

3. Discussion – Baker Hydroelectric Project – Inclusion of Flood Storage in the New FERC License.

Mr. Martin next discussed the ongoing negotiations with Puget Sound Energy regarding increased flood storage in the new FERC licensing process. He said the Memorandum of Understanding was conveyed to the policy team and the response was generally supportive with the exception of the Skagit River Systems Cooperative and the Washington State Department of Fish and Wildlife.

Chairman Anderson noted that the Upper Skagit Tribe is no longer a part of the Cooperative.

Mr. Martin stated that Skagit River Systems Cooperative were concerned about the recommendation that was made by both Puget Sound Energy and Skagit County, which would retain the existing language for the flood storage in Upper Baker.

Commissioner Dahlstedt indicated that studies that have been reviewed extensively clearly show that any flood events exceeding 120,000 csf of water are significantly damaging to Chinook salmon. He is shocked that the Department of Fish and Wildlife, the Tribes, and other agencies aren't demanding that this flood protection be put into place as the Chinook population is an endangered species. Commissioner Dahlstedt said the County will continue to work with Puget Sound Energy and they are optimistic and hopeful that there will be a solution to the problem.

A short discussion ensued regarding the development of enhanced recreation at Lake Shannon.

Mr. Martin said our Memorandum of Understanding must be extended because information was received from FERC, which authorizes another extension to Puget Sound Energy. They have until September 30, 2004, to arrive at an overall settlement agreement. Because our agreement expires on the last day of September, the Board will have to call a special session to sign the extension.

4. Discussion – McTaggart Overlay Project Paving Schedule.

Because of drainage issues in Edison, Mr. Martin indicated that the McTaggart Overlay Paving Project will take place next spring.

5. Miscellaneous.

- a) Mr. Martin said that property owners from Snohomish County have asked Skagit County to contribute \$30,000 for the Sauk River Channel Migration Study. The Board agreed that this would be a good idea and gave approval to Mr. Martin to pen a letter of support to the group.
- b) Steve Flude, Assistant Director, provided an update on the status of FEMA flood repair projects in Skagit County.

DISCUSSION – IMPLICATIONS OF NEW DNR STREAM TYPINGS.

Kendra Smith, Resource Manager at the Planning and Permit Center, stated that the Department of Natural Resources (DNR) is getting ready to implement the new stream typing model, which will have significant impacts on Skagit County. This new system will identify streams as fish present (F), no fish present (N), shoreline waters (S), and unknown (U). There are several consequences of implementing the new nomenclature, according to Ms. Smith. These will be implemented on all forest practices applications and all applications that are DNR timber sales.

Ms. Smith said accuracy does not exist. The RCW requires accuracy when implementing the model and Counties need assurances that accuracy exists when adopting regulations. The model was developed in Wyoming and calibrated in southern Washington using soils and topography associated with that region. The model is not able to address areas with little topographical relief and can not detect fish blockages such as waterfalls and culverts.

Ms. Smith said the model is simplistic and when accurate, would be beneficial since it takes the subjective analysis out of the review process. The existing Type II waters, currently protected with 200 foot buffers, may be less protected. She also indicated that Skagit County does not want to have two different systems in place for buffering streams and ask our customers to be regulated with conflicting codes. Ms. Smith said this would happen if an applicant had a forest practice application, which would follow the new DNR model, and then wanted to build a house or subdivide. They would be required to adhere to Skagit County typing regulations.

Maryann Manville-Ailles, Skagit Surveyors and Engineers, said that the Critical Area Ordinance (CAO) talks about buffers being based on the DNR stream type numbers and asked if that would be affected by these changes. Ms. Smith said at the time the County updates its Comprehensive Plan and Critical Areas Ordinance, then that would be rolled in, as we don't want two sets of rules for our customers. The most important aspect of this proposal is to have accuracy.

Commissioner Dahlstedt said that until DNR improves their accuracy, Skagit County isn't in favor of implementing any changes.

Lou Haff of the Planning and Permit Center, stated that the County needs to provide an immediate response to DNR and his Department will be responsible for drafting a letter, which will include recommendations to them asking for cooperation to normalize the error in their mapping. There is a lot of good information known in Skagit County on stream typing. The simplistic methodology they propose might well be in our best interest in the future if it can brought up to a sufficient level of accuracy, but not if it means two systems.

Mr. Haff said it makes sense to accomplish the transition in conjunction with the Comprehensive Plan update, because by law, we have to update our CAO. To do it before then would be a waste of effort, would lead to chaos with our clients and be totally problematic. When updating the CAO, the focus needs to be on the elements that are the highest priority to the County.

Dave Chamberlain, C & G Timber Company, said this new system being proposed by DNR will not be accurate. The current system is not perfect but at least protocol fish surveys can be conducted to determine whether there are fish in streams or not. Mr. Chamberlain cautioned that if the new system is adopted, there has to be a fail-safe mechanism for landowners to disprove the accuracy of their mapping.

Don Wallace, Hampton Tree Farms, asked that the Board delay implementation of this new stream typing until DNR's accuracy standards are improved.

ADJOURNMENT.

Commissioner Dahlstedt made a motion to adjourn the proceedings. Chairman Anderson seconded the motion, which passed unanimously.

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

Ted W. Anderson, Chairman

Don Munks, Commissioner

Kenneth A. Dahlstedt, Commissioner

ATTEST:

JoAnne Giesbrecht, Clerk of the Board
Skagit County Board of Commissioners