

## Jessi Roberts

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**From:** Audrey Borders <msqlty@gmail.com>  
**Sent:** Saturday, April 04, 2015 8:20 AM  
**To:** WENDY  
**Cc:** Cliff Strong; Wes Kentch; Laura Sachs; David Haggith; Roger Almskaar; Blystone, Kate; Watson, Virginia; Mark Personius  
**Subject:** Re: 3 minute time restrictions

Wendy

The majority of the committee decided to limit the time to three minutes a few meetings back. Due to the fact we had to increase our meeting times from three to six hours a month because we were not accomplishing anything in a timely manner. NO ONE LIMITED HOW MANY TIMES ANYONE HAS SPOKE. And I have never heard the chairs insult or slur any of the committee members. We can hold a vote to the three minute time limit next meeting if you like.

Hope you have a happy Easter weekend.  
Audrey

On Sat, Apr 4, 2015 at 1:41 AM, WENDY <[w.harris2007@comcast.net](mailto:w.harris2007@comcast.net)> wrote:  
No one on this committee has the right or the ability to restrict my ability to speak to three minutes. When you apply a rule like this, without authority, to one member of a committee, without any official time keeping, you are engaging in harassment. I am entitled to a safe and fair environment, regardless of whether the chair opposes my views. Selective discrimination, including insults and slurs by the committee chair, undermines the credibility of this committee. This conduct has now become a pattern.

Below please find the Roberts Rules of Order provision regarding the prohibition on limiting debate in committee. I trust this committee will follow and enforce procedural rules in an appropriate and impartial manner.

Robert's Rules of Order Revised. 1915.

52. Committees, Special and Standing: .....The rules of the assembly, as far as possible, apply to the committee, **but motions to close or limit debate are not allowed, and there is no limit to the number of times a member may speak**, and unless the committee is very large, it is not necessary for any one to rise and address the chair before making a motion or speaking, nor does the chairman rise to put the question, nor does he leave the chair to speak or make motions, nor are motions

seconded. These formalities are unnecessary because the committee is so small, but, unless agreed to by general consent, all questions must be put to vote.

Wendy Harris  
CAC Member

## Jessi Roberts

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**From:** Borders <msqlty@gmail.com>  
**Sent:** Wednesday, January 20, 2016 9:27 AM  
**To:** Cliff Strong  
**Subject:** Re: Attendance today?

Cliff

I do not think I can make it today as I am having a biopsy at 2 please do not tell anyone.

I am very concerned that the BAS that will be included will exclude us from hunting, nature walks, etc and take away our private property rights (see Wendy's last email).

I would like to attend but the Dr will not let me drive. I am not against regulations and staying within State law but I am against over reaching regulations.

Please let me know if Wendy's suggestions will be included.

Audrey

On Wed, Jan 20, 2016 at 9:00 AM, Cliff Strong <[CStrong@co.whatcom.wa.us](mailto:CStrong@co.whatcom.wa.us)> wrote:

Hey, just checking in to see if we'll have a quorum. I've only heard from Laura that she won't be able to attend. Can you make it? RSVP.

Thanks,

Cliff Strong

Senior Planner

Whatcom County Planning & Development Services

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## Jessi Roberts

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**From:** Audrey borders <msqlty@gmail.com>  
**Sent:** Wednesday, October 21, 2015 10:57 AM  
**To:** Roger Almskaar  
**Cc:** Cliff Strong; Wes Kentch; Mark Personius; Sam (Jeanne) Ryan  
**Subject:** Re: Critical Areas CAC agenda for 10/21/15tt

Aloha all.

I have been following you by email.  
I would like to say Roger investigates everything he writes.  
He does not have an agenda he just looks at what is right for everyone.  
BAS is open to many interpretations not just one. There have been many arguments among "Scientists" who is right.

Roger has worked in Whatcom County for many years, I consider him an authority on what is best for our area. He does not push anything that would be harmful to the environment.

I would like us to seriously consider his suggestions so all species can live together as nature intended.  
So my vote would be to go with Roger's suggestions.

Looks like you will still be going on when I get back.  
Aloha to you all.

Audrey

Sent from my iPad

On Oct 21, 2015, at 7:13 AM, Roger Almskaar <[almskaarr@comcast.net](mailto:almskaarr@comcast.net)> wrote:

Hi Cliff, please fwd this to the CAC and TAC asap. Thanks  
There may be a few of the public today on this, I suggest public comments be allowed, up to 3 minutes each, **at the beginning**.

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**From:** Roger Almskaar [<mailto:almskaarr@comcast.net>]  
**Sent:** Wednesday, October 21, 2015 9:48 AM  
**To:** Jack Louws County Executive <[JLouws@co.whatcom.wa.us](mailto:JLouws@co.whatcom.wa.us)>  
**Cc:** Cliff Strong--WC Plan Dept <[cstrong@co.whatcom.wa.us](mailto:cstrong@co.whatcom.wa.us)>; Elliot Swaney--BIA WC ([elliots@biawc.com](mailto:elliots@biawc.com)) <[elliots@biawc.com](mailto:elliots@biawc.com)>; Linda Twitchell <[lindat@biawc.com](mailto:lindat@biawc.com)>; Perry Eskridge <[perrye@wcar.net](mailto:perrye@wcar.net)>; Debbie Vander Veen <[veenteam@gmail.com](mailto:veenteam@gmail.com)>; Troy Lenssen <[troylenssen@hotmail.com](mailto:troylenssen@hotmail.com)>; David Haggith <[dhaggithn3@frontier.com](mailto:dhaggithn3@frontier.com)>; Wes Kentch <[wwkentch@comcast.net](mailto:wwkentch@comcast.net)>  
**Subject:** FW: Critical Areas CAC agenda for 10/21/15  
**Importance:** High

Good morning Mr Executive,

Here's a digital copy of the draft on buffers that Wendy Harris is objecting to in her email below, just received today, fyi. I would appreciate your comments or suggestions on it.

If I am given a few minutes at today's CAO CAC mtg, I will respond verbally to her allegations. I don't have time today to do so in writing. I will do so in the near future.

I have provided copies to several leaders in the local ag and building communities, including George Boggs, and several have said in effect: "it's a major step in the right direction".

My mission on this topic is to help solve a problem, one important, local part of the larger, state-wide and national, over-regulation issue.

The current generally arbitrary and subjective buffer standards provided by the Department of Ecology are costing our citizens, businesses and governments millions in lost opportunities, compliance costs, and wasted land, while too often not accomplishing a significant level of environmental protection. They are also often incompatible with our constitutional property rights, and the legal principles of Nexus and Rough Proportionality.

Some say we must "preserve habitat", while implying at any cost. Habitat for what?

The reality is we cannot preserve all habitat for every animal and plant. It's neither practical nor legal.

Thanks for your attention to this important matter,  
Roger Almskaar, Land Use Consultant  
360 671 1324

Ps She accuses me of "continual attempts to promote his clients' agenda." No one is paying me to participate in this critical, but also time consuming and often frustrating project. As I see it, my Clients are the people of Whatcom County, most of whom want their land use rule system to be reasonable, clear, not conflict with other rules, and actually accomplish a legitimate public purpose.

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**From:** WENDY [<mailto:w.harris2007@comcast.net>]

**Sent:** Wednesday, October 21, 2015 6:02 AM

**To:** Strong, Cliff <[CStrong@co.whatcom.wa.us](mailto:CStrong@co.whatcom.wa.us)>

**Cc:** Borders, Audrey <[msqly@gmail.com](mailto:msqly@gmail.com)>; Haggith, David <[dhaggith3@frontier.com](mailto:dhaggith3@frontier.com)>; Blystone, Kate <[kateb@re-sources.org](mailto:kateb@re-sources.org)>; Sachs, Laura <[laurabsachs@gmail.com](mailto:laurabsachs@gmail.com)>; Personius, Mark <[MPersoni@co.whatcom.wa.us](mailto:MPersoni@co.whatcom.wa.us)>; Almskaar, Roger <[almskaar@comcast.net](mailto:almskaar@comcast.net)>; Watson, Virginia <[vwilkenswatson@aol.com](mailto:vwilkenswatson@aol.com)>; Kentch, Wes <[wwkentch@comcast.net](mailto:wwkentch@comcast.net)>; Rubash, Bert <[kilaruba@copper.net](mailto:kilaruba@copper.net)>; McShane, Dan <[mcshanedan@gmail.com](mailto:mcshanedan@gmail.com)>; Ingram, Joel <[Joel.Ingram@dfw.wa.gov](mailto:Joel.Ingram@dfw.wa.gov)>; Kuhlman, Kara <[KaraK@lummi-nsn.gov](mailto:KaraK@lummi-nsn.gov)>; Grah, Oliver <[ograh@nooksack-nsn.gov](mailto:ograh@nooksack-nsn.gov)>; Sim, Pete <[Pete.Sim@bp.com](mailto:Pete.Sim@bp.com)>; Meyer, Susan <[sume461@ecy.wa.gov](mailto:sume461@ecy.wa.gov)>; Steffensen, Wendy <[wendys@re-sources.org](mailto:wendys@re-sources.org)>; Amy de Vera <[amy.devera@erm.com](mailto:amy.devera@erm.com)>; Dannon Traxler <[dtraxler@langabeertraxler.com](mailto:dtraxler@langabeertraxler.com)>; David Onkels <[david@onkels.com](mailto:david@onkels.com)>; Debbie Vander Veen <[veenteam@gmail.com](mailto:veenteam@gmail.com)>; Dena <[dbobena@yahoo.com](mailto:dbobena@yahoo.com)>; Dick Conaboy <[zonemaven@hotmail.com](mailto:zonemaven@hotmail.com)>; Doug McIntyre <[DDM@vnf.com](mailto:DDM@vnf.com)>; Binney, E. <[ebinney@pacificecologic.com](mailto:ebinney@pacificecologic.com)>; Boggs, George <[GBoggs@whatcomcd.org](mailto:GBoggs@whatcomcd.org)>; Heather MacKay <[heather@fhh3.com](mailto:heather@fhh3.com)>; Jay Irwin <[irwinlanduse@gmail.com](mailto:irwinlanduse@gmail.com)>; Jessica Shaw <[jessica.shaw@wsu.edu](mailto:jessica.shaw@wsu.edu)>; John Patten <[john2patten@gmail.com](mailto:john2patten@gmail.com)>; Linda Twitchell <[lindat@biawc.com](mailto:lindat@biawc.com)>; Max & Carole Perry <[maxandcarole@gmail.com](mailto:maxandcarole@gmail.com)>; Michele <[michele@nwecological.com](mailto:michele@nwecological.com)>; Borso, Pam <[borsope@aol.com](mailto:borsope@aol.com)>; Estridge, Perry <[perrye@wcar.net](mailto:perrye@wcar.net)>; Scott Luchessa <[Scott.Luchessa@Seattle.gov](mailto:Scott.Luchessa@Seattle.gov)>; Vikki <[vikki@nwecological.com](mailto:vikki@nwecological.com)>; Dearborn, Amy <[ADearbor@co.whatcom.wa.us](mailto:ADearbor@co.whatcom.wa.us)>; Andrew Wisner <[AWisner@co.whatcom.wa.us](mailto:AWisner@co.whatcom.wa.us)>; elder, Chris <[CElder@co.whatcom.wa.us](mailto:CElder@co.whatcom.wa.us)>; Erin Page <[epage@co.whatcom.wa.us](mailto:epage@co.whatcom.wa.us)>; John Thompson <[jnthomps@co.whatcom.wa.us](mailto:jnthomps@co.whatcom.wa.us)>; Matthew Mahaffie <[MMahaffi@co.whatcom.wa.us](mailto:MMahaffi@co.whatcom.wa.us)>; Ryan Ericson, County <[REricson@co.whatcom.wa.us](mailto:REricson@co.whatcom.wa.us)>; Travis Bouma <[tbouma@co.whatcom.wa.us](mailto:tbouma@co.whatcom.wa.us)>

**Subject:** Re: Critical Areas CAC agenda for 10/21/15

I want to lodge on the record my strong objection to spending time reviewing "Roger's proposal for buffers." These are not science based, do not reflect an accurate interpretation of state law, and attempt to replace BAS with self-interested opinion. Adoption of these proposals will put the county out of compliance and are a waste of our time. We have heard these arguments at literally every single committee meeting, while my written proposals, which do reflect BAS, have been ignored by the committee majority and have not received your support and promotion. The preferential treatment is glaring.

We have serious issues to resolve, some of which reflect compliance problems and I do not want to spend more time listening to biased arguments that fail to fulfill our mission. Frankly, I am really angry that most of my time on this committee has been wasted pointing out all the flaws and problems in Roger's continual attempts to promote his clients' agenda.

General problems with Roger's proposal:

- Roger refers to what he "thinks". That is not adequate replacement for BAS under WAC 365-195-915(1)(c). The county is in compliance where it follows state standards and Roger asks us to depart from this without quantifiable or verifiable information or data.
- Site specific buffers are contrary to BAS and the policy goals of state and local government. WAC 356-196-830 states that, functions and values must be evaluated at a scale appropriate to the function being evaluated. Functions are the conditions and processes that support the ecosystem. Conditions and processes operate on varying geographic scales ranging from site-specific to watershed and even regional scales. Some critical areas, such as wetlands and fish and wildlife habitat conservation areas, may constitute ecosystems or parts of ecosystems that transcend the boundaries of individual parcels and jurisdictions, so that protection of their function, and values should be considered on a larger scale.
- BAS now establishes that small and disconnected wetlands may have even higher conservation value to habitat and downstream water quality than large higher rated wetlands. This was referenced in the January 2015 EPA final report I previously provided as BAS for the record.
- Habitat scores for wetlands are not an adequate substitute for baseline standards specific to Habitat Conservation Areas, but Roger assumes that they are. See WAC 365-190-130(3). Wetland ratings do not consider species of local importance or biodiversity issues that include common, abundant species. Using the habitat ratings from wetlands to evaluate HCA will not protect functions and values from no net loss.
- Intensity of use for HCA generally refers to human activities and is distinct from evaluation of land use patterns.
- Vegetative covers is **critical** with regard to HCA, which Roger fails to understand.
- The idea of a BAS board is an attempt to interject politics into an objective process. I have previously rebutted the allegation that there is no such thing as BAS. It not only exists, but is clearly and objectively defined in a manner that is not difficult to understand. This will make a muddled mess of critical areas cases, fueling invalid beliefs and resistance to adhering to well litigated and resolved issues of law.

- The BAS board would extend the time spent on CA cases. Is the applicant going to be fully covering all the costs of staff's time and administrative overhead? I object to any form of public subsidy from applicants trying to avoid the law. Why would not everyone give it a try if the cost is low?
- The entire goal of Roger's proposal is not compatible with the purpose and role of critical areas. He wants buffers that preserve buildable land. The goal of the CAO is to protect the functions and values of ecosystems of which a critical area is a part. And staff is incorrect when it asserts this is a balancing test, or that things can be ignored for political reasons. It is a prerequisite to protect critical area ecosystems before construction can occur.

At what point can we move beyond these tired variations on the same theme? This constant focus on Roger's attempts to deregulate the CAO have prevented us from delving into more productive issues.

Wendy Harris

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**From:** "Cliff Strong" <[CStrong@co.whatcom.wa.us](mailto:CStrong@co.whatcom.wa.us)>  
**To:** "Audrey Borders" <[msglty@gmail.com](mailto:msglty@gmail.com)>, "David Haggith" <[dhaggithn3@frontier.com](mailto:dhaggithn3@frontier.com)>, "Kate Blystone" <[kateb@re-sources.org](mailto:kateb@re-sources.org)>, "Laura Sachs" <[laurabsachs@gmail.com](mailto:laurabsachs@gmail.com)>, "Mark Personius" <[MPersoni@co.whatcom.wa.us](mailto:MPersoni@co.whatcom.wa.us)>, "Roger Almskaar" <[almskaarr@comcast.net](mailto:almskaarr@comcast.net)>, "Virginia Watson" <[vwilkenawatson@aol.com](mailto:vwilkenawatson@aol.com)>, "Wendy" <[w.harris2007@comcast.net](mailto:w.harris2007@comcast.net)>, "Wes Kentch" <[wwkentch@comcast.net](mailto:wwkentch@comcast.net)>  
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**Sent:** Friday, October 16, 2015 11:46:20 AM  
**Subject:** Critical Areas CAC agenda for 10/21/15

Please find attached an agenda for next week's meeting. I've already sent you a copy of the whole code as it stands, and will have hard copies available for those who didn't pick it up last meeting. Also attached is a proposal by Roger which he'd like to talk about.

Also, I would like RSVPs from everyone who's planning on attending this time; last time we ended up without a quorum and those who made it did so for no reason as we had to cancel.

Thanks,

**Cliff Strong**

Senior Planner

Whatcom County Planning & Development Services

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360.778.5942 **←Note new phone number**

[www.co.whatcom.wa.us/pds](http://www.co.whatcom.wa.us/pds)

<RAImaskaar Proposal re CAO Buffer rules 2015-10-07.docx>

## Jessi Roberts

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**From:** Audrey Borders <msqlty@gmail.com>  
**Sent:** Tuesday, October 14, 2014 10:44 AM  
**To:** Cliff Strong  
**Subject:** Re: Critical Areas Citizens Advisory Committee, mtg agenda for 101/15/14

Cliff

I would like it added to the mission statement

That we adhere to existing state laws.  
We need to clarify the mission statement on Wed.

Thanks  
Audrey

On Fri, Oct 10, 2014 at 9:43 AM, Cliff Strong <[CStrong@co.whatcom.wa.us](mailto:CStrong@co.whatcom.wa.us)> wrote:

Sorry this is late in getting out; my plate's been very full. See you all next week.

Thanks,

**Cliff Strong**

Senior Planner

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