWM will brief the Stillaguamish Clean Water District Advisory Board on any proposed changes to Title 25A that may develop during the year.

The Board supports continued inter-local cooperation between SWM and other agencies in the CWD/Stillaguamish watershed.

SWM appreciates the support of the Stillaguamish Clean Water District Advisory Board in our continued efforts to partner and cooperate with cities, flood control district, tribes, agencies, and stakeholder groups involved in the protection and enhancement of water quality in the Stillaguamish watershed.

Thank you again for your thoughtful recommendations to SWM. We hope this response helps to inform your annual recommendations letter to the Snohomish County Council in October. The CWD Advisory Board's recommendations help to ensure that the County's annual work program and budget are responsive to the interests and needs of the local community.

Sincerely,



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cc: Steve Thomsen, P.E. Director of Public Works