

**RECOMMENDATION OF THE COUNTY EXECUTIVE’S REVIEW PANEL**  
**on the**  
**RECONVEYANCE AND TRANSFER OF LANDS**  
**within the**  
**LAKE WHATCOM RESERVOIR WATERSHED**  
**June 30, 2008**

Whatcom County Executive Pete Kremen appointed the Lake Whatcom Reconveyance Review Panel (Panel) on March 27, 2008, to assess the proposed reconveyance of approximately 8,400 acres primarily in the Lake Whatcom Reservoir watershed from the Washington Department of Natural Resources (WDNR) to Whatcom County. The Panel met weekly for almost four months to review the environmental (including most particularly water quality), recreational, and financial impacts of the reconveyance. Meetings were open to the public and non-Panel members attended, including a representative of WDNR. After careful consideration, the Panel voted 8 to 3 to support and recommend approval of the proposed reconveyance, subject to certain conditions being met in the final agreement between the County and WDNR.

Overall, it was the judgment of the Panel that reconveyance presents an excellent opportunity to protect the Lake Whatcom Reservoir by keeping large tracts of land in the watershed in forested conditions. Moreover, the Panel agreed that local control and supervision of the subject lands, including enforcement of all applicable laws and policies, would provide the highest possible level of protection, now and in the future. The Panel evaluated the impacts of continued logging in the reservoir watershed under the Lake Whatcom Reservoir Landscape Plan, compared with creating a low-impact county park. While it was difficult to measure or predict the exact differences in respective types of impacts, the scientific evidence and majority opinion of the Panel supported the position that a park, managed under strict conditions, would have a significant net environmental benefit to the reservoir. Moreover, given the current state of scientific knowledge the Panel felt there is an urgent need to take every possible action now to protect the reservoir.

The recreational benefit of approximately 8,400 acres in close proximity to a major population center is huge. With low-impact trails for non-motorized recreational use, impressive viewpoints, wildlife corridors, and a potential “backcountry” wilderness experience, Bellingham and Whatcom County will have a unique park.

The Panel identified several negative aspects of the reconveyance. The most significant is the loss of revenue to taxing districts derived from WDNR trust lands. The Panel also recognized the importance of commercial forestry to Whatcom County’s economy and understands there will be consequences of permanently removing from County’s commercial forestry base approximately 8,400 acres; a substantial part of which would not be subject to harvest due to the Lake Whatcom Reservoir Landscape Plan.

The proposed reconveyance will create transaction and operational costs for Whatcom County. The Panel agreed that the one-time transaction costs are appropriate. Considering the amount of land to be acquired, the costs payable from the Conservation Futures Fund are relatively minor. Upon completion of the reconveyance, development of trails and facilities will require a further investment of capital. This development will likely occur over a number of years, with costs to be spread out as work progresses. Development costs will be met primarily using funds from grants and sources other than the County's General Fund, thus bringing in new funds that will improve environmental conditions in the watershed. We are advised that the operation of the park will necessitate expanding Park staff by one additional FTE, plus seasonal employees. Again, given the scope of the park and the amenities to be gained by the community, the Panel agreed that expanding staff is both necessary and appropriate.

Nothing in this recommendation should be construed to: (1) support shifting funds away from other watershed and Reservoir protection efforts, (2) diminish the County's ongoing responsibility to reduce pollutant loading to and clean up of the Lake Whatcom Reservoir as mandated under federal, state, and local laws, (3) diminish the importance of forestry jobs and revenues in Whatcom County and elsewhere in the County, or (4) condone rezoning or other actions that would increase development opportunities or motor-vehicle traffic in the Lake Whatcom Reservoir Watershed.

As stated above, the Panel recommends reconveyance, as presented by the Whatcom County Parks Department, subject to the following three conditions:

**1. Management Conditions:**

- a. Use parklands only for recreational and educational activities that have a low environmental impact.
- b. Allow only the following improvements: narrow trails and related structures such as trail bridges, trailhead parking areas, restrooms, signs, picnic areas, backcountry walk-in camping areas and minimal road construction, provided that any new road construction meets the Lake Whatcom Reservoir Landscape Plan specifications.
- c. Locate, design, and construct new trails and park facilities to minimize impact on water quality and the environment.
- d. Locate trails away from the lake so that a substantial forested buffer is maintained between the trail and the lake and construct stream crossings so as to minimize environmental and water quality impacts.
- e. Locate trailheads, parking areas, restrooms, and picnic areas outside the watershed, and if this is not possible, then as far from the lake and major streams as feasible.
- f. Restrict motorized access to authorized, official, and emergency uses only; allow motorized recreational uses within the park, only as required by the Americans with Disabilities Act.
- g. Permit hiking, biking, and horse-back riding on designated trails only. Subject to seasonal closures of horse and biking trails as appropriate, locate and construct such trails to minimize environmental impacts of particular uses.

- h. Allow camping only at designated backcountry camping sites. Campfires allowed only in fire rings at designated sites.
- i. Refrain from paving or planting with non-native species.
- j. Require all pets to be kept under the direct control of the owner at all times and pet wastes disposed of in appropriate containers to minimize impacts on wildlife and water quality.
- k. Wherever possible, locate trails on existing roadbeds.
- l. Manage forest lands to foster a complex, closed canopy, mature forest with old growth characteristics.
- m. Allow forest practices only in accordance with a Forest Management Plan for the entire reconveyed property designed to foster a complex, closed canopy, mature forest with old growth characteristics and protect water quality. Before any forest practice is begun, the Forest Management Plan would have to be approved as designed to meet this objective by two forest ecologists, one selected by Whatcom County and one by the holder of a conservation easement over the reconveyed property. Any forest practice proposed by Whatcom County and questioned by the conservation easement holder would have to be certified as in compliance with the Forest Management Plan by two forest ecologists, one selected by Whatcom County and one by the holder of a conservation easement.
- n. Close park to recreational activity due to fire danger when determined by Whatcom County.
- o. Manage existing logging roads in the reconveyed lands in compliance with the Lake Whatcom Reservoir Landscape Plan, Lake Whatcom Reservoir Watershed Land Transaction Memorandum of Agreement between Whatcom County and WDNR, and forest practice rules.

**2. Perpetual Protection Condition:**

To maximize long-term local control and protection of reconveyed lands for environmental quality and park use, the Panel recommends that the County place a conservation easement limiting reconveyed lands to public parklands, consistent with protecting water quality, environmental amenities, recreational opportunities, and the Management Conditions listed above. This conservation easement will further strengthen the community's oversight and control of the reconveyed lands.

**3. Financial Condition:**

Of the small taxing districts affected by reconveyance, the Panel believes that the Mount Baker School District has the strongest equitable claim to compensation for lost revenue due to the reconveyance because of (a) the relative importance of the lost revenue to the overall school district budget, (b) the modest financial status of residents of the school district, and (c) the relatively small benefits of reconveyance to residents of the school district. For this reason, the Panel recommends that the County do everything possible to fairly compensate the Mount Baker School District for lost revenue, including seeking support from the State Legislature for compensation or authority for providing such

compensation. An option to consider would be the authority for the County to assign to Mount Baker School District a revenue stream from other WDNR managed property comparable to that lost to the school district through reconveyance.

**Conclusion:**

The Panel recommends in favor of the reconveyance. After careful consideration of the costs and benefits of the proposed reconveyance of land in the Lake Whatcom Reservoir Watershed, the Panel has concluded that the environmental benefits and recreational opportunities substantially outweigh the costs. This recommendation is subject to three conditions:

- (1) the County abide by the Management Conditions enumerated above;
- (2) the County grant a Conservation Easement over the reconveyed lands as described above under Perpetual Protection Condition; and
- (3) The County make every effort to compensate the Mount Baker School District for revenues lost due to reconveyance as described under Financial Condition.

We commend Whatcom County for taking the initiative to pursue the reconveyance and the Department of Natural Resources for cooperating in this venture. We believe reconveyance, with the three stated conditions, and creation of an 8,400 acre forest reserve park in the Lake Whatcom Reservoir Watershed will contribute significantly to the long-term well being of our community.

The reconveyance is an important step in protecting the Lake Whatcom Reservoir water quality, but it is not sufficient alone to accomplish that goal. Whatcom County must continue to improve water quality in the Lake Whatcom Reservoir by all available means.

Finally, the Panel wishes to express its gratitude to Pete Kremen, Whatcom County Executive, for taking the initiative to pursue the reconveyance of these lands and to the Whatcom County Parks and Recreation Department, Washington Department of Ecology, Washington Department of Natural Resources, and members of the public who gave valuable input to assist us in this process and help the Panel forge a final recommendation.

**Panel Members:**

Marian Beddill, Ken Bell, Seth Cool, Lois Garlick, Rand Jack, Ken Mann, April Markiewicz, Russ Pfeiffer-Hoyt, Gordon Rogers, David Wallin, and Tom Westergreen.