DAVE BONVOULOIR, Whidbey Island Soil Conservation District, emphasized that while SCS's primary job had been draining wetlands in the past, there has in fact, been a 180 degree turn-about in this regard. An Executive Order originating from the White House is aimed at protecting wetlands with redefinition of all SCS funding for cost-sharing having to do with activities in wetlands -- this having been severely limited now and requires an extensive environmental assessment of any action which the Federal Government will provide matching for activities within only two types out of dozens of wetlands. From the perspective of the Conservation District, Mr. Bonvouloir stressed that while a certain amount of passive type development in wetlands for recreation & observation is fine, before going beyond that the value of those swamps must be assessed as not only places of natural low-land areas, but also as a "waste treatment system" far superior to any developed by man, as well as functioning in the aquifer recharge. Under Section 650-26, Protection of Wetlands, Mr. Bonvouloir cited the policy of SCS:

> "(c) General Policy: It is the policy of SCS to aid in protecting, maintaining, managing and restoring wetlands to ensure continued realization of their beneficial values while protecting the soil and water resource base for a viable economic agricultural enterprise."

An additional policy states:

> "(d) (3) A decision to provide SCS assistance for new construction in wetland(s) ..... must be based on documented environmental evaluation indicating that there is no practicable alternative to the proposed construction and that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such action."
>
> (This is limited only to palustrian emergent saturated fresh wetlands and intermediately flooded (palustrian wetlands) which are very minor type wetlands)

In looking at the County's proposed ordinance for the two types of wetlands, Mr. Bonvouloir agreed that these two (for agricultural purposes only) probably would not be included within those covered by the County's ordinance, but pointed out however, that one of the criteria for draining or constructions in wetlands, is that that wetland must have been cultivated for three out of the past five years. Under certain conditions, a person can obtain cost sharing assistance for certain types of activities in wetlands for agricultural lands. Again, the policies of SCS are agriculture oriented and are not intended to address residential or other type of non-agriculture development. Further, Mr. Bonvouloir made it clear that the policy specifically points to protection being of the utmost importance.

COMMISSIONER DUNLOP for the record, introduced the fact that the Department of Natural Resources in the November issue of "TOTEM" devoted the entire issue to the matter of protection of wetlands, habitat and endangered species, an educational process to make people aware of damage which can be done by people destroying things which cannot be replaced. The Commissioner noted that there are such wetlands in Island County, and something very important that people become educated on. Commissioner Dunlop confirmed that no decisions had been made at their Friday worksession, rather recommendations were made with decisions to follow today.

TOM ROEHL, Freeland, pointed out for consideration that according to the definition, nothing can be done in a wetland, including the enhancement -- activities designed to enhance and preserve a wetland sometimes must involve the things listed as alterations.

Mr. Roehl questioned if in fact there had been expert testimony supplied with regard to whether or not wetlands (as defined in the ordinance) are recharge areas. He raised questions as to description of "expert testimony", i.e. testimony from the Audubon Society listed as a specific interest group, and the Department of Game who in fact has a special mandate agency of the State.

He addressed the potential in some cases where wetlands can be converted for agricultural purposes (not to reclaim land, but for example, irrigation ponds, with wildlife potential). Mr. Roehl's concern is placed in the "blanket" statement of allowing no alterations of unique or valuable wetlands as defined.

He believes there is the issue of "taking", knowing of two examples where preclusions of any potential for variance would turn properties which now have at least one building site, into property with no reasonable use remaining.

RUFUS ROSE, South Whidbey, shared Mr. Roehl's concern about testimony received from groups with special interests, and recommended that other testimony should be encouraged and considered from:

1) Island County Assessor regarding what, if any, impacts there may be on the revenues collected and how that distribution would be made;

2) Cost to public element should be estimated;

3) Educational element -- County should be aggressive in the educating process, i.e. public schools, community organizations, public meetings, and others.

Mr. Rose suggested that on Page 2, that all referenced maps be so named/listed. He asked that the Board keep in mind that the document as proposed would prevent an arboretum such as the one at the University of Washington.

HARRIETTE HAYES countered the suggestion of "taking issue" by noting that TDR's are being given for wetlands, thus not making this a legal issue as such. Mrs. Hayes spoke relating to the work done in lobbying for inclusion of the intertidal areas: Attorney J. Richard Aramburu, Attorney, representing approximately 30 people; the Department of Game; Whidbey Audubon Society; and a citizen group within the Port Susan area of Camano Island. She feels that this inclusion is in the interest of the public for protection of those intertidal areas. She suggested the placement of a sentence in the Legislative Intent Statement which would stipulate that should matters (such as the one in Mariner's Cove) continue, this will be re-looked at for provision of more protection of the intertidal areas. Mrs. Hayes expressed the fact that Mr. Aramburu indicated that Mr. Ziegler of the Department of Game is a expert, recognized by the Department of Game and the State of Washington. Mrs. Hayes thanked the Board for including streams and buffers for the protection of those streams.

Mrs. Hayes disclosed that she would like to see the maps exhibited in large form in the Courthouse lobby.

TOM ROEHL countered that the Shoreline Management Act is currently capable in protecting the intertidal areas, and inclusion within this ordinance would be a duplication of effort. As far as the alleged violations cited by Mrs. Hayes in the Mariner's Cove area, Mr. Roehl pointed out that this is a matter which was adjudicated at many levels. He noted that the definition in the State Shoreline Management Act is broader than the definition proposed in the ordinance under consideration by the Board at this time. Mr. Roehl asked that the Board consider people who own existing lots and will be in need of redress, given that a certificate of development rights will not help them build the home they were counting on building. Another area for reconsideration in his opinion is the issue relating to using wetlands as retention detention facilities -- the County should consider whether it and the State intends to stop using wetlands, many of which were created by the direction of storm water runoff through culverting during construction of State and County roadways.

RUFUS ROSE agreed that having the maps available would be an excellent idea, and suggested that same be made available to the public at cost. Mr. Rose encouraged that the County initiate action on an interagency cooperative agreement basis with the U. S. Navy for conservation/preservation of those wetlands contained on the Navy Base, Oak Harbor (Ault Field).

NANCY ARNOLD, Whidbey Audubon Society, offered for thought that the County's Shoreline Master Program had not been tested in any way with regard to wetlands or intertidal zones of any kind. While it is true that the Plan defines shorelines as a 200' area, it does not define wetlands as such; there are no categories of wetlands. The code as proposed along with inclusion of wetlands and intertidal areas, will give a good understanding of exactly what a unique wetland is. Mrs. Arnold believes therefore, that there is a gap between the conception of the Committee as to the importance of the valuable wetlands and the actual carrying out effect of the Master Plan.