

Meeting # 4 Shoreline Advisory Committee
Thursday, November 10, 2011
Skagit County Board of Commissioners' Hearing Room

SAC members present: Herb Goldston, Bill Dewey, Brian Lipscomb, Shirley Solomon, Jim Wiggins, Michael Hughes, Ward Krkoska, Kevin Bright, Chuck Haigh, Oscar Graham, Scott Andrews, Daryl Hamburg, Kim Mower and Tim Hyatt.

SAC members absent: Jon Ostlund, Wayne Crider, and Kraig Knutzen.

Others present: Betsy Stevenson, Skagit County SMP Update Project Manager, Dan Nickel and Mark Daniel from The Watershed Company.

A question was raised about the Discussion Guide. Its purpose and use was briefly explained. It is primarily a starting point for the committee to consider the meeting topics and issues.

The summary from SAC Meeting #3 (October 13, 2011) was reviewed. There was a comment made that although the discussion at the September meeting was great, it is important that we stick to the agenda and the time allotted for the topics. If topics are debated and the discussion is not completed during the allotted time, the topic should be tabled and moved to another meeting.

Handout materials were made available to the committee members:

SAC Meeting #3 (October 13, 2011) Summary

Agenda Meeting #4

Discussion Guide for Meeting #4 (Flood Hazard Protection and Environment Designations) which included Table 1 and Table 2, providing a comparison of existing environment designations and criteria and comparing them to the environment designations and criteria in the Ecology Guidelines. Table 1 for Unincorporated Areas, Table 2 for Specific Incorporated Areas, Urban Growth Areas (UGA) and Land Areas of More Intense Rural Development (LAMIRD).

The members were reminded of the December 6, 2011 date for the joint meeting with the Planning Commission. Speakers include Greta Movassaghi from the US Forest Service to speak on the Wild and Scenic Rivers designations in Skagit County, Bob Warinner, Watershed Steward from Washington Fish and Wildlife and Dennis Clark with Department of Natural Resources.

NMFS BiOp Betsy Stevenson gave a brief overview of the National Marine Fisheries Service (NMFS) Biological Opinion (BiOp) regarding the FEMA National Flood Insurance Program (NFIP), the Endangered Species Act and how Skagit County was addressing the issue. Skagit County is choosing the Door 2 Option and working closely with FEMA to provide information to gain approval from them.

There was a brief update regarding potential litigation from National Wildlife Federation and a question regarding the channel migration zone (CMZ) mapping. The draft maps on the SMP Update website seemed to show a large area. Would it be possible to use the floodway rather than the CMZ? The



Ecology process for determining the CMZ is lengthy and all encompassing. Their standards are specific. It was pointed out that the Sauk River CMZ analysis doesn't include avulsion hazard, just the historical migration areas. The consultants offered their CMZ work in Chelan County to evaluate the methodology used. The group would like to look at the CMZ issue again.

Environment Designations Dan Nickel introduced the topic by looking at the existing shoreline environment designations used in Skagit County. Do they meet Ecology's Guidelines? A reference to Chapter 13 of Ecology's Handbook from their website was provided for further guidance on this topic. The existing County designation map is difficult to use, because it is so small and the differentiation between designations is difficult to pinpoint. The group discussed whether the County should use the existing designations or if the ones from Ecology's Guidance should be used. The different designations and criteria were reviewed and compared. The new Rural Conservancy designation criteria would seem to cover most of the upriver floodplain area.

It was mentioned that the Swinomish recently amended their shoreline code and they adopted the state's designations, but there is no Urban designation. Climate change was incorporated and they also have a storm surge risk zone.

The concept of parallel designations was introduced and considered for areas that may be sensitive to development (feeder bluffs and other areas susceptible to erosion). It was mentioned that Mount Vernon had proposed two designations for their flood prone areas (flood risk and flood hazard). Island County is proposing to use parallel designations – Aquatic below the ordinary high water mark (OHWM) and fragile upland areas would be Conservancy. The areas where residential development exists may be designated Rural. The SAC could look at something like that for the west side of Fidalgo Island. A question was asked if it could be used for lakes – Lake McMurray, Lake Cavanaugh or Big Lake?

It was noted that the County's Rural and Rural Residential designations seem to overlap. It was also noted that perhaps March's Point might be the only area that would be considered for the High Intensity designation. The County will need to coordinate with the cities and towns to be sure that the environment designations within the UGA's are compatible with those of the city or town.

The existing Natural designation and the Ecology Natural designation were discussed at length and evaluated. The County's existing designation is much more restrictive than Ecology's. The Ecology designation and criteria would be more appropriate for areas in private ownership than the County's existing Natural designation. The group discussed whether to limit the Natural designation to public ownership. Lands with conservation easements were also discussed as potential Natural shoreline designated areas. It was agreed it would be helpful to talk to some of the local organizations that own lands, or have property under conservation easement. See if they have objections to the Natural designation for those lands. The group didn't really see how a Natural designation would benefit those groups. It is important to consider landowner wishes as the criteria are drafted. It will be a sensitive subject. If the SAC decides to strike the requirement that the property be held in public ownership, then the rules would need to be relaxed in Natural areas, more like those found in Ecology's Guidance. A request was made to have a copy of the map that shows the lands that are subject to conservation easements (protected property) and restoration projects at various stages of development. The land should tell us what the designations should be. The group seemed to agree that striking the language in the current SMP for shoreline areas designated Natural be held in public ownership would be acceptable, provided the County uses Ecology's criteria for the Natural designation.

The group discussed the existing Conservancy, Rural Residential, and Rural shoreline designations. Ecology's new criteria for the Rural Conservancy designation was reviewed. After careful consideration, the SAC agreed it made sense to collapse the current Conservancy, Rural, and Rural Residential into Ecology's new categories of Rural Conservancy and Shoreline Residential.

Question from the Discussion Guide – Should the SMP feature multiple Aquatic designations, such as Aquatic and Aquatic Conservancy? Should they be different for freshwater or saltwater shorelines? The ideas were discussed. Members indicated they wanted more specific information to fully understand and consider it. It may depend on the site(s) proposed and how it is presented. Another option to consider for sensitive aquatic areas would be an overlay (for example for eelgrass beds). The group would also like to consider different aquatic designations for fresh and salt water.

The SAC agreed that they would like to consider a special designation for Judy Reservoir, which is a manmade public water source. They had no comments on a special designation for Guemes Island with its sole source aquifer. A question was asked about special consideration under the SMP designations for low flow stream areas. Those areas are currently regulated through the critical areas ordinance (CAO) and health department regulations. They didn't want to add more regulations, if they are already addressed elsewhere. CAO regulations will need to be appropriately integrated into the updated SMP.

A potential designation specifically for federal lands was discussed. Under the existing SMP, federal lands are designated Natural; however, if federal lands are leased, the designation defaults to Conservancy. It was pointed out that there is a distinction (and needs to be one in the SMP) between federal public lands and federal trust (tribal) lands. It was pointed out that the Butler Pit area is being shown as a shoreline area. It is an existing, operating gravel pit. How can the SAC address that? Jefferson County was able to get a mill pond taken out of their SMA jurisdiction. Ecology tends to be pretty firm on that issue.

The next SAC meeting is December 8, 2011 and the joint meeting with the Planning Commission is at 6:00 P.M. on December 6.

MEETING ADJOURNED