

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS**

Tuesday, November 19, 1991:

- 9:00 a.m. - 10:00 a.m. Department of Planning and Community Development - Scott Kirkpatrick, Director:
- 1) North Puget Sound Sanctuary Program.
 - 2) DNR Conservation Area Advisory Committee.
 - 3) Enforcement Report Update.
- 10:00 a.m. - 11:00 a.m. Discussion with Representative of Department of Ecology Regarding NPDES Permit for Net Pen Operation in Skagit Bay.
- 11:00 a.m. - 11:30 a.m. Presentation - Plans for Slipper House, Hamilton - Mayor Tim Bates.
- 1:30 p.m. - 2:00 p.m.
- 1) Bid Opening - Concrete Block Forms.
 - 2) Discussion - Inmate Phone System.
- 2:00 p.m. - 3:00 p.m. Recommendations - Timber Open Space Applications:
- 1) Approval - Tom Buggia #OS-91-003.
 - 2) Approval - Ken Buggia #OS-91-004.
 - 3) Approval - Sheila Buggia #OS-91-005.
 - 4) Approval - Dan Cantrell and South Chuckanut Joint Venture #OS-91-11.
 - 5) Approval - Dan Cantrell #OS-91-010.
 - 6) Approval - Mike Matthews and Dan Cantrell #OS-91-006.
 - 7) Approval - James A. Unruh and Leanne M. Unruh #OS-91-007.
 - 8) Approval - Richard Sieyers and Marilyn Sieyers # OS-91-008.
 - 9) Approval - Douglas G. Hilty and Paula Sullivan Hilty #OS-91-12.

The Skagit County Board of Commissioners met in regular session on Tuesday, November 19, 1991, with Commissioners W. W. Vaux, Robby Robinson and Ruth Wylie present.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT - SCOTTKIRKPATRICK, DIRECTOR:

1) North Puget Sound Sanctuary Program.

Kraig Olason, Assistant Planning Department Director, explained that he has received a copy of the Preliminary Draft Plan for the Northern Puget Sound Sanctuary Program. A copy was provided for each Board member, and had been previously stamped "Internal Review Only" by the National Oceanic and Atmospheric Administration (NOAA). Carol Elhers was also present for the discussion.

Mr. Olason explained that the final plan will have two parts; a management plan which sets forth broad policies and goals, and an action plan which deals with budgeting and specific projects. The action plan will be updated at least every two years.

Mr. Olason referred the Board to a portion of the Draft which indicates that two regulatory alternatives exist. The first alternative is for no regulations. The second alternative would place prohibitions on oil and gas activities, unpermitted discharges and deposits, and the unpermitted taking of marine mammals and seabirds. Sanctuary regulations to be considered in the future under the second alternative would include aircraft restrictions, vessel operation restrictions, "thrill craft" restrictions, creation of marine conservation

RECORD OF THE PROCEEDINGS

Tuesday, November 19, 1991

Page #2

zones, and creation of no discharge zones. Additionally, sanctuary permits would be required for non-emergency marine salvage operations, seabed mining (excluding river bar gravel operations), alteration or removal of historical resources, and access to marine conservation zones which are closed to human activity.

Mr. Olason asked if the Board felt that additional efforts on the part of Planning Department staff to participate in the planning process would be warranted, and if they felt these efforts would make a difference in the overall content of the plan. Mr. Olason also indicated that comments on the Draft plan are requested by November 25, 1991.

The Board directed Kraig to draft a letter for their review containing the concerns of Skagit County regarding the Draft Plan.

2) DNR Conservation Area Advisory Committee.

Time had expired before this item could be discussed.

3) Enforcement Report Update.

Provided for review.

DISCUSSION WITH REPRESENTATIVE OF DEPARTMENT OF ECOLOGY REGARDING NPDES PERMIT FOR NET PEN OPERATION IN SKAGIT BAY.

Department of Ecology representatives were late, and Chairman Vaux opted to begin discussion with the audience prior to their arrival.

Dale Fisher of the Marine Environmental Consortium explained that as a result of a lawsuit brought against the Department of Ecology by the Washington Environmental Council, Sierra Defense Fund and Marine Environmental Consortium, a settlement agreement was reached which required that an 8-member scientific panel be formed to consider issues important to the ecosystem of Skagit Bay. The panel is just starting their study, and will not complete their work for about another year. Mr. Fisher was of the understanding that no NPDES permits would be issued by the DOE until the study is complete.

At this point, John Glenn and Kevin Fitzpatrick, representatives of the Department of Ecology, arrived. Jim Krull, local representative had been in attendance since the beginning of the meeting. Mr. Glenn stated that the purpose of their visit was to follow up on a letter the Board of Skagit County Commissioners sent to the DOE asking that issuance of the NPDES be delayed until the completion of the scientific panel study.

Chairman Vaux explained that audience members who live in the area of Hope Island, near the Skagit Systems Cooperative fish net pens were present in the audience. He explained that the Board of Commissioners denied the original shoreline permit for the aquaculture operation in 1986 and 1987, but their denial of the permit was later overturned by the State Shorelines Hearing Board. Chairman Vaux explained that the audience members are still concerned about the potential spread of disease to the general fish population by fish raised in floating commercial pens, as well as the discharge of pollutants from the pens into the waters of the Bay.

Mr. Fisher again explained his concerns regarding delay in NPDES permitting until after the report of the scientific panel.

RECORD OF THE PROCEEDINGS

Tuesday, November 19, 1991

Page #3

Mr. Krull explained that the settlement agreement actually allowed the DOE to issue NPDES permits with "reopeners" that allow permits to be changed to include additional requirements if the scientific panel finds significant problems.

Mr. Glenn stated that the Shorelines Hearing Board actually found that the floating net pens do not pose a significant threat of disease to the general fish population.

Mr. Fitzpatrick explained the status of the Skagit Systems Cooperative NPDES permit. He stated that a public hearing on the permit was held before the Pollution Control Hearings Board in July. Lori Levander, Permit Manager for the Skagit System Cooperative permit, is now formulating a response summary. It will recommend that the permit be issued, incorporating the reopener condition. Those who made comment at the public hearing will be provided with the results of the decision and will have the right to appeal the permit. A copy of the summary will be provided to the Board of Commissioners.

Blair Painter, an audience member, stated that he feels DOE is only guessing about the appropriateness of the permit. Those making decisions on the permit have never seen the area, and have no feeling or concern for it. There is no "strength" to their position.

Mr. Glenn stated that indeed DOE does know the water quality issues involved and does know the area through Mr. Glenn's 20-years of experience. He stated that the Governor and the Legislature have decided that net pens are an appropriate use of Washington's coastal waters resource. DOE can only decide if the discharge meets the State's water quality standards. Since it does, there is no compelling reason to deny the permit.

Mr. Fitzpatrick argued that the DOE does have a strong position and that is that the permit will be issued.

Mr. Glenn stated that he cannot say with 100% surety that the net pen installation will not at some point violate the water quality standards, but based on the best knowledge available, it appears reasonable to issue the permit.

Jan, a female audience member, stated that it is difficult to understand

PRESENTATION - PLANS FOR SLIPPER HOUSE, HAMILTON - MAYOR TIM BATES.

Tim Bates, Hamilton Mayor; Mary Cherberg, Engineering Consultant; and Bob Ruby, Executive Director of the Skagit Council of Governments, were present for the presentation.

Mayor Bates provided a photographic display of the Slipper House, a flood damaged home which will be renovated by the Town of Hamilton to serve as a community museum and city business office. Mayor Bates described the renovations planned and gave historical information on the building.

MISCELLANEOUS ITEMS.

- A. Vouchers audited and certified by the auditing officer as required by R.C.W. 42.24.080, and those expense reimbursement claims certified as required by R.C.W. 42.24.090, have been recorded on a listing which has been made available to the Board.

As of this date, February 10, 1987, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

RECORD OF THE PROCEEDINGS

Tuesday, November 19, 1991

Page #4

- 1) Warrants #83040 through #83228 (Vouchers #83040 through #83228) in the amount of \$450,475.51. Transmittal #R-27-90.
- 2) Warrants #16642 through #16706 (Vouchers #PDRAWNOV1262 through #PDRAWNOV1326) in the amount of \$24,752.76. Transmittal #P-24-91.

BID OPENING - CONCRETE BLOCK FORMS.

Chairman Vaux waived the reading of the notice of call for bids, as published in The Skagit Argus.

The following bid was received and opened:

Concrete NorWest
P.O. Box 280
Mount Vernon, WA 98273

Total bid including removal from site: \$1,100.00

The bid will be scrutinized and a recommendation for award made at a later date.

DISCUSSION - INMATE PHONE SYSTEM.

Ross Bailey, Operations Engineering Supervisor, explained that the original inmate phone system for Skagit County was through the County's general PBX system which is used by all offices and departments. Later, the County contracted to pay \$10 per month per line for GTE to install 13 pay phones in return for a percentage of the usage. The County has never received a percentage check from GTE, although the phones receive good usage from the inmates. Only outgoing collect calls can be made from the pay phone, and incoming calls from attorneys, etc., were received on a different phone.

With the deregulation of the telephone industry, there are now many new companies offering phone services, Mr. Bailey explained. Several companies have contacted the County who are interested in paying Skagit County for being allowed to provide these services. They offer additional services not available through GTE such as a Spanish-speaking operator, the ability to block certain calls, free calls to certain numbers (such as the public defender), and a log of where calls are being made. One company estimated that Skagit County's revenue from the phone usage would be about \$18,000 per year (30% of collect call revenue). Preliminary conversations with Chief Civil Deputy John Moffat, Sheriff Frazier and Chief Corrections Deputy Jeff Walde have been supportive.

The Board gave Mr. Bailey permission to pursue this new method of phone service.

RECOMMENDATIONS - TIMBER OPEN SPACE APPLICATIONS:

Grace Roeder, Associate Planner, provided an assessor's map of Section 5, Township 36, Range 3, which showed a 270 acre holding purchased by Dan Cantrell on Chuckanut Mountain. Mr. Cantrell has subdivided the holding into 20 acre parcels and sold the parcels to new owners. The parcels are Designated Forestry, where a 20 acre parcel is the minimum lot size. The owners would like to now place 19 acres of each site in Timber Open Space so that their property taxes will be lower, and retain one acre as a building site.

The Planning Department Staff and Hearing Examiner have both approved this proposal.

- 1) Approval - Tom Buggia #OS-91-003.

RECORD OF THE PROCEEDINGS

Tuesday, November 19, 1991

Page #5

Commissioner Wylie motioned to approve the timber open space applications #OS-91-009 and #OS-91-003 of Tom Buggia. Commissioner Robinson seconded the motion, which passed unanimously. Resolution #14133)

2) Approval - Ken Buggia #OS-91-004.

Commissioner Wylie motioned to approve the timber open space application #OS-91-004 of Ken Buggia. Commissioner Robinson seconded the motion, which passed unanimously. Resolution #14134)

3) Approval - Sheila Buggia #OS-91-005.

Commissioner Wylie motioned to approve the timber open space application #OS-91-005 of Sheila Buggia. Commissioner Robinson seconded the motion, which passed unanimously. Resolution #14135)

4) Approval - Dan Cantrell and South Chuckanut Joint Venture #OS-91-11.

Commissioner Wylie motioned to approve the timber open space application #OS-91-011 of Dan Cantrell and South Chuckanut Joint Venture. Commissioner Robinson seconded the motion, which passed unanimously. Resolution #14136)

5) Approval - Dan Cantrell #OS-91-010.

Commissioner Wylie motioned to approve the timber open space application #OS-91-010 of Dan Cantrell. Commissioner Robinson seconded the motion, which passed unanimously. Resolution #14137)

6) Approval - Mike Matthews and Dan Cantrell #OS-91-006.

Commissioner Wylie motioned to approve the timber open space application #OS-91-006 of Mike Matthews and Dan Cantrell. Commissioner Robinson seconded the motion, which passed unanimously. Resolution #14138)

7) Approval - James A. Unruh and Leanne M. Unruh #OS-91-007.

Commissioner Wylie motioned to approve the timber open space application #OS-91-007 of James A. Unruh and Leanne M. Unruh. Commissioner Robinson seconded the motion, which passed unanimously. Resolution #14139)

8) Approval - Richard Sieyers and Marilyn Sieyers # OS-91-008.

Commissioner Wylie motioned to approve the timber open space application #OS-91-008 of Richard Sieyers and Marilyn Sieyers. Commissioner Robinson seconded the motion, which passed unanimously. Resolution #14140)

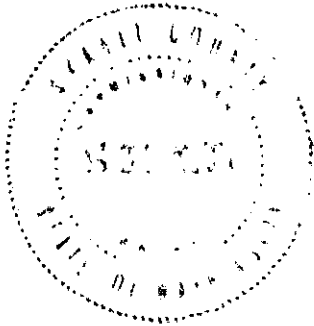
9) Approval - Douglas G. Hilty and Paula Sullivan Hilty #OS-91-12.

Commissioner Wylie motioned to approve the timber open space application #OS-91-012 of Douglas G. Hilty and Paula Sullivan Hilty. Commissioner Robinson seconded the motion, which passed unanimously. Resolution #14141)

ADJOURNMENT:

Commissioner Wylie motioned to adjourn the proceedings. Commissioner Robinson seconded the motion. The motion was carried unanimously.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



W. W. Vaux

W. W. Vaux, Chairman

Robby Robinson

Robby Robinson, Commissioner

Ruth Wylie

Ruth Wylie, Commissioner

ATTEST:

Stephanie Wood

Stephanie Wood, Clerk
Skagit County Board of Commissioners