



# Draft 2025-2029 Lake Whatcom Management Program Work Plan

## Policy-Related Public Comments and Questions Received July 25 – August 25, 2024

This document summarizes policy-related comments received during the public engagement process for the [Draft 2025-2029 Lake Whatcom Management Program Work Plan](#). The term “policy-related” has been applied to any suggestion that would require action or approval from Bellingham City Council, Whatcom County Council, or Lake Whatcom Water & Sewer District Board of Commissioners. Policy-related comments have been organized by similar topics. The comment # is the number assigned in the [LWMP Work Plan Public Comment Summary table](#).

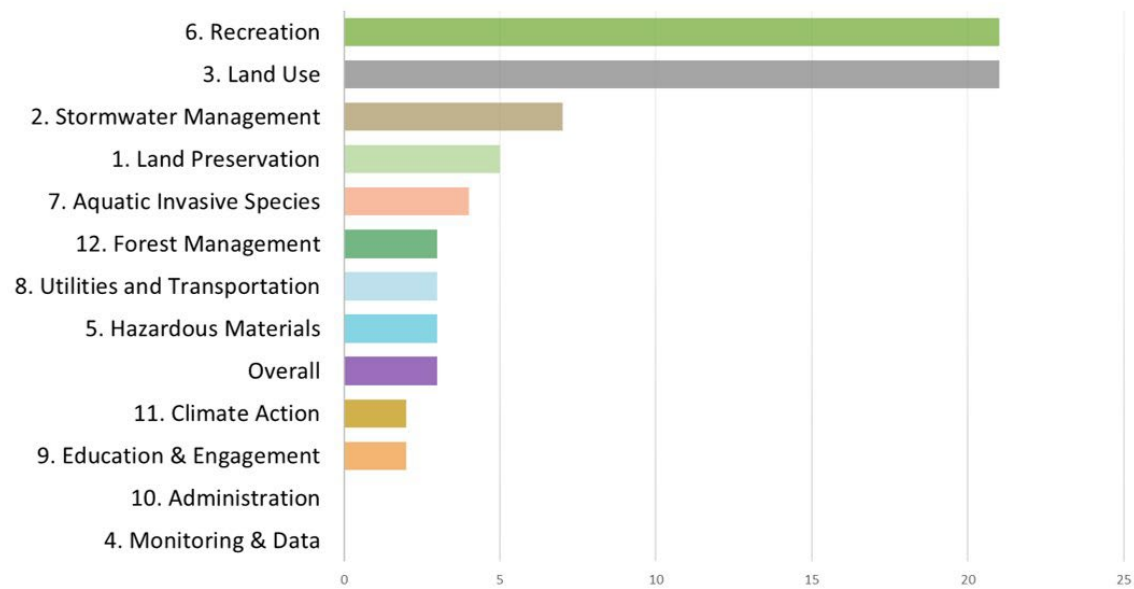
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#### Overview: Policy-Related Public Comments by Program Area





## Topics by Category

### 1. Review recreation regulations to ensure water quality protection

#	Comment/Question	Program Area	Additional Information
213	Section 6.1.4 seeks to ensure recreational opportunities offered through third-party vendors comply with water quality goals and land use regulations. This idea should be expanded to ensure that all recreational activities comply with water quality goals and land use regulations. A new section 6.1.5 should be added that flips this consideration to include – water quality goals and land use regulations are regularly reviewed to ensure they are robust enough to protect the lake from increasing levels of recreation. Is there any policy that states that water quality is a higher priority in the watershed than recreation?	Recreation	There is currently no policy that states that water quality is a higher priority than recreation in the watershed.
214	There has been some discussion in the community about the desire to create and promote events, large organized trail runs and bike rides, races, fishing derbies, car rallies, etc. in the watershed. Is there a policy to assess such activities, and discourage or ban such activities if they would directly or indirectly impact water quality, or if local tax payers would have to foot the bill to mitigate those activities?	Recreation	<p>At this time, Whatcom County Parks and Recreation Department does not permit commercial events in Lake Whatcom Park or Lookout Mountain Forest Preserve. This was based on an assessment of:</p> <ul style="list-style-type: none"><li>• Capacity for infrastructure to accommodate the use while maintaining access for the public</li><li>• Compatibility with watershed protection goals and objectives</li><li>• Impact to and displacement of public use</li><li>• Impact to trail conditions</li></ul> <p>The department is willing to revisit this assessment in the future.</p>

### 2. Work with DNR to require changes to forest practices

#	Comment/Question	Program Area	Additional Information
289	Page 45, 12.1; add in new section “12.1.3 Work with private forest landowners and DNR to extend the rotation age of even-aged harvests to a duration that promotes and protects streamflow quantities and quality, carbon sequestration, as well as ecosystem health.	Forest Management	The LWMP partners lack the authority to regulate timber activities on DNR land or private forest lands. We are unable to apply limitations on those activities by law. Additionally, the Lake Whatcom TMDL study takes this into account and removes the forestry contribution of runoff to the Lake from the responsibilities of the jurisdictions. This is a condition of land use regulations in Washington State and LWMP jurisdictions cannot impose additional restrictions on forested land using local codes or requirements. What we can do is purchase this property if it comes up for sale, or as done under the previous work plan, acquire large tracts of forested land through easements or reconveyance procedures. The Lake Whatcom Reconveyance brought over 8,000 acres of timber land under LWMP control for preservation and protection. The Galbraith Mountain Recreation Easement included
293	<p>Section 12.2, “Forest Practices Review,” require “[r]eview and comment on Washington State Department of Natural Resources (DNR) and private forestry activities to minimize adverse water quality impacts.”</p> <p>We strongly urge you to broaden this to include elimination of “legacy forests” from timber sales and minimization of unnecessary loss of non-legacy or old-growth forests providing the greatest carbon sequestration. Keeping these forests in the watershed intact will greatly enhance erosion and fire control.</p> <p>Land preservation plans should encompass all forested areas in the watershed zone, including private and public (DNR) acreage. Clear cutting in the watershed must be prohibited to protect the ecosystem on which Lake Whatcom depends for health. Scientific study and metrics are needed to ensure that the plan is actually achieving defined goals.</p> <p>We also urge you to add to sections 12.2.1 – 12.2.3 the monitoring and support of county efforts to stay timber sales in the watershed until a coordinated approach can be agreed on with DNR.</p>	Forest Management	
272	Add two new sections to 11.2	Climate Action, Forest	



	<ul style="list-style-type: none"> <li>11.2.8 De-incentivize clearcutting on developable parcels. Extend the term of the development moratorium beyond the current six years to a duration consistent with ecological hydrologic maturity.</li> <li>11.2.9 Promote forest management that relies on ecological and ecosystem health as outputs from forest management actions. Promote avoidance of short-duration even-aged harvests on forest resource lands.</li> </ul>	Management, Land Use	permanent protection for another 1,200 acres in the watershed.
307	12.1 The 2025-2029 LW 5 Yr Work Plan should include an evaluation and update of the Lake Whatcom Landscape Plan. The Forest Resilience Task Force should be consulted in this process.	Forest Management	
154	The work plan should address the issue of the regulated short term, six-year development moratorium on developable parcels that are clear cut. Several of the goal and objective statements in the plan reference the role that forest cover plays on watershed health and function, and promote protecting forest cover and preserving watershed function. However, the plan should consider the benefits of promoting the regrowth of forest cover well beyond the current term of the six-year development moratorium. Further, promoting a longer duration beyond the current six-year development moratorium gives more time for the clearcut area to recover watershed function.	Land Use, Forest Management	<p>An applicant can apply to convert land from Forestland to another use (i.e. house, landscaping, etc.) and it would go through County review to ensure it meets all County codes. SEPA review would also be required, which is publicly noticed and sent to various agencies, including DNR. The 6-year development moratorium is a penalty built into state law for not obtaining a Type IV (Conversion) Forest Practices permit.</p> <p>Conversion after a timber harvest is fairly rare in the County and extremely rare in the Lake Whatcom watershed.</p>
155	The Forest Management Program should consider a further development of a credit incentive program that provides incentive for landowners to retain forest cover in the development of parcels in the watershed rather than clearcut. Retention of mature trees in a development is consistent with the goals of the state’s Low Impact Development (LID) program ( <a href="https://ecology.wa.gov/regulations-permits/guidance-technical-assistance/stormwater-permittee-guidance-resources/low-impact-development-guidance">https://ecology.wa.gov/regulations-permits/guidance-technical-assistance/stormwater-permittee-guidance-resources/low-impact-development-guidance</a> ) and promotes watershed function and health, which directly relate to water quality and quantity. LID is not even mentioned in the plan.	Land Use, Forest Management, Stormwater Management	<a href="#">Whatcom County Code 20.51</a> requires the retention of tree canopy and underlying vegetation when developing parcels.
290	There is minimal reference to the impacts of forest harvest in the watershed on water quality and streamflow. The work plan should explain what analysis has been done related to forest harvest impacts on water quality and quantity, what more needs to be done, and plans to address impacts as identified. Also, the plan needs to make clear the impacts of commercial forestry on water quantity which also affects water quality.	Forest Management	DNR complies with the Lake Whatcom Landscape Management Plan (LWLMP). The LWLMP was created with research on harvest impacts on water quality and quantity. When Ecology created the Lake Whatcom TMDL, it was acknowledged that the City and County do not have jurisdiction to control Forest Practices in the Lake Whatcom watershed. The LWMP is unable to apply limitations on those activities by law.
295	<p>We suggest adding the following new statement to section 12.2 Forest Practice Review: “By end of 2025, build in opportunities for key local stakeholders to present substantive comments/feedback when DNR forestry activities in the watershed are reviewed.”</p> <p>Discussion:</p> <p>Feedback by key watershed stakeholders (i.e. local nonprofits like Re Sources, Whatcom Million Trees Project, Sierra Club; tribes; and others) should not be limited to individual public forum feedback time limits. Often stakeholders have detailed and substantive comments to offer. This should be encouraged and formalized in some way in all local review processes that impact the watershed.</p>	Forest Management	Review of FPAs is not under the jurisdiction of the LWMP; however, DNR does accept public comment on FPAs.



3. No dog parks by lake and/or concern about fecal

#	Comment/Question	Program Area	Additional Information
205	After reviewing the current work plan there is one thing forgotten on the users of the lake or visitors who use the lake's amenities, that is a fee for those using Bloedel-Donovan Park. For whatever reason I can not find where either the city nor the county has addressed a user fee for swimming, pet or picnicking at the park. Within the last decade or less there were reports of high coliform counts around the waters of Bloedel-Donovan Park. There is a fee for any watercraft entering the lake for being inspected for invasive species and there is a tax/fee on every property in the watershed why is not a fee for use of the swimming and beach areas?	Recreation	<p>Bloedel Donovan Park has an interesting history that involves the dedication of the land as a permanent site for community recreation and access to the lake.</p> <p>Some amenities at the park are rented out for a fee when reserved for events or gatherings. These are the only fees charged for public use of the facilities at Bloedel-Donovan Park.</p> <p>All City Parks are mostly funded through the City's General Fund and are maintained as places for all citizens to enjoy. The Lake Whatcom Management Program and the City of Bellingham Parks Department do not charge use fees for access to public areas.</p> <p>The Parks Department is evaluating charging a fee for boat trailer parking to cover the cost of having traffic flaggers on site.</p>
206	Since dog waste is a major polluter of the lake, why is there a dog park on the lake shore?	Recreation	Any pet waste left exposed to rain has the potential to transport bacteria into the drainage system, and by extension, the lake. Closing lake-side dog parks may have a small benefit, but it is unquantified and likely to be minimal compared to better management of pet waste watershed-wide. The LWMP's focus is the proper disposal of dog waste in all areas of the watershed.
207	Do not have dog park near lake shore.	Recreation	

4. Improve consistency between County and City stormwater and land use regulations

#	Comment/Question	Program Area	Additional Information
90	<p>The "Residential Stormwater Solutions" section is couched entirely in terms of encouraging, assisting, or supporting, which leaves it entirely up to residents to participate or not.</p> <p>Why not require these solutions or provide financial incentives? How does leaving it up to the residents and hoping for the best "prioritize protection over treatment," which is one of the Program Goals?</p>	Stormwater Management	There is currently no legal mechanism to require existing homeowners to install these improvements unless they are redeveloping (remodeling or expanding) their property. Voluntary efforts are encouraged and financial incentives are provided through the Homeowner Incentive Program and Neighborhood Native Landscape Program.
109	<p>2.3 ADD: County – Stormwater private facility inspection program Current code requirement of "self reported annual inspection reports" since 2016 for treatment and flow control facilities lacks accountability that program is following codes and facilities are performing and maintained, as designed.</p> <p>ADD: County sampling and measuring performance over time of private systems- currently not doing this critical step.</p> <p>ADD- Time of sale private stormwater inspections for private filter vaults and other engineered stormwater treatment - needs to be on title of lot, in addition to larger stormwater flow control and treatment facilities. Currently only inspected at time of installation. No follow up inspections are required.</p>	Stormwater Management	<p>The BMPs used in engineered systems that are approved for single family homes cannot be easily monitored and maintained as done with larger public systems. Performance estimates for these small-scale systems are provided by the Department of Ecology through a robust analysis done at the state level. All BMPs that meet the Department of Ecology's phosphorus treatment standard are assumed to function as prescribed, assuming proper maintenance is conducted. Residential systems are often in the ground, and treated stormwater flows into groundwater where it cannot be tested or sampled. If a system is not functioning properly, signs and damage would occur within view and would be assessed to be fixed.</p> <p>Approved stormwater systems are already included on the title of the property.</p>
115	<p>Reporting Metrics</p> <p>It is also unclear from the current draft whether Bellingham and/or Whatcom County conduct post-construction reviews to ensure that properties meet landscaping requirements to prevent runoff into the lake, say two, five, and ten years after construction.</p>	Stormwater Management	City development regulations require both inspections during construction and when the project is completed (final inspection). These inspections include any required BMPs, native landscaping, and any other requirement of the development permits. Part of the City's development regulations for the Lake Whatcom watershed include native planting areas called Native Vegetation Protection Areas (NVPA) and





			<p>monitoring requirements are stated in <a href="#">Bellingham Municipal Code 16.80.085</a></p> <p>Whatcom County Code does not require continued post construction reviews on stormwater treatment landscaping in perpetuity.</p>
116	<p>The County’s rules covering residential stormwater facilities for new development are less stringent than the City’s. Since most of the development in the watershed going forward will be in the County portion of the watershed, there should be an effort to ensure that the County’s rules are as strong as the City’s rules. Meanwhile, the County’s system for tracking efforts to reduce phosphorus pollution are clearly inadequate. For example, the Lake Whatcom Management Program Reporting Metrics released each year in the annual progress report includes estimates for “pounds of phosphorus reduced per year through land use regulations” for the City, but not for the County. Likewise, the City reports “acres of developed surface treated by phosphorus-limiting BMPs installed to meet requirements of land use regulations,” but the County has no data on this. Lastly, there is a significant gap in the system in the County’s approach to residential stormwater facilities. Once a home is developed, the County does a final inspection and signs off on the system. The rules dictate that the homeowner is responsible for periodically inspecting the system and for its proper maintenance, but there is no system for checking if the facility is still working as designed over time.</p>	Stormwater Management	<p>The County is working on a mechanism to track phosphorus reduction through land use regulations that will be presented in the next progress report.</p> <p>The County does conduct a final inspection of the installed stormwater BMPs required by the development permit. The adopted code does not require the County to periodically inspect, it is the homeowner’s responsibility and is included in the properties declaration of covenants that are part of the deed to the property. To change the requirement from the homeowner to the County requires a code change and policy discussion with the Whatcom County Council.</p>
117	<p>County needs to add measurable outcomes on their own for TMDL reporting similar to City. County Council would introduce this as a code update to land use codes for Lake Whatcom. TMDL requirements in 2024 NPDES Phase II Stormwater permit are limited. Not equivalent as what was in 2019-2024 NPDES Phase II MS4 permit. City and County should commit to meeting all previous TMDL requirements listed in Lake Whatcom Management Program work plan from 2020-2024.</p>	Stormwater Management	
132	<p>3.1.1 Suggested Language: “Analyze any discrepancies between city and county land use regulations and recommend new rules to create alignment between the jurisdictions. Moving forward, coordinate with Lake Whatcom partners when developing or revising development regulations.”</p> <p>Rationale: The plan as written does not include a clear plan for taking action on known discrepancies.</p>	Land Use	
134	<p>3.1.1 Update land use codes in County - Remove lawn exemption in County up to 500sq ft. - Follow City of Bellingham Code for Impervious and partially pervious surfaces (LAWN) on residential lots</p>	Land Use	<p>The closest requirement that Whatcom County Code has to the Bellingham Municipal Code to which you refer is that a Phosphorus-neutral stormwater design is required if a project proposes land disturbance of more than 5,000 sq. ft. Generally, we look at this as addition/replacement of any types of surfaces that are not considered hard surface. A 500 sq. ft. threshold was proposed in 2022 amendments to WCC Chapter 51, the Lake Whatcom Watershed Overlay District. However, the Whatcom County Council determined that a threshold of 500 sq. ft. of earthwork was too low, and kept it at 5,000 sq. ft. A code change would require County Council approval.</p>
135	<p>3.1.1 Update land use code in County to require Sudden Valley SW manual from 2016 to match Silver Beach ordinance requirements for development, since</p>	Land Use	<p>Whatcom County Code currently requires a phosphorus-limiting stormwater plan for projects that add more than 200 sq. ft. of hard surface,</p>



	both are small lot urban level of development Provide exception to “minimum building footprint of 1400sq ft” and requirement for garages in Sudden Valley		similar to the City of Bellingham’s requirements. This corresponds with the building codes for requiring a building permit. It is unclear what the “1,400 sq. ft.” is in reference to. If it is a Sudden Vally Community Association (SVCA) requirement, SVCA would need to alter their Covenants, Conditions, and Restrictions.
136	3.1.1 Update County land use code to eliminate the exemption, which provides a threshold of 5000 sq ft for erosion control for “partially pervious” areas. It misses Phosphorus treatment for lots that remove trees and do not develop immediately.	Land Use	A 500 sq. ft. threshold was proposed in 2022 amendments to WCC Chapter 51, the Lake Whatcom Watershed Overlay District. However, the Whatcom County Council determined that a threshold of 500 sq. ft. of earthwork was too low, and kept it at 5,000 sq. ft. A code change would require County Council approval.
147	The County's phosphorus neutral development rules are less stringent than the City's and there has been no effort made to determine how effective the rules have been at keeping phosphorus out of the lake due to development. It seems to be based on the "lets hope for the best" strategy, which is clearly inadequate.	Land Use	<p>Staff have reached out to applicable staff at WWU to explore the possibility of studying effectiveness of residential stormwater treatment systems. The Lake Whatcom Data Team would be the group to move forward with this proposal.</p> <p>BMPs that are prescribed as part of the development permit process are approved by code requiring the applicant to follow the Stormwater Management Manual for Western Washington. These BMPs are approved by Ecology for the maximum treatment possible, and that effectiveness is set by Ecology studies on the BMPs. Many BMPs for single-family residences utilize infiltration and do not have a mechanism or infrastructure to ensure its effectiveness. The County can only utilize what is approved by the Department of Ecology.</p>
148	<p>Reporting Metrics</p> <p>Why are acres of native vegetation protected as forest in perpetuity as a result of city land use regulations in the metrics but not for the county?</p> <p>Recommendation: The county should take action to adopt similar land use regulations to the city and improve clarity and uniformity in land protection outcomes across jurisdictions.</p>	Land Use	<p>This metric refers to Native Vegetation Protect Areas which are only part of City code, not County code.</p> <p>If a project uses Dispersion systems (which rely on native vegetation for stormwater control), then they would be required to put the vegetated area in a Protected Native Growth Area (PNGA). These are rarely feasible and so, infrequently used. There is also no system for capturing this information. A change to the reporting metrics does not necessitate a code change.</p>

5. Strengthen regulations to protect tree canopy

#	Comment/Question	Program Area	Additional Information
139	In Basins 2 and 3 there should be even stronger protection for forest canopy and storm water. Requirements in this regard should be so strong as to inhibit development of vested lots. This will not be a space for affordable housing anyway.	Land Use	In 2022, Whatcom County passed stronger tree canopy retention standards (in coordination with the Whatcom Million Trees Project and RE Sources), which also limited large tree clearing for development on larger lots. Inhibiting development on legal (vested) lots could be considered a “taking”, which is not legal without just compensation.
140	We suggest adding the following new statement to section 3.1 Development: “By end of year 2025, assess and present possible	Land Use	



	<p>regulatory changes that can reduce illegal tree removals within the Lake Whatcom watershed.”</p> <p>Discussion:</p> <p>'Shadow' unauthorized tree removals occur within Lake Whatcom Watershed, adding up to significant canopy loss over time that potentially impacts the Lake's water quality and contaminant natural filtering capability. Such tree removals are occurring even with the improved tree retention provisions in the updated Lake District Overlay Ordinances that WMTP and ReSources helped Whatcom County to develop and pass during 2023. The problem is largely because enforcement is difficult, understaffed, and often too late since some tree service providers act deliberately "under the radar" of required permit processing. Landowner awareness about tree removal rules in the watershed is also minimal.</p> <p>To reduce this problem, we believe the LWMP Work Plan should include an evaluation of options that other public agencies have used, which include:</p> <p>a) Requiring tree service providers (arborists, landscapers, tree removal companies, etc.) wishing to practice within the watershed to register at low-cost.</p> <p>b) Increasing the fines of providers who illegally remove trees. (Such fines can help to pay for watershed canopy education/permitting/enforcement.)</p> <p>c) For repeated violations, revoking the provider's license to work on trees in the watershed. This potential step is essential to the success all of the above.</p>		
141	<p>We suggest adding the following new statement to section 3.1 Development: “By end of year 2025, establish new requirements for longer, more visible postings of tree removal permits within the watershed.”</p> <p>Discussion:</p> <p>Reliance on citizen complaints of illegal tree removal in the watershed rarely is effective. People only notice trees being cut down when they hear the chain saw or realize the tree is missing after the fact. That's too late! Even when valid permits exist for the tree removal, currently they are usually not displayed in publicly visible locations (i.e. streetside). This makes prevention, tracking and enforcement of illegal removals ineffective. Many jurisdictions in our region require publicly displayed permits for a period of time (usually 14-days) before major trees can be removed (except for exempt situations such as hazard trees or emergency situations). Similarly, several jurisdictions list all active tree permits on a dedicated webpage, highlighting a single phone number that any citizen can call to report possible violations. We strongly suggest the LWMP Work Plan process consider these possibilities.</p>	Land Use	Posting is currently not required for Type I permits in State or County codes.
142	<p>Do not cut mature trees unless they are damaging a home.</p>	Land Use	<p>Whatcom County Code Section 20.51.430 defines tree removal regulations within the Lake Whatcom Watershed, which provides allowances for hazard tree removal. Hazard tree management is also reviewed per Chapters 16.16 (Critical Areas) and Chapter 23 (Shorelines).</p> <p>Bellingham Municipal Code Chapters 22 (Shorelines) and 16.55 (Critical Areas) allow for removal of hazard trees with mitigation. City of Bellingham Interim Ordinance 2024-05-017 preserves Landmark Trees (&gt;36 in dbh). Tree removal is discouraged by applying mitigation sequencing.</p>



259	<p>We suggest adding the following three new statements to section 9.3 Community-wide Education and Engagement with Lake Whatcom Benefit:</p> <p>“Real estate buyer disclosure: By end of 2025, require real estate agents to give to the buyer (before or during the close of a real estate transaction) an easy-to-understand, one-page disclosure that explains certain trees may be protected from removal within the parcel.”</p> <p>“Tree service provider handout: Requiring each tree service provider to give any client within the watershed Develop a one-page flyer/handout that states the watershed's basic tree removal rules and fines.”</p> <p>“Education about tree canopy benefits: Develop an educational outreach program (outdoor signage, webinar, etc.) to watershed residents that highlights the value of trees in the watershed for drinking water quality.”</p> <p>Discussion:</p> <p>As mentioned in our discussion for Program Area 3 above, unauthorized tree removals within Lake Whatcom Watershed create significant canopy loss over time that potentially impacts the Lake's water quality and contaminant filtering capability. Improved regulations can mitigate the actions of a minority of tree service providers. The problem isn't all caused by a few providers, however. Unauthorized tree cutting can stem from a landowner's lack of regulatory awareness. Besides general awareness, there are two key events for landowners where greater awareness and transparency would especially help: (a) when a tree service provider may be hired, and (b) during the close of real estate transactions. That is why we suggest the above additions.</p>	Education & Engagement	
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6. Make changes to AIS program to increase awareness, limit risk of infestations during off-season, and enforce inspections

#	Comment/Question	Program Area	Additional Information
220	ADD - Pre-launch inspections by Sheriff in County -add training and involve Sheriff b/c of County launch sites	AIS	The Whatcom County Sheriff Office conducts on-water enforcement but may be limited by weather conditions, other events requiring their attention, and boat traffic. The Sheriff's office patrolled for a total of 158 hours on Lake Whatcom alone during 2024.
222	This section fails to mention that the AIS program is not conducted year-round. Given the existing perennial use of the lake, the lack of continuous monitoring increases the likelihood of missing aquatic invasive species infestations. This major omission needs clarification, and details for operating continuous monitoring are needed.	AIS	While inspections for AIS compliance at the boat launch are seasonal, the regulations that require all boats on the lake to be inspected are year-round. Residents and visitors can, and must by law, be inspected and have annual dues paid to be on the lake, even when check stations are closed. LWMP staff are available year-round for off-site inspections on residents' properties or trailered inspections at the City Operations Facility. Additionally, cameras are in place at relevant boat launches to monitor for risks due to off-hour launches and data from this monitoring indicates the accuracy of our risk assessment evaluation. Conveniently, state programs to intercept and inspect boats moving across state lines help to fill in the gap during the winter months by ensuring that watercraft are not imported into the state with invasive species on board. The City is also considering operational changes to fill gaps in the inspection program during this five- year cycle.
38	Addressing the Challenges (Page 8)  "Objective 5: All of the uses and benefits of the lake are protected from aquatic invasive species infestations."  Your "Response" fails to mention that the AIS program is not conducted year-round. Given the existing perennial use of the lake, the lack of continuous monitoring increases the likelihood of missing aquatic invasive species infestations. This major omission needs clarification, details for operating continuous monitoring are needed, and metrics should be established to define success or failure.	Intro	
226	Require property owners of any rental within the watershed to provide education and awareness to tenants.	AIS	The Lake Whatcom Management Program has sent outreach material to every home located in the Lake Whatcom watershed and provides a "New Homeowner Packet" each time a property turns over in the Assessor's database.





7. Add goals and adjust scope of the Lake Whatcom Land Acquisition and Preservation Program

#	Comment/Question	Program Area	Additional Information
67	ADD: 1.1.2 Develop overall vision, goals and strategy to achieve successful outcome/endpoint of this program. Mayor and City Council need to provide leadership and direction to Public Works.	Land Preservation	
64	1.1.1 Suggested language: “Actively seek properties to acquire with the goal of reaching a total of 1,000 additional acres acquired by 2030.”  Rationale: The city has been able to purchase between 113 and 161 acres each year from 2020 to 2023, for a total of 555 acres in those 4 years. As of 2023, there were 3,336 developable (vacant) acres left in the watershed (not including several thousand acres of private forestry land). A stretch goal of 1,000 acres over the next 5 years is not impossible at all, and would give the city an ambitious and yet attainable goal to work towards.	Land Preservation	The limiting factor for acquisition is willing sellers. Establishing an acquisition goal will not create willing sellers, but increasing outreach has been successful. Quantifying outreach efforts may be better metric to evaluate how many willing sellers we’ve engaged with per year, or how effective we are at finding potential acquisitions.
65	We suggest revising the wording of section 1.11 Property Protection in the following way: “Actively seek watershed properties with the goal of acquiring 1,000 additional acres by 2030.”  Discussion:  The city has purchased between 113 and 161 watershed acres per year from 2020 to 2023, for a total of 555 acres in those 4 years. As of 2023, 3,336 developable (vacant) acres remain in the watershed (not including several thousand acres of private forestry land). A goal of 1,000 additional acres over the next 5 years is reasonable and would give the city an ambitious and yet attainable metric to work towards.	Land Preservation	
69	Consider potential for City to buy easements, not entire property from shoreline homeowners add 35- 50ft native vegetation landscaping buffer to reduce runoff from lawns to the lake. Permanent shoreline protection with existing homes. Set a goal of 10% of shoreline lot easements in first 5 years.	Land Preservation	All shoreline properties have regulations for new uses that may include protection through a conservation easement. The Homeowner Incentive Program and Neighborhood Native Landscaping Program target properties for revegetation and lawn conversion.

8. Strengthen restrictions and inspection requirements for septic systems

#	Comment/Question	Program Area	Additional Information
241	8.2.3 Increase Whatcom Co health follow up on Onsite septic system inspection and enforcement. We have 789 OSS in the Lake Whatcom watershed, and have 37% (~291 OSS) that have no inspection report in 2023. Lake Whatcom watershed is a top priority and this area needs 100% compliance due to water quality impacts from septic systems fi they are failing.  ADD Whatcom County health staff to consistently/completely follow up on non-reports for OSS inspection. If OSS self-inspection reporting lacks compliance, then remove self reporting option.  Alternate – update code to require a “time of sale disclosure of past OSS reports” to buyers. If haven't been reporting as required, consequences at time of sale.  ADD: Whatcom County Health dept increase in staffing  What follow up and enforcement does Health Dept do to ensure these OSS are working? How many are on creeks or shorelines? OSS failure would have higher direct impact to water quality issues.	Utilities & Transportation	See <a href="#">Whatcom County Code 24.05</a> for requirements related to inspection requirements, time of sale inspections and see <a href="#">RCW 64.06</a> for real estate requirements. Whatcom County Health and Community Services staff follow up to ensure malfunctioning systems are repaired or replaced. OSS that are not in compliance with maintenance requirements are enforceable and may lead to fines or legal action. Staff also investigate complaints from the public about potential OSS failure. This may include site visits and document reviews. There are about 125 OSS on the Lake Whatcom shoreline.  The District requires inspection of private side sewers for all new development connecting to its sewer system. Further, the District routinely video inspects its sewer mains and



	ADD time of sale LWWSD side sewer inspections.		notifies property owners in cases where a connected side sewer appears to be allowing inflow and infiltration (I&I). The District has previously explored the feasibility of requiring inspection of existing private side sewers at time of sale; however, it was determined that the District does not have the authority to require notice of sale and, therefore, does not typically learn that a property has changed ownership until after the sale is complete.
242	8.2.1 Comment – do not agree that sewer lines should be extended to OSS lots, if they fail and are outside currently served area. Instead, purchase and remove onsite septic systems and home from watershed, especially close to lake shore (Northshore rd) or creeks with higher bacteria levels– Carpenter, Beaver, Austin Creeks.	Utilities & Transportation	Condemnation of properties with failing OSS to enable acquisition is a legal and policy decision.

9. Restrict new development

#	Comment/Question	Program Area	Additional Information
126	There is no proposed restriction of building new housing around the lake.	Land Use	The ability to prohibit development outright is not within the LWMP’s authority, for legal reasons based in state law and property rights. Instead, our ability to address development’s impact to the lake water quality is found in each LWMP jurisdictions’ development regulations.
127	No more houses on Lake Whatcom. No development.	Land Use	
129	The housing issue is difficult but since our area is growing, and we face drought and water shortage/pollution into the future, allow no more housing developments in hills around lake. Instead build up dense housing in areas that impact watershed less.	Land Use	Development in the Lake Whatcom watershed is subject to some of the most restrictive and limiting requirements in local development code. Developing land in the watershed necessitates the input of many professionals and results in construction costs that can be significantly higher than similar projects elsewhere. The code requirements and restrictive rules dictate that the new (or re-) development does not discharge excess runoff or phosphorus to the Lake. From the perspective of water quality, developed land should perform the same as a forest of the same size, in terms of runoff volumes or nutrient discharge.  In addition to limiting new development by code, the City of Bellingham purchases undeveloped property through the Land Acquisition Program, part of the Land Preservation program area. Some lots are acquired with existing development that is removed and replaced with forest. This is a direct way that LWMP funds are used to prevent and even reduce development in a permanent, durable, and legally supported way.
128	There have been multiple public meetings at which the public has vigorously asked for action on the items just identified, but have been met with silence, delay and a new City Council policy of negotiating new construction projects in Silver Beach with the individual developers rather than embrace a zero growth policy in the watershed.	Land Use	The recent decisions by the Bellingham City Council and the Bellingham Planning Commission have resulted in a down-zone of multifamily areas from high to low density and implementation of new stormwater requirements for multi-family development. The new rules require new or redeveloped multifamily developments to comply with the same stringent stormwater rules and requirements that are already in place for single-family lots. These rules set the stage for a future where multifamily property owners must comply with these very protective stormwater management regulations, creating better water quality as a result.
137	OUTLAW LAWNS AT ALL NEW DEVELOPMENT!	Land Use	



10. Rezone to lower density

#	Comment/Question	Program Area	Additional Information
130	The watershed should be re-zoned as low density to help ensure that the damage caused by lawns and pets and people is not increased.	Land Use	Of undeveloped land within the watershed that is zoned for development (e.g., not zoned Commercial Forestry, Rural Forestry, Community Open Space, etc.), the zoning is predominantly R5A (Rural with no more than one residential unit allowed per 5 acres). The Lake Whatcom Watershed Overlay (Whatcom County Code Chapter 20.51) further limits development allowances within the watershed that are allowed elsewhere in the County.  The multi-family zones in the city limits were recently downzoned to “low” density. There are nine single family zones; six are zoned low density and three are zoned medium density.
131	The big challenge is for Basins 2 and 3 where great development potential remains due to poison pill lots grandfathered in at unacceptable densities. We need to preserve the forestry and rural forestry zones and see if we can change the R5A zones to R10A when possible. The permitting conditions and mitigations for impervious surface, canopy reduction and storm water treatment should be so strong that any development is net gain of environmental function since "no net loss" has only resulted in dramatic losses.	Land Use	

11. Ban boats on Lake Whatcom

#	Comment/Question	Program Area	Additional Information
188	I believe you need to consider planning for the banning of gas powered vehicles on Lake Whatcom, as our primary drinking water source on the lake. This would include motorized boats, planes, ski-doo's, and the like. Perhaps this could be implemented over a 5-10 year period.	Recreation	City staff sample Lake Whatcom annually during the period of highest boat traffic (typically in August) for specific chemicals (Benzene, Toluene, Ethylbenzene, Xylene; known together as BTEX) that are emitted from the burning of hydrocarbons. The monitoring is conducted as part of the Monitoring and Data Program Area in the LWMP Five-Year Work Plans to ensure the safety and cleanliness of public water supplies.  In 2006, the City banned the use of carbureted two-stroke motors within the City’s jurisdiction of Lake Whatcom. The County banned them in 2009. Since the implementation of the two-stroke bans, monitoring efforts show BTEX compounds at or below detection levels.
189	As a Bellingham resident, I’m concerned about the number of gasoline-powered boats, planes, ski-doo’s, etc. that are allowed on Lake Whatcom. Surely our primary drinking water source should be protected from the pollution of these engines?	Recreation	
190	In this day of clean and quiet electric-powered boats, I was sorry to see so little content about the use of dirty and excessively noisy gasoline-fueled boat engines in our drinking water source! We should have a plan to ban all boats that are not powered by wind, electricity, or humans.	Recreation	
191	There is no proposed restriction of boating on the lake.	Recreation	
192	Recreation is a huge draw for visitors to the lake. In order to protect it, the plan should eliminate gas-powered vehicles in the lake and promote human- or wind-powered recreation.	Recreation	
193	Do not allow motorized boats in our drinking water.	Recreation	
194	As Lake Whatcom provides for our drinking water I'm concerned with recreational motorboat use. Seems like a contradiction that allowing motorboat use by those vessels who power with petroleum products could contaminate the water and substantially degrade or impair our drinking water. I'm wondering how boat use rules or restrictions could be implemented to reduce or eliminate any contamination of our drinking water via motorboat exhaust or other vessel pollution caused output products. Seems like a subject or topic that should be considered and addressed!	Recreation	
195	I really wish that gas powered boats and jet skis would be prohibited on Lake Whatcom. I have been out on the Lake many times in the past 2 years and have smelled unburnt gas from passing boats that is undoubtedly contaminating the water. Or at least start charging a daily use fee for powerboats (especially ones that come from out of country) with the goal that the increased fee would reduce the amount of powerboats using the lake. This would also serve to reduce the likelihood of invasive aquatic species from becoming established in Lake Whatcom.	Recreation	
196	I would love to see a ban of motorized watercraft on Lake Whatcom. I've never understood why oil and gas powered craft are allowed to operate on our town's precious freshwater source.	Recreation	



197	Please, please, please eliminate gas-powered water craft on our drinking water source. Measurable data or not, there is no doubt gas and oil products end up in the water because of these gas-powered craft. Plus, the optics and reality of it are horrible... gas-powered craft zooming over top of our drinking water source. 🤢	Recreation	
198	It seems intuitive that boats on the water are a problem but data does not support that. In fact, nutrients phosphorus from grass. How to get property owners to give up their grass is a challenge.	Recreation	
199	I am strongly advocating to end gasoline powered boat motors on Lake WHATCOM	Recreation	
200	4. Amazed at the number of gasoline engines on the lake for that is the water source for so many. We see this in Lake Chelan too and it's discouraging.	Recreation	
201	Do not even attempt to remove gas power boats from the lake.	Recreation	
202	How the wake boats are creating a safety guard on Lake Powell <a href="https://wayneswords.net/threads/big-wakes-what-to-do-to-stop-the-madness.3003/">https://wayneswords.net/threads/big-wakes-what-to-do-to-stop-the-madness.3003/</a> <a href="https://www.outdoorlife.com/conservation/wake-surfing-controversy/">https://www.outdoorlife.com/conservation/wake-surfing-controversy/</a> The wake/surf boats have to go. They chew up and destroy the shoreline. They ruin the lake for just about any other recreation on the surface of the water: skiing, sailing, paddle boarding, rowing. What ever your interest, when the surf boats are out, forget about it. They are the recreational that precludes all others. They ruin everything. They damage and destroy docks, they damage boats that are tied to docks. They disturb the lake bottom and native habitat along the shoreline. At a bare minimum I would expect any new plan to restrict their operation to more than 600' from shore, or restrict their activity to specific areas of the lake and at specific times. Ideally they should be banned from the lake.	Recreation	City of Bellingham regulation BMC 8.12.060 and Whatcom County regulations WCC 11.20.010 and WCC 11.16.030 establish rules and speed limits for all boats on Lake Whatcom that are more restrictive than most other waterbodies in the County. These regulations specifically describe wake boats and the limitations on their use, as well as the rules for waterskiing in Lake Whatcom. In addition, South Bay of Lake Whatcom is a designated as a no-wake zone. Enforcement of those regulations is within the jurisdiction of law enforcement agencies, in particular, the Whatcom County Sheriff's Office, that patrol the lake.
203	Another idea for dealing damage caused by surf boats: Implement a fee or tax for any boat with internal ballast and engine horsepower greater than 30. This pool of money could create a fund that could be used to reimburse for property damage caused by surf boats.	Recreation	

12. Ban fireworks

#	Comment/Question	Program Area	Additional Information
184	Fireworks are banned within Bellingham City limits and should also be banned in the watershed. Even ignoring the pollutants, the wildfire risk is too much.	Hazardous Materials or Forest Management	<a href="#">Bellingham Municipal Code 10.24.130</a> prohibits the use of fireworks.  In unincorporated Whatcom County, <a href="#">Whatcom County Code 5.20</a> limits the use of fireworks to July 3-5, December 31, and January 1.
185	Ban the use of fireworks at all times (not just 4th of July and New Year's Eve). The toxins and pollutants that fall to the Lake are a threat to health. The risk of fires in near-by areas only create more problems for keeping our Lake clean. Please refer to Ben Long's article in the Cascadia Daily News from about July 2 concerning the fireworks chemicals and the harmful damage to humans, wildlife and all living things.	Hazardous Materials or Forest Management	
186	Enforce no fireworks along lake shore.	Hazardous Waste or Forest Management	