

Skagit County Agricultural Advisory Board (AAB)
Minutes – June 21st, 2006

Members in attendance:

Oscar Lagerlund (Chair)
Dave Boon (Vice-Chair)
Mike Hulbert
Bill McMoran
Randy Good
Lyle Wesen
Bob Hughes
John Vendeland
Murray Benjamin
Kraig Knutzen (for Roger Knutzen)

Members not in attendance:

Annie Lohman
Kim Mower

Others in attendance

Gary Rowe
Jan Flagan
Don McMoran
Carly Ruacho
Allison Deets

1. Call to order & introductions:

Chair Oscar Lagerlund called the meeting to order at 7.00 pm. He welcomed members and guests Gary Rowe (Skagit County Administrator) and Jan Flagan (Skagit County Public Works) to the meeting.

2. Minutes:

Chair Oscar Lagerlund called for review and approval of the minutes for the April and May meetings. Murray Benjamin moved, and Dave Boon seconded, approval of the minutes as presented. Motion carried.

3. Bayview Stormwater Plan – Jan Flagan

Jan Flagan, with Skagit County Public Works – Surface Water Management, provided an update on the status of the Bayview Stormwater Management Plan. Public Works is preparing to issue a final report, but has two more issues to resolve prior to finalization of the report. The large pump station is not financially viable, and the County needs to look at alternatives to that. Additionally, there have been a lot of questions about why Public Works can't just widen ditches to deal with the stormwater issues; while it won't work for the entire Bayview area, Public Works is exploring ditch widening in some areas.

Public Works has been talking with developers, Planning & Development Services, farmers, and other interested parties about how to plan and implement the Stormwater Plan. As part of this planning process, Public Works is going to evaluate already-allowed development on the Ridge within the UGA and determine its impact, which will help define financial report needed from development community. Public Works will be examining the total maximum future development potential within UGA (plan looks 20 years into the future), and its impacts.

In addition to the Bayview Stormwater Management Plan, Public Works is participating in an evaluation that The Nature Conservancy is doing. The study is modeling outflows, and Public Works is particularly interested in the examination of sedimentation

issues. Public Works has also established a project in the Drainage Utility shop to look at chronic problem areas for sedimentation. First, the Department will work on getting projects on line for dredging during the proper timeframe, but then Surface Water Management will begin looking at long-term solutions.

AAB member Lyle Wesen asked what happens if none of the proposed solutions is considered economically feasible. Jan Flagan said that the 300 cfs pump station was going to be the largest in the county, before it was found to be infeasible. The other solutions, which are much smaller in scope and scale, are within the realm of reasonability. The goal is to not allow the ditch elevations to increase. The large pump station was recognized as being needed to keep the elevations from rising too high; Public Works will now look at other options – the options will not restrict flow from rising at all, but maybe it will be a reasonable and livable amount.

Kraig Knutzen, proxy for AAB member Roger Knutzen, asked about the projected timeline for completion of this project. Jan Flagan said that Public Works intends to have a revised Stormwater Management Plan to the Commissioners for consideration by the end of the year.

Don McMoran said he's curious why nobody's looking at holding back some of this water for irrigation purposes or creating additional storage for future use. Jan Flagan said she is not the right person to ask – the decisions are being made based on the needs of the farmers and their focus has been on getting the water away.

County Affairs – Gary Rowe

County Administrator Gary Rowe provided an update on the instream flow rule. He said the County recently reached settlement with the Department of Ecology (DOE; draft rule amendments were published and go into effect this month (June) or next. AAB member Dave Boon asked about a recent column in the Skagit Valley Herald about litigation and exclusion of tribal interests in the negotiation with DOE. Gary Rowe said that the County was able to convince DOE to work with the County to come up with solution because the County and DOE were the major parties involved, and tribes were merely interveners. Knowing that, DOE determined to go forward with negotiations; the County is confident that the instream flow rule will go forward in spite of filings in court.

There are several significant elements of the negotiated instream flow rule:

- developing water budgets for all tributary areas. The role of the County is to account for wells and the amount of water being debited against budget. There is a credit for houses that have septic where water is going back into the ground.
- The County is required to develop a mitigation plan – for example, in the Nookachamps, working with PUD to get homes on PUD and off wells to offset water debits.
- Reservation for application for water rights (for example, big development can't now get a water right, but not going to go on wells).

- Irrigation set-aside 10cfs for irrigation. Along with that, there will be a process to apply for water rights.

Skagit County will be establishing a Citizens' Advisory Committee to recommend water use from the mainstem water reservations, and DOE will seek input from the Advisory Committee when making water allocations. A Water Resources Board will advise county and work with DOE. Skagit County is working to combine the work of the CIDMP with this water resources board. If the authorities are coupled (CIDMP and Water Resources Board), the County may be able to get DOE to break out of its regular mode of operation. The community would then have an opportunity to help DOE make the decision regarding water rights applications.

A US Geological Service groundwater study demonstrated that there are areas of county that are not under the influence of the Skagit River. For example, drilling a well in Bayview will not take water away from Skagit River. The County needs to identify areas where groundwater withdrawals won't cause impairment to instream flows, and is working already to ramp up this process and begin its own study.

There is also no requirement for metering in the rule. While we like that, there could be an advantage to metering if the recharge rate is higher; the County could get "credits" back in its waterbank with metering.

Skagit County looks at the new instream flow rule as a rule it can live with, and considers the litigation to be finished. The only bump in the road comes from PUD; Skagit County believes PUD should be partner, but unfortunately PUD has been against the County on this issue.

Murray Benjamin asked about the proposed Skagit Environmental Bank, a wetland mitigation bank project of 800 acres. The proponents are trying desperately to fracture the ag community and try to reach some kind of agreement with a few players within the community. What is the County's position? Gary Rowe responded that the County hasn't had any specific discussions with DOE. With staff's help, DOE and the US Army Corps of Engineers are coming to provide information to the County Commissioners about wetland mitigation banks and the mitigation banking pilot program. The County is not going through a specific process now for specific projects.

Comprehensive Plan Update – Carly Ruacho

PDS staff Carly Ruacho provided an update on Comp Plan process. PDS met with the Planning Commission on June 6th to discuss the schedule and organization of deliberations. Deliberations begin in mid-July. PDS is working on response memo for comments received. The Planning Commission will meet every Tuesday throughout the summer, tackling one topic per night; if the Commission can't get through the topic in a single night, the issue will be extended to the Thursday night of the same week. At this time PDS is not sure when Ag issues will be taken up. PDS may enlist the help of the AAB to respond to the comments. The Planning Commission does not want to meet in September at all, so the schedule will be tough to meet.

Regarding the habitat special use permit, the County has had an internal working group, comprised of Public Works and PDS staff, to try to sort out the processing and implementation of that permit. This is getting into new territory for the two departments, and it will be challenging to resolve. There are no current approval thresholds for processing the permit, and it will be very hard to develop them. One suggestion is to take it back to a regular special use permit process. As with every topic, a decision has to be made whether to go forward with a recommendation to adopt the habitat special use permit, and it may be difficult to do so given the comments against the permit, from some fairly high-profile stakeholders. The priority for the Comp Plan and association regulations has to be to achieve GMA compliance, and while this permit may be compliant, it is not without controversy.

The mapping element of the Comp Plan update will be completely separate from the overall policy and regulatory aspects of the update. Mapping questions will come after the rest of the package is completed.

AAB member Lyle Wesen moved, and Dave Boon seconded, inviting Oscar Graham to the next meeting to discuss probability of AAB recommendation being recommended for tabling. Carly Ruacho reported that PDS is having a meeting sooner than that to discuss things to be recommended for tabling or moving forward. Lyle Wesen withdrew motion because of timing issue. Lyle Wesen, Oscar Lagerlund, Mike Hulbert, Bob Hughes will meet with Oscar Graham to discuss the issue of the habitat special use permit prior to the PDS meeting.

Woods Walk Report – Randy Good

Randy Good provided a report on the 23rd annual Woods Walk sponsored by the Washington Women in Timber on June 9th. He reported on modern logging practices, including clear cuts and selective harvest. Janicki is in the middle of a 170-acre selective harvest on DNR-owned land on Sultan Mountain; selective harvest methods have become incredibly sophisticated and non-invasive. Another 20-acre site toured is being clear-cut. Representatives from the timber industry and DNR provided extensive information on current regulations and rules related to harvest, buffers, and replanting. Timber companies are also doing intensive development and management of their timber resources, selecting only the best seeds with the best characteristics for replants, and propagating improved trees. Randy Good noted that only one opponent to timber harvest was on the tour, and the Committee agreed that more opponents of timber need to participate in these tours to learn about the industry. The same applies to agriculture.

Miscellaneous

Bob Hughes said his District is in the process of trying to put in three or four tidegates this summer, including one emergency tidegate from a recent blow-out. Lyle Wesen said that up in Edison, nothing good is happening related to tidegates; a lot of money is being spent to take out the existing tidegate and put a new one in. In the meantime, the District is seeing a great deal of sediment build-up.

Chairman Oscar Lagerlund called for adjournment at 9.05pm.