

MINUTES — Regular Meeting
CHUCKANUT COMMUNITY FOREST PARK DISTRICT
Wednesday, June 22, 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 McLaughlin, and Hue Beattie present. John Brown excused. John Hymas arrived later.

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

Introductions: Bob Carmichael, legal counsel, and Robyn Albro, secretary. Other attendees: Vince Biciunas and Barbara Zielstra.

General Public Comments: Barbara Zielstra: I just want to follow the process of the Conservation Easement. That's really important to me and the work that you're doing on that. I just want to see where it is. I read through the Master Plan draft from the City. I felt like at the very beginning they were really strongly proposing protection that was a really important part, but then as you went on that seemed to fade away and other uses and numbers of people who want to have bicycles or that sort of became a bigger issue rather than staying true to what they said at the beginning, which was this important to protect the ecological value of this property and so I see there's maybe the intent, but the follow through I'm concerned about.

Hue Beattie: We were talking about using the word preserve and we never quite decided whether it should be the 100 Acre Wood Preserve or Chuckanut Community Forest Preserve? What should we do?

Stewardship Plan Completion

Frank James: We did receive a communication from Tina that just came in literally as we were starting. Suffice it to say is that they were grateful for the comments that we all made. They are currently working on the process of updating the report and incorporating the responses that we'd asked them to address, and they plan to have the final draft distributed to us by the end of next week, so it will be in plenty of time for the upcoming scheduled public hearing. And as we get the draft, I'd encourage everybody to look at it very quickly and see if there are additional additions or corrections. I think most of you have seen that they are addressing the scientific basis for whether dogs should or shouldn't be in the park and they are also going to be addressing the role of bicycles in a preserve and how that might impact things from a scientific point of view. That's an informational update. Are there any additional comments or thoughts about that issue?

Hue Beattie: So, will they publish it too or is this going to be online? Frank James: It's up to us to publish it. They'll provide us a copy and we can distributed it electronically or we could print it if that's what we chose to do.

Discussion about distributing copies electronically and making hard copies available as well. For the baseline report in 2017, 12 copies were made, for the commissioners, a couple copies went to the library and to the city, as well as Bob Carmichael. They were printed at Copy Source with color printing, double sided and they did the binding. Everyone agreed it was great to have a hard copy to refer to.

John Hymas arrived at 6:17 pm.

It was recommended that decision makers have hard copies as it facilitates communication and keeps it in front of them in a way that online doesn't. It was agreed to distribute it to the City Council and Mayor, couple copies for the Parks Dept, the Libraries, every Commissioner, our Attorney, and a couple extra copies for the Park District.

It was decided to rely on electronic copies before the report is final, because they're going to be drafts and they could be changed based on comments, and the hard copies will be made after it is finalized. Robyn will research the cost of getting approximately 24 copies made.

Motion: by John Hymas to approve May 25, 2022, minutes. Hue Beattie seconded. Approved 3/0. John McLaughlin abstained as he was absent at the last meeting.

John Blethen arrived.

Park Advisory Board Meeting: John Blethen: There was a presentation of the Draft Master Plan. Action on it was deferred until next month. I made an impassioned speech suggesting that the Forest be called a Preserve and a couple of other suggestions that would be inclusive, such as wait until the final information came from Herrera and CCFPD has the public hearing. I don't know how well that went over. Frank James: It was my understanding from Nicole Oliver's letter that their plan was to take it back the next month to both the Advisory Board for Greenways and to the Parks Advisory Board. John Blethen agreed. John Blethen: Nicole is not moved to extend the process. She feels it has gone on long enough and it is time to move on to something else. It seems like, hey wait a month and make everyone happy. I'm a little concerned that neither of these Boards are particularly knowledgeable about the process or the content and particularly naive I think in terms of the process so that will be the next thing. Frank James: We will have a final copy of the Herrera report that should be available after the 6th when we have our public hearing on it and so we can certainly share electronic as well with each of the board members and maybe even do some outreach to them to answer any questions they might have about it. So, we will still have an opportunity to reach out to them before their final vote and I would encourage us to do that. Vince Biciunas suggested that Robyn send a copy of the Herrera report to the Parks board and the Greenways Committee.

John McLaughlin asked about the public document request from the Parks Department. Frank James: They don't have a draft of it because we haven't received the draft of the final document. We will get the document to them as soon as we have it. Nicole withdrew that request. I did reach out to the mayor about it. I think that is resolved. I honestly had a little trouble reading her letter and understanding exactly what she meant. It seemed a little emotional and I didn't get a clear picture of what her intention was. If I was pressed to do it, I would say that it meant that they were moving forward without us. It is a difficult thing to say clearly because I think it just is a difficult thing for an entity like Parks to actually do.

John McLaughlin: This may spill over into a discussion about the Master Plan, but apart from some of the strong language in her letter, if you look at the draft Master Plan, we are largely absent from it, even though we've done quite a bit of work over years towards that purpose. And then the Master Plan seems to have some major gaps largely around the Stewardship Plan components. I understand Nicole really wants to push forward on the Master Plan and doing so without the Stewardship Plan would seem to be moving forward without your ducks in a row.

Vince Biciunas: Can I just say, to be fair, if she hasn't seen the Herrera plan yet, then you can hardly blame her. I haven't seen her letter, so I don't know how emotional it was.

Frank James: To be perfectly fair though, I arranged for a meeting with Herrera and her so that they could discuss anything they wanted to know. We had that meeting and I participated in it. There was an extensive discussion about trail alignments and other issues that are the factual stuff. We had a couple hours long meeting. We made Chris available to her to answer questions. She hasn't seen the draft copy because I didn't honestly trust her not to just take it and run with it and we really need to finish it. There were several very important issues that hadn't yet been addressed and I think some of the more contentious issues, you know dogs, on and off leash and bicycles and bike trails are things that I think are very important. Also, the naming issue, they've already settled on what they want the name to be without really having our input in that. I think my strong preference is to have the word preserve or reserve as part of that name, so those things still need to be considered.

Review and Public Hearings on July 6th by CCFPD Board on Stewardship Plan and DRAFT Master Plan

Frank James: Ok, let's move on to the review and public hearing of July 6th that we're going to have on the Stewardship Plan and the Draft Master Plan. The other thing she took strong exception to was that we would have a hearing on her Draft Master Plan without inviting them, there is no intention to not invite them and to the extent that they want and are able to explain things, they're very much welcome. I do look forward to the hearing on the 6th. We're going to have a completed Stewardship Plan. We're going to have the completed Draft Master Plan. I think it's going to be a real opportunity for public involvement. I hope that we can invite all the people that have been involved in this to date over the past 20 years to come participate in it as effectively as possible. I'm excited about the opportunity to see these two things and to begin to find a way to weave the information from both together into a more complete document. Are there other thoughts and concerns?

Bob Carmichael: I'd like to understand better what our plan is going to be for distribution of the Stewardship Plan. If we are going to have a public hearing on July 6th and I know we tentatively set that date, we are doing it largely because the Parks Department was trying to rush this through, and we wanted to have the opportunity to get public

input before they did. But if the hearing is going to be on the Stewardship Plan and the Draft Master Plan, we will need to have that Stewardship Plan available for public review as soon as it's ready from Herrera. At that point I think we could send it to the City even though it's a draft. Frank James: That's the intention Bob, is that once we get something they've actually finished and once we get a chance to look at it, I think as soon as we've done that, then we share it with everybody that is willing to read it.

Bob Carmichael: Then in the invitation to the Parks Department to come to this hearing if we are going to officially schedule it for the 6th. Frank James: It is already scheduled for the 6th. Bob Carmichael: If it's already scheduled, then maybe what we could do is send Nicole a communication that say we will forward you a copy of the draft Stewardship Plan as soon as it's done by Herrera. We expect it will be done at this time and we hope that you will or a representative from your department will attend the hearing on July 6th. It's not going to give her much time to review it, but I think she knows a lot of what's in it already, based on your meeting with her.

Frank James: We're going to make it available to the Greenways Advisory Board and the Parks Advisory Board. As much as people want this to be a done deal, I think it's something that we're going to need to find solutions to existing problems we don't know the answers to yet. The City's had 10 years to initiate this master plan process. We asked them to initiate this earlier. It was their choice to wait until the last minute and to modestly fund it. I'm sympathetic, but honestly, I don't think we can be rushed. I think the facts have to speak for themselves. There needs to be an open honest discussion about all these issues that is science based and not a popularity contest.

Bob Carmichael: To that end, perhaps we should send a letter back to Nicole in response to the letter that she sent.

Frank James: I hoped that would come out of this meeting tonight, that we would get a draft. I'm happy to author it. We can obviously respond to the issues that have been raised. Bob Carmichael: One of the things to request I think directly, I would come out with a specific request to respectfully delay the Master Plan approval from what she said in her letter, because we will not have time to really have this full discussion on the timetable she set out in her letter and as John Blethen said I'm not sure what another month or two really matters. I know they're got other things to do, but when I read the reasons in the letter for pushing forward, they were pretty empty reasons. I thought they really weren't real reasons why it had to be done right now.

Frank James: That's been the puzzle from the beginning. I've been asking her why we are on this fast track, and I have never heard a compelling reason. There are other priorities is kind of what it comes down to, and that's supposed to satisfy us. It doesn't satisfy me. I don't think it's satisfied most of the public either.

Bob Carmichael: People are going to be mad if they're forced to address this on the fly. I think we need at least a little bit more time from what was put out in that letter, and I think the board should specifically request that. Hue Beattie: Let's have that. John McLaughlin: I think Nicole's letter, in the last paragraph, may reveal the reason behind her question of time. She's saying that the Park District has to dissolve before the current Greenways Levy expires in December 2023 and so she may be back dating from there and we can't dissolve until the Master Plan is in place, and so she may be pushing the Master Plan so she has a year from it ahead of the expiration of the Greenways. I don't know the politics of that, but it sounds like that's an important driver that she's dealing with. That is her and the City's issues. I imagine it's something largely around the politics of getting a new levy funded, but that's a little different than other areas.

Barbara Zielstra: I feel like if Herrera's report is going to come out and we really want people to read it, you cannot expect people to read it and be willing to comment on it in a week, which is basically what people are going to have and it's summer. I don't know if it's possible to extend or know to change the date from the 6th, but it's the 4th of July week. I think a lot of people are going to be out of town. I don't like the idea that at the last minute we're being pushed to make the really important decisions, which is how we're going to preserve this property. I don't know about what John was saying about when the board is going to be disbanded.

Frank James: The board will be disbanded a year after the adoption of the Master Plan. That's what it says and so another year is a fair amount of time. We're going to need that time because we got a lot of work still to do. We need to find somebody to own this Agreement in perpetuity and that's still a tall order.

Barbara Zielstra: And a lot of hard work to set in motion paying the taxes, but the real work is to protect it. I really am concerned with this. I went to the City's Master Plan Hearing. When I read the Master Plan, it's giving all of this strength to the few people, even if it's 5 or 600 people out of a town the size of ours, you know you can't make a decision based on 600 people who have responded. It seems to me that's what she's doing in the Master Plan.

Frank James: Barbara, I don't see our approving the Stewardship Plan as the end, I see it as the beginning. That's where we have something to then have discussions at the Parks Advisory Board, at the Greenways, and at the City Council who will ultimately decide to choose. We're simply putting the best available science on the table about the issues, which hasn't been done so far and needs to be done.

Barbara Zielstra: But I understand that you're asking for people to give comment about that along with the Master Plan on the 6th. Is that not true?

Frank James: It is, but that's the beginning of a process, so some people won't be able to participate, but it's not a dead document, it's a living document that is hopefully going to be integrated into the master planning process. Now Nicole Oliver is certain that isn't going to happen. I'm certain it has to happen. Honestly, the science behind the issues that we are raising have to be part of that master planning process and to exclude them arbitrarily seems quite inappropriate. The people that can fix that, the policymakers at the end of the day, it's the City Council is going to have to make these decisions, so it's going to be very important that we're reaching out and communicating with them and the other policy advisors. This is going to be a challenge. We've been told really directly what we're doing doesn't matter and we have to make it matter and that's politics.

John McLaughlin: There's another way of looking at this. A close look at their Draft Master Plan, what it really is, is a list of goals, objectives, design, what some structures might look like, it's really aspirational. It becomes a plan when you include the Stewardship Plan, how you're going to actually achieve those goals. That's where Herrera and we come in. We're essential partners in that and so to try and finalize the Master Plan without the Stewardship Plan relegates the Master Plan to an aspirational document, but not a real plan. Frank James: Thank you John.

Hue Beattie: I'd like to mention that I've read some stuff, I think it was the Herald or Cascade Daily, that she was quoted quite a bit about the 100 Acre Wood and the name and when they were going to move stuff along. So, she's sort of winning the PR war already. She's out there getting stuff in front of the public before it's even discussed. You have seen that. I wish I wrote down the date, but I didn't.

Frank James: Well, we're the ones that need to fix that right? That would be good if anybody has those links. It's been really helpful to have them because I didn't see them. I have my own challenges lately.

Bob Carmichael: I do think Barbara makes a very good point about the hearing being the 4th of July week. A lot of people will be out of town if we don't get the report until the end of next week. That's less than a week of looking at it before people can comment on it, which is really not enough time. We're already apparently got the hearing scheduled, so if we're going to keep it, maybe we should consider continuing it to the regular board meeting in July, which would be three weeks later and give people a second opportunity. I know the reason we were originally thinking July 6th was because of the Parks Department Schedule, but the more I'm hearing it just doesn't seem like it's worth trying to push people to give comment. It is the beginning. I agree with you Frank, but it's also the opportunity for people to comment before the Board approves it, because I expect the Board's going to approve it. It's going to be signed off and then it's not going to be changed. It will be part of the discussion going forward, but I think to have credibility, the document needs more opportunity for public input than five or six days.

Frank James: Bob, the other thing that speaks to continuation is that we're going to be looking at two fairly large documents, both the Draft Master Plan and the Stewardship Plan. I see this as an installment on beginning of a discussion. Either we can have additional discussion at our next board meeting, or we could set an additional hearing. I think either one would be fine, but I think the volume of things to review is going to be substantial. I think we have to start, and I think we need to make as good a faith effort as we can to get this done in a way that's cooperative with Parks. If we can't do it, then we'll need to continue it and I anticipate continuation is a very possible thing, if not a likely thing to occur given the volume of reviewed materials that will be needed.

Bob Carmichael: I'm almost ready to recommend that we tell people that this will be the first of maybe two public hearings on the topic, otherwise people are going to get the misunderstanding that they don't have time to respond. Let them know up front that July 6th won't be the only opportunity they have to be heard by the Park District Board, that you'll continue the public hearing to the regular meeting in July, which is going to be three weeks later and then I think that would be enough.

Hue Beattie: I like having another two hearings and I also think that at the hearing on the 6th, we're making a tape of it so people can watch that, who didn't get to the meeting and evaluate stuff that way too. Frank James: It can be a way to leverage interest in it, actually I think for sure in subsequent meetings.

Vince Biciunas: Are we going to need some kind of moderator? How are we going to do 29 people on zoom, if the bicyclists and walkers all come, it's been a lot to manage. Robyn Albro: The hearings will be webinars, so only the Board, Bob and myself will be on the screen and we'll be able to talk at any time. Anybody else has to be invited in. This is how we've done it in the past.

Bob Carmichael: I was part of a public hearing a couple weeks ago with a City Hearing Examiner. They had over 90 people at the hearing. You saw that number, but what they did was they would be in groups of three. They would invite three people into the room and then call on them one at a time to give their presentation with a limited time period of I think three minutes. They were timed and when they were done, they would go off screen and the next

group of three would be invited on and everybody could hear, even if you weren't part of that group, but only the actual panel could be seen at any one time, so there's a way of doing it.

John Blethen: I've got a question about what your leverage is here, because Nicole's letter was pretty emphatic that she was basically going to plunge ahead with what she has. I'm wondering if we could develop some strategies for some leverage so that this has some context. It's bigger than the group. I'm not offering any ideas. My other concern is how does this all fit into the Conservation Easement. We've got this Master Plan with things in it that will never fit into a conservation agreement with the Land Trust. I don't understand when that document comes into play. It would seem that would have to happen fairly early.

Bob Carmichael: That last point you just made is a really really excellent point, because if we don't have clarity, as I said last time, the Land Trust won't agree to the Conservation Easement. So, we're going to need that, but I do think the Conservation Easement, in the best of all worlds, comes after this public process. This public process determines what the rules and requirements are and then that would get memorialized in perpetuity in the Conservation Easement. That's really the way it's probably going to have to go, so I think it's a great point, but I think we need to move forward with this process. And to the point about strategy, that's kind of what I had in mind with the response that we need to build a response to this letter that puts it out there to the City and says, look, we need a couple more months to wrap up what may be the most important part of this whole process. We're moving forward as quickly as we can, but you cannot move forward in the next month because you're going to undo all this effort. We're sorry that it's taken as long as it has, but we're moving forward. As I pointed out to one of the judges in that lawsuit we were defending against, this organization operates on a shoestring budget. The City of Bellingham complains it doesn't have resources, well look at the resources we have. We've got one clerk and one attorney, neither one of which are full time employees. You guys are all volunteers and they're trying to put the screws to you for a month and you're really acting on the will of the people you're representing, people who want to have this discussion. It's just wrong to push this forward and I think that message needs to be conveyed, probably to the mayor and make that request that you know we're not trying to drag this out till the end of the year, but we do need more than just July to get this done, otherwise they're going to undo the efforts of a lot of people who have put in years of work to protect this place. I think that's part of the strategy as to the bikes. I think Barbara hit on that, but what strikes me is just because you're got one group in the city that happens to be well organized and can pump out 400 emails in a week, that doesn't mean they should get to rule the city. There's lots of people who have different views than they do who aren't organized. I would dare say there's more walkers than there are bicyclists, and if they're not organized though and so they don't put that message forward. But the city represents all the people, not just the ones that can mobilize 400 emails in a week. Those are the kinds of messages I think need to be taken to the Mayor. They need to go to the highest levels and maybe some council members as well.

John McLaughlin: I have a lot of things to say, but I would echo Bob's comments again. I wasn't at the last meeting, but in my reading of the minutes, Rand Jack's comments about what would make an acceptable and enforceable easement are really well taken. In particular, he's raising the issue of an easement dependent upon a master plan and seeking an easement that would live beyond any particular master plan because it is a long-term legal document and master plans can be changed at the will of the City government.

Frank James: Just to be clear, what he said was as long as we tie it to the master plan, the city can change the master plan anytime it wants and that isn't a way to negotiate a long-term agreement.

John McLaughlin: That's a legally unstable strategy. The other thing, regarding bikes, it looks like the original master plan had bikes restricted to a main trail. Now they've got bikes on every trail, but there's no provision or plan to deal with the inevitable conflicts, with the conflicts between user groups or the widening of trails that's going to result when you have a bike and a pedestrian encounter one another, and one or the other moves out of the way and that creates a widening of the trail. That's what we have now and a master plan that allows bikes and pedestrians full run of all trails, it's going to have to deal with that kind of consequence and there's nothing in the draft plan that addresses it. So basically, it sounds like, as John Blethen says, that you've got essentially a political decision. As you know a political decision driven by political pressure but without commensurate planning in the master plan to deal with the consequences of that decision.

Barbara Zielstra: Well, I bring this up because it's so obvious to me the interurban goes around the property. It is a great bicycling trail, so there's a place for bicycles to be in the general area, not in the preserve or the reserve or whatever we want to call it. I don't understand why that isn't recognized.

Frank James: Well, it's something that I think people have said and advocated for that wasn't heard in the city process. Basically, they went by popularity vote and the problem with convenience samples, like they were doing and it's infamously true of convenience samples, is that you can manipulate the heck out of it, which is what was done here. That's why you don't set policy by votes. We had done science. What a concept?

Vince Biciunas: You have to focus on the scientific evidence.

John McLaughlin: To respond to Barbara's question, I think it's as much an issue of privilege. The principle of the bikes being excluded from a place that is a particularly popular place doesn't sit well with bicycle advocates. Just because they have free access to the interurban trail is not enough because they want access everywhere. The other issue related to this is that the Draft Master Plan includes results. The public survey showed 86% of people opposed having a wide crushed limestone road through the place and that's what their plan is. They're planning on connecting Chuckanut Drive, Fairhaven Park and Interurban Trail all through the main trails through Chuckanut Community Forest with a six- to 12-foot-wide road lined with crushed lime. That is opposed by the vast majority of people they've surveyed; it's opposed by people that have presented at all of our public meetings and yet that's their plan. I think that gets to a conflict between public will and department culture. It's how the Parks Department does things and may require appealing to a higher authority to get something that's more appropriate for this place.

Frank James: Good points, well said. Thank you, Barbara and John.

John McLaughlin: If I could add one more point. When I was measuring trees last week, I ran into someone who does a lot of work with trails, and he's done a lot of work in the Community Forest. He heard that the City wanted to put in this fresh limestone path. He called it a road. He said, if that's what they're planning on doing, he has no interest in doing any more work in that place. He would see it as basically a violation of community values and so there is a consequence or a cost of the Parks Department Plan. As filling our role that Bob defended so vigorously before the Supreme Court, we need to stand up to that.

Barbara Zielstra: I didn't see that until now, granted I just did a quick overview of the Master Plan. But when the City held their hearing on the Master Plan months ago, Nicole said there was only going to be the one for bicycles, only allowed on the one connector to the Interurban and to Fairhaven Park and the rest were not going to be developed to that standard and they're not going to be done in limestone. So, what I'm hearing is that what we were told at that hearing is completely different from where it's at now.

Frank James: Things have changed for sure, and I think that we can be part of the corrective process to try and bring it back to a science, data driven planning process. As John said, not quite so aspirational, but actually seriously able to enforce some of these things. Let me summarize for a minute. I think what we've agreed to is we will communicate with the City that we're inviting them to the meeting. We will communicate with the public that this is going to be the first of what may be one or more meetings and there will be additional opportunities for input on our product and on the City's product as well and that we expect these two documents to inform one another. There's all the factual detail.

Robyn Albro: I think it's really important that there be presentations on both of these things at the meeting. At our last hearing, we didn't have that. I think it's important to have that and then people can also refer back to it later.

Frank James: Herrera agreed to do a presentation here and in other forums as well, up to four additional meetings that they would attend and do presentations at, so I'm expecting they will do the presentation of the Stewardship Plan. Obviously, we will invite the City to make a presentation about the Master Plan unless one of you would like to do that. John, it might be kind of fun if you did the Master Plan.

John Blethen: I think he'd be great if he did it. I do have a political suggestion and that is you get ahold of Seth and maybe Skip Williams and explain what you're trying to do, because this appears to have an emotional component to it at this point. I may have been partially responsible for that because I laid out how hard you guys had worked for so long, that you still wanted to be in the process, and it really may have helped set Nicole's heels, though I suspect they were already set. I would recommend you do a personal conversation with the Mayor and Skip, the Chair of the City Council Parks Meeting, so the presentation to him is balanced. Otherwise, the road is not good.

Frank James: That's a good suggestion. Thank you. I was shocked by Nicole's letter because the last we'd talked, it seemed like we'd been in a much more positive footing. I certainly didn't do anything because I was in surgery and lying in bed. Clearly there's a very different tone and tenor. It may be she sees her goals of moving this forward on a very prescribed timeline being threatened. I know she feels very strongly about that. I know for sure she feels like she has to do this. It's not an option even when the Steering Committee came to her and said what about slowing this down. She was very direct. She basically said you're the Advisory Board kind of at my pleasure and you don't make decisions is a very odd answer. I didn't really understand why she needed to answer in that way, but to tell this committee that she had chosen and brought together they don't get to make decisions, it's kind of self-evident and was not a particularly nice way to put it. I think it just says she's under duress from something.

John McLaughlin: I have a question. Last night I went through the Draft Master Plan carefully and have a lot of comments. What would be the best way of sharing those?

Frank James: I think you should do the presentation at our Hearing.

Vince Biciunas: I agree.

Frank James: I think that somebody that is very informed and engaged around it can fairly and evenhandedly present it, including the things where it may fall short. You're not a partisan guy, you're a scientist. You're going to talk about facts, science-based decisions. I would feel very comfortable with you doing that presentation and I think

you'd be a fair and impartial judge based on facts. John McLaughlin: Alright, let me know how long you want it to be and what ideas or points you want it to cover. I need some guidance on that for sure. Frank James: I can do that.

Updates regarding Whatcom Land Trust and Conservation Easement

Frank James: To my knowledge, the discussion from Rand is the most current information I have, and Bob shared with us about that last time. We're going to have to produce an agreement with the City that is enforceable. That is a challenge we're going to have to take on if we expect them to be our partners. I respect Rand Jack's judgment and advice about that. I think he's right and I think it's what we need to do. At the beginning of the meetings that Vince and I and others participated in, which were not quite enough for Rand, but were most of what Rand wanted. The group, including the City, readily accepted those, and said that they would do it that way. Obviously, there are additional issues we need to negotiate, but those are things that we need to take on as we move forward.

Bob Carmichael: What's changed since last time is I think we've gotten farther apart from the City Parks Department with the change that has been made, that Barbara mentioned, that we thought there would be a limit on bicycles and now it looks like the Parks Department is saying bicycles go everywhere in the Forest. That could be part of the Conservation Easement. We could say bicycles go everywhere and as I said last time, I don't think that would be fatal to the Land Trust taking the Conservation Easement, as long as it was clear that bikes get to go everywhere. The question is when there is a conflict between protecting the natural environment and natural world and unlimited, unfettered mountain bike use, which one has priority, and we have to have that in the document. I feel like I'm farther away from that than I was last month. So, we need to try to get there and so as I said, we need to start making some progress on these issues before we can really even present a Conservation Easement to the City. There are certain things I can do based on what Rand said, but it doesn't take it all the way there until we understand what the priority uses of the Forest are going to be.

Frank James: I think that prioritization process is a critical one we had not included before and something we need to do. I think that's marching orders for us separate from what Parks is doing. I think at some point relatively soon this gets beyond Parks to policymakers and our audience with respect to that, and the public.

John McLaughlin: So, reading from the minutes and conversation with Rand, his points were very wise, very well taken and what he's seeking actually brings up a conflict between what he's seeking is legal clarity of what are the priorities and what is not allowed. Frank James: When both are allowed, which has priority? It's even a little more subtle than that.

John McLaughlin: Yeah, so that creates legal certainty, so it's very clear whether something is in compliance with the Easement or not. But you have a political desire to please everyone, which leads to lack of clarity and so we have this conflict between legal desire and political desire. The Parks Department clearly is sensitive to political pressures and so that's going to make this Conservation Easement negotiation somewhat challenging. Frank James: Is there more about this issue or should we move on? Bob Carmichael: This is informational as far as I'm concerned but point well taken John.

City's Response to Urban Forestry Plan Letter

Frank James: I'd like to report that John McLaughlin shared with me a very very helpful and useful response that has been provided to us all. If you haven't had a chance to read it, please take a look at it now. I'd like to move it forward for our signature and our forwarding to the City. It's very relevant to our situation because it really establishes the standard against which we measure things. Is it convenience, is it ease, or is it science? I think one of the things John is calling out very accurately is that if what these kind of high-level fly overs say isn't quite right, is it truth in the real world? Is there an empirical finding, or is it inaccurate? If it isn't accurate, you go ahead and make policy based on it, that's a big problem, not just for us, it's a big problem for the entire city. In all policy making these things need to be based on accurate information. John has gone to great trouble, time, and expense of his own to actually find some of these facts that shows clear contradiction to some of the assumptions that are made in the planning document and a clear willingness of the city to not consider the information they've been given. I feel quite strongly we need to do this for the good of the City and for the future of planning of all kinds. It needs to be done on accurate information. The City can't just accept a consultant report uncritically without truthing it in the real world, without measuring it themselves, when there are questions called. Just to fall back, as Annalise did in her response to us, and say this is what our consultant said and we're going to stick behind them without going out and measuring anything, without critically evaluating it, seems like something we shouldn't let fall by the wayside. We should take that issue up. Not only is it an important issue generically, but it's an important issue for us. Whether or not this is a mature forest or not is a real issue. It speaks not just to the Forest we care about, but it also applies to the other very well preserved and very well and heavily used parcel on Sehome Hill. I would encourage you, if you haven't read it, to take a read of it and that if you're comfortable, to sign it and send it to the City.

Hue Beattie: I liked it and I think the particular part about the Bigleaf Maple coppice and how they're coming back from being cut, that's pretty interesting.

Frank James: We're incredibly fortunate to have the kind of expertise that John Hymas and John McLaughlin have and the scientific acumen and practical work in these matters. We have a great deal of expertise on our Board, and I really appreciate both of you weighing in on this and raising those issues for us based on very practical matters.

Hue Beattie: I did have a chance to read it and I'd support it. I also want to reiterate, if I haven't before, that when Fairhaven Park opened, they built a gate before the brick structure. There was a gate made of big old cedar logs that they cut right there and built the gate at the entrance to Fairhaven Park. In the opening that they had in the background, in the hills, and behind, you can see the Forest. They didn't cut the whole forest down to build the log gate. The 100 Acre Wood had old trees in it back then and you can date that just from the photograph.

Frank James: I'd like to call the question; do we want to accept this letter, and do we want to act on it tonight? I'd like to hear a motion for that. John McLaughlin: The original letter concerned two reports, Analiese's response concerned two reports and though the one for the forest status is complete as we've seen, and I could do another one for the wildlife connectivity. Frank James: The wildlife corridor and conservation issues are maybe even more important. Do you have any idea when you'll have that draft done John?

John McLaughlin: I'd hope to finish it by tonight. It'll probably be tomorrow. The only thing I would add to the forest status letter is if you look at Ann Eissinger's baseline report, she lists the number of understory tree species in Chuckanut Community Forest, which reinforces the notion that the forest condition is of a mature forest rather than a young one. I could just add that point and otherwise it is good to go. Frank, your point about being fortunate to have knowledgeable members on this Commission, I think applies to the City as a whole. This City is full of people who have a depth of experience and we are loathe to allow our City government to make decisions that dismiss that experience and that applies to all walks of life we're having to deal with, of forested reserve and how that is treated, but it applies to other areas too and really gets to resident or citizen participation in government and who does government serve and what is the culture and this notion that we have a good old boy network basically or an agency in the government culture that's making decisions regardless of what the expertise and the evidence and other things that people are offering is anathema to what our nation is founded on.

Frank James: So, we could send this letter and then you could draft the other one and as we move forward, we could bring that forward and make a decision about the wildlife corridors.

Bob Carmichael: A quick question John. First, I want to say outstanding letter again. We're so lucky to have that expertise. That was amazing. But I want to ask whether you think in the letter itself and I may have missed it, should you offer to make available your raw data to them, if they actually want to look at it or is it already in there and I missed it. John McLaughlin: That's a really important point. The letter in Appendix One has histograms of the data but does not have the data themselves. What I've entered are all the species and the heights and all that sort of stuff. But I haven't entered all my handwritten recordings of the GPS coordinates. That'll take some time to enter all those numbers, but certainly I could make those available and the reason why I recorded them so they can go out to the same location and measure the same trees. Bob Carmichael: I wasn't thinking you had to include the raw data. Just reference in the letter to making it available if they wanted it in the interest of openness and transparency and then it's on them if they don't ask for it. John McLaughlin: I could do that.

Discussed logistics of finishing the letter and signing it tonight. Robyn will email the response to everyone.

Public Education and Communication Strategy

Frank James: I've been working on an elevator speech. I think we need one about this process and we need to get that elevator speech delivered to a variety of people. I don't know who all those people are. I've reached out to a few so far. The south side neighborhoods, some of the other adjacent neighborhoods should be informed of it and asked to participate in this hearing and in this process, I think that some of the organizations that have participated historically, like Audubon and the Sierra Club. I think we should be reaching out to. There's a lot of individuals that are highly motivated, people like Barbara. There are other people who really care. So, I'd be open to everybody's input on who it is we should be reaching out to, and then any ideas for reaching out to the public. The Cascadia Weekly or Daily appears to be the newspaper of record now the Bellingham Herald is nearly dead, may be some place we should reach out to. Obviously, there are other social media outlets we should reach out to. I've drafted but not completed the elevator speech part of it. I'm going to need all of your feedback about that. I'll send it around. I think those are things we need to do. I don't know what a communication strategy would look like, but I think the ultimate goal has to be reaching policy makers and advisors. We've already talked about some of that tonight. This is more an open discussion item rather than an action-oriented agenda that needs motions. I'd ask each of you to think about how we can engage the public in public education and how we can communicate with policymakers effectively to get them informed and aware of the issues. I think our Stewardship Plan itself is going to be a major tool in that way and I think, Bob, your suggestion that we give copies to people are exactly what I had hoped we would do. I think that's a great way to do it, so they have something they can actually look at and use as a tool. Is there more discussion about these issues and are there things that people would like us to be doing?

Vince Biciunas: If we had an elevator speech, we could post it on Facebook and Instagram right away and you know in the neighborhood groups and email lists and it could get out pretty fast if we just had a clear message, press release or something.

Frank James: I'll spend the rest of this evening trying to get that done. I'll get a draft out to our members and Commissioners and other interested people and get feedback and hopefully turn it around relatively quickly. I want each of you to look at it and add ideas and subtract bad ideas, so you'll have it in your inbox later tonight.

John Hymas moved that we sign the letter that John drafted with the addition of the sentence we all discussed. Hue Beattie seconded. Approved 4/0.

John McLaughlin: On the Draft Master Plan, Figure 5, replicates that error of the young forest all for the Chuckanut Community Forest, so this issue is feeding right into the whole master planning process.

New Business

Discussion re Remote or In-Person Meetings Frank James: Covid is not done with us and I kind of said that in my note to you folks when we kind of took a straw poll online. There's a variance coming out with the BA 4 and 5 that have figured out a way around our immune system, immune escape it's called. Vaccines, which probably won't prevent the infection. Those having had the infections, there's a high rate of reinfection and monoclonal antibodies used to treat it probably will be significantly less effective, so I think there are certainly variants that could be very serious and ongoing. My recommendation is that we continue to meet electronically for now. When the rates have fallen lower, one of the reasons rates appear to have fallen is the CDC only uses PCR tests to count as positive tests and not home rapid antigen tests. In the county where I am the health officer, 75% of our tests are rapid antigen tests and would not be counted. I think there's a lot more disease than the public accounting system provides. We need to make the decision as a board if we want to continue electronically. I talked with Bob, and he thought it was reasonable that we continue electronically. Do other people have other concerns about that?

John McLaughlin: I would echo that you're concerned about the testing. I required PCR tests, negative tests for all of my field courses for field expeditions, and this spring the director of the Student Health Center advised me not to require that because so many people would test positive because they would have had it. The antibodies remain in their system and so we were using exclusively rapid imaging tests.

Frank James: The PCR tests will remain positive for on average about three weeks, in some people as long as 90 days when they're far beyond any communicable period. The rapid antigen test correlates very accurately within hours of infectiousness. So, when you become infectious and when infections go away, the rapid tests are in many ways the preferred tests. John McLaughlin: Though someone like me, who has been requiring tests, had this shift to the rapid antigen test, I still use PCR tests for myself, but for everyone else it's really disturbing the CDC would refer to the old system.

Frank James: Those tests are about \$300 per test, though most of us don't pay for them. It can typically take three days before you get the result back. It's a difficult system. I think there continues to exist a significant risk and long Covid is a real thing. There's a bunch of data in match controls, a 38% increase in Type One Diabetes. That not the absolute increase, but that's the relative between Covid infected and non-Covid infected. Strokes, heart attacks, arrhythmia, there's a lot of tissue and organ systems in our body, they have an ACE inhibitor receptor. It's going to get infected, and those processes become apparent weeks, months, even up to a year after the acute infection and there it's quite a serious thing. So, I'm very much strongly in favor of continuing to meet at a distance electronically and that we put off coming together in person right now, but again that's just my opinion.

John McLaughlin moved to continue to meet virtually in the indefinite future. Seconded, John Hymas. Approved 4/0.

Purchase of Webinar Software for Zoom Public Hearing

Zoom webinar is needed for the Public Hearings. Cost is about \$70 a month. It can be used for both Hearings in July. John Hymas moved to pay for the zoom webinar. John McLaughlin seconded. Approved 4/0.

Monthly expenses and cash flow sheets.

Petty Cash: WECU Bank account balance as of 05/31/2022 was \$2,917.

Treasurer's Report: As of May 31, 2022, Whatcom Co. Treasurer's Monthly Report, beginning unencumbered cash balance (05/01) \$269,063, ending unencumbered cash balance (05/31) \$266,525. We received tax revenues of \$11,541. Paid out \$1,832 in operating expenses, and \$12,248 was paid on our loan to the city of Bellingham, which is now paid in full.

Motion: By John Hymas to approve District Payroll Input Form, wages for Robyn Albro, 24.75 hours in May 2022, total gross of \$618.75. Seconded by Hue Beattie. Approved 4/0.

Consent Agenda: Motion to approve following payments by John McLaughlin, seconded by Hue Beattie. Approved 4/0.

- Payment for May 15, 2022, Invoice #98184 from Carmichael Clark PS for \$3,292 for regular professional services.
- Payment for June 9, 2022, Invoice #51224 from Herrera Environmental Consultants, Inc. for \$1,038.98 for Tasks 5 and 6. (Total billed to date \$30,614.73.)
- Reimbursement to Petty Cash for May 31, 2022, Safety Deposit Box annual payment of \$50 (it has increased from \$30 to \$50).

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

Next special meeting/public hearing: Wednesday, July 6, 2022, at 6 PM.

Next regular meeting/public hearing: Wednesday, July 27, 2022, at 6 PM.

Robyn Albro will send out more information about the special meeting in the upcoming weekend and she will post the Draft Master Plan on our website at the same time.

John Blethen: I'm starting to work on the next Greenways Levy which tentatively is going to be on the ballot in November of 2023. I wondered when will the collection of the levy for the Forest be over and what's the current rate? Bob Carmichael: That's a decision the Board makes in November about what the levy rate will be and what the levy will be for the following year. Now that we have the loan paid off, I don't know what the decision will be this November, if there will be a need for an additional levy and if so, for how much. It would basically be for ongoing expenses for the district. I'm not sure how much we'll have in funds. It's premature to answer that question.

Frank James: I think as an estimation, I think we probably have very much reduced financial needs over what we've had in the past and it will be just the amount to continue the process while we're actually transferring the ownership of the easement. I think we could safely say it's going to be significantly reduced in any case.

Bob Carmichael: From what it has been historically, yes. I don't remember exactly what it was last year. We did reduce it last year and it probably will be reduced again from that. Robyn Albro: I just wanted to say the budget was set looking through the end of 2023, though if things are on the high end, we would have definitely had to have more money come in, I am just saying from an accounting point of view.

John Blethen: You have \$200,000 in reserves now, is that correct? Frank James: \$266,000, I think. I don't think there's going to be much money coming in next year unless something changes. The estimate I think for the Land Trust to legally defend the easement is on the upper end, \$200,000. And then whatever legal costs are involved in putting that in place and whatever other technical costs might be called in putting that in place, but it's nothing like the amounts of money that we've levied in the past.

John Blethen: So, you may not sunset in 2023. Is that what I'm hearing? But it will be for a much-reduced amount.

Frank James: It would be for a significantly reduced amount and then we'll sunset. Bob Carmichael: To be precise, it's a year after the City requests us to dissolve. They can't make that request until the master plan is approved. However long it takes the City to make the request, it'll be from that point, not the date the Master Plan is approved. They plan to expeditiously move on requesting the District's dissolutions. So, I don't think it'll be that long, but that is going to be the trigger.

John Blethen: So, most likely it'll be close to zero for the south side in 2023. This is important because we're going to go out and ask the voters for, we don't know exactly what the numbers are, but probably somewhere around 6 million a year to continue to actually fairly radically change the next Greenways levy.

Bob Carmichael: I'm not sure we can say any more than we already have because it's a decision the Board has to make in November, and I think Frank has said all he can say. Basically, it'll be significantly reduced. Frank James: There's a lot of things still on the table, but I can't imagine it being higher that's for sure.

Adjourn. Time: 7:50 PM.