



**SKAGIT COUNTY FOREST
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Minutes

January 8, 2020

Present: Chuck, Al, Dave, Gordy, Steve, Aubrey, Fred. Absent: Tom, Lisa, Tim and Ken Guests: Michael Carbone and Kayla Schott-Bresler

- I. Minutes. Al moved Fred seconded to approve with the change of date from 1070'2 to 1970's. Unanimous approval.
- II. Discussion.
 - a. 2019 PDS Docket- Michael Carbone gave the FAB an update on the staff report of the docket proposals. Time was spent on each proposed amendment to ensure knowledge of any future potential impacts to the forestry industry and the resource. The FAB was in support of C1 as reflected in the staff report. FAB understood why C-2 needs to be deferred so that the stormwater plan could be completed, and the package would be reviewed as a whole and at the same time. Staff recommendation to remove binding site plan (C-3) requirements is acceptable to the FAB as they sited that it made no sense as to the current requirements. C-4 prompted discussion from the FAB. Years ago, during a Comp Plan update there was discussion amongst the FAB as to the need of permitting trail heads. Though the FAB does not necessarily support additional permitting, concern was voiced over issues of trespass and future attempts of adverse possession. If the public follows a trail they may meander off onto private property (not always easy to follow all trails, especially if an alternative way looks inviting) and once the public believes the trail is theirs it can lead to contentious outcomes. Forester landowners have found that the public often puts them in the wrong about access and use. Michael and Gordy noted that it is up to the landowners to post notices of no trespass. Not easy to do if the landowner doesn't know about the trail or its location. FAB will send a letter of concern to the PC on this item. C-5, dealing with habitat restoration, has concerns from the ag industry about potential loss of resource lands (for ag). The FAB has similar concerns for forestry lands. They sited lands used for mitigation in FERC relicensing where Seattle Light has puts large number of acres aside for habitat. The land is actually converted from forestry. FAB will send comments to the PC on this issue stating they don't believe it should be out right permitted to do habitat restoration projects without review in industrial and secondary forest designations. FAB agrees with staff on C-6 concerning fire code consistency, C-7 sign permits and C-8 commenting on airport environs. FAB discussed the need for continuing MRO designations (P-1) in the county. If the sites are geologically suitable for commercial mining of minerals, especially for rock for roads, this is a resource that needs to be protected. They understood why a new development wanted to remove the designation for greater density but noted that the land has had this designation for a period of time and when it was done there was opportunity for public comments to oppose the

designation. P-2, rainwater catchment and P-3, wells on Guemes did not concern the FAB. For P-4 involving protecting Heron roosting areas, the FAB raised several concerns. Dave questioned if this was a knee jerk reaction without scientific studies to support an action. Aubrey noted that there is merchantable Douglas fir on March's Point. This could have impacts. The staff is recommending 1000 foot buffers rather than the proposal which is greater. It was also noted that the noise restrictions (no work) are during most of the dry season. Al said he was glad that staff was trying to find a compromise. Michael said he would send a link to the Skagit Land Trust presentation that helps clarify reasons for this proposal. Gordy emphasized that without science as to proof of decline and actual "fixes" this should not be accepted. No one has been able to answer why a heron just up and leaves its roosting area and the reasons they find another location more suitable. Dave and Chuck agreed. FAB discussed the best way to make comments given the January 26th deadline. They decided to do it via email. Gordy moved and Fred seconded to have Kendra write up a document with comments regarding the 2019 docket stating policies within the Comp Plan and circulate it to the FAB members for comments. A final will be sent out for the FAB to give their approval (or not). The FAB applauded Michael's work and time he has spent with the FAB.

- b. SHC appeal update- Kayla gave an update on the Skagit County appeal of the DNR's Board of Natural Resources (BNR) adoption of the 2014-2024 Sustainable Harvest Calculation (SHC). She noted that Concrete School district, Sedro Wooley school district the hospital and an upriver library district joined the action. Skagit County only appealed the SHC not the Marbled Murrelet (MM) decision. She said this was due to a 50% change in revenue from current and the numbers have changed several times over the past years as the DNR updated the model. Skagit Counties dollars kept decreasing even though the DNR said there is only a small impact from MM habitat being set aside. Kayla said the MM was more polarizing with the actual impacts. The environmental organizations filed a lawsuit in King County with more specific issues of trust relationships. They believe the DNR is too narrow in their interpretation of the trust and how it should be regarded (public verse fiduciary). AFRC filed an appeal in Skagit County with several other beneficiaries of both the SHC and the MM decision to adopt alternative H as presented in the amended Final HCP. They believe alternative B should have been adopted. Kayla said the County does not want to be adversarial with the DNR and that they have been very good in supplying whatever information the county has been requesting. The appeal is because the DNR has not supplied a good reason for the drop. Kayla noted that work was being done to consolidate the actions to one court and combine the issues. The county wants to hire an independent contractor to evaluate exactly what acreage and age class of trees are present on State Forest Trust lands in Skagit County. DNR has said the reason for the drop is due to over cutting. Dave noted that he liked the proposed area of relief involving the county taking back it's lands to manage itself. The rest of the FAB asked what this would look like and that this was an area the FAB could provide information to the commissioners on in the future. Dave also said that he believed the MM was a big deal to the County primarily due to the implications of the BNR not fulfilling their fiduciary responsibility to the trust and that this could erode the impetus of the trust. All other FAB members agreed and asked

whether the County could sign onto the other appeal, if as nothing else, as a friend of the court or file an amicus brief because they believe this could impact Skagit County in the future. They wanted to know how best to send this message to the BoCC. Kayla said she would pass this on to the BoCC. Gardy asked if the County was aware of the Oregon lawsuit filed regarding mismanagement of lands for beneficiaries. Kayla said our situation is different because they were not Trusts.

- c. Future FAB topics-
 - i. What steps required if SC took over state lands for timber management.
 - ii. Carbon and climate
- d. TFW- lack of time next meeting
- e. February meeting- date change due to FPB meeting. Kendra will confirm the 5th.
- f. Adjourn 9:30