

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

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



Committee Minutes - Final

**Tuesday, July 26, 2022
9:30 AM
Hybrid Meeting**

**HYBRID MEETING - ADJOURNS BY 10:45 A.M. (PARTICIPATE IN-PERSON,
SEE REMOTE JOIN INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil,
OR CALL 360.778.5010)**

COUNCILMEMBERS

Todd Donovan
Ben Elenbaas
Kaylee Galloway

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

Call To Order

Committee Chair Kaylee Galloway called the meeting to order at 9:30 a.m. in a hybrid meeting.

Roll Call

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

Absent: None

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

Announcements

Committee Discussion

2. [AB2022-419](#) Discussion regarding proposed ordinance amending Whatcom County Code Section 11.20.025 to restrict the use of flotation devices on the South fork of the Nooksack River to better protect ESA-listed Chinook salmon

The following people spoke:

- Lisa Wilson, Lummi Nation Councilmember
- Treva Coe, Nooksack Tribe Natural & Cultural Resources Department
- George Swanaset Jr., Nooksack Tribe Natural & Cultural Resources Department Director

Councilmembers discussed how they would educate the public and enforce the Ordinance, what is meant by the word “limb” in the Ordinance, and two parallel options for the Ordinance that the Council could pursue. One would be a moratorium which would close the recreation listed in the Ordinance for this summer and give the Council six months to continue to work with the tribes and other partners. The alternative would just be a ban.

Rachel Vasak, Nooksack Salmon Enhancement Association (NSEA), spoke about what NSEA has been doing regarding the issue and how they could offer support through outreach and education.

Satpal Sidhu, County Executive, spoke about challenges with enforcement, what it might look like, and questions that need to be answered such as whether the tribes have resources and jurisdiction for enforcement.

Councilmembers and the speakers discussed the connection between tubing

and low flows and water temperature, whether this is a higher priority in the quest to bring back the salmon population than managing derelict nets or making sure harvesting practices are thoughtful, whether the public has been involved in this or whether it is the first time they are hearing about it, who pays for the enforcement of this, what the exemptions (as referenced in Section A of Exhibit A) for commercial operations would include, what the basis is for making this decision, whether they have any real data that shows that river rafters are impacting the salmon population, whether they have compared how the Frazier River is doing with its salmon population compared to the Nooksack River and what practices for bringing back salmon populations are different between the two rivers, what change would be made to the Whatcom County Code if the Ordinance is adopted, having some sort of public notice process in the next few weeks, when an Ordinance would take effect and whether that is enough time to get public input and buy-in, whether they should wait and have an Ordinance that would go into effect next year, statistics about the true impact of tubing if the salmon population has increased to 2,500, a concern about still allowing commercial operations if tubing is not allowed, and seeing the current map and the proposed map.

Barb Fisher, Lummi Nation Natural Resources, spoke about the status of the salmon population and stated that 2,500 fish returning is just a tiny percentage of the recovery goal. Salmon are in grave danger of extirpation.

Coe stated recovery is measured in terms of natural origin chinook (fish produced from fish that spawned in the wild). The 2,500 returning adults are hatchery-origin fish. The five-year average abundance estimate for natural-origin adults is 105 fish and those are the fish by which recovery is measured. The section of river proposed for a ban in this Ordinance is important for upstream migration as well as spawning. She is not aware of any commercial operations on the South Fork. She spoke about statistics and how coming near the fish in the river causes a startle response which stresses the fish.

Councilmembers discussed which of the two Ordinance options they would like to introduce tonight and whether they can introduce both the interim and the regular Ordinances.

Dana Brown-Davis, Clerk of the Council, stated they could introduce both (see AB2022-425 for the Interim Ordinance).

Clerk's note: Councilmembers took a brief recess to deal with technical

issues in the Council Chambers. They moved to the Council Conference Room for the remainder of the meeting.

This agenda item was DISCUSSED.

1. [AB2022-412](#) Discussion of Conservation Easement on Stewart Mountain Community Forest Phase I

Chris Elder, Public Works Department, briefed the Councilmembers on the Draft Conservation Easement (on file) and answered whether Item 7.1 under Grant in Perpetuity would apply if the Whatcom Land Trust was to sell this, whether a Council motion is needed today, whether there is any mechanism for transferring a fund balance in the event a profit is generated and who would decide that, and whether the County will have the ability to address a fund balance down the road or whether the Land Trust would be the one to decide what they want to do with it.

This agenda item was DISCUSSED.

Committee Discussion and Recommendation to Council

1. [AB2022-363](#) Resolution supporting a transition to zero-emissions transportation

Galloway updated the Councilmembers on the Resolution.

Donovan moved to recommend to the full Council that the amended second substitute be approved.

Councilmembers discussed item five (“Exempt all bikes, including electric bikes, from county sales taxes”) under the header “Invest in alternative and active modes of transportation and infrastructure” in Exhibit A, and whether it is possible to implement that exemption.

Brad Bennett, Administrative Services Department Finance, answered the question about the County’s or Council’s jurisdiction over the possibility of exempting bikes and electric bikes from County sales tax. Administration of sales tax belongs to the State.

Donovan amended his motion and moved to recommend approval of the amended second substitute Resolution with a further amendment to change item five in Exhibit A as follows:

Work with the State Legislature to eExempt all bikes, including electric bikes, from county sales taxes.

Donovan’s motion that the SUBSTITUTE Resolution be RECOMMENDED

FOR APPROVAL WITH PROPOSED AMENDMENT(S) carried by the following vote:

Aye: 2 - Donovan, and Galloway

Nay: 1 - Elenbaas

Absent: 0

Items Added by Revision

There were no agenda items added by revision.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 10:52 a.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Kaylee Galloway-via email 7/28/2022

Dana Brown-Davis, Council Clerk

Kaylee Galloway, Committee Chair

Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE