

# Point Roberts Community Advisory Committee

Contact: [PRCAC.COMMENT@GMAIL.COM](mailto:PRCAC.COMMENT@GMAIL.COM)

Minutes March 24, 2022 Regular Meeting  
(hybrid: online and Community center)

Members in Attendance:

Chairperson Allison Calder (Point Roberts Registered Voters Association)

Annelle Norman (Point Roberts Taxpayers Association)

Bill Zidel (member at large)

Prakash Sundaresan (member at large)

Brian Hunter (member at large)

Call to order by Chairperson (hereafter referred to as "Chair"): 7 pm

Agenda approved unanimously.

Minutes February 17, 2022 approved unanimously.

Correspondence received:

From Whatcom County Public Works (hereafter referred to as "County"), moved to that part of agenda

From Pat Grubb, specific request for notification on meetings

Public Comment: None

Old Business:

1. Flooding and Public Works stormwater management

E mail forwarded to Point Roberts Community Advisory Committee ("Committee") from the County from Pat Grubb asking if an objective legal analysis had been completed by County Counsel regarding appropriateness of use of Transportation Benefit District funds for assessment of adequacy of existing drainage infrastructure adjacent to and within rights of way. County Counsel determination that original review allowed such efforts as part of objective analysis of whether maintenance and construction needs are warranted from a civil engineering consideration was reversed to read such funds solely for maintenance and construction. No effort was made by County Counsel to explain how such assignment is appropriately made as to maintenance and construction without such objective analysis.

An additional County e mail suggests placing analysis in County's 2023 program. Chair sent e mail to County asking for appropriateness of State Attorney General opinion so that Committee understands limitations. County and County Counsel stated for record they did not support a request for a State Attorney General opinion on use of funds for Transportation Benefit District (TBD) and believe their latest interpretation would not be overturned. They went on to say the Committee is welcome to request via the Whatcom County Prosecuting Attorney a State Attorney General opinion, adding their understanding of turnaround time on such request is presently 2-3 months.

The County has stated they may be able to start work this year for consultant selection through normal stormwater funds assigned to Point Roberts, but those funds inadequate for complete analysis. County also noted a number of stormwater project opportunities and constraints with themselves and other agencies, with an overall caveat that all is dependent on adequacy of staffing as well as County Council determined priorities. Member Hunter will contact agencies mentioned to assay their capacity for interest and support.

Mark Robbins - explains it is his understanding up to County's decision on use of TBD funds up to point of legal action to preclude. Suggests demanding exhaustive list of what funds can be used for may be counter productive.

Chair notes in State of Washington definitions any construction includes by incorporation engineering analysis and design. Supports concept of contacting other agencies beyond County that may be able to assist in funding. Notes State Department of Ecology requires wetland mapping adjacent to or within projects, which may be half of Point.

Member Norman asks who would Department of Ecology require to do such mapping in this case? Further given the amount of energy and budgeting exhibited in Nooksack drainage, what was trigger mechanism there? Why is Point Roberts being held to perhaps different standard given the unknown potential severity of the next atmospheric river's impact by location? Is County solely working on projects that rise to level of emergency or disaster based response?

Chair notes Federal Emergency Management Agency (FEMA) came to Point Roberts in aftermath of 11/21 flooding, assessed damage, and provided funds.

Member Zidel states would like to see FEMA report. Suspects there will be not just list of funds expended, damage noted, but also source cause given civil engineering effort.

Member Norman agrees and believes FEMA would also be forward looking to include in their report what needs to be done to preclude these impacts in future.

Member Zidel believes the State Department of Ecology has mapped Point Roberts to indicate what is environmentally constrained as to drainage, runoff, proximity to permanent wetlands, and is not developable.

Chair states her experience is that this information does NOT exist for Point Roberts.

Member Norman asks if Committee has an exhaustive list of properties impacted as to this issue.

Chair indicates that is not the case, but we have areas of known impact. Proceeds to list with Committee chorus most places on Point Roberts.

Member Norman mentions her concern with Section 20.72 of Whatcom County Code, which allows brush and tree clearing based on acreage and without water uptake from vegetation flooding has occurred on adjacent properties with no previous history of inundation. Adds with wells capped groundwater is rising. States with multi factor impacts a holistic approach that considers all so as to allow requisite changes is required.

Chair reminds Committee that when County spoke at our meeting the indication was historically they have NOT paid that much attention to area, properties have been modified without benefit of permit or other review, and some areas have no "engineered" outflows, relying instead on gravity and least path of resistance, or a French drain and a sump pump, which just shifts issue to neighbor. Notes when had dedicated County worker resident "Leonard" these problems didn't

exist. Culverts under driveways responsibility of drive owner.

Member Zidel indicates there is still a lot of active water draining days after rains. He wonders if it's being diverted from somewhere or this is normal. He wonders about percolation.

Chair indicates pre-Covid discussion with County Executive Sidhu about State Department of Ecology grants for aquifer revitalization. Chair's belief is Point Roberts aquifer is fully revitalized. Pre '88 all septic Point Roberts gravity systems. Then as water table rose pump to gravity, and other engineered iterations up to above ground installation. Now there are properties water table too high for even above ground solutions. This runs into issue of water rights lease with British Columbia at such point as lease up. Suggests member Hunter check with water board as part of contact to all agencies requesting information.

Elizabeth Mason asks and receives status of County supported drainage and flooding study, and what Committee suggests next step in processes.

Member Hunter states at present process is supporting County using funds for this and next year for right of way drainage study. County to develop process to determine offsite analysis. Finally through contact with State and Federal agencies encourage their participation as either funding partners or enforcement agencies as appropriate.

Mark Robbins suggests rescinding voluntary gas tax may be used to encourage County to do their duty to us as they have rest of County.

Member Zidel speaks to issue of Southlands project cross border impacts.

## 2. Update from Whidbey Telecom

Member Sundaresan provides update which suggests decision making about location and competition for grants still part of process. ArriveCAN app seems to be the major stated need for 24 hour access at moment. Project described as an Internet cafe without the cafe, an urban vision for a rural area where only building open 24 hours a day is Post Office, which would require federal involvement.

## 3. Memorandum of understanding re: firewood and international border

Chair has contacted County Executive's office as signatures there required along with USDA. No response to date.

## 4. Open at large candidates

Chair reviews history of process to date. The candidate presentations and lack of community oversight when invited suggests a vote cannot be based on those unseen presentations. Does committee support direct forwarding to County Executive without vote?

Member Norman is not comfortable departing from standard process. Suggests alternative would be notice vote with attachment indicating where presentations may be viewed.

Chair suggests another candidates forum, this time on a Saturday afternoon. Specifically April 23, 2022 2 pm at the Community Center.

5. Spring clean up solid waste

No response to date. Will continue monitoring.

#### New Business

1. Committee election of Chair, Vice chair, and Secretary

Unanimous for Chair Allison Calder, Vice Chair Bill Zidel, Secretary Brian Hunter, Vice Secretary Prakash Sundaresan

2. Inquiry re: discharge of firearms within Point Roberts

Discharge of firearms is illegal within Point Roberts. Chair suggests inviting local sheriff's deputy to next meeting.

3. Dark Sky Initiative

Tabled until next meeting. Member Norman will present.

Meeting adjourned 8:40 pm.