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Subject: Comment on Lake Whatcom Stormwater Proposal

To The Whatcom County Planning Commission:

I applaud the effort by the Planning Staff to bring Lake Whatcom stormwater regulations into compliance with TMDL standards. While this is a step in the right direction, it will not prevent stormwater run-off connected to new development from exceeding Lake phosphorus levels in a native, forested condition.

Therefore, it does not meet TMDL requirements and should not be adopted as part of the County's TMDL compliance efforts. However, adopting this proposal County-wide as the replacement for outdated 2002 stormwater development standards would be appropriate.

The proposed stormwater regulations will not mimic natural forest conditions for the following reasons:

- A natural forest consists of three layers, the canopy, the shrubby undergrowth and the forest floor, which function synergistically. Intact forest provides the most effective reduction in stormwater run-off. If even one forest layer is eliminated, infiltration is seriously compromised. The proposal reduces native vegetation retention requirements. Those that remain require only a tree canopy, and do not prevent removal of shrubs and other low growing plants. It is unrealistic of the Planning Department or DOE to expect a "protected native growth area" to mimic natural forest.
- The updated proposal places greater emphasis on engineered stormwater solutions. Engineered stormwater systems are subject to design flaw, long term maintenance and monitoring, component failure, and unexpected weather events. As a practical matter, engineered stormwater systems do not function as effectively as natural forest cover. A highly engineered approach fails to recognize that good water quality is the by-product of a healthy Lake. Unless other Lake ecological functions are restored, it will be extremely difficult to meet water quality standards.
- Studies have consistently established that impervious surface is the primary factor in water quality degradation. The proposal eliminates current impervious surface restrictions for 2 of the 3 permitted stormwater design options. Given the inherent problems of an engineered stormwater approach, this is likely to increase phosphorus loading. It is crucial that restrictions on impervious surface be incorporated into any new watershed stormwater regulation.
- The proposal allows de minimus exemptions from stormwater regulations for development of less than 200 square feet or 5000 square feet for land clearing. However, incremental increases from small developments create cumulative impacts. Over a period of time, cumulative impacts are the most ecologically damaging.
- The proposal should be redrafted to conform to updated stormwater regulations reflected in the DOE stormwater manual provisions applicable in 2015. These updated DOE requirements can not be readily applied as a future update to the proposed Lake Whatcom stormwater regulations as this will require a substantive revision.