

Skagit County Planning Commission
Work Session with Shoreline Advisory Committee:
Shoreline Master Program Update
December 6, 2011

Commissioners: Jason Easton, Chair (absent)
Mary McGoffin, Vice Chair
Carol Ehlers
Annie Lohman
Elinor Nakis
Matt Mahaffie
Josh Axthelm
Dave Hughes (absent)

Staff: Gary Christensen, Planning Director
Betsy Stevenson, Senior Planner/Project Manager

SAC Members: Herb Goldston
Oscar Graham
Jim Wiggins
Kraig Knutzen
Michael Hughes
Brian Lipscomb
Bill Dewey
Ward Krkoska
Tim Hyatt
Kim Mower

Speakers: Greta Movassaghi, U.S. Forest Service
Bob Warriner, WDFW
Dennis Clark, WDNR
Brenda Werden, WDNR

Vice Chair Mary McGoffin: (gavel) I call this meeting to order. This is a work session with the Planning Department and the – it's a joint session. We have the Shoreline Advisory Committee with us here tonight and we have four presenters. So I would ask our Project Manager, Betsy Stevenson, to introduce our speakers and invite the Committee to introduce themselves.

Betsy Stevenson: First of all, thank you guys all for coming tonight. Hopefully you'll get lots of good information out of it, but I wanted to bring you all together so you could meet each other because you're going to be working together quite a bit. So our Advisory Committee has been meeting for a while and our Planning Commission has been hearing brief updates here and there, but this is going to be kind of one of the first ones where you get very much information.

So I'm Betsy Stevenson, Senior Planner with the Planning Department, Project Manager for the Shoreline Update, so welcome. Our speakers tonight graciously agreed to come and talk to you guys a little bit. Bob Warriner, from the Department of Fish and Wildlife is here. Greta Movassaghi – have I got that right? If I just keep talking fast maybe nobody will notice; you can correct me – from the Forest Service is here to talk about the Wild and Scenic Rivers Act because everybody gets their own ideas of what that all means so I thought we should just hear from her and you could meet her. She's a great resource for us.

Dennis Clark from the Department of Natural Resources is here tonight, and Brenda Werden – is that right? Thank you – is here, with the Department of Natural Resources as well. So ___ Kirk, Gary, let's go around the table and everybody give a brief introduction of yourselves, please.

Herb Goldston: Herb Goldston, and I'm on the Shoreline Management Advisory Committee. I served on the Planning Commission for about ten years with Gary and the rest of the folks here. I know them well. And it's good to be back and I hope I can give input to our planning process.

Oscar Graham: My name's Oscar Graham. I'm a local environmental consultant and I've worked as a shoreline planner since 1988.

Jim Wiggins: My name's Jim Wiggins. I'm in the ___ watershed and I'm also an environmental consultant.

Kraig Knutzen: Kraig Knutzen. I'm involved in agriculture throughout the county.

Michael Hughes: Michael Hughes, in agriculture around the county also.

Brian Lipscomb: Brian Lipscomb. I'm a landowner in Sedro-Woolley along the Skagit River.

Daryl Hamburg: Daryl Hamburg. I'm with Dike District 17 in the Skagit Dike Partnership. I'm also involved with the Flood Control ___ District Advisory Committee and so, needless to say, I'm involved in flood and dikes.

Bill Dewey: William Daniel Dewey with Taylor Shellfish Farms. We have a big clam and oyster farm there in Samish Bay and also I actually have my own personal clam farm in Samish Bay, as well.

Ward Krkoska: And I'm Ward Krkoska and I work for the Skagit Conservation Education Alliance.

Tim Hyatt: Tim Hyatt. I'm with the Skagit River System Cooperative for the natural resources arm of the Swinomish and the Sauk-Suiattle tribes.

Kim Mower: Kim Mower. I'm on the Shoreline Master Plan Committee, as well as the Agriculture Advisory Board. I'm a dairy farmer in eastern Skagit County.

Vice Chair McGoffin: Okay, well, thank you and welcome. Good to see everybody here. So the way we're going to do this is have the presenters go first and then it's going to be kind of informal. You're free to ask some questions. We're going to ask some questions. If it gets out of hand and I need to, like, rein it in then I will, but I think we can manage in an informal manner. So let's try that first, okay?

Ms. Stevenson: Again, I'm Betsy Stevenson from the County Planning Department. I'm going to give the Planning Commission – okay – I'm going to give the Planning Commission a little bit of background. They haven't been delving into this in quite as much detail as the Advisory Committee has so far, so please bear with me, if you will.

I'm going to get in first of all to the Master Program Update process itself. The steps that we're required to do is determine what areas are under actually Shoreline jurisdiction, map those areas, prepare a draft inventory and analysis report. The Master Program itself in the way of the document includes environment designations, the goals, policies and regulations. Something else that we have to prepare about the same time is a restoration plan and a cumulative impacts analysis. Then we'll have local adoption, and public participation goes along for the entire process, and the Ecology review and adoption should happen at the end of the process.

The development of the Master Program: the goals, policies, environment designation and regulations. Some of the regulatory content includes public access; shoreline uses and modifications; vegetation conservation; in-water activities; and upland activities.

The environment designations, which are basically the zoning for the shoreline areas, they're based on the criteria in the guidelines, which are the state guidelines in the WAC; the ecological condition per the Inventory and Analysis Report that's been prepared; and also the existing and proposed land uses we're aware of.

Some of the key issues that we'll be dealing with as we go through this process are:

- Nonconforming uses and structures – how we want to address those and deal with them;
- Overwater structures, which would be piers and docks and things like that;
- Shoreline armoring;
- Buffers and setbacks; and

- Vegetation conservation.

Part of our duties in putting this plan together are balancing all the different things that we have to look at. Some of those are public access, water-oriented uses, public versus the private interest, environmental protection. We're still required to protect critical areas within the shoreline areas. We can have no net loss of ecological function as part of this process and we also have to consider the preferred uses that are spelled out.

The public involvement process which is going on throughout the Update: We've had public visioning workshops – maybe some of you have attended those; I think you have – in Concrete, Lyman, Mount Vernon and Anacortes over the summer. This was the meeting that we had in Lyman. This was the one in Mount Vernon. We had good attendance – probably fifty or sixty people at most all of them. We came up and developed a public participation plan, which I apologize it didn't have a pretty cover on it, but that's the first page of the participation plan. And we also have a Visioning Workshop Summary document which included all the information that we got and also a matrix with some of the comments that we received.

I will do better at getting all of this stuff posted. I haven't had a chance to do that yet but I'm going to get going on that right away so it'll be on the website soon. Here is a copy of the front page of the website. You can't really read this very well, but it is there. Right now the first thing that you see is the Shoreline Analysis and Characterization Report and all the appendices from that. Here is the address for the website, and I did give you copies of all of the presentations so you should have that. One of the really interesting things to do, if you haven't yet, if you go to the website and look at the draft analysis report I think it's Appendix B is the map folio. There's a lot of great maps in there if you want to just click around in there and take a look at them. We really appreciate any kind of input that you may have if you see things that you think are in error or would like to have some additional discussion. So we'd like to have you looking at those.

One of the first things that we did were the draft inventory maps. Some of the things that we looked at are listed here on the screen now. This is just kind of a taste of what's on there.

We divided the county up into three sections – the western, the middle and the eastern section – so here's just a – it's horrible scale, I know, but it gives you some idea of what you can find on the jurisdictional maps.

Here is what the Report looks like. And that Report is actually the foundation for the rest of the work that we're doing, so it's kind of a working document. We are in the process of revising it and updating it. If you see any information or you have information you'd like to share, we'd love to get it any time along the way. There was a comment period, but I would still like to get information because the plan's only going to be as good as the updated information, so please continue sending it.

Basically the Analysis Report developed current baseline conditions which we can measure future impacts from. Since we have to keep track in order to make sure that there's no net loss of ecological functions, we need to have a baseline to start from that analyzes the existing ecological functions. It also takes a look at current land use and potential future changes to that land use, and identifies potential restoration opportunities, because in order to allow additional development and additional impacts in the shoreline areas we're going to have to provide some restoration, as well, to keep that balance of no net loss.

So here is the same process that you saw earlier, and I just put the arrows in the red around where we are in the process right now. We've done the jurisdictional determinations and mapping; we've prepared the draft Inventory and Analysis; we're working with the Advisory Committee now on the environment designations and figuring out what should be designated how, based on the definitions. We're also starting to work on the goals and policies there. So we still have a lot of work to do but the process is going along really well and I'm really pleased with the Advisory Committee and the work that they're doing.

So the next step – to continue to do the good work, hopefully. Here's a copy of their tentative schedule and here's a blowup. I don't know if you can read this very well. Our meeting on Thursday night we're going to be talking about the use matrix and some of the environment designations. We meet again in the second Thursday of each month, and if you scroll down to March and April we should start kind of roughing out a draft document. We will come back, hopefully, with the Planning Commission in May and I hope to keep you guys busy from May through July. So that's what our schedule looks like. We need to get a preliminary draft Master Program document to Ecology by the end of July, according to our grant agreement.

So that's kind of where we are and what we have in mind for you. If you have any questions, there's my e-mail address and phone number. Feel free to get hold of me if you've looked at anything and you want to comment. I'd love to have your comments, as well. Maybe if you have questions for me you might want to wait. I know some of the other speakers have a lot more interesting information to share with you and we might run out of time, so I will be here. I'm pretty accessible so...unless there's something that you're dying to ask me right now – if that works for you. Okay? Thank you.

I think Greta will be next, if that's okay. Maybe give her a minute to introduce herself a little bit more, too. Thank you.

Greta Movassaghi: Hi, I'm Greta Movassaghi. Thank you for having me tonight. I am – I kind of wear several hats for the Forest Service. Part of the time I'm the Wild & Scenic River Manager and additionally I'm the Hydropower Coordinator. And as we get into this discussion a little bit you'll see that that would seem to be at odds with each other, but we do the best we can.

So I'm just going to give you a kind of a broad brush overview of the Wild & Scenic River Act and then bring it down. I think maybe my voice is too loud for the microphone and Betsy was a little more soft-spoken. I kind of want to give an overview of the Wild & Scenic River Act, bring it down to the Skagit River, and talk about a few different things. What I've provided there for you is the PowerPoint and then there's a Frequently Asked Questions, and I'm going to try to talk about both. But we also have a website and there's a lot of information on that, and that's provided in the PowerPoint.

So, in general, the Wild & Scenic River Act, the genesis of that was in 1968 when there was a lot of other environmental legislation that was passed by the Congress. And Congress recognized that there were a lot of projects that had dammed or otherwise controlled America's rivers, and the goal of the Wild & Scenic River Act was to balance all that flood control and irrigation and energy production with the desire to protect rivers in a free-flowing and natural condition.

So keeping rivers free-flowing is one of the main principles, and you'll see that kind of throughout the presentation. There is also recognition that there are outstanding natural and cultural values. Congress recognized that, you know, there are uses of rivers and we don't want that to conflict with river protection, so they included that aspect in the Act.

But one of the – I think – unique aspects of this particular Act is it encourages cooperation. As you'll see as I talk further, the Act doesn't provide any regulatory authority. The way that the goals of the Act are envisioned to occur is through cooperation at all levels of government and of landowners and interested parties, or stakeholders.

So one of the benefits that we've accrued from managing the river is that we're able to work outside the forest boundary to see that the goals of the Wild & Scenic River Act are carried out. And so we also try to work with the public as much as possible. We try to provide technical assistance in some cases. But mostly our charge is to be out there sort of as the – bringing together this broader group, maybe stepping back out of the jurisdiction of a certain political entity or a certain resource and looking at the bigger picture of the river and the river basin as a – sort of the area or the scope that we want to be able to bring some conservation to.

So, generally, the effects of the Act – there are a few things that the Act does. In this case, free-flowing condition is whatever you want to say – sort of a euphemism that Congress put throughout the Act. What this means is that dams are prohibited – is the one outright prohibition in the Act is that a Wild & Scenic river cannot be dammed. Congress could overturn the Wild & Scenic River designation and then it could be, but right now if a river is designated it cannot be dammed.

The charge, again, is to protect and enhance the free-flowing condition, water quality and outstanding values. And each river that's designated by Congress is studied to some degree and these attributes are determined.

So what the Act does – and this is a place where we get into a lot of confusion – there is no regulatory authority. So the Forest Service does not have rules and regulations that it can impose as a result of the Skagit system being designated a Wild & Scenic River. What the Act does require is that other federal agencies consult with us if they have certain projects that they are permitting, licensing or funding. And that encourages cooperation with other agencies and entities that are doing work, but it is not a requirement.

So I'm going to talk more specifically about the place where this nexus is reached, and that is under Section 7 when there are water resources projects that are federally assisted. So, again, Section 7's job for all of us is to keep rivers free-flowing. This part of the Act focuses on projects that would be considered a modification of the waterway. And this is language that's in the Act. I'm going to try and clarify some of it, but this is just the language that the Act uses.

So modification of the waterway, which translates into any project that would be within the river's bed and banks, or, as we practically look at it, the ordinary high water mark. And the intent of Section 7 is to protect the river, to keep the river free-flowing and protect the water quality and the other resources from the harmful effects of any projects. And so, for example, when we just worked through the re-licensing of the Baker Dams, we were required to analyze the effects of the Baker Hydroelectric Project on the Skagit Wild & Scenic River under this Section 7. So that's a place where there's a water resources project that's proposed. There's a federal action there because it's the Federal Energy Regulatory Commission; therefore, the Section 7 comes into play and we analyze the effects of the project.

Typically what the nexus is for us is a water resources project which is a construction project, something like a riprap revetment to protect a highway or some other construction similar to that where you're actually doing work within the ordinary high water mark and you're having some federal permit, like a 404 permit or a Section 10 permit from the Army Corps of Engineers; the project might be funded by federal highways. So where there's a federal nexus for the project, that's when we get involved in response to a request from that federal agency.

So here, again, Section 7 creates this requirement that the federal funding agency or permitting agency – the Act uses the word “assisting” – is required to consult with the river managing agency. In the case of the Skagit Wild & Scenic River system, we're – the Forest Service is the river managing agency. In other places, the Park Service, Fish and Wildlife Service or Bureau of Land Management might be the federal managing agency.

So we have a process that's codified in our manual that is how we go through this Section 7 determination; however, under the sort of guidelines of the Act to encourage cooperation, we don't want to come into a project after it's completely designed and then say, Nope, that project doesn't meet the Wild & Scenic River Act. So what we encourage in our relationship with all the parties that are considering doing projects is that we are contacted informally first so that we can participate in the planning as any other stakeholder or resource organization so that the project can be designed in such a way that it meets the intent of the Wild & Scenic River Act and, therefore, there isn't any issue once it comes down to, you know, getting the permits through and getting the funding through. We've already consulted and cooperated ahead of time and the project can go through. We don't want to be in a situation where we're holding up things at the eleventh hour. If we're invited in early, then we can make sure that the project is consistent throughout.

So one thing that speaks to Section 7 in the Skagit in particular, and this is something that was negotiated back in 1978 when the Skagit was designated, and that is there's an agricultural exemption for riprap. And so we can talk a little bit about that as we talk more specifically about the Skagit now. But this is not unique to the Skagit but it's relatively unique in the sense that there are only a few Wild & Scenic Rivers that some sort of exemption was allowed when they – because, again, it seem – it would seem to fly in the face of the intent of the Act, but politically this was something that was desired by the local constituents when the Act included the Skagit River.

So I just wanted to point out that we have more responsibility with this slide than just Section 7. We're involved when the river floods, we have recreation responsibilities, we're involved in watershed restoration and recreational use of the surface waters of the river through our outfitting and guiding.

So just to point out – and I don't know if this – this will work a little bit – so the – we're using the mouse as a pointer – the designation for the Skagit system starts at the pipeline in Sedro-Woolley and goes east all the way up to the boundary of the Ross Lake National Recreation Area just east of Bacon Creek. It includes the Cascade River and the Sauk River down to Elliott Creek and then the Suiattle River to the wilderness boundary. So it's 158 ½ miles. So, again, we have our management charge to protect and enhance the free-flowing condition, water quality, and, for the Skagit, the outstandingly remarkable values – again the particular language of the Act – were “fisheries, wildlife and scenery.”

So the Skagit – the main stem Skagit – is designated as a recreational river and the other three rivers are scenic. Those classifications only refer to levels of development. They don't affect how we administer the river in particular, just that a recreational river has more development than a scenic river. We don't have any wild segments in the Skagit system.

So if we go – I don't know if I can do this; let's see – well, if we go – if I could, I would go backwards and we'd look at the map. Half of the Skagit River – half of the designated

system is in non-federal ownership, and this is also somewhat unique – not entirely in the national system, but to have a river system that's managed by a federal agency but only half of the land is federal ownership, that's somewhat unique in the national system.

So in order for us to do our job, we have to work in partnership with different agencies and organizations and there's probably about thirty of them that we partner with. We work collaboratively for, in general, for projects like protection, restoration and recreational aspects. There are a lot of issues that we deal with with roads and infrastructure. We have interfaced with a lot of issues related to the flooding that we address on the Skagit, and we also have the Aquatic Outfitter and Guide Program. So it's kind of a broad program. At different times we're emphasizing different things. Certainly when there's a flood we get pretty involved in addressing the projects that come out of that.

So I want to talk a little bit more about some of the things that we are doing beyond the – just managing the river and addressing projects specifically, like water resources projects. So we've been involved for almost twenty years doing watershed restoration and protection throughout the basin, typically on national forest land. But we've treated forest roads to reduce the chance of the roads failing and sediment – you know, causing sedimentation into the river system and on downstream, affecting fish habitat. Over the years – not since 2003, but in the late '90s up to the early – up till about 2003 we were able to acquire some land along the river throughout the river corridor. We've acquired about 4,000 acres. Other conservation organizations have acquired about 11,000 acres. Don't quote me on the numbers, but generally. So one of the ways that the Act envisioned us to be able to protect these values is through land acquisition. Unfortunately, with federal budgets and other things our ability to do that's been somewhat limited but we have acquired a certain amount of land.

We have a lot of recreation responsibility. I mentioned our Outfitter and Guide Program – commercial outfitter and guides that float the river system for fishing or wildlife viewing are regulated under our permit system, as well as through the county and state. But just to let you know, we've been involved – through funding we're able to – through funding from Seattle City Light that we received under their settlement agreement we've been able to improve recreation access, and recreation access is one of our charges and the goals of our management plan. So we recently, working with Skagit County, the Department of Fish and Wildlife, and through City Light, we've upgraded two of the three boat ramps that were in disrepair that are managed by the state but actually owned by the County. And we hope to do the Hamilton ramp in 2012. Howard Miller Steelhead Park is one of the primary recreation access sites for visitors upriver, whether they're eagle viewing or camping or boating there, and so we've spent a lot of time. Because we don't own land – much land – on the Skagit system, we've worked cooperatively with the County staff at Steelhead Park. And we just completed some signing that was installed this fall that talks about Howard Miller and who he was and provides some information, specifically about the park. We had some other signing already there that talked about eagles and traveling up and down the river corridor.

We've put about sixteen signs throughout Skagit and Snohomish County at various river access points to provide information regarding safety and safe river use and conservation, letting people know where they are throughout the river system so whether they're boaters or bank fishers they have some recreation information at the site that they're visiting. And for – we keep changing the dates, but I think for better than fifteen years we've been working with our eagle-watcher program and that's something that we do every winter. We host volunteers upriver between Rockport and Marblemount. Volunteers station three different sites, or staff three different stations, I should say, so the public can come and safely view eagles and not involved out in the traffic and what-not. So I think we're working hard at our recreational – at the recreational aspect of our job.

Something that is germane to the work that you're doing here is floodplain management, which is kind of near and dear to us. As I said, we've worked at some length doing restoration and protection work. We are – we've been involved in a lot of discussion and encouraging the County to delineate channel migration zones. We've participated and funded river reach studies so that we can better understand what the river's doing in a particular area. We participated in comprehensive flood hazard management planning. And we have a proposal which we brought to the Department of Public Works a couple times and we're still talking about how we can solve some of the problems for landowners that have been affected by channel migration.

And so I'm going to talk a little bit about that because one of the, I think, misunderstandings about the Wild & Scenic River Act is the perception that we can direct activities outside of our land, and that isn't the case. We have no authority on non-federal land. So a private landowner is free to do with their property what they will. Private property is subject to the laws of the state and the county and the cities that that property is in. We will cooperate, if we are so requested, but we don't have any authority unless there is that federal nexus that I mentioned earlier where there's a federal permit. So if a private landowner wants to riprap their property and they're doing it legally, they would be getting a 404 permit from the Corps. And if they were to do that, then the Corps would request us to do Section 7. But we do not have any ability to come to that private landowner and direct their work or tell them what they can or cannot do.

So one of the places where we do get involved, though, is in flood emergency situations there's a perception that we have a role to play and we have spent quite a bit of time trying to clarify that, indeed, unless there's a permitted project we don't have a responsibility to tell a landowner what to do or to direct work. And, in fact, in emergencies for the most part, whether it's a state, the County or whomever, they take their actions that they deem necessary for the protection of life, safety and property. And then any consultation, whether it's with us for Wild & Scenic Rivers, or with the various services for endangered species, all of those happen afterward. Emergencies are emergencies and they're treated as such, and these laws, while not ignored, are something that are not relative to safety, life and property.

But, nonetheless, we have places on the river system where we have very active channels. So it may not be that easy to see all the colors here but you can see this is the area of Bryson Road. This is the end of the Bryson Road right here up on the Sauk. And you can see that the channel for the last fifty years or so has been extremely active and moved quite a lot. And so we had many meetings and the County had much to do with trying to help the affected landowners. Quite a lot of money was spent, quite a lot of effort was made. And you could see that it would be a challenge to protect that property because the river there is very volatile and it's going to do what it wants to do.

So one of the things that we're looking at – and this is another case. This is on the Skagit River just upstream of Jackman Creek where these folks lost their property in 2005 over the course of several days. Skagit system, very volatile. This is something we more would expect to see in the Sauk, but in this case – this happened in 2005, so several years after the 2003 flood and the river channel was adjusting to that sediment. So what to do for these people when they're there watching their property wash away?

Similarly – this is on the Sauk River. It happened back in 2002. The Sauk River moved into this person's property, undermined her house, and then moved away again. So she lost her home. There wasn't anything that could be done in that time period again.

So one of the challenges – I'll just bring it back to something that we think about when we're thinking about shorelines is how do we – we really can't even riprap these properties. These banks are extremely high. You know, these things are happening extremely fast. There's really no remediation that's possible in that short period of time. So, you know, in order to – from our perspective – to protect Wild & Scenic River values, we really need to take a hard look at whether we want homes to be in these locations that are extremely – or potentially threatened. And, you know, there are processes for looking at that, but recently a landowner on the Skagit system moved their \$500,000 house – which is probably not worth that any longer – but his property was getting washed away very quickly. But he built the house within 200 feet of an eroding riverbank. And, you know, it was all lawfully done but yet sometimes we have a hard time sort of protecting people from themselves because they love the river, it looks beautiful and then they find out that the riverbank is eroding rather quickly and there is no real recourse for them.

So it's something I would encourage you to take a look at when you're looking at shoreline management. And it's something that, you know, we are interested in from the standpoint that we want to protect these values and we want to – we don't want to see people in harm's way. As much as possible we would like to be able to allow them the use of their property but not to be in a situation where they lose all the value that they put into it.

So this is who we are. Rob Iwamoto will be retiring at the end of the month. We'll have an acting forest supervisor, Rod Mace. John Vanderheyden, my supervisor, is the District Ranger in Sedro-Woolley, the Mount Baker district. Peter Forbes is the

Darrington District Ranger. And we have a website. This is in your packet, and this Frequently Asked Questions document that I handed to you is there. As well, we put a lot of information on the website for private landowners because we get so many calls and questions when there's something going on and people want to know more about how the Wild & Scenic River Act affects them directly. And if you're a private landowner we can say, Well, it doesn't really unless you're doing a project, in which case, you know, the federal agency you're working with will contact us.

If I can answer any questions, I'm happy to do that. Oscar?

Mr. Graham: Greta, you mentioned on a few occasions the phrase "federal nexus." When there is not a federal nexus, do you find that you rely on local/state governmental entities to further the management standards of the Wild & Scenic designation?

Ms. Movassaghi: Yeah, I think we have to. We hope that we have some kind of working relationship with them so that that will occur.

Mr. Graham: Can you kind of offer an assessment of how effective that is?

Ms. Movassaghi: You know, I think there are a lot of agencies and organizations that have similar goals to the goals that we have for protecting river values. I can only say – I mean, I can't pull it right out of the top of my head, but I can only say in general, you know, with the Skagit Watershed Council and with various cooperative groups that we're a part of, you know, we're trying to move towards similar ends. Whether we all end up in the same place on a given day, you know, not necessarily, but I think, you know, I think a lot of conservation organizations and agencies have those similar goals. But I don't really have sort of a score card that I can say. Because things like the pictures that I showed you are concerning to me and to other people and, for example, while we do the best we can, we're still putting riprap in the river system because we're maintaining the highway that needs to be there, we're maintaining the power lines that need to be there. At the end of the day, there aren't – while the Section 7, you know, directs us to take a hard look, if the highway is up against the valley wall or up against a part of a property that cannot – the highway can't be moved any further, then we're not going to say, Whoa, no, you have to let the highway go away. You know, we're going to cooperate and say, Well, we're doing the best we can and, therefore, you know, in the end I think probably there *is* more rock in the river today than there was back in 1978, for example.

Mr. Graham: Thank you.

Ms. Movassaghi: And I saw another hand over here.

Ms. Mower: Backing up to where you were talking about the Section 7 on one of these little boxes, there was a comment on one of them that I thought maybe you could clarify a little bit for me. It says "Focuses on modification of the waterway (a river's bed and

banks).” Can you explain that a little bit more? The “modification” – what kind of modification?

Ms. Movassaghi: Right. So the Section 7 of the Act is looking at projects that would take place within the bed and banks of the river. And as I say in the next slide, those types of projects would typically be construction within the ordinary high water mark. So all I’m trying to do in that slide is just say it could be a pipeline, it could be riprap, it could be someone who wants to build a dock. It could be any kind of structure that would be within the bed and bank of the river, and it would – that typically would require some sort of permit from the Corps, which is where we would get involved.

Ms. Mower: All right. Thank you.

Ms. Movassaghi: Sure.

Mr. Dewey: I have a couple of questions: One, when there is a federal nexus and you have a Section 7 consultation, when you bring your recommendations forward are they advisory to the permitting agency or do they *have* to act on those recommendations? You know, how does that work?

Ms. Movassaghi: In the case of the Wild & Scenic River Act, it is not advisory. It is a requirement. It’s unlike any other act or consultation, which is why we want to be involved early. So technically if there’s a project that we feel is going to have an adverse effect on the river system, we can prohibit the Corps from issuing a permit or another agency from providing funding.

Mr. Dewey: One line said it confers no regulatory authority. You actually have some authority, it sounds like to me.

Ms. Movassaghi: Well, what we mean is we have no authority to regulate actions that are out of the – outside of that federal nexus. So we don’t – there isn’t anything that would happen that the Forest Service would just come to your project and do Section 7 without that funding, permitting or license that you are required to get from another federal agency.

Mr. Dewey: But once you get that nexus –

Ms. Movassaghi: Right.

Mr. Dewey: – then you have ___.

Ms. Movassaghi: Then that is our goal.

Mr. Dewey: That’s a good clarification. Thank you for that.

Ms. Movassaghi: Yes. And we – as I say, we don't typically like to use it. We would much prefer to be in the game earlier so that we don't have to get to that place, because it's not our desire to stop projects or stonewall anybody. We want people to be successful.

Mr. Dewey: A second question was: Presumably some sections of the river migrate more erratically than others. And, if that's the case, are they classified and, you know, might we want to consider large buffers for sections of the river that naturally migrate more erratically?

Ms. Movassaghi: Well, a lot of work was done in the Sauk because the **Whitechuck**, Suiattle and input from Glacier Peak creates a lot of dynamics in the Sauk River. And I think we've looked at that over time and Snohomish County led us through a process for a comprehensive flood management plan, and that information is available to you. That analysis and the classification of the Sauk was done relative to the potential channel migration hazard. And I know Betsy was a participant in that. And so I would encourage you to take a look at that as a resource, as a very good resource. Quite a lot of work was done and I would say that a lot of the property loss that we experienced in 2003 and private property affected was in the Sauk River. It's also a place where we have some of our highest habitat values for fish and wildlife, so we would have a benefit there by protecting the resource there a little bit more and kind of keeping landowners from getting themselves into trouble with the river like that.

Mr. Dewey: Thank you.

Ms. Movassaghi: Anybody else? Certainly feel free to contact me if you have any questions. Those Frequently Asked Questions that I handed out for you has quite a lot of detail, as does our web, but I'm more than happy to talk more with you if something should come up. Thanks.

Ms. Stevenson: I think Bob Warriner's next on the agenda. He's our local Watershed Steward for the State Department of Fish and Wildlife. And he can tell you more about himself and answer questions. Thank you.

Mr. Warriner: Sure. Like Betsy said, I'm Bob Warriner. My name is spelled most common – or in the most common way on the agenda and properly on my name card.

Ms. Stevenson: Oh, I'm sorry.

Mr. Warriner: I am the Skagit Watershed Steward for the Department of Fish and Wildlife, which means that I work with all the restoration practitioners here, the County, the tribes, non-profits that are working on restoration in the Skagit. And today I'm going to talk to you about just kind of the values of the shoreline – the habitat values – the ways that they're impacted by development, and then I'm going to touch a little bit on this restoration plan that's a requirement of the Shoreline Master Program Update. I'm going to try to keep it quick so we have time for discussion at the end.

Okay, so starting in the freshwater in the riparian zone, kind of going from the upland down to the river: The riparian zone is the forest that surrounds the river. It kind of ranges from 300 feet into 50 feet, depending on the type of forest you have and the type of channel you have. The reason that it's important for fish and wildlife is that 80% of terrestrial species are known to use the riparian area at one time in their life cycle or life history. It's also important for animals to – when they're migrating up and down the river – so they have a migration corridor that's kind of free of obstruction, like roads and other things. So it's very important for that.

Migrating birds also use it during their migration. We're located on the Pacific Flyway, and these riparian areas provide a place where the birds can stop and rest and feed and roost on their way to Mexico or on their way back up to Alaska and so on.

Riparian areas also are very important for kind of mitigating some of the pollutants that might come out of the surrounding land areas. The soils kind of provide an opportunity for the forest pollution to be treated in the ground water. I'm not saying that's a great use for them, but it is something that can kind of mitigate some issues where you have roads that are along the river.

And then in our rivers in the Pacific Northwest they're pretty nutrient-poor, but the riparian area provides nutrients to the river through leaf litter, things like terrestrial insects, and things that provide the basis for the ecology in the food chain in the rivers.

And, finally, the riparian zone will help regulate the temperature of the water to provide the cool water that our aquatic organisms need, and they will provide instream habitat simply by like trees and stuff falling into the stream providing structure for the habitat – for the stream.

Moving kind of closer to the river, the floodplain areas are very important habitat areas. We have our off-channel habitats where maybe like if you looked at Greta's presentation and you saw where the channel migrated through the floodplain, those areas when they get cut off they provide extremely important habitat for fish. Off-channel habitats and backwater habitats that get watered when the river rises are high nutrient areas for fish to rear and to seek shelter when there's a flood or to seek refuge from predators and so on.

Erosional features: What I mean by that is the habitat is often kind of maintained by and provided for by erosion of the bank. And so Greta, again, she showed some of those photos of bank eroding, and even though that is a terrible thing for people that are living on the top of the bank, it is actually a part of the system that is very important for maintaining the habitats. So, for example, you can get these coarse sediments like gravel that obviously are needed for spawning to create gravel bars, and that, you know, will come from the river migrating into the floodplain. And also instream structure, like I mentioned – trees falling into the river provide the structure that is needed for fish in the water.

And the edge habitat: We have the riparian areas that are overhanging the water and undercut banks that provide some refuge and feeding areas for aquatic organisms.

Finally, in the stream we have a structure that is important like the large woody debris, like I mentioned before; the gravel bars; and then the channel morphology that kind of provides a whole range of habitats in the river. And that will provide different functions for the fish that are occupying the river, from rearing to spawning to refuge areas and places to rest while they're migrating upstream.

As you go downriver you get to the estuary, and in the Skagit the estuary is considered the most important habitat for our Chinook recovery. We have – the Skagit's actually is pretty well intact in the upper reaches, but down when you get closer to the cities and to the saltwater where the estuary is we've had a lot more loss of habitat. The reason the estuary is important is because it's a very high nutrient area. You have – it's a mixing zone between freshwater and saltwater, and that provides excellent habitat for invertebrates that aquatic organisms feed on and so it helps them grow very rapidly as they transition into their marine life stage. It also provides refuge, again, from predators, with all the channels in the estuary and the plants that grow in the estuary. And, finally, it's an important habitat for shorebirds. We have quite a bit of shorebird habitat in the estuary and it's just a really unique area where there's a lot of kind of ecological value and species composition.

The nearshore areas: The nearshore kind of has very complex habitats. They have combinations of beaches, rocky habitats and they might have big mud flats that look like they're barren but they're very important for species like crab and clams. And we have eelgrass beds and kelp forests which are very complex habitats and extremely important for a range of species: Salmon use the eelgrass habitat quite a bit; forage fish, the fish that the salmon feed on, use those habitats for spawning and rearing. And they contain these complex species assemblages, so we have marine mammals, fish, crustaceans, invertebrates, birds and so on that use – they all use these very complex habitats and they're very important.

And then in the nearshore on the beaches we have forage fish spawning, and forage fish, again, are the fish that the salmon eat and so they're kind of toward the bottom of the food chain so it's very important to keep the forage fish going on the spawning beaches.

Now the habitat processes in the nearshore: Again there's the erosional processes where the beaches erode – or the beaches are eroding the bluffs behind the beaches and that's what provides the sand for the beaches. And then the beaches actually are kind of – they're not a static resource. A lot of the beaches are moving kind of like a river along the shoreline – and it's called "longshore drift" – and it's – I'll show you why that's important in a second.

Riparian areas in the beach – they also have riparian features like large woody debris recruitment, shading of certain parts of the beach and invertebrate production and so on. So those are important areas. Again, the vegetation assemblages that we have out there in front of the beaches, like the eelgrass and kelp forests, are very productive areas that are important to protect because they have a lot of benefits to a wide variety of species.

So I'm going to go into a little bit about impacts of developments and then I'll show you kind of some pictures of some before and after, so it isn't as long sounding.

So, impacts of development: Water quality degradation – so when you are putting development right next to a river, obviously there's going to be runoff from stormwater, things like brake dust from cars, and so on that will affect the water quality. If you remove that riparian area, that temperature of the water can be affected and go up. There's what I call "direct habitat loss." So if you're building something right next to the stream or right next to the nearshore you're going to be removing – you're actually going to be removing the habitat that exists in that footprint. So you'll be cutting down the trees, removing the duff, the complex soils and so on that might occur there.

And then, of course, if you have that development there you're going to be interrupting the migration corridor so the animals that are using that area to pass through are kind of – if, you know, if you have a gate around your – or a fence around your compound they're obviously not going to be able to get through.

Indirect habitat loss is what I kind of see as you have your footprint of your property, but then you have habitat that's being affected that's outside of the footprint. For example, if you are not – if there are not trees allowed to grow there, the trees that are going to fall 200 feet into the river won't be there to provide structure. So you've got to be kind of off of your property.

Shoreline infrastructure impacts: So I can see those houses falling into the river. Obviously they're going to need – or they're going to be interested in providing some protection for that land. So it's not necessarily on their property, but they might go upstream and want to install some riprap in order to protect their property from being eroded. And so that's actually a pretty significant impact.

And then loss of connectivity: So when we're talking about the habitat related to the river, we're often talking about the floodplain. I mentioned before about the side channels and the backwater areas, and when you are building a dike, really what you're losing is the connectivity of the river to the floodplain areas. And so it's a – and in the lower Skagit we have had – basically from Sedro-Woolley down we've lost an amazing amount of floodplain, and it's really kind of a big debit to the fish and wildlife resources down there. So I took a couple pictures off the Skagit website. They're probably not going to be any copyright infringements since this is a Skagit presentation. So this area right here is up by Ross Island Slough. So this is an area of the Skagit River that is unconfined and there really is relatively small or little habitat impacts. So if you look,

like, in these areas here and here you can't see really all that well but there are log assemblages that are allowed to form. Obviously you have these side channels that run through here and backwater areas that provide refuge and high nutrient fish kind of rearing areas. You have trees along the shoreline that are allowed to erode into the river and provide instream structure. You have areas here where wildlife can migrate. You have sandbars and other places that I'm sure most of us here have seen eagles foraging on salmon. And so you can see how it has a complex, valuable habitat.

Now if you compared –

Carol Ehlers: This is where?

Mr. Warriner: It's about – it's near Ross Island Slough, so it's up, oh, Day Creek area – just downstream of Day Creek area. And then, if you compare it to another part of the Skagit River, you can tell – you can see how the habitat has been compromised dramatically. Here you have a straightened channel with essentially no complexity. You have no area for wildlife to either roost or migrate. You have no complex bank habitat and no sandbars and no large woody debris to provide that habitat. And it's kind of really obvious what the ability of development is to reduce the quality of habitat in the freshwater area.

So in the estuary – I'm sorry there's only two bullets on here; it really kind of discounts the value of the estuary. But the reason that – when I was thinking about this – that really the impacts of the estuary is cutting it off, like I said, when you're isolating the habitat. And so it's just a direct loss because you're removing it completely from the picture. And what's important to Chinook in the Skagit is instead of the fish being able to reside in the estuary and transform for their marine water stage, they're shunted right through the estuary into the marine waters. And it's been shown through research that the fish that are unable to reside in the freshwater or in the estuary come back as adults almost never. In fact, there's very little data that shows that that life history stage is successful at all.

So here's a picture – it's kind of a before and after picture all in itself. This is the South Fork Skagit River. This is Milltown Island, Tom Moore Slough. And you can see this very complex habitat and these backwater channels that are very important for fish to rear in – super high nutrient content; brackish water, so the fish can go from the freshwater to the saltwater with an intermediate period so you don't – their physiology can change at a more reasonable rate.

And then if you look just adjacent to it, this is – this actually is Milltown Island that hasn't been farmed for, I think, sixty years. And somebody can correct me on that, if they want. But you can see what happens with the dikes. Like, all this complex habitat is removed by the shoreline infrastructure that's protecting this land.

Finally, in the nearshore I kind of think of the most popular nearshore impacts as being parallel to the shore or perpendicular to the shore. So you have bulkheads and what

the bulkheads do is they armor the shore to make it so, you know, erosion is stopped into the property, and what that does is it prevents the augmentation of sediments to the beach. And so, like I said, those shorelines – all that sand is provided by erosion of the bluffs. Your friends _____ the bluffs are no long going to have your beach sand.

And breakwaters as – are kind of perpendicular to the shore or they're extending out from the shore instead of along the shore. And what that does is it interrupts the drift, the longshore drift. So as I mentioned before, the beach is kind of like a river of sediment and I'll show you why that's important in a second. And then overwater structures, of course, what they do is they shade the system and that can interrupt fish migrating along the shore, and it also shades out the vegetation communities, like the eelgrass or kelp that are very complex and important habitats.

So here you have what I'm talking about. So you have – as you can see, this beach has kind of large sediment because the sand isn't being replenished, because they've cut off the sand source up here. Also the sand that may be coming down – let's say, let's pretend that the sand would be drifting down the beach this way from an unarmored area, and it could be stopped by this boat ramp, right? So it's coming here and stops and then you can see behind the boat ramp it's kind of a muddy area that doesn't appear to have a whole lot of habitat. It *could* have a lot of habitat, but it just appears to for our example. And then if you compare that to a natural shoreline –

Ms. Ehlers: Wait a minute. Where was that?

Mr. Warriner: I'm not sure where this is.

Ms. Ehlers: Is that Samish Island?

Mr. Warriner: I stole this from somebody else's presentation, so I'm not going to blame anybody for it.

Ms. Ehlers: Well, it's always useful for us to know where these –

Mr. Warriner: I could find out for you.

Ms. Ehlers: Okay.

Mr. Warriner: Okay, so this is what would be more typical of an area like that that's a natural bank. You can see it has a variety of sediments ranging from sand to gravel. It's got a riparian area that will shade areas like this that are important for spawning forage fish like smelt and so on. It has large woody debris that's being recruited into the system to provide habitat for invertebrates and other marine mammals and birds and so on. And it has little pocket areas of water that are kind of really nice areas for a variety of species to rear and live.

Finally I just want to touch on the Shoreline Restoration Plan. The Shoreline Master Program updates are required to have a restoration plan in them. In the Ecology guidance for writing the updates, they talk about how the regulations should be written to allow restoration to happen in the shoreline areas. And that's important in the Skagit because there's been quite a bit of kind of unrest about the restoration things and the regulations have been kind of directed a little bit to keep really good control over restoration. Now the nature of the restoration plans are not really to mitigate for shoreline actions, but they're kind of there to – when the mitigation doesn't work properly, they're kind of a backdrop to make sure that we do get no net loss. Mitigation's been shown in the past to not be successful all the time, and so if we have a restoration plan there as backup, then we can hopefully achieve the goal of no net loss.

So the requirements are kind of to identify all the resources available to populate the mitigation plan. And I'm happy to help the committees identify those that's, you know, species restoration plans, watershed characterization plans, limiting factors analysis, and so on.

And then, finally, it's important to write – I guess it's kind of like the same as the goal up top. It's important to write the development activities that don't interfere with kind of planned restoration activities. And, of course, vice-versa: You don't want to _____ activities that interfere with other shoreline objectives, like human use of the properties _____ water shoreline areas.

And so that's my information and I'd be happy to answer questions.

Ms. Stevenson: Dennis Clark, from the Department of Natural Resources, is going to speak next. He came and made a presentation to our staff over the summer and it was very worthwhile information and I wanted to share it with you here tonight, so I'm glad that he's here. Thank you.

Mr. Clark: Okay, good evening. Who are we and why are we here? Again, my name's Dennis Clark. I work for the Washington State Department of Natural Resources for the Aquatic Resources division. I'm responsible for managing aquatic lands in the seven northwest counties of Washington State. Accompanying me is Brenda Werden, one of our most experienced land managers who specializes in easements in Skagit County and elsewhere.

So why are we here? We're here to answer questions you didn't even know you had. These questions include:

- What are state-owned aquatic lands managed by DNR?
- Why does the SMP Update matter to DNR and how are we supporting Skagit County as you go through this process?
- What internal effort does DNR have that's shaping our input to the SMP as well as current decisions we have? And this last question is a bonus question. I'm offering answers at no extra charge.

- What changes in DNR leasing and easement processes should you know about now, because these are shaping decisions that we're making here in your community?

Let's start with the first question of, What are state-owned aquatic lands? They are a remarkable resource that are enshrined as a shared resource for the citizens of the state in the constitution. There are three major articles that address what aquatic lands are and reserve to the people of the state these lands. So important were these lands that the most contentious issue discussed during the Constitutional Convention in our state in 1889 were tidelands and access to the water.

State-owned aquatic lands include tidelands, shore lands, harbor areas and the beds of navigable waters and waterways. These are those that are owned by the state or managed by a port under a port management agreement. State-owned aquatic lands do not include certain lands which have been withdrawn or turned over to other state agencies.

The navigable waters criterion is extremely important and there's a great – there're a number of definitions of "navigable waters." Our definition is based on the WAC and it is a key criterion we use to determine whether we are asserting authority over this resource on behalf of the public. So in terms of the SMP, all the marine waters below extreme low tide are going to be waters that are state-owned aquatic lands. Some tidelands are owned by the state, and then the bedlands of some rivers and larger lakes are owned by the state.

Aquatic lands management has evolved over time as our expectations and opportunities have changed in the state. For the first sixty years of statehood we sold off this resource in the effort to promote economic development. Beginning in the 1950s, it was recognized that there's only so much of this land to go around and the state began transitioning towards leasing this valuable resource. And, since 1971, we essentially don't sell state-owned aquatic lands anymore.

That brings us to today, where the state owns and manages 2.6 million acres. And this is a unique resource that we have in this state. All of us – all seven million people in Washington state – actually own aquatic lands. We own it. This is a shared resource. It is indivisible. It's a remarkable resource that you, as you work on your SMP, should be aware of. Your decisions will help shape how we at DNR manage these lands.

And we manage these lands not as a regulator but as a proprietary land management agency. The best way to think of us is that we are the landlords of the state. This is your shared resource and we manage it on your behalf.

We manage it for a variety of public benefits. These will seem familiar to you because they're very similar to what Betsy showed you in the SMP presentation. There are four things that Brenda and the rest of our team and I worked to pursue. These include fostering water-dependent uses; ensuring environmental protection; encouraging direct

public use and access; and utilizing renewable resources. And if we can pull off this remarkable balancing act, then, when we can generate revenue, that is also a public benefit.

So, again, you'll see a lot of similarity between this and your objectives with the Shoreline Management Act.

So let's turn now to why DNR is interested in the SMP. There are a number of state laws which identify why we have a strong interest in the activities of local governments in carrying out the SMA. And for us what is most important is that your Shoreline Management Plan update is the primary means for identifying and providing appropriate uses of statewide value, which is our task at DNR. We have to figure out, Is this entity going to be able to lease this land for a marina or is it going to be preserved for environmental purposes? Is it going to be used for shellfish or is it going to be used for public access? We look to the SMP to identify what is appropriate use.

So how do we coordinate and support the work of the local governments? We've been doing this for several years now and we've found a number of things that are important to do. First we meet with the staff of the local government as we did with Skagit County this summer. We provide written comments at all the opportunities that other folks have to comment. Although we are a state agency, we don't run across and tell Ecology what we want. We work directly with you at the local government level to provide our input so that you can take that into account. We will continue to provide comments on subsequent steps in the process.

And, lastly, we do integrate our comments between we, local staff here in Sedro-Woolley, and the staff in Olympia so that you get a coordinated set of comments. Local governments seem to appreciate it when they get one coherent set of comments instead of contradictory ones from different parts of state agencies.

So what is the internal process and effort at DNR that is shaping the comments that we are providing to you and shaping what we are doing even today as we manage these 2.6 million acres of state-owned aquatic lands? While we are working on developing a habitat conservation plan, DNR overall has several habitat conservation plans covering upland and forest practice operations. Now we're turning to aquatic lands, and we are contemplating and negotiating entering into a fifty-year commitment with NOAA Fisheries and the U.S. Fish and Wildlife Service that would avoid and minimize impacts from our land leasing and easement activities, and it would contribute by restoring and conserving critical habitat. And we would take a landscape planning approach to look at the entire state to identify where they're resources and species of concern.

If we do proceed with completing this HCP, we'll cover all 2.6 million acres of these state-owned aquatic lands, and it will cover twenty-nine terrestrial, aquatic and avian species. It will cover all the nearshore uses, with a specific focus on the activities including overwater structures, log booming and potentially aquaculture.

The HCP has two main areas it focuses on: These are aquatic vegetation and forage fish. And we're looking at addressing impacts from the following proximate causes: shade, contamination, drift cell disruption, noise and compaction of sediments.

With regard to aquatic vegetation, our proposal is to first and foremost focus on avoidance through a variety of techniques. And where we cannot avoid impacts from the activities which we authorize, then we will seek minimizing approaches. We do need to construct docks, so we're going to figure out ways to construct them in such a way that they minimize the impact, for example.

With regard to forage fish, as Bob made reference to: These are a critical part of the aquatic food web in the marine system, so we're going to, again, first focus on avoidance and, where we can't do that, we're going to focus on minimizing techniques.

The last part of the HCP is a landscape prioritization process. While it's real easy to figure out – relatively easy – to figure out where things are in a marine environment or right along a river, we actually need to take a look statewide to identify where there are priority habitats which we missed from a cursory review, and we need to zero in using a variety of remote imaging information that will help us figure out where we should give a little more attention to certain kinds of habitats that provide high value. Again, Bob talked about some of the most important habitats typically found in riparian areas.

So that brings us to the fourth and final question which I'm going to answer for you tonight, which is, What does this mean for us now? As we have worked through our HCP, as we have pored through the tremendous amount of scientific information out there, we've learned a lot. And just like any landlord who wants to make good decisions about resources they have, we're starting to integrate that information into the decisions that we make about authorizing uses of state-owned aquatic lands. And under the leadership of Commissioner of Public Lands Goldmark, we have been increasingly looking at how we can apply this information to the decisions that we make in terms of leasing and easements.

There are two major changes that we have embarked upon in the last eighteen months. First of all, we are regularly working with applicants before permitting begins. And this is a change which I'll explain in just a moment, but it will again sound familiar because Greta talked about the federal agency's desire to do the same thing and it's for very similar reasons.

The second thing is that on a case-by-case basis we are addressing the stewardship interest that we have. Again, just like any landlord, certain types of uses require a little more scrutiny to make sure the asset that you are managing is preserved in value.

In general, prior to 2010 if you wanted to use state-owned aquatic lands you would send us an application and we'd say, All right, got it. Head off and get your permits from the regulatory agencies. Again, in terms of aquatics DNR's not regulatory. And then once you got your permits you'd come back to us, we'd talk with you about your use, and if

it's in the state interest we would issue you a lease or easement. Now that's a general approach. It was not always quite this straightforward. But more recently we have taken a new approach which more parallels the process that the regulatory agencies use.

So DNR gets the application. We communicate with the applicant and also with the regulatory agency. So we contact Bob's colleagues – the area habitat biologists – to talk with them about our interests, as well as sharing that with Skagit County and the Corps. And then the applicant does still go forward with getting permits but we've expressed our interest and so as the applicant develops their idea and goes through the permitting process they're going to have the benefit of knowing what we want, rather than us at the end of the day saying, Oops, that's the wrong rock – which doesn't go over real well.

And then we do have a formal stewardship review and land managers, such as Brenda and her colleagues, will work with the applicant to integrate that into all the other lease terms that we have with an applicant. And then, again, if it's in the state interest, we issue the lease or easement.

So what are the stewardship questions we look at? Well, you can boil them down into two types. There are science questions: What are the impacts to the species? Can they be – impacts to the species' habitat and processes, and can they be avoided in some way, or minimized, if not?

And then we have a very fundamental policy question which is, Should we allow the use and under what conditions? Again, landlords do get to sometimes reject applicants. We try not to do it. We try to work with the applicant. But it is a discretion that is provided to the state.

So this effort on early and occasionally often communication means that with local governments like Skagit, and with the cities and towns in Skagit County, we're working to collaborate early to gain consistency, to create a smoother process for the applicants, and to prevent wasted effort by many parties.

So coordination: The way it's been working so far has been that our partners will notify applicants that they need to come talk to DNR. That is a change. Talk to us early. And I'll point out that one of the ways we do this, for example, is that you may, depending on what you're applying for, find a flyer that looks like this in your pre-app packet for Skagit County and for some of our partner jurisdictions, which says just be aware that you may be operating on state-owned aquatic lands. You're going to need some kind of authorization.

And then we're participating in pre-application meetings, where those occur, for complex projects, and then we're encouraging folks to contact us and consult with us where appropriate.

So to summarize, we have covered what are state-owned aquatic lands. You know a little bit more about this tremendous resource. I'm going to leave some copies of this four-page flyer which explain what state-owned aquatic lands are, if you're interested in (it), and it is also available online.

We've explained why the SMP matters, why we're here, why we're going to continue to be going through this process with you.

We talked about the habitat conservation plan, what we've learned from it, how it's driving our decisions, and perhaps down the road you'll get to come to our meetings and our committee review of our HCP as we go through the review process, and won't that be exciting?

And then we've talked about how we're addressing stewardship, and DNR leasing and easement decisions now.

So that concludes my presentation. Thank you.

Mr. Wiggins: Are you in the middle of writing an HCP?

Mr. Clark: We are.

Mr. Wiggins: _____ question. You started ten years ago? six months ago? And when did you plan on finishing the entire Puget Sound, the Salish Sea?

Mr. Clark: It's the entire state. It was begun eight years ago. The current timeline is to strive to complete it by 2013.

Mr. Wiggins: Are you treating the north part of the Sound different from the south part of the Sound?

Mr. Clark: We're treating all the resources – no, we're not.

Ms. Ehlers: Betsy and I went to an HCP meeting some years ago in which one of the gentlemen talked about a generic EIS for mining exploring on all the creeks, which didn't seem to me to be very fish-friendly. Because I've spent much of my life in the areas where they did mine creeks for gold, and there's nothing less that a fish would like, or anything else. Is that still going on?

Mr. Clark: I do not know. I should point out that the area you're describing was probably – was it more in the headwaters, the smaller streams maybe in the areas where the Forest Practices Act covers?

Ms. Ehlers: It wasn't entirely clear except that there was a gentleman in the audience who was desperately longing to be able to go pan for gold in every creek he could find.

Mr. Clark: State-owned aquatic lands typically don't include the higher reaches of rivers, the areas where you do tend to see – or at least historically saw – gold mining. At this point, our state – our HCP wouldn't cover that kind of activity.

Ms. Ehlers: That's good.

Mr. Clark: Yeah.

Ms. Ehlers: And I have a second question. I'm one of the refugees from that long aquaculture fight in which Booth Gardner intended to cover the shorelines of the state with aquaculture to save the economy and because the DNR was desperate to lease every acre of land that they could, and there was not much attention paid for all the – there wasn't much attention paid to the environment and there wasn't much attention paid to the interests of anyone nearby who might be affected by it. How does your HCP deal with that issue?

Mr. Clark: You'll recall when I covered the point the areas that the HCP is proposing to cover, I said possibly aquaculture. And that's because the agency is still in discussion with the aquaculture industry to determine whether aquaculture *is* going to be covered. And so I really can't speak to the specifics of that part of the HCP. I simply don't them at this point.

Ms. Ehlers: Well, there are a number – that was a major issue in Skagit County saltwater shorelines.

Vice Chair McGoffin: Carol, we have some other questions for the speaker.

Ms. Ehlers: We spent too many thousands trying to deal with it last time.

Vice Chair McGoffin: Go ahead.

Mr. Dewey: I was just going to try to answer that question because I've been part of those discussions as far as whether at least shellfish aquaculture will be part of the HCP or not. And at least at this juncture it's looking like it probably will be. We've had a couple years of productive discussions with DNR regarding that. But my understanding is finfish aquaculture will not.

Ms. Ehlers: It's polluting aquaculture that concerns me, not the kind you have.

Mr. Dewey: Right. But finfish specifically, I think, are not because they're covered with pollution discharge permits, and **there's water rationing now**.

Mr. Clark: My understanding was at the point when the HCP was begun it was thought that there would be little pressure for additional finfish aquaculture activities in the state, and so that the HCP's been developed without that as being a proposed covered

activity. Obviously there are pressures still to do finfish aquaculture in this state, but at this point I haven't heard of any changes to expand the aquaculture beyond shellfish.

Ms. Ehlers: Thank you.

Mr. Graham: Dennis, you mentioned that all of the people in the state have an interest in aquatic lands. In fact, I think you even said that they kind of collectively owned those lands. Under what conditions does the Department allow development on those lands without a lease agreement?

Mr. Clark: So the authorization that DNR provides for using state-owned aquatic lands is based on the type of use. So if you want to have an exclusive use, a use which doesn't really allow anything – say, building a dock – we're going to require that you enter into a lease. A lease is also used for a lot of shellfish activities. It would be used for a lot of terminal shipyards, marinas. It's an exclusive use. It's going to largely be needed by the applicant. If it's a non-exclusive use – you want to put a pipeline under a river or you need to lay a cable out to an island – we'll offer an easement. And then we have a third tool called a license or right of entry, if you want to install a mooring buoy, for example.

But all of those authorizations, the choice is a secondary consideration to whether it's in the state's interest to have that kind of use. And that's where we go back to the four plus one – the multiple uses that we're seeking to pursue because of the benefit to the state.

Ms. Lohman: Kind of a follow-up question from over there: You said that the HCP was going to be the whole state, and the question was kind of, How are you chopping it up? So is there going to be like a Skagit chapter or – how are you attacking this?

Mr. Clark: My understanding in – I'm relatively new at the agency and haven't gotten deep into the HCP, but it's based on the habitats and it's based on the use and it's based on the expected impact. It's not geographically driven in terms of – we don't have special plans for individual watersheds or the Salish Sea or Puget Sound. It looks at all 2.6 million acres and looks at it from a statewide perspective.

Mr. Hyatt: In which of the three categories you outlined do you put instream restoration on state-owned lands? Does the DNR encourage or discourage things like engineered logjams within the ___?

Mr. Clark: We support activities that ensure environmental protections, so ecological restoration falls under that category. And we do quite frequently authorize engineered logjams and other instream projects to improve habitat. Bill?

Mr. Dewey: You didn't mention aquatic reserves in your presentation. Maybe you could talk about that briefly and how that affects your management.

Mr. Clark: Sure. There are currently seven aquatic reserves designated in Washington state. They're all here in Puget Sound/Strait of Juan de Fuca. Two of them are located here in Skagit County. They include the Cypress Island Reserve and the Fidalgo Bay Reserve. Reserves can be designated to protect resources that have high environmental, recreation or scientific value. And they are managed typically – once a reserve is designated, very few additional uses are going to be authorized in that reserve because we want to preserve the high values that are there. There are very few authorized activities that are going to be compatible with that. So, for example, with Cypress Island the existing finfish aquaculture operations will be allowed to remain, as long as they do not negatively impact the environment there. And they will not be expanded, for example.

Ms. Mower: On your little box with your aquatic land goals, 4 + 1, your fourth one there – “Utilize renewable resources” – can you tell me what kind of renewable resources?

Mr. Clark: Sure. The activity that that most frequently encompasses is aquaculture.

Vice Chair McGoffin: So at the 2.6 million acres, which is all state-owned, what would you say in addition to that is privately owned? How much more is out there that's private?

Mr. Clark: That's a really hard question to answer. The 2.6 million acres actually is a bit of a fudge. It's not inclusive. It's probably more than that. We have not gone and quantified all the land in the freshwater environments, so that's actually largely marine and our larger lakes and rivers. To give you some context, statewide 70% of tidelands have been sold and are in private ownership. Only 30% are in public ownership. I do not know if that figure is higher or lower average for what we have here in Skagit County or not, but it provides context.

Ms. Ehlers: If there is a private tideland, what privileges does that give the owner?

Mr. Clark: Well, it gives the owner the right to control access at low tide, but significantly it does not at high tide. You can sail over it. You do have the right to pass over privately-owned tidelands, certainly in a watercraft or if you are floating. I think there is some disagreement about whether you can walk across a wetted tideland or not.

Ms. Ehlers: Can you build a dock on it?

Mr. Clark: Well, you – okay, so, yes – it depends; I guess that's the best answer. You have to first satisfy your local regulatory agency – Skagit County – and fulfill whatever regulatory requirements they have, including a shoreline substantial development permit or exemption thereof. If – you also need to get approval from the State Department of Fish and Wildlife – a hydraulic project approval – to construct anything. And you may need a Corps permit, depending on circumstances. From the Department of Natural Resources, if you are constructing a dock over public tidelands or over bedlands, if it is

a recreational dock you will not need to get an authorization from us. DNR is currently not asserting authority over recreational docks.

Mr. Dewey: Over public or private?

Mr. Clark: Well, we don't have anything to say over private, so over public tidelands or bedlands, at this point if your dock is for recreational, non-commercial purposes DNR is not asserting authority over that. So you do not have to come to us for an authorization.

Ms. Ehlers: That could be really helpful as we're drawing things up.

Mr. Clark: It's something to be aware of that we do not exercise our authority *at this point*.

Mr. Dewey: I just wanted to offer some more clarification to Carol's question on tideland ownership. It's actually pretty complex in Washington state. There's different types of tideland ownership, and there's a couple of good documents, one of them produced by DNR, that talks about it. But most of your private tidelands are what they refer to as "second class tidelands" where they're contiguous with the upland parcel adjacent, and they would just extend out into a tide flat. And depending on the year they were deeded by the state originally determines how far out you own.

And then there's another class of tidelands that are – they were purchased under the Bush Act or the Callow Act, two laws from the late 1800s when tidelands were sold specifically for the purpose of culturing shellfish on them. So they have a deed clause that specifies that that's their purpose. And depending on which it is – the Bush Act or the Callow Act – the Callow you have to actively farm or the ownership can revert back to the state; the Bush Act, you don't have to actively farm it. Laying fallow is a legitimate use. But if you do anything other than grow shellfish on it, it also can revert back to the state ownership and revert back to the state. It's more complicated, because there's a time period where you can purchase those reversionary rights as well, so some ___ have that reversionary clause removed.

Mr. Clark: And there are some Bush Act lands here in Skagit County. There are no Callow Act lands, but –

Mr. Dewey: _____ Samish Bay. If you look at a tideland parcel map you'll see that it's got all these oyster tracts in it. They're distinct when you zoom in on Skagit County's i-map on the tidelands. You can tell a Bush Act tract. That's what the majority of them are because it's a polygon on the beach with metes and bounds descriptions. It's not linked to the upland adjacent so you just have these polygons out in the bay.

Mr. Clark: Yeah. If you haven't already, I encourage you to follow up on Betsy's suggestion to take a close look at your maps in your folio, and some of those Bush Act lands are identified.

Mr. Dewey: If people are just really interested in the topic, I'm happy to send along those tideland ownership documents that explain that background.

Brenda Werden: And just to add to Bill's comment, one other thing about private tidelands: There is a first right of refusal where if somebody wants to lease, say, in front of your private tidelands maybe on state-owned bedlands, they might come to you for a waiver and you have the first right to possibly lease those if you want to lease those. But if you choose not to, then somebody else may have a right. And it's site-specific, so you'd have to look into how exactly it applies to that area – but another thing to be aware of.

Mr. Graham: Dennis, I thought that earlier you said some of the criteria test for development on public lands was that it not be an exclusive use. Would you –

Mr. Clark: I must have been unclear about that. Exclusive uses are allowed on state-owned aquatic lands. But in that instance we're going to enter you into a lease, which gives you a lot of control over that during the time of the lease.

Mr. Graham: But in the case of a recreational dock for private use, that lease wouldn't be required?

Mr. Clark: Correct.

Vice Chair McGoffin: So would that mean that the public can use that dock?

Mr. Clark: No, it does not.

Vice Chair McGoffin: Oh.

Ms. Werden: But it does have to fit the County regulation for a recreational dock. So I think you have to, you know, try to pull uses together so it's not one dock for one landowner.

Mr. Clark: I would add that there is a caveat. If you propose to construct a recreational dock and it is going to interfere with an existing authorized DNR use – say, another dock that is authorized or some other activity – say, aquaculture – we do have the right to step in and say, No, you cannot do that. But we do not routinely look at each authorization and approve it. Instead, we'll only step in and say, No, you can't do it if it's going to interfere with an authorized use. It's complex. I recognize that. I'm sorry. Keep an eye on it. It's something which could change in the future.

Ms. Ehlers: Betsy, and you: Before you get to – too far in the process – before May – I think it would be useful to have a DNR presentation for the river people and then for the saltwater shoreline people, because the river people don't necessarily need to hear a lot about tidelands and private lands and that sort of thing, but the saltwater people sure might. And I hear a lot of questions and a lot of misunderstanding and a lot of

misinformation that you have clarified. And things, of course, have changed – thank heavens. So it's a suggestion.

Mr. Clark: I'd be happy to support your going through this process.

Vice Chair McGoffin: Thank you.

Mr. Clark: Thank you.

Vice Chair McGoffin: Okay, before Brenda begins, are there any questions in general that you have of the speakers or each other or Betsy, as our Project Manager?

Mr. Dewey: I apologize. I've been asking a lot of questions tonight. Feel free to shut me up. Bob, I wanted to ask before you sat down, you mentioned in your presentation that in the Skagit system the estuarine habitat was what was most limiting. Is that right? Did I hear you say that?

Mr. Warriner: Mm-hmm.

Mr. Dewey: And so in what regard? Is it not abundant, or is what is there not healthy?

Mr. Warriner: Well, in the Skagit system we have an abundance of spawning habitat and so the limiting – basically the bottleneck to our recovery of our stock is the rearing habitat. And so it's believed that historically most of the rearing habitat occurred in the estuary. There are different life histories that rear in the freshwater, but most of the stock of most of all the six stocks in the Skagit use the estuary to rear for the bulk of their run. And so our estuary's been diminished by like 70-some odd per cent – Tim might be able to help me out on this – and so it's just like the biggest chunk of rearing habitat that has been removed out of the Skagit, and that's why it's ____.

Mr. Dewey: So did Skagit Bay ever historically have eelgrass that you're aware of?

Mr. Warriner: Does it still have some eelgrass, Tim?

Mr. Hyatt: I don't know why it wouldn't.

Mr. Dewey: Well, I mean, I don't spend a – I, you know, spend my time in the Samish and am a little bit familiar with Padilla, and those two bays have extensive eelgrass. I think they've got – 25% of the eelgrass in Puget Sound is between the Samish and Padilla. Skagit doesn't have a lot. In my understanding – it's my understanding, but I don't if it's right, it's because of the turbidity of the river and the glacial till in the river shades the eelgrass – you know, shades the tide flats so the eelgrass can't thrive.

Mr. Warriner: Yeah, so the river's been – just to provide maybe some background to that idea, even though I'm not – I don't really know what I'm talking about when it comes to eelgrass – the river has been modified hydraulically to shunt the sediment out in the

bay to keep navigational channels open. And so where it used to spread out over the delta it now comes out of two forks and mainly out of the north fork. It just kind of ___ all the sediment out into the bay. And so it's kind of making an unnatural situation. But of course in the front of the bay there is very little sediment. It's actually sediment-starved and eroding. So that wouldn't explain it at the front of the bay.

Mr. Dewey: I'm curious because, I mean, DNR encouraged the Puget Sound Partnership when they were setting their recovery goals for 2020 to adopt an indicator of 20% eelgrass increase. And that's 1000 acres a year for the next ten years of new eelgrass that they've got to create somewhere. I can't get any answers about where they're going to do that. You know, Skagit is one of the places that came up and I just – you know, I'm perplexed because if it's glacial till-related or silt-related, I don't know how you're going to change that. I was just curious. Sorry.

Vice Chair McGoffin: That's a good question.

Ms. Ehlers: Is anyone going to mention the Samish, other than the end of it? What about habitat in the Samish? See, one of the difficulties is we've had a lot of talk over many years here about the Skagit, and the Samish gets kind of shunted off, except for the oysters and the other forms of aquaculture. We know there's a hatchery there. We have heard from a Fish and Wildlife person that they only allow 500 fish a year – wild fish – a year to go across the weir and up the Samish River. So we had a discussion here during the FEMA requirement that we change the law because of that lawsuit. We had a discussion in which we wanted to leave the Samish out because it wasn't on the list and because none of us knew much about the fish rearing capacity of the Samish. But it was clear that if only 500 are allowed to go up and there used to be a lot more, that there's a discrepancy here that we don't – we hadn't heard about.

Mr. Warriner: Well, let me talk about that a little bit. The Samish – you're right – it has been in recent years kind of not paying as much attention to it. It's because – well, let me first say that the information that I provided in my presentation is not specific to the Skagit River. It's, you know, all rivers around here.

But in the Samish, like I was saying, it's been kind of not paid attention to because there's not a ___ steelhead run – or, I mean, Chinook run. And so most of the funding and attention has been paid to Chinook salmon because they were endangered first, or threatened first. And so, yeah, I agree with you. I think that there needs to be some more attention paid to the Samish, and you – and this Committee should certainly consider the Samish an important resource when looking at this Shoreline Management Program Update; however, in the near future I think that there will be a lot more attention paid to the Samish because it's a very productive steelhead system. And now that steelhead are listed, it'll be in the limelight.

Ms. Ehlers: In the Samish?

Mr. Warriner: Mm-hmm.

Vice Chair McGoffin: Okay, I'd like to move to our next speaker. Brenda, are you ready?

Ms. Werden: No.

Mr. Clark: Oh, Brenda was here to support –

Vice Chair McGoffin: You guys are together?

Mr. Clark: – me if you have any questions I can't answer.

Vice Chair McGoffin: Okay. So is there anything you wanted to add, Brenda, that Dennis didn't say?

Ms. Werden: No.

Vice Chair McGoffin: Okay, good. Good job, Dennis. Any final comments?

Ms. Ehlers: I have some questions about that inventory.

Vice Chair McGoffin: Can you be brief?

Ms. Movassaghi: Do you want to talk to me separately or do you want to –

Vice Chair McGoffin: Because I'd like to let these people go if there's no further ___.

Ms. Ehlers: Well, one of them is generic, and Betsy might not be able to answer it now but she could answer it – she could put it on the website. If you go back and you look at the charts on the inventory, there are nice, pretty colors: red, yellow, green, miscellaneous shades. I have tried to correlate the color from one set of data to another set of data and I cannot – I cannot do it. And so I asked Betsy if she could get a color chart from the consultant that would enable us to actually read this thing intelligently. Because if, as has been said, that's the benchmark, that's what all of us who live anywhere near a shoreline or care about it needs to actually look at and say, Is this accurate or is this not? But if you can't read what the colors mean, then you are perhaps losing an essential part of their analysis.

Vice Chair McGoffin: Thank you, Carol. So, Betsy, would you follow up on that?

Ms. Stevenson: Sure.

Vice Chair McGoffin: Okay.

Elinor Nakis: Could – you know, I have a question.

Vice Chair McGoffin: Yes, go ahead.

Ms. Nakis: Bob, something that you said just kind of struck me. You were talking about estuaries, but earlier in your presentation you had said something about the fish needing more space – that they used to have more space; the rearing of them was in the estuary – and that that's declined over the years. Is that because of the dikes?

Mr. Warriner: Yes.

Ms. Nakis: And take – is it time to re-evaluate the dikes in Skagit County and determine whether some can be removed?

Mr. Warriner: Well, it *is* because of the dikes. And, you know, there's competing uses. There's – agriculture's very important here and so removing the dikes is a very sensitive topic. But, yeah, there are – in the Chinook recovery planning there has been – there are kind of concepts that have been passed around to look at areas where setting the dikes back a little bit would provide habitat, or additional habitat. And so there are some objectives in the plan that kind of dictate how much area should be reconnected to the floodplain, and how much _____ connect to the river. And it's really not that much, if you look at it on a map. But, yeah, that's definitely one of the objectives of the plan.

Ms. Nakis: Okay. So that one photo that you showed us that you said that 60 acres of that little island – and you said that it hadn't been farmed in many years –

Mr. Warriner: Milltown Island?

Ms. Nakis: Yes.

Mr. Warriner: Yeah, that actually is ___ by the Skagit River System Cooperative. It's being restored. It's actually being ___.

Ms. Nakis: Oh, awesome. Okay. Well, thank you.

Vice Chair McGoffin: I'd like to –

Ms. Stevenson: Can I ask a question?

Vice Chair McGoffin: – thank you all for coming.

Ms. Stevenson: Can I ask a quick question?

Vice Chair McGoffin: Oh, Betsy!

Ms. Stevenson: Was this format helpful as we go through this as issues come up and where we kind of talk together and share it together – instead of going through it with

the Advisory Committee and then trying to go through it again with the Planning Commission – where we're all together a few times? Is that okay?

Ms. Ehlers: Mm-hmm.

Ms. Stevenson: If we come up with things that you see as being pretty thorny issues that maybe we can come back and schedule a meeting with them? Is that something you guys would do?

(some mumbling voices)

Ms. Stevenson: Okay. Well, I appreciate that very much. Thank you for your flexibility and willingness to come and try it once.

Ms. Ehlers: There's a meeting on the tenth at Seafarer's, the Skagit County Shoreline Landowners' Workshop, for people to learn various aspects of living with, near or by a shoreline. John Cooper's leading off, in terms of bluff dynamics, and it's going to include a – it's from – get my glasses right. It's from 9:30 in the morning at Seafarer's in Anacortes. You need to call and sign up. It's through the Shore Stewards. But for anyone who's not aware of many of these issues or would like to get another perspective – I go to a number of these because each time I learn something new from somebody that turns out to be important in a way I hadn't thought of.

Vice Chair McGoffin: Okay. Thank you.

Ms. Lohman: Betsy, are you anticipating – I'm looking at the little, teeny slide picture and I see a joint meeting with us when you have your draft. Is there going to be maybe more than one? Because I can't imagine a single meeting, a single joint meeting.

Ms. Stevenson: Yeah. You can't see it but I'll get you the schedule, at least as we have it tentatively set out. But, yeah, I'm thinking even more.

Ms. Lohman: Okay, good. Good.

Ms. Stevenson: We have a target at the end of July that we have to have something to Ecology in the way of some kind of a draft put together that's not final, but they want to see that we're at least making progress to getting finished. So if you guys are willing, then as long as you have the time and don't have a lot of big other projects, which...

Ms. Lohman: Well, I think it's important enough that we should *make* time.

Ms. Stevenson: Yeah, I do, too, but I just wanted to make sure that you guys were with me on that.

Ms. Ehlers: Oh, Betsy – it's too important. And besides, there's not just this. There's all those other ordinances that we have that somehow or other get to connect to it, including whatever the status is of that FEMA thing.

Ms. Stevenson: Yeah. That FEMA thing ___.

(laughter)

Ms. Ehlers: Well, that's a nice way of putting it.

Vice Chair McGoffin: Okay, thank you very much. We are going to move on to the next item on our agenda. You're free to stay or free to leave. Thank you.

Okay. So, Commissioners, we have our – for those of you who turn in mileage, we just received those from Gary and we've received our Envision Skagit Final Recommendations. Gary, did you want to speak to this or is this just for our use?

Mr. Christensen: Let me just kind of introduce it or provide you with a little bit of background. We have appeared before you several times and talked about the Envision Skagit 2060 project. Just earlier this year – maybe a couple months ago, actually – the Citizens Committee completed its work, and as a result of that they just recently issued their final recommendations, which I've now provided you a copy. You can also get this in digital format by going to skagitcounty.net and reviewing it on the project page.

Kirk Johnson, who is the Project Manager of this and worked over the past 2 ½ years on this project, made a presentation to the County Commissioners this morning (and) provided them with a copy of this report. It's really new. The ink probably isn't yet dry. So there hasn't been much discussion about the recommendations, other than we will begin those discussions in earnest first of the year. It is, with your concurrence, our intention to probably at your first meeting in January have Kirk come and talk to you more about what the final report and its recommendations are, and what the next phase is, which it's Phase 3, Implementation. So it's a three-phased project. We've completed Phase 1 and Phase 2. The recommendations are now out. They are advisory only. We will begin, I think, in February having discussions with the Growth Management Act Steering Committee, which is the three County Commissioners and the mayors from each of the incorporated cities and towns in the county. It will then proceed to the Skagit Council of Governments where there will be discussions with them. So that is, again, the mayors, the County Commissioners. And then we're also engaging special purpose districts, so ports and the tribal community. And so that will be about a six-month process of review and discussions.

So these recommendations don't become effective or implemented unless there is some action by a legislative body. That legislative body would be in the county, the County Commissioners; in cities and towns, the city councils; and it may be that there

are even some private interests that would act on some of these recommendations. For instance, Farmland Legacy or Skagitonians and others.

So we're in a process now of analyzing these recommendations under Phase 3, the Implementation process, and you're going to be starting to hear a little bit more about this. This morning when Kirk made the presentation to the Board of County Commissioners, the Commissioners all expressed interest in having *you* look at this document, as well, and talking about it as part of the process. So we plan on doing that just after the first of the year.

Vice Chair McGoffin: What exactly is being asked of the Planning Commission?

Mr. Christensen: Well, that's a good question. This, I guess it was this morning when Kirk provided the Board with their copies of this plan, and I think, as you know, as we talk about any of the comprehensive planning and development regulations for unincorporated Skagit County, the Planning Commission will make recommendations to the Board of County Commissioners. And I think that they would truly and certainly welcome your thoughts and ideas about the recommendations from the Citizens Committee. So we want to schedule this on your agenda after the first of the year and just begin having some discussions about these. Certainly there may be – we asked the Board to go through and maybe color code those recommendations that you like – maybe those are green; maybe those that you're not very fond of, which might be red; and those which you're interested in but maybe you want some more information or you want to know more about it, maybe those are yellow. Certainly as we look at all these recommendations, some of them can be implemented relatively easily and it may be just the County can do so because it's only the County's jurisdiction. There are some recommendations that are more regional in nature, so it involves the County, the cities and the towns. And there are lots of recommendations and some are maybe more easily implemented than others. Some may be more complex, may require more resources, and simply take more time and cost more money.

So it may also be that we have to prioritize these and talk about which ones we might want to act on first, depending on either available resources or the urgency to take some more immediate action rather than others which may be able to come online at some later date.

So those are all things that we just need to talk about.

Vice Chair McGoffin: Okay. More than one –

Mr. Christensen: Yes, probably more than one meeting. Yes.

Ms. Ehlers: Yes, more than once!

Vice Chair McGoffin: Carol?

Ms. Ehlers: I've been trying to find out what the population data is for the cities and for the unincorporated area of the county. I looked in the Comp Plan for 2007 and on one page it was 34,000 that were in the unincorporated area and on another page it was 44,000, which is too much of a discrepancy to really deal with. But that was 2007. We've had another census.

Mr. Christensen: Mm-hmm.

Ms. Ehlers: Does anyone have any specific data for Skagit County – unincorporated Skagit County – and such things as Guemes Island, South Fidalgo Island or other geographical areas? Because we end up talking about those, but we aren't quite sure each ten years what we really should be –

Mr. Christensen: Right.

Ms. Ehlers: – thinking.

Mr. Christensen: Right. We could – you can get information annually from Office of Financial Management, but that is purely incorporated and unincorporated. The census would look at census districts so it's going to be able to provide more information at a smaller geographical area. Now that's only every ten years. But I think some of that census information is now available. You might even find some of that information in here, probably not at the geographical level but certainly some analysis about where the population growth is occurring and what the distribution is and at what percentage.

Ms. Ehlers: Well, I've been very wary all these years because there's an Anacortes census district that includes one of the two heaviest populated areas outside the city. So you can't count on what the census tract says. You can't just go onto the Internet and say, "Census tract x" and then get the information. And yet it becomes essential for certain – for people who live in an area to understand how many of them there are there when they make decisions, whether it's with the County or just independently.

Mr. Christensen: Mm-hmm.

Vice Chair McGoffin: We have a –

Ms. Lohman: But kind of to follow up on that, if they – I haven't seen it for quite a while, but the County used to have some demographics on how much of the land is zoned different ways and how much is state ownership and federal ownership and private ownership. That kind of information is also really germane to this.

Ms. Ehlers: That's in the Profile. Not – no: in the Comp Plan Profile.

Ms. Lohman: But not up-to-date.

Mr. Christensen: Yeah, there used to be an annual report on Skagit County demographics that was issued. That's when the Health Department had a full-time demographer, and they've been without one, I think, for two years now. So those reports are not made annually anymore, as a result of budget cuts several years ago.

Ms. Ehlers: There seem to be a lot of consultants around. Can't we hire Alex to do it for the 2000 census so that for at least ten years we have an idea?

Mr. Christensen: Well, it's – there are departments that are losing staff, so it's harder and harder to come by monies to pay for those types of services when you have departments that are experiencing layoffs.

Vice Chair McGoffin: Is there any other general business the Commissioners would like to bring up? I just want to confirm our next meeting is January 3rd.

Mr. Christensen: Yes.

Vice Chair McGoffin: It's a Tuesday.

Mr. Christensen: Yes. I think we'll be issuing a legal notice shortly. I saw one prepared – Patti prepared it – and I haven't had a chance to look at it, but it will announce your regular meetings through all of next year. And that'll be the first Tuesday of each month, with the exception of I think there might be some holidays that, you know, we bumped it out a week. Typically if it's a Tuesday after a Monday holiday we, I think, have scheduled it maybe the following week. But I need to look at those dates. But it should appear soon so that legally we've advertised all our regular meetings for next year.

Vice Chair McGoffin: Okay, so you –

Ms. Lohman: It'd be the 2nd then – or the 3rd?

Vice Chair McGoffin: It'd be the 3rd.

Ms. Lohman: The 2nd would be a holiday.

Vice Chair McGoffin: Yeah, so that's what I'm asking.

Ms. Lohman: The first one would fall under what you just said.

Mr. Christensen: Yeah, I'll have to look and see how those have been set up.

Vice Chair McGoffin: Okay, so it'd be helpful if you could get the agenda to us early enough, since we have so many holidays that week.

Mr. Christensen: Yes.

Vice Chair McGoffin: Okay. That'd be great.

Ms. Lohman: I do have something.

Vice Chair McGoffin: Okay.

Ms. Lohman: This is a more of a housekeeping. On our agendas, we've already mentioned that we're going to have this Envision thing and the Shoreline Update. If we could structure our agenda a little bit differently so that we have – kind of follow what we did for this time, but we have the continuing or ongoing business on there, and maybe a little blurb that what we did at the last meeting? We don't have to discuss it necessarily, but it's kind of like a tickler. Okay, last time we finished the VSP and we –

Mr. Christensen: Like old business and new business?

Ms. Lohman: Yes. And my reason for that is continuity, so that we don't have things get dropped off accidentally. I just think it's – then, when you're reviewing, it's, Oh, yeah – we did that, we did that, we did that.

Vice Chair McGoffin: Annie brings up a good point that other planning commissions actually do minutes and we don't because we have it video'd. But we have no record of that. We can't say we approve of that video, we approve of those minutes. So we don't have a sense, you know, always of how things went last month. Which is okay, but I think if, just like she says, just a little one liner of old business would help us.

Mr. Christensen: Yeah, maybe what we could do at our first meeting in the new year – of course, you'll have new elections for Chair and Vice Chair for 2012 – we'd like to talk to you about Envision Skagit and the Citizen Committees' recommendations. We might also want to just have some general business suggestion about, you know, how we can be more efficient, what can we do to better help you, what are some things that you'd like to see. It's probably going to be premature for us to be able to talk to you about a work program at our first meeting in January because it will be probably mid-January before we have that discussion with the County Commissioners. As you probably have read or maybe even if you had a chance to watch yesterday's County Commissioner budget hearing, there are certainly going to be some cutbacks in Planning and Development Services – a reduction in staff – and less resources. So there's going to be – it'll be challenging for us to still do some of the things that need to be done, and so we're going to have to work closely together so that we can become more efficient and utilize our resources as best we can to still do the things that we need to get done. So we'll need to have some further discussions and collaborations about how we can mutually meet those goals.

Ms. Ehlers: Mary?

Vice Chair McGoffin: Yes?

Ms. Ehlers: One of the things that I am missing are the final version of whatever it is we approve with a resolution number and the text.

Mr. Christensen: Yeah.

Ms. Ehlers: Now we – it's a vast improvement, I think, having Ryan go through the text so that we know what's being sent forth at the time of the meeting instead of wondering what it might turn out to be. But I'd like to have a final copy that has Resolution Number such and such and so forth, that I have a fixed, accurate version of it.

Mr. Christensen: Yeah.

Ms. Ehlers: Then I can throw away most of the rest of it and reduce the space. I'm getting desperate.

Mr. Christensen: Yeah, yeah. I think we have in the past, but not always, provided you with copies of resolutions and ordinances.

Ms. Ehlers: You have.

Mr. Christensen: And maybe that's one of the things that we can talk about early in the year, about, you know, what are some of the things – we had some individual conversations, and maybe it will be timely just into the new year to talk about some of the things that we spoke about and some of the things that you'd like to do that we could certainly improve upon and help you so you can help us. And make a punch list of things that we can do to make our jobs easier.

Ms. Ehlers: Yes.

Vice Chair McGoffin: All right. Seeing no other new business, do I have a motion to adjourn?

Ms. Lohman: I move we adjourn.

Mr. Christensen: For the year!

Vice Chair McGoffin: All right. We are adjourned (gavel).