

BOARD OF ISLAND COUNTY COMMISSIONERS-SPECIAL SESSION

JOINT BOARD OF COMMISSIONERS AND PLANNING COMMISSION

GMA COMP PLAN WORKSHOP - JANUARY 16, 1998

The Board of Island County Commissioners met in Special Session on January 16, 1998, beginning at 9:30 a.m. in Hearing Room 1, Island County Courthouse, Coupeville, Washington. The specific agenda for the workshop includes: Wetlands, fish and Wildlife Habitat Conservation Areas, Geologically Hazardous Areas, Flood Plains, and Aquifer Recharge Areas.

Attending today's workshop were:

Board of County Commissioners: Wm. L. McDowell, Chairman, Mike Shelton, Member and Tom Shaughnessy, Member.

Planning Commission: Chairman Tom Olsen, and Commissioners Rufus Rose, Bill Vincent, Jo Ann Silvers, Sheilah Crider, Anne Pringle. Commissioners Richard Hart and Linda Moore were absent.

Consultant: Alison Moss, Bogle & Gates; Frank Groznik, Jones & Stokes Associates, Inc.

Department of Ecology, Wetland Specialist: Stephen Stanley

Department of Fish & Wildlife

Staff: Vince Moore, Director, Planning & Community Development, Matt Nash, Senior Planner

Others Present: Approximately 15 people were in the audience.

Alison Moss - GMA requires that all local governments designate five kinds of critical areas (wetlands, fish & wildlife conservation areas, geologically hazardous areas, flood plains and aquifer recharge areas) and then adopt regulations to protect them.

We need to review what Island County already has in its regulations and whether Island County adopted those regulations before or after the effective date of the GMA. If the regulations predated the GMA we need to review whether Island County went through the steps that the Western Washington Growth Management Hearings Board has said you have to take to use pre GMA regulations.

Of the five kinds of critical areas, before the GMA went into effect, Island County had regulations governing four of them; wetlands, fish and wildlife habitat, some kinds of geologically hazardous areas and flood plains. All four were reviewed under the GMA and formal action was taken on three of them; wetlands, geologically hazardous areas and flood plains.

In regards to those three critical areas, from a legal prospective, we don't think you have to do anything more, however, your existing regulations do set up a monitoring and recording process for wetlands. As you know WEAN has filed an appeal on whether Island County's existing wetland regulations are sufficient under the GMA. She said the County may wish to evaluate whether these regulations, which have been in place since 1984, have effectively protected wetlands.

No formal action was taken on Fish and Wildlife Habitat Conservation Areas indicating that Island County was relying on the previous regulations and for that reason you need to review them under the GMA to determine whether they are sufficient and whether any amendments are required.

A final action was take on Geologically hazardous areas. You have reviewed and determined that the regulations for aquifer recharge areas and flood plains are adequate, the appeal period under the GMA has expired and she did not

believe that the county needed to do anything more on those two issues.

That leaves you with two issues; wetlands and fish and wildlife habitat conservation areas. She recommended that Island County undertake a review of the effectiveness of those two issues.

WETLANDS

Handouts: Issue Paper on Wetlands

Letter from Department of Ecology dated 1/6/98

Alison Moss - Noted that two state agencies, The Department of Ecology and The Department of Fish and Wildlife were present at the meeting to answer questions.

She noted that the County regulates wetlands through the Wetland Overlay Zone and Land Use Standards governing wetlands, deepwater habitats, tributary streams and their surrounding buffers. It

also regulates wetlands pursuant to SEPA. She noted that the Planning Department considers any property containing a wetland or a stream to be land covered by water, with the result that many of the SEPA categorical exemptions cannot be used on these properties. The question is whether those different sets of regulations in concert have done a good job of protecting wetlands.

She reviewed specific issues raised by state agencies, staff and WEAN in regards to wetlands. The first issue relates to wetland categorization or ranking systems. Island County's current regulations provide three categories of wetlands; Category A (the most valuable wetlands), Category B (lower value wetlands and all wetlands located within the shoreline area) and Category C (man made wetlands which are not regulated).

The Department of Ecology has taken their four tier rating system and tried to modify it to fit into Island County's category systems and suggests a way in which you could rewrite your category system to do that.

Under Island County's current regulations, wetlands associated with shorelines are all considered Category B wetlands. There is no biological reason for shoreline wetlands to be put into Category B. The consequence of that is it gets a much smaller buffer and it has much larger size extension

Also related to the categories are the size thresholds. Category A wetlands are regulated only if they are larger than one-quarter acre in size and Category B if they are larger than one acre. Those exemptions are broader than those found in many other critical areas regulations which typically provide size exemptions which are somewhat smaller and available only for the lower value wetlands.

The second issue relates to buffers. The 100 foot buffer in Category A wetlands is generally considered adequate for most situations. The 25 foot buffer in Category B wetlands is generally reserved for very low value wetlands in most jurisdictions. A 25 foot buffer on certain kinds of shoreline wetlands is not necessarily going to do a good job of protecting the wetlands.

The buffer requirements of the current regulation provide some flexibility for addressing different scenarios. Greater flexibility could be useful for addressing wetlands variable sensitivities to impacts, site conditions, land use intensity, and site constraints relative to development needs. While the ordinance does allow for increase in buffer widths, conditions for requiring a specified increase in the buffer are not provided. The County may also wish to allow certain low impact uses within the buffers.

Matt Nash has pointed out that historic development patterns have occasionally lead to inequities without a corresponding gain in wetland protection where the majority of lots adjacent to a wetland were developed prior to 1984. The current regulations provide no flexibility to reduce the buffer for the remaining infill lots. You may want to look at your buffer regulations not just in regards to size but also to provide more flexibility to the Planning Director for those routine uses with very low impact.

The third issue is agricultural activities. Most local governments and the Department of Ecology's model wetland ordinance do exempt agricultural activities that existed on the date the wetland regulations went into affect. Island County's regulations go beyond that. They exempt any agricultural use on property that is zoned agricultural. In theory a property owner could expand a farming use or could make a new farming use on agricultural land without being subject to the wetland regulations.

The Western Washington Growth Management Hearings Board has said that even for existing agricultural uses you should be requiring Best Management Practices.

The fourth issue is Public Works and Utilities. WEAN raised this issue in their 1st memorandum saying the County should end the de facto practice of exempting county public works project that occur within an existing public rights-of-way.

While not in the ordinance Island County does have a prosecuting attorney's opinion from about 10 years ago that says the county is not required to comply with wetland regulations for public works activities within rights-of-way. To our knowledge other local governments do not take that same approach although most do exempt maintenance and repair. Some governments have developed a separate process for public works projects, such as King County's Public Agency or Utility Exception.

She noted that they should be looking at mitigation when those public works projects adversely impact wetlands.

Commissioner Shelton - Asked if the mitigation work could be done somewhere other than the wetland that was impacted.

Alison Moss - Said she did not think there was any legal requirement that it is in the same wetland. You need to make sure that if you want that flexibility your ordinance provides it.

The WSDOT has been trying to develop mitigation banks in Snohomish and Whatcom County because they can get a much higher value wetland if they pull that altogether in one location.

The fifth issue is watershed planning. The Department of Ecology has recommended that your wetland overlay provide the opportunity for watershed planning which would allow you to do mitigation off of the site where any impact occurred.

Bill Vincent - Asked the difference between a watershed and a water recharge area.

Stephen Stanley, Department of Ecology - Typically in its largest scale a watershed would include the edge of a hydrological boundary down which the water flows into a common system of streams and creeks and rivers. In its grandest scale an example would be the Nisqually estuary and the rivers leading up to that or the Snohomish estuary and the Snohomish river going back to the Cascades. A watershed plan does not require you to do a plan of the entire watershed you can do a sub-watershed plan.

Matt Nash - In relation to Island County typically watersheds on the mainland scale are divided by very sharp topographical breaks and very defined rivering corridors. In Island County a watershed study was done back in the 70's that identified, based on topographical breaks, around 70 watersheds along with dozens of little streams and flows that are associated with these. In regards to recharge areas of a mainland scale typically they are associated with a particular watershed and that is not necessarily true in Island

County. In Island County the topographical breaks are so gradual that recharge areas such as they are may go beyond those topographical breaks making it harder to directly relate watersheds to recharge areas in Island County as easily as you can on the mainland.

Alison Moss - Issue six is whether wetland approvals should be recorded on the property title. This is a policy issue

and not a matter of whether or not your regulations are sufficient, but there is some logic to it and other local governments are doing it.

Chairman McDowell - Expressed concern about the cost of delineating the wetland and recording a map.

Matt Nash - Under our current regulations and policies if a wetland is identified we will go out and delineate the wetland so the property owner has an idea of where it is in relation to their development. For larger developments we typically require them to conduct their own delineation or have that delineation conducted for them at their expense.

The seventh issue is one raised by WEAN in which they suggest that the County require mitigation sequencing, a review process which requires an applicant to avoid wetland impacts if at all possible, then to minimize impacts, and, finally, to provide mitigation to compensate for any permitted impacts. Mitigation sequencing is required for certain kinds of permits under the Clean Water Act and is generally recommended by the Department of Ecology.

It is unclear to why WEAN believes mitigation sequencing is preferable to the very stringent standards for alteration of wetlands currently contained in the Wetlands Overlay.

In order to allow alteration of Category A wetlands, the County must find substantial public benefit which substantially outweighs the public loss occurring through the alteration of the wetland; there is no reasonable alternative to making the alteration; and all conditions for modifying a Category B wetland can be met.

In order to allow alteration of a Category B wetland, the County must find that the alteration is solely to provide access to a deep water habitat or to expand an existing water-dependent use and degradation either will not occur or can be fully mitigated; or alteration will preserve, improve or protect the functions.

There are a host of other issues that are not really wetland protection issues. The first is how Island County treats wetlands under their open space tax classification. WEAN made two requests which

appear to be alternatives for deterring when a critical area may be taxed as open space. One would require that the biological value of the wetland be taken into account. The other would make the designation automatic.

Both issues appear to be policy questions not directly related to the GMA requirement that Island County designate and protect critical areas.

WEAN has also suggested that if open space taxation is allowed, then the reasonable use exception should not be available. The purpose of a reasonable use exception is to provide relief to the County and the property owner when the regulations would otherwise constitute a taking of the property. It is doubtful that a property tax reduction would be sufficient to accomplish this purpose.

WEAN has suggested that a management plan be required for exploratory work. This does not appear warranted. The Department of Ecology's Model Ordinance expressly allows site investigative work necessary for land use applications, such as digging holes to determine the edge of the wetland.

The last suggestion was that all critical areas be deemed environmentally sensitive areas under SEPA. The consequence of that would be that the categorical exemptions are not available. As mentioned earlier Island County treats wetlands as lands covered by water and categorical exemptions are not available on lands covered by water.

Some local governments have used SEPA to try protect critical areas, others have adopted specific standards. Island County chose to use both.

The Eastern Washington Growth Management Hearings Board has found that reliance on SEPA is insufficient to protect critical areas because there are no standards and there are categorical exemptions.

Bill Vincent - Asked if they should be using one or the other or if they should continue to use both.

Alison Moss - It is her personal belief that if the wetland regulations have sufficient standards to protect wetlands you should not have to revisit the question under SEPA. .

Option A would incorporate the recommendations of the state agencies, staff and WEAN. That would involve making clear that public works projects are not exempt. The definition of Category C would be amended to make clear that they must have been created in upland soils. While we believe that this concept is already included in the Category C definition, the County could adopt the GMA wetlands definition which excludes wetland intentionally created from upland areas and then revise the rating system to delete Category C.

Commissioner McDowell - If we adopt a new set of rules does that open us up to review the entire GMA ordinance.

Alison Moss - I believe from a legal standpoint that whatever amendments you chose to adopt will be subject to best available science and that they would be subject to appeal, but I don't think it opens up provisions that you cannot amend it.

Commissioner Shelton - Noted in regards to the specific public works project on Saratoga Road the county set aside \$50,000 in mitigation money not to be used to enhance that particular wetland but clearly to be used for wetland enhancement. It is not as if we did not apply a fairly strict standard for ourselves in terms of this particular public works project.

Alison Moss - The next modifications would be to adopt the category system recommended by the Department of Ecology in their 1/6/98 letter. Increase buffers for certain Category A wetlands from 100 feet to 200 feet and for all Category B wetlands from 25 feet to 50 feet and at the same time provide some flexibility for low impact uses and buffer averaging. .

Stephen Stanley, Department of Ecology - Clarified that they had also recommended a 200 foot buffer for those wetlands which are of highest value performance and function such as estuarine wetlands, peat wetlands, organic soil wetlands, priority habitat wetlands and any wetlands that contain threatened or endangered species. A 100 foot buffer is recommended for riparian wetlands and a 75 foot buffer for depressional or slope wetlands which are dominated by alders and soft woods.

Commissioner Shaughnessy - This is a recommendation from the Department of Ecology, what is the requirement.

Alison Moss - There is nothing in the GMA that tells you that you have to have a particular size buffer. If you are going to amend the buffers that amendment will be subject to best available science.

Stephen Stanley - Noted that the Department of Ecology was making their buffer recommendations based on the best available science. Anything below 50 feet is consider to not pick up the functions that wetlands provide. You need a minimum of at least 100 feet in most cases to protect streams.

Chairman McDowell - Pointed out that less of a buffer is required in more urbanized areas and he did not see what that has to do with protecting the wetland it just recognizes the practicality of being able to do it. He noted that Island County is the second most dense county with 230 people per square mile.

Stephen Stanley - Island County is still considered to be fairly rural for the most part because you don't have a high degree of impervious surfaces. They suggest that anything below one acre lots be considered urban.

Commissioner Shelton - In regards to best available science the availability of that science often times rest on both sides of an issue and often times the people who site in the decision making process are not capable of determining who is right and who is wrong.

Alison Moss - Best available science is going to be a very important issue if you amend the wetland ordinance and it will also apply to the Fish & Wildlife regulations. In 1995, the legislature amended the GMA to require that counties include the best available science in developing policies and development regulations to protect the functions and values of critical areas. This only applies to actions taken after 1995 so if you don't open your wetlands ordinance it does not apply. If you decide to amend your ordinance it will apply.

The Western Board allows you to look at the practicality of the science and its fiscal impact. The wider the range of scientific evidence in the record, the broader the range of discretion afforded to the county.

Tom Shaughnessy - Asked if the Department of Ecology's recommendations were generic or based on a specific study for Island County.

Alison Moss - The Department of Ecology took their standard recommendations and tried to modify them to fit with the current regulations.

The Department of Ecology is recommending six kinds of wetlands in Category A. The biggest changes to your existing rating system would be adding estuarine wetlands, riparian wetlands and depressional or slope wetlands.

Your regulation now has the virtue of simplicity. You have two regulated categories that all have the same buffer. The Department of Ecology's recommendations make for a more complex system by taking Category A and giving it three different buffers.

She also pointed out that there would be no size exemption for Category A wetlands, which currently has a 1/4 acre exemption, and Category B would be dropped from 1 acre to 10,000 sq. feet.

Rufus Rose - On a 1/4 acre wetland, which happens to be a perfect circle, with a 25 foot buffer you have a little over half an acre in buffer. If you jack that up to 50 feet you have almost a full acre buffer for 1/4 acre wetland. The ratio of buffer to wetland protected for small wetlands is huge compared to large wetlands.

He said a higher buffer for trees 80 year old or older puts a bounty on trees 70 years old and some modification should be considered.

Alison Moss - It is her opinion, at least for lower value wetlands, that you need to take into account the size of the buffer in relationship to the size of the wetland.

Under Option B, a more detailed study would be conducted to determine the extent of protection presently afforded wetlands in the County. The results of this study would indicate if further protection is necessary. The result may be the adoption of some of the recommendations offered by the agencies, staff and WEAN.

The last option would be a no action option and the County would continue with the current ordinance, which it has determined meets the requirements of the GMA

FISH AND WILDLIFE HABITAT CONSERVATION AREAS

Handouts: Issue Paper on Fish and Wildlife Habitat Conservation Areas

Letter from Mark, Goldsmith, Habitat Biologist, to Frank Groznik, Jones &

Stokes Associates, Inc., dated 1/5/98

Letter from the Department of Fish & Wildlife dated 1/14/98

Draft Priority Habitats and Species List for Island County dated 1/14/97

Alison Moss - The first issue is whether the current Island County Development Regulations fulfill the intent of the GMA in designating and protecting Fish and Wildlife Habitat Conservation Areas and in adopting measures to protect

rural character.

Last years amendment to the GMA put emphasis in the rural area of protection of fish and wildlife. This issue will be relevant to your issues to protect rural character and to the densities that you will be looking at in the rural area.

The GMA does not define fish and wildlife habitat. The guidance comes from the minimum guidelines that were prepared by DCTED. The minimum guidelines suggest that fish and wildlife habitat conservation areas include:

- *Areas with which endangered, threatened, and sensitive species have a primary association;*
- *Habitats and species of local importance;*
- *Commercial and recreational shellfish areas;*
- *Kelp and eel grass beds;*
- *Herring and smelt spawning areas;*
- *Naturally occurring ponds under 20 acres;*
- *Waters of the state;*
- *State natural area preserves and natural resource conservation areas.*

Although the guidelines were intended to be guidance only the Western Board has held that a local government must justify any deviation from their recommendations.

The Department of Fish and Wildlife has recommended that Island County amend its list of protected species to include all Priority Habitats and Species present in Island County. Island County should ask the Department of Fish and Wildlife to identify which PHS species are present in the County, distinguish between those which are at risk of decline and those that are not and determine whether it should amend its list. I should then review the Washington Department of Fish and Wildlife management recommendations for constancy with the GMA goals, practicality, and fiscal impact. It may then adopt those recommendations which are appropriate or develop its own standards.

Representative from the Dept. of Fish & Wildlife - In terms of growth management, the way we get at protection of species is by identifying the habitats that are important.

Alison Moss - As an example Pierce County has identified some species and some habitat and the habitats are there so that we know we need to protect these particular features in the landscape to protect the species. You have a list of species now but you do not identify the habitats in the regulations and it is not clear whether you are trying to protect everything they could ever use or certain things that are absolutely essential to them. There is some narrowing and some expansion of your regulations that may be in order.

Representative from the Dept. of Fish & Wildlife - That is one reason why we think it is a good idea to refer to the PHS Management Recommendations because the needs of the species are discussed in detail in those recommendations. Using these recommendations does not mean banning all human activities near protected habitats and species. On the contrary, these recommendations help determine how to best integrate development projects and protection of sensitive sites. The Bald Eagle management plans that have been written for sites in Island County by Washington Department of Fish and Wildlife attest to the usefulness of these management recommendations in incorporating fish and wildlife protection into development plans.

Alison Moss - Few, if any, counties and cities have adopted the management recommendations unchanged. Some do use the recommendations as guidance or ask applicants to consider them in developing their management plans, but generally allow for case-by-case discretionary judgments.

Currently Island County only regulates streams that are tributaries to wetlands. Stream buffers and/or management

recommendations may need to be established for non-tributary streams. All anadromous fish-bearing streams should be protected rather than only those which are tributary to wetlands.

The current regulations base buffer widths for streams on the location of the stream relative to the wetland. Stream reached downstream of wetlands receive less protection (50 foot buffers) than stream reaches upstream of or between wetlands (100 foot buffers). While this system addresses protection of water quality entering wetlands, it does not address other aquatic resources downstreams of the wetlands, which may include anadromous fisheries resources. As is the case for the wetland buffer system, this stream buffer system does not address current conditions and functions and values of streams, nor development needs.

WEAN has suggested that the County identify and protect locally rare flora and designate and protect habitats of local importance. We have asked for clarification.

The most aggressive option is to adopt the entire list from the DFW, once it gets finalized, and all the management regulations and to increase the stream buffers from 100 feet for streams entering wetlands and 50 feet for streams exiting wetlands to a range of 150 feet to 250 feet depending on the stream type.

The second option would be to take the WWGMHB direction of what best available science means and evaluate all the recommendations against of growth management goals, practicality, and fiscal impact.

The third option is to have the county conduct a critical review of the County's list, determining some priorities and potentially different degrees of protection. I would classify species as primary and secondary priorities. It would also clarify exactly what is being protected. Adopt specific measures to protect valuable shoreline habitats such as commercial and recreational shellfish areas; kelp and eel grass beds; and herring and smelt spawning areas. The last option is to continue with what we have in place now.

GEOLOGICALLY HAZARDOUS AREAS, FLOOD PLAINS, AND AQUIFER RECHARGE AREAS

Handout - Issue paper on geologically hazardous areas, flood plains, and aquifer recharge areas.

Alison Moss - The County regulates geologically hazardous areas primarily through the Steep/Unstable Slopes Overlay Zone and the Land Development Standards. It regulates activity in flood plains primarily through the Flood Damage Prevention Ordinance. These regulations predate the GMA.

The Planning Commission and the Board of Commissioners expressly reviewed these regulations and determined that they are sufficient to comply with the requirements of the GMA. Therefore, it does not appear that any further review is required at this time.

Following the adoption of the GMA, Island County adopted its Ground Water Management Program as an element of the Island County Comprehensive Plan and declared the County to be a critical recharge area. The County has complied with the requirements of the GMA relating to areas with a critical recharging effect on aquifer used for potable water supply. No further action is necessary.

PUBLIC COMMENT

Don Jewett, Langley - Suggested that the state or county, through the GMA, make a concentrated effort to purchase wetlands and fish & wildlife areas and open them for hunting and fishing.

Bill Thorn, Citizens Growth Management Coalition - Supports Don Jewett's suggestion. Noted new technology being tested on the East Coast, in the use of wetlands for sewage effluent treatment. County regulations may want to consider that at least on a experimental level as one potential for selected wetlands.

Noted that the use of best available science is the responsible thing to do.

Pointed out several species found on Camano that were not included in the PHS list.

Steve Erickson, WEAN - Stated for the record that Ms. Moss has misrepresented the communications between her, Keith Dearborn and WEAN. He submitted for the record a copy of those misrepresentations.

As an activist and resident in the county he has been intimately involved in the existing ordinances since 1984. He has worked professionally in restoration ecology since 1984 and has a broad view of how these things actually work from the ground, and also of the actual implementation of the ordinances and some of the problems that have occurred.

Regarding the question of how you deal with SEPA. My perspective is that SEPA exemptions are not always followed. Recently Mr. Moore gave a Determination of Non-Significance to a project that involved creating an access road through a wetland buffer because it was for a non-exempt activity. The other problem with relying solely on standards in the ordinance to replace the SEPA review is SEPA has a very holistic overview of things. It is very difficult when you are dealing with biological systems which are very site dependent, interactive and dynamic to have sufficient standards in an ordinance that allow you to deal with every possibility. SEPA is a way of taking a broad view to see if there are any holes that might occur.

The agricultural exemption is a very big loop hole that needs to be plugged. In terms of allowing low impact uses such as biofiltration swales if the buffer is already cleared enough so that you can do a biofiltration swale easily then it is a pretty low grade buffer to start with and you should be looking at enhancing it.

In regards to access roads he was recently asked by a landowner to look at the question of whether or not building a road across a wetland to get to the dry side would be more or less impacting then putting a small amount of fill in one corner of the wetland. That is a very difficult question for someone who does not have the expertise or time to deal with that sort of in-depth study. It becomes a question of how much the county is obligated to do. In the past the county wetland planner would go out and do a basic wetland determination but that practice stopped because it was too much of a workload and the County does not have those resources.

In regards to the question of public works and utility exemptions, with the county moving in the direction of adopting large stormwater management utilities around the county, exempting something of that scale makes no sense and damage they can cause is enormous.

I have been working on projects in the West Eugene mitigation banks since 1990 and in that time every possible thing that could go wrong in private non-mitigation bank projects have gone wrong in the West Eugene wetlands mitigation bank. In some cases mitigation banking may be cheaper for everyone concerned and in other cases they may well not be. You have to keep in mind that the location of a wetland has a great deal to do with the functions it performs and the values it provides. A wetland that is on Saratoga Road, for example, is impacted and mitigation for that impact is done in Maxwellton Valley you are not mitigating the impacts of the Saratoga wetland. Mitigation means replacing or compensating for those lost functions and values and many of those lost functions and values are directly tied to the location of that wetland. Putting money in the bank does not constitute replacing those functions and values that were damaged.

Mitigation sequencing is generally considered best professional practice in the field now. It is mostly just common sense and really needs to be applied not just to the wetland but to any alterations of critical areas.

He indicated that he read an article in the South Whidbey Record regarding the county's hydrogeologist request for a Global Positioning System. He said the logical thing to do is train Matt Nash so he can start doing wetland delineation's and locations with the Global Positioning System. He said he did not know about the legalities of recording that on the title as opposed to a registered surveyor, but if it is done properly it is probably more accurate.

The question of tax reductions for critical areas is a policy question. WEAN has been advocating an Open Space Public Benefit Rating System for a long time. It only seems logical that a wet pasture that is being grazed should not get as high a tax break as a pristine old growth forested ecosystem. An Open Space Public Benefit Rating System allows you to develop a ranking system

so that the greater the functions and values of the particular system the more public benefit that is provided the greater the tax break to the land owner.

Regarding management plans for exploratory work, if the county becomes aware that someone is planning to do something to a piece of property, even if an actual permit application has not been submitted, a management plan should be developed. He agreed that going a wetland delineation might be considered an alteration but it would be so small scale it could be dealt with administratively.

In the rural element of the GMA you must have policies regarding critical areas because anything that is in the rural element, which is the policy part of the Comp. Plan, is basically a policy and those policies must meet the best available science. He said the system the Department of Ecology has suggested for classification recognizes the effects of island biogeography and the fact that we are an island and do not have those mainland riverine systems.

There has been some discussion on whether to protect every place an eagle goes or to just protect certain features. He said if you only protect the habitat that is occupied the young have no place to go. On to fish and wildlife there has been some discussion about well do you just protect every place an eagle goes or do you just protect certain features and I have to put on my conservation biologist hat and talk about what species need for persistence because we are not talking about an individual animal we are talking about it persisting over time the species for existing over time and what happens when a young person grows up generally most people who grow up they leave the house they go out into the world they get their own job and they go live somewhere else. Wildlife is just the same if you only protect the habitat that is occupied the young have nowhere to go. The other problem you have with only protecting the habitat that is occupied at the time is that trees grown old, they become snags and fall down. You have to allow for that replacement habitat to grow up.

There needs to be protection for those native ecosystems on the island that have become very rare such as old growth and mature forest systems, oak savannas, and prairie remnants and the species associated with them. He said WEAN is currently entering their field notes over the last 10 years or so from botanizing on the island into a data base and will be analyzing that data and submitting recommendations resulting from it.

Designated natural forest areas by state parks and the high quality ecosystems listed for Island County by the Dept. of Resources Natural Heritage Program also need to be designated and protected as habitats of local importance. He recommended policies for the biological critical areas that state no net loss by functions and values and no extirpation of any native species in Island County.

Alison Moss - Noted that they have approximately two months after the completion of the hearings on the issues papers to develop any amendments so if there is any information WEAN wishes the County to consider they need it as soon as possible.

Vince Moore - Asked if WEAN would be submitting maps along with their data base information.

Steve Erickson, WEAN - If we can work out a confidentiality agreement that protects the exact locations then that is certainly in the realm of possibility.

Peter Remington, Clinton - In 1989 I purchased a piece of property with a degrading wetland on it which the wetland ordinance has prevented me from restoring. If the wetland ordinance is amended he would like to see a little more flexibility to allow people who do take on the responsibility of dealing with wetlands to do so.

Joan Drinkwin, Puget Sound Water Quality Action Team - Expressed her support for the recommendations made by the Department of Ecology and the Department of Fish & Wildlife. She said she would focus her comments on the protection of the water quality within the wetlands and streams. Obviously if water quality is degraded within wetlands it is going to effect the values and functions of those habitats and no amount of buffer on a stream is going to protect it if there is a storm drain that goes through the buffer and deposits a lot of sediment directly into the stream. One way to address this problem is to adequately manage and control storm water in Island County. She recommended that the

County protect critical areas by protecting the water quality that enters those critical areas by adopting the storm water management plan that has been drafted in the county either through this process or in a separate process.

Fred Frei, Jr., Frei Tree Farm, Frei Timber Company & Frei Family - Noted for the record that those of use who put our property under the deferred tax programs in the early 70's did that with the understanding that we could primarily devote our lands to the growing and harvesting of timber or other forest crops.

He expressed concern for the recommendations made by the Department of Fish and Wildlife in regards to the 225 foot buffer for Type 4 and 5 streams.

In regards to forested wetlands and mature forested wetlands there needs to be consideration not only of what presently exists but also why it presently exists. It is extremely difficult for anyone in the forestry business to answer the question of whether or not their lands have long term commercial significance with so many unanswered questions. s is extremely difficult for anyone in the forestry businesses to answer. being asked do. In an effort to better articulate our concern and what is going on in regards to this subject matter we will submit material in writing.

Rufus Rose - Have the various state departments coordinated their recommendations with the Department of Natural Resources.

Representative from the Department of Fish and Wildlife - The Department of Fish & Wildlife has not coordinated Department of Fish & Wildlife issues with the Department of Natural Resources.

Stephen Stanley, Department of Ecology - As I understand it right now the Department of Natural Resource's laws for regulating the Forest Practices Act are separate from the GMA provisions.

Alison Moss - For most property in Island County the Forest Practice Act is going to preempt the counties regulation of forest practices as long as the property is maintained in a forestry use.

If Mr. Frei is intending to keep his property in forestry and indicates that on a forest practice application then it is the forest practices regulations that apply and there are specific wetlands provisions in them that in most cases will allow the timber from wetlands to be removed with certain protections for water quality and other issues.

Joan Drinkwin, Puget Sound Water Quality Action Team - Both the Department of Ecology and the Department of Fish & Wildlife as well as the Department of Natural Resources are members of the Puget Sound Water Quality Action Team and she has been working to try to coordinate the comments and make sure they are consistent and so far the comments have been very consistent as they relate to critical areas.

Alison Moss - Asked Ms. Drinkwin to pass along the question to the Department of Natural Resources of how the recommendations of the Department of Ecology and the Department of Fish & Wildlife will affect the Department of Natural Resources trust lands in Island County.

The workshop adjourned at 12:25 p.m.

**BOARD OF COUNTY
COMMISSIONERS**

ISLAND COUNTY, WASHINGTON

W. L. McDowell, Chairman

Mike Shelton, Member

Tom Shaughnessy, Member

Attest:

Margaret Rosenkranz, Clerk of the Board