



Lake Whatcom Policy Group

June 1, 2022 Meeting

Brief Digest of Presentations and Discussion

Policy Group members in attendance: Michael Lilliquist, Skip Williams (Bellingham City Council); Kaylee Galloway, Todd Donovan (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).

1. Update on Whatcom County's Lake Whatcom stormwater utility

Staff provided a brief update on how the stormwater utility was developed and an update on program activities. The purpose of the utility is to help pay for the 50-year TMDL plan that was adopted by the City, County, and the Water District that has a \$120 million budget, and a new source of funds was necessary to fully pay for the County's portion. Other County funds used for the Lake Whatcom program include the Flood Tax, the Real Estate Excise Tax, the road tax, and grants. The utility service area includes the entire Lake Whatcom watershed outside the Bellingham city limits. An Advisory Committee was formed to help develop the utility, and a consultant was hired to provide a funding study. The fee was phased, with half being charged in 2020 and the full fee being assessed starting in 2021.

The purpose of the utility is to help fund Lake Whatcom management activities, capital projects, maintenance, outreach and education, homeowner retrofits, and lake monitoring. COVID delayed the start of some program activities. Thus far, the utility has provided support for the Silver Beach Creek Phase 1 capital project and will be partially funding Academy Road Stormwater Improvements and Geneva Bioretention Pilot projects in 2023. The utility paid for the maintenance of water treatment vaults in 2021. There is also increased spending on education. The utility covered 50% of the County's part of the Homeowner Incentive Program (HIP) in 2021, allowing the program to be expanded to Basin 3. There is a lot of interest in the HIP program, and the county has put a temporary pause on new sign ups. The utility is slowly building up reserve funding, as was recommended in the funding study, so in the case of unexpected financial impacts, the County will be able to continue carrying out these programs to protect Lake Whatcom.

A copy of the 2021 utility district report is available at:

<https://www.whatcomcounty.us/2830/Lake-Whatcom-Stormwater-Utility>

2. Land Use

Lake Whatcom watershed thinning projects. The City will be contracting for tree thinning on a city-owned watershed acquisition property in the North Beaver Creek area. The goal is to restore characteristics of a mature forest. This forest stand currently lacks diversity and is dominated by Douglas Fir, replanted after the last harvest cycle as a commercial forest plantation. The stand is now overstocked and is lacking species and habitat diversity. Goals include restoring complexity,

landscape diversity, and ecosystem integrity. Natural disturbance processes will be relied on to transition the forest to a mature conservation forest. Forest units within the stand will be managed differently depending on the dominant tree species in each unit. Some are dominated by Douglas Fir and others by hardwoods (Maple or Alder). Management goals are:

- Maximize potential for forest maturity
- Reestablish diversity of forest plants and wildlife
- Enhance wildlife habitat features and connectivity
- Reduce wildfire risk
- Sequester carbon

Select dead or damaged trees will be retained to enhance habitat. The City will work to reduce fire risk on its properties and will work with the Whatcom Conservation District to reduce fire risk on adjacent private properties. The target trees per acre will be determined after the units are assessed for vulnerability damage from blowdown if too many trees are removed at one time.

Review of the land acquisition program. The Land Acquisition program is a city program that buys property throughout the watershed to reduce impacts on water quality. Staff reviewed the impact of the land acquisition program in reducing potential development units in the watershed. Staff are gathering data on this, and as an example if at the beginning of the program about 4,000 housing units were already developed, with a potential of another 4,622 then the purchase to date of 715 developable units would have resulted in a reduction of about 15% of the potentially developable units.

Criteria for acquisition include steep slopes, proximity to streams and the lake, size of parcels and number of developable units. Initially the program purchased a number of parcels with many potential units on them. There are fewer of those available and the program has evolved to purchase larger parcels with fewer units.

State Department of Natural Resources (DNR) forestry regulations and impacts on water quality and other ecological goals. DNR presented a historical overview of the evolution in forest practice regulations that impact the watershed. Multiple federal and state regulations and programs have affected forestry practices over time. These include:

- **1971 -- the Federal Clean Water Act** covers most national water bodies.
- **1974 -- Forest Practice Rules** were implemented that apply to both state and private lands. These include standards on road building, harvesting, and the use of chemicals. The Forest Practice Board was created to oversee and enforce regulations.
- **1986 -- Timber, Fish, and Wildlife Agreement** was developed to support forestry while also maintaining wildlife and habitats. Interdisciplinary teams were created to review complex and sensitive areas.

- **1993 -- The Trillium land exchange** brought about 7,500 acres in the Lake Whatcom watershed into DNR management.
- **1997 – The Habitat Conservation Plan** was developed for state lands designed to protect riparian areas, wetlands, salmon, marbled murrelets, northern spotted owls, and specialized or uncommon habitats. Emphasis is placed on stream buffers ranging from 100-150 feet, and on riparian health.
- **1998 – The Lake Whatcom Watershed Analysis** was adopted to assess the cumulative impacts of activities on the watershed, and prescriptions and voluntary strategies were developed to protect resources in the watershed. Many of these recommendations have been superseded by newer rules. Also, many lands with steep slopes have been transferred to Whatcom County.
- **1999 -- Forest and fish report** was released applying to public and private lands statewide, with a focus on protection of salmon and other aquatic species. This was a negotiated outcome involving multiple stakeholders to comply with the Endangered Species Act and the Clean Water Act while protecting aquatic species and retaining a viable timber industry.
- **2001 -- The Forest and Fish Rules** were updated and approved by the legislature.
- **2004 -- Lake Whatcom Landscape Plan was** adopted after direction by the legislature, included an Environmental Impact Statement. This added enhanced protections including regulation of activities on unstable slopes, road maintenance plans, and the creation of new buffers for very small streams. Aerial fertilizer or herbicide application was prohibited. An Interjurisdictional Committee was created to review forestry proposals, with representatives from the City of Bellingham, Whatcom County, and the Lake Whatcom Water and Sewer District. The Department of Ecology and the Department of Health provided letters to the Forest Practices Board indicating that the plan would protect water quality and control pollution.
- **2006 – A Policy for Sustainable Forests** was adopted which examines cumulative impacts on water systems. A 100 acre limit was placed on harvesting of single age stands. A Policy on Riparian Conservation focuses on salmon and other aquatic species and establishes wetland management zones, with a standard of no net loss of wetlands across the state.
- **2014 – Land Reconveyance --** 8,800 acres of lands under DNR control were transferred to Whatcom County. Around 7,000 acres in the watershed remain under DNR jurisdiction.
- **2016 -- The Total Maximum Daily Load (TMDL) plan** was issued as required by the Clean Water Act and overseen by the Department of Ecology. The plan focuses on reducing phosphorus nutrient loads into Lake Whatcom and controlling coliform bacteria from human and animal waste that has been found in 11 tributaries to the lake. In the plan the Department of Ecology does not consider forestry activities as a concern.

The DNR presentation can be reviewed at: <https://drive.google.com/file/d/1-9EWSBByYWEmsCeK93mWpU4TjY55dq1h/view>

DNR currently uses adaptive management in its forest practices and includes involvement by the State Departments of Fish and Wildlife and Ecology as well as federal agencies. Forest landowners, county governments, environmental advocates, and tribal governments are also represented. There is a Timber, Fish, and Wildlife Policy Committee to develop recommendations in response to emerging issues, and a Cooperative Monitoring, Evaluation, and Research Committee to focus on making sure practices conform to best scientific understanding. DNR has been holding tours of DNR lands with County Council representatives and welcomes City Council representatives to schedule a tour as well.

Forest Practice rules include a special focus on regulating harvests on unstable slopes. An expert geologist reviews all timber sales to ensure that risks are properly managed. Proper road construction is a central area of focus, including proper sizing and protection of culverts. Both of these are essential to avoiding landslides. Recommended harvesting practices include matching equipment to site conditions, proper location of skid trails and landings, and identification of stream buffers.

DNR compliance officers oversee each harvesting site. In very wet weather harvesting may be suspended. After harvesting the site may be modified to ensure stability, for example by putting water bars on skid trails and yard areas. Grass may be planted and trees are planted one or two years after harvesting.

Recent public concerns usually refer to old logging practices that led to mass wasting, including the impact of roads. DNR recognizes that old logging and road building practices caused problems. Under the new rules DNR believes these problems have been solved. Current rules go through scientific review. If issues arise they may go to the Forest Practices Board for possible revision.

Whatcom County is currently in the process of developing a forest management plan for County Parks property in the watershed. The County is working to identify benchmarks to measure success, such as diversity and mature trees, and species diversity and wildlife habitat.

The Bessie Sorts timber sale caused controversy, but the part of the sale with the oldest forests (over 100 years) has been put on hold. The intent of the policy is to preserve mature forests when possible. The area is now in a carbon credit program. The remaining area with younger trees may be sold in the future. DNR cannot preserve all medium age trees as the larger trees are needed for certain purposes such as power poles.

A review of the Clean Water Assurances from the Department of Ecology that declare that current forest practices meet water quality requirements is underway. In 2009, Ecology reviewed the assurances and identified corrective milestones to complete by 2019. The assurances received a two-year extension through 2021, and

	another extension through 2022. The Forest Practices Board could initiate rulemaking at the end of the process, with a focus on water quality of non-fish bearing streams.
3. Topics for next meetings	
	<p>Currently scheduled topics for upcoming meetings include the following. Additional topics may be scheduled.</p> <p>September 7.</p> <ul style="list-style-type: none"> • Status of lake response model update and TMDL reassessment process • Update on tributary monitoring and other data <p>December 7.</p> <ul style="list-style-type: none"> • 2022 AIS program review • Briefing on the Homeowner Incentive Program (HIP)

Upcoming Lake Whatcom Meetings:

- September 7, 3:00 P.M.: Lake Whatcom Policy Group