

Skagit Watershed Council - Final Notes

Meeting of the Board of Directors, Hybrid Meeting at Skagit Watershed Council

February 1st, 2024

(Underline indicates decision point; parentheses indicate attachment #; ***bold indicates action item**)

Attending Directors: John Stein (Chair), Alison Studley, Emmett Wild, Michael Kirshenbaum, Andrew Bearlin, Devin Smith, Peter Browning (arrived 11am), Richard Brocksmith (Executive Director)

Guests: Clyde Halstead, Emily Derenne, and Denise Krownbell

Call to Order: 10:30. Quorum achieved.

Requested changes to draft agenda include tabling the financial reports until March, removing decision point for nominating committee, and adding project-level adaptive management discussion item. Motion to approve the agenda by Michael, seconded by Emmett. Approved by all.

Motion by Alison, seconded by Michael, to approve January board notes. Approved by all with Devin abstaining.

Old Business

SWC Board Chair John Stein received a letter dated January 18, 2024 from Skagit County, Skagit County Drainage & Irrigation Districts Consortium, Skagit County Dike & Drainage Flood Control Partnership, and the Upper Skagit Indian Tribe requesting that SWC “modify its articles of incorporation and bylaws to establish a board of seven representatives, with permanent board seats for” Swinomish Indian Tribal Community, USIT, Sauk-Suiattle Indian Tribe, Skagit County, SDIDC, Skagit Conservation District, and WDFW.

There was concern raised by Directors that the letter states it speaks for Tribes in Skagit County when only one of four Tribes represented had signed the letter. Further, the Board noted that at least two of those Tribes have stated their policy perspectives very explicitly that they were not interested in changing the mission or structure of the Watershed Council at this time. The Board expressed that the authors of the letter should be engaging with each of the relevant entities directly on this matter. The letter’s authors indicated that the Board of Directors makes such decisions, when in accordance with the Council’s by-laws it’s the Council of Members who would direct changes to bylaws and mission. It was also noted that there have yet to be clear problem statements written and shared about the current structure that would improve the Council’s ability to implement its mission. It was further noted that the letter’s authors wanted

lawyers to create new bylaws when in fact that should be determined by policy first. The Board expressed appreciation for the new, positive tone expressed in this most recent letter.

The Board discussed what appears to be the letter's misunderstanding of how the non-profit board and the lead entity citizen's committee are determined and structured. The County and USIT may also not be aware of how much legal and policy control they already express in the habitat project prioritization process and non-profit governance process. The Board already believes that major policies and plans are set by governmental members such as the fisheries co-managers and local governments, and that the Council's work is essentially implementing their policies already in existence. ***The Board signaled intent to share this information with the letter's authors, suggesting a letter be drafted, followed by a Board discussion as to whether the Watershed Council should retain a lawyer to advise the Board on that documentation before its shared.**

The Board agreed that almost certainly they'd support changes to the non-profit's structure and processes if they benefitted healthy habitats and sustainable fisheries in the Skagit Watershed and co-managers and local governments had consensus on those changes. The Board also agreed that nothing currently limited co-managers and local governments from developing and implementing new structures external to the Council to prove their concepts. For example, the Board has already offered to suggest to the Council of Members that the Bylaws be amended to designate seats for Tribes on the non-profit Board of Directors (and the lead entity committees, which already exists).

Commissioner Browning joined the meeting at this time and sought to clarify that the letter authors would like to develop an integrated infrastructure plan in the lower river and that the elected governments should have final say about how money is spent. Further discussion ensued suggesting there was not agreement on whether we needed new plans for salmon recovery or just needed to implement the ones we already had. There was agreement that there was certainly room to improve regional consensus on how to move forward if we were to better incorporate emergent risks such as climate change and other topics such as infrastructure, though that planning work has fallen onto the governments previously and not the non-profit who is working on voluntary habitat projects. Skagit County believes this should be done across governments within the Skagit Watershed Council and with community support.

The Board wondered if some of the letter's concerns could be addressed by the Board proposing an additional organizational structure "over" the lead entity citizen's committee to provide more governmental oversight while staying consistent with the RCWs that require a citizen's committee. *This should be further discussed. *Alison sought more clarification on what form the local drainage and irrigation districts took and the role of the cities in this discussion.

New Business

John opened the floor to discuss adopting an updated Request for Proposals that now incorporated recent information from the Recreation and Conservation Office. Devin motioned and Michael seconded to approve the RFP as proposed, which passed unanimously. *Alison requested that the project level adaptive management process be brought forward for review at the next board meeting. *Emmett requested additional discussion at the next board meeting on the riparian ranking processes. *The board also requested additional review of the 2023 lead entity citizen's committee funding decisions and affirming how that would be carried forward into 2024 for the unfunded riparian project.

The board reviewed a request to authorize purchase of a parcel of high quality habitat that has been recommended by the Protection Subcommittee and Technical Work Group after going through the new process for acquiring restorable lands. Peter motioned and Michael seconded authorization to purchase the parcel with Seattle City Light's existing reach-level SRFB grant, which passed unanimously with Devin and Andrew abstaining.

The board reviewed the County's proposal for a scope reduction at their previously funded Lower Day Slough Culvert replacement project. Emily confirmed that money would likely be returned via cost savings but that this wasn't guaranteed. Emmett motioned and Devin seconded to approve the scope reduction, which passed unanimously with Peter abstaining.

Adjourn: 12:15.