



Marine Resources

Committee

July 13, 2005

Minutes

4:00 – 5:55 pm, Heller Road Firehall
Oak Harbor

www.islandcountymrc.org

PRESENT: Chair Phyllis Kind, Hi Bronson, Tom Campbell, Sayed El-Sayed, Joe Hillers, Don Meehan, Benye Weber, Exec. Director Gary Wood, Admin. Ass't. Dan Pedersen. **ALTERNATES:** Joe Burcar (permanent alt. for Tate), Peg Urstad for Ken Urstad. **ABSENT:** Ian Jefferds, Rolf Seitle, Jeff Tate.

VISITORS:

Patricia Powell (speaker), executive director, Whidbey Camano Land Trust.
Kim Bredensteiner, Coupeville, Island County Salmon Recovery Program.
Dick Toft, former MRC member and prospective future reappointee.
Nancy Waddell, Maxwelton Salmon Adventure.
Scott Pascoe, Maxwelton Salmon Adventure.
Unidentified reporter, Whidbey News-Times.
Dave Smith, Crosby Road, interested member of the public.

CALL TO ORDER: 4:00 pm, Kind called the meeting to order. **QUORUM:** Declared, including Burcar as permanent alternate for Tate and Peg Urstad as alternate for Ken Urstad. **AGENDA:** Adopted.
MINUTES of 6-1-2005: Adopted, motion by Bronson, second by Meehan, no objections.
CORRESPONDENCE: None.

Summary of Decisions

Shoreline protection. One of the more effective ways the MRC can help protect large segments of shoreline is to become involved in the state parks comprehensive planning process, which is currently under way for four parks on central Whidbey Island. This is according to Pat Powell of Whidbey-Camano Land Trust, who points out the state parks own large sections of shoreline and the decisions they make will impact large pieces of the nearshore, for better or worse.

State parks speaker. Kind suggested the MRC consider inviting Dave Smith, of the state parks regional office in Burlington, to speak to the MRC and hear our thoughts in connection with the planning process.

Camano data mapping CD. The Science Committee will schedule a session to view Doug Kelly's data map of Camano Island, discuss it, and provide feedback to Meehan.

Responsibility for MRC projects. At the August 10 meeting, Kind will ask MRC members to take responsibility to track and periodically report on specific projects in our NWSC grant request and budget.

SPEAKER**Conservation Strategies**

Patricia Powell, Executive Director, Whidbey-Camano Land Trust

Bredensteiner introduced Patricia Powell, explaining that the MRC Science Committee believes this is a particularly important time to hear from her again. The Science Committee has been discussing the data generated by Jim Johannessen's shoreline studies of Camano and Whidbey islands, with an eye toward prioritizing a number of areas for protection and restoration. Powell can help us understand the types of protection options available. At the last meeting of the Water Resources Advisory Committee (WRAC), the discussion focused for about 1-1/2 hours on protection sites identified on northeast Whidbey and eastern and northern Camano Island. One of the questions that arose again and again was, "What does protection really look like? What would we do?"

Powell explained that the land trust is a private, non-profit, charitable organization that is non-partisan and non-regulatory, and deals only with willing landowners. The land trust relies on private donations and grants. The 13-member board is all voluntary and the first paid staff in the organization's 21 year history were hired just two years ago. The trust has protected more than 2,000 acres but has many thousands more under way for protection. "There is a lot going on – more than we can keep up with," she said. The trust's mission is to protect the natural habitats and rural lands of Whidbey and Camano islands in partnership with landowners and the broader community.

The land trust prioritizes areas it wants to protect and relies on a critical areas map it developed with data from local, state and federal agencies, and input from experts and public workshops. It focuses most of its time on pro-active efforts, rather than waiting for a crisis to occur. Powell said the land trust's priorities match up with the MRC's in that it focuses on coastal lands, wetlands and streams, wildlife habitat and working farmlands.

Fee-simple acquisition

A number of tools exist to protect special features of privately-owned land. The easiest-to-use, which is also the most expensive, is to acquire all the rights to the property. If an area is extremely sensitive and really no activity should be taking place on it, fee-simple acquisition is probably the best tool. An example might be the golden paintbrush area on central Whidbey.

Conservation easement

This is the bread-and-butter of land trusts. It keeps the land in private ownership and use, but takes away the right to specific types of development. To qualify as a conservation easement the legal agreement has to limit uses of the land. You might give up the right to harvest timber or subdivide the property, or change some scenic viewscape. The easement is perpetual and runs with the land. At present the land trust holds about 10 conservation easements. Only qualified entities can hold conservation easements and they must be prepared to enforce and defend them, which is a significant responsibility that requires money in the bank. Conservation easements can offer financial advantages including income, property taxes or estate taxes.

In the case of both fee-simple acquisition and conservation easements, private landowners sometimes donate these because they appreciate the special character of their land and wish to protect it into perpetuity. Sometimes they sell at market value. Sometimes they sell at a bargain price or donate a certain percentage of the value and get paid for the remainder. Or sometimes they set up a life estate that allows them to live on the land until they die or move, at which time it goes to the land trust.

Deed restrictions, mutual covenants, management agreements and leasing of lands

These are the other main tools. Deed restrictions are recorded in the deed of a property at the time it is being conveyed to a new owner and can restrict land uses in the same way a conservation easement does. They are legally binding on the next owner but are not necessarily permanent. The buyer and seller may later cancel the restriction. The other problem with deed restrictions is that often, no one is enforcing it. If the seller moves away and no longer has an opportunity to observe what is happening on

the property, the buyer may simply ignore or forget the deed restriction. One way to help prevent this is to involve the adjacent landowners in the restriction so they will have a stake in it. Mutual covenants are much like deed restrictions. Homeowners or neighbors exchange tree buffers, greenbelts or such, but like deed restrictions they can be mutually cancelled and they do need to be enforced by someone. Typically these do not have tax benefits. Management agreements involve an agreement with an agency or organization to set out a management plan. The agency helps the person with what they want to do, which might be habitat restoration. This also is not permanent and can be cancelled. Leasing agreements involve leasing the right to do certain things on a property, such as vegetation control.

In protection planning, the process should begin with a decision about the highest priorities for the site. Then protection methods may be chosen to fit the objectives – to deliver the least that is acceptable and the most that is desired. It's important to determine who is going to oversee or enforce the protection. It is important to get key landowners or at least one landowner committed to doing a project that may unfold over many years. Powell said it's important to avoid discussing someone's private property in a public setting before talking to them directly. When first approaching a neighborhood it is best not to go in with a specific plan but to listen and find out what they need and want, and what their concerns are, before proposing any solution. It's a good idea to include people who know the landowners.

Meehan asked what might be the best way to work with homeowners to protect a half-mile stretch of shoreline with eelgrass habitat, bearing in mind that the Shoreline Management Act already governs development on the beach. Powell said a conservation easement on tidelands probably would not take much value away from the property owners. The rights that might be affected are limited, but might include the right to build a dock or retaining wall, a seawall, or to take vegetation off. She said much of what would be restricted probably would be upland from the beach, such as placing a house far enough back from the feeder bluff, for example. The land trust probably would focus on the adjacent uplands.

In terms of what the MRC could do to impact relatively large areas of shoreline, Powell urged members to become involved with the state parks comprehensive planning process underway currently. She pointed the state parks are probably the largest owner of shoreline on Whidbey and Camano islands and have a great many alternatives for using their lands, some of which will immediately impact the shoreline. Ted Smith from the regional office in Burlington is the person to contact. Right now they are looking at Fort Casey, Fort Ebey, Joseph Whidbey and Ebey's Landing. The parks commissioners are coming to Whidbey on Aug. 4. Kind suggested it might be good to invite Smith to speak to a future MRC meeting.

REPORTS

Executive Director -- Wood

Budget. Wood said this morning he e-mailed to the membership the most recent revision of our Northwest Straits Commission (NWSC) grant proposal and budget. This version involves a number of changes, some of which were discussed at the last MRC meeting and others within the Executive Committee. Category A (\$20,000) is MRC administration. Category B (\$25,400) is compensation for Wood and Pedersen. Category C is five projects: Shore Stewards (\$17,100), derelict gear recovery (\$20,000), Water's Edge book (\$12,500), interpretive signage (\$15,000), water quality monitoring (\$12,500) and data mapping (\$10,000). **Shore Stewards.** Wood reported that on June 8 he enrolled the Port of Coupeville in Shore Stewards and we received a great article about it in the Coupeville Examiner. **Navy training derelict gear dive teams.** He also said the Navy is now training dive teams to retrieve derelict gear and this is going to be a big program nationwide. **Joint project with SRSC.** Wood reported he and Meehan had met with representatives of the Skagit River System Cooperative (SRSC) regarding their Salmon Recovery Funding Board (SRFB) proposal to do resource analysis to identify restoration sites in Geographic Area 1 -- northeast Whidbey and northern Camano islands. We withdrew our separate SRFB proposal regarding this area and instead will contribute to a joint effort by using Shore Stewards to assist in obtaining landowner cooperation and involvement with this effort.

County Lead – Meehan

Wood's contract. Meehan reported we are currently in the process of renewing Wood's contract. **Shore Stewards – Hood Canal.** He shared a copy of the new Shore Stewards guide for Hood Canal, with a lidar image of the canal on the front cover. **Poulsbo Marine Science Center equipment.** Meehan

reported he recently obtained a large amount of used equipment for \$12,000 from the Poulsbo Marine Science Center, which was closing its doors. The equipment we acquired included an underwater video camera with joystick, a hydro lab with radio telemetry, beach seine, plankton station, video microscope, full weather station and other items, including a large library of books, diving helmet and a seagrass display. Meehan said the Poulsbo organization had spent about \$40,000 just on the weather station and hydro lab alone. Some of this equipment will be used in the educational exhibit Beach Watchers and the MRC are planning in cooperation with the Port of Coupeville on Coupeville Wharf. Other equipment will be used in water quality monitoring by the Beach Watchers and MRC. The MRC executive committee recently decided to replace our proposed shellfish project with a water quality component and dedicated \$5,000 toward the purchase of the equipment. Beach Watchers paid for the rest, except for Public Works which purchased the weather station for \$1,000. Meehan said the MRC owes a big debt of gratitude to Ian Jefferds and his brother, Raul, who used their 26-foot Penn Cove Shellfish van to help pick up the large load of equipment in Poulsbo and haul it to Whidbey Island. The MRC gave Meehan and Jefferds a round of applause for identifying this opportunity and acting quickly. **Doug Kelly mapping project CD.** Meehan reported Doug Kelly has preliminarily completed his mapping project of Camano Island and he'd like someone to look at the CD and provide some feedback. This is all the eelgrass beds, shoreline hardening data, forage fish, feeder bluffs and other attributes. Bredensteiner suggested the Science Committee look at it together and discuss it. Kind said she will schedule a time to do so.

Chair – Kind

Involving MRC members in projects. Kind said she, Wood and Meehan today attended a leads-and-chairs meeting of the Northwest Straits Commission (NWSC). She commented that members of the Skagit MRC do a particularly good job of taking individual responsibility for overseeing the MRC's projects. She asked members of our group to review the grant proposal Wood prepared for today's meeting and be prepared to step forward at the August meeting and do this. **NWSC Growth and Development Committee.** This committee is in the process of being formed and needs volunteers. They will run the foundation that is the private part of the NWSC that applies for federal or other monies. **Department of Natural Resources (DNR) Citation.** Kind shared a citation honoring Island County MRC for its Commitment to Excellence, given by Doug Sutherland, commissioner of public lands, for our role in the recent creosote removal project at Fort Casey.

Maxwelton Salmon Adventure -- Waddell

Signage. Waddell said she's thrilled the MRC now has money in its budget for signage, since the county parks department still would like to go forward with signage at Carl Mackie Park. There may be money available from the Port of South Whidbey and the community fund to partner on it. **Education coordinator.** Waddell reported the salmon adventure now has a new education coordinator, Ann Linnea, who wrote the history of the watershed a few years ago. She will start in the fall. **Landowner database.** MSA is looking for a student to employ to update its landowner database.

OLD / NEW BUSINESS

Spartina dig. Pedersen shared an announcement of a People for Puget Sound spartina dig to be held Aug. 6 at City Beach in Oak Harbor. The group is looking for volunteers. Meehan commented this is a mechanical dig and he's not convinced it is a good approach. It's labor intensive, dangerous, involves significant disruption of the environment and does not work well. He thinks the Weed Control Board's approach is much more effective, which involves a combination of mechanical and chemical methods.

ADJOURNMENT

There being no further business, Kind declared the meeting adjourned at 5:55 pm.

Coming Events

Sept. 7, Wednesday, 4-6 pm, MRC meets at Heller Road Firehall, Oak Harbor.