



Lake Whatcom Policy Group

February 16, 2022 Meeting

Brief Digest of Presentations and Discussion

Policy Group members in attendance: Michael Lilliquist, Skip Williams (Bellingham City Council); Todd Donovan, Kaylee Galloway (Whatcom County Council); Leslie McRoberts (Lake Whatcom Water and Sewer District Board); Nancy Alyanak (Sudden Valley Community Association). Other Council or Board members present: Todd Citron (Lake Whatcom Water and Sewer District Board); Lisa Anderson (Bellingham City Council).

1. Policy Group background and role

Staff provided a brief summary of the history and role of the Policy Group. The group was started in 2008 to provide an informal format for briefings and conversations between staff and policy makers regarding the lake. The Lake Whatcom Management Program requires at least two meetings per year of the legislative bodies of the jurisdictions, so the meetings of the Policy Group complement the annual Joint Councils and Commissioners meeting that is held in March. Staff bring forward policy matters for discussion for early feedback and provide informational briefings on program implementation and other issues impacting the lake that are relevant to future policy discussions. The group was originally composed of representatives of the City and County Councils and the Lake Whatcom Water and Sewer District Board, and a representative from Sudden Valley was later added to reflect that community's impact on the watershed.

The group is not subject to quorum rules because there is limited participation from each legislative body, but minutes are kept for the public and to capture the discussion for the benefit of the full membership of the respective legislative bodies. The jurisdictions have worked with the Department of Ecology to adopt a Total Maximum Daily Load (TMDL) for managing phosphorus and fecal coliform in the watershed, creating a framework for program implementation. As a result, there are fewer policy issues that staff need feedback on, and the policy group currently meets quarterly rather than more frequently.

2. Discussion of 2022 Policy Group goals and agenda topics

Policy Group members and staff discussed potential topics for the rest of the year. A number of agenda items were added during this portion of the meeting, and as a result of discussions noted in items four and five below. Topics tentatively scheduled for the next three meetings are indicated below (new items in red):

June 1.

Stormwater

- Capital project review
- Update on Whatcom County's Lake Whatcom Stormwater Utility

Land Use

- Effectiveness of the land acquisition program in removing potential development units from the watershed
- Discussion of DNR's forestry regulations and impacts on water quality and other ecological goals

Aquatic Invasive Species (AIS) Prevention Program

- AIS early season update

September 7.

Monitoring and Data

- Status of lake response model update and TMDL reassessment process
- Update on tributary monitoring and other data

December 7.

Aquatic Invasive Species (AIS) Prevention Program

- 2021 AIS program review

Stormwater:

- Briefing on the Homeowner Improvement Program (HIP)

3. Annual Joint Councils/Commissioners Meeting agenda

Staff reviewed the annual meeting agenda. The goal is to focus the meeting on the most important topics and to reduce the meeting time from 2 hours to 90 minutes. The Lake Whatcom Water and Sewer District will chair the meeting. The meeting will be virtual. The annual program accomplishments report will be available before the meeting.

The draft agenda includes the following items:

1. Opening comments – Satpal Singh Sidhu, Whatcom County Executive; Seth Fleetwood, Mayor of Bellingham; and Justin Clary, General Manager, Lake Whatcom Water and Sewer District.

2. Lake Whatcom Monitoring Program Annual Report – Dr. Angela Strecker, Institute for Watershed Studies, WWU

3. Lake Whatcom Management Program Annual Report – Interjurisdictional Coordination Team, Focus on 2021 accomplishments, 2022 Program activities, and the TMDL revision process.

4. Public comment period

4. Presentation: Annual Lake Whatcom Build-out Report

Staff provided a briefing on the results of the annual Lake Whatcom buildout report. The purpose of this report is to track residential development and capacity over time, and it has been produced annually since 2005. The report is a gross analysis of residential development potential and looks at parcel data from the County Assessor and the underlying zoning so it is easy to update annually. A lot with

residential zoning and with a structure value greater than \$10,000 is considered developed. There are no unit reductions for things such as critical areas or lot restrictions. Lots zoned as commercial or commercial forestry are excluded, as are parcels zoned for public use such as parks. In calculating development capacity, the number of units possible on any given parcel are always rounded down. For analysis, parcels are categorized as City, Urban Growth Area (UGA), Sudden Valley, and the rural watershed. The report includes tables showing total developed parcels as well as lots that are potentially developable.

Development potential in the City and its UGA is relatively low, with fewer than 100 developable units in each. Sudden Valley and the rural watershed have the greatest development potential, with 504 and 712 developable units respectively. Lots in the rural watershed tend to be large, with 84% of lots requiring at least 5 acres for each new residential unit. Because of the larger lot sizes, the total developable acres in the rural watershed are quite high at 3,045 acres.

Over last 5 years about 45 new units have been developed in the watershed each year. On average about 20 units are developed each year in Sudden Valley. In 2021 there were 31 units developed, with 20 of those being in Sudden Valley. A few years ago there were about 80 units developed in the rural watershed at the Wildwood Area condominium.

This report helps guide the decisions of the Land Acquisition program, and this analysis of developable units is combined with other factors, such as proximity to streams and the lake shore, to identify target lots for purchase. Data on acquisition is collected in a spreadsheet that is updated annually, and the number of units removed from potential development by the acquisition program are reported annual in the LWMP progress report. The Policy Group requested that staff bring back data for the June meeting indicating the impact of the acquisition program in reducing development potential in the watershed.

The 2022 watershed buildout report for 2022 and prior years is available at:
<https://www.lakewhatcom.whatcomcounty.org/resources>

5. Forestry Issues

Whatcom Mountain Bike Coalition. The Whatcom Mountain Bike Coalition (WMBC) wants to do trail maintenance in the winter but under current regulations can't disturb more than 500 square feet during the winter season. A permit was issued allowing the WMBC to proceed with trail work in 500 square foot increments. The WMBC expressed interest in applying for a programmatic permit which would allow such incremental work over the next 5 years. The WMBC also asked about potentially amending the code to allow certain activities to exceed the threshold within the winter window, especially in response to the need to rehabilitate trails after logging operations. This would require getting a code amendment on the Whatcom County docket, and code changes would be up to the County Council. There are concerns that such a change could lead to more phosphorus flowing into

the lake and also concerns that this change could create a pathway for others to seek similar amendments, undermining the intent of the regulations.

Lake Whatcom Landscape Plan-DNR Bessie Logging Sale. The County Council voted 4-3 to approve a letter to the Department of Natural Resources (DNR) Commissioner Hillary Franz and the DNR Board of Natural Resources requesting a pause in this planned timber sale, along with reengagement with the County to discuss the implications of logging in the watershed. Some of the sale would be older growth trees, although there was conflicting information on the age of those trees. Litigation on DNR's plans for harvests on state trust lands is also ongoing, and DNR is looking at changing the ways it harvests older trees. DNR has had one meeting with the County to discuss next steps. Lake Whatcom water quality is at the top of the list of County concerns, and the County Council wants to look at the science on the impacts of logging on water quality. Other County goals include climate resilience and sustainable forestry practices.

This specific sale is divided into different timber types and ages which are then sold to different mills. DNR maintains control of the harvest, with strict rules. An Interjurisdictional Committee (IJC) includes City and County staff and also includes a city contractor who reviews planned sales with DNR before harvest. Buffers and road crossings are examined for conformity with the habitat conservation plans of DNR. There is one fish bearing stream in the area of the sale, and that requires a 175 foot buffer. Several smaller streams are also in the area and have smaller buffers. The purpose of the buffers is to provide for species protection and to protect water quality.

The County Council was concerned about the February date set for the timber sale and wanted to get the letter in before the sale was finalized. The timeline for the sale has now been extended. The letter was not against the sale but asked for a pause to address community concerns. Information provided by DNR on the age of the trees was different from what was understood in the community. The County has now passed a Climate Action Plan (CAP) which raises the level of scrutiny. A question that arises is whether the regulations adequately protect all of the things needing protection. The current DNR Landscape Plan that applies to Lake Whatcom requires increased buffers around streams and steep slopes, and also targets the harvest of older trees. This plan only applies to harvests on DNR properties, not private lands. Other DNR regulations added since the Landscape Plan was adopted have added new restrictions.

Forest practices are not part of the phosphorus TMDL limits, and the Department of Ecology has approved forestry activities under current rules. The "Clean Water Assurances" from Department of Ecology that allow logging were put in place a few decades ago. DNR was given 10 years to prove logging does not impact water quality, and this was later extended another decade. The DNR has done some studies elsewhere in the state that establish logging as a safe activity under some circumstances, but not all the needed studies have been completed. Policy Group members requested that staff bring back information at the June meeting on the landscape plan and whether the plan is sufficiently protective. The landscape plan

	was meant to strike a balance between water quality and the goal of keeping local jobs and timber supply, and to allow for sales that provide money for state trust beneficiaries. A broad policy discussion will include these issues, and perhaps include a representative of the DNR.
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Upcoming Lake Whatcom Meetings:

- March 23, 2022, 6:30 PM: Annual Lake Whatcom Program Joint Councils and Commissioners Meeting
- June 1, 3:00 P.M.: Lake Whatcom Policy Group