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WHATCOM COUNTY COUNCIL
Natural Resources Committee

November 24, 2009

Committee Chair Carl Weimer called the meeting to order at 9:10 a.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present: Carl Weimer, Seth Fleetwood and Bob Kelly.
Absent: None.
Also Present: Sam Crawford and Laurie Caskey-Schreiber.

COMMITTEE DISCUSSION AND RECOMMENDATIONS TO COUNCIL

1. RESOLUTION APPROVING RECOMMENDATIONS ON APPLICATIONS FOR OPEN SPACE CURRENT USE ASSESSMENTS (AB2009-452)

Erin Osborn, Planning and Development Services Department, submitted and read from a presentation (*on file*) and gave a staff report.

Fleetwood moved to recommend approval to the full Council, as recommended by staff, including the original application for the Hanson (Maier) application.

Discussion included buffer issues regarding the Prestlien application; whether they can do forestry activities within the buffer; whether they would include the buffer in the Hansen application to be consistent with the Prestlien application;

The motion carried by the following vote:

Ayes: Weimer, Fleetwood and Kelly (3)
Nays: None (0)

SPECIAL PRESENTATION

1. PRESENTATION BY BP CHERRY POINT REFINERY REGARDING THE CHERRY POINT AQUATIC RESERVE (AB2009-017)

Weimer stated British Petroleum (BP) has concerns about proposed changes for the aquatic reserve program. The State Department of Natural Resources (DNR) will present information on the program.

DNR overview of Cherry Point Reserve Program

David Roberts, DNR Aquatic Lands Assistant Manager, gave an introduction.

Dave Palazzi, DNR, submitted and read from a presentation (*on file*). Cherry Point is unique habitat because of spawning herring and other species. He read from the Cherry Point Management Area portion of the Shoreline Management Program (*on file*). The goals of the two programs are similar. This plan establishes partnerships with other agencies and tribes. The plan also establishes guidelines for their tenants for existing and future leases.

1 Discussion included how the first six aquatic reserves were established, the definition
2 of an aquatic reserve; the research and science behind protecting the herring; how the DNR
3 can include uplands when it doesn't have jurisdiction, and; whether anyone has identified
4 the exact cause for the herring decline.

5
6 BP presentation on their view and concerns with the reserve program

7
8 Bill Kidd, BP Senior Government Affairs director, submitted and read from handouts
9 (*on file*).

10
11 Discussion included how the six DNR aquatic reserves were originally designated;
12 existing uses that would conflict with the reserve; creating potential litigation from third
13 parties if DNR leases land to companies in conflict with land management; how this
14 regulatory process is different from other existing regulations; the status of the process; the
15 national issue of protecting the environment versus conducting business and property
16 rights; needing a strategy to manage this resource and establishing this planning effort;
17 whether this action provides more regulatory oversight; DNR being proprietary versus
18 regulatory, and stormwater requirements.

19
20 The following people spoke:

- 21 • Barry Wenger, State Department of Ecology, stated he was part of the
22 original group that began to study the herring. This effort is not regulatory.
23 The Washington Administrative Code (WAC) language is problematic, and
24 they could make it clearer. This would create a mechanism to bring money
25 in to coordinate the agencies and efforts to do necessary research. Science
26 is indicating that the threat to herring isn't from the companies. They need a
27 permanent coordinating body and funds for research. This is a good plan. It
28 brings together all the parties.
- 29 • Roland Middleton, Public Works Department, stated Whatcom County's role is
30 to put this through the coordinated water resource integration project
31 (CWRIP) database. There are upland and low-impact development
32 regulations. They no longer call it an aquatic reserve because of the danger
33 of the WAC. He hopes people continue to work together as a work group for
34 this area. The County is moving forward with what it can. The County will
35 review the State Environmental Policy Act (SEPA) environmental impact
36 statement (EIS) when it is available.
- 37 • Fred Felleman, Friends of the San Juans, stated they shouldn't prejudge this
38 decision because they haven't seen the plan yet. Reserve judgments until
39 they have the information. They need money to do the studies.
40 Environmental controls are being delayed for years. BP is good at keeping
41 progress from occurring. Don't delay.
- 42 • Marie Hitchman, 601 – 16th Street, Bellingham, Beach Watchers
43 Representative, stated the Cherry Point area is biologically rich. The herring
44 at Cherry Point is a late-spawning herring. There has been a large increase
45 in human population and large decrease in bottom fish. They want the
46 reserve because of the biological diversity that affects the entire food chain.
47 Preserve the area for the future. They need research money. The State
48 must have oversight on an issue like this because the County Council
49 composition changes often. Current leases have been renewed. DNR has to
50 deal with pending leases.
- 51 • Steve Irving, Audubon Representative, stated bird populations coincide with
52 spawning at Cherry Point. The biggest concentrations of birds in the state is
53 at Cherry Point. The decline in herring is dramatic. Support the DNR plan.

1 DNR heard from everyone. The process has been good. He looks forward to
2 the plan.
3
4

5 **OTHER BUSINESS**
6

7 There was no other business.
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10 **ADJOURN**
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12 The meeting adjourned at 11:01 a.m.
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1 Please contact the Council Office to obtain an
1 official, signed copy:
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2 360-676-6690 or council@co.whatcom.wa.us
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24 _____
25 Dana Brown-Davis, Council Clerk

Carl Weimer, Committee Chair