

To: County Executive Satpal Sidhu, Whatcom County Council Members, Douglas Ranney, James Karcher

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February 17, 2022

**RE: Maintaining public access to the Cherry Point Aquatic Reserve from Gulf Road**

Dear Whatcom County Council,

Thank you for taking the time to read and consider our comment regarding public access to the Cherry Point Aquatic Reserve from Gulf Road. We were sorry that we missed this action when this came to public hearing and a vote on Tuesday, February 8, 2022 and hope that you will take our concerns into consideration as stakeholders do not seem to have been properly notified in advance.

RE Sources is a non-profit organization located in northwest Washington and founded in 1982. We work to protect the health of northwest Washington's people and ecosystems through the application of science, education, advocacy, and action. Our priority programs include Protecting the Salish Sea, Freshwater Restoration, Climate Action, and Fighting Pollution—all critical issues affecting our region. Our North Sound Baykeeper is also a member of the Waterkeeper Alliance, with over 300 organizations in 34 countries around the world that promote fishable, swimmable, drinkable water. RE Sources has thousands of supporters in Whatcom, Skagit, and San Juan counties, and we submit these comments on their behalf.

The Cherry Point Aquatic Reserve Citizen Stewardship Committee (CPAR CSC) is a volunteer citizen group working for the betterment of the Cherry Point Aquatic Reserve. The CPAR CSC wishes to note that the views in this letter on these matters do not represent those of the Washington Department of Natural Resource.

We have significant concerns with potential impacts of the request brought forward to County Council from a private landowner to temporarily close access to Gulf Road and thereby close off a major access point to the Cherry Point Aquatic Reserve. While the closure is for motorized vehicles starting 150 ft south of Henry Road on Gulf Road, there is little to no parking, and would significantly reduce access to the beach.

Discussion of this closure raises several points. In our frequent work in the area, we have

not seen any level of illegal dumping, abandoned vehicles, alcohol and drug use, discharge of firearms, unauthorized fires, destruction of private property or trespassing that would come close to warranting a closure. Through conversations with Fire District 7 and Sheriff's office, both confirmed that neither considers their levels of current response a burden. Additionally, many other local beaches have similar or worse amounts of trash and illegal fires, yet remain open. In fact, in our experience, the area at Gulf Road appears safe. Within this context, we believe it is in the public's interest to maintain the current level of access, while also monitoring any public health and safety issues at this location as needed. In addition, there is reason to be concerned that a "temporary" closure could be prolonged, without any specific indication of its duration or steps needed to resume full public access.

We respectfully request that the Council immediately pause this temporary closure to vet the claims made on reason for closure, define what "temporary" means in this case, and determine under what circumstances public access would be fully restored. Additionally, this area makes usual and accustomed fishing grounds accessible to tribal members, so we recommend that the Tribes are also consulted on this issue.

The Cherry Point Aquatic Reserve encompasses 3,050 acres of unique shoreline that is truly amazing to witness. Cherry Point was designated as a Washington State Department of Natural Resources' Aquatic Reserve in 2010 to protect this unique habitat that supports marine and intertidal species that are crucial to the health of the Salish Sea. Gulf Road also sits next to a rare and important salt marsh. There are few public access points to Cherry Point. To the north there is Birch Bay State Park and Neptune Beach to the south. In between are several industries that prevent public access. Point Whitehorn County Park is one access point; however the stairs down to the beach have been washed out for the last two years without a timeline in place to repair or replace beach access. Gulf Road is the other major access point to Cherry Point, being easily accessible to all from the road, without requiring a hike on a trail and traversing down a long set of stairs and steep hill, as necessary at Point Whitehorn.

RE Sources, the CPAR CSC, and our partners conduct several long-term community science monitoring projects that require access from Gulf Road to Cherry Point. Intertidal and marine bird monitoring have continued since at least 2013, with the bird data being comparable with earlier studies in the 1970s, and both have data that can be compared to regional projects to discern trends. Some of our partners also conduct other monitoring, such as bull kelp by kayak where the data is in the process to be included as a Puget Sound Vital Sign by 2024. These monitoring projects rely on volunteers being able to drive to the site and not have to carry heavy equipment any further than needed. We have concerns that a closure to Gulf Road could significantly disrupt the ability to collect meaningful data, leaving glaring holes in regional datasets as well as for our continued monitoring of the overall health of Cherry Point without a real reason for this road closure.

We additionally host periodic beach cleanups at Gulf Road. The CPAR CSC has adopted Gulf Road to work with the County to make sure the area stays clean and to ensure a sense of stewardship of the area that has been lacking by any private owners. Our experiences have been that over time, the beach has shown significant improvements where we find far fewer signs of garbage being illegally dumped and bonfires. It has been encouraging to see improvements where our cleanups several years ago often entailed removal of many large objects, including couches, to mostly smaller trash that seems to have washed up from the marine water or else escaped accidentally from beach visitors. Our perception is that there is a much better sense of stewardship at Gulf Road than there once was not too long ago and again, are confused by the claims that this road closure and access denial is necessary.

Gulf Road is also a heavily accessed area for recreation, including but not limited to dog walkers, beachcombers, birders, kayakers, surfers, fishers, and folks launching their boats. Restricting access to Gulf Road would severely limit these activities. Some of the pictures of the area that come to mind from our experiences are not what was painted in the memorandum, but instead we have seen kayakers out watching porpoises feeding, fishers launching their boats and pulling up crabs, dog walkers enjoying a peaceful stroll, surfers catching some waves when the wind and swell align the right way, community members searching high and low on the beach to find more trash that isn't always easily found at cleanups, taking field trips out there with community members to observe herring spawning, and so many other pleasant memories past and present that are nothing like the crime-ridden picture painted in the claim that this area needs to be closed.

Additionally, this area makes usual and accustomed fishing grounds accessible to tribal members, so we recommend that the Tribes are also consulted on this issue. We have witnessed the beach being used for ceremonial purposes, such as a renewal ceremony on a snow-covered beach on the winter solstice that entailed going into the water that we witnessed while collecting forage fish samples. We also know that this area has usual and accustomed grounds for treaty rights and many folks launch crabbing and fishing boats from this beach that would not be possible with this closure.

In summary:

1. Please reconsider this closure.
2. Please consult the Tribes on this closure.
3. Please define a set of circumstances for when this "temporary closure" would be reopened so that public access to this important place in Whatcom County can be restored to all of us.

Thank you for your time and consideration on this matter. We hope that you will do the right thing for community members of Whatcom County by restoring access to this critical beach. If any Council members would like to take a field trip to Gulf Road, we would be happy to make arrangements to invite you to take a look for yourselves. We are also happy



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to work with you and partners on better beach stewardship going forward. Perhaps yet another solution would be to convert this beautiful local asset to a public park to ensure enduring care, stewardship, and access for all.

Sincerely,

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