

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
FRIDAY, JANUARY 26, 2007**

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*T 1:30 p.m. – 2:30 p.m. Discussion - Instream Flow Rule Implementation (Joe Mentor - Mentor Law Group; Jay Manning and Joe Stohr - Department of Ecology)

The Skagit County Board of Commissioners met in regular session on Friday, January 26, 2007, with Commissioners Sharon D. Dillon and Don Munks present. Commissioner Kenneth A. Dahlstedt absence was excused.

DISCUSSION - INSTREAM FLOW RULE IMPLEMENTATION (JOE MENTOR - MENTOR LAW GROUP; JAY MANNING AND JOE STOHR - DEPARTMENT OF ECOLOGY)

County Administrator, Gary Rowe gave an update of the Instream Flow Rule Implementation. Mr. Rowe complimented Joe Mentor's efforts in working with the Department of Ecology (Department) to develop the Instream Flow Rule.

Attorney representing Skagit County, Joe Mentor gave a brief history of the appeal and the negotiations between Skagit County and the Department. Mr. Mentor stated the settlement agreement for the Instream Flow Rule Appeal, called on the County to help implement the Instream Flow Rule and in the return the Department agreed to address the County's concerns and to establish water budgets for both agricultural and domestic water use.

Mr. Mentor went on to say the agreement required the parties to enter into a second Interlocal Agreement to share their responsibilities for implementation. That agreement was signed by the Commissioners on January 22, 2007, **Contract No. C20070060**, and by the Department of Ecology this week. Following this agreement, the County has undertaken to adopt implementing ordinances which are going to be embodied in the drinking water code and the critical areas ordinance. Mr. Mentor added the work for these ordinances is underway now, and, there will be opportunities for public comment within the next two to three months.

Mr. Mentor also stated a mitigation plan for the lower tributaries is being worked on with the State and other interested parties. This would provide for increased instream flows in the Nookachamps, Carpenter, Fisher, and, Hansen Creek watersheds. Mr. Mentor said the parties agreed to fund and to participate in the development of a groundwater study by the U.S. Department Geological Survey.

Department of Ecology, Jay Manning thanked the Commissioners, Gary Rowe, and Joe Mentor for their efforts in working with the Department in the instream flow process. Mr. Manning stated this is more than an instream flow rule, it is a map of how we manage water resources in the State. Mr. Manning went on to say this process to implement this rule is difficult but he is really proud of this rule and thinks it is one of the best we have in this State. It manages the water resources in a very real way with no loop holes, with very responsible allocations of water to agriculture, future growth, and protection of the big salmon runs that are here now, and that will grow in the future.

Mr. Manning stated he recognized that there are important parties who have very legitimate interests in how the Skagit is managed, which include the Swinomish Tribe, the City of Anacortes, and Public Utility District. Mr. Manning discussed the Department's willingness to continue to work with interested parties to find common ground.

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The Commissioners thanked all those in attendance for their efforts.

ADJOURNMENT.

Commissioner Munks made a motion to adjourn the proceedings. Commissioner Dillon seconded the motion, which carried.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Sharon D. Dillon, Chairman

Don Munks, Commissioner

Kenneth A. Dahlstedt, Chairman

ATTEST:

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