

**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 25, 2023  
9:55 AM  
Hybrid Meeting**

**HYBRID MEETING - ADJOURNS BY 10:55 A.M. (PARTICIPATE IN-PERSON,  
SEE REMOTE JOIN INSTRUCTIONS AT [www.whatcomcounty.us/joinvirtualcouncil](http://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 9:55 a.m. in a hybrid meeting.

## **Roll Call**

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

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

## **Announcements**

## **Committee Discussion and Recommendation to Council**

1. [AB2023-472](#) Resolution authorizing the County Executive to grant an easement to Puget Sound Energy across park property to service two private residences located off of Blue Canyon Road

***Donovan moved*** that the Resolution be RECOMMENDED FOR APPROVAL.

Tyler Schroeder, Director of Administrative Services, answered whether the County is being compensated for the easement. He stated there is no cost for the private utility easement with Puget Sound Energy (PSE). The private property owners will pay the fair market value for their individual easement areas as a condition of separate interest agreements that will allow them to excavate a trench with PSE to install their underground services. His understanding is there are some private properties next to Parks property that are looking to install utilities and need to have an easement for PSE on Parks property. There is no impact and no cost to the Parks Department, there just needs to be authorization from the Council to allow for those utility easements for the private property owners in adjoining properties to Parks Department land.

Galloway stated she reached out to Public Works and Parks to see if there was going to be some coordination of utilities (telecommunications or other forms of utilities) since there was going to be undergrounding of power, but this may not be the opportunity to do that. She stated she does not know if this is covered under existing franchise agreements with PSE, but it sounds like their franchise agreement does not include coordination requirements as they have previously discussed. It may be a missed opportunity or maybe coordination is already happening and we are just not aware of it, but this is an example where we could use our jurisdiction to facilitate the undergrounding of utilities including broadband.

Donovan stated the contract does state that PSE will be responsible for re-vegetating.

**Donovan's motion that the Resolution be RECOMMENDED FOR APPROVAL carried by the following vote:**

**Aye:** 3 - Donovan, Elenbaas, and Galloway

**Nay:** 0

### **Committee Discussion**

1. [AB2023-481](#) Discussion of next steps on forestry issues and framework for engagement with Department of Natural Resources

Galloway briefed the Councilmembers on the item and the letter (on file) sent by Department of Natural Resources (DNR) Commissioner of Public Lands, Hilary Franz as a response to a number of letters that the Council has sent to DNR with requests for improved and increased engagement and co-management of the trust lands that DNR currently manages on our behalf. She would like to get Councilmembers' thoughts on where they see that the Council or the County as a whole would like to engage.

Donovan spoke about having discussion about how Whatcom County can use the funds listed in point seven of Commissioner Franz's letter in light of the letter sent by Council which made a statement about keeping some land out of production as long as one of the taxing districts could be made whole, and a letter received from the Mt. Baker School District basically asking them to pay for lost revenue. He also asked about scheduling a meeting with DNR and how it should be scheduled.

Elenbaas stated his main concern is what happens when the County's idea of management is different than DNR's idea of management. The Revised Code of Washington (RCW) says, "the agency shall" so he tends to prefer that they leave it to the experts because there could be some issues, with the way the law is written, if they have a disagreement.

Galloway stated there was a Supreme Court decision that clarified some flexibility that DNR has in terms of serving its beneficiaries. These engagement opportunities are really around reconciling these values and opportunities for managing lands on our behalf and making sure we have a seat at the table on those decisions. We are in the very early stages, and her understanding is that DNR is working on what it will look like on their end, and it is up to the County to figure out what we see our role and responsibility being and what we want engagement to look like.

Donovan stated it seems like DNR is still expecting to be in the driver's seat with this as they are not using the phrase "co-manage," but are willing to talk about how we want some of these assets managed, and that is part of the conversation too.

Tyler Schroeder, Director of Administrative Services, stated they have been tracking where Council is going with the letters from the Council and they were aware of Commissioner Franz's letter and are trying to identify the next best steps forward, recognizing that this is uncharted territory. They have been talking internally with Planning, Parks, and Public Works staff that deal with a little bit of forest management within their jobs and he gave some examples. They would be happy to bring a group of staff back in September or October to walk through where we currently work through forest management and to identify where some holes are to be able to accomplish this policy conversation.

*Clerk's note:* Councilmembers went into recess because of technical difficulties and then continued the meeting once those issues were resolved.

Donovan asked whether they need a single point person for forestry-- more than just the one person they are talking about hiring in the Parks Department.

Galloway stated we as the County need to figure out where we are at and where we want to go. That could look like developing a strategy or setting vision and values for how we want to manage our own lands. It could also be broadly thinking about what that framework of engagement is on State and Federal Lands and how we want to be working with the Tribes on these issues as well. She spoke about an idea of developing a multi-disciplinary task force which would develop a forestry plan, and think about what our engagement model looks like, including developing a framework for community outreach and additional coordination and collaboration on these shared lands.

Donovan asked who would populate that task force and Galloway stated her early conceptions would be to have some permanent members, some council-appointed community representatives, and representatives from beneficiaries, to build a round table of people to put together a comprehensive approach to forestry.

Elenbaas stated he thinks it is a horrible idea.

Donovan asked how they would like to respond to the letter from Commissioner Franz and whether they want to have some engagement with DNR about it.

Schroeder stated he believes they have reached out to DNR representatives and are waiting to hear back from them. Maybe someone from this committee could participate with staff in a discussion with them on the intent of the letter.

Elenbaas stated he would love to hear comment from the Forest Advisory Committee.

John Gold, Forest Advisory Committee, stated this is a great discussion that they are having about coming up with a comprehensive approach to some of the questions they have been tossing around for a year or two. He thinks the notion of a focused task force is a good idea. He stated there are 20-some different trusts that DNR manages and only some of those are county lands, so a good understanding of what that footprint looks like would be helpful. It might also be helpful to request a briefing from attorneys to understand what Elenbaas was getting at about the RCWs that put constraints on what the range of options might be. The letter refers to Sarah Ogden as a DNR staff member whose job description is to specifically engage the beneficiaries and they may want to hear from her.

Chris Hankey, Department of Natural Resources, answered whether they are working through the process of communicating with the County and will be reaching out soon to set up the first get-together, and he stated that is true. He stated Sarah Ogden is going to be the point person and she should be reaching out directly. Having a one-on-one discussion first will be key.

**This agenda item was DISCUSSED.**

### **Items Added by Revision**

There were no agenda items added by revision.

### **Other Business**

There was no other business.

### **Adjournment**

The meeting adjourned at 10:29 a.m.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

**Kaylee Galloway-via email 7/28/2023**

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

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Kaylee Galloway, Committee Chair

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Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE