12/14/00 Nadine Wilcox e-mail opposed to further protection of plant species
12/14/00 Greg Wilcox e-mail objecting to further regulation regarding increased protection for certain plant species on Whidbey Island
12/11/00 letter from Jean and Jack Wilcox – recommend none of proposed species warrant additional regulatory protection
12/12/00 e-mail Robert Kenny and Julia Glover, Clinton, support WEANS position
12/12/00 letter from Elaine P. Steinhoff, Freeland re habitat protection for certain plants
12/12/00 letter from Wm. H. Arbuckle, Coupeville, re WEAN presentation 12/11/00
12/13/00 phone message from Lyman Legters, Camano, support saving all native plants on Whidbey and Camano
12/13/00 letter form Mary K. Butler and Charles Bower, not fully understand why having these plants on Whidbey Island is critical
12/13/00 e-mail from Marlene Renwyck, Republic, Wa., followed by mail copy – urge provide protection to the plant species of concern presented by FHER
12/14/00 Steve Erickson FAX of an e-mail 11/29/98 from John Maron, Botany Department, UW, Seattle; and Andrea Pickart
12/14/00 letter from John Edison, Camano, re plant species of local importance
12/14/00 Telephone Message from Gordon H. Koetje, and Bud Wallgren, opposed to any determination without knowing what the impact will mean

Mr. Dearborn briefly reviewed the Growth Board Order, using an overhead from the Growth Board's last order on the issue of WEAN's nominations – [included in the Notebook entered in the Record on 12/11/00] asking that the County complete an analysis on the record including best available science and other local factors and make a decision on the nominations substantively by January 31. Having gone back through the legislative history for nomination criteria, he quickly summarized changes that were made, issues raised and the Commissioners' discussion:

Since 1984 Island County critical area regulations contained identification of certain species and habitats protected its regulations.

When the Comp Plan was adopted in 1998 species of local importance were identified as one of the subject areas for which the County would develop criteria and consider further in the land use regulations.

As required by the Comp Plan, a designation and nomination process was established. In 1999 as a part of the remand the County began steps to modify the ordinance and establish the designation criteria, beginning with the designation criteria that Skagit County used. Adolfson Associates, Inc. (Andy Castelle) was told by DCTED and Fish & Wildlife that the Skagit approach was state of the art. Therefore, Island County in the first ordinance proposals.

On November 22, 1999 the proposal was substantially changed before adoption [see two-page excerpt from the Critical Areas regulation in the Notebook]. With regard to final action taken on November 22 of 1999, all parties agreed to the criteria including WEAN. The County requested a compliance determination before the Growth Board After adopting these criteria in November of 1999, the County sent the WEAN nominations back to WEAN, identifying areas where more information was needed in order to complete the processing, offered to waive the annual review fee and provided extra time for WEAN to do that. WEAN chose to continue with the Growth Board appeal, and the Growth Board ordered the County to make a decision.

Because WEAN's nomination contained insufficient information, the County retained Adolfson and Associates to help develop additional information in order to act on the proposal. In order to review a species under this section the species has to be native. Adolfson made a verification of species and information with regard to whether or not a species is native.

To determine whether or not a species is native, there are three tests:

1. Whether the local population is in danger of extirpation based upon existing trends since January 1, 1985. This date was chosen because that was the day the first zoning code went into effect protecting species; no one disagreed with that as the date. There is some question of interpretation, but there has to be some evidence of a fairly long time period of extirpation.

2. The species is sensitive to habitat manipulation. if the species is not capable of persisting because of habitat changes it would seem to qualify under this criterion. Adolfson suggests further refinement of the criteria to follow best available science.

3. The species or habitat has commercial gain or other special value such as locally rare species. CTED produced procedural criteria in 1993 which provide for habitats of local importance.

Nothing in the WAC provides guidance on how to make a determination regarding species. Last week Adolfson provided guidance on how to define rare.

Local importance is not defined in County code. Mr. Dearborn thought when working on this in 1998 and 1999 local importance was a judgment call the Commissioners had to make and thinking then that it was species and habitat unique to Island County. That is not the case with WEAN's nominations; all of the species WEAN had nominated are found all up and down Western Washington, some more prolific in Eastern Washington than Western Washington; many found on the San Juan islands, Vancouver Island, British Columbia, all the way down into Northern California.

Lizze Zemke, Adolfson & Associates, acknowledged some argument among botanists and ecologists about determining native for some plants, but generally native means the plant is native if it developed in the area naturally. If it was introduced by humans it is not considered native. For many plants it is possible to find information in pollen records or historical information.

Amendment made November 1999 - reasonable time frame determined to be January 1, 1985. as the date to have documented evidence that since 1985 danger of extirpation. Commissioner Thorn agreed that would be the reference point, noting the only way you can establish a trend is to have a base line reference point. That date was set and seemed agreeable to everybody as far as being a long enough period. He made some personal observations about plants in his yard – noting species come and go in cycles. Clearly trends could be observed; the question is the interpretation of it. A basic question is what the extent of that population was on January 1, 1985 or as close thereto as possible.

Commissioner McDowell agreed there had to be established some point in time to determine a significant decline and he agreed with the 1985 date. The 1985 is not an arbitrary date; it is an important ate in Island County history.

Ms. Zemke thought that trends could observed in that period of time. There are quite a few species on the list that probably had their notable decline before 1985, but a natural biological cycle could be within that period of time. And she thought one would be able to see an increase and a decrease in a particular species in that period. From a biological perspective though January 1, 1985 seemed an arbitrary date. If talking about things like hybridization with things that are invading from California it is s a fairly reasonable time frame; but if talking about a decline of a plant because of habitat loss, it is not very useful.

But as Mr. Dearborn pointed out, if concerned about habitat loss occurring under the County's regulatory system, that could be prevented. This is not talking about habitat loss that occurred in the 1880's when farming was introduced in Central Whidbey.

Ms. Zemke noted there was no baseline information for most of these plants and therefore not easy to understand was that most of the plants are prairie species and she did not think there could be documented a lot of prairie removal or loss since 1985 because there has not been a giant loss of prairie since 1985. Ideally, there would be census information for these plants that someone began after January 1, 1985. Absent that, she would look though every record from every botanist she could find, the Herbarium, and publications regarding the locations and the extent of those plants. Multiple years is desirable but from a shear population decline if trying to determine if that is occurring or not, with baseline information or as much information as could be found then she would want to go back and visit those exact same sites for comparison. The methodology as far as census and how to show loss is generally done by looking at the locations concerned about or where the plant is known to occur: lay down quadrant frames often a square frame that is divided into grid work, and within that frame count how many species, how many of the individuals you find and record adults, record seedlings, all the information about the populations. With that information she would be able to fairly reliably determine whether a plant species is on the decline in the locations looked at.

Commissioner Thorn suggested the need for at least five samples over that time period to establish the nature of the cycle and the real trend; also what characterizes danger of extirpation. In terms of land use planning the January 1985 date is not arbitrary; there was little or no land use planning of any meaningful nature before 1984, and the date seems reasonable given it is within many if not most biological cycles.