

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, NOVEMBER 8, 2005**

- *T 8:00 a.m. – 9:00 a.m. Work Session – Bay View Watershed Stormwater Management Plan
- *T 9:00 a.m. – 10:00 a.m. Public Works Department – Chal Martin, Director
1. Public Hearing – Revision No. 3 to the 2005-2010 Six-Year Transportation Improvement Program
 2. Signature – Resolution Amending the 2005 Annual Construction Program, Revision No. 3
 3. Signature – Resolution Amending Resolution No. R20050298 Regarding the Establishment of the Guemes Island Ferry Passage Fare Schedule
 4. Signature – Resolution and Interlocal Agreement With the Skagit River Impact Partnership
 5. Signature – Supplemental Agreement No. 3 to the Local Agency Standard Consultant Agreement No. C20040186 With Pacific International Engineering, PLLC (Skagit River Flood Reduction Project)
 6. Miscellaneous
- 10:00 a.m. – 10:30 a.m. Bid Opening – Custer Field Fencing Replacement
- *T 10:30 a.m. – 11:30 a.m. Discussion – Proposed County-initiated Map Amendments For the 2005 Growth Management Act Update
- *T 2:00 p.m. – 3:00 p.m. Presentation by the Washington Department of Fish and Wildlife Regarding Nutria in Skagit County

The Skagit County Board of Commissioners met in regular session on Tuesday, November 8, 2005, with Commissioners Don Munks, Kenneth A. Dahlstedt and Ted W. Anderson present.

WORK SESSION – BAY VIEW WATERSHED STORMWATER MANAGEMENT PLAN.

Ric Boge, Surface Water Manager, provided an update on the status of the Bay View Watershed Stormwater Management Plan. Mr. Boge stated that Surface Water Management has completed the 95% of the Plan, including revisions made to evaluate the technical feasibility of a perimeter ditch around the base of Bay View Ridge to capture stormwater before it reaches the existing, low-lying drainage conveyances. In addition, the financial portion of the Plan will be revised to include the total estimated capital expense of proposed projects, but it will not assign specific responsibilities for the costs. Mr. Boge said the goal now is to complete an acceptable Plan by the end of the year with technical solutions and realistic, total cost estimates to implement those solutions.

Mr. Boge and Jan Flagan gave a PowerPoint presentation, which outlined goals, recommendations, current status, necessary steps to complete the Plan and interim measures that would allow the Subarea Plan to move forward.

PUBLIC WORKS – CHAL MARTIN, DIRECTOR

1. Public Hearing – Revision No. 3 to the 2005-2010 Six-Year Transportation Improvement Program.

Ann Marie Gutwein, Public Works, stated that the Public Hearing is being held to consider public testimony regarding a revision to the 2005-2010 Six-Year Transportation Program (TIP). The revision is being made to include two new projects, the first of which is the Leonard Road Culvert Project. This project replaces undersized twin culverts with a large arched culvert to reduce artificial creek obstruction

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and enhance fish passage. The second project is the SR-20 Cook Road Connector Arterial, which would extend Hodgkin Street to create an arterial connection between SR-20 and Cook Road.

Chairman Munks opened the Public Hearing.

There being no public testimony forthcoming, Commissioner Dahlstedt motioned to close the Public Hearing. The motion was seconded by Commissioner Anderson and passed. The Public Hearing was closed.

Commissioner Dahlstedt motioned to adopt the proposed revisions for the 2005-2010 Six-Year TIP as outlined by Ms. Gutwein. Commissioner Anderson seconded the motion, which passed unanimously. **(Resolution No. R20050403)**

2. Signature – Resolution Amending the 2005 Annual Construction Program, Revision No. 3.

Ms. Gutwein subsequently asked the Board to approve Revision No. 3 of the 2005 Annual Construction Program.

Commissioner Dahlstedt motioned to approve the revision as outlined by Ms. Gutwein. Commissioner Anderson seconded the motion, which passed. **(Resolution No. R20050404)**

3. Signature – Resolution Amending Resolution No. R20050298 Regarding the Establishment of the Guemes Island Ferry Passage Fare Schedule.

Public Works Director Chal Martin introduced a Resolution reducing the rate for car and driver tickets for disabled and senior citizens. According to Mr. Martin, this Resolution brings the rate structure into compliance with Federal regulations for Federal grants.

Commissioner Dahlstedt motioned to approve the Resolution as outlined by Mr. Martin. The motion was seconded by Commissioner Anderson and passed unanimously. **(Resolution No. R20050405)**

4. Signature – Resolution and Interlocal Agreement With the Skagit River Impact Partnership.

Dave Brookings, Public Works Administrator, stated that a proposal was brought forth in October to enter into an Interlocal Cooperative Agreement with the Skagit River Impact Partnership, which would allow the study, planning, permitting, funding and implementation of flood damage reduction measures along the Skagit River. Mr. Brookings said that Public Works staff has actively participated in the development of this agreement and view this action as being complimentary with the County's ongoing efforts with the Skagit River Feasibility Study and Baker Dam Relicensing projects. Participating in this agreement are the Cities of Mount Vernon and Burlington, along with Diking District Nos. #1, #3, #12, #17 and #22, and Drainage District #17.

Mr. Brookings indicated that the Commissioners had asked that the Cities of Sedro-Woolley and Anacortes and the Town of La Conner be included in this partnership. However, Mr. Brookings said those entities preferred not to join at this time, but perhaps at a later date.

Chairman Munks questioned a clause in the agreement concerning disputes between parties. Mr. Martin assured him that should there ever be a dispute, the partnership would unravel.

A motion was made by Commissioner Dahlstedt to approve the Resolution and Interlocal Agreement as outlined by Mr. Brookings. Commissioner Anderson seconded the motion, which passed unanimously. **(Resolution No. R20050406 AND Contract No. C20050469)**

5. Signature – Supplemental Agreement No. 3 to Local Agency Standard Consultant Agreement No. C20040186 With Pacific International Engineering, PLLC (Skagit River Flood Reduction Project).

Mr. Martin discussed Amendment No. 3 to an agreement with Pacific International Engineering PLLC. The supplement adds \$100,000 for additional consultant work in support of the original scope of work and extends the term to June 30, 2006, for the Skagit River Flood Reduction Project. Mr. Martin stressed the importance of finishing this essential task.

Commissioner Anderson stressed the importance of making sure this was the last amendment that would be brought forward with the contractor. Mr. Martin assured him that it would be. Mr. Martin also mentioned that finances for the Skagit River Feasibility Study are looking grim. Approximately \$800,000 in revenue was expected from the State and Federal government. Due to the lack of that revenue and an increase in attorney fees, funds have been depleted. Mr. Martin said an additional \$400,000 needs to be transferred from the Road Fund into the River Improvement Program Fund to pay bills.

After a brief discussion, Commissioner Dahlstedt motioned to approve Supplemental Agreement No. 3 as outlined by Mr. Martin. The motion was seconded by Commissioner Anderson and passed unanimously. **(Amendment No. A20050181)**

6. Miscellaneous.

Mr. Martin advised the Board that new Guemes Island Ferry passes have been designed, which will be sold on a quarterly basis and will be non-refundable. The passes will be sold during the last two weeks of the month during each quarter.

BID OPENING – CUSTER FIELD FENCING REPLACEMENT.

This bid opening was rescheduled and will take place on Monday, November 14, 2005, at 11:45 a.m. An amended notice was sent to the Skagit Valley Herald and the Daily Journal of Commerce.

DISCUSSION – PROPOSED COUNTY-INITIATED MAP AMENDMENTS FOR THE 2005 GROWTH MANAGEMENT ACT UPDATE.

Gary Christensen, Director of Planning and Development Services, advised the Board that the planning process and evaluation for proposed Skagit County Comprehensive Plan designations for natural resource lands and County-initiated Skagit County Comprehensive Plan designations are part of the State-mandated Growth Management Act (GMA) requirement to update and, if necessary, revise the County's Comprehensive Plan and Development Regulations to assure consistency with GMA.

Mr. Christensen stated that several committees and boards were appointed by the Commissioners to assist with this effort. County staff and consultants have reviewed the policies and the land use designation criteria for agriculture, forestry, mineral and rural resource lands, as well as other land use designations. Mr. Christensen said Planning and Development Services have tentatively scheduled two follow-up meetings to discuss additional Comprehensive Plan mapping recommendations, as well as to bring forward the 105, plus or minus, citizen-initiated map proposals.

Guy McNally, Associate Planner, stated that the Forest Advisory Board, Agricultural Advisory Board, Mineral Lands Committee, and the Growth Management Update and Public Outreach Steering Committee all have concluded that the policies in the Comprehensive Plan that guide land use, particularly the policies designating Natural Resource Lands, are sound.

Mr. McNally discussed the mineral resource overlay (MRO), which was adopted by the County in 1996 as Natural Resource Lands designations and zoning. Most of the forest natural resource lands, rural resource areas and agricultural areas were designated according to designation criteria. The mineral resource overlay was similarly designated; however, much of the work toward mapping the mineral

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resource overlay was done by a committee of local experts in mining and minerals. Over the years the results of their effort weren't accurate in all places, so this gave rise to the need to re-map, re-examine the mineral resource overlay, and look into other types of minerals that are mined in the County that weren't recognized in the previous maps.

Mr. McNally said the Department has contracted with a consulting firm, Kleinfelder Geologists, to examine all of the relevant geological maps and data. They have also been assisted by the Department's own geologist, John Cooper.

Mr. McNally advised the Board that several miss-registered mineral overlays were found in the Day Creek area. He said that this effort has not only identified new types of minerals that hadn't previously been designated, but also verified existing locations. Mr. McNally explained that the limestone area in Concrete is now proposed as mineral overlay and the Day Creek area has been cleaned up to identify where the actual deposit lies.

Commissioner Anderson asked if all these mineral resource overlays infringe out into Rural Reserve.

Mr. McNally responded that the mineral resource overlay is not proposed on any Rural Reserve, Rural Intermediate, Urban Growth Areas and agriculture lands, or the scenic river corridor.

Mr. Christensen added that the MRO designations will be applied only on Rural Resource, Secondary Forest and Industrial Forest.

Mr. McNally noted that a policy issue raised by this consequence of designating significantly more MRO on Rural Resource is that these land owners will not have the ability to enjoy a CaRD density bonus or additional development rights.

Mr. McNally shared maps showing where the mineral resource overlay was applied on Fidalgo Island, which is unique in the sense that the areas that do have mineral resource overlay on them now in the current map have that designation in recognition of the fact that there are very few areas that can supply Fidalgo Island. He said the Rural Resource designations underlying these current mineral overlays are applied not necessarily based on strict adherence to Rural Resource criteria, but more on the recognition of the value of having minerals close to market.

Mr. McNally said that the Forest Advisory Board (FAB) has been charged with assisting in the review of the County's policies designating Forest Lands and Rural Resource Lands. The FAB will also guidance as to whether or not they should consistently apply Secondary Forest between Industrial and Rural Resource.

Mr. McNally said the Agricultural Advisory Board (AAB) looked at the designation criteria for applying agriculture in the county. They, as well as others, found that designation criteria properly reflected viable agricultural lands, even though most of those lands are not being farmed at the moment.

Mr. McNally stated that the Swinomish Tribe will be updating their Comprehensive Plan in the next year or two. Two alternatives have been discussed with the Tribe.

Mr. Christensen added that one distinction would be that there would be no Industrial Forest-designated land on fee simple lands.

Kirk Johnson, Senior Planner, spoke about the County-initiated proposals that have no effect on Natural Resource Lands, including those that weren't brought forward by citizens or cities. Mr. Johnson said there are a small number of proposed amendments that affect much larger areas of land. The majority of these would remove Rural Resource designation from areas that don't meet the criteria. Mr. Johnson said that after the Department reviewed a few of the citizen-submitted amendments, it became clear that there were parcels that were incorrectly designated Rural Resource.

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Mr. Johnson advised the Board that on Monday, November 14, 2005, the Department will have a report and a one-page summary of all of the citizen-initiated proposals, including department recommendations.

**PRESENTATION BY THE WASHINGTON DEPARTMENT OF FISH AND WILDLIFE
REGARDING NUTRIA IN SKAGIT COUNTY.**

Mike Davison, District Wildlife Biologist, Washington Department of Fish and Wildlife, provided background information on nutria, including recent trapping results and future recommendations.

Nutria is an invasive, semi-aquatic rodent native to South America. It was introduced almost worldwide in the early 1900's for fur farming and, in some areas, weed control. Accidental and intentional releases of nutria have led to the establishment of nutria populations in 15 states nationwide. Nutria farms have reportedly occurred in part of Skagit County, including Big Lake, as recently as the 1950's. However, feral populations in the County were unknown until recently.

Nutria are large rodents resembling muskrats or beavers. They usually occur in or adjacent to lakes, marshes, rivers, sloughs, slow-moving streams, drainage canals, and temporarily flooded fields. Although nutria prefer freshwater in their native range, they can occur in both brackish and saltwater marshlands. Nutria live in burrows and in dense vegetations. Their burrows range in size from tunnels 3 to 18 feet deep to elaborate burrow systems extending up to 150feet into the bank. They eat approximately 25% of their body weight every day. They feed on vegetative root mat, crops, lawn grasses and ornamental plants adjacent to aquatic habitats. Nutria are highly prolific and can breed year round. Females are ready to breed within a day or two following birth and can have up to 3 litters per year.

Mr. Davison stated that in late March 2005, the possible presence of nutria at DeBay's Slough in Skagit County was brought to the attention of WDFW personnel. Its presence was confirmed in April 2005. Trapping records from 1972-2004 indicate there were no nutria harvested in Skagit County during that time. However, nutria was reportedly trapped 7 miles away from DeBay's Slough in Walker Valley, just east of Big Lake in March 2005. Following confirmation of nutria, WDFW issued a 90-day trapping permit to USDA Wildlife Services to set traps in Walker Valley and DeBay's Slough beginning in June. A total of 13 nutria were trapped.

According to Mr. Davison, the primary goal of the initial trapping effort was to remove illegally introduced animals from known locations. The secondary goal was to gather information on nutria distribution in Skagit County from the public and from live trapping. This was an emergency response aimed at eradicating a handful of nutria before they became established in Skagit County. Trapping results show that nutria have already established family groups in several locations and are successfully reproducing. It is believed that the nutria problem will require a more widespread and intense effort to successfully remove them from Skagit County.

The feeding and digging habits of nutria pose a significant risk to public safety, the agricultural and natural resource-based economy, native fish and wildlife, and wetland habitat in Skagit County. Nutria can damage levees and banks by burrowing, cause depredation on agricultural crops and over-utilize marsh vegetation. Nutria burrows can undermine roadbeds, stream banks, dams, and dikes, which may collapse when the soil is saturated or when subjected to the weight of heavy objects on the surface.

Mr. Davison made the following recommendations:

- Re-establish USDA APHIS Wildlife Services Trapping Program, beginning November 2005 through February 2006.
- Inspect Judy Reservoir water control structure for nutria activity.
- Contract with USDA APHIS Wildlife Services for the hiring of a nutria detection dog and handler for inspection of all primary nutria habitat areas and dikes in Skagit County.
- Complete a dike risk assessment of all primary and secondary dikes in Skagit County.

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- Evaluate radio telemetry technique as a practicable method to locate nutria dens (compromised dikes).

Commissioner Anderson asked what kind of funding is needed. Mr. Davison indicated that the cost of a Federal trapper is approximately \$5,000 per month. Commissioner Anderson said Skagit County must share the responsibility of this problem as well and; therefore, must be a participant. He said it is better to participate in the short-term and discover what the nutria population is. Once that has been determined, long-range planning tools must be established.

Mr. Davison said his recommendation would be to bring someone in to inspect the County's dikes. The option of using dogs should be set aside until the flood season is over and the river level is down so they can do their work.

ADJOURNMENT.

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

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Don Munks, Chairman

Kenneth A. Dahlstedt, Commissioner

Ted W. Anderson, Commissioner

ATTEST:

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