

Meeting #10 Shoreline Advisory Committee: DRAFT MEETING SUMMARY
April 24, 2012
Skagit County Board of Commissioners' Hearing Room

SAC members present: Scott Andrews, Kevin Bright, Bill Dewey, Herb Goldston, Oscar Graham, Daryl Hamburg, Michael Hughes, Tim Hyatt, Kraig Knutzen, Ward Krkoska, Brian Lipscomb, Kim Mower, Jim Wiggins

SAC members absent: Wayne Crider, Chuck Haigh, Jon Ostlund, Shirley Solomon

Others present: Betsy Stevenson, Skagit County SMP Project Manager; Dan Nickel, The Watershed Company; Lisa Grueter, BERK

New handout materials made available to committee members:

1. Meeting #10 Agenda
2. Meeting #10 Discussion Guide – Working Draft SMP
3. Preliminary Draft Sections emailed on 4/19
 - Aquaculture
 - Archaeological and Historical
 - Breakwaters
 - Dredging
 - Fill and Excavation
 - Industry
 - Jetties and Groins
 - Mining
 - Recreation
 - Transportation
 - Utilities
4. Preliminary Draft Sections emailed on 4/23
 - Agriculture
 - Vegetation Conservation
 - Critical Areas
 - Flood Hazards
 - Non-Conforming Uses
5. Agriculture Definitions and Standards: GMA and SMA

The first topic on the agenda was **Opening Comments and Recap**. The consultant team and County staff noted that they are still working on getting the remaining draft SMP sections to the group. Most have been distributed, but several, such as Boating Facilities, In-stream structures, Administrative provisions, etc., have not been sent. The County hopes to get all sections out before the meeting on May 8th.



A joint meeting between the SAC and Planning Commission is scheduled for May 22. County staff requests that if SAC members have specific issues or sections that they would like to discuss at the meeting that they tell County staff prior to the meeting in order to get the item on the agenda.

The consultant team noted that they plan to prepare a complete document for the May 8th meeting. All policies and regulations will be separated.

The calendar was discussed and it was noted that the SAC will have another meeting on May 15th to have one final review of the document. The joint SAC/PC meeting on May 22nd will be an introduction for the PC with possible topics including Environment Designations.

The second topic on the agenda was **Proposed Environment Designations**. The consultants described recent changes made to the proposed environment designation maps per County instructions, walking through the original methodology, followed by the recent set of proposed changes and clarifications. It was noted that in many cases, additional ground truthing needs to occur, which may include contacting certain property owners (i.e. State Parks). The consultant discussed the recent proposed change to include the floodway of the Skagit River under the Natural designation, noting that such a designation would be in-line with other regulations which limit development in the floodway. Numerous questions were raised by the SAC related to potential impacts from such a change. The consultants and County explained that such a designation would pertain only to new developments and uses and that existing uses (i.e. agriculture) would be allowed to continue. This would even include a change in the type of agricultural crop. Most members were not supportive of this change and concerned about not only implications from public perception but the reality of a potential change in floodway expanse and subsequent change in jurisdictional area. Several members expressed their support for a Natural designation, noting that it would be consistent with other existing County regulations. Upon final discussion, it was concluded that the draft maps would be revised back to show the majority of the floodway as Rural Conservancy.

Overview of Distributed Materials. The consultant team provided a brief overview of the preliminary draft sections of the SMP which were distributed the previous week. A round table vote was taken to see which sections proved to be of the most interest. The top 5 sections were chosen for **Discussion of Detailed Sections**, the agenda item on which the majority of the SAC meeting was spent.

The first section discussed was Fill, Excavation, and Grading. The SAC made the following comments on the matrix. Regarding fill in the Aquatic environment, which is listed as a conditional use, there was concern that this may be too broad, even for the Natural environment. It was recommended that the types of activities for which fill might be allowed (i.e. critical infrastructure, transportation, etc) be clarified. It was also mentioned that footnote 2 needs to be consistent with dredging to make sure all circumstances are covered (i.e. when moving rock and/or sediment in the water considered "dredging," if it is for minor purposes). Prohibiting excavation/grading in Natural environment needs review with trails provisions to make sure that trails can be built in this environment.

It was recommended that the provisions of this section ensure limited conflicts with Aquaculture activities. An example was given regarding oyster beds at Oyster Creek and need for fill in water. WDFW issues HPAs for such activities. Additionally, conflict was noted between Regulation 1(e)(i) and Regulation 2(c). It was also noted that the citation for Regulation 2(c)(vii) is incorrect. A question was

asked regarding where Regulation 2(c)(vii) came from. It did not seem to be from this section of the WAC.

The second section discussed was Recreation. The SAC made the following comments on the policies: the policies are too long and need more clarity; Policy 2(f) is too soft; Policy 4(a) needs to add a reference to pet waste (this also needs addressed in Regulation 7).

It was also noted that there isn't pressure to give incentives for providing public access. More needs to be done to give private property owners good reasons to open their land. What type of liability protections can be given to private landowners to allow recreation? It was noted that there is a state law which limits liability to landowners who allow such access.

The third section discussed was Aquaculture. Two SAC members noted that they would be providing detailed electronic comments on this section upon further review with their constituents. This will include discussions with Ecology and December 2011 shellfish restoration information.

It was noted that the matrix prohibits net pens in Rural Conservancy. It was recommended to switch to a CUP. It was generally noted that allowances for aquaculture should be given to make it less restrictive.

Regulation 1 (c) was deemed to be too broad and thus too restrictive. It was also asked why experimental language keeps popping up? This is old and not needed anymore. One SAC member noted that the aquaculture language came from a 1995 update to the SMP.

Regarding Application Requirements, for Regulation 2(d)(iv), it was recommended that an intent statement be added (i.e. need to know how many people may be using the area to help determine the potential related ecological impacts). It was commented that Regulations 2(d)(xii) and (xiii) are too broad and that they don't seem too relevant. For Regulation 3(c), it may not be appropriate to prohibit, as some members requested, since mechanical harvesting in a controlled environment may not have long-term negative impacts. Consider separating some of this language out to be more lenient on lesser impacts.

Concern was expressed about nets for predator control breaking free and whether there are any regulations which pertain to this. Explanations were given that attested to existing controls that work, such as using floating plastic nets which do not sink. Suggestion was made to remove County monitoring requirement for commercial geoduck aquaculture, noting that Ecology already requires monthly monitoring of these sites under NPDES permits. In the past, when this language was originally written, Ecology was not monitoring these activities. Now that the state requires monitoring and the County has limited resources, it makes sense to remove this out-of-date requirement.

The fourth section discussed was Mining. It was commented that Regulation 3(a) should use the word "may be approved" instead of "must only be approved." One SAC member noted that Island County has proposed to prohibit all mining. Discussion followed as to the difference between mining "in-stream" versus upland. It was noted that there are several active mining sites in the upland environment that are extracting old riverbed gravel. It was noted that Regulation 3(c)(i)(A) would be nearly impossible to prove since existing literature would not seem to support this activity (i.e. mining below the OHWM of a stream or river). Discussion followed that noted that the US Army Corps of Engineers would also not likely allow this activity due to limitations under the Endangered Species Act. It was determined that the

language could be kept, though it should be noted that other agencies would need to approve such activity. One member inquired about noncommercial mining (Regulation 5(b)), questioning whether this would prohibit recreational gold mining. Can recreational gold mining be allowed? The consultant team noted that Chelan County had recently addressed this issue (see the Gold and Fish Pamphlet from Ecology). The consultant team said they would investigate improvements to this language.

The fifth section discussed was Dredging and Dredge Material Disposal. It was noted by at least one member that the allowances for “maintenance” work are too broad. Regulation 7 has an exception for maintenance work that could presumably allow dredging to occur in many sensitive areas. What qualifies as “maintenance” needs to be closely reviewed. Additionally, under regulation 7(e), the use of “irretrievably” is also too broad. It was suggested to revise this regulation to read, “Where water quality would be degraded below permitted state and federal standards.” One SAC member noted that dredging standards should not apply to aquaculture harvesting. Another member noted that dredging standards should not apply to “pulling out a few rocks.” This was followed by a discussion of what qualifies as dredging versus excavation, noting that excavation may be occurring below the OHWM if it is for the purposes of installing other material (i.e. rock installation). It was then noted that clear definitions need to be in place for all dredging and excavation language and their common descriptors (e.g. scalping).

The next topic on the agenda was **Roundtable Comments**. This allowed SAC members to voice comments about any issue. The majority of comments pertained to the proposed environment designations and the request to have the floodway of the Skagit River changed back to Natural. There were positive comments about productivity of the meeting.

MEETING ADJOURNED.