

# **Whatcom County Council Planning and Development Committee**

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



## **Committee Minutes - Final**

**Tuesday, September 26, 2023**

**1:20 PM**

**Hybrid Meeting**

**HYBRID MEETING - ADJOURNS BY 3:20 P.M. (PARTICIPATE IN-PERSON, SEE  
REMOTE JOIN INSTRUCTIONS AT [www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil), OR  
CALL 360.778.5010)**

### **COUNCILMEMBERS**

Tyler Byrd  
Ben Elenbaas  
Kaylee Galloway

### **CLERK OF THE COUNCIL**

Dana Brown-Davis, C.M.C.

## **Call To Order**

Committee Chair Ben Elenbaas called the meeting to order at 1:20 p.m. in a hybrid meeting.

## **Roll Call**

**Present:** 3 - Tyler Byrd, Ben Elenbaas, and Kaylee Galloway

Also Present: Barry Buchanan, Todd Donovan, Carol Frazey, and Kathy Kershner

## **Announcements**

### **Special Presentation**

1. [AB2023-635](#) Presentation and discussion related to the Conservation Reserve Enhancement Program (CREP)

The following people read from a presentation (on file):

- Brandy Reed, Whatcom Conservation District, District Manager
- Alison Halpern, Washington State Conservation Commission, Interim Policy Director
- Jon Wyss, Washington State Farm Service Agency, State Director
- Aneka Sweeney, Whatcom Conservation District, Education and Engagement Manager
- Frank Corey, Whatcom Conservation District, Fish and Wildlife Habitat Manager

Sweeney gave an overview of the Conservation Reserve Enhancement Program (CREP), Wyss gave an overview of the recent Farm Service Agency determination of contracts in the program that do not meet the eligibility requirements to be in the program, and Reed and Halpern presented on what the agencies represented today are doing to help address the situation.

Elenbaas stated the County has pointed people in the direction of CREP so we have some skin in the game. He spoke about research done by former Councilmember Rud Browne and stated one of the things he brought up in his synopsis is that the Secretary of Agriculture does have the authority to not only make this go away, but to also renew these contracts moving forward, and he spoke about the breaking of trust with the public.

The Councilmembers and speakers discussed the ramifications for the people that are affected, whether they can find County or State money to

honor these contracts or whether they should request the Secretary of Agriculture to exercise his right to fund them, looking at all possible options including using CREP funding to make annual payments to keep producers getting compensation, including the County as a partner in any solutions, how the errors were made and whether the people who made them are still active, what they are going to do to build guard rails so this does not happen again, what the Council can do in the short term to keep people in the program that might be losing income, whether a letter to the Governor should be specific in naming CREP funding, whether they should ask the Secretary to put a pause on the deadline, and how the request (letter) should be framed.

Wyss stated that asking for an extension could be detrimental, and he answered how many land owners are impacted, and what the dollar amount is that they are not paying out. He and Councilmembers discussed whether it is a State request for just Whatcom County or whether they should take it to Washington State Association of Counties (WSAC) and come as an association of counties that are affected, the caveats that other counties may not have had their Planning and Development Services so intertwined with this program like ours and may not be dealing with adjudication like we are, and whether the Voluntary Stewardship Program (VSP) could capture some people who are not eligible for the CREP.

Donovan referred to a draft letter from the Council that requests that the Governor make an emergency commitment to invest approximately \$2.0 million over the next biennium to keep these payments in place. He asked whether that is money that is existing in the CREP program or whether it would be asking the Governor to go to the Legislature and the speakers stated there is ample CREP funding in the current biennial budget if they are allowed to re-appropriate some of it to make this annual payment.

Elenbaas stated he would like to move forward with Donovan's letter.

*Clerk's note:* **AB2023-644** was added by revision to the Council's evening agenda to consider a proposed letter.

Elenbaas stated he receives no CREP payments and does not have a contract with CREP on any of the land that he owns.

He opened up a public comment period and the following person spoke:

Rud Browne, former Councilmember and CREP contract holder, spoke and

referred to a letter of options that he prepared (on file).

Reed stated she hopes they can continue the conversation about all the other conservation programs that can do similar things that CREP is doing and how the Whatcom Conservation District can be useful in the partnership with the County in restoration work.

**This agenda item was PRESENTED and discussed.**

2. [AB2023-523](#) Presentation on the Voluntary Stewardship Program

Bill Eller, Voluntary Stewardship Program (VSP) Coordinator, Washington State Conservation Commission, read from a presentation (on file). He answered what the commission funds are which can be used for installing Best Management Practices (BMPs) under the VSP, why one county opted out of the program after initially opting in when the program was created, whether the legislature would provide more money if a county opts in since the money is allocated, and whether every county gets the same amount for VSP implementation.

Councilmembers discussed why Whatcom County did not opt in to the VSP at its inception, whether we would have more participation and accomplish more goals in the long run if we join since it is voluntary and can be tailored to our county, and whether the program is complimentary to the Critical Areas Ordinance (CAO) and the Growth Management Act (GMA).

Cliff Strong, Planning and Development Services Department, answered what we are replacing if we sign up with the VSP and Strong stated it would replace the Conservation Program on Agricultural Lands (CPAL) program.

They discussed the difference between the two programs, why Whatcom County did not join the VSP at the beginning, why the program was created, whether we are seeing better results in the areas where the VSP has been implemented, and whether the VSP is replacing the regulatory minimum of the CPAL or building on it.

Mark Personius, Planning and Development Services Department Director, spoke about understanding what voluntary means in the global context of all farmers in the county or in the watershed that would be picked as a part of the VSP program. He stated more clarity is needed on situations, such as when one neighbor opts in and one does not and what regulations they would be subject to.

They discussed how the VSP intersects with the CAO as it applies to

agriculture activities, how it affects enforcement and farm plans, and that they need more time and to schedule more discussion to get questions answered.

**This agenda item was PRESENTED AND 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 3:25 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

**Ben Elenbaas-via email 10/4/2023**

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

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Ben Elenbaas, Committee Chair

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Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE