

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, MAY 22, 2012**

The Skagit County Board of Commissioners met in regular session on Tuesday, May 22, 2012, with Commissioners Kenneth A. Dahlstedt, Sharon D. Dillon, and Ron Wesen present.

I. CALL TO ORDER:

Chairman Dahlstedt called the proceedings to order at 8:30 a.m.

II. PLEDGE OF ALLEGIANCE:

Chairman Dahlstedt led the gallery in the salute to the flag.

III. AGENDA:

a) 8:30 a.m. - 9:30 a.m. Public Works - Henry Hash, Director:

Public Works Director Henry Hash was available to present the agenda item and to answer questions.

1. Discussion/Possible Action: Future of Skagit River Basin Water Resources Advisory Committee

Water Resources Section Manager Gary Stoyka provided a brief background of the history the Water Resources Advisory Committee (WRAC). He indicated that in 2006, the Department of Ecology (DOE) adopted amendments to the Skagit River instream flow rule (173-503 WAC) which established minimum instream flows for the Skagit River and its tributaries and set aside a limited amount for future out-of-stream uses. The rule and state water codes provided the framework by which water rights decisions were made in the Skagit River Basin. He indicated that by way of Skagit County Interlocal Agreement No. C20070060, DOE agreed to consider input from the local community when making water rights decisions, and that the WRAC provided a key component of that advice. He said DOE agreed to support the WRAC by making staff available to explain the Department's water rights process and agreed to answer procedural policy questions from the WRAC.

Mr. Stoyka explained that in 2009, DOE experienced budget cuts, which resulted in the loss of the water rights permit position and were not able to process permits. He said that with the loss of the water rights processor, the WRAC's focus changed to deal primarily with limitations associated with the 2006 amendments to the Skagit River instream flow rule. The County and DOE began to use the group as a forum to share information on the issue with the community at large, rather than as an advisory group. Mr. Stoyka explained that with the change in focus, attendance at meetings dropped so low that it was not possible to determine who was interested in being appointed and even resulted in the cancellation of some meetings due to a complete lack of interest. Since June 2011, interested parties have been

meeting in an informational, unofficial capacity.

Mr. Stoyka discussed whether the work of the WRAC should continue. Jacque Klug, DOE Northwest Regional Office, provided input regarding DOE's appreciation of the work of the WRAC.

There was a discussion about the role the county had in issuing building permits. It was indicated that DOE required certain users of public waters to receive approval from the state in the form of a water right permit or certificate. Skagit County could only issue building permits if the property had obtained a water rights permit from DOE.

Member of the WRAC Diane Freethy commented on her perceptions of DOE's role under the Interlocal Agreement. Ms. Freethy indicated that she understood that the objective of the WRAC was to get the water rights applications processed and expressed her frustrations that water rights applications were not being processed. She indicated that unless there were changes made to the Interlocal Agreement, there was no reason for the WRAC to continue to hold meetings.

George Wells said he lived in the Carpenter/Fisher Creek Basin area. Mr. Wells said that DOE and the Army Corps of Engineers estimates of the amount of water in the Basin differed from each other. He requested that the DOE verify the amount of water in the South Fork and the Skagit River. Mr. Wells went on to comment on dredging the Skagit River, the amount of gravel in the Starbird Creek and the reason for the lack of salmon in the river.

Partner of Semarau Engineering and Surveying Mark Semarau said that processing water rights permits was critical within the Skagit River Basin because without knowing whether you had permit it was different for people to know if they could build on their property. He said that he was one of the original members of the WRAC. Mr. Semarau indicated that the WRAC should be suspended until DOE had the resources to reinstate the water permit position.

Former member of the WRAC Ben Short said he was a retired hydrogeologist that resigned from the WRAC because he felt that the committee had become ineffective. Mr. Short indicated that the Skagit Valley had water resources available. He said the problem was that water was not managed well and was not available at the right time and at the right location. He indicated that retaining ponds should be formed at the upper reaches of some of the streams that could capture water during high rainfall periods, and retain it there until the low flow periods. He suggested that another alternative discussed by the WRAC was to tap into deeper aquifers in the basin. He suggested that the WRAC was ineffective and recommended that the County needed a group of impartial scientists that understood water in order to develop solutions and that the group should have the authority to implement their solutions.

Dahlman Pump and Well Drilling and member of the WRAC Scott Fowler said that the WRAC had done all it could do at this point. He said that the WRAC needed to be suspended and that another committee should be formed that would provide rural Skagit County residents an avenue by which they could mitigate their water rights applications.

Commissioner Dillon said she appreciated the committee comments and that she would like some time to consider the comments that were made.

Commissioner Wesen indicated that since the formation of WRAC was a requirement under the Interlocal Agreement with DOE, he requested that Mr. Stoyka contact DOE to determine (what or if) there would be legal ramifications if the committee were disbanded. He discussed the \$2.25 million in DOE's budget, which was appropriated to the department to develop mitigation options and alternative water sources or tools to make water available for stream flows and for rural domestic permit-exempt uses within the Carpenter-Fisher, East Nookachamps, and Upper Nookachamps Subbasins.

Commissioner Dahlstedt said that the Commissioners would need some time to digest the information provided. He suggested that a work session would be scheduled in the near future to discuss the future of WRAC and the Fisher/Carpenter Creek Basin.

2. Miscellaneous

There were no miscellaneous items for Public Works to discuss.

Chairman Dahlstedt recessed the proceedings at 9:27 a.m.

b) 9:30 a.m. - 10:00 a.m. Parks, Recreation and Fairgrounds - Brian Adams, Director:

1. Recognition of Kyle Penninger and Updates from Park Ranger

The recognition of Kyle Penninger has been rescheduled to take place on Tuesday, June 26, 2012, at 10:30 a.m.

2. Miscellaneous

c) 10:00 a.m. - 11:30 a.m. Administrative Services - Tim Holloran, County Administrator:

1. Work Session: Spotted Owl and Marbled Murrelet and Projected Impact on Forested Lands, submitted by Innovative Environments, LLC, Consultant Kendra Smith

Natural Resources Program Coordinator Kendra Smith was present to discuss the agenda item and to answer questions.

Ms. Smith provided information on the critical habitat of the Marbled Murrelet. She indicated that the Marbled Murrelet was a threatened species, and was federally listed under the Endangered Species Act as a threatened species in Washington, Oregon and California. Ms. Smith explained that there was more research needed on the Marbled Murrelet.

Ms. Smith provided background information on Northern Spotted Owl. She stated that the U.S. Fish and Wildlife Service (Service) recommended increased protection

for some old-growth forest in the Pacific Northwest to benefit the threatened Northern Spotted Owl, but at the same time recommended management standards that could allow logging of owl habitat in forests east of the Cascades. Ms. Smith said that the Service had released a draft Critical Habitat designation that was open for public comment.

Ms. Smith said that the Northern Spotted Owl was listed under the Endangered Species Act in 1990 due to logging of its original habitat. She said that the number of Northern Spotted had declined. Ms. Smith indicated that the Service was calling for the experimental removal of Barred Owls to determine whether reduced competition would benefit the Spotted Owl. She said that the Barred Owl, had invaded western forests and was out-competing Northern Spotted Owls for suitable habitat.

Chair of the Forest Advisory Board (FAB) Dave Chamberlain discussed the impact of the proposal to save Northern Spotted Owl. He indicated that designating more land to the Northern Spotted Owl's habitat would not necessarily benefit the owls.

Skagit Conservation District Forester Al Cranney stated the focus should be changed to active management of federal lands, which he indicated would prevent wild fires and tree diseases. He reported that the number of Northern Spotted Owls had not increased in 20 years and it would not be beneficial to continue to set aside more land. Mr. Cranney discussed Title 3, The President's Executive Order 13563 of January 18, 2011, and indicated that the Service needed clear direction from Congress in order to move forward.

U.S. Forest Services John Vanderheyden provided a map depicting the 1990 Forest Plan and the Northwest Forest Plan (NWFP), which was adopted in 1994 by the President. Project Manager Jesse Plumage discussed the Northwest Forest Plan and addressed the Late Successional Reserves (LSR).

Department of Natural Resource Northwest Region Manager Ben Cleveland stated that the Department had a habitat conservation plan. He indicated that the locations selected by the Services as critical habitat were appropriate.

Members of the FAB Gordy Iverson, Fred Loffer, Deputy Marlow, and Al Craney discussed the various impacts on jobs, mills, schools, social welfare, forest health, and recreation.

Ms. Smith summarized by providing the Mount Baker Snoqualmie National Forest effects and read comments from Tom Nelson of Sierra Pacific in opposition to setting aside additional federal land.

There was discussion about requesting an extension of comment period with USFWS, support efforts for an economic study that would take into consideration the cumulative economic impacts, support efforts to study the removal of the barred owl before taking more habitat, and writing letters to Senators and Congress urging them to reconsider setting aside anymore federal land.

Commissioner Dillon said that she did not believe more public lands should be set aside.

Commissioner Wesen spoke about economic impacts on Skagit County and the need

to make decisions based on accurate science.

Commissioner Dahlstedt stated that the Commissioners had huge challenges and that there was a need to use common sense to balance out the issues.

Commissioner Dahlstedt recessed the proceedings at 11:41 a.m.

d) 11:30 a.m. - 11:45 a.m. Public Comment Period

Chairman Dahlstedt reconvened the proceedings at 11:43 a.m.

Ed Stauffer of Barrel Springs Lane in West Alger commented on the different aspects of the forest resources. He indicated that with the many years of study there should be a better course to follow.

IV. ADJOURNMENT:

Chairman Dahlstedt adjourned the proceedings at 11:49 a.m.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Kenneth A. Dahlstedt, Chairman

Sharon D. Dillon, Commissioner

Ron Wesen, Commissioner

ATTEST:

Linda Hammons, Clerk of the Board