



FILE UNDER AB 2017 . 318
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SUBMITTED BY: Perry Eskridge
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 Nat. Res. COMMITTEE
EXHIBIT: _____

November 20, 2017

Whatcom County Council
Whatcom County Courthouse
311 Grand Ave.
Bellingham, WA 98225

RE: Reactivation of Wildlife Advisory Committee

Council Members:

On behalf of the Whatcom County Association of REALTORS® and its 800 members, please accept the following comments concerning your deliberations concerning the reactivation of the Whatcom Wildlife Advisory Committee. This issue has created quite a discussion amongst our Government Affairs leadership so we wish you the best in your deliberations.

At the outset, it is interesting to note that the introductory discussion omits a very important statute in the "Whereas" provisions. While the Whereas provisions specifically refer to the statutes addressing wildlife habitat and its function in the planning process, the drafters have completely ignored the provisions of Wash. Code Ann. § 36.70A.011 (2017). The failure to incorporate the section of the Growth Management Act that contains explicit findings by the legislature, including the consideration of wildlife and aquatic habitats vis-à-vis rural economies reflects a distinct bias that is continued within the language of the ordinance itself.

The Washington legislature made findings concerning planning for rural lands in Wash. Code Ann. § 36.70A.011 (2017). Those findings talk extensively about rural lands and "rural based economies" and the contribution those rural elements make to the quality of life in Washington. Those finding continue with a discussion about the need to provide flexibility to ensure the ability of the rural economies to encourage the creation of new businesses and provide opportunities for those business entities to expand operations. Of course, the analysis is not singularly focused on economic development, but encourages jurisdictions to balance the economic needs of the state's rural areas against compatible uses for wildlife and aquatic habitat; it is important to note that neither interest received priority but are discussed equally in all aspects of the legislation.

Council member Sidhu, during the Council's deliberations at the September 12, 2017 meeting, raised the same concern as that in Wash. Code Ann. § 36.70A.011 (2017): the lack of rural landowners or individuals representing the rural economy interests. Those concerns as expressed by Mr. Sidhu are not resolved in this ordinance. Seven of the 11 members of the committee are dedicated to wildlife sciences leaving four positions remaining for farmers, dairy farmers and other land and business owners who will most certainly be impacted by the recommendations generated by this committee. Given the fact that the legislature's express findings place rural economic interests on equal footing with habitat protection, it would seem that representation on this committee should likewise be equal.

It is also important to note that our organization is not naïve concerning the motivation concerning the purpose of this committee as constituted in the proposed amendment. Our concerns about the Existing Conditions Report and the recommendations outlined in that report have been expressed in our prior

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correspondence and we incorporate those concerns into this comment by reference. Our leadership has attended countless meetings where wildlife advocates have lobbied intensely for just this type of action thinking all along that the Council would recognize the recommendations and the impact on the economy of rural Whatcom County, not to mention the impact of private property uses, would be immense. It was the same thought when Eric Hirst first proposed his interpretation of the Nooksack in-stream flow rule, something we thought would never go so far as it has. We could not have been more wrong.

In that vein, and recognizing that this ordinance and the Wildlife Advisory Council has the implied support of the Bellingham/Whatcom Chamber of Commerce, we are also prepared to participate fully in the process to ensure that the Wildlife Advisory Committee's recommendations are fully implemented quickly and efficiently. After discussing the issue with many of our members who specialize in rural lands, we have come to the conclusion that resistance to this effort is futile. It is our belief that it would be in the interest of all property owners to quickly enact the regulatory (versus infrastructure projects) requirements for habitat assessments, habitat buffer areas, limitations on road construction, etc. quickly so that those owning property in the rural areas can adequately calculate the impacts that such regulatory enactments will have on the ability to utilize that land and, more importantly, work to ameliorate the financial impacts via the County Assessor's Office and the Board of Equalization. If landowners, including those seeking to expand their operations, are to be subjected to wildlife habitat constraints, it is better that those owners are made aware of those constraints sooner rather than later.

Thank you again for the opportunity to provide our input on this matter. We look forward to your decision.

Sincerely,



R. Perry Eskridge
Exec. Officer/Gov't Affairs Dir.

cc: GA Committee
Board