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4 WHATCOM COUNTY COUNCIL  
5 **Natural Resources Committee**  
6

7 January 26, 2010  
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12 **CALL TO ORDER**  
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14 Committee Member L. Ward Nelson called the meeting to order at 9:30 a.m. in the  
15 Council Chambers, 311 Grand Avenue, Bellingham, Washington.  
16

17  
18 **ROLL CALL**  
19

20 **Present:** Carl Weimer, Bill Knutzen and L. Ward Nelson  
21 **Absent:** None  
22 **Also Present:** Barbara Brenner, Sam Crawford and Ken Mann  
23

24  
25 **SPECIAL ORDER OF BUSINESS**  
26

27 **1. ELECTION OF COMMITTEE CHAIR (AB2010-021)**  
28

29 Nelson nominated Bill Knutzen.

30  
31 Knutzen declined the nomination and nominated Carl Weimer by acclamation.  
32

33 The motion carried by the following vote:

34 **Ayes:** Weimer, Knutzen and Nelson (3)  
35 **Nays:** None (0)  
36  
37

38 **OTHER BUSINESS**  
39

40 Weimer stated they must appoint two members to the Lake Whatcom Policy Group.  
41

42 Weimer nominated Knutzen and Weimer by acclamation.  
43

44 The motion carried by the following vote:

45 **Ayes:** Weimer, Knutzen and Nelson (3)  
46 **Nays:** None (0)  
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49 **COMMITTEE DISCUSSION AND RECOMMENDATIONS TO COUNCIL**  
50

51 **1. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO AN**  
52 **INTERAGENCY AGREEMENT BETWEEN WHATCOM COUNTY FLOOD CONTROL**  
53 **ZONE DISTRICT AND WASHINGTON DEPARTMENT OF ECOLOGY FOR PASS**

1           **THROUGH FUNDS TO ASSIST WITH THE MANAGING OF SEDIMENT**  
2           **DEPOSITED BY SWIFT CREEK (AB2010-055)**

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4           *(Clerk's Note: Council acting as the Whatcom County Flood Control Zone District*  
5           *Board of Supervisors.)*

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7           **Nelson moved** to approve the request.

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9           Jon Hutchings, Public Works Department, gave a staff report. The legislature funded  
10          a request for a retention facility and setbacks at much less than requested. This allows the  
11          County to receive those monies.

12  
13          Discussion included whether the County is obligated to keep spending money for the  
14          next two years; a video recording of the landslide for residents and agencies to keep track  
15          of slide activity; whether the Environmental Protection Agency (EPA) will begin to contribute  
16          money; continuing to request congressional and federal funding; whether the Council should  
17          send a letter urging continued help and requesting matching funds to the delegation, given  
18          the expenditures the County and State Department of Ecology (DOE) have already  
19          provided; the presence of State legislative officials when the agreement was discussed; why  
20          EPA isn't lobbying at the national level for this project; the role of the Army Corps of  
21          Engineers regarding the levee work; liability; the level at which the asbestos is no longer  
22          hazardous to humans; whether there is a level of asbestos to which they no longer have to  
23          do cleanup; experiences regarding a site in Libby, Montana; the result that EPA wants from  
24          Whatcom County, and; the missing regulatory framework to develop a solution.

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26          The following person answered questions:

- 27                 • Jeff Hegedus, Health Department

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29          The motion carried by the following vote:

30          **Ayes:**     Weimer, Knutzen and Nelson (3)

31          **Nays:**     None (0)

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33          **2.     RESOLUTION APPROVING THE SOUTH FORK REGIONAL PARK CONCEPTUAL**  
34          **PLAN (AB2010-056)**

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36          Mike McFarland, Parks and Recreation Department Director, gave a staff report and  
37          handed out paperwork (*on file*). The plan has not changed from when it was last presented.

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39          Discussion included what the State Recreation and Conservation Office (RCO) would  
40          do, according to an RCO representative, if the County doesn't do anything to this area,  
41          because the County doesn't have any money; supporting the skateboard area in the  
42          Foothills instead of this park; the reason the plan only includes trails and not something  
43          more to economically benefit the community of Acme; State Recreation and Conservation  
44          Office (RCO) grant requirements for public access; lack of support from a majority of the  
45          community; whether there will be a financial impact to the Mt. Baker School District from  
46          reconveying State Department of Natural Resources (DNR) trust lands; whether existing  
47          public access meets grant requirements; how they are going to afford to develop the plan  
48          and provide staff for the area; maintenance in the amount of five to six hours per week at  
49          the trailhead; liability associated with a skateboard park, and; whether this action requires a  
50          State Environmental Policy Act (SEPA) review.

1 The following people spoke:

- 2 • Galen Smith, South Fork Heritage Association and community member,  
3 submitted and read from a presentation, submitted letters (*on file*) and spoke  
4 on concerns and alternative designs. Delay approval until concerns from all  
5 have been addressed.
- 6 • Harry Patz, South Fork Heritage Association, answered questions.
- 7 • Mike McGlenn, Back Country Horsemen, stated they want a more developed  
8 trailhead. He is in favor of this park, as are many others.
- 9 • John Amante, resident, stated there is no public access.
- 10 • Russ Pfeiffer-Hoyt, Nessel Foundation, submitted and read from a handout  
11 (*on file*). Satisfy the questions, but move forward.
- 12 • (*Inaudible Name*), stated the South Fork Heritage Association's current  
13 proposal doesn't exclude the needs of the Backcountry Horsemen. The  
14 County park plan doesn't meet most of those needs of the Backcountry  
15 Horsemen. Consider everyone's' needs for the park, not just those of a  
16 special interest group.
- 17 • Rand Jack, South Fork Valley resident, stated the South Fork Heritage  
18 Association does not speak for the entire south fork valley. He has worked on  
19 this plan for 23 years. Most people support the plan. A small, vociferous  
20 group of people have intimidated others from speaking out. The County plan  
21 conforms with the intent of the Nessel's and the reason for the purchase of  
22 the Overby property. The proposed south access isn't feasible. The project  
23 will provide many opportunities for children of the area to understand their  
24 history. The Heritage Group ignored the fact that their proposal won't work.  
25 The Parks Department plan is a good compromise.
- 26 • Natalie Everett, resident, stated her family owns the private property that the  
27 conceptual park surrounds on three sides. The South Fork Heritage  
28 Association represents three-quarters of the residents of the south fork  
29 valley, and she takes exception to Mr. Jack's statement. The Backcountry  
30 Horsemen, but not the residents, were invited to a visioning plan meeting in  
31 2007.

32  
33 Discussion with councilmembers included the feasibility of suggested alternative  
34 access sites, and; whether DNR is willing to reconvey land.

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36 **Nelson moved** to hold in committee. He is concerned about access for the Sheriff  
37 and people who inner tube on the river, preserving forest lands, and reconveyance.

38  
39 Knutzen stated he agrees that they need to further involve the Acme residents.  
40 They are losing farmland. Work out a situation to allow the farmers to continue farming the  
41 land.

42  
43 Weimer stated he supports the motion. They must move forward on some kind of  
44 development to provide access to taxpayers, but he would like to discuss the impact of  
45 public access and the DNR access.

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47 Brenner stated she would like to know about the Land Trust not allowing an  
48 easement and general public access.

49  
50 The motion carried by the following vote:

51 **Ayes:** Weimer, Knutzen and Nelson (3)

52 **Nays:** None (0)

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**ADJOURN**

The meeting adjourned at 11:00 a.m.

Please contact the Council Office to obtain an  
official, signed copy:  
360-676-6690 or [council@co.whatcom.wa.us](mailto:council@co.whatcom.wa.us)

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Dana Brown-Davis, Council Clerk

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Carl Weimer, Committee Chair