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Prohibition of Offsite Compensatory Mitigation Projects on Ag-NRL Lands

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Skagit County Agricultural Advisory Board

1800 Continental Place • Mount Vernon, Washington 98273
office 360-416-1338 • www.skagitcounty.net/planning

September 2, 2022

Dear Commissioner Browning, Commissioner Janicki, and Commissioner Wesen:

The Skagit County Agricultural Advisory Board is writing to you regarding the Interim Ordinance Prohibiting Offsite Compensatory Mitigation on Ag-NRL Designated Lands. The AAB supports making this ordinance permanent in our county code. Skagit County has a long history of protecting agricultural lands through zoning to prevent urban and commercial growth along with prohibiting wetland mitigation banks that allow offsets for projects that may or may not be in Skagit County.

Western Washington farmland is unique compared to most of the farmland in the nation and world. Our unique climate allows for production of an extremely high percentage of the nation's and the world's vegetable seeds. Brassica, spinach, and table beet seed along with others rely on this climate to grow and ensure a robust supply of seed for our national needs. Skagit County has been an outlier in Western Washington, protecting our agricultural industry and role in the nation's food supply, whereas neighboring counties have used their agricultural lands as a 'cheap' path for urban and commercial growth. Protecting agricultural land is the same, whether the pressure comes from development or offsite environmental mitigation.

Ensuring healthy and functional ecosystems are key to environmental stewardship in Skagit County. Commitments were made through the 2005 Skagit Chinook Recovery Plan, where several projects have been completed with others coming soon. These projects need to be implemented as part of a comprehensive plan, where they maximize recovery efforts and minimize negative impacts to the surrounding agricultural landscape. The purpose of these projects should be limited to meeting recovery goals, not for mitigation of impacts of projects that occur tens or hundreds of miles away, possibly not even in Skagit County. Skagit County farmland is too important to be used to make up for environmental damage that occurs far from the valley.

Farmland has a long history of being seen as the cheapest and easiest way for growth. Now to make up for the uncontained growth, it is also seen as the cheapest and easiest way to make up for bad growth policies. We feel the most impactful way to restore environmental balance is for projects to occur close to the impact and for projects to be planned in ways that minimize environmental impacts from the start.

Advisory Committee Members:

Michael Hughes (Chair), Kraig Knutzen (Vice Chair), Murray Benjamin, Nels Lagerlund,
Michael Trafton, Justin Hayton, John Morrison, Steve Omdal, Terry Sapp, Rachael Ward-Sparwasser
Tim Van Hofwegen, Steve Wright, Don McMoran, WSU Extension

The AAB appreciates the way the Skagit County Commissioners and the population of Skagit County has prioritized the importance of Agriculture and Farmland. With this continued support, Skagit County Farmers will be able to have a positive impact in our part of the nation's food supply.

Sincerely,

A handwritten signature in black ink that reads "Michael Hughes". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Michael Hughes
Chair, Skagit County Agricultural Advisory Board



Skagit County Agricultural Advisory Board

1800 Continental Place • Mount Vernon, Washington 98273
office 360-416-1338 • www.skagitcounty.net/planning

September 19, 2022

Dear Planning Commissioners:

The Skagit County Agricultural Advisory Board is writing to you regarding the Interim Ordinance Prohibiting Offsite Compensatory Mitigation on Ag-NRL Designated Lands. The AAB supports making this ordinance permanent in our county code. Skagit County has a long history of protecting agricultural lands through zoning to prevent urban and commercial growth along with prohibiting wetland mitigation banks that allow offsets for projects that may or may not be in Skagit County.

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Ensuring healthy and functional ecosystems are key to environmental stewardship in Skagit County. Commitments were made through the 2005 Skagit Chinook Recovery Plan, where several projects have been completed with others coming soon. These projects need to be implemented as part of a comprehensive plan, where they maximize recovery efforts and minimize negative impacts to the surrounding agricultural landscape. The purpose of these projects should be limited to meeting recovery goals, not for mitigation of impacts of projects that occur tens or hundreds of miles away, possibly not even in Skagit County. Skagit County farmland is too important to be used to make up for environmental damage that occurs far from the valley.

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Sincerely,

A handwritten signature in black ink that reads "Michael Hughes". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Michael Hughes
Chair, Skagit County Agricultural Advisory Board

Jennifer Rogers

From: Commissioners
Sent: Tuesday, September 6, 2022 8:22 AM
To: Will W. Honea; PDS comments
Subject: FW: Support for making Ordinance #02022007 Permanent!

From: Andrea Xaver <dancer@fidalgo.net>
Sent: Monday, September 5, 2022 7:50 AM
To: 'Ellen Bynum' <skye@cnw.com>; Commissioners <commissioners@co.skagit.wa.us>; Peter Browning <pbrowning@co.skagit.wa.us>; Lisa Janicki <ljanicki@co.skagit.wa.us>; Ron Wesen <ronw@co.skagit.wa.us>
Cc: 'Randy & Aileen Good' <rlgood30@frontier.com>; 'Lori Scott' <srsracing@frontier.com>; 'FOSC Office' <friends@fidalgo.net>; 'Allen Rozema - SPF' <allenr@skagitonians.org>; 'Jenna Friebe' <jfriebe@skagitdidc.org>; 'Mayor Jason Miller' <jason@concrete-herald.com>; 'Mayor Steve Sexton' <steves@ci.burlington.wa.us>; 'Mayor Jill Boudreau' <mvmayor@mountvernonwa.gov>; 'Mayor Ramon Hayes' <northwestdesign@msn.com>; 'Mayor Eddie Hills' <info@townoflyman.com>; 'Mayor Town of Hamilton' <info@townofhamiltonwa.com>; Mayor Julia Johnson <jjohnson@ci.sedro-woolley.wa.us>; 'Mayor Matt Miller' <mattm@cityofanacortes.org>
Subject: RE: Support for making Ordinance #02022007 Permanent!

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To Skagit County Commissioners -

Yesterday, I added my support to Skagitonians to Preserve Farmland (SPF) comments to make this Ordinance permanent.

I just read the attached, so today I add my support to Friends of Skagit County's (FOSC) comments regarding making Ordinance #02022007 Permanent.

SPF and FOSC have carefully considered and listed many red flags regarding strong possibilities of very harmful activities against - and possible eradication of – Skagit's farms and farmers.

Since 1940, we've lost about half of Skagit's farmland to other uses.
Skagit's farmland contributes so much to this county and beyond.

What would this county look, feel, and sound like without its farmland and associated benefits?

I, and many others, wonder who/what is really behind the scenes to eradicate Skagit's productive farmland.

- Andrea Xaver
(Within family owned Skagit farmland of 121 years.)

-----Original Message-----

From: Ellen Bynum [<mailto:skye@cnw.com>]

Sent: Sunday, September 4, 2022 12:08 PM

To: Skagit Board of County Commissioners; Commissioner Peter Browning, BOCC; Commissioner Lisa Janicki, BOCC; Commissioner Ron Wesen, BOCC

Cc: Randy & Aileen Good; Lori Scott; Andrea Xaver; FOSC Office; Allen Rozema - SPF; Jenna Friebe; Mayor Jason Miller; Mayor Steve Sexton; Mayor Jill Boudreau; Mayor Ramon Hayes; Mayor Eddie Hills; Mayor Town of

Hamilton; Mayor Julia Johnson; Mayor Matt Miller

Subject: Support for making Ordinance #02022007 Permanent!

Dear Commissioners:

Attached is Friends of Skagit County's comments supporting Ordinance #O2022007. We appreciate your leadership in putting the interim ordinance in place and for putting this forward to pass as a permanent ban.

Friends of Skagit County fully supports making the Ordinance permanent and prohibiting the conversion of any Skagit farmland to other uses in any off-site mitigation program.

Should you have questions or need additional information, please contact us.

Sincerely,
Ellen Bynum, Executive Director, FOOSC
Randy Good, President, FOOSC

Jennifer Rogers

From: Anne Schwartz <als@fidalgo.net>
Sent: Tuesday, September 27, 2022 2:57 PM
To: PDS comments
Subject: written comments on Off site mitigation
Attachments: comments for offsite fish mitigation.docx

Follow Up Flag: Follow up
Flag Status: Flagged

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Comments regarding proposed moratorium on off site mitigation for outside entities to convert Skagit County farmland.

Dear Planning Commission Members:

When we came to the Skagit Valley in 1975 fish were abundant year round in the river. We believe it is critically important to re-establish historical fish runs both to meet Treaty obligations and to restore the health of our entire ecosystem. It is critical that Seattle City Light be required to prove that various mitigation projects actually serve and benefit the fish runs that are targeted for restoration. And that City Light address their impact and provide passage for fish to reach their native spawning grounds.

We have been farming in the Upper Skagit Valley for 45 years. The Skagit Valley will only become more important as prime agriculture producer as climate challenges increase. We believe it is critical to ensure as much prime agriculture land remains available for seed and food production. Though much of the Upper watershed land for crop production declined 50 years ago as the food processors closed their businesses up and down the I-5 corridor, excellent farm land is still abundant throughout the East valley floor and both provides for flood inundation during high water events and a repository for increased future intensive crop production as production falls from declining water availability in California and Arizona

For many years Seattle City Light has been acquiring land and homes east of Sedro Woolley as part of their offsite mitigation target projects. My husband and I have many years volunteering for our local fire department, and my husband serves on the school board for the Concrete School District. Many properties have been removed from the tax rolls which have

caused cuts to adequate funding for our schools and essential services. It would be helpful for the community to know whether these conversions are actually resulting in higher fish returns. There is strong support from most in this community to support treaty rights and agreements to address declining fish numbers. There has been relatively little fish habitat lost to development in the Upper Skagit in the past 40-50 years, yet fish numbers have declined sharply. We recognize that fish restoration is a complex science but it makes sense to us, that proposed projects are made that consider both tribal treaty agreements and current stakeholders at the table; farmers, dike and irrigation districts.

We support the position of Skagitians to Preserve Farmland and oppose corporations and outside entities (like Seattle City Light) being able to purchase Skagit Farmland for offsite mitigation in their FERC Relicensing agreement.

We support the prohibition of off-site mitigation on our County's farmland. Skagit farmland should not be used to mitigate environmental impacts arising from projects dozens of miles away on non-agricultural lands! Agriculture has been one of cornerstone industries in Skagit County since its earliest days, and since the 1960's Skagit County has long history of taking proactive steps to help preserve a critical mass of farmland in Skagit County.

From creating 40 acre minimum parcel sizes for farmland to creating the Farmland Legacy program - the most active and successful farmland protection program in the State - Skagit County has demonstrated strong leadership in supporting one of the last fully functioning agricultural economies left in Puget Sound.

Anne Schwartz
Michael Brondi
12179 State Route 530
Rockport, WA 98283

Jennifer Rogers

From: Commissioners
Sent: Tuesday, September 6, 2022 11:26 AM
To: Will W. Honea; PDS comments
Subject: FW: Support for making Ordinance #02022007 Permanent

From: Audrey Gravley <audreygravley97@gmail.com>
Sent: Tuesday, September 6, 2022 11:05 AM
To: Commissioners <commissioners@co.skagit.wa.us>
Subject: Support for making Ordinance #02022007 Permanent

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We support the prohibition of off-site mitigation on our county's farmland.

Agriculture has been one of cornerstone industries in Skagit County since its earliest days, and since the 1960's Skagit County has a long history of taking proactive steps to help preserve a critical mass of farmland in Skagit County.

From creating 40 acre minimum parcel sizes for farmland to creating the Farmland Legacy program, the most active and successful farmland protection program in the State, Skagit County has demonstrated strong leadership in supporting one of the last fully functioning agricultural economies left in Puget Sound.

Audrey Gravley and Bill McGuinness
18369 Valentine Road
Mount Vernon, WA 98273
Phone: 360.466.7403

Jennifer Rogers

From: Cindy Kleinhuizen <ckdoubleo11@hotmail.com>
Sent: Tuesday, September 27, 2022 12:02 PM
To: PDS comments
Subject: I support making prohibition of off-site mitigation on farmland permanent!

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Planning Commission Members,

As part of one of Skagit County's pioneering families, my sisters and I support the prohibition of off-site mitigation on Skagit County farmland. Generations of Skagit valley farmers and ranchers have worked tirelessly to to make our fertile valley an agricultural stronghold in Western Washington. While protecting our farmland and the livelihoods of our farming and ranching families, we have focused on the protection of habitat for fish and wildlife. We have already seen a loss of farmland to urban development, prohibiting off-site mitigation on our ag lands will protect our land for future generations and make private and public entities responsible for their environmental impacts on their own land.

The Ovenell family would like to thank the planning commission for their continued support of our farming families, making it possible for agriculture to thrive in our valley now and for future generations.

Sincerely,
Cindy Ovenell Kleinhuizen on behalf of the Ovenell Family

Cindy Kleinhuizen
PO Box 156
Concrete, WA 98237
360-770-5380

Sent from [Mail](#) for Windows

Jennifer Rogers

From: Commissioners
Sent: Friday, September 2, 2022 3:46 PM
To: Will W. Honea; PDS comments
Subject: 9-6-2022 - FW: Support for making Ordinance #02022007 Permanent

Amber Erps, CMC

Skagit County Commissioners Office | Clerk of the Board
1800 Continental Place, Suite 100, Mount Vernon, WA 98273
360..416..1300 ambere@co.skagit.wa.us | [find us online](#)

From: David Pierson <dpierson57@hotmail.com>
Sent: Friday, September 2, 2022 2:00 PM
To: Commissioners <commissioners@co.skagit.wa.us>
Subject: Support for making Ordinance #02022007 Permanent

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Sent from [Mail](#) for Windows
Skagit County Board of Commissioners,

Many people outside the world of agriculture (Seattle) view farmland as disposable wasted space that is just waiting to be used for something else besides farming, and it is only being farmed because there is nothing “better” to do with it. We all know better than this as some of the worlds best farmland is right here in the Skagit Valley and agriculture is the worlds most essential industry and should be held in the highest regard.

Farming the worlds best farmland is the obvious best use for this land. We cannot afford to let sneaky politics from outside Skagit County rob us of our valuable farmland. Skagit County has done a good job of protecting it’s farmland in the past, and lets continue to do so.

Please make Ordinance #02022007 Permanent!

Sincerely,

David Pierson, Burlington



419 S. First Street | Suite 207
P.O. Box 2632 (mailing)
Mount Vernon, WA 98273-2632
360-419-0988
friends@fidalgo.net
www.friendsofskagitcounty.org

September 2, 2022

Commissioner Peter Browning
Commissioner Lisa Janicki
Commissioner Ron Wesen
Skagit County Board of County Commissioners
1800 Continental Place
Mount Vernon, WA 98273

Board of Directors
2021-2022

Randy Good
Sedro Woolley
President

vacant
Vice-President

Lori Scott
Burlington
Secretary

Aileen Good
Sedro Woolley
Treasurer

RE: Support for Making Ordinance #02022007 Permanent Sent via eMail

Dear Commissioners:

On behalf of the members and board of Friends of Skagit County, we add our support for making the interim ordinance banning off-site mitigation projects on farmland in Skagit County a permanent part of the county code.

The WA State Growth Management Act (GMA) and the Skagit County Comprehensive Plan developed under the GMA require the County to identify and protect prime agricultural soils as part of policies and codes to conserve Natural Resource Lands (NRL). To be in continued compliance with the GMA, Skagit County has rejected numerous proposals to convert Agricultural-NRL zoned farmland to other uses. In 2008, Friends of Skagit County counted some 11,000 acres in various proposed projects that would convert farmland to other uses from public documents, websites and other media. While some of these projects were not finalized, the threat remains.

Threats to Ag-NRL by conversion to other uses include widening of county and state roads, fish and wildlife habitat projects and the expansion of current Urban Growth Areas (UGAs). The overpopulation of elk makes 13,000 acres unusable due crop damages. This prohibits the safe production of fresh and organic produce and hoof rot in the soil spreading to cattle is a de facto conversion.

As a primary economic activity, agriculture is Skagit County's largest economic driver. For every job lost from agriculture many other jobs will be lost in the County. This means that for every farmer who stops farming in Skagit Valley there are multiple job losses.

Staff
Ellen Bynum
Executive Director

In Skagit County, agriculture is a major producer of valuable products and income. Most of the income that farmers earn is then spent within the county for example to pay for labor, loans, insurance, fuel, fertilizer, equipment, livestock, automobiles, hardware, and contracting services –in addition earnings that are spent on necessary household and personal services – like groceries and health care.

Preserving Skagit County's rural character by protecting the environment, supporting sustainable, resource based economies and promoting livable urban communities..

Agriculture, as a generator of primary income, functions as a multiplier of economic activity where the work of every farmer supports the work of many other. Typical multipliers for agriculture, according to 2020 USDA publications are from 1.5 to 2.0, where for every dollar earned by an agricultural activity contributes another 50 cents to a dollar to the regional (or County) economy.

We are also concerned about farmland in various rural zonings. A portion of the 56,000 acres of rural zonings was once in a category called Secondary Agriculture or Agriculture Reserve. Please consider including those properties that contribute to the agricultural economy of Skagit County.

As a publicly owned utility Seattle City Light (SCL) states in its Strategic Plan Update 2023-2028 Accomplishment Highlights , "...We also committed to go beyond basic dam mitigation to improve the Skagit watershed and its salmon runs...". As part of the 1995 license, SCL purchased 10,000 acres of lands in the Skagit River Basin to benefit fish and wildlife. The number of agricultural acres converted in this process is unknown.

Further "City Light is leading 33 studies of cultural resources, wildlife and botanical, fisheries, aquatics, and recreation to guide mitigation planning..." (SCL webpage "Relicensing the Skagit River Hydroelectric Project"). None of the studies include farming, agriculture or the effects on the Skagit economy if farmland is converted to mitigation projects. Nor has there been any analysis of the economic losses from any previous SCL land purchases and conversions.

We urge the Board of County Commissioners to adopt the permanent moratorium on off-site mitigation projects as soon as possible. The ongoing litigation about relicensing means that City Light will be under immense pressure to provide mitigation projects as part of the relicensing process. Protecting Skagit's farming community will require the strongest codes possible to ensure survival of agriculture.

Yours sincerely,

Randy Good, President

Ellen Bynum, Executive Director

cc: Skagit Farm Bureau; Skagit Diking & Drainage Consortium; Skagitonians To Preserve Farmland; WA State Legislature.

Jennifer Rogers

From: Ellen Bynum <skye@cnw.com>
Sent: Tuesday, September 27, 2022 9:45 AM
To: PDS comments
Cc: FOOSC Office; Tim Raschko; T Candler; Martha Rose; Kathy Mitchell; Mark Knutzen; Amy Hughes; Vincent Henley; Joe Woodmansee; Jen Hutchison
Subject: "Off-Site Mitigation Amendments to Skagit County Code 14.04 and 14.16"
Follow Up Flag: Follow up
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September 27, 2022

Commissioner Tim Raschko, Chairperson
Commissioner Tammy Candler, Vice-Chairperson
Skagit County Planning Commission
Skagit County Administration Building
1800 Continental Place
Mount Vernon, WA 98273

RE: "Off-Site Mitigation Amendments to Skagit County Code 14.04 and 14.16"

Dear Commissioners:

Friends of Skagit County supports changes to Interim Ordinance #02022007 and related codes to ban off-site mitigation projects on Skagit County land zoned Agricultural - Natural Resource Lands.

RCW 36.70A, the WA State Growth Management Act (GMA) requires counties to designate and adopt development regulations to conserve agricultural lands containing prime agricultural soils and that have long-term significance for commercial production of food, fiber or other agricultural products.

In addition to direct impacts on these lands, GMA states that **adjacent land uses cannot interfere with the continued uses** for the production of food, agricultural products, timber or mineral extraction.

When buildings are constructed or roads are widened it's easy to see the direct loss of farmland. Fish and wildlife habitat projects on farmland also result in the direct loss of farmland reducing the number of acres available to grow food and supply tax revenue to the County.

Since the Clear Valley Farms' Skagit Environmental Bank purchased an 800 acre dairy farm in 2006 and removed 396 acres of farmland from production, **Skagit County has rejected off-site mitigation projects that convert farmland to other uses.**

For 50 years Seattle City Light has funded non-profit groups and agencies to convert land in Skagit County, including farmland, into fish and wildlife habitat. This outside of Skagit funding has created a conflict of interest for land trusts and other non-profits whose missions include the conversion of agricultural lands for non-agricultural uses.

When this property is removed from the tax roll all Skagit County taxpayers have to pay more taxes to replace the lost revenue.

While Seattle City Light's enduring message is that their mitigation projects have saved salmon, this unfortunately does not explain why Skagit salmon populations remain at risk – and therefore this claim is misleading.

Before Seattle City Light relies on using productive farmland for habitat mitigation it should implement other mitigation measures. For example, none of the City Light dams on the Skagit have fish ladders.

Seattle City Light estimates the cost of building fish passage would be around \$1B. This seems like it would be too expensive to even consider but it really is not. If the 460,000 Seattle City Light customers were to pay over 50 years for fish ladders the cost would only be \$43.50/customer/yr. It is reasonable to expect that Seattle City Light customers would be willing to spend the cost of a Starbucks latte each month to help restore Skagit salmon. After all, Seattle City Light customers have benefited for decades from some of the lowest electricity rates in the country!

The Seattle City Light Strategic Plan Update 2023-2028 Accomplishment Highlights, states "...We also committed to go beyond basic dam mitigation to improve the Skagit watershed and its salmon runs...". Before proposing new projects that remove income producing properties from Skagit valley, **Seattle City Light should first complete the basic dam mitigation which it has not yet accomplished.**

The NOAA Fisheries mantra for salmon recovery is the 4 "H's" - habitat, hatcheries, hydro and harvest. Of these, the National Marine Fisheries Service considers that ocean conditions have the most significant impact on salmon population health. Why then is Seattle City Light so focused on converting farmland? Where, for example, is the collaboration with Department of Natural Resources and US Forest Service to reduce impacts on spawning grounds from forestry activities? And where is the collaboration and effort to work with municipalities to reduce surface run-off and pollution?

Agriculture is Skagit County's largest economic driver. It's not just a loss of land that damages Skagit County. For every farmer who stops farming in Skagit Valley there are multiple related job losses.

Agriculture is a multiplier of economic activity where the work of every farm and farmer supports the work of many others. Typical multipliers for agriculture, according to 2020 USDA publications are from 1.5 to 2.0, so every dollar earned by an agricultural activity contributes another 50 cents to a dollar to Skagit County's economy.

Skagit County cannot afford to lose its sustainable agricultural base, made possible because of favorable climate and soils. **While hydroelectric energy production is sustainable, so too is Skagit agriculture – we need both - not just one or the other.**

We urge the Planning Commission to recommend that the Board of County Commissioners adopt the permanent moratorium on off-site mitigation projects and amend the Skagit County Code as soon as possible.

Yours sincerely,

Ellen Bynum, Executive Director

cc: Randy Good, President, FOSC; Skagit Farm Bureau; Skagit Diking & Drainage Consortium; Skagitonians To Preserve Farmland; Western WA Ag Association; WA State Legislature.

Ellen Bynum, Executive Director
Friends of Skagit County
PO Box 2632 (mailing)
419 S. Main St., #207
Mount Vernon, WA 98273-2632
360-419-0988; friends@fidalgo.net
www.friendsofskagitcounty.org

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Jennifer Rogers

From: Gary Sippel <gary.sippel@gmail.com>
Sent: Monday, September 26, 2022 9:17 AM
To: PDS comments
Subject: Comments on Offsite Mitigation Amendments to SCC 14.04 & 14.16

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Members of The Skagit County Planning Commission,

My name is Gary Sippel. My property is located at 11744 Martin Rd., near Rockport in Skagit County.

I am writing this letter to voice my support for adoption of Offsite Mitigation Amendments to SCC 14.04 & 14.16 that will address the following:

- Prohibit inappropriate conversion of Agricultural land.
- Promote the maintenance of a critical mass of Agricultural land.
- Ensure that any conversion of Agricultural land for fish habitat will wilkely actually lead to an increase in anadromous fish species.
- Ensure that such significant projects are planned, sited, executed, and maintained with the utmost forethought and care.

If you need additional information, please reply to this email.

Regards,
Gary Sippel

Jennifer Rogers

From: Commissioners
Sent: Tuesday, September 6, 2022 8:19 AM
To: Will W. Honea; PDS comments
Subject: FW: Interim Ordinance

From: Gene Derig <gderig@me.com>
Sent: Sunday, September 4, 2022 1:04 PM
To: Commissioners <commissioners@co.skagit.wa.us>
Cc: Planning & Development Services <planning@co.skagit.wa.us>
Subject: Interim Ordinance

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Dear CommissioneDear Commissioners Wesen, Janicki and Browning:

We are adding our names to the list of those who support making the interim ordinance banning off-site mitigation projects on farmland in Skagit County a permanent part of the county code.

We consider this to be of utmost importance.

We would appreciate an acknowledgement of your receipt of this email.

Sincerely,

Gene and Marilyn Derig
1302 K Avenue/ PO Box 341
Anacortes, WA 98221
360-298-1960

Jennifer Rogers

From: Gene Derig <gderig@me.com>
Sent: Tuesday, September 27, 2022 9:36 AM
To: PDS comments
Subject: Amendments to Skagit County Code 14.04 and 14.16 off site Mitigation on Agricultural Land

Follow Up Flag: Follow up
Flag Status: Flagged

[You don't often get email from gderig@me.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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#####

Dear County Commissioners:

Please make the interim Moratorium on off-site mitigation on Agricultural-Natural Resource Lands a permanent prohibition and part of the Skagit County Code.

Please let us know you have received this message.

Sincerely,

Gene and Marilyn Derig
1302 K Avenue/ PO Box 341
Anacortes, WA 98221
360-298-1960

Sent from my iPhone

Jennifer Rogers

From: Commissioners
Sent: Tuesday, September 6, 2022 8:26 AM
To: Will W. Honea; PDS comments
Subject: FW: Support for making Ordinance #02022007 permanent.

From: Jana Fernandes <jjffernandes4@gmail.com>
Sent: Monday, September 5, 2022 9:16 AM
To: Commissioners <commissioners@co.skagit.wa.us>
Subject: Support for making Ordinance #02022007 permanent.

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My name is Jana (Kite) Fernandes and I am writing to express my support, along with the Friends of Skagit County and Skagitonians to protect farmland, for making the ordinance #02022007 permanent, prohibiting offsite compensatory mitigation of Skagit County's prime farmland permanent. I am in support of any action taken to preserve rural and agricultural lands from any commercial development. My family has been residents on the Starbird Rd property that we own since it was purchased by my parents in 1965, and our home was built in 1968 when we took residency there. We were here even before the overpass was built. Since that time we have used our property as farmland, raising livestock, and producing hay. A lot of our surrounding neighbors also have used their properties for similar farming purposes and we wish to continue to do so well into the future without fear of encroaching development and expansion of urban growth. We choose to live in the country and rural areas because we wish to preserve the country, we live here because we don't want to live in the city or have the city expand out to the country and change country into city with development. We want to be able to pass down our property to future generations so that they can continue to protect and preserve this legacy.

The Washington State Growth Management Act and the Skagit County Comprehensive plan were created for the very reason of protecting and preserving rural and farmland areas. And I wish to support and uphold these ideals, and I am asking you to, and thanking you for supporting and upholding these mandates, and asking that you continue to do so well into the future as well.

Thank you for the opportunity to voice my opinion, and for your service and commitment to our community.

Respectfully, Jana Fernandes

Jennifer Rogers

From: Amber Erps
Sent: Friday, September 2, 2022 10:38 AM
To: PDS comments
Subject: 9-6-2022: FW: Ordinance #02022007

Amber Erps, CMC
Skagit County Commissioners Office | Clerk of the Board
1800 Continental Place, Suite 100, Mount Vernon, WA 98273
360..416..1300 ambere@co.skagit.wa.us | find us online

-----Original Message-----

From: Jenn Smith <jenn.sbfarms@gmail.com>
Sent: Thursday, September 1, 2022 12:34 PM
To: Commissioners <commissioners@co.skagit.wa.us>
Subject: Ordinance #02022007

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Commissioners-

Thank you for taking steps to protect prime farmland in the valley. As an owner of proposed protected lands, it doesn't feel right to enjoy a benefit that puts a target on the backs of my neighbors. Please expand the permanent ordinance to include all of Skagit County as its farmland, timber, and grazing lands are all vital pieces of what make the Skagit magic.

Sincerely,

Jenn Smith
S & B Farms, Inc
18154 W. Stackpole Rd
Mount Vernon, Wa 98273
jenn.sbfarms@gmail.com
360*941*7503

Jennifer Rogers

From: Commissioners
Sent: Wednesday, September 7, 2022 6:12 AM
To: Will W. Honea; PDS comments
Subject: FW: Remove ordinance 02022007

From: John Parks <jwpq49@gmail.com>
Sent: Tuesday, September 6, 2022 3:22 PM
To: Commissioners <commissioners@co.skagit.wa.us>
Subject: Remove ordinance 02022007

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To Whom It May Concern,

I do not support this ordinance that would ban the purchase of mitigation lands by SCL in the lower Skagit River delta. Willing sellers should be allowed to sell parcels of land with high conservation value to SCL for the purpose of bolstering ecological health, wildlife and chinook recovery.

Skagit county is not on track to meet habitat goals outlined in the chinook recovery plan. Anyone who thinks that less than 50% complete while 18 years into a 20 year plan is on track cannot do math. If a landowner wants to sell to a conservation buyer, the conversion of some ag lands to conservation lands will only make limited resources, such as water for summer irrigation, more available to lands that remain in ag. This is a win win, especially if the land in question has high conservation value, but lower ag value. This does not change the rural roots of Skagit valley, and will support a fishery that provides high recreational and commercial value to the area.

I know that the county can collect less tax on conservation land compared to agricultural land, but conservation lands will maintain the ruralness of Skagit county, while allowing free market principles to decide what land is worth and what is the highest value to all county residents.

Respectfully,
John Parks
20973 Starbird Rd, Mt Vernon, WA 98274
816-877-6779
[Jwpq49@gmail.com](mailto:jwpq49@gmail.com)

Jennifer Rogers

From: hkstabiz@aol.com
Sent: Tuesday, September 27, 2022 12:18 AM
To: PDS comments
Subject: I support making prohibition of off-site mitigation on farmland permanent !

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from hkstabiz@aol.com. [Learn why this is important](#)

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Dear Planning Commission Members:

I support the prohibition of off-site mitigation on our County's farmland. Skagit farmland should not be used to mitigate environmental impacts arising from projects dozens of miles away on non-agricultural lands!

Agriculture has been one of the cornerstone industries in Skagit County since its earliest days, and since the 1960's Skagit County has a long history of taking proactive steps to help preserve a critical mass of farmland in Skagit County.

From creating 40 acre minimum parcel sizes for farmland to creating the Farmland Legacy program -the most active and successful farmland protection program in the State -Skagit County has demonstrated strong leadership in supporting one of the last fully functioning agricultural economies left in Puget Sound.

I also support that any conversion of agricultural land for fish habitat will actually lead to an increase in anadromous fish species and are planned, sited, executed, and maintained with the utmost forethought and care.

Sincerely,
Karen Stafford
53700 Stafford Lane
Rockport WA 98283
360-708-4668

Jennifer Rogers

From: Commissioners
Sent: Tuesday, September 6, 2022 8:14 AM
To: Will W. Honea; PDS comments
Subject: FW: Support for Making Ordinance #02022007 Permanent

From: Katherine Scott <scottkat13@gmail.com>
Sent: Saturday, September 3, 2022 3:53 PM
To: Commissioners <commissioners@co.skagit.wa.us>
Subject: Support for Making Ordinance #02022007 Permanent

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Skagit County farmlands supply not only our region, but the entire world with an incomparable richness of crops and seeds, at a time when food scarcity is a major threat to humanity.

These farmlands maintain flood control, provide wildlife habitation and are a vital component of our unique watershed, essential to the survival of salmon populations.

Agriculture is an essential and unquestionably beneficial industry for Skagit County, and any attempts to diminish its sustainability by arbitrary mitigation efforts are misguided and dangerous to our livelihoods and the health of our environment.

Please make permanent the emergency moratorium on the acceptance of permit applications for offsite compensatory mitigations projects on Skagit farmlands.

Kate Scott
Anacortes, WA

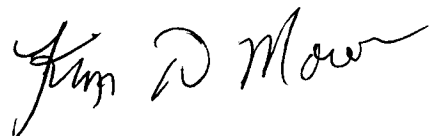
Planning Commission,
~~Skagit County Commissioners.~~

9/27/2022

I am writing to express my concern for the preservation of agriculture land in Skagit County. A finite resource, precious and necessary for human survival. These acres are able to sustain agriculture production because of the natural fertility, soil composition, weather and water. The combination of these ingredients are becoming increasingly rare, as human population continues to swell. To disregard the qualities of agriculture production potential for mitigation of fish habitat for dam's destruction of waterways does not solve the fish migration problem. Many habitat projects and millions of dollars have been spent, all on farmable land, in the name of saving fish. How many of these projects have actually functioned as planned? How many have just turned into a big engineering disaster, such as the Hansen Creek mess north of Highway 20? And yes, the Northern State Hospital grounds used to provide farm products for decades, as well as fish habitat. I know, I was there and saw it. Now it doesn't do either.

The Ag/NRL acres east of Sedro Woolley are just as productive as any in Skagit County. Whether the acres are currently idle or productive should not be a deciding factor for mitigation. We will see very soon in our future a wave of people searching for good productive acres to set up good direct market agriculture production. They will be looking for acres that don't compete with the big ag operators in the County. "Feel good" mitigation credits brokered for the benefit of "sustainable" fish habitat does not solve the fish needs.

Regards, Kim Mower
35658 Lyman Hamilton Hwy
Sedro Woolley, WA 98284



a concerned citizen -
a farmer

Jennifer Rogers

From: Commissioners
Sent: Tuesday, September 6, 2022 2:45 PM
To: Will W. Honea; PDS comments
Subject: FW: Remove Ordinance #02022007

From: Leslie Parks <lesliecrparks@gmail.com>
Sent: Tuesday, September 6, 2022 2:36 PM
To: Commissioners <commissioners@co.skagit.wa.us>
Subject: Remove Ordinance #02022007

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I do not support this ordinance that would ban the purchase of mitigation lands by SCL in the lower Skagit River delta. Willing sellers should be allowed to sell parcels of land with high conservation value to SCL for the purpose of bolstering ecological health, wildlife and chinook recovery.

Skagit county is not on track to meet habitat goals outlined in the chinook recovery plan. Should a landowner wish to sell to a conservation buyer, the conversion of some ag lands to conservation lands will only make limited resources, such as water for summer irrigation, more available to lands that remain in ag. This is a win win, especially if the land in question has high conservation value, but lower ag value. This does not change the rural roots of Skagit valley, and will support a fishery that provides high recreational and commercial value to the area.

I understand that the county can collect less taxes on conservation land over agricultural land, but conservation lands provide valuable ecosystem services to people and wildlife. This generates value to the county through other avenues.

Leslie Parks
20973 Starbird Rd, Mt Vernon, WA 98274

--

Leslie Parks

September 5, 2022

Skagit County Commissioners
1800 Continental Place
Mount Vernon, WA 98273

RE: Comments on ordinance prohibiting compensatory mitigation on AG-NRL zoned land
Via email

Dear County Commissioners,

I am unable to attend the public meeting on Sept. 6, 2022, regarding the proposal to make Interim Ordinance #020220007 permanent. This ordinance prohibits compensatory mitigation on land zoned Ag-NRL in Skagit County. I hope you will consider these comments before voting to extend or make this ordinance permanent.

I am speaking for myself, not any organization or group. However, my opinion on this proposal is informed by several decades of professional work to protect and restore habitat in the Skagit River Watershed when I was with Skagit Land Trust. This included developing cooperative agreements with Skagit County, Seattle City Light, the Army Corps of Engineers, local Tribes and other municipalities and organizations, to partner on important projects that were mutually beneficial to all parties. These agreements successfully secured a great deal of funding for restoration projects and resulted in very positive outcomes on commonly shared goals of recovering native salmon runs in the watershed. Some of these agreements involved funding that would be considered “compensatory mitigation”, including agreements that Skagit County was party to.

I have read the proposed ordinance and I have reviewed the PowerPoint presentation by Mr. Honea that is posted on the County website. I believe this proposed ordinance is whipping up unwarranted fear about cooperative restoration efforts in the watershed, and it is unnecessarily divisive. I certainly agree with the importance of protecting Skagit’s farmland for farming. However, Skagit County already has enough regulation on the books to address any threats posed by restoration projects to the agricultural land base. This includes the requirement for a Special Use Permit for any significant restoration projects proposed on Ag-NRL zoned lands.

Restoration projects should be evaluated on their merits and their consistency with local plans, not on their funding sources. In addition, by targeting one zoning category, the ordinance ignores the tenets of watershed-based planning that makes restoration efforts successful. And it singles out agricultural landowners, denying them rights to how they may use their property in the future. This could easily have unintended consequences when landowners are faced with sea-level rise and other changes that render farming unviable on some Skagit farmland in the future.

In addition, the characterization of restoration needs in the Skagit River delta as being unrelated to the environmental impacts of the dams in the upper watershed simply ignores basic watershed science and misconstrues facts. Just because the Skagit River dams are “not located in Skagit County” does not mean they don’t have a profound influence in the entire river system, most of which is in Skagit County.

This ordinance is short-sighted, precludes options for both landowners and restoration partners (including Skagit County and its diking and drainage districts), and if adopted it will surely have unintended negative consequences. Please do not renew this ordinance or make it permanent.

Please keep me informed of any developments concerning this proposal. Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Martha Bray', with a long horizontal flourish extending to the right.

Martha Bray
6368 Erwin Ln
Sedro-Woolley, WA 98284

Jennifer Rogers

From: Commissioners
Sent: Tuesday, September 6, 2022 8:20 AM
To: Will W. Honea; PDS comments
Subject: FW: Support for making Ordinance #02022007 Permanent!

From: Phoebe Barnard <phoebebarnard2018@gmail.com>
Sent: Sunday, September 4, 2022 1:42 PM
To: Ellen Bynum <skye@cnw.com>
Cc: Commissioners <commissioners@co.skagit.wa.us>; Peter Browning <pbrowning@co.skagit.wa.us>; Lisa Janicki <ljanicki@co.skagit.wa.us>; Ron Wesen <ronw@co.skagit.wa.us>; Randy & Aileen Good <rlgood30@frontier.com>; Lori Scott <srsracing@frontier.com>; Andrea Xaver <dancer@fidalgo.net>; FOSC Office <friends@fidalgo.net>; Allen Rozema - SPF <allenr@skagitonians.org>; Jenna Friebel <jfriebel@skagitdidc.org>; Mayor Jason Miller <jason@concrete-herald.com>; Mayor Steve Sexton <steves@ci.burlington.wa.us>; Mayor Jill Boudreau <mvmayor@mountvernonwa.gov>; Mayor Ramon Hayes <northwestdesign@msn.com>; Mayor Eddie Hills <info@townoflyman.com>; Mayor Town of Hamilton <info@townofhamiltonwa.com>; Mayor Julia Johnson <jjohnson@ci.sedro-woolley.wa.us>; Mayor Matt Miller <mattm@cityofanacortes.org>; Phoebe Barnard <phoebe.barnard@stableplanetalliance.org>
Subject: Re: Support for making Ordinance #02022007 Permanent!

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Hi Ellen,

I have not been able to keep up with these issues recently, and rarely see my personal inbox. But I am sure we all hold dear the values of an agriculture in our county that is increasingly regenerative rather than depleting, and, for example, also increasingly supports carbon sequestration in the soil, biodiversity conservation on farmlands, and water quality through wise practices, in addition to agricultural production, recreation etc.

So where offsets are intended to improve these values, including through improved attention to carbon retention and sequestration, biodiversity conservation, air and water quality and water distribution fairness, we absolutely need to consider these as part of our efforts to improve the sustainability and food security of our valley.

Where they are intended to erode these values, e.g. through the conversion of farmlands to residential or industrial uses, then I think we likely all agree with you.

Hope all are well, happy weekend.

Phoebe

(Prof) Phoebe Barnard PhD

PLEASE CO-SIGN OUR SCIENTISTS' WARNINGS INTO ACTION PAPER for COP26 at <https://www.scientistswarningeurope.org.uk/signature>

CEO/Executive director, Stable Planet Alliance - <https://www.stableplanetalliance.org>

Co-founder, GirlPlanet.Earth - <https://www.girlplanet.earth> – global women speak on planetary health

Affiliate Professor, University of Washington - <https://www.uwb.edu/ias/faculty-and-staff/phoebe-barnard> Center for Environmental Politics

- <https://depts.washington.edu/envirpol/faculty>

Alliance of Leading Environmental Researchers & Thinkers page - <http://alert-conservation.org/key-people/>

On Sun, Sep 4, 2022 at 12:08 PM Ellen Bynum <skye@cnw.com> wrote:

Dear Commissioners:

Attached is Friends of Skagit County's comments supporting Ordinance #O2022007. We appreciate your leadership in putting the interim ordinance in place and for putting this forward to pass as a permanent ban.

Friends of Skagit County fully supports making the Ordinance permanent and prohibiting the conversion of any Skagit farmland to other uses in any off-site mitigation program.

Should you have questions or need additional information, please contact us.

Sincerely,
Ellen Bynum, Executive Director, FOSC
Randy Good, President, FOSC

Ellen Bynum, Executive Director
Friends of Skagit County
New physical address as of Jan. 1, 2020 419 S. First St. #207
P.O. Box 2632 (mailing)
Mount Vernon, WA 98273-2632
360-419-0988 friends@fidalgo.net
www.friendsofskogitcounty.org
"A valley needs FRIENDS"
Since 1994 - Common Goals - Common Ground - Common Good
DONATE NOW at Network for Good
Please consider the future B 4 printing.

Jennifer Rogers

From: Amber Erps
Sent: Friday, September 2, 2022 10:37 AM
To: PDS comments
Subject: 9-6-2022: FW: Support for making Ordinance #02022007

Amber Erps, CMC
Skagit County Commissioners Office | Clerk of the Board
1800 Continental Place, Suite 100, Mount Vernon, WA 98273
360..416..1300 ambere@co.skagit.wa.us | [find us online](#)

From: Rosann Wuebbels <rwuebbels@yahoo.com>
Sent: Thursday, September 1, 2022 6:26 AM
To: Commissioners <commissioners@co.skagit.wa.us>
Subject: Support for making Ordinance #02022007

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PERMANENT.

Dear commissioners,

Skagit county farmland is used for seed and crop rotation and in the coming years the value of every acre can't be overly emphasized. Protect it.

Sincerely,

Rosaan Wuebbels

Anacortes, wa

[Sent from Yahoo Mail on Android](#)



September 29, 2020

Skagit County Planning Commission
Mount Vernon, WA
Via email

The Sauk-Suiattle Indian Tribe (“Tribe”) has rights to fish, hunt and gather in the Skagit River drainage basin under the 1855 Treaty of Point Elliott.

The Tribe provides the following testimony on the County’s proposal to amend Skagit County Code and make Emergency Ordinance No. 20220007 permanent, which would prohibit new large-scale habitat enhancement projects on farmland only to the extent such projects are being pursued for offsite habitat mitigation purposes. Although fisheries habitat enhancement provides some relief to fisheries resources, the benefit of efforts some 70 miles from the dams which block is minimal to benefits which would occur through developing fish passage at the dams on the Skagit River.

The Tribe believes that habitat mitigation efforts in the Skagit River Basin by any entity should focus primarily upon providing fish passage at hydroelectric dams on the Skagit River. Providing access to adult salmon spawning habitat and to juvenile salmon rearing habitat is the most effective way of increasing threatened salmon species.

The Tribe also believes that the ongoing estuary (delta) enhancement to support the goals of the Skagit Chinook Recovery Plan which is still incomplete should continue to move forward commensurate with the pace at which Skagit River salmon are declining. As stated in the attached resolution of the Sauk-Suiattle Tribal Council, the Tribe calls on resource agencies, local government and our fellow Skagit Treaty Tribes to work together cooperatively to get this work done as soon as possible.

Thank you for the opportunity to comment.

S/Jack W. Fiander
General Counsel
Sauk-Suiattle Indian Tribe



Tribal Council

5318 Chief Brown Lane
Darrington, Washington 98241-9420

(360) 436-0131
Fax (360) 436-1511

Resolution Number: 08/22

Native Wild Chinook Salmon of the Skagit River Basin
Declaration of State of Emergency

BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE SAUK-SUIATTLE INDIAN TRIBE

WHEREAS, the Sauk-Suiattle Tribal Council (the “Tribal Council”) is the governing body of the Sauk-Suiattle Indian Tribe (the “Tribe”) of authority of the Constitution and By-Laws as approved by the Secretary of the Interior on September 17, 1975 and in accordance with the Indian Reorganization Act of June 18, 1934; and

WHEREAS, the Constitution and By-Laws of the Sauk-Suiattle Indian Tribe were established for the purpose of fostering the social and economic advancement of our People, securing justice, freedom and political independence and for preserving our community resources and cultural identity and heritage for the benefit of our Tribal membership; and

WHEREAS, the Tribal Council, as the governing body, is charged with the responsibility for the protection of the culture, health, welfare and safety of its members; and

WHEREAS, the wild Chinook salmon of the Skagit River and its tributaries, including the Sauk, Suiattle and other streams were denominated as Threatened species under the Endangered Species Act in 1999 and their number returning to spawn has declined since 2007 below threshold levels that would trigger directed fishery, despite rehabilitation, habitat restoration and conservation efforts of Treaty tribes, Washington Department of Fish and Wildlife, federal agencies and SRSC;

NOW THEREFORE BE IT RESOLVED, that **the Sauk-Suiattle Indian Tribe declares the native wild yubəč (Chinook salmon) of the Skagit River basin system to be in a State of Emergency**, and calls upon all efforts by State, Federal, and local governments and Treaty tribes and tribal organizations to prioritize preservation and recovery of this important species to the People of the Pacific Northwest;

BE IT FURTHER RESOLVED, that the Sauk-Suiattle Tribal Council does not waive, alter, or otherwise diminish its sovereign immunity, whether express or implied, by virtue of the enactment of this resolution or any administrative or legal action which may arise directly or

indirectly from the same, nor does the Sauk-Suiattle Tribal Council waive, alter, or otherwise diminish any rights, privileges, remedies, or services guaranteed by the Point Elliot Treaty; now

BE IT FINALLY RESOLVED, that the Sauk-Suiattle Tribal Council authorizes the Tribal Council Chairman to sign all documents on behalf of the Sauk-Suiattle Tribe and in his absence, the Vice-Chairperson of the Sauk-Suiattle Tribal Council is authorized to sign all documents.

DONE AND DATED this 18th day of August, 2022 at a regular session with a quorum present by a vote of 7 for and 0 against, with 0 abstaining.

S/Nino Malto JJ

S/Natalie Misanes

Chairman

Secretary

Jennifer Rogers

From: Amber Erps
Sent: Friday, September 2, 2022 10:37 AM
To: PDS comments
Subject: 9-6-2022: FW: Support for making Ordinance #02022007 Permanent!

Amber Erps, CMC

Skagit County Commissioners Office | Clerk of the Board
1800 Continental Place, Suite 100, Mount Vernon, WA 98273
360.416.1300 ambere@co.skagit.wa.us | [find us online](#)

From: Scott DeGraw <SDeGraw@bankofthepacific.com>
Sent: Thursday, September 1, 2022 8:45 AM
To: Commissioners <commissioners@co.skagit.wa.us>
Subject: Support for making Ordinance #02022007 Permanent!

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As a farmer and businessman who works with Agriculture, the need to keep our existing AG land base at current levels is very important and thus the use of mitigation banks on farmland is a bad idea.

Please vote to make the emergency moratorium permanent and help save our remaining farmland in Skagit County.

Thank you,

Scott DeGraw

VP, Commercial Banking Officer

Commercial Banking | Burlington

404 North Burlington Blvd | PO Box 646 | Burlington, WA 98233

P: 360.757.1618 | Ext. 3119 | C: 360.941.1320 | F: 360.757.1626 | SDeGraw@BankofthePacific.com

Visit our website at www.BankofthePacific.com

<https://securefile.bankofthepacific.com/filedrop/~lAolip>



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Jennifer Rogers

From: Randy Good <rlgood30@frontier.com>
Sent: Wednesday, September 28, 2022 9:36 AM
To: PDS comments
Subject: Amendments to Skagit County Code 14.04 and 14.16 Off-Site Mitigation on Agricultural Lands.

Follow Up Flag: Follow up
Flag Status: Completed

You don't often get email from rlgood30@frontier.com. [Learn why this is important](#)

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Skagit County Planning Commission, Tim Raschko Chair.

The Skagit County Cattlemens Association fully supports making the interim Ordinance #02022007 banning off-site mitigation projects on farmland in Skagit County permanent in County Code.

The Washington State Growth Management Act (GMA) along with the Skagit County Comprehensive Plan requires the County to identify and protect prime agricultural soils as part of the policies and codes to conserve Natural Resource Lands. The GMA also requires that adjacent land uses cannot interfere with continued uses for production of food, agriculture products, timber or mineral extraction. A prime example is the total failure by Washington Dept. of Fish and Wildlife to manage the deadly diseased elk hoof rot. Right now 13,000 acres of farmland in Eastern Skagit County has been made unusable as production agriculture by elk intrusions prohibiting safe production of fresh and organic produce along with the deadly elk hoof rot spreading to cattle causing a de-facto conversion. The 6th. crop farmer just recently forced out of Eastern Skagit because of elk intrusion damages.

The Staff Report is right on stating a significant amount of farmland acreage has already been lost to development and conversions and it is clear that failure to maintain the Skagit's farmland has over time will ultimately lead to a collapse of production agriculture in the Skagit Valley. The Board noted not only how important agriculture is to the County's culture and economy but that Skagit County's existence is not guaranteed and must be protected.

Seattle City Light is leading 33 studies to guide mitigation planning. None of the studies includes farming, agriculture or the effects on the Skagit economy if farmland is converted to mitigation projects nor has there been any analysis of the economic losses from any previous City Light land purchases and conversions.

The Skagit County Cattlemen's encourages the Planning Commission to recommend approval of this permanent moratorium on off-site mitigation projects.

Thank you

Randy Good VP Skagit County Cattlemen's
35482 State Route 20
Sedro Woolley WA. 98284



CHRISHAVEN TREES

Select Flowering & Shade Trees

September 2, 2022

Skagit County Board of Commissioners
1800 Continental Place
Mount Vernon, 98273

RE: Support for Making Ordinance #02022007 Permanent

VIA EMAIL

Dear Commissioners,

I am writing on behalf of the Skagit County Farm Bureau and our 1400 members.

The Farm Bureau supports the **prohibition of off-site mitigation** on our county farm lands. Agriculture and forestry have been cornerstone industries in Skagit County since its earliest days. Over the years we have seen the loss of over 20,000 acres of prime farmland to urban development. It is critical we protect the remaining 85,000 acres to provide the minimal critical mass of production agriculture to support our farm families and allied industries. It would not be a wise choice to allow further depletion of our agricultural lands for compensatory off-site mitigation to support the self-interests of various private and public entities.

Thank you for your continued support of Skagit farm families and the local industries that support them.

Sincerely,

Kenneth G. Christianson

Director

Skagit Valley Farm Bureau

Skagit County Drainage and Irrigation Districts Consortium

2017 Continental Pl. Suite 4

Mount Vernon, WA 98273

360.708.0344

August 29, 2022

Commissioner Janicki, Commissioner Wesen, Commissioner Browning
1800 Continental Place
Mount Vernon, 98273

RE: Support of Interim Ordinance Adopting a Moratorium on the Acceptance of Permit
Applications for Offsite Compensatory Mitigation Projects on Skagit County Agricultural-
Natural Resource Lands (02022007)

Dear Commissioner Janicki, Commissioner Wesen, and Commissioner Browning,

We appreciate the fact that existing Skagit County Code bans the conversion of farmland for the purposes of wetland mitigation banking. We are grateful to the Board of Commissioners for taking recent action to prevent loss of Skagit farmland for the purpose of direct mitigation of off-site environmental impacts.

Skagit County has some of the best farmland in the world. Our climate contributes to the resiliency of our rich, productive soil and allows us to supply large populations with a wide range of foods. Understanding that the value of its farmland should be measured beyond its price per acre, over the years, Skagit County has resolutely protected agriculturally zoned land from development---and from designation as mitigation for off-site environmental impacts created by other industries. If farmland were allowed to be used for mitigation, we expect that the cost of land would rise significantly and eliminate many family farms. In addition, the Drainage and Irrigation Improvement Districts on the Skagit and Samish river deltas, with low gradients and outlets that rely on low tides and pump stations, would be unable to ensure the arability of the rich land due to the impoundment of water and other adverse effects such as conversion of farmland would present.

Through the Skagit Tidegate Fish Initiative, the signatory districts and agencies agreed to support specific habitat restoration projects identified in the 2005 Skagit Chinook Recovery Plan. To date, significant progress has been made toward Chinook habitat restoration goals on the delta. We believe that the threat of using farmland for off-site mitigation has already impacted this cooperative agreement for recovery and will significantly undermine future salmon recovery efforts. We appreciate the fact that the proposed ordinance would not preclude publicly funded Chinook recovery projects on the delta or cooperative agreements such as the Skagit Tidegate Fish Initiative.

Seattle City Light has not been transparent in its motivation for studying the Skagit River delta--which is located far from its dams and was not required by FERC as part of the relicensing process.

Moratorium Letter of Support
Skagit Drainage and Irrigation Districts Consortium LLC

8/29/2022

Seattle City Light has displayed a cavalier attitude toward Skagit County and its residents in its apparent quest to avoid mitigating the damage caused by its dams at the point of impact and choosing, instead, to relocate its required mitigation to an area where productive agriculture would be adversely affected at a time when much of the world is desperate for food.

Skagit County's land base should not be subjugated by Seattle City Light or any other entity that would find it attractive as mitigation for its heavy footprint in a remote part of the county, state, or the world. We appreciate the commitment of our county commissioners to protect farmland from such threats and ensure that farmland and the local, sustainable food produced in our valley is protected for future generations.

Sincerely,

A handwritten signature in black ink, appearing to read "John Wolden", with a long horizontal flourish extending to the right.

John Wolden; Chair
Skagit County Drainage and Irrigation Districts Consortium LLC

September 28, 2022

Planning Commissioners
1800 Continental Place
Mount Vernon, 98273

RE: Support of Permanent Ordinance Adopting a Moratorium on the Acceptance of Permit Applications for Offsite Compensatory Mitigation Projects on Skagit County Agricultural-Natural Resource Lands

Dear Planning Commissioners,

We appreciate the fact that existing Skagit County Code bans the conversion of farmland for the purposes of wetland mitigation banking. We are grateful to the Board of Commissioners for taking recent action to prevent loss of Skagit farmland for the purpose of direct mitigation of off-site environmental impacts and encourage the Planning Commission to take steps to ensure the emergency moratorium becomes a permanent ordinance.

Skagit County has some of the best farmland in the world. Our climate contributes to the resiliency of our rich, productive soil and allows us to supply large populations with a wide range of foods. Understanding that the value of its farmland should be measured beyond its price per acre, over the years, Skagit County has resolutely protected agriculturally zoned land from development--and from designation as mitigation for off-site environmental impacts created by other industries. If farmland were allowed to be used for mitigation, we expect that the cost of land would rise significantly and eliminate many family farms. In addition, the Drainage and Irrigation Improvement Districts on the Skagit and Samish river deltas, with low gradients and outlets that rely on low tides and pump stations, would be unable to ensure the arability of the rich land due to the impoundment of water and other adverse effects such as conversion of farmland would present.

Through the Skagit Tidegate Fish Initiative (TFI), the signatory districts and agencies agreed to support specific habitat restoration projects identified in the 2005 Skagit Chinook Recovery Plan. To date, despite recent testimony provided by others, we believe that significant progress has been made toward Chinook habitat restoration goals on the delta; including construction of publically funded large-scale restoration projects, that also incorporated resilient drainage and flood protection infrastructure, and supported cooperative agreements such as the TFI (see Attached). We believe that the promise of using farmland for off-site mitigation has already impacted our cooperative agreement for recovery and will significantly undermine future cooperative salmon recovery efforts. We appreciate the fact that the proposed ordinance would not preclude publicly funded Chinook recovery projects on the delta or cooperative agreements such as the TFI.

Based on our knowledge of large infrastructure projects in King County, it is common practice for public agencies to utilize farmland for the purposes of off-site mitigation. It is our experience that off-site mitigation is opportunistic and transactional in nature; solely serving the interests of the applicant with little regard for local values or resource planning efforts. Skagit County farmland is too important to allow this to happen.

Skagit County's land base should not be subjugated by Seattle City Light or any other entity that would find it attractive as mitigation for its heavy footprint in a remote part of the county, state, or the world. We appreciate the commitment of our county commissioners to protect farmland from such threats and ensure that farmland and the local, sustainable food produced in our valley is protected for future generations. We believe that this ordinance ensure that local tribal and non-tribal leaders will be empowered to work together to seek balanced win-win solutions for farms and fish without the pressure of outside money or influence.

Sincerely,

A handwritten signature in black ink, appearing to read "John Wolden", followed by a long horizontal line extending to the right.

John Wolden; Chair
Skagit County Drainage and Irrigation Districts Consortium LLC

Skagit County Drainage and Irrigation Districts Consortium LLC

2017 Continental Pl. Suite 4
Mount Vernon, WA 98273
360.708.0344

August 8, 2022

VIA EMAIL

Kim Kratz, Assistant Regional Administrator
National Marine Fisheries Service
Oregon & Washington Coastal Area Office
510 Desmond Drive Southeast, Suite 103
Lacey, Washington 98503-1263
Kim.kratz@noaa.gov

Brendan Brokes, Region 4 Director
Washington Dept. of Fish and Wildlife
16018 Mill Creek Boulevard
Mill Creek, WA 98012-1541
Brendan.Brokes@dfw.wa.gov

Re: Skagit Tidegate Fish Initiative: Request Pertaining to Skagit Chinook Recovery Plan

Dear Kim and Brendan,

The Skagit County Drainage and Irrigation Districts,¹ collectively represented by the Skagit Drainage and Irrigation Districts Consortium LLC (Consortium), are in receipt of your responses to our request for dispute resolution as it pertains to the Skagit Tidegate Fish Initiative (TFI). Although we understand that NMFS has declined to participate in formal dispute resolution, it is our understanding that all parties see value in continuing discussions regarding a path forward for the TFI.

The Consortium believes there is value in meeting to discuss key elements of the TFI and the 2005 Skagit Chinook Recovery Plan (SCR, WDFW and SRSC 2005), particularly as it pertains to NMFS's stated justification for recommending reinitiation of consultation on the Skagit TFI. We believe that substantial progress has been made toward achieving SCR goals regarding Skagit estuary habitat restoration. That being said, as the last of the public land is restored to meet Chinook recovery goals, it is critical that we have a basic and common understanding of the SCR.

¹ The Districts are the units of local government directly responsible for diking, tidegate and drainage system operations and maintenance in the Skagit delta. The Districts are signatories to the TFI.

In an effort to establish a basic and common understanding of the SCRP, we have prepared a brief list of topics and questions, summarized in the following sections, the answers to which are critical to resolving issues related to the TFI. We request that WDFW and NMFS develop a transparent summary of SCRP goals, estuary goals, and progress to date. Our goal is that by establishing a basic and common understanding of the SCRP, we can rebuild a foundation of trust, and ultimately develop a common set of goals as it pertains to salmon recovery and environmental stewardship in our community, that complement the important farm land in the Skagit delta.

Questions about the Overall Goals and Status of the SCRP

There has been a focus on estuary habitat restoration, that has a major impact on farmland. However, the SCRP is significantly more multi-faceted than just estuary habitat restoration. NOAA defines recovery by four measures: abundance, productivity, diversity, and connectivity. Based on these definitions, the SCRP established goals for three overarching objectives (SCRP pages xiii and xiv):

- Escapement (spawners);
- Recruitment (harvest + unharvested returners + other marine survival); and
- Productivity (adults/spawning pair).

In 2005, it is our understanding that the SCRP estimated that the Skagit watershed had already achieved 50 percent of the Escapement, Recruitment and Productivity Goals. Furthermore, it is our understanding that the SCRP stated that the Escapement Goal can be achieved by harvest management actions alone (SCRP pg 282) and that the remainder of the Recruitment and Productivity goals can be achieved through a combination of harvest management and habitat restoration actions.

Given that 50 percent of the SCRP goals were already being met in 2005, the SCRP set goals for additional actions needed to achieve the remainder of these recovery goals over the next 50-years (Table 1).

Table 1. Summary of Consortium/Districts Understanding of SCRP Goals

Estimated Skagit Chinook Escapement Goal	% of Goal
2005 Status (% of goal achieved)	50 %
Additional Actions: Harvest Management	50 %
Additional Actions: Habitat Restoration ^{N1}	0 %

Estimated Skagit Chinook Recruitment and Productivity Goals	% of Goal
2005 Status (% of goal achieved)	50 %
Harvest Management	25 %
Habitat Restoration Elements	25 %
Habitat Restoration: Upper watershed processes	3.8 %
Habitat Restoration: Local Nearshore	1.9 %
Habitat Restoration: Freshwater Rearing Habitat	4.5 %
Habitat Restoration: Estuary Habitat	14.7 %

N1. Habitat restoration is not required to meet this goal

As summarized in Table 1, based on our reading of the SCRP, we estimated 20 percent of the Skagit Chinook Recovery goals established in 2005 are related to new habitat restoration identified in four critical areas: upper watershed, local nearshore, freshwater rearing, and estuary. At this time, we are seeking to confirm our understanding of the SCRP and request that NMFS and WDFW meet with us and be prepared to address the following key questions:

- 1) Summarize SCRP goals and the key elements, variables and assumptions used to define those goals;
- 2) Summarize the monitoring data collected and analyses performed to track progress toward individual goals,
- 3) Provide an update on key assumptions that were used to set goals such as low/high marine survival, and
- 4) Provide an update on the progress made on each key element/variable of the SCRP goals.

Questions specific to the Overall Habitat Restoration Goals

There is a need to clearly quantify habitat restoration in each habitat category in the SCRP. Based on our review of the SCRP, it is difficult to determine how much habitat restoration is needed to reach recovery goals in each habitat category (Upper Watershed, Local Nearshore, Freshwater Rearing, and Estuary).

We are requesting that NMFS and WDFS meet with us to report on the progress to date of the SCRP goal of habitat restoration, in each identified category (Upper Watershed, Local Nearshore, Freshwater Rearing, and Estuary). We understand that hundreds of millions of dollars have been spent throughout the Skagit Watershed on habitat restoration and protection over the last 25

years. While the remainder of our comments focus specifically on the estuary habitat goals, we request that NMFS and WDFW be prepared to report on progress to date for broader SCRP goals.

Importance of Estuary Habitat in the Context of SCRP Goals

The SCRP identifies a total of six Chinook populations in the Skagit, each with different and in some cases multiple life histories. Based on our review of the SCRP, only the Upper Skagit summers, Lower Skagit falls, and Lower Sauk springs have a delta life history strategy (Table 16.5 SCRP). This appearing to be the case, we request that NFMS and WDFW provide more detail on the importance of estuary habitat as it pertains to the overall SCRP for estuary habitat.

In February of 2021, WDFW published “The value of estuary habitat restoration for Skagit Chinook salmon recovery.” The WDFW publication includes a pie chart titled “Contribution of General Actions to Achieve Skagit Chinook Recovery Goals” that indicates 61 percent of the general actions contributing to Skagit Chinook recovery goals are for habitat protection and 23 percent are for estuary restoration, with the remainder of actions focused on other types of habitat restoration (Figure 1).

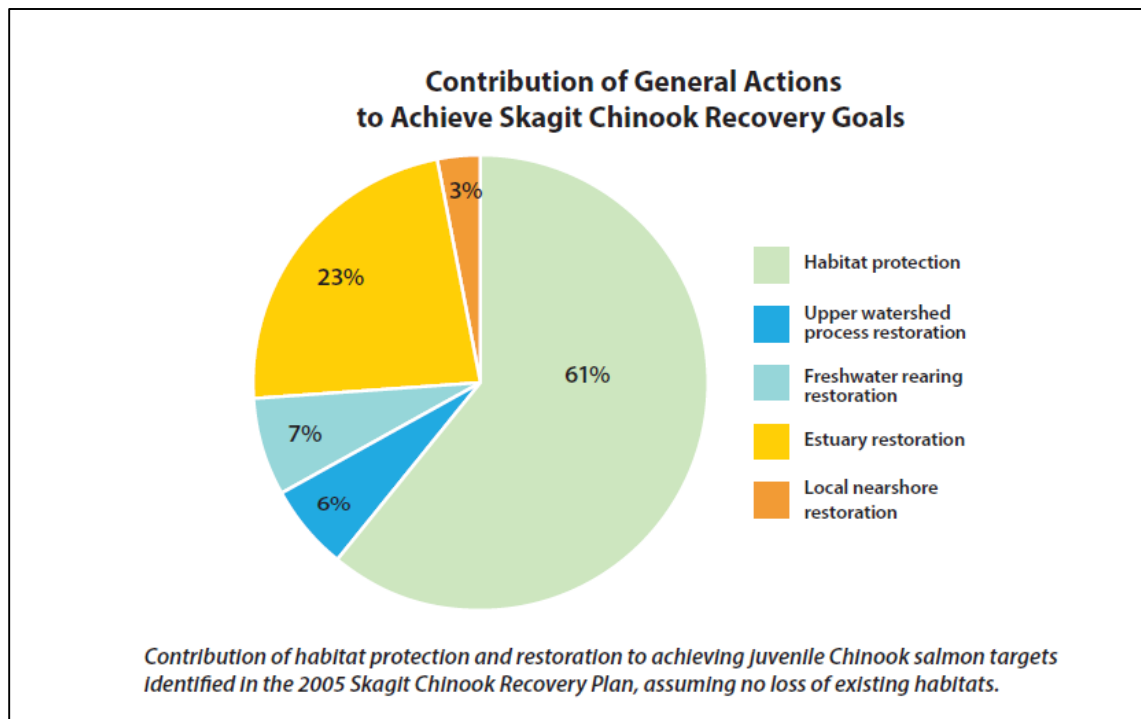


Figure 1. Source WDFW 2021.

WDFW’s pie chart does not appear to account for the important role of harvest management identified in the SCRP or put habitat restoration in the context of the three main goals of the SCRP, as reflected in Table 1. In addition, this publication falls short of providing a comprehensive summary of progress toward the estuary and habitat goals.

Progress Toward Completion of 20-yr SCRP Estuary Habitat Milestone for 2025

The SCRP identified fourteen near-term and long-term projects. Based on records from the Salmon Recovery Funding Board, WDFW, and the Skagit Hydrodynamic Modeling Project, it is our understanding that many of the estuary habitat projects identified in the 2005 SCRP have been completed or are in the process of being completed (Table 2).

Table 2. Summary of Consortium/Districts Understanding of 2005 SCRP Estuary Projects

Project Name	2005 SCRP	Restoration Completed	Active Design
Wiley Slough	Near-Term	158	
Milltown	Near-Term	212	
Deepwater Slough Phase 2/Island Unit	Longer-Range		268
Dry Slough/Brown Slough/Fir Island Farm	Near-Term	131	
Dodge Valley/Sullivan's Hacienda	Longer-Range		
SF Levee Setback	Near-Term	40	
Blake's Bottleneck/ Rawlins Road Dike setbacks/ Thein Farm/NF Dike Setback	Longer-Range		
Fisher Slough and Little Fisher Creek	Near-Term	56	
McGlenn Island Causeway	Near-Term		
Cross Island Connector	Longer-Range		
Cottonwood Island Slough			15
Britt Slough Restoration			7.6
Swinomish Channel Fill Removal		12	
Telegraph Slough Phase 1	Near-Term		
Telegraph Phase 2	Longer-Range		
Fornsby/Smokehouse 1	Near-Term	62	
Smokehouse Phase 2	Longer-Range		120
Sub-total		671	410.6
Restored Habitat/In-Progress Completed by 2025			1,081.6
20-yr SCRP Estuary Habitat Milestone for 2025		1,037	

Based on our understanding, we believe that estimated delta habitat restoration projected to be completed by 2025 (1,081.6 acres) exceeds the 2005 SCRP estuary habitat restoration milestone for 2025 (1,037 acres). This appears to be in direct conflict with recent statements made by both NMFS and representatives of the Swinomish Indian Tribe. From our perspective, it is critical that we have a common understanding of the status of restoration of delta habitat. We request that WDFW and NMFS meet with us and confirm our understanding of completed and in-progress SCRP estuary habitat projects.

Progress Toward Smolt Recovery Goal

In addition, according to the February 2021 WDFW publication, with the completion of the Fir Island Farm project in 2016, 35 percent of the SCRPs smolt production recovery goal was met in the first 10 years of the 50-year plan, we believe this means that the Skagit Watershed is ahead of the milestone goals for estuary habitat in the SCRPs. To the extent that NMFS and/or WDFW disagree with this understanding, we request that NMFS and/or WDFW position be prepared to discuss their position and the basis for their understanding. In addition, the goal for estuary habitat is only specified for equilibrium escapement, not for maximum surplus population. Lastly, the 2021 WDFW publication does not discuss the role of the North Fork avulsion in terms of improved connectivity to nearshore habitat as was envisioned with the Cross Island Connector. Therefore, we request that experts from WDFW and NMFS provide an update for these key issues.

In conclusion, as a critical next step in resolving issues related to the Skagit TFI, we request that NMFS and WDFW meet with the Consortium and Districts, in a timely fashion and provide a transparent summary of SCRPs goals, estuary goals, and progress to date. A good start would be to cooperatively address the questions and observations made in this letter.

We believe that partnerships and transparency are necessary to develop durable long-term solutions to the challenges we face both for salmon recovery, as well as the long term viability of Skagit agriculture. Our hope is that by establishing a common understanding of the SCRPs, we can rebuild a foundation of trust, and ultimately develop a common set of goals as was originally envisioned in the TFI.

Sincerely,



John Wolden, Chair
Skagit Drainage and Irrigation District
Consortium LLC



Jenna Friebel, Executive Director
Skagit Drainage and Irrigation Districts
Consortium LLC

cc:

Jenna Mandell-Rice; Van Ness Feldman LLP

TFI Signatory Districts

Elizabeth Babcock, Branch Chief; NOAA Fisheries

David Price; NOAA Fisheries

Kelly Susewind; Director, Washington Dept. of Fish and Wildlife

Chuck Stambaugh-Bowey, Habitat Program Manager; Washington Dept. of Fish and Wildlife



September 5, 2022

Skagit County Commissioners
1800 Continental Place, Suite 100
Mount Vernon, WA 98273
commissioners@co.skagit.wa.us

Dear Commissioners,

We appreciate the opportunity to comment on the proposed ordinance **denying permit applications for offsite compensatory mitigation projects on Skagit County Agricultural-Natural Resource Lands**. While we agree that compensatory mitigation should stay local to where the environmental damage occurs, we disagree on how “local” is defined in the proposed ordinance and in a watershed. We think the proposed ordinance prohibiting off-site compensatory mitigation on land zoned AG-NRL is the wrong tool to use to achieve the desired complementary goals of preserving agricultural lands and advancing good fish and wildlife habitat restoration projects. We believe the ordinance is being used to tackle a particular situation with Seattle City Light, rather than advancing goals of a watershed wide plan, and will have unintended consequences.

Summary

- We are very supportive of legal compensatory mitigation staying local – by that we mean within the same watershed where the environmental impact takes place.
- We agree that the Skagit Watershed should generally not accommodate compensatory mitigation for negative environmental impacts occurring outside the watershed.
- According to the Growth Management Act and the County’s own policies, Skagit County is required to use best available science¹ when updating policies and regulations that relate to critical areas. We think this should be strongly applied when creating regulations that involve compensatory mitigation. In a joint rule issued in 2008—and specifically demanded by

¹ The Growth Management Act states that jurisdictions are required to use the "best available science" (BAS) in developing and updating policies and regulations to protect the functions and values of critical areas. In addition, special consideration is required to be given to conservation or protection measures necessary to preserve or enhance anadromous fish populations.; <https://skagitcounty.net/Departments/PlanningAndPermit/caoupdate.htm>

Congress—the Environmental Protection Agency² and the Army Corps of Engineers³ and subsequently all other agencies, officially endorsed the watershed-based approach for compensatory mitigation. The reason is that the watershed-based approach, rather than mandatory on-site mitigation, fosters incorporation of aquatic ecosystem science into compensatory mitigation plans.

- Entities required to mitigate should select the best project to replace the environmental loss while considering and meeting other local land needs; such as the preservation of Skagit's important agricultural land base.
- Using zoning regulations as the method for identifying where legally required compensatory mitigation can or cannot happen is not science-based. It negates analysis of the best projects in the impacted watershed. It closes off options. It limits private landowners' options on uses of their land.
- AG-NRL zoning (agricultural zoning) in Skagit County is disjointed outside of the western part of the County. Many properties in the Middle Skagit were historically zoned AG-NRL but no longer fit that use due to river movement and flooding, but the zoning has not been updated.
- Adopting a Hearing Examiner Special Use Permit requirement with defined parameters would allow mitigation projects to be vetted for natural resource or other criteria without using the coarse tool of "zoning restrictions" which throws the baby out with the bathwater.

Mitigation is legally required for certain permitted projects that cause unavoidable impacts; this includes projects undertaken by entities such as drainage and diking districts, for example. In return, the mitigation provides environmental benefits, usually locally. While there are many opinions on mitigation, best available science uniformly prefers a "watershed-based" approach that selects the best project(s) in the watershed where the impact takes place. In the 1980s and 1990s, regulators preferred that Compensatory Mitigation occur as close as possible to the sites of destruction, and preferably in the same location as the development. However, the former preference for "on-site" methods of mitigation ended up creating far too many isolated restored or artificial "wetlands" at the edge of shopping mall parking lots. While this approach let the permittee build, it did little or nothing in return for the environment. All federal agencies have since adopted preference for local watershed-based approaches that identify the best nearby projects for the mitigation, recognizing that the watershed where the impact occurs is part of an inter-connected ecosystem.

The Army Corps of Engineers website states : *A watershed approach must be used, to the extent appropriate and practicable, for siting compensatory mitigation projects for Department of the Army permits. The watershed approach applies to all mitigation banks, in-lieu fee programs, and permittee responsible compensatory mitigation*⁴.

² <https://www.epa.gov/cwa-404/watershed-approach-compensatory-mitigation>

³ National Defense Authorization Act for Fiscal Year 2004, Pub. L. 108-136, § 314, 117 Stat. 1392, 1430–31 (2003).
94 See Compensatory Mitigation for Losses of Aquatic Resources, 73 Fed. Reg. 19,594, 19,594 (Apr. 10, 2008) (to be codified at 33 C.F.R. pts. 325 and 332; 40 C.F.R. pt. 230)

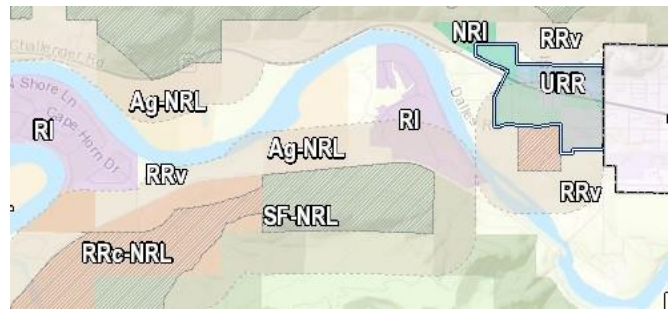
⁴ <https://www.usace.army.mil/Media/Fact-Sheets/Fact-Sheets-View/Article/1088740/watershed-approach-to-compensatory-mitigation-projects/>

We do not think it wise to have a "cookbook" approach to where Compensatory Mitigation can occur in the Skagit Watershed, using zoning as the criterion. Zoning doesn't relate directly to where habitats occur in a watershed and has little to do with how they are interconnected. Zoning does not take into account where the most need is. At the same time, there are tools that can be used to keep the agricultural land base intact as Compensatory Mitigation projects are considered. There are win-win opportunities to restore fish habitat in the delta while also improving dikes and drainage. This will become even more important with sea-level rise and climate change.

Here is an example of the unintended consequences of adopting a "cookbook approach": In 2015 Skagit County was required to do Compensatory Mitigation for emergency repair to the Cockerham dike after a flood event (an area zoned AG-NRL shown as the red dot). The mitigation project selected was to re-connect a slough that had been cut off for decades on Skagit Land Trust's Cumberland Creek Conservation Area (in blue dashes on land zoned RRc-NRL). This project was in the same reach of the river, but in different zoning. Salmon – absent for 80 years - have since returned to this slough. Under the proposed ordinance, if the zoning had been reversed – and it is common in this stretch of the river to have mixed zoning in a small area- this excellent project could not take place.



Lest this be considered an unusual occurrence, the zoning maps of areas on the Middle Skagit that follow show how disjointed zoning can be in our watershed. None of the island lands depicted on the map on the left are currently used for agriculture. The map on the right shows that zoning in the same reach of the Skagit River is not uniform. A good deal of the land zoned AG-NRL on the map can no longer support viable agriculture. Allowing compensatory mitigation on these types of land and islands would not reduce the agricultural land base. Yet it will deprive property owners and agencies options for other land uses and funding streams for habitat restoration. It will disallow use of appropriate lands for mitigating dike repairs and other needs. This ordinance does not consider a property's actual use or the realities of a dynamic river system.



The ordinance under consideration seems specifically aimed at dam relicensing negotiations with Seattle City Light. We understand there are numerous issues related to this. We know projects for salmon are important both at the dam site itself and along the course of the Skagit River. We are surprised however that one of the main justifications for this ordinance is to stop “interests [that] look to mitigate distant environmental impacts” in the Skagit. Generally, regulators strongly prefer, or mandate, local mitigation so we don’t believe this is a threat at this time. And in this specific case, the dams have had, and will continue to have, impact on the entire Skagit River Watershed in both good ways (flood control) and environmentally degrading ways. The latter is what the utility is legally required to mitigate. There is nothing “distant” about the impact of dams on the Skagit delta or at Ross, Diablo, and Gorge Lakes or on the river reaches between. The best projects that help replace watershed and habitat functions should be the priorities for mitigation actions.

We are excited by and supportive of the continued exploration of salmon projects at the dam site itself. And we are sure that the County and our community can find other ways besides adopting this ordinance to shape what happens in the Skagit Delta and on other agricultural lands with Seattle City Light. Farms vs. Fish is a false choice. According to scientific studies, more delta land needs to be restored, but only a very small percent of farmland might need to be restored to achieve the target goals and help salmon recover. Ways to achieve project selection without using a zoning category include:

-- Compensatory Mitigation projects could be examined and denied or approved by requiring a Hearing Examiner Special Use permit that takes into consideration if proposed projects meet the agreed to goals of the Skagit Tidegates and Fish Initiatives (TIF) or other plans already in place or agreed to.⁵

--The Interim Ordinance states that the County is supportive of the Chinook Recovery Plan. Compensatory Mitigation could be used to meet agreed to specific goals for the Chinook Recovery Plan

⁵ WDFW in a November 2021 letter to the County says that: “The Tidegate Fish Initiative (TFI) signatories and other agricultural community partners engaged in an assessment of 23 project concepts to determine which had the most benefits and least negative impact across farm, fish and flood interests (Skagit Hydrodynamic Model Alternatives Analysis⁵). The outcome is broad agreement about which projects to focus on next, many of which are on private farmland.”

in land zoned AG-NRL. It could be viewed as a way to fund and make progress on agreed to goals and plans while maintaining the agricultural land base.

- Using funds from vetted Compensatory Mitigation projects could also help our community move forward on farm and fish initiatives, rather than getting stalled in lawsuits in a part of the County that has been the focus of many legal actions.⁶

Summary

As a rule - and this ordinance sets a rule - the watershed-based approach is the best available scientific approach for Compensatory Mitigation project selection. There will likely be well-qualified and important on-site compensatory mitigation projects proposed – including potential fish passage projects at the dam sites. An on-site project can always be selected in an ecosystem lens – a watershed approach does not take that off the table.

Mitigation rarely replaces 100% of what has been lost environmentally. It is a regulatory method adopted to try to do the best we can for environmental benefit when we develop the places we live and work and from which we secure natural resources. For this reason, we should set the bar high and adopt a best available science rationale in Skagit-based ordinances that deal with Compensatory Mitigation project selection. Making plans to maintain our agricultural land base and to make progress on watershed-wide fish and wildlife habitat goals is better done with other tools than a zoning ordinance.

Thank you for the opportunity to comment.



Molly Doran
Executive Director
Skagit Land Trust

⁶ <https://earthjustice.org/news/press/2021/swinomish-tribal-community-provides-notice-of-intent-to-sue-corps-of-engineers>



Wednesday, August 31, 2022

Skagit County Board of County Commissioners

1800 Continental Place
Mount Vernon, WA 98273

RE: Support of Interim Ordinance Adopting a Moratorium on the Acceptance of Permit Applications for Offsite Compensatory Mitigation Projects on Skagit County Agricultural-Natural Resource Lands (02022007)

VIA Email

Dear Commissioners:

Skagit County has some of the best farmland in the world and Skagit farmers have been supplying the region, state, and world with a diverse mix of seed and specialty crops for over 150 years. Skagit County is recognized as one of the strongest agricultural economies remaining in the Puget Sound region.

Our climate contributes to the resiliency of our rich, productive soil and allows us to provide large populations with a wide range of foods. Skagit's seed production is significant both in the U.S. and in global markets. Exact figures are difficult to access, but the Washington State Department of Agriculture reports that the Skagit Valley is the world's single largest supplier of beet and spinach seed and a major grower of seed for cabbage and other brassica crops.

The value and importance of Skagit agriculture extends beyond the direct economic food and fiber benefits. It has long been recognized that Skagit agricultural lands provide a net positive fiscal impact as agricultural lands generate more tax dollars than they consume for community services. It is also clear that working lands provide environmental goods and services which include the relationship of farmland to flood control, water quality, biodiversity, wildlife habitat, open space, and quality of life.

The farmland in the Skagit Valley is integrated within one of the last watersheds in the United States containing all five native species of salmon. The Skagit Valley hosts the largest chum and pink salmon populations in the entire lower 48, as well as the most abundant population of wild Chinook salmon in Puget Sound. The Skagit Watershed is now recognized as being one of the healthiest watersheds remaining in Puget Sound, in very large part due to Skagit agriculture, not despite it.

However, farmland in Skagit County, like that of southern and western Puget Sound before it, is in danger of becoming insufficient to sustain the highly complex crop rotation and isolation system necessary for commercial agricultural production on the Skagit and Samish Deltas. This is becoming increasingly important now in our rural reserve agricultural lands. This system is unduplicated anywhere else in the world in both complexity and scale.

If Skagit farmland is allowed to be used for compensatory off-site mitigation purposes by private and public entities, including the City of Seattle to mitigate its hydroelectric facilities instead of creating fish passage, Skagit County will lose the critical mass of farmland necessary for the continued viability of Skagit's agricultural industry.

In 2009 Skagit County addressed the growing trend of mitigation banks on farmland in order to help keep a critical mass of farmland necessary to maintain Skagit's agricultural industry. These mitigation banks were being established to sell credits to developers destroying critical areas in other places, many miles from the farmland being converted to non-agricultural use. At that time no one foresaw that the private and public entities would come back later to begin buying and converting farmland to mitigate impacts from projects miles away from the farmland.

We strongly encourage you to make permanent the emergency moratorium on the acceptance of permit applications for offsite compensatory mitigation projects on Skagit farmland and help keep Skagit agricultural one of the last fully functioning agricultural economies remaining in Puget Sound.

Sincerely,



Allen Rozema
Executive Director
Skagitonians to Preserve Farmland

Jennifer Rogers

From: Allen Rozema <allenr@skagitonians.org>
Sent: Tuesday, September 27, 2022 11:46 AM
To: Tim Raschko; T Candler; Martha Rose; Kathy Mitchell; Mark Knutzen; Amy Hughes; Vincent Henley; Joe Woodmansee; Jen Hutchison; PDS comments
Cc: Peter Browning; Lisa Janicki; Ron Wesen; Will W. Honea
Subject: SPF supports making prohibition of off-site mitigation on farmland permanent

Follow Up Flag: Follow up
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Dear Planning Commission members:

We strongly encourage you to recommend making permanent, the emergency moratorium on the acceptance of permit applications for offsite compensatory mitigation projects on Skagit farmland.

Skagit County has some of the best farmland in the world and Skagit farmers have been supplying the region, state, and world with a diverse mix of seed and specialty crops for over 150 years. Skagit County is recognized as one of the strongest agricultural economies remaining in the Puget Sound region.

Our climate contributes to the resiliency of our rich, productive soil and allows us to provide large populations with a wide range of foods. Skagit's seed production is significant both in the U.S. and in global markets. Exact figures are difficult to access, but the Washington State Department of Agriculture reports that the Skagit Valley is the world's single largest supplier of beet and spinach seed and a major grower of seed for cabbage and other brassica crops.

The value and importance of Skagit agriculture extends beyond the direct economic food and fiber benefits. It has long been recognized that Skagit agricultural lands provide a net positive fiscal impact as agricultural lands generate more tax dollars than they consume for community services. It is also clear that working lands provide environmental goods and services which include the relationship of farmland to flood control, water quality, biodiversity, wildlife habitat, open space, and quality of life.

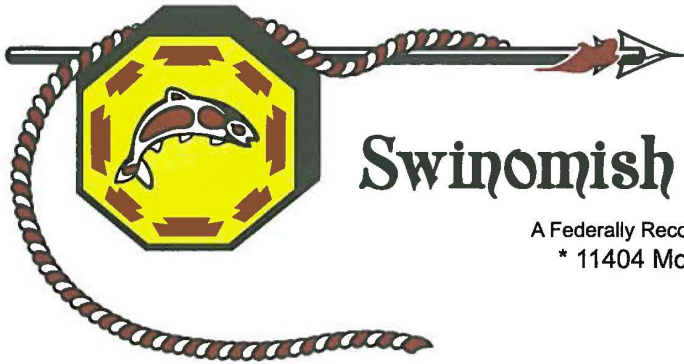
The farmland in the Skagit Valley is integrated within one of the last watersheds in the United States containing all five native species of salmon. The Skagit Valley hosts the largest chum and pink salmon populations in the entire lower 48, as well as the most abundant population of wild Chinook salmon in Puget Sound. The Skagit Watershed is now recognized as being one of the healthiest watersheds remaining in Puget Sound, in very large part due to Skagit agriculture, not despite it.

However, farmland in Skagit County, like that of southern and western Puget Sound before it, is in danger of becoming insufficient to sustain the highly complex crop rotation and isolation system necessary for commercial agricultural production on the Skagit and Samish Deltas. This is becoming increasingly important now in our rural reserve agricultural lands. This system is unduplicated anywhere else in the world in both complexity and scale.

If Skagit farmland is allowed to be used for compensatory off-site mitigation purposes by private and public entities, including the City of Seattle to mitigate its hydroelectric facilities instead of creating fish passage, Skagit County will lose the critical mass of farmland necessary for the continued viability of Skagit's agricultural industry.

Thank you,

Allen Rozema
Executive Director
Skagitonians to Preserve Farmland
360.336.3974
<http://www.skagitonians.org/>



Main Office: 360.466.3163
Facsimile: 360.466.5309

Swinomish Indian Tribal Community

A Federally Recognized Indian Tribe Organized Pursuant to 25 U.S.C. § 476
* 11404 Moorage Way * La Conner, Washington 98257 *

September 6, 2022

Skagit County Board of Commissioners
Via email: bos@co.skagit.wa.us

Dear Board of Commissioners,

On behalf of the Swinomish Indian Tribal Community (“Swinomish” or “Tribe”), please accept the following comments on the County’s Interim Emergency Moratorium Ordinance (“Ordinance”). The Ordinance seeks to limit the restoration of certain lands zoned Agricultural-Natural Resources as off-site compensatory mitigation. The Tribe questions the accuracy and completeness of numerous of the premises provided to purportedly justify the Ordinance, and thus questions the actual need for the Ordinance. It is also of concern that the Ordinance appears to be targeted at one specific process, the relicensing of the Seattle City Light hydropower project. The relicensing has been scheduled for at least twenty years. This suggests that there is no actual emergency to justify the Ordinance.

The Tribe suggests that Skagit County: 1) hire an outside professional with scientific training to review and correct the numerous inaccuracies both stated in the Ordinance and underlying the Ordinance, 2) address the important balance between fisheries and agriculture in a full public process rather than the truncated emergency process, and 3) faithfully fulfill its stated support of the restoration of the 2,700 acres of estuary identified in the Estuary Restoration Strategic Assessment before considering taking any action to limit restoration.

Restoration of Skagit estuary seeks to recover only a fraction of what agriculture has taken from the Skagit River, fisheries, and Swinomish’s Treaty rights.

The Ordinance incorrectly suggests that fisheries restoration is a threat to agriculture. *The opposite is true.* **Skagit Agriculture has converted and degraded approximately 80% of Skagit River estuary habitat, resulting in the lack of estuary habitat being a primary limiting factor to Skagit Chinook recovery.** In the Lower Skagit, 112 miles of salmon streams are legally temperature impaired due to the removal of forested riparian habitat, a significant part of which is due to the unwillingness of agricultural landowners to restore it, even through programs that would pay landowners to grow trees.

For several hundred generations, since time immemorial, the Swinomish were stewards of the Skagit River basin. For millions of years prior to that, salmon evolved with forested streams and plentiful estuary habitat in which they thrived. Today, development and agriculture have degraded and converted significant amounts of this key habitat, contributing to the decline and ongoing suppressed status of Skagit salmon populations.

The Swinomish Tribe is a federally recognized Indian tribe and political successor in interest to certain tribes and bands that signed the 1855 Treaty of Point Elliott, which among other things reserved fishing, hunting and gathering rights and established the Swinomish Reservation on Fidalgo Island. The Swinomish Reservation sits at the mouth of the Skagit River, the largest river system draining to Puget Sound and the only river in the Lower 48 states that, largely as a result of the Tribe's leadership and commitment, still has all species of wild Pacific salmon spawning in its waters. Since time immemorial, the Swinomish Tribe and its predecessors have occupied and utilized vast areas of land and water in northern Puget Sound to support the Swinomish way of life.

The Tribe is a co-manager of fisheries along with the Washington Department of Fish and Wildlife ("WDFW") and has worked with WDFW and NOAA Fisheries ("NMFS") for many years in this capacity to ensure protection and restoration of fishery resources in the Skagit and Samish basins. The Skagit River System Cooperative ("SRSC"), a tribal science, restoration and research consortium between Swinomish and the Sauk-Suiattle Tribe co-authored with WDFW the 2005 Skagit Chinook Recovery Plan ("Plan") for the Endangered Species Act ("ESA") "threatened" listing of Skagit Chinook populations. NMFS subsequently approved and adopted the Plan, which has served as the scientific blueprint for recovering Skagit Chinook salmon ever since.

Since 2005, Swinomish and SRSC have worked in partnership with WDFW, NMFS and other partners to implement the Plan. Importantly, the Plan identified the lack of estuary habitat as a primary factor limited the recovery of Skagit Chinook salmon, and asserted that 2,700 acres of estuary are needed to achieve the Skagit River Chinook salmon recovery goal of an additional 1.35 million smolts. The Skagit River is often referred to as the "last, best hope" for recovery of Puget Sound Chinook salmon. Protection and restoration of the population and the habitats that sustain it are essential to recovery of salmon region-wide.

The ERSA study that the County relies on is, in fact, based on scientific analyses from SRSC. Notably, even if all 2,700 acres described in the ERSA is recovered and every acre was farmland, that would be a small fraction of the more than 88,000 acres of farmland in Skagit County identified by the Ordinance. What actions has the County taken to implement this study, and what actions does it plan to take moving forward?

The Tribe questions why the Ordinance narrowly speaks to the preservation of agricultural land, without acknowledging that the Skagit River is home to winter and summer steelhead and all five species of salmon. The Skagit River is home to five of the region's 22 populations of ESA-listed threatened Chinook salmon. The Skagit has the largest population of listed bull trout and supports 26 of the 52 local populations present in the Puget Sound. The

Skagit River is the largest river freshwater basin draining to the Puget Sound. Why not include these very basic facts?

If the County is earnest in its statements that it supports the Plan, then only *after* 2,700 acres of estuary lands have been restored would there *potentially* be a need for County action, but currently this Ordinance is premature and unnecessary. The history, culture and economy of the Skagit Valley are, and forever will be, inextricably linked with the Swinomish and other Treaty tribes through whose stewardship the agricultural community has benefited in the recent handful of generations. That is, without the Tribe's dedication to place and thoughtful environmental ethic, there would not have been thousands of acres of estuary habitat to convert to agriculture.

Swinomish itself and through SRSC has worked tirelessly on a variety of salmon recovery, habitat protection, habitat restoration, and scientific research projects over the past three decades to protect, study, and actively restore the habitats needed to recover and sustain Skagit River salmon. Recovery of Skagit River salmon depends upon the protection and restoration of estuarine delta habitat, of which approximately 80% has been lost due to the extensive artificial manipulation from substantial diking, ditching and drainage system that allows agriculture to exist in the Skagit. Almost all of the agricultural land that the County has declared an emergency over was, for millions of years, estuary habitat for salmon. Almost all of the Skagit Delta agricultural land is sub-tidal, below sea level and thus susceptible to climate warming impacts. The Ordinance fails to make these basic factual acknowledgements. The Ordinance also fails to take the far less drastic measure of simply supporting the Plan as the best available science and acknowledging that a small portion of agricultural lands need to be restored back into estuary habitat for salmon as soon as possible. Even where landowners are willing, the numerous diking districts have been resistant to supporting salmon restoration efforts.

The County's assertions that estuary habitat needed for Chinook recovery on "substantially" on schedule, and TFI is working, have no basis in fact and are wrong.

The 2010 Tidegate Fish Initiative ("TFI") that the County points to actually failed terribly to expedite estuary habitat restoration, at the expense of the estuary habitat restoration and Chinook recovery. Instead of being on a 50-year recovery timeline, TFI has pushed that back to almost 100-years. The TFI was supposed to ensure that diking districts restored estuary habitat *prior to* seeking a permit for a tidegate major repair or replacement from the Army Corps. However, the failure of the diking districts to implement estuarine restoration projects has resulted in over 650 acres of estuary habitat not being restored that should have been, and undermined the tradeoffs stated in effects analysis of the NMFS Biological Opinion ("BiOp"). As stated in the BiOp:

"The coupling of repairs to blocking structures with estuarine habitat restoration is important to meet the ecological needs of Chinook salmon in the estuary. Estuarine habitat

restoration should create and enhance utility of habitat seaward of permitted tidegate maintenance and repair actions over the longterm.”¹

Further, the BiOp asserts that it expects the proposed action (the tidegate replacements) would “generate additional acreage of high-quality habitat for juvenile rearing” and that the “likelihood and pace at which habitat quality and quantity will be enhanced and conservation value of estuarine PCE [primary constituent element] will be increased”.² This expectation clearly was not realized during the life of the TFI programmatic action.

The permits issued by the US Army Corps of Engineers (“Army Corps”) for TFI projects are subject to the requirement in the BiOp and TFI Implementation Agreement that Districts have habitat credits from completed estuary habitat restoration projects in hand *prior to* the issuance of any construction permits. The BiOp specifically states that ESA coverage under the TFI programmatic and expedited USACE permitting is predicated upon the completion of restoration projects and allocation of habitat credits for each tidegate repair or replacement project.

“...applicants for the COE [USACE] permits who have in hand credits for habitat restoration may expedite the process and obtain ESA coverage under this programmatic consultation.”³

Further, the BiOp specifically describes how, through participation in the TFI, and by adhering to stipulations in the Implementation Agreement and the BiOp, adverse effects of tidegate repairs and replacements would be mitigated by the required restoration projects which would provide the needed additional estuarine habitat identified in the 2005 Skagit Chinook Recovery Plan:

“...it will significantly increase the likelihood that the restoration projects described in the [Chinook] recovery plan will be implemented, and that as a result, significant amounts of estuarine habitat will be made available to juvenile Chinook salmon during the terms of this action. Therefore, while there might be minor adverse effects from the tidegate repairs and replacements, the established linkage within the IA between such actions and the restoration of important estuarine habitat is expected to have a positive effect on PS Chinook salmon populations.”³

Contrary to the intent and direction of the BiOp and TFI Implementation Agreement, habitat restoration projects were not implemented and no habitat credits were completed by the diking districts prior to the construction of tidegate replacements at both Joe Leary Slough and Big Ditch.

The failure of the Skagit diking districts to complete habitat restoration projects as required by the TFI Agreement and BiOp has significantly impeded progress toward the goal of achieving 2,700 acres of restored estuarine habitat necessary for juvenile salmon cited in the BiOp and as described in the Skagit Chinook Recovery Plan as imperative for Chinook recovery. The Tribe remains very concerned that the Big Ditch and Joe Leary Slough tidegates were replaced without

¹ NMFS 2009 at 28

² NMFS 2009 at 30

³ NMFS 2009 at 25

ESA coverage and without any mitigation as required in the BiOp, leading to a deficit of over 650 acres of estuary habitat that should have been restored already. Again, **these estuary habitat restoration deficits undermine the core assertion of the Ordinance, which is that there is an emergency in which restoration of fish habitat is overtaking farmland. The opposite is true.**

Concerns with Ordinance Process and County's Public Statements.

The Tribe has serious concern that the Ordinance is not good government—rather than carefully adopting carefully considered public policy based on facts and broad input to achieve objectives over the long term, it manufactures an emergency to avoid public process and to target one specific project. This seemingly aggressive approach is not productive or helpful in resolving important natural resource disputes.

In presenting this Ordinance to the public with basically no public notice except to the agricultural community, Mr. Honea carried out an ongoing advocacy campaign of various letters and statements to media. In that process, Mr. Honea has repeatedly behaved in a manner that is disrespectful to the Tribe and other local partners, including purporting to speak for the interests of sovereign Indian tribes. This campaign, carried out on behalf of Skagit County, is very concerning to the Tribe. As detailed below, Mr. Honea's misstatements of fact and misinformation are harmful and abundant. The County should have serious concerns about its legal representative acting in such a manner. It is a disservice to the County and its constituents, including the Tribe and its members, but also the broader community, because it wastes County resources and distracts from the real issues of supporting agriculture and fisheries.

As a specific example, County attorney Will Honea wrote on behalf of the County to Seattle City Light, in a letter dated June 21, 2022, that “[f]rom our vantage point, SCL has been the main driver behind a recovery plan that has locked the Skagit into a racially-charged losing game in which the Skagit barely makes chinook escapement year after year, with a miniscule harvest remaining for the Skagit Treaty Tribes, who are then rightly outraged by the raw deal they've been handed.” Mr. Honea has no authority or basis to speak on behalf of the referenced Tribes, or to represent their Treaty rights. Further, this statement misrepresents the development of the Skagit Chinook Recovery Plan, which was developed by fisheries co-managers WDFW, approved by NMFS. In making such false statements to fight fish restoration, Mr. Honea is doing exactly what he accuses Seattle City Light of doing.

Indeed, in the same letter, Mr. Honea asserted that Seattle is involved in a political effort to influence Skagit Valley tribes, and that “[a]s I previously mentioned, this effort involved taking SRSC's Executive Director Larry Wasserman on fly-fishing trips in the Ross Basin via SCL helicopter, presumably to demonstrate the merits of an anadromous-free reservoir.” Mr. Honea's repeated assertion is completely unsubstantiated and false. Further, Mr. Honea asserts that the alleged effort includes “SCL's various representatives in the Skagit pitting tribes against locals, and tribes against tribes.” This statement is false and does not appear to be made in good faith but rather intended to be inflammatory.

After concerns were raised regarding Mr. Honea's public statements, he provided a memorandum to Commissioner Browning dated July 5, 2022, which was expressly made public. In the memorandum, Mr. Honea implied that the Executive Director of the Skagit Watershed Council was corrupt, stating that "various interwoven financial and political ties with Seattle are in some measure influencing his opinion." This statement has no factual basis or support. Mr. Honea also stated that "Seattle voluntarily pushed Skagit Delta enhancement as its preferred approach, while doing little to nothing to advance the fish passage discussion." This statement too is inaccurate, in that there is no preferred approach established, and Seattle City Light has funded extensive fish passage studies and analysis in the relicensing process.

Mr. Honea went on to repeat his assertion that "the salmon recovery plan pushed by Seattle on the Skagit over the course of its current FERC license has effectively locked our community into a racially-charged losing game, in which barely enough Skagit chinook return to meet escapement, with a tiny harvest left for Skagit Treaty Tribes, who are rightly outraged by the unfair deal this represents." Again, Mr. Honea has no authority or basis to speak on behalf of the Skagit Treaty Tribes, and the Board should direct him to stop.

The Tribe has become aware of an email to Dave Price at NMFS from Mr. Honea where the County directly contradicts the basis for this "emergency" Ordinance:

"At our meeting with City Light this past Monday we told them we have become convinced that SCL doesn't actually want to do any delta habitat projects, judging by the approach. There's just no way to rationally conclude that the approach pursued by SCL (and Amy Trainer at their behest) is a rationally calculated effort to get anything done.

...
I don't know the chain of command at NMFS exactly, but from my perspective, Ms Babcock's approach of aiding and abetting Amy Trainer is starting to look a lot like a politically-motivated conspiracy to keep our community embroiled in racially charged conflict so as to get Seattle off the hook for fish passage."

Does the Skagit Board of Supervisors condone these statements? Does the Board speak about the Swinomish Tribe and other sovereign governments in this manner? This language is highly inflammatory, and appears to have the County's attorney on record disputing the very reasons for needing any ordinance such as the one before the Board today.

As the Tribe has stated many times, fish and fish habitat are crucial to the cultural, spiritual, subsistence and commercial activities of the Swinomish Tribe, and the Tribe exercises Treaty-protected fishing rights in its usual and accustomed fishing areas, which include an extensive portion of the Salish Sea and the entirety of the Skagit River and its tributaries. See *United States v. Washington*, 459 F. Supp. 1020, 1049 (W.D. Wash. 1975). The County does not seem to seek any balance of these interests, rather it lauds the agricultural community for growing seeds for the world, while simultaneously acknowledging that the Treaty tribes lack harvestable salmon. The County's failure to even acknowledge that the Swinomish has a real lack of access to its First Foods, which is a food sovereignty issue, is concerning.

The Swinomish Tribe is a guardian of the Skagit River basin and a leader in advancing habitat recovery and scientific understanding of the river and the salmon and other aquatic and terrestrial species that call it home. **The Tribe has always posited that Skagit agriculture can co-exist with salmon and salmon recovery, but that agriculture needs to do its part to restore the estuary and riparian habitat that its operations have degraded and destroyed over the past 100+ years.** The impacts of agricultural operations on the Skagit watershed are real, and with some honest conversation could be addressed. Instead, the County is declaring an emergency where there is none, while setting aside the science and failing to support clearly known, needed restoration actions. *The Tribe requests that the Ordinance be withdrawn, because the Ordinance is based on false statements, and no emergency exists for the conversion of agricultural lands.*

A core concern with the Ordinance is that it does not fulfill the requirements for an emergency, and therefore violates the Growth Management Act and State Environmental Policy Act.

The cited provision of the Planning Enabling Act, RCW 36.70.795, only authorizes the County to adopt “a temporary interim zoning map the purpose of which shall be to so classify or regulate uses and related matters as constitute the emergency.” The Ordinance does not constitute a zoning map, there is no emergency, and it is not narrowly tailored to the purported emergency, as it seeks to regulate all farmland in Skagit County. RCW 36.70A.795 sets forth a process for moratoria, but does not allow for use of that process to supplant the ordinary planning process.

Likewise, under the State Environmental Policy Act (“SEPA”), emergencies are limited to “[a]ctions that must be undertaken immediately or within a time too short to allow full compliance with this chapter, to avoid an imminent threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation.” **The Ordinance meets none of these criteria.**

The referenced Skagit Chinook Recovery Plan and the associated public plans to pursue estuary restoration have been in place since 2005—approximately 18 years. The relicensing has been foreseeable for decades, has been underway for several years, and still is in the study implementation phase. These efforts were in place prior to the existence of Skagit County’s current Comprehensive Plan, which was adopted in 2016 and amended four times thereafter. If the County wanted to thoughtfully address the balance of restoration and agriculture, it had ample opportunity to do so in the public comprehensive plan process with full SEPA review. There are no “imminent” threats justifying an exemption from SEPA.

Finally, the Ordinance is concerning in that it purports to apply to all designated agricultural land. This broad sweep is in tension with the County’s stated support of the 2005 Skagit Chinook Recovery Plan and the ERSA study. **It is hard to understand why fulfillment of restoration projects envisioned for nearly 20 years is suddenly an emergency or problematic.** If the County insists on passing an emergency moratorium, which the Tribe does

not support, the County should at a minimum exempt the remaining 2,000 acres of estuary habitat restoration projects needed under the Plan that it claims to support in the Ordinance.

Conclusion: the Ordinance is based on false information, is unneeded, and is overbroad.

The County states that it supports the ERSA study, developed through extensive scientific review, which identifies the need for habitat restoration and lays out a limited and responsible plan. The Tribe suggests that the County focus its efforts on working collaboratively with tribal governments and other stakeholders to expeditiously implement the ERSA study, rather than taking what appears to be the hasty and ill-considered action of adopting a sweeping “emergency” ordinance where there is in fact no emergency.

Thank you for considering our comments and taking responsive action.

Sincerely,



Amy Trainer, Environmental Policy Director
Swinomish Indian Tribal Community

Jennifer Rogers

From: Tara McGown <tmcgown@seanet.com>
Sent: Monday, September 26, 2022 3:25 PM
To: PDS comments
Subject: Comment on Offsite Mitigation Amendments to SCC 14.04 & 14.16.

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Dear Planning Commission Members,

I support the moratorium that prohibits off-site mitigation on Skagit County farmland.

Agriculture is so so integral to Skagit County, in so many ways. It is criminal to think that this fertile and productive valley could be sold to meet the needs of non-farming entities. Skagit County Commissioners took steps to protect farmland in the past. Don't stop now! Make this temporary moratorium permanent!

Sincerely,

Tara McGown
PO Box 26 11488 Martin Road
Rockport, WA 98283

Jennifer Rogers

From: Commissioners
Sent: Friday, September 2, 2022 11:47 AM
To: Will W. Honea; PDS comments
Subject: 9-6-2022 - FW: Support for making Ordinance #02022007 Permanent!

Amber Erps, CMC

Skagit County Commissioners Office | Clerk of the Board
1800 Continental Place, Suite 100, Mount Vernon, WA 98273
360..416..1300 ambere@co.skagit.wa.us | [find us online](#)

From: Tony Wisdom <Tony@skagitvalleyfarm.com>
Sent: Friday, September 2, 2022 11:01 AM
To: Commissioners <commissioners@co.skagit.wa.us>
Subject: Support for making Ordinance #02022007 Permanent!

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Dear Skagit County Commissioners:

I strongly encourage you to make permanent the emergency moratorium on the acceptance of permit applications for offsite compensatory mitigation projects on Skagit County farmland and help to keep Skagit County agriculture fully functioning as an integral part of the food security and systems here in the Pacific Northwest. The livelihoods of generations of farmers and their families and thousands of ag support businesses lye in jeopardy should you not enact the permanent solution to this matter.

Thank you for your consideration.

Best Regards,

Tony Wisdom
Founder/CEO
360.708.5474

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Jennifer Rogers

From: Tony Wisdom <Tony@skagitvalleyfarm.com>
Sent: Monday, September 26, 2022 8:23 AM
To: PDS comments
Subject: I support making prohibition of off-site mitigation on farmland permanent!

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Dear Planning Commission Members:

I support the prohibition of off-site mitigation on our County's farmland. Skagit farmland should not be used to mitigate environmental impacts arising from projects miles away on non-agricultural lands! We have to protect our farmland!

Agriculture has been a cornerstone industry in Skagit County since its earliest days, and since the 1960's Skagit County has long history of taking proactive steps to help preserve a critical mass of farmland in Skagit County.

From creating 40 acre minimum parcel sizes for farmland, to creating the Farmland Legacy program - the most active and successful farmland protection program in the State - Skagit County has demonstrated strong leadership in supporting one of the last fully functioning agricultural economies left in Puget Sound.

Please continue this long standing and vital tradition here in Skagit County. Our farmland is our lifeblood and must be protected.

Thank you for your consideration.

Best Regards,

Tony Wisdom
Founder/CEO
360.708.5474

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