

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
APRIL 16, 2007 REGULAR SESSION**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on April 16, 2007 at 9:30 a.m. in the Island County Courthouse Annex, Hearing Room, 1 N. E. 6th Street, Coupeville, Wa. Mike Shelton, Chairman, Wm. L. McDowell, Member, and John Dean, Member, were present. The meeting began with the Pledge of Allegiance. By unanimous motion, the Board approved the minutes from Special Session April 2, 2007.

**MONTHLY EFT TO RABANCO, COMBINED EXCISE TAX RETURN, PAYROLL AND
VOUCHERS AND PAYMENT OF BILLS**

By unanimous motion, the Board approved the monthly electronic fund transfer to Rabanco Ltd. for solid waste disposal, the Combined Excise Tax return for March, 2007, the Payroll dated April 13, 2007, and the following vouchers/warrants

Voucher (War.) #259965-260236 \$388,994.55.

HIRING REQUESTS & PERSONNEL ACTIONS

As presented by Larry Larson, Human Resources Director, the Board by unanimous motion, approved the following personnel action authorizations:

Department	PAA #	Description	Position #	Action	Eff. Date
Prosecutor	042/07	Dep. Pros. Atty.	1805.00	Replacement	6/11/07
Sheriff	041/07	Civil Records Cl	4022.05	New Position .4 FTE	4/16/07.

AWARD LOW INCOME HOUSING FUNDS TO HABITAT FOR HUMANITY

The Board by unanimous motion approved the recommendation of the Island County Affordable Housing Advisory Board and awarded Low Income Housing Funds to Habitat for Humanity, in the amount of \$400,000.00 over 3 years.

**AMENDMENT NO. 1 TO CONTRACT WITH HOUSING AUTHORITY OF ISLAND
COUNTY FOR HOMELESS HOUSING PLAN ADMINISTRATION**

By unanimous motion, the Board approved Amendment No. 1 to the Contract with Housing Authority of Island County for Homeless Housing Plan Administration, in the amount of \$107,887.00. (RM-BUDG-06-0006-1).

SPECIAL OCCASION LIQUOR LICENSE BY CAMANO ISLAND YACHT CLUB

The Board having received recommendations of approval from the appropriate County departments, by unanimous motion forwarded a recommendation of approval to the Washington State Liquor Control Board for Special Occasion Liquor License #091224 by Camano Island Yacht Club for May 19, 2007 from 5:30 p.m. to 9:00 p.m., at the Camano Island Yacht Club, 129 N. Sunset Drive, Camano Island.

REVIEW MONTHLY FINANCIAL REPORTS FROM AUDITOR & TREASURER

Auditor

Suzanne Sinclair, Island County Auditor, submitted a copy of the Island County Auditor's written Revenue and Expenditure report for the period ending March, 2007. The report shows overall that revenues are about the same level this point in time as past years, 1% ahead in revenues and 2% behind in expenditures for Current Expense. Special revenue funds are about 1% ahead in revenue, and 3%

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behind in expenditures. The Auditor commented on receipt of a letter from the Secretary of State indicating that the HAVA (Help America to Vote Act) grant has been approved, which will provide funds to remodel of election facilities and receive an extra work station.

Treasurer

Linda Riffe, Island County Treasurer, provided the written report of the Treasurer for Cash Revenue/Budget - Current Expense, for the period ending March, 2007. Ms. Riffe's cover memorandum provided explanatory comments for Line 13, 29 and 45. By and large percentages are just about on target. *[reports on file with the Clerk of the Board]*

PUBLIC INPUT OR COMMENTS

Members of the public were present interested in commenting on the map associated with Resolution #C-36-07 (PLG-013-07) In the matter of designating Basins that have Anadromous Fish Populations and Resident Salmonid Species.

Cyrilla Cook, People for Puget Sound, Mt. Vernon, representing members that live along Puget Sound shorelines, preferred that the map include nearshore areas along Whidbey Island that have Anadromous fish, since juvenile salmon use the nearshore during the saltwater life stage. If it is too hard to show the data on the map in question, she suggested there be a map series that includes the nearshore, the saltwater side of how Anadromous salmon use the nearshore.

Mary Taylor, Harrington Lagoon, Coupeville, commented that she and several others who live on Harrington Lagoon learned Saturday that Harrington Lagoon is a pocket estuary for salmon. They are concerned that if the area is not included on the map whether or not access to funding would be available for restoration. Their concern about the Lagoon has to do with the Lagoon slowly closing, becoming stagnate and no longer a place for the salmon estuary.

**HEARING SCHEDULED: ORDINANCE #C-45-07/R-18-07 - REGULATING
SPEED LIMIT ON EAST HARBOR ROAD**

As recommended by Bill Oakes, Public Works Director, the Board by unanimous motion scheduled a Public Hearing for May 7, 2007 at 10:15 a.m. to consider Ordinance #C-45-07/R-18-07 In the Matter of Regulating Speed Limit on East Harbor Road located in Section 14, Township 30 North, Range 2 East, W.M.

ADOPT-A-ROAD LITTER AGREEMENT – ST. AUGUSTINE’S IN-THE-WOODS

Adopt-A-Road Litter Agreement between Island County and St. Augustine's in-the-Woods for Honeymoon Bay Road from Highway 525 to Scarecrow Lane, was approved by unanimous motion of the Board.

**HEARING HELD: RESOLUTION #C-36-07 (PLG-013-07) - DESIGNATING BASINS
THAT HAVE ANADROMOUS FISH POPULATIONS AND RESIDENT SALMONID
SPECIES**

At 10:30 a.m. Chairman Shelton opened a Public Hearing continued from April 9, 2007 to consider Resolution #C-36-07 (PLG-013-07) In the matter of designating Basins that have Anadromous Fish Populations and Resident Salmonid Species (public input closed).

Jeff Tate, Assistant Director, Planning & Community Development, summarized from the previous hearing, pointing out that the matter was before the Board for the purpose of establishing a linkage

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between the Salmon Recovery Plan and GMA. Work is being done collectively as a watershed unit and as a County towards salmon recovery and salmon protection, important at the local level to make sure policy initiatives are linked together. The resolution and map presented at the last hearing, based on existing knowledge contained in the Salmon Recovery Plan and the Limiting Factors Habitat Analysis, establishes those with evidence of Anadromous fisheries and resident populations in fresh water systems. The cover resolution and the map, pursuant to GMA requirements, were transmitted to state agencies for a 60-day review beginning October 4, 2006 and at the end of the period, no comments received. Based upon comment expressed in an April 4, 2007 letter to the Board from the Department of Fish & Wildlife, staff prepared Findings of Fact addressing those concerns. The Board accepted testimony last week and closed the public testimony portion of the hearing. Staff took direction from the Board as well as public comment on ways the map could be improved. A revised map was transmitted to the Board by e-mail [GMA #9285] and was also transmitted on Friday to those people who had e-mail address with the Department that staff knew had an interest in the matter. The revised map includes: a disclaimer "field conditions prevail"; legend clarified so that cities, town and federal boundaries are clearly shown; watershed boundaries shown through the cities/town boundaries; changes to Glendale and Maxwellton using color adjustments to make it clear those are two basins; change to the title from "watershed" to "basin".

Mr. Tate referenced six public comments sent to the Board since last week's hearing.

Linda Lyshall, PSAT, e-mail dated 4-16-07	GMA #9286
Norene Hilden e-mail dated 4-15-07	GMA #9287
Emma Ruggiero e-mail dated 4-15-07	GMA #9288
Steve Erickson, WEAN, e-mail dated 4-11-07	GMA #9263
Angie Homola letter dated 4-11-07	GMA #9276
GayLynn Beighton e-mail dated 4-11-07	GMA #9275

Comments at the previous hearing as well as issues raised in correspondence were evaluated, prompting staff to make revisions to Findings of Fact Exhibit B. Mr. Tate provided to the Board and public revised Resolution #C-36-07 (PLG-013-07) with reference to Exhibit B, Findings in strike-through underlined format [GMA #9289]. Mr. Tate recommended the Board re-open public testimony with respect to the new map and the change to Exhibit B. Chairman Shelton agreed and public comment portion reopened.

Public Comment

Steve Erickson, WEAN, Langley, provided a hard copy of the letter he e-mailed on April 11. He asked about the reference in Findings of Fact #1 "...elevate the priority level" and would those priorities include restoration or enhancement. Mr. Tate indicated that meant when providing special consideration to Anadromous fisheries that in moving forward that protection measures and other efforts are going to have higher priority in those areas where those fisheries are identified; this is focused on fresh water. The focus is on priority levels for enhancement of existing basins with those fisheries present. As mentioned during last week's hearing, staff looks at enhancement and restoration separately. The Salmon Recovery Plan is the policy document that guides restoration and recovery.

Mr. Erickson did not believe the GMA mandate to enhance Anadromous fisheries was used in that technical sense of dividing recovery actions. If that is taken to mean that priority for recovery actions goes for already-inhabited basins, he did not believe that it was scientifically justifiable and probably economically not the best use of dollars for recovery. He questioned the requirement in Finding #8 that project sponsors evaluate physical and regulatory impacts. Physical impacts get studied in feasibility studies, but did not believe that Salmon Recovery Fund grants can be used to examine regulatory impacts. The timing and extent is very unclear of this requirement. Since the County is the lead entity

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for salmon recovery in WRIA 6, he did not see where a special notification would be required. Mr. Erickson's general comment was directed towards the difficulty for the public to comment on the "fly" on this kind of substantive material.

Angie Homola received the material on Friday afternoon and was not as prepared as she wished to be. She was able to view the disk of the Washington State Conservation Commission: Salmon and Steelhead Habitat Limiting Factors Water source Inventory Area 6, Island County, May 2000 and submitted the disk for today's record [disk on file with the Clerk of the Board; GMA #9290]. It was troubling to her that only one part of the requirement has been answered – one map produced showing existing fish. She referenced RCW 90.83 watershed planning; RCW 77.85 salmon recovery; and RCW 36.70 GMA. There are potential sites on the Island ideal for restoring salmon and the County should not be creating a critical areas map showing only one piece of that information. Potential sites are being ignored, such as Swantown. Ms. Homola asked that the Board not adopt the resolution and instead prepare a comprehensive useful map and bring the fish back to Puget Sound. She supplied a copy of Whidbey News Times article 4/14/07 *Fish Map Nets fight*. [GMA #9291].

Chairman Shelton confirmed that testimony on this subject heard today during Public Input at 10:00 a.m. would be made a part of this record:

Cyrella Cook, People for Puget Sound, Mt. Vernon, representing members that live along Puget Sound shorelines, preferred that the map include nearshore areas along Whidbey Island that have Anadromous fish, since juvenile salmon use the nearshore during the saltwater life stage. If it is too hard to show the data on the map in question, she suggested there be a map series that includes the nearshore, the saltwater side of how Anadromous salmon use the nearshore.

Mary Taylor, Harrington Lagoon, Coupeville, commented that she and several others who live on Harrington Lagoon learned Saturday that Harrington Lagoon is a pocket estuary for salmon. They are concerned that if the area is not included on the map whether or not access to funding would be available for restoration. Their concern about the Lagoon has to do with the Lagoon slowly closing, becoming stagnate and no longer a place for the salmon estuary.

Cyrella Cook supported the proposed addition in the Findings in an attempt to address some of the concerns. She suggested that what people may be asking for is a phased approach, that everything cannot be provided on one map and this is the starting point for greater protection, and as more information is obtained about where salmon are, that can be added to the map. She looked forward to additional maps, one would be nearshore.

Marianne Edain, WEAN, Langley, pointed out that until the January 1997 storm, Glendale Creek would not have been on the map; nature stepped in and ripped out the culvert blocking the salmon. There are many locations where the simple removal or replacement of a tidegate will bring salmon back and to have those areas not mapped or shown is a disservice to the salmon and the people who are trying to recover them.

Jerry Pitsch, N. West Beach Road, observed this turned out to be a more complicated issue than a few simple shaded areas on a map and thought it would take a lot more work and explanation on a map to satisfy the public and be done right.

With no other members of the public indicating a desire to comment on the issue, public comment portion of the hearing was closed.

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In response to Commissioner Dean's question on intent in Finding #8 in reference to Mr. Erickson's comments, Mr. Tate explained that Island County is lead entity for salmon recovery. Salmon recovery law is set up with a citizen-based committee (WRAC) that makes some decisions regarding salmon recovery, and is not done in a vacuum. The Salmon Recovery Plan sets up a process project sponsors have to go through in order to have a project considered by WRAC. Those standards were established by WRAC and by the BOCC. As far as the map, what matters is what is on the ground and the map contains a disclaimer "field conditions prevail". Ultimately the map will need to be revisited on occasion. This finding disciplines the County so as not to move head with one initiative and leave another behind.

For Commissioner Dean, the fact that field conditions prevail was a key point. He wondered if in Finding #8 the Board should consider rather than "Additionally, it is anticipated that there will be future endeavors to restore or create Anadromous fish connections" instead state "Island County encourages future public and private partnerships to restore a fish connection". He appreciated the extra week to study this further; learned about Washington Trout studies, off-shore studies and was encouraged by that and about the ability to work with Puget Sound Nearshore partnerships. He agreed there were other ideal restoration sites and welcomed any of those sites, such as Swantown and Harrington, being added to the map as soon as there is evidence of salmonids. He strongly believed this resolution did not preclude or supersede restoration and recovery efforts in the basins that may not have been fully assessed. He personally encouraged any future endeavor to restore marine habitats.

Commissioner McDowell cautioned about not marrying the map identifying existing fish and the previous effort in 2005 with the Multi-species Salmon Recovery Plan; combining the two confuses the issue. He referenced Figure 9, the Map from WRIA 6 Multi-species Salmon Recovery Plan, May, 2005 [GMA #9294] the driving policy for restoration and recovery. He stressed the fact that as far as the map "field conditions prevail".

Chairman Shelton observed that the reference in Resolution #C-36-07 is the requirement under Growth Management, identifying those areas where fish have been identified in fresh water areas within the County, which is the purpose of the map. In terms of the total salmon recovery effort the nearshore habitat is by far the major contribution that WRIA 6 can make to salmon recovery. The overriding document is the already-adopted Salmon Recovery Plan. There are numerous places around the nearshore where there have been things that have impeded free flow of salt and fresh water back and forth. He thought it important to recognize that one of the things in the Salmon Recovery Plan is the need for cooperation of the people of those who own the property in order to restore it, and in those areas where there are willing property owners he was confident the County would be very eager to restore habitat. Under GMA the County is required to identify those areas that exist within the County that have identified fish populations; the map and Findings of Fact do that.

By unanimous motion, the Board approved Resolution #C-36-07/PLG-13-07 in the matter of designating basins that have Anadromous fish populations and resident salmonid species, amending Findings of Fact and Legislative Intent, Item No. 8: rather than "Additionally, it is anticipated that there will be future endeavors to restore or create Anadromous fish connections" instead state "Island County encourages future public and private partnerships to restore a fish connection where surrounding and adjoining property owners concur". [Resolution on file with the Clerk of the Board] [GMA #9292]

EXECUTIVE SESSION

The Chairman announced that the Board would meet in Executive Session at 11:15 a.m. as allowed under provisions of R.C.W. 42.30.110 (1) (i) to discuss with legal counsel representing the agency matters relating to pending/potential litigation. The session was held in Conference Room #218, Second Floor, Administration Building 1 N.E. 7th, Coupeville, WA. The Chairman expected the

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Executive Session to last no longer than thirty minutes, with no announcement made in open public meeting anticipated afterwards.

There being no further business to come before the Board, the meeting adjourned on conclusion of Executive Session at 11:40 a.m. The next regular meeting of the Board will be held on April 23, 2007 beginning at 11:00 a.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

John Dean, Member

ATTEST:

Elaine Marlow,
Clerk of the Board