

Lake Whatcom Stormwater Utility Funding Study
Public Questions and Comments Received August 13 - 28, 2018

Date Received	Form	Question/Comment	Response
8/20/2018	Written & Verbal	Presentation given by Fred Miller at the August 20 Advisory Committee meeting regarding phosphorus inputs from forest lands in the Lake Whatcom watershed. Request that the committee exhaust its authority to establish mechanisms to equitably collect revenues from forest lands, owners and operators to pay for Lake Whatcom phosphorus reduction efforts.	Heard by the Advisory Committee. Whatcom County and the City of Bellingham are legally required to reduce the amount of phosphorus in stormwater entering Lake Whatcom from developed areas through the Lake Whatcom Total Maximum Daily Load (TMDL). The TMDL does not require addressing phosphorus in runoff from forested areas, so none of the proposed fees from the new stormwater utility are anticipated to provide services to forested areas. The scope of the Lake Whatcom Stormwater Utility Advisory Committee is to provide recommendations on funding to address excess phosphorus in stormwater from developed areas. Whatcom County and the City of Bellingham continue to look at ways to reduce excess phosphorus loading into Lake Whatcom from all sources. Comments related to this issue can be shared at the annual Lake Whatcom Joint Councils and Commission meeting or brought to the Lake Whatcom Policy Group.
8/20/2018	Written	Comment received from Bruce Parelskin supporting Fred Miller's presentation and request.	Forwarded to the Advisory Committee for consideration.
8/20/2018	Written & Verbal	Comments received by Nancy Alyanak at the August 20 Advisory Committee meeting regarding rates based on roof area as less equitable and recommending a rate based on parcel size.	Forwarded to the Advisory Committee for consideration.

8/20/2018	Verbal	Comments received from Joe O'Keefe regarding concerns about paying for program operating costs, representation from the Sudden Valley Community Association, the correlation between dissolved oxygen and water quality, and landslides.	Heard by the Advisory Committee.
8/20/2018	Verbal	Comments received from Nancy Alyanak clarifying that logging and timber harvest are not part of the management plan for the Whatcom County Parks land in the Lake Whatcom watershed. According to a plan posted on the Whatcom County website, the goal for the park land is restoration. Cutting trees may occur to create snags for wildlife habitat.	Heard by the Advisory Committee.
8/26/2018	Written	Comments received from Nancy Alyanak regarding: When is a fee a tax? Guidance for municipal stormwater funding from the NAFSMA and the NRDC. Recommendation that both developed and undeveloped property are included in the new utility fee structure.	Forwarded to the Advisory Committee for consideration. The funding mechanism for the Lake Whatcom Stormwater Utility is a fee. Fees need to have a nexus with something the landowner can control, such as the type and degree of development. Charging property owners based on property size does not have that nexus, and would therefore be more like a tax, which is not allowed under RCW 36.89. Furthermore, the main goal of the TMDL is to reduce the amount of "excess" phosphorus going into the lake from development and other land-disturbing activities. The TMDL allows natural input of phosphorus from forested areas.