

**MINUTES — Regular Meeting**  
**CHUCKANUT COMMUNITY FOREST PARK DISTRICT**  
**Wednesday March 22, 2023, at 06:00 PM**  
Online Meeting Through Zoom and  
In-Person at 1108 11<sup>th</sup> 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):

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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), Hue Beattie, and John McLaughlin. Ed Grumbine was excused.

Hue Beattie commended John McLaughlin for the wonderful map he sent out. "It puts it right in the neighborhoods very well and I think people can relate to it."

John McLaughlin: That was done by students. It was a collaborate effort. They should deserve the bulk of the credit.

Barbara Zielstra asked whether that map was on the website. Frank James stated it came in an email to the board and that it can be made available on the website as part of the minutes of this meeting.

Hue Beattie would like to print 100 copies to give out to people when they're visiting the site.

John McLaughlin: That was a project students completed this fall, and they also mapped all the trails that they could find. It was after many of the autumn leaves had fallen, so I don't think they got all the trails, but certainly many more trails than are on the Park Department's official map. There's a map of the trails and then they created two maps of the version that you showed. One was the one that shows the extent of the impacts of all trails, and there's also a map of the impacts of just the trails in the Parks Departments official map.

Hue Beattie: Be interesting to see the population density around the Park around the forest there, when we started versus now. There's definitely been a big impact from the Sea Pines area. There all that housing that went in, all the extra dogs and bikes.

John McLaughlin: That would also be interesting if we could collect some use survey data, just recording how many users are where, and then even break that down and kind of what that would require. Some considerations on sampling when and where you're sampling. How often you're sampling and all that sort of thing. That would require quite a bit of time and labor on someone's behalf. It wouldn't be the kind of thing I would expect the Parks Department to want to do to inform their decision, but it would require some sources to do so.

Frank James: Do we want to add this as a formal agenda item, or do we want to discuss it in some other way?

John McLaughlin: Maybe, Frank, what this would do is to inform some of the points that you sent out yesterday or day before regarding the various impacts. Give us a better idea of just the magnitude of the impacts we're talking about.

Hue Beattie: I mean the increase of the number of the people that live in the neighborhoods you can find out from voters guides or property tax. The neighborhood's grown denser over there, so therefore there's a lot more impact.

John McLaughlin: Right. And what you're really pointing towards I think is a gap or a deficiency in the Park Masterplan where I don't recall any plan to monitor or measure the extent of use for the distribution.

Frank James: Well, we can certainly discuss this further in the old business, conservation and progress with the City and Whatcom Land Trust. There are many other issues there. I think we could include the relevant parts of this to that discussion if we wanted any other modifications of the agenda for today.

**Motion** by Hue Beattie and second by John Hymas to approve amended agenda with an addition to talk about fire protection ideas at the end of the meeting. Approved 4/0.

**Introductions** of legal counsel, Bob Carmichael, and secretary, Robyn Albro, and Vince Biciunas (former commissioner), Barbara Zielstra, Tip Johnson.

### **General Public Comments**

Vince Biciunas: I'm really interested to see where the Whatcom Land Trust is when we get to the discussion of the amendments. So, I just want to reiterate that I don't want to miss that part.

Tip Johnson: I wouldn't mind the map though.

Frank James: We'll make that available as well. Any other public comment, Barbara?

Barbara Zielstra: Well, this is just a little plug for the Fairhaven Neighbors Tree and Plant Sale on Saturday. It's from 10 to 3 at the Hillcrest Church parking lot, the 35th annual from the neighborhood, which I think is really remarkable. The neighborhood uses the proceeds, some for the neighborhood and some for designated nonprofits and as a group we decide those nonprofits every year. The other piece with it that I was really excited about is the Million Trees Project is going to be part of it, and the neighborhood bought 100 trees to give out to participants and particularly children, if they will plant them.

Frank James: So wonderful. John Hymas: It's in Happy Valley neighborhood, by the way.

Tip Johnson: Just by way of my public comment, then I'll mute myself, but I don't see. Alan Marriner or Rand Jack here, but I just want the Board and other guests to know I'm pretty much ready to rant about illegal zoning, phony value, sticking it to low to moderate income neighborhoods and the rights of buyers to stipulate the use of the property.

Frank James: It's time to rant right now. If you want to comment, this is your opportunity, go at it.

Tip Johnson: Well, you're not the people I need to rant at.

Frank James: OK. We're happy to hear what you got to say for sure. Thank you everybody.

**Park Advisory Board Meeting Report:** No report.

### **Old Business**

#### **Education/PR Committee Report**

Frank James: Ed did draft, and I did revise an elevator speech. Given the developments with respect to the City's current position and the lack of finality of where that's going to land and the dynamic of it, we decided to hold off on doing that until we find out some very important information about how we're going to move forward. I think it's premature to have that elevator speech done until we resolve those issues. Ed did a great job, worked hard at it. I reviewed it. I made some changes, but we plan to hold off until some of those critical issues are resolved.

#### **Board Letter to Public Works re Urban Forestry Management Plan**

Frank James: As of March 17th, there was still no response. Any thoughts or comments about that? I can report there is an additional resource Ralph Haugerud, who is the lead person for USGS on these lidar studies that have been done multiple times. I actually spent the weekend with him. They are incorrect in the elevation of trees because they can't really hit the tip top of it and so what they get is where the bigger branches really come out. So typically, they underestimate the height of trees pretty significantly. And typically, there's a correction. It was news to me that there's a corrective process applied to get the actual height of the tree. It makes me wonder if they did the correction. Do you have thoughts about that?

John McLaughlin: Yes, if you consider the distance between the apical meristem, the very tip of the tree, and where the next whorl of branches come out, or even after that, that distance is far less than the

discrepancy that I measured. So, I measured discrepancies of upwards of 50 feet. The error correction for missing the tip of the tree is not going to be anywhere near that large.

Frank James: Thank you for that knowledge. Perhaps it's time we sent them a reminder we have inquired about that, and we would like a response. If any of you think we should follow up on that, let's talk about it.

John McLaughlin: If we look at the city's schedule for that plan, they are scheduled to revise stage three of the actual plan. They plan to do that up through the end of this month and then release it for public comment starting next month. And so, you would hope that they would have the courtesy to reply to our letter before they release it to the public and treat us more than just a member of the public as any other constituency because we contributed financially and substantially to that plan. I don't know. They could be just ignoring us. What they've done so far is basically dismiss our information and they could be doing that again. They did ask for the data and we have provided them with the data. We've made the argument that to continue to deny what we've been providing them is science denial and for a science-based plan to perpetuate science denial would undermine the confidence in city government and I don't think any of us want to go there, including the City itself. But again, when they come out with the final plan or when they come out with the third phase of the actual plan they release to the public, that should include any information that we provide, and it should include a response to what we provided. If it doesn't then there's a really big problem. We ought to be concerned there's a problem already because we haven't heard from them. As a scientist, we're now getting beyond my area of expertise, how to respond effectively to get an agency to be responsible. I'd welcome input, ideas, and insights from anyone else.

Frank James: Bob, could I ask you for a thought from a point of view of non-responsiveness of the Parks Department and City government, is there an appropriate step for us to take at this point when they appear to have been unresponsive?

Bob Carmichael: Although I would expect it at this point there isn't at this time. When they are adopting the final plan, then I would expect there will be responses to another round of comments and responses, and I think that would be an opportunity to point out all the prior comments and how those comments have not been answered at all. Unfortunately, there's not really a process beyond that before the plan comes forward. At this point, what we can do is continue to send letters, but there's no real mechanism to force the city to respond.

John McLaughlin: This is Public Works, it's not Parks. Although Parks did include flawed data or flawed results in their master, but this is a project of Public Works. It would be in their interest to reply to us directly. I think it would not serve their interest for their reply to be in whatever revisions or responses they have in their final or third phase. Again, I defer to anyone with deeper wisdom on how to interact with the city agency, but I think we've done our job. We've done our work and the ball's really in their court.

Frank James: And I'll just say that I agree with you, John. I think they can be as foolish or as wise as they choose and how that looks to the public and how the public responds to that, I think it's really their issue and not ours. But I really appreciate the work you've done. I really appreciate your contribution both financially and your time and effort and the quality of the work that you always do. So, I'm very appreciative. We all are, and I'm certainly willing to help with that when it comes time to speak out publicly, as it's publicly reviewed.

John McLaughlin: It basically comes out if there is not a revision. At least in the status of those two forests, then this is science tonight, and we ought to come out very strongly and publicly and vocally in condemning that. But again, I'll wait with hope and optimism that they will recognize this for what it is and revise their work based on the data.

John McLaughlin: Out of respect for the time that some of our guests have given in attending the meeting, if they have anything they want to say, I did see Tip raise his hand. I suggest we provide that opportunity before we go into executive session.

Tip Johnson: I presume that was about the letter to Public Works about the Urban Forestry Management Plan and I guess I need to do a little more research on that and see it in the documents section of the website. I raised my hand because I wondered if there could be a brief kind of thumbnail sketch of the issue, because I don't really see much urban forestry taking place in the Community Forest. If my image is right, but I'll talk to you about it and maybe John and I'll get a little bit more up to speed.

Frank James: I think in a nutshell and correct me when I'm wrong, John, but there's a disparity between what is in the report from their consultants, which I believe is Diamond up in BC and what John was able to actually measure in a few cases. And then John went through and systematically measured trees both

in the Community Forest and in Sehome Hill Arboretum, and there were significant discrepancies. I hadn't realized they were as much as 50 feet, but that's a big discrepancy. It's significant. They generally underestimated the size and therefore the age of these trees significantly and it appears to be a systematic error that they're making. We wrote them because this is the parcel we're responsible for, and John also included other locations hoping that they would verify their own numbers. This should be the right thing to do, to go in and measure these trees. You can measure them in reality not just using these lidar fly over data and that's what hasn't been responded to. So, it's a substantial discrepancy between actual measured heights and the heights they got from their lidar study by flying over.

John McLaughlin: It leads to a qualitative difference where they rated these forests as young. If you consider both the heights of the trees and the ages of the trees, they're clearly mature forests, and that points to basically undermining confidence in the entire report if the foundation is based on erroneous data. The other component of this is about wildlife connectivity in which they used methods that were discredited 40 years ago and ended up with results that are considerably less reliable than what Ann Eissinger came up with 20 years ago. What that leads to are management decisions based on habitat and forced connectivity which could be seriously flawed as a result of that. Again, the foundation for the Urban Forest Management plan is junk science, and we as a City should not be paying for that and we certainly shouldn't be making decisions about our home based on that.

Hue Beattie: I have a question. The letter that Rand wrote to Alan Marriner, could that be read to the audience tonight before we do this? Or does that have to be done in the executive session?

Frank James: That's really not our letter. That's Rand's letter to them. He, as a courtesy, showed it to us, but he isn't asking for permission or approval or us dispersing it. That was just for our Board.

Hue Beattie: OK. Or the letter from Alan to us?

Frank James: That's public. Yep. Right, Bob?

Hue Beattie: I was just thinking we could share something with maybe Tip and Barbara.

Vince Biciunas: I'd love to see it. Barbara Zielstra: Yeah, me too.

Bob Carmichael: I didn't really come prepared to make an opinion on that this evening. I think that both letters may be releasable to the public, but I would like to double check on that before doing it. All I think we should say about it at this point, and I mean there's more to come, right? There's no point in getting into the details right now when nothing's happened. We have three emails, one from the Land Trust, one from the City and now a second from the Land Trust. If there are members of the public who really want to see those letters, they can ask for them, and then I would do an assessment of whether they're exempt under the Public Records Act or not. And if they are not, then they can be released, of course. And maybe that's what I'm hearing now. We could take this verbal request that I'm hearing now, and we should probably consider it a request for these documents. Then I can look at it and make a determination whether they're releasable. I think there's a good chance that they all are, but I'm not prepared to make a decision right now and of course, once I do say they're releasable, then the decisions made so I need to check on that. And if they're releasable, I think based on what I've heard, they would like to see them, and so we will release them, make them public.

Frank James: I would like to review because we definitely don't want to make an error in that manner. So, I would like you to dispassionately, thoughtfully evaluate that so we can do that and Tip you'd like you'd like to see it too.

Tip Johnson: I'd like to add my request because I think it sounds like the Issue needs a little help formulating itself publicly and I think an info bomb in my direction could help that.

Barbara Zielstra: Well, I just have a question and I was wondering if you have a date where there's going to be another meeting with the City.

Bob Carmichael: We do not have a date for a meeting scheduled yet.

Barbara Zielstra: Yeah, see, the months just go by.

Bob Carmichael: I know.

Barbara Zielstra: Anyway, thank you.

Frank James: All right. So once Bob has a chance to review that, we will either release or not release that depending on what he found, and you will be in receipt of what we can release absolutely for sure.

Bob Carmichael: And we'll get back to all three of you.

Frank James: We're going to move into executive session at this point to discuss the balance of real property, assigning the conservation pursuant to the RCW 4230.110, subsection one, subsection C. These are internal discussions about a legal issue that we need to pursue. It's currently 6:40. We like to have executive session for about 30 minutes, which should be about 10 minutes after seven. This is mainly informational and strategic and not an action item in my view.

Hue Beattie: Same here. I would just like to announce to Barbara and say that we're going to be on the schedule for the Happy Valley meeting in April. So, you can come and talk about stuff then.

The Board goes into **Executive Session** at 6:40pm. Discussion of conveyance of real property interest (assignment of conservation easement), pursuant to RCW 42.30.110(1)(c).

Board returns from **Executive Session** at 7:10 pm.

Frank James: Hi everybody. We're back. We had a spirited discussion but an incomplete one. What I'd like to suggest we do procedurally is we in fact finish our business. And then go back for an additional discussion at the end of this so that we can get the business done and people can go on if that's acceptable. My colleagues, I'd like to say that we did not make any final decisions. We will at the end of our session share with you as much as we can about what's gone on.

### **New Business** **Dissolution of CCFPD**

Robyn Albro: September 21st is the dissolution date. We have to do an audit and some of the audit may have to finish after we're dissolved just because they have to look at everything and I'm fine with following that to its conclusion. So, I just wanted to let you guys know that.

Frank James: Bob, are there other things you'd like to advise us on about the dissolution of the board?

Bob Carmichael: I don't really have much to say because the statute is sparse on direction. The applicable statute is RCW 35.61.310. There's no case law under it that informs what the different statements mean, but really is fairly bare bones as to what it says. It simply says that the Board of Commissioners of a Metropolitan Park District may upon a majority vote of all of its members dissolve in its entirety. "Any Metropolitan Park District may prorate the liabilities thereof and turn over to", in this case it would be the city, "the city so much of the district this is respectfully located therein." You can do this in two instances, one of which is if the city petitions for such dissolution, which they have. And for the assumption of such assets and liabilities and so that is the basis for it, it's the petition and then the other means of dissolving would be if 10% of the voters of the city who voted in the general election petition or in the last general election, petitioned the officials, meaning the District Board for such a vote. So, we're operating under the first one and the reason why we are in a position where we really do have to dissolve is we've contractually agreed to dissolve in the Interlocal Agreement. That was one of the considerations for getting the Conservation Easement from the City, and so we're contractually bound to do it. When we do dissolve, the City will get all our assets and liabilities then. There's really not a lot of other guidance on how a dissolution would be played out. I think what Robyn's doing in terms of communication with the auditor is one step that I think we need to follow. What the auditor tells us, and secondly, I would probably be consulting with the County Treasurer's office because they are the District Treasurer. I would expect that this would be approved by resolution of the Board following a vote. That would indicate it's dissolving pursuant to the Statute and all assets and liabilities remaining would go to the City. Other than that, Robyn had a question for example about the post office box, do we pay for six months or one year? Seems to me we could pay for six months because by the time that lapses, the district will have dissolved. If we paid for a year, then the city would inherit a box and they would have to pay for it, if it wasn't all paid upfront, then they'd have to. If it's monthly, they'd have to take up the payments. If it had already been paid for in lump sum now, then they would inherit the use of that box presumably because they would get all assets and liabilities.

Frank James: I have a couple of questions for you. One is it true that the levy will run through the end of the year even though we won't be here? There will be a collection of funds beyond our tenure, correct?

Bob Carmichael: I don't know of any way to stop that.

Frank James: Yeah, I asked about that before and that's what you said before. So, the city is going to get that amount of money that's collected between our dissolution and the end of the year.

Vince Biciunas: Steve Oliver said that directly to my question, when he attended the last meeting, yeah.

Frank James: The other assets we had prior to the dissolution, we are able to disperse in the way we believe that is proper. So, accepting the Conservation Easements I assume is a legitimate purpose that we have. We've had an estimate from the Land Trust that would be between \$50 and \$200,000 and we have some additional funds we can use to do educational and other legal activities or whatever we need to do to complete our mission and as authorized in the documents under which we were established.

Bob Carmichael: I would agree. It is my opinion that we can transfer funds to the assignee of the conservation easement as a term of that transfer. It would not be a gift of public funds to do so, and we could probably transfer all of our funds to that entity. I haven't looked at whether we could assign that entity any of the funds that would come in after our dissolution. That might be a difficult thing to pull off.

Frank James: It will be a modest amount of money anyway. Bob Carmichael: It'll be whatever the second well would be. The second-half tax in what is a relatively modest levy.

Robyn Albro: I was thinking I could make a list of all the things I can think of that have to be dealt with at the end, and I can send that out. And especially if you have any thoughts, Bob, about something that I'm missing or things that might become an issue. That would be helpful. So, I just want to make sure all the ducks are in a row by the time we get there. That's why I'm starting this way early.

Frank James: Right. So, before our next meeting, if you could make that list as exhaustive as you can make it and get it to Bob for review for any additions or deletions and corrections and then that can come forward as an item on our next agenda.

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

**Petty Cash:** WECU Bank account balance as of 02/28/2023 was \$2,617.11.

**Treasurer's Report:** As of February 28, 2023, Whatcom Co. Treasurer's Monthly Report, beginning unencumbered cash balance (02/01) \$257,889, ending unencumbered cash balance (02/28) \$252,290. We received tax revenues of \$1,037 and paid out \$6,646 in operating expenses.

**Motion** by Hue Beattie to approve District Payroll Input Form, wages for Robyn Albro, 18 hours in February 2023, total gross of \$450. Second by John Hymas. Approved 4/0.

**Consent Agenda: Motion** to approve following payments by John Hymas. Second by Hue Beattie. Approval 4/0.

Payment for March 6, 2023, Receipt from Robyn Albro for \$10.08 for book of stamps.

Payment for March 17, 2023, Invoice from Robyn Albro for \$16.76 for mileage for January and February.

Payment for February 15, 2023, Invoice #02252 from Carmichael Clark for \$4,869.00 for professional svcs.

Payment for March 15, 2023, Invoice 306 from Richard Hartnell for \$125.00 for technical services.

**Motion:** To approve minutes of February 22<sup>nd</sup>, 2023, by Hue Beattie. Second by John McLaughlin. Approved 4/0.

**Executive Session:** Board went into executive session again at 7:33 pm for 15 minutes with legal counsel Bob Carmichael to discuss the conveyance of real property interest (assignment of Conservation Easement), pursuant to RCW 42.30.110(1)(c). Board returned from executive session.

Frank James: It looks like Barbara and Vince are still here. I can share with you that we had a spirited discussion and I think we have a plan for moving forward with the suggestions that Rand made. The one other thing is that we want to make sure that we have the opportunity for talking with City Officials about this in the future. I am concerned about the 70% rate of dogs being off leash in the Park, which it is right now. I'm concerned about the bikers further fragmenting and degrading the quality of the place. I'm also concerned about the ongoing proliferation of the trails. Recreation should not compromise the ecological integrity of the Park and degrade it further, and those are issues that I think we want to raise.

We decided to go forward with Rand's effort to resolve the issues as best he can that were raised by Mr. Marriner, and I think that's possible. I think that will happen and Bob will represent us, and I think that we're willing and ready to go forward with that additional meeting if Mr. Marriner is willing to have it.

Bob Carmichael: I was going to try to cut you off because I think that's probably about all we can say now.

John McLaughlin: But we're not excluding recreational use, we're allowing it. Frank James: It should be limited to things that don't degrade the biological integrity of the space. That's exactly right. Thank you,

John. Hue Beattie: I like to refer to that stuff as passive recreation.

Hue Beattie: One more thing, I just wanted to say that I investigated some of these ways to put out fires with planes and there is a smaller type of a plane that can make like 10 water dumps in the time one of those big planes can make a water dump, and they're more cost effective to fly. And if you have a small fire, it just gets it quicker that way too, because you can get to it quicker. And Sweden makes them, the name of them I forgot now, but there's several different varieties, but Sweden makes a really good one.

Frank James: Thank you. That's great. Hue Beattie: To further investigate, but that's a little report there.

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

**Next regular meeting:** Wednesday, April 26, 2023, at 6 PM. This meeting will be held on Zoom as well as in-person at 1108 11<sup>th</sup> St. Suite 303 above Fairhaven Bicycle. If the door is locked downstairs, a phone number will be posted on the door for you to call and be let in.

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.

**Adjourned at about 8:05 pm**

**Attached:**

Map of Chuckanut Community Forest Trails and Wetlands with Trail Buffers (below notes on the Map)

To assess the spatial extent of trail impacts, students in one of John McLaughlin's Fall 2022 courses applied 75-meter buffers to trails in CCF. The resulting map is attached and described below. The attached map includes all trails the students found in CCF.

CCF trail impact map; 75-meter impact buffer is the minimal value for least sensitive species considered in Dertien et al. (2018). By this measure, all of CCF is impacted by trails and trail use. (Note: the map shows some parts of wetland JJ beyond trail impacts. The map omitted impacts of the Interurban Trail, which would span wetland JJ. The entirety of CCF or HAW is impacted by trails and trail use.

Reference cited:

Dertien J, CL Larson, S Reed. 2018. Adaptive management strategy for science-based stewardship of recreation to maintain wildlife habitat connectivity: A report to the Sonoma Land Trust. Wildlife Conservation Society, Bronx, NY. [online] [https://sonomalandtrust.org/wp-content/uploads/2019/01/Dertienetal\\_Sonoma-Adaptive-Management-Strategy\\_FINAL.pdf](https://sonomalandtrust.org/wp-content/uploads/2019/01/Dertienetal_Sonoma-Adaptive-Management-Strategy_FINAL.pdf)