

MINUTES—Regular Meeting
CHUCKANUT COMMUNITY FOREST PARK DISTRICT
Wednesday, August 22, 2018
Fairhaven Branch, Bellingham Public Library
1117 12th St, Bellingham, WA
Fireplace Room 6:00 to 8:00 PM
Mailing Address: PO Box 4283, Bellingham, WA 98227

Our Mission: The mission of the Chuckanut Community Forest Park District is to ensure the entirety of the property is protected in perpetuity in public ownership, with respect for its ecological, recreational, and educational functions and to serve as a fiscal mechanism through which the district, via a tax levy, will repay the City of Bellingham for the Greenways Endowment Fund loan.

Call to order: At 6:02 PM, President V. Biciunas called the meeting to order.

Roll Call: Susan Kaun, John McLaughlin, Frank James, John Hymas (Clerk), Vince Biciunas (President).

Introductions: Those acknowledged included legal counsel Simi Jain, board secretary Diane Birsner, and Rich Bowers of the Whatcom Land Trust (WLT).

Motion: S. Kaun moved to approve today's meeting agenda. J. Hymas seconded. Vote was 5-0 to approve.

Motion: J. McLaughlin moved to approve the June 27, 2018 meeting minutes. S. Kaun seconded. Vote was 5-0 to approve.

Public Comment: There were no public comments.

Presentation: The scope of Rich Bowers' presentation was to inform the board about the Whatcom Land Trust (WLT), to discuss the potential transfer of the CCFPD conservation easement to WLT, and to answer questions and concerns brought forth by the commissioners. The function of the WLT is to protect special places in Whatcom County, in perpetuity. WLT does this through land acquisitions, conservation easements, and through facilitations and exchanges. They also include the community in conservation discussions and actions. In their 34 years of existence, WLT has preserved over 20,000 acres, and expects to add another 3500 acres by year's end. WLT considers the Chuckanut Community Forest to be one of the county's special places, and feels that CCFPD's mission compliments WLT's mission. Bowers said that when WLT adds properties, it looks to build conservation corridors. WLT already has the Chuckanut Wetlands, 17 acres adjacent to the CCF, so acquiring the CCFPD conservation easement would create such a corridor in this area. Additionally, the educational potential of CCF is valuable, since it's in an urban area and therefore accessible. Bowers said that, like the park district, the WLT's responsibility is limited to monitoring, not enforcing. Bowers said that enforcement and management is the City's responsibility. WLT is required to monitor property once a year, on the ground. Monitoring activities are documented, and the WLT maintains regular contact with the property's

neighbors. The land trust involves legal counsel when needed, and they maintain permanent records of any legal challenges or violations to the easement. Bowers acknowledged that the CCF will need more frequent monitoring, and plans to utilize land stewards and work parties for this purpose. WLT also plans to work with the city to be jointly responsible for this land. While WLT cannot enforce the easement, they will report violations to the city and follow up with the city on its enforcement efforts. Bowers assured the commissioners that if there are trail or invasive species issues which have been reported to the city but the city is unresponsive or unable to remedy these issues in a timely manner, WLT has some resources to assist the city. Bowers next addressed questions and concerns presented by the commissioners. With regard to "in perpetuity", WLT thinks in terms of 25 years, including the funding to maintain its properties for that period. Another concern that'd been raised was regarding WLT's silence when the 100 Acre Woods property (now Chuckanut Community Forest Park) was being considered for development. Bowers said the land trust strives to remain neutral so they can work with developers and other interested parties. Another concern was the City of Bellingham's lack of funding for management (of acquired properties). Given that, how will the WLT work better with the city to enforce the easement? Bowers admitted he has no good answers. Hymas asked where the funding comes from "in perpetuity." Bowers said they have contracts with City to monitor their easements, and City would expect to contract with WLT to monitor CCF. As an accredited land trust, WLT is also part of a national legal defense for properties, which helps with legal issues that arise. Plus, WLT has dedicated stewardship funds. Bowers addressed J. McLaughlin's concerns about WLT's management of the adjacent Chuckanut Wetlands property. Regarding issues like dogs running off leash and lack of signage, Bowers said that WLT has no control over them. S. Kaun suggested that if WLT contracts with the city to manage CCF park, its language should reiterate what's in the current conservation easement to include, "If dogs are allowed, they must be on leash." McLaughlin raised the issue of WLT's management of past violations and potential violations on the Chuckanut Wetlands property. McLaughlin said that while the WLT is caretaker of most of the conservation easements in the county, he questioned its ability to effectively protect the CCF. For instance, the proposed development of the 100 Acre Woods would have negatively impacted WLT's adjacent wetlands property, yet the WLT didn't weigh in even when the community was looking for a partner in the land trust to fight the development. McLaughlin added that when the proposed development involved geotechnical testing, the testing equipment drove over all the 100 Acre Woods and the adjacent WLT wetlands properties, yet WLT was again silent. McLaughlin's concern is that WLT may not live up to its promises. Bowers said it's a different scenario today because neither of these properties will be developed. Bowers added that he has no information at hand about the impact of the geotechnical testing, but will find it. McLaughlin said that, based on current violation issues at CCF, there will be future easement violations, so how will the WLT treat these problems differently than in the past? Bowers admitted he has no clear answers. V. Biciunas requested that rather than dwell on the management of past violations, Bowers address how many land stewards could the commissioners expect to monitor the CCF. Bowers said he would like to have

three or four stewards to continuously overlap, plus staff, on a weekly basis. J. Hymas added that this urban park might draw as many as twenty volunteers. Bowers replied that he would use them all. Bowers added there's an opportunity for education right now. The addition of signage (the wetlands has no signage at present) could educate citizens on the history and value of the CCF, which may work to curtail violations. Also, including the community in the Master Plan process would help the public to understand the park's value. F. James added there's a role for the park district, to ask the community, once the debt is retired, to raise endowment funds to help protect the park. V. Biciunas said that if CCFPD were to transfer the conservation easement to the WLT, it would involve CCFPD's attorneys working with WLT's attorneys to craft an agreement, partnering with the city. Bowers added that, as the conservation easement steward, WLT would also be involved with the park's Master Plan development. In the meantime, WLT would immediately push the city for park signage. Biciunas said CCFPD should immediately push for signage, even before easement transfer. McLaughlin added that his conservation courses, whose students have conducted trail studies in the park, could also be involved with the Master Plan process. However, until the Master Plan is in place, McLaughlin said, there can be no trail building.

Discussion: After Bowers' presentation, S. Jain said that in order to move forward with the easement transfer, the board will need a motion to direct legal staff to draft the transfer document. V. Biciunas said that she and legal counsel B. Carmichael met with Rich Bowers on June 14 and August 3, 2018, and that such a motion was in her notes. S. Kaun asked, if not WLT, then who? McLaughlin suggested creating a non-profit. Biciunas reminded the commissioners that the park district is scheduled to sunset as soon as the Greenways loan is paid off. McLaughlin said such a group would need resources to maintain the easement. F. James said he'd like to explore all options.

Motion: S. Kaun moved to authorize legal counsel to draft a document that would transfer the conservation easement to an as yet undetermined entity, and to inquire of legal counsel the types of legal entities that could hold said easement. J. Hymas seconded. Discussion: F. James mentioned that the agreement between the city and WWU over the Arboretum could be studied as an example of a successful partnership. Vote was 5-0 to approve the motion.

Report: Regarding the July and August 2018 Parks Advisory Board meetings, J. Hymas said that nothing pertained to CCFPD.

Report: Update on the conservation easement amendment. S. Jain reported no progress on the conservation easement amendment.

Monthly expenses and cash flow sheets: Submitted by D. Birsner, Secretary and J. Hymas, Clerk.

Treasurer's Reports June and July: The Whatcom Co. Treasurer's Monthly Report for June and July 2018. June's beginning unencumbered cash balance

was \$197,250.04, ending unencumbered cash balance was \$156,683.13. July's beginning unencumbered cash balance was \$156,683.13, ending unencumbered balance was \$155,253.38.

Petty Cash: JUNE: Heritage Bank account's closing balance as of 06/30/18 was \$0.00. WECU's balance as of June 30, 2018 was \$1000.03 in Savings and \$1625.12 in Checking. JULY: WECU'S balance as of 07/31/18 was \$1000.03 in savings and \$1610.12 in checking.

Report: D. Birsner. Legal defense costs as of June 30, 2018 are as follows:

2015: \$41,108.50

2016: \$40,915.15

2017: \$22,840.36

2018: \$6,565.00

Final legal defense costs: \$111,429.01

Update: On the status of re-filing the 2018 Secretary of State's annual nonprofit corporation report, J. Hymas said he has not yet contacted J. Brown to void and re-file the corporation report, but he will.

Next meeting: Wed. Sept 26, 2018, Fairhaven Library, Fireplace Rm., 6:00 PM

Motion: S. Kaun moved to approve the District Payroll Input Form, wages for Diane Birsner, 12.75 hours for period ending June 30, 2018, for \$318.75. J. Hymas seconded. Vote was 5-0 to approve.

Consent Agenda: S. Kaun moved to approve the following payments. F. James seconded. Vote was 5-0 to approve.

Payment on the June 15, 2018 Invoice # 84120 to Carmichael Clark PS for \$1,178.00 for general legal services.

Payment on the July 15, 2018 Invoice #84457 to Carmichael Clark PS for \$306.00 for general legal services.

Payment on the June 26, 2018 Invoice #27990 to Whatcom County Administrative Services for \$30.00 for 2nd Quarter payroll services.

Payment to Diane Birsner for \$60.88 for 2nd Quarter mileage reimbursement.

Report: D. Birsner, on the County Auditor's July 13, 2018 Memorandum regarding changes to legislation and the WA Administrative Code (WAC). V. Biciunas said this pertains to changes in the election process.

Old or New Business. There was no old or new business.

Adjourn. Time: 7:24 PM