

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
NOVEMBER 3, 2008 – REGULAR SESSION**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on November 3, 2008 beginning at 10:00 a.m. in the Board of County Commissioners Hearing Room (Room # 102B), Annex Building, 1 N.E. 6th Street, Coupeville, Washington. John Dean, Chairman, Phillip Bakke, Member, and William L. McDowell, Member were present. The meeting began with the Pledge of Allegiance.

PUBLIC INPUT OR COMMENTS

A number of individuals representing the Swan Lake Watershed Preservation Group were in attendance to speak about the Swan Lake Watershed Preservation Group and its effort to protect and preserve the Swan Lake Watershed. Reading from prepared statements were GayLynn Beighton, Gerald Pitsch, and Al Williams.

GayLynn Beighton, 2507 West Beach Road, Oak Harbor

I am President of the Swan Lake Watershed Preservation Group, a grassroots, non-profit organization of neighbors and community members whose mission is to protect and preserve the Swan Lake Watershed and our quality island lifestyle for future generations. Thank you Island County Commissioners for the opportunity to articulate our sincere desire to work with you for the long-term protection of the Swan Lake Watershed ecosystem. I would like to particularly thank Debbie Thompson for her diligence and hard work in coordinating the needs of all parties to make today happen. We have been working on this for a long time. I've attached my first e-mail correspondence to the Island County Commissioners dated March 13, 2007 when I first brought our group interest in near shore habitat grant opportunities to the attention of the Island County Commissioners and requested that you join us to pursue a public/private partnership in the interest of restoration of the Swan Lake wetland system.

We are here today to invite you and ask that you please be a willing landowner to support and enable our community vision for the restoration/enhancement and protection of this marine fish and wildlife habitat conservation area. Our vision includes restoration of the integrity of marine wetlands and uplands of Swantown Creek. Our group seeks a functional, co-operative and respectful relationship with the Board of Island County Commissioners to achieve biodiversity, conservation of this natural resource and advancement of a safe, healthy aquatic and territorial environment for the Swan Lake Watershed as it relates to Puget Sound, the Pacific Flyway and the Greater Pacific Ocean.

To help us articulate our vision we're going to start today's presentation to the Board of Commissioners with a 15 minute CD that was produced by the Padilla Bay National Estuarine Research Reserve. Although the CD references Padilla Bay a few miles to the north and Swan Lake is not specifically mentioned in the CD, the CD explains in an eloquent and straightforward way why all remaining estuaries such as Padilla Bay and Swan Lake are so important to Island County and Washington State and deserve our protection for our children's grandchildren to enjoy and benefit from these economic and non-economic but priceless, life giving assets.

Following the CD presentation Ms. Beighton continued.

Our community values its beauty and its rural character, its open vistas and abundant, healthy wildlife corridors, "the closest place to far-away" as the tourism ads say. As the Puget Sound population grows, normally functioning ecosystems will become even more rare and precious.

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Swan Lake was purchased by Island County in 1999 with citizen tax dollars from Conservation Future Funds. We applaud the Island County Commissioners for their vision and commitment to this property and we want to help protect this investment for future generations. According to the minutes when the proposal to purchase Swan Lake and its surrounding wetlands and uplands was discussed at the December 14, 1998 Board of Island County Commissioners meeting, Mr. Larry Kwargsick, Island County Public Works staff opened up his pitch to the Commissioners saying “From a standpoint of unique wetlands and habitats [the Swan Lake Watershed] contains one of the most important habitats and wetlands complexes on North Whidbey Island.” When the proposal to purchase was discussed by the Commissioners at the same meeting, Commissioner Shelton said he “saw the purchase as a valued County asset, with the preservation of wetlands an important thing for the county to be involved in, noting that certainly the preservation of habitat something the County was committed to. This does things in a way he agrees with: not just regulating all of the value away from the property owners, instead the County does the right thing and purchases the property.”

Subsequent to this purchase of Swan Lake by Island County it was designated a Habitat of Local Importance on August 28, 2000. At that meeting the then Assistant Island County Planning Director, Jeff Tate, who is now our Planning Director stated that “the ordinance [that confers the designation of Habitat of Local Importance] highlights those areas, indicates they are special and should be treated as such and notifies people of the existence of the areas and the sensitivity of these areas and where they are located.”

The Swan Lake Watershed Preservation Group anticipates broad public support for restoration and protection of the Swan Lake Watershed with appropriate education and promotion. We have conducted an informal cursory petition and hereby submit to the record a citizen’s petition that reflects over 250 individuals who support and request that the Board of Island County Commissioners embrace and support our vision. It is important to note that these signatures represent a diverse cross-section of neighboring property owners, community interests and leading neighboring property owners, community interests and leading members of highly respected non-profit groups. It is not intended to be a comprehensive and exhaustive accounting but rather a snap shot of broad community support eager to assist Island County in supporting the State’s mandate to restore salmon to the Puget Sound. All who signed eagerly seek your cooperation with our efforts to preserve and protect the natural environment for the benefit of the public.

There are numerous grant opportunities from county, state and federal agencies in addition to private charitable foundations for myriad restoration efforts that may apply to our cause and enable it to become a reality. Our first grant application to pursue our vision was made to the Island County Futures Funding last spring. Upon review by Island County GSA we learned that we were not eligible for funding as our application was not submitted with a co-sponsoring agreement with the property owner, Island County.

Therefore, the purpose of our presentation today is two-fold:

- 1) We respectfully request inclusion in Island County government estuary and salmon restoration efforts. We request a resolution by the Island County Commissioners supporting and enabling our efforts including, but not limited to the making of grant applications beginning in 2009 by Swan Lake Watershed Preservation Group in co-operation with Island County for meaningful restoration/enhancement of Swan Lake. It is ludicrous to stand by as*

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other counties cash in on grant monies when such a great project in a great location languishes. A co-sponsoring document from Island County is requested beginning in 2009 to apply for various funding sources on an ongoing basis as mutually agreeable.

- 2) *We respectfully request immediate modification to the tide gates installed last March after many years of them being left open. The marine environment of Swan Lake is suffering from the cessation of the daily exchange of water between the Strait of Juan de Fuca and Swan Lake. We hired Meridian Environmental to do a fish survey on November 30, 2007 that showed multiple salt water tolerant species using the lake last November including but not limited to amphipods and Pacific Staghorn Sculpin. The level of salinity of the lake has dropped since installation and the lake has dropped a couple of feet or more as well. There is no reason now for the new tide gates to keep depriving the Nearshore ecosystem of Swan Lake of the free exchange of nutrients required to immediately have a healthier estuarine environment. We request that the tide gates immediately have floats attached to prevent a tight closure at high tide and prevent further damage to the ecological integrity of the Swan Lake. [Statement and referenced attachments on file with the Clerk of the Board]*

Gerald Pitsch, 2527 West Beach Road, Oak Harbor

This past April, I attended a nearshore workshop sponsored by WSU Island County Extension and presented by Kurt Fresh from NOAA Fisheries. When I decided to use information from Kurt Fresh, I found out that he is considered one of the most knowledgeable persons in salmon resource management and habitat restoration. The main point of his presentation was the loss of and/or the restoration of near shore habitats for migrating juvenile salmon. Most species of salmon pass through at least five different habitat areas during their way down the river to sea. Near shore habitat being the last. If any one of these habitat areas are destroyed or contaminated, that run of fish is greatly reduced if not lost completely. We have lost a great deal of near shore habitat to development. As a result, we have brought the juvenile salmon down to where the river meets the ocean and we are sending them off to sea tired and hungry. Their survival rate is very low.

State funding for salmon habitat recovery was established by the Washington State Legislature in 1998. As a result of this legislature, members of the WRIA-6 (Whidbey and Camano Islands) salmon technical advisory group drafted this document “multi-species salmon recovery plan.” This plan was adopted by the Island County Commissioners and the Island County Water Resource Advisory Committee in May of 2005. Island County has designated the Water Resource Advisory Committee as the citizens committee responsible for overseeing the program and approving the salmon recovery funding board grants. Sponsored assessment of near-shore habitat resources is through the Island County Marine Resources Committee.

The Swan Lake Watershed Preservation Group would like, with your help as a willing land owner, to restore Swan Lake to one of these near-shore habitats through this program. Island County has phases of near-shore restoration projects guidelines. To get started a pre-project habitat and species monitoring is required. This has already been completed. Other phases are (1) are there willing landowners (2) Private and public uses and surrounding environment are protected (3) Public involvement process in order to ensure participation and support for the program (4) No adverse effect to the naval Operations (5) A benefit to the salmon. Next, a feasibility study should be conducted and the results will tell us whether we have a program or not. [Statement on file with the Clerk of the Board]

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Al Williams, 1875 Fort Nugent Road, Oak Harbor

We're here to discuss ecological preservation.

The item of focus today is Swan Lake. Of interest is its return to its original function as a shoreline estuary. It should be noted that the lake and included property was purchased by the county with conservation futures.

I'm going to make an outrageous statement, but I intend to prove it. The sad thing is that it is outrageously true.

Alarms have been sounded so long on our need to protect our environment that we tend to take a "ho hum" attitude and brush it off as the babbling of a 1940s street-corner preacher with his Bible and picket sign declaring that the "end is near." Back in 1973 the movie "Soylent Green" shocked us with warnings of what overpopulation will bring. It wasn't long ago that "Y2K" was a byword for those thinking that the turn of the century would trigger Biblical prophecies of doom. Then Al Gore came out with his "Inconvenient Truth" that those more interested in their wallet growth want to discredit as just another street-corner preacher. Interestingly, the addendum portion of his DVD cites population growth figures like those of lemmings, that ought to be frightening to anyone with the ability to think clearly.

Those who discount these warnings point to the technological explosion we're in. With confidence they say we are solving problems, not creating them. Are we? Technology has increased in a blinding explosion from archeology to medicine. Look at the internet and cell phones we carry around these days. They've only been around for some 15 years or so. I started interstate trucking in 1981. When I left home on a run, there was no way family could contact me until I made my periodic calls to home from a public telephone along the way. I remember feeling like we were in "Fat City" when pagers came out. All we had to do is hunt down a public phone and call home. Now public telephones are almost antiques. There is the notion that we can replace reality with "virtual reality" which only works for virtual humans. The common cry these days is "we're on a roll to utopia. Don't be a spoil-sport throwing road blocks up."

The problem is that even great medicines have side effects that come around to bite us. The roll we're on is taking us to a precipice. The end is not near, the precipice is here.

I know this sounds outrageous, but listen a moment to the evidence.

This summer many of us read news articles that shocked me and I'm puzzled why it isn't shocking everyone. There were articles saying that both California and Oregon were banning (not reducing, not limiting, not warning, but banning) all Chinook Salmon fishing off their coasts for the entire 2008 season.

Folks, the precipice is here and we're hanging on with our fingertips. We can't stop the damage by pretending it isn't here. We have to do whatever we can.

I copied a couple of news reports the other day from the internet. I'll submit them and I've left a few copies on the table at the back of the room. Let me just read some excerpts.

Article: California Bans Salmon Fishing

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Fish and Game officials on Tuesday reluctantly voted to shelter a diminished population of Sacramento River Chinook by barring all ocean salmon fishing in state waters, out three miles from shore. The unprecedented closure will last through April 2009. It goes on to say there is a limited amount of fishing in federal waters in Washington State and “that has never happened before.”

(Notice that it isn't talking humpies or pinks that we know are cyclical. They're talking Chinook, which probably include Coho, Sockeye and others).

Article: California Salmon Fishing a No-Go

From James A. Swan, Ph.D. Traditionally, the run of Chinook salmon up California's Sacramento River was the largest in the US, including Alaska. As recently as 2002, 775,000 adult spawners were counted coming up the Sacramento, most of them in the fall run. The minimum conservation goal for the fall Sacramento Chinook run is to have 120,000 to 150,000 adult spawners return to the river to insure a healthy new crop to keep the fishery going.

Last year, there were only 54,000. That's a 93% loss in only 5 years and only 1/3rd of what is necessary to “keep the fishery going.” The precipice is here. Y2K is on its way.

But what does all this mean to us this morning? It means that we must do everything we can to protect our natural ecology, now. Or as some would say, “yesterday.”

We truckers are often privy to seeing things few get to see. I was involved in what I think is a large contributing cause to the problem we have, but I'll save that for another time. Right now we have to deal with what has been done. Returning Swan Lake to a functioning estuary is a step in that direction.

It will fulfill the Conservation purpose for which it was purchased.

[Statement on file with the Clerk of the Board]

Mahmoud Abdel-Monem, 2235 West Beach Road, Oak Harbor, believes Swan Lake is a treasured resource. Mr. Abdel-Monem said the Board of Commissioners, in 1998 when it purchased the lake, made a wise investment in both the future of the resource and people of Whidbey.

The lake was originally a lagoon until 1918 when the dikes were built and installation began of the different tide gates to allow for agriculture, a purpose that no longer exists. In 2007 the Swan Lake Preservation Group realized that although no work has been done to improve the status of the natural resource, there was still evidence of active marine species. The Group, therefore, wanted to ensure that the water quality in the resource is monitored and maintained. In 2001 Island County asked that Sheldon & Associates establish a plan for restoring the wetland. The goals for the study were to:

- Provide long-term protection for large wetland stream systems
- Restore open saltwater flow
- Restore access to salmon and other species

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The recommendations were to:

- Remove the culverts, the tidegate, and other drainage structures near the main wetland
- Restore an open connection to the saltwater by creating an open channel
- Install box culverts, bridges, or the like to maintain the open access of saltwater
- Locate an open channel at the other end of the lake

Mr. Abdel-Monem continued to say that Meridian Environmental Consulting Services said the lake water was highly salient and that it was occupied by two types of fish and by some shrimp.

In March 2008 the tidegates were restored, contrary to recommendations and concerns, restricting the access of saltwater. Prior to March 2008 an analysis was done on the water and indeed Mr. Abdel-Monem said, the salinity of the water was very close to other lagoons looked at around the Island. Between March and July 2008 samples were tested for 9 quality parameters, from a number of sites around the lake. The salinity in March was 22.8 and temperature was 6, very similar to numbers obtained from Harrington Lagoon, Race Lagoon, Ala Spit, and others. By July 18 the salinity of the water decreased and the temperature increased. Mr. Abdel-Monem believes the reason for the decrease in salinity and increase in temperature was due to the fact that salt water restriction prevented the mixing of fresh water coming down the channels to the lake. The water levels ultimately became so low that the Group and volunteers could not continue their sampling and taking measurements; they will begin again in November.

Mr. Abdel-Monem hopes the Board will take some action to help the Group restore the estuary to its natural state. The Swan Lake Watershed Preservation Group and volunteers are willing to work, add resources, and do what is necessary toward the effort. *[Hand-out on file with the Clerk of the Board]*

Ms. Beighton closed the presentation with the following quote from an Ocean Blueprint for the 21st Century, Final Report of the U.S. Commission on Ocean Policy, Recognizing Ocean Assets and Challenges, page 1:

America’s oceans and coasts are priceless assets. Indispensable to life itself, they also contribute significantly to our prosperity and overall quality of life. Too often, however, we take these gifts for granted, underestimating their value and ignoring our impact on them.

CONSENT AGENDA

By unanimous motion the Board approved the Consent Agenda as follows:

ELECTRONIC FUND TRANSFERS, PAYROLL, VOUCHERS, PAYMENT OF BILLS

| | |
|---------------------------------------|------------------|
| Vouchers (War) #s 299046-299284 | \$512,575.44 |
| Electronic Fund Transfers..... | \$ 544.27 |
| Payroll dated | October 31, 2008 |

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MINUTES OF PREVIOUS MEETINGS

Regular Sessions..... October 13 and 20, 2008

APPOINTMENTS/RE-APPOINTMENTS TO BOARDS AND COMMITTEES

Reappointment of Ken Urstad to the Marine Resources Committee as a representative of sports fishing. This three year term shall expire December 31, 2011.

Reappointment of Joe Hillers to the Marine Resources Committee as a representative of agriculture. This three year term shall expire December 31, 2011.

HUMAN RESOURCES

Personnel Action Authorizations

| <u>Department</u> | <u>PAA #</u> | <u>Description</u> | <u>Position #</u> | <u>Action</u> | <u>Eff. Date</u> |
|-------------------|--------------|--------------------|-------------------|--|------------------|
| Central Services | 153/08 | Office Manager | 703.00 | Personnel Action New Position Upgrade | 11-03-08 |

PUBLIC WORKS

County Roads

Public Hearing Scheduled – November 24, 2008 – 2:15 p.m.

Ordinance C-108-08/R-47-08 Regulating Speed Limit in Construction Zones, Amending Island County Title X, Chapter 10.06 [*Ordinance on file with the Clerk of the Board*]

Public Hearing Scheduled – November 24, 2008 – 2:15 p.m.

Ordinance C-109-08/R-45-08 Regulating Speed Limit on Crescent Harbor Road, Amending Island County Title X, Chapter 10.01 [*Ordinance on file with the Clerk of the Board*]

Public Hearing Scheduled – November 24, 2008 – 2:15 p.m.

Ordinance C-110-08/R-44-08 Regulating Speed Limit on Taylor Road, Amending Island County Title X, Chapter 10.01 [*Ordinance on file with the Clerk of the Board*]

Public Hearing Scheduled – November 24, 2008 – 2:15 p.m.

Ordinance C-111-08/R-46-08 Regulating Speed Limit on Ferry Dock Road, Amending Island County Title X, Chapter 10.01 [*Ordinance on file with the Clerk of the Board*]

LIQUOR LICENSES

Application for Special Occasion Liquor License No. 363790 by the Greenbank Farm Mgmt. Group for a special occasion to be held November 15-16, 2008 from 9:00 a.m. to 6:00 p.m. each day at the Greenbank Farms/Big Red Barn, 765 Wonn Rd., Greenbank, WA

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REGULAR AGENDA

Veteran’s Assistance Fund. Appeal of Veteran’s Claim No. V8-13 denied by unanimous motion of the Board as recommended by the Veteran’s Assistance Review Committee [*emergency financial assistance to eligible veterans; names and specific circumstances are confidential*].

COMMISSIONERS’ COMMENTS & ANNOUNCEMENTS

By unanimous motion the Board approved Resolution C-112-08 Commencing the 2008 United Way Drive in Island County. [*Resolution on file with the Clerk of the Board*]

There being no further business to come before the Board the meeting adjourned at 11:05 a.m. The Board will meet next in Regular Session on November 10, 2008 beginning at 10:00 a.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

John Dean, Chairman

Phillip Bakke, Member

Wm. L. McDowell, Member

ATTEST:

Elaine Marlow, Clerk of the Board