



# SKAGIT COUNTY PUBLIC WORKS DEPARTMENT

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## Skagit Voluntary Stewardship Program Watershed Advisory Group

*July 17, 2024, 8:00-10:00 am*

### Meeting Notes

**Watershed Group Members in attendance:** Brian Lipscomb, Mikala Staples-Hughes, Emmett Wild, Terry Sapp, Jeff McGowan, Maggie Taylor, Shannon Rupert

**Other attendees:**

Skagit Conservation District: Ryan Gelwicks

Skagit County: Rebecca Rising, Karen DuBose, Sarah Stoner, Emily Derenne, Kat Hayes

Skagit Environmental Bank representatives: Jeff Poetsch, Mark Merkelbach

**Summary of the outcome:**

The first few items on the agenda were not discussed due to lack of time; the schedule was rearranged so that the Clear Valley project could be discussed as the first item since those who answered questions about the project needed to leave by about 8:30. The other projects were discussed directly following Clear Valley.

**Projects re-visited:**

- Clear Valley – the Group revisited this project to provide more detail / transparency to the Watershed Group about potential financial gain for the Skagit Environmental Bank. After discussion, the decision to support the project was upheld, with a vote of 3 in favor, 1 opposed, and 2 abstaining. Overall, the main points were:
  - Technical information about the area such as acreage, a disconnected swale, and engineered log jams was provided. Mark and Jeff also shared information about how mitigation banking works
  - Pro: The area is important fish habitat but stream temperatures are too high – planting would address this.
  - Pro: Temporal “head start” on restoration action that is (eventually) intended regardless of whether VSP funds them. VSP funding enables habitat enhancement to get underway without waiting for a potential mitigation credit buyer.
  - Pro: Skagit Environmental Bank would follow up on the project by maintaining weed control, improving chances of project success. VSP funds cannot support this maintenance since they expire June 2025.
  - Con: Concern about VSP providing financial gain to an organization that is not focused on agricultural viability (although some small benefits are provided to agriculture through the mitigation banking system).
  - Con: Concern that this land is zoned agriculture but in the future may not be in agricultural production (if the upland area is eventually planted), and in general concern about continued loss of land for agriculture.
  - Con: This funding will not go to supporting the intersection of environmental enhancement and private agricultural production, as is the ideal VSP purpose.
- Sybrandy (Legacy Dairy) Waste Transfer – the Group revisited this project since the dairy has moved from the location where it was previously located on Chilberg Ln to a new location just across the dike from South Fork Skagit River. This location change was (unanimously?) approved.
- Fitzgerald Heavy Use Area – the Group revisited this project since when it was approved during the May meeting, the Group had not known that it was on land zoned RRv, while VSP in Skagit is focused on land zoned Ag-NRL or RRc-NRL. In addition, the project budget request increased from \$12,500 to

\$43,700. The group upheld the decision to approve the project with a vote of 3 in favor, 1 opposed, and 2 abstaining.

- Details about this are found in a previous email from the VSP Coordinator – in general, it makes sense to fund projects only on Ag-NRL or RRC-NRL because it is consistent with the VSP work plan and because of the language in the Critical Areas Ordinance. However, others pointed out that agricultural activities are not restricted by zoning and that those who are carrying out agricultural activities on RRv should have equal access to funds.
  - Concern was raised about the significant cost increase. Ryan and Emmett explained the reasons for this, which primarily involved costs of additional materials such as hoof grid and a drainage system, recommended by engineering staff.
- A **new proposed project**, Grosebeck Heavy Use Area was (unanimously ?) not approved. Concerns included funding a project for a significant amount of money to address manure and mud from only two horses.
    - A comment from a Watershed Group member here echoed what others may have implied in previous meetings – an envious? (for lack of a better word) feeling arising from the fact that we are providing financial support for projects that some in the Group have had to finance on their own. Emmett replied that any individual should contact the Conservation District with their needs, regardless of the scope of VSP.

Topics for discussion were initiated by communication from Watershed Group members with the VSP Coordinator. These included:

- FLP easement language relevant to buffers: Sarah Stoner, Ag Lands Coordinator, assisted with this. Our legal department, asked to interpret whether or not the general easement template would allow for planting a riparian forest buffer, responded that the language doesn't explicitly allow or prohibit this. Sarah pointed out that "Enrollment in federal, state, or local programs that benefit soil conservation are allowed," implies that at least some conservation projects would be allowed, provided that they benefit soil conservation. Whether a riparian buffer would be supported is still open to interpretation. It is also understood that the landowner(s) would be allowed to make these decisions on a case-by-case basis since the easement language allows for interpretation.
- Riparian Task Force riparian habitat recommendations had previously included eminent domain as a regulatory solution to riparian habitat protection / enhancement if voluntary solutions do not meet the goals. However, due to significant opposition from the agricultural community, regulatory solutions were downgraded to "should continue discussing regulatory or compensation strategies." Riparian acquisition by eminent domain was mentioned as a "last resort" strategy.

Follow-up resources:

- The Skagit Environmental Bank Performance Monitoring Report is in our shared files in the Meetings>July 2024 folder.
- General information about wetland mitigation banking can be found at [Wetland mitigation banking - Washington State Department of Ecology](#)
- Farmland Legacy Program easement [template](#)
- [Riparian Task Force Final Recommendations](#) June 2024