

GERALD STEEL, PE

ATTORNEY-AT-LAW

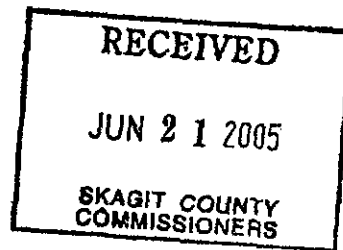
2545 NE 95th STREET

SEATTLE, WA 98115

Tel/fax (206) 529-8373

June 20, 2005

Skagit County Commissioners
1800 Continental Place, Suite 100
Mt. Vernon, WA 98273



RE: Please Stay the Course - Follow the Guemes Task Force Recommendations

Dear Commissioners:

I write this letter on behalf of Friends of Guemes Island ("Friends"). The adopted Guemes Task Force Recommendation directs that hours of ferry service not be expanded at this time. Friends urges that the BOCC rely on this adopted policy until this issue can be more fully

Friends urges that the BOCC be addressed in the Guemes Subarea Planning process. This is a critical issue to residents of Guemes Island.

The BOCC has worked hard on setting a schedule policy with public support for the Guemes Island Ferry. Resolution R20040051 (Attachment 1 to this letter) describes how the BOCC, in March, 2003, first established the Guemes Island Ferry Schedule and Fare Task Force ("Task Force"). It also describes how the BOCC held a noticed public hearing in December, 2003 to hear public input and consider the Final Recommendations of the Task Force regarding ferry schedule policy. See Resolution R20030408 which is Attachment 1A to this letter. In February, 2004, the BOCC adopted the Guemes Task Force Final Recommendations by this Resolution.

Attachment 2 to this letter is a copy of the adopted Task Force Final Recommendations. Page 2 of these Recommendations further discusses the public process. The Task Force, representing a diverse cross-section of citizens, met 10 times between March and October, 2003, and "achieved general agreement on a balanced set of recommendations." In November, 2003, the Task Force held a well-advertized public meeting on Guemes Island to consider these draft recommendations. Following this public meeting, the Task Force met two more times to develop the Final Task Force Recommendations that were adopted by the BOCC.

After considering the diverse public input regarding the ferry schedule, the BOCC adopted the Task Force Recommendation to meet demand using **"the currently defined schedule day."** Attachment 2, page 2, first bullet.

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Skagit County Commissioners

June 20, 2005

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Friends of Guemes Island requests that the BOCC continue to rely on this adopted Task Force Recommendation that the demand be met using **"the currently defined schedule day,"** at least until the BOCC adopts the Guemes Subarea Plan. Friends of Guemes Island opposes extending ferry hours beyond the current schedule day because this action will increase the growth rate on Guemes and will have significant environmental impact on the Guemes sole source aquifer and rural character. All of these issues need to be studied together and addressed together in the Subarea Plan.

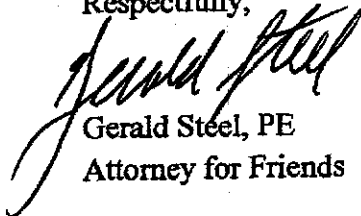
Attachment 3 to this letter is the latest Resolution setting policy for fares for the Guemes ferry.

Attachment 4 to this letter is a Resolution that establishes a Roundtable forum composed of Public Works and the Guemes Island Ferry Committee. Friends of Guemes Island supports the use of this Roundtable to implement the adopted Task Force Recommendations. Friends suggests that the Roundtable develop scheduling options as consistent as possible with the adopted Task Force Recommendations and submit these options to the Guemes Advisory Committee for review in the Subarea Planning Process. This will allow for a broad level of review on all ferry schedule issues by the public, staff, and planning commission before the

BOCC makes a decision on these issues and adopts a Subarea Plan.

Friends of Guemes Island opposes expanding hours of ferry service at this time. This is a critical issue to Friends of Guemes Island. Friends requests that the BOCC stay the course and keep the ferry operating within the currently defined schedule day. Please allow the Guemes Subarea Planning process to resolve the issue of expanding hours of ferry service. Thank you.

Respectfully,

A handwritten signature in black ink, appearing to read "Gerald Steel". The signature is written in a cursive, flowing style with a large initial "G".

Gerald Steel, PE
Attorney for Friends

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SKAGIT COUNTY
Resolution # R20040051

Page 1 of 2

RESOLUTION NO. _____

**A Resolution Accepting the Policy Recommendations of the Guemes Island Ferry
Schedule and Fare Task Force**

Whereas, Skagit County operates the Guemes Island Ferry between Anacortes,
Washington and Guemes Island; and

Whereas, the Skagit County Board of County Commissioners (Board) approved
Resolution No. R20030074 on March 11, 2003 which established the Guemes Island
Ferry Schedule and Fare Task Force (Task Force) to provide recommendations to the
Board of County Commissioners pursuant to the Guemes Island Ferry Operations
Management; and

Whereas, on December 22, 2003 the Task Force formally presented its recommendations
to the Board during a Public Hearing; and

Whereas, on January 20, 2004 the Board rendered its decision regarding the
recommendations of the Task Force.

NOW, THEREFORE BE IT RESOLVED, that the Board of Skagit County

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners does hereby accept the recommendations of the Guemes Island Ferry Task Force subject to the following conditions,

1. That continuing discussions regarding the various proposals and issues which were brought forward during the comment period be pursued by the Public Works Department and resolved in a manner acceptable to the Board; and
2. That Monday through Thursday the Guemes Island Ferry System will continue to provide the 6:00 PM service for those that are in line; and
3. That the \$100.00 Extended Run (1 run at the end of the day) fee, for both base and peak usage, be eliminated.

Attachment 1 0451
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SKAGIT COUNTY
Resolution # R20040051

Page 2 of 2

WITNESS OUR HANDS AND THE OFFICIAL SEAL OF OUR OFFICE this

9th day of February 2004.

BOARD OF COUNTY
COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

Ted W. Anderson

Ted W. Anderson, Chairman

Don Munks

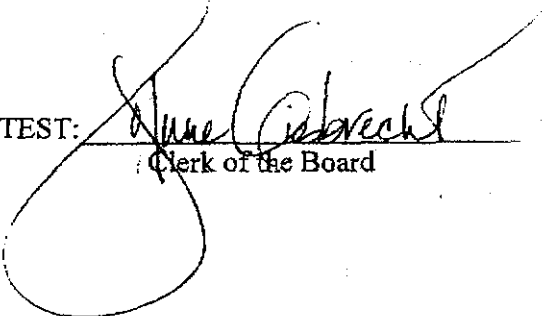
Don Munks, Commissioner

Kenneth A. Dahlstedt

Kenneth A. Dahlstedt, Commissioner



ATTEST:


Clerk of the Board

SKAGIT COUNTY
Resolution # R20030408

RESOLUTION _____ Page 1 of 3

Call for Public Hearing for the Consideration
of the Guemes Island Ferry Task Force
Schedule and Fare Policy Recommendations

WHEREAS, Skagit County operates the Guemes Island Ferry between Anacortes, Washington and Guemes Island; and

WHEREAS, the Guemes Island Ferry System Management Implementation Plan contemplates the creation of a Task Force that will work collaboratively with Skagit County Public Works Department regarding the Guemes Island Ferry Fare Structure and Sailing Schedule; and

WHEREAS, the Skagit County Board of County Commissioners (Board) approved Resolution No. R20030074 on March 11, 2003 establishing the Guemes Island Ferry Schedule and Fare Task Force (Task Force); and

WHEREAS, the Board of Skagit County Commissioners created the Guemes Island Ferry Schedule and Fare Task Force to provide policy recommendations to the Board pursuant to the Guemes Island Ferry Operations Management Analysis; and

WHEREAS, the Guemes Island Ferry Schedule and Fare Task Force wishes to formally present their recommendations to the Board of Skagit County Commissioners; and

WHEREAS, it becomes the duty of the Board of Skagit County Commissioners to fix the time and place for a public hearing upon said request.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY ORDERED that a public hearing be held in the Commissioners' Hearing Room, County Administration Building, Mount Vernon, Washington, on **Monday, December 22nd, 2003**, at the hour of 1:00 p.m., or as soon thereafter as possible, where oral and written testimony will be heard for or against said recommendations. The Clerk of the Board is hereby directed to publish a notice of public hearing.

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Attachment 1A 501-5

PASSED, this 8th day of December, 2003.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

Kenneth A. Dahlstedt

Kenneth A. Dahlstedt, Chairman

Ted W. Anderson

Ted W. Anderson, Commissioner

Don Munks, Commissioner

ATTEST:



Shirley Craft
JoAnne Giesbrecht, Clerk *Acting*
Skagit County Board of Commissioners

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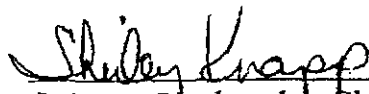
Notice Of Public Hearing
For the Consideration of the Guemes Island Ferry Task Force
Schedule and Fare Policy Recommendations

NOTICE IS HEREBY GIVEN that the Skagit County Board of Commissioners will hold a Public Hearing on **Monday, December 22nd, 2003,** at the hour of 1:00 p.m., or as soon thereafter as possible, in the Commissioners' Hearing Room, Skagit County Administration Building, Mount Vernon, Washington, for the purpose of receiving oral and written testimony to be heard for or against said recommendations.

This proposal may be approved, modified and approved, or rejected by the Board of Skagit County Commissioners. Your views for or against this matter are invited either by attendance, representation, or letter. For citizens with special needs, the Commissioners' Hearing Room is accessible. Persons with special needs or disabilities are asked to call the Commissioners' Office at 360-9300 at least 96 hours before the hearing to discuss and arrange for any needed accommodations.

Please contact Steve Flude, 360-336-9400, with any questions.

Notice given by order of the Board of Skagit County Commissioners this 8th day of December, 2003.



JoAnne Giesbrecht, Clerk *Act'g*
Skagit County Board of Commissioners

Published in the Skagit Valley Herald on December 11th and 18th, 2003.

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Guemes Island Ferry

Schedule & Fare Policy Analysis Task Force

2004



Fare and Schedule Proposal Package

Final Task Force Recommendations

December 12, 2003

06

Attachment 2 501-8

BACKGROUND

Task Force Charge & Recommendations

In March 2003, the Skagit County Board of Commissioners created the Guemes Island Ferry Schedule and Fare Policy Task Force to work collaboratively with Skagit County Public Works on the implementation of the Guemes Island Operations Management Analysis recommendations from October 2002.

Task Force members were convened in an unprecedented opportunity to comprehensively review fare and schedule policy issues with representatives from all affected parties and set an appropriate course for the future of the Guemes Island Ferry.

The Task Force met 10 times between March and October to review analysis and discuss policy options for fares and schedules.

GUEMES ISLAND FERRY SCHEDULE & FARE POLICY TASK FORCE

The Task Force was composed of a variety of on-island and off-island residents, and local government representatives. Interests of commercial customers were incorporated via interviews and invitations to attend a Task Force and other community meetings.

The Task Force was charged with analyzing and discussing Guemes Island Ferry schedule and fare policy issues and options. Working as a group the Task Force achieved general agreement on a balanced set of recommendations to be presented to the Board of Skagit County Commissioners at a public hearing on December 22, 2003.

TASK FORCE RECOMMENDATIONS

The Task Force recommendations cover four major elements aimed at recognizing changes in ferry use and growth in ridership, as well as increasing equity among customers and between customers and taxpayers:

- (1) New schedule – reflecting changing pattern of demand and establishing a separate schedule for Summer and Winter;
- (2) Adjusted revenue target for fares, with a phase 1 target as a substantial step toward the new goal;
- (3) New fares resulting from structural changes designed to improve equity among fare classes; and
- (4) Fare increases to reach the new revenue target.

Recognizing that success will depend on many implementation issues, the Task Force also recommends that a formal process be initiated to allow the Ferry Committee and Public Works to collaboratively address these issues.

On November 15, 2003 the Task Force hosted a public meeting on Guemes Island to present the Draft Recommendations and collect comments. The recommendations were made available a week in advance of the meeting throughout the community and on the internet. In addition, to the comments collected at the meeting, ferry users were encouraged to comment via email, regular mail and fax.

After that public meeting, the Task Force met two more times to discuss the public input, consider possible amendments to the Draft Recommendations and to prepare Final Recommendations to theagit County Board of Commissioners.



AMENDMENTS

Public Input and Amendments to the November 15th Proposal

PUBLIC INPUT

The following is a brief overview of the most frequently expressed comments related to schedule and fare recommendations.

New Schedule:

- Schedule should remain as is
- Proposal is too complicated with too many new sailings to keep track of
- More service should be added going off the Island in the morning
- Additional sailings and fixed sailing times were a good idea
- Schedule day should be extended past 6:00 PM Monday-Thursday

Fares and Fare Revenue Requirement:

- Concern about unknown impacts of future costs and how costs have been assigned to customers

- Lack of trust in management to manage in a cost effective way
- Frequent user categories are too complicated; the best price is going to the most frequent users
- Highest increases are going to the resident users
- Commercial and oversize fares should increase more
- Motorcycle users should get access to frequent user discounts

AMENDMENTS

The Task Force made several amendments to its original recommendations based on public comments and additional discussions. The following key changes were made:

- Revised the frequent user categories to simplify and address affordability issues
- Minor modifications to the schedule to address crew break requirements
- Shortened the summer peak season (May 1 - Labor Day)
- 20-minute service on Sunday in Summer start at 11:00 AM instead of 3:00 PM
- Changed the oversize fare pricing methodology
- Changed revenue requirement formula to use a three-year average for Motor Vehicle Fuel Tax



PROPOSAL PACKAGE

2004 Fare & Schedule Proposal Package

TASK FORCE RECOMMENDATIONS

The balance of this package presents the Final Recommendations of the Guemes Island Schedule and Fare Task Force. In addition to the specific schedule and fare recommendations, the Task Force recommends that the implementation issues be addressed as part of a newly chartered process called the Operations and Performance Roundtable. This will provide a mechanism whereby ferry customers, as represented by the Ferry Committee, will work with Skagit County Public Works on implementation and management issues.

1. New Schedule - Design schedule to meet changing needs of ferry

- A fixed schedule
- Facility improvements and procedural changes to support new schedule
- Staff crew to demand and different needs of Summer, Winter Schedule
- Other schedule policies - the end of the day and holidays

2. Fare Revenue Requirement - Balance taxpayer and ferry customer responsibility

- Adjustments to fare revenue target formula

- Phasing to meet goal

3. Structural Fare Changes - Define equity among customers

Vehicle Fares

- Standard fare
- Overlength - vehicles longer than standard
- Overwidth - vehicles wider than standard
- Other - Motorcycle, bicycle and stowage
- Frequent user discounts
- Summer surcharge

Passenger Fares

- Standard fare
- Youth fare
- Senior and disabled discount
- Frequent user discounts

4. 2004 Fare Proposal - Meet Phase I revenue needs of system

- Standard car and driver fare
- Standard passenger fare
- Fare table

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1. NEW SCHEDULE

Design schedule to meet changing needs of ferry

SCHEDULE PARAMETERS

As the Task Force considered ferry schedule issues and challenges, the following schedule parameters emerged:

- The schedule should be **designed to meet the demand** within the currently defined schedule day.
- **Match staffing with demand for service.** Where demand warrants, crew will be added to improve service. It is possible and required to operate a 20-minute schedule with a 4-person crew in high demand periods and a 30-minute schedule with a 3-person crew in lower demand periods (with revised cash handling/proof of purchase procedures).
- The mode of operation should change from a mix of scheduled and on demand service to one based

WHY IS THE SCHEDULE BEING CHANGED?

The current schedule is largely built around a demand-responsive approach that provides flexibility by leaving gaps throughout the day where the crew has discretion to add extra trips based on demand.

This approach made sense when traffic levels were much lower, but today:

- In the winter, there are 20% more

scheduled and on-demand service to one based on a **fixed schedule**. This will improve management's ability to manage the service and staff appropriately, provide predictability for customers and crew, and eliminate a source of tension between crew and customers by eliminating the need for the crew to determine when it is appropriate make "extra trips".

- **Most costs of operating the ferry during the regular schedule day are fixed.** The only additional cost of making an extra trip is the cost of fuel. In 2002, the average cost of fuel for a round trip was \$4.68. This is not enough of a savings to reserve the option of on-demand sailings.
- **The crew's breaks should be explicitly accounted for** in the schedule.
- **Provide the necessary supporting policies, procedures and facility improvements** to enable the crew to meet the 20-minute and 30-minute schedules without compromising safety or cash handling procedures.



Guemes Island Ferry

Schedule & Fare Policy Analysis Task Force

actual sailings than scheduled sailings, in the summer there are 40% more

- As volume has grown, so has the number of conflicts between the crew and customers around how the crew's discretion for extra service is being used.
- Flexibility comes at a significant cost in terms of service predictability for customers and additional management challenges.

Final Task Force Recommendations

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1. NEW SCHEDULE

Design schedule to meet changing needs of ferry

A FIXED SCHEDULE

The schedule should be developed to ensure maximum throughput (20-minute schedule) during the known peak travel periods and allow management to match staffing needs (3-person crew and 4-person crew) based on the schedule and demand requirements of the service. A fixed schedule meets the schedule parameters and improves customer service through schedule predictability.

SCHEDULE RECOMMENDATIONS

- Run on a **fixed schedule** and meet the schedule (at least 90% of trips on time, actual performance standards are to be addressed in the Roundtable process.)
 - **Provide 20-minute service** from 11:00 AM to 6:00 PM Monday-Thursday, 11:00 AM to 8:00 PM on Friday, Saturday and Sunday.
 - **Provide a sailing at 3:45 PM to coincide with the school bus on weekdays.**
 - **Schedule the fuel truck run on Tuesday mornings** as is the current practice. The 6:30 AM

... schedule the fuel truck run on Tuesday mornings as to the current proposal. The scheduled run from Anacortes will be restricted to fuel and propane trucks only. On the printed schedule, the restricted use of this scheduled trip will be made clear. Fuel vehicles will return to Anacortes on the return of the 11:45 AM scheduled run.

- **A winter schedule offers opportunities to provide reduced service in periods of low demand.** During the winter (off-peak) months, some of the 20-minute service is scaled back to 30-minute service on Saturday and Sunday to reflect lower demands.
- For both schedules, the only discretion for making extra trips during the day will be for a medical emergency.

WILL THERE BE A FOURTH PERSON ON THE FERRY CREW?

Under the proposed schedule recommendations (including implementation of the supporting policies and procedures), in periods of high demand, a 4-person crew will operate a 20-minute schedule.

In periods of low demand, a 3-person crew will operate on a 30-minute. Because of audit requirements mandating proof of purchase, the terminal time at Anacortes required in the 3-person crew situation is significantly longer than the terminal time when the ferry is operating with a 4-person crew and the purser remains at the terminal.

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1. NEW SCHEDULE

Design schedule to meet changing needs of ferry

SUPPORTING POLICIES & PROCEDURES

- To facilitate and expedite ticketing and loading, **restripe the dock** to allow for 2 staging lanes.
- To improve safety and reduce loading time, provide a barrier to **separate passengers from vehicles** so they can be loaded separately.
- Provide a **visual cue** (lights/clock) to **inform arriving customers as to the loading status** and likelihood of making the next sailing.
- A **"cut off" time for loading before each sailing** will be established by the Roundtable. Leaving on time is the priority and customers are encouraged to arrive early for their sailing.

WHY NOT EXTEND THE DAY?

The Task Force decided to leave the Monday through Thursday last sailing at 6:05 PM. This was done after much discussion and for the following reasons:

1. **Cost.** Extending the day will increase operating costs which in turn would require a greater fare increase.
2. **Lack of Island consensus on this issue.** Guemes Island is split on this issue, with no clear consensus to deviate from the traditional Monday-Friday schedule day.
3. **Consequences of extending weekday service needs to be evaluated in a more comprehensive way** and the impacts discussed as part of a community-wide dialogue. The subarea planning process

OTHER RECOMMENDATIONS

OTHER RECOMMENDED SCHEDULE POLICES

- **End of Schedule Day Policy:**

- Those in line in time for the last run of the schedule day, or for a special civic or school purpose trip, are guaranteed passage to Guemes Island.
- Passage to Guemes Island for a vehicle arriving after the last scheduled trip will be space contingent and provided if there is room on the vessel on the trip caused by an overload situation.

- **Holiday Schedules:**

- When the day before a holiday (New Year's Day, 4th of July, Thanksgiving or Christmas) falls on a Tuesday through Thursday, Ferry service will be provided on the Friday schedule - but stopping at 10 PM.
- When a holiday (see above) falls on a Monday through Thursday, Ferry service will be provided on the Sunday schedule.



Guemes Island Ferry

Schedule & Fare Policy Analysis Task Force

may represent an opportunity for this dialogue.

WHEN WILL WE SEE SOME OF THE CHANGES AT THE DOCK?

The proposed schedule is contingent on making the facility improvements and procedural changes identified by the Task Force. These changes will be in place by May 2004.

HOW WILL THE NEW SCHEDULE CHANGE THE 6PM RUN?

With the new schedule, 66% more service (4 more trips) has been added during the busiest part of the day - between 3 PM and 6 PM. This should significantly reduce the afternoon backlog, and potentially reduce the demand at 6 PM and the need for extra runs to accommodate overloads at the end of the day.

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Final Task Force Recommendations

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1. NEW SCHEDULE

Summer Schedule (May 1 through Tuesday after Labor Day)

	Trip	Mon - Thurs	Friday	Saturday	Sun & Holidays
Morning	1.0	6:30 AM	6:30 AM	6:30 AM	
	2.0	7:00 AM	7:00 AM	7:00 AM	7:00 AM
	3.0	7:30 AM	7:30 AM	7:30 AM	7:30 AM
	4.0	8:00 AM	8:00 AM	8:00 AM	8:00 AM
	5.0	8:30 AM	8:30 AM	8:30 AM	8:30 AM
	6.0	9:00 AM	9:00 AM	9:00 AM	9:00 AM
0:15:00 Minute Break					
	7.0	9:45 AM	9:45 AM	9:45 AM	9:45 AM
	8.0	10:15 AM	10:15 AM	10:15 AM	10:15 AM
	9.0	10:45 AM	10:45 AM	10:45 AM	10:45 AM
	10.0	11:05 AM	11:05 AM	11:05 AM	11:05 AM
	11.0	11:25 AM	11:25 AM	11:25 AM	11:25 AM
	12.0	11:45 AM	11:45 AM	11:45 AM	11:45 AM
0:45:00 Lunch Break					
Mid Day	13.0	1:00 PM	1:00 PM	1:00 PM	1:00 PM
	14.0	1:20 PM	1:20 PM	1:20 PM	1:20 PM
	15.0	1:40 PM	1:40 PM	1:40 PM	1:40 PM
	16.0	2:00 PM	2:00 PM	2:00 PM	2:00 PM
0:15:00 Minute Break					

Afternoon

17.0	2:40 PM	2:40 PM	2:40 PM	2:40 PM
18.0	3:00 PM	3:00 PM	3:00 PM	3:00 PM
19.0	3:20 PM	3:20 PM	3:20 PM	3:20 PM
20.0	3:45 PM	3:45 PM	3:45 PM	3:45 PM
21.0	4:05 PM	4:05 PM	4:05 PM	4:05 PM
22.0	4:25 PM	4:25 PM	4:25 PM	4:25 PM
23.0	4:45 PM	4:45 PM	4:45 PM	4:45 PM
24.0	5:05 PM	5:05 PM	5:05 PM	5:05 PM
25.0	5:25 PM	5:25 PM	5:25 PM	5:25 PM
26.0	5:45 PM	5:45 PM	5:45 PM	5:45 PM
27.0	6:05 PM	6:05 PM	6:05 PM	6:05 PM

0-15:00 Minute Break

28.0	6:40 PM	6:40 PM	6:40 PM
29.0	7:00 PM	7:00 PM	7:00 PM
30.0	7:20 PM	7:20 PM	7:20 PM

0-15:00 Dinner Break

31.0	8:30 PM	8:30 PM	8:30 PM
32.0	9:00 PM	9:00 PM	9:00 PM
33.0	9:30 PM	9:30 PM	9:30 PM
34.0	10:00 PM	10:00 PM	10:00 PM
35.0	10:30 PM	10:30 PM	
36.0	11:00 PM	11:00 PM	

Crew Break & Terminal Clean Up

37.0	12:00 AM	12:00 AM	
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Evening

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1. NEW SCHEDULE

Winter Schedule (Wednesday after Labor Day through April 30)

	Trip	Mon - Thurs	Friday	Saturday	Sun & Holidays
Morning	1.0	6:30 AM	6:30 AM	6:30 AM	
	2.0	7:00 AM	7:00 AM	7:00 AM	7:00 AM
	3.0	7:30 AM	7:30 AM	7:30 AM	7:30 AM
	4.0	8:00 AM	8:00 AM	8:00 AM	8:00 AM
	5.0	8:30 AM	8:30 AM	8:30 AM	8:30 AM
	6.0	9:00 AM	9:00 AM	9:00 AM	9:00 AM
	0:15:00 Minute Break				
	7.0	9:45 AM	9:45 AM	9:45 AM	9:45 AM
	8.0	10:15 AM	10:15 AM	10:15 AM	10:15 AM
	9.0	10:45 AM	10:45 AM	10:45 AM	10:45 AM
	10.0	11:05 AM	11:05 AM	11:15 AM	11:15 AM
	11.0	11:25 AM	11:25 AM		
	12.0	11:45 AM	11:45 AM	11:45 AM	11:45 AM
Mid Day	0:45:00 Lunch Break				
	13.0	1:00 PM	1:00 PM	1:00 PM	1:00 PM
	14.0	1:20 PM	1:20 PM	1:30 PM	1:30 PM
	15.0	1:40 PM	1:40 PM		
	16.0	2:00 PM	2:00 PM	2:00 PM	2:00 PM

Afternoon

17.0	2:40 PM	2:40 PM		
18.0	3:00 PM	3:00 PM	3:00 PM	3:00 PM
19.0	3:20 PM	3:30 PM	3:30 PM	3:30 PM
20.0	3:45 PM	3:45 PM		
21.0	4:05 PM	4:05 PM	4:00 PM	4:00 PM
22.0	4:25 PM	4:25 PM	4:30 PM	4:30 PM
23.0	4:45 PM	4:45 PM		
24.0	5:05 PM	5:05 PM	5:00 PM	5:00 PM
25.0	5:25 PM	5:25 PM	5:30 PM	5:30 PM
26.0	5:45 PM	5:45 PM		
27.0	6:05 PM	6:05 PM	6:00 PM	6:00 PM

0:15:00 Minute Break

28.0		6:40 PM		
29.0		7:00 PM	7:00 PM	7:00 PM
30.0		7:20 PM	7:30 PM	7:30 PM

0:45:00 Dinner Break

31.0		8:30 PM	8:30 PM	8:30 PM
32.0		9:00 PM	9:00 PM	9:00 PM
33.0		9:30 PM	9:30 PM	9:30 PM
34.0		10:00 PM	10:00 PM	10:00 PM
35.0		10:30 PM	10:30 PM	
36.0		11:00 PM	11:00 PM	

Crew Break & Terminal Clean Up

37.0		12:00 AM	12:00 AM	
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Guemes Island Ferry

Schedule & Fare Policy Analysis Task Force

Final Task Force Recommendations

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2. REVENUE REQUIREMENT

Balance taxpayer and ferry customer responsibility

HOW ARE FARES DETERMINED NOW?

Ferry expenditures are covered by a combination of ferry fares, a deficit reimbursement from the State and a County contribution from the County's Road Fund (which, in turn comes from the Motor Vehicle Fuel Tax (MVFT) and other Road Fund sources).

The revenue required from ferry fares is based on a formula developed in 1982 and amended in 1989, as included in County Resolution 11939, which states:

Revenue from ferry fares should

REVENUE TARGET OBJECTIVE

As the Task Force discussed the policy basis for setting the fare revenue requirement, the following principles emerged:

- **Equity Considerations.** The fare revenue requirement policy must address the equity of how cost responsibilities are split between the users of the system and the County taxpayers.
- **Bridge Analogy.** From a policy perspective, the Guemes Island Ferry has been considered a county bridge, though one with unique features that requires a toll to equitably distribute the cost of providing this service. The analogy provides a policy basis for supporting both a requirement for fares as well as a basis for the commitment of County Road Fund resources.
- **The Bridge Analogy and the Fare Requirement.** Taxpayers are responsible for 100% of the cost of the capital and

equal:

- 88% of ferry crew wages and benefits
- plus 100% of fuel and insurance costs
- less (MVFT derived specifically for ferry operations plus 3-year average of State Deficit Reimbursement)

Fares do not cover the maintenance of the vessel and docks or capital costs associated with the Ferry.

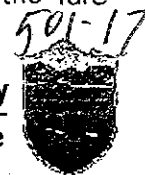
When all ferry-related operations and maintenance costs are included, fare revenues recovered 31% in fiscal year (FY) 2002. This recovery rate has dropped from 53% in FY 1992, the year of the last fare increase. Over the last eleven years, costs have increase, fares have remained constant and state funding has fluctuated erratically.

are responsible for 100% of the cost of the capital and maintenance of bridges in the County. Ferry costs that are not typically associated with a bridge should be recoverable through fares. This premise is easy to explain, intuitive and has served as the traditional way of explaining which costs are paid with fare revenue.

Considerations in assessing the current application of the Bridge Analogy:

- **Current Fare Revenue Target Policy.** The current policy is not fully consistent with the Bridge Analogy intent – only 88% of crew wages and benefits are currently eligible for fare recovery.
- **Deductions for Ferry Tax Revenues.** Resolution 11939 deducts State funding for ferries (attributable motor fuel tax) and a three-year average of the deficit reimbursement from eligible ferry costs to determine the fare revenue target. Given that these revenues would not be available to Skagit County without the presence of the ferry, the Task Force is in agreement that it is appropriate to deduct these from fare eligible ferry costs before determining the fare revenue target.

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2. REVENUE REQUIREMENT

Balance taxpayer and ferry customer responsibility

RECOMMENDED CHANGES IN FORMULA

The Task Force endorses the concept of the Bridge Analogy and recommends that the current formula be changed to be consistent with the policy basis.

- Revenue from ferry fares should equal:
 - 100% of ferry crew wages and benefits
 - plus 100% of fuel and insurance costs
 - plus 100% Ferry Manager's time spent at the dock (excludes administrative time)
 - less the sum of a 3-year average of State funding for ferries (MVFT for ferry operations) and 3-year average of State Deficit Reimbursement

Phasing in the Changes. The Task Force recognizes that this change, if implemented all at once, would result in significant impacts on fares. As a result, it is recommended that the change in the fare

WHAT IS THE OPERATIONS AND PERFORMANCE ROUNDTABLE?

The Operations and Management Analysis recommended a mechanism for Public Works

revenue target formula should be phased in over time. At this time, the Task Force will recommend a Phase I fare proposal. Subsequent phasing decisions and appropriate fare changes will be developed through the Operations and Performance Roundtable.

and the Ferry Committee to resolve ongoing operations issues. The Task Force has added to this concept by recommending that an Operations and Performance Roundtable be established through County Resolution to resolve issues associated with implementation of the Task Force recommendations and ongoing operations and performance issues.

HOW DOES THE GUEMES ISLAND FERRY COMPARE TO OTHERS?

Ferry (Operator)	Crossing Time	Roundtrip Ridership (2002)	Base Car Fare	Base Passenger Fare	Last Fare Change (%)	Total System Recovery (FY 02)
Guemes Island (Skagit County)	5 min.	202,802	\$5.25	\$1.25	1992 (1% cars, 4% passengers)	31%
Lummi Island (Whatcom County)	5 min.	227,524	\$4.00	\$1.00	2002 car fares only (25% base fare)	39%
Anderson Island Ketrion Island (Pierce County)	20 min. 10 min.	191,059	\$11.50	\$3.30	2002 (10%)	58%



Guemes Island Ferry

Schedule & Fare Policy Analysis Task Force

Final Task Force Recommendations

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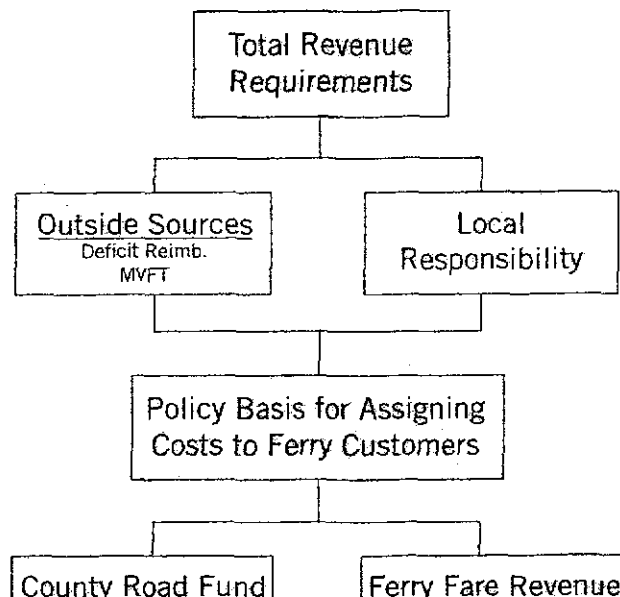
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FARE POLICY FRAMEWORK

Equity Among Taxpayers & Customers; Among Customers

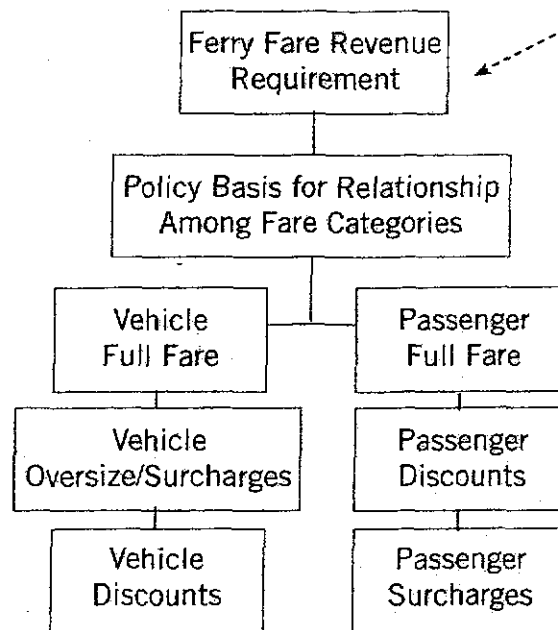
EQUITY AMONG TAXPAYERS & FERRY CUSTOMERS



Requirement

Requirement

EQUITY AMONG CLASSES OF FERRY CUSTOMERS



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3. FARE STRUCTURE CHANGES

Define Equity Among Customers

POLICY ELEMENTS OF A FERRY FARE STRUCTURE

- **Base Fare** establishes the full cash fare for each mode of travel. This should form the basis from which all other fares are derived.
- **Discounts** are provided to customers to promote desirable travel behavior or to certain groups, such as frequent users, youth, seniors or disabled passengers. Depending on the fare media, discounts may have an added efficiency benefit at the point of sale. Pre-paid frequent user passes can reduce cash handling at the ferry dock reducing through put time.
- **Peak/Non Peak.** During high-use times when space is at a premium, the service provider may increase rates. A peak charge for passage corresponds to a seasonal peak in ridership.
- **Size Considerations.** Vehicle fares generally have some relationship to the space that the vehicle will occupy on board the vessel. Larger vehicles are assessed higher fares and smaller vehicles, like motorcycles, are charged less than the base car and driver fare.

FARE STRUCTURE PRINCIPLES

As the Task Force discussed the fare structure, members agreed to the following principles:

- To reduce customer confusion, where possible, fare categories should be consistent with WSF and other ferry or transit systems.
- To the maximum extent possible, the fare structure should consider operational impacts, in particular the needs for efficient ticket processing, and impact of oversize vehicles on loading efficiency.
- Fares should be applied and enforced on a consistent basis.
- Vehicles should pay in proportion to the space they consume.

HOW MUCH DOES IT COST TO OPERATE THE FERRY?

For fiscal year 2003, total costs of operating and maintaining the ferry (including overhead) were \$1,250,158.



Guemes Island Ferry

Schedule & Fare Policy Analysis Task Force

Final Task Force Recommendations

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3. FARE STRUCTURE CHANGES

Define Equity Among Customers

VEHICLE FARE STRUCTURE RECOMMENDATIONS

The most precious commodity on the ferry is the available deck space. As such, customers should pay in proportion to the amount of deck space that they consume.

- **Standard Car and Driver Fare.** The standard car and driver fare is applied to vehicles 20 feet and under, and up to 8 feet 6 inches wide.
- **Overlength Fares.** For each five foot increment over the standard length, vehicles will be assessed 25% of the standard fare. Because of potential loading limitations, vehicles longer than 25 feet will be assessed an additional portion of the base fare for each five foot increment beyond the standard length of 20 feet. Overlength fares apply to vehicles carrying lumber, with trailers, hitches, bike racks or other materials that extend the vehicle beyond the standard unit.
- **Overwidth Fares.** Vehicles wider than the standard 8 feet 6 inches will be charged double the applicable vehicle fare.
- **Motorcycle Fares.** The motorcycle fare is equal to half the standard vehicle fare. A motorcycle over 10 feet in length (such as a motorcycle with trailer), is considered overlength and will charged the standard car and driver fare.
- **Bicycle.** Bicycle surcharge of \$0.75 will be assessed in summer on adult cash fares. Travelers using

a frequent user card will be exempt from the bicycle surcharge.

- **Stowage.** A stowage fee equal to the motorcycle fare will be assessed to all kayaks and similarly sized items requiring stowage by a walk-on passenger
- **Trailer.** The Task Force recommends eliminating the trailer category. Vehicles with trailers would pay based on overall length.
- **Logging Trucks.** The Task Force recommends continuing the current policy of setting the fare for stacked logging trucks equivalent to vehicles 65 feet in length.

SUMMER SURCHARGE RECOMMENDATIONS

There is a significant level of seasonality in the Guemes Island Ferry ridership, with much higher demand in the summer months than during other parts of the year. This reality has been recognized historically with a summer surcharge that is applied to vehicle cash fares from May 1 to September 30. The surcharge is an additional \$1.00 added to the applicable base cash fare. Travelers using frequent user cards are exempt from the surcharge.

The Task Force concluded that the summer surcharge is a good policy, but the current approach is not consistent with vehicles paying in proportion to the amount of deck space they use. As a result, the Task Force recommends the summer surcharge be changed from a flat \$1.00 to 25% of the applicable base season cash vehicle fare. Citing the significant drop off of vehicular traffic after Labor Day, the Task Force also recommends the summer peak period be changed to end the Tuesday following Labor Day.



3. FARE STRUCTURE CHANGES

Define Equity Among Customers

PASSENGER FARE STRUCTURE RECOMMENDATIONS

- **Standard Passenger Fare.** The standard passenger fare is applied to persons 18 to 65 years of age.
- **Youth Fares.** Youth, 6-18 years of age, are afforded a 50% discount from the standard passenger fare. Children under the age of 6 travel free of charge. Students making school-related trips will be given a special school pass, allowing students to make free school-related trips.
- **Senior and Disabled Passenger Discounts.** A 50% discount from the standard passenger fare is proposed for seniors, age 65 and older. In addition, disabled passengers are afforded a 50% discount from the base passenger fare. A senior/disabled vehicle fare (the base vehicle fare less 50% standard passenger fare) would also be available. It is necessary to offer a 50% discount to seniors and disabled passengers to preserve the option of potential future federal transportation capital funding.

CHARTER & EXTRA SERVICE OUTSIDE OF SCHEDULED SAILINGS RECOMMENDATIONS

Special runs are offered to accommodate additional service needs and does not include base fares for passage. With the exception of the Charter Rate, emergency medical service (EMS) or fuel runs, any vehicle or passenger wishing to travel (as space allows) may do so after paying the appropriate fare if a special run is provided. The price for special runs and charter fares are based on full cost recovery for these extra services.

- An **Extended Run Rate** of \$100 is available for the first trip beyond the schedule day. This rate assumes a one-hour minimum and that the crew is readily available and does not need to be called in to provide the service. Passengers and vehicles also must pay regular fares for passage.
- After any extended runs or before the first trip in a schedule day, a **Guemes Special Rate** of \$315 is available. This rate assumes a three-hour minimum and that the crew must be called in to provide the service. Passengers and vehicles also must pay regular fares for passage.
- A **Charter Rate** of \$1,000 for the minimum three-hour period and \$325 for each additional hour to those wishing to charter the vessel outside of normal crew hours. This is based on total cost to run the vessel, plus a 50% mark up.
- The following exemptions were also recommended:
 - o School rates remains at the current rate of \$175 plus fare for each passenger/vehicle. If an overload occurs, the District should not be charged for additional trips.
 - o Fire or medical vehicles be allowed free passage.
 - o Sheriff vehicles be assessed the current rate of \$175 plus appropriate base fare.
 - o Puget Sound Energy be assessed the Guemes Special Rate of \$315 plus appropriate base fare.



3. FARE STRUCTURE CHANGES

Define Equity Among Customers

RECOMMENDED FREQUENT USER POLICIES

Approximately 85% of all trips are made using a frequent user card. The Task Force affirms the general intent of the current policy, but recommends offering a 50% discount to regular commuters. Customers traveling less frequently would have access to other frequent user options, however the amount of the discount would be adjusted based on the frequency of travel. The following table contains the proposed discount rates:

Discount Option	Number of Trips	Duration	Discount from Base Fare	Pass Price	Effective Rate Per Trip
Car & Driver	20 trip	90 days	50%	\$57.50	\$2.88
	10 trip	90 days	37%	\$36.50	\$3.65
Motorcycle	20 trip	90 days	50%	\$30.00	\$1.50
	10 trip	90 days	37%	\$19.00	\$1.90
Passenger	25 trip	365 days	50%	\$18.75	\$0.75
Annual Disabled Pass	unlimited	One year		\$25.00	

Passengers traveling on frequent user passes may stow a bicycle without a surcharge.

- Frequent user cards would be non-refundable. Vehicle frequent user cards are non-transferable.

HOW DO FREQUENT USER DISCOUNTS COMPARE TO OTHERS?

Ferry (Operator)	CAR & DRIVER				PASSENGER			
	Number of Trips (duration)	Discount from Base Fare	Effective Rate per Trip	Pass Price	Number of Trips (duration)	Discount from Base Fare	Effective Rate per Trip	Pass Price
Guemes Island (current) (Skagit County)	25 trip (365 days)	64.8%	\$1.85	\$46.25	25 trip (365 days)	40.0%	\$0.75	\$18.75
Guemes Island (proposed)	20/10 trip (90 days)	50.0% 37.0%	\$2.88 \$3.65	\$57.50 \$36.50	25 trip (365 days)	50.0%	\$0.75	\$18.75
Lummi Island (Whatcom County)	25 trip (none)	8.0%	\$3.68	\$92.00	25 trip (none)	8.0%	\$0.92	\$92.00
Anderson Island Ketrion Island (Pierce County)	5 trip (45 days)	20.0%	\$9.20	\$46.00	5 trip (45 days)	36.4%	\$2.10	\$10.50
San Juan Islands (Washington State Ferries)	5 trip (90 days)	25.0%	varies by route		10 trip (90 days)	35.0%	\$5.72	\$57.20
System-wide (except SJ) (Washington State Ferries)	10 trip (90 days)	20.0%	varies by route		10 trip (90 days)	20.0%	varies by route	

WSF and Whatcom County also offer a frequent user pass for motorcycles at a the vehicle discount rate from base motorcycle fare.

501-23 0471

Final Task Force Recommendations

Guemes Island Ferry



4. 2004 FARE PROPOSAL

Meet Revenue Needs of System

RECOMMENDED FARE INCREASE

For fiscal year 2003 (July 2002-June 2003), fare revenue was approximately \$400,000. The proposed change in the fare revenue requirement formula would result in a fare revenue requirement of approximately \$640,000, a 62% increase. The Task Force recommends a 2004 Fare Change to be Phase 1 in a multi-year implementation of the proposed fare revenue target policy changes.

The 2004 Fare Proposal is based on meeting a revenue target of \$500,000 (a 25% increase in revenue), which is based on the current formula (Resolution 11939) less the cost of the 4th crewmember. To meet this revenue requirement the following are recommended:

- The standard car & driver fare would be increased from \$5.25 to \$5.75.
- The standard passenger fare would be increased from \$1.25 to \$1.50.
- May 1 through the Tuesday following Labor Day, a summer surcharge will be assessed to all vehicle cash fares, including motorcycles. The peak period surcharge is 25% of the applicable base season vehicle fare.

- Implement the structural changes discussed on the previous pages, except where such changes would result in fares lower than 1989 for similarly defined fare categories. In these cases, fares would remain constant to be consistent with State law.

Subsequent phases would be developed in the Operation and Performance Roundtable process and will take into account the actual impacts of Phase 1 fare implementation and changes to the schedule policies.

WHEN WILL FARE CHANGES GO INTO EFFECT?

Fare changes will go into effect when the new schedule is implemented. This will occur by May 2004, after supporting facility improvements and procedural changes have been made.



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4. 2004 FARE PROPOSAL

Recommended Fares

VEHICLE FARES

		CURRENT		PROPOSED		
		Base	Peak	Base	Peak	
Cash Fares	Car & Driver	\$5.25	\$6.25	Car & Driver	\$5.75	\$7.25
				Sr./Disabled	\$5.00	\$6.50
	Motorcycle	\$2.00	\$2.00	Motorcycle	\$3.00	\$3.75
				Motorcycle overlength	Equal to motorcycle fare	
Oversize	Truck 20 < 25	\$7.00	\$8.00	Vehicle 20 < 25	\$7.25	\$9.25
	Truck 25 < 30	\$9.00	\$10.00	Vehicle 25 < 30	\$9.50	\$12.00
	Truck 30 < 35	\$10.50	\$11.50	Vehicle 30 < 35	\$12.25	\$15.50
	Truck 35 < 45	\$14.00	\$15.00	Vehicle 35 < 40	\$15.00	\$18.75
				Vehicle 40 < 45	\$18.25	\$23.00
	Truck 45 < 55	\$18.00	\$19.00	Vehicle 45 < 50	\$21.75	\$27.25
				Vehicle 50 < 55	\$25.50	\$32.00
	Truck 55 < 65	\$25.00	\$26.00	Vehicle 55 < 60	\$29.50	\$37.00
				Vehicle 60 < 65	\$33.75	\$42.25
	Each 1 ft. increment over 65 ft.	\$0.50	\$0.50	Each 5 ft. increment over 65 ft.	\$3.00	\$3.75
	Trailer < 12	\$3.50	\$3.50	Overwide charge	Equal to 100% length charge	
	Trailer 12 < 20	\$5.25	\$5.25	No trailer category - vehicles with trailers pay		

	Trailer 13 < 20	\$0.50	\$0.50	based on overall length		
Frequent Use	Trailer over 20 per ft.					
	25 C & D ticket (120 days)	\$46.25		20 trip C&D pass (90 days)	\$57.50	
	13 C & D ticket (120 days)	\$33.80		10 trip C&D pass (90 days)	\$37.50	
				20 trip Motorcycle (90 days)	\$30.00	
				10 trip Motorcycle (90 days)	\$19.50	
Miscellaneous	Charter (after hours)	\$175.00	\$175.00	Charter rate (3 hr. min.)	\$1,000.00	\$1,000.00
				\$ per hr. each additional hr.	\$325.00	\$325.00
	Special trip	\$50.00	\$50.00	Guemes special	\$315.00	\$315.00
				Extended run (1 run at end of day)	\$100.00	\$100.00
				Bicycle surcharge	\$0.00	\$0.75
				Stowage fee	\$3.00	\$3.75

PASSENGER FARES

		CURRENT	PROPOSED
		Base	Base
Cash Fares	Cash fare	\$1.25	\$1.50
			Sr./disabled \$0.75
	Child (6-high school)	\$0.50	Youth (6-18 years) \$0.75
	Under age 6	No charge	Under age 6 No charge
Frequent Use	Adult (25 trips/365 days)	\$18.75	25 trip passenger pass (365 days) \$18.75
	Child (25 trips/365 days)	\$6.25	Student Commuter School pass - no charge
	Disabled Annual Pass	\$25.00	Disabled Passenger Pass \$25.00



901-250473

IMPLEMENTATION

Operations and Performance Roundtable

DRAFT PROPOSED 2004 WORKPLAN

The Operations and Management Analysis recommended an ongoing forum for Public Works and the Ferry Committee to discuss and resolve operations and performance issues. The Task Force has added to this concept by recommending that an Operations and Performance Roundtable be established through County Resolution to address issues associated with implementation of the Task Force recommendations and on-going operations and performance issues. The current list of issues for the Roundtable include:

- Develop and adopt Roundtable working guidelines
- Implementation of the Task Force recommendations
 - o Dock changes to facilitate loading (restriping; separating passengers & vehicles)
 - o Development of frequent user media
 - o Signage, information and communication improvements at the dock
 - o Final operating procedures for 3 and 4 person crews to ensure compliance

with Auditor requirements

- o Procedures for enforcing policy for last run on Monday through Thursday
- Development of a regular performance reporting mechanism to track progress in implementing recommendations of the Operations Management Analysis and the Task Force
- Development of a passenger enhancement program with measurable goals to encourage more walk-on and passenger use of the ferry
- Monitoring impacts of schedule and fare changes
- Issues related to the biennial ferry haul out
- Transportation demand management issues
- Passenger and bicycle passage procedures and policies
- Parking lot and passenger enhancement issues
- On-going issues of customer service
- Development of standards and criteria for implementation of additional fare increases toward the target goal of 100% of crew wages and benefits
- Other items to be determined on an on-going basis



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501-26

SKAGIT COUNTY
Resolution # R20040054

Page 1 of 3

RESOLUTION NO. _____

A Resolution Regarding the Establishment of a Policy for Setting the Fare Revenue Requirement of the Guemes Island Ferry

Whereas, Skagit County operates the Guemes Island Ferry between Anacortes, Washington and Guemes Island; and

Whereas, there is a recognized need to define revenue sources to fund this service; and

Whereas, Resolution No. 11939, dated February 27, 1989, established such policy effective February 27, 1989; and

Whereas, the Skagit County Board of County Commissioners (Board) approved Resolution No. R20030074 on March 11, 2003 which established the Guemes Island Ferry Schedule and Fare Task Force (Task Force) to provide recommendations to the Board of County Commissioners pursuant to the Guemes Island Ferry Operations Management; and

Whereas, on December 22, 2003 the Task Force formally presented its recommendations to the Board during a Public Hearing; and

Whereas, the Task Force has endorsed three foundational principles setting an equitable fare

Whereas, the Task Force endorsed three foundational principles setting an equitable fare revenue requirement; to wit,

Equity considerations – The fare revenue requirement policy must address the equity of how cost responsibilities are split between the users of the system and County taxpayers, and

Bridge analogy – The Guemes Island Ferry System should be considered a County bridge, though one with unique features that requires a toll to equitably distribute the cost of providing this service. (The analogy provides a policy basis for supporting both a requirement for fares as well as a basis for the commitment of County Road Fund resources), and

Fare requirement – Taxpayers are responsible for 100% of the cost of the capital and maintenance of bridges in the County. Ferry costs that are not typically associated with a bridge should be recoverable through fares. (This premise is easy to explain, intuitive and has served as the traditional way of explaining which costs are paid with fare revenue.)

Whereas, the Task Force endorsed the concept of the Bridge Analogy and recommended that the current fare revenue requirement formula be changed to be consistent with said analogy; and

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Attachment 3
501-27

Whereas, the Task Force recommended an approach that phases in, over a period of several years, raising the ferry user fare revenue requirement.

Now Therefore Be It Resolved, that Resolution No. 11939 be rescinded, and that the policy goal for setting the fare revenue requirement and fully implementing the Bridge Analogy shall be equal to following formula,

Revenue from ferry fares should be equal to 100% of ferry crew wages and benefits plus 100% of fuel and insurance costs plus 100% of the Ferry Manager's time spent at the dock (excludes administrative time) less the sum of the 5-year average of State funding for ferries (Motor Vehicle Fuel Tax) and the 5-year average of State Deficit Reimbursement.

Be It Further Resolved that the 2004 fare revenue requirement will be Phase 1 in a multi-year implementation of the new fare revenue target policy and will be determined using the following formula,

Revenue from ferry fares should be equal to 88% of ferry crew wages and benefits (less the cost of the 4th crewman) plus 100% of fuel and insurance costs plus 100% of the Ferry Manager's time spent at the dock (excluding administrative time) less the sum of the 5-year average of State funding for ferries (Motor Vehicle Fuel Tax) and the 5-year average of State Deficit Reimbursement.


Be It Further Resolved that subsequent phases that continue the implementation of the fare revenue policy goal will only be enacted through separate resolutions passed by the Board and will be based on recommendations from the Operations and Performance Roundtable and after successful implementation of the Phase 1 fare and schedule recommendations.

Be It Further Resolved that an annual ferry operations and performance report will be delivered to the Board by no later than November 1 of each year, indicating whether collected fare revenue has met the policy target. The report will also identify progress and recommended next steps in the implementation of the fare revenue policy goal. The first of these reports is due November 1, 2005.

WITNESS OUR HANDS AND THE OFFICIAL SEAL OF OUR OFFICE this
9th day of February 2004.

BOARD OF COUNTY
COMMISSIONERS
SKAGIT COUNTY, WASHINGTON


Ted W. Anderson, Chairman


Don Munks, Commissioner


Kenneth A. Dahlstedt, Commissioner

ATTEST:


Clerk of the Board



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RESOLUTION NO. _____

A Resolution Establishing the Guemes Island Ferry Operations and Performance Roundtable

Whereas, Skagit County operates the Guemes Island Ferry between Anacortes, Washington and Guemes Island; and

Whereas, it is in the mutual interests of Skagit County and Guemes Island ferry riders to have a structured process to address ferry planning, management, policy and operations needs, issues and concerns; and

Whereas, in December 2003 the Skagit County Board of Commissioners accepted the final recommendations of the "Guemes Island Ferry Schedule and Fare Task Force" that included the creation of an Operations and Performance Roundtable; and

Whereas, both Skagit County and the Guemes Island Ferry Committee have expressed a desire to develop an effective consultative, collaborative and coordinative relationship, which will in turn best serve the interests of Guemes Island Ferry riders;

Now, Therefore Be It Resolved, that the Board of County Commissioners, seeking to allow for

regular and structured discussion of planning and operational issues associated with the effective operation of the Ferry hereby creates the Operations and Performance Roundtable (Roundtable).

Be It Further Resolved, that the Roundtable will be the forum for Skagit County Public Works and the Guemes Island Ferry Committee to come together and address ferry issues of mutual interest, and that these meetings are open to the public for input.

Be It Further Resolved, that the Skagit County Public Works Department and the Guemes Island Ferry Committee will have the following Roundtable responsibilities, as appended hereto as Attachment "A", and at the direction of the Skagit County Board of Commissioners.

Attachment 4

WITNESS OUR HANDS AND THE OFFICIAL SEAL OF OUR OFFICE this 8th day
of November 2004.

BOARD OF COUNTY
COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Ted W. Anderson
Ted W. Anderson, Chairman

Don Munk
Don Munks, Commissioner

Kenneth A. Dahlstedt
Kenneth A. Dahlstedt, Commissioner

ATTEST: Anne Presbrey
Clerk of the Board

SKAGIT COUNTY 501-31
Resolution # R20040393
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Attachment "A"

ROUNDTABLE OPERATING PRINCIPLES

Purpose

The Guemes Island Ferry Roundtable is a forum for an effective consultative, collaborative and coordinative relationship between Skagit County Public Works and the Guemes Island Ferry Committee with respect to policy decisions affecting the Guemes Island Ferry service.

Roles and Responsibilities

The Skagit County Public Works Department will have the following Roundtable responsibilities:

- In collaboration with Ferry Committee members, develop an annual work plan for the Roundtable, and present it to the County Board of Commissioners on an annual basis.
- Generally meet bi-monthly with the Ferry Committee, but at a minimum, four times annually or as required, at a regularly scheduled time.
- Develop meeting agendas that encompass the issues and suggestions of the Ferry Committee, and circulate the draft meeting agenda to all Roundtable participants in advance of each meeting.

- Provide the necessary information and analysis for effective discussion of policy, operational and financial issues of concern and represent management's perspective in the resolution of these issues.
- Regularly provide the Ferry Committee with information on Ferry performance and key issues as agreed to in the Committee's working guidelines.
- Report to the County Board of Commissioners on a semi-annual basis on progress and performance in meeting the workplan objectives and elements. The fall meeting will include the financial performance evaluation.
- Assume responsibility for Roundtable meeting planning and logistics. Prepare meeting summaries. Post meeting times, locations and meeting summaries at the Ferry Terminals and on the County's web site.

The Guemes Island Ferry Committee will have the following Roundtable responsibilities:

- Meet regularly with Skagit County Public Works staff to discuss policy, operating and financial issues relating to the Guemes Island Ferry, and advise the County on the perspectives of Guemes Island ferry riders.
- Convey issues of concern and areas for improvement on behalf of islanders to the County's Public Works staff, and work collaboratively with staff in addressing those concerns.
- Serve as the County's "eyes and ears" on Guemes Island, and share information regarding Ferry issues with Islanders.
- Together with Public Works staff, brief the County Commission on Ferry Committee issues and activities on a semi-annual basis.

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SKAGIT COUNTY
Resolution # R20040393

- Sponsor and attend community meetings on Guemes Island to share and solicit information on Ferry issues.
- The Ferry Committee will accept written concerns and recommendations from the ridership and bring them forward to the roundtable for consideration as appropriate.

Meetings

The Roundtable public participation:

- The public is invited to attend and observe the Guemes Island Ferry Committee and Public Works Roundtable working meetings.
- There will be a 15 minute public comment period set aside at the beginning of every Roundtable meeting to allow input from those members of the public in attendance.

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SKAGIT COUNTY
Resolution # R20040393

Page 4 of 4

TO WHOM IT MAY CONCERN:

I, Linda Hammons, do hereby state that I am the Assistant Clerk of the Board for the Skagit County Board of Commissioners, and that I am the custodian of the records of the Office of the Skagit County Board of Commissioners

I further certify that the attached document is a true and correct copy of the June 20, 2005 letter from Gerald Steel to Skagit County Commissioners, the original of which is retained on the Office of the Skagit County Board of Commissioners or has been archived.

Dated this 6th day of June, 2007.

Linda Hammon

Linda Hammons
Skagit County Board of Commissioners

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FILED

JUN 13 2006

PAM DANIELS
COUNTY CLERK
SNOHOMISH CO. WASH.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR SNOHOMISH COUNTY

FRIENDS OF GUEMES ISLAND, a
Washington non-profit corporation,

Plaintiff,

v.

NO. **06 2 09088**

VERIFIED COMPLAINT FOR WRIT
OF PROHIBITION, WRIT OF
REVIEW, CONSTITUTIONAL WRIT
SPECIAL UNDER

6

SKAGIT COUNTY BOARD OF
COMMISSIONERS, and SKAGIT
COUNTY,

Defendants.

OF CERTIORARI, APPEAL UNDER
RCW 43.21C.075, AND STAY

Friends of Guemes Island, a Washington non-profit corporation, ("FGI" or
"Plaintiff") avers and alleges as follows:

I. RELIEF REQUESTED

1.1 FGI requests, in the alternative, a statutory Writ of Prohibition pursuant to
RCW 7.16.290, a statutory Writ of Review pursuant to RCW 7.16.030, a Constitutional Writ
of Certiorari, an order in response to Appeal under RCW 43.21C.075, together with a stay,
in order to restrain and prohibit the Skagit County Board of Commissioners and Skagit

VERIFIED COMPLAINT FOR WRIT OF PROHIBITION,
WRIT OF REVIEW, CONSTITUTIONAL WRIT OF
CERTIORARI, APPEAL UNDER RCW 43.21C.075, AND STAY - 1

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2 County from extending the weekday evening hours of operation of the Guemes Island Ferry
3 without a valid and adequate determination of nonsignificance or a valid and adequate
4 environmental impact statement as required by the State Environmental Policy Act (chapter
5 43.21C RCW) as implemented by chapter 197-11 WAC, and chapter 14.12 Skagit County
6 Code ("SCC") and to void Skagit County Resolution # R20060184 that purports to so extend
7 such weekday evening hours of operation.
8

9 II. FACTUAL BASIS FOR COMPLAINT

10 2.1 Guemes Island is a Class 2 island (accessible only by ferry and private boat)
11 in Skagit County that is located just north of the City of Anacortes.
12

13 2.2 Currently, a single ferry runs between Anacortes and Guemes Island and on

14 weekdays (Monday through Thursday) scheduled ferry service ends at approximately 6 pm.

15 2.3 The Guemes ferry runs to midnight on Fridays and Saturdays, and runs to 10
16 pm on Sundays and holidays.

17 2.4 On May 30, 2006, the Skagit County Board of County Commissioners
18 adopted Resolution # R20060184 (Exhibit 1 hereto) extending scheduled ferry service on
19 weekdays (Monday through Thursday) to 10 pm.
20

21 2.5 Resolution # R20060184 states that the new extended ferry schedule "**shall**
22 **be implemented no later than July 1, 2006.**"¹

23 2.6 Resolution # R20060184 is a legislative proposal that qualifies as a action
24

25 _____
26 ¹ Emphasis supplied.

27 VERIFIED COMPLAINT FOR WRIT OF PROHIBITION,
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2 under WAC 197-11-704.

3 2.7 WAC 197-11-704 has been adopted by reference by the local SEPA
4 regulations in SCC 14.12.230.
5

6 2.8 Statewide SEPA regulations provide:

7 A threshold determination is required for any proposal which
8 meets the definition of action and is not categorically exempt
9 [with exceptions not herein relevant].

10 WAC 197-11-310(1).

11 2.9 WAC 197-11-310 has been adopted by reference by the local SEPA
12 regulations in SCC 14.12.070.

13 2.10 The proposal to extend scheduled ferry service hours on weekdays is not

14 categorically exempt. See WAC 197-11-305 and WAC 197-11-800.

15 2.11 WAC 197-11-305 and WAC 197-11-800 have been adopted by reference by
16 the local SEPA regulations in SCC 14.12.070 and SCC 14.12.240.

17 2.12 Statewide SEPA regulations define a threshold determination:

18 "Threshold determination" means the decision by the
19 responsible official of the lead agency whether or not an EIS is
20 required for a proposal that is not categorically exempt (WAC
197-11-310 and 197-11-330(1)(b)).

21 WAC 197-11-797.

22 2.13 WAC 197-11-797 has been adopted by reference by the local SEPA
23 regulations in SCC 14.12.230.

24 2.14 Statewide SEPA regulations define an EIS:

25
26
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2 "EIS" means environmental impact statement.

3
4 WAC 197-11-738.

5 2.15 WAC 197-11-738 has been adopted by reference by the local SEPA
6 regulations in SCC 14.12.230.

7 2.16 Statewide SEPA regulations define a determination of nonsignificance:

8 "Determination of nonsignificance" (DNS) means the written
9 decision by the responsible official of the lead agency that a
10 proposal is not likely to have a significant adverse
11 environmental impact, and therefore an EIS is not required
(WAC 197-11-310 and 197-11-340).

12 WAC 197-11-734.

13 2.17 WAC 197-11-734 has been adopted by reference by the local SEPA

14 regulations in SCC 14.12.230.

15 2.18 For a proposal that requires a threshold determination, no action may be taken
16 that would have an adverse impact on the environment or limit the choice of reasonable
17 alternatives until there is a final DNS or final EIS:

18 Until the responsible official issues a final determination of
19 nonsignificance or final environmental impact statement, no
20 action concerning the proposal shall be taken by a
governmental agency that would:

- 21 (a) Have an adverse environmental impact; or
22 (b) Limit the choice of reasonable alternatives.

23 WAC 197-11-070(1).

24 2.19 WAC 197-11-070 has been adopted by reference by the local SEPA
25 regulations in SCC 14.12.020.

26
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2 2.20 Skagit County is a governmental agency. WAC 197-11-714; SCC 14.12.230.

3 2.21 The action adopting a Resolution extending the scheduled weekday hours of
4 operation of the ferry from ending at 6 pm to ending at 10 pm is an action that limits the
5 choice of reasonable alternatives for providing cost-effective and environmentally sound
6 ferry service to Guemes Island.
7

8 2.22 The action of implementing the new ferry schedule by July 1, 2006 is an
9 action that has an adverse environment impact.

10 2.23 Immediate adverse environmental impacts will be the impacts of increased
11 weeknight car, truck, and ferry traffic, including impacts of light, noise, and air pollution that
12 will be adverse to the people who live adjacent to the ferry support facilities and/or adjacent
13

14 to where the vehicles wait in line to use the ferry.

15 2.24 Impacts under SEPA include short term and long term effects.

16 Impacts shall include those that are likely to arise or exist over
17 the lifetime of a proposal or, depending on the particular
18 proposal, longer.

19 WAC 197-11-060(4)(c); SCC 14.12.020.

20 2.25 Impacts include both direct and indirect impacts including the impacts of
21 growth stimulated by the later scheduled weeknight hours of access to the island.

22 A proposal's effects include direct and indirect impacts caused
23 by a proposal. Impacts include those effects resulting from
24 growth caused by a proposal, as well as the likelihood that the
present proposal will serve as a precedent for future actions.

25 WAC 197-11-060(4)(d); SCC 14.12.020.

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3 2.26 When Skagit County previously increased the physical size of the Guemes
4 ferry to its current size, the County concluded in its Environmental Impact Statement for that
5 proposal that while changing the size of the ferry would not cause a probable significant
6 adverse environment impact on population, housing and land use on Guemes Island,
7 **changing the ferry schedule would have a significant adverse impact:**

8 As our previous evaluations have shown, changes in ferry
9 sizing will not have a significant effect on population, housing,
10 and land use. Ferry scheduling, however, will. Similarly direct
11 and indirect impacts to the existing transportation system are
12 related more to the schedule of the proposed ferry than its size.

13 Exhibit 2 hereto at page 6.

2.27 In the record (Exhibit 3 hereto), an expert report on SEPA impacts states that

14 an Environment Impact Statement is appropriate for this action:

15 Ferry service currently ends at 6 PM, Monday through
16 Thursday. This ferry schedule has served to restrain the
17 resident population to those willing to live with limited
transportation access.

18
The island was designated a sole source aquifer by the Dept. of
19 Ecology and availability of potable water for human and
livestock consumption has been a local issue for many years.
20 The Guemes aquifer is under significant pressure with existing
development conditions as evidenced by the salt water intrusion
21 into wells in areas of denser development.

22
While San Juan County has completed an extensive water
23 resource management plan that offers some insight into the
nature of the geology and water supply of the San Juan Islands
24 and developed policies to shape development in the face of an
overtaxed resource, Skagit County has apparently not even
25 begun [water resource management] planning for Guemes.

26

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2 By increasing trips and extending the hours of ferry operation,
3 [the County] would make living on the island more attractive
4 to new home buyers and increase demand for development of
5 additional homes. It would also create more demand among
6 seasonal visitors.

7
8 Additional homes would cause even further pressure on potable
9 water supplies. Home builders are currently allowed to
10 introduce new individual wells to supply homes they build
11 without obtaining a water right or permit from the Department
12 of Ecology. As there has been no watershed planning or
13 analysis to determine how much water is available for
withdrawal or any planning to prevent saltwater intrusion by
limiting withdrawals to sustainable rates, it is reasonable to
conclude that additional wells would have a negative impact on
the Guemes aquifer.

.....
The combination of increased withdrawals and less permeation
would further reduce the supply of potable water in the Guemes
aquifer and cause more saltwater intrusion.

14
15 Ground water levels are directly connected with water levels in
16 wetlands. If the ground water level is lowered by over-
17 withdrawal, the impact to existing wetlands on Guemes . . .
18 might be a reduction in size or even total eradication. Species
19 dependent on local wetlands would be impacted by a lack of
drinking water and habitat. Threatened species identified as
using this habitat in Map 11 of the [July 24, 2000 Skagit
County Comprehensive Plan Map Portfolio]² would be directly
impacted.

20
21 The impact of the introduction of piped water would be to
22 create intense demand for new housing and forever alter the
23 rural nature of the island. . . . Increased water supply would
24 increase effluent entering on-site septic systems [eventually
causing failures].
.....

25
26
27
28
2 Map 11 shows that about 70% of the shoreline area within about 1000 feet
from the shoreline is habitat for endangered or threatened priority species on Guemes Island.

VERIFIED COMPLAINT FOR WRIT OF PROHIBITION,
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3 In the near shore locations, septic system failure causes
4 untreated effluent flows into the shore water directly impacting
5 wildlife and their habitat. Commercial shellfish harvesting is
6 often closed due to contamination.

7

8 Sensitive areas must not be supplied with services that attract
9 unwanted or inappropriate development. In extending the
10 service schedule for the ferry, local decision makers must
11 understand the direct and indirect, short-term and long-term
12 impacts this action would have on Guemes Island. In order to
13 do so, they must complete the analysis for the subarea plan and
water resource management plan. Within this context they
must designate Guemes island as a [Critical Aquifer Recharge
Area] and develop protection standards to avoid further
saltwater intrusion. Without this planning and analysis, the
complicated issues and impacts of further development in a
sole source aquifer that appears to be nearing its maximum
output cannot be fully understood.

. . . .

It would be appropriate for Skagit County to issue a

Determination of Significance for this action so that the necessary study of the impact can be thoroughly analyzed in an Environmental Impact Statement.

Exhibit 3 hereto at 2-5.

2.28 There is no analysis in the record that indicates that an Environmental Impact Statement is not necessary.

2.29 The current Skagit County Comprehensive Plan directs that Skagit County shall prepare a community (subarea) plan for Guemes Island that addresses sole-source aquifer issues, ferry service, and rural character. Exhibit 4 hereto.

2.30 The community planning group for Guemes Island has been established by Resolution # R20030037 (Attachment A to Exhibit 4 hereto).

2.31 The work plan for Guemes Island community planning has been reviewed and

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2 approved by Resolution # 20050025 (Attachment B to Exhibit 4 hereto).

3
4 2.32 A 2006 survey of registered voters on Guemes Island found that 75% of these
5 voters opposed expansion of the existing ferry schedule. Exhibit 5 hereto.

6 2.33 Expansion of the existing ferry schedule is inconsistent with Comprehensive
7 Plan Policy 9A-6.1 which states:

8 Skagit County supports expansion of public transportation
9 service into the unincorporated areas only with public support.

10 2.34 Public Works data shows ferry traffic has decreased since 2003 (10% for
11 walk-on passengers, 20% for cars and drivers). Exhibit 5 hereto.

12 2.35 Expansion of the existing ferry schedule is inconsistent with Comprehensive
13 Plan Policy 9A-8.2 which states:

14 To meet future increases in demand, the County shall increase
15 service capacity of the Guemes Island Ferry by: (a) encouraging
16 car-pooling and walk-on passengers; (b) increasing the
17 frequency of ferry runs based on demand; and (c) considering
18 additional ferry capacity if the aforementioned procedures fail
19 to accommodate demand.

20 2.36 There is no demonstrated need for increase in demand with ferry traffic
21 decreased since 2003.

22 2.37 Expansion of the ferry schedule is not consistent with the procedures to meet
23 demand as specified in Comprehensive Plan Policy 9A-8.2

24 2.38 In 2004, the County adopted the Guemes Island Ferry Task Force Final
25 Recommendations in Resolution # R20040051.

26 2.39 These adopted Final Recommendations state that the ferry schedule should

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3 be designed to meet the demand "**within the currently defined schedule day**"³ without
4 extending that schedule day. Exhibit 6 hereto.

5 2.40 The County spent approximately \$300,000 on a consultant to develop the
6 Task Force Recommendations. Exhibit 7 hereto.

7 2.41 The extended ferry schedule is inconsistent with planning policies in said
8 Resolution # R20040051.

9 2.42 The adoption of Resolution # 20060184 (Exhibit 1 hereto) and the
10 implementation of an extended weekday schedule day for the Guemes ferry by July 1, 2006
11 without a threshold determination and without adequate environmental analysis is the subject
12 of the instant complaint.
13
14

14 III. NAME AND MAILING ADDRESS OF THE PLAINTIFF

15 3.1 The name and address of Plaintiff is:

16 Friends of Guemes Island
17 7885 Guemes Island Road
18 No. 16
19 Anacortes, WA 98221

20 IV. NAME AND ADDRESS OF THE
21 PLAINTIFF'S ATTORNEY

22 4.1 The name, address, phone, and email of Plaintiff's attorney is:

23 Gerald Steel, PE
24 Attorney-at-Law
25 7303 Young Road NW
26 Olympia, WA 98502

27 _____
28 ³ Emphasis supplied.

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3 Phone/Fax: (360) 867-1166
Email: geraldsteel@yahoo.com

4 **V. NAME AND MAILING ADDRESS OF THE RESPONDENTS**

5 5.1 The name and mailing address of the local jurisdiction is:

6 Skagit County
7 c/o County Auditor
8 700 S. Second St, Rm. 201
Mount Vernon, WA 98273

9 5.2 The name and mailing address of the Board of County Commissioners is:

10 Ken Dahlstedt, Don Munks, Ted Anderson
11 Skagit County BOCC
12 1800 Continental Place, Suite 100
Mount Vernon, WA 98273

13 **VI. IDENTIFICATION OF THE DECISION MAKING BODY**

14 6.1 The Board of County Commissioners made up of Ken Dahlstedt, Don Munks,
15
16 and Ted Anderson is the decision-making body.

17 **VII. ACTION UNDER APPEAL**

18 7.1 The action under appeal is the Board of County Commissioners' Resolution
19 # R20060184 adopted May 30, 2006 authorizing a new ferry passage schedule to be
20 implemented no later than July 1, 2006.

21 7.2 Specifically, FGI seeks a determination from this Court that the Board of
22 County Commissioner's erred by taking this action without a valid and adequate
23 determination of nonsignificance or a valid and adequate final EIS such that Resolution #
24 R20060184 should be voided and the County Commissioners prohibited from extending the
25

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3 weekday ferry schedule until this Court finds that the County has a valid and adequate
4 determination of nonsignificance or a valid and adequate Environmental Impact Statement.

5 VIII. JURISDICTION AND VENUE

6 8.3 Jurisdiction is proper in this Court pursuant to the constitutional writ of
7 certiorari; the statutory writ of review (RCW 7.16.030), writ of prohibition (RCW 7.16.290),
8 and chapter 43.21C RCW (SEPA).

9 8.4 Venue is appropriate in Snohomish County Superior Court pursuant to RCW
10 36.01.050(1).
11

12 IX. STANDING

13 9.1 The purpose of FGI is to support the rural character and peaceful environment

14 of Guemes Island and support its sustainable lifestyle.

15 9.2 FGI represents member who will be "specifically and perceptibly harmed" by
16 the extension of weekday ferry hours of operation.

17 9.3 FGI members own property and/or live adjacent to the ferry support facilities
18 or adjacent to where vehicles wait in line to use the ferry facilities and these members will
19 be adversely impacted by the increase in car, truck, and ferry traffic, including impacts from
20 light, noise, and air pollution, on weekday nights from extended ferry hours of operation.
21

22 9.4 Currently the entire neighborhood near the ferry facilities quiets down on
23 weekdays after the 6 pm run. With the extended weekday hours, increased light, noise, and
24 air pollution, caused by scheduled ferry operation, will not be over until after the 10 pm run.
25

26 9.5 The environmental quality that FGI seeks to protect is within the zone of

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3 interests of SEPA.

4 **X. GROUNDS OF APPEAL**

5 **CLAIMS PRESENTED AND FACTUAL BASIS FOR EACH ISSUE**

6 10.1 The other paragraphs in this complaint are re-alleged and incorporated herein.

7 10.2 The following claims are filed pursuant to the Statutory Writ of Prohibition,
8 (RCW 7.16.290), Statutory Writ of Review (RCW 7.16.030), the Constitutional Writ of
9 Certiorari, and SEPA (RCW 43.21C.075).

10 **STATUTORY WRIT OF PROHIBITION**

11 10.3 The other paragraphs in this complaint are re-alleged and incorporated herein.

12 10.4 Pursuant to RCW 7.16.290, the Writ of Prohibition "arrests the proceedings
13

14 of any tribunal, corporation, board, or person, when such proceedings are without or
15 in excess of the jurisdiction of such tribunal, corporation, board or person."⁴

16 10.5 As set forth in Section 2, the Board of County Commissioners and Skagit
17 County are proceeding without or in excess of the jurisdiction of this board and municipal
18 corporation by taking actions to adopt Resolution # R20060184 and implement an extended
19 weekday operating schedule for the Guemes ferry in violation SEPA as implemented by
20 statewide SEPA rules and local SEPA regulations.

22 10.6 A Writ of Prohibition may be issued when there is no adequate remedy at law.
23 RCW 7.16.300.

24
25
26 ⁴ Emphasis added.

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3 10.7 Here, the Board of County Commissioners and Skagit County have taken
4 actions in excess of their authority under WAC 197-11-070(1) and SCC 14.12.020 (adopting
5 WAC 197-11-070 by reference). Unless an alternative writ of prohibition is issued pursuant
6 to RCW 7.16.310, commanding the Board of County Commissioners and Skagit County to
7 desist from further proceedings to implement an extended weekday operating schedule for
8 the Guemes ferry until this judicial appeal is resolved on its merits, and commanding the
9 Board of County Commissioners and Skagit County to show cause why they should not be
10 absolutely restrained from extending the weekday ferry schedule before they have adopted
11 a valid and adequate determination of nonsignificance or a valid and adequate EIS, the
12 extended schedule will be implemented by July 1, 2006 to the detriment of Plaintiff and its
13

14 members and Plaintiff and its members will be deprived of meaningful relief because the
15 extended weekday ferry schedule will be implemented through an unlawful process.

16 STATUTORY WRIT OF REVIEW

17 10.8 The other paragraphs in this complaint are re-alleged and incorporated herein.

18
19 10.9 The Statutory Writ of Review is available pursuant to RCW 7.16.030. Such
20 a Writ shall be granted "**when an inferior tribunal, board or officer, exercising judicial**
21 **functions, has exceeded the jurisdiction of such tribunal, board or officer, or one acting**
22 **illegally, or to correct any erroneous or void proceeding, or a proceeding not according**
23 **to the course of the common law, and there is no appeal, nor in the judgment of the**
24 **court, any plain, speedy and adequate remedy at law."**

25
26 9.10 As set forth in Section 2, the action by the Board of County Commissioners,

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3 to the degree permitted by law may be reviewed by a Writ of Review for unlawful, arbitrary
4 or capricious action but this court should find that the plain, speedy and adequate remedy at
5 law should be achieved by the Writ of Prohibition.

6 10.11 To the extent that relief is not afforded by the Writ of Prohibition, a Writ of
7 Review may be appropriate in order to grant Plaintiff timely and meaningful relief.

8 **CONSTITUTIONAL WRIT OF REVIEW**

9 10.12 The other paragraphs in this complaint are re-alleged and incorporated herein.

10 10.13 A constitutional writ of review is available if there is no other adequate
11 remedy at law and if the decision below is arbitrary, capricious or contrary to law.
12

13 Washington State Constitution, Art. IV, Sec. 6.

14 10.14 To the extent the requested relief is not afforded through a Writ of Prohibition
15 or Writ of Review, Plaintiff requests that this Court find that the Board of County
16 Commissioners and Skagit County acted contrary to law when they implemented an extended
17 weekday ferry schedule without adequate SEPA review.

18 **SEPA**

19
20 10.15 The other paragraphs in this complaint are re-alleged and incorporated herein.

21 10.16 RCW 43.21C.075 provides a basis for challenging whether a governmental
22 action is in compliance with the substantive and procedural requirements of SEPA.

23 10.17 Here, in taking actions to implement an extended weekday ferry schedule, the
24 Board of County Commissioners is violating RCW 43.21C.030 and -.031 as implemented
25 by rules adopted pursuant to RCW 43.21C.110 and -.135 including WAC 197-11-070(1)
26

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3 (adopted by reference by SCC 14.12.020) and including rules requiring a valid and adequate
4 determination of nonsignificance or a valid and adequate Environmental Impact Statement.

5 10.18 The interests of Plaintiff and its members are in the zone of interests protected
6 by SEPA and Plaintiff, on behalf of its members, has alleged injury in fact.

7 10.19 Plaintiff has demonstrated that an Environmental Impact Statement is
8 appropriate for a proposal that would consider extension of the weekday ferry schedule.

9 10.20 This Court should prohibit the extension of the weekday ferry schedule until
10 Skagit County has adopted a final determination of nonsignificance or final Environmental
11 Impact Statement, and/or until such final determination of nonsignificance or final
12 Environmental Impact Statement has been found adequate by this Court.
13

XI. RELIEF REQUESTED

11.1 The other paragraphs in this complaint are re-alleged and incorporated herein.

11.2 FGI respectfully requests that this Court issue an alternative writ of prohibition pursuant to RCW 7.16.310, commanding the Board of County Commissioners and Skagit County to desist from further proceedings to implement the extension of the weekday ferry schedule for the Guemes ferry until Skagit County has adopted a final determination of nonsignificance or final Environmental Impact Statement, and/or until such final determination of nonsignificance or final Environmental Impact Statement has been found adequate by this Court, or on appeal, by an appellate Court.

11.3 In the alternative, FGI requests that similar relief be granted by statutory or constitutional writ of review, and/or under RCW 43.21C.075 (SEPA).

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3 11.4 FGI respectfully requests that the Court order Skagit County to produce the
4 relevant record so that the Court can conduct such additional evidentiary hearing as it deems
5 appropriate.

6 11.5 FGI respectfully requests that the Court find that the Board of County
7 Commissioners and Skagit County 1) violated SEPA and acted outside authority in adopting
8 Resolution # R20060184, 2) is violating SEPA and acting outside authority by taking actions
9 to implement an extended weekday ferry schedule without either a valid and adequate
10 determination of nonsignificance or a valid and adequate final Environmental Impact
11 Statement.
12

13 11.6 FGI seeks an order to void Resolution # R20060184 and cease

14 implementation of an extended weekday ferry schedule, and to require the Board of County
15 Commissioners and Skagit County to present a valid and adequate determination of
16 nonsignificance or a valid and adequate final Environmental Impact Statement to this Court
17 before the order ceasing implementation of an extended weekday ferry schedule can be lifted.

18 ~~Fereks~~ ^{FGI 001-6-13-06} requests statutory attorney fees and costs.

19 ~~Fereks~~ ^{FGI 001-6-13-06} requests such other relief as this Court finds just and equitable.
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27 VERIFIED COMPLAINT FOR WRIT OF PROHIBITION,
28 WRIT OF REVIEW, CONSTITUTIONAL WRIT OF
CERTIORARI, APPEAL UNDER RCW 43.21C.075, AND STAY - 17.

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By:

Gerald Steel, PE

WSBA #31084

Attorney for Plaintiff

VERIFIED COMPLAINT FOR WRIT OF PROHIBITION,
WRIT OF REVIEW, CONSTITUTIONAL WRIT OF
CERTIORARI, APPEAL UNDER RCW 43.21C.075, AND STAY - 18

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0380



Ferry Committee Election Results [2.26.06]

578 ballots were sent to all voters registered in the Guemes precinct. 385 ballots were returned. Not everyone voted on every issue.

Dyvon Havens: 241

Write Ins:

Jim O'Neil: 17
Gary Davis: 5
William McWaters: 2
Glen Veal: 1
Jeff Gent: 1
Terry Ebersole: 1
Mike Jackets: 1
Howard Pellet: 1
Jim Dugan: 1

Gabe Murphy: 1
Harry Balls: 1

Two issues on the ballot :

Should the ferry committee charter be amended to remove reference to the county commissioner's involvement in ferry committee elections and should we save the cost of the election balloting process in the case of only one nomination for future election?

Yes: 286 No: 55

Should ferry service, Monday through Thursday, be extended from 6pm to 10pm?

Yes: 94 No: 289

Election and Ferry Schedule Advisory Ballot, February 22, 2006 [1.30.06]

At the ferry committee annual meeting on Sunday January 8th 2006, only one candidate was nominated to replace the opening left by the retirement of Marilee Fosbre. That candidate is Dyvon Havens.

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There will be two other issues on the ballot for the registered voter's consideration.

Should the ferry committee charter be amended to remove reference to the county commissioner's involvement in ferry committee elections and should we save the cost of the election balloting process in the case of only one nomination for future election?

Should ferry service, Monday through Thursday, be extended from 6PM to 10PM? [Statements for and against.]

Item #2 is only an advisory issue to help the ferry committee understand the desires of the electorate. There is no expectation that the county will take any action as a result of the voting. The organizations Friends of Guemes Island and the Skagit County Citizens for Professional Transportation Management (SCCfPTM) were requested to write position papers against and in support of the proposal. SCCfPTM declined to write a position paper, however, Jim O'Neil graciously accepted this role. The position papers and rebuttals are attached and will also be included in the mail out ballot material.

Election Day is February 22, 2006. Late registrants may vote at the Guemes Island church between 3 and 5 PM on that day. Bring your registration card and photo identification with you. Vote counting will be conducted at the Community Center on Saturday at 1 PM.

Thank you for participating in the election,
Guernes Island Ferry Committee

DIRECTORY · CALENDAR · MESSAGE BOARD · COMMENTS · MAP · TIDES · ARCHIVES · CONTACT

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elections.mfm

0502

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6/4/2007

RESOLUTION #

15570✓

15570

ADOPTING AN INTERIM SEAWATER INTRUSION POLICY

WHEREAS, RCW 70.05.060(3), relating to the powers and duties of boards of health, provides that such boards shall "enact such local rules and regulations as are necessary in order to preserve, promote and improve the public health and provide for the enforcement thereof", and

WHEREAS, Pursuant to RCW 70.05.060(3) the Skagit County Board of Health adopted rules and regulations governing quality and quantity for individual and public water supplies as codified in Chapter 12.48 of the Skagit County Code (S.C.C.) and under S.C.C. Chapter 12.48.280 must concur with any decision by the Skagit County Health Officer to waive said rules; and

WHEREAS, Seawater intrusion problems have been documented by the Washington State Department of Ecology, United States Geologic Survey (U.S.G.S.) and the Skagit County Health Department in private as well as community wells in the coastal areas of Guemes Island pointing to the need to acknowledge the sensitive nature of the aquifer serving the area; and

WHEREAS, The Skagit County Board of Health on August 12, 1994 adopted Resolution #15473 allowing a waiver to S.C.C. Chapter 12.48 for a subdivision on Guemes Island in an area with documented seawater intrusion problems; and

WHEREAS, Experience from adjacent areas in the San Juan Islands, Camano, Whidbey and Lummi Islands suggests worsening ground water and public health problems if care is not taken to carefully develop this sensitive groundwater source; and

source, and

WHEREAS, The Skagit County Health Department staff with the assistance of an Advisory Committee made up of a hydrogeologist, licensed well drillers and concerned Guemes Island property owners has jointly developed a proposed INTERIM SEAWATER INTRUSION POLICY to provide direction to the Board;

WHEREAS, A discussion was held before the Skagit County Board of Health on December 12, 1994 during which time the Board questioned health department and public works staff; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Skagit County Board of Health that an INTERIM SEAWATER INTRUSION POLICY (see attachment) is hereby adopted to assist in development and use of groundwater in the coastal areas of Skagit County; and

BE IT FURTHER RESOLVED that a SEAWATER INTRUSION ADVISORY COMMITTEE is to be appointed by the Skagit County Board of Health with the following membership:

- a) 5 citizen members broadly representing the interests of property owners; and
- b) 2 representatives of the Skagit County Health Department; and
- c) A representative (e.g., hydrogeologist) of the Skagit County Department of Public Works; and
- d) A representative of the Skagit County Planning Department; and
- e) A well driller licensed by the Department of Ecology; and
- e) A representative of the Department of Ecology.

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cc: HEALTH, PLANNING, PUBLIC WORKS, PERMIT CENTER

514-1

RESOLUTION #

15570

WITNESS OUR HAND AND THE OFFICIAL SEAL OF OUR OFFICE this 12TH day of December, 1994.



BOARD OF COMMISSIONERS/HEALTH
SKAGIT COUNTY, WASHINGTON

Harvey Wolden
Harvey Wolden, Chairman

Bob Hart
Bob Hart, Commissioner

Robby Robinson
Robby Robinson, Commissioner

ATTEST:

Patti J. Owen
Patti J. Owen, Clerk
Skagit County Board of Commissioners/Health

APPROVED AS TO FORM: John Moffat

John Moffat, Chief Civil Deputy
Skagit County Prosecuting Attorney

APPROVED: Howard Leibbrand

Howard Leibbrand, MD
Skagit County Health Officer

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INTERIM SEAWATER INTRUSION POLICY

GENERAL DISCUSSION

THE PROBLEM

Seawater intrusion is found in public and individual water wells at many coastal areas of Skagit County. Fresh water, being less dense than seawater, will float as a lens on top of seawater. The lens of freshwater is thinnest at the coastal edges and thickens landward. Fluctuations occur depending on seasonal rainfall (aquifer recharge) and tidal movement. Over-pumping of these sensitive aquifers, which are under the influence of seawater intrusion, will further degrade the aquifers and pull in more seawater, thus increasing their salt content. Chloride, sodium and conductivity levels are all elevated as more seawater is pulled into the fresh water.

The U.S. Public Health Service drinking water standards indicate 2% of seawater (425 ppm chlorides) in fresh groundwater will make it unusable. The State Department of Health has set a chloride limit of 250 parts per million (ppm). Above this level, water is considered to be polluted. Small amounts of salt in fresh water (e.g. below 100 ppm chlorides) are not considered harmful for human consumption and are difficult to taste. However, these lower levels can contribute to metal corrosion and damage pumping equipment.

The Washington State Department of Ecology identified coastal seawater intrusion areas on Guemes Island in the late 1980's. A U.S. Geological Survey (U.S.G.S.) groundwater study began in October, 1991. More than forty individual wells have been drilled

October, 1991. More than forty individual wells have been drilled on Guemes Island since the beginning of the U.S.G.S. study. Additional hydrogeological investigative work by Dr. John Oldow will begin in late 1994 and continue through 1998 on Guemes Island. A Sole Source Aquifer application has been filed with the U.S. Environmental Protection Agency for Guemes Island.

In January, 1992, the revised Skagit County Water Code (S.C.C. 12.48) became effective. Since that time, the County Health Department has become increasingly aware of a lack of adequate policies to address the seawater intrusion concerns in regards to land divisions and building permits. Skagit County Code (12.48.260) defines "sensitive areas" to include seawater intrusion areas. Skagit County considers islands and coastal areas as sensitive areas. Areas within 1/2 mile of the coastline are especially vulnerable due to the intense development and a thin lens of freshwater available. Development pressure continues to be high at all coastal locations.

PUBLIC HEALTH OBJECTIVE

Seawater intrusion is a very long-term problem which has the potential to worsen. This policy will treat the whole island and/or area as an interconnected aquifer system. The intent of the policy is to be preventative in nature by requiring careful use of this finite resource, reasonable water conservation measures and public education. The goal is to protect the groundwater for both the present population as well as the future users. We hope that these measures will eliminate or reduce future aquifer degradation.

Format: This policy is organized with general discussion on pages 1 and 2, general requirements on page 3, building permit specifics on page 4, and land division specifics on pages 5 and 6.

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GENERAL DISCUSSION-continued

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THE INTERIM POLICY

The seawater intrusion policy generally applies to islands but may also be applied on the mainland in areas of documented seawater intrusion at the discretion of the Health Department. It uses chloride concentrations of the groundwater as a basis for designating categories indicating levels of seawater intrusion. The maximum pumping rate and other conditions of approval are specified.

A public education awareness handout will be created for the well driller to give to his clients which will include general information on seawater intrusion, seasonal variations, installation of small capacity pumps, use of totalizing wellhead source meters and sounding tubes, restrictions and conservation measures, responsible use of the groundwater resource and steps to take if the chloride level begins to increase.

This Interim Policy is based on the hypothesis that low pumping rates, lowered water use, and judicious location of well sites will eliminate or reduce seawater intrusion in newly developed wells and surrounding wells. However, the cumulative effect of additional wells on seawater intrusion into the aquifer is not yet known. The observation of significant increases in aquifer chloride levels may result in a modification of this policy.

Responsibility for chloride testing results, static water levels and recording the well-head totalizing source meter readings will

and recording the well head totalizing source meter readings will reside with the property owner. These records shall be submitted to the Skagit County Health Department. They shall be available for the Guemes Island groundwater monitoring program. This information is for educational purposes only and for the residents to be able to note trends in their drinking water. No enforcement action will result from this information. The Skagit County Health Department shall maintain groundwater data and periodically advise the Board of Health on the groundwater status.

ADVISORY COMMITTEE RECOMMENDATION

Within 60 days of adoption of this Interim Policy, the Board of Health shall appoint an advisory committee to develop a final policy. This committee shall recommend changes to the Interim Policy as information becomes available from Dr. Oldow's study, the U.S.G.S. final report and ongoing monitoring. This committee shall submit their recommendations on a final seawater intrusion policy within 90 days of the publication of Dr. Oldow's final report, expected mid-1998. The advisory committee shall consist of 5 citizens broadly representing the interests of property owners plus one local well driller, two representatives from the Health Department, and one representative each from the Public Works Department (their hydrogeologist), the Planning Department, and the State Department of Ecology.

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GENERAL REQUIREMENTS

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1. This policy will regulate individual wells and public wells, including those not requiring water rights, in coastal locations where the owner requests a building permit or land division. A "public" well serves at least two residential connections or the general public.
2. Replacement or irrigation wells, will not be covered by this policy. Well drillers will still be encouraged to educate their customers as to conservation, to follow the drilling precautions and to recommend installation of totalizing wellhead source meters and sounding tubes.
3. At the effective date of this policy, the Skagit County Health Department will require all well drillers to contact the Health Department before drilling a new well needed for a building permit or land division in the seawater intrusion area as noted on a map to be provided to the drillers. The map will be altered as new wells with chlorides 100 ppm or higher are found and includes a potential 1/4 mile margin of safety. The driller will be asked to fill out a short application and to read an instruction sheet before drilling. This instruction guide will include: cautions when drilling deeper than sea level and drilling too deeply into the aquifer; installation of small capacity pumps; and testing for conductivity as they drill.
4. The one-hour pump test, as required by WAC 173-160, will be sufficient for the purposes of the land division and building permit as long as the developer is willing to accept the

- conservative maximum pumping rate as stated in this policy. If the developer desires to increase the maximum pumping rate, then a complete professional hydrogeological assessment with an appropriate pump test utilizing observation wells (where available), shall be required by the Skagit County Health Department.
5. This policy strives to be consistent with the following three State documents: Washington Administrative Code (W.A.C.) 246-290 and W.A.C. 246-291 State Department of Health Drinking Water Regulations for public systems; Washington State Department of Ecology Seawater Intrusion Policies (water rights); and W.A.C. 173-200 Water Quality Standards for Groundwater.
 6. Compliance with these requirements will be documented by the Health Department representative with assistance from water well drillers and pump installers. The Health Department may ask assistance from the Building Official for documentation of the well head source meter and sounding tube.
 7. In an effort to gain compliance with this new policy, education will always be the first step. The primary responsibility will lie with the property owner. Possible enforcement action will be addressed in the final Seawater Intrusion policy.
 8. The Health Department may waive the seawater intrusion requirements where seawater intrusion is demonstrated not to be a problem.

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BUILDING PERMITS

REQUIREMENT CHARTS

well located at a distance less than 1/2 mile from the coast			
chloride level	0-24 ppm	25-99 ppm	100 ppm or higher
max. pump rate	5 gpm*	5 gpm*	3 gpm*
static water level measurements	recommended (September)	Annually in September	1st year-quarterly, thereafter- annually in September
wellhead source meter and sounding tube	yes	yes	yes
wellhead meter readings	Annually	first year-quarterly, thereafter- Annually	first year-monthly, thereafter- Annually
conservation	recommended	required	required
annual chloride testing	September	September	Sept. & March
dedicated inland well site	yes	yes	yes
status report	no	yes	yes with health note

*1. The maximum pumping rate shown above may be increased if a professional hydrogeological assessment has been reviewed and approved by the Skagit

2. The status report (Skagit County Code 12.48.270) provides information for present and future consumers. It must be filed with the Auditor prior to final occupancy for all wells with chlorides over 25 ppm. The status report information will follow the above chart.
3. Following is status report health note for wells with 100 ppm or higher chlorides: "The sodium in the well water was (X) ppm on (date). The water may taste salty. High levels of sodium may cause problems for people with cardiac, circulatory or renal diseases and infants who are fed reconstituted formula. Home water softeners that add additional sodium to the water are not recommended for this water."

Well located at a distance greater than 1/2 mile from the coast	
max. pump rate (chloride level 0-24 ppm)	8 gpm
conservation	recommended
wellhead source meter and sounding tube	recommended

4. It is assumed that the chlorides for wells located at a distance greater than 1/2 mile from the coast would be 24 ppm or less (note: small chart). If the chlorides are 25 or more, then the more conservative restrictions from the chart for building permits with wells within 1/2 of the coast shall apply based on chloride level.
5. Conditions for building permits with wells not needing status reports will be placed on the Health Department Result Form.

LAND DIVISIONS

(with individual wells)

REQUIREMENT CHART

15570

wells located at a distance less than 1/2 mile from the coast			
chloride level	0-24 ppm	25-99 ppm	100-199 ppm
max. pump rate	5 gpm*	5 gpm*	3 gpm*
health note	no	no	yes
plat note	yes	yes	yes
wellhead source meter and sounding tube	yes	yes	yes
conservation	recommended	required	required
dedicated inland well sites	yes	yes	yes
D.O.E. notification	no	no	yes

- *1. The maximum pumping rate shown above may be increased after a professional hydrogeological assessment has been reviewed and concurrence by the Skagit County Health Department has been received.

received.

2. Land division proposals with test results of 200 ppm chlorides or greater will be denied.
3. If the chloride results are 199 ppm or less, then the land division may be approved with the above conditions.
4. The Health Department will collect water samples for the inorganic samples, unless the Health Department defers to the drilling or pump contractor.
5. Monitoring requirements will begin once the property is occupied. Only annual September chloride monitoring will be required for existing water systems within the plat.
6. The first demonstration well should be located so that it will represent the groundwater under the entire parcel. The location of other proposed wellsites should be taken into account early in the planning process. If the parcel is located within 1/2 mile of the coast or in an area of documented chlorides in excess of 25 ppm, the future well locations will be specified and located as central to the island as possible and spaced 100' or more from another well.

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LAND DIVISION- continued

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7. PLAT NOTES for Land Divisions within 1/2 mile of the coast:
- The plat map shall show an elevation for a benchmark for each proposed well site.
 - The plat notes shall reiterate the requirements from the Requirement Chart for the applicable chloride test result.
 - The educational health plat note is also required for land divisions with chlorides over 100 ppm. The plat note should address the salty taste, risk and the options for treatment. An example is:

"The well water for lot (X) was tested on (date) and the results were X ppm for sodium. The water may taste salty. High levels of sodium may cause problems for people with cardiac, circulatory or renal diseases and infants who are fed reconstituted formula. Home water softeners that add additional sodium are not recommended for this water."

plat located at a distance greater than 1/2 mile from the coast (for each well in the development)	
maximum pumping rate	8 gpm

(chloride level 0-24 ppm)	
conservation	recommended
wellhead source meter and sounding tube	recommended

8. It is assumed that the chloride level for these wells would be 24 ppm or less (note: small chart). If the chlorides are 25 or more, then the restrictions that are imposed on land divisions at a distance less than 1/2 mile from the coast with the appropriate chloride level shall apply. All conditions will be noted as plat notes.

9. Skagit County Code 12.48.240 requires that for all land divisions located in or near "sensitive areas," all wells must be drilled and tested prior to land division approval. At the discretion of the Health Officer, approval of this policy will provide a waiver to this requirement. Demonstration well(s) of one per four lots will still be required at a minimum.

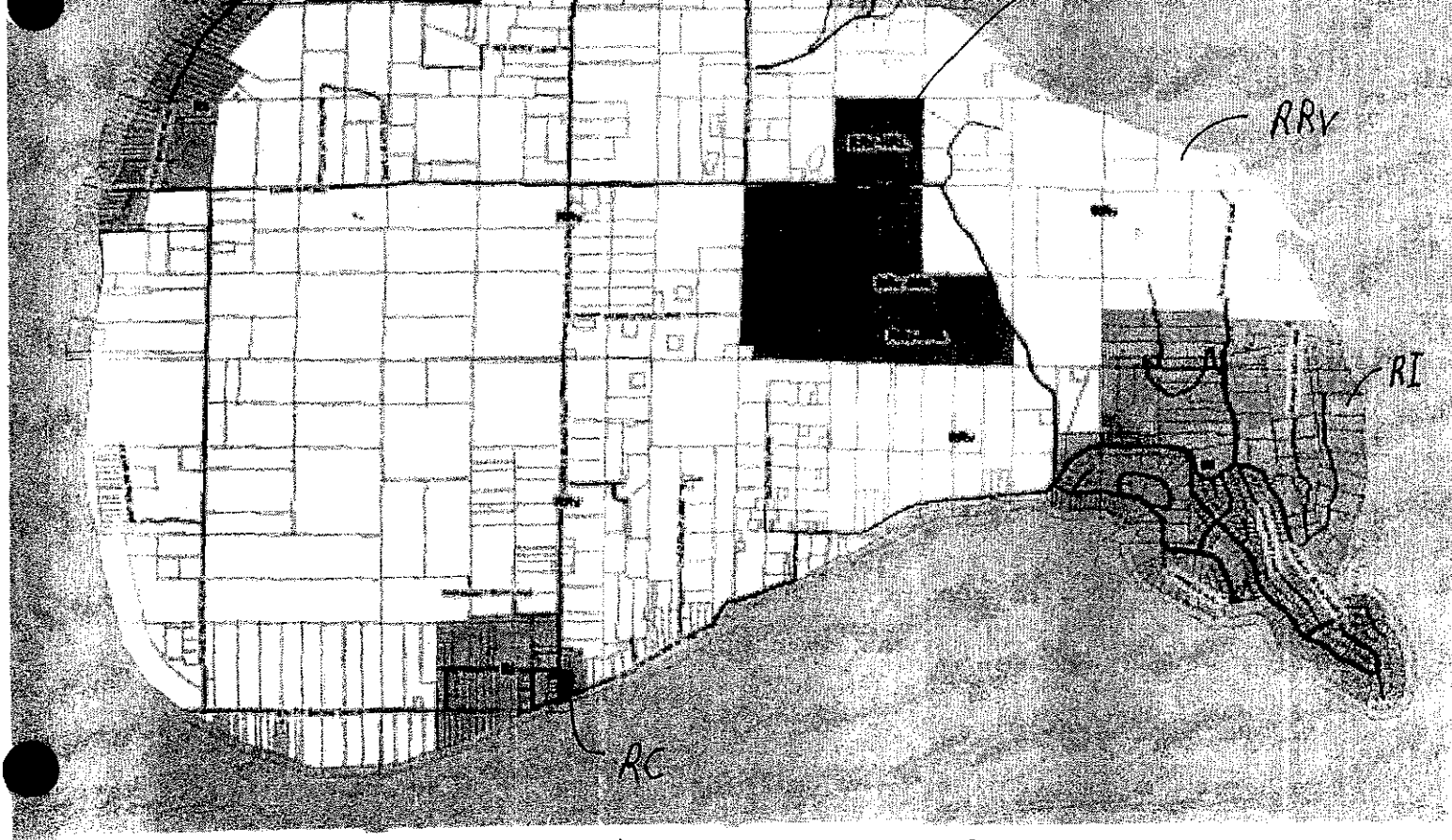
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