



Memorandum

TO: Whatcom County Planning Commission

FROM: Peter Gill

THROUGH: J.E. "Sam" Ryan, Director *ger*

DATE: December 2, 2011

SUBJECT: Suggested Changes - Birch Bay Watershed Action Plan

Concern: Based on recent concern over the intended use of the Habitat Mitigation Fund, Planning and Development Services recommends that Planning Commission modify WCC 16.16.920 E to remove the area of the Cherry Point Industrial/Port UGA, outside of the Birch Bay watershed boundary, from participation in this program.

Proposed Change: 16.16.920 E. The HMF applies to the unincorporated areas of the Birch Bay watershed (Ordinance 2007 – 019 or as amended). ~~Projects within the Cherry Point Industrial District that impact stream and/or wetland buffers may utilize the HMF for off site buffer habitat mitigation with approval of the Director of Planning and Development Services.~~

Discussion: Although this program was set in motion in 2007, long before the Gateway Pacific Terminal proposal, the perception is that the Habitat Mitigation Fund was set up to enable this project. While this Fund was intended to be a windfall for the ecological protection of freshwater and marine resources, its potential use in this area has become a drawback to the overall program.

The success of the Habitat Mitigation Fund is not dependent on the inclusion of the area, and is not likely to see much use within the Cherry Point UGA, as industrial uses cannot qualify as Low Impact Development (under WCC 20.50.030), a prerequisite to utilizing the Habitat Mitigation Fund. It is distracting from the environmental and operational benefits of the program. Therefore, the sentence noted above should be removed.

Please consider this change along with the others submitted during your work session.