

**Whatcom County  
Council Climate Action and Natural Resources Committee**

**COUNTY COURTHOUSE  
311 Grand Avenue, Ste #105  
Bellingham, WA 98225-4038  
(360) 778-5010**



**Committee Minutes - Final**

**Tuesday, May 9, 2023  
10 AM  
Hybrid Meeting**

**HYBRID MEETING - ADJOURNS BY 10:25 A.M., MAY BEGIN EARLY  
(PARTICIPATE IN-PERSON, SEE REMOTE JOIN INSTRUCTIONS AT  
[www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil), OR CALL 360.778.5010); AGENDA  
REVISED 5.8.2023**

**COUNCILMEMBERS**

Todd Donovan  
Ben Elenbaas  
Kaylee Galloway

**CLERK OF THE COUNCIL**

Dana Brown-Davis, C.M.C.

## **Call To Order**

## **Roll Call**

**Present:** 3 - Todd Donovan, Ben Elenbaas, and Kaylee Galloway

Also Present: Barry Buchanan, Carol Frazey, and Kathy Kershner

## **Announcements**

## **Committee Discussion and Recommendation to Council**

1. [AB2023-273](#) Request approval to send a letter regarding the Brokedown Palace timber sale  
Galloway read this item into the record and then Councilmembers concurred that they would like to have the presentation first so they went to the next item.

This item was discussed later after the presentation.

## **Items Added by Revision**

1. [AB2023-335](#) Presentation from Paul Jewell, WSAC Senior Policy Director, regarding state legislation on forestry issues  
Paul Jewell Washington State Association of Counties (WSAC), presented on a State budget proviso with regard to forest land purchases. He gave a background of the proviso, what transpired during the Legislative session, what the proviso actually does, and what it means for Whatcom County. He stated the proviso looked to preserve structurally complex carbon-dense forests (or legacy forests). It is for \$83 million and is broken down as follows:
  - \$70 million is set aside for forest land purchases, both to preserve structurally complex carbon-dense forests and to replace encumbered State forest lands.
  - \$10 million is for silviculture on State trust lands.
  - \$2.5 million is for a facilitated process among stakeholders to further discuss forest land management concerns and issues and includes hiring a facilitator. About \$500,000 of that will be set aside so that the Department of Natural Resources (DNR) can bring in some consulting help in order to spend the \$70 million and make the acquisitions in a timely and efficient manner.

He stated the purchase, with the \$70 million, of up to 2,000 acres of the

structurally complex carbon-dense forests can only happen in counties that support that sort of activity within their community. In order for one of those forested State trust lands to be set aside into permanent conservation status, the county legislative authority must issue a letter of support to the DNR. There are also opportunities for encumbered land replacements to be part of a potential purchase which is part of a new trust model they have been working on where the benefits will flow to counties where encumbered lands actually exist, and they do not necessarily have to buy lands within those same taxing districts or that same county. However, in order for that to happen, all of the counties that are involved in such a purchase must agree. There may also be an opportunity for Councilmembers or others within the Whatcom County structure to participate in the facilitated process around some of the policy discussions on long-term forest management.

He answered whether \$50 million of the \$70 million only goes to the benefit of the five encumbered lands counties, what part of the \$70 million is potentially available to Whatcom County, whether the \$70 million is from Climate Commitment Act revenues, and whether the funds for silviculture are for thinning.

**This agenda item was PRESENTED.**

### **Committee Discussion and Recommendation to Council**

1. [AB2023-273](#) Request approval to send a letter regarding the Brokedown Palace timber sale  
John Gold, Forestry Advisory Committee, pointed out the following in regard to the presentation in the previous agenda item:
  - The estimate of \$20 million is the amount for these structurally dense forests. The \$70 million includes other purposes.
  - The Department of Natural Resources (DNR) has until December first of this year to issue a report back to the Legislature identifying these types of parcels and how they might spend the money based on feedback from jurisdictions.
  - None of these lands can be set aside until replacement lands are first identified and then purchased so we are probably looking at a couple-year process before any lands are actually set aside.

He stated Brokedown Palace area was proposed for inclusion in Phase Two of DNR's carbon project and DNR did not add that to the Phase Two list. There are limited funds here so the county is going to need to prioritize if it wants to pursue this program. He would suggest that Brokedown Palace is very unlikely to rise to the top of the list when it is in competition with the

six or seven other counties' lands that are more broadly under consideration. He stated the Forestry Advisory Committee provided a memo (on file) about some of the concerns about the ideas that have been raised and why the sale is problematic.

Jewell answered whether these 2,000 acres in the proviso are separate or in addition to the candidate parcels identified in the Carbon Project and stated there is not really clarity as to how the DNR is intending to move forward with the Carbon Project. The DNR is going to take some time to digest what happened in the Legislature between House Bill 1460 and this proviso and figure out how to move forward on the Carbon Project. The 2,000 acres that DNR has to identify by December first are embodied with that part of the \$70 million, and the \$20 million that we anticipate as a cost to replace that land is really just an estimate. At this point, the Carbon Project is completely separate.

Galloway stated the included and candidate parcels for Phase One and Phase Two of the Carbon Project are definitely still on our radar as important to preserve and Brokedown Palace would be in addition to those priority parcels.

Jewell answered whether the expansion of the existing pilot Carbon Project got through this legislative session. He stated House Bill 1789 would have eliminated DNR's authority to do the Carbon Project but at this point DNR still has the ability to follow their original plan if they choose to do so. However, their priority set may be changing because of this proviso and he does not know if the DNR has real clarity on what they plan to do with regard to the Carbon Project proposal.

Galloway updated the Councilmembers on the proposed revised letter (on file). She stated the spirit of the letter remains but the asks have slightly evolved. One ask is focusing on the concept of co-management with the County and DNR and encouraging DNR to engage the County earlier and more often. Another is about taking advantage of the programs just presented (see previous agenda item) and thinking about what role those programs should play in Whatcom County. The third is to continue to ask for a pause on Brokedown Palace.

Donovan stated his concern is how long the wait is going to be and that it will cost the Mount Baker School District. He stated it does not sound like we have \$70 million that Whatcom County can have access to. As far as the letter goes, he does not want to speak for the Legislature so he would like

to strike that the Legislature agrees from the third sentence of the second point of the letter. He also stated he is not comfortable speaking on behalf of the tribes (in the second to last full paragraph starting with “Lastly, we hope DNR continues to engage...”). And he would like to know how long they are asking for a pause and would like to acknowledge in the letter that this is going to be costing some jurisdictions revenue.

*Donovan moved* to recommend approval of the letter.

Councilmembers and the speakers discussed whether the beneficiaries would be adversely impacted, and what the revenue would be from a sale.

Galloway summarized the proposed amendments to the letter as follows:

The Washington State Legislature ~~agrees. The state legislature~~ just allocated \$70 million from Climate Commitment Act (CCA) revenue to allow DNR to protect mature, structurally-complex forests, which includes an estimated \$20 million to protect up to 2,000 acres of forestland,

and

~~Lastly, we hope DNR continues to engage both the Nooksack Indian Tribe and Lummi Nation to understand how this proposed timber-sale might adversely impact cultural and natural resources that are important to each tribe. We urge DNR to take its co-management responsibilities seriously by being responsive to concerns raised by either tribe.~~

She also spoke about adding another sentence about supporting beneficiaries.

Donovan suggested putting it around “...while ensuring the beneficiaries are not adversely impacted,” and Galloway stated she will work on that for tonight.

*Donovan amended* his motion *and moved* to recommend the letter as amended.

Gold stated he looked up the proviso and confirmed that the DNR has to submit a report by December 1, 2023 and stated the Council might consider setting that as a target date by which the Council would make a decision if

they do a pause.

Galloway asked whether that would mean amending bullet point number three to say they would pause the Brokedown Palace timber sale until December first so that it can be evaluated and Gold stated it will presumably be public knowledge by that time what the list of the up-to-2,000 acres looks like and whether this particular area is on that list or off of it.

Donovan stated he likes having a date added but December first might be too soon.

Elenbaas asked whether the Forestry Advisory Committee supports the Council sending either one of these letters and Gold stated he does not think the FAC would recommend including this particular sale area and it would have significant concerns with the premise of participating in a lot of these opportunities the Legislature has provided this session.

**Donovan's motion that the Request for Motion be RECOMMENDED FOR APPROVAL OF REQUEST WITH PROPOSED AMENDMENT(S) carried by the following vote:**

**Aye:** 2 - Donovan, and Galloway

**Nay:** 1 - Elenbaas

### **Other Business**

There was no other business.

### **Adjournment**

The meeting adjourned at 10:42 a.m.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

**Kaylee Galloway-via email 5/18/2023**

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Kaylee Galloway, Committee Chair

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Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE