

# Snohomish County Agricultural Advisory Board

## MEETING SUMMARY December 8, 2009

### ATTENDEES

#### Board Members - Present

Jesse Allen	Brian Bookey	Elizabeth Christianson	Mark Craven
Dan Douglas	Mike Harnden	Gerald Labish	Jackie Macomber
Dave Remlinger	Nick Van Dam		

#### Board Members – Excused

John Postema

#### PDS Staff

Joan Langlais	Howard Knight	Tom Rowe
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#### County Council

Geoffrey Thomas

#### Office of Economic Development

Ryan Hembree

#### Public Works / Surface Water Management

Debbie Terwilleger

#### WSU Snohomish County Extension

Andrew Corbin

#### Snohomish Farm Bureau

Ed Moats

#### Others

Merle Ash	Ralph Ferguson	Marv Thomas
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### 1. CALL TO ORDER, INTRODUCTIONS, ANNOUNCEMENTS

Chair Bookey called the meeting to order at 9:35 a.m. and asked board members to introduce themselves.

### 2. APPROVAL OF REVISED 10/6 /09 & 11/10/09 MEETING SUMMARY

The Revised October 6, 2009, meeting summary was approved. The November 10, 2009, meeting summary was not ready for review.

### 3. PUBLIC COMMENT

Ralph Ferguson, Camano Island, commented on the Leque Island Restoration project and distributed pertinent photos and Title 173 WAC: Department of Ecology, Chapter 173-200. He expressed concerns about the restoration project in regard to water percolation, getting fresh water from the mainland, saltwater intrusion, and contamination of the aquifer. Ralph feels that the Department of Fish and Wildlife has not complied with statutes, RCWs, and the WAC, specifically the antidegradation WAC. Ralph and others are very concerned about the lack of review in accordance with the antidegradation policy and the lack of reviewer consideration of the impacts of groundwater through a hydrogeologic review and study. Dave Remlinger

suggested that Snohomish County Planning and Development Services (PDS) be made aware of this. (This discussion continued under Agenda Item #5, Update on Permitting, Leque Island.)

On behalf of the Washington State University Extension ag program, Drew Corbin thanked the board for its support during the budget process. He thinks the close vote by the council supports the need to continually show the relevance of ag in Snohomish County. He will be happy to continue working with the board in that regard.

#### **4. APPOINTMENT OF NOMINATING COMMITTEE FOR JANUARY 2010 ELECTION OF OFFICERS** (Brian Bookey, Chair)

The board agreed to an informal nominating process via e-mail. Chair Bookey asked that board members send input to him.

Dave Remlinger asked for term expiration dates. Joan Langlais or Tom Niemann will provide that information to the board.

#### **5. UPDATE ON PERMITTING**

##### Leque Island

Tom Rowe stated that an administrative law judge upheld the Farm Bureau's motion to stay the JARPA approval on Leque Island. The Department of Fish and Wildlife then withdrew the project but came back with another project that separates the issues of new dike and remaining improvements.

Snohomish County PDS staff are currently reviewing the project. Snohomish County did not comment on the SEPA, because it was bound by the RCW to accept the Department of Fish and Wildlife's SEPA.

About three weeks ago, Tom received an e-mail from Ed Moats, Snohomish County Farm Bureau, regarding Camano Island's water district and concerns regarding saltwater intrusion as a result of Ducks Unlimited activities on Leque Island. Tom forwarded the letter to Ducks Unlimited and asked them to address the issue, which is serious. There may be probable, significant adverse impacts that were not covered in the original SEPA, the county may have grounds to redo the SEPA. Tom will provide information as the process proceeds.

Ralph Ferguson said that the Island County Board of Commissioners discussed Leque Island and is writing a letter to Snohomish County. The board of commissioners is adamant that it is not its responsibility to determine impacts; it is Fish and Wildlife's responsibility to show that there are no impacts. Ralph and others will be firm in a request that Fish and Wildlife do an EIS and hydrogeologic review in support of the EIS as is required by the salmon degradation policy.

Ralph asked for the ag board's encouragement for compliance with statutory law. Chair Bookey responded that the ag board is advisory to Snohomish County Planning and Development Services, county council, and executive. Its concern and interests lie in preserving ag land. It wants a place at the table when these restoration projects come up.

Betsy Christianson emphasized that Leque Island is just another example of good farmland being taken out of ag for the purpose of saving fish.

##### Habitat Management

In November, the county was involved in an audit with FEMA regarding the biological assessment and concerns that the county was asking for habitat management plans in all flood hazard areas in a primary association. The audit was completed; and it was found that FEMA was not asking for the depth of information that warrants a complete habitat management plan. As a result, county staff set up three categories based on proposed impacts. A habitat management plan will require less of a small project than a large project. John Graves, FEMA, suggested that he come talk with the board in January and go into greater depth of why this is

being done, what is being required, and what FEMA is facing with National Marine Fisheries. The board asked Tom to invite John to the January meeting.

Brian Bookey brought up the issue of whether a restoration activity is defined as a use for purposes of the ag zone. Tom Rowe said that the answer to this question is based on a 1995 John Galt, Hearing Examiner, decision (included in the agenda packet) that states that restoration is not a use, and land use regulation should not apply to it. Although restoration is not considered to be a use, it is allowed as an activity or an action in any zone. Although not listed as a specific use, there are fish habitat projects in all zones in the matrix. Brian Bookey would like this to be reconsidered. There is a lot of activity such as breeching dikes, etc. If an ag board member did something like that, he would have to comply with the zoning matrix. This doesn't feel right.

Tom Rowe said that projects that have come to the board recently have been larger than he has seen in the past. The habitat, restoration, and ag communities need to talk and reach some agreements that may result in writing new codes. Tom felt that Brian Bookey's address at the Focus on Farming convention was a good start, but he would have liked to have had more interaction.

Brian Bookey mentioned that Ryan Hembree is leading the committee that represents both sides. Ryan said that the next meeting is scheduled for December 16. In the interim, he is working with Snohomish County Surface Water Management (SWM) staff who are reviewing ag land maps along with known and potential future salmon restoration projects to see where there are overlaps. Staff are reviewing their salmon plans and trying to determine where projects should be while looking at relationships with farmland for the whole county.

Brian Bookey said that there has been a tendency to consider the Tribes as the other team, or opponent. Terry Williams wants to talk about this. Ryan Hembree said that Terry had contacted him; he has had conversations with people from the Northwest Indian Fisheries Commission who are watching Snohomish County. They are positive about opportunities to work with the farming community and "team up" on salmon and farmland policies. There is a potential for some funding.

Ralph Ferguson asked whether anyone has thought about eliminating predators and predation in the fight to save farm and forest land. He fished in Puget Sound waters from the 1940s, and later, when there was a bounty on seals. There were no seals or sea lions north of San Francisco, and there was an ample supply of fish. The National Marine Protection Act ended that; there is now no control over the seal and sea lion population. If an alliance to reduce the number of seals and sea lions could be reached, more efficient methods of increasing salmon populations could be implemented without the loss of farmland for habitat. Brian Bookey said that he would address this with the Tribes.

## **6. UPDATE ON USE MATRIX REVIEW (Use Matrix Subcommittee)**

The use matrix subcommittee discussed composting in the ag 10 zone and whether it should be a permitted use. A draft list of recommendations (Draft 01 December 2009 Meeting Notes) was distributed. Dave Remlinger stated that if it were an outright permitted process, parameters would need to be set and met. If they were not met, a special use permit or further review by PDS would be required for a permit application. Tom Rowe said that PDS staff are asking the ag community for guidelines.

Brian Bookey stated that the board's concern is the preservation of ag land, not losing more land to top soil operations. The board would be supportive of those operations if they are also supportive of ag.

There was discussion regarding bulking agents. Brian Bookey would personally propose the 50% ag commodities requirement. He suggested going back to the subcommittee and said it would be nice if the board could weigh in on this.

Betsy did not know how the use matrix effort would solve Marv Thomas' problem. She wondered if it would have an impact on the health district. Marv said that it would have a big impact on the district, which is currently allowing him to sell manure compost without a permit. He cannot obtain a permit from the health district until the county approves composting in the matrix for ag 10.

Brian reiterated that it is not a permitted use at this time. Betsy said that it is incidental to farms. Jerry Labish wondered whether new codes should be written. Tom Rowe said that is being proposed in the draft handout. Three things would have to happen.

1. Change the matrix to allow as a permitted use.
2. Add a footnote that directs the establishment of a set of standards.
3. The standards are listed in the handout. They are a result of a meeting with Dave Remlinger, Marv Thomas, and some others. The entire subcommittee was not present.

Brian Bookey said that this draft will be reviewed again by the subcommittee. He asked for input on the following:

1. Should there be a limitation on where the material is used in terms of on-site.
2. Are there concerns about input of materials?

He suggested that someone review the draft parameters and said that there needs to be a disposal method as well.

#### **7. FINAL PREPARATIONS FOR JOINT MEETINGS WITH COUNTY COUNCIL (December 8, 11:00 a.m. to 12:00 p.m.) COUNTY EXECUTIVE (December 9, 10:00 a.m. – 11:00 a.m.)**

Brian briefly reviewed the agendas, which were basically the same, and confirmed that the respective speakers for each topic were ready.

1. Celebrating Success of Focus on Farming Conference (Jackie Macomber)
2. Pursuing Opportunities to Achieve No Net Loss of Farmland (John Postema was not able to attend the meetings but provided Brian Bookey with written comments. Brian Bookey, Mark Craven, and Dave Remlinger will speak. Brian asked others to contribute as well.)
3. Providing Funding for Snohomish Conservation District (Mark Craven)
4. Enhancing Infrastructure Critical to Agriculture (Dave Remlinger)

An additional topic, Building Relationships with FEMA, was added to the meeting with the executive. Dave Remlinger will speak. Chair Bookey will be unable to attend that meeting. Vice Chair Mark Craven will chair the meeting.

#### **8. ADJOURNED TO JOINT MEETING WITH COUNCIL**