

**MINUTES — Regular Meeting**  
**CHUCKANUT COMMUNITY FOREST PARK DISTRICT**  
**Wednesday, July 27, 2022, at 6 PM**  
 Online Meeting Through Zoom  
 Mailing Address: PO Box 4283, Bellingham, WA 98227

Official email addresses for Commissioners, where public may send comments (subject to public disclosure):

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**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. Due to the Covid-19 outbreak and the Governor's "Stay At Home" Order, this meeting of the Chuckanut Community Forest Park Dist. has been conducted online on Zoom. A visual and audio recording of this meeting will be posted on the CCFPD website. If your camera is on during the meeting, your voice, likeness, and surroundings, will be publicly available and viewable on the CCFPD website. If you choose to speak with your camera off, or by calling on a telephone, only your voice will be recorded.

**Call to order:** Frank James. Welcome Commissioners and Citizens. Per Chapter 42.30 RCW (Open Public Meetings Act), CCFPD Board meetings are open to the public.

**Roll Call:** Frank James, John Brown, & Hue Beattie present. John McLaughlin excused. John Hymas arrived later.

**Motion** by John Brown to approve Agenda for today's meeting. Second by Hue Beattie. Approved 3/0.

**Introductions:** Bob Carmichael, legal counsel, and Robyn Albro, secretary, Chris Webb and Tina Mirabile of Herrera Environmental.

**Motion:** To approve minutes of June 22, 2022, and July 6<sup>th</sup>, 2022, meetings. No quorum of people who were at the last two meetings, so minutes were not approved at this time.

**Public Hearing on Stewardship Plan and Master Plan.** See separate Public Hearing minutes with comments.

### Old Business

#### **Stewardship Plan Changes and Finalization**

Frank James: It sounds like our goal is going to be to get this done, both the changes to the Stewardship Plan and to be able to get the Hearing Minutes in by next Wednesday to Laine for inclusion in the packet to the Parks Advisory Board. Then get it distributed by Friday through the Parks Department and encourage people to participate in both the hearing on the 29<sup>th</sup> with the City Council and on the 10<sup>th</sup> with the Parks Advisory Board.

Frank James: The other content areas to talk about is what I've been talking about some with Chris. I really do feel like we've got a pretty tight summary of the issues around invasive species from the meeting that we had and the report from the detailed discussion we had. I can reduce that down to some simple narrative and there's a map that we have, a very general one, not real civic, but it shows some of the things and include that as an appendix about invasive species with the Stewardship Plan. Some other things that bear discussing are the issues about the trail alignment and the trail locations. If you've all had the time to actually look at the Stewardship Plan and the most current version of the Master Plan, those maps are quite different. The city left in a lot more trails and I don't know if that was intentional or unintentional. It's hard to know, but I think our belief and the impact of the Stewardship Plan as written is that not only are their wetlands that we should be very careful about putting trails in and they're also the areas adjacent to that. Chris, do you want to speak just for a minute about that and give us some idea of what you would recommend in terms of the kind of language and how we could try to approach the city to get the things done that we believe need to be done to preserve the place.

Chris Webb: Yes, we talked earlier today about how the buffers serve an important role in allow the wetlands to fully function and we had used proximity to those wetlands and presence of trails, and those buffers as some of our primary criteria for recommending decommissioning and so we felt it might be important. That didn't seem to be similarly emphasized in the City's plan. Their exhibit, showing the trails to remain did not have a very robust background information on those buffers and wetlands, and so I thought that was an area that could be the basis for some comment to increase the consideration of the buffers in addition to the wetlands and some of the trail layout.

Frank James: The buffers are pretty extensive and they're actually part of the single city legal mandate in terms of setbacks and the various considerations that are necessary for even improving the trails, if I understand correctly. I think we need to make the argument those buffers need to be respected. They are how the wetlands get recharged. Doing it wrong can redirect water in the wrong place, can prevent water from getting in the wetlands that need it, and can lead to additional erosion if they're not done correctly, and increase sediment in the wetlands. I think there are some real issues the City did not fully appreciate when they made these most recent, what are to us fairly last minutes changes.

Chris Webb: Those trails that are out there of course were built informally over many years without permits. If you were to try and seek permits to build them today, you'd have to mitigate for the impact of those buffers. So, we thought it seemed logical to consider the buffers, not that we're going to go and bring everything up to code today. We should really be considering that stronger, in my opinion.

Bob Carmichael: A couple thoughts, one is we need to consider preparing a board position on recommended revisions to the Master Plan as opposed to simply comments individually from people as an elected board that's been intimately involved in the public process for this management and providing input. I think it will give it more weight if it comes from the Board and it's really part of your obligation as Commissioners to do that. I don't know if you're going to have time to do that before the Park Advisory Committee, but certainly something in writing before the City Council.

Frank James: I think that's the right civics too at the Parks Advisory Board. It's still a hearing. We want to go and listen as well as speak, so I think there may well be revisions based on additional input. My thought is that we do need to do that letter. It needs to come from the entire board, but I think it's better to go to the City Council rather than the Parks Advisory Board meeting.

Bob Carmichael: I think that's right, but there will be one more meeting of this Commission before the City Council meeting. I don't know if that letter will get in the packet. It might. We might need to try to get something ahead of that, but I think that's important. As far as the substance of what goes in there, you know there's a lot to think about and talk about. One of them is the prioritization of the habitats and what that means in terms of restoration and protection and funding improvements like boardwalks. And another thing is decommissioning trails. I think some specific recommendations about what should go in the Master Plan should be made based on the information we have in the Stewardship Plan. I'm just giving you generalities, but then the second thing I'd like to mention is we do need some specifics for the conservation easement. We know we're going to need to amend the conservation easement. I wasn't at the last meeting, but I did read the minutes to the last meeting and I read a couple of times what Nicole Oliver said about the conservation easement and how we have to be careful based on the history of this property and how it went to the voters in terms of what kind of amendments we make or what we can make. I think that's accurate, but there are certainly a number of amendments that can be made beyond what we've more or less agreed to at the Steering Committee.

Bob Carmichael: As I mentioned to the Board at a prior meeting, I've gotten some specific input from Rand Jack of the Land Trust about the specificity that's needed in the conservation easement. I've spent a little bit of time making potential revisions to that which I haven't shared with anybody but based on comments that Rand Jack made and I'm thinking what we probably need to do. There are a number of places in that conservation easement where it sort of defaults to the Master Plan. Now we have the Master Plan coming up for adoption, and so we need to have some specificity in terms of what the governing rules are going to be under that conservation easement and to me the simplest thing will be to come up with a really good map and this is something that maybe we should be striving for. As part of that Park District Board letter that identifies the trails recommended for decommissioning, the trails that are recommended to remain, and the areas for potential boardwalks in the future, and put that in with the letter and if that can be something that is more or less incorporated into the Master Plan, we can put it in the conservation easement. Even if there is something close in the Master Plan that could be consistent with it, we can attach the map to the conservation easement and say, look, here's where the trails are, here's what's going to be allowed, here's what's not going to be allowed and here's what the priorities are. That's what I think we need to be striving for.

Frank James: Chris and team have done a great job of that already. I think we can look directly to the Stewardship Plan for that information.

Bob Carmichael: Right. I think we may need to generate a slightly different exhibit, but I agree most of it is that most of the data is in the Stewardship Plan already.

Frank James: And the City also. I don't know how many people got a chance to read it, but they made a significant change in the main trail going through and that is that it's going to be reduced to six feet wide. It will be a gravel surface trail which I think 86% of the people on the survey opposed, but it isn't clear to me that it needs to go all the way though it still crosses that one very fragile wetland spot in the middle and either is going to take some very

expensive road work to get through there essentially a one lane road or they're going to need to end it on both sides. If they want to drive in on something, to come in from either side rather than drive through. But those are all things I think we need to consider. There are a complex set of issues there.

Bob Carmichael: Somebody needs to take on the task of writing the first draft of that letter for the Board, what the Board position is for consideration to the City Council. I'm thinking beyond the Parks Advisory Board.

Frank James: I can write that letter for the City Council. Just to get you all up to speed. I have a complication of my cancer surgery, which is that I have a hernia that needs surgery to repair it.

John Brown: I don't think that I could assemble the letter myself, but I would certainly be glad to meet with you and help you draft that letter to the City Council. Bob, you feel that this is something that should come from us, not just as an economic consideration, I mean we could simply say Bob, you write the letter, but presumably this is our letter to write, but we would like to run it by you.

Bob Carmichael: I think it would be good for me to review and help with it, maybe edit, but I know we're probably out of budget with Herrera. It wouldn't be a bad idea to have Herrera review it. And I think the other key person is John McLaughlin needs to be reviewing it and editing it. But someone needs to take the lead role for the responsibility for getting it done and if Frank is able to do that, that would be great.

Frank James: I can do that. My surgeon told me there would be a couple of days off. All right, so there's still going to be more negotiations and more information. I think we still have not really resolved the dogs and bike issues. I think that the excellent research piece Chris and Tina brought to us about the impact of dogs was very helpful. I don't know if people got a chance to read that, but I think if we could do a summary of that and append it to the Stewardship Plan, which would bring a lot more clarity to what the scientific basis is for not having off leash dogs and the potential to not have dogs at all. Then whatever literature we can muster about bikes. There's a new fellow, Ed Grumbine, who I spent about 2 ½ hours walking through the 100 Acre Wood with. He worked with the City on bike impacts earlier. He's a forest ecologist, taught at Western, but has worked all over the world. He's becoming engaged and is willing to help as well, so I can work with that and get a draft up for some of those issues and then get into Chris for review and inclusion as an appendix or however they're best incorporated into the Stewardship Plan. Is there more on this issue now?

John Brown: You have mentioned, and Barbara Zylstra mentioned, and presumably we all have thoughts about this, we are called Chuckanut Community Forest Park District and there is some question as to what this word Park and this question of making it designated as a preserve rather than a Park. I don't know if it's worth our time to get into that right now.

Frank James: Well, the naming of it is both the process for naming it and the naming of it is part of the Master Plan process and right now that Master Plan says 100 Acre Wood. Although interestingly, there's several things that the city did that I thought were quite interesting. One is they put bike parking at each entrance in the current version. The second thing was they took out the 100 Acre Wood language and put in Park in its place. I don't exactly understand the meaning of those things, but I think it would be worth maybe having a discussion with Nicole or somebody about what that means. If they have not firmly decided to recommend a name, well, we definitely should ask for that preservation piece being part of the naming process, in my view.

John Brown: I support that.

Robyn Albro: Are you thinking that the Stewardship Plan will be finalized at the next meeting?

Frank James: Yes, we certainly have things that we need to finish on the Stewardship Plan to get it up to date and then include input from this meeting. There were useful things stated. Then we need to make sure that it addresses the things that we believe are critical and would need to change in both the process and document of the Master Plan. Then could we formally approve it at the next meeting? I think the question is will it give City Council time if we send a letter that would go in the packet before then and then approve the document at our August board meeting then we could still send it along. Would it go in the packet then, do you know Bob? You know the civics of that enough to know when the packet deadlines are.

Bob Carmichael: I don't and if there are still City people on the line, they may know. My experience has been Wednesday, noon or end of the day. Tuesday is usually what you shoot for. But it's been a while since I've tried to get something in the packet in Bellingham and that could have changed.

Frank James: As long as the letter is there, I think we're in good shape and we can send the actual document then separately, can't we?

Bob Carmichael: Well, the other thing is we do have a draft of the Stewardship Plan that's publicly available and that could be sent to them along with the letter so they have that, with the understanding that it hasn't been formally

approved yet by the Board, but it will be by the time the Council has its Public Hearing on the 29<sup>th</sup>, so I don't see any real problem with sending the draft to the Council along with the letter.

Frank James: Yes, that sounds good. Any further discussion? I don't think we need a motion for any of that.

Robyn Albro and Hue Beattie discussed the printing of the Stewardship Plan, approximately \$36 per copy for printing two dozen copies, it costs about \$800+ and could be done in two to four days. This is not part of the money that was allotted for Herrera, it's a separate expense.

### **Public Education and Communication Strategy**

Frank James: I think it is important that we do outreach. I've been reaching out to people individually. I think it would be nice to have somebody contact, more formally, the Sierra Club and Audubon Society. They've been big supporters in the past and other individuals who have been important, Cathy Seal. I have reached out to Ann Eissinger but haven't heard back from her yet. I'm hoping that Ann will have her usual insightful and thoughtful comments. Are there other kinds of comments/ideas on the public education and communication strategy?

Bob Carmichael: I think there should be a focal point, a temporal focal point on this for people who you're talking to. No disrespect to the Parks Advisory Board, but I think that the most important entity to focus on is the City Council and the August 29<sup>th</sup> public hearing before the City Council. I wouldn't want somebody to go August 10<sup>th</sup> and say well, I went August 10<sup>th</sup> and testified, so I chose not to go on the 29<sup>th</sup>. Really the 29<sup>th</sup>, when the Council is having its public hearing, that's the most important one to direct people to participate in.

John Brown: Bob, would you recommend against or for, or would the Board recommend against or for having yourself make a case? Would you like to speak or should you speak? Frank would do a beautiful job.

Bob Carmichael: I think we should figure out if I'm going to speak. We should figure out what the purpose of that would be and what I'm going to say. I, obviously, like everyone else, have their own opinions, but my job is to represent the Board and so if the Board thinks that there's a message I can communicate more effectively, I'm open to doing that. Though perhaps the one that comes to my mind are issues related to a conservation easement. That's a legal document, but that's not the heart of what the Council needs to hear. I think the heart of what the Council needs to hear are the issues related to how the Park will be managed and some of the decisions that will be made on uses and prioritization. John McLaughlin pointed out well at the last meeting, which I know from reading the minutes that Robyn prepared, that there are conflicts in usage. They're inherent and they're not unique to Bellingham or the state of Washington. Anytime you're dealing with property that has multi potential uses, there's potential conflicts, and here there are potential conflicts between human induced impacts and impacts on wildlife and habitat, so I don't know that we actually have the details of information that would be nice to have on that. We've got some good survey information from Herrera in their report in terms of specifics like impacts on species of plants and animals. We're probably somewhat in the dark on that, and so how do you develop a plan for use. Based on partial information we have to do the best we can, but those are the kinds of things that I think the Board should be giving some thought to for this letter that I expect Frank will put in the letter and I'm happy to help. John McLaughlin can help, John Brown, and perhaps with some advice from Herrera. Where does the Board want to suggest drawing some of these lines and what information will support that? Those are policy type questions, but they're appropriate for the Board to come up with a position on.

John Brown: Ok, that leaves the question open of whether or not you make the presentation. I don't think we have to know right now, right?

Frank James: My thought is that there would be a variety of people making presentations. My thoughts always have been that the conservation easement would be spoken to by you Bob. You have the best understanding of it. I think Chris and his team have agreed to speak to the issue at that meeting with respect to what the summary of what the conservation easement impacts might be of our Stewardship Plan and how our Stewardship Plan could and ought to inform the master planning process. I think there's going to be a number of people speaking about different things. I think each of us should either give input to a written comment or speak ourselves. It is a public hearing they're having, and we should definitely do that.

John Brown: Good plan Frank. I think we have a pretty full plate. We kind of know the direction we're nudging.

### **New Business**

#### **Annual Corporation Filing with Washington State Secretary of State**

Robyn Albro informed the board that she would be filing our basic information with the Secretary of State and is in the process of doing that. She will be in contact with John Hymas who has to approve the filing.

#### **Monthly expenses and cash flow sheets.**

**Petty Cash:** WECU Bank account balance as of 06/30/2022 was \$2,917.

**Treasurer's Report:** As of June 30, 2022, Whatcom Co. Treasurer's Monthly Report, beginning unencumbered cash balance (06/01) \$266,525 ending unencumbered cash balance (06/30) \$254,510. We received tax revenues of \$489. Paid out \$12,503 in operating expenses.

**Motion:** by John Brown to approve District Payroll Input Form, wages for Robyn Albro, 24.25 hours in June 2022, total gross of \$606.25. Second by Hue Beattie. Approved 3/0.

**Consent Agenda: Motion** by Hue Beattie to approve following payments. Second by John Brown. Approved 3/0.

- Payment for June 15, 2022, Invoice #98470 from Carmichael Clark PS for \$3,252 for regular professional services.
- Payment for July 15, 2022, Invoice #51454 from Herrera Environmental Consultants, Inc. for \$6,983.52, Tasks 5, 6 and 7. (Total billed to date \$37,598.25.)
- Payment for June 28, 2022, Invoice #34020 from Whatcom County Administrative Services for \$30 for Second Quarter Payroll Services.
- Reimbursement to Robyn Albro for Zoom Webinar, June 30, 2022, Invoice 155403503 for \$85.96 (\$79 + tax 6.96).

**Reminder:** Robyn Albro will send an email to three board members right after the meeting, Frank James, John Brown, and Hue Beattie. Please respond confirming that you approve the paying of bills as listed in the consent agenda and payroll.

John Hymas arrived at the meeting.

**Next regular meeting:** Wednesday, August 24, 2022, at 6 PM.

**Adjourn.** Time: 7:41 PM.