

CLERK OF THE COUNCIL

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January X, 2023

Senator Sharon Shewmake
Representative Alicia Rule
Representative Joe Timmons
42nd Legislative DistrictSenator Liz Lovelett
Representative Debra Lekanoff
Representative Alex Ramel
40th Legislative DistrictDear 42nd and 40th District Legislators:

Thank you for your continued commitment to representing the residents of Whatcom County down in Olympia. We are grateful for your work on our behalf. As the 2023 legislative session begins, we hope you will see us as collaborative partners advocating for all who live, work, and play here in Whatcom County. While it has been a tough few years for all of us, we are committed to working together to improve our community now and for generations to come.

Recently, Executive Satpal Sidhu presented to you our 2023 Legislative Objectives, a joint legislative agenda with the City of Bellingham, Port of Bellingham, and Whatcom County. The purpose of this letter is to elaborate on some of our legislative priorities related to climate action and environmental sustainability. We respectfully request your support on the following issues on behalf of Whatcom County.

Nooksack Adjudication

Please fully fund the Nooksack adjudication by supporting Department of Ecology's \$2.9 million request in the Governor's Budget. We believe adjudicating the Nooksack River watershed is necessary to bring together all water users and resolve water right disputes by determining who has the legal right to use water, and the priority and quantity of each right. As water rights are determined, we hope to collaborate with all parties on establishing solutions and market mechanisms to ensure everyone gets the water they need to live and support a thriving agricultural economy. In preparation for adjudication, we also request funding for the County to provide filing assistance for all participants. This will help facilitate the process and help individuals avoid unnecessary, and often expensive, legal fees.

Salmon Recovery

We are pleased to see the Governor proposed new investments to protect and restore salmon populations and habitat across Washington State. We hope that you will support these investments in riparian habitat restoration, hatcheries (including the grant to Lummi Nation for improvements to Skookum hatchery), water quality and quantity, removing fish passage barriers, and other critical programs such as the Puget Sound Acquisition and Restoration Program (PSAR), Salmon Recovery Funding Board (SRFB), and Floodplains by Design.

Culverts

While the "Culvert Case" identified the state's legal obligation to remove fish passage barriers, little was done to clarify the responsibility of local governments. We need the state's assistance and funding to help correct our fish passage barriers. With the influx of federal infrastructure funding, we hope the state can further provide matching funds, technical assistance, and help building workforce capacity so that local governments can be

prepared. We are pleased with the Governor's investments in removing fish passage barriers and preventing future barriers, and hope you will support those as well.

Growth Management Act and Comprehensive Planning

On August 9, 2022, the Whatcom County Council passed a resolution establishing our priorities for Whatcom County's 2025 Comprehensive Plan update. Among our priorities include incorporating climate change mitigation, adaptation, resilience, and greenhouse gas (GHG) emission reduction throughout the Comprehensive Plan. We also want to promote the protection and restoration of healthy habitats for fish and wildlife, which includes adding a salmon recovery goal, updating our culvert inventory with a proposed schedule for elimination, and working with the State to evaluate a framework and strategy for achieving net ecological gain for all public projects and a voluntary incentive driven framework and strategy for private projects. We hope you will support making grant funds available for local governments as well as the technical assistance and staff capacity necessary to achieve these ambitious goals.

Flood Response and Mitigation

Over the last year, [Whatcom County](#) has been working with numerous partners to respond to the devastating November 2021 Nooksack River floods. As we continue to recover, and prepare for future floods, Whatcom County supports any investment the State is willing to make to help us respond, mitigate, and adapt to future climate impacts including the anticipated increase in severity and frequency of flood events. We support the Governor's \$3.9 million investment in the Nooksack Basin flood prevention program administered by the Department of Ecology. These funds will support state, provincial, tribal and local government planning to reduce flood hazards and restore ecosystem function in the Nooksack Basin and Sumas Prairie. Funding will also support project development and implementation to reduce flood risk in communities. We also support increased investment in the Department of Ecology's Floodplains by Design program to reduce flood hazards, improve habitat, increase resiliency, and support a viable agriculture economy. Whatcom County is seeking \$12.4 million in funding for [The Nooksack River: Floodplains that Work Phase 3](#) in the 2023-2025 Washington State Floodplains by Design budget. Whatcom County ranked first across the state for its Phase 3 proposal, which will build upon our work currently underway in Phases 1 and 2. These funds are supporting the County's development and implementation of integrated floodplain management projects at a scale that is not possible with local funding alone.

Thank you for your time and consideration of these important issues. We appreciate your continued support. Please reach out to us if you have any questions.

Sincerely,

Whatcom County Council