The Chairman pointed out a problem with that analysis, using the spotted owl as an example: if a spotted owl was located in a forest there would be no logging allowed and obviously that is not the way science has been pursued.

Mr. Erickson used an example of a means to deal to some extent with some of those kinds of problems: forest land on Saratoga Road managed by the owner for timber. If areas can be retained that still have fairly large trees or sufficient numbers of snags then there will be pileated woodpeckers. If those areas are too isolated the woodpeckers will be lost – not able to move around. There can be areas connecting those core areas and those can move around over time too. Requires taking a long view; it is more difficult and requires more planning.

Commissioner McDowell submitted that almost anything could can be said to have a potential for fragmentation but certainly may be not extinction. Mr. Erickson explained this is in looking at the condition of the habitat patch itself: it is best quality for the area or will removing that fragment some other areas?

In response to a question from Commissioner Thorn, Mr. Erickson elaborated on the consequences of the fragmentation, the loss of diversity in the species, the susceptibility to disease, a step on the road to extirpation. Once you have the isolation and the fragmentation you are increasing chances that if a species goes locally extinct then the area won't be re-colonized. Among the reasons why it is more likely that species will become extinct locally in that particular patch if isolated, are genetic effects in breeding, genetic drift; demographic fluctuation, random local catastrophe, disease. If those occur throughout the landscape over time ultimately the species goes extinct in that region.

If science were well enough defined, Commissioner Thorn believed there could be established something equivalent to a nuclear energy critical mass for a population to sustain itself in a given site and/or grow and be able to re-colonize at another site.

The term "local importance" was a term Ms. Moss said was not defined in GMA. Minimum guidelines recommend designation of habitats and species of local importance but do not define what is meant by the term local importance. She assumed the term meant species or habitat of sufficient importance to the jurisdiction as a whole such. This is a case where the species are not yet in danger but for some reason very important locally.

In terms of "local importance" Mr. Erickson's view of the issue was from GMA's statement about creating isolated sub-populations; he takes the broader area view as well. Setback provisions in the County's critical area regulations (50' buffers for those flowing into salmon streams) and recommending buffers in the WDFW riparian management recommendations [GMA doc. #4705].

Ms. Moss understood that the Board wished to establish a 75' buffer adjacent to the nearshore marine habitat for any new division of land and that lots existing as of October 1, 1998 would be addressed through either a 75' buffer or compliance with best management practices manual which would have to be adopted concurrently. Through the subdivision, the buffer would be established around the lots created by the subdivision [on the subdivision map a recorded document].

Mr. Erickson stated that best management practices do not take the place of a minimal buffer, and he sees 75' as minimal. Allowing SFRs so close to the shoreline even puts people are in danger of drowning.

Alice Schisel, Department of Ecology, Northwest Regional Office, Bellevue, explained she was present today standing in for Susan Meyer, Wetland Specialist, Shorelands and Environmental Assistance Program, Department of Ecology, who provides the following comments:

> Ecology has been providing comments on the critical areas ordinance for over two years and feels that although the County made some excellent improvements since the original draft, that there are still critical gaps in protection of the Island's natural resources. Ecology recommends that the County incorporate DOE's recommendations from their most recent letter dated September 9, 1999 [GMA doc. #4735] including comments on functionally isolated buffers; category A wetlands; some language that dealt with the protection of recreational shellfish, kelp and eelgrass beds and spawning areas; type 5 stream setbacks; and several other more or less editorial changes. Best available science is constantly evolving and in Island County DOE has not been able to look at what it is that is being proposed as best management practices or best available science. Ms. Meyer wanted emphasis that DOE is only recently realizing how important the nearshore environment is for anadromous fish to complete their life cycle. Island County is fortunate to have a lot of nearshore habitat that is used by many species and which is important to the County for many reasons. These habitats need protection and DOE does not feel the current critical areas ordinance affords this protection. [The last statement Mrs. Schisel believed referred to the apparent lack of applicability of the 75' setback to single family residences.]. DOE believes it would benefit the County in the long term to be clearly consistent with the GMA, ESA and the SMA now so that future contention about the CAO can be avoided and the County can go about the task of implementing the many improvements in that ordinance.

In response to Commissioner Thorn, Mrs. Schisel confirmed her belief that if the recommendations Ms. Meyer made in the 9/9/99 letter were adopted that would totally satisfy all the points DOE makes about what should be done. DOE has submitted a lot of material over the last several years and in the process of going through that correspondence with staff and the Commissioners at other hearings, came to some understandings and perhaps some compromises and believed these to be the remaining issues of substance.

Commissioner McDowell observed that DOE's letter of 9/9/99 used examples that were not at all what Island County was saying are the examples; he thought there still seemed to be a misunderstanding with regard to what is being proposed.

Mrs. Schisel noted that Steven Stanley added some comments that were included in DOE's letter from Ms. Meyer, i.e. that what appears to be functionally isolated may not appear to other species that utilize that area to be functionally isolated. If DOE is misunderstanding what the current critical areas ordinance has in total about functionally isolated wetlands, she thought it probably had to do with the fact that DOE's Northwest Regional Office did not receive a complete copy of the critical areas ordinance. The comments in the 9/9/99 letter reflect comments on the changes proposed and were not read in context with the complete ordinance.

Keith Dearborn advised that he personally hand-delivered to Ray Hellwig last November the complete copy of the code and the complete copy of the Comprehensive Plan, along with all Findings, in advance of a meeting in November to review those, and other members of DOE attended that November meeting. Section 17.02 is part of the set of two volumes that were delivered. Copies were provided not only to the Northwest Regional Office but to the Olympia DOE office as well.

Ms. Schisel could not say what had happened, only that Susan Meyer and Steve Stanley did not seem to have a copy available to them. She agreed that it may not be the County's problem, rather a matter of DOE's distribution.

Ms. Moss commented to make it clear that there was not a separate critical areas ordinance; it is chapter 17.02. She asked Mrs. Schisel on return to her office to look for the large notebooks and if unable to locate same, she would be happy to provide another copy of the zoning code 17.02.

Mark Goldsmith, Habitat Biologist, State of Washington Department of Fish and Wildlife, suggested the County drop the provision for functionally isolated buffers because it would result in a loss of wildlife habitat; it is the responsibility of the County to protect not only fish habitat, but wildlife habitat. Even if there is no plumbing connection between the habitat on the other side of the road, wildlife will use that buffer. Wetlands are extremely important to wildlife and they use the lands around wetlands even if they cross the road. As to estuarine wetlands, he stated that the ¼ acre threshold made no biological sense. Even small estuarine wetlands are very important to, among other things, salmon. The Hearings Board ruling did not mention ¼ acre wetland, rather to o protect all estuarine wetlands. WDFW recommends the County drop the ¼ acre threshold and protect all estuarine wetlands.

With respect to habitats and species of local importance, he observed a lot of local expertise available in the County, people who know where lots of sensitive things are, and he thought it important to take advantage of that knowledge. Concern is that if they do meet the scientific criteria and if in trouble, there not be a way for the Planning Commission to derail a nomination biologically appropriate. biggest concern is there be a set of criteria that makes biological sense and if the species or habit fulfills those then it is automatically nominated. Regarding stormwater regulations protecting streams, the exemption for single family residences does not make sense and should be dropped. He indicated that single family residences should be considered along with all other forms of development.

Type 5 streams. [9/3/99 FAX to Vince Moore from Mark Goldsmith transmitting letter from State Department of Fish and Wildlife regarding County's recent adoption of 25' buffers for type 5 streams in the County's critical area regulations and recommending buffers in the WDFW riparian management recommendations, GMA doc. #4705]. WDFW strongly urges that the County reconsider the 25' buffer, as a buffer it is completely inadequate, seemingly based on some spotty references from the literature all on the very low side. What would be more appropriate he thought was to look at all of the literature available on the subject, and look more at the averages. Submitted for today's record by Mr. Goldsmith was a Washington Department Fish and Wildlife Management Recommendations for Washington's Priority Habitats –Riparian, dated December 1997 by K. Lea Knutson and Virginia L. Naef, specially noting page 89. [GMA doc. #4734] Part of his submittal was a summary of the literature on protecting riparian functions such as sediment removal, pollution prevention, a summary of all the literature the WDFW did recently and put together in the published document. It shows the mean values that the literature suggests for protection – all way above 25'; and show the range some close to 25' but up to 100's – average way above 25'. He believed that information the Board was provided seemed to be about just a few of the functions of the riparian streams and he thought the County should be looking at all things necessary for fish and wildlife. As the information on the chart [included in the 9/3/99 letter] indicates, some of those functions require way above 25' and WDFW suggests the County go higher than the average, at least up to where the scientific literature as a whole suggests.

He explained that at the state level, WDFW reviews species on scientific criteria; the designation for threatened and endanger species solely done by WDFW; it is an auto designation if it meets the scientific criteria.