

Planning Commission Recommendations = **Red**
 Pending Council Amendment = **Yellow Highlight**
 Passed Council Amendment = **Green Highlight**

Natural (#2) Resource Lands

Introduction

The lands, waterways, and natural resources of Whatcom County have been stewarded by the Lummi, Nooksack, and other Coast Salish peoples since time immemorial. It is important to recognize that healthy and functioning natural systems sustain natural resources foundational to both honoring and upholding tribal treaty rights and maintaining viable natural resource-based working lands, such as agriculture, forestry, fisheries, and mineral resource lands. Natural resource-based industries such as ~~the~~ the growth and harvest of farm products, re-generation and harvesting of timber, use of ~~aquatic resources marine resource lands for shellfish harvest~~, and excavation of minerals all shape Whatcom County's **physical, social, and economic** landscapes ~~and strongly influence the economy.~~ **Whatcom County therefore must take decisive action to restore and conserve natural resources and productive working natural resource-based lands in order to sustain viability key to life and livelihood.** ~~Resource lands, which include agriculture, forestry, fisheries (RCW 36.70A.020), and mineral resource lands, also largely represent Whatcom County's cultural heritage. These natural resource activities have been major industries since European settlement began in the area, and the use of marine lands by our indigenous citizens far predates European settlement. (#3)~~

Chapter Organization

This chapter is divided into four sections: Agricultural Lands, Forest Resource Lands, Marine Resource Lands, and Mineral Resources.

Purpose

This chapter contains goals and policies designed to identify and protect the important natural resource lands found in Whatcom County as defined by RCW 36.70A. The development of these goals and policies is necessary to ensure the provision of land suitable for long-term, **sustainable** farming, forestry, **fishing**, and mineral extraction so the production of food, fiber, wood products, and minerals can be maintained as an important part of our economic base through the planning period. Without protection of these **natural** resource **-based** lands, some of the lands could be inappropriately or prematurely converted into land uses incompatible with long-term resource **conservation, restoration, and (#4)** production. The premature conversion of resource lands into incompatible uses places additional constraints on remaining resource lands and can lead to further erosion of the resource land base.

Process

~~Each section of this chapter includes a description of the process followed in creating that section. (#89)~~

GMA Goals and Countywide Planning Policies

The following goals and policies in this chapter have been developed:

- to be consistent with and help achieve the statewide GMA goals to "maintain and enhance" natural resource--based industries.
- to implement Countywide Planning Policies that express the **intention desire** for the county to **govern become a government of** rural **and natural resource** lands **and in a** sustainable **manner resource based industries.**
- to fulfill the **public's citizens'** vision of Whatcom County where **sustainable (#5)** resource--based industries are widely practiced and encouraged.

The Agricultural Lands, Forest Resource Lands, Marine Resource Lands, and Mineral Resources sections of this chapter address Goal 8 of the GMA, which reads:

"Natural Resource Industries. Maintain and enhance natural resource--based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses." (RCW 36.70A.020)

The goals, and policies, ~~and action plans~~ of this chapter support the achievement of this goal by identifying, designating, and protecting productive resource lands from incompatible uses, thereby helping to maintain the county's important natural resource--based industries.

Identifying and designating productive resource lands also helps implement the Countywide Planning Policies directed towards agriculture, forestry, mineral resources, marine industries, and other natural resources. In addition, land use policies that encourage best management practices are included within this chapter to support and maintain working lands that benefit a broad cross-section of the public, as well as an a broad based economy of productive timber, agriculture, mineral, and aquatic industries in a sustainable manner. (CWPP I-9)

Agricultural Lands

Introduction

Purpose

The purpose of this section is to provide a clear set of guidelines that preserves the agricultural and food production base in Whatcom County; ~~it~~ prioritizes the human need for food, fiber, shelter, and energy; and ensures **both a thriving and sustainable** ~~the~~ agricultural and food production industry **esy (#6)** ~~and the cultural heritage thrive~~ in the years to come.

Process

In 1991 an Agricultural Resource Land Advisory Committee was formed to adopt Agricultural Resource Land Designations under the GMA. After 13 committee meetings and three public information meetings, the committee recommended adoption of refined goals and objectives and re-adoption of the existing Agriculture

zoning and plan designations. Their recommendation was adopted by Council through Ordinance 92-013 Exhibit A to Ordinance 92-013 explains the locational criteria that were used to designate agricultural lands. The revised criteria are now found in Policy 8A-3.

Currently, approximately 86,000 acres are designated as agricultural lands of long-term commercial significance.

GMA Requirements

The Growth Management Act requires the identification of the "general distribution and general location and extent of the uses of land... for agriculture..." **Map 8-1, and Map 8-2, and Map 8-3** show agricultural soils and existing agricultural zoning boundaries.

Map 8-1 shows prime agricultural soils, ~~and the Agricultural Comprehensive Plan designation. Those lands designated as Agriculture in the comprehensive plan are designated as Agricultural Lands of Long-Term Commercial Significance as defined by GMA as agricultural lands that have the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land." (RCW 36.70A.030(10)).~~ Prime farmland, as defined by the Natural Resources Conservation Service (NRCS), "is the land that is best suited to food, feed, forage, fiber, and oilseed crops." Categories of prime soils depicted on **Map 8-1** are described as follows:

~~Category I: All areas are prime farmland.~~

~~Category II: Prime farmland if drained.~~

~~Category IV: Prime farmland if irrigated.~~

~~Category V: Prime if drained and protected from flooding or not frequently flooded during the growing season.~~

~~Category VII: Prime if irrigated and either protected from flooding or not frequently flooded during the growing season.~~

~~Category VII: Prime if subsoiled, completely removing the root-inhibiting soil layer.~~

Category I: All areas are prime farmland.

Category II: Prime farmland if drained.

Category III: Prime if drained and protected from flooding or not frequently flooded during the growing season.

Category IV: Prime farmland if irrigated.

Category V: Prime if irrigated and either protected from flooding or not frequently flooded during the growing season.

These prime soil categories are taken directly from the NRCS National Soil Survey Handbook Part 622. Whatcom County does not contain all NRCS categories of prime soils.

Map 8-2 shows Agriculture Protection Overlay soils and lands zoned Rural-5A or Rural-10A that are outside UGAs. ~~and~~ The map provides a visual representation of those areas that are subject to the Agriculture Protection Overlay (APO). The APO recognizes that agriculturally important soils may lie outside existing agricultural zoning, in designated rural areas, and provides a mechanism for conserving these soils for agricultural use, if conservation is appropriate. Soils were classified as APO soils based on the NRCS's Prime Farmland classification system and Land Evaluation and Site Assessment (LESA) system. A comprehensive list of soil types that are subject to APO restrictions is listed in WCC 20.38.

The purpose of the APO is to promote and encourage commercial agricultural activity, meet long-term agricultural needs not otherwise met in the Agriculture **zone (#8)** district, provide a reasonable mix of uses and activities that may enhance the economic resources available to agricultural and other food producers ~~the farmer~~, and provide for a variety of uses within the rural areas that are not inconsistent with ~~or~~ incompatible with the use of lands within these areas for agricultural activities.

Conserving productive agricultural lands in rural areas is a primary objective of the APO. The APO applies to all lands zoned Rural-5A or Rural-10A that are outside designated urban growth area boundaries and held in parcels of 20 acres or larger. **Map 8-2** shows lands zoned Rural-5A or Rural-10A that are outside UGAs. Applied at the time of subdivision, the APO uses cluster zoning in order to allow development on one portion of a parcel, while leaving the remainder of the parcel available for agricultural use. The portion available for development will be limited to 20-30% percent. ~~(or possibly, up to 30 percent).~~

The APO seeks to conserve lands, ~~with~~ agriculturally important soils, **whose** predominant use has been and continues to be, or could be commercial agriculture. This overlay zone shall include areas that:

1. Have been designated as agricultural open space for county property tax purposes within the past seven years; and/or
2. Those that include more than 50% percent APO soils;

The GMA also specifies the need for regulatory protection relative to agriculture. It requires that the county "shall adopt development regulations on or before September 1, 1991, to assure the conservation of agricultural, forest, and mineral resource lands... ." Whatcom County has enacted a Right-~~T~~o-Farm ordinance that meets this requirement.

Map 8-3 shows the Agricultural Comprehensive Plan designation and Whatcom County's Rural Study Areas (RSAs). Those lands designated as Agriculture in the comprehensive plan are designated as **Agricultural Lands of Long-Term Commercial Significance** as defined by GMA as **agricultural lands that have the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.**" (RCW 36.70A.030(10). RSAs are specific geographic

zones within R-5 and R-10 rural zoning districts that were identified in the 2019 Rural Land Study as requiring enhanced agricultural protection and/or additional irrigation resources (#9) to maintain long-term agricultural viability. These areas are significant for their agricultural importance and are the focus of efforts to implement stricter measures, such as potentially rezoning to Small Lot Agriculture Districts, strengthening conservation easements, and developing policies to minimize non-agricultural development.

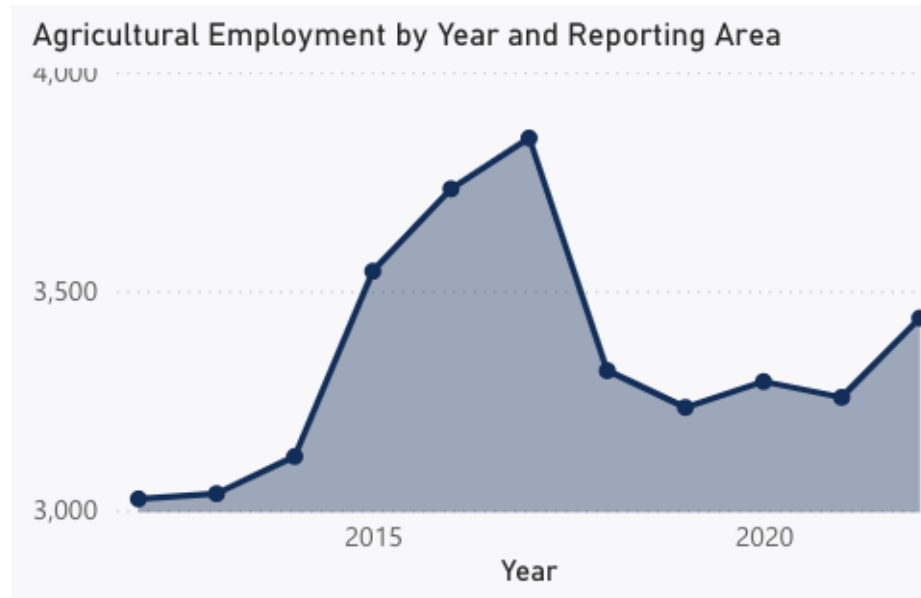
Background Summary

Today agriculture plays an important role in both Whatcom County's economy and its identity.

Whatcom County agriculture, including food production, is widespread and diverse, ranging from small, organic farms in the Mt. Baker Foothills to cold-storage facilities in Bellingham, and includes orchards, berry farms, dairies, cattle ranches, produce farms, and nurseries, to name a few. Our farms are the country's top producers of red raspberries and are also major producers of milk, beef, blueberries, potatoes, nursery products, and many other agricultural commodities.

The economic impacts of agriculture on Whatcom County are substantial. According to the U.S. Department of Agriculture's ~~2012202220122022~~ Census of Agriculture, 1,582,483 Whatcom County farms produced a market value of \$510.2326 million in crops and livestock that year, ranking seventheighth in the state. Milk produced locally in ~~2013-2022~~ reached a an all-time high market value of \$204.5246.1 million, ranking second in the state for milk production. ~~Raspberries and blueberries combined for a record market value of \$123.6 million in 2014.~~ Berries, tree fruits, and tree nuts, (#10) accounted for an impressive market value of \$183.5 million in 2022.

Average annual agricultural employment in Whatcom County in ~~2014-2021~~ was 3,512,258, with substantial seasonal variation within that average, according to the Washington State Employment Security Department. Locally, agricultural jobs ~~soared~~ increased to 5,661,439 in ~~the third quarter of 20152022~~. In addition, farms and support businesses, such as equipment retailers, veterinarians, processing facilities, and feed suppliers employ many Whatcom County residents.

Figure 1. Agricultural Employment by Year, 2012-2022

Source: WA Employee Security Department, 2022

Agricultural activity **is generally considered to be a condition or activity which that** occurs **ings** on agricultural land in connection with the commercial production of agricultural products. **Agricultural land** may include, but not be limited to, the land, freshwater ponds, buildings, infrastructure, and machinery **used in the commercial production of agricultural products. Agricultural products are those plants and animals useful to humans.** Commercially viable agricultural products **often** require **generally** rich and fertile soil with appropriate amounts of water to bring them to a harvestable stage.

Agricultural lands **and food production** are an important resource to the people of Whatcom County and Washington State, yet if not adequately protected through zoning and other measures, these lands may be converted to urban or rural uses. Often the conversion process begins when rural uses move onto agricultural land, creating smaller parcels, more buildings, and activities that, in some cases, are incompatible with agriculture. In many cases, this blurs the line of distinction between agricultural **ale uses (#11)** and other uses and sets the stage for further conversion of the limited agricultural land base in Whatcom County.

The viability of an agricultural resource economy is dependent upon the presence of certain agriculture related industries and activities, **as well as the well-being of their respective workforces.** These include processors (for example, fruit and vegetable packers and milk processors in Whatcom County), farm implement sales and repair, fertilizer and pesticide suppliers, trucking firms, certified meat inspectors and processors, **workforce development organizations, and skilled agricultural and food sector workforce** ~~a pool of farm labor, etc.~~ These activities, in turn depend on a stable **(or expanding)** agricultural products economy that is in turn dependent on

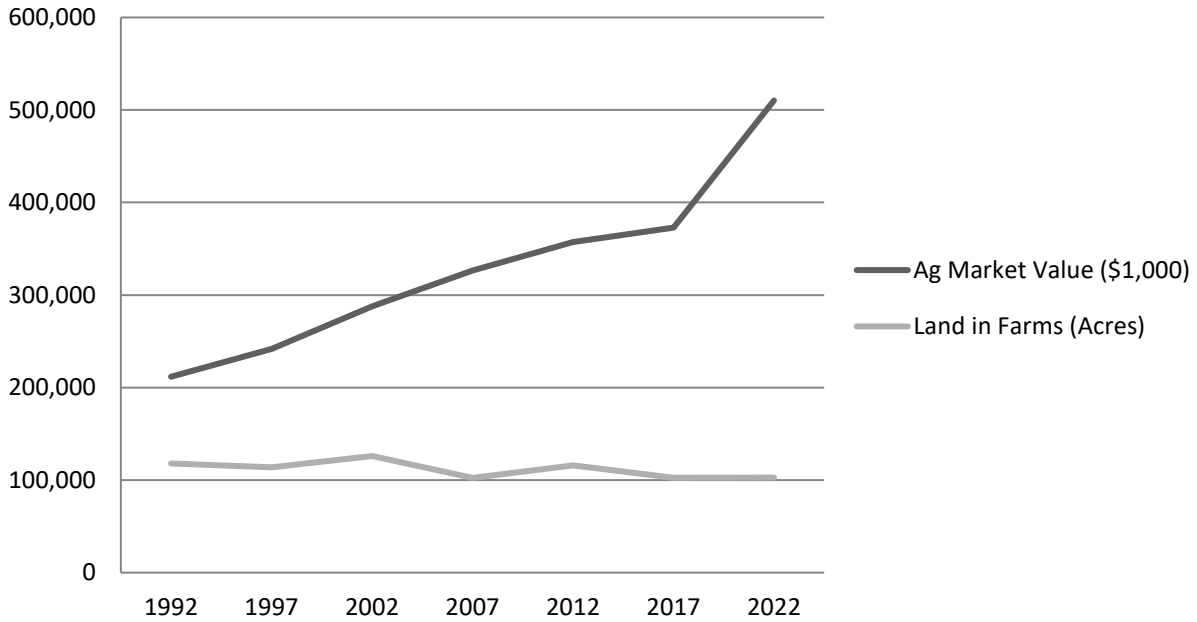
maintaining a stable agricultural resource land base. If agricultural production is reduced below a certain level in a given geographical area, then it becomes no longer economical for the agriculture related activities to remain in that area. Loss of these support industries results in further reduction and conversion of the agricultural land base and an accelerating downward spiral for the local agricultural economy.

Another important consideration is maintaining a large contiguous land base without a significant potential for conversion to non-agricultural residential uses for agriculture. Smaller, discontinuous agricultural areas are more vulnerable to conversion pressures resulting from longer hauling routes, difficulty in transporting farm equipment and supplies on roads dedicated to residential traffic, conflicts with neighboring non-agricultural land uses, and the reduced importance of agriculture in the local economy. Maintaining such a large contiguous land base sometimes requires preserving within the agricultural resource land area some lands that are not well suited to actual production of crops. Such inclusions may best be used for building sites, windbreaks, specialty crops, livestock wintering, forestry, etc. Thus, it is important to consider both the size and the configuration of the agricultural resource area to provide long term stability of the agricultural resource and support industry economy.

In 1949, 200,000 acres of land were reported to be in farm production in Whatcom County. Between 1949 and 1992, land in farm production declined. According to the 2022 Agricultural Census there are 102,886 acres of Land in Farms. In 2012, accounted for 115,831 acres, nearly 85,000 fewer acres than 1949. However, since 1992, **both** the amount of land in farms **(between 100,000 and 125,000 acres)** and **the number of farms (between 1,200 and 1,700)** **have** remained relatively stable, **(between 100,000 and 125,000 acres).** **But and** at the same time, **both** the **number and** diversity of farm **types (#12)** in the County has been increasing. Even while the amount of land in agricultural use has remained relatively stable over the past **threetwo** decades, the economic value of the products produced on those farms has increased by nearly \$300 million more than \$100 million in the same time period.

Figure 2. Farm Product Market Value, 1992-2022

Whatcom County Land in Farms/ Product Market Value Over Time



Source:

https://www.nass.usda.gov/Publications/AqCensus/2022/Online_Resources/County_Profiles/Washington/cp53073.pdf

Issues, Goals, and Policies

Agricultural Land Base

The state legislature has recognized that agriculture faces unprecedented international market competition and costs. Low profit margins **for major commodity crops including milk and raspberries** have contributed to the decline of Whatcom County's agricultural land base from 1949 to ~~2012~~2022. The continued loss of working agricultural land also harms critical areas because, as the Puget Sound Partnership has noted, farm and cattle ranch lands can deliver critical area outcomes that can be superior to converted lands, in terms of water quality functions, floodplain, aquifer recharge, and food and habitat functions for fish and wildlife species. **Additionally, federal, state and local investments have supported the voluntary restoration and enhancement of riparian areas on farmland, which has resulted in multiple benefits.** Because of this, additional regulations need to be carefully tailored to prevent additional threats that can accelerate conversion to non-agricultural uses.

Agricultural viability is dependent upon long-term supplies of clean water ~~and~~ a large fertile land base, **and predictable climate patterns**. Erosion of the farm land base has been recognized as a national and local problem. The maintenance of a sufficiently large land area devoted to agricultural activity is necessary to support associated farm processing operations such as milk and berry processing facilities.

Demand for low cost residential building sites coupled with fluctuating profit margins for agricultural operations and availability of residential development rights brings pressure to convert agricultural land to residential and other non-agricultural uses.

~~On July 7, 2009,~~ Whatcom County passed Resolution 2009-040, ~~on July 7, 2009~~ in which the County Council confirmed that 100,000 acres of land available for agricultural use is the minimum goal for ensuring a land base necessary to support a viable agricultural industry in Whatcom County. The resolution also stated the need to strengthen agricultural land protection in the County's Rural Study Areas as defined in the 2007 Rural Land Study by the Agricultural Advisory Committee (AAC).

The AAC assisted in the creation of the County's Agricultural Strategic Plan in order to support the goals of Resolution 2009-040 and outline methods to implement the goals and policies of the Comprehensive Plan related to agriculture, ~~which~~ Priorities for the Agricultural Strategic Plan include regular review of the agricultural land base (designated ag lands as well as RSAs) and zoning restrictions in order to track and discourage (#13) agricultural land loss and develop new policies and mitigation strategies to prevent further loss. 2011, ~~which included the task of reviewing rural study areas and identifying any new agricultural zoning designations or where agricultural land protection efforts should be strengthened.~~

As part of the 2025 Programmatic Update to the Comp Plan, Whatcom County has developed the Agricultural Land Assessment (ALA), a county-wide analysis that maps agricultural lands of long-term commercial significance and assesses land use trends

across the agricultural land base. Per WAC 365-190-040, counties are required to conduct a comprehensive county-wide assessment of agricultural resource lands when county governments designate or de-designate agricultural resource lands. The ALA maps lands that have high agricultural productivity and have potential to be designated as agricultural resource lands (ARLs). The ALA provides recommended changes to promote the conservation of prime farmlands located within the Rural Zone.

Goal 8A: Conserve and enhance Whatcom County's food production and agricultural land base to ensure at least 100,000 acres land base for the continued production of food, and fiber and other agricultural products.

Policy 8A-1: ~~Conserve productive agricultural lands and agricultural resource lands, including areas with prime soils that are not now zoned agriculture, or where the area is composed of agricultural operations that have historically been and continue to be economically viable, by developing and implementing long-term agricultural land protection measures that align with the agricultural strategy plan.~~ Developing and implementing long-term agricultural land protection measures that align with the agricultural strategy plan. The planning horizon should be twenty years in the short-term and 100 years in the long-term.

Policy 8A-2: Maintain a working agricultural land base sufficient to support a viable local agricultural industry by considering the impacts to farmers, farmworkers and other food chain workers and agricultural lands as part of the legislative decision making process. **Measures that can be taken to** support working farms and maintain the agricultural land base, **the County may should include:**

- **Maintain a minimum** of 100,000 acres of agricultural land to support a healthy agricultural industry.
- **Maintain a voluntary (#104)** density credit program where development incentives are offered in cities and/or UGAs if density credits are purchased by the developer. Funds from the density credit program ~~would~~ **shall** supplement the ~~existing~~ Conservation Easement Program ~~funding~~.
- **Developing a marketplace approach to strengthening** **Incentivize** agricultural **best** practices ~~while that~~ **enhancing** larger-scale watershed processes and functions **through by** identifying **feasible** opportunities on agricultural land to improve both watershed health and **food system agricultural** viability **and developing incentives and tools to** **compensate (#14) farmers-producers** for actions that exceed minimum regulatory standards **and enhance larger-scale watershed processes and functions through a Natural Resource Marketplace.**
- ~~Maintaining~~ **Prioritize funding for** a Conservation Easement Program that ~~facilitates the~~ **compensates farmers for the**

voluntary removal of development rights from productive farmland and provides permanent protection of those agricultural lands through the use of conservation easements or other legal mechanisms.

- Fund and collaborate with land trusts and other land-tenure and stewardship community organizations to facilitate access to land for food production that is distributed in the local market.
- Create incentives and cooperation between landowners and public agencies such as the use of the current use tax assessment provisions.
- Implementing land use policies that encourage farming on Rural lands of high agricultural productivity and potential.
- Discouraging conversion of designated agricultural lands to non-agricultural uses.
- ~~Track~~ Ensure adequate staffing to track acres lost due to conversion, development, or policy implementation (such as critical areas ~~ordinance~~ regulations), ~~and implement~~ mitigation strategies ~~can be implemented~~ to offset the acres lost.
- Educate ~~the public about~~ and marketing of programs that emphasize recognition of the local and regional significance of agricultural land as a natural resource and the economic, social, and ecological benefits it provides.
- Working cooperatively with local farmers and ~~coordinating~~ coordinate with local, ~~and~~ state, federal and tribal agencies to address water quality and quantity impacts of agricultural activities on local streams and groundwater.
- Securing an adequate, sustainable, and legal supply of irrigation water sufficient to support the long-term viability of the local agricultural industry.
- Identify and evaluate any new or changed zoning or comprehensive plan agricultural lands of long-term commercial significance designations as needed or warranted for the Rural Study Areas.
- ~~Economic~~ Provide Economic development assistance to agricultural-related enterprises.
- Recognize regulatory impacts on local food production and encourage farmproducer-friendly regulations.
- Design conservation easements and Transfer of Development Rights programs on agricultural lands (# 14) to protect both the land base and the ability to farm it. Easement terms should permit necessary agricultural buildings, farmworker housing,

and resource improvements essential for modern and sustainable farming.

Policy 8A-3:

~~The criteria for Designating or de-designating lands for under the Agriculture land use following applicable laws including RCW 36.70A.050 and WAC 365.190, as amended, designation shall be considered on an areawide basis. When applying the following criteria to preserve, the process should result in designating an amount of agricultural resource lands sufficient to maintain and enhance the economic viability of the agricultural industry in the county over the long term, and to retain agricultural support businesses, such as processors, farm suppliers, and equipment maintenance and repair facilities. The criteria are as follows: (#15)~~

1. The land is not already characterized by urban growth. In determining this factor, the County should consider WAC 365-196-310 and RCW 36.70A.030(19).
2. The land is used or capable of being used for agricultural production. In making this determination, the County shall use the land-capability classification system of the U.S. Department of Agriculture Natural Resources Conservation Service. These eight classes are incorporated into map units and are based on the growing capacity, productivity, and soil composition of the land.
3. The land has long-term commercial significance for agriculture as defined in WAC 365-190-050. In determining this factor, consider the following nonexclusive criteria:
 - a. The majority of the area contains Prime and unique Farmland Soils, and farmland of statewide importance ~~as determined—mapped (#15)~~ by the Natural Resource Conservation Service (NRCS).
 - b. The area may contain 100-year floodplains as delineated by the Federal Emergency Management Agency (FEMA).
 - c. Land use settlement patterns, the intensity of nearby uses, and the history of approved land development permits are generally compatible with agricultural practices.
 - ~~d.a. A majority of the area is composed of agricultural operations that were historically in agriculture prior to 1985.~~
 - e.d. The predominate parcel size in the area is large enough to adequately maintain agricultural operations and may include smaller parcels if contiguous with other agricultural resource lands.

~~f.e.~~ _____ The availability of public services.

~~g.f.~~ _____ The availability of public facilities, including -such-as roads used into transporting ing agricultural products.

~~h.~~ Special purpose districts that are oriented to enhancing agricultural operations such as drainage improvement, watershed improvement, and flood control exist.

~~i.~~ The area has a pattern of landowner capital investment in agricultural operations improvements including irrigation, drainage, manure storage, the presence of barns and support buildings, enhanced livestock feeding techniques, agricultural worker housing, etc.

~~j.g.~~ _____ The area contains a predominance of parcels that have current use tax assessment derived from the Open Space Taxation Act.

~~k.h.~~ _____ The area’s relationship or proximity to urban growth areas.

~~l.i.~~ _____ The area’s proximity to agricultural markets.

~~j.~~ _____ Land value under alternative uses.

4. Additional Whatcom County criteria that define land that has long-term commercial significance for agriculture. In determining this factor, consider the following nonexclusive criteria:

a. A majority of the area is composed of agricultural operations that were historically in agriculture prior to 1985.

b. Special purpose districts exist that are oriented to enhancing agricultural operations such as drainage improvement, watershed improvement, and flood control.

c. The area has a pattern of landowner capital investment in agricultural operations improvements including irrigation, drainage, manure storage, barns and support buildings, enhanced livestock feeding techniques, agricultural worker housing, etc.

Policy 8A-4: Support conservation of productive agricultural land by requiring the use of best management practices, including soil and water conservation, livestock nutrient/manure management, technical assistance, education, etc.

Policy 8A-5: Discourage conversion of productive agricultural land to incompatible non-agricultural uses.

Policy 8A-6: Require all requests for re-designation from agriculture to demonstrate that changed site conditions or circumstances have occurred since the original designation to such an extent that the

site no longer satisfies the designation criteria for agricultural lands consistent with policy 8A-3 or, in the case of a request for UGA expansion into designated agricultural lands, that no other option is available consistent with WAC 365-196-310(5)(e)(v). (#100)

Policy 8A-7: Work cooperatively with farmers to prioritize agricultural activity in land use decisions when land is composed of prime and/or productive agricultural soils and agriculture is the highest value resource use.

Policy 8A-8: Establish flexibility in land use plans and regulations to encourage maintenance of the productive agricultural land base, such as agricultural parcel reconfiguration.

Policy 8A-9: Use an "Agriculture Protection Overlay" (APO) designation in certain Rural RSA zoned areas as one way to increase agricultural production in areas outside of designated agricultural land of long-term commercial significance.

Policy 8A-10: Support ~~The Agricultural Advisory Committee shall as~~ advisors ~~to~~ the Whatcom County Executive and Council on agricultural issues and agricultural land use. Provide ~~Whatcom County shall support~~ the Agricultural Advisory Committee with staff and other resources, and ~~shall (#17)~~ recognize the AAC's input with regard to agricultural resource lands.

Policy 8A-11: Enhance local food security and food sovereignty by implementing the recommendations of the Whatcom Community Food Assessment, including increasing access to local food, supporting community-based food production, and prioritizing equity in food system planning.

Policy 8A-12: Support the development of safe, affordable on-farm and near-farm housing for farmworkers and their families, and improve access to transportation and healthcare for both farmers and farmworkers in rural areas. Cities should plan for and remove barriers to more multifamily housing affordable to nearby farm workers and their families. (#90)

Policy 8A-13: Support agricultural land uses to include non-traditional and innovative farming models, such as agroforestry, farm incubators, cooperatives, value-added enterprises, agrivoltaics, (#18) and agritourism, while preserving the primary function of agriculture on designated resource lands.

Policy 8A-14: Encourage investment in ongoing development of farms and forests that are locally managed and/or stewarded as working lands.

Policy 8A-15: The County shall require (#101) mitigation when lands designated as agricultural resource lands of long-term commercial significance under RCW 36.70A.170, as identified in the Whatcom

County Rural Land Study 2019 Update and draft 2025 Whatcom County Agricultural Land Assessment, are de-designated and converted to urban growth areas/urban growth area reserve, as applicable, on the Whatcom County Comprehensive Plan Land Use Map that result in an overall net loss of agricultural designated lands.

The mitigation requirements shall include:

A. The subject de-designated agricultural lands shall remain in the County Agriculture Zoning District designation, allowing one dwelling unit/40 acres, until the time of annexation.

B. For each property that is subject to the requirements set forth in this policy designated as agricultural resource land (ARL) at the time of adoption of this Comprehensive Plan, (#105) a mitigation agreement memorialized by covenant between the affected property owner(s), city and the county shall be required and filed with the County Auditor within; (#102)

- sixtyNinety (690) days of the date the County Council officially approves de-designation of such lands; or (#102)
- Forty-five (45) days of issuance of the Growth Management Hearings Board final order or court decision on appeal, if a petition for review to the Board or any appeal to a court of law is timely filed. (#102)

Failure to record the covenant within the prescribed timeframe shall render the de-designation null and void. In the event that covenants for all properties within a contiguous UGA Expansion Area are not timely recorded, the County Council shall review the UGA designation and, if determined to be necessary, shall take action to eliminate or modify the UGA Expansion Area to ensure that logical outer boundaries are maintained. All such This agreements shall be appurtenant to and run with the land. This requirement does not apply to rede-designations of five (5) acres or less when there is an existing house or other structural improvements on the property. (#102)

C. The mitigation agreement shall require a fee-in-lieu payment to Whatcom County at the time of annexation for use in the Whatcom County Conservation Easement Program (Chapter 3.25A WCC) to

purchase voluntary conservation easements that remove development rights from agricultural properties. The fee shall be determined at the time of annexation and shall be based upon the average value, per acre, of agriculture conservation easements that have been finalized through the Whatcom County Conservation Easement Program in the five-year period prior to annexation, excluding City owned property in use for public purposes and lands in the one-hundred-year floodplain for which the development rights have been permanently extinguished pursuant to RCW 36.70A.110(10). (#102)

D. Assurance, acceptable to the County, regarding payment of the fee-in-lieu shall be required as a condition of annexation by the city. Assurance may be an amendment to the interlocal agreement between the city and Whatcom County concerning planning, annexation and development within the UGA stating that the fee-in-lieu shall be paid prior to issuance of the first city development permit for the subject property. (#102)

Policy 8A-16: Evaluate the potential for designating additional agricultural natural resource lands of long-term commercial significance through creation of a small-lot agriculture zone that allows for a maximum of one dwelling unit/20 acres (Ag-20) within applicable Rural Study Areas evaluated in this Comprehensive Plan Update. (#106) The evaluation should include the consideration of potential transfer of development rights to rural areas zoned R5A or R10 outside UGA with one or more of the following: 1) NON-APO soils 2) Access to public water 3) Less or lower wetlands 4) Better septic soils.

Agricultural Economic Viability -Products Industry

Agriculture is an essential contributor to the local Whatcom County economy. Agriculture is most productive in large- (#20) agricultural communities where neighbors support agriculture and where labor, farm supplies, and market systems for farm products are available.

Agriculture is one of the most important resources in Whatcom County. Whatcom County works with producers and community food system organizations ~~farmers~~ to ensure productive agricultural land and improved nutrient management practices help reduce impacts on aquatic lands. Whatcom County is also strongly fiscally supported by agriculture ~~fiscally~~ with sales and jobs.

Goal 8B: Maintain and enhance a viable and sustainable~~Whatcom County's agricultural products and services industry as a long-term and sustainable industry.~~

- Policy 8B-1: Promote the expansion and stability of local and regional agricultural and food system economies through local sales platforms and outlets, food hubs, farmers markets, wholesale, and marketing, etc.
- Policy 8B-2: ~~Strengthen~~Assist Whatcom County's agricultural industry through in the pursuit of its long term economic potential. This should include the development of strategies and policies necessary to reach this potential, in terms of both that support long-term agricultural viability, production and diversity.
- Policy 8B-3: ~~Encourage~~Support agricultural infrastructure and product processing facilities through appropriate planning, zoning, and land use regulations.
- Policy 8B-4: Support methods and strategies to market Whatcom County agriculture in ways that ensure that agricultural activities (such as dairying) and entities (such as processors) will remain here in the long term.
- Policy 8B-5: Support improving the efficiency and flexibility of state and local environmental regulations affecting the agricultural ~~products~~ industry.
- Policy 8B-6: ~~Utilize~~Use a range of result-oriented non-regulatory programs, options, and incentives, collaboratively developed and monitored by the County, food system workforce, and landowners, that agricultural landowners can employ ~~which~~that meet or exceed county environmental regulations.
- Policy 8B-7: The County shall review Title 20.40 (Agriculture District) to ensure that the regulations reflect current and evolving agricultural practices and market realities. This review should evaluate minimum lot sizes, accessory use definitions, and conditional use procedures to promote economically viable farm operations while maintaining environmental protections.

Agriculture and Food System-Related Cultural Heritage Investment

Food and agricultural production are not just businesses, but reflective of cultural traditions and practices across multiple generations of land stewardship. This includes the food practices of the Lummi, Nooksack and other Indigenous peoples as well as family owned and operated farms. These cultural practices and traditions are valuable assets for the well-being of our county residents and workers.

Agriculture is ~~not just a business but~~ a way of life, with many farmers farming the same land their parents and grandparents farmed. The sense of community that ~~these (#21)~~ people have built over the years is one of the most valuable assets of our county.

Nevertheless, the livelihood of food producers and other food system workforces ~~these people~~ appears to be threatened. For example, Property has become a valuable commodity in Whatcom County and oftentimes beginning young farmers

cannot afford to buy productive farmland because the cost is so prohibitive. Wages have not kept up with the cost of living in Washington State, and workers are faced with difficult decisions in meeting their basic needs.

Goal 8C: ~~Preserve and enhance the cultural investment heritage that is related to~~ in current and future agriculture and food production.

Policy 8C-1: Identify, preserve, and enhance community character, landscape, and buildings associated with agricultural activity.

Policy 8C-2: Involve those who ~~actually~~ are engaged in agricultural activities, and give high regard to their opinions in the County's decision-making during the planning process. Use groups working effectively with the agricultural community to help preserve and/or create a sustainable ~~economic~~ agricultural economy base.

Policy 8C-3: Prioritize Support the continuation of owner occupied/family owned farms and locally-owned agricultural cooperatives through succession planning, land access tools, and technical assistance.

Policy 8C-4: Encourage investment in ~~Encourage the use of~~ programs including Buy-Protect-Sell, land trusts and the Conservation Easement Program that help beginning farmers buy and rent productive farmland.

Policy 8C-5: Encourage investment in ~~Develop~~ and support more community-led programs and projects to promote agri-tourism, farm-to-school partnerships, and community-based ~~and~~ ag-education. These programs should promote to increase public awareness of the nutritional, cultural, ecological, and economic value of agriculture, our food chain, and quality food production. Investments should be made equitably to organizations led by and for underserved communities.

Land Use Conflicts

The Right-~~To~~ Farm ~~Ordinance~~ regulations (WCC Chapter 14.02) ~~was~~ were created because agriculture is the priority use on agricultural lands of long-term commercial significance (#22). Usual and accustomed farm activities create odors, dust, sprays, noise ~~from farm machinery,~~ etc. and are prioritized with the Right-To-Farm ~~regulations~~ Ordinance. Agriculture may conflict with other land uses. Improper nutrient/manure management practices on agricultural land may impact the commercial and recreational use of aquatic lands miles away. Residents of non-farm housing adjacent to farms, and owners and patrons of nearby commercial uses, have complained of nuisances such as odors, dust, chemical sprays, and noise from machinery. Farm equipment, crops, and livestock may suffer from increased vandalism. In addition, non-farm residential development, particularly residential subdivisions, can raise assessed valuation or lead to special assessments on adjacent farmlands, resulting in higher property taxes for farmers. The same is true of commercial uses. On the other hand, the open space value of farmland can be

diminished or destroyed by the location of commercial uses such as junk yards, auto wrecking yards, etc.

Many agricultural drainage districts have been in existence since the early 1900s with little or no outside influence. Their sole function has been to keep the water table down low enough to allow crops to grow throughout the season. In the last few years, however, there has been growing concern about the impact this activity may have on fish habitat and fish populations. As a result, hydraulic permits have been difficult to get from the Washington State Department of Fish & Wildlife and drainage activity has been slowed.

Mining activities, such as the extraction of sand and gravel, are often an alternative use of land zoned for agriculture. Such activities may limit options for later agricultural use, depending upon the intensity of the activity and the extent of soil rehabilitation efforts.

Many profitable agricultural operations are located on land outside of predominantly agricultural areas. Although these operations may not be entirely compatible with neighboring urban and suburban developments, they are important contributors to the agricultural base in Whatcom County.

Goal 8D: Reduce land use conflicts between Whatcom County's agriculture and non-agricultural landowners, ensuring that agricultural and supportive land uses are (#93) prioritized on agricultural lands of long-term commercial significance.

Policy 8D-1: ~~Strive to reduce~~ Reduce potential conflicts between agriculture and incompatible agricultural (#23) activities by maintaining zoning regulations that protect productive agricultural lands of long-term commercial significance from conversion to non-compatible uses.

Policy 8D-2: Maintain the Right-To-Farm ~~ordinanceregulations (WCC Chapter 14.02)~~. Give priority to agricultural uses and owners of parcels zoned for agriculture priority in land use and nuisance conflicts with residents and owners of adjacent properties ~~and adjacent property owners~~.

Policy 8D-3: Support improved communication and understanding between agricultural landowners and the public through community forums, educational programs, and Right-to-Farm regulations ~~such mechanisms as community forums and educational programs~~.

Policy 8D-4: Recognize the importance of surface mining as an agricultural practice when the activity contributes to enhancing subsequent agricultural uses on the property. Ensure such practices do not degrade agricultural lands.

Policy 8D-5: Accommodate the location of designated mineral resource lands in or near agriculture zones when determined ~~by Whatcom County~~ to be in the best interests of the community.

- Policy 8D-6: Support agricultural activity in mixed farm/rural residential areas, with the understanding that certain farm practices may conflict with other neighboring rural land uses.
- Policy 8D-7: Cooperatively analyze and understand~~Help resolve~~ conflicts associated with maintaining and enhancing fish habitat and the necessary drainage work that is annually done by agricultural drainage districts, watershed improvement districts, and landowners in order to resolve conflicts.
- Policy 8D-8: Develop a continuum of efforts moving from including education and outreach, development of voluntary best practices, technical assistance, and incentives, monitoring, and regulation ~~(#24)~~ to minimize impacts when conflicts arise between agriculture and other land uses.
- Policy 8D-9: Encourage low intensity recreational and agritourism(#25) activities that help sustain and are compatible with agricultural uses.
- Policy 8D-10: In the "Agricultural Protection Overlay" on parcels 20 acres and larger with Rural 5 -acre and Rural 10- acre zoning, require non-agriculturally related development to be clustered on ~~20 or~~ up to 30% percent or less(#26) of the available land with the remainder available for open space and agricultural uses. Development standards shall provide flexibility to achieve development potential in cases of natural limitations.

Fish and Wildlife

Use of agricultural lands While agriculture is very important to Whatcom County, it is also important to recognize that it can impact habitat, including riparian areas, stream flows, channel habitat structure, and water quality and quantity(#27).

Goal 8E: Support efforts between~~Work with~~ agricultural land users, tribes, and regulatory agencies to find clear, efficient and effective ~~cooperative ways~~ incentives and mitigation measures(#28) to protect and improve environmental function and wildlife habitat ~~of while also maintaining agricultural viability~~ threatened and endangered species through education and incentive programs.

Policy 8E-1: Ensure that adequate-existing riparian buffers are maintained along rivers and streams, and promote voluntary restoration where adequate riparian buffers are absent through technical assistance and incentives.

Policy 8E-2: ~~Prevent livestock from degrading~~ Protect water quality and riparian and instream habitat from agricultural and livestock impacts by ~~using~~ incentivizing-requiring mitigation and(#29) best management practices such as~~for the~~ fencing, ~~of livestock from~~

- ~~streams and support the provision of alternative watering systems, cover crops, and filter strips.~~
- ~~Policy 8E-3: Encourage the use of integrated pest management practices, including herbicides and pesticides, that protect water quality.~~
- Policy 8E-34: Encourage the use of integrated pest management practices and ensure proper storage and application of compounds, pesticides, herbicides, manure, fertilizers, and other substances that can pollute our waterways ~~such as manure and other fertilizers, pesticides and herbicides.~~
- ~~Policy 8E-5: Ensure properly functioning habitat conditions for those riparian areas and stream reaches that do not currently provide such habitat conditions through voluntary restoration, technical assistance incentives.~~
- Policy 8E-46: Support and Encourage the maintenance and operation of existing drainage systems ~~such that actual and potential habitat and to avoid~~ water quality and quantity impacts from such systems are minimized and retain viable agricultural land uses remain viable.
- Policy 8E-75: Work with the watershed improvement districts, drainage districts, **Whatcom Conservation District, Washington State Conservation Commission, (#32)** and the Washington State Department of Fish and Wildlife to resolve ~~tradeoffs~~ conflicts associated with fish and wildlife habitat on agricultural lands.
- ~~Policy 8E-8: Continue to work with farmers on improving water quality practices.~~
- Policy 8E-69: Provide outreach, ~~and~~ education, and incentives to farmers on using Best Management Practices (as defined by WCC 16.16.900-14.02.020) to protect water quality and protect threatened and endangered species.
- ~~Policy 8E-10: Develop and implement education and incentive programs that encourage agriculture land owners to take steps to improve habitat of threatened and endangered species.~~
- Policy 8E-117: Support Increase funding with Ssupport from State and Federal agencies ~~in increasing funding and improving~~ to incentivize implementation of improving best management practices on farms and that avoid adverse impacts to water quality, shellfish, and the habitat of threatened and endangered fish and wildlife species ~~and to marine waters that support shellfish resources.~~

Water for Agriculture

Agriculture uses a significant amount of water, most of which is pumped from wells or surface waters. Given the competition for scarce water supplies (addressed in

Chapter 10, Environment, Water Resources), ways must be found to secure an adequate long-term water supply while encouraging water conservation, **storage, (#34)** and improving water quality prior to it entering the waterways.

Water Rights Adjudication

A water rights adjudication is a legal process to quantify and prioritize water rights in WRIA 1, the Nooksack Basin, including the entire Nooksack River watershed and nearby areas. The Washington Department of Ecology initiated this process in May 2024, and it is expected to last over a decade. All those who withdraw water from a well or divert water from a waterbody in WRIA 1 are involved, but not those who solely rely on water received from a city, a water district, or a water association. Evidence collection and submission will follow, culminating in a court-ordered inventory of all legal water rights. This adjudication is a result of the Water Resources Adjudication Assessment, which identified WRIA 1 as a priority area due to its water resource challenges. **Whatcom County is serving an administrative, facilitative, and impartial role in the adjudication process including providing a court room, designating a Superior Court Judge, and providing technical assistance and studies as funded. Whatcom County will seek reimbursement from the State of Washington on all adjudication related expenses including courtroom expansion, judicial staffing, administrative expenses, a negotiated or mediated water rights quantification and settlement process, and other ongoing expenditures. Whatcom County also intends to protect its own modest legal water right associated with its facilities. (#34)**

Goal 8F: ~~Prioritize~~**Strive to ensure adequate water supplies to that balance supporting tribal treaties and senior water rights, a long-term and thriving agricultural sector, and residents (#35) while promoting water use efficiency, stewardship, and collaborative basin-wide planning in the face of anticipated changes in temperature, precipitation, and demand.**

Policy 8F-1: Actively participate in the WRIA 1 Watershed Management and Salmon Recovery Programs, balancing the needs of agricultural water users and other out-of-stream users with the needs for instream uses.

Policy 8F-2: Conserve water quantity resources ~~from both a quantity and a quality perspective~~ to ensure and ~~possibly~~ enhance continued agricultural viability.

Policy 8F-3: ~~Support~~Advocate to State regulatory agencies throughout and after the adjudication process to ensure the agricultural community’s access to sufficient sustainable, and legal water rights sufficient to support long-term agricultural viability.

Policy 8F-4: ~~Balance the needs of agricultural water users with needs for instream uses through such process as the WRIA 1 Salmon Recovery Program.~~

Policy 8F-5: Recognize ~~the~~while regulation of water quality ~~is important, and~~ the water need for production of food, fiber, shelter and energy by agricultural resource lands ~~is—are~~ equally ~~important~~ ~~critical~~(#36).

Forest Resource Lands

Introduction

Purpose

This section contains policies to guide Whatcom County in ~~the~~ conservation ~~and~~ restoration of forest resources, ~~including ecological benefits and productive working forests~~ lands ~~of long-term commercial significance~~, and to implement the provisions of the Growth Management Act and the adopted Countywide Planning Policies. ~~Whatcom County recognizes conserving and restoring forests is closely connected to maintaining a productive timber economy and strengthening climate resilience. The County should support forest management strategies that balance these priorities while discouraging forest conversion and other incompatible uses. Healthy forests provide high-quality timber, cultural and recreational benefits, and critical ecosystem services such as clean air and water, wildlife habitat, and reduced risks of disease, pests, and wildfires.(#37)~~

GMA Requirements

Designation and conservation of forest resource lands of long-term commercial significance is required under the Growth Management Act (RCW 36.70A.060). The Growth Management Act [RCW 36.70A.030-(8)] defines forest lands as follows:

"Forest land" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production on land that can be economical and practically managed for such production, the following factors shall be considered: (a) the proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forest land to other uses.

Long-term commercial significance is defined by RCW 36.70A.030 (10) as including:

The growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

Map 8-43 shows lands designated as forest resource lands of long-term commercial significance.

Process

~~Whatcom County has implemented zoning regulations for forest land since the 1970s. With the passage of the Growth Management Act, the county began to review the zoning classifications.~~

~~In 1991 a Forest Resource Lands Citizens' Advisory Committee composed of forest landowners, representatives of the Washington State Department of Natural Resources, forestry consultants, and private citizens was formed. The purpose of the committee was to provide review and recommendations on the draft designation of forest resource lands and the Rural Forestry and Commercial Forestry zones and land use code. The draft forest land designations were developed under the original GMA definition utilizing a set of locally derived criteria for more refined definition of forest lands. These criteria included average parcel size, parcel tax status, type of road access to each parcel, ownership status, presence of public services, and environmental constraints. In 1992, the committee's recommendations were forwarded to the Planning Commission and on to the County Council before adoption in 1993, with minor changes along the way. The draft forest resource land designations fulfilled the Growth Management Act's interim designation and conservation requirements for resource lands. These interim designations were eventually adopted as part of the Final 1997 Comprehensive Plan, in which over 35,000 acres were designated as Rural Forestry and over 186,000 acres were designated as Commercial Forestry.~~

~~In March 1994, the Forest Resource Lands Citizens' Advisory Committee was reconvened to develop and recommend goals and policies for the comprehensive land use plan. The goals and policies are a compilation of the previously existing county goals regarding forest lands, statements from the Visioning Committee's work, and statements generated by the committee. These goals and policies reflect a broad consensus of the community for the conservation and use of the forest resources of Whatcom County.~~

Background Summary

The forest resources of Whatcom County have historically been one of the most important natural resources in the region. Lands in the lower foothills that were initially harvested between 1900 and 1950 now support commercially mature stands of timber, **some of which are structurally complex, older growth forests that sequester and store carbon and generate many ecosystem services.** In addition, a few areas of original forest still remain, **which is why protecting late seral stage forest lands is critical. (#38)**

The majority of the county's non-federal forest resource lands (about 268,597 acres) are located in the foothills of western Whatcom County. Most of this land (223,613 acres) is zoned for forest production uses, and is owned and managed by a few large institutions, including natural resource--based corporations, insurance companies, the State of Washington, and small private forest management companies. These landowners manage their lands primarily for the production of timber resources.

A smaller portion of the land zoned for forest production is owned and managed by individual woodlot owners and farm/foresters, some of whom reside on their properties.

Traditionally, forest land use has been seen as **having** a lower economic value compared to agriculture, rural, suburban, urban, commercial, or industrial uses. As a result, some forest landowners have held forest land in reserve at low cost (current use tax status) while managing for forest products and waiting for the growth of more intense land uses in the vicinity of their property. Many landowners in Whatcom County have taken advantage of the current use taxation programs in order to make forest management on their land more economical. These programs greatly benefit community interests by helping forest landowners keep land in open space and forest use.

With a growing population, there is a genuine need to promote conservation of productive forest land and associated public resources through a balanced combination of regulatory protection as mandated by the Growth Management Act, and the provision of incentives for maintaining lands in long-term commercial timber production. It is state and county policy, as stated below, to provide forest landowners with long-term land use predictability, for both productive forest lands and adjacent non-forest use lands. Premature conversion of those productive forest lands to other land uses that are incompatible with the management of forest resources is recognized as a threat to the forest industry **and to ecosystem services provided by forest lands to the watershed-scale ecosystems of which they are a part**. Such conversions include changing the use of forest land from commercial timber production to incompatible residential, commercial, industrial, ~~and or~~ agricultural land uses, or parks and preserves that exclude forest production management. Once forest land has been converted and roads, utilities, and other infrastructure have been constructed, the land is not as useful for long-term commercial forest production **and no longer meaningfully provides ecosystem services(#38)**. In addition, the encroachment of land uses such as non-forestry related residential into areas devoted to forest production can create conflicts between residents and forest landowners.

Issues, Goals, and Policies

The following goals and policies apply to both Rural and Commercial Forest lands and address the issues of conserving productive forest land and meeting the goals of the Growth Management Act. **Furthermore, the issues, goals, and policies outlined in this Comprehensive Plan should also be coordinated with the goals, objectives, and actions, forest management resources, and collaboration framework outlined in the Whatcom County Forest Resilience Plan.(#39)**

Forest Land Base

The working forest land base in Washington State and in Whatcom County has been steadily decreasing over time. Most of the forest land base change ~~has been is~~ attributed to conversion of forest land to **rural residential development, agricultural lands**, parks, preserves, and set-asides, or **taken out of production by(#40)** environmental regulations. A minor amount of land has been converted to rights-of-way and urban and suburban uses. With the additional population growth forecast for Whatcom County, there will be continued pressure to convert all types of lands to

residential uses. The greatest pressure to convert forest land will likely occur along the margins of traditional forest land where a spectrum of possible land uses may exist, in areas near infrastructure, and on forest sites with commanding views.

Complicating the issue of maintaining and protecting the forest land base from conversion is the existing diverse character of forest resource ownerships and forest management goals among Whatcom County's timber landowners. While the larger forest landowners manage their lands primarily for timber production, the smaller forest landowners tend to have diverse forest management goals. Public investment and zoning and land use regulations to conserve forest land in Whatcom County need to recognize that forest land is a community asset for living-wage employment, innovative enterprise, and climate resiliency. Community-led enterprises in forestry can create new, multi-tiered business models that will expand and diversify productivity~~the range of diverse ownership goals~~ and provide for a range of allowed land uses to ensure the viability of both large- and small-scale forest management goals while achieving the broader comprehensive goal of conserving the forest land base of the county.

Goal 8G: Promote the economic sustainability of the Whatcom County forest land base, industry, and infrastructure by supporting policies that increasing protect Whatcom County's working forest land base and forestry industry~~support policies that do not adversely impact the commercial forest land base. (#41)~~

Policy 8G-1: Recognize that ownership of the forest resource land base of Whatcom County is diverse, ranging from rural woodlot owners, farm/foresters, and small private timber companies as well as to large natural resource corporations, the Federal Government, and the State of Washington ~~constitute the ownership of the forest resource land base of Whatcom County.~~

Policy 8G-2: Provide appropriate land use regulations for the diverse forest resource lands within the county through the designation of Rural Forestry and Commercial Forestry zones.

Policy 8G-3: Apply the following general criteria for Rural and Commercial Forestry comprehensive plan designations and zones:

Rural Forestry: Lands mostly devoted to growing trees for commercial timber production, usually located within public service districts such as fire or water districts, accessed by private or public roads built to Whatcom County development standards ~~or public roads~~, with low density residential development. Land parcels are generally 20 acres or greater in size.

Commercial Forestry: Lands primarily devoted to growing trees for long-term commercial timber production, located outside of public service districts such as fire and water districts, and accessed by private or state forest roads. Land parcels are generally 40 acres or greater in size.

- Policy 8G-4: Support conservation of productive forest land by requiring the use of best management practices such as proper road construction and maintenance, prompt re-planting of harvested areas, and protection of forest soils. Educate forest landowners on state Forest Practices Rules (RCW 76.09) and ensure that county policies are not duplicative (including Shoreline and Critical Area regulations).
- Policy 8G-5: Support conservation of the working forest land base through cooperation between landowners, private organizations and public agencies, and through incentives such as the current use tax assessment provisions of RCW 84.33, and RCW 84.34.
- ~~Policy 8G-6: Expand the commercial forest land base by incentivizing afforestation in fallow farm fields, floodplains, etc. Support forest conservation programs that promote afforestation, reforestation, and climate-adaptive forest management. (#42)~~
- Policy 8G-~~76~~76: Encourage and support the use of the Small Forest Landowner Forestry Riparian Easement Program to help enhance small landowner s' (#43) economic viability and willingness to keep the land in forestry use (WAC 222-21-005).
- Policy 8G-~~78~~78: Establish flexibility in land use plans and regulations to encourage maintenance of the productive forest land base.
- ~~Policy 8G-8: Review Title 20.42 (Rural Forestry) and 20.43 (Commercial Forestry) for opportunities to provide compatible non-forest uses that encourage forest landowners to keep their land in productive forest uses.~~
- Policy 8G-9: Discourage inappropriate conversion of designated forest land to incompatible non-forest uses. It is the intent of this policy not to allow conversion of GMA designated forest lands of long-term commercial significance outside the Lake Whatcom Watershed Overlay District if the proposed use is incompatible with the maintenance of long-term forest management. Incompatible uses include those that:
- create fire or safety hazards to adjacent forest land;
 - permanently alter or remove a significant portion of a parcel from production of forest products. A significant portion would be greater than 20% of the lot;
 - create significant financial hardships for adjacent forest landowners; or
 - can lead to land use conflicts with adjacent forest landowners.
- Policy 8G-10: Special districts should review their boundaries (e.g. fire districts, water districts) for conformance with forestry designations and consider making appropriate adjustments.

Policy 8G-11: Recognize the difference between designated (mapped) forest lands and working forests. Designated forest lands may include public or private forest lands not actively managed for timber production forest products, such as for parks, open space, or habitat preservation purposes. Working forests are actively managed for timber production forest products (#44) and to provide a balance of social, economic, and ecological benefits, products, and values.

Policy 8G-12: Support thriving local forestry and forest products industries (#45) and sustainable resource economy that provides living wage jobs, encourages value-added production, and promotes long-term ecological stewardship of forest lands.

Policy 8G-13: Enhance the economic resilience of the Whatcom County forestry economy by encouraging forest management practices that increase structural complexity and stand diversity to ensure the future range of possible forest management options. For example, incentivizing landowners to pre-commercially thin and/or increase rotation age to support specialty saw mills that process large diameter timber and other specialty products. (#46)

Policy 8G-14: Encourage and incentivize working forest management practices that enhance climate resilience, forest health, and ecosystem services, including healthy fish and wildlife habitats, assisting species migration through road infrastructure and active management, watershed health, clean water, carbon sequestration and storage, wildfire resilience, and open space preservation. Healthy and ecologically diverse forests can help mitigate the harmful impacts of increased frequency and severity of wildfire events, increased occurrence of pests and disease, and drought and extreme heat events. Promote forest and forestry (#47) sustainability through education, financial incentives, and technical assistance.

Policy 8G-15: Develop and implement forest management plans for county managed lands such as community forests and county forestry lands including but not limited to Lake Whatcom Park, Canyon Lake Community Forest, and Stewart Mountain Community Forest that reflect the County's values for ecological stewardship, public access, and long-term sustainability. Hire the requisite staff or contractors to develop programming and play a more active role in the management of these forest lands. (#48)

Policy 8G-16: Encourage uneven-aged forest management practices such as selective harvesting and variable density thinning to promote structural complexity, enhance biodiversity, improve drought and fire resilience, support hydrologic function, and protect both fish-bearing and non-fish-bearing streams.

Policy 8G-176: Seek to expand opportunities for forest landowners to participate in carbon and ecosystem services markets by supporting programs and incentives that reward active forest management practices that increase carbon storage, enhance ecosystem services, and promote long-term sustainability.

Policy 8G-187: Support forest industry workers and businesses in transitioning to climate-resilient forest harvest practices by investing in training, safety improvements, and workforce development. Promote fair wages, benefits, and safe working conditions as part of a just and sustainable forestry economy.

Policy 8G-198: Maintain a working forest land base by considering the benefits and impacts of working forests as part of the legislative decision-making process. Measures that can be taken to support working forests may include:

- Implementing Land use policies that encourage active management plans on Rural Forest lands;
- Tracking acres of forest lands lost from productivity due to conversion, development, or policy implementation such as critical areas ordinance, and work with the Forestry Advisory Committee to identify economically viable mitigation strategies that can be implemented to offset the acres lost;
- Implementing Land use policies that recognize the multiple values of working forests and respect the rights and responsibilities of private and public forest landowners;
- Implementing Education programs that emphasize recognition that wood is a renewable natural resources;
- Implementing Public and institutional education programs that promote the benefits of working forests;
- Championing the implementation of the U.S. Forest Service's Northwest Forest Plan and completion of individual forest plans in order to re-balance the social, economic, and ecological benefits and products on a national forest specific basis;
- Ensuring that timber management plans submitted as part of the Designated Forest Land Current Use Tax program are implemented, or remove the property from the program; and,
- Encouraging county coordination and education of small forest landowners to assure that participants understand the responsibilities and opportunities inherent in the Designated Forest Land Current Use Tax program. Promote county and other programs to better serve small forest landowners, including educating landowners on active forest management, timber production, forest health, and fire resilience;

- Discouraging conversion of designated forest lands to non-forest uses. Consider ~~docketing a study of Rural Forestry properties that may benefit from rezoning to Commercial Forestry in an effort to encourage commercial forestry, discourage residential growth in forested areas, and improve climate and wildfire resilience.~~
- Devoting ~~county staff time and resources to apply for federal grants and support the formation and convening of a "Forest Collaborative" that will help facilitate multi-stakeholder conversations about proposed timber harvest and forest restoration activities on US Forest Service Land within Whatcom County. (#50)~~

Policy 8G-~~2019~~: Encourage active restoration in riparian areas to mitigate invasive species and promote forest health as exemplified by DNR's Forest Riparian Restoration Strategy.

Policy 8G-~~2120~~: Provide resources for monitoring forest health conditions, especially in the non-working forest land base, and consider active forest management to achieve desired conditions.

Policy 8G-~~2221~~: Educate forest landowners on treatments that buffer forest lands and eco-systems from wildfires, increasing vertical separation where possible, reducing fuels around homes and other structures along roads and stand edges and managing riparian zones.

~~Policy 8G-22: Expand the commercial forest land base by incentivizing afforestation in fallow farm fields, floodplains, etc. Support forest conservation programs that promote afforestation, reforestation, and climate adaptive forest management. (#51)~~

Policy 8G-23: Review county ordinances involving lot sizes and building setbacks to ensure compliance with defensive-space best practices ~~for Western Washington forest types~~ and to ensure compliance with the FireWise USA program. Update ordinances (#52) where appropriate.

Forest Products Industry

Investment in forest land is complicated by the long time it takes to realize any financial return from growing trees. Once a forest is harvested and a new forest plantation is established, it can take from 40 to 60 years at a minimum before another harvest can occur. Due to the fact that investments in forest land and timber growing are long term in nature, it is necessary to provide forest landowners with assurance that their investments will be realized.

Forest resource lands make an important contribution to the local economy in Whatcom County. Resource-based employment continues to provide some of the better paying jobs in our ~~local~~ area. Several major employers operate primary and secondary forest product processing facilities. Furthermore, Whatcom County has a

long history of involvement in the forest industry, with many families and communities involved in forest management **and forest products manufacturing (#53)**.

Goal 8H: Support increasing the viability of Whatcom County's forest products industry.

Policy 8H-1: Support improving the efficiency and flexibility of state and local environmental regulations affecting the forest products industry, in order to assure environmental protection and improve predictability for the forest products industry while minimizing the regulatory costs to forest landowners.

Policy 8H-2: Develop a range of non-regulatory programs, options, and incentives that forest landowners can employ to meet or exceed county environmental goals.

Policy 8H-3: Support the efforts of the forest landowners and managers in Whatcom County to operate in a long-term, sustainable manner as part of a stable, broad-based economy that serves the well-being of the enterprise owners and workforce of Whatcom County.

Policy 8H-4: Work cooperatively with the **co-managers**, Washington State Department of Natural Resources, **Lummi Nation, and Nooksack Indian Tribe**, to **maximize co-benefits and (#54)** ensure the most productive and appropriate use of State Forest lands within Whatcom County.

Policy 8H-5: Consider surface mining, along with rock crushing, washing, and sorting, when done as part of conducting forest practices within the forestry zones, as compatible uses.

Policy 8H-6: Support forest product production facilities through appropriate planning, zoning, and land use regulations.

Policy 8H-7: Encourage the United States Forest Service and the Washington Department of Natural Resources to implement **sustainable** harvest practices that **maximize the balance the** use of forest lands **for timber harvest and enhancing ecosystem services while** allowing appropriate multiple uses **such as cultural practices and recreation. (#55)**

Policy 8H-8 Collaborate with organizations led by and for forest industry workers to support the educational needs of a skilled workforce.

Land Use Conflicts

One of the most significant impacts for timber landowners in Washington State is the growing number of conflicts between forest landowners and their neighbors. These conflicts are the result of expansion into the margins of the commercial forest land base by people seeking residential land and recreational tracts, and who bring with them conflicting values concerning resource extraction, such as logging.

Goal ~~8I~~H: Reduce land use conflicts between Whatcom County's forest and non-forest landowners.

Policy 8I-1: Refine the Rural and Commercial Forestry zoning regulations to conserve productive forest lands of long-term commercial significance from conversion to non-compatible uses. This zoning recognizes the diversity of Forest Resource landowners and forestry land uses. This zoning should include provisions for compatible, non-forestry uses that encourage all forest landowners to maintain the productive forest land base while conserving them from conflicting uses.

Policy 8I-2: Affirm Whatcom County Code Chapter 14.04, the Right-To-Practice-Forestry ~~ordinance~~ regulations, which requires notification of property owners in the vicinity of forestry zones of the types of normal forest management operations likely to be conducted on forest land.

Policy 8I-3: Prior to issuing a development permit or receiving approval for a rezone, every attempt ~~should be made~~ make every attempt to annex ~~all the property on which the~~ development is located into local fire district boundaries. Before a development permit or a rezone is approved, ~~it should be~~ demonstrated (#56) to the satisfaction of the County that adequate fire prevention measures will be in place for the resident and adjacent properties.

Policy 8I-4: Support and encourage improved communication and understanding between forest landowners and the public through such mechanisms as voluntary forest management plans, community forest forums, and educational programs.

Policy 8I-5: Work cooperatively with the Washington State Department of Natural Resources, ~~Lummi Nation, Nooksack Indian Tribe, (#57)~~ forest landowners, and the general public to address community concerns and land use conflicts that may arise as a result of forest practices.

~~Policy 8I-6: Further explore opportunities for off-grid living and its benefits associated with the Rural Forestry interface. (#58)~~

Fish and Wildlife

~~The Use~~ of forestlands can impact habitat, including riparian areas, stream flows, channel habitat structure, and water quality.

Goal 8J: Support the Department of Natural Resources ~~to in~~ ensuring forest practices avoid adverse impacts to the habitat of threatened and endangered fish and wildlife

species and to marine waters that support shellfish resources.

- Policy 8J-1: Ensure that adequate riparian buffers, based on best available science, are maintained along rivers and streams.
- Policy 8J-2: Minimize sedimentation to rivers and streams, to the greatest extent possible, using **best management practices-BMPs. (#62)**
- Policy 8J-3: Ensure that riparian and stream functions are protected when forestlands are converted to non-forestry uses.

Policy 8J-4: Update the Lake Whatcom Landscape Plan using best available science and data to ensure forest activities within the watershed are consistent with the goals and objectives of the Lake Whatcom Management Program. Consider expanding membership of the Interjurisdictional Committee and improve compliance monitoring to ensure post-harvest conditions are not increasing risk of landslide or impairing water quality. (#63)

Mineral Resources

Introduction

Purpose

The purpose of this section is to guide Whatcom County in the conservation of mineral resource lands of long-term commercial significance and in land use decisions involving lands where mineral resources are present, and to implement the provisions of the Growth Management Act and the adopted Countywide Planning Policies.

Process

~~In 1990, the Washington State Legislature passed the Growth Management Act. One of the goals of the act is to maintain and enhance resource-based industries.~~

~~The Act mandates that each county planning under the Act classify and designate mineral resource lands of long term commercial significance.~~

~~To address the mandates of the Growth Management Act, Whatcom County formed a Surface Mining Citizens' Advisory Committee in the 1990s to produce, through a consensus process, the issues, goals, and policies found in this chapter. Planning staff drafted the sub-section on mineral designations following review and comments from the committee.~~

~~In 1992, Whatcom County adopted an Interim Classification of Mineral Resources provided by the Washington State Department of Natural Resources. This classification system, as well as existing resource information, was used for the interim designation of mineral resource lands of long term commercial significance. Through their involvement, the Surface Mining Advisory Committee recommended a longer planning horizon, which would require additional mineral resource areas. Additional MRLs were, in fact, designated when the Comprehensive Plan was adopted in 1997.~~

~~Since 1997, amendments for MRL designation have been landowner initiated.~~

GMA Requirements

One of the goals of the Growth Management Act is to maintain and enhance resource-based industries, including the aggregate and mineral resource industries, with the purpose of assuring the long-term conservation of resource lands for future use. The goals and policies in this section support that goal. In addition, the GMA mandates that each county shall classify mineral resource lands and then designate and conserve appropriate areas that are not already characterized by urban growth or have other GMA values that may preclude designation and that have long-term commercial significance.

~~The Growth Management Act requires that each county planning under the act shall designate mineral resource lands.~~ Mineral resource lands are lands primarily devoted to the extraction of minerals or that have known or potential long-term commercial significance for the extraction of minerals.

Classification is first step in implementing natural resource lands designations, as required in RCW 36.70A.170, and requires defining categories to which natural resource lands and critical areas will be assigned. Designation is the second step in implementation, in which natural resource lands must be designated based on their defined classifications. Designated Mineral Resource Lands of Long-Term Commercial Significance are displayed on **Map 8-54**.

As part of the required periodic review, Whatcom County must consider new information in determining if amendments are necessary to the mapped designated mineral resources.

History of Government Efforts.

1990 - The Growth Management Act (GMA) initiated the following County efforts. The Surface Mining Advisory Committee (SMAC) was formed to reach consensus on the issues, goals and policies adopted into Chapter 8 of the County Comprehensive Plan.

1992 - County adopted the Department of Natural Resources (DNR) Interim Classification of Mineral Resources to designate mineral resources in the County.

2003 and 2014 aggregate resource studies were commissioned and updated.

2016- Whatcom County takes a more proactive role in designating mineral resources, rather than relying on State level designation.

2021 - SMAC developed several options to study of potential additional Mineral Resource designations. County Council recommended further study of potential MRL expansion only within ½ mile of existing MRL designations.

2024-2025 – PDS consultant initiated potential MRL expansion suitability analysis within ½ mile of existing MRL designations. Process ongoing into 2026.

Background Summary

Mining activities in Whatcom County have taken place since the 1850s, though the nature, scope, and extent of such activities has changed considerably through time.

These changes have reflected the economics involved at each point in time, at least as much as they reflect the geologic character of Whatcom County. Historically, the more important mineral commodities of Whatcom County have been coal, gold (placer and lode), sandstone, clay, peat, limestone, olivine, and sand and gravel aggregate, with the latter three being especially important at present.

In Whatcom County, sand and gravel mining has been historically concentrated mainly to the east of Interstate-5 and north of Bellingham, with some exceptions. The more important historic aggregate mining areas from east to west include: (1) the Siper and Hopewell Road area two miles north of Nugent's Corner; (2) the Breckenridge Road area just east of Nooksack; (3) the Pangborn and Van Buren Road area two and one half miles southwest of Sumas; (4) the Pole and Everson-Goshen Road area to the southwest of Everson; (5) the Axton Road area one mile east of Laurel; and (6) the Valley View Road area three miles to the east of Blaine.

Limestone has been mined since the early 1900s in Whatcom County. Historically, the main use for limestone was for Portland cement manufacturers and pulp and paper industries. Today, limestone is mined in the Red Mountain area north and east of Kendall and is primarily used for rip-rap to mitigate effects of flooding, and for crushed rock. In 1966, about 500,000 tons of limestone were produced annually from deposits on Red Mountain and deposits north of Maple Falls. Since then, limestone mining has decreased significantly.

Whatcom County is home to one of the largest known deposits of olivine in the United States, located in the Twin Sisters Mountain. The extraction of high-quality Twin Sisters dunite (olivine) ~~by the Olivine Corporation~~, largely from the Swen Larsen Quarry, has ranged from 400 tons in the early years of operation to a more recent annual average of approximately 70,000 to 80,000 tons.

In the past, extraction of river gravel occurred primarily within the banks of the Nooksack River between Deming and Lynden. As of March, 1993, 34 gravel bars had approved status for extraction. However, because of federal regulations and decreasing seasonal windows in which gravel could be removed from the river due to impacts to riparian habitat and endangered salmon spawning and habitat, there has not been any river bar scalping on the Nooksack River since 1995.

Issues, Goals and Policies

General Issues

While development creates demand for sand and gravel resources, it may also encroach upon or build over those same resources, rendering them inaccessible. Strong community opposition to mining near residential, agricultural, or **sensitive environmentally critical** areas may also limit ~~extracti~~on~~ve~~ opportunities. Adequate resource protection could help ~~to~~ ensure a competitive market and ~~to~~ guard against inflated land prices by allowing the supply of minerals to respond to the demand of a free market. Helping the aggregate industry and ~~the~~ associated businesses, trades, and export markets also creates jobs and stimulates the economy, to the benefit of the county.

Surface mining can create conflicts with other land uses. Those impacts may include increased noise, dust, scenic impacts, traffic, road wear, and neighboring property devaluation. Mines can affect property values while at the same time nearby residents may use the area for shooting, dirt bike riding, and other activities. Controlling trespassing to surface mining can be a significant safety issue for mine operators. Adjacent land use issues range from the right to mine and use ~~the value of~~ mineral resource land to the right to live in an area with a high quality of life and retain home values. ~~Citizens~~ The public may generally be ~~generally~~ unaware of the ~~county~~ zoning of surrounding property and the mining uses that are allowed, and mining impacts, such as blasting and traffic, can affect a larger area or community. Trespassing and various other activities that may conflict with other land uses are generally illegal and can cause liability for mine owners/operators. Numerous federal, state, and local regulations also mitigate impacts of noise, dust, traffic, and environmental issues. These and other factors may contribute to a climate of distrust and hostility between the aggregate industry and property owners in the vicinity.

Surface mines, when reclaimed properly, can enhance wetlands, fish, and wildlife habitat, possible productive agricultural land, or provide land for parks, housing, industrial, or other uses. When not reclaimed properly, mines may create environmental issues, such as groundwater or aquifer impacts, and contamination or disruption of fish and wildlife habitat.

As a natural result of geologic forces, it is not uncommon in Whatcom County to have excellent mineral deposits located under prime farmland soil and/or above an aquifer recharge area. Mining in these areas can substantially reduce the productive capacity of the soil and make the underlying aquifer more susceptible to contamination. Removing the soil overburden eliminates the natural filtration system, exposing the aquifer to direct contamination from turbidity, industrial spills, illegal dumping, and agriculture products. Removing, stockpiling, and spreading soil may create a risk of compromising the productive capacity of the most productive and versatile farmland in the county. Another potential problem is that digging out a side hill and/or through a clay barrier could tap the groundwater and suddenly drain an aquifer. This creates a conflict between competing natural resource industries: agriculture and mining. While agriculture is a sustainable industry, mining is an industry that relies on a fixed, nonrenewable resource.

Goal 8K: Sustain and enhance, when and where appropriate, Whatcom County's mineral resource industries, support the conservation of productive mineral lands, and discourage incompatible uses upon or adjacent to these lands.

Policy 8K-1: Conserve for mineral extraction designated mineral resource lands of long-term commercial significance. The use of adjacent lands should not interfere with the continued use of designated mining sites that are being operated in accordance with applicable best management practices and other laws and regulations.

Policy 8K-2: Support the use of new technology and innovative techniques for extraction, processing, recycling, and reclamation. Support the recycling of concrete and other aggregate materials. Support the

efficient use of existing materials and explore the use of other materials that are acceptable substitutes for mineral resources.

Policy 8K-3: Minimize the duplication of authority in the regulation of surface mining.

Goal 8L: ~~Ensure~~ **Minimize any adverse impacts of mineral extraction industries do not adversely affecton the neighboring people and other properties in the vicinity, by establishing appropriate and beneficial designation and resource conservation policies, while recognizing the rights of all property owners.**

Policy 8L-1: Avoid significant impacts of mineral extraction on adjacent or nearby land uses, public health and safety, or natural resources ~~from mineral extraction~~.

Policy 8L-2: Consider the maintenance and upgrade of public roads before approving mineral extraction. Address all traffic on county roads in a fair and equitable fashion.

Policy 8L-3: Avoid adversely impacting ground and surface water quality. The protection of aquifers and recharge zones should have precedence over surface mining in the event it is determined by the ~~e~~County that adverse impacts cannot be avoided through the standard use of best management practices. Avoid contamination of aquifers by using best management practices for reclamation or on-site storage.

Policy 8L-4: Where the ~~e~~County has jurisdiction, require reclamation of mineral resource lands to other compatible uses ~~on an ongoing basis~~ as mineral deposits are depleted. Use Best Management Practices ~~should be used~~ to achieve this.

Policy 8L-5: As part of the mining permit process, plan for an ultimate end use ~~for of~~ land used for mineral extraction that will complement and preserve the value of adjoining land.

Policy 8L-6: Where not subject to the Surface Mining Act, require a financial securitysurety to cover the costs of reclamation prior to extraction activity, and insurance policies or a similar type of protection as appropriate to cover other potential liabilities associated with the proposed activity.

Policy 8L-7: Designate site-specific mineral resource lands only after mineral extraction impacts have been anticipated and evaluated, and potential adverse environmental impacts have been addressed through appropriate mitigation and/or reasonable alternatives.

Policy 8L-8: Expansion of MRL designations to parcels contiguous to, and held by more than 1% common beneficial ownership or beneficial interest with an existing mine is allowed, but before extraction of

the additional area may commence the existing mine must be in complete compliance with all operating permits and regulations.

Policy 8L-9: Through a site-specific geotechnical analysis of potential impacts, ensure mineral extraction within 500 feet of gas or petroleum transmission pipelines will not result in an increased likelihood of the pipeline becoming exposed or rupturing during an earthquake.

Rural and Urban Areas

~~Significant mineral deposits occur in certain~~some parts of the county's rural areas, and ~~many of the rural areas in Whatcom County~~ have been and/or are being used for mineral extraction. ~~Some of these areas have higher surrounding residential densities than others, and many rural residents of which expect less intrusive forms of land uses.~~ Low density rural areas with potential natural resources such as sand and gravel may be able to accommodate a variety of uses, and surface mining has been a traditional use. ~~Significant mineral deposits occur in certain parts of the rural areas. Some of these areas have higher surrounding residential densities than others, and many rural residents expect less intrusive forms of land uses.~~ Determining which areas are the most appropriate for mineral extraction is a difficult and challenging task.

Goal 8M: Achieve a balance between the conservation of productive mineral lands and the quality of life expected by residents within and near the rural and urban zones of Whatcom County.

Policy 8M-1: Discourage new residential uses from locating near designated mineral deposit sites until mineral extraction is completed, unless adequate buffering is provided by the residential developer.

Policy 8M-2: Protect areas where existing residential uses predominate against intrusion by mineral extraction and processing operations.

Policy 8M-3: Allow accessory uses to locate near or on the site of the mineral extraction source when appropriate. Authorize crushing equipment to locate near the mineral extraction source as a conditional use provided that all pertinent regulatory standards are maintained. Site asphalt and concrete batch plants as a conditional use, addressing potential impacts for the site.

Policy 8M-4: Buffer mineral resource areas adjacent to existing residential areas. Buffers could consist of berms and vegetation to minimize impacts to adjacent property owners. Buffers ~~should~~may be reduced for a limited period ~~of time~~during reclamation if quality minerals are contained therein.

Policy 8M-5: Encourage mineral extraction operators in the county to voluntarily provide resource use information to nearby landowners, and to develop a good neighbor policy, such as

voluntary mine management plans and community and educational forums.

Agricultural Areas

There is considerable overlap between high-quality aggregate lands and high-quality agriculture lands. Several deposits represent a primary source for sand and gravel and, as well, form the parent material for prime agricultural soils. Both large, deep, open pit mines and smaller projects removing ridges and high ground have been operating in these overlap areas in the agricultural district. The smaller projects usually occur on dairy farms where corn or grass is cultivated. Potential drawbacks from commercial mining in agricultural areas may include reclamation problems, the loss of scenic terrain, an increased risk of groundwater contamination from future agricultural practices, soil rehabilitation difficulties, negative cost-benefit balance, and changes in drainage patterns may also be adversely affected.

Some farmers want the freedom of choice to use their land for farming or surface mining, especially in cases where mining income could "save the farm." Others want to preserve farmland. Some questions to consider are the extent to which surface mining should occur on farmland and the extent to which it should be reclaimed back to farmland if it does occur.

The agriculture zone is sparsely populated and there are fewer conflicts between homeowners and mining industries than in urban or rural zones. Nevertheless, mining activities can significantly impact nearby landowners.

Goal 8N: Recognize the importance of conserving productive mineral lands and conserving productive agricultural lands within or near the agricultural zones of Whatcom County without jeopardizing the critical land base that is necessary for a viable agricultural industry.

Policy 8N-1: Allow mining in the agriculture zone that would enhance farming by leveling knolls and ridges when appropriate. In these areas, reclamation of mineral extraction sites shall occur in a timely fashion. The site should also be restored for uses allowed in an agricultural zone and blend with the adjacent landscape and contours.

Policy 8N-2: Avoid the use of designated agricultural land for mineral or soil mining purposes unless the soils can be restored to their original productive capabilities as soon as possible after mining occurs.

Policy 8N-3: Allow accessory uses such as washing and/or screening of material to locate near or on the site of the mineral extraction source when appropriate. Within MRL designations, authorize application for mineral processing facilities such as rock crushers and concrete plants through the conditional use process.

Forestry Areas

Surface mining of gravel and rock resources is an integral part of a forest landowner's forest management. Adequate supplies of gravel and rock not only add to the

economics of forest management, but also reduce environmental impacts of forest roads. Rock crushing helps conserve a valuable commodity by reducing the amount of material necessary for road construction. The use of crushed rock on roads reduces the amount of sediment developed and better protects water quality.

Zoning densities in the Forestry Districts protect the access to mineral resources in the future. These regions contain most of the county's hard rock reserves, such as olivine and limestone. In some areas, the soils overlaying mineral deposits may have a lower productivity for growing timber compared to the high mineral resource value.

As lowland sand and gravel resources become exhausted or unavailable, the commercial potential of mining in forest zones may increase enough to warrant the expense of hauling. While this would increase the potential for impacts, such as heavier truck traffic, land use conflicts may be minimal based on the lack of or low residential densities in these zones.

Goal 8P: ~~Maintain the c~~**Conservation of productive mineral lands and of productive forestry lands within or near the forestry zones of Whatcom County.**

Policy 8P-1: Recognize the importance of forest lands in the county and the importance and appropriateness of surface mining as part of conducting forest practices within the forest zones.

Policy 8P-2: Allow commercial surface mining operations, including rock crushing, washing, and sorting in the forest zones when appropriate as long as conflicts with other land uses can be mitigated.

~~Policy 8P-3: Allow commercial surface mining operations in the forest zones when appropriate as long as conflicts with other land use zones can be mitigated.~~

Policy 8P-43: Carefully consider the siting of asphalt and concrete batch plants due to possible adverse impacts.

Riverine Areas

Gravel harvest from within 150 feet of the **Ordinary High Water Mark (OHWM)** for commercial use is neither a cost effective nor ecologically sound practice. It can produce conditions that will encourage channel instability, increase flooding and damage to infrastructure and shall not be allowed. (#64)

~~The benefits of river bar scalping are local and it may have negative effects in areas surrounding the mining site. For example, if done improperly gravel removal can destabilize the river channel locally and increase, rather than decrease, flood damage downstream. After intensive bar scalping, floodwater that is normally stored on the floodplain of the mined reach can be concentrated and dumped on the reach immediately downstream.~~

~~If gravel mining exceeds the rate of replenishment from upstream, the river bed may lower both upstream and downstream; this bed degradation can undermine bridge supports and other structures, cause adjacent banks to erode (or stabilize, depending on how much and where gravel is removed), lower groundwater tables adjacent to the river, and damage riparian vegetation.~~

Improper mining methods in fish spawning reaches can de-stabilize spawning gravel or clog it with silt, remove cover vegetation, or trap smolts during out-migration. Over-harvesting of gravel can erode the river bed and expose the underlying substrate, reducing or eliminating pool and riffle habitat for fish and other aquatic animals. Finally, petroleum spills from mining equipment can degrade local surface water quality if not responded to properly.

While river gravel is a resource that could extend the life of other Whatcom County gravel resources, river bars are not a reliable source from year to year. The amount of gravel that can be mined varies with seasonal and yearly rates of gravel deposition; high and low water levels and timing; and fish migration, spawning, and out-migration timing.

Various costs raise the price of river bar gravel. For example, there are several streams (e.g. Boulder Creek, Porter Creek, Glacier Creek, etc.) ~~which that~~ may offer significant quantities of sand and gravel, but which are not ~~currently~~ being mined due to prohibitive transportation costs. Other factors include the cost and limited availability of access easements to the river, the repeated handling that is necessary for extraction and processing of the material, and the cost of complying with regulations.

Finally, many state and federal regulations restrict scalping locations and practices. The cost and time delay of ~~duplicate~~ regulation, environmental restrictions, royalty charges, and the regulatory process are deterrents to river bar mining.

Goal 8Q: ~~Subject to Federal and State regulations, support **strategic sediment removal the extraction of gravel** from river bars and stream channels **in Whatcom County** when necessary for flood control **management or environmental mitigation purposes** when deemed appropriate as part of a larger **strategic plan laid out by governmental agencies and market demands** and appropriate stakeholders where adverse hydrologic and other environmental **effects impacts** are avoided or minimized.~~

Policy 8Q-1: Designate river gravel as a supplemental source to upland reserves.

Policy 8Q-2: Allow, when appropriate, the stockpiling, screening, and washing of river gravel in all zone districts when associated with river gravel extraction as close to the extraction site as possible to keep handling and transportation costs to a minimum.

Policy 8Q-3: Design river gravel extraction to work with natural river processes so that no adverse flood, erosion, or degradation impacts occur either upstream or downstream of extraction sites. Base mining

extraction amounts, rates, timing, and locations on a scientifically determined sediment budget adjusted periodically according to data provided by a regular monitoring plan.

- Policy 8Q-4: Locate and operate river gravel extraction to provide long-term protection of water quality and quantity, fish and wildlife populations and habitat, and riparian vegetation.
- Policy 8Q-5: Plan and conduct operations on rivers and streams so that short- and long-term impacts and hazardous conditions are either prevented or held to minimum levels that are not harmful to the general public. Create as little adverse impact on the environment and surrounding uses as possible.
- Policy 8Q-6: ~~Fully consider the recommendations of the Flood Hazard Management Committee to encourage~~ Carefully consider sediment removal techniques that gravel bar scalping that decreases the likelihood of flooding and lowers the costs of flood damage and repair, flood management, and emergency services; however, any sediment removal shall not cause harm to water quality, fish and wildlife populations and habitat, riparian vegetation, channel stability, and tribal treaty rights. (#66)
- Policy 8Q-7: Support the use of gravel from tributary streams for flood hazard control, provided environmental impacts are fully addressed.
- Policy 8Q-8: Support the use of existing public access easements to allow gravel removal.
- Policy 8Q-9: Work with other jurisdictions and related agencies to reduce or eliminate redundant regulations, streamline the permitting process, and provide greater opportunities for appropriate river gravel extraction to enhance other important resources, specifically agricultural.

Mineral Designations

The interim mineral resource land designations, adopted as part of the 1993 Comprehensive Plan, were based upon minimal designation criteria. A more complete set of designation criteria is necessary in order to better define which areas in the County are appropriate or inappropriate (#67) for mineral resource land designation. These designations should also include quarry rock and valuable metallic mineral sites because interim designations did not include these resources.

The interim designations were largely based upon a twenty-year planning horizon, and did not consider a fifty-year planning horizon, which previous Surface Mining Advisory Committees (SMAC) have recommended for protection of this critical and finite resource. Achieving a 50-year local supply is challenging due to limitations of mineral resources and conflicting land uses, however, protecting mineral resource areas that are not currently in conflict with other important goals of the GMA is an important long-term planning goal. Despite this stated goal, it should be recognized that due to geologic constraints particular to Whatcom County, long-term aggregate

supply may not be entirely met by local supplies and some areas of Whatcom County may be better served by the import of aggregate materials.

Determining the fifty-year aggregate supply requirement in Whatcom County is a complicated projection requiring many assumptions. In 2004, after review of multiple studies, the SMAC concluded that the County's existing MRL's did not contain a fifty-year supply of aggregate resources and that meeting the demand for construction aggregate in Whatcom County would require expanded mineral resource land designations and consideration of aggregate import from adjacent Counties and Canada by truck, rail and barge. A supplemental aggregate inventory study was commissioned in 2014 to assess on-going aggregate use in Whatcom County and quantify remaining designated aggregate resources. The result of the inventory demonstrated decreasing aggregate availability in Whatcom County and prompted the SMAC to recommend a countywide assessment of MRL designations that would evaluate the compatibility of potential expansion of existing MRLs to protect available mineral resources meeting established designation criteria. The 2016 Comprehensive Plan included language reflecting this identified need and directing the SMAC to develop a countywide MRL designation assessment. The policies and criteria below are meant to guide meeting the demand for construction aggregate.

The interim designations, adopted as part of the 1993 Comprehensive Plan, were based upon minimal criteria. A more complete set of designation criteria is necessary in order to better define which areas in the county are appropriate for mineral designations. These designations should also include quarry rock and valuable metallic mineral sites because interim designations did not include these resources.

The interim designations were also based more upon a twenty year planning horizon than a fifty year planning horizon. In the past, the Surface Mining Advisory Committee has recommended planning for a fifty year supply. While achieving a 50-year local supply may not be practical due to limitations of mineral resources, protecting identified mineral resource areas that are not currently in conflict with other important goals of the GMA is an important long term goal. However, it should be recognized that due to geologic constraints particular to Whatcom County long-term aggregate supply may not be entirely met by local supplies and some areas of Whatcom County may be better served by import of aggregate materials from sources outside of Whatcom County. Implementing the protection of mineral resources of long-term economic significance will require the adoption of criteria allowing for additional mineral resource areas.

Additional MRLs were, in fact, designated when the Comprehensive Plan was adopted in 1997 in an attempt to plan for a fifty year supply of mineral resources. The fifty year demand for minerals in Whatcom County is difficult to project and requires many assumptions. In 2004, after review of multiple studies, the Surface Mining Advisory Committee concluded that the existing MRLs do not contain a fifty year supply of mineral resources, and that meeting the demand for construction aggregate in Whatcom County will require expansion of the mineral resource land designations and the consideration of importing aggregate. The policies and criteria below are meant to guide meeting the demand for construction aggregate.

Goal 8R: Designate Mineral Resource Lands (MRLs) containing commercially significant deposits throughout the county in proximity to markets in order to minimize construction aggregate shortages, higher transport costs, future land use conflicts, and environmental degradation. Balance MRL designations with other competing land uses and resources.

Policy 8R-1: Through a county-led countywide assessment, seek to identify and designate potential commercially significant mineral resource lands, to meet future demand, compatible with water resources, agricultural lands, forest lands and other GMA goals.

Policy 8R-2: Ensure that designations of urban growth boundaries are consistent with mineral designations by considering existing and planned uses for the designated areas and adjacent properties. Intergovernmental agreements should demonstrate how future land uses of mined areas will protect underlying aquifers, given the increased groundwater vulnerability to contamination.

Policy 8R-3: Allow mining within designated MRLs through a conditional use permit process requiring:

- ~~on-site~~ environmental review, with the County as lead agency, and
- application of appropriate site--specific conditions, and
- notification to neighboring property owners within 2,000 feet to ensure opportunity for written and oral input comment.

Policy 8R-4: Consider potential resource areas (PRA) identified in the Report Engineering Geology Evaluation Aggregate Resource Inventory Study Whatcom County, Washington (GeoEngineers, Inc., Sept. 30, 2003) and updated in the Aggregate Resource Inventory 2014 Study Update Whatcom County, Washington (Element Solutions, December 22, 2014) for MRL designation and during county review of land development projects in order to avoid development incompatible with mineral resource extraction.

Policy 8R-5: Work with the Port of Bellingham, the City of Bellingham, ~~or~~ and waterfront property owners to facilitate the importation of mineral resources necessary to provide ~~county citizen~~ the public with adequate mineral resources at reasonable prices.

Policy 8R-6: Consider removal of land from Mineral Resource Designation after mining and subsequent reclamation is completed.

Fish and Wildlife

The Use of mineral resource lands can impact habitat, ~~including~~ riparian areas, stream-flows, channel habitat structure, and water quality.

Goal 8S: **Ensure that mining avoids adverse impacts to the habitat of threatened and endangered fish and wildlife species and other critical areas.**

- Policy 8S-1: Ensure that adequate riparian buffers are maintained along rivers and streams.
- Policy 8S-2: Ensure proper treatment of wastewater prior to discharge.
- Policy 8S-3: Provide and maintain best management practices for erosion control to prevent sedimentation.
- Policy 8S-4: Provide proper storage of hazardous materials.
- Policy 8S-5: Provide for appropriate on-site spill response, containment, and clean-up materials and personnel.
- Policy 8S-6: Work with state and federal agencies to develop policies and regulations regarding in-stream gravel extraction to ensure that protected species, essential fish habitat, or other critical areas are not adversely impacted and that flooding or erosion in surrounding areas is not increased.
- Policy 8S-7: Avoid river bar scalping where it would adversely affect spawning salmon or critical habitat areas.

Mineral Resource Lands (MRL) – Designation Criteria

Non-Metallic Mineral Deposits

General Criteria

1. Non-metallic deposits must contain at least 1,000,000 cubic yards of proven and extractable sand, gravel, or rock material per new MRL Designation.
2. Minimum MRL Designation size is twenty acres.
3. Expansion of an existing MRL does not need to meet criteria 1 or 2.
4. MRL Designation status does not apply to surface mines permitted as an accessory or conditional use for the purpose of enhancing agriculture or facilitating forestry resource operations.
5. All pre-existing legal permitted sites meeting the above criteria will be designated.
6. The site shall have a proven resource that meets the following criteria:
 - Construction material must meet current WSDOT Standard Specifications for common borrow criteria for road, bridge, and municipal construction, or Whatcom County standards for other uses.
 - Sand and gravel deposits must have a net to gross ratio greater than 80% (1,290 cy/acre/foot).

7. Consider the likelihood of impacts on health and habitat from potentially harmful minerals such as Naturally Occurring Asbestos, Radon, and Mercury when designating MRLs. (#68)

- ~~7.8.~~ MRL Designations must not be within nor abut developed residential zones or subdivisions platted at urban densities.
- ~~8.9.~~ MRL Designations must not occur within the 10--year zone of contribution for designated wellhead protection areas, as approved by the State Department of Health for Group A systems, and by the Whatcom County Health Department for Group B systems, in accordance with source control provisions of the regulations on water system comprehensive planning. MRL designations may be modified if a wellhead protection area delineated subsequent to MRL designation encompasses areas within a designated MRL. If a fixed radii method is used to delineate a wellhead protection area, the applicant may elect to more precisely delineate the wellhead protection boundary using an analytical model; provided, that the delineated boundary proposed by the applicant is prepared by a professional hydrogeologist; and further provided, that the delineated boundary has been reviewed and approved by the Washington State Department of Health for Group A systems, and by the Whatcom County Health Department for Group B systems. The hydrogeologist shall be selected by mutual agreement of the county, water purveyor, and applicant; provided, if agreement cannot be reached the applicant shall select a consultant from a list of no less than three qualified consultants supplied by the county and water purveyor.
- ~~9.10.~~ MRL Designation should not enclose by more than 50% non-designated parcels.
- ~~10.11.~~ Site-specific MRL designations shall only be approved after mineral extraction impacts have been anticipated and evaluated, and potential adverse environmental impacts have been addressed through appropriate mitigation and/or reasonable alternatives.
- ~~11.12.~~ MRL Designations must be reviewed for internal consistency with other parts of the comprehensive plan so that the MRL designation does not preclude achievement of other parts of the comprehensive plan.
- ~~12.13.~~ Expansion of MRL Designations to parcels contiguous to, and held by more than 1% common beneficial ownership or beneficial interest with an existing mine is allowed, but before extraction of the additional area may commence the existing mine must be in complete compliance with all operating permits and regulations.

Additional Criteria for Designated Urban and Rural Areas

- ~~13.14.~~ Abutting parcel size density must not exceed one unit per nominal five acres for more than 25% of the perimeter of the site unless project specific mitigation is created.

Additional Criteria for Designated Forestry Areas

- ~~14.15.~~ Must demonstrate higher value as mineral resource than forestry resource based upon:
- soil conditions.
 - quality of mineral resource.

- sustainable productivity of forest resource.

Additional Criteria for Designated Agricultural Areas

~~15-16.~~ Prohibit MRL designations in areas designated Agriculture by the Whatcom County Comprehensive Plan that contain “Prime Farmland Soils” determined by the Natural Resource Conservation Service.

River and Stream Gravel

~~16-17.~~ MRL Designation status applies to river gravel bars possessing necessary permits and containing significant quality reserves.

~~17-18.~~ MRL Designation status may apply to those upland sites located in proximity to river gravel sources and used primarily for handling and processing significant amounts of river gravel.

Metallic and Industrial Mineral Deposits

~~18-19.~~ For metallic and rare minerals, mineral designation status extends to all patented mining claims.

~~19-20.~~ Mineral Resource Designation status extends to all currently permitted industrial mineral deposits of long-term commercial significance.

~~20-21.~~ All other non-patented mineral deposits must meet the non-metallic MRL Designation criteria, numbers 6 through 15, as applicable.

Mineral Resources – Site Selection Method

1. Sites meeting Mineral Resources Designation Criteria 1-5 (and areas enclosed by these sites greater than 50%).
2. Sites requested by owner or operator meeting designation criteria.
3. Sites that are regionally significant meeting designation criteria.
4. Sites adjacent to both roads and other proposed MRL sites meeting designation criteria.

Marine Resource Lands

Introduction

Purpose

Marine resource lands, for the purpose of this plan, are defined as those marine areas waterward of the ordinary high-water mark, together with their underlying lands and their water column, within the jurisdiction of the Whatcom County Shoreline Management Program (WCC Title 23). Marine resource lands have the physical conditions and habitat required to generate and maintain fisheries of all types, including the **treaty protected**, commercial, **ecological, cultural**, and recreational harvest of finfish, shellfish, algae, **seaweed, (#69)** and other invertebrates including but not limited to mollusks, crab, and shrimp, etc. This section is intended to guide Whatcom County in the conservation of functioning marine resource lands of long-term commercial, ecological, cultural, and recreational significance, and to ensure

that all water-dependent, water-related, and water-enjoyment uses requiring use or access to marine resource lands thrive in the years to come.

GMA Requirements

Goal 8 of the GMA (RCW 36.70A.020) guides the County to **"Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries."** While the GMA does not specifically require the designation of marine resource lands that support aquatic-based uses and industries, **Whatcom County acknowledges the necessity of protecting and conserving both the functioning marine resource lands are so intrinsically necessary for the creation and sustainable harvest of aquatic species and the protection of natural and cultural resources sustainability of historical fish and wildlife production that Whatcom County wishes to acknowledge them here. (#70)**

Process

Per County Council direction, staff convened a working group comprised of members of the Marine Resource Committee, the Shellfish Protection Advisory Committee, and other local marine land experts. This working group developed a draft of this section of the Comprehensive Plan, as well as drafts of the goals and policies contained herein. The draft was then presented to the full membership of the Marine Resource Committee and Shellfish Protection Advisory Committees for review and recommendation to the County Planning Commission and Council. (#71)

Background Summary

The marine resource lands of Whatcom County have historically been one of the most important natural **and cultural** resources in the region. **For thousands of years since time immemorial,** the shores of Whatcom County provided an important shellfish resource, sustaining our local tribes. More recently, the tidelands of Drayton Harbor supported one of the earlier commercial oyster-farming businesses in the Salish Sea. The shore and nearshore lands of the County provided spawning, rearing, and forage areas for a diverse array of finfish **-and-** shellfish **and other aquatic** species **which that** together formed an incredible food web for **indigenous communities ancestral tribes** and early commercial fisheries. The County's marine resource lands are located along the coastal areas bordering the Salish Sea fed by the rivers, streams, and lakes that drain the upland areas of western Whatcom County. Marine resource lands include more than 130 miles of marine shoreline.

Marine resource lands in the area of Cherry Point are designated in the Shoreline Management Program as the Cherry Point Management Area to support adjacent Heavy Impact Industrial (HII) zoned industrial uses that require deep water access, **such as the two existing refineries and an aluminum smelter (#72)**. The harbor area and waterways in Bellingham Bay are designated for preservation of commerce and navigation along the Bellingham shoreline. The tidelands of Drayton Harbor are designated to support a small commercial wharf, marinas, residential shoreline development, shellfish production, and natural areas.

The majority of marine resource lands in Whatcom County are owned by the State of Washington (managed by Department of Natural Resources [DNR]), the Lummi

Nation, and the Port of Bellingham (via a Port Management Agreement with DNR). These include many of the tidelands and subtidal lands in the County. Marine resource landowners also include some private entities that were sold tidelands prior to 1971, and who manage their marine resource lands for a variety of uses, including recreational, commercial, and industrial.

Historically, marine resource lands have been managed for natural and farmed shellfish production and harvest, fishing, transportation, utility corridors (oil/gas/natural gas pipelines); sewer and stormwater outfall pipes; communication lines (phone/fiber optic); power (electric) lines, and commercial, recreational and subsistence/cultural fishing and food gathering. Historic uses also included commercial and industrial uses, marinas (Bellingham, Blaine), municipal garbage dumps, public parks, etc.

With a growing population, there is increasing interest in improving public access to marine resource lands through the addition of boat ramps and access points for motor, wind, and human-powered craft. Over the last 20 years, the desire to harvest more diverse aquatic resources, particularly from tidelands, has driven a number of significant efforts to improve water quality as well as innovative culturing techniques such as intertidal geoduck seeding, nori farming, etc.

Conservation efforts have resulted in protection of several areas including the Cherry Point Aquatic Reserve and two areas withdrawn from leasing in Bellingham Bay. These areas are valuable due to their high productivity of aquatic life that contributes to the economy and greater ecosystem of Whatcom County. Twenty years of effort and millions of dollars in public investment have kept Drayton Harbor a viable commercial and recreational shellfish growing area for future generations to enjoy.

Marine resource lands provide a huge economic benefit to the County, and the health of our stream, river, and estuarine environments and marine resource lands are the foundation of a critical tribal and non-tribal finfish, **-and shellfish, aquaculture, and other marine based** industry. **According to the Economic Analysis of the Non-Treaty Commercial and Recreational Fisheries in Washington State published in December 2008, in (#72)** 2006, non-tribal commercial fish landings from Washington fisheries totaled nearly 109.4 million pounds, generating \$65.1-million in ex-vessel value (i.e., the price received by commercial fishers for fish). Whatcom County was the State's second-largest commercial port area that year (after Grays Harbor County), with an ex-vessel value of commercial fish landings of more than \$13.5-million, accounting for nearly 21% of the total value of landings from Washington fisheries. Additionally, the North Puget Sound Region—which the Washington Department of Fish and Wildlife defines as including San Juan, Skagit, Snohomish and Whatcom counties—is also the most popular location for recreational shell-fishing in the State. In 2006, the combined recreational shellfish catch in those four counties included more than 3.3-million pounds of Dungeness crab, 23,520 pounds of shrimp, 93,038 pounds of clams, and more than 19,000 individual oysters.¹ ~~In 2016, the marine trades provided 6,033~~

¹ Whatcom County, March 2015. *Whatcom County Comprehensive Economic Development Strategy*, prepared by the Whatcom Council of Governments.

~~jobs, or 7% of the County's workforce. In 2023, the Whatcom County Maritime Industry provided 6,400 jobs with total revenues of \$1.6B~~²

Whatcom County ~~marine shorelines~~ continue to provide income to over 250-600 Lummi Nation registered ~~Tribal fishers/shellfish harvesters~~.³ Many ~~other~~ Lummi and Nooksack tribal members depend on finfish and crab harvest for a substantial part of their yearly family income **and sustenance**. The Lummi Nation shellfish enterprise is highly productive and provides clam, oyster, and geoduck seed to a large part of the northwest shellfish industry. ~~To the extent that it~~ The environmental health of these lands impacts the ability of Tribal Nations to practice fish and wildlife harvests and conduct ceremonial activities for their cultural, economic, and spiritual welfare. ~~protection of these lands is a Treaty trust resource supporting Treaty reserved rights to take fish.~~

Other direct and indirect benefits to the County are even more substantial given the multiplier effect from marina-related boat works, electronics, fuel and supplies, charter and whale watching businesses, the Alaska Ferry service, sporting goods, kayaking, rowing, sailing, wind surfing, power boating, and all the sales, repair, maintenance, and provisioning that goes with these types of activities. Whatcom County's marine resource areas are not only an international destination for water-dependent, water-related, and water-enjoyment activities, such as bird and wildlife watching, sailing and cruising, fishing and gathering, but they are also a gateway to the San Juan Islands, Gulf Islands, the greater Salish Sea environs, and international waters. Whatcom County **must invest in the protection and conservation of its** marine resource lands **ensuring they (#72)** are a renewable and sustainable economic driver that will serve this region well into the future.

Issues, Goals, and Policies

The following goals and policies apply to marine resource lands and address the issues of conserving productive aquatic land and meeting the goals of the Growth Management Act.

Marine Resource Land Base

Tidelands, marine waters, major lakes, and navigable rivers were owned by the State of Washington at the time of statehood unless reserved for other uses such as federal facilities or Indian reservations. Between 1889 and 1971, the State sold many of its tidelands to railroads, timber companies, and shellfish growers as a way to finance the State. As a result, the State owns only about 30% of the tidelands. The bulk of tidelands and many shoreland areas are owned or managed by ports, industries, tribes, and private property owners. The State retains ownership of most ~~all~~ of the subtidal lands ~~which that~~ were not sold.

Since their adoption, the marine resource land base in Washington State and in Whatcom County has largely been protected by the Washington State Shoreline

² Center of Economic and Business Research, Western Washington University, July 2016. *Whatcom County Marine Trades Impacts*. Dan Tucker, *Economic Impacts of Whatcom County's Maritime Industry 2023* (Bellingham, WA: Working Waterfront Coalition, 2024). <https://www.whatcomworkingwaterfront.org/whatcom-marine-trades-economic-impact-study-2024>.

³ Port of Bellingham. "Whatcom County Comprehensive Economic Development Strategy (CEDS)." Accessed October 13, 2025. <https://www.portofbellingham.com/514/Comprehensive-Economic-Development-S>

Management Act, as well as Whatcom County's Shoreline Management Program (SMP), Critical Areas Ordinance, and other land use regulations such as stormwater, land disturbance, zoning, and other regulations.

Historically, shoreline modification, including filling, hardening, and diking of many natural shorelines has resulted in a significant reduction in the ecological health of acreage-of-functioning marine resource lands in many areas of the County. These modifications came as a result of transportation improvements (roads, railroads, barge landings, and ferry terminals), utilities (electrical, communications, sewer, stormwater, etc.), hydropower, water-dependent uses (marinas, fish processing, ship yards), non-water dependent uses (industrial, agricultural, residential, and commercial development~~large industrial facilities~~), flood control efforts, erosion control, residential—development (including bulkheading, armoring,⁴ and docks), (#73), and parks.

The Washington State Legislature passed the State Shoreline Management Act (SMA) in June 1971. Under the SMA, each county and city is required to adopt and administer a local shoreline management plan to carry out the provisions of the Act. The Whatcom County Shoreline Management Program (SMP) is the set of policies and regulations the document that implements the goals and policies of the SMA at the local level. The SMP was originally adopted by the County Council in May 1976 in accordance with the SMA and the shoreline guidelines issued by the Washington Department of Ecology. An updated Shorelines Management Plan went into effect on March 13, 2025, including a complete re-write of Title 23, changes to the Critical Areas Ordinance (CAO) in Title 16.16, changes to the Land Use and Development procedures in Title 22, and the creation of Chapter 11 Shorelines of this Comprehensive Plan.(#73) The SMP is implemented in coordination with other chapters of the Comprehensive Plan and the Whatcom County Code to protect and manage shorelines throughout the county. It is important to note that Whatcom County and Ecology share joint authority and responsibility for the administration and enforcement of the SMP. In addition, numerous other local, state and federal regulations, permits, and approvals apply to development or use in, on or above the County's marine resource lands. Some of the most common permits and approvals include:

⁴ Since adoption of the SMP, shoreline armoring, filling, and bulkheading is only allowed for the purpose of protecting existing structures.

Agency	Permit(s)
Whatcom County	<ul style="list-style-type: none"> • Shoreline statement of exemption • Substantial development permit • Shoreline conditional use permit • Shoreline variance • State Environmental Policy Act (SEPA) determination
Washington Department of Ecology	<ul style="list-style-type: none"> • Clean Water Act Section 401 Water Quality Certification • Coastal Zone Management Consistency Determination
Washington Department of Fish and Wildlife	<ul style="list-style-type: none"> • Hydraulic project approval (HPA)
Washington Department of Natural Resources	<ul style="list-style-type: none"> • Aquatic use authorization • Aquatic lands lease agreements
U.S. Army Corps of Engineers	<ul style="list-style-type: none"> • Clean Water Action Section 404 Permit • Rivers and Harbors Act Section 10 Permit

Goal 8T: **Conserve and enhance Whatcom County’s marine land base for the long-term and sustainable use and operation of water-dependent, water-related and water-enjoyment activities and the ecological health of marine resource lands (#74).**

Policy 8T-1: Coordinate with public agencies, tribal governments, landowners, and private organizations to protect and maintain an appropriate, productive, and sustainable marine resource land base adequate to support marine-dependent commercial, industrial, recreational, and cultural needs.

Aquaculture, Fishing, and other Marine Resource Lands Activities

Goal 8U: **Support measures to increase the viability and sustainability of Whatcom County's aquatic biodiversity and production.**

Policy 8U-1: **Support environmental protection of marine resource lands by Help improve the predictability, efficiency and effectiveness of environmental regulations affecting marine resource lands in order to support environmental protection and improve predictability. (#75)**

Policy 8U-2: Develop a range of non-regulatory programs, options, and incentives that owners of marine resource lands can employ to meet or exceed County environmental goals.

Policy 8U-3: Support the efforts to restore water quality and healthy habitats for fish and other aquatic species to ensure of people in Whatcom County to can operate marine-based industries (#76) in a long-term, sustainable manner as part of a stable, broad-based economy.

Policy 8U-4: Work cooperatively with the Washington State Departments of Natural Resources, Ecology, and Fish and Wildlife to protect

productive and appropriate use of State marine resource lands within Whatcom County.

Policy 8U-5: Continue cooperation and funding for a comprehensive Pollution Identification and Correction (PIC) program as needed to reduce bacterial pollution to levels that meet National Shellfish Sanitation Program Growing waters criteria to allow reopening of closed shellfish beds, and to maintain the operation of those beds in a commercially viable manner.

Reducing Land Use Impacts

Different land owners have different goals for their property and employ different practices when using it, whether it be for their business, home, recreation, or personal enjoyment. But often times, the practices one property owner employs can have detrimental effects on another property owner's use or enjoyment of their property, or the public when using public lands, which can lead to conflict amongst users. Improved communication and education between these groups would be beneficial for each to understand what the other is doing, how their actions affect one another, and how they plan to avoid such impacts. Above all else, tribal treaty rights shall be honored and upheld as the supreme law of the land (#77)(#103).

Goal 8V: ~~Aim to r~~Reduce land use conflicts between Whatcom County's Marine Resource Lands Priorities, operations, and upland property owners, and tribal treaty protected uses(#78).

Policy 8V-1: Support improved communication and understanding between local, state, federal, and tribal governments, (#79) aquatic land landowners and the public through such mechanisms as community forums and educational programs.

Policy 8V-2: Work cooperatively with local, State, Federal and Tribal agencies, adjacent upland property owners, and the general public, as applicable, to address community concerns and land use conflicts that may affect the productivity—conservation and enhancement(#80) of marine resource lands.

Policy 8V-3: Continue to implement land use, building, and transportation planning policies, regulations, and practices that help minimize adverse water quality inputs into waterbodies.

Policy 8V-4: Support and participate in education efforts and programs that emphasize the importance of and promote the benefits of marine resource lands while recognizing the history, culture, treaty rights, and sovereignty of the Tribes.(#81)

Fish and Wildlife

Land use practices on marine resource lands can impact tidelands and other shallow and deepwater habitats that are important to a wide variety fish and wildlife.

Goal 8W: Ensure that operations associated with marine resource lands ~~strive to avoid~~ adverse impacts to the survival and habitat of aquatic species, particularly to threatened and endangered fish and wildlife species, ~~and shellfish, and seaweed(#82)~~ resources.

Administration and Regulation

Goal 8X: Recognize the Shoreline Management Program (WCC Title 23), ~~and Zoning Code (WCC Title 20), and Critical Areas (WCC Title 16.16)(#83)~~ as the primary regulations used to implement this section.

Policy 8X-1: Pursuant to RCW 36.70A.480 ~~and Comprehensive Plan Policy 10B-8~~, the Whatcom County Shoreline Management Program is an element of this Comprehensive Plan ~~(see Chapter 11 Shorelines)(#84)~~, and the goals and policies therein are recognized as additional goals and policies of this section.

Policy 8X-2: Those coastal aquatic lands waterward of the ordinary high-water mark are hereby designated as Marine Resource Lands, ~~as shown on Map 8-5.~~

Policy 8X-3: Regulate land use on Marine Resource Lands within the County through the Shoreline Management Program, Zoning Code, ~~Critical Areas Ordinance, (#85)~~ and other appropriate means.

Policy 8X-4: When updating the Shoreline Management Program, consider new or amended policies to further these goals.

Climate

Washington State House Bill 1181 requires local governments to integrate climate change strategies into their comprehensive plans to increase resilience to climate impacts. Policies to increase climate resilience include promoting climate-resilient agricultural, forestry, and marine-based practices, increasing carbon sequestration by protecting resource lands from development pressures, and protecting water resources and healthy habitats(#86). These management practices require adaptation in a changing climate.

Goal Y: Maintain and enhance the long-term sustainability, productivity, and value of natural resource-based lands by mitigating and adapting(#87) to climate change.

Policy Y-1: Through the Whatcom County Conservation Easement Program, increase acreage protected under conservation easements to promote carbon sequestration and preserve agricultural and forest land from development.

Policy Y-2: Prioritize the protection of designated agricultural lands through partnerships with land trusts and other conservation organizations.

Policy Y-3: Maintain development regulations to improve habitat connectivity and increase resilience to climate impacts by prioritizing the preservation of agricultural lands, forests, wetlands, critical areas, and shorelines.

Policy Y-4: Encourage the conservation of forests, wetlands and riparian zones as natural buffers against climate hazards, recognizing their role in absorbing excess water, **reducing flood risks, (#88)** and mitigating extreme temperatures.

Policy Y-5: Support forest conservation programs that promote afforestation, reforestation, and climate-adaptive forest management to enhance carbon sequestration.

Policy 8Y-6: The County may consider limited siting of non-carbon or renewable energy facilities or associated infrastructure on or near designated resource lands when all the following conditions are met:

- the location may be dependent upon the underlying resource,**
- where alternative locations may not be feasible,**
- impacts to long-term commercial resource use are minimized,**
- environmental impacts are mitigated,**
- and the proposal is consistent with applicable state and federal law. (#99)**