

**BOARD OF ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING  
SPECIAL SESSION - APRIL 20, 2004**

The Board of Island County Commissioners met in Special Session on Tuesday, April 20, 2004, to conduct a public meeting from 7:00 p.m. to 8:30 p.m. at the Coupeville Middle School Performing Arts Center, located at 501 S. Main Street, Coupeville, Wa. The purpose of the Special Session was to meet with local authorities and the public concerning hunting rules and regulations on Whidbey Island and to discuss current state and county regulations.

William J. Byrd, Chairman, Mike Shelton, Member, and Wm. L. McDowell Member, were present. Approximately 100 + citizens attended. At the podium were the three Commissioners, and Mary Margaret Haugen, Washington State Senator. Representatives attended from the Washington Fish and Wildlife Department, Washington State Patrol. Several Island County Elected Officials, Coupeville Police Department, and a number of County Department Heads and staff were present. Representatives of the press were present from Whidbey News Times, South Whidbey Record and the Coupeville Examiner.  
[attendance sheet on file with the Clerk of the Board]

Numerous pamphlets and hand-outs were available to all participants, such as:  
[copies on file with the Clerk of the Board]

**ICSO Informational packet, which included the following:**

- How to Report Shots Fired; Stranger with a Weapon; Fireworks; Game Violations
- Calls for Service 1994 – 2003
- Laws Regarding Public Behavior
- Island County Fact Sheet on Population and Density (prepared by County Planning and Community Development)
- Deer Carcasses on Public Roads in Island County - informal survey last 7 years by Island County Roads Dept.
- Trespass Enforcement Authorization-sample form that can be utilized by private property owners for LE asstc.
- How to report reckless driving
- Flyer depicting safe and sane fireworks, and dates for legal purchase and discharge
- Dealing with private road problems: what can your neighborhood association do?
- List of Local Shooting Practice Ranges
- Hunter Orange Requirements
- General Hunting Information from the WDFW Website

**Also available were the following:**

- Map of Island County Properties, denoting those open to hunting, and maps of some County trails
- County Parks Ordinances
- County Non-Motorized Trails Ordinances
- Open Burning information
- General crime prevention literature

Written submittals received during the meeting included [on file with the Clerk of the Board]:

- Letter dated 4/20/04 from Marcia Comer, Ellwood Drive, Coupeville, northern boundary of the Greenbank Farm for 25 years
- Letter dated 4/20/04 from Donna Painter, Seal Rock Lane, Oak Harbor, w/attached letters/e-mails from her neighbors: Juanita & Delmon Anderson; Louis & Moira Bartrand; Kari Barrett; and Rhonda Manor.
- Letter from Bob Kuehn, Clinton.

Although an official special session of the Board of County Commissioners, the meeting was handled like a town hall meeting, moderated by Sheriff Mike Hawley, with the goal that everyone be given an opportunity to speak. A similar public meeting was held on Camano Island last Tuesday. The genesis for the meeting was that Senator Haugen brought up the concern that one of the main problems she heard about on Camano Island related to a portion of DNR park land located next to the elementary school, that during hunting season complaints were received about seeing folks walking around in

hunting outfits. The situation on Whidbey Island is different, but an issue that should be discussed, and some misconceptions and misinformation cleared up. Recently there has been talk in the community taking in the whole spectrum: leave things as they are to ban hunting and shooting in Island County.

The Sheriff informally surveyed the audience for a show of hands to various questions. Almost everyone raised their hands in answer to "how many of you have a gun of some sort"; and a majority of the audience responded that they considered themselves active hunters and a fairly high percent responded that they actively hunt on Whidbey Island. Those who hunt with bows numbered about 9, and those who are musket hunters numbered about 8 or 9.

Laura Blankenship, Executive Director, Greenbank Farm, a portion which abuts along trails, supplied some history during her 3-year period at the Farm with regard to the problems of hunting and shooting. This area is also bordered by two housing developments. People are noticing shooting up around the trails and concerned about that during hunting season. With a County trail system she asks that the County figure out how to be safe with hunters and walkers. Learning of a restriction on how close to a trail you can shoot (150 yards), signs were posted in the woods so hunters could be aware how close hikers and walkers may be. The area has been mapped out so that shaded areas show where folks can legally and safely hunt. She talked to Commissioner Shelton to evaluate the piece of property the County owns north of the Farm [above the Farm], with the larger question that perhaps the County should evaluate the property it owns to figure out if there are other places not safe for hunting.

Jim Lazzo, Oak Harbor, suggested the simple solution would be one of accommodation. With hunting season only a few weeks out of a year, close the trails during that time and let the hunters hunt. Hikers, walkers, bikers have the rest of the year to traverse the trails.

A resident of Oak Harbor 23+ years, in the pest control business, asked what would be done about deer should hunting be stopped, since the Island is overpopulated with deer already. If hunting is curtailed, how badly will deer overpopulation become; what will it do to in-breeding; how many more accidents will occur with deer on the road. Safety is something everyone has in common. He thought this a good meeting and a good start and urged the Commissioners continue to gather information and make an informed decision.

Marianne Edain, WEAN, Langley, confirmed she does eat meat; that the last deer she skinned and killed on the Island had such nasty worms she did not want to eat it; and noted she would not shoot a deer except to eat it. When dealing with Island County over Growth Management issues, she reported that the attorney advised that this was such a densely populated county such that it could not be called rural any more; she agreed that was true. It was her belief that when a certain population density is reached, it is not feasible to hunt safely any more. Working hard during the GMA process to hide a lot of houses from view, a lot of hunters do not realize how close they come to people and activities. She has "hit the deck" in her own home in the past, and a friend had a window broken from gunshot. Island County is simply too densely populated for safe hunting.

Commissioner Shelton provided needed information: current county code, passed long before the current County Commissioners were in office, provides for no discharge of firearms in county parks, and the Commissioners have been advised by the Chief Civil Deputy Prosecuting Attorney that means any property under control of the County Parks Department. When that code was enacted most county parks were small parks, such as Maxwelton, where no one would even think of discharging a firearm. However, time has gone by and through the Conservation Futures Program and properties transferred to the County, Island County now has vast areas in county ownership. There are some properties under the control of the Public Works Department [the property Ms. Blankenship referred to] where current code indicates it is illegal to hunt within 150 yards on either side of the trail. Current state law says that it is illegal to discharge a firearm within one mile of a school according to the game warden on Camano Island. He liked the idea of giving hunters an opportunity to have a period time on publicly owned land to hunt, in the spirit of sharing all of the common interests.

One audience member provided the statistic that in 2003 there were 1533 Americans killed as a result of deer-caused auto accidents.

A woman from Langley addressed housing boundary problems around Deer Lagoon, witness a live shell found on her property; live buckshot on homes. She was not against hunters or hunting, and observed there are good and bad hunters

rather saw it as a safety issue as neighborhoods and the Island continue to grow. When walking trails she has observed empty shells, lunch packs, garbage of all kinds.

Stan Reed, resident of Island County, and President of North Whidbey Sportsmen's Association who tonight was not speaking officially for the Association, made the observation that it seemed as if everything was being blamed on the hunters but made the point that hunters are not the only litterbugs. In looking at the Greenbank Farm area or Kettles property where trails have been built, he did not believe it would be fair to stop hunting. He pointed out that there were just as many hunters on Whidbey Island as hikers. He absolutely agreed that safety was the major issue, but safety as such should not eliminate hunting.

A lady from the Possession Point area commented that there is only private property in that area and none of the landowners had agreed to hunting. She gave examples of what has been observed: people pull up at the side of the road next to her house and shoot into the woods; shoot into the next door neighbor's yard from a feeding station. She did not say there should be no hunting, but

asked that the hunting community encourage others not to hunt on private property without permission.

Tony Stetler, a 20-year Oak Harbor resident, had no "beef" with the hunters who tended to be pretty respectful and contact him about hunting on his private property. He did have a problem with being deprived of his enjoyment of property by another neighbor who is fond of target practice.

Sheriff Hawley stated that as far as what is legal and what is not, target practice in a person's back yard can be legally done on private property owned by the landowner as long as it is done in a safe manner, a definition up to the deputy who responds to a call. Note, the Department receives some 600-700 calls a year concerning people target practicing. Most is done safely, but there have been some ridiculous situations of reckless endangerment, a crime. Suggestion: let your neighbors know what is going on.

The secretary of one of the archery clubs on the Island, also a horse-back rider, thought issues related to garbage, etc. really could be more from hikers and horse-back riders than hunters. She pointed out to folks with concerns that some of the hunters who hunt here do not live here.

Responding to a question from the audience about the County's recent purchase of property located at Deer Lagoon and whether or not it would be open to hunting, Commissioner Shelton noted that the part of Deer Lagoon the County purchased is located behind Shore Avenue and does not extend back over behind Sunlight Beach. The Board's policy in the past when the County came into ownership of property, has been that if the property was historically used as a hunting area it remained that way after the purchase. However, as he explained earlier, that policy is contrary to Island County Code as clarified by the Chief Civil Deputy Prosecuting Attorney.

Fred Stilwell a 24-year resident of the Island, though a bird hunter, supports deer hunting. He observed the main issue as safety, and it was his suspicion that a large percentage of hunters are all pretty responsible, and only a few who cause the problems. His suggestion: hold those responsible who break the law.

A former NCIS special agent suggested that the DF&W deputize volunteer law enforcement folks who are retired who could help out by at least checking licenses, take names and license numbers and be a visible presence.

Dave Graham, President, Pheasant Release Program in Island County, noted five sites on the Island where pheasants are released and over the last 5 or 6 years commented there had been no problem with hunters.

Another suggestion coming from the audience was to see more archery, and perhaps a kill limit [1, 2 or 3 maximum].

The Fish & Wildlife Department of the State sells hunting licenses and receives revenues from that, and Commissioner Shelton was aware that the Department simply did not have enough enforcement in Island County to practically deal with all the game violations, thus people

generally end up calling the Sheriff's Department and Sheriff Hawley not have enough deputies to deal with all those issues.

Senator Haugen clarified that the State of Washington Fish and Wildlife Commission, is a separate commission appointed by the Governor and not under the direction of the Legislature. The Commission appoints the Director of the Fish and Wildlife Department. Volunteer issue she thought would be a real liability issue. The Fish & Wildlife Department, however, has a "Eyes In The Woods Program". She receives lots of letters from people and the big problem relates to private property rights. Whidbey Island has very active hunting clubs and she agreed probably the problem is not people from Island County. One issue she saw as important was for someone to be responsible to have adequate posting - people need to know where they can and cannot hunt, particularly when people come on to private property. On the issue of density, Island County is more densely populated than King County [Island County's 2003 population of 74,000 equals a density of 355.08 persons per sq. mile]. Houses continue being built closer and closer together in the woods and people who are not used to hunting in this environment do not realize there are houses in there. She observed an opportunity for hunters to help the County become proactive in identifying areas through signage. In reality, a lot of dollars from Fish and Wildlife goes to pay for wildlife damage in Eastern Washington, i.e. an enormous amount spent to keep deer out of orchards.

Commissioner McDowell commented that hunting is strictly under the purview of the State Fish and Wildlife Commission. The only say the County Commissioners have would be to say no to discharge of firearms in the County, which he thought unlikely.

A gentleman from the Hastie Lake area had an issue with duck hunters who do not have permission to hunt on the private property. In this case it would not do any good to put up a sign through the middle of a lake indicating that a private property line had been crossed, i.e. cannot put a sign out 200' in the water.

Lisa Boyer from Hennrich Tree Farm, told of problems encountered with hunters around Hastie Lake as well. There are at least 10 or 12 pieces of property that extend into the lake, and only about two property owners that allow hunting. Hunters do cross property lines; there have been shots at the house and shots while people have been shopping for Christmas trees.

Sheriff Hawley was well aware there were only so many deputies especially in these types of situations; the Sheriff's Office still wants the call since deputies need to know what is happening and where it is happening in order to know how to best respond, as well as Fish and Wildlife people. He told the crowd that if someone discharges a firearm and it hits a house, it is in fact illegal, a crime, and a call should be made immediately to 911.

John Cline, a Taylor Road resident, said that hunting was part of his growing up and attested to the fact that hunters are good citizens. He observed that the good hunters were at tonight's meeting, and that the problem is with the bad hunters. He noted several encounters that occurred within 100' of trailer park and 100' of a residence; hunting arrows found in the hay field, and a man stalking a calf using tournament arrows.

Another audience member stood up and displayed all the material that must be memorized and learned by hunters, noted the special clothing requirements, and thought a hunter now almost had to be a lawyer to go into the woods and hunt legally. He firmly believed there was no such thing as an illegal hunter and believed that hunters who do not follow the rules are poachers.

Dave Harrington, Chair, Island County Trails Council, talked about the trails constructed and maintained by the Council in the Kettle trails area, as well as other places on the Island, in coordination with the Public Works Department. He stated that if lands owned by the County are controlled and run by the Parks Department, hunting would be illegal in every one of the parks, but many are controlled by Public Works Department where hunting is allowed 150 yards either side of any trail. He believes in multi-use trails; and that most hunters conduct themselves very responsibly. He does get upset with those who target practice when irresponsible [i.e. couple who had high powered rifles trying to down a tree]. This is critical point in time at Kettles; very populated place for those off island as well as residents. As a suggestion of compromise, he thought consideration could be given to sharing the trails, for example, at Kettles, set hunting season aside for a month one year, and trade that time the next year with another area.

One man suggested that those who hunt illegally absolutely should be prosecuted. He thought there were no problems that could not be worked out using common sense and compromise.

The owner of the slough at Dugualla Bay agreed that if someone calls and asks they let them use duck lines and have never had a problem with anyone they have given permission to. He had yet to see anyone do anything that they should not do. He

agreed it is annoying to hear from sun up to sun down.

A Possession Point resident of South Whidbey relayed problems seen over the last thirteen years: arrows outside his door and stuck in his fence; also observed someone shooting a deer from the road in his field. He did not think that anyone south of Bailey's corner should hunt due to so many homes.

Another individual spoke from the point of view of having taught a hunter safety course with the previous Game Warden Lyman Carrin, and was a base military game warden at NAS. He offered that the Sheriff's Office, he believed, in responding to shots fired calls ends up being firecrackers, M80's, and that maybe only 10% really ended up being related to hunting. He has taught 1500 people and put them through State of Washington hunting instruction and not one person came back and say they had killed anyone.

Tom Baenen, resident Greenbank and Island County Assessor, brought out some statistics, his office being very much involved in demographics. Between April 2000 and July 2003 Island County's population grew by 6.7%, or more than 5,000 people in 3 years, which is bound to create concern for hunters and non-hunters. It is a changing area, and ordinances and rules have to be flexible and change too.

Lee McFarland, previously Island County Park Superintendent, now working for South Whidbey Park & Recreation District, had seen all the large parcels come over to county ownership and DNR divesting themselves of large parcels. When Hoypus and Sleeper Road property went into State

Parks that eliminated hunting on well over 1000 acres. He used to hunt on the Island for years, but subsequently came to his senses and gave up. The idea of sharing the large areas and not outlaw hunting is appealing: give hunters a month or so but keep them off the small pieces of property, and everybody he thought would be lot better off.

Marcy Comer summarized from her written submittal, outlining a number of experiences relating to hunting and shooting in the woods in the area of the northern boundary of Greenbank Farm. If hunting is continued in the Farm's woods, she asked that large signs be posted to indicate "Enter at your own Risk-Hunting and Shooting Allowed".

A lady with property along main highway in the vicinity of a deer crossing told people what she had to deal with coming home from work late at night finding a decapitated deer head.

Volunteer hunting safety instructor read from the back page of the Sheriff's handout [information from the WDFW Website]

*Requirements to Hunt: all individuals born after January 1, 1972, when purchasing a WDFW license, must show proof that they have completed a hunter education class or that they are not first-time hunting license buyers..*

He went on to review the extensive additional requirements necessary in order to become an instructor.

Another point of view was expressed by a young man who comes home for the sole purpose of shooting ducks on H&H property; that property historically was a private hunting reserve. The most common type of garbage from hunters would be shells, but he sees other types of litter such as golfballs everywhere. Homeowners should learn the laws. The point was: he buys a license, has permission from private landowners to hunt around greater Deer Lagoon area.

Countering that statement, an audience member said that because others in the past hunted in a certain location did not mean it is legal today [i.e. H & H property the County recently purchased].

Donna Painter, Jones Road, Oak Harbor, purchased a good chunk of land so it could not be developed. All property is posted "No Hunting" during the hunting season, but ignored. As mentioned in her written submittal, she told of finding bow stands in trees, carcass of a deer with an arrow, gun at her back, fearful of walking on her own property. She brought out the fact that the north end of Whidbey Island has a transient population and those folks need to follow Washington State laws. Private property rights and property owner safety must be protected. Given the population density on Whidbey Island, she questioned whether it was safe to continue to allow hunting.

Captain Kelly Sweeney, Greenbank, a firm believer in the Second Amendment and ownership of guns, thought that with the population density which will continue to grow, common sense dictates there are places to hunt and places not to hunt. He left a question to consider: when some kid out hiking with grandpa gets shot, would be County be responsible?

A lady was concerned about the area of Penn Cove and those who live there and desire peace and quiet. Penn Cove property owners get very much disturbed by the noise and would like it to be restricted. There are B&Bs in the nearby area and on behalf of the owner of Captain Whidbey, indicated that the noise is ruining the business and lost revenue due to the noise caused by guns going off. She asked if it would be possible that certain areas be restricted from hunting and those restrictions be put in place by the next hunting season.

Senator Haugen stated that the Board of County Commissioners could establish no shooting zones, such as King and Snohomish counties have done in rural areas that are highly urbanized. Also the gentleman who talked about controlling deer population is an issue; hunting is more humane than being hit with cars but there are areas I think appropriately established as no hunting zones.

Commissioner Shelton commented that one of the things the Game Warden on Camano Island pointed out in relation to deer hunting was that the population of deer one way or another would be thinned. The County Road Department provided statistics on numbers of dead deer picked up on County roads:

Bayview Road District	1997- 2003	361
Camano Island Road District	1997-2003	146
Oak Harbor Road District	1997 & 1999-2003	145
Coupeville Road District	no statistics	

With those statistics he saw a very real issue in terms of the safety of the motoring public and deer population. He expressed compassion for both sides of the issue. He understood hunter issues and could not agree more that the hunters attending this meeting would not even be in the room if they were not safe respectable hunters, and suggested those who cause most of the problems were not in attendance and probably do not live in Island County. The Commissioners came tonight to hear citizen input. He did not know that there was total agreement on the part of the Board what should be done, if anything. The only thing the Board of County Commissioners have ability to do would be to restrict discharge of firearms. With respect to the upland game, the pheasants, there was no way he would be willing to restrict those areas. If someone owns ten acres of woods for example, there is no way in the world would he ever vote to tell some private property owner he cannot go out on his own property and harvest a deer. In the case of publicly owned lands, the ordinance that governs Island County park lands was written when county parks were more the day use-type small parks where now there are properties such as the two DNR-transferred large parcels of property that people want to use for multitude of different things. Some of the issues raised complaining about hunters might be lessened if hunters had an opportunity to go out on larger pieces of property for that short amount of time during the hunting season.

Commissioner McDowell confirmed that nothing the Board might consider would have any impact on federal military property; that property is not under Island County's jurisdiction. Although there seemed to be no consensus about what should be done, even the majority of folks with concerns did not say hunting should not be allowed County wide; he believed that some areas should be looked at. Certainly he supports the rights of people to continue to hunt where it makes sense to hunt. A lot of areas are already covered by current laws, such as not hunting

within one mile of schools. Passing more laws is not going to stop shooting. He thought that a major effort in some locations might make sense, such as the area up by Greenbank and some areas that have not been traditionally hunted would not make sense to suddenly allow hunting. But by the same token areas traditionally hunted, Swantown Lake for example, he could not imagine the County would suddenly ban hunting there.

To clarify a question from an audience member as to whether it was legal to scare ducks off the water and use them for target practice, Ralph Downes, State Department of Fish & Wildlife Agent, [lives in Coupeville and serves Skagit, Island, Snohomish, San Juan and Whatcom counties] stated that if it is during lawful duck season, licensed and permitted for duck hunting, can shoot water fowl present; however, shooting the ducks for target practice would fall under wasteful and therefore unlawful.

Chairman Byrd closed the meeting and expressed appreciation for all who attended and participated. Public input was the purpose of the meeting, as was the prior meeting on Camano Island and much has been learned which can be used to assist in better management of the situation. There were many good suggestions and he stated the Board would move forward from

here.

Meeting adjourned at 8:55 p.m. The next regular meeting of the Board will be April 26, 2004 beginning at 11:00 a.m.

BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON

William J. Byrd, Chairman  
Mike Shelton, Member  
Wm. L. McDowell, Member

ATTEST: Elaine Marlow  
Clerk of the Board