

San Juan / Whatcom Action Area Workshop (Bellingham)

July 14, 2008

Workshop Summary

Meeting Purpose

The Puget Sound Partnership held a workshop in Bellingham on July 14, 2008 to gather perspectives from stakeholders and add local knowledge and expertise to Partnership work. The meeting focused on reviewing the Partnership's regional priorities for the recovery of Puget Sound, discussing the newly-drafted action area profile and identifying local priorities.

Meeting Overview

Approximately 45 people attended the workshop at the Bellingham Cruise Terminal. Among those represented were local and tribal governments, local organizations, businesses, federal and state agencies, non-profit organizations, and citizens.

Meeting Summary

Angie Thomson, meeting facilitator, welcomed everyone to the meeting and thanked them for coming. Angie recognized those affiliated with the Partnership in attendance: Bill Ruckelshaus, Colleen Thumlert, Diana Gale, Bob Kelly, and David St. John.

Bill Ruckelshaus, Leadership Council Chair, formally welcomed the group and provided a brief overview of the Puget Sound Partnership. Bill thanked everyone for their attendance and stressed the importance of gathering local input on information to be included in the Action Agenda.

David St. John, representing the Puget Sound Partnership, reviewed the Partnership's progress to date. He explained that final versions of the topic forum papers, synthesizing information gathered from prior meetings, would soon be available. David explained the meeting expectations: to review the Whatcom Action Area Profile, discuss local priorities and how they align with the Partnership's initial strategic priorities, and identify local barriers to implementation.

The following is a list of questions and comments heard following the presentation. Answers are indicated with italics:

- What if there are no local priorities to align with the initial strategic priorities? What if there are conflicts or barriers? *We are hoping to identify local priorities at these meetings and use them as a common starting point for action. There is also a need for Sound-wide consensus on priorities. Conflicting local and regional priorities is a long term discussion—we need to find where those conflicting priorities are and address them.*

Session 1: Strategic priorities and action area profile

David St. John outlined and briefly described the Partnership's initial strategic priorities. He explained that every action area will have a chance to weigh in and indicate whether these priorities capture the essence local efforts underway.

Colleen Thumlert, Regional Liaison for the Whatcom County portion of the San Juan / Whatcom action area, gave an overview of the action area profile and the accompanying map and conceptual diagram. She explained that the information was compiled from local resources, including agencies, reports and plans. Colleen described the narrative portion of the profile, emphasizing key highlights and statistics.

The following is a list of questions and comments heard following the presentations. Answers are indicated with italics:

- Is the growth rate, quoted in the profile as 40 to 45 percent, from current projections or the 2000 Census? *I will have to check my sources and find that answer for you.*
- Did you schedule two meetings (Bellingham and Friday Harbor) in this action area for logistical purposes or for other reasons? *We have chosen to develop two profiles and have two meetings in the San Juan / Whatcom Action Area because of the challenges in traveling between the two counties, as well as ecological and demographic differences.*
- The Lummi Nation did not have the opportunity to add much input to the profile, but we have a lot of concerns, especially about dairy farms. You can see what a problem they are by looking at your maps and models. *We appreciate your comments and are open to all of your suggestions, especially where these maps and models are concerned. We would encourage you and others to make comments on the maps and models.*
- As a champion of Drayton Harbor, I would like to emphasize the harbor's importance to the shellfish industry. This should be reflected in the profile. Your data is out of date — Drayton Harbor currently has the highest fecal coliform index of all 94 shellfish growing areas in the Sound, according to the State Department of Health.
- Whatcom County has the largest shellfish industry in the Sound and the largest harvest, both recreationally and commercially.
- Please add Drayton Harbor to the bird stock list.
- The land use section doesn't cover forest lands adequately or offer a sense of scale for agricultural lands. I would suggest finding some numbers on both of these subjects.
- In the ecosystem stressors section, I don't see any work done regarding riparian vegetation.

- Population growth is not really the stressor, it is the human footprint as it relates to population growth. This footprint should be addressed somewhere as an important indicator.
- Berry farms and dairy farms are important ecosystem stressors and should be reflected more clearly in this document.
- Was there a size limitation for the profile? *Four pages was the target.*
- The crabbing industry is missing from this profile.
- There is a serious disconnect between what the profile is saying and the priorities the Partnership is espousing. The profile is talking about specific species and stressors while the priorities discuss processes. More directly, the action area description does not fit neatly into Priority B or C and I would imagine that is true for the rest of the action areas as well. *When we started the profiles, we didn't have the initial priorities set. It is going to take some time to align the initial strategic priorities with what is actually happening in the action areas, but we need to make that connection.*
- So, there is no guarantee that Priorities B and C will be defined as we are seeing them today, or even be useful? Also, people usually talk about specific stressors rather than these ecosystem processes. *The World Resources Institute is conducting a study right now to help answer these questions by putting value on the specific items and processes that people care about.*
- The profile should be reorganized to show both the value of natural resources and ecological and sociological issues and how each lines up with the priorities.
- I think it is important to not put too much stock in this profile. It is meant to be a snapshot that gives an overview to people unfamiliar with the area. If information is missing it does not necessarily mean that it will be left out of the Action Agenda.
- This document needs more emphasis on water quality.
- Are the priorities equally weighted? *Yes.*
- Please consider adding some language about water supplies from all sources.
- Whatcom's unique challenges with Canada and the Fraser River valley should be captured in this profile.
- I do not see anything here about legacy industrial contaminants on the waterfront. Also, industrial and domestic water use is not covered.

Angie called attention to the draft map and concept diagram, requesting feedback from participants during the break.

Session 2: Aligning local and regional priorities

Angie led a discussion about each of the Partnership's priorities by asking the following questions:

1. What are your existing local priorities in support of this priority?
2. What are the local implementation barriers?

Angie referred participants to the program inventory list, compiled from inventory information submitted to the Partnership in January and February. This document could serve as a basis of conversation for the discussion of initial priorities and local actions..

Priority A: *Ensure that activities and funding are focused on the most urgent and important problems facing the Sound*

David St. John gave an overview of Priority A. He explained that the priority refers to an improved system focusing on the Action Agenda’s 2020 goals. This priority reflects the Partnership’s commitment to addressing the current fragmented, uncoordinated approach to working together and solving problems. The system needs to be realigned to focus on common goals. For example, the Partnership is currently working on addressing enforcement issues, particularly related to development. A group experienced in enforcement issues met last week with Chris Townsend, the lead Partnership staff person on enforcement, and identified two top priority areas where regulatory programs need to be examined:

- regulations governing nearshore development (both existing and new)
- regulations governing stormwater runoff (both at existing sites as well as new construction sites)

They also identified three top needs/barriers for successful enforcement:

- landowner education
- education of contractors and builders
- increased resources for compliance monitoring.

The group will likely divide into three sub-groups to look into the two priority areas.

The following is a list of questions and comments heard following the presentation. Answers are indicated with italics:

- Who is on the committee looking at this issue?

<i>Bill Ruckelshaus</i>	<i>Puget Sound Partnership</i>	<i>Chris Townsend</i>	<i>Puget Sound Partnership</i>
<i>Josh Baldi</i>	<i>Washington State Department of Ecology</i>	<i>Ron Kreizenbeck</i>	<i>U.S. Environmental Protection Agency; Puget Sound Partnership</i>
<i>Tom Eaton</i>	<i>U.S. Environmental Protection Agency</i>	<i>Joel Baker</i>	<i>University of Washington, Tacoma; Puget Sound Partnership, Science Panel</i>
<i>Polly Zehm</i>	<i>Washington State Department of Ecology</i>	<i>Dave Williams</i>	<i>Association of Washington Cities</i>

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<i>Bill Hebner</i>	<i>Washington State Department of Fish and Wildlife</i>	<i>Mike Bussell</i>	<i>U.S. Environmental Protection Agency</i>
<i>Steve Mount</i>	<i>Kitsap County</i>	<i>Mike Gearheard</i>	<i>U.S. Environmental Protection Agency</i>
<i>Faith Lumsden</i>	<i>Governor's Director of Regulatory Assistance</i>	<i>Leonard Bauer</i>	<i>Washington State Department of Community, Trade and Economic Development</i>
<i>Peter Birch</i>	<i>Washington State Department of Fish and Wildlife</i>	<i>Millie Judge</i>	<i>Lighthouse Natural Resources Consulting</i>
<i>Dan Brinson</i>	<i>Washington State Department of Fish and Wildlife</i>		

- Education has been mentioned as a means to address barriers, but is there any reason why lack of education hasn't been brought up as a barrier itself? *We are aware of the importance of education. The Partnership is overseeing a group of education professionals called ECO Net, which is committed to looking at this issue directly. We would like to hear your comments, however, so please use the avenues provided to let us know your thoughts.*
- Has long term sustainability been addressed as far as the Agenda's outcomes and goals are concerned? *We are currently working on an accountability system looking at performance measures and indicators, which we think will help address the long term sustainability question.*
- There are too many agencies and nobody in charge. One gets a project going while the others may not know anything about it or are uninterested in getting behind it. We need one person or entity doing this work. There is no true schedule or direction except that when we have funding we need to spend it on something. *So, you're identifying lack of coordination as barrier.*
- I see a lot on development here, but not much about livestock and agricultural issues. Did this get left out of the discussion? *No, it is definitely part of the discussion, but development issues have been at the top of the list. That is not to say that agriculture and livestock are less important. They are still on the table and will be focused on.*

Participants were asked to consider, "What are the local implementation barriers?"

- We lack a common agreement about what processes are going on and that is probably due to a lack of coordination. Some of this will be resolved by the County's Shoreline Master Program, but I am not sure where the scientific foundation is going to come from.

- Where are mitigation issues addressed? Often what happens in the regulatory process is that developers are allowed to mitigate for harmful actions to the ecosystem, but, in many instances, those mitigation measures are not as meaningful to the ecosystem as what was harmed. So, there is an imbalance here.
- In this area, National Pollution Discharge Elimination System (NPDES) regulations pertain to Bellingham, Ferndale and a few smaller cities, but the majority of the county is not under NPDES regulations. To avoid regulations, developers go to areas where they don't apply. We have growth management and regulations working to protect the environment, but they aren't able to curb "bad" growth, or sprawl. How can this be prevented?

Participants were asked to consider the status of regulatory enforcement in the area.

- The County and other agencies don't have the resources or staff to enforce small farm regulations properly. Also, there is an underlying "don't rock the boat" mentality that allows for the status quo. Farms are discharging dangerous levels of chemicals and there are no penalties enforced by the State Department of Agriculture. The Puget Sound Partnership needs to play a large role in pushing an enforcement agenda.
- Issues related to water quality, fecal coliform, and water withdrawals need more stringent regulations.
- North Sound Baykeeper's Construction Stormwater Team assists government agencies when they don't have the people to investigate problems. In many cases operators of industrial facilities don't realize they are supposed to have permits because the Department of Ecology has not educated them about the requirements. We have found that 18 percent of development sites are in the danger zone for potential to pollute.
- Air and water use permits are processed and implemented independently. As a result, pollution source control is dealt with on a piecemeal basis.
- The conversion of rural lands to urban lands is especially prevalent in Central Puget Sound, but it is very relevant to this action area as well. In addition, we should be careful not to exclude hobby farms in this discussion.
- Enforce and regulate actions more comprehensively to eliminate stormwater runoff before it happens by using practices such as low impact development (LID).
- Washington State Department of Agriculture is not doing the job that the Department of Ecology has traditionally done on regulatory enforcement of dairy farms.
- We need better enforcement mechanisms after mitigation plans are implemented. We also need to have an understanding of the ecological sustainability of these plans such as which plants will grow best and where.

Bill Ruckelshaus said that mitigation is a real problem. The Partnership is working with agencies to make sure that mitigation is done properly. A big part of the Partnership's

work involves mitigation funding and its allocation. The Partnership likes the idea of pooling mitigation funds and allocating them to projects where they can be used in the best way.

Priority B: *Protect the intact ecosystem processes that sustain Puget Sound*

Participants were asked to consider, “What are the biggest priorities you have for Whatcom County?” and “What are you doing to help clean up the Sound currently?” It was noted that the Partnership can’t support every priority an area may have, so it must prioritize in them for the early stages of action.

- Water quality and quantity in the Nooksack Basin.
- A common database of local information should be a priority. A good example of this might be the biodiversity database for Whatcom County. They took GIS layers and mapped where species have been seen in specific freshwater and terrestrial areas.
- We need to encourage smart growth initiatives such as transfer of development rights (TDRs) and developer incentives to use smart practices in their plans. There is a sentiment among developers that only disincentives are on the table and therefore a tendency to skirt regulations. We should look to Portland, Oregon as an example of what incentives can do for a city and we should encourage the TDR program currently adopted by Whatcom County.
- We must do a better job managing growth around the Nooksack Basin by not encouraging growth outside the urban growth area.
- The Growth Management Act (GMA) is critical to this conversation. Communities have limited resources to focus on GMA policies and incentive options like TDRs that are tools for growth management.
- The phrase “intact ecosystem processes” is hard to understand. Is the list of key ecosystem processes from the conceptual diagram the same as intact ecosystem processes?
- Cherry Point is an intact ecosystem. A master plan is being drafted to help keep it that way and enhance it. It uses an adaptable approach to try and understand what created this area and what will sustain and enhance it.
- There is a debate about whether declines in the Cherry Point herring population are due to environmental or industrial causes.
- Cherry Point has a lot of unarmored shoreline and that helps it retain its intact ecosystem.
- Whatcom Land Trust has tried to find a way to protect upland areas and to make sure there is no shoreline armoring in order to keep the ecosystem intact.
- Water in this area has been over-allocated, and this is relevant to upland and shoreline areas. The GMA is important, but we need to look at where people want to live, and encourage high density development inside the urban growth area.

The group was asked if they would consider the following their top four priority areas:

1. Water quality and quantity in the Nooksack Basin

2. Smart growth – containing growth in the urban growth areas
 3. Controlling non-native species
 4. Cherry Point
- You need to use a better system to understand how to find priorities.
 - I would like to see water quality and quantity language used in both Priority B and C.
 - In Drayton Harbor, the Puget Sound Restoration Fund in conjunction with the Department of Ecology conducted a study on how wetlands work to improve water quality. This study, along with others, is sitting somewhere on a shelf. The Whatcom County Department of Public Works is going through a process that will prioritize actions to look at water. The Puget Sound Partnership should review this document.
 - This process for gathering input and setting priorities is not recognizing well-established literature on how such a process should be administered. Puget Sound Partnership should read this literature before continuing. Also, I am uncomfortable with the fact that some people in this room have not commented. I am still unsure what it is we are trying to protect. The Partnership needs to have a defined stakeholder group and a defined working group. It is very likely that this process is missing a lot of points. Cherry Point went through a proper process. I don't see that the last six months of Partnership work have produced much. From what I have seen, the Science Advisory Panel doesn't have expertise in the social sciences to provide oversight of this process this process and neither does the Puget Sound Partnership.

Priority C: *Reestablish the ecosystem processes that sustain Puget Sound*

Participants were asked to answer the question, “What are your existing local priorities for restoration projects that will reestablish ecosystem processes?”

- Regional waste facilities are a far better idea than trying to regulate waste in a piecemeal system through onsite facilities like septic. Our current regulatory system makes new development pay for the sins of old development. Mitigation is our current answer, but when man has tried recreating nature, historically, it has generally failed. We might be better off leaving it alone and letting nature run its course.
- There is a Salmon Recovery Plan already in place dealing with Chinook, bull trout, and steelhead. It talks about the effects of warm water on spawning, mobile spawning beds, river system shifts in flow and gravel and sedimentation displacement, and taking the South Fork into protective custody.
- Once a problem is identified, it is difficult to find anybody who will admit that they are part of the problem.
- In the upper watershed, especially the South Fork, Chinook are in trouble. Studies show old unused and unmaintained logging roads in the area. The area needs a land slide analysis, restored natural hydrologic channels in rivers to make them

more natural, replanted or planted riparian vegetation, all in an effort to understand the drivers and processes.

- The Watershed Management Plan and the Salmon Recovery Plan are separate documents, but work together and coordinate the same agencies.
- The Nooksack Salmon Enhancement Association is not mentioned on the programs list. We deal with riparian planting, community outreach programs, and public education programs.
- Whatcom Land Trust buys land and works with other groups to do enhancement and restoration work.
- Buffers and wetland protection are new regulations that we need to make sure are working correctly.
- There are two problems: funding and reluctance of property owners to do the work.
- The Conservation District works with other agencies on air quality, and water quality and quantity issues.
- NOAA Fisheries has been working on salmon recovery through a lot of programs, but is not listed here. On the NOAA Web site there is a map which shows where they have been working.
- Can you provide information on how people get information onto the spreadsheet of area programs? *Please e-mail us at actionagenda@psp.wa.gov.*
- How many past and present restoration projects have been successful, and what are the criteria for measuring that success? Those that are successful, in my experience, are those that have a “full speed ahead” mentality with a holistic approach, and bring a comprehensive host of expertise to bear on the problem. I feel that a horticulture specialist is very important on a team for restoration.
- The Department of Natural Resources is removing derelict structures around the Sound that leach creosote.
- The Nooksack Salmon Enhancement Association has been busy conducting implementation monitoring, but there are no funds to do effectiveness monitoring or validation monitoring.

Bill Ruckelshaus stated that monitoring is a big issue for the Partnership. The Partnership is in the process of developing a monitoring plan, but a system-wide plan will be difficult to attain.

- Monitoring programs don't work very well unless you have a specific hypothesis to test and resources that focus only on monitoring programs.

Priority D: *Prevent the sources of water pollution*

- There are two shellfish protection districts in Whatcom County: Drayton Bay and Portage Bay. Twenty years ago these areas were named top restoration priorities. A pilot study was conducted on California Creek Basin to find out if the pollution

is human caused. We need help implementing adopted plans and seeing that they are funded. We are not putting enough resources forward fast enough for recovering water quality and the shellfish industry.

- Enforcement is a problem, but education has had some success in this area. Making LID and other similar ideas commonly known needs to be a priority. We need to change behaviors and the way people are thinking about their actions.
- Some tools which can help prevent the sources of water pollution are: total maximum daily load calculations, NPDES programs, and stormwater monitoring programs.
- Make sure regulations on the books are being followed.
- Industry falls back on AKART (all known and reasonable technology) as a defense against accusations of pollution. Endocrine disruptors and persistent bioaccumulative and toxic chemical discharges are affecting our fish.
- We need to focus on the quadruple bottom line: economics, ethics, environment, and education. A lot of sedimentation is still coming down from the uplands due to forest cutting practices not following the Forest Practices Act.
- Devise some regulatory control over pollutants that semi trucks bring in while delivering hay from Eastern Washington to our Western Washington farms.
- The Port of Bellingham has a Downtown Waterfront Plan for changing the area from industrial to commercial/residential, and we are thinking about how to deal with stormwater. We must plan well for the future through better development techniques.
- Whatcom County has been containing growth by disallowing up-zoning and new development in environmentally sensitive areas. They are closing loopholes to developers who use them to undercut the code.
- We need to recognize good sewage treatment programs throughout the area that help prevent the temporary and permanent closures of recreational beaches and recreational and commercial shellfish harvesting areas. We also need to pay attention to centralized facilities as well as on-site facilities.
- Municipal sewage treatment facilities are not always the answer and in some cases are detrimental due to overflows and broken lines. It may be that onsite systems are a better solution.
- City of Bellingham requires the use of phosphorus-free fertilizers, but in stores you can buy any type of pesticides and herbicides you desire.
- We must identify non-point pollution sources and then find a way to prevent them.
- Kitsap County has a good point source water pollution program.
- In the rural growth areas of Whatcom County we need to discuss whether we want to use centralized sewer systems or individual on-site systems. On-site systems are harder to monitor and probably will cause more non-point source pollution. Also, people have talked here about how Whatcom County is doing better at limiting development outside the urban growth area, but that is not the case. Only 20 percent of development last year was within the urban growth area.

- A Global Source Control Program is being developed by Whatcom County Health Department. They also have an education program to teach people how to avoid pollution measures, which is funded by the Department of Ecology.
- The Puget Sound Nearshore Partnership has been talking about some of the problems identified here, how is that information being coordinated? *The Puget Sound Partnership and the Nearshore Partnership had a meeting last week to talk about how to coordinate.*
- I would like to see better participation from the Nearshore Partnership in the north part of the Sound. This should be a priority.

Wrap Up and Next Steps

David St. John thanked everyone for coming and supporting this process. He explained the Partnership would be back in September for another round of action area meetings to update people on the status of the Action Agenda and give some more specific information about its content. David also mentioned the SEPA process that the Partnership is currently engaged in. The Partnership is developing a SEPA checklist for the Action Agenda and a determination is pending, after which there will be a public comment period.