

FILE UNDER AB 2024-350  
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SUBMITTED BY: SCOTT HULSE

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COUNCIL MEETING  
 PUBLIC HEARING  
COMMITTEE  
EXHIBIT:

18 June 2024

Whatcom County Council  
311 Grand St  
Bellingham, WA 98225

To whom it may concern;

Thank you for the opportunity to speak concerning the proposed Birch Bay Water and Resource Management (BBWARM) proposal to incrementally increase "user fees" from \$75 to \$190 in 2028. I am strongly opposed to the proposed fee increase for a number of reasons. A partial basis for this fee is an assumption that every habitable structure in the Birch Bay area adds 4,000 square feet of impermeable surface. One need only drive through the center of the Bay to observe the ridiculousness of this assertion and its relevance where the entire area of some lots approach 4,000 square feet.

I am a professional engineer. My introduction to stormwater management was in 1971 when I was tasked with managing stormwater affecting an Alcoa open-cut bauxite mining operation during a storm the dropped more than twenty-four inches of rain in twenty-four hours. I served on the BBWARM Advisory Committee for eight years and chaired the Committee during the last two years of my participation. I had the opportunity to observe the workings of the Committee during that time period and came to realize that the Committee was losing focus on the original purpose for the formation of BBWARM. BBWARM morphed out of a series of public hearings concerning fecal coliform contamination discharged into Birch Bay through Terrel Creek like the event that is currently occurring.

I strongly supported the concept for BBWARM and the expanded focus for BBWARM to include mitigation of contamination from road contaminants, improperly maintained septic tank effluents, and other sources that was discharged into Birch Bay during rainstorms. However, that focus has expanded significantly and is currently supporting activities other than stormwater flowing into Birch Bay through publicly maintained ditches; for example, removing logs from the shores in the Birch Bay Village community because the logs were blocking their privately established flood gates, fixing and repairing poorly designed drainage systems on private lands on Birch Point where surface flow was enhanced by logging operations above the development, attempting to mitigate bank erosion along Birch Bay Drive where stormwater drainage from what is now the Salish Breeze development flows across private land endangering at least one house, and providing bags for dog owners to pick up their pets droppings among others. The common denominator for many of the problems with stormwater management around Birch Bay is Whatcom County permitting logging operations and new developments without addressing increased stormwater flow that these activities create.

I worked while a committee member to have BBWARM address severe problems with stormwater overflowing from ditches on Whitehorn Point because erosion along the steep banks above the southern edge of Birch Bay has increased after all trees were removed and construction in the Point Whitehorn Development began around 2000. Our family has lived on Whitehorn Point since 1960. Up until 2020 our bank had recessed less than five feet. There was always some other "urgent" need for mitigation elsewhere so that we have now seen bank recession due to coastal erosion of more than thirty feet in some areas. Stormwater mitigation on Whitehorn Point has been continuously delayed after I left the Advisory Committee four years ago.

Before the County Council considers increasing "user fees", the Council should consider the impact that new development is having and first ask developers to pay to mitigate the impact of stormwater from their developments on existing infrastructure. The County needs to hire competent engineers, who understand hydrologic processes. It has been my privilege as a member of the Whatcom County Flood Control Advisory Committee to work with Paula Harris and her staff; however, it has become clear that other than Ms Harris' group, which provides technically outstanding solutions to mitigate the effect of flooding along the Nooksack River, the Planning Department and the Public Works Department have a need to hire competent hydrologists and geotechnical engineers so that they can properly assess the potential impact of future activities on stormwater in all of our communities before anymore development begins in Whatcom County, not just Birch Bay and Lake Whatcom.

I strongly recommend that the Whatcom County Council consider replacing local stormwater districts like those imposed on Birch Bay and Lake Whatcom with a county-wide stormwater management section and stormwater control districts similar to the flood control districts that currently exist. Stormwater is a major contributor to flooding as we are now observing below the highlands above Lynden, along the flood-ways in the plains below our mountains and in other areas. We currently have a flood tax in Whatcom County. Local District stormwater management fees should be eliminated and replaced by a county-wide increase in the flood tax to support management of stormwater throughout all of Whatcom County. This proposal is consistent with the original mandate for the flood tax. Birch Bay and Lake Whatcom are County resources used by the entire County population. Therefore, residents in these areas should not be singled out to pay the extra fees that they are currently paying. I also strongly recommend that all funds designated for stormwater management be used exclusively for stormwater mitigation in all Whatcom County communities rather than for private entities or special interest groups.

Thank you for your consideration.

Respectfully Submitted,



Scott E Hulse