

**BOARD OF ISLAND COUNTY COMMISSIONERS - MINUTES OF SPECIAL SESSION
DECEMBER 12, 2005**

The Board of Island County Commissioners met in Special Session on December 12, 2005 beginning at 6:00 p.m., Coupeville Recreation Hall, 901 NW Alexander Street, Coupeville, WA, Mike Shelton, Chairman, Wm. L. McDowell, Member, and William J. Byrd, Member, were present. The Special Session was called for the purpose of conducting a public hearing on Ordinance #C-136-05 Restricting Discharge and Use of Firearms in the Vicinity of Deer Lagoon and Allowing Hunting on Camano Ridge Property, Goss Lake Woods Property and a Portion of Kettles Trail Property. Approximately 125 +/- citizens attended the hearing, including representatives from the press. Those desiring to speak at the hearing were asked to indicate such on a sign-up sheet, the Board's intent was to try and provide sufficient time to allow speakers a few minutes each [copy on file with the Clerk of the Board].

Hand-out packet provided by the Public Works Department [on file with the Clerk of the Board] included:

- Proposed Ordinance #C-136-05
- Press Release by the Public Works Department dated 11/28/05
- Copy of a color-coded map of the Kettles trail (Attachment A to #C-62-96/R-67-96 dated 1/27/97)

Bill Oakes, Public Works Director, by way of a power point presentation outlined the ordinance proposal and the two Island County Codes covered: 9.06 Discharge of Firearms Prohibited; and 9.56 Non-Motorized Trail Use Regulations [entire copy of presentation on file with the Clerk of the Board].

Five properties are covered:

Whidbey Island: Kettles Property; Greenbank Farms Property; Deer Lagoon Property; Goss Lake Woods Property

Camano Island: Camano Ridge Property.

Under existing code generally hunting is permitted on County-owned property outside of cities and towns, unless designated as a County Park or as a Non-Motorized Trail. Discharge of firearms is regulated on and around three lakes: Lone Lake, Goss Lake and Honeymoon Lake. Under existing County code for Deer Lagoon, Camano Ridge and Goss Lake Woods properties, hunting is not restricted during any legal hunting season. Hunting is prohibited within 150 yards of a designated non-motorized trail.

Kettles Property. The actual paved trail runs along the highway from Coupeville into the parcel and out to the State park parcel. The prohibition from hunting and shooting on that trail is 150 yards. The entire area shown in white on the map in Mr. Oakes' presentation shows where hunting is prohibited along that corridor with the cross-hatched area depicting where hunting would be allowed. The proposed ordinance would prohibit hunting within 150 yards of the Kettles Trail. On the remainder of the property, the proposed ordinance would prohibit hunting from December 1st through September 14th and allow hunting from September 15th through November 30th.

Greenbank Farm Parcel. The wooded parcel to the north is owned by the County and a wooded parcel across the road is also owned by the County; the cross-hatched area on the map shows the areas that can be hunted; the parcel on west side of the road is available for hunting under existing code. The proposed ordinance would prohibit hunting on the County trail property known as North Greenbank Property.

Deer Lagoon Parcel. The dark line on the exhibit map represents the County's ownership, almost 380 acres. Hunting under existing code is allowed on the entire parcel. The proposed ordinance for Deer Lagoon restricts shooting to the center of the Lagoon; the dike (50 yards from the property boundary) and tidelands east of the dike. The exhibit map shows the cross-hatched area where shooting would be permitted – the center uplands area of the Lagoon where shooting would be allowed.

Goss Lake Woods. About 600 acres land in County ownership. The proposed ordinance would prohibit

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hunting from December 1st through September 14th and allow hunting from September 15th through November 30th.

Camano Ridge Property. The proposed ordinance prohibits hunting from December 1st through September 14th and allows hunting from September 15th through November 30th.

Public Input

Mike Noblet, Clinton, Mayor, City of Bothell, commented to note, Island County is not in 1955, rather it is 2005 with the population having grown significantly over the last 50 years. Deer Lagoon with some 500-700 people living within a mile is of concern with the issue of hunting. He and his wife are rolled out of bed as soon as the first hunter starts. Steps taken to block the noise have not succeeded. He strongly suggested that for this area with all the housing it is not a rural area any longer. He asked that the Board listen to the concerns of those who live there and are invaded by noise from recreational behavior on a part of a few.

Tom Cannon, Coupeville, believed that if there is a reasonable likelihood that humans, domestic animals or property will be jeopardized by discharge of firearms, it is not restricted to Deer Lagoon, but true also for the other properties. The Kettles property has a State park on the west, private residences on the north, and State Highway 20 on the east. A shotgun fired toward these boundaries from Kettles trails will jeopardize humans, animals and property just as much as a shotgun fired toward Kettles trails. He took issue with the 150 yard trail buffer. While the maximum lethal range from #1 buckshot is 60 yards, he said that the terminal range is closer to 200 yards. Shotgun ammunition has a much greater range (as shown on the poster held during his presentation "SST shotgun slug"). Under Washington law, this ammunition will be legal in areas under the ordinance. To assure public safety within boundaries of the properties, the only logical course of action is to ban hunting in these areas.

Steve Layman, Clinton, a master falconer for some 45 years, asked consideration for the nature of hunting birds as non-threatening to people and domestic animals. He is in support of maintaining the hunting tradition on the Island when it can be done very safely.

Jack Coughenour, Freeland, a hunter all his life only in places were welcomed, noted that those living in the Deer Lagoon area are very concerned and stated that prior to the County acquiring the property, those who hunted there were poachers. On occasions when walking on the dike, he has encountered a hunter who felt he was encroaching on his territory, and occasions when rounds had been fired over his shoulder to scare him away from the area. Commissioners not listening to those who live in the area would invite certain litigation, and he would be among the first to sign a check for an attorney to sue the County if the ordinance is passed.

Bill Thieme, Freeland, provided a statement for the record (*on file with the Clerk of the Board*) summarizing from a 9-page letter from Josh Whited, Eglick Kiker Whited PLLC, Seattle, Wa., Attorneys for Useless Bay Colony, written to the Board of County Commissioners dated December 9, 2005 (*entire letter is on file with the Clerk of the Board*). The proposed ordinance fails to keep the promise that Deer Lagoon would be made an Island County Park, a promise made to federal agencies which granted money for the purchase, a promise made in public statements and a promise made in private correspondence. The letter points out that the ordinance fails to comply with the grant requirement that the lagoon be managed as a public park and fails to comply with the specific restriction in the grant from the State DOE that use of the property be limited to passive recreation. The County failed to provide an EIS, a

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required document. The letter raises the issues of public safety, public nuisance and trespass on private property. The letter concludes:

“The infirmity of a legislative proposal is sometimes not apparent until well after it has first been ‘floated’. In the months since the issue first arose, the fundamental problems with permitting hunting in Deer Lagoon have come to the fore. They include safety issues, inconsistency with the county’s prior representations, flagrant violation of the restrictions placed on the property, potential disturbance to the very wildlife resource (birds) which made acquisition possible, and an overarching failure to comply with SEPA. The County cannot lawfully open Deer Lagoon to hunting. If it attempts to do so, the County may find itself embroiled in a protracted legal controversy which could result in being called to account for misrepresentation, misspent funds, and a failure to perform required environmental review. The Useless Bay Colony and its 400 members urge the County to reconsider its proposed ordinance and prohibit without restriction gunfire and hunting on all County-owned property within Deer Lagoon.”

Earl Lawsen, Langley, President, Useless Bay Colony, referenced a letter sent by Commissioner Shelton to Senator Murray to solicit her assistance in obtaining funds with which to acquire Deer Lagoon, quoting the following sentence: “Deer Lagoon is surrounded by housing development and is in an area that is experiencing non-stop growth.”. Mr. Lawsen completely agreed with that statement. There are 12 more homes under various stages of construction, another 4 draft plans, another development planned with 10 additional buildable lots; further, H&H is clearing the remaining lots for houses with the potential of 40 to 50 more lots, which would raise the population of the Colony by 25%; allowing hunting violates restrictions on the purchase. The Commissioners have an opportunity to create a lasting memorial by creating a park for the purpose of passive recreation within guidelines of the original grant.

Bill Cochran, Langley, representing Useless Bay Golf & Country Club, about 950 families, made three main points:

- (1) One dike is owned by the Country Club and is a no-hunting zone, including the water areas up to the State park.
- (2) He lives on Soundview directly above part of the property left out, his house about 70’ from down the bank and has had chips in windows and buckshot that landed on top of his house. He wants the County to consider including a 50 yard buffer around the entire area that was acquired from H&H properties.
- (3) The end of Deer Lagoon Road is dead-end with a fire hydrant; there is really only one access to get out where hunting is allowed, thus would impede protection to those homes with hunters parking there.

Tom Flowers, Oak Harbor, was concerned with deer hunting on the Camano Ridge and Kettles properties and encouraged that hunting remain open in these areas and any other areas that are currently open on Whidbey Island, pointing out that there are fewer and fewer areas for hunting.

Dave Hollett, Oak Harbor, referenced articles from other locations discussing hunting and population conflicts:

In Philadelphia a white tailed deer was taken, certified as the fourth largest ever taken in Pennsylvania. The location of the deer was in the City of Philadelphia. A total of 261 deer were taken by licensed hunters in the City of Philadelphia and on private lands.

In Montana an elk was taken 50 yards from a home with a high powered rifle. The game

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Warden and police found the hunter was perfectly legal in shooting the elk.

An article indicates that in the Helena Valley the state instituted at the neighborhood's request, four restricted zones in which high-powered rifles are not allowed; however, bow hunters and using muzzleloaders, shotguns or handguns are allowed in areas where public and private lands are

interspersed. Hunting is one of the main ways the State can keep big game under control, generally handled through firearm restrictions rather than no-take. The article continues:

People who build so close to public lands should expect to see hunters. I like to think that hunters are respectful and good people who will not break the laws but if you build your house next to national forest land, you have to expect there will be people there using that land to hike, camp, hunt and fish.

Mr. Hollett reminded there has been hunting here for years; the population continues to grow but there have been no accidents. Hunters use common sense and know not to hunt in areas that pose danger to themselves or someone else. Grants used to purchase some of the land used now for trails are up to 82% funded by hunters who purchase hunting licenses or duck tags. Hunting is considered in many of the grants to be acceptable and encouraged as a practical and low impact use of the land.

Alan Meaux, Oak Harbor, commented that in 1996 he was asked to attend Central Whidbey Trails Council meetings as a representative of hunters. He noted a copy of the Kettles Trail Plan dated October 17, 1996 which lists as a current use hunting, and also lists hunting as an intended use. Section 4, potential conflicts with users and solutions under the hunting section states that the perception of conflicts may be worse than actual. Solutions noted are education, restrictions to licensed hunters and season only, no target practice shooting; signs advising use and restrictions, thus showing that CWTC did not want to eliminate hunting in that area.

Dick Boyle, Freeland, with property located adjacent to Deer Lagoon, hopes to build a home for his grandchildren, but now wonders if that is prudent when located in the middle of that lagoon an area where hunting is allowed.

Ray Gabelein, Langley, stated that hunting had been going on for 70 years in the Deer Lagoon area and thought all public areas as much as possible should remain open for hunting, noting there are fewer and fewer places for hunting. It was his understanding that hunters actually helped pay for the purchase of Deer Lagoon through duck stamps. As far as access, he thought there was plenty of public access, i.e. Sunlight Beach Road has good access and the public should be made aware where accesses are. Deer Lagoon is the only waterfowl hunting area on South Whidbey and did not think it should be closed, and suggested the small area left open for hunting should be a little larger. As for noise, during the summer he hears lawn mowers as early as 5:00 a.m. on the golf course, but lives with it and does not complain, and thought everyone needed to share these public areas.

Connie Wolfe, Coupeville, was not against hunting but was concerned about the Kettles area. Kids and women pushing babies use that area, and kids being who they are and people being who they are, it is reasonable to conclude something could happen. Aside from that she was concerned about the County's liability should something happen, and as a result, increased rates and the potential for the public to pay for that.

Chairman Shelton confirmed that the County has insurance; whether the County would be liable would remain to be seen.

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Bill Steiner, Clinton, addressed the liability issue pointing out that people have to take responsibility for their own actions whether on county roads or private land. He grew up hunting and went through a gun safety course; it was long and had a test in order to get a license -- far more extensive he thought than what is required to obtain a driver's license. He could not recall a hunting accident on the Island and he and his sons enjoy hunting activities a lot. Note the drug problem on South Whidbey with kids -- need to continue good healthy activities for these kids.

Kevin Lungren, Freeland, is a hunter, and taught his son and daughter to hunt. He comes from farming roots in Indiana, and it would be absolutely inconceivable from his grandfather or mother's point of view to understand complaints about hunting and noise during the day. There are no times when hunting is not in day light, and far more often than not, duck hunting occurs in inclement weather. Concern for safety is largely hypothetical and nothing to back up any real safety concern. There is a need to keep kids involved in healthy activities.

Bob Bowen, Coupeville, viewed the proposed plan for Kettles as unacceptable, unsafe for hunters and the general public, and did not adequately address safety issues, especially firearms, ammunition and ballistics. According to the Hunter's Education Manual published by the Washington State Department of Fish & Wildlife, a slug from a 12 gauge shotgun can travel up to 1 mile or 1,760 yards. With someone standing in the center of the proposed hunting area as far way from borders as possible, using a 12 gauge shotgun in any direction could well strike others anywhere within the proposed hunting area as well as outside that area. He thought this could be a violation of a number of State Laws: (1) no discharge within or into a State park -- Fort Ebey State Park is well within range; (2) no discharge of a firearm long or across maintained highway -- Route 20 is well within range; and (3) cannot point a loaded or unloaded gun at a person in public area. The hunter's manual clearly infers that it is dangerous to use firearm in areas like the Kettles

Howard Porter, Langley, enjoys hunting, nature and hiking, and from his perspective thought much of the opposition to hunting was driven by fear as well as greed for people's personal rights and limitations on rights of others. He reminded that hunting is a source of natural food and a good way for youth to be taught to respect firearms and game, and that right should not be taken away. There are miles of trails in Island County not accessible to hunters. He suggested that it can be regulated through notification when the hunting season is open.

Keith Becker, Coupeville, from personal experience and use, attested to the use of Kettles by many, including hikers, bike riders, joggers, bird watchers and horse riding. The proposal to open nearly all Kettles trails to hunting allows simultaneous use of the densely wooded area. By approving the proposal, the Commissioners would be taking the position that all of those activities can take place safely and simultaneously. He thought it a mistake to think if opened to hunters that others would not use the land during that time. If the proposal is approved, the Commissioners must accept liability, and would be forcing the County to likewise accept liability in the event of an injury. Warning signs at the trail entrance to note that hunters would be using the property during a certain period will not eliminate County liability; in fact, he contended would be an acknowledgment on the part of the County that hunters with other users is a potentially dangerous situation. If injured in Kettles by a hunter, he told the Board that certainly he would sue the County for knowingly creating the situation.

Rick Cavanagh, Freeland, a hunter in the Deer Lagoon area, suggested perhaps there may be some ignorance on the part of non-hunters about what guns will and will not do. He encouraged that the Board not close hunting based on unfounded fears.

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Lauren Mueller, Coupeville, wanted the Commissioners to prove to taxpayers how Kettles can be made safe and promise no one would get hurt there. She noted there already had been a car shot along the highway from a bullet coming from the Kettles. As far as the comments about hunting being a good thing for kids, while that may be true, it is important not to allow hunting in the Kettles area because of the number of families and kids using it for recreational family use.

Jimmy Berto, Langley, was concerned with Exhibit A to the proposed ordinance relating to Deer Lagoon, and echoed concerns of others about that and urged the area be opened further for hunting. The proposal has gone from providing a buffer of 150 feet around the perimeter, to now an undisclosed measurement on a map with no apparent legitimate reason. A citizens group working in collaboration with the Washington State Department of Fish & Wildlife to review hunting in Penn Cove through compromise came up with provision of a buffer, the exact footage remains to be determined, but the popular idea is 300' and Mr. Berto suggested that should be looked at and adopted for Deer Lagoon as well. He made note of the RCW which prohibits banning the discharge of firearms for hunting purposes. He saw no legitimate reason not to allow hunting in Deer Lagoon as it is a safe sport.

Dave Haworth, Freeland, stated that if Deer Lagoon were designated an Island County Park in compliance with funding terms hunting would be prohibited. Hunting in populated areas is the issue; existing risks that are part of life are not; introducing a new risk is. The ordinance will not likely reduce serious safety issues that would occur on Deer Lagoon if hunting is introduced. The ordinance is seriously flawed in that it provides no definition of the type of hunting, weaponry or seasons that would be allowed in Deer Lagoon, no definitive description regarding the diagram on Exhibit A and no way to monitor compliance with diagram rendering it unenforceable. Allowing the discharge of weapons on the indicated part of Dike #4 will create major safety issues on the dike. If hunting is to be permitted, the County must correct the major flaws; better yet, ban hunting in populated areas such as Deer Lagoon; or comply with terms of the funding and designate it as a county park.

Dan Sousa, Langley, a hunter in Deer Lagoon, commented that duck hunting is a shotgun sport only, the shot can travel maximum up to 150 yards. Those he hunts with are very cautious about their field of fire. He believed the area proposed for Deer Lagoon was too restrictive. When at the middle of the Lagoon, hunters are about 300 yards from shore. As far as noise and shooting times, this week shooting would be allowed to begin at 7:20 a.m., last weekend at 7:15 a.m., and usually occurs on Saturdays and Sundays, generally not during the week. As far as not knowing about the noise from hunting, he suggested folks contact their Realtors as it should have been disclosed at the time of purchase.

Louise Mueller, Coupeville, owned Cedar Ridge since 1947 until the family sold the property to the County, now known as the Kettle Trails property. With so many people using Kettles Trail she thought it ridiculous to even think about allowing hunting, and asked that hunting be banned from the Kettles property.

Al Lindell, Coupeville, Central Whidbey Sportsmen Association, pointed out that in 1938-39 the sportsmen of the country asked to be taxed on all guns, firearms, ammunition, archery equipment, etc. and that tax is still in existence and a part of the federal funding for some of the properties being discussed tonight. He told the Commissioners from experience the hunters are all straight forward people and safe. The figure of 1760 yards mentioned does not take into consideration topographical features within Kettles, or the foliage and trees. He thought it very doubtful any of the yardage's mentioned were really applicable. He invited anyone having questions or concerns to attend a hunting safety class, 4 different sessions being offered this year, to find out what hunters have to go through.

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John Jeffries, Oak Harbor, associated with Central Whidbey Sportsmen Association, is not a hunter and preferred to spend his time in the woods, walking, watching birds and nature photography. He did not think those activities were exclusive to hunting and could co-exist with hunting. He supported the use of the public lands by everyone.

Michael McInerney, Langley, adjacent to Goss Lake Woods property, thought the restriction in Deer Lagoon excessive and suggested there be a compromise that would allow safe hunting. For Goss Lake Woods in terms of seasons the proposal to restrict hunting to September 16-November 30 is unfairly restrictive because it eliminates bow hunters from those areas. Bow hunting starts September 1 and ends December 31. Bow hunters must choose their method and are restricted to only that method for the entire season. Hunting itself ranks among one of the safest recreational activities.

Bob Maschmedt, Clinton, has hunted for 48 years, a lot of that time in Deer Lagoon. He commented that there had never been an issue of safety or accident. He observed that the people from the Colony were asking the County to regulate noise, and noted a State law that says noise cannot be regulated from perfectly legal recreation. He thought it reasonable to share property with all; hunting is a very short season out of an entire year, a activity that is part of our culture.

Justin Bartlett, Coupeville, asked that the County consider keeping hunting open. Closing areas to hunting will result in an over population of deer, and he thought through conservation and education, uses could co-exist.

Chris Kinkel, Oak Harbor, reminded that hunting on the Island is limited to 10 weeks and amounted to less than 1/10th of the total year towards hunting. He is a mountain man re-enactor and uses an old style muzzle loader and challenged anyone to go any place in the Kettles and find him a clear view to shoot anything more than 100 to 150 yards. Hunters attending this meeting are safe and educated, and echoed the invitation for folks to attend any of their hunter education sessions. He pointed out that shooting across a highway is illegal and a hunter could lose permanent hunting rights in State and go to jail. He thought hunters should be able to use the Kettles area 10 weeks out of a year without hikers, bikers, etc., noting there are many other areas with trials that can be used for that 10 week period.

Christine Marshall, Clinton, was concerned about the intertidal area east of Dike 4, with no buffers demarked along the Washington State Park lands and the Sunlight Beach Point area out to that spit. From the legend it looks to be about 25 yards which is an inadequate buffer. She spoke previously about being hit in her own back yard, and about a month ago had a second experience, the shot coming from 169 yards and a shot fell within 5 feet of her. A neighbor, Curtis Pierce, had the same experience with shot hitting his house from the same dike.

Patty Hussey, Langley, was concerned about simultaneous use of Goss Lake Woods when hunters are using the property. Over last 4 years Goss Lake Woods trails have been developed, with more and more people using the trails, including kids. Simultaneous use causes confusion and many hikers, bikers and others are not aware hunting is allowed during certain times. Living adjacent to the west side of Goss Lake Woods, she often hears rounds and rounds of fire, and she brought up the concern that the Sheriff has to be called away for enforcement when those resources should be used for other things.

Gail Glasen, Freeland, described herself as a naturalist, environmental artist, fisherman and hunter, and loves to hike on the Island. She moved here from Alaska, and has a big safety concern with over population with any species.

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Mike Rudd, Millman Road, could not understand with the number of residents in Deer Lagoon opposed to hunting why the Board was even considering it. He is not against hunting per se', rather the shooting that scares animals and the noise.

Darcy Patterson, Oak Harbor, addressed non-motorized trail systems and was not aware of any non-motorized trails covered by the ordinance having been acquired from funds through hunting taxes. She pointed out the flaws of the proposed ordinance with regard to non-motorized trails. It is questionable if the ordinance includes the northern Kettles properties as non-motorized trails. She submitted documentation with regard to the 80-acre Amber property that shows that area is actually a parks property and that area itself cannot be hunted, and the boundary of 150 yards is not large enough to include the entire Amber property. Moving properties into the official non-motorized trails category does not remove those properties from parks management. A packet submitted for the record by Ms. Patterson included her written for tonight's hearing, a map showing County properties; excerpts from the Island County Comprehensive Plan – Capital Improvement Program, Natural Lands Element, Parks & Recreation element. The submittal also included: Central Whidbey Trail Council February 11, 1997 Summary of 1996 activities; Conservation Futures Project List 5/18/2005; Capital Budget Session 11/19/96; ICC Conservation Futures Rev. 12/99; Trust Land Transfer Program letter of intent signed by the Board 3/10/2003; Board Minutes October 25, 2004; Goss Lake Woods – Assessor's Account Summary Snapshot and land value; Series of e-mails October -November, 2005 regarding Goss Lake Woods. Issues need to be resolved prior to the ordinance being adopted. She asked that the Board take the time to correct the flaws, go back to the drawing board and start over. *[submittal on file with the Clerk of the Board]*

Bill Hawkins, Coupeville, addressed the aspect of public safety and the proposal as it would affect the Kettles trail area only. He submitted written material for the record as referenced during his presentation *[on file with the Clerk of the Board]*. Mr. Hawkins told the Commissioners the issue was not about hunting per se' or hunters individually, rather about technology, physics and advances in technology over the last ten years that render the 150 yard buffer proposed for the Kettles area grossly inadequate. For deer hunting in the Kettles area, weaponry includes deer slugs, and he referred to a video that was made available to the Board describing and depicting ballistic testing by the Sheriff's Department *[copy included in the record]*. Although a gentleman tonight said he did not think he could fire 100 or 150 yards in a straight line because of all of the foliage and trees, the Sheriff's Department conducted testing on deer slugs and found it would travel through three sheets of 3/8" plywood and hit a berm at over 200 yards, and through a pumpkin. The testing done by the Sheriff's Department is consistent with other literature. He referenced from his submittal a copy taken from the Official Journal of the National Rifle Association on deer hunting slugs, with the conclusion they carry lethal force up to 150 yards, and the author mentions bagging a deer with a single clean shot at 146 yards. An article from one of the manufacturers of deer slugs concludes that while slugs are short range ammunition, all slugs carry lethal energy beyond 200 yards. Hunting for deer in this State with hand guns is lawful. The literature he submitted indicates that a 9 mm luger travels about 2300 yards, a 45 ACP traveling about 1800 and 44 magnum 2500 yards, or 7500'. To know what that looks like he showed a map displayed on a poster and included with his submittal, with a circle drawn indicating 7500 feet from a point roughly in the middle of the Kettles area, to show how far that would travel -- right out to middle of Penn Cove mussel farms and even out past the state park out into the waters, an area far exceeding even the area of the Kettles itself. The buffer, he said, is inadequate.

Jeff Hume, Coupeville, was concerned about not having a buffer on the highway and along the north portion of Kettles. He walks almost daily in the Kettles trails and was aware it is dense and trails 30' apart and 50' apart, and cannot see from trail to trail. He had no problem with hunting and thought

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it should exist and be fair and equitable. Since 1.5% of the population gets a hunting tag for deer, he suggested giving hunters 1.5% of the time which would be about one week or three weekends.

Paulette Becker, Langley, spoke in opposition to hunting in populated areas because it is unsafe. She observed that the Island was changing and suggested the need to take more care about safety over hobbies and hunting. She and her husband bought their home with the understanding there was no legal hunting, and that has since been proven by a letter from the former owner of the property. She agreed that most of the hunters in the room were safe and good hunters, but if opened to hunting there would be others coming to hunt and questioned whether it was worth one life or one person's eye ball just to continue hunting. Youth learning to hunt is just fine, but when children are taught to ignore what is important to others it is a negative lesson. Noise is an issue but it is also a safety issue. She stated that she was incensed to read that the land was purchased with the idea it be a park, yet now turned into something else. The number of residents in the Colony outnumber the number of hunters and she asked that the Commissioners reconsider the ordinance.

Sharon Drew, Clinton, said that Deer Lagoon was her back yard and did not feel safe to walk there during the hunting season nor does she feel safe walking down to the end Sunlight Beach Road during hunting season in the morning. She has grandchildren and a little dog, and spoke in opposition to duck hunting on Deer lagoon because of safety.

Mimi Buescher, Coupeville, reiterated a lot of comments made in support of prohibiting hunting in the Kettles area, a frequent user of the Kettles areas, two and sometimes three mornings every week, with an animal, or one or two children, and use access by bike as well, the use it was intended for. She has personally seen what happens when people misuse firearms. When walking Kettles, she has seen on the trails spent shells. If there are activities that present a reasonable likelihood of jeopardizing people or animals it has to be banned. She supported banning use of firearms on Kettles area.

Bob Thome, Langley, knew the difference between buck shot and bird shot, and explained that it made no difference when it hits his residence window or roof, it is too close and the 50 yard buffer not large enough. When he purchased his residence he checked with the Realtor and there was no hunting; H&H owned the property and prohibited hunting. Previous testimony has shown dozens of complaints about hunters shooting into yards of residences; mothers have complained about kids not being safe in their own yards during hunting season; an ophthalmologist testified about the damage a wayward shot can do to an eye; a petition was signed by several hundred people requesting the ban on shooting not be lifted; and the Sheriff stated that the proposed shooting regulations are unenforceable and characterized the proposal as ludicrous. He requested that the Board follow-up with him and answer the following questions:

- (1) What expertise allows the Commissioners to disregard the community and ignore the Sheriff;
- (2) Shooting is banned near schools in order to ensure excited hunters shooting at targets over head do not shoot over playgrounds; why are the Commissioners proposing kids not have the same protection in their own back yards?

Gwen Perrick, Freeland, Board member, Bayview Meadows Association, indicated that their group felt very strongly opposed to hunting in this area. The biggest concern is because the area is very populated, and with the growing population, inappropriate to allow hunting. While she believes in the rights of others, she said that with time things change. As an ER nurse, she is well aware what can be done with a gun.

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Rodney Vandersypen, Blaine, told the Commissioners and audience that if properties are closed to hunting, there will be a larger deer population and noted that 600 people a year are killed in the U.S. by hitting deer with cars. A person is more likely to get killed by hitting a deer with a car than by a hunter. There is a problem in Whatcom County with no hunting zones and an abundance of deer, noting that as many as 300 deer are killed a year by cars.

Anthony Gato, Greenbank, spoke in favor of hunting all across the Island. He realized the fear was the way certain people hunt and there was no controlling that, but thought it a matter of personal safety i.e. a person would not walk in downtown Seattle at night through an alleyway and the same should be acknowledged during hunting season. Hunters are not asking for much, looking for one or two months out of an entire year to utilize what they pay tax dollars for too. There are plenty of other parks for hikers, etc. during the hunting season. Hunters need their time and space, and should not be forced to go off Island to hunt. He thought the fear issue was over-exaggerated. People have noise issues throughout the state, and must either live with it or move.

Rich Klinnert, Oak Harbor, a Washington hunter safety course instructor, told folks that anyone wanting to hunt in Washington, if born after 1972, must attend a hunter safety course which includes conservation, hunter ethics, safety, survival. On Whidbey he realized some places were crowded but also knew hunters were very safe. He believed too that some of the things stated by anti-gun or anti-hunting folks were misleading and he did not know with respect to ballistics where they were getting the ranges. If the Commissioners decide to restrict hunting, at least there should be archery hunting, or muzzles or lower caliber for deer hunting.

Bill McFee, Sandy Hook area, has heard many times that Island County is a rural county. He reminded that rural things includes real farming and real hunting. He has noticed the intolerant behavior on the part of those who do not want hunting in certain areas. He would like to see some tolerance and willingness to work with hunters and find an acceptable solution to allow hunting in the areas under discussion tonight.

Jim Warren, Anacortes, owns property in Coupeville and works on South Whidbey, loves the people and places. As far as noise, the street he lives on in Anacortes is a main street and he is very aware of cars starting to go by as early as 3:00 or 4:00 a.m.; it wakes him up but he rolls back over and goes back to sleep, and felt that was just something you have to live with. He noted that there are miles of trails on the Island where there is no hunting that hikers can use during the hunting season.

On behalf of the Board, Chairman Shelton thanked everyone for coming and hoped that with some amount of compassion they understand the difficult decisions the Board would need to make. The Board will meet in Special Session again December 15, 2005 at 6:00 p.m. at the Utsalady Elementary School for another public hearing on Ordinance #C-136-05.

Special Session adjourned at 8:15 p.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

**BOARD OF ISLAND COUNTY COMMISSIONERS - MINUTES OF SPECIAL SESSION
DECEMBER 12, 2005**

Wm. L. McDowell, Member

William J. Byrd, Member

ATTEST:

Elaine Marlow, Clerk of the Board