

MINUTES — Regular Meeting
CHUCKANUT COMMUNITY FOREST PARK DISTRICT
Wednesday December 14, 2022 at 06:00 PM
 Online Meeting Through Zoom and
 In-Person at 1108 11th St, Ste 303, Bellingham
 Mailing Address: PO Box 4283, Bellingham, WA 98227

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

John Hymas jhymas1331@gmail.com

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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), Ed Grumbine, and Hue Beattie. John McLaughlin arrived shortly after the start of the meeting.

Motion by John Hymas and second by Hue Beattie to approve agenda for tonight. Approved 4/0

Motion by Ed Grumbine and second by John Hymas to approve minutes of 11/09/2022, which includes written comments received. Approved 4/0.

Minutes of November 28th special meeting will not be ready until the next meeting due to illness.

General Public Comments

Vince Biciunas: I just read the Cascadia article that came out today and at the bottom of the fold, there's a big article about our Park District renewing the levy, and it's written by Julia Lerner, and the sidebar says that there'll be a Part 2 coming next week and I just would like to say that there are, well, numerous inaccuracies, inaccuracies in there and in her reporting. I just want to alert you Commissioners, if you haven't had a chance to see it yet and impress upon us all that we need to do a major PR's. We need to do Major PR's that people don't understand the role that the city is playing in our difficulties and I think that we don't want to blame the city but they sure quoted Julia's article and quoted Nicole pretty definitively and didn't really give us a chance to rebut that. I think we need to contact her. Maybe you know Frank or a board member needs to talk to her. That's my comment. Thank you.

Hue Beattie: Yes, I agree with you. I think the whole framing of it was bad as many, many, many times throughout the article, she talks about the park, the park, the park. But she never. I think she mentioned Community Forest one time, you know, but it's a community forest, it's not a park. It's not a place to walk a dog, it's more. It's too bad that she had to start off that way. I figured she would have at least looked at some of the previous videos of our meetings and understood the issue a little bit.

Frank James: She had the correct information. I talked with her, I told her what the facts were, and she didn't seem to include that. I just briefly looked at it. I think even the headline is somewhat misleading. To say that the Park District renews things and the city calls for dissolution, we agree about dissolving. It's not like the city is doing that to us. That's something we agreed to. It doesn't seem to be accurate, so I think we should. I think you made a good point. So, I think that was generally the thought that we would have to do that as well. Just a note for the record.

Frank James: John McLaughlin just joined us.

Barbara Zylstra: I haven't seen the Cascadia article, but I'm really surprised because as far as I know, she hasn't been at any meetings. It's like she's writing this from the city's point of view, but she hasn't been to any meetings to cover actually what the discussion is and why this is going forward, and I think that's an

important piece to give her so she can talk to somebody, but you haven't come to hear the discussion and to hear what other community members, not just the board, are saying. I feel pretty strongly that's it. You can get things tweaked the way you want to have it tweaked. If you're not serious about being a neutral reporter, that's my only comment. I don't know why she won't come or participate so she has an understanding.

Christopher Grannis: But I wonder if it this isn't something that if everybody here wrote a letter to the editor in the Cascadia Daily. That might be a good idea.

Barbara Zylstra: Yeah, good point.

Frank James: Thank you, Christopher. That's a good idea to engage them constructively in their own media. Sounds like a great idea.

Introductions of legal counsel, Bob Carmichael, and secretary, Robyn Albro, and Vince Biciunas (former commissioner), Barbara Zylstra, and Christopher Grannis.

Old Business

Conservation Easement

Frank James: Bob, are there current developments in your discussions with Mr. Marriner?

Bob Carmichael: I did speak with them after the last board meeting. Informed him about the board vote for the Park levy. He had seemed to forget that he had already agreed to meet with the Park District and the Land Trust, and I had to talk with them about that again during that call and at the end of it he did say that the city would meet with the Park District and the Land Trust to discuss any further revisions to the conservation easement. Although he did state that he thought the city had given a lot of ground already from what had existed previously and agreed to a lot of changes and he was still quite reticent to consider any prioritization of uses. And I won't say it was a line in the sand, but it was pretty close to that, which is one of the reasons he was reluctant to meet again, but he did eventually agree. I did remind him that he already had agreed to such a meeting, and so I think the next step here, for our board would be to schedule a meeting with two representatives and the city and the Land Trust to talk about bringing the conservation easement into a final form and see if we can make some progress in that regard. If we can and the board does decide to go with the Land Trust, then we could be very near completion. What we really need to do is find an assignee for the conservation easement who we're all comfortable with and to try to put the conservation easement into the best shape we possibly can. That's what I would recommend that we try to do in speaking with Rand Jack. He agreed that he would be willing to have a meeting like this and sit down to discuss the conservation easement with the City and the Park District Board and try to help finalize the negotiation over it even before the Park District Board agrees to assign the conservation easement to the Land Trust. He understands that decision has not been made yet, but he is still willing to attend such a meeting, so I do think that we have that opportunity in front of us and would encourage the Park District Board to agree to that next step and if I'm given direction along those lines then I would send conservation easement material, the original and the changes that have been made in the current version to Rand Jack and invite him to come to a meeting. I'd copy Allen Marriner and try to schedule that meeting with everyone schedules.

Motion: Hue Beattie: I move that. Do we do that?

Frank James: Great, so Hue moved. Ed Grumbine seconded. Is there further discussion of that issue?

John Hymas: I have been getting a lot of complaints from constituents. I tell him we've done our best, and if you read the mission statement then maybe you'll understand better why we are holding out like this. I can't be more articulate when it comes to what we're trying to do and people don't understand. I said all we have is the conservation easement now and so you know we have to stand by that. And sure, we did have the levy, but it's just a pittance compared to what it was and it's more show than anything and we may need this money for legal purposes.

Frank James: I think we need to talk about that. I think we also need to talk about the lack of care the City has put into educating people about the appropriate use of the Park. I've been up there almost every day. I see people with dogs off leash. I see people continuing to use trails that are inappropriate. I think we just need to also make a significant educational effort about those things and engage the city in a constructive way about working with them to get appropriate signage and appropriate interpretive information as soon as that can happen, not a year from now. I've looked over their request and it's mainly engineering and design for trail systems, further construction. So I think that there is a significant issue there about education. I think both the legal issue of resolving who holds and what the actual conservation is and

ultimately is going to say, and a second component of education about the impact of some of the behaviors and activities that have been taking place in the Community Forest and how deleterious they can be, and why it's important. I think a lot of people just don't understand why it's significant and that's on us. That's what we've got to be doing. I think it's clear the city hasn't made an effort about that. It's clear that we need to make an effort about it, whether it's in writing, in the press, or whether it's in actions, cooperative actions with the city, I hope the city chooses to be cooperative and allow us to assist them as partners. But I've actually heard mostly positive things about our efforts and about the many people who don't understand that we are in fact going to go away in September, and that's not something the City is imposing on us. That's something we agreed to at the beginning. So I think we need to make an effort to educate people about what the actual structure is between the City and the Park District. And also educate them about the need for a conservation easement that's comprehensive and adequate to protecting the property and that we have the proper interpretive signage and interpretive efforts to protect the property in perpetuity. At least that's my view. further discussion we had you wanted to move this forward. It was seconded to shall we give direction to Councilor Carmichael to take this forward with the city. We've had a motion seconded.

John McLaughlin: Could you restate?

Frank James: Well, Hue said do what Bob suggested, but I think what we're suggesting is that Bob Carmichael send an e-mail to Rand Jack, inviting him formally into the process to copy the City so they know we're doing that and then to arrange for that meeting that we've discussed with the City and they agreed to discuss this and to bring the Land Trust into that discussion through Rand Jack's efforts. Is that an adequate summary?

John McLaughlin: Is that equivalent to a formal recognition of the Land Trust as the recipient?

Frank James: No, it's not at all. In fact what Bob said, and you may not have been on the call yet was that Rand has agreed to do that, recognizing that the Land Trust has not yet been selected, he's doing that as an individual volunteer to help educate the City about what would be necessary. Probably not just for Land Trust, but for any assigning in terms of what they would want as elements of the conservation easement to make it enforceable, interpretable and clear.

Bob Carmichael: And equally importantly, the City and Mr. Marriner has agreed to meet knowing that the Park District Board has not agreed to assign to the Land Trust which is reversal of their prior position. So, they have agreed and I would like to take them up on that. At least they've agreed verbally.

Motion passes 5/0.

Frank James: One item and I just mention it as a point of information is that we did evaluate a number of other options. There are at least two others in town who I think would be interested in a further discussion and potential assignees and that we should at a future meeting have a discussion about who we want to assign this to or what the process would be for selecting the assignee. It's not really something that's on the agenda tonight, but that's something I think that's next steps. Probably going to have to a further discussion about exactly how and when we'll decide that. And by what criteria?

Robyn Albro: You talked in one of the last meetings about maybe at every meeting having one of these potential assignees come to the meeting so people could ask them questions.

Frank James: I need to identify a process and that would be my recommendation about how that process could work. But there are other elements to that process, it just probably warrants a significant process before we actually engage in it, just to make sure we got the criteria we're considering, and the options fully discussed.

New Business

Stewardship of Chuckanut Community Forest/100 Acre Wood

New business the stewardship. Of the Chuckanut Forest and 100 acre wood steps for educating the public in stewardship of the park and a focus on education. I've spoken just briefly about that, but I think that that's a. I believe that there's harm currently taking place. There are also a number of things that have never been remediated, that the city will need to remediate the some of the bike impacts which continue when I was there. Today there's very strong evidence of bicyclists using steep slopes, causing erosion, continuing to damage the. Park in in a in a critical area on a steep slope, going directly into a wetland. I think that from my point of view that stewardship issue is a critical one in in this. In the next few months, when we're still here and it's I see it as our job to make the changes through a public process

and through public notification one way or another, hopefully jointly with the city to ensure that some of these deleterious things are ameliorated as best we can. But is there further discussion about that item?

John Hymas: Yeah, so this is all about the conservation easement and how it is enforced. That's what I'm trying to explain to people. Anyway, maybe you can help.

Frank James: Barbara, did you have a comment?

Barbara Zylstra: I feel we really need to structure a PR campaign around this. I was thinking just off the top of my head. Some things that we need to do is there are neighborhood meetings that meet every month. I go to the Fairhaven one, there's South Hill. The Fairhaven merchants meet every Wednesday. We can go to these neighborhoods and if we have as a group a consistent message... Somebody works together to draft what our consistent message is, so it's not always just one person, but whoever goes has the same consistent message to give. I think that people who aren't environmentally astute or even interested particularly don't understand what this property is. And there are a lot of people who do, but they already do and they're not talking about it with people. I don't know how you want to structure that. I'd be very happy to be involved with that, because I think that people need to understand why the board voted for the levy. Why the conservation easement is so important? And why we're where we are. I think that can do a lot if people can ask questions and then understand a little bit more. I don't know. There must be other groups that we could go to, but those are just the ones I thought of.

Hue Beattie: I personally did the Happy Valley meeting last night and I met with them the month before. Taxes and this and that from reading some stuff like some people. And I told them at the time to look at our meetings, at our hearing in November and watch it and see. One of them did and she was said it was excellent the way we went about it. You know somebody that hasn't been involved but she really liked what we had to say. So I think it doesn't hurt to go to the neighborhoods, that's small groups, you know.

Frank James: Perhaps what we could do is have a small committee to draft up the talking points. Barbara, I would be happy to join you on that. Are there other members that might be interested in doing this? We can only have two of us on such a committee, but I think more people is a good number. I think that's a good working group and we can find a time to meet with Barbara, would you be willing to take a leadership role in that?

Barbara Zylstra: Yes. I'm going to be out of town for a few days I'll be back next week, but I'll see if I can put something together and just at least we could set a time when we could meet.

John Hymas: I'm going to be out of town until early next week too.

Vice Biciunas: Yeah, and our first output could be a letter to the editor with our unified message, which I'm taking notes on right now. Yes, so we needed a draft of that and that could be our unified message.

Frank James: Great, thank you. I have surgery on my knee on the 23rd, but that means I'll be more available. I won't be able to go anywhere though.

Ed Grumbine: I'd like to make a comment about the newspaper story. I haven't read it yet, but I can catch the drift. The most important thing about that story now that it's complete, it's part one of part two. The journalist reached out to me, and we played e-mail tag. I never did talk with her, but I haven't burned any bridges there and I'm happy to reach out to her tomorrow and inquire about her plans for part two and request an interview, and by that time of course I'll read the story. I'd like to remind everybody that the feedback we're getting from people unhappy with the levy, it may not be representative of the community at large, and so I hate to have us invest a lot of time into a minority group. I don't know whether it's a minority group or not, but all I can say is that we don't have any proof about how many people are disappointed versus how many people will support the levy. But we just want to be careful about anecdotal information standing in for a community consensus one way or the other.

Frank James: You know, it's interesting to say that because I was going back through all the records from responsible development and for some of the other organizations that have been donated to me to preserve which I'm going to move to the facility that studies community movements at the university's archive and so we're doing that. There's a lot of people that believe in exactly what we believe in, a very large number and I think we got all their names and at one time we had all our alliances and so we certainly can reach out to some of those people who have been involved for literally decades. And I think that would be a good thing. I also think Terry Bornemann and Gene Knutson have been clear thinking long time involved community leaders that we should involve as well, just to make sure that these points are made not just by us, but really invite the community to speak. Many people are less forthcoming, but I think they can be.

Frank James: I think let's have a chance at getting that subcommittee together and move forward with that.

John McLaughlin: This discussion has been interesting. I would not count on prior support on this. Are misleading comments coming from newspapers or from the City? I think that creates basically a message and if we have information that provides a complementary view of that, or if we think that message is incorrect, I think we ought to get our ideas out there. Otherwise, those other messages are what gets out, so I strongly encourage this committee to do great work.

Frank James: I think that's the intention.

Hue Beattie: For education, I was thinking we could have a pamphlet, a little pamphlet made-up, a small pamphlet that you could have a stack of them in a little box near the entrances to the big trails and for visitors. It just could say for visitors and you could have a little guidance for visitors and that might help.

Frank James: Hue was suggesting we make a pamphlet that covers a lot of this information and potentially have it available on site at the entrances to the Park. Is that right Hue?

Hue Beattie: Yeah, little pamphlet for visitors so they can kind of learn the rules a little bit, you know.

Frank James: Good suggestion.

John McLaughlin: Could we provide the content for that? But any action requires spending money. The City could print it and install whatever structure pamphlets are in. We could provide the content, but then we wouldn't be spending taxpayer money on something the city ought to be doing. Right?

Frank James: That's a good point. Well, I think that gives us something to talk to the city about in a productive way.

Vince Biciunas: The city might object to us putting something out that doesn't have their imprimatur on it.

Frank James: But it's also we can't do construction and all that stuff, even something as simple as a post and a box.

Ed Grumbine: We have to work together with the city if we're going to take that route.

Frank James: We can and should. Yeah, and I would hope they would be happy to do that.

Hue Beattie: Have they put up any signs? Did you notice that?

Frank James: There are several existing signs about dogs being off leash at the main entrances. They've been there for some time. They're not very apparent. They certainly don't provide interpretive information about why that's important, but there are some basic signage at several of the entrances.

Ed Grumbine: I don't mean to speak against a brochure, I'm not, but I do mean to say that signs are ineffective in managing people's behavior. So you could have the biggest sign in the world, or the longest sign with the most words and the most advice. People don't read signs; they go for a walk in the woods.

Hue Beattie: If it is small enough to put in their pocket, they may read it when they get home.

Frank James: Well, the pamphlet might be more effective at work.

Ed Grumbine: I don't mean to speak against brochures, but signs don't work.

Frank James: Ed is speaking as the PhD professional. I think there's literature that support that.

Ed Grumbine: From experience as a ranger, experience with reading about environmental education and the role of science, and most interestingly, I'm speaking about a teacher who worked with students for 22 years and they never read signs. Especially when the signs directed them the way they were supposed to go, and they went the opposite way.

Barbara Zylstra: Well I was going to ask Ed, do you think if people are educated, signs are a reminder or signs just really aren't going to work at all? I don't think they educate people, but I think they are reminders if you've been educated.

Ed Grumbine: Yes, you're reminded if you read the sign. If you don't read the sign, you're not reminded. Do a little experiment, go out to the woods to any of the major trailheads and sit there for 15 or 20 minutes and try to see for yourself how many people read the signs when they enter the woods and you should be able to do that. And you'll find that they don't read the signs.

Frank James: Great, so we'll include some of those things in our in our educational efforts and in our meetings with the City.

Hue Beattie: So what if you had a picture on the sign that had a dog? Ed Grumbine: Depends on what the picture is about, salamander or something. It could be a mountain lion, or who knows. John Hymas: Or maybe a picture of somebody getting a ticket.

Monthly expenses and cash flow sheets.

Petty Cash: WECU Bank account balance as of 11/30/2022 was \$2,967.11.

Treasurer's Report: As of November 30, 2022, Whatcom Co. Treasurer's Monthly Report, beginning unencumbered cash balance (11/01) \$274,298, ending unencumbered cash balance (11/30) \$271,546. We received tax revenues of \$7,867. Paid out \$11,293 in operating expenses.

Motion by Hue Beattie to approve District Payroll Input Form, wages for Robyn Albro, 45.75 hours in November 2022, total gross of \$1,143.75. Second by John Hymas. Approved 5/0.

Consent Agenda: Motion by Ed Grumbine to approve the following payments. Second by John Hymas. Question about the Secretary of State payment. Robyn Albro: It's gone up to \$60.00 and also at the last minute I discovered that I couldn't do an online filing. I had to do an expedited filing so that was the extra \$50.00, so that's why it was so much this time. Next year I should be able to file online and so it should just be 60. Approved 5/0.

- Payment for December 12, 2022, Invoice #303 from Richard Hartnell for \$600.00 for technical services for running virtual/in-person board meetings.
- Payment for August 24th, 2022, receipt from Robyn Albro for \$70.17 for Printer Ink.
- Payment for July 27th, 2022, receipt from Robyn Albro for \$110.00 for Secretary of State Annual Corporation Filing.
- Payment for October 15, 2022, Invoice #00647 from Carmichael Clark for \$5,593.50 for professional services.
- Payment for November 15, 2022, Invoice #00922 from Carmichael Clark for \$3,957.00 for professional services.
- Payment for November 30th, 2022, Billing from Oltman Ins/Philadelphia Insurance for \$671 for Businessowners Insurance.
- Payment for November 17th, 2022, Billing from Oltman Ins/Philadelphia Insurance for \$1,441 for Directors & Officers Liability Insurance.

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 regular meeting: Wednesday, January 25, 2022, at 6 PM. This meeting will be held on Zoom as well as in-person at 1108 11th St. Suite 303 above Fairhaven Bicycle.

Anyone attending the in-person portion of the meeting is required to wear a well-fitting mask per the Commissioners of the Chuckanut Community Forest Park District as voted at their October 26, 2022, meeting.

Christopher Grannis: Well, actually one of my questions that I didn't hear anything about was has the Parks Department acknowledged the age of the forest and the height of the trees?

Robyn Albro: They did acknowledge that they got it.

Frank James: Yeah, they acknowledge they got it. If they haven't acknowledged that they're wrong. Or that they may be wrong. We'd be happy for them to go out and look and see. It would be nice if they did that.

Christopher Grannis: I'd be willing to participate in the Committee formulating PR if there aren't already too many people.

Frank James: There are not too many people. We'd be delighted. We just can have two Commissioners. We can't have more, so the more citizens we have the better so John Hymas, Frank James, Christopher Grannis, Vincent Biciunas, and Barbara Zylstra.

Hue Beattie: I can't get out to meetings very easily. I'm glad to read, you know, offer a quick proof of it or whatever.

Barbara Zylstra: I do have a question for the committee. If we come up with something, the next meeting's going to be the end of January. Can we circulate it and get sort of an OK from the Commission?

Frank James: Let's ask Bob how we circulate and get approval.

Bob Carmichael: You can't do that, I'm sorry, because that would be a decision outside of an open public meeting.

Frank James: Can we delegate the committee the authority to send it out?

Bob Carmichael: What would be best is if you delegated the two Commissioners who are members of the committee the authority to do that.

Vince Biciunas: OK, but then if I wanted to send my own personal letter, I could use those points.

Frank James: You can always use them.

Vince Biciunas: Yeah, I could. I could always use those bullet points or the unified message and add my own hopefully not disruptive twist. I'm not always tactful, but I could be.

Frank James: It's certainly any work product of this group would be public information, so I think that would be great. I think we may need a formal motion, so do we have a motion that the Commissioners on this committee will be encouraged and able to make this information publicly available to the City and others.

Bob Carmichael: That would be a good idea.

Frank James: They're interested. Somebody needs to make that motion besides me.

Ed Grumbine: I support that motion. John McLaughlin Seconded.

Frank James: OK so we have a motion and a second to allow the two participating Commissioners to move that information forward to the public. Any further discussion?

John Hymas: So this means to the public, for instance, to the Cascadia Weekly. OK.

Frank James: Approved 5/0.

Hue Beattie: I just wanted to say that one of the points that we should emphasize is that there has been a whole lot of population growth in these neighborhoods since we set up the Forest District and that has also caused more damage to the Forest, increased population and so remediation is more than it would have been if it wasn't for all the growth.

Frank James: I hear you. I'll go ahead and adjourn the meeting at 6:52. Thank you all very much. Happy holidays everyone.

Adjourn 6:53 pm