



SKAGIT COUNTY BOARD OF COMMISSIONERS

RON WESEN, First District
KENNETH A. DAHLSTEDT, Second District
SHARON D. DILLON, Third District

November 28, 2011

Governor Christine Gregoire
PO Box 40002
Olympia, WA 98504-0002

Governor Gregoire,

Once again, we are called upon to write regarding water rights in the Skagit River Basin, in response to a November 21, 2011 letter to you from Ms. Suzanne Skinner, Executive Director of the Center for Environmental Law and Policy (CELP). In her November 21 letter, Ms. Skinner writes that the Skagit water rights dispute arises from Skagit County's alleged demand for a larger exempt well allocation. See, Skinner 11/21 letter at 2 ("The 2006 reservation is tapped out so Skagit County wants an additional one.")

Ms. Skinner is misinformed. Skagit County contractually committed to the 2006 reservations, is not asking for the State to increase them, and has made that abundantly clear in numerous public communications, including our November 14 and November 21 letters to you, communications previously furnished to Ms. Skinner.

From our perspective, we all seem to agree that the 2006 exempt well reservation sets a very limited and finite quantity of water for exempt wells, and, together with meaningful mitigation planning, creates a lasting solution to this difficult issue by setting aside all remaining water for the benefit of salmon, something that puts Skagit County well ahead of the rest of the state in dealing with this issue.

At this point, as nearly as we can ascertain, the reason for the continued controversy arises from the desire to create new judicial precedent limiting the scope of Ecology's power to establish exempt well reservations, something mostly relevant to other river basins besides Skagit. This fails to consider that setting aside the Skagit Instream Flow Rule will undo the five year old solution now in place, over questionably worthwhile objectives, and will lead to many more years of broadened controversy over Skagit River water rights.

Extensive litigation capability frequently drives its own employment in search of a justification for the expense involved. While we comprehend why Swinomish staff continues to vigorously advocate for more litigation over the Skagit Instream Flow Rule in close conjunction with CELP, we strongly believe that effort is against the interests of both Skagit Basin salmon stocks and our community, including the members of the Swinomish Indian Tribal Community.

Our central objective is to move beyond litigation as the principal basis for our community's interaction with Swinomish, and work cooperatively with all four Skagit tribes on the complex and rapidly evolving challenges we face. Again, we seek your proactive assistance to that end.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



RON WESEN, Chairman



KENNETH A. DAHLSTEDT Commissioner



SHARON D. DILLON, Commissioner

cc: Northwest Indian Fisheries Commission
Affiliated Tribes of Northwest Indians
Swinomish Tribal Senate
Patricia Botsford–Martin, Port of Skagit County
Mayor Dean Maxwell, City of Anacortes
CELP Board of Directors