

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING - MAY 9, 2005**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on May 9, 2005 at 9:30 a.m. in the Island County Courthouse Annex, Hearing Room, 1 N. E. 6<sup>th</sup> Street, Coupeville, Wa. Mike Shelton, Chairman, Wm. L. McDowell, Member, and William J. Byrd, Member, were present. The meeting began with the Pledge of Allegiance. By unanimous motion, the Board approved the minutes from the May 2, 2005 regular meeting.

**VOUCHERS AND PAYMENT OF BILLS**

The following vouchers/warrants were approved for payment by unanimous motion of the Board:  
 Voucher (War.) #212761-213009 .....\$307,200.06.

**HIRING REQUESTS & PERSONNEL ACTIONS**

As presented by Dick Toft, Human Resources Director, the Board by unanimous motion, approved two personnel action authorizations as follows:

<b>Dept.</b>	<b>PAA #</b>	<b>Description</b>	<b>Position #</b>	<b>Action</b>	<b>Eff. Date</b>
Clerk	035/05	Deputy Clerk II	502.00	Replacement	5/9/05
Pub. Works	036/05	SW Attend. I. .2fte	2249.00	Increase Hours	5/9/05

**EMPLOYEE AWARDS**

**EMPLOYEE SERVICE AWARDS**

<b>Employee</b>	<b>Department</b>	<b>No. Years</b>
Phil Bakke	Planning	10
Kathryn Sharp	Planning	5
Bradley Hanson	Public Works	15
Bette Kohlenberger	Public Health	10
Gary Hess	Public Works	10
Craig Gilbert	Public Works	5
Robin Herman	Solid Waste	5
Mary Tankard	Solid Waste	5
Jeffrey Myers	Sheriff	20

**EMPLOYEE OF THE MONTH – APRIL, 2005**

Morrie Parker, Island County Assessor's Office. Morrie joined the County in 1985 and has been responsible for many duties in the Assessor's office during the past 20 years and is currently the Senior Citizens Program Coordinator. Morrie was nominated by a multiple number of citizens who commented on her positive and helpful attitude and cheerful demeanor. She clearly exemplifies the spirit of teamwork and patience which makes Island County run so smoothly.

**AWARD OF BID FOR REPLACEMENT OF VOTER REGISTRATION SYSTEM**

Anne LaCour, Chief Deputy Auditor, was present to give the Auditor's recommendation to award bid for a voter registration and election management system to VoTec Corporation. Four systems were designated by the Secretary of State as acceptable. The four proposals were evaluated the Auditor and staff, resulting in the recommendation of VoTec, and the Auditor proceed with negotiating a contract.

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By unanimous motion, the Board awarded bid as recommended to VoTec.

**FAMILY COURT SERVICES, SEEDS OF CHANGE, AND DEBORA BOECK**

Memorandum of Understanding between Island County Juvenile & Family Court Services, Seeds of Change, and Debora Boeck for Grant Writing/Fundraising Services in the amount of \$1,800 (RM-JUV-05-0045) was approved by unanimous motion of the Board.

**RESOLUTION #C-48-05 PROCLAIMING MAY 12<sup>TH</sup> AS "FIBROMYALGIA AWARENESS DAY" IN ISLAND COUNTY**

Fibromyalgia is a disease for which there is no known cause or cure, and understanding the illness will help facilitate hope for a better future for people with Fibromyalgia. By unanimous motion, the Board adopted Resolution #C-48-05 proclaiming May 12<sup>th</sup> as "*Fibromyalgia Awareness Day*" in Island County, urging citizens to support the search for a cure and assist those individuals and families who deal with this devastating disease on a daily basis. *[Resolution #C-48-05 on file with the Clerk of the Board]*

**RESOLUTION #C-49-05 PROCLAIMING WILDFIRE AWARENESS WEEK**

With Governor Gregoire's proclaiming Wildfire Awareness Week in the State of Washington, the Board by unanimous motion adopted Resolution #C-49-05 to proclaim Wildfire Awareness Week in Island County May 9 through May 15, 2005, urging citizens to join in the special observance. *[Resolution #C-49-05 on file with the Clerk of the Board]*

**WCRP RISK MANAGEMENT SELF ASSESSMENT**

The Board by unanimous motion approved the WCRP Risk Management Self Assessment as discussed at the staff session on May 4, 2005.

**WSP AGREEMENT #C050926FED, LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM**

Washington State Patrol Interagency Agreement #C050926FED, Law Enforcement Terrorism Prevention Program, in the amount of \$106,039.75 [RM-DES-05-0046] to provide equipment to law enforcement for enhanced capabilities for detecting, deterring, disrupting and preventing acts of terrorism, was approved by unanimous motion of the Board.

**AWARD OF BID FOR COUNTY LEGAL NEWSPAPER**

In accordance with RCW 36.72.075, letting a contract to a legal newspaper qualified to serve as the official county newspaper for the term of one year beginning July 1<sup>st</sup>, one bid was received by the Auditor as follows:

Whidbey Newspaper Group, a division of Sound Publishing  
 Whidbey News Times and South Whidbey Record  
 Rate: \$10.00 per inch per insertion  
 A 2% increase over last year's rate.

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By unanimous motion, the Board awarded bid as official county legal newspaper for the term of one year beginning July 1<sup>st</sup> to Whidbey News Times at the rate of \$10.00 per inch per insertion.

**CORRECTED APPLICATION FOR LIQUOR LICENSE #087823-3C**  
**MUKILTEO COFFEE**

Corrected application for Liquor license #087823-3C for Mukilteo Coffee located at 5331 Crawford Road, Langley, approved May 2, 2005, G.B.J.C., Inc., the correction to add an additional applicant, Jerry Kaloper was approved by unanimous motion of the Board, based upon favorable recommendation of the Island County Sheriff.

**HEARING HELD: FRANCHISE #164R RENEWAL - BROOKS-SOMERS WATER**  
**ASSOCIATION**

At 10:15 a.m. as advertised, a Public Hearing was held for the purpose of considering the renewal of Franchise #164R [PW-0520-27] between Island County and Brooks-Somers Water Association for an existing water distribution system within a portion of County rights-of-way known as West Camano Drive, Redwing Road, and Mabana Road, Camano Island, located in Secs. 10/15, Twp 30N., R 3E.

Bill Oakes, Public Works Director, reported in favor of granting the renewal, and reported there were no plans for expansion of the current system.

No one in the audience at the time of hearing indicated a desire to speak for or against the renewal of Franchise #164R.

By unanimous motion the Board approved renewal of Franchise #164R [PW-0520-27] between Island County and Brooks-Somers Water Association for an existing water distribution system within a portion of County rights-of-way known as West Camano Drive, Redwing Road, and Mabana Road, Camano Island, located in Sections 10/15, Twp 30N., R 3E.

**RESOLUTION #C-50-05/R-19-05 INITIATING COUNTY ROAD PROJECT CRP NO. 05-01 –**  
**2005 MISCELLANEOUS WHIDBEY ISLAND OVERLAYS**

As presented by Mr. Oakes, the Board by unanimous motion approved Resolution #C-50-05/R-19-05 in the matter of Initiating County Road Project CRP 05-01, Work Order 344 for 2005 Miscellaneous Whidbey Island Overlays. *[Resolution #C-50-05/R-19-05 on file with the Clerk of the Board]*

**RESOLUTION #C-51-05/R-20-05 APPROVING PLANS & SPECIFICATIONS AND**  
**AUTHORIZING CALL FOR BIDS FOR THE 2005 WHIDBEY ISLAND OVERLAYS**

The Board, on unanimous motion, approved Resolution #C-51-05/R-20-05 in the matter of Approving Plans & Specifications and Authorizing Call for Bids for the 2005 Whidbey Island Overlays, CRP 05-01, Work Order 344. *[Resolution #C-51-05/R-20-05 on file with the Clerk of the Board]*

**RESOLUTION #C-52-05/R-21-05 APPROVING PLANS & SPECIFICATIONS AND**  
**AUTHORIZING CALL FOR BIDS FOR BAYVIEW ROAD IMPROVEMENTS**

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Resolution #C-52-05/R-21-05 in the matter of Approving Plans & Specifications and Authorizing Call for Bids for Bayview Road Improvements, CRP 98-17, Work Order 229 was approved as recommended by Mr. Oakes. *[Resolution #C-52-05/R-21-05 filed with the Clerk of the Board]*

**RESOLUTION #C-53-05/R-22-05 CLOSING ISLAND COUNTY'S COMPLETED COUNTY ROAD PROJECTS AND MISCELLANEOUS PROJECTS**

Resolution #C-53-05/R-22-05 in the matter of Closing Island County's Completed County Road Projects and Miscellaneous Projects was approved by unanimous motion of the Board as presented and recommended by Mr. Oakes. *[Resolution #C-53-05/R-22-05 filed with the Clerk of the Board]*

**CAMANO HILL ROAD IMPROVEMENTS CRP 02-04 – WORK ORDER 176**

As presented and recommended for approval by Mr. Oakes, the Board by unanimous motion approved the following Quit Claim Deeds, and Construction Easements related to Camano Hill Road Improvements under CRP 02-04, Work Order 176:

-Quit Claim Deed between Island County and Mary M. Campbell Family Limited Partnership, with compensation at \$2,500.00 for land, Parcel 442-1830, Sec. 14, Twp 31N, R 2E.

-Construction Easement #PW-0520-077 between Island County and Mary M. Campbell Family Limited Partnership, Parcel 442-1830, Sec. 14, Twp 31N, R 2E. [for mutual benefits]

-Quit Claim Deed between Island County and Nelda G. Sandberg, with compensation of \$100.00 for land, Parcel 105-2040, 105-2049, 105-2040A, Sec. 11, Twp 31N, R 2E.

-Construction Easement #PW-0520-120 between Island County and Nelda G. Sandberg, Parcel 105-2040, 105-2049, 105-2040A, Sec. 11, Twp 31N., R 2E. [mutual benefits]

-Quit Claim Deed between Island County and Nelda G. Sandberg, with compensation in the amount of \$3,700.00 for land, Parcel 066-2460, Sec. 11, Twp 31N., R 2E.

-Construction Easement #PW-0520-119 between Island County and Nelda G. Sandberg, Parcel 066-2460, Sec. 11, Twp 31N., R 2E. [mutual benefits]

**BAYVIEW ROAD IMPROVEMENTS, CRP 98-17, WORK ORDER 229**  
**QUIT CLAIM DEEDS, CONSTRUCTION EASEMENTS, PROPERTY VOUCHERS**

As presented and recommended for approval by Mr. Oakes, the Board by unanimous motion approved the following Quit Claim Deeds, Construction Easements and real property vouchers related to Bayview Road Improvements, CRP 98-17, Work Order 229:

Quit Claim Deed between Island County and Bayview Corner, LLC; \$5,900.00 (\$3,500.00/land, \$2,400.00/landscaping); Parcel 443-0250; Sec. 17, Twp 29N, R 3E.

Quit Claim Deed between Island County and Bayview Corner, LLC; \$20,300.00 (\$18,100.00/land, \$2,200.00/landscaping); Parcel 433-0450; Sec. 17, Two 29N, R 3E.

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Property Voucher – Authorization for Property Acquisition per Real Property Acquisition & Right-of-Way Procedures (C-46-03/R-16-03).in the amount of \$21,050 [includes \$750 statutory evaluation allowance]

Construction Easement #PW-0420-17 between Island County and Bayview Corner, LLC; Parcel 458-0680; Sec. 17, Twp 29N, R 3E [mutual benefits]

Construction Easement #PW-0520-215 between Island County and Bayview Corner, LLC; Parcel 460-5730; Sec. 18, Twp 39N, R 3E. [mutual benefits]

Construction Easement #PW-0520-216 between Island County and Bayview Corner, LLC; Parcel 460-5730; Sec. 18, Twp 29N., R 3E, with compensation in the amount of \$400.00

Quit Claim Deed between Island County and Bayview Corner, LLC; \$16,500.00/land and does not include the \$400.00/temporary construction easement; Parcel 460-5730; Sec. 18, Twp 29N, R 3E.

Property Voucher – Authorization for Property Acquisition per Real Property Acquisition & Right-of-Way Procedures (C-46-03/R-16-03) in the amount of \$17,650 [includes \$750 statutory evaluation allowance]

Construction Easement #PW-0420-18 between Island County and Bayview Corner, LCC; \$900.00/easement; Parcel 507-5930; Sec. 18, Twp 29N, R 2E.

Quit Claim Deed between Island County and Bayview Corner, LLC; \$12,100.00 (\$6,700.00/land, \$5,400.00/landscaping); Parcel 507-5930; Sec. 18, Twp 29N, R 3E.

Property Voucher – Authorization for Property Acquisition per Real Property Acquisition & Right-of-Way Procedures (C-46-03/R-16-03) in the amount of \$13,750 [includes \$750 statutory evaluation allowance].

**STORMWATER MITIGATION AGREEMENTS APPROVED**

Stormwater Mitigation Agreements, as recommended by Mr. Oakes, were approved by unanimous motion of the Board as follows:

Agreement #PW-0520-164 between Island County and Holmes Harbor Community Partners, LLC; Lot 1, Div. No. 1; Plat of Tee-Side Lane; Northwest Part, Sec. 3, Twp 29N, R 2E.

Agreement #PW-0520-165 between Island County and Holmes Harbor Community Partners, LLC; Lot 2, Div. No. 1; Plat of Tee-Side Lane; Northwest Part, Sec. 3, Twp 29N, R2E.

Agreement #PW-0520-166 between Island County and Holmes Harbor Community Partners, LCC; Lot 3, Div. No. 1; Plat of Tee-Side Lane; Northwest Part, Sec. 3, Twp 29N, R 2E.

Agreement #PW-0520-167 between Island County and Holmes Harbor Community Partners, LLC; Lot 4, Div. No. 1, Plat of Tee-Side Lane; Northwest Part, Sec. 3, Twp 29N, R2E.

Agreement #PW-0520-168 between Island County and Holmes Harbor Community Partners, LLC; Lot 5, Div. No. 1, Plat of Tee-Side Lane; Northwest Part, Sec. 3, Twp 29N, R 2E.

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Agreement #PW-0520-170 between Island County and Holmes Harbor Home Building, LLC: Lot 10, Block 1, Div. No. 6; Plat of Holmes Harbor Golf & Yacht Club; Sec. 3, Twp 29N, R 2E.

**CONSULTANT AGREEMENT #PW-0520-183 - DESIGNS NORTHWEST ARCHITECTS, INC.**

Consultant Agreement #PW-0520-183 between Island County and Designs Northwest Architects, Inc. for the Island County Non-Motorized Trail Plan, in the amount of \$105,800.00, was approved by unanimous motion of the Board as recommended by Mr. Oakes.

**SUPPLEMENTAL AGREEMENT NO. 1 – PW-02-2039(A) - KPG, INC.**

*At Mr. Oakes request, item pulled until next week's agenda.*

**RESOLUTION #C-54- 05/R-23-05 – APPROVAL OF THE WRIA 6 MULTI-SPECIES SALMON RECOVERY PLAN**

Mr. Oakes, along with Gwenn Maxfield, Assistant Public Works Director, and Kim Bredensteiner, Watershed Project Manager, presented Resolution #C-54-05/R-23-05 In the Matter of Approval of the Water Resources Inventory Area 6 (WRIA 6) Multi-Species Salmon Recovery Plan. 20+ folks attended the meeting, including: citizens, Water Resource Advisory Committee (WRAC) and Salmon Technical Advisory Group (TAG) members, representatives of the press, and County staff. On Thursday WRAC approved the draft dated 04/29/05 along with the two pages of edits by a 6 to 5 vote to approve. With those edits now incorporated into the document, Mr. Oakes recommended that the Board adopt the Plan.

Linda Lyshall, Puget Sound Action Team, Office of the Governor, stated that the Salmon Recovery Plan was an integral part of helping to maintain the ecosystem health of Puget Sound. This particular area is a very important part of the regional strategy, and the Plan strikes a good balance in meeting community concerns and values in this region. She asked for the Board's support of the Plan in order to move on to the next step, working with the community to implement the different projects to help salmon restoration.

Commissioner Byrd provided additional changes for consideration [using the 4/29/05 draft]:

Page 4, #4, Vision and Goals, fifth paragraph, the term “naturally-spawning” - remove the word naturally [do not want to exclude any species at all i.e. if there are hatchery fish those should be recovered as well].

Commissioner McDowell observed that since the concept is to make sure the water is as productive for fish and salmon as possible the change in the sentence would not be at all limiting to any kind of fish. In terms of the Endangered Species Act, Mr. Oakes did not see “naturally spawning” as an ESA issue in the context of this sentence.

Page 14, Forage Fish, first paragraph. After the words “and intertidal eelgrass habitat”, add “as indicated in figure 2”. The initial document indicated that the eelgrass was along the shoreline; the new document 4/29/05 shows that the eelgrass is actually out in Port Susan Bay.

Mr. Oakes agreed this would be a clarifying edit.

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Appendix H. Inaccessible Pocket Estuaries. This was not shown in the previous document and it shows all the historic but inaccessible pocket estuary sites. Those sites are the same as shown on table 6 and 8. Is it factual and of merit – needs clarification.

Mr. Oakes commented that the sites had been identified in the body of the text, now moved to

Appendix H. Most of the discussion around Appendix H focuses on the fact these were historic pocket estuaries. The data set this information came from indicates they are man-made alternations to areas where there likely could have been estuaries based on draft data from studies done by the Skagit River System Cooperative [2004 draft], indicating that some of the areas have been significantly modified. Kim Bredensteiner stated that about 75% was ground-truthed. The methodology has been peer-reviewed; the data set has not been published; it is a draft data set.

Commissioner McDowell had no problem including that as long as the legend is amended to indicate that all locations have not been ground truthed as of this date.

Ralph Ferguson, 878 Juniper Pointe Lane, Camano Island, one of the WRAC members who voted against the Plan as now written, made a presentation, and provided a written copy to each Board member [copy on file with the Clerk of the Board]. Mr. Ferguson indicated with inclusion of the following suggested changes, he would vote in support of the Plan:

1. Delete the last two paragraphs on page 4 and the 1<sup>st</sup> paragraph on page 5 of the Executive Summary. This would enable the Summary to comply with changes already made to the plan on pages 17 and 18. This language was deleted from the Plan.
2. Delete the 2<sup>nd</sup> sentence on paragraph 4 on page 10 of the Executive Summary. This would enable the Summary to comply with changes already made to the Plan on page 52. This language was deleted from the Plan.
3. Include the following to the Reference Section of the Plan page 77 through 80:
  - A. Atlas of Seal and Sea Lion Haulout Sites in Washington dated published by WDF&W
  - B. NOAA Technical Memorandum NMFS-NWFSC-2B entitled “Investigation of Scientific Information on the Impacts of California Sea Lions and Pacific Harbor Seals on Salmonids and on the Coastal Ecosystems of Washington, Oregon and California dated March 1997, published by NOAA
  - C. The Marine Mammal Protection Act passed by Congress in 1972
  - D. Amendments to the Marine Mammal Protection Act passed by Congress in 1994.
4. Changes to provide additional protections to County residents:
  - A. Add a 5<sup>th</sup> condition with regard to enhancement and/or restoration projects considered under the Plan: “there is (are) no adverse impact(s) to adjacent and/or nearby properties, property owners and environments”. This new 5<sup>th</sup> condition should be added to pages 2 and 8 of the Executive Summary, and pages vii, 6, 39, 44, 48, 66 and Appendix G (page 1) of the Plan. The change should prevent the repeat of an earlier problem wherein he understood the WRAC approved a WDF&W request to eliminate a dike on Camano Island to restore a pocket estuary. This project had it been completed could have adversely impacted the ground water supplies for adjacent and nearby property owners.

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- B. Delete the phrase “and intertidal eelgrass” in the 7<sup>th</sup> line of the 1<sup>st</sup> paragraph on page 14 of the Plan. This language could be used to expand substantially the impacts of the Critical Areas Ordinance on shoreline property owners in the intertidal shorelines of Island County.
- C. Improve alignment of the Vision and Goals of the Plan with the Plan’s intended purpose and reduce any concerns that might arise with regard to a hidden agenda within the Plan which promotes “wild salmon stocks over hatchery salmon”. Delete references to “self-sustaining” and “naturally-spawning” salmon in lines 20, 30, and 34 on page 4 and lines 11 and 12 on page 5 and line 12 on page 49 of the Plan. Suggest this terminology if used in support of visions or goals be removed wherever it is found within the Plan.
- D. Concern with inclusion of data on “Historic-Not Accessible” Pocket Estuary Sites in Island County, resulting from a model in draft form that has had no peer review, has not been published, encompasses unknown parameters, and was not developed for – reviewed by- or authorized by Island County officials or staff and has not been reviewed by the citizen members of the WRAC. He is concerned with regard to the validity of the “model” parameters, the applicability of these criteria top Island County shorelines and the reliability of the validation process, based upon the fact that even though Juniper Beach apparently does not meet the criteria established for a Historic-Not Accessible pocket estuary, Juniper Beach was predicted by the “model” and verified as an inaccessible pocket estuary.
- E. Submitted 4 hand-outs concerning the Skagit River System Cooperative review of this area [on file with the Clerk of the Board]:

**1. Juvenile Chinook Salmon use of Pocket Estuaries, Eric Beamer, Aundrea McBride, Rich Henderson, and Karen Wolf, Skagit River System Cooperative, November 2004**

Second page clearly establishes the fact that Juniper Beach in accordance with the model criteria was both predicted and verified as an historic pocket estuary that is inaccessible.

**2. The Importance of Pocket Estuaries in Skagit Bay to Wild Chinook Salmon**

The third page of the second handout defines a pocket estuary as having a local freshwater input.

**3. Pocket Estuary Research I the Whidbey Basin and north Skagit County Bays, March 2004**

The last page of the third handout states that inaccessible pocket estuaries are pocket estuaries where historic tidal wetlands are completely cut off form tidal inundation due to tide gate, dikes or fills. The second page of the third handout notes that historic data runs from the 1940’s to the present.

**4. Appendix D. Methods for Evaluating Historic Change in Skagit Bay Pocket Estuaries**

The last page of the fourth handout states that “Restorable Habitat” is any part of the historic habitat that currently has no permanent structures on it.”.

Mr. Ferguson thought it interesting that his community had been platted without benefit of any fill, bulkhead or dike, and was nearly fully developed by the early 1930’s. When platted

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and developed there were no tide gates, dikes or fills in the area and the area was not inundated from tidal action. There is not now and never has been any local fresh water input at Juniper Beach. He believes Juniper Beach clearly does not meet the criteria for an Historical-Not Accessible pocket estuary. There is no restorable habitat left even if the area was historically (since 1940) a pocket estuary. His question then was: how or why was Juniper Beach predicted and verified as a Historic-Not Accessible pocket estuary?

5. Delete Appendix H from the Plan, along with all other references to Historic-Pocket Estuary Sites Not accessible to salmon as developed by the Skagit River System Cooperative.

Larry Bach, Camano Island, citizen Chair of the Salmon TAG for WRIA 6, indicated that a number of the issues mentioned had already been addressed; most comments received early in April and included in the document received that contained all of the public comments. TAG did take under consideration all of those comments. This program is constituted under RCW 77.85, the Salmon Recovery Act, strictly a volunteer program. Any site to be considered for restoration must have an affidavit from the land owner(s); therefore, TAG did not take into consideration a lot of the local specific site information; when there is known opposition to those sites, a project would never happen. While TAG may agree the models are not always accurate, they see no risk because a project will not occur if there is opposition from the landowners. The primary strategy is to protect the nearshore. Regarding some discrepancies between the Executive Summary and the document, Mr. Bach stated that the document is the Salmon Recovery Plan; there was no intent to have a difference between the two. There is no disagreement that predation is an issue. However, RCW 77.85 stipulates that it is an issue that goes to the jurisdiction; the jurisdiction for marine mammal management is at the state or federal level, not the county level. He had no objection to adding additional references to the bibliography that Mr. Ferguson suggested. With regard to language about enhancement and restoration projects, Mr. Bach referred to RCW 77.85.050 dealing with affidavits; an affidavit is required for all land owners and all affected landowners; again, projects with that kind of opposition would not go forward in the first place. With regard to Appendix H, Mr. Bach pointed out that additions had been included as caveats:

The top right hand corner states:

“This map is intended for general planning purposes only. While the features shown on this map are based on the best currently available data sources, accuracy cannot be guaranteed, and reliability varies between data sets. Some features may exist that are not depicted, and some of the depicted features may have boundaries that differ from those shown. Field conditions determine where the boundaries of these features are located.”

The left hand corner states:

“While the WRIA 6 salmon recovery plan identifies pocket estuaries as high priority habitats for protection, enhancement, and restoration, we recognize that projects at historic (inaccessible) pocket estuary sites are generally unlikely within the 10 year time frame of this plan. Many of these sites were altered during the early settlement of Whidbey and Camano islands, and the sites are now beach front communities, agricultural lands, or freshwater

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marshes. Anyone considering a salmon recovery project at one of these sites should make sure that they have the support of the landowner(s) and surrounding community before pursuing the project .”

The problem with nearshore according to Mr. Bach is there is not a lot of data and is probably one of the most misunderstood areas in all of salmon recovery. TAG believes they have given notice of recognition that the data may not be accurate; with the idea that projects are not going to go forward in areas where the data is known to be inaccurate so he did not see an issue. Mr. Bach believed that the Plan as drafted is the best compromise with the protections available in the statute and asked for the Board’s endorsement of the Plan.

On behalf of staff, Mr. Oakes provided recommendations with respect to the suggestions:

- Delete second sentence, Page 4 of Executive Summary – it was an oversight and has been made in the body of the text

- Include the four additional reference documents

- With regard to the request to add a fifth pre-qualifying bullet on page vii about enhancement and/or restoration projects considered under the Plan. Intent was to address adverse impacts to neighboring property owners and intent is covered in the first bullet “Neighboring current private and public uses are protected” and that language is located in several places throughout the document.

The first bullet limits this to current uses and does not address the neighboring properties that could be impacted by whatever is being proposed; therefore, Commissioner McDowell recommended taking the word “current” out of the first bullet.

Commissioner Shelton observed that if you invite saltwater inland, there needs to be assurance before opening up some dikes that somehow it would not adversely impact the quality of our groundwater. There is a groundwater resource that is worthy of protection as much as the uses on the property.

Mr. Bach stated that had been reviewed with the Salmon TAG and the decision was that the language was correct. To him, this is a site specific situation that would be addressed at the time that a site plan came forward, with public review and opportunity for objections to a project.

Mr. Ferguson suggested that that reservation be included in the initial assessment of land owner and community support. Although the Salmon TAG might have had a chance to review, the total WRAC did not have an opportunity for review of all the issues.

Bob Friedman, Camano Island, WRAC member, told the Board they were hearing a little bit of the discussion from the WRAC meeting. He pointed out that the document was reviewed by the Salmon TAG, a group made up of scientists as well as WRAC members, and the Salmon TAG approved the document unanimously. He made the same points about Appendix H that Mr. Bach referenced, the two very specific caveats. The WRAC also reviewed this, voted on it and the majority passed it, and Mr. Friedman reiterated that WRAC was asking the Board today to concur.

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With regard to the objections to self sustaining and naturally spawning, Mr. Oakes believed that the listings given by the Federal government are protecting naturally spawning self-sustaining stocks and ESA does not extend protection to hatchery fish.

Commissioner Shelton thought that inclusion of a map with some dots on it, that with all of the issues that have to be resolved before a restoration project can move forward, i.e. in Mr. Ferguson's case, a dot on Juniper Beach – to assume that puts that area in some sort of a super mode to be a restoration project in light of everything else the Plan says, seems to be an unwarranted fear. Prior to any restoration project first of all you would have to go out and verify there is a possibility of some salmon restoration in the near shore to occur at this spot then would have to get everybody's agreement that is what they want to do.

Commissioner McDowell's recommendation was to approve the plan with the following changes:

Appendix H. Agrees with comments about Appendix H- therefore remove from other maps not on Appendix H [assuming that was an oversight]. Use the language "This map is based on best currently available computer model" and add a new sentence after data sets at the end of that sentence, to say: "All sites have not been ground verified".

Figure 6 – remove both sets of dots and make the same changes in the green caveat box describing where the data is from.

Make the same changes on all figures to the green caveat box.

Change in the first bullet – where the four qualifying bullets are listed within several citations throughout out the document, change the first bullet to read: "Neighboring private and public uses and surrounding environments are protected "

Agree with Commissioner Byrd's two other proposed changes, and the addition of the four documents to Reference section as requested by Mr. Ferguson.

Commissioner Byrd moved that the Board approve Resolution #C-54-05/R-23-05 In the Matter of Approval of the Water Resources Inventory Area 6 (WRIA 6) Multi-Species Salmon Recovery Plan subject to the following changes:

1. Remove the historic and inaccessible estuaries dot locations on Figure 6; indicate that that is a shoreline typing map - accessible estuaries.
2. In all citations of the Board's four bullet supporting requirements alter the first bullet to read: "neighboring private and public uses and surrounding environment are protected".
3. Add on all maps in the upper right hand corner in green lettering, add before "data sets" "computer modeled" and add a new sentence "Not all sites have been field verified".
4. On page 4 under the Vision Statement strike "naturally" from the next to the last sentence.
5. Page 14, paragraph 3, after the words "intertidal eelgrass habitat add: as shown in figure 2.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING - MAY 9, 2005**

## 6. Add to the reference section:

Atlas of Seal and Sea Lion Haulout Sites in Washington dated published by WDF&W

NOAA Technical Memorandum NMFS-NWFSC-2B entitled "Investigation of Scientific Information on the Impacts of California Sea Lions and Pacific Harbor Seals on Salmonids and on the Coastal Ecosystems of Washington, Oregon and California dated March 1997, published by NOAA

The Marine Mammal Protection Act passed by Congress in 1972

Amendments to the Marine Mammal Protection Act passed by Congress in 1994.

Motion, seconded by Commissioner McDowell, carried unanimously.

*[Resolution #C-54-05/R-23-05 on file with the Clerk of the Board] [GMA Record #7924]*

**COUNCIL OF GOVERNMENTS**

As a part of today's regular agenda, the Commissioners met at 3:00 p.m. with Elected Officials from Island County, City of Oak Harbor, City of Langley, Town of Coupeville, and Port Districts, commonly known as the Council of Governments.

**ATTENDANCE :**

William J. Byrd, Member, Board of County Commissioners  
 Patricia Cohen, Mayor, City of Oak Harbor  
 Neil Colburn, Mayor, City of Langley  
 Nancy Conard, Mayor, Town of Coupeville  
 Wm. L. McDowell, Member, Board of County Commissioners  
 Ed Van Patten, Commissioner, Port of Coupeville  
 Mike Shelton, Chairman, Board of County Commissioners  
 Lynae Slinden, Commissioner, South Whidbey Port District

There was a brief update on the status of signing the Articles of Association, and the group looked over the by-laws for the COG, with no comments.

With regard to the Application Process for Rural Economic Development Funds, the COG agreed that an advertisement be placed to announce a Request for Applications for projects under the .08 funds, due by 1 August 2005 at the Office of the Board of Island County Commissioners. Commissioner Shelton will follow through with an appropriate legal ad and application announcement and review the details with the COG at the next meeting.

Next COG scheduled for June 13, 2005 at 3:00 p.m.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING - MAY 9, 2005**

There being no further business to come before the Board of County Commissioners, meeting adjourned at 4:00 p.m. The next regular meeting of the Board will be held on May 16, 2005, beginning at 9:30 a.m.

**BOARD OF ISLAND COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON**

\_\_\_\_\_  
Mike Shelton, Chairman

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Wm. L. McDowell, Member

\_\_\_\_\_  
William J. Byrd, Member

ATTEST:

\_\_\_\_\_  
Elaine Marlow, Clerk of the Board