

Deliberations

Guemes Island

Seawater Intrusion Amendment

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Current Seawater Intrusion Requirements

Currently, per SCC 14.24.380(2), an application proposing use of a well must include the following:

- A site plan (including inland well site location)
- Estimated depth of well
- Estimated land elevation of the well
- Depth and chloride levels of surrounding wells
- Drilling plan
- Applicable fees



Proposed Seawater Intrusion Requirements

The petition would add language to SCC 14.24.380(2) to require the following information to be submitted prior to drilling in a SSA:

- A site plan (including inland well site location)
- Estimated depth of well
- Estimated land elevation of the well
- Depth and chloride levels of surrounding wells
- Drilling plan
- Applicable fees



Regulatory Authority

- The Growth Management Act ([RCW 36.70A.172](#)) requires designation and protection of critical areas using best available science.
- [RCW 36.70A.060\(2\)](#) requires that each county and city planning under GMA develop regulations that protect critical areas.
- [RCW 36.70A.030\(11\)](#) includes “areas with a critical recharging effect on aquifers used for potable water” in critical areas definition.
- Review of environmental impact to groundwater, including potential impacts related to seawater intrusion, are unrelated to water rights (which are regulated by Department of Ecology).
- [RCW 36.70.345](#) — Failure to protect critical areas may result in sanctions.

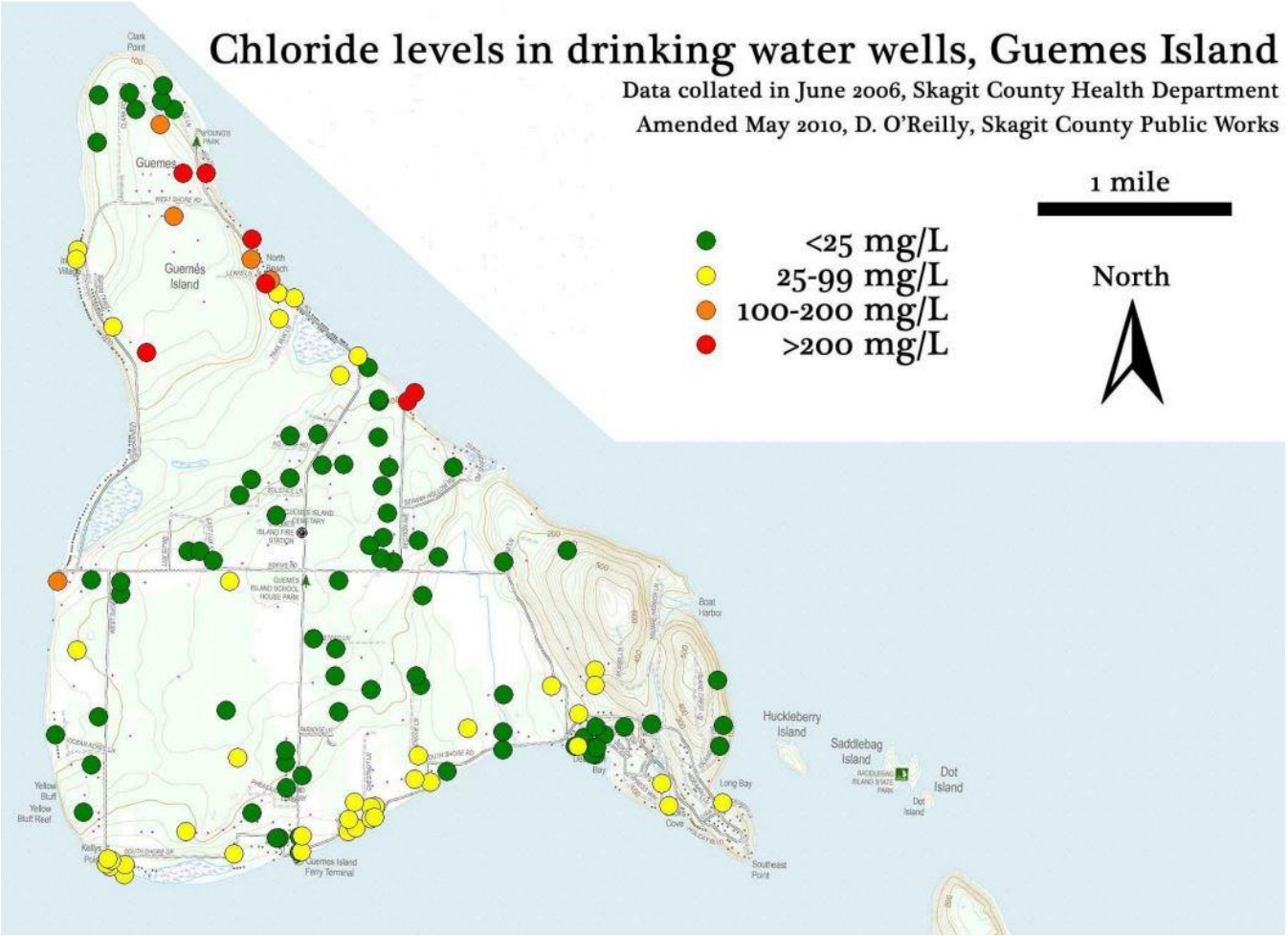


Surrounding Well Depth and Chloride Levels

- SCC 14.24.380(2)(a)(i)(D) does not specify the number of surrounding wells that applicants must obtain depth and chloride information data.
- SCC 14.24.080(4) states that “[i]f the applicant, together with assistance from the Administrative Official, cannot obtain permission for access to properties within 300 feet of the project area, then the site assessment may also be limited accordingly.”



Public Health and Public Works Data



Use of Application Information

- Collecting chloride and depth level data from surrounding wells allows the Department to determine if drilling a well would bring potential risk to the aquifer and estimate the maximum pump rate of their well.
- The data will also allow the applicant to make an informed decision as to whether an alternative water source, such as a rainwater catchment system, may be a better option.
- The well depth and chloride data can also be tracked by the County to develop a better understanding of the Guemes Island aquifer.



Summary of Public Comments

- Comment period started on May 2nd and ended May 30th.
- Public Hearing held on May 28th.
- Received 7 public comments.
 - 6 in Support
 - 1 in Opposition
- Received public testimony from 3 participants.



Summary of Comments in Opposition

- The proposed study elements do nothing to prevent or identify seawater intrusion or aquifer contamination.
- Seawater intrusion is not well documented.
- Opinion that Guemes Island sole source aquifers do not need protection.
- Concern that the required information could lead to Planning and Development Services denying wells if data on surrounding wells cannot be obtained.



Department Response: Amendment does not authorize Planning and Development Services to deny a well.

Summary of Comments in Support

- Seawater intrusion is an ongoing problem on Guemes Island.
- Amendment changes the timing of the gathering and submission of information, so all wells are included.
- Language is necessary to address the ongoing problem of well drilling on Guemes without regard to the cumulative impact of wells exacerbating the problem of seawater intrusion
- Amendment is about protecting the senior water right holders of Guemes Island, not about limiting the development of a new lot.



Department Response: Skagit County does not control or regulate water rights. The proposed amendment only analyzes the potential impact of the well from seawater intrusion. There is no transfer of senior water rights to junior water rights and this proposed code update does not in any way pertain to water rights.

Staff Recommendation

- As the proposed amendment meets the consistency criteria listed in SCC 14.08, the Department **recommends approval** of this proposed amendment.



Next Steps

- July 1st 10:00 AM – BOCC Work Session
- July 23rd 10:00 AM– BOCC Deliberations

Supporting Documents can be found at:
<https://www.skagitcounty.net/Departments/PlanningAndPermit/Seawater.htm>

