

MINUTES — Regular Meeting
CHUCKANUT COMMUNITY FOREST PARK DISTRICT
Wednesday September 28, 2022 at 06:00 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.

This meeting will be recorded. 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: Welcome Commissioners and Citizens. Per Chapter 42.30 RCW (Open Public Meetings Act), CCFPD Board meetings are open to the public. Due to the Covid-19 outbreak and the Governor's "Stay At Home" Order, this meeting of the Chuckanut Community Forest Park District will be conducted online on Zoom.

Roll Call: Frank James (President), John Hymas (Clerk), John McLaughlin, John Brown, and Hue Beattie.

Motion: by John Hymas to approve Agenda for meeting. Second by Hue Beattie. Approved 4/0.

Introductions: Those who wish to be acknowledged including legal counsel Bob Carmichael, and secretary, Steve Wilson, Tip Johnson, and Nicole Oliver.

John McLaughlin arrives at 6:03 pm.

Motion by John Brown to approve meeting minutes of August 24, 2022, and minutes of August 29th, 2022, special meetings at City Council Parks & Recreation Committee Meeting and at Bellingham City Council Public Hearing on the 100 Acre Wood Master Plan. Seconded by Hue Beattie. Minutes of August 24th meeting approved 5/0. Minutes of August 29th special meetings approved 4/0 with one abstention (John Hymas, who was not at the special meetings).

Park Advisory Board Meeting Report: No report.

Old Business

Master Plan: The City Council passed the revised Master Plan at their meeting on September 12. Frank James thanked Nicole Oliver for "her diligent work and significant effort in getting that to happen."

Nicole Oliver: I just wanted to come here tonight and thank all of you for all your efforts on the plan that really did improve the final product. I know that you are not always satisfied with everything that's in there and you wanted some things to be different.

Nicole Oliver invited the Park District to offer a quote in the press release, if there is anything the Commissioners wanted to say. "I wanted to include you in the success of this."

Nicole Oliver said that an RFP has been published for Phase One and they expect to start working on trail projects by next year.

Frank James: "Thank you very much Nicole. That's great news."

Hue Beattie suggested that there be a piece in there that recognizes some of the people that have passed on that had done so much work, like Bob Gibb.

General Public Comments.

Barbara Zylstra: It's been a long process and I just appreciate everyone's involvement and hopefully these woods will be in perpetuity and wetlands will survive and thrive. I do want to thank you Nicole because I feel you really listened to what people had to say and I appreciate that.

Frank James: Barbara, just to recognize that you've done a lot of work over many years on this, and I've appreciated all the times you've been there, you're one of the stalwart people. Thank you for all the effort you've made, too.

Barbara Zylstra: Thank all of you. You guys have put a lot in.

Tip Johnson: Everyone knows that a lot of citizens put in a lot of time and the campaign ebbed and flooded and ebbed according to things going on at the time. I know that a lot of people produced a lot of nice materials and I'd like to see someone, maybe the district, maybe Nicole, set up something so that those could be collected into some kind of commemorative display of the decades long effort to preserve these woods.

Frank James. Thanks Tip. I have a large amount of material over two decades now that I've kept and there is a repository at the University where they collect these kinds of things. There's an institute that studies community participation at Western, on the south side of the campus. I talked to them about donating various materials from this effort as well. That would be a kind of one aspect. It wouldn't be just a memorial in and of itself, but it would be as complete a collection as I could muster. I've got boxes of stuff from many years, as well as electronic materials. They don't keep electronic materials; they make them all into paper.

Hue Beattie: It's historical significance that we had people rise up and try and acquire something for the neighborhood, for the South side. It's very unusual and the only time I've ever seen the City Council go along with something like this was back when they tried to pave over the estuary of Padden Creek. The Port was going to put that in a pipe and have a parking lot there. The neighborhood petitioned and got the City Council to override the Port of Bellingham. They wanted to have more parking for the Alaska Ferry. Bob Keller helped on that.

Frank James: There's an archive at the Museum downtown too and they are very versed in local history. So, there's a couple of different options. The Library in the Museum is a wonderful place that has some good collections.

Steve Wilson: I want to thank everybody for all their work, Citywide and Park District wide. That was unprecedented what took place. I moved here in 1979 and our neighborhood plan was being formulated along with everyone else's. When I moved to the South neighborhood in 1981 there was the prospect of about 1700 units. I'm hoping that the planning department will allow us to change our neighborhood plan now so that that development is no longer there, and we have a Park District Park in our neighborhood plan. Thanks for all your work to make that happen.

Frank James: We made sure of that back at the beginning so undoing that would be extremely difficult.

Bob Carmichael: I think somebody should write a book about how it all happened. I'm not volunteering, but I think it would make a great book. Frank James: I heard John Brown was retiring and he's an author. John Brown: I'll do it. At least a short story.

John McLaughlin: I wanted to respond to Nicole's gracious invitation. I think whatever we might want to contribute, we ought to mention that this has taken a community and it will take a community to realize the vision and the goals in the Masterplan. It really is up to everyone to ensure those goals are achieved, to restore the conditions that people have invested so much into.

Frank James: Skip on the City Council was very endearing and thoughtful and said, it's going to take the three E's, education, engineering, and enforcement to make this happen. He's right, all three of those things are going to be essential in moving the project in a way that does approach that goal of in perpetuity preserving the essential features of the ecology of this place.

Conservation Easement Status

Frank James: We made a formal request some time ago about ways the Conservation Easement should change. Bob Carmichael has reached out to Alan Marriner, and he has agreed to meet with us to talk about that at some point in the future. We're excited to do that. Many of the things are pretty straightforward. I think all the essential elements that were in our letter to the City were actually brought up by the Steering Committee and agreed to by the Parks and the Steering Committee as part of the master planning process. I think the key elements are all done, and I don't think there's much controversy about it. There obviously are things that we worry about and may or may not be practical achievements. We would very much like to see the bike speed limit enforced. All the data about bikes indicates that the speed at which they go is the problem. Simply enforcing the already existing bike speed limit would be desirable. A lot of that's got to be education. I think signage is going to help a lot.

Frank James: Rand Jack had a very entertaining set of almost dreams about how we would achieve this sort of thing you shared with us. One was to have a kind of radar sign that you see on the street but have it all be themed around the 100 Acre Wood characters from Winnie the Pooh. He had some very entertaining ideas. I think humor is a very powerful tool. I think they're actually quite good ideas. I'd like to see that sort of thing happen and Nicole I'd be happy to talk with you about if he hasn't already shared those with you, I can share them. His ideas were very wonderful ways of educating and enforcing at the same time. Those are good ideas that are perhaps not so much enshrined in the Conservation Easement itself, but in the working understanding of what is desirable to protect the place in perpetuity.

Frank James: The other thing being that keeping dogs on leash is important. I had somebody call me this last weekend and say they went through the forest. They saw four dogs, none of which were on leash. They were pretty disappointed, as was I. We've got to find some practical implementation strategies for the Master Plan. I don't know that we can enshrine all those in a Conservation Easement, but I think working with you, Nicole, and the City Council at a policy level, I think we can certainly come up with practical ideas that will get us a long way in the right direction and some of it potentially could be part of the Conservation Easement. I don't think we want to burden it, but I think we want to make it as effective, clear, and unambiguous as we can.

Nicole Oliver: I haven't spoken to the Land Trust myself. Alan Marriner is the only one who has a long-standing long-term relationship with Rand Jack. They spoke at length, and I think we need to have a meeting together and figure out the best path forward for the Easement as far as which things need to come first and which things need to happen. I could even put that together if you'd like me to be the person to try and put something together, I'd be willing to do that with the Land Trust, Alan, Bob and maybe Frank as chair. I agree there's streamlining needed and I'm open to it. I don't remember what was in that last draft you guy sent such a long time ago. I haven't looked at it in a while, so I need to go back and take a look at how it was changed.

Nicole Oliver: I'm really excited about starting to do some things and do some signage and education here. There's a real shift happening. We're having some real problems in the Arboretum right now that are really different than anything we've experienced. We're having some problems in places that we haven't had problems before, so we're trying to put together a broader social media campaign targeting students and young people. Some people are coming into our community and not really realizing some of our rules and values about how to take care of these open spaces so we're working on some bigger picture things community wide in addition to what we want to achieve here in the 100 Acre Wood and the speed limit signs, we're starting with the arterials. We finally just confirmed where they're going to start being installed and we're starting on arterial trails where we have the biggest speed problems and issues with people who almost get hit by bikes and call us and say why are the bikes going this fast and there is a whole new courtesy sign that goes with the speed limit so we're installing those in the next couple of months. I think the forest is going to need a full-on wayfinding enforcement, education, signage plan that will be part of what we're going to be hiring that consultant to help with. We want to develop something. I love the idea of expanding on the Winnie the Pooh theme. I don't know if that's copyrighted, but I didn't do it when they did ask me to look into it. Do you know Bob?

Bob Carmichael: I do know something about that, but I don't want to interrupt you Nicole, please finish.

Nicole Oliver: I just hope to continue to involve you and work together to get through the next steps that are in front of us. I want to be open and helpful in any way I can, so that's what I want to extend.

Hue Beattie: I'd like to be involved in that Conservation Easement.

Bob Carmichael: I think your involvement is important Hue. I first want to say Nicole, I'm really pleased that you're here. It just speaks volumes for your character and leadership. I know it was a tough process and for you to be here and offer to come meet with the Park District and Land Trust. I think it is really a credit to you and how you're handling the Parks Department, so I wanted to thank you for that first.

Bob Carmichael: I haven't called Alan Marriner back. I spoke with Alan a bit when we both said we should probably each call Rand Jack and I know Alan did. Then I called Rand after we got the petition for dissolution and the letter from the mayor and talked to Rand after he talked with Alan and it was pretty clear to me that Rand thought the best way to attack this with the Conservation Easement was the way you described, to have all three of us around the table and work through it. That's what he really wanted to do and he thought that was the best approach. I think it is too. I will say that Rand's ideas, if you know him, you know he tends to take things to the nth degree sometimes. They're not half-baked ideas. He's got some really good ideas about signage and tying this into the Park into the 100 Acre Wood, to the

point where he'll tell you what the sign should look like and what characters from Winnie the Pooh would be on the sign, and how it would look.

Frank James: I think I forwarded that to everybody already. He sent me an email during the evening and another the next morning. I put it together and sent it to every board member so they would have access to his outflowing of creative ideas.

Bob Carmichael: He's really put a lot of thought into it and I think it would be good for all of us to hear those ideas, and if nothing else, it'll make everybody smile. I think that it was interesting that the weekend after I talked with Rand, I went with my wife and dog to the Bay to Baker Trail (?) and I saw the signs that were meant to be sort of lighthearted signs on that trail about picking up after your dog and that sort of thing. They wouldn't match what Rand had in mind, but they were along that vein, trying to add a little bit of humor and get people's attention and maybe that would help with some compliance. I think that's definitely worth doing. The other thing I wanted to mention, which the board has seen, and you haven't. You mentioned Nicole that you have the version that had some of the changes to the Conservation Easement. We haven't looked at it in a while and I haven't talked to the Board about who we give it to yet. I think we should send it to you and the Land Trust if they're okay with it. I sent it to the Board, and it includes not just the changes that went through the Steering Committee, but it also includes a dispute resolution provision along the lines that the Land Trust was talking about and some other changes to it to make the priority clear and that really gives a template to start talking about it. I would hope it's close enough that we can work through it pretty quickly and come up with agreed upon changes. I don't see a reason for this to drag out. I really don't and I'd hope that we could get something down that we all agree to pretty quickly and if the Board wants, I could send that out to the Land Trust and I think we should be moving forward with it.

John Brown: I think a copy should be sent to Nicole. Frank James: It has been sent before.

Bob Carmichael: Yes, but this is the revised one, the new one that includes the dispute resolution that Rand had talked about.

Frank James: We should probably review that here before we send it anywhere.

Bob Carmichael: We need to talk about it. But the reason I wanted to mention it is a lot of work has been done already.

Nicole Oliver: That sounds good. I'm not going to stay here and I'm going to let you guys finish your meeting because I have to go to another meeting. I look forward to hearing from you. I actually wrote down kind of what John McLaughlin said and what a couple of you said about what you thought about what we should feature in that article in the press release. I'm going to try and draft something, and I'll send it to?

Frank James: Robyn and she'll send it to all of us.

Nicole Oliver: That's what I'll do and then hopefully we can put something together and get it out early next week. I'd love to have you involved. That'd be great.

John McLaughlin: Nicole, I'm wondering about the impacts you've been seeing from the Arboretum and if they're similar to the ones we're concerned about in the Chuckanut Community Forest. The second is one of my courses this fall, the same one that has done design plans in the past, I'm planning on having an option for a project that would map out all of the trails in the Forest, if that would be useful to you?

Nicole Oliver: Your first question, the problems we're seeing in the Arboretum are single track drop trails being built out of nowhere and really bad graffiti on the rock walls. So, we're doing a bunch of trail obliteration and we're trying to catch whoever is doing this. We've seen them a few times, but the University's social media is helping us with some marketing to the students about the fact that bikes aren't allowed, and no structures are allowed and to try and get a handle on the graffiti. Western has been doing a really good job of cleaning the graffiti so that's been good. For your second question, mapping all the trails, I think that any additional information we have to inform this, you know the consultant is going to be focusing on the critical parts of Phase One, but I think that there are other things we can be doing that would be really informed by that additional mapping. We've got some ideas about Whatcom Trail Association and having them help with some of those more complicated, very labor-intensive trail obliteration and markings that we want to do and do not necessarily need the whole consultant design permitting part, but some of the stuff that we can also do in addition to the designed and permitted big trail projects and boardwalks. So, I think any additional mapping of those trails would be great.

John Hymas: Nicole, are Park Board Meetings going to be in person soon? Nicole: This month we are talking to all of our boards and reminding them that as volunteers the vaccine mandate applies to them. So, we're going to be collecting vaccine information and starting in November we will be meeting in person with probably a hybrid zoom option for any people who would really rather not, for whatever reason, meet in person. But that's going to start in November. City Council's first in person meeting is on Monday.

Hue Beattie: I just wanted to ask you to talk with Public Works about the fire prevention plan, where they could outline where their plumbing is for water, the periphery of the Forest and where any electrical lines might cross there.

Nicole Oliver: You got the Fire Department's attention with your comments on fire prevention, and they are looking at it. I've talked to the Fire Chief a couple of times about equipment they don't have that maybe Public Works or Parks has. They're trying to figure that out. They're basically pursuing the concerns that were raised about fire prevention planning and ensuring we have adequate resources and marking them. We're going to try and get that information to them. There's also a fire prevention plan, it's called the urban wildland interface, that's a component of the urban forestry plan, and that is also going to come with a bunch of recommendations and policies about that. That's coming in the next phase of the urban forestry plan. I know that's not your favorite document, but I just wanted to tell you.

Hue Beattie: Thank you. Nicole Oliver: You're welcome. I'll talk to you soon.

Bob Carmichael: I have a question. We had an offer made by Nicole to sit down with the City and the Land Trust and we may not be ready to do that. I know we've been looking at other potential assignees, like the tribes. I guess I'd like to know what the direction is we're going? Or are we going to think about it some more. If we want to work with the Land Trust, then we have an invitation to sit down with them. I'm wondering if someone would contact Nicole and set that up if that's the direction we're going?

Frank James: I've been looking at other options to fully explore the possibilities for who might hold the Conservation Easement in perpetuity. There are some other options. The Northwest Indian College is a 501(c)3 and would be an appropriate organization. They have a strong commitment to conservation. They have an academic program there with people that are interested in conservation, and they have expressed an interest in talking more with us about what would be expected of them. The other option is that there is an organization called Yellowstone to Yukon. It's an organization that does exactly this sort of thing along the West Coast that hold conservation easements on sometimes vast tracts of property sort of like the Nature Conservancy, but regional and localized. The person, Mr. Scott, used to be a professor at Huxley and he's recently taken on the Executive Director role there. He was a senior person from the Wilderness Society. He knows this area very well, having lived here, he was the person who helped the students start the Planet Magazine at Huxley. He's written textbooks on Environmental Conservation. I've contacted him, he says that they are interested as well and that's something that they do. I think moving forward right away with this, with the Land Trust, I think to me feels a little premature, but certainly I think the Land Trust remains the most likely place we'd go with this. It honestly bothered me that Alan Marriner asserted that they were going to negotiate with the Land Trust about the assignment. It's bad civics. I don't think that's how it actually works. I was puzzled that an attorney representing the City would say the things that he said, and it seemed really out of step with the facts about our responsibility of selecting the best institution to hold the Easement in perpetuity. I'm a fan of the Land Trust. I've worked very diligently and hard to get the Land Trust on Board and I think there's certainly no problem having Rand provide his input. I would be very amicable to moving forward with a discussion with him and the City. But I think we have to decide and have some process for evaluating the options that we have and making a formal selection. I think that's our duty and our responsibility to find the very best organization to hold this easement in perpetuity. The Land Trust is certainly one of them, but they're not the only option we have.

Bob Carmichael: What does this process look like? Are we going to be having representatives from these organizations come and address the board? Is there going to be a committee of two or one? It shouldn't be three because that would be open public meeting problems. But is there going to be a committee of two to report back on what the best option is? Probably the most important thing we have left to do as a Park District is assign the Conservation Easement to the right entity and the other important thing is to make sure the Conservation Easement is amended appropriately. I think both of those things are very important and we should have a plan of how we're going to do those things.

Frank James: I don't think we have to be rushed to do those. I think there's some energy in the direction of getting this done now. We have a year to do it and we obviously want to move forward as expeditiously as we can, but I think we should be deliberate, thoughtful, and fully explore the options before we make decisions about it.

John Brown: Is there a good point Frank or is there something precipitous in Bob and Alan Marriner moving forward with the Conservation Easement.

Frank James: I would actually be happy with Bob Carmichael meeting with Alan Marriner, just the two of them. I think it's pretty straightforward and simple. You have the knowledge Bob what the Land Trust and any other conservation organization would want to be able to adequately defend an easement that they accepted. If it were possible, I think if you wanted to at least have an initial discussion with Mr. Marriner about it and go over the issues informally just to get most of the things ironed out, I think that would be a great strategy if you thought it was appropriate Bob.

Bob Carmichael: If Alan Marriner is willing to do it. I don't know that he will because we will not have been holding out as saying we're going to negotiate the final terms, we are just going to send him what I have if we go down that road. I'm willing to do it and perhaps we can agree to some things and see what we can agree to and see what he's not comfortable with. I don't think we're going to be able to finalize it without having the principals there, the Park District, whatever group takes on the assignment and the City. That's what it's going to take to finalize. I don't know whether it's worth it or not for me to informally talk to Alan Marriner. I'm willing to do that. I could call him and see what he says. If he's willing to do that, I would send him the redline version. I couldn't represent that as a final position. I'd have to say that there could be other things that we want besides this, but this is a starting point and at least maybe then he'd look at it and we could make some progress.

Frank James: Certainly, if he has input about what the City needs from it, we should probably find that out if there are specific things that they need. We're offering what we think we need. If they were to offer us any changes that they need, we should be open to that, and I think it would facilitate the process to have that initial discussion with him.

John McLaughlin: I haven't been party to these discussions. I only know what I've read. I was disturbed about the report that Alan Marriner wanted to meet with the Land Trust and not with us. I think that contradicts what Bob just said about the importance of having all the principles there and right now the two primary principles are us, the Conservation Easement holder, and the City, the other party to the Easement. I don't see how negotiations about the Easement could reasonably occur without us so if Alan is willing to work on that with Bob, I think that's great. I think we should pursue that. If the City is not, then we have a deeper problem. I was also troubled with the report that Rand was not willing to insist that we be present for such a discussion, and so I was a little concerned. I was also surprised to hear that during the public hearing when Alan Marriner said that he had met with Rand, the Land Trust would be okay with accepting the Easement as it is, and then work on revisions later because that was different information than Bob and Frank had received from Rand about that. Essentially what I'm saying is any negotiation with that Easement has to include us and I think the receiving party ought to respect and insist on that too. Maybe that's a way of helping Alan see the imperative of our participation. The other thing is if there are other parties that might be receiving this, I think it would be disingenuous for us to consume Rand's time or other Land Trust board or staff members in negotiating changes if they aren't ultimately going to receive it. I think it's incumbent upon us to make that decision before getting them to commit their time into revising an Easement if they're not ultimately going to receive it.

Bob Carmichael: I agree with everything you just said John. I was disappointed that Rand didn't draw a line like he drew with me initially, but I'm talking it through a bit with Frank offline who knows Rand is a peacemaker. I don't think he wanted to draw a line in the sand with the City, even though perhaps he should have. I think he was trying to operate as someone who is trying to facilitate bringing us together, meaning us and the City. He did have a conversation with the City. I thought he talked with Nicole as well as Alan Marriner and you know there were hard feelings, apparently on the City's end about how things went down, and I thought it was not appropriate for the City to take the position it did in the Mayor's letter or what Alan said at the Parks Committee or to me that they wanted to negotiate with the Land Trust only. But what I heard tonight from Nicole backtracked from that and Nicole is the Parks Director and she's Alan Marriner's client and so I think he's got to take direction from her. What I would do is call him this weekend and let him know that Nicole was here, and she offered to meet with us directly and our representatives including Frank. But our Board, if this is what you decide, we're still thinking about who the right party ought to be and the direction was for me to send him the draft with the changes that I sent to you before the last meeting and have him and I try to work through it as much as we could in the interim, while we're going through the process and see if he's willing to do that. Hopefully, he is. That's what I would propose based on what I've heard from everyone so far.

Frank James: I think the thing to be clear about, and I don't think there's any controversy or ambiguity about it, is the assignment of this Conservation Easement to another party is solely at the discretion of the Park Board, not the City, nor the recipient of that. That's our job. We need to do it.

Frank James: I think we need to examine these other options. I've done some initial looking at those. I think that we as a board need to entertain each of these options, get fully informed, then make a decision and we can move forward. I was surprised and pleased that the Northwest Indian College is very interested in this. They've reached out to me a couple of times. They have classes and staff that do stewardship activities, they have a strong interest in it. I also think it's respectful of the tribes in our community to not just do some sort of land acknowledgement spiel at the beginning of every meeting, but actually consult with them. I was disappointed the City didn't want to do that. I was disappointed that we haven't done that yet and I think we can and should do that. This is their land that they have given us the opportunity to occupy. It's not about us giving them anything. The treaty says it's theirs and in exchange for a variety of things, not all of which they have gotten we're allowed to use this land. The civics of it is very clear and that we should consult with them I think is very clear in my mind at least. I think it's an honor that they are interested. I didn't promise them anything at all because honestly, I'd thought we'd gone down a long, long way with the Land Trust. But I think we do owe them a discussion about it. I also think that looking at the other options like the other conservation organizations. I think especially when somebody is very rooted in this Community and knows the Community well and is the current Executive Director of, I think it behooves us to have the discussion with them and I haven't been able to do that yet. I have been exchanging emails and telephone calls, but not really sitting down and talking with them yet to find out the details of what they might need or want to participate in.

Barbara Zylstra: One of the things I would like you to consider is how long whoever gets the responsibility to hold this property, how assured are we they are going to be in existence? The Northwest Indian College most likely will. There's a whole community here so I feel a little bit more that they might actually be around. But we've watched people, Bob and Joe, who really led this, and they're gone. People can be really committed and care about it, but if they leave, who's going to be there. That's my only concern about some of the others.

Frank James: The other issue about the Land Trust that came very much forward in my mind was that their stewardship is stretched very, very thin. They have a lot of property. They have a limited number of resources. The kind of stewardship that we need is more hands on and very active to really ensure that the vision we have for this property is actually carried out. They have the easement on the adjacent property, the Beaver Pond area. I would hope that whoever we assigned it to has a track record of the kind of conservation that would actually allow ecological systems to function and be fully biologically viable. I think we really need to have a serious conservation discussion with the Land Trust, if that's their interest and they're willing to actually be certain not just the property exists, but the biological life on that property is as vibrant and as full as we can make it. I think that's our charge, to actually make that happen, not just that the property doesn't get houses built on it.

Hue Beattie: I was thinking about trying to organize this in a way that we could at least get the amendments to our easement through, and I was thinking maybe you and one other person from the Board, with Seth, with Marriner, just sit down and circle the one that you have any disagreement with and ones that you don't and that would be a good start.

Frank James: I think that we need to have a discussion with Seth at this point because as you said, there are issues that we need some reassurance about and I think the City needs direction on the Master Plan, which is a pretty good plan, but the devil is in the details of implementation and we really need to be certain that implementation happens and happens in a responsible way. I think we made great progress in the process of coming up to approving, but the implementation piece is really going to be an administrative function, not a legislative one and we need to be certain. I think Seth is the right person. We're very fortunate to have him there. He's been there, he's involved. He knows what the commitments were. He knows preservation is the highest value.

Hue Beattie: Seth has been an attorney for a long time himself.

Frank James: I agree with you that I think we need to meet with Seth and get clarity about the implementation part of the Master Plan. The decommissioning of the trails is absolutely critical as a beginning step, not something to do three years from now. The contract that that Nicole mentioned is a three-year contract. It's not a one-year contract and so they plan on that kind of phase one being a three-year process. I think it's really important that we convince them that decommissioning those trails is critically important. I mean beginning to undo those, even if you just put signs up in the middle of them or the big stake that says this trail is closed. That something as simple as that would be a beginning in the

educating the community about why we don't just walk anywhere in this property, why we want to preserve the wetlands themselves. Why our very presence has an impact on the viability of the animals and at the plants that live. There, so I agree, Hue. I think we do need to have a discussion with the chief administrator of this effort and that is Seth. He seemed to make it clear in his letter that we were supposed to meet with Nicole and Marriner though, to be honest. But I think we need to ask him for the opportunity to get together and talk about it.

Hue Beattie: It should be the electors to the electors plus their lawyers.

Frank James: I think we should put the discussion on our agenda for our next meeting for doing a more formal presentation, I would love it if somebody wanted to help me with evaluating the options we have and getting a list with hopefully having someone attend the meeting to answer questions about their organizations and to talk about how we could work together in a signing of this Easement too with those organizations that might be willing to accept it. And I'm certainly willing to take carry that forward. For now.

John McLaughlin: I'm willing to help with that, but full disclosure, I am a former member of the Board of the Whatcom Land Trust. Take that in a positive or a negative direction.

Bob Carmichael: I think that's known, John, as a matter of public record almost, and there's no legal conflict there whatsoever.

Frank James: And Bob, of course has interests and a history of association as well and many of us are friends with half the board members.

Bob Carmichael: If we're talking about full disclosure, I was a board member before you, John. Yep, for many years and our law firm does pro bono work for the Land Trust. We don't get paid, but we work for them for free and we do that all the time. So, we do have connections, my law firm with the Land Trust. But that's not, in my view, a conflict. I'm not letting it color any of my decisions.

John McLaughlin: I would bring to the table things like in my experience, I've seen the Land Trust actually participate in substantial restoration of the kinds of things that we're talking about that hasn't happened yet and some of it's outlined in the master plan that's generally been on properties they own in fact. Uhm, and there generally have not been that kind of work done on lands they have easements on. A concern I have is they have an easement on the adjacent property. That easement's been violated severely many times, and there really hasn't been much action on it. They have responded very strongly to violations of properties they hold. So, when someone has come and encroached upon their free held properties and cut down trees or try to build things across the property line, they do enforce their rights there. I just haven't seen it on the adjacent property to Chuckanut Community Forest and that's a concern going forward given what we understand needs to occur there. There's a history there and you know we're trying to anticipate the future and so what we want to do is in considering the Land Trust figure out how the future could be different from the past.

Frank James: In the interest of time, I'd like to suggest that myself and John move forward with identifying those additional opportunities you might have and to also talk with the Land Trust. I think they are a very good partner in many ways and one that we've courted and kind of made progress with. I think they should still be high on our list for our options but to come back at our next board meeting with a full assessment of what the options are and perhaps even the people representing other organizations to be present. Since I'm chairing this meeting someone else would have to move that if it's the wishes of the board.

Motion: John McLaughlin moved John McLaughlin and Frank James explore all the options for assignees for the Conservation Easement. Seconded by John Hymas. Approved 5/0.

Frank James: We'll move that to the next meeting, and we'll hopefully have a thorough and complete report for you at that time.

Stewardship Plan Cost: Herrera Project Budget was overspent by \$2,827. Needed to cover work performed in finalizing the Stewardship Plan with public and board member comments. Additional amendment to the budget for this amount needed to cover the work done to finalize the Stewardship Plan.

Motion John Brown to amend the Stewardship Plan Project budget to be increased in the amount of \$2,827 and authorize payment of the invoice. Seconded by Hue Beattie. Approved 5/0.

Response from Analiese Burns re Urban Forestry Plan

John McLaughlin: The larger context is trust in government, nationally, statewide and maybe even locally. This gets down to essentially, what do you believe is true? Do you honor and follow science? What we have done is we've raised concerns about errors and have presented evidence several times that there are errors and we've received denials from Analiese. The latest one justified the denial by saying we didn't provide her the raw data. Which she never asked for. She asked for evidence. We provided the evidence; I didn't provide the raw data. I want to know, OK, which variables do you want? Do you want the metadata? All that sort of stuff. But I think it's a disingenuous rejection of what we provided to simply say, well, you didn't give us the raw data that we didn't ask for, and so we're just going to ignore it. That's a crisis in confidence and trust. This is the entity that claims to be the science shop for the City, and they are acting profoundly anti science. They could just go out with a range finder and measure the trees themselves. And yet they remain in denial and sticking to results from a group that did all their work before they could even cross the border. They claimed to have had a member of the consultancy team that lives here and was able to ground truth it but what we have is several rounds of denial of evidence that's profoundly anti science. We don't have any evidence or reason to believe that working with Analiese is going to work. Someone like Councilor Lilliquist, who's a scientist himself, gets it. He wants this controversy to go away and I'm sure the Council and the Mayor all want an Urban Forestry Management plan to be in place and to move on to other things. They also have bigger fish to fry that depend on science, like their climate adaptation plan and dealing with the post point waste management or you know weight waste treatment issue and all that sort of stuff which you know you're talking about a billion dollars. That's substantial. All that depends on trust in the public on what our leaders do and what they do should be based on scientific evidence. So, they can't get something as simple as how old or tall the trees right, then they should lose confidence in these bigger more complicated issues. So, I think that's our point of traction rather than debating the forest is 120 years old and you're saying it's only 80? It really comes down to trust in government. And so I think if we appeal to the leaders of the city, then if they're responsible, to put pressure to make those simple corrections. The wildlife connectivity one is a little bit more complicated. Again, I've argued that it's dealing with the same issues of really sloppy science, in fact, the example of how not to do that kind of work is what the City has received from its consultants. But that's not quite so cut and dry as the age and the size of trees. For that reason I would suggest that we respond to Analiese's third letter by appealing directly to the Mayor and Council and say, look, this is a crisis. You're risking losing credibility. Your Urban Forestry Management plan is going to be based on a fraudulent foundation. You need to correct it.

I got to say that Michael Lilliquist, who is the representative for places that we live and where the forest is, was very responsive. He made changes that made the Master Plan a viable option for us. Without his intervention that wouldn't have happened. I have significant confidence in Michael and I think we may want to reach out to him specifically, not just to the Council overall, but specifically to Michael to provide some leadership within the Council. And I think Skip is another person we should build on our relationship with and to reach out to him. I think that those are the two people I've found very receptive to these concerns and then the Mayor.

Hue Beattie: Lisa Anderson is very good also on environmental issues.

Bob Carmichael: You said exactly what I was going to say. Lisa Anderson, I thought, was very thoughtful on the issues when the discussion took place on the Master Plan. She actually sat out there in the woods for hours to watch people's behavior and was very much interested in preservation. I've heard her on other topics in the past as well, and she does seem to have energy on that topic, so I would think we should include her as well.

Bob Carmichael: One more quick thing, John, and I may have missed it, you said it earlier, but I remember in one of their last responses they said something about you offering the actual data. They did say they wanted that; did you provide that to them?

John McLaughlin: I have not yet. I'm going to. I've basically entered all the data except for all the GPS locations and that's 13 digits for every tree. So that's going to take some time to enter those. And I haven't done that yet. Again, they asked for the evidence. We provided the evidence. They didn't ask for the raw data. And so, I didn't provide those raw data, but offered to. And then her last letter rejected the evidence because we didn't offer the raw data that she didn't ask for. So, I can do that.

Bob Carmichael: I think our next response would have even higher credibility if it included the raw data then they couldn't have that excuse anymore.

John McLaughlin: Yep, we can do that.

Frank James: And two weeks for the letter is fine, John.

John McLaughlin: The other issue is I received a direct response from Michael Lilliquist. This is probably a month or two ago, essentially saying yes, we respect science, and we want to resolve this. Oh, he's going to make sure it gets resolved and then we got, you know, the response from Analiese, which I believe he was copied onto so I could respond to him individually. I haven't yet because we haven't discussed it.

Tip Johnson: I appreciate John's trajectory here because I don't see a lot of reasons to be overly apologetic. The constituency that most of it is in Michael Lilliquist's ward. But they all vote citywide, and we put 3,000,000 bucks into this thing, and it was 3,000,000 bucks to pay off a bunch of bogus city planning. So, you know, hopefully, Alan Marriner or somebody at the city is going to be watching the recorded version of this and get to listen to it, but I think you know girding our loins, so to speak, and being bold on what we want, I think is I think we've got everything we need standing behind us to do that.

Robyn Albro: I wanted to answer John McLaughlin's question that the letter from Analiese went to the Mayor, the City Council, everyone there, Eric Johnston and Renee Lacroix at Public Works, Nicole Oliver and Steve, I can't pronounce his last name, at Parks and Rec.

John McLaughlin: Yeah, Analiese sent it to everyone. She's giving herself professional cover. My question was about Michael Lilliquist's response directed to me saying look we're going to resolve this. I don't remember who all he sent that to. I could look it up easily.

Frank James: There's little reason not to throw the net fairly wide. So, I think certainly Michael and the Council and the Mayor.

Discussion about whether John McLaughlin should respond to Michael Lilliquist individually, or just write a letter to Analiese and the Council and Mayor on behalf of the Park District. John will write a letter to Analiese, Council and the Mayor.

Motion by John Brown to sign the letter as John McLaughlin has described its contents, with what we have said before, except with data, including the city's conduct of science. John Hymas seconded it. Approved 5/0.

John McLaughlin: Each person should sign it only upon their agreement

New Business

Dissolution of Park District

Frank James: I think we are all in receipt of the letter from Seth. I think one of the things we have to negotiate with is how quickly we disappear. I think we're all happy to disappear as soon as our work is done, honestly. And so, if the sooner we can get these things clear at all with the City, the sooner we'll disappear and the happier they'll be, because that leaves them a clearer playing field for their ask for the upcoming Greenways Levy, which I think we are all in general support of. We've all received it. Does anybody have any comments about it other than we got it? And we'd be interested in dissolving as soon as we can once our actual work is done.

Resignation of Commissioner John Brown

Frank James: We come to the sad and deeply meaningful and significant point where John Brown has given us written notification that he plans to resign as of the end of this meeting. And John? I wanted to first say that you're an old and trusted friend. We've been working on this for a long time together, you on this body much longer than I have. So, I feel very indebted to your leadership. You're willing to step forward when we needed those leadership skills and also, I want to honor the fact that you have other stuff to do and you're an inspiration to all of us.

John Brown: Thank you very much, Frank. There was one point of correction. I am now, as of this moment, sending an e-mail, a letter to everyone, formally resigning after this meeting is completed, so everyone should have that e-mail. So, it's been wonderful working with you all. I leave with very good feelings, very upbeat feelings, and expectations that you will do wonderful work. I like all of you. I'm deeply indebted to Frank and to those who have worked on it, to Tip Johnson, to Joe Yeager, to Bob Gibb. And especially one I feel called upon to honor the extraordinary contributions of Bob Carmichael. It's been a privilege knowing all of you. Thank you very much. That's all I have to say, and we move on to the next order of business. We'll write the book.

Discussion of how to fill John Brown's position. A notice will be posted on our website and sent out to our mailing list. It would be an appointment by us until the next election, which there won't be because we will have dissolved by then. So, it would be an appointment for a period of up to 11 plus months or shorter.

Motion by John Brown that there be a special meeting within two weeks after the notice is put out by Robyn to the mailing list and the names are gathered and the qualifications are available to all members of the Board and that the Board meet in two weeks, October 12th, for a special meeting to decide who's going to replace John Brown. Seconded by John Hymas. Approved 5/0.

Audit of 2019 through dissolution date by State Auditor's Office

Robyn Albro discussed the two options from Deena Garza of the State Auditor's for upcoming audits. Originally Deena was going to do two separate audits, one this fall for 2019 through 2021 for \$6,500 and one before we dissolve for 2022 and 2023 for \$5,500. The other option is to do one audit before we dissolve of 2019 through 2023 for a cost of \$10,500, which would save us \$1500. Robyn recommended we do it all at once. Ideally, they would like four months scheduling time ahead of dissolution.

Motion by John Hymas to go for a single audit at dissolution. John McLaughlin seconded. Approved 5/0.

Budget for 2023

The already adopted budget for 2023 will be reviewed at our next meeting and the Board will make any adjustments at that time that are necessary.

Upcoming Meetings – In-person with zoom

Report by Robyn Albro for hybrid meetings with in-person and zoom. Discussion about the difficulty in creating a hybrid meeting as extra equipment is needed. Frank James also stated that we are not done with Covid yet either and there is already an uptick in cases.

Bob Carmichael explained that we don't have the option to just do Zoom once the Governor's Emergency Order is expired. In November we have to have both an in-person and zoom or virtual option of some kind. We have to have the virtual option due to the new law that the legislature passed this session. The only reason that we didn't have to have in-person meetings before was because of the Emergency Order, but now that it is expiring, we have to have the in-person again and also have the virtual meeting options.

The Board reviewed a Project Quote from Richard Hartnell of Hartnell Ent. He can provide all of the equipment, set it up and run the virtual component of the in-person meeting.

Motion by Hue Beattie to have Richard Hartnell run the virtual component of the in-person meeting with his equipment. He also gave a testimonial for Richard, as did John Hymas, who seconded the motion. Approved 5/0.

Robyn Albro is looking for a location for the in-person part of the meeting.

John McLaughlin: If there is an hybrid option, are we all compelled to be there in person?

Bob Carmichael: No, you are not compelled to be there in person. I don't think the Board has to be there at all. Frank James: When I reviewed this before with Bob, the Secretary, Robyn Albro, has to show up, no one else has to show up. Bob Carmichael: Any one of the board members can be there, but you don't have to be, it just has to be available for the public.

Monthly expenses and cash flow sheets.

Petty Cash: WECU Bank account balance as of 08/31/2022 was \$2,967.11.

Treasurer's Report: As of August 31, 2022, Whatcom Co. Treasurer's Monthly Report, beginning unencumbered cash balance (08/01) \$249,868, ending unencumbered cash balance (08/31) \$239,084. We received tax revenues of \$815. Paid out \$11,599 in operating expenses.

- **Motion:** by John Hymas to approve District Payroll Input Form, wages for Robyn Albro, 41.75 hours in August 2022, total gross of \$1,043.75. Second by Hue Beattie. Approved 5/0.

Consent Agenda: Motion to approve following payments by Hue Beattie, second by John Hymas. Approved 5/0.

- Payment for August 15, 2022, Invoice #99082 from Carmichael Clark PS for \$5,494.50 for regular professional services.
- Reimbursement to Robyn Albro for Stewardship Plan printing by Copy Source of 24 copies, 9/1/2022 for \$1,725.57.
- Payment for August 25, 2022, Invoice 51736 from Herrera Environmental Consultants, Inc. for \$3,075.58 for Task 6 Project Management and Task 7 Finalize Stewardship Plan.

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

Next regular meeting: Wednesday, October 26th, 2022, at 6 PM.

Next special meeting: Wednesday, October 12th, 2022, at 6 PM.

Bob Carmichael: I just want to acknowledge John Brown's years of service one more time. I know we've done it already, but John, you've done more than provide years of service you have really, truly provided leadership. You were right there from the beginning with negotiations on the Conservation Easement. You've taken it all the way through the Master Plan. You've done Yeoman work. Just as a citizen, I would say you've been one of the most important people on the board and your influence will live on.

John Brown: Thank you so much, Bob. Well, that was very kindly spoken. And John McLaughlin, may I also say that beautiful note that you wrote to me about 8 days ago, I don't know if I responded, but thank you very much. God love you all. You're going to do great work, much encouragement to you, OK? Stay out of trouble, OK?

Adjourn. Time: 8:02 PM.

FINAL