

LAKE BALLINGER/MCALEER CREEK WATERSHED FORUM MINUTES

Virtual on Zoom

March 21, 2023 2PM to 3:30 PM

Call to Order

Councilmember – Steve Woodard, City of Mountlake Terrace called the Lake Ballinger Forum Meeting to order at 2:00 pm.

I. Roll Call - Welcome and Introductions

Motion

Councilmember, Steve Woodard Approved 1/17/2023 meeting minutes

Councilmember, Jeff Johnson

Motion carried 5-0

Quorum Members Virtual:

- Will Chen - Councilmember, City of Edmonds
- Jeff Johnson - Mayor, Lake Forest Park
- Steve Woodard – Councilmember, City of Mountlake Terrace
- Keith Scully - Mayor, Shoreline
- Tracy Furutani – Councilmember, Lake Forest Park

Attendees:

- Warren McAndrew, Lake Ballinger Association President
- Jeff Betz – Director REC/Parks, MLT
- Ken Courtmanch – Superintendent of Parks/Recreation, MLT
- Donnelle Dayao – Project Manager Parks, Mountlake Terrace
- Derrick Fada - Environmental & Surface Water Supervisor. Lynnwood
- John Featherstone – Surface Water Utility Manager, Shoreline
- Rikki Fruichantie – Community Relations Specialist, Mountlake Terrace
- Patrick Johnston – Stormwater Technician, Edmonds
- Dale Newman – President & CEO, Nile Shriners Club
- Jeffrey Perrico – PW Director, Lake Forest Park
- Kari Quaas – Project Manager, Snohomish Conservation District
- Laura Reed – Stormwater Program Manager, Mountlake Terrace
- Zack Richardson - Surface Water Engineer II, Shoreline
- Andrew Silvia – Project Manager, Lake Forest Park Public Works
- Jerry Thorsen – Lake Ballinger Resident
- Bernadette Taylor-Moses – Administrative Assistant, Mountlake Terrace
- Bob White – Lynnwood Resident

II. Discussion of Ballinger Forum Interlocal Agreement

Laura Reed provided a short overview of the Lake Ballinger/McAleer Creek Forum focusing on improvements to water quality, flooding, and habitat.

- 15,000 years ago: Lake Ballinger formed during retreat of the Frazier glaciation
- 1942: Snohomish County established a funding mechanism for weir maintenance on McAleer Creek
- 1972: Ecology finds Lake Ballinger has worst water quality among 34 area lakes surveyed
- 1996-97: New Year's Day Storm raises water level in Lake Ballinger 5.5 feet above normal winter levels
- 2005: Concern about August 2004 flooding drives meeting between MLT, Edmonds, and Lake Ballinger Community Association
- 2007: Extensive flooding during the December 2007 storm
- Winter 2008: MLT, Edmonds, LFP, Shoreline, Lynnwood, & Snohomish County create the Lake Ballinger/McAleer Creek Forum
- Spring 2008: WA legislature appropriates \$200k to study Lake Ballinger levels
- 2014: MLT replaces 3 restricting culvers in the Nile with bridges, converts a culvert on Hall Creek which was causing flooding to a bridge
- 2015 – Current: Invasive aquatic plants threaten beneficial lake uses & are treated with herbicide
- 2017: Lake Forest Park completes significant flood abatement projects on McAleer and Lyons Creek
- 2023: WSDOT announces plans to replace flow-controlling culvert under I-5 on McAleer Creek starting in 2024.

Flood reduction actions

- Flooding multiple events 1991-2007
- 2008: Formation of the Forum
- 2009: Strategic Action Plan
- 2009-2001 Funding for projects secured
- 2011-2017: Flood abatement projects

Water quality improvement actions

- 1982 -1990: Hypolimnetic system, in-line ponds installed; lake alum treatment
- 2007: WA State increases surface water quality protections
- 2008: Ecology determines phosphorous levels are no longer increasing in the lake
- Current: Ongoing volunteer monitoring

The cities making up the Lake Ballinger Watershed Forum have implemented several actions to protect the lake such as tree planting, Adopt-a-Drain, rain gardens, flow control, stewardship, environmental education, and requiring phosphorous treatment for new or redevelopment in the watershed.

The original Forum goals were to reduce high flows and flood damage; to improve water quality; reduce phosphorous; reduce algae blooms; achieve “fishable/swimmable water.” Downstream of the lake, goals focused on reducing high flows and flood damage, decreasing pollutants; and improving fish habitat. Progress has been made toward several of these goals.

The purpose and priorities for the Forum going forward – John Featherstone

Discussion and update on the Forums Inter-Local Agreement (ILA). The original Forum ILA was created in 2008, and it has been fifteen years since the agreement was reached. The agreement is a legally binding agreement between governmental entities for a specific purpose. ILAs typically involve funding or shared funding of resources to address a common goal.

When the Forum was formed, there had been recent flooding and water quality concerns. Both issues have evolved; several projects have been completed since the Forum was founded. The Forum’s current extension of the agreement expires at the end this year (December 31, 2023.)

On a staff level, the representatives from the forum jurisdictions would like to discuss whether or not the ILA should be extended, and if it is still is aligned with the purposes is of the Forum, or if we want to consider allowing the ILA to lapse or expire.

The Lake Ballinger Forum and the ILA can be thought of as separate entities. At the staff level, we think of them as separate entities. So on one hand, you have a legally-binding agreement (the ILA), and on the other hand, you have a inter-jurisdictional body that meets every three months (the Forum.) A lot of the work that the Forum is currently doing isn’t really through the ILA. It’s more of a conversation about this watershed and this lake, with some issues and solutions that are worked on for the most part independently by the cities. And this work can continue, whether or not there is an ILA in place. Retiring the ILA isn’t the same as talking about retiring the Forum. If the agreement is allowed to expire, the Forum will continue.

The alternatives appear to be:

1. **Extend the forum agreement**, which involves a certain amount of administrative work. The amendment language of the ILA needs to be approved by all participants before the end of the year.
2. The other alternative would be potentially **not to extend the ILA** but to continue having quarterly Forum meetings.

PROS & CONS options related to extending vs. not extending Lake Ballinger Interlocal Agreement were further discussed.

Option	Pros	Cons	No Difference
No Action – allow the ILA to lapse on 12/31/23	<ul style="list-style-type: none"> • Forum goals have evolved over time and do not necessarily match those of the original 2008 ILA. ILA ending would allow us to celebrate its successes (completed projects and improvements) and turn to the next chapter of interjurisdictional coordination for Lake Ballinger and McAleer Creek watershed • More opportunities for other jurisdictions to participate, and greater equity once the barriers to join and 2-tier approach for participation are eliminated • More opportunities to reimagine LBF goals, focus, and operating parameters, to evolve as desired. • Current ILA expiring would not preclude a new ILA in the future should the need arise 	<ul style="list-style-type: none"> • Legal mechanisms of ILA for cost sharing, etc., no longer in place. All participating jurisdictions would need to share the administrative work of running the Forum, MLT would no longer have sole administrative responsibility. 	<ul style="list-style-type: none"> • Quarterly public meetings will continue under either option. • For any hypothetical future cost-sharing for a significant cost effort, an additional project-specific ILA would be needed regardless of whether the 2008 ILA continues or not.
Amend ILA for 3-year extension	<ul style="list-style-type: none"> • LBF continues to operate as originally conceived, including with legal mechanisms in place. 	<ul style="list-style-type: none"> • Administrative burden to route and approve amendment • More constraints to make changes to LBF goals, focus, and operating parameters 	

Laura Reed commented that the main benefit of expanding the scope of the Forum to other drainage basins would be that it would allow folks who are concerned about Lyon Creek and Scriber Creek to be involved, particularly Lynnwood and Brier. Lyon Creek is the primary focus for Shoreline and Lake Forest Park. Laura believes there is a value to this group as a watershed forum, but that it could be more than just the Lake Ballinger McAleer Creek Forum.

There will be a Forum leadership vote in June on whether or not to extend the ILA.

III. WSDOT Preliminary Hydraulic Design Report – Zack Richardson

WSDOT will be replacing three culverts in total. Only two are on McAleer Creek. There is a third culvert which brings in an unnamed tributary in from Mountlake Terrace right between the two culverts, and that culvert will be replaced as well. The culvert underneath SR 104 and SE Cloverleaf is not part of the project and will not be included in the project, because it is considered fish passable.

Study reach for the hydrologic report is only up 170 feet of the first culvert and 200 feet downstream of the SR 104 culvert. It doesn't provide a downstream analysis, it is mostly just about how the project meets its fish passage needs.

There are areas of concern, and the Forum will send comments to WSDOT regarding downstream impacts. It does appear that replacing the culvert will result in a wider stream channel under I-5. The WSDOT report confirms that the I-5 culvert backwaters the creek. Which suggest that flooding of Lake Ballinger will not be increased by the project, and may be decreased. The weir is referenced as fully regulating the flow out of the lake; however, the high flows shown in the report indicate the water level as above the weir elevation. Zack is curious as to whether or not WSDOT may have underestimated the high-end flows.

Laura Reed confirmed that from her observation of McAleer Creek during the 2022 Christmas and New Year, the weir is not holding back flow at peak flows which have caused flooding.

IV. McAleer Creek maintenance update - Laura Reed

Laura reported that she's spoken with Tim Nye, MLT Streets/Storm Public Works Supervisor, and there have not been any obstacles in McAleer Creek that might cause elevated levels on Lake Ballinger. There were no beaver activities, but there have been a few trees that fell down during the recent snow storm. They were not blocking the creek, but they were in the channel and have been moved.

Patrick Johnson reported that he will determine if the city can purchase the abandoned property at the south-east end of the lake, and move ahead with the demolition. Next meeting there will be more of an update.

V. Announcement & Updates

City of Mountlake Terrace – The Ballinger Hall Creek Restoration Project will start construction mid-May on the north end of the lake.

VI. Public Comment

Jerry Thorsen reported flooding during the rainy season. He described how he proposed twenty years ago lowering the lake by two feet twice a year, and said that the Department of Ecology reported the lake can't help but become more contaminated

because of the drainage coming into the lake. He stated that the law is being ignored, and that more water is allowed to come into the lake than can exit the lake.

VII. Determine Agenda topics for next meeting

Interlocal Agreement

VIII. Date and location of next meeting

Meetings are held once a quarter, and the next meeting will be virtual and held on Tuesday, June 20, 2023 at 2:00 pm.

IX. Adjournment – 3:14 p.m.