

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING**  
**SPECIAL SESSION - SEPTEMBER 26, 2005 – PUBLIC HEARING**  
**DISCHARGE & USE OF FIREARMS AND HUNTING**

The Board of Island County Commissioners met in Special Session on September 26, 2005 beginning at 6:00 p.m., held in the Performing Arts Center, Coupeville High School, 2 South Main Street, Coupeville, Wa. Mike Shelton, Chairman, Wm. L. McDowell, Member, and William J. Byrd, Member, were present. The Special Session was held to conduct a public hearing on (1) Ordinance #C-99-05 Restricting Discharge and Use of Firearms in the Vicinity of Deer Lagoon and Allowing Hunting on Camano Ridge Property; and (2) Ordinance #C-100-05 Restricting Discharge and Use of Firearms in the Vicinity of Deer Lagoon and Allowing Hunting on Kettles Trail and Camano Ridge Properties.

Approximately 150 +/- citizens attended the hearing. Those desiring to speak at the hearing were asked to sign up to provide comments, with the intent to have sufficient time to allow those folks desiring to speak an opportunity to do so for 3 minutes each. [*Sheet on file with the clerk of the Board*]

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

- Ordinance #C-99-05 Restricting Discharge and Use of Firearms in the Vicinity of Deer Lagoon and Allowing Hunting on Camano Ridge Property
- Ordinance #C-100-05 Restricting Discharge and Use of Firearms in the Vicinity of Deer Lagoon and Allowing Hunting on Kettles Trail and Camano Ridge Properties.
- Deer Carcasses on Public Roads in Island County [an informal survey]
- Greenbank Farms Trails Map and Kettles Property Tail Map showing hunting zones and Non-Motorized Trail
- Deer Lagoon map showing County ownership and no shooting areas Camano Ridge Property map

Bill Oakes, Public Works Director, gave an overhead presentation [*copy placed on file with the Clerk of the Board*]. Public Works manages trails and open spaces; General Services Administration manages park properties. The two proposals under consideration deal specifically with four County-owned properties:

Kettles	243 acres more or less
Greenbank by Greenbank Farm	191 acres more or less
Deer Lagoon	379 acres more or less
Camano Ridge	400 acres more or less

Ordinance #C-99-05 would amend ICC 9.06.010 to prohibit the discharge, shooting, and use of firearms within a 150 feet area (100 feet on the dike) on the inside of the boundary line of County-owned Deer Lagoon property in the Freeland area; and add County-owned Camano Ridge property to the County's Non-Motorized Trail system, Chapter 9.56 ICC, and allow hunting, when lawful under Washington State regulations, on that property between September 15<sup>th</sup> and November 30<sup>th</sup> each year. Hunting would not be allowed on the County-owned Greenbank Farms Trail property and the Kettles Trail property. Ordinance #C-100-05 [alternative ordinance] is basically the same as Ordinance #C-99-05 except that hunting would be allowed, when lawful under Washington State regulations, on the County-owned Kettles Trail property (basically 9-15 to 11-30).

Mr. Oakes' presentation included a review of existing County codes on hunting or shooting on County-owned or managed properties:

- Hunting Permitted on County owned property outside of cities and towns, unless:
  - Designated as a County Park
  - Designated as a Non-Motorized Trail

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Discharge of Firearms is regulated on and around three lakes: Lone, Goss, and Honeymoon

Deer Lagoon: Hunting not restricted

Greenbank Farm and Kettles: Hunting prohibited on county owned land within 150 yards of a designated trail. The map shows the Greenbank Farm property in the existing ordinance and the identified trail system that goes through the north property.

Camano Ridge: Hunting not restricted. There is a trail system on the Camano Ridge property but the County does not have a formalized agreement with a user group; the property came to the County as a result of a transfer from DNR, and is not in the County's code as a Non-motorized trail.

Both proposed ordinances would: for Deer Lagoon, establish a 100' stand-off distance on the dike and a 150' stand-off distance on the rest of the property; and for Greenbank Farm prohibit hunting on the County trail property [North Greenbank property].

Ordinance #C-99-05 would:

Allow hunting on the Camano ridge Property from September 15 through November 30 and prohibit hunting from December 1 through September 14

Prohibit hunting on the County Kettles Trail property

Ordinance #C-100-05 would:

Allow hunting from September 15 through November 30<sup>th</sup> and prohibit hunting from December 1<sup>st</sup> through September 14<sup>th</sup> on Camano Ridge and Kettles property.

Clarification: In Ordinance #C-99-05 the "It is hereby ordained" paragraph second line "...the trail and" is in error and should be deleted as a technical correction.

Numerous questions from audience members were fielded for the most part by Bill Oakes:

**Question: What brought about the change?**

Response: Initially asked to address the issue by Greenbank Farm operators; after discussion, the Board decided to include other property in the consideration.

**Question: Why were restrictions on time of hunting not placed in the Deer Lagoon option?**

The issue at Deer Lagoon was to get a setback from the boundary of the property; the concern at Deer Lagoon is duck hunting, not deer hunting. Deer Lagoon was not included in the Non-motorized trails ordinance; therefore, proposed to be identified under Ordinance #C-99-05 under ICC 9.06.010 prohibiting the discharge, shooting and use of firearms within the distance specified.

On the end of the dike, waterside, in addition to the 100' , the distance from the existing houses [H&H short plat] is well in excess of 150' around the rest. On the other end, end I think we have in addition from the end of the dike to residents we have additional property that keeps 100' setback in excess of the 150' away for around the rest of the property. What we are doing is keeping the distance in excess of 150' from any dwelling unit. It is a long way beyond 150' on the other side. The basis for the 150'

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stand-back distance was to eliminate any possibility to hunt behind Shore Avenue. On the other side of the lake there are some houses around that side we wanted to keep people away from and this is believed to restrict hunting to high ground in the center of the lake. It will not change on the three existing lakes covered by county code; but does add buffer around Deer Lagoon.

**Question: What was the rationale for a 150' setback from a Non-motorized trail? How are Non-motorized trails identified?**

Response: Safe distance for the type weapon allowed for deer hunting on Whidbey Island. Non-motorized trails are defined in Island County Code; identified by map and included in the code.

**Question: Did Public Works in the Fall of 2004 make a recommendation to the Board relative to hunting at Greenbank and Kettles?**

Response: The original recommendation from Public Works was to eliminate hunting on both Greenbank and Kettles property.

**Question: How did the period of time September 15 to November 30 come about?**

Response: The Board offered that time for hunting for deer as an equitable treatment for the season available.

**Question: Current hunting season for Camano Ridge?**

Response: Not restricted. Island County cannot determine what hunting regulations are in place; rather, that is for Washington State Department of Fish & Wildlife. What the County can do and is considering now is to control hunting on properties the County owns, and control over discharge of firearms anywhere within the County's jurisdiction.

**Question: Rationale for Kettles to be open to hunting ?**

Response: Hunters are users of the publicly-owned property and the Board wanted to fashion an ordinance that would allow all users an opportunity to use public land. – try to strike a balance; currently hunters have a very limited access to the Kettle's property.

**Commissioners Comments:**

Commissioner Shelton told the audience that resolving some of the conflicts between hunters and other recreational users of the property was the impetus of the ordinances. The public hearing is not about hunting in Island County; it is about hunting on specific parcels of property that Island County holds in public ownership. This has been for a number of years and continues to be very divisive issue. The decision is being made in an attempt to reasonably satisfy both groups of people.

Commissioner McDowell wanted from tonight's testimony to hear why those who use trails think it is unfair to share publicly owned property part of the year with recreational hunters.

Commissioner Byrd was interested in equity and fairness; mentioned a number of laws on the books already with regard to hunting, and referenced the Pittman Robinson Act, a Federal law taxing certain things related hunting for purposes of supporting game management in migratory corridors, dealing with over-population of herds/flocks, etc.; therefore, how can there be a total ban on hunting.

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**Public Testimony.**

Carol Triplett, President and Co-Chair, Friends of Camano Island Parks (FOCIP), Camano Island, read from prepared written comments dated this date [placed on file with the Clerk of the Board, also signed by Tom Eisenberg, Co-Chair], summarized:

Safety for users of public trails and adjacent household members should be the Board's highest priority in considering decisions regarding hunting on Camano Island public lands.

FOCIP volunteers built and maintained trails in Camano Ridge Forest Preserve and Elger Bay Preserve. Acquisition of DNR Camano Ridge Forest Preserve by the County came about as a result of legislative activity on the part of the local Senator and Representatives. FOCIP in 1997 built a community access trail to the Camano Ridge Forest Preserve off Can Cu Road.

FOCIP on Saturdays, Fall and winter, give guided walks drawing 25 to 90 people eager to learn about trails on Camano. FOCIP is now involved with ICORE supporting plans to expand the trail system in Camano Ridge Forest Preserve as part of the new 2006 Island County Trail Plan, a cooperative effort by those interested in trail walking, mountain biking and horseback riding.

Camano Ridge is located in the north part of the Island where a significantly large portion of the population is in surrounding new homes and large developments. The safety concern, if hunting is allowed, is not only for local people walking the trails year-round but for residences surrounding the property.

Who will monitor the hunters? If it is illegal to hunt within a mile of a school why shouldn't the same apply to the safety of residents within a mile of public land where hunting is being considered? Why is the 150 yard safety zone that is recommended around established trails being considered for elimination?

Position of the FOCIP Board of Directors is that there should not be hunting in any of the public lands on Camano Island, namely Camano Ridge Forest.

Concerned that over 50 letters and e-mails sent last Fall by Camano Islanders concerning no-hunting in public lands on Camano Island not being considered as public record for this hearing, and that this hearing is being held in Coupeville at 6:00 p.m. on a weeknight

*(Also for the record, Ms. Triplett submitted letters from Joyce Christiansen and Tom Eisenberg, placed on file with the Clerk of the Board )*

Chairman Shelton indicated that the Board did plan to hold a Public Hearing on Camano and more would be announced about that later.

Dave Harrington, Oak Harbor, included in his presentation, comments from the last few paragraphs of a letter written by Darcy Patterson [*on file with the Clerk of the Board*]:

In 1997 the County Commissioners determined that Non-Motorized trail users should be protected by a 150 yard safety zone. Since that time, the number of people using the Kettles Trail system has multiplied by the hundreds. As this County has grown over the past decade and people's lifestyles have changed to include more healthy activities, so has the demand for Non-motorized trail use. It makes absolutely no

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sense whatsoever to set aside the safety regulations previously put in place when the trails are used more now by hikers, equestrians and cyclists than they were eight years ago.

Hunters have the right to hunt wherever it is legal and safe to do so. It is neither legal nor safe to hunt at Kettles and must be prohibited at Kettles. For the safety of all persons using the Kettles property, hunting must continue to be prohibited in the Kettles Trail System.

The County owns approximately 2,424 acres of public land. Greenbank Farm south is a little over 5% of that property. According to fish & Wildlife, approximately 1.5% of the population in Island County is licensed to hunt deer. It seems more than fair that only the Greenbank Farm South property be reserved for deer hunting.

Mr. Harrington also submitted into the record a petition with 197 signatures asking that hunting not be allowed in the Kettles Trail property [*filed with the Clerk of the Board*]. Also included in his submittal for the record were maps to be used by the Commissioners representing the Kettle Trails system [*on file with the Clerk of the Board*]. The maps show that should the Board decide to allow hunting, areas marked with a red dot show where it would be appropriate for the County to put signs warning people coming into the park that hunting is allowed during that period, and addresses additional property notification at the entrance at the highway and other entrances and signing for private property. He took the 150+/- yards determined by the Commissioners eight years ago as a safety margin and showed that as a green safety zone, placing a star where a hunter might be standing; depicted a kill zone – all to show what it does to the trails system, and how many trails a hunter actually could shoot across. He recommended the Commissioners leave Kettles as it is and prohibit hunting there; let hunting remain in the Greenbank Farm area along Smuggler's Cove Road.

Dave Hayworth, Member and Past President of the Useless Bay Colony Board of Directors, spoke on their behalf against "D" of Exhibit A in both proposed ordinances as being insufficient. He submitted for tonight's record a petition signed by 231 of the 397 Colony members opposed to hunting being allowed on and around the associated wetlands of Deer Lagoon, Sunlight Beach and the Useless Bay Colony (*on file with the Clerk of the Board*). In 1973 the County adopted an ordinance prohibiting discharge of firearms on Lone Lake, Goss Lake and Honeymoon Lake as a hazard to the public. Deer Lagoon was privately owned until January, 2004 and the property then purchased with public funds, with the intent of establishing a park for public enjoyment and recreation. The 379 acre wetland provides habitat for a variety of wildlife, including some 170 species of resident and migratory birds. According to Washington State Department Fish & Wildlife, 433 duck stamps were issued in Island County: the Colony maintain that the County should not provide a hunting ground for a few at the expense of many. Hunting makes it dangerous and unavailable for a portion of the year and property owners ask for equitable treatment for all of their safety. Several folks and many homes have already been hit with bird shot. Property owners who wish to sell their homes are adversely impacted by the requirement to disclose the existence of hunting.

Chris Kinkle, Oak Harbor, agreed the issue was safety, but stressed that the way hunters hunt and use weapons and shoot, they do so with safety first and foremost; and believed it could be done equitably. Hunters who duck hunt should not shoot toward houses; when using Kettles trail, hunters do not just look just at the deer, but look beyond to see what they would hit should they miss the deer: again, safety first. Hunters are asking only for a partial time of the year to be allowed to hunt. He proposed that for a short time during the year hunting be allowed on all of Kettles, and include at least one

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archery time. Hunting takes care of crowding herds and inbreeding. He asked how long it would be should hunting be closed that someone hits a deer and gets killed. His request was to allow hunters an equitable time and use of the land, and reminded the Commissioners that hunters are taxpaying citizens too.

Dwight Perkins, Camano Island, relayed an experience he had a few weeks' ago with a hunter at Camano Ridge. There is quite a lot of use of the trails by bikers, hikers, equestrians, and unfortunately, he said, even some motor vehicles. This area was transferred to the County and he requested that the Commissioners designate Camano Ridge as a non-motorized vehicle trail with all the restrictions in ICC 9.56.120 and prohibit hunting.

Pat Halligan, Deer Lagoon, Langley, commented that prior to the meeting that was held on South Whidbey regarding the hunting issue at Deer Lagoon, he queried those folks bordering on the upland and the water, and essentially received 100% response against hunting being allowed. One person had actually been hit by bird shot in his own yard. Local homeowners are not happy with the idea of hunting in this area.

Robert Mador, Oak Harbor, spoke in favor of allowing hunting, reiterating Mr. Kinkel's comments. His observation was that most legitimate hunters are safety minded and taught the four basic rules of safe gun handling.

Stan Anderson of Coupeville relayed the fact that he has used the trail for several years, the entire year at Kettles. As far as the trails, because there really is such a small area he is concerned that the trail in and out is not marked. He is not against hunting and believes hunting is a great sport, but did not feel hunting should be allowed at Kettles because of safety issues. Should the Board allow hunting for the specified period of time on Kettles property, he cautioned to that the County post appropriately so that other users do not go on those trails – post signs such that a person cannot get on the property without seeing one of those signs from their point of entry.

John E. Morelock, Coupeville, submitted a letter into the record, (*on file with the Clerk of the Board*) indicating his prime concern was that of safety. He runs on Kettles 6 or 7 days' a week and sees many people using the trails, including mothers with children, folks who are camping at Ft. Ebey, etc. The Kettles are not empty during the proposed hunting time, and it is a safety issue. A map updated to show all the trails in the Kettles would show there are almost no trails from which another trail is not a background target area; almost every trail in the Kettles is a background target area, a potentially lethal danger area from another nearby trail.

Paulette Becker, Useless Bay Colony, Deer Lagoon, expressed outrage by what seems to be awarding hunters who poach and hunt illegally. She told the Commissioners it was not their right to put citizens in harms way. Property owners bought their property when there was no duck hunting. Hunting at Deer Lagoon is a recreational sport, a right for people to have, but not right to practice when it interferes with residents right to enjoy their own homes.

Harris Eloph, Oak Harbor, enjoys hunting, and could see no reason at Kettles why during three months out of a year could not be allowed with proper posting and have the trails closed during that time. He

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pointed out that there are other areas in other counties in Washington that are posted as no hunting during such and such a time and there does not seem to be any reason why that could not occur here.

Richard Montana, Oak Harbor, occasionally hikes and hunts. During hunting season he tries to be safe and stay out of the woods when hiking. He urged the Board accept proposed Ordinance #C-100-05 and allow hunting in the Kettles area.

Bill Hawkins, Coupeville, focused on the Kettles trail and issues of public safety. He had difficulty saying it was about equity and disagreed with the Commissioners on that point. State law says the Commissioners can do what they have the authority to do, if there is no reasonable likelihood of threat to public safety, etc. He is here for public safety; if it is not safe, it is not going to be equitable. The issue of hunting and discharge of firearms at Kettles was addressed by the Board in December of 1996 and January 1997. At that time the Board decided that shooting within 150 yards from a trail was disallowed in Kettles, and no shooting from, across or along a County Non-motorized trail. As noted from an informal transcription of the tapes from the record of those meetings [*copy on file with the Clerk of the Board*]:

December 16, 1996.

Mike Shelton. "Well, I think that in order to be safe and sane about hunting, you need to keep the hunters 150 yards away from the trail. And that's both sides of the trail".

January 27, 1997.

Mike Shelton. "Given the fact that in Island County you can only hunt with shotguns, 150 yards seems to me to be adequate distance that hopefully there can be joint uses of the trail. I think it would be difficult for us to close down the use of the trail given the fact especially it was funded as an alternative mode of transportation...".

This trail was funded as an alternate mode of transportation; it is part of the State of Washington and therefore the County transportation plans. To say nothing has happened in eight years is absurd; to the contrary, there has been a tremendous boom in the use of the trails for hikers, bikers and equestrian use. He believed the County would need new evidence in the record to indicate Kettles to be now safe and thus allow hunting; he has not heard any new evidence. The Public Works Department recommended previously against allowing hunting at Kettles. Mr. Hawkins suggested a technical correction. By striking out Paragraph B of 9.56.120, the Board would then be allowing discharge of firearms anywhere any time of the year and he doubted that was the Board's intent.

Boyd Benson, Clinton, addressed the issue that the 150' gunfire restriction is not based on any good scientific basis. Kill with #4 shot pellet is 50-60 yards based on experience; if struck in the face with a shot pellet from 50 or 60 yards it might do little more than sting. Why not restrict it to say 300' or 450'? There are many variables, hunting skill included. He asked that the Board ban gunfire altogether until there is private unbiased scientific evidence, so as not to subject people to injury.

Stan Reed, Oak Harbor, President, North Whidbey Sportsmen Association, has hunted in the Kettles area of the Island since he was first transferred here in 1971. He is very disappointed much of the hunting was eliminated due to all the trails that were built. The solution he suggested, keeping in mind

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that hunting is not a long season, allow the property to be used for hunting in the future. In most situations to be legally posted the signs need to be within sight of others so you cannot go on the property without seeing a sign. He supported adoption of Ordinance #C-100-05 and asked that discharge of firearms be allowed 1 September or later in December to allow for bow hunters. At Deer Lagoon for duck hunting, he agreed that a 100' restriction was not enough, acknowledging there are some areas where there are houses quite thick and did not blame residents for their concern.

Kevin Lungren, Freeland, mentioned the fact that this was the fourth meeting in Island County he had attended dealing with this subject, and could not imagine a more contentious issue than this. He is a many generation hunter. Although the safety issue is always brought up, he pointed out that the factual record of hunting accidents that occur in Island County are not many. He was most concerned about Deer Lagoon, and his questions were:

Will the "no hunting" signs be removed if this is enacted? The answer was yes.

Will there be any kind of access different than there is now? The answer was no.

Will buffers and setbacks be marked in any way? The answer was there are thought to be natural markers.

Any change to the status from the meeting at the South Whidbey school talking about Useless Bay State Park? The response was none anyone was aware of.

When are changes being considered to change the way hunting is done at Penn Cove, Holmes Harbor, Useless Bay? The answer was that the Penn Cove group has been meeting but had not yet come forward with results of that.

Paul Neumiller, Coupeville, commented on the use of the Kettles Trails attesting that it is used during the rainy part of the year. He is part of a mountain bike group that meets at his house every Sunday morning for the last two years, from 4 up o 12 people each meeting and outing. These trails are used because of the fact during the fall and winter months this area is less windy, less rainy. He pointed out that there is a bike store that hosts a Wednesday night Mountain Bike Society and have scheduled rides during September and October and throughout the hunting season. His wife walks every morning there; she owns a "deer-colored" horse and rides frequently on the Kettles trails and has had an occasion when her horse spooked after hearing gun shots. He is a Boy Scout leader who has led three Boy Scout hikes through those trails. The trail is used constantly. He had no problem with sharing with anyone who is not participating in life-threatening activity.

Ron Donckers, Shore Avenue, Freeland, was interested to know how the proposal came to be treating Deer Lagoon differently than the other three lakes mentioned. If hunting is allowed at Deer Lagoon, at all times during hunting season hunters would be driving trucks, etc. through a private road and the Board should not be allow hunting in anyone's back yard.

Mark Lathrop, Oak Harbor, made a statement on behalf of the Environmental Health Assessment Team (EHAT) in opposition to ordinances that would permit hunting in the Kettles Trails and Camano Ridge Parks [full text of the statement is on file with the Clerk of the Board by letter dated 22 September 2005 from Linda Rhodes, Chair, , EHAT] making the following points:

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- The Kettles Trails and Camano Ridge Parks are well utilized hiking, biking, and non-motorized trail systems fulfilling a vital role in providing safe areas for physical activity for Island County citizens; maintained by local, non-profit organizations that understand and support public health and safety through physical activity.
- Introduction of firearms and weapons into these parks is a direct contravention of the role of the parks in the community. Safety of park users will be severely reduced if hunting is permitted in these parks
- Island County is one of the most densely populated counties in Washington State; park use rises with increasing population density.
- EHAT 9/8/05 resolved to oppose the ordinances and urge the Board to reject both ordinances.

Paul Thompson, Soundview Drive, Langley, an Ophthalmologist until retirement, addressed the difficulties involved with trying to save vision in eyes hit even indirectly by stray shot from a careless hunter. He is opposed to the proposal to allow hunting at Deer Lagoon as being dangerous and unenforceable, and made the following points to consider:

- The 150' rule absolutely will be violated, and require additional deputies for the Sheriff's Department
- The ordinance would not stand up to a court challenge
- In 1973 Island County recognized the safety issue around lakes and enacted ICC 9.06.010 prohibiting discharge, firing, shooting, and use of firearms in the areas of Lone Lake, Goss Lake and Honeymoon Lake.
- Should not impose inferior protection on those who live at Deer Lagoon and suggested that for the signers of the petition, the Board could do much better.

He suggested the possibility of the Board putting a team of advisers together, and go back to the drawing board, keeping in mind public safety for the many must always be the priority.

Bob Mashmedt, Clinton, hunted the Deer Lagoon area, and deer hunted in the Greenbank area. He was concerned that new residents feel because they are here now they should regulate long time residents and stop hunting. The number of hunting licenses the State issues in Island County cannot be a true number, because folks have their children and grandchildren coming here to hunt obtain licenses elsewhere but come here to recreate on dike or duck hunt. With regard to hunting accidents, he has hunted for 50 years and never was aware of an accident or someone's eye being put out. He thought Deer Lagoon was a noise issue not a safety issue and believed the record would prove that. Bow hunting is a big sport around the State and he would not want to have regulated out the bow hunting season.

Elaine Woods, Clinton, a walker advocate, addressed the issue at Kettles and Greenbank Farm. Although it has been said that the hunting season comes at the time when it is wet and dreary and most other users would not want to use the trails, it is just that time of year when perhaps those who live

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alone would like to get out of the house and hike. In the interest of safety for Greenbank and Kettles, it would have to be blocked off to hikers should hunting be allowed. When making a decision, she asked that the Board take into consideration that by allowing hunting there would be 2-1/2 months when hikers would not be able to go during that time of year.

Lee Roof, M.D., Penn Cove Road resident, stated his number one concern was for safety, and rejected the statement that safety is anti-hunting. He agreed with Bill Hawkins that changing the Board's prior decision would have to be based on new information about safety concerns, and he thought to undo the prior decision would be foolhardy and inappropriate. He said that this deals with a State Park next to the trails and it really needs to be looked at as one large unit. He is concerned about visitors to the State Park coming in to the trail system totally unaware there is an issue about hunting. With regard to the equity issue this is talking about blocking off this area 10% of the year for what is 10% of the population and expanding the time to allow bow hunting would be considerable. He does not want to hit a deer in his vehicle either, but Kettles is one very small portion of the County and overall the impact on the population of deer would be minuscule.

Larry Richards, Coupeville, was interested to know what was different between Greenbank North and Kettles. Commissioner Shelton answered that with the Greenbank property, there are two distinct parcels, one which is used by hikers; one made available for hunting.

Salli Schonning, Langley, was stunned that the proposal included discharge of firearms at Deer Lagoon for hunters, which she did not believe showed any concern for the residents. She felt it was wrong and that the Commissioners knew it was wrong. The buffer zone is insulting to residents' safety and well being. When she purchased her property it was illegal to discharge firearms and now the Commissioners are proposing to change the rules. She felt it was the duty of the Commissioners to treat the residents fairly, equally and protect them. Taxpayer dollars were used to purchase Deer Lagoon and residents were promised a park that would be open for all, not for a special interest group.

Dave Hollett, President, Central Whidbey Sportsmen's Association with some 253 members, stated that according to the Fish & Wildlife Department, over the last 25 years there have been 3 hunting incidents in Island County, the last 10 years' ago: one on private property, a self-inflicted wound. At Kettles there has not been one incident that wildlife officers or police investigated, but there have been injuries of bikers recently. Some of the bikers have been going really fast and a person walking could get hit by a bike. He then submitted information from the Washington State Department of Transportation [*on file with the Clerk of the Board*] showing that in 2005 to date on Island County roads and State roads, there were a total of 116 deer killed. The number of deer killed will only worsen if hunting is stopped. If vehicles do not kill some of the deer and hunters are no longer able to hunt, how and who is going to control the deer population? Equal means for everyone, not taking rights away from one group, the hunters.

Tom Cannon, Coupeville, walks the Kettles three times a week during hunting season. It is a good place to walk, protected from the wind and not as rainy. To allow hunting is to take away that period when he most likely walks at Kettles. He is not anti-hunting, to him it is a safety issue. When looking at the Kettles, it is an almost impossible task to know where all the trails are. He is against ordinance #C-100-05 particularly because it would allow hunting from along and across trails, with potential for injury and death.

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Bob Thome, Langley, has a house that borders the Deer Lagoon property Island County recently purchased. For the past several years there has been hunting on private property against owners' wishes, and has increased substantially since the County's purchase. There have been cases of bird shot hitting a window during dinner that came from well over 200' from the house. Many people hunt near his home and he can no longer enjoy a safe and secure environment. Residents do not want to have to worry about their kids and hunters. The property was purchased with tax money and promised as a park. He is concerned that no one can identify Deer Lagoon boundaries; they are irregular and unmarked. Residents have a right to feel safe and secure in their own homes.

Jimmy Berto, Langley, commented about the 433 duck stamp number issued, to explain that there are actually two types issued: State and Federal. There really is no way to accurately measure that based on the place of purchase. He reminded that the purchase of Deer Lagoon was paid for by everyone, State, Federal and County dollars, and is now public land. This is one of those instances where hunting is a right. This is not a use issue as there are no trails in the middle of Deer Lagoon; he sees the big issue and concern to be noise. Hunters have not objected to the 150' restriction put in place and are trying to work out a compromise. It is a safe spot for duck hunting and he applauded the Commissioners' efforts to make it legal to do so.

Ray Gabelein, Langley, supported efforts to continue hunting in Island County as there are very few areas left. He reminded that duck and goose hunting in Deer Lagoon occurs just a few weeks out of a year, and is later in the season. The compromise in the proposal looked good to him. Hunting in that area dates back 80 years, with "yes and no" over the last 15. Howard Sievers actually operated a duck hunting club there. Federal Fish & Wildlife dollars were used for the purchase which came from the sale of Federal duck stamps, therefore he asked how could the Commissioners possibly take away hunting when hunter's helped to buy it? He reminded that hunting is a part of the rural area, and asked folks to keep in mind hunting opportunities for the next generation. There are County owned rights of ways that access Deer Lagoon, 30' right of way with plenty for parking. The setback is 150' minimum to a maximum in the dike area 250'.

Kristine Marshall, Sunlight Beach on the Lagoon, stated that the private land owners indicated there had not been public hunting for 47 years in the Lagoon. H & H Properties out of respect for the growing residential character of the neighborhood and rights for safety and peaceful enjoyment enacted a ban on hunting from the east end of the dike to Double Bluff Road; that prohibition has routinely been violated. The community approached the Commissioners with a petition in 1988 to disallow discharge of firearms on that privately owned property, including principals of H&H properties. To allow it robs her of choice in her own home for 4-1/2 months out of a year assaulted with noise one-half hour before sunrise until one-half after.

Sharon Drew, Clinton, lives on Deer Lagoon, her house 50' from the Lagoon, told the Commissioners that she would be a fool to walk in her backyard for several months out of a year. She is here because she is afraid to be in her own back yard.

Keith Anderson, Deer Lagoon, listens to gun shots every morning. Last winter he had to work six days' a week and heard gunshot starting before dawn; counted 238 shots before 7:00 a.m. one morning. He sees no proposal to limit the time allowed for hunting on Deer Lagoon and has concern about that.

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He does not feel safe to hike or walk with children. Hunting season is 4 months which is 1/3 of a year he is unable to use that property, yet can be used exclusively by hunters. The actual language says 150' from property lines so he wanted to know how hunters would know where property lines are and since there has been no enforcement in the past, how could residents expect it in the future.

Catherine Swain, Coupeville, spoke in favor of hunting but not in the Kettles trails. Kettles is used year around and there is no way to hunt there safely and maintain 150' from the trails, and suggested the Commissioners hike there to see how difficult it would be. Other areas need to be found where hunters can hunt safely.

Steve Hall, Oak Harbor, expressed concern over the Kettles Trails which he uses often, two to three times a week, mostly mountain biking. There is no way that a hunter can safely hunt with bikers; a bike can move 10 to 15 mph, and is sometimes going through brush; if circumstances are right, it could result in disaster. He acknowledged that most hunters are careful, but some not so careful and it only takes one to ruin it for everyone. The problem is uniquely dangerous; if a hunter does something stupid he can kill or maim someone easily.

Bob Bowen, Coupeville, spoke for safety both for the hunter and hiker in the Kettles area. Since the proposal is for deer hunting using slugs from shot guns, he asked the Commissioners keep in mind that a slug from a 12 gauge shotgun can travel a distance of 5,280', one mile, as stated in the Hunter Education Manual, Washington State Department of Fish & Wildlife, supported by the National Rifle Association. The Manual states that a hunter should be sure not only of his target but also of what lies beyond it before firing. Given the range of a shotgun slug and the dense forest and terrain of Kettles, that principle cannot be fulfilled. The proposal would endanger people outside Kettles since much of the newly constructed Kettles trail along the west side of Route 20 would be within range, as well as a large section of Route 20 itself. He asked the Commissioners to consider: would it be impossible for a shotgun slug fired from within the proposed hunting area to penetrate Kettles foliage and strike a vehicle along Route 20? He felt it would be unlikely, but not impossible. He thought that the proposal would violate existing County and State ordinances, for example, because of language included in WAC 232-12-828, noting that at least two miles of Route 20 would be "in range". By allowing deer hunting even for 12 weeks a year would endanger public safety. Should someone be injured or killed, the Commissioners would be exposing hunters to legal action and themselves.

#### Closing Comments

On behalf of the Board, Chairman Shelton expressed appreciation for those attending and providing input for the Board's consideration. He noted that the Board would not make a decision tonight. Because a parcel on Camano Island is included in the proposal, the Board believes it necessary to continue the hearing in order to give an opportunity to the Camano Island folks who were unable to travel to Coupeville for this meeting, and suggested that the Board continue the hearing until October 6, 2005 at 6:00 p.m. The ultimate decision, assuming a new ordinance is not drafted which would require re-advertising and a new hearing, will probably be made on Monday, October 10, 2005 during regular session of the Board during the Public Works agenda time [Public Works agenda begins at 10:15 a.m.] He told audience members that further public testimony probably would not be accepted at the October 10<sup>th</sup> session, but that written comments and/or documentation would be accepted by the Board during the interim and made part of the record on this subject.

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Although he does not hunt on Whidbey Island, the Chairman does hunt elsewhere. Commissioner McDowell hunted as a child, and he is walker. Commissioner Byrd too has hunted.

To the gentleman who talked about sharing, when Commissioner McDowell thinks about sharing it is this: if you are going to allow hunting for 2-1/2 months at those two locations, sharing to him would be hunting is allowed; hikers would stay away during the time the hunters are hunting. Nothing the Commissioners are doing changes State law.

Commissioner Shelton observed that if you hunt deer the safest place is on a large parcel of property. The Board regularly hear complaints about hunters on private property. The more large areas are closed down on lands historically hunted, the more pressure is placed to hunt somewhere that may or may not be appropriate. He confirmed that this Board definitely was concerned about safety. The hunting record in Island County is remarkable in terms of issues that have happened around hunting. As far as EHAT being opposed because these places are used for physical activity, certainly hunting would fall in the category of physical activity. According to State law, hunting cannot be shut down based upon noise complaints. If the law needs to be changed it is an issue with the State of Washington. As far as enforcement, he noted it irritating that the State Department of Fish & Wildlife continues to issue hunting licenses while at the same time their enforcement officers continue to be cut back. He thought it appropriate that the State start funding adequate enforcement officers to deal with those hunters who hunt illegally.

The Board by unanimous motion continued the Special Session and Public Hearing to October 6, 2005 at 6:00 P.M. at the Camano Multipurpose Center, 141 NE Camano Drive, Camano Island. *[due to conflict in scheduling, the location of the hearing was changed to: Elger Bay Elementary School Gym, 1810 Elger Bay Road, Camano Island.]*

There being no further business to come before the Board at this time, the meeting adjourned at 8:55 p.m. The next regular meeting of the Board will be held on October 3, 2005 beginning at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON

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

\_\_\_\_\_  
Wm. L. McDowell, Member

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

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