



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE ○ PO Box 42525 ○ Olympia, Washington 98504-2525 ○ 360-725-4000
www.commerce.wa.gov

February 13, 2026

Whatcom County
c/o Lauren Clemens
Climate Action Manager

Sent via electronic mail: LClemens@co.whatcom.wa.gov

Re: Review of County draft climate greenhouse gas emissions reduction subelement

Dear Whatcom County Officials,

We are writing this letter in response to the June 23, 2025, notice of intent to apply for approval of your greenhouse gas (GHG) emissions reduction subelement (GHG subelement).

We appreciate the ongoing coordination with us as you work towards consistency with the goals and requirements of the Growth Management Act (GMA). As part of this coordination, we received a GHG subelement draft to review on August 22, 2025. This draft represents a great deal of work and substantial progress towards developing a final GHG subelement.

We reviewed your draft submittal for consistency with the requirements of RCW 36.70A.020(14), RCW 36.70A.070(9), and the [Intermediate Climate Element Planning Guidance](#) and excluded RCW 36.70A.070(9)(e) that concerns the climate resilience subelement. We encourage you and your community to consider the following as you finalize the GHG subelement and ready it for adoption. This is not a final decision as Whatcom County must adopt the GHG subelement and submit it to Commerce for approval.

GHG Subelement – RCW 36.70A.070(9)(d)(i)

The greenhouse gas emissions reduction subelement of the comprehensive plan, and its related development regulations, must identify the actions the jurisdiction will take during the planning cycle consistent with the guidelines published by the department pursuant to RCW 70A.45.120 that will (A, B and C):

- (A) Result in reductions in overall greenhouse gas emissions generated by transportation and land use within the jurisdiction but without increasing greenhouse gas emissions elsewhere in the state.

Comments: We recognize that your draft includes more than a single goal or policy to satisfy this GMA minimum requirement. The draft includes multiple goals and policies related to reducing GHG emissions generated by transportation and land use in the GHG subelement. There are also complimentary GHG reduction goals and/or policies in the Transportation, Housing, Land Use, and Capital Facilities elements. The following Whatcom County goals and policies are consistent with measures from the Climate Policy Explorer (CPE) identified as reducing GHG emissions.

12.1.1	12.2.4	12.5.5	12.8.9	12.11.5
12.1.2	12.2.6	12.7.6	12.8.10	12.12.1
12.1.4	12.5.1	12.8	12.11*	3H-5
12.2*	12.5.2	12.8.1	12.11.1*	
12.2.1*	12.5.3	12.8.6	12.11.3*	
12.2.2*	12.5.4	12.8.8	12.11.4	
<i>Note: This is not an exclusive list of Whatcom County goals and policies that are consistent or aligned with measures from the CPE.</i> <i>* Indicate goals and policies that are identified as high priority in the CPE.</i>				

(B) Results in reductions in per capita vehicle miles traveled (VMT) within the jurisdiction but without increasing greenhouse gas emissions elsewhere in the state.

Comments: The draft includes multiple goals and policies related to reducing VMTs, including goals and/or policies in Transportation, Housing, Land Use, and Capital Facilities elements. The following Whatcom County goals and policies are consistent with measures from the Climate Policy Explorer (CPE) that will reduce VMTs.

12.1.4	12.7.6*	12.8.8*	12.11.1*
12.4.7*	12.8*	12.8.10*	12.11.3*
12.5.2*	12.8.1*	12.11*	
<i>Note: This is not an exclusive list of Whatcom County goals and policies that are consistent or aligned with measures from the CPE.</i> <i>* Indicate goals and policies that are identified as high priority in the CPE.</i>			

(C) Prioritize reductions that benefit overburdened communities in order to maximize the co-benefits of reduced air pollution and environmental justice.

Comments: The draft includes goals and policies consistent with prioritizing GHG emissions reductions for the benefit of overburdened communities. The following goals and policies are focused within climate sectors that are expected to produce co-benefits in communities that are overburdened.

12.2*	12.2.6	12.8.7	12.11.3
12.2.1*	12.8*	12.8.10*	3H-5*

12.2.2*	12.8.5*	12.11	
12.2.4	12.8.6	12.11.1*	
<p><i>Note: This is not an exclusive list of Whatcom County goals and policies that are consistent or aligned with measures from the CPE.</i></p> <p><i>* Indicate goals and policies that are identified as high priority in the CPE.</i></p>			

GHG Subelement – RCW 36.70A.070(9)(d)(ii)

Actions not specifically identified in the guidelines developed by the department pursuant to RCW 70A.45.120 may be considered with these guidelines only if:

- (A) They are projected to achieve greenhouse gas emissions reductions or per capita vehicle miles traveled reductions equivalent to what would be required of the jurisdiction under the guidelines adopted by the department; and
- (B) They are supported by scientifically credible projections and scenarios that indicate their adoption is likely to result in reductions of greenhouse gas emissions or per capita vehicles miles traveled.

Comments: We identified 41 goals and policies that are consistent with Commerce’s guidance and CPE, and 27 goals and policies that are comparable to goals and policies within the CPE. For the purposes of this review, “consistent” means that the proposed measures include almost identical phrasing as the CPE, and “comparable” means that the proposed measures are aligned with the CPE, but don’t have identical phrasing.

GHG Subelement – RCW 36.70A.070(9)(d)(iii)

A jurisdiction may not restrict population growth or limit population allocation in order to achieve the requirements set forth in this subsection (9)(d).

Comments: We did not find any goals, policies, or actions in the draft that would restrict population growth or limit population allocation in order to achieve emission or VMT reductions.

General comments

- Whatcom County is subject to utilizing the Intermediate Climate Element Planning Guidance (2023), which recommends jurisdictions voluntarily seeking Commerce’s approval of their GHG subelement should use a GHG inventory when developing the GHG subelement. Additionally, it recommends adopting Menu of Measures goals and policies that are within the Transportation, Buildings & Energy, and Zoning sectors, within the jurisdictions’ authority to implement, and that support achieving net-zero emissions by 2050. Such jurisdictions should also consider adopting goals and policies from the Menu’s other sectors (Waste Management, Agriculture & Food systems, etc.) based on the local emissions inventory.

Consistent with these recommendations, Whatcom County utilized a GHG emissions inventory¹ provided by Commerce to develop the GHG subelement. The draft GHG subelement also includes goals and policies from the three recommended sectors, including others as recommended.

The GHG subelement identifies that the Whatcom County Climate Action Plan established a goal to reduce countywide emissions by 45% from 1990 levels by 2030 and achieve net zero emissions by 2050, which is consistent with statewide goals. We did not find any targets or alternative projections included within specific goals or policies in the draft plan. At Section 5 of Commerce's guidance, we advise jurisdictions to set reduction targets (page 64), *"Notably, meeting your obligation to reduce GHG emissions will require implementation of tangible actions. A set of policies limited to "study" or "consideration" will not reduce GHG emissions."* For these reasons, we recommend that reduction targets for GHG emission and VMT per capita be specified within the final Climate Element. We did see Policy 12.8.2² regarding establishing and tracking VMT reduction goals; however, we feel it could be strengthened by setting a reduction target.

The climate element includes the following statement added by the Planning Commission (page 12-2) "much discussion has occurred, how to reduce emissions, but our ability to achieve this is uncertain." However, the Whatcom County 2022 Greenhouse Gas Emissions Analysis v3.5.1 identifies that the adjusted business-as-usual (ABAU) scenario estimates a 13% reduction in communitywide emissions by 2050, and the local action scenario estimates an 87% reduction. We recommend re-wording this statement to reflect the range of potential emission reduction options identified in the GHG Emissions Analysis, and forecasting and scenario tool provided by Commerce. We also suggest you include a statement in your GHG subelement that clarifies if your focus is on communitywide or core emissions reductions.

- We appreciate that you have identified priority actions to implement after the adoption of the Comprehensive Plan that advances your climate goals and policies, including, but not limited to, updating the **Whatcom County Multi-Jurisdictional Hazard Mitigation Plan** and updating the **2021 Whatcom County Climate Action Plan**. We recommend that any update of the Climate Action Plan be adopted by reference in your comprehensive plan at the next update cycle.

¹ Whatcom County 2022 [Greenhouse Gas Emissions Analysis](#) v3.5.1

² Policy 12.8.2 – Work with Whatcom Council of Governments and cities to establish and track local and regionally coordinated per capita VMT reduction goals and policies consistent with the statewide reduction targets in RCW 47.01.440.

- This review was specific to providing an initial review of the draft GHG subelement and its level of consistency with the GMA requirements. It does not include a review of other GMA statutes that are applicable to this comprehensive plan review cycle.

Next Steps

As a friendly reminder, this review is separate from the required notice as directed in RCW 36.70A.106(1) for the balance of your comprehensive plan update. Submittal of your draft comprehensive plan with the notice of intent to adopt is still required at least 60-days in advance.

After you adopt the GHG subelement, submit your application for GHG subelement approval to Commerce within ten days. Follow the submittal requirements under [RCW 36.70A.096\(3\)\(b\)](#).

In closing, we appreciate the opportunity to work with Whatcom County and provide comments on the proposed GHG subelement. We are available for technical assistance and can attend upcoming meetings with your Planning Commission and/or Council, if invited. Also, if you wish to discuss any of the comments in this letter, you may reach me at noelle.madera@commerce.wa.gov or 509-818-1040.

Sincerely,



Noelle Madera, AICP
Climate Operations Team Lead
Climate & Ecosystem Section, Growth Management Services

cc:

David Andersen, AICP, Managing Director, Growth Management Services
Valerie Smith, AICP, Deputy Managing Director, Growth Management Services
Sarah Fox, AICP, Climate & Ecosystems Manager, Growth Management Services
Lexine Long, AICP, Senior Planner, Growth Management Services



LUMMI INDIAN BUSINESS COUNCIL

2665 KWINA ROAD BELLINGHAM, WASHINGTON 98226 (360) 312-2000

'Working together as one to Preserve, Promote and Protect our Sche'lang'en'

November 7, 2025

Whatcom County Planning and Development Services
c/o 2025 Plan Update
5280 Northwest Dr.
Bellingham, WA 98226

RE: Whatcom County Comprehensive Plan Update

Dear Whatcom County Planning & Development Services,

The Lummi Indian Business Council submits the following comments in response to the 2025 Whatcom County Comprehensive Plan Update including the Climate Change Element and Resilience Sub-element. As first inhabitants in Whatcom County, the Lummi Nation shares common interests in protecting our communities from the adverse impacts of climate change.

Greenhouse Gas Emissions Reduction Sub-Element

Buildings & Energy

Policy 12.2.4- Promote the development of wind, hydroelectric, biomass, nuclear, tidal, wave, solar, and geothermal energy projects, including small-scale and community-owned renewable energy installations.

Not all carbon-free energy sources are aligned with the other goals in this climate element, and Tribal treaty rights must be considered before approving such projects. We recommend that Whatcom County consult with Tribal treaty rights holders and other impacted communities before recommending resource, land or water-intensive energy projects, including hydroelectricity, nuclear, and tidal energy.

Cultural Resources

Goal 12.3- Protect, avoid, minimize, or mitigate impacts to cultural resources from Climate Commitment Act funded programs or projects through meaningful consultation, as defined by HB 1753 and RCW 70A.65.305, with the appropriate local, state, and federal authorities, including affected Indian Tribes.

The Climate Element should explicitly acknowledge that cultural resources extend beyond physical artifacts and archaeological sites. Tribal cultural properties include places, practices, and knowledge systems that underpin cultural continuity and identity. These values are inseparable from environmental stewardship and should be recognized as protected resources under County policy. Tribal consultation should not be sequestered in the Cultural Resources section of the Climate Element but rather incorporated throughout multiple chapters of the Comprehensive Plan. RCW 70A.65.305 includes all treaty rights areas, not just explicitly cultural resource sites.

The 2021 Comprehensive Plan included a dedicated *Cherry Point Industrial Area* section (Policies 12A-1 through 12A-10) that established clear safeguards against industrial expansion inconsistent with

climate, safety, and treaty obligations. Those provisions should be restored or referenced within the new Climate Element to ensure consistency with Whatcom County Code (WCC 20.68) and Ordinance 2021-046. Without these policies, the Comprehensive Plan no longer provides an adequate policy foundation for enforcing existing limits on fossil fuel expansion at Cherry Point. The Climate Element should build upon, not replace, the Cherry Point Industrial Area policies that safeguard treaty rights, marine ecosystems, and community safety. Retaining these provisions affirms Whatcom County's commitment to responsible climate governance, intergovernmental partnership, and long-term stewardship of the Salish Sea.

Resilience Sub-element

As disproportionately burdened populations and treaty rights holders, Tribes should be consultants and partners on any projects impacting treaty rights or on Tribal lands. Tribes should also be supported in their efforts to increase resilience in their communities.

Economic Development

Policy 12.15.2- Partner with the Port of Bellingham to adapt port-owned facilities and infrastructure to coastal flooding, sea level rise, and other climate impacts.

To practice our treaty fishing rights, our fishermen use port-owned facilities and infrastructure for launching, moorage, storage, processing and cold storage. We recommend Whatcom County and the Port of Bellingham consult with the Lummi Nation in regards to any treaty fishing impacts related to adapting port-owned facilities to climate change.

Policy 12.15.3- Monitor the impacts of warming ocean temperatures and ocean acidification on the seafood industry and promote diversification to reduce vulnerability to climate-related disruption.

The Boldt and Rafeedie decisions guarantee Tribes a harvestable surplus of salmon and shellfish—this legal right is jeopardized by climate change, and resilience efforts should prioritize habitat restoration and other resilience efforts. We recommend conducting Tribal consultation to discuss the impacts of warming ocean temperatures and ocean acidification and climate adaptation solutions related to our treaty protected subsistence, ceremonial and commercial fishing resources.

Policy 12.15.4- Promote climate-adaptive forest management practices, such as increasing age distribution, rotation period, and stand structure to improve forest resilience to climate impacts.

Conduct Tribal consultation to discuss forest management practices aimed at improving resilience to climate impacts to ensure that Tribal treaty rights to fish, hunt and gather are considered in developing climate-adaptive forest management practices.

Policy 12.15.5- Identify commercial and industrial facilities in shoreline and floodplain areas at risk of flooding and coastal inundation.

Conduct Tribal consultation to discuss climate adaptation strategies to protect commercial and industrial facilities that are at risk of flooding and coastal inundation as related to treaty fishing rights and resources.

Ecosystems

Goal 12.16- Protect and restore priority critical areas and natural habitats that are at high-risk for flooding, sea level rise, landslides, wildfires, drought, or other events exacerbated by climate change.

We share concern for climate resilient ecosystem and marine habitat restoration, forest management practices, watershed protection, habitat recovery for critical and endangered species- especially as they pertain to protecting treaty fishing, hunting, and cultural resources. We recommend that Whatcom County conduct consultation with Lummi Nation regarding Policies 12.16.1-12.16.8 as related to our

treaty rights to fish, hunt and gather in our usual and accustomed areas- which include the right to habitat protection.

Transportation

Goal 12.19- Ensure the resilience of the transportation system by considering climate risks in siting and planning, incorporating redundancies, preparing for disasters and other impacts, and conducting coordinated planning for system recovery.

Many of the structures and roads impacted by flooding and sea level rise in the near term are on the Lummi reservation. Most roads on the Lummi Reservation were built by and are maintained by Whatcom County. The roads entering and exiting the reservation near the Nooksack River are highly susceptible to flooding. Floods close major roads on the reservation, making basic travel extremely difficult, and emergency situations particularly concerning, as the only routes to enter and exit the reservation are on the opposite end of the most heavily populated areas of the reservation.

We recommend conducting government-to-government consultation to identify and prioritize road and transportation system improvements to ensure our citizen's safety. Lummi Nation and Whatcom County must work together to increase climate resilience for our transportation systems.

Water Resources

Goal 12.21- Strengthen the resilience of Whatcom County's water sources and systems to climate impacts by enhancing watershed protection, stabilizing water supplies, conserving habitats, and improving water infrastructure.

We recommend Whatcom County consult with the Lummi Nation with respect to our water rights and our common interests in strengthening the resilience of water sources and systems, and enhancing watershed protection, water supply stabilization, conservation and infrastructure.

Thank you for the opportunity to submit public comments regarding 2025 updates to the Whatcom County Comprehensive Plan. The Lummi Nation looks forward to meeting with Whatcom County on a government-to-government basis as recommended in our comments above. As County citizens, our Tribal community has a vested interest in the proposed additions to the comprehensive plan. We welcome discussions about conducting culturally appropriate outreach and engagement efforts to gather input from our Tribal members residing in Whatcom County.

If you have any questions, please get in touch with Anthony Hillaire at AnthonyH@lummi-nsn.gov or (360) 312-2100.

Sincerely,



Anthony Hillaire, Chairman,
Lummi Indian Business Council



8113 W. GRANDRIDGE BLVD.,
KENNEWICK, WASHINGTON 99336-7166
TELEPHONE 509-734-4500
www.cngc.com

The list below reflects proposed adjustments offered by Cascade Natural Gas Corporation to Chapter 12 of Whatcom County's Comprehensive Plan Update:

Policy 12.2.8 – Renewable Project Permitting Standards

Text as Currently Written:

Policy 12.2.8 language would "Update the Whatcom County code and development standards to incorporate best practices for minimizing renewable energy project permitting and siting conflicts."

Proposed Edit:

Cascade supports the incorporation of best practices for minimizing renewable energy project permitting and siting conflicts and would encourage this language to be inclusive of all renewable projects including the production of renewable natural gas (RNG).

Policy 12.3.1 – Cultural Resource Review for Utility Infrastructure

Text as Currently Written:

Policy 12.3.1 language currently states: "During the review of large-scale renewable energy permitting applications, determine the potential impacts on affected cultural resources and initiate consultation, as appropriate."

Proposed Edit:

Cascade proposes that language be added to clarify that the review process for utility infrastructure should align with existing federal, state and tribal consultation protocols, rather than creating entirely new obligations.

Policy 12.6.1 – Critical Infrastructure Resilience

Text as Currently Written:

Policy language 12.6.1 would "Encourage utility providers to enhance the resilience of energy infrastructure by preparing for disruptions in energy supply, electricity transmission, and power distribution."

Proposed Edit:

Cascade proposes explicitly naming gas utilities among the stakeholders in the resilience planning processes. For example: "Recognize and include natural gas utilities in critical infrastructure resilience planning, hazard mitigation, emergency operations, and system reliability assessments." Language should also be considered to identify pathways for gas-electric coordination for the purposes of supporting resource adequacy and energy system resiliency.



8113 W. GRANDRIDGE BLVD.,
KENNEWICK, WASHINGTON 99336-7166
TELEPHONE 509-734-4500
www.cngc.com

Policy 12.7.4 – Affordability & Assistance Programs

Text as Currently Written:

Policy language in 12.7.4 would “Support programs that provide financial assistance or subsidies for low-income households to improve energy efficiency, reduce utility costs, and access renewable energy.”

Proposed Edit:

Since utilities already offer or administer state- or regulator-approved assistance programs, Cascade recommends adding language to: “Coordinate with existing utility-run or state-administered programs to leverage available funding and partnerships as appropriate.”

Policy 12.13.1 – Upgrade Energy Infrastructure for Resilience

Text as Currently Written:

Policy 12.13.1 language as written seeks to “Encourage utility providers to upgrade and improve energy infrastructure to reduce vulnerability to climate-related hazards ... including electrical lines and gas pipelines.”

Proposed Edit:

Cascade recommends modifying the sentence that reads “encourage utility providers to upgrade and improve...” to instead read “coordinate with utility providers to plan upgrades...”

Policy 12.13.4 – Distributed Generation & Microgrids

Text as Currently Written:

Policy 12.13.4 language as currently written would “Require / promote the development of distributed generation systems, such as solar panels with energy storage and microgrids ... in critical facilities ... to ensure energy availability during power outages.

Proposed Edit:

Cascade proposes the addition of language to also encourage exploration of thermal energy networks (TENS) as part of distributed generation systems as well as the use of hybrid/dual fuel space and water heating systems where appropriate in support of resource adequacy.

Policy 12.13.5 / 12.13.6 – Infrastructure in Flood-Prone Areas

Text as Currently Written:

Policy 12.13.5 language as written would “Implement development regulations ... restricting design and placement of buildings and infrastructure in flood-prone areas ... ensure buildings are adapted to withstand flooding. Prioritize relocation or retrofitting of critical infrastructure ... in areas subject to frequent flooding.”



8113 W. GRANDRIDGE BLVD.,
KENNEWICK, WASHINGTON 99336-7166
TELEPHONE 509-734-4500
www.cngc.com

Proposed Edit:

Cascade proposes that the relocation or retrofit of gas infrastructure in flood zones should account for technical feasibility, permit requirements, safety standards, and cost constraints. Cascade recommends adding a clarifying clause that the county: "Coordinate with utility providers to identify safe, feasible adaptation measures (e.g. elevated piping, reinforced casing, floodproofing) consistent with state pipeline safety standards."

Policy 12.13.7 – Wildfire Risk / Defensible Space

Text as Currently Written:

Policy language in 12.13.7 would "Implement development and maintenance regulations to mitigate wildfire risks ... partner to create defensible spaces around structures ... safeguard densely populated areas."

Proposed Edit:

Gas infrastructure (meters, valves, regulators) already requires vegetation clearances under utility safety rules. Cascade recommends amending to: "Maintain defensible space around structures and utility equipment consistent with utility safety and clearance standards."

Sophia Steele

Senior Manager, Northwest Region

September 10, 2025

Sent via email to: 2025UpdateEIS@co.whatcom.wa.us

2025 Comprehensive Plan Chapter 12, Climate Change and Resilience
Planning and Development Services
5280 Northwest Drive
Bellingham, WA 98226

Re: WSPA Comments on Climate Element in the 2025 Comprehensive Plan

Dear Director Personius,

The Western States Petroleum Association (WSPA) appreciates the opportunity to provide comments on Chapter 12; *Climate Change and Resilience*, edition dated August 2025. We recognize and support the County's efforts to update this important document to protect environmental resources in Whatcom County.

WSPA is a non-profit trade association representing companies that create the energy we need today for the future of transportation. This includes renewable diesel, other biofuels, innovative solar and sustainable energy projects, electric charging infrastructure, and carbon capture and sequestration. WSPA member companies also continue to produce traditional petroleum products, which remain a vital energy source for Washington.

WSPA members own and operate a major facility in Whatcom County that is critical to the regional and state economy. This facility is heavily regulated by federal, state, and regional environmental, health, and safety standards, and is committed to operating in a safe, responsible, and sustainable manner.

WSPA appreciates the opportunity to comment on chapters of the comprehensive plan update, specifically Chapter 12, which discusses climate-related objectives. We are concerned that this chapter does not sufficiently account for the permitting pathways necessary to meet the requirements of the Climate Commitment Act (CCA). This gap is particularly problematic for existing industrial facilities, which must navigate both local and state-level requirements. To ensure consistency and avoid duplicative or conflicting obligations, it is important that the County recognize the CCA as the governing framework for greenhouse gas mitigation, compliance instruments, and covered entities. Chapter 12 should also clarify how permitting processes at the County level will integrate with these CCA obligations, providing transparent criteria and assumptions that allow stakeholders to evaluate how proposed climate policies will affect permitted facilities, modernization projects, and investments in lower-carbon technologies. Industrial areas such as Cherry Point play an essential role in supporting energy security, family-wage jobs, and the

transition to lower-carbon energy. A permitting framework that is consistent with state climate law will provide predictability, support compliance with the CCA, and allow industry to invest in sustainable upgrades that align with Washington's climate goals.

We encourage the County to ensure that Chapter 12 provides clear, consistent guidance that aligns with Washington's CCA. By integrating state-level requirements into local permitting processes, the County can avoid duplicative or conflicting standards, give industry the predictability it needs, and support meaningful investments in lower-carbon technologies.

On behalf of WSPA and its member companies, we respectfully request that the County balance its climate objectives with the need to sustain existing industrial operations that are essential to the regional economy and energy security. We appreciate the opportunity to comment and look forward to continued collaboration as this process moves forward.

We look forward to continued conversations with the County staff throughout the process of updating the Comprehensive Plan.

If you have any questions regarding our comments, please contact me directly at (360) 352-4516 or via email at ssteele@wspa.org.

Sincerely,

A handwritten signature in cursive script that reads "D. Steele".

CC: Jessica Speigel, Vice President, NW Region



Whatcom County Council
311 Grand Avenue, Suite #105
Bellingham, WA 98225-4038

Re: 2025 Comprehensive Plan Update

On behalf of bp Cherry Point Refinery (“Cherry Point”), we submit these comments on the Whatcom County Council (“Council”) amendments to the proposed 2025 Whatcom County Comprehensive Plan.¹ Cherry Point appreciates the opportunity to participate in this process and applauds the efforts of Whatcom County Planning and Development Services (“PDS”) to facilitate a thoughtful, transparent process with all stakeholders—including the Advisory Committees, the Whatcom County Planning Commission, federal, state, and tribal agencies, and the public—over the past two years. We respectfully encourage the Council to honor this collaborative process, to consider the comments provided herein, and to avoid last minute changes that could result in unintended and detrimental impacts to- the Whatcom County community.

I. The Council Should Not Circumvent Procedures That Ensure Reasoned Decision-making Through Late-stage Changes

Before proceeding with these amendments, we respectfully encourage the Council to consider the procedural safeguards that apply when making material changes at this stage of the process. State and county planning frameworks are designed to support transparent, well-informed decision-making, and late-stage changes can limit the benefit of those processes. Providing additional opportunity for review, or deferring action on these amendments, would help ensure decisions are fully informed and aligned with the County’s established planning approach.

For example, several of the Council’s amendments could have significant environmental impacts not yet evaluated and that therefore require supplemental review under the State Environmental Policy Act (“SEPA”). The Growth Management Act (“GMA”) regulations require counties to “comply with SEPA when adopting new or amended comprehensive plans and development regulations.”² PDS issued a Final Environmental Impact Statement (“EIS”) for the comprehensive plan in August 2025.³ However, the SEPA regulations require a supplemental EIS when: (1) there are “[s]ubstantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts”; or (2) there is “new information indicating a proposal’s probable significant

¹ See File# AB2026-186, Chapter 2 - Preliminary Council Draft for 3.17.2026, available at: <https://whatcom.legistar.com/View.ashx?M=F&ID=15313843&GUID=E9A345A5-B7FC-471C-9584-F513681E04F0>.

² WAC 365-196-620(1); see WAC 197-11-228; *King County v. Friends of Sammamish Valley*, 3 Wn.3d 793 (2024) (requiring consideration under SEPA of environmental impacts from specific developments and probable land use changes from a comprehensive plan update).

³ See <https://www.whatcomcounty.us/4219/Environmental-Impact-Statement>.

adverse environmental impacts.”⁴ Some of the Council’s amendments meet this standard and therefore require a supplemental EIS. For example, as discussed in Section II.A, proposed Policy 2A-9 could spur accelerated development intended to avoid rezoning. Those impacts have yet to be evaluated.

In addition, substantive changes made to the comprehensive plan must be reviewed by the Planning Commission, including through a public hearing.⁵ For the reasons described below, several proposed and approved amendments by the Council constitutes such changes. Accordingly, the Council should either return the amendments to PDS and the Planning Commission for full review or abandon these late stage- changes.

II. Comments on Specific Council Amendments

Cherry Point is particularly concerned with the substance of several policies included in the amendments approved or left pending before the Council as of March 10, 2026. Several of the policies are not workable as written. Under the GMA, development regulations must be “consistent with and implement” the comprehensive plan.⁶ The policies discussed herein, if adopted, will direct future code amendments and permitting requirements that carry real regulatory consequences for residents and businesses across the County. Therefore, it is critical that these policies be clearly defined, thoroughly considered, and legally sound. Cherry Point urges the Council to reconsider these policies to ensure consistency with the Comprehensive Plan, including with its fundamental goal of providing regulatory clarity to the Whatcom County community (Goal 1A).

A. New Policy 2A-9 Should Be Narrowed to Municipal Urban Growth Areas

Cherry Point encourages the Council to refrain from approving Policy 2A-9, which would require comprehensive review all industrial parcels that are not actively used in the next plan update. While Cherry Point understands the Council may intend a narrow application, the current language would apply broadly and create significant legal and practical problems.

We are concerned with certain aspects of Policy 2A-9. Both the U.S. and State of Washington constitutions prohibit taking of private property without just compensation, including through regulatory actions that “so frustrate distinct investment-backed expectations as to amount to a ‘taking.’”⁷ The GMA specifically requires local governments to avoid such actions.⁸ Cherry Point owns

⁴ WAC 197-11-600(3)(b); see WAC 197-11-405(4); see *Pres. Our Islands v. Shorelines Hearings Bd.*, 133 Wash. App. 503, 542 (2006), *as amended* (May 15, 2007) (“SEPA requires a supplemental EIS if there are substantial changes to a proposal which are themselves likely to have significant adverse environmental impacts, or when new information indicates a proposal’s ‘probable significant adverse environmental impacts’ were not previously covered by ‘the range of alternatives and impacts analyzed in the existing environmental documents.’”); see, e.g., *Kiewit Const. Grp. Inc. v. Clark Cnty.*, 83 Wash. App. 133, 142 (1996) (upholding requirement for supplemental EIS due to material changes to the proposed action); cf. *Diehl v. Mason Cnty.*, 94 Wash. App. 645, 659 (1999) (requiring a revised final EIS due to changes in comprehensive plan).

⁵ See RCW 36.70A.70, 140; RCW 36.70.400, 430; WCC 22.10.030(3); see also *Brinnon Grp. v. Jefferson Cty.*, 159 Wash. App. 446 (2011).

⁶ RCW 36.70A.040(3).

⁷ See *Penn Cent. Transp. Co. v. City of New York*, 438 U.S. 104, 127 (1978); see *Guimont v. Clarke*, 121 Wash. 2d 586, 594-96 (1993); Washington Attorney General’s 2024 Advisory Memorandum, *Avoiding Unconstitutional Takings of Private Property* (Oct. 2024).

⁸ See RCW 36.70A.370.

approximately 4,500 acres of industrially zoned land within the Cherry Point Urban Growth Area (“UGA”), most of which is held for future development and may be considered to not have “an active industrial use” under Policy 2A-9. Cherry Point (and its predecessors) acquired this property in reasonable reliance on its industrial zoning designation. This policy, however, sets the stage for a rezoning that would frustrate these investment-backed expectations could ultimately amount to a taking.

Policy 2A-9 is also inconsistent with the County’s well-designed planning framework for Cherry Point UGA, in violation of the GMA.⁹ The County designated the Cherry Point UGA as a Major Industrial UGA to “preserve sites of sufficient size to accommodate major port and industrial development.”¹⁰ The district’s 40-acre minimum lot size, master site planning requirements, and planning block structure all contemplate large tracts of industrial land remaining available until a suitable use materializes.¹¹ Requiring review of inactive parcels contradicts and destabilizes that approach.

In addition, Policy 2A-9 creates a counterproductive incentive for rushed development. By protecting only parcels with active uses and subjecting all others to future review, the policy creates a use-it-or-lose-it dynamic. The policy will encourage landowners to initiate development prematurely solely to avoid future rezoning. This undermines the careful, phased planning that the GMA seeks to encourage.

Accordingly, Policy 2A-9 should be narrowed to address its apparent target: scattered industrial parcels within municipal UGAs, like the Bellingham UGA, that sit among residential development and may no longer serve their designated function. Cherry Point proposes revising the new policy to state: “For industrially zoned parcels *in municipal Urban Growth Areas* without an active industrial use as of the date of adoption, require review during the next periodic update to evaluate continued industrial designation based on [existing criteria].” This revision would enable the Council to achieve its intended goal without unintended consequences for other UGAs.

B. The New Cherry Point Aquatic Reserve Goal and Policies Should be Removed

Cherry Point recognizes the ecological significance of the Cherry Point Aquatic Reserve, as well as its responsibility as a steward of this resource. Cherry Point also recognizes the import of cooperative regulation to protect this resource, and collaborates with federal, state, local, and tribal governments to achieve that end. However, Cherry Point cannot support either Policy 1, to “[s]trengthen oversight, monitoring, and enforcement mechanisms for industrial development in the Cherry Point UGA,” or Policy 2, to impose additional review and reporting processes, as well as new mitigation standards for all “new or expanded heavy industrial uses” in the Cherry Point UGA.

Policy 1 is unnecessary because the Cherry Point Aquatic Reserve is already one of the most heavily regulated areas in the region, Policy 2 provides direction that is inconsistent with SEPA. Ecology’s SEPA regulations include numerous provisions that are expressly exclusive and cannot not be altered or supplemented by local governments.¹² This includes the mitigation standards, which allow imposition of mitigation only when significant, project specific- adverse environmental impacts are

⁹ RCW 36.70A.040 (requiring internal consistency).

¹⁰ WCC 20.74.010.

¹¹ See WCC 20.74.060.

¹² See WAC 197-11-906(2).

identified.¹³ Policy 2, however, would require mitigation for all new and expanded heavy industrial uses—even when SEPA review identifies no such impacts. In doing so, the policy intrudes on SEPA’s exclusive framework and exceeds the County’s lawful authority.

In addition, categorically applying new requirements to all “new or expanded heavy industrial uses” through future development regulations would be arbitrary and irrational.¹⁴ Not every new project or expansion can reasonably be presumed to warrant cumulative impact analyses, independent environmental review (which we presume to mean an EIS), mitigation, and compliance reporting. If these obligations are imposed without any connection to a specific project’s potential impacts, the County will exceed its authority.

Finally, both policies 1 and 2 are unnecessary and would prompt the County to impose requirements already fully addressed under existing state and federal regulatory frameworks. The Cherry Point Aquatic Reserve is one of the most heavily regulated areas in the region, with multiple agencies exercising coordinated oversight. As a result, the proposed policy would add little beyond duplicating existing regulation and exposing the County to legal risks. For example, Cherry Point refinery’s vessel traffic is already capped by the U.S. Army Corps of Engineers; outfall discharges are regulated under the National Pollutant Discharge Elimination System program; spill prevention and response are governed by Ecology, the U.S. Coast Guard, and the U.S. Environmental Protection Agency; and the County’s own Shoreline Management Program already requires alignment with the Growth Management Act and the Cherry Point Aquatic Reserve Management Plan. SEPA also ensures review and mitigation, where appropriate, of projects’ potentially significant impacts—including “cumulative” impacts.¹⁵ In this context, the proposed policy is not only unnecessary, but it is likely to spur additional regulatory demands that exceed the County’s lawful authority and undermine the carefully balanced framework already in place.

C. New Policy 2FFF-4 is Premature and Should Be Deleted

Cherry Point encourages the Council to reconsider approving Policy 2FFF-4, which subjects “high-intensity or heavy industrial uses proposed within areas of elevated climate hazard to heightened review to prevent increased public safety risk, infrastructure strain, or environmental contamination during hazard events.” Cherry Point supports climate resilience planning and recognizes the County’s obligation under the GMA to address climate hazards in its comprehensive plan.¹⁶ However, Policy 2FFF-4 will not effectively support these efforts.

Policy 2FFF-4 cannot be implemented because the Climate Resilience Overlay District on which it depends has not been developed. The policy commits the County to imposing “heightened

¹³ See WAC 197-11-906(2)(g); WAC 197-11-660.

¹⁴ See, e.g., RCW 36.70A.020(6) (“The property rights of landowners shall be protected from arbitrary and discriminatory actions.”); *Moore v. City of E. Cleveland*, 431 U.S. 494, 498 n.6 (1977) (citations omitted) (land-use regulation violates the Due Process Clause if it is “clearly arbitrary and unreasonable, having no substantial relation to the public health, safety, morals, or general welfare”); *Koontz v. St. Johns River Water Mgmt. Dist.*, 570 U.S. 595, 599 (2013) (land use regulation violates the Takings Clause if there is not “‘nexus’ and rough proportionality’ between the government’s demand and the effects of the proposed land use”); *SkyCorp, Ltd. v. King County*, 29 Wash. App. 2d 832, 856 (2024) (county exceeds its powers in violation Article XI, Sec. 11 of the Washington Constitution when its actions are unreasonable, arbitrary, or capricious).

¹⁵ WAC 197-11-060(4), 792(2)(c)(iii).

¹⁶ See RCW 36.70A.020(14).

review” on uses within “areas of elevated climate hazard” before the County has determined what those areas are or what that review will entail. As a result, landowners, developers, and businesses cannot determine whether their property falls within the scope of Policy 2FFF-4 and or how to plan accordingly. Policy 2FFF-4 presupposes outcomes that must first be established through the proper planning process.

The policy is also too vague to provide sufficient guidance for development of further regulations. “[H]eightedened review” is undefined; the policy provides insufficient detail regarding what this entails. “[E]levated climate hazard” is no better, providing no standard or threshold by which a hazard qualifies as elevated. And the text does not specify whether “high-intensity . . . industrial use” creates a new narrow use category that is distinct from the broad definition of “high intensity land use” under WCC 16.16.900, or simply incorporates that existing definition. Given the potential material impact of this policy, these terms should be more narrowly defined to provide adequate notice to the regulated community.

Further, if the policy applies only to industrial uses, singling out one land use category in future development regulations would be arbitrary and irrational.¹⁷ Climate hazards do not discriminate by land use and the relevant sections of the GMA do not direct counties to target industrial uses.¹⁸ Any climate hazard- response should apply across all land use types.

For all these reasons, Policy 2FFF-4 should be deleted. Cherry Point recognizes that the County is obligated to plan for climate resilience, but it must do so through an orderly process: establish the overlay through the code amendment process and develop review standards informed by that work.

D. New Policy 2A-10 Is impractical and Should Be Deleted

Cherry Point requests the Council refrain from approving Policy 2A-10, which would “[p]rioritize redevelopment and intensification of previously disturbed, underutilized, or remediated industrial lands before expansion or activation of dormant heavy industrial zoning.” Encouraging reuse of previously disturbed industrial lands is a sound planning objective, but this policy will not achieve that objective.¹⁹

As an initial matter, the County lacks the authority to implement the prioritization this policy envisions. The County cannot require an applicant to forgo development on land it owns in favor of acquiring or developing a brownfield site. The County’s role is to review proposals brought by applicants—not to redirect private investment to parcels the applicant does not own or control.

In addition, the policy would produce irrational development outcomes by elevating prior disturbance above all other relevant siting considerations. Industrial siting decisions involve the consideration of comparative environmental impacts, public safety, traffic, infrastructure capacity, and compatibility with surrounding uses. A previously disturbed or remediated site may, for example, be closer to residential neighborhoods, carry residual contamination risk, or lack the infrastructure to support the proposed use. However, Policy 2A-10 would override those concerns and direct

¹⁷ See *supra* note 14.

¹⁸ See RCW 36.70A.070(9).

¹⁹ In addition to the issues further described, numerous terms lack sufficient definition to be consistently interpreted through future regulation. For example, neither the Comprehensive Plan, the Whatcom County Code, nor the GMA define “underutilized,” “activation,” or “dormant” in the context of industrial zoning.

development toward such sites solely because they were previously disturbed. As such, Policy 2A-10 should not be approved.

E. Revised Policy 2CC-16 Would Discourage Early Engagement with the County and Should Remain Unchanged

Finally, Cherry Point encourages the Council to reconsider the amendment to Policy 2CC-16, requiring the County to provide the Lummi Nation and Nooksack Indian Tribe with written notice of all preapplication correspondence involving potential refinery or transshipment expansion. Cherry Point values its relationships with both Tribes and agrees that early engagement with stakeholders is important, but this revision would not strengthen those communications.

Instead, this revision would discourage applicants from engaging the County early. Cherry Point routinely consults with County staff long before any formal application is filed—often on ideas that never proceed. Mandatory notice to the Tribes during these exploratory conversations will likely generate unnecessary concern about projects that may never materialize. As a result, applicants will delay or limit early outreach to the County, reducing collaboration at the stage where it is most effective.

This revision is also unnecessary. Cherry Point already maintains direct, ongoing communication with the Tribes regarding significant refinery activities—not merely potential expansions. Adding a mandatory notice mechanism would introduce process where strong working relationships already exist. For these reasons, the Council should reconsider the revisions to Policy 2CC-16.

* * *

We would welcome the opportunity to discuss our concerns in greater detail with the County. Please feel free to contact me at 907-441-8839 or Tamera.Lienhart@bp.com if you would like to discuss further.

Sincerely,

Tamera Lienhart
Government Affairs Manager
Bp Cherry Point Refinery



State of Washington

Department of Fish and Wildlife, Region 4

Region 4 information: 16018 Mill Creek Blvd, Mill Creek, WA 98012 | phone: (425)-775-1311

October 10, 2025

Whatcom County
Lucas Clark, Long range planner
5280 Northwest Dr
Bellingham, WA 98226

RE: Case ID 2022-C-375, WDFW’s draft comments for Whatcom County’s draft Climate, Parks and Recreation, Capital Facilities, and Transportation Comprehensive Plan elements

Dear Mr. Clark,

On behalf of the Washington Department of Fish and Wildlife (WDFW), thank you for the opportunity to comment on Whatcom County’s draft Comprehensive Plan elements as part of the current periodic update. Within the State of Washington’s land use decision-making framework, WDFW is considered a technical advisor for the habitat needs of fish and wildlife and routinely provides input into the implications of land use decisions.

We provide these comments and recommendations in keeping with our legislative mandate to preserve, protect, and perpetuate fish and wildlife and their habitats for the benefit of future generations – a mission we can only accomplish in partnership with local jurisdictions.

Table 1. Recommended changes to proposed policy language.

Policy Number	Policy Language (with WDFW suggestions in red)	WDFW Comment
Climate Change and Resilience Element (link)		
General comment	All elements general comment	We encourage the County to include specific programs or action items within policy sections to demonstrate how goals will be addressed. See the recent Jefferson County Comprehensive Plan as an example.
Policy 12.2.6 Page 12-5	Encourage and incentivize the design of highly energy-efficient new buildings that utilize on-site or off-site renewable energy, and include the use of low-carbon,	We encourage the county to participate in the effort to address environmentally sustainable development by utilizing incentives to help address climate resiliency goals. See examples and resources below:

	<p>recycled, or reused materials in building projects.</p>	<p>1. King County:</p> <ul style="list-style-type: none"> • Green Building Grants: King County offers grants to projects that meet stringent criteria for resource conservation, encouraging the adoption of green building practices. • Sustainable Building Program: This program provides resources and incentives for developers, builders, architects, and homeowners interested in sustainable building practices. <p>2. Statewide Resources:</p> <ul style="list-style-type: none"> • Clean Buildings Performance Standard (CBPS): Administered by the Washington State Department of Commerce (DOC), CBPS aims to reduce energy consumption and greenhouse gas emissions in existing buildings. The program sets energy performance standards and provides incentives for early compliance. Building owners who demonstrate early compliance can receive financial incentives to offset the costs of energy efficiency improvements. • Energy Efficiency Grants: The DOC offers grants to public entities to fund energy efficiency improvements in public buildings and facilities. • Energy Audit Incentive for Public Buildings Program: This program provides financial assistance to publicly owned buildings for conducting energy audits, which are essential for identifying energy-saving opportunities and complying with the Clean Buildings Performance Standard. • Inflation Reduction Act Home Energy Rebates: In alignment with the federal Inflation Reduction Act, Washington State offers rebates for home energy efficiency improvements and electrification measures. The rebates target low- and moderate-income households and are distributed through third-party administrators.
<p>Policy 12.5.2 Page 12-8</p>	<p>Designate high-value greenspace and greenways for acquisition, conservation easements, or other</p>	<p>We recommend incorporating the term <i>ecosystem services</i> within similar policies to highlight the direct benefits that natural systems provide to</p>

	<p>preservation programs to enhance carbon sequestration and provide other ecosystem services that benefit the community.</p>	<p>communities, such as clean water, flood protection, temperature regulation, and carbon storage.</p> <p>We also recommend establishing a formal strategy or initiative for designating these spaces. Please see Snohomish County's Land Conservation Strategy and King County's Land Conservation Initiative as examples.</p>
<p>Policy 12.5.3 Page 12-8</p>	<p>Increase, retain, and protect the tree canopy in UGAs, prioritizing underserved areas with low canopy cover and areas that may otherwise be vulnerable to urban heat island effects.</p>	<p>We recommend Whatcom County pursue a tree canopy assessment to form the baseline data for a tree canopy management plan (updated annually if possible) to assess trends, set goals, and measure progress toward those goals year-to-year. This plan should also measure how well the county's tree-related ordinances are functioning in retaining trees on the landscape. It may not be enough to rely on ordinances if there is not a system in place to track cumulative impacts over time. Resources:</p> <ul style="list-style-type: none"> • See tree equity mapping data via treeequityscore.org. • Tree canopy data resources can be found via the USDA website, WDFW's change detection tree canopy data, the Puget Sound Washington Urban Canopy Project, and the WA DNR website. • See the Urban Tree Canopy Assessment website and how King County utilized this tool to assess conditions within their local jurisdictions. • Example ordinances and plans can be found on the MRSC website. • Discover the value of the benefits provided by individual trees around your home and in your community with the National Tree Benefit Calculator. • See also the city of Everett's Tree Keeper website which displays the monetary benefit of their tree canopy. • City of Tacoma is a great resource for exploring how tree canopy plans can become a community effort, how data can be presented, and how to track canopy loss/gain. • See also WDFW's Habitat at Home program, which encourages the protection

		of wildlife through purposeful vegetation planning.
Goal 12.5- Protect, expand, retain, and restore open space, green space and tree canopy...Page 12-8	Ensure that the planning, design, and maintenance of infrastructure reflects the value of ecosystem services. This includes integrating natural processes, such as tree canopies for passive temperature regulation, wetlands for stormwater management, and native vegetation for pollution filtration. By protecting ecosystem services, the County can make informed decisions that reduce infrastructure costs, enhance resilience, and contribute to long-term environmental and community sustainability.	We recommend incorporating a policy that explicitly references ecosystem services within this section. See Kitsap County’s approach to quantifying ecosystem services through the Kitsap Natural Resource Asset Management Project .
Policy 12.7.6 Page 12-9	Improve recreational access to public lands by striving for citizens to be within ½-mile of to promote equitable access to open space, greenspace, or and parks to and improved public health outcomes.	Many jurisdictions use the ½-mile LOS standard in their comprehensive plans and park plans because it aligns with equity in access, walkability, and environmental justice frameworks. Setting this metric helps translate broad policy objectives into a clear, measurable, and actionable standard. See the Trust for Public Lands website , which strives to provide information and resources so that everyone can live within a 10-minute walk (about ½ mile on average) from a park.
Policy 12.11.6 Page 12-13	Evaluate mitigation monitoring to determine the effectiveness of critical areas protections and riparian management initiatives and develop a monitoring and adaptive management program that tracks cumulative impacts and establishes benchmarks for corrective action.	We recommend the County adopt a Monitoring and Adaptive Management (MAM) program to help ensure critical area regulations meet the state-mandated standard of no net loss of critical area functions and values. Specifically, a MAM program should: <ul style="list-style-type: none"> • Collect information on CAO effectiveness, • Evaluate the potential for exemptions and variances to cumulatively document critical area gains and losses, and • Improve permit implementation. Implementing a MAM program not only strengthens environmental protections but also helps provide safeguards from legal challenges and appeals of the CAO. For guidance on establishing a MAM program, see Chapter 7 of the Dept. of Commerce's Critical

		<p>Areas Handbook. Please also see the Salmon Recovery through Local Planning Grant opportunity.</p>
<p>Policy 12.13.5 Page 12-17</p>	<p>Update flood code to reflect climate exacerbated flooding and evaluate development regulations that restrict and regulate the design and location of buildings and infrastructure in flood-prone areas, and to the extent they are allowed, ensure buildings are adapted to withstand flooding, through standards related to elevation, floodproofing, improved drainage systems, and the protection of life and property.</p>	<p>We greatly appreciate this element's emphasis on updating flood hazard zones based on best available science, as FEMA Flood Insurance Rate Maps (FIRM) do not consider climate projections or modeling.</p> <p>Additionally, strict provisions regulating shoreline development is strongly suggested. For example, King County regulations place 'Flood Protection Elevations' three feet above base flood elevation for development within flood-prone areas.</p> <p>We also recommend tying in the County's Floodplains by Design and Hazard Mitigation Assistance programs within this section.</p>
<p>Policy 12.13.12 Page 12-17</p>	<p>Support adaptation measures, such as habitat restoration, soft shoreline stabilization techniques, elevating structures and infrastructure, and managed retreat to protect coastal communities from rising sea levels.</p>	<p>To help plan hazard-related communication and outreach, refer to NOAA's template resources and general information on their website to get the conversation started.</p> <p>To help initiate the relocation of structures from flood-prone areas, we recommend that the County explore property acquisition opportunities within these areas. As an example, please see Pierce County's property acquisition program.</p>
<p>Policy 12.19.12 Page 12-25</p>	<p>Incorporate hydrologic climate impacts into the design of watercrossing structures (i.e. climate smart culverts and bridges) for fish and wildlife passage and habitat quality.</p>	<p>Current fish passage barriers within Whatcom County can be found through WDFW's interactive mapping tool. See also the U.S. Fish and Wildlife Service grant opportunity that addresses this: National Fish Passage Program FY25.</p> <p>Please see WDFW's climate-change-resilient culvert webpage and Incorporating Climate Change into the Design of Water Crossing Structures: Final Project Report for resources on how to incorporate climate-resiliency into culvert designs.</p>
<p>Policy 12.21.3 Page 12-26</p>	<p>Prioritize the restoration of wetland and riparian management zones (RMZs) to mitigate temperature increases in streams and restore natural streamflow, improve habitat connectivity to lost or degraded habitats, protecting aquatic species that are vulnerable to warmer water conditions and providing</p>	<p>To actively conserve riparian areas, we strongly recommend that the County utilize WDFW's best available science (BAS) and management recommendations related to riparian ecosystems. Protecting all streams regardless of fish presence, employing RMZs to replace outdated 'stream buffer' terminology, and utilizing site-specific characteristics to determine RMZ widths (Site Potential Tree Height at 200 years, or SPTH₂₀₀) are</p>

	connected habitat for aquatic and terrestrial species.	<p>all integral to ensure no net loss of ecosystem functions and values. See RMZ widths via WDFW's mapping resource.</p> <p>Many counties have worked with WDFW during this periodic update to incorporate this science.</p>
<p>Policy 12.21.4 Page 12-26</p>	<p>Invest in, incentivize, and prioritize green infrastructure solutions, such as bioswales and permeable pavements, to manage increased stormwater runoff caused by increased precipitation and mitigate the adverse effects of construction and development.</p>	<p>We recommend establishing incentive programs for developments to address nonpoint source pollution. Examples of similar programs in other counties are listed below:</p> <p>1. King County:</p> <ul style="list-style-type: none"> • RainWise Program: A collaboration between King County and Seattle Public Utilities, RainWise provides rebates covering most or all of the cost for installing rain gardens and cisterns on private properties within eligible combined sewer overflow basins. • RainScapes Program: This initiative partners with property owners in unincorporated King County to fund and install green stormwater infrastructure features, such as rain gardens and native plant landscaping, to manage rainwater runoff. <p>2. Pierce County:</p> <ul style="list-style-type: none"> • Pierce Conservation District Programs: Offers mini-grants up to \$4,000 for projects like rain gardens, rain tanks, urban wildlife habitats, or de-paving. Additionally, a cost-share program provides approximately \$2,000 per property, with homeowners responsible for construction or hiring a contractor. <p>3. Kitsap County:</p> <ul style="list-style-type: none"> • Kitsap Conservation District Cost Share Program: Provides up to \$1,000 per project and technical assistance for installing rain gardens and other LID practices. <p>4. Thurston County:</p> <ul style="list-style-type: none"> • City of Olympia Rain Garden Incentive Program: Offers up to \$400 reimbursement for rain garden installations. • Storm and Surface Water Utility Rate Credits: Schools and non-residential properties can receive utility rate

		<p>reductions by implementing approved stormwater management practices.</p> <p>5. Snohomish County:</p> <ul style="list-style-type: none"> • Snohomish Conservation District Programs: Provides technical assistance and financial incentives for homeowners interested in installing rain gardens and other LID features to manage stormwater.
Parks and Recreation Element (link)		
Trail and Pathway Systems Page 9-7	<p>Certain trail and path corridors shown on Map 9-2 that have been prioritized in the CPROS plan and are part of the community’s active trail network are shown in Chapter 6. Trail systems in the community also include water trails that provide routes for motorized and non-motorized boats to travel along rivers, lakes, and other bodies of water.</p>	<p>WAC 365-196-335 states, “Each county or city planning under the [growth management] act must identify open space corridors within and between urban growth areas. They must include lands useful for recreation, wildlife habitat, trails, and connection of critical areas as defined in RCW 36.70A.030.” We recommend designating ‘Wildlife Habitat Corridors’ as a type of FWHCA and coordinating trail corridor and wildlife habitat corridor acquisition to achieve multi-benefit outcomes.</p> <p>If a method for identifying wildlife habitat corridors has not yet been established, we would be happy to assist you. Whatcom County has some of the most comprehensive wildlife habitat connectivity data, making this periodic update a critical opportunity to put that information into action. Data and resources include:</p> <ul style="list-style-type: none"> - <i>The Wildlife Habitat Connectivity in Whatcom County, Washington</i> report and corresponding mapping data and webmap tool, - Page 72-82 of WDFW’s Washington Habitat Connectivity Action Plan and mapping resource, and - Integrating Wildlife Habitat Connectivity Into Local Government Planning guidance document.
Policy 9C-13 Page 9-9	<p>Trail system development supports broader community goals related to economic development, community connectivity, tourism, wildlife habitat connectivity, and health and wellness...</p>	<p>It is important to incorporate wildlife habitat connectivity into this policy, as trail corridors frequently overlap with or border critical habitat areas and natural movement pathways for wildlife. By explicitly recognizing habitat connectivity, the County ensures that trail planning considers not only recreation but also ecological function, reducing the risk of fragmenting habitats and</p>

		instead promoting corridors that serve both people and wildlife. See resources in our comment above.
Policy 9C-18 Page 9-10	Acquisition of and planning for trail corridors should be encouraged as new subdivisions and development occurs, if the trail has been identified in a park, trail, open space, wildlife habitat connectivity , or other plan adopted by Whatcom County.	See comment above.
Policy 9D-4 Page 9-11	Promote the integration of recreational and open space opportunities in subarea planning, subdivisions, and other development proposals.	We recommend establishing and maintaining connected natural open space set-asides across all housing types to support wildlife movement, protect ecological functions, and ensure equitable access to green space. While regulations often specify the amount of project area to be reserved as open space, we suggest the County go further by requiring new development to locate these areas in ways that connect with adjacent open spaces. Standards should also prioritize siting open space where it provides the greatest environmental benefit, such as preserving large tree groves and maintaining habitat corridors.
Policy 9D-5 Page 9-11	The dedication and acquisition of open space and recreation opportunities should be encouraged as new subdivisions and development occurs.	See comment above.
Policy 9E-4 Page 9-12	When the County acquires property for flood storage or fish and wildlife purposes, the County should consider accommodating a secondary use for park and open space purposes. When the County acquires property for park and open space purposes, the County should consider accommodating fish and wildlife habitat connectivity needs.	This policy is important because it could maximize the benefits of land acquisitions while considering multiple compatible uses. Properties acquired for flood storage or habitat restoration often provide excellent opportunities for passive recreation and open space, while lands acquired for parks can also serve critical functions for fish and wildlife habitat connectivity. Taking a multi-benefit approach ensures that public funds achieve the greatest return.
Policy 9H-10 Pages 9-15 – 9-16	In collaboration with Tribes, County Agencies, and stakeholders, develop long-term forest management plans to meet community management goals, protect the County’s financial	Please see the resources referenced in the comments for Policy 12.5.3.

	interest, and foster responsible recreation within...	
Policy 9J-1 Page 9-17	Designate high-value greenspaces and greenways for acquisition, conservation easements, or other preservation programs to enhance carbon sequestration and provide community benefits. Prioritize areas that provide co-benefits such as biodiversity, recreation, and connectivity between habitats.	We greatly appreciate this policy and recommend that wildlife habitat connectivity planning be intimately tied with all recreational planning activities. See comments above.
Policy 9J-3 Page 9-17	Increase and protect the urban tree canopy, particularly in areas with low canopy cover and vulnerability to urban heat island effects. Develop programs to promote tree planting and maintenance to maximize carbon sequestration, mitigate heat, and improve air quality.	Please see comments for Policy 12.5.3 Page 12-8 above. The County should strive to assess the current tree canopy, translating this data into applicable action items through a tree canopy management plan.
Map 9-2 Conceptual Trail Corridors	General comment	We strongly suggest aligning recreational land acquisition with wildlife habitat connectivity priority areas to achieve multi-benefit outcomes.
Map 9-3 Tree Canopy Coverage - Unincorporated UGA	General comment	How are these tree canopy maps intended to be used by jurisdictions within Whatcom County? See the Urban Tree Canopy Assessment website and how King County utilized this tool to assess conditions within their local jurisdictions. This project provided the cities involved with data and tools to develop strategies aimed at protecting trees, identifying areas in need of tree canopy benefits, and expanding canopy coverage in natural and urban areas.
Capital Facilities Element (link)		
Policy 4B-1 Page 4-3	Maintain and update, on at least a biennial basis, a six-year capital improvement program (CIP) that identifies projects, outlines a schedule, and designates realistic funding sources for all county capital projects based on a review of population and revenue conditions existing at that time.	We recommend allocating funding in the Capital Facilities Plan (or where most applicable) for stormwater retrofits and culvert upgrades, prioritizing multi-benefit projects that improve fish passage, enhance climate resilience by accommodating future high-flow conditions, and reduce pollutant runoff into natural waterways. By prioritizing projects with overlapping environmental and infrastructure benefits, the county may also be better positioned to leverage diverse funding sources for implementation. Other options include direct action via regulatory requirements. The city of Anacortes allocates

		<p>utility funds to daylight local piped streams. Redmond’s code, section 21.64.020, outlines “D. 6. The City may require that a stream be removed from a culvert as a condition of approval, unless the culvert is not detrimental to fish habitat or water quality, or removal would be detrimental to fish or wildlife habitat or to water quality.”</p> <p>Additionally, see WDFW’s climate-change-resilient culvert webpage and Incorporating Climate Change into the Design of Water Crossing Structures: Final Project Report (2017) for resources on how to incorporate climate-resiliency into culvert design and avoid future flooding.</p>
<p>Policy 4F-1 Page 4-4</p>	<p>The following level of service standards are adopted for parks and trails: developed parks..... 9.6 acres per 1,000 population trails 0.60 of a mile per 1,000 population</p>	<p>See comments for Policy 12.7.6 Page 12-9 above.</p>
<p>Policy 4F-3 Page 4-4</p>	<p>Include acquisition and development costs in the six-year CIP for future park, and trails, and wildlife habitat corridor projects.</p>	<p>The adjacent addition is crucial for Whatcom County as it balances rural character with increasing population density. As the County grows, the expansion of infrastructure risks fragmenting essential wildlife habitats, which can disrupt migration corridors, reduce biodiversity, and increase conflicts between wildlife and human activities. By explicitly including wildlife in this policy, Whatcom County can plan and maintain corridors that prioritize wildlife connectivity, ensuring that critical habitats remain intact. This focus not only protects local ecosystems but also enhances motorist safety by reducing the likelihood of wildlife-vehicle collisions, ultimately supporting a transportation network that meets the needs of people and wildlife alike. For resources, see comments for ‘Trail and Pathway Systems Page 9-7’ above and The Washington Wildlife Habitat Connectivity Working Group, WSDOT’s Reducing the risk of wildlife collisions website as well as Wildlife Habitat Connectivity Consideration in Fish Barrier Removal Projects, Montana Fish, Wildlife, and Parks’ How to Build Fence with Wildlife in Mind, and WDFW’s website.</p>
<p>Policy 4J-1 Page 4-6</p>	<p>Fish and wildlife habitat should be carefully considered when</p>	<p>We recommend clarifying whether fish and wildlife habitat should be considered for restoration opportunities or avoidance when siting major</p>

	selecting projects for the Six-Year Capital Improvement Program.	capital facilities. This distinction will help ensure the policy effectively guides project planning and implementation.
Policy 4J-3 Page 4-6	Projects selected for the Six-Year Capital Improvement Program should prioritize multi-benefit solutions, such as protecting critical areas and sustaining the ecosystem services they provide, which may perform better than built infrastructure. Where projects are in direct contact with habitat strive to restore degraded habitat for threatened and endangered species, when the projects are in direct contact with such habitat they should also strive to restore degraded habitat. The County Council will determine when such restoration is financially feasible through adoption of the six-year capital improvement program and the County budget.	Prioritizing multi-benefit projects ensures public investments provide the greatest return by delivering ecosystem services such as flood storage, water quality protection, and temperature regulation. Nature-based solutions also strengthen climate resilience and reduce long-term costs for the County. Kitsap County's Natural Resource Asset Management Program (KNRAMP) employs a structured approach to manage its natural assets (such as forests, shorelines, and freshwater systems) by establishing Levels of Service (LOS) metrics. These LOS metrics serve as measures of quality, indicating how well natural assets are functioning and the extent of ecosystem services they provide. For more information, please see Kitsap County's story map .
Transportation Element (link)		
Policy 6A-1 Page 6-4	Establish the following levels of service (LOS) for purposes of maintaining transportation concurrency:	WDFW recommends establishing a level of service (LOS) metric for wildlife-related safety. In alignment with the WDFW Washington Habitat Connectivity Action Plan available transportation data , low, medium, and high-priority wildlife safety areas have been identified in relation to highways. Incorporating this LOS standard into transportation planning would help the County proactively address wildlife-vehicle collisions and support safer movement for both people and wildlife.
Goal 6B Page 6-7	Create a cost-effective transportation system that prioritizes multimodal safety, roadway preservation, active transportation, and concurrency.	We recommend incorporating a policy under this goal that states: "Prioritize transportation projects that address wildlife corridor connections, as outlined within the wildlife habitat corridor priority area map and corresponding resources," or "Transportation improvements in areas designated as "Wildlife Habitat Corridors" should be constructed to facilitate the movement of wildlife species." We recommend including mapped wildlife corridors as a data layer in a comprehensive plan's

		Future Land Use Map (FLUM) or transportation infrastructure mapping.
Policy 6F-8 Page 6-13	Publish an Annual Concurrency Report documenting the status of the countywide multimodal transportation system to inform investment in transportation facilities in the Whatcom County six-year transportation improvement program (TIP).	Wildlife habitat connectivity should be an integral part in planning and reporting the overall goals and status of transportation infrastructure.
Policy 6H-10 Page 6-15	Coordinate with state and local agencies to implement a “safe systems approach” using best practices to advance transportation safety for all users of the transportation system, including transit, bike, and pedestrian, and wildlife movement activities.	See comments above.
Policy 6H-10 Page 6-15	Inform and coordinate early and often with WSDOT to: <ul style="list-style-type: none"> - Aquatic and Terrestrial Project Integration: Pair terrestrial wildlife connectivity considerations with aquatic fish passage remediation projects to achieve comprehensive ecological benefits. 	See WSDOT’s Reducing the risk of wildlife collisions website as well as Wildlife Habitat Connectivity Consideration in Fish Barrier Removal Projects . The adjacent language is taken directly from the Washington Habitat Connectivity Action Plan .
Goal 6J Page 6-16	Construction and operation of transportation systems, should avoid adverse environmental impacts, including impacts to wildlife, water quality, and to adjacent residential areas.	This goal should incorporate a policy that clearly outlines the intent to coordinate wildlife habitat corridor planning across all applicable projects.
Policy 6J-1 Page 6-16	Maintain and restore fish passage when constructing new transportation systems. Where existing transportation systems have fragmented habitat, such as where culverts prevent fish from migrating upstream, ensure that any replacement or major repair brings the structure into compliance with current fish passage standards. strive to	This edit is important to ensure consistency with state law, which requires that any replaced or repaired structure that currently impedes fish passage be brought up to current fish passage design standards.

	<p>restore fish passage at every opportunity. When opportunities arise to address both infrastructure needs and fish passage barriers simultaneously, these projects should be prioritized. For County transportation projects, the County Council will determine when such restoration is financially feasible through adoption of the six-year transportation improvement program, the annual road construction program, and the County budget.</p>	
<p>Policy 6J-5 Page 6-16</p>	<p>Per the mitigation sequence, emphasis will be placed on avoiding or mitigate future impacts to feeder bluffs, accretion shoreforms, driftways, eelgrass, kelp beds and other elements of marine shoreline habitat when constructing or maintaining transportation systems. Only when avoidance is proven infeasible will other steps within the mitigation sequence be utilized.</p>	<p>The mitigation sequence (WAC 197-11-768) requires that avoidance of impacts be considered first before minimization or other steps within the sequence.</p>
<p>Policy 6L-3 Page 6-19</p>	<p>Adopt a transportation impact fees ordinance requiring new development to fund a proportionate share of the costs of multimodal transportation system improvements that benefit and are reasonably related to new development.</p>	<p>If infrastructure is proposed within a designated wildlife habitat corridor, project proponents should contribute an impact fee dedicated to wildlife passage improvements, such as culvert replacements or wildlife overpasses/underpasses, to mitigate connectivity impacts if applicable.</p>

Additionally, we suggest utilizing the [Sound Choices Checklist](#) in further review of all Comprehensive Plan elements. This checklist utilizes broad priorities that are applicable to all jurisdictions.

Thank you for taking the time to consider our recommendations to better reflect the best available science for fish and wildlife habitats and ecosystems. We value the relationship we have with your jurisdiction and the opportunity to work collaboratively with you throughout this periodic update cycle. If you have any questions or need our technical assistance or resources at any time during this process, please don't hesitate to contact me or the Regional

Land Use Lead, Morgan Krueger (morgan.krueger@dfw.wa.gov).

Sincerely,

Signature on final

CC:

Kara Whittaker, Land Use Conservation and Policy Section Manager (Kara.Whittaker@dfw.wa.gov)

Marian Berejikian, Land Use Conservation and Policy Planner (Marian.Berejikian@dfw.wa.gov)

Elliot Winter, Assistant Regional Habitat Program Manager (elliott.winter@dfw.wa.gov)

Region 4 northern district planning inbox (r4nplanning@dfw.wa.gov)

Lexine Long, WA Department of Commerce (lexine.long@commerce.wa.gov)

DRAFT