

**Skagit County Board of Commissioners  
Public Hearing: Shoreline Master Program Update  
February 22, 2022**

**Commissioners:** Ron Wesen (District 1)  
Peter Browning (District 2) – Chair  
Lisa Janicki (District 3)

**PDS Staff:** Hal Hart, Director  
Betsy Stevenson, Senior Planner/Natural Resource Manager  
Peter Gill, Long Range Planning Manager

**Others:** Dan Nickel, Shoreline Master Program Consultant

**Public Hearing Speakers:** Kyle Loring, Attorney (for several citizen groups)  
Marlene Finley, Evergreen Islands  
Kathleen Lorence-Flanagan  
Hal Rooks, Guemes Island Planning Advisory Committee (GIPAC)  
Rein Attemann, Washington Environmental Council  
Nora Kammer, Skagit River System Cooperative  
Steve Orsini, GIPAC  
Molly Doran, Skagit Land Trust  
Amy Trainer, Swinomish Indian Tribal Community  
Tom Glade, Evergreen Islands  
Tim Manns, Skagit Audubon Society  
Patrick Donnelly

Chair Peter Browning: All right, good morning. I'm Chair Browning and this is now ten o'clock Tuesday morning – 10:30 Tuesday morning, a.m., March 1<sup>st</sup>, 2022, and I'd like to call this – order the Board of County Commissioners – call us *back* into order. The purpose of this open hearing is to receive testimony on the Shoreline Master Program Comprehensive Update and Periodic Review. Before we begin, we will hear a brief presentation on the proposal from staff, and following the presentation everyone will have an opportunity to speak; however, if this hearing extends beyond the one hour we've attributed, the hearing may be continued to a later date and time. So this is – we will see how many people. At this point I have 10 people on the speakers list. So those that haven't signed in ahead of time, we'll give you an opportunity after the first 10 people signed and then we will see if we need to extend this to more time.

So let's start with Hal Hart, your Planning director.

Hal Hart: Good morning, Commissioners. Good morning, community. Hal Hart, Planning and Development Services director. Today with me is our Shoreline team composed of Peter Gill, our planning manager; Betsy Stevens (sic), our natural resource manager; and Dan Nickel, our consultant. We do have a few brief slides, which will be followed, I think, by some housekeeping that Peter will attend to with you. Thank you.

Peter Gill: Good morning, Commissioners. I do have a couple of slides, if I can share my screen here, just to kind of set us off – let us know what we’re talking about today. So we’re here to talk about the draft Shoreline Master Program. The draft that we’re here to hear comments about today is the February, 2022 draft. This is considered the Board of Commissioners’ public hearing draft. It is a cleaned up version of the 2021 Shoreline Master Program that incorporates the recommendations from the Planning Commission as well as the Department in this document. There are about a dozen changes that show up in this draft as well as some cleanup of text.

To provide a little context for today’s discussion, I thought it’d be relevant to talk about the public review process. This was hit on with quite a bit more detail by Betsy Stevenson on January 25<sup>th</sup> in our original meeting, but to start it off we had visioning workshops on the SMP in 2011 through 2013. We had a Shoreline Advisory Committee as well. We had the first SMP working draft that was put out in 2012, followed by a number of open houses that some of you may have participated in. A revised draft in 2013 was then taken to the Planning Commission and was the subject of work sessions through 2014, 2015, and in 2016 a public hearing was held on a Planning Commission draft. There was a bit of a holdup on further work until 2021, and that is kind of the subject of – where I picked up in 2021. In April we put out a public review draft; we launched an online open house website; we had monthly online public meetings; and we held a comment period open for 60 days from April 22<sup>nd</sup> through June 22<sup>nd</sup>; and the public hearing was held on May 11<sup>th</sup>, 2021. Through that process and through those comments we received 87 written comments, 11 verbal comments at the hearing. That was the subject of the remaining Planning Commission meetings for the rest of 2021 until they passed their recommendation in the form of a recorded motion on November 30<sup>th</sup> of last year.

Based on that information, we had discussions with the Board January 25<sup>th</sup> and February 7<sup>th</sup> where the Board accepted a number of comments that were incorporated into the draft that is the subject of today’s hearing. Part of – through that comment process we did receive requests to extend the comment period for today’s public comment period past the end of today. We received two requests, one for 14 days’ and one for 30 days’ extension, and so we would like some dialog or some consideration on whether the Board would like to consider extending the comment period. We do have a resolution that is available if the Board would like to extend the comment period past the end of today.

And folks that have not commented yet that wish to do so, the email address that is shown there on the screen, at [pdscomments@co.skaqit.wa.us](mailto:pdscomments@co.skaqit.wa.us), is how you can send us comments, and we will get those incorporated into what the Board receives in terms of public comments. Keep in mind this is in addition to all the public comments that were submitted this summer as of June 22<sup>nd</sup>. You can also send comments to the Department. I think you would have to drop them by today. We’re at 1800 Continental Place – that’s in Mount Vernon – if you’d like to bring hand-written comments as well. And, of course, then we have verbal testimony today. But we would like to know if the Board would like to extend that March deadline before we go into the hearing.

Commissioner Ron Wesen: Commissioner Browning?

Chair Browning: Yes?

Commissioner Wesen: So I’m hearing from Peter Gill that we had two comments. People wanted to extend it for 14 days or 30 days, so if we did 30 days that would make it April 1<sup>st</sup>. At 4:30 it would be done. Is that acceptable to the Planning Department?

Mr. Gill: That is.

Chair Browning: Okay. So we need a motion.

Commissioner Lisa Janicki: You know, I think – they said we can do this at either meeting. Our more typical process is to make that recommendation just happen and then take action under Miscellaneous Items at our next session. I'd be more comfortable not doing an action item here, but we can give that direction that we're going to go 30 days. Can I ask one question about the 30 days, though? Does that push us up against any submittal dates with Department of Ecology or – because that's the next step, is that comments are compiled, perhaps some changes made, and then – then does it go straight to Ecology or do we have to then have another public hearing on changes that are made out of this 30-day open period?

Mr. Gill: Chair – if that's her question of staff – that will extend the comment period and we will have to summarize and bring back and respond to those public comments. And then that – any changes that the Board would like to make as a result of those comments then would get incorporated into a draft that would go to the Department of Ecology for their review.

Commissioner Janicki: Okay. And we're not up against a hard – there's not a hard – a drop-dead deadline with Ecology that would be – I mean, if we extend to April 1<sup>st</sup>, which is – looks like a Friday, we're okay doing that as far as the Department of Ecology's schedules.

Mr. Gill: Yes, that would be perfect.

Commissioner Janicki: Yeah, then I'm good with 30 days. That would be great.

Chair Browning: We will do the resolution, as Commissioner Janicki suggested, afterwards during \_\_\_\_\_ (recording wavers here), so we do have 30 days that now extend beyond this.

Mr. Gill: Great. Thank you.

Chair Browning: Perfect. Thank you, Peter. Thank you to all your staff who spent a *lot* of time on this. I know Betsy's lived and breathed this for quite a few years, and it's good to see it's coming to an end.

So the next point of this is everyone here will have an opportunity to speak. We've already talked about extending it past the hour. The clerks have a sign-up sheet for those who called in requesting to speak today. I've been given that. Each person will have three minutes to address the Board. You will be notified when your time is expired. I'm asking the Commissioners to hold any questions until after everyone is done. This is a time for testimony, not debate, so please address all comments to the Board of Commissioners. Written comments on this proposal are not limited in length and will be accepted until the close of business – now not just today at the end of March but on April 1<sup>st</sup>, 4:30 p.m. Verbal comments today will be recorded in the meeting transcript.

Thank you all for taking time to be participants. It's nice to see a lot of people I know and a lot of people I know are really passionate about this. The public hearing is now open. We'll call for the first – I will call the first speaker. Before you testify, clearly state your name; spell your last name for the record; and indicate where you reside.

Clerks, is there anything we need to add – past this? Okay, good.

We will start out: Kyle Loring.

Kyle Loring: Thank you, Chair Browning, and good morning, Commissioners. My name is Kyle Loring. I reside in Friday Harbor, but I've been providing legal counsel to Evergreen Islands in its review of the SMP Update. And as you've probably seen, we've submitted two joint comment letters with the Washington Environmental Council and Guemes Island Planning Advisory Committee. And an attached matrix that identifies expressly with redlines, revisions, that we believe would assist the SMP Update in complying with the Shoreline Management Act requirements. You've also got in your record a host of scientific studies on which those changes would be based. I also note that the Swinomish Indian Tribal Community submitted a very thorough analysis of the draft update and a comprehensive set of proposed changes as well to render this update consistent with the SMA. As drafted, it's not consistent with the SMA. And I want to touch on some of the legal parameters. You'll hear later from several folks about specific issues that need to be changed for consistency with that Shoreline Management Act.

So briefly I want to touch on the SMA itself. It was adopted in 1971 with the recognition that the shorelines of our state are fragile and that the increasing pressure of additional uses being placed on them necessitated increased coordination in their management and development. And as an editorial aside, those pressures have not diminished over the last 50 years since that SMA has been adopted. And as you saw from our comment letters – or the first one especially – we've identified a lot of the ecological degradation that has occurred even since the SMA has been adopted, notwithstanding that its primary purpose is to protect the shorelines of the state as fully as possible.

So in 2003 the Department of Ecology adopted guidelines and there are three particular things I'd love you to pay attention to there: First is that an update like this one must both conserve the remaining ecological functions of a shoreline and promote the restoration of impaired ecological functions. One way it does so is by protecting and restoring critical habitats like wetlands, like kelp and eelgrass beds and spawning areas for forage fish, et cetera. So that's very important: conserve and restore.

Second, the update must conserve adequate shoreline vegetation to protect property, human safety, visual qualities, et cetera, animal species and their habitat. So protecting vegetation is critical as well.

And third, SMPs must be based on an analysis that incorporates the most current, accurate, and complete scientific and technical information. And you'll hear later from some folks who have identified recent scientific information that was not incorporated into the update.

And with my last few seconds, I do want to touch on one very brief flaw, and that is that the SMP update does not create a buffer between docks over water structures and critical habitat like seagrass and kelps. It needs to do so. That would also make it consistent with state laws as well, a 25-foot horizontal buffer.

So I thank you for taking on this large project and I urge *you* to be the officials to be the ones who adopt an SMP update that starts to turn *back* the tide against the ongoing losses of our rich ecological heritage. Thank you.

Chair Browning: Okay, thank you, Mr. Loring. \_\_\_\_\_ your time. All right, Marlene Finley.

Marlene Finley: Good morning. My name's Marlene Finley, spelled f-i-n-l-e-y, and I live in Anacortes. I'm a board member of Evergreen Islands and I'm speaking on behalf of Evergreen Islands.

The Skagit County SMP falls short in protecting shorelines and streams and rivers by allowing timber harvests within the buffers, allowing temporary roads without a permit, and allowing for buffer reductions. Shorelines along streams and rivers – that is, riparian ecosystems – are important for sustaining endangered, threatened, and sensitive species, and they provide habitat connectivity for terrestrial and aquatic wildlife. They provide a full suite of ecosystem functions such as bank stability, shade, pollution filtering, adding detrital nutrients, and providing large woody debris. The ecosystem is incomplete without trees. The draft SMP allows for timber harvests within the shoreline buffers. Please don't quickly dismiss this comment by thinking, Oh well, it's covered under the Forest Practices Act because it isn't. We're not talking about harvests on commercial timberlands. We're talking about the other properties that are not zoned commercial forest. Less trees mean less shade mean higher water temperatures. And keep in mind that in 2020 the Department of Ecology found eight tributaries to the Skagit River exceeding threshold temperatures, or TMDLs, in violation of the Clean Water Act. Not only does the SMP allow timber harvests in the shoreline buffer, the proposed language – the new language – would allow road construction without a permit by calling temporary roads not developments. Roads, even temporary roads, can cause significant environmental impact. Without a permit, how can we know if temporary roads are built correctly and decommissioned properly? To minimize runoff, stream sedimentation, and soil compaction, and the disturbance of archaeological sites. In addition, the draft SMP allows buffer reductions of as much as 75% and buffer reductions of up to 50% to be done without – by administrative variance, meaning no public notice or comment. There's no best available science supporting buffer reductions. All buffer reductions should be reviewed by Department of Ecology and no buffer reductions should exceed 25%. As a member of the public, I'd like to know when the County's considering buffer reductions.

Please protect what healthy shorelines we have remaining. With the changing climate and the developing pressures of this growing population, we need fully functional, resilient ecosystems. Protect the Skagit River. Protect the salmon for us, for species like the orca, and for the future. Thank you.

Chair Browning: Thank you, Marlene. I appreciate your comments. All right. Kathleen Lorence-Flanagan. You're muted, please.

Kathleen Lorence-Flanagan: Okay, I'm Kathleen Lorence-Flanagan. It's a hyphenated last name, l-o-r-e-n-c-e-hyphen-f-l-a-n-a-g-a-n, and I live in Anacortes.

First I just want to thank everybody who's put time and energy into updating this Shoreline Master Program. You're right, Commissioner Browning. It's been a huge project and it's just a really big task. It feels like we might be coming – it might be dwindling down, I guess – the efforts.

Anyway, I just want to comment on two things. Much has been written about the science behind shoreline modifications and what type of modifications have the least impact on ecological functions. The jury is out in favor of soft shoreline modifications. Unfortunately, we humans have contributed greatly to the opposite: hardening of the shorelines, which has had the greatest adverse effect on the ecology of shorelines. With the science there are lots of words that get thrown out – sediment impoundment, beach starvation, habitat degradation, erosion exacerbation. But it's not my intent to talk about those details. Instead I'd just like to say again that soft shoreline stabilization is what is desired. And in fact, the SMP encourages it – that it be done versus armoring. But still the word "boulders" remains in a list of soft stabilization, despite the fact that boulders are solid hard material. And so removing the word "boulders" from the list

of soft materials is requested. Related to this, Evergreen Islands submitted a definition of soft armoring for clarity around the issue, and I urge that it be incorporated into the final SMP.

Secondly, the environmental designations of shorelines includes Rural Conservancy, and it's recommended that development in that environment be limited to water-dependent uses as a means to maintain ecological functions and values, and to not degrade the value – or the rural and natural character of the shoreline. So to expand uses in that designation opens the door to more impacts including traffic, parking, potential contamination from sewage systems, challenges to potable water, challenges to the rural character of the area. Those all seem counter to the spirit of the designation so I'm just asking that the uses in Rural Conservancy not be broadened. Thank you for your time.

Chair Browning: Thank you, Kathleen. All right, next – Hal Rooks. Hello, Hal. You're muted. There you go.

Hal Rooks: Good morning. My name's Hal Rooks, last name's r-o-o-k-s. I'm the chairperson of the Guemes Island Planning Advisory Committee, GIPAC, and I'm providing GIPAC's comments on the Shoreline Master Program draft before you. GIPAC provided more extensive comments in a letter along with Evergreen Islands and the Washington Environmental Council. With the limited time we have today, I'd like to focus my comments on three issues we want to bring to your attention.

The first is the need to rescind the Skagit County attorney's 2019 legal opinion that Skagit County cannot regulate wells drilled on Guemes Island if those wells are not linked to a development permit. Other counties do regulate all well drilling and, in fact, Washington Department of Ecology, which was cited in the opinion, referred us to neighboring Island County for their policies, which Ecology supports and which *do* allow regulation of all well-drilling.

We requested a copy of the attorney's legal opinion by a public records request but this was denied. From what we understand about the opinion, we believe it is flawed because the fragile nature of Guemes Island's aquifers is already recognized in a variety of ways in the Skagit County code. Special regulations apply to wells, alternative water supplies, land division and land use permits because Guemes Island is designated as a sole source aquifer by the federal government and a seawater intrusion area and an aquifer recharge area. In addition, the entire island is a critical area, as defined in the critical areas ordinance, SCC 14.04, by virtue of its designation as both an aquifer recharge area and a seawater intrusion area.

The second issue is that because of Guemes's documented history of seawater intrusion, we believe the County should require that a qualified hydrogeologist review and assess the impact of drilling all wells anywhere on the island. We believe such a review is already required on Guemes because it is a critical area and because SCC 14.24.060 and 14.24.070 require it. But because the County has chosen not to enforce these provisions, we have introduced a code amendment that would require this and we believe the County should recover the cost of the hydrogeologic review from the residents wanting to drill wells.

Third and last item, we favor limiting excessive administrative discretion concerning a variance for buffer reductions. The draft's allowance of buffer reductions between 25 and 50% without hearing examiner review conflicts with the variance standards in the SMA regulations, WAC 173-27-170. We believe giving this much discretion to County staff takes away the voice of the people who might be directly impacted by these decisions, neighbors and other members of the public. Thank you for your attention to these issues.

Chair Browning: Thank you, Hal. All right next: Rein Attemann. Did I pronounce that right?

Rein Attemann: Yes, you did. Thank you very much. Hello, Chair Browning and Commissioners. My name is Rein Attemann, r-e-i-n a-t-t-e-m-a-n-n and I reside in Seattle. I am with Washington Environmental Council, a nonprofit conservation organization with hundreds of members in Skagit County. The top priority for us and our members is the protection and restoration of the Samish Sea, Puget Sound, and the region's rivers, streams, and lakes. Development of smart land use regulations and implementation of them is one essential tool to ensure a healthy environment, clean water, and thriving communities. Thank you for this opportunity to comment on the Skagit County SMP Update. We appreciate all the work and effort from staff on this effort and extending the public comment period until April 1<sup>st</sup> in order to provide a realistic timeframe to review and comment on lengthy technical and detailed documents.

Following the collapse of the commercial fish net pens off Cypress Island in 2017 and the relevant credible science on the ecological harm posed by them, we urge the County to prohibit commercial net pens for *both* non-native and native fin fish. Organic waste from net pens changes the physio-chemical properties and micro-flora by diversity of \_\_\_ sediments below the pens, increases the growth of algae, and introduces chemical and drug contaminants into the environment. Net pens disrupt marine \_\_\_ by attracting carnivorous birds and mammals and the escape of farmed fish has a potential to transmit disease in competition with wild fish. The Skagit County waterways offer some of the most productive native salmon fisheries remaining in the state and must therefore be protected from the high risk of impacts from net pens. It would be more appropriate for fin fish aquaculture to take place in upland facilities with proper pollution controls.

Sea level rise is a real problem and it's happening now with increased flooding, erosion, storm surges, coastal erosion, atmospheric rivers, and saltwater intrusion. The report, called Projected Sea Level Rise for Washington State, a 2018 Assessment, projects that for a low greenhouse gas emission scenario there's a 50% probability that sea level rise will reach or exceed 1½ feet by **twenty-hundred** in Skagit County alone. Despite this compelling report, the SMP fails to adequately address sea level rise with only one single mention in Section 6F-1.1(e), under Hazardous Areas, that touched on the transportation facilities and corridors. The issue of sea level rise \_\_\_\_\_ to generate public interest and participation among the most impacted, such as shoreline property owners, agriculture interests, water-dependent users, and development proponents. We strongly urge that the County include goals, policies, and regulations that will assist the community to plan in depth for sea level rise. In our comment letter that we will submit later in the comment period, we outline four solutions to adopt these goals.

And I'm running out of time, so thank you very much and I look forward to the County adopting strong environmental safeguards for shorelines. Cheers.

Chair Browning: Thank you, Rein. Nora Kammer?

Nora Kammer: Good morning, Commissioners. My name is Nora Kammer. I reside in Bow, Washington. I offer these comments from the Skagit River System Cooperative on behalf of the Sauk-Suiattle Indian Tribe and the Swinomish Indian Tribal Community. Together with the Swinomish Tribe, SRC has submitted lengthy written comments on the SMP draft offered to the public last April.

I have new and specific concern about the new draft prepared for public review in February 2022, and that's buffer width increasing. The new SMP draft allows an applicant's request to reduce a

buffer width by up to 25% to be a decision by the administrative official, as described in County code 14.26.574, and no variance permit process is required. Buffers serve a variety of purposes that benefit both the natural environment and the people who reside there. Buffers preserve a vegetative corridor and provide a variety of ecosystem services including shade, habitat structure, runoff filtration, and provide nutritious \_\_\_ that provide the foundation of the food \_\_\_\_\_. Buffers also serve important functions for the people who live near our shoreline. Buffers allow bank integrity to develop through \_\_\_\_\_. Importantly, buffers provide a physical separation from the dynamic shoreline and provides protection for the built environment from flooding and erosion. Reductions of these protective buffers should be granted after careful consideration of the grounds for justification, risks, and impacts. For these reasons I'm concerned about the reduced evaluation and staff discretion to grant a buffer reduction of up to 25%. It reduces the opportunities and notice for public review. Previous SMP drafts maintained a buffer reduction was a variance permit procedure, offering a clear opportunity for public review and comment to articulate concerns of potential impacts. That opportunity for review is not secured through a staff \_\_\_ decision \_\_\_\_\_ a single-family residential exemption permit. Accounting for buffer reduction in the metrics for no net loss are unclear and risks unmitigated impacts to the shoreline. It is also unsupported by the best available science. There are clear guidelines for what circumstances would allow for a buffer reduction under a variance permit process, as detailed in the draft SMP under 14.26.735, and that includes an appraisal of how application of the standard dimensions interfere with reasonable use of the property. The proposed design will not cause adverse impacts to the shoreline environment; the proposed buffer reduction is compatible with other authorized uses in the area; the variance will not constitute a special privilege not enjoyed by others in the area; and the public will not suffer substantial detrimental effect. This is a transparent process that affords necessary accommodation to property owners while also *clearly* considering the impacts to the natural environment in the community; however, the grounds for granting a buffer as a staff decision are not articulated nor is there transparency in the grounds for decision-making. Please consider retaining the buffer reductions as a clear and transparent variance permit process as drafted in April 2021. Thank you.

Chair Browning: Thank you. Thank you, Nora. All right, Steve Orsini. Hello, Steve.

Steve Orsini: Good morning, Commissioner Browning. My name is Stephen Orsini. Last name is o-r-s-i-n-i. I reside at 4971 Guemes Island Road, Anacortes, Washington 98221. In sections 14.26.540 through 544 of the February 15<sup>th</sup>, 2022 draft Skagit County Shoreline Master Plan there is a discussion of the aquifer recharge areas and how activity in these areas should be managed to protect the aquifers and maintain their water quality. There is even reference to an aquifer recharge area map. The fact is, we do not know where the recharge areas are on Guemes Island. The Guemes Island Planning Advisory Committee, GIPAC, approached Skagit County over four years ago to join it in sponsoring a U.S. Geological Survey follow-on study to identify the aquifer recharge areas on Guemes. Although Skagit County Planning staff thought this a good idea, nothing further was done to help co-sponsor the study, leaving GIPAC to find the 80,000-dollar matching funds on its own. After years of effort, GIPAC was able to secure money through the state legislature to co-fund the study. This study is just beginning on Guemes and will take another two years to complete. Then and only then will the verbiage in sections 14.26.540 through 544 take on any de facto meaning. Unfortunately, although there *will be* best available science to back up the intent of protecting the aquifer recharge areas on Guemes, the management directives contained in these sections of the County code will not be followed. Skagit County issued a legal opinion in 2019 that due to an interpretation of responsibility between Skagit County and the Department of Ecology, Skagit County has no authority to regulate wells on Guemes Island. That opinion is being adhered to by the County and they are not regulating well drilling on Guemes. So all the words in this draft SMP regarding aquifer recharge areas and seawater intrusion are moot.

Well-drilling goes on at an increasing pace everywhere on Guemes Island and the number of households experiencing seawater intrusion in their wells is increasing. Thank you for the opportunity to make this comment.

Chair Browning: Thank you, Steve. I appreciate it. Molly Doran?

Molly Doran: Yes, good morning. I'm Molly Doran, d-o-r-a-n. I'm the executive director of Skagit Land Trust in Mount Vernon, and the Trust has 1500 local individual, family, and business supporters.

The draft Shoreline Management Program has a much improved emphasis on protecting the ecology of our shorelines, and we applaud this. However, as others have noted, there's a striking and complete omission of attention to climate change relating to a change in river floodings, sea level rise, storm surges, and inundation of our marine shoreline areas. With climate change, future impacts to shorelines, ecological values, functions, homes, infrastructure, and agricultural lands are guaranteed. The longer we wait to plan, the more costly the fix is. By far the least expensive strategy and the least risky to us as a community is to plan now for these areas. Case studies in Washington show how including climate change in a shoreline management plan can be done. Ecology is helping to incorporate considerations of sea level rise and shoreline management plans to grants. Whatcom County received a hundred-thousand-dollar grant from Ecology to integrate sea level rise in their planning. The expertise of the Skagit Climate Science Consortium with their extensive local climate change research should be tapped and the County needs to take advantage of these opportunities.

A significant area of the Skagit is at future risk. Impacts of changing climate are happening locally. On or near Skagit Land Trust properties we have witnessed the sloughing of marine bluffs. Erosion is quickening with wet winters, sea level rise, and more storm events. As sea level rises, coastal flooding will increase and storm events will become more damaging in these vulnerable areas. River flooding and the shoreline erosion is also increasing. In the fall floods, 90% of Skagit Land Trust Skagit River properties had some portion under water. Before we protected them, all these properties could have been built upon. Some of our lands were entirely under flood waters. They were historically zoned for housing developments. People say, Yes, but those lands were platted 100 years ago when the future was not known. The headlines reported recently, DNR reports, are U.S. sea level is to rise as much in the next 30 years as in the past 100 years. What we plan for and permit today will be around at least for the next 30 years.

The next required update to the Shoreline Management Plan is eight years away. That is too long to wait to include sea level rise and climate change. Public support for undertaking this planning is strong and continues to increase. County leadership is imperative. Again, we applaud the significant improvements to the Shoreline Management Plan and urge you to include climate change and sea level rise in your planning now. In our submitted comments, we describe several specific changes the County can make to reflect these elements. Thank you.

Chair Browning: Thank you. Thank you, Ms. Doran. Amy Trainer?

Amy Trainer: Good morning, Chair Browning and Commissioners. Thank you for the opportunity to comment. Amy Trainer, t-r-a-i-n-e-r. I'm the Swinomish Indian Tribal Community's environmental policy director and I'm providing comments on the Tribe's behalf.

First I want to thank Hal and Betsy and the staff. I know this is a lot of work. We really appreciate your dedication. I also want to thank the Commissioners and the staff for agreeing to the extension

of time. I'd like to support and thank the excellent comments of Kyle Loring, Marlene Finley, and Rein Attemann. But I'm here for Swinomish today to express concern about the process and the substance of the County's update. We believe that this revised draft does not meet either the letter or the spirit of the Shoreline Management Act and its implementing regulations. Fish and fish habitat are crucial to the cultural, spiritual, subsistence, and commercial activities of the Swinomish Tribe, including its adjudicated usual and accustomed fishing areas which were reserved in the 1855 Treaty of Point Elliott. Swinomish are guardians of the Skagit River and the entire basin, as well as north Puget Sound, and we really had hoped that the County's SMP update would be reflective of the importance of this amazing ecosystem, including the only river in the lower 48 that still has all wild species of salmon spawning in its rivers. The Tribe worked with SRSC to submit a very detailed, 70-page comment letter last June, yet for no explanation – without explanation – the majority of those issues that we raised have never been addressed by the Planning Commission or the County staff. We don't understand how it is that the County has not considered our comments. It is moving forward with proposing a Shoreline Plan that is less protective of the important natural and cultural resources that are integral and the pillar of the Tribe's cultural existence. From our take, the Shoreline update weakens protections that, frankly, are already inadequate to recover salmon and protect or recover the degraded salmon habitat necessary for the delisting of Chinook, bull trout, and steelhead.

One of the big concerns is the just real failure to acknowledge climate change. The Tribe submitted hundreds of pages of the most current, accurate, and complete technical information, yet there's no indication that *any* of these important materials were considered by the County or incorporated at all in the draft before you. This is very concerning.

We – I'm sort of running out of time and it's, you know, hard to cover so much ground in three minutes. But I think it's just important to realize, you know, as a sovereign nation the Tribe hasn't been engaged. It's not acceptable to not account for or address the vast majority of the 70 pages of comments we considered. Skagit does include some of the shorelines of statewide significance, yet this plan does not treat those shorelines as *having* statewide significance. So we will be providing another round of detailed comments. Thank you for the opportunity to comment today and for the extension. But we believe there's a lot of work to do. So whether the County does it or Ecology, there are very serious changes needed before this SMP is going to be able to meet the letter and spirit of the Shoreline Management Act. Thank you.

Chair Browning: Great. Thank you, Ms. Trainer. Tom Glade. Hello, Tom.

Tom Glade: Good morning, Commissioners. This is Tom Glade, g-l-a-d-e, and I'm speaking today on behalf of Evergreen Islands. And I've mentioned this before to probably Commissioner Browning, but I grew up in a small town in the piney woods of Texas. In the early '70s, I moved to Los Angeles County and in the late 80s – 20 years later – I moved to Skagit County. LA's geography is very similar to Skagit County. Like Skagit County, LA County is located on the Pacific coast and is bounded by a mountain range running north-south, with a river crossing through the county. Once steelhead trout lived in the Los Angeles River, and when I first moved to Los Angeles, Orange County – adjacent to LA County – had orange groves, avocado groves, and dairies. And when I moved away 20 years ago, they were all gone, replaced with wall-to-wall suburbs. So Evergreen Islands urges Skagit County to take full advantage of Washington state's environmental laws that will protect Skagit County's irreplaceable national treasures. Thank you for your time today.

Chair Browning: Thank you, Tom. I appreciate your comments. All right, we've got – that is the end of our list of 10, so we've got still another 20 minutes to go, and if my math is right that would

mean we can talk to at least six or seven of you. So anybody who'd like to speak may raise your hand. I'll just do a – yeah, raise your hand on the Chat. It says "Reactions." You can go to the Reactions thing and raise your hand.

Commissioner Janicki: I think Tim Manns was raising his hand. There it goes.

Chair Browning: There it is. Perfect. Great. Thank you, Tim. Go ahead. Your time has started.

Tim Manns: Good morning, Commissioners. Thank you for the opportunity to speak. My name is Tim Manns, m-a-n-n-s. I reside in Mount Vernon, Washington. My remarks are on behalf of Skagit Audubon Society's 415 members. Our interest in the management and protection of marine and freshwater shorelines derives particularly from the relationship to habitat for fish, birds, and other wildlife.

On January 6<sup>th</sup> the *Skagit Valley Herald* ran a picture of water in the streets of Edison. As you know, a seasonally high tide backed water up Edison's slough into the streets and out through the storm drains. Something similar happened in La Conner and has happened before. This event gives a foretaste of what would become a much more frequent occurrence as sea level continues to rise. In 2022, with what we know about sea level rise and changes in river flooding, a reasonable person might assume that a comprehensive update of the Shoreline Master Program for Skagit County, with 275 miles of marine shoreline and many miles of river shore, would address climate change. The response to the request for the SMP to recognize reality in this way has been that law and regulation don't require it. This suggests that our County, our Planning Commissioners, are satisfied with doing the absolute minimum to comply with the Shoreline Management Act. That really is not good enough. I've heard members of the Planning Commission claim scientific expertise, implying that this influences their decisions. It's time to show it. The future will not thank us for failing to address the effects of climate change in plans such as this one. We can plan for these effects now or pay the higher cost in money and suffering later when the bill will inevitably come due. Skagit County has submitted a letter focusing on the provisions of the draft SMP, making it easier to build homes, develop logging roads, and install hard armoring along shorelines, all actions in the wrong direction. We appreciate your attention to the concerns outlined in our letter and to the specific improvements that we request. We also support the more detailed comments submitted by Evergreen Islands and by the Swinomish Tribal Community. Thank you for your time this morning.

Chair Browning: Thank you, Tim. I have room for three more voices.

(silence)

Chair Browning: Okay.

Unidentified male voice: How do I raise my hand?

Chair Browning: Who is speaking? Just – who is speaking?

Patrick Donnelly (formerly Unidentified Male Voice): Patrick Donnelly.

Chair Browning: Patrick. Okay. You're just – you did it. You're set. Good. Thank you, Patrick. Go ahead. You have three minutes.

Mr. Donnelly: Patrick Donnelly, Delvan Hill Road, Sedro-Woolley. I really appreciate hearing every one of these speakers today. I am quite impressed with everyone's comments. Mine: I'd like to address that, first of all, the amount of time that I've spent in dealing a little bit with Betsy Stevenson and Hal and others has been pretty good, and I appreciate Betsy and all of her work; however, my concerns deal (with) some other things and I guess maybe I should just ask the question. So when we pass the SMP and send it to the Department of Ecology, will we then – well, after approved by the Department of Ecology, will we then move from 36.70 to 36.70A, which is a little bit more responsible work for the County to do, from my understanding. And if this applies to that all going forward, I'm certainly not in favor of all of the work that Betsy's put in and everyone else. But we really need to take a look at where we're coming from. Thank you.

Chair Browning: Thank you, Patrick. I see no one else. All right. So thank you all for your testimony. Do any of the Commissioners have a question of any speaker or of the staff?

(silence)

Chair Browning: Ron? Commissioner Wesen?

Commissioner Wesen: Commissioner Browning and Commissioner Janicki and I really appreciate everybody being here and their comments. I appreciate – you know, we were going to extend the written comment period for another 30 days so we can get those comments in. And I'm sure staff can go over the process. Mr. Donnelly did have some good questions there. My understanding is when the Commissioners finally approve something then it goes down to Ecology and then generally they will have a public hearing with Ecology, and then some recommendation changes will be made and then it comes back to the County to decide how we want to deal with those changes. So is that correct, Hal?

Mr. Hart: Yes, sir.

Commissioner Wesen: Thank you very much for everybody being involved and putting in the comments.

Chair Browning: Commissioner Janicki?

Commissioner Janicki: I just want to echo the appreciation for everyone's time. This has been a long process. We do need to get to the right place. And although I have been very clear about just wanting to get a document done, we've got to get this done so that it's meaningful and contemporary with the time. Part of this problem is that it's such an old – the underlying document was so old. So anyway.... You've given me a lot to think about today and I do appreciate that. We'll work with staff and see what can be done next. So I'm glad we've got 30 days.

Chair Browning: Great. And I echo both Commissioner Wesen and Commissioner Janicki's thank-yous and concerns. I think that any policy we have is always going to be to some degree a living document. Even though we reach one point at a time when it becomes effective, we immediately – and Betsy will tell you, she immediately is working towards the next alternation of the document. So we don't want to ever leave the impression that we've reached nirvana and this is it. We're in fact looking for always the good changes as we move forward. So with all of that, I encourage all of you, besides turning in everything you want us to know now, but to stay engaged in this. And I know for some of you – I've been speaking with people like Stephen Orsini and Hal Rooks for many, many years and we've had some involvement. So continue that. That's been very, very important to making this system work. So –

Commissioner Wesen: Commissioner Browning?

Chair Browning: Yes, please?

Commissioner Wesen: If there is still more public comments, I would move that we close the public comment at this time and we extend the written comment till April 1 – but we would have a resolution on that later on in our Consent.

Chair Browning: Great.

Commissioner Janicki: Second that.

Chair Browning: Great. It's been moved and seconded. All in favor, say "aye."

Commissioner Janicki: Aye.

Commissioner Wesen: Aye.

Chair Browning: Three to zero. Great. Thank you. All right. With that, the hearing is closed. Stay engaged. Bring us your – all the information. You've got 30 days and we will do as we said. We will investigate, stay involved and look at what we get from you, and Ecology also has a voice. So again, this is a long-standing process. This is what makes Skagit work, so stay engaged. All right. Thank you very much.