Order #13 requires that the County adopt criteria for designation of species and habitats of local importance, management plans for great blue heron and osprey and deal with nominations already submitted by WEAN and Audubon. Growth Board Order #10 requires the County finish the BMP manual and enforce the requirement to use BMPs. The fact there is no BMP manual and so many things refer to it makes it impossible to reach any kind of reasoned judgment.

New Section 17.02.110.C.1 Conservation Area Designation. This section raises the level that would ensure no habitats or species would be designated. Sub subsection h) (iii) and (iv) seems to allow political judgments to take precedence over scientific ones, and does not address the aspect of resource protection.

Fish and Wildlife Habitat Conservation Areas Designation. The Department of Fish and Wildlife strongly recommends other important and vulnerable categories be included in land use planning. Such categories have already been incorporated into the Fish and Wildlife Priority Habitat Species [PHS] program. The Coalition believes adopting the PHS program would be a step in moving away from a ""one frog on one lily pad" approach. The suggested change: adopt PHS program as representing the best available science.

Species and Habitats of Local Importance. Island County is responsible for identifying and designating species and habitats of local importance; it is unrealistic to insist that the citizen undertake investigative work required. Suggested change: 17.02.110.C.1.h) "Island County is responsible for identifying and designating Species and Habitats of Local Importance. It will act on recommendations or nominations by individuals, groups, agencies or its own staff".

Designation of Species and Habitats of Local Importance 17.02.110.C.1.h) (i) (2) (4) (5) (6). (2) Change to the Coalition's suggested change: "Local populations which are in danger of extirpation if existing trends continue". (4) suggested change: retract request to delete . (5) Coalition agrees with WEAN. Suggested change: rewrite to reflect that it is not the specific piece of habitat, but the type of habitat and the ecosystem processes which produce and maintain that habitat which are most important. (6) The term "high quality" needs to be defined to include habitat which has been degraded but has excellent potential for recovery.

Ms. Moss asked Mr. Graham by e-mail 9/11/99 to provide local examples [GMA doc. #4737] and Mr. Graham now provided to Ms. Moss in response a 9/13/99 e-mail from Gary Piazzon providing a list of degraded habitat [GMA doc. #4733] .

Management Strategies. 17.02.110.C.1. h) (iii). Coalition position is that the reference to best available science is too week and suggest the change, following the first sentence: "Management strategies must ~~consider~~ **be based on** best available science".

Planning Commission Recommendations. Current code indicates the Planning Commission decides which proposals are accurate, potentially effective and within the scope of the Title. There is nothing to indicate what standards the Planning Commission will use to make the judgment. The Coalition sees this wide open to political manipulation, and together with c.1.h)(iv)(4) makes nonsense of the entire section, and is not in compliance with GMA.
Suggested change: The Planning Commission will hold a public hearing for proposals found to be complete, ~~accurate, potentially effective and within the scope of this Title~~ and make a recommendation to the Board of Commissioners. Or, there be words included that make it very clear what standards the Planning Commission has to follow to make these judgments.

Commissioner Thorn pointed out that the Planning Commission has to make a judgment whether or not to a hold public hearing and that deals with the issue that the criteria used are explicit in what the Board has to use to approve whatever is recommended in the next paragraph (v).

John Graham good point but wondered then why (v) follow (iv). Perhaps it should be rewritten.

Role of Board of County Commissioners. Current code makes designation contingent on practicable, effective and economically feasible management strategies. The phrase economically feasible makes the whole thing unworkable. For these things to be used as criteria area and wide open to interpretation. Suggested change: delete provision or at least the words "economic and feasibility".

Board Designation. Current code states designation must be consistent with all goals of GMA and Island County Comp Plan. The Coalition realizes this may be impossible since some GMA goals are contradictory and the Act calls for balancing. Number (4) and (6) seem to be saying the same thing.

Shoreline Setbacks. GMHB Order #17 requires the County delete 17.02.110.C.4.b.i.(a) and (b) dealing with reduction of shoreline setbacks. The County has done that but the new language creates new problems. The provision now applies only to residential subdivisions or construction of any new non-residential facility and the developer is given the choice of complying with the buffer requirements or adopting BMPs that do not yet exist. The Coalition is of the opinion that single family residences must be included. BMPs cannot take the place of a minimum required buffer. Suggested Change: begin section (2): "All applications for **single family residences** for residential subdivisions, or for…".

As a personal aside, Mr. Graham commented that it seemed by and large a lot of good things had occurred; had reached agreements on some important things and taken as a whole, seemed to be moving in a reasonable direction, except for critical areas. He asked if the County Commissioners were really sure that property rights concerns would be that endangered by a literal acceptance of the Growth Board's ruling on critical areas.

Commissioner McDowell asked if Mr. Graham thought the Board should address issues not related to the Growth Board Order.

Mr. Graham responded affirmatively, noting he would not by definition restrict it to remand issues. He is, however, concerned about those things that are remand issues, such as Type 5 streams and other issues

brought up today. He saw the critical areas issues as a set of issues where there has been very little effort in moving toward common ground.

Commissioner Thorn, with regard to the comment about the characterization of the Board and where the Board was coming from, clarified it did not necessarily include all Board members.

Steve Erickson, representing WEAN, [letters on record 8/18/99 GMA do. #4624 and 8/23/99 GMA doc. #4641], first commented on stormwater and the problem he saw because of broad exemption for small development activities, although there is a provision included allowing the Director to impose stormwater regulations if likely to impact a critical area. He suggested that there needed to be a review mechanism to determine if those activities are likely to impact a critical area, individually or cumulatively. He faxed a letter to Larry Kwarsick last week regarding stormwater regulation review [dated 9/8/99, GMA doc. #4730; and there is a 9/13/99 Larry Kwarsick response to Steve Erickson, GMA doc. #4731].

As far as Mr. Castelle's 9/13/99 submittal on adequacy of the fish and wildlife regulations in relation to Category B wetlands, WEAN will submit an analysis on that later.

On stream buffers, Mr. Erickson thought Mr. Castelle made it clear that the purpose of the buffers and the designation of those areas, was solely for in-stream habitat and water quality; Mr. Erickson did not think that did a good job of maintaining those either. Not protecting riparian areas for terrestrial wildlife is not the best available science. One of the prime functional attributes of riparian areas is as habitat for terrestrial wildlife – as habitat in and of itself and for movement corridors throughout the landscape.

He saw no scientific merit in the functionally isolated provision. The hand out Ms. Moss provided at the last hearing seemed to say the reduction is automatic, but there is no functional analysis nor identification of the functions. The ordinance was amended last year to allow the creation of lots even when it would impact a critical area to provide access; and in fact, those subdivision applications are being seen now. While Ms. Moss said this would only apply to pre-existing lots, he did not see that stipulation in the ordinance. On estuarine wetlands, he sees a problem of wetlands that are smaller than ¼ acre.

Species of local importance. There is a problem with the six criteria listed – with the word "and"; the only one that should apply to all criteria, all designations, is that the species or habitat is native to Island County. The rest should be "or". #4 as written should be deleted. Recommend amending #2, differently than he proposed before: "Local populations which are in danger of fragmentation or extirpation should trends continue". There needs to be a way to prevent fragmentation from occurring. There is no criteria for designation of habitat, only #5 where the use of that species or habitat is documented, or #6, the habitat represents a high quality native habitat. High quality native habitat is scarce and language should reflect instead "best remaining quality habitat" or "highest quality remaining habitat". He used Smith Prairie as an example of the best remaining northern glacial out-wash prairie in the Northern Puget Sound region. It is not high quality habitat any longer because it is too small, but it is the highest quality remaining habitat. The wording he proposed was: "When habitat is nominated it is of the best available quality in the area within which it occurs, or is rare, or where designation will reduce fragmentation of that type of habitat, or reduce isolation of populations that use that habitat."

Subsection h) (iv) talking about the Planning Commission holding a hearing, puts the cart before the horse. This asks the Planning Commission to make a decision without having had a process to evaluate whether to make that decision.

Subsection (v) the criteria listed (3) needs to be clarified that that protection must be efficacious to both protect and preserve the species or the functioning of the habitat to maintain the species,.

Subsection (v) (6). It has to be clear that the designation has to be consistent with all the goals of GMA not that the County has to balance them.

Requiring habitat to be occupied is seriously flawed from a scientific standpoint. He referred to metapopulation dynamics, which minimally is a collection of relatively isolated spatially distributed local populations bound together by occasional disbursal between populations. These relatively long distance disbursal events may be infrequent but must occur often enough to provide for re-colonization of populations that have suffered local extinction. Refer to his 8/23/99 submittal for further information and comment[#4641]. With a patchy environment like a prairie that thrives and is maintained on periodic disturbance, i.e. burning, then at any given time a particular may not be suitable for the occurrence of a particular plant species; it takes some disturbance to create the conditions that will get it going. If that area is not subject to that disturbance or is lost to another use it will not be available later and in the meantime the original patch that would have colonized that new patch following disturbance will be lost. Fish and Wildlife habitat means maintenance of species throughout their natural geographic range such that isolated sub-populations are not created.

Commissioner McDowell called to Mr. Erickson's attention Adolfson & Associates comments on that issue [8/30/99 transmittal letter from Alison Moss regarding #C-96-99, sending 8/24/99 Memorandum from Andy Castelle regarding Island County Stream Regulations and two charts showing effectiveness of buffers in providing shade for stream water temperature moderation and large organic debris [GMA #4638].

Commissioner Thorn summarized what he thought Mr. Erickson was stating: you cannot look at species, habitat, functions or values as a stand-alone item; those have to be taken in context with each other to have meaning. Mr. Erickson agreed that was exactly what he was saying. The problem exacerbated because for example there is very little in the County Code as a whole that encourages or requires retention of native vegetation.