

**CLERK OF THE COUNCIL**  
Dana Brown-Davis, C.M.C.

**COUNTY COURTHOUSE**  
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**COUNCILMEMBERS**  
Barry Buchanan  
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Carol Frazey  
Kaylee Galloway  
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## WHATCOM COUNTY COUNCIL

January 24, 2023

Senator Sharon Shewmake  
Representative Alicia Rule  
Representative Joe Timmons  
42<sup>nd</sup> Legislative District

Senator Liz Lovelett  
Representative Debra Lekanoff  
Representative Alex Ramel  
40<sup>th</sup> Legislative District

Dear 42<sup>nd</sup> and 40<sup>th</sup> District Legislators:

Thank you for your continued commitment to representing the residents of Whatcom County down in Olympia. We are grateful for your work on our behalf. As the 2023 legislative session begins, we hope you will see us as collaborative partners advocating for all who live, work, and play here in Whatcom County. While it has been a tough few years for all of us, we are committed to working together to improve our community now and for generations to come.

Recently, Executive Satpal Sidhu presented to you our [2023 Legislative Objectives](#), a joint legislative agenda with the City of Bellingham, Port of Bellingham, and Whatcom County. The purpose of this letter is to elaborate on some of our legislative priorities related to climate action and environmental sustainability. We respectfully request your support on the following issues on behalf of Whatcom County.

### **Nooksack Adjudication**

Please fully fund the Nooksack adjudication by supporting Department of Ecology's \$2.738 million request in the Governor's Budget. We understand a water rights adjudication in the Nooksack River watershed can help bring together all water users, resolve water right disputes, determine who has the legal right to use water, and the priority and quantity of each right. As water rights are determined, we hope to collaborate with all parties on establishing solutions and market mechanisms to ensure communities get the water they need to live and support a thriving agricultural economy. Whatcom County has also requested additional funding to support the Solutions Table process including technical assistance and studies necessary to help us quantify water resources. In preparation for adjudication, we also request funding for the County to provide filing and legal assistance for all participants. This will help facilitate the process and help individuals avoid unnecessary, and often expensive, legal fees.

### **Salmon Recovery**

We are pleased to see the Governor proposed new investments to protect and restore salmon populations and habitat across Washington State. We hope that you will support these investments in riparian habitat restoration, hatcheries (including the grant to Lummi Nation for improvements to Skookum hatchery), water quality and quantity, removing fish passage barriers, and other critical salmon recovery programs. We support increased funding for the Puget Sound Acquisition and Restoration Program (PSAR), Salmon Recovery Funding Board (SRFB), Estuary and Salmon Restoration Program, Brian Abbott Fisher Barrier Removal Board, and Floodplains by Design that will help local governments, tribes, and nonprofit partners carry out the State's salmon recovery needs.

Please increase the PSAR funding allocation from \$50 million to at least \$52 million in order to fund the next project on the list, the South Fork Nooksack River Integrated Floodplain Reconnection Project. This project includes two distinct acquisitions – the Stewart Mountain Community Forest Phase I and the Acme Floodplain – totaling 700 acres of floodplain, riparian forest, and steep slopes along 4 miles of South Fork Nooksack River shoreline. The Acme Floodplain acquisition portion of the project consists of approximately 143 acres of mainly

floodplain property along the South Fork of the Nooksack River and will achieve and support numerous objectives to enhance salmon habitat, enhance water supply, reduce water temperature, and reduce flood risks. Furthermore, this project (including both Stewart Mountain Phase I and Acme Floodplain) were included in the Nooksack Indian Tribe's emergency request to the Governor to address the Chinook Mortality event on the South Fork Nooksack River.

### **Culverts**

The "Culvert Case" identified the state's legal obligation to remove fish passage barriers, and as a political subdivision of the State, we recognize our responsibility to correct the fish passage barriers on the extensive road networks maintained by Whatcom County. Given our limited resources, we respectfully request the State's assistance in helping us fulfill this obligation. With the influx of federal infrastructure funding, we hope the state can further provide matching funds, technical assistance, and help build workforce capacity so that local governments can actively restore fish habitat for anadromous salmon. We are pleased with the Governor's investments in removing fish passage barriers and preventing future barriers, and hope you will support those as well.

### **Growth Management Act and Comprehensive Planning**

On August 9, 2022, the Whatcom County Council passed a [resolution](#) establishing our priorities for Whatcom County's 2025 Comprehensive Plan update. Among our priorities include incorporating climate change mitigation, adaptation, resilience, and greenhouse gas (GHG) emission reduction throughout the Comprehensive Plan. As such, we want to thank you for your support and leadership on HB 1181/SB 5203. We also want to promote the protection and restoration of healthy habitats for fish and wildlife, which includes adding a salmon recovery goal, updating our culvert inventory with a proposed schedule for elimination, and working with the State Department of Fish and Wildlife to evaluate a framework and strategy for achieving net ecological gain for all public projects and a voluntary incentive driven framework and strategy for private projects. We hope you will support making grant funds available for local governments as well as the technical assistance and staff capacity necessary to achieve these ambitious goals. Lastly, we want to urge your [support](#) for extending the deadline to participate in the Voluntary Stewardship Program, and to fully fund the program. We believe if given the opportunity, Whatcom County would greatly benefit from participating as we work to protect local critical areas and agriculture lands.

### **Flood Response and Mitigation**

Over the last year, [Whatcom County](#) has been working with numerous partners to respond to the devastating November 2021 Nooksack River floods. As we continue to recover, and prepare for future floods, Whatcom County supports any investment the State is willing to make to help us respond, mitigate, and proactively adapt to future climate impacts including the anticipated increase in severity and frequency of flood events. We support the Governor's \$3.9 million investment in the Nooksack Basin flood prevention program administered by the Department of Ecology. These funds will support state, provincial, tribal and local government planning to reduce flood hazards and restore ecosystem function in the Nooksack Basin and Sumas Prairie. Funding will also support project development and implementation to reduce flood risk in communities.

We also support increased investment in the Department of Ecology's Floodplains by Design program to reduce flood hazards, improve habitat, increase resiliency, and support a viable agriculture economy. Whatcom County is seeking \$12.4 million in funding for [The Nooksack River: Floodplains that Work Phase 3](#) in the 2023-2025 Washington State Floodplains by Design budget. Whatcom County ranked first across the state for its Phase 3 proposal, which will build upon our work currently underway in Phases 1 and 2. These funds are supporting the County's development and implementation of integrated floodplain management projects at a scale that is not possible with local funding alone.

### **Swift Creek**

Whatcom County is working with the Department of Ecology to implement the Swift Creek Sediment Management Action Plan. Department of Ecology submitted a \$12M funding request to support construction scheduled for this year, which includes a suite of projects that directly reduces sediment from Swift

Creek. However, when the Office of Financial Management submitted the budget to the legislature, the Swift Creek project budget request was reduced to \$4 Million.

This reduced funding will cause significant delays in addressing the Swift Creek sediment issue. For us to continue this work it is imperative for the state to continue to fully fund the program. Whatcom County is asking you to address this budget shortfall and work towards getting the Swift Creek budget item back to the original ask of \$12 Million.

Thank you for your time and consideration of these important issues. We appreciate your continued support. Please reach out to us if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Barry Buchanan". The signature is written in a cursive style and extends to the right with a long horizontal stroke.

Barry Buchanan, Chair  
Whatcom County Council

cc: Councilmembers  
AB2023-086