

REVIEW OF THE LAKE WHATCOM RECONVEYANCE PROPOSAL RECREATIONAL USE 1/15/13



Major Recreational Points:

- ***Under County ownership, the commercial forest would be allowed to mature into an older growth natural forest environment benefitting water quality and providing future generations with an incredible recreational experience within minutes of the County's major population center***
- ***Allows the community to determine the best use of these lands for recreation by keeping the decisions and control at the local level***
- ***55 miles of mountain biking, hiking and horse trails would be developed and managed using existing parks and trailheads for public access.***
- ***Development phased over a multi-year period using volunteers and user groups to reduce costs***
- ***Volunteers, community organizations and user groups used to help maintain and restore areas***
- ***Remote back country camping sites similar to those in the Chuckanut Mountain recreational area would be established***
- ***County, City of Bellingham and Sudden Valley and Galbraith Mountain trails, parks and neighborhoods would be connected via a public trails system***
- ***Provides a link between the 1,200 mile Pacific Northwest National Scenic Trail and the City of Bellingham***

- ***The County obtains ownership of 1-mile of waterfront and trail on Lake Whatcom and preserves a remnant stand of old growth habitat***
- ***Viewpoints established for some of Whatcom County's most spectacular views***
- ***County ownership would ensure public recreational use and responsible stewardship of these lands in perpetuity***
- ***Supports and enhances the quality of life in Whatcom County and the growing regional recreational economy.***
- ***Provides trail mileage for all season use not available in the National Parks and Forest areas due to snow.***

Background

The Whatcom County Council is currently considering the reconveyance of approximately 8,844 acres of (01) State Forest Trust Lands in the Lake Whatcom Landscape Area for park purposes. Over the past five years and in collaboration with the Washington Department of Natural Resources (DNR), a proposal was jointly developed to transfer approximately 4,251 acres on the west side and 4,593 acres on the east side of the Lake Whatcom to the County to be used for park purposes pursuant to RCW 79.22.300. In September 2008 the Council authorized the County Executive to enter into a memorandum of agreement with the Department of Natural Resources (*WC contract no. 200809021*) to facilitate an inter-trust exchange and reconveyance. In 2009 Whatcom County contracted with DNR (*WC contract no. 200911002*) to prepare the necessary transfer documents, surveys and appraisals to complete the reconveyance.

As part of an assessment of the reconveyance proposal, the recreational element was reviewed by the *Executive's Review Panel on the Reconveyance and Transfer of Lands within the Lake Whatcom Watershed Reservoir* in 2008. The findings of the panel were shared with Council along with further discussions on recreational use, costs and compatibility with the Lake Whatcom watershed goals. It should be noted that this is a vision and framework for the type of recreational activity that would occur and is not a formal plan.

Over the past five years this recreational vision has remained relatively unchanged and is presented today in much its original form. This vision was formed through public planning processes, work sessions and discussions with user groups over many years. During the process user groups and public have provided additional input into the recreational vision and needs. In November of 2012, an informal work group consisting of representatives from the Mt. Baker Club (hiking), Back Country Horsemen, WIMPs Mountain Bike Coalition, Whatcom Trails Coalition and the running community met with parks staff to review the recreational proposal and provide updated information. There was consensus on the vision and user groups reaffirmed their commitments to provide volunteers and support for the development and maintenance of the park.

Use of the reconveyance area for trail based recreation was first identified in planning documents in 1973 when the Whatcom County Parks Board completed the Whatcom Trail Plan.

County plans supporting recreation in the area considered for reconveyance include:

- Whatcom County Trail Plan 10/73 (*Whatcom County Park Board*)
- Whatcom County Trail Plan 1/75 (*Whatcom County Park Board*)
- Natural Heritage Plan 7/2/91 (*Whatcom County Council Res. 91-044*)
- Comprehensive Parks Recreation and Open Space Plan (8/13/91 *Whatcom County Council Ord. 91-063*)
- Comprehensive Parks Recreation and Open Space Plan (5/20/08 *Whatcom County Council Res. 2008-045*)

Adventure sports such as mountain biking, running, hiking and horseback riding contribute greatly to the quality of life in Whatcom County. These activities also support a growing and active business environment providing community events and sales of related goods and services. The City of Bellingham has built a reputation for providing a high quality of life focusing on outdoor recreation and a robust tourism business that attracts businesses, students and visitors.

With rising fuel costs and personal time constraints, recreational opportunities within close proximity to population centers are highly valued. Approximately 30% of the County's population lives within five miles of the reconveyance lands and 58% live within 10 miles. Demand for trail based recreation remains strong with over 213,000 visitors using the 61 miles of County Park trails in 2011 for hiking, mountain biking and equestrian use.

Based on the 2008 Comprehensive Parks, Recreation and Open Space Plan, Whatcom County is projected to need an additional 152 miles of day use backcountry equestrian trails, 137 miles of mountain bike trails and 111 miles of hiking and walking trails over the next 20 year time frame. The County's current adopted level of service is 0.6 miles of trail for every 1,000 persons (*Whatcom County Comprehensive Plan 10/11/12*). With projected population growth in the County over the next six years, an additional 71 miles of trails will be needed by the year 2018 to serve County residents. The reconveyance will provide an opportunity for the County to substantially meet this demand with the development of approximately 55 miles of new trails.

DNR Recreation Management

The lands proposed for reconveyance are under Department of Natural Resources management as State Forest Trust (01 Forest Board Transfer). There are no developed or managed state recreational facilities in the reconveyance area. Whatcom County Parks & Recreation maintains and manages the southern mile of the Hertz trail located on State trust lands along the eastern shore of Lake Whatcom as well as the Lake Louise Natural Resource Conservation Area in the Stimpson Family Nature Reserve. State trust lands are advertised open to informal recreational use; however, there are no established trail systems, developed facilities or dedicated DNR staff to managed recreation on the lands currently under consideration for reconveyance. Pursuant to RCW 79.10.120, dispersed recreational activities are allowed on trust lands if they do not conflict with the interests and management of the trusts. The RCW further states; "*If such additional uses are not compatible with the financial obligations*

in the management of trust land they may be permitted only if there is compensation from such uses satisfying the financial obligations”.

Most recreational activity on these lands is informal and uses existing service roads and unauthorized trails. Hiking, dog walking, mushroom collecting, berry picking and mountain biking are popular activities, with County Park and private lands providing direct public access to trust properties. DNR policies regarding public access and recreation is addressed in the *Policy for Sustainable Forests* and listed below.

POLICY ON PUBLIC ACCESS AND RECREATION

- **When managing public access and recreation use on forested state trust lands, the department will protect trust interests and seek to balance economic, ecological and social concerns by evaluating the following on a landscape or case-by-case basis:**

The physical condition of the area in a landscape context, including neighboring landowners;

The characteristics of the users, including their degree of organization;

The reasonable availability of financial, staff and other resources for sustainable, long-term management; and

Cost and benefit to the trust(s).

- **The department will work to control negative effects of designated or dispersed public access and use on forested state trust lands through collaboration with the public, user groups, other landowners, and other agencies and organizations. Negative effects include:**

Threats to public, employee and department contractor safety;

Theft, vandalism, garbage dumping and other illegal activities; or

Damage to soils, water quality, plants, animals or other elements of the forest environment.

- **Mitigation will include the closing, limiting or redirecting of public access when necessary.**
- **In meeting the intent of the Multiple Use Concept, the department will only expend management funds for closing, limiting or redirecting public access in order to meet trust objectives or protect trust assets by controlling the impacts of incompatible dispersed public access and illegal activities.**

(Pages 41 and 42, Policy for Sustainable Forests, WSDNR)

Local recreational groups and the County have attempted unsuccessfully over the years to procure easements or use licenses from DNR to formalize trail systems on State trust lands and to host organized events. This often leaves user groups unable to respond to problems, solicit funds or make improvements. The difficulty in procuring formal agreements from DNR has created an environment which encourages unauthorized trail building. The most recent example

of this occurred with the closing of unauthorized mountain bike trails in the North Fork area of Whatcom County. Currently there is a substantial amount of unauthorized motorized and non motorized trail building occurring on state trust lands within the Lake Whatcom landscape area. In recent discussions, DNR region and district staff have indicated these trails are unauthorized, unpermitted and subject to and will be removed as resources become available. These trails have been built without the required county and state regulatory permits and processes.

DNR's process to establish formal recreation requires a science and community based planning process beginning with a recreational resource inventory. Planning efforts are funded by a budget appropriation to DNR or by state grants provided through NOVA grant funding. Minimum timeframe for this planning process is one to two years. Once planning is completed, development funding must be procured for implementation. At this time funding is very limited at the State level and the DNR Regional Director has indicated that users and local communities are being asked to provide funding for these types of projects. If State funding is made available then DNR will make a thoughtful decision based on the County and recreational needs.

DNR staff has indicated it recognizes the lack of DNR trails and recreational facilities in Whatcom County in comparison to other counties. As such Whatcom County ranks high in the State for a future recreational planning effort. It is questionable if the trust lands around Lake Whatcom would qualify for such an effort though as DNR would typically look for a large area that could accommodate both motorized and non-motorized recreation. Environmental concerns with the impact of off road motorized recreation within the watershed would likely preclude the reconveyance area from being considered a state recreational area for Whatcom County. (MGM/ Mark Mauren, DNR Recreation Division Mgr. 11/6/12).

County staff has also explored other options such as easements and use licenses. While possible, financial reimbursement, lack of process and administrative challenges discourage formal agreements for use of these lands. The process for a two-mile-long trail easement to connect Whatcom County park lands at South Fork Park through State trust lands is entering its sixth year. Clallam County has experienced similar delays and required four years to procure a DNR use license for a three-foot-wide trail to complete its trail system.

If the County pursues a request to DNR for establishment of a recreational area or trail easements, it would be expected that any action will require multiple years for approval and compensation by the County to the trust beneficiaries.

County Recreation Management

The importance and use of these lands for recreational use has been recognized for over 40 years in various county plans. Under the current reconveyance proposal, two large park areas would be managed by the Whatcom County Parks & Recreation Department incorporating adjoining park lands. The recreational elements of the parks are envisioned to be passive non-motorized trail based recreation, similar to the Chuckanut Mountain Recreational Area. The forest environment would be managed for an older growth environment benefiting both Lake Whatcom water quality and recreational use.

Trail systems would be developed to accommodate mountain biking, equestrian use, hikers, runners and walkers, and would connect to City, County, and Sudden Valley trails and park areas. Connections to the Glenhaven Lakes area and Galbraith Mountain would also be accommodated. Park planners estimate approximately 55 miles of year round trails could be

developed within the landscape planning area. Trail development costs vary greatly ranging from a few hundred dollars per mile using volunteers, work programs and community organizations to several thousand dollars or more if contracting for construction services. Using organizations such as the Washington Trails Association and Washington Conservation Corps can further reduce contracted development costs. Bridges, soil types, critical areas and mitigation requirements are variables that will affect final development costs.

Public access to the trails system and forest preserves will rely primarily on existing parks and trails. Current public access sites and planned trailheads include:

- a. Lookout Mountain (Birch Street), *Undeveloped- City of Bellingham Parks & Recreation Dept.*
- b. Whatcom Falls Park, *Developed-City of Bellingham*
- c. Lake Padden Park, *Developed-City of Bellingham*
- d. Lake Whatcom Park, *Developed-Whatcom County*
- e. Stimpson Family Nature Reserve, *Developed-Whatcom County*
- f. Squires Lake Park, *Developed-Whatcom County*
- g. Lookout Mountain Forest Preserve, *Scheduled for Development 2013-Whatcom County/City of Bellingham*
- h. Sudden Valley Community Trails, *Under development-Sudden Valley Community Association*
- i. Y- Road Access *Developed-Whatcom County*

Access to the western portion of the reconveyance is also available by WTA bus on Lake Louise Road at the Lookout Mountain Forest Preserve.

User groups, City of Bellingham and Whatcom County Parks & Recreation have identified the need for additional amenities including restrooms and expanded parking at several areas serving as trailheads. For example, North Lake Whatcom Park will require additional parking area and restrooms within the next 10 years to accommodate increasing numbers of park users. These improvements are currently identified in the *Comprehensive Parks Recreation and Open Space Plan* and the *Capital Improvement Program for Whatcom County Facilities 2013-2018*. It should be noted that these improvements will be required regardless of the reconveyance, but will help accommodate increased future recreational use of the reconveyance area as trails are developed and County population increases.

Trail Types

Mountain Bike

The west forest preserve adjoins Galbraith Mountain, a major mountain bike park located on private timber lands. It is envisioned that a cross country mountain bike trail system would be developed comprised of shared use and single track trails with links to the Galbraith Mountain facility. International Mountain Biking Association (IMBA) standards would be incorporated into trail design and construction. Typically single track trails consist of narrow 18" to 24" trail treads. Mountain bike riders have also indicated a willingness to share trail use with other user groups.

Interest has also been expressed for accommodating down hill and free ride styles of mountain biking. Down hill riders have also indicated a desire to have a vehicle drive up for events and riding. Both of these styles present greater risks for the rider and require additional trail inspections and maintenance. King County Parks has successfully completed construction of a mountain bike park at Duthie Hill, which includes built features required for these riding styles.

At Duthie Hill, King County partnered with the Evergreen Mountain Bike Alliance to provide volunteers for construction, maintenance and operations. Here in Whatcom County additional scoping will be required in the planning process to address management, liability and environmental concerns before a recommendation can be presented to accommodate these styles of riding.

Equestrian

A major portion of equestrian use originates from the Y-road trailhead located to the north of the eastern block of the reconveyance. This trailhead is maintained under a use agreement with the Backcountry Horsemen with oversight provided by the Parks & Recreation Department. Most riding is half and single day occurring on abandoned and active road grades. Reserving a public easement for trail access from the Y-road to the eastern block of the reconveyance is a priority. Horse riders have asked for a trail width sufficient to accommodate pack horses be considered in the planning process. Horse trails are often maintained by riders on horseback and the greater width is required to accommodate tool packs and bags.

Hiking and Walking

A designated trail system will facilitate day hikes throughout the reconveyance area and allow hikers to make connections with trail systems in Sudden Valley, Whatcom County Parks and City of Bellingham. This trail system will be comprised of a series of looped and shared use trails. Most trails will be two to four feet in width. It is expected that the existing services roads will continue to be use options for some walkers. A north-south connector on the west side of the lake is proposed to link the 1,200 mile Pacific Northwest National Scenic Trail located at Squires Lake Park to the City of Bellingham. Hikers have also expressed a desire to have remote backcountry camping available to accommodate two-day hikes, similar to that available at Pine and Cedar Lakes in the Chuckanut Mountain Park area. Camping sites have been located that would provide spectacular views with the proper distance to facilitate overnight hikes. Connections to the south end of the Hertz Trail will provide looped options for trail users. This popular multi-use trail currently dead ends at private property and users must return by the same route. A looped option will provide a better trail experience and alleviate crowding on the current trail.

Running Trails (Training, competitive and long distance)

The running community has indicated that while runners will utilize most trails, hiking and single track mountain bike trails are preferred and can easily be shared with other user groups. No special requirements are noted at this time as runners will determine which trails match abilities and desires.

In general, trail users have expressed the following desires;

- Develop looped trail systems of different lengths to accommodate a variety of rides, walks, and abilities. Do not develop “dead end” trails.
- Have shared use trails when possible to leverage funding and maintenance efforts. All groups indicated the ability to “share the trail” and encouraged programs on promoting trail etiquette.
- Deploy a volunteer maintenance program similar to other County Park trails. All active user groups have indicated a commitment to help develop and maintain trail systems.
- Maintain and develop access to key viewpoints of mountains, waterfalls, lake and sound.
- Install effective directional and use signage on the trails.

- Provide rustic overnight camping opportunities in strategic locations.
- All groups indicated a need for additional parking accommodations

Service Roads

Both the state, federal and adjoining private interests have need for vehicle access across portions of the areas to be reconveyed. Access to existing communication towers and Bonneville Power Administration's (BPA) electrical transmission lines are examples. DNR has provided a list of those existing roads that will need to be retained for access purposes. These roads will also be used by the Parks & Recreation Department for servicing trail sections and maintaining public safety. In addition, roads will be available for the public to use for non-motorized purposes to access points of interest and as part of a shared use trails system.

Hertz Trail- Lake Whatcom Park

Approximately one-mile of the Hertz Trail adjoining the southern end of Lake Whatcom Park would be transferred to County ownership under reconveyance. This one-mile of waterfront on Lake Whatcom comprises the southern portion of the developed trail at the park and has over 30,000 users annually.

Motorized Recreation

Motorized trail based recreation is not considered in this proposal due to incompatibility with the Lake Whatcom Watershed management goals and objectives. Motorized recreation is currently prohibited on State, County and City of Bellingham lands within the watershed. A desire to use the main service roads on both the east and west areas has been expressed by different user groups primarily to access views and shuttle participants during special events. Motorized access in this area will require additional review for compliance with watershed goals.

Other Recreational Activities

The following list of recreational activities has been explored for compatibility with the recreational proposal and are recommended for consideration. Other activities may also be included for consideration in the final planning process.

- Camping (remote backcountry)
- Geocaching
- Mushroom and berry harvesting
- Hunting (where permitted)
- Dog walking
- Organized trail runs and rides
- Birding and wildlife viewing
- Environmental and outdoor learning
- Fishing
- Ecological restoration
- Orienteering
- Mountaineering/scrambling/rock climbing
- Picnicking

Setting

The setting in which the recreational experience occurs is vital to the visitors total experience. For nature based recreation such as birding, mushroom hunting and wildlife viewing, the proper

natural environment is essential. Most recreational users would prefer a more diverse natural environment as opposed to clear cuts and commercially managed forests.

Under County ownership, the forest is proposed to be allowed to mature into an older growth forest environment. This would create a unique experience minutes from the County's major population center and would enhance the growing regional recreation economy. Restoration efforts to restore natural forest environments are envisioned to take years to complete and will be incorporated as part on an ongoing management strategy.

Implementation Strategy

Upon title transfer, Parks & Recreation is recommending a public planning process be initiated. The process should include the public, user groups, adjoining property owners, Sudden Valley, City of Bellingham, Lake Whatcom Water & Sewer District and Whatcom Land Trust and other interested parties. The Parks & Recreation Department will also need to develop a master plan. The plan will require an inventory of existing natural and cultural resources, soils and critical areas. It will also require a review for compatibility with watershed management goals. Much of the inventory data base is already compiled. Inventory data from DNR and other sources will be field verified and mapped by parks staff. Existing trails and existing road cuts will be evaluated by County Parks staff for suitability and inclusion into the final park plan.

Trail and facility standards and are available through the following agencies and organizations and will be incorporated into the planning process.

- US Forest Service
- National Park Service
- Washington State Parks & Recreation Commission
- Whatcom County Parks & Recreation
- International Mountain Biking Association

Considerations for watershed protection and best management practices will be incorporated into the park planning and design process.

It is anticipated that a phased multi-year approach will be taken for development as funding and resources are made available. This is the same approach as was taken with the 1996 Chuckanut Mountain Trails Master Plan which is presently in the final stages of completion. Along with development, strategies will be implemented for the retirement and restoration of trails and roads that are not part of a functioning system.

Maintenance & Operations

Currently, Whatcom County Parks & Recreation manages 1,060 acres of land within the Lake Whatcom Watershed including the DNR Lake Louise Natural Resource Conservation Area. Overall it manages 61 miles of trails throughout Whatcom County of which 18 miles are within the Lake Whatcom landscape area. The Department proposes to develop and restore the reconveyance lands with a combination of in-house staff, assistance from community organizations, user groups, and volunteers to build and help maintain the preserve. Community groups have already pledged to work on this project if the County assumes ownership. This highly successful model is used throughout the parks system and will maximize efforts, funding and efficiencies while engaging the community.

Reference links:

Whatcom County Comprehensive Parks, Recreation and Open Space Plan
<http://www.whatcomcounty.us/parks/development/comprehensive.jsp>

Whatcom County Comprehensive Plan Chapter 9 Recreation
<http://www.whatcomcounty.us/pds/plan/lr/compplan/pdf/20110101-chapter-9.pdf>

Whatcom County Parks & Recreation Department Lake Whatcom Reconveyance Web Page
<http://www.whatcomcounty.us/parks/development/reconveyance.jsp>

Washington Department of Natural Resources Policy for Sustainable Forests
http://www.dnr.wa.gov/ResearchScience/Topics/StateTrustLandsForestManagement/Pages/policy_for_sustainable_forests.aspx

Washington Department of Natural Resources Lake Whatcom Reconveyance Web Page
http://www.dnr.wa.gov/BusinessPermits/Topics/OtherLandTransactions/Pages/amp_lakewhatcom_reconveyance.aspx