



Lake Whatcom Policy Group

September 6, 2023 Meeting

Brief Digest of Presentations and Discussion

Policy Group members in attendance: Hannah Stone, Skip Williams (Bellingham City Council); Kaylee Galloway, Todd Donovan (Whatcom County Council); Bruce Ford, Lake Whatcom Water and Sewer District; Nancy Alyanak (Sudden Valley Community Association).

1. Proposed amendment by the Whatcom Mountain Bike Coalition to Whatcom County Code to exempt the maintenance, reconstruction, and construction of trails in the Lake Whatcom Overlay District

At the request of the Whatcom Mountain Bike Coalition (WMBC) the Whatcom County Council placed on its annual land use docket an amendment to allow for an exception for seasonal clearing closures in Lake Whatcom for limited trail maintenance and construction.

Lake Whatcom is the drinking water source for about half the County, and erosion and sediments from land disturbing activities may transmit phosphorus and other pollutants to the lake. The lake is listed as an impaired water body under the Clean Water Act and is subject to a Total Maximum Daily Load (TMDL) process required to meet federal and state water quality standards for dissolved oxygen, fecal coliform bacteria, and phosphorus.

Under Whatcom County code, seasonal clearing activities are meant to create a more stringent standard for clearing activities in environmentally sensitive areas such as water resource areas and areas with unstable slopes. Implementation of Best Management Practices (BMPs), including phased clearing, tree retention, and seasonal clearing limitations is intended to limit the amount of exposed soils on a site that are susceptible to erosion. The seasonal clearing limits apply uniformly to all land clearing activities in the watershed. The WMBC limits their work to a maximum of 1,000 linear feet and a width of 4 feet of exposed soil at any given time for repairs to existing trails. Repair occurs after logging but prior to replanting. A five-year programmatic land fill and grade permit to allow this activity within the watershed work window was approved by Whatcom County in January 2023.

A number of other agencies are involved in water quality management in Lake Whatcom. These include the US Environmental Protection Agency (EPA) which approves the TMDL plan. The WA Department of Ecology (DoE) monitors implementation of the TMDL and manages water quality through a National Pollution Discharge Elimination System (NPDES) permit. Coordinated NPDES implementation is administered by the City of Bellingham and Whatcom County for each of their respective permit areas. The Washington Department of Natural Resources (DNR) manages forest practices such as timber harvests, and

recreation. The City of Bellingham and Whatcom County manage land use and stormwater within their respective boundaries.

The City of Bellingham is opposed to additional exemptions from the land clearing regulations, and the Lake Whatcom Water and Sewer District Board of Commissioners recently voted unanimously to voice its opposition as well. The Department of Ecology also opposes exemptions. Opposition is based in part on concerns that allowing exceptions will undermine parity, prompting other users to ask for similar exemptions. Conversely, DNR's recreation manager is in support of the proposal.

Whatcom County Parks noted that there could be benefits from the proposal for its operations, as it is charged with providing recreational opportunities such as mountain biking, and it is increasingly difficult to work in the summer due to fires, smoke, and compacted soils. The County is not subject to forest practices permits for much of its work so couldn't qualify for an exemption if seasonal clearing exceptions were only allowed for areas under forest practice permits. County Stormwater program staff noted that the seasonal closures are part of the "reasonable assurances" given to DoE that the TMDL will be sufficiently protective of water quality. The WMBC stated that it coordinates activities with Whatcom County and is involved in work that improves trails so that they are less likely to cause erosion.

Whatcom County Council representatives stated that the County Council did not have all the information that was presented today when it placed the item on the docket. Councilmembers asked that County Planning and Development Services (PDS) staff bring this topic back to the County Council for further consideration before it goes to the Planning Commission.

If directed by Whatcom County Council to proceed with the docketed item, PDS would develop amendments to take to the Planning Commission. The following limitations have been suggested:

- Apply the seasonal exemption to commercial forestry lands only
- A programmatic land disturbance permit must have been issued
- Land disturbance is to be limited to 1000 linear feet and a width of no more than four feet of exposed soil
- Repair is associated with a forest practices permit and work must be completed after timber harvest but before tree replanting
- Stormwater BMPs are used
- No work would be allowed in critical areas or required buffers

2. County Forest Management Plan Update

Staff presented an update on the Whatcom County Parks Department's Lake Whatcom Park and Lookout Mountain Forest Management Plan. Parks will be

awarding a contract for this work in Fall 2023, with the bulk of the work intended be completed in 2024. The current timetable is:

- Finalize Request for Qualifications in September
- Solicit qualifications, using the MRSC roster, in October
- Award contract by end of year

The goal for the plan is an action-oriented forest management plan that will advise and direct management actions that protect surface water quality and restore ecological function to that of a natural mature forest. The plan will provide science-based recommendations to:

- Maximize potential for forest maturity
- Stabilize surface water runoff to control erosion and reduce potential for mass wasting events
- Reestablish diversity of forest plant and wildlife
- Enhance wildlife habitat features and connectivity
- Manage wildfire risks and improve fire resiliency

The plan will consider and support goals of the County's comprehensive plan related to preserving the County's forest economy, and also support responsible recreation development as envisioned in the Lake Whatcom Lookout Mountain Forest Preserve and Lake Whatcom Park Recreational Trail Plan.

Development of the plan will include collaboration and consultation with relevant advisory groups and partners, including the Whatcom County Forestry Advisory Committee, the Whatcom County Parks & Recreation Commission, and the Whatcom County Climate Impact Advisory Committee. The plan will include ways to enhance funding including grants. The \$100,000 currently allotted is likely insufficient to complete this plan given the need to update the baseline inventory data since the land was reconveyed to the County. There is support from the County Executive to ensure this plan is scoped appropriately, including the possibility for additional funding if needed. Parks will engage collaboratively with the City of Bellingham given their significant and ongoing efforts to preserve parcels in the watershed, many of which are adjacent to County ownership.

3. Lake Whatcom Fire Resilience

City and Whatcom Conservation District staff provided an overview of fire protection activities and education on City-owned lands in the watershed. The City is currently managing 2,653 acres that have been protected from development in its land acquisition program. The City's goal for management of these lands is to return them to fully functioning mature forests. This includes removal of impermeable surfaces and structures, and control of invasive plants and installation of native plants, especially conifers. Fire management is also

necessary given increased air temperatures, reduced summer rain, and earlier snow melt. There have been three recent fires, including three smaller fires on Galbraith Mountain, Blue Canyon, and near Lake Louise, and a second and larger fire (45 acres) in the Blue Canyon area. Some City parcels have numerous private landowners adjacent to them, so cooperative work with these landowners is necessary to reduce ignition risk.

Wildfire resilience results from outreach and education of watershed residents, and wildfire risk management activities for undeveloped and developed parcels. For areas that are already forested, management can include thinning, understory planting, and removal of invasives. The City is working on a Forest Management Plan (FMP) and will cooperate with Whatcom County Parks to develop an overarching FMP for the Lake Whatcom Watershed. The City contracts with the Whatcom Conservation District's (WCD) wildfire prevention program, and that program focuses on evaluating wildfire risk and empowering and engaging with landowners to make needed changes to reduce risk. The work is done in collaboration with local fire districts and DNR. Activities include targeted outreach, community workshops, and risk assessments of individual parcels. The budget supports 10 site visits and assessments over a two-year period. The County has a \$40,000 contract with the Conservation District for fire prevention outside of the City. That contract focuses mostly on community support for practices that reduce risk. Additional resources from the City and/or County would allow this program to be scaled up.

Most forest fires start from embers transported from a fire via the wind. A zone up to 100 feet from a properties' foundation is called the home ignition zone. Risk reduction includes clearing debris from around the home, replacing vents that have large mesh screens with smaller 1/8 inch mesh, cutting back low hanging branches (reduction of ladder fuels) and shrubs, etc. The assessment results in a report to the homeowner with recommended actions for the home and landscaping. If the ignition zone extends to City-owned properties, needed treatment will occur on the adjacent City-owned parcel. The WCD maintains a web page on fire prevention, including ways to get involved with the program.

4. Discussion of structure and function of Policy Group

At the annual Joint Councils and Commission meeting in March, some legislators expressed a desire to evaluate the current role and function of the Policy Group. They voiced concerns that there was a diminishing role for the group, and a trend over time of fewer meetings and fewer agenda items. There are fewer policy topics to discuss and therefore more briefings on implementation activities. At the same time, there are new policy issues emerging and community concerns are amplifying, and there may be an opportunity for a reinvigorated role for this group.

There is a city advisory group, the Water Resources Advisory Board (WRAB), which recently replaced the Lake Whatcom Watershed Advisory Board. The

WRAB provides a forum for discussion of policy issues and for public participation. However, there is no County counterpart of this board. The Policy Group is unique, with multiple elected officials meeting in one group, creating an opportunity to bring numerous vantage points together in one meeting.

The LW Policy Group has been an informal group that acts as a sounding board and there is a need to understand how the Policy Group fits in with other work that is being done. For example, what advisory groups do we have and what parallel groups exist at the County level? Briefings from staff allow policy makers to hear what is going on in other jurisdictions. The Policy Group itself does not have a budget other than the cost of staff time for the people involved.

When the group was formed there was limited coordination among the involved jurisdictions in managing the lake resources. Coordination has improved and staff are working together regularly. The Total Maximum Daily Load (TMDL) process has been created, and staff are working to implement plans to fulfill requirements of the TMDL and meet other goals of the Lake Whatcom Management Plan. Staff are in continuous implementation mode as most of the larger policy issues raised over the last 20 years have been previously discussed and resolved. As policy issues come up, this is a great place to address them.

Staff can bring back a presentation on how policy and budget decisions get made within the management program and if changes in the structure or process are needed. The three jurisdictions in the program all contribute financially to many of the programs, but sometimes management of a program falls to one jurisdiction. For example, the city runs the Aquatic Invasive Species Program (AIS) and the county administers the tributary monitoring program. There are some issues, including Comprehensive Plan and other land use areas, where the Policy Group would be helpful for coordination.

Staff and Policy Group members will continue discussing this topic at the December Policy Group meeting.

5. Discussion of possible budget requests

The County Council had an initial discussion regarding possible budget requests that may apply to the Lake Whatcom program. There may be a request for additional staffing for meetings and facilitation, and possibly for an expansion of work such as data gathering or climate vulnerability assessments. There may be a need to go through the respective jurisdictions for funding requests. Some of these items may already be in jurisdiction budgets. For example, the City has budgeted for a climate vulnerability assessment, but other needed items have not been budgeted for yet. The policy group is not an implementation body, but other legislators may take the perspective of the group into account when making budget or other decisions.

6. Topics for December meeting

The following topics were discussed for possible inclusion at the December 6 meeting. Staff will work with Policy Group members to select and finalize the agenda items.

- AIS Program Review
- Lake Whatcom Management Program 2025-2029 Work Plan – Process for update and policy-maker input
- Continued discussion - Policy Group structure and function
- Briefing on status of TMDL update.
- Briefing on expenditures of the Lake Whatcom stormwater utility