

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
MONDAY, APRIL 24, 2017**

The Skagit County Board of Commissioners met in regular session on Monday, April 24, 2017, with Chair Ron Wesen, Commissioner Kenneth A. Dahlstedt, and Commissioner Lisa Janicki present.

I. CALL TO ORDER:

Chair Wesen called the proceedings to order at 9:00 a.m.

II. PLEDGE OF ALLEGIANCE:

Chair Wesen led the gallery in the salute to the flag.

III. AGENDA

a) 9:00 a.m. - 9:45 a.m. Consent Agenda, Vouchers, Warrants and Miscellaneous Items

b) 3:00 p.m. – 5:30 p.m. Joint Coordination Meeting with Chelan County, National Park Service, and U.S. Fish and Wildlife Service RE: Draft Environmental Impact Statement on Grizzly Bear Reintroduction in North Cascades

1. Call to Order

Skagit County Chair Wesen convened the proceedings at 3:00 p.m. and announced that Skagit County Commissioner Dahlstedt would be arriving a little late.

2. Skagit County Open Meeting

3. Introductions

In attendance were Skagit County Commissioner Ron Wesen, Skagit County Commissioner Ken Dahlstedt, Skagit County Commissioner Lisa Janicki, Chelan County Commissioner Doug England, Chelan County Commissioner Kevin Overbay, Chelan County Commissioner Keith Goehner, Okanogan County Commissioner Andy Hover, Snohomish County Councilman Nate Nehring, Town of Darrington Mayor Dan Rankin, retired wildlife biologist Paul Fielder, Executive Director of American Stewards of Liberty Margaret Byfield, Ron Scutt of Stehekin, U.S. Fish and Wildlife Service State Supervisor Eric Rickerson, National Park Service Superintendent Karen Taylor-Goodrich, National Park Service Chief of Natural and Cultural Resources Jack Oelfke, National Park Service Chief of Interpretation and Education Denise Shultz. Attending by telephone was U.S. Fish and Wildlife Service Biologist Gregg Kurz.

4. Opening Remarks (Commissioner Janicki)

Skagit County Commissioner Janicki said they were meeting to address concerns about the *Draft Environmental Impact Statement of Grizzly Bear Reintroduction in the North Cascades* (Draft EIS) and conflicts with the Comprehensive Plans of Skagit County, Chelan County, Okanogan County, Snohomish County, and the Town of Darrington to protect the health, safety, welfare and economy of residents. Skagit County Commissioner Janicki said that Executive Director of American Stewards of Liberty Margaret Byfield, and retired wildlife biologist Paul Fielder had been engaged to assist them in addressing their concerns.

5. Opening Remarks (U.S. Fish & Wildlife and National Park Service)

National Park Service Superintendent Karen Taylor-Goodrich thanked the counties for the opportunity to meet and looked forward to discussing the items on the agenda.

U.S. Fish and Wildlife Service State Supervisor Eric Rickerson also appreciated the

opportunity to meet and discuss the Draft EIS and the counties' concerns that may not have been taken into account. He looked forward to better understanding the counties' perspective and appreciated the cooperative effort. He said that the process had been lengthy and that an alternative had not yet been selected. He said that any new information provided that would help them make the best informed decision for all involved would be considered.

6. Overview of Coordination with Local Governments and Requirements under the National Environmental Policy Act and Endangered Species Act

Executive Director of American Stewards of Liberty Margaret Byfield provided a PowerPoint presentation outlining mandatory requirements under the National Environmental Policy Act (NEPA) and the Endangered Species Act to consider and coordinate plans with local government for consistency. She said coordination worked best if it was done early in the initial planning stages in order to avoid, or address conflicts.

Coordination on the Draft EIS was important due to the numerous conflicts that arise when one agency is working towards the introduction of a species that endangers the health, safety, and welfare of residents.

Executive Director Byfield provided an overview of the law and regulations that required the National Park Service and U.S. Fish and Wildlife Service to coordinate with local governments as well as the requirements and purpose of preparing an Environmental Impact Statement. These Federal Statutes included the:

1. Federal Land Policy and Management Act of 1976 (FLPMA) 43 U.S.C.A. § 1712(c)(9)
2. National Environmental Policy Act of 1969 (NEPA) 42 U.S.C.A. § 4321 and 4331(a) & (b) and 4332
3. National Forest Management Act of 1976 (NMFA) 16 U.S.C.A. § 1604(a)
4. Endangered Species Act of 1973 (ESA) 16 U.S.C.A. § 1533(b)(1)(A)

The Federal Land Policy and Management Act of 1976 (FLPMA) 43 U.S.C.A. § 1712(c)(9) requires that the National Park Service and U.S. Fish and Wildlife Service keep apprised of local plans, give consideration to local plans, resolve inconsistencies between plans, involve local governments in the planning process, and make Federal plans consistent with local plans.

Executive Director Byfield pointed out that local governments were responsible for implementing and maintaining large, comprehensive, countywide plans to address planning elements required by the state Growth Management Act, and to provide goals, policies, and strategies for managing growth, and ensuring that a community's health, safety, and general welfare were protected by striving for and creating a better, healthier, more efficient, and aesthetically pleasing environment in which to live.

The Draft EIS was just one piece that needed to fit in with the larger Comprehensive Plans of the local governments.

The National Environmental Policy Act of 1969 (NEPA) 42 U.S.C.A. § 4321 and 4331(a) & (b) and 4332 declared a national policy to encourage productive and enjoyable harmony between man and his environment; to promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans; assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings; and achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities.

Executive Director Byfield pointed out that planning was often laser-focused on wildlife and needed to be broader to fit man in his environment together.

Per 42 USC 4332, NEPA also provides a solution for unresolved conflicts: (E) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available

resources.

Executive Director Byfield said unresolved conflicts between federal and local plans were to be studied by the federal agency in order to provide an alternative within the EIS which represented the position of the local government. Another important aspect of planning was the use of good information with scientific integrity. A problem with the current Draft EIS is that it contains no alternative for the local government's position and that, essentially, the local position and plans were left out of the Draft EIS. She said that three of the four alternatives provided were all in support of a single position (to introduce grizzly bears to the environment). She said alternatives were required to provide a broad range of options to choose from.

Executive Director Byfield discussed additional policies and regulations that outlined the importance of equally balancing the human environment and the wildlife environment. Had NEPA been applied earlier in the process, conflicts between local plans and the Draft EIS could have been taken into consideration and addressed. She also stated that a Draft EIS was meant to explore multiple options and data instead of only providing information to support one option.

Executive Director Byfield ended her presentation saying that Washington State Code RCW 36.70.010 provided for County Comprehensive Plans and that the purpose and intent was to provide the authority and procedures in "guiding and regulating the physical development of a county or region through correlating both public and private projects and coordinating their execution with respect to all subject matters utilized in developing and servicing land, all to the end of assuring the highest standards of environment for living, and the operation of commerce, industry, agriculture and recreation, and assuring maximum economies and conserving the highest degree of public health, safety, morals and welfare."

She said that the local government had responsibilities to meet which were in conflict with the Draft EIS.

Executive Director Byfield's PowerPoint presentation can be found here:

<ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/04242017/>

7. Discussion of County Comprehensive Plans, Key Policies and Conflicts

Chelan County Commissioner Kevin Overbay said that five areas had been identified within their County's Comprehensive Plan which were incompatible and in conflict with the proactive approach of the Draft EIS. These were:

1. Ranching and Agriculture
2. Tourism and Recreation
3. Rural Communities
4. Impacts on Existing Habitat Restoration
5. Lack of Coordinated Planning

Chelan County Commissioner Overbay discussed the landscape and geography of Chelan County which ranked 3rd in area size among Washington State Counties and said that the majority of land was publicly owned and managed by an assortment of federal, state, and local agencies. Chelan County was concerned about their ranching and agricultural economies: the majority of Chelan County was open range and allowed ranchers to freely roam their animals regardless of land ownership. The introduction of grizzly bears could limit the area available for open range and lead to economic challenges and hardships.

In regards to tourism and recreation, he quoted Land Use Policy 17.2, Development Goal #2, Economic Development Policy 6.8, and Land Use Policy 14.5. These were put into place to sustain, develop, support, implement, and encourage the growth of Chelan County's tourism and recreation industries which were key elements of local economic development efforts. He said that many of Chelan County's tourist destinations, including Leavenworth, Upper Entiat Valley, Stehekin, Lake Chelan, Lake Wenatchee, and a portion of the Pacific Crest Trail, are all located around natural resource areas so that residents and visitors are able to access the natural surroundings. The introduction of grizzly bears would pose real or perceived safety concerns, both of which would result

in reduced tourism activities and negatively affect economic growth. Chelan County Commissioner Overbay pointed out that many of the areas accessed by visitors, and where residents lived, were located in areas where emergency services were limited or not available at all. This would increase the likelihood of a fatal outcome with a negative encounter with a grizzly bear.

Chelan County Commissioner Overbay said that his County was home to many rural communities surrounded by significant federal and state lands and that Chelan County had numerous goals and policies addressing these communities and protecting them. Land Use Policy 14.5 was adopted to protect residential neighborhoods from potential detrimental impacts of incompatible land uses.

Regarding impacts on existing habitat restoration, Rural Element Policy 2.6 sought to protect and encourage the enhancement and restoration of habitat for fish and wildlife. He said that, since 2005, Chelan County and its federal and state partners had engaged in over 188 restoration projects to enhance listed fish populations on the Endangered Species Act and address water quality issues. These efforts would be in vain if endangered grizzly bears ate endangered fish.

Chelan County Commissioner Overbay said that the U.S. Department of Agriculture, Natural Resources Conservation Service, noted that the reason for grizzly bear decline was human encroachment from activities such as recreational development, improper livestock grazing, poaching, excessive road access, and poorly designed timber harvest. This, paired with Chelan County's goals to support and increase recreational development, grazing, road development and access, timber activities, and mining, was in conflict with introducing a predator that declined under those conditions.

Chelan County was committed to integrated planning with the National Park Service and U.S. Fish and Wildlife Service. Land Use Goal 25 encouraged coordination of federal, state, local and private planning, and he asked that the National Park Service and U.S. Fish and Wildlife Service take into consideration the conflicts with their Comprehensive Plan and impacts to their residents who entrusted the Commissioners to protect them from adverse environmental, physical and economic impacts.

The talking points provided by Chelan County Commissioner Overbay can be found here:<ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/04242017/>

Skagit County Commissioner Dahlstedt shared concerns that were similar to Chelan County and discussed their responsibility to provide public safety. Risks such as volcanoes, lahars, earthquakes, and floods could not be controlled. He did not support the introduction of a risky predator species, the grizzly bear.

Like Chelan, Skagit County was also involved in mandated fish habitat restoration projects and he found it unwise to introduce predators to an area with this food source. He said the Skagit River hosted all 5 species of salmon, including the endangered Chinook, and Skagit County had spent millions of dollars on fish habitat restoration projects. Another concern Skagit County Commissioner Dahlstedt had was that approximately 80% of Skagit County was timber lands. The ability to adequately harvest and maintain healthy forests was difficult and he believed difficulties would increase if grizzly bears were introduced.

Skagit County Commissioner Dahlstedt was also concerned about the management of introduced grizzly bears. He was concerned they would enjoy the same mismanagement as the elk herd that had been introduced to the area a number of years ago. Complaints about safety (elk vs. vehicles on the roadway) and the destruction of crops have yet to be addressed.

Tourism was one Skagit County's economic drivers and he shared the same concerns as Chelan County Commissioner Overbay.

Finally, he asked about the science supporting the introduction of grizzly bears to the North Cascades. He said Skagit County is constantly challenged on using the best and most up-to-date science available when planning and he was concerned about whether the National Park Service and U.S. Fish and Wildlife Service had used the best, available science.

Skagit County Commissioner Janicki inquired if National Park Service or U.S. Fish and Wildlife Service had any questions.

National Park Service Chief of Natural and Cultural Resources Jack Oelfke requested that comments be provided in written form.

8. Discussion of the Science Determining the Suitability of the North Cascades for the Establishment of a Grizzly Bear Population

Retired wildlife biologist Paul Fielder informed those present that he had worked, lived, hunted, trapped, and fished in Chelan County for 30 years and that he now lived in Montana at the southern end of the Cabinet-Yaak Grizzly Bear Recovery Zone and that he had been involved in the biology and politics associated with the Cabinet-Yaak Recovery Zone for over 5 years. He came to discuss concerns about the science used in determining the suitability of the North Cascades for a grizzly bear population, and, to share firsthand experiences of living in a grizzly bear recovery zone.

Mr. Fielder shared concerns about the outdated science, reports, and materials used by the National Park Service and U.S. Fish and Wildlife Service to prepare the Draft EIS. Better science could have been used and he provided an overview of comprehensive information and updated science about grizzly bears that would need to be considered by the National Park Service and U.S. Fish and Wildlife Service.

Some of the problems he discovered with the Draft EIS and additional questions he had included:

1. What was the science used to determine a 200 grizzly bear population was suitable in the North Cascades Ecosystem?

He was concerned about a quote he found in the Draft EIS used to support the conclusion that the North Cascades Ecosystem was suitable for a population of 200 grizzly bears had come from a 9-page paper written by Chris Servheen 26-years ago that had been presented to the Interagency Grizzly Bear Committee but had not been published. Mr. Fielder asked to see the information used to determine this.

2. What other grizzly bear recovery zones were used as a comparison to determine that the North Cascades Ecosystem was suitable for grizzly bears and was science and experiences from current grizzly bear recovery zones considered?

Mr. Fielder said when the 1993 *Grizzly Bear Recovery Plan* was written 24-years ago, it identified 6 recovery zones: Yellowstone, North Continental Divide, Cabinet-Yaak, Selkirk, Bitterroot, and the North Cascades. Grizzly bears were now in 4 of those zones. He said there were no bears in the Bitterroot and no documented bears in the North Cascades for 21 years. He said the Cabinet-Yaak recovery zone was 2.2 million acres and was divided up into 22 grizzly bear management units.

3. How many bear management units would need to be established in the North Cascades and what will that be based on?

He was concerned that the number would be based on the number of square miles within the recovery zone but pointed out that not all land within the area was suitable habitat, which is what the science should be based on.

4. What was the historical abundance and distribution of grizzly bears in the North Cascades Ecosystem?

Mr. Fielder stated that he could not find any information in the Draft EIS regarding the historical abundance of grizzly bears in the North Cascades. Were there 200 grizzly bears? What were their numbers and distribution? He supposed that some of that information could come from wildlife control services and livestock loss reports. Mr. Fielder said that there were verified grizzly bear tracks in the North Cascades in 1989 and in 1990. Also, there had been a report of a sow and her cub near Lake Chelan in 1991. He asked why this information had not been included in the 1993 *Grizzly Bear Recovery Plan*.

Mr. Fielder said in 2014, Montana State senators, commissioners and mayors requested that the Selkirk and Cabinet-Yaak Interagency Grizzly Bear Committee sub-committee update the 1993 *Grizzly Bear Recovery Plan* to include the best available science and provide proper planning needed for grizzly bears, people, and resource management. He said that a 24-year old plan should not be dictating the health, safety, and welfare of people in vast areas of the country. This was also requested by the Montana legislature.

In Idaho, the Fish and Game Commission requested the delisting of grizzly bears because the population had increased to the point where grizzly bears were dispersing into other areas where there was conflict with people. Delisting was not granted because the science was still based on an out-of-date plan.

In Montana, the Legislature passed a Joint Resolution between the House and Senate asking congress to delist the grizzly bear because the Endangered species Act (ESA) was not moving forward to delist. They delisted the wolf in this manner also because the ESA had also not acted to do so.

Mr. Fielder said that a good study that, for some reason, is not ever used was a 2005 study by John Steven Waller. The study, *Movements and Habitat-Use of Grizzly Bears along U.S. Highway 2 in Northwestern Montana 1998-2001*, was John Waller's Ph.D. Master Thesis and was approved by Christopher Servheen who was the head of the Interagency Grizzly Bear Committee and who was a U.S. Fish and Wildlife Biologist. The study used two methods to track grizzly bear movements: 1) by radio telemetry collars, and 2) by satellite GPS collars.

The study showed that radio telemetry collars only provided a fraction of information about a grizzly bears range. This was due to the manner in which data from radio telemetry collars could be collected (about once a week, early in the morning, by airplane). This method only provided a snapshot of the grizzly bears range.

The information captured by the satellite GPS collars provided an in-depth look at the movements and habitat use of a grizzly bear. Data was captured hourly.

By the end of the three-year study, 940 data points had been collected using the radio telemetry collars and 21,000 data points had been collected using the GPS collars. The study showed that the current method and science being used, which the 1993 *Grizzly Bear Recovery Plan* was based on, greatly underestimated the roaming range of a grizzly bear. It showed only 30% of what the modern information showed. So, for example, if the old estimation showed the range was 30 square miles, the new data showed the range was more like 100 square miles. Mr. Fielder asked the National Park Service and U.S. Fish and Wildlife Service to apply the study to the Draft EIS.

Also in 2005, Dr. Chris Servheen provided a presentation of GPS monitoring data from New Swan Valley in Idaho. The data showed grizzly bears movements and showed that their home range was not located in the wilderness areas, but in the valley bottom where there was a road and the Town of Condon.

GPS map showing grizzly bear range in New Swan Valley can be found here:
<ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/04242017/>

Another study proving that grizzly bears ranged further than the information provided in the 1993 *Grizzly Bear Recovery Plan* was completed by Dr. Kendall in 2015. Dr. Kendall was with the U.S. Geological Survey and she performed a hair snag study which showed that bears from the North Continental Divide Recovery Zone were mixing with grizzly bears from the Cabinet-Yaak Recovery Zone.

A 1997 report *Grizzly Bear and Road Density Relationships in the Selkirk and Cabinet-Yaak Recovery Zones* prepared by Wayne Wakkinen of Idaho Department of Fish and Game and Wayne Kasworm of U.S. Fish and Wildlife Service was used to determine road density standards and then implemented by the Forest Service to start closing roads and cutting out public access to areas. The problem with the study was that it was not based on good statistics and it was only peer reviewed by the people who worked on it. The statistics and calculations contained in the document were incorrect and Mr. Fielder had

this verified by a professor at the University of Washington. Furthermore, the report was based on a small sample size: a mother and daughter grizzly bear. The science was inadequate and when challenged in court for its statistical validity, the court ordered a review of to consider the findings of other studies measuring habitat parameters in other ecosystems, but the New Swan Valley data from Dr. Servheen was not considered. The New Swan Valley was only 90 miles away. The report prepared in the case by Lydia Allen, and others, who worked for Forest Service in Idaho was printed by the Forest Service when they enacted their *Forest Plan Amendments for Motorized Access Management Plan within the Selkirk and Cabinet-Yaak Grizzly Bear Recovery Zones* and is being used to close roads in Montana and Idaho.

Mr. Fielder discussed the Endangered Species Act (ESA) and whether the definitions: endangered species or threatened species applied to the grizzly bear. When congress amended the ESA in 1978 to include Distinct Population Segments (DPS), they granted authority to U.S. Fish and Wildlife Service and National Marine Fishery Service agencies. Congress required that the designation be used sparingly. The problem came later in 1996 when the agencies made a policy clarifying DPS zones and that a population could be considered genetically isolated if they were delineated by an international government boundary. He said that the U.S./Canadian Border could be used to designate a DPS (and that this was an agency policy, not an act of congress), and that the proposed North Cascades population had, instead, been designated as a recovery zone.

The *Interagency Grizzly Bear committee Five-Year Plan for 2010-2014* discussed social and political aspects of managing grizzly bears and that public support is critical for recovery and funding, that working closely with local residents and communities (as they live with bears) is important in building confidence, and that the needs of the community and grizzly bears must be balanced. The report also stated that given level of human development in bear habitat, there were limits to where grizzly bear populations could be recovered and Mr. Fielder found that applied to the North Cascades Ecosystem.

Mr. Fielder also pointed out that grizzly bear ranges differ between a transplanted grizzly bear and naturally found grizzly bear. He showed a map of a transplanted bear and over 3-years the range established was that the bear was traveling 175 miles by 155 miles.

Map showing transplanted grizzly bear range can be found here:

<ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/04242017/>

Another map shown was from Wayne Kasworm's *2012 Autumn Cabinet-Yaak Ecosystem Report* which showed a transplanted bear was traveling 115 miles back and forth from where it was transplanted from. In the same report was a table that showed of the 14 grizzly bears transplanted to the Cabinet-Yaak Recovery Zone, 5 grizzly bears left area and travelled 82 miles back to near where they were released from, and 4 grizzly bears died within a year (2 shot in self-defense, 1 killed by a train, and 1 died naturally).

Map showing transplanted grizzly bear's 115 mile movements can be found here:

<ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/04242017/>

Mr. Fielder took the 82 miles of travel by the 5 transplanted grizzly bears who left their new site and applied it to the North Cascades area to show where the potential range could be (and with only 75 miles applied). He also showed a photograph of grizzly bears in a wheat field in eastern Montana to point out that grizzly bears move to where the best food source can be found. This is often within wheat and corn fields. He said the North Cascades was incompatible for grizzly bears based on what has occurred in Montana.

Map showing the 75 mile overlay in the North Cascades can be found here:

<ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/04242017/>

He asked that the Draft EIS include research from Montana and Wyoming on the number bears killed by the U.S. Department of Agriculture, Wildlife Service Division, to control conflicts between grizzly bears and people, and, that it address the food sources that are attractants to grizzly bears: fruit orchards, fish, chickens, bee hives, backyard gardens, and farmers' fields.

In the Draft EIS, Mr. Fielder disagreed with the statement “recreation will benefit because of grizzly bears”. He said he prefers to avoid grizzly bears in the wilderness and provided examples of negative encounters friends had experienced and legal hurdles of defending themselves from a grizzly bear. He wondered if Yellowstone was the model used for this statement. He said the 50 – 70 grizzly bears in the Cabinet-Yaak area were not an attraction to recreationalists, and one of the reasons was because the roads were closed down. He asked that human population be analyzed in the study: Wyoming has a population of 6 people per square mile. Montana has 7 people per square mile. Washington has 107 people per square mile. Washington has more potential for conflicts between people and grizzly bears.

Regarding road closures, the U.S. Fish and Wildlife Service provides input to the Interagency Grizzly Bear Committee which is made up of representatives from federal and state agencies and they listen to reports and make recommendations. Mr. Fielder said a reoccurring recommendation to the U.S. Forest Service is that they have to manage access because people in certain areas is bad for grizzly bears, and, grizzly bear habitat is not measured by the available food source, but by how many miles of road can be removed. A grizzly bear management unit in Montana is where there are no roads within 1/3 of a mile.

Removing roads reduces public access, limits recreational opportunities, and increase risks to public health, safety and welfare. Game wardens, sheriff, search and rescue, fire departments, and border patrols need roads for access and to provide services. Removing roads negatively affects economies that depend on access: the timber industry, mining, and recreation.

Mr. Fielder said that grizzly bear attacks are legitimate. In Wyoming and Montana, 7 people have been killed in the last 7 years. He showed a comprehensive list of people killed in Canada and the United States. It did not include many more who were mauled. He asked that the Draft EIS better address the health, safety, and welfare of people.

The table documenting grizzly bear caused human fatalities can be found here: <ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/04242017/>

Skagit County Commissioner Janicki asked if the National Park Service or U.S. Fish and Wildlife Service had any questions or information to provide to some of the answers asked by Wildlife Biologist Fielder and that perhaps, due to the volume of information inquired about, they would prefer to send a response at a later date.

U.S. Fish and Wildlife Service State Supervisor Eric Rickerson said some information could be provided to the group now and some more detailed information at a later date. He did point out that the habitat suitability of the North Cascades was researched and came from a report *Grizzly Bear Carrying Capacity in the North Cascades Ecosystem* where there was extensive analysis that modeled suitable habitat for grizzly bears and included 16 studies on range sizes, 14 studies on survival rates, and 18 studies on population density. He said that it was the report that was used to determine the targeted population of 200 grizzly bears in the North Cascades Ecosystem. He said the report showed that 83-400 female bears could be supported, and, that wherever you find black bears, you are liable to find grizzly bears due to their generalist behaviors.

Okanogan County Commissioner Hover asked how many square miles the report was based on.

National Park Service Chief of Natural and Cultural Resources Jack Oelfke said 9,600 square miles.

U.S. Fish and Wildlife Service State Supervisor Eric Rickerson answered Mr. Fielder’s question about the number of bear management units: there were 42 planned bear management units in the North Cascades.

After listening to Mr. Fielder, Skagit County Commissioner Janicki asked if the systematic dismantling of roads and access had really been to create grizzly bear habitat instead of the reason provided (that there was not enough revenue to maintain the road system).

Skagit County Commissioner Janicki recessed the proceedings for a short break at 4:45 p.m.

9. Discussion of Local Impacts and Conflicts that have not been Sufficiently Addressed in the Draft Environmental Impact Statement

Skagit County Commissioner Wesen reconvened the proceedings at 4:54 p.m.

Skagit County Commissioner Janicki requested a copy of the *Grizzly Bear Carrying Capacity in the North Cascades Ecosystem* report that U.S. Fish and Wildlife Service State Supervisor Eric Rickerson referred to and National Park Service Chief of Natural and Cultural Resources Jack Oelfke informed her that it could be located online and was linked to the Draft EIS.

Snohomish County Commissioner Nehring said that Snohomish County was expecting their population to grow by an additional 200,000 people over the next 10 years and planning was in place for recreation and tourism to occur in the surrounding communities. He said that he had not yet encountered anyone being excited to encounter a grizzly bear while participating in a recreational activity. He asked what evidence there was within the Draft EIS to suggest that encountering a grizzly bear would be positive.

Town of Darrington Mayor Rankin discussed the town's Comprehensive Plan which addressed recreation, natural resource extraction, forest health, and water quality. He was concerned that the reintroduction of the grizzly bear would negatively impact all of those initiatives. If U.S. Fish and Wildlife Service State Supervisor Eric Rickerson indicated that grizzly bears would be found where there are black bears, then grizzly bears would end up in all of the communities on both the west and east slopes of the Cascades. Black bears are already encountered within the city limits of many communities including Darrington, Issaquah, and many other suburban neighborhoods. He asked what repercussions could be expected for running into grizzly bears in neighborhoods and in the backcountry?

Regarding the health and welfare of communities, he said that in the last 24-years the Town of Darrington and the Town of Concrete have experienced the highest poverty rates between the two counties. This was due to timber activity, natural resource activity, forest health issues, water quality, and the stability of jobs (and this was taking into account a fairly robust tourism industry). He said that public impressions, perceived or real, regarding safety while participating in recreational activities within their communities has adverse impacts. He said the percent of children who received free or reduced lunches in their schools was at 50 – 57%. He said the last perceived threat to safety, a landslide that occurred in 2014, jumped that number up to 65-70% of children who were receiving free or reduced lunches. He said that the introduction of the grizzly bear would have the same impact.

Ron Scutt, a retired school teacher from Stehekin, Washington, was present to read a letter from Clifford Courtney with Stehekin Outfitters regarding the economy and jobs of those who take visitors into the high country and whether or not the amount of visitors would increase or decrease with the introduction of grizzly bears. The business started in 1947 with familial roots dating back to 1889 and he questioned whether grizzly bears ever had a sustained population in the area. Mr. Courtney determined that the stigma and fear of a grizzly bear encounter would equate to people avoiding the outdoor experience entirely and he had additional concerns regarding increased regulations and additional closures. Mr. Scutt said that Stehekin Outfitters had not been engaged in any conversations in relation to the Draft EIS.

The letter from Clifford Courtney which Mr. Scutt read from can be found here:
<ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/04242017/>

Okanagan County Commissioner Hover shared that the Methow Valley had the largest contiguous trail system in North America and he noted that portions of the trail system would be coming into contact with the North Cascades ecosystem. He said that the Town of Mazama and the Town of Winthrop were approximately 20 – 30 miles away

from the grizzly bear drop off site. He said that he understood that a male grizzly bear had a 500 square mile range and a female grizzly bear had a 100 square mile range.

Regarding cattle grazing, he did not find any impacts on cattle grazing identified in the Draft EIS. Okanogan County has a long history of cattle grazing with some of the first permits issued in the 1930's. Cattle grazing was part of their customs, culture, and economic vitality. He asked which agency was lead for the management, mitigation and resolving conflicts with grizzly bears?

Randy Good of Hamilton and vice president of the Skagit County Cattleman's Association was a beef farmer and said that predation by grizzly bears would cause huge losses. He said the loss of one beef cattle amounted to \$3,500 and one calf to \$900. He said the Draft EIS failed address how ranchers and dairy farms would be compensated for losses. He was also concerned about the transmission of TB by grizzly bears and the mismanagement of the grizzly bears. He briefly discussed the mismanagement of the introduced herd of elk in Skagit County.

Skagit County Commissioner Janicki said that the Draft EIS focused on forest service land for grizzly bear habitat since not a lot of activity was occurring on forest service land, which, they had purposely pre-planned.

She was concerned about the forestry industry and what amount of state trust lands would need to be put in place for the plan. She said additional restrictions were not needed on state managed trust lands. She was concerned about grizzly bears migrating onto private lands and what additional restrictions would follow the grizzly bear. After speaking to the Uplands Manager from Sierra Pacific, a large, local lumber mill in Skagit County who had land in the Finney Creek area, she understood that they were not interested in setting aside any additional lands for grizzly bears since they already mitigate for many other species.

10. Discussion of the Impact Analysis, Alternatives and Sufficiency of the Grizzly Plan Draft Environmental Impact Statement

Executive Director Byfield discussed concerns that no analysis of local impacts was contained in the Draft EIS. She said that there were a lot of conclusionary statements and no analysis of other Grizzly Bear Recovery Zones and how similar events would relate to the North Cascades. Just what would impacts be to the economy and jobs? Executive Director Byfield said that the \$3,500 loss from a cow has a multiplier effect.

A study by King County showed the multiplier effect from livestock grazing was 45% (compared to 3 – 4 % of recreation) because people who live here buy things here. Also, local people are the infrastructure of their counties. They are the ranchers who are also in search and rescue, on-call volunteer firefighters, on school boards, etc. The loss of one cow equals to so much more and the Draft EIS did not recognize or analyze that information. NEPA requires it be analyzed.

Chelan County Commissioner England thanked Ron Scutt for attending. He understood that the National Park Service and U.S. Fish and Wildlife Service was focused on finding another location for grizzly bears, but the Commissioners were focused on the health, safety and welfare of residents. The comment that the range for a grizzly bear would be similar to that of the black bear had concerned him. He lives in Manson, a tourist town with apple orchards, cherry orchards, and black bear problems. Fish and Wildlife was no longer providing fire crackers to scare off nuisance bears due to safety concerns. Instead they offered cases of dryer sheets to tie on the tree limbs to scare off the black bears.

At past meetings held in Cashmere and Wenatchee with the National Park Service and U.S. Fish and Wildlife Service the Commissioners and residents were informed that any worries about grizzly bears could be handled using a 10(j) determination, and in the Draft EIS it is common to all action alternatives, but, there were no requirements that the designation would actually be pursued.

On further review of the Draft EIS, he also could not find any discussion regarding what would trigger the 10(j) determination. What level of "problem grizzly bear" would trigger action? Chelan County Commissioner England read from the Draft EIS which said that if the population of grizzly bears was designated as a 10(j) experimental population,

then additional management measures may become available to further reduce any impacts on communities or economic sectors.

A document used by federal agencies to guide NEPA preparations called *Forty Most Asked Questions Concerning EEQ's NEPA Regulations* said that all relevant, reasonable mitigation measures that could improve the project are to be identified, even if outside the jurisdiction of the lead or cooperating agencies, so that extra measures can be implemented. He also read that the EIS was supposed to be the most comprehensive environmental document and was an ideal vehicle for laying out the full range of environmental impacts and the full spectrum of appropriate mitigation. He could not find specific mitigation measures in the Draft EIS nor whether or not the grizzly bear population would be designated as an essential or non-essential population.

Chelan County Commissioner England read from page 31 of the Draft EIS that said if U.S. Fish and Wildlife decides to pursue the designation of a 10(j) experimental population, then they would conduct a rulemaking process, which would be initiated during the EIS process. He asked why they were delaying the 10(j) process and said that precedence showed that it should be prepared at the same time along with the Draft EIS. He said if rules were available for landowners to protect themselves, why were they not already drafted for comment? There were many areas of mitigation measures that Chelan County would want to see and contribute input towards.

Regarding grizzly bears that leave the designated recovery zone, he understands they will retain the same protections within the area that they occupy. Would this not expand the recovery zone? He found written in the Draft EIS that "On-going human actions in grizzly bear habitat may contribute to bear-human conflicts....Management of livestock grazing, timber harvest, mining, road construction, recreation, oil and gas exploration and development should be compatible with grizzly bear habitat requirements. An effort is needed to reduce road densities throughout the Recovery Zone." Chelan County Commissioner England said that most of the area designated today is state and private land, and the grizzly bears would be ranging onto private lands.

Chelan County Commissioner England also pointed out that the Draft EIS did not adequately explore the possibility and impacts regarding fish predation. Millions of dollars have been spent by local agencies to reintroduce salmon to rivers and streams. To bring an apex predator to the same area, and say that they will not eat fish, shows inexperience. He said grizzly bear traps use cattle blood and fish meal as the attractant, and if grizzly bears are generalists, they will be eating fish.

The comments provided by Chelan County Commissioner England can be found here: <ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/04242017/>

11. Follow up Issues and Next Meeting Date

Executive Director Byfield said that one of the concerns was about the way the Draft EIS was constructed. It was a very narrow review of alternatives. NEPA requires a comparative look at alternatives in order to provide the public different options for moving forward which are sharply defined. The three action alternatives are not sharply defined. The goal of each is the same: to bring 200 grizzly bears to the North Cascades Ecosystem and the only difference is how quickly it is done.

She said this was one of the fundamental problems with the Draft EIS and she is aware of case law to that effect.

The EIS prepared for the Bitterroot Recovery Zone was comparable to the North Cascades Draft EIS in that they each called for a population of 200 grizzly bears. The alternatives contained in the Bitterroot plan were better defined and included: the use of the 10(j) Rule, the action to recover 200 grizzly bears, and no action at all. She said this broader look sharply comparing alternatives was missing from the North Cascades Draft EIS.

Also missing from the Draft EIS was an alternative to resolve conflicts with the counties' positions. The Draft EIS needed to be revised to include sharply defined alternatives which also included one that addressed the counties' positions. Executive Director Byfield said that this work could be accomplished by going back and providing a Supplemental EIS (which is done frequently) or re-doing the Draft EIS.

Executive Director Byfield was also concerned about the National Park Service and U.S. Fish and Wildlife Service's public relations materials. She noted that the stated intentions of the study were not what was worked on, and that the Needs and Purpose Statement was missing. She said a Needs and Purpose Statement was "the four corners of a document" and that every single alternative studied needed to agree with the Needs and Purpose Statement.

Additional concerns were that press releases said that the purpose of the Draft EIS was to determine whether or not to recover grizzly bears in the North Cascades Ecosystem. She did not find public analysis performed on whether or not grizzly bears should be reintroduced in the North Cascades. She found that the alternatives were disingenuous and too similar.

Executive Director Byfield recommended that the counties request that the National Park Service and U.S. Fish and Wildlife Service consider whether a supplemental EIS would accomplish addressing their concerns and create a Draft EIS that was sufficient enough to move forward, or if the National Park Service and U.S. Fish and Wildlife Service should start the process over from the beginning.

She suggested that the National Park Service and U.S. Fish and Wildlife Service answer the questions asked during the meeting and let the counties know if they would be providing a Supplemental EIS or starting over. She said that these needed to be answered before releasing the final EIS and that the problems with the studies and the science be addressed.

Discussion followed regarding answering questions and setting additional meetings, and, the steps that would be taken after the public comment period closed on April 28, 2017.

National Park Service Superintendent Karen Taylor-Goodrich said that they would continue to work the counties after April 28, 2017, since it was government to government.

Discussion followed regarding the comments received by the National Park Service and U.S. Fish and Wildlife Service and that the length of time estimated to review and respond to comments (123,000 had been received to date) and finalize the EIS would be pushed out from Winter of 2018.

Discussion followed regarding the dissemination of the comments and if they could be grouped by geographical area. There were concerns that an international comment might be given more consideration than a local comment.

National Park Service Superintendent Karen Taylor-Goodrich said that comments were weighted by substance and they were looking to see what might have been missed or what might need to be reconsidered within the Draft EIS.

Town of Darrington Mayor Rankin asked if, in the spirit of coordination, the questions asked today would be answered before the 123,000 other comments/questions, and, how long might it take the National Park Service and U.S. Fish and Wildlife Service to provide answers?

Skagit County Commissioner Janicki suggested that another meeting be set after the National Park Service and U.S. Fish and Wildlife Service provided answers to their questions and concerns.

U.S. Fish and Wildlife Service State Supervisor Eric Rickerson requested a copy of the transcript of the meeting so that they could work on providing answers, and, he said that while some of the information could be provided quickly, some of it might take longer to put provide to the counties. He agreed that additional meetings and conversations would be beneficial.

Executive Director Byfield reminded the National Park Service and U.S. Fish and Wildlife Service that not only would answers need to be provided, but additional information needed to be provided on how they were going to be working on the conflicts

with the counties' positions and objections, how that would be stated in the environmental consequences section, and how they would put together an alternative to resolve those conflicts.

The Draft EIS needs to include how the local governments position is going to be stated in the study and how it will be addressed.

Chelan County Commissioner England noted that the phrase "if funds are available" was scattered throughout the document. He asked who would be paying and said that the Draft EIS should include that information.

Skagit County Commissioner Janicki requested that another meeting be scheduled approximately 30 days after the minutes were finalized.

U.S. Fish and Wildlife Service State Supervisor Eric Rickerson thanked the counties for the meeting and said that they would start collecting some of the information requested today (which was a lot of the background information).

12. Adjournment/Counties Close Respective Meetings

Skagit County Commissioner Wesen thanked everyone for their attendance and recessed the proceedings at 5:51 p.m.

IV. CONSENT AGENDA ITEMS FOR FURTHER DISCUSSION:

Behavioral Health Program Coordinator Sarah Hinman provided additional information on Consent Agenda Item no. 14.

Equipment Division Manager Mike Elde provided additional information on Consent Agenda Item no. 20.

Chair Wesen briefly discussed Consent Agenda Item no. 9.

V. CONSENT AGENDA FOR MONDAY, APRIL 24, 2017 (items 1 through 20):

A motion was made by Commissioner Dahlstedt to approve Consent Agenda Items 1 through 20, including all items requiring ratification, vouchers and warrants for Monday, April 24, 2017. Commissioner Janicki seconded the motion.

The vote passed unanimously.

a) COMMISSIONERS:

1. Record of the Proceedings for Monday, April 17, 2017. **(Approved)**

2. Record of the Proceedings for Tuesday, April 18, 2017. **(Approved)**

b) BUDGET AND FINANCE:

3. Amendment No. 2 to Interlocal Cooperative Agreement No. C20160410 with the Town of Concrete which awards \$350,000 of Economic Development/Public Facilities Project grant funds to support the First Street Waterline Extension Project as authorized by Resolution No. R20160202. This Amendment extends the expiration date of the Agreement from June 30, 2017, to December 31, 2017, to allow for completion of the project. All other terms and conditions of the original Agreement and subsequent Amendment shall remain in effect. **(Amendment No. A20170033)**

c) DISTRICT COURT:

4. Resolution to increase the amount of the Skagit County District Court change fund from \$450 to \$600 in order to make change of larger bills. **(Resolution No. R20170092)**

d) FACILITIES MANAGEMENT:

5. Vendor Services Agreement with Wetlands Creation, Inc. to remove 100 linear feet of railroad tie retaining wall behind the Technology Center and replace it with an interlocking stone block wall. Compensation shall not exceed \$8,900 plus applicable sales tax. The Agreement shall commence on the date of execution and shall continue for three months. **(Contract No. C20170201)**
 6. Vendor Services Agreement with Kamps Painting Company, Inc. to remove and replace decaying curbs at the Technology Center and at the gated staff parking lot on the southwest corner of Kincaid and 3rd Street in Mount Vernon. Compensation shall not exceed \$9,920. The Agreement shall Commence on the date of execution and continue for three months. **(Contract No. C20170202)**
- e) GEOGRAPHIC INFORMATION SERVICES:
7. Interlocal Cooperative Agreement with the City of Burlington to establish a cost sharing partnership for Pictometry aerial photography and support software. Compensation shall not exceed \$10,000. The Agreement shall commence on the date of execution and continue until June 30, 2019. **(Contract No. C20170203)**
- f) INFORMATION SERVICES:
8. Agreement with Adaptive Insights, Inc. to provide budget preparation software. Compensation shall not exceed \$93,901 plus applicable taxes and fees. The Agreement shall commence on June 20, 2017 and continue until June 19, 2019. **(Contract No. C20170204)**
- g) PROSECUTING ATTORNEY:
9. Ordinance amending Skagit County Code Chapter 2.40, Claims Against the County, to avoid conflicts between state and local procedures. **(Ordinance No. O20170004)**
- h) PUBLIC HEALTH:
10. Resolution to call for a public hearing to consider testimony regarding the HOME Investment Partnerships Program: Consolidated Plan Action Plan for 2017-2018. The public hearing is scheduled to take place on Monday, May 15, 2017, at 11:00 a.m. or as soon thereafter as possible. **(Resolution No. R20170093)**
 11. Personal Services Agreement with Language Exchange to provide translation services as needed. Compensation shall not exceed \$25,000 and is based on an hourly rate schedule. The Agreement is being ratified to commence on January 1, 2017, and shall continue until December 31, 2018. **(Contract No. C20170205)**
 12. Personal Services Agreement with Compass Health for the provision of services in accordance with the Department of Commerce 10B Home Security requirements for individuals exiting inpatient behavioral health settings who are homeless, or homeless individuals with behavioral health disorders. Compensation shall not exceed a total of \$6,000 for reimbursement of rent and shelter related expenses. This Agreement is being ratified to commence on April 1, 2017, and shall continue until June 30, 2017. **(Contract No. C20170206)**
 13. Funding Agreement with Home Trust of Skagit to distribute Economic Development Facility Funds pursuant to RCW 82.14.370 which will be used to reimburse recipients for eligible impact and utility fees for four (4) affordable homes being built. Compensation shall not exceed \$66,668. This Agreement is ratified to commence on April 3, 2017, and shall continue for one year. **(Contract No. C20170207)**
 14. Amendment No. 1 to Professional Service Consultant Agreement No. C20150561 with Paul Schissler Associates, Inc. to provide technical assistance services for the Community Development Block Grant-funded Assistance for On-Farm Infrastructure project. This Agreement updates the Payment Schedule to allow work to be performed by a subcontractor of Paul Schissler Associates, Inc. The term remains the same, ending December 31, 2017, and compensation remains the same and shall not exceed \$60,000. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20170034)**

15. Amendment No. 2 to County Program Agreement No. C20150623 with the Washington State Department of Social and Health Services (DSHS) Behavioral Health and Service Integration-Division of Behavioral Health and Recovery DSHS Agreement No. 1663-53477 to provide vouchers to Access to Recovery eligible clients for chemical dependency treatment and/or recovery services. This Amendment extends the term an additional year, ending April 30, 2018. Compensation is increased by \$100,000 pursuant to the Special Terms and Conditions (Section 7, 7, and Exhibit B). Compensation shall not exceed \$300,000 which is funded by a Federal Access to Recovery grant. All other terms and conditions of the original Agreement and subsequent Amendment shall remain in effect. **(Amendment No. A20170035)**
 16. Amendment No. 3 to County Program Agreement No. C20150623 with the Washington State Department of Social and Health Services (DSHS) Behavioral Health and Service Integration-Division of Behavioral Health and Recovery DSHS Agreement No. 1663-53477 to provide vouchers to Access to Recovery eligible clients for chemical dependency treatment and/or recovery services. This Amendment corrects the amount of compensation and reduces it by \$40,000. Compensation shall not exceed \$260,000 which is funded by a Federal Access to Recovery grant. All other terms and conditions of the original Agreement and subsequent Amendments shall remain in effect. **(Amendment No. A20170036)**
 17. Amendment No. 1 to Personal Services Agreement No. C20160448 with Denna Vandersloot dba Vandersloot Training and Consulting to provide consultancy and leadership activities around the County's transition to full healthcare integration. This Amendment increases compensation by \$20,000, for a new total amount not to exceed \$89,000, and extends the term by six (6) months, ending December 31, 2017, in order to fully facilitate the Scope of Work. All other terms and conditions of the original agreement shall remain in effect. **(Amendment No. A20170037)**
- i) PUBLIC WORKS:
18. Amendment No. 1 to Vendor Services Agreement No. C20160469 with Cummins Inc. to provide for main engine overhaul, repair, and technical support for the Guemes Island Ferry as authorized by sole source Resolution No. R20160153. This Amendment increases compensation by \$5,066.44 for additional, unanticipated repairs. Total compensation shall not exceed \$121,920.44. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20170038)**
 19. Vendor Services Agreement with Pacific Northwest Scale Company, Inc. to provide scale calibration, maintenance and repair at the Transfer and Recycling Station located at 14158 Ovenell Road in Mount Vernon, and at the Transfer Station located at 50796 Sauk Landfill Road in Concrete. Compensation shall not exceed \$24,000 based on a rate schedule. The Agreement shall commence on June 1, 2017 and shall continue for two years. **(Contract No. C20170208)**
 20. Vendor Services Agreement with At Work to provide landscaping and maintenance for divisions in Public Works to include the Guemes Island Ferry Terminal, Operations, and Solid Waste. Compensation shall not exceed \$18,534 plus applicable sales tax. The Agreement shall commence on the date of execution and continue for one year. **(Contract No. C20170209)**

VI. MISCELLANEOUS:

a) FACILITIES MANAGEMENT:

1. Resolution Bid Award for Furniture, Fixtures, and Equipment (FF &E) for Use in Skagit County Community Justice Center. **(Resolution No. R20170094)**

Facilities Manager Dan Fitting provided information on the miscellaneous agenda item.

A motion was made by Commissioner Janicki to approve the Resolution as presented by Mr. Fitting. Commissioner Dahlstedt seconded the motion.

The vote passed unanimously.

VIII. ADJOURNMENT:

Chair Wesen adjourned the proceedings at 5:51 p.m.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Ron Wesen, Chair

Kenneth A. Dahlstedt , Commissioner

Lisa Janicki, Commissioner

ATTEST:

Clerk of the Board