

Skagit Watershed Council – Final Notes
Meeting of the Board of Directors, Zoom – May 4, 2023

(Underline indicates decision point; parentheses indicate attachment #)

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Meeting ID: 823 4752 2403

Attending Directors: John Stein (Chair), Bill Blake, Michael Kirshenbaum, Devin Smith, Alison Studley, Richard Brocksmith (Executive Director), Brian Lanouette joined at 11:18

Guests: Aundrea McBride, Jenn Johnson

Call to Order: 11:05

Quorum achieved.

Motion by Devin, seconded by Bill, to approve the agenda. Approved unanimously.

Motion by Bill, seconded by Michael, to approve the April 13th notes as presented. Approved unanimously.

Executive Director and Committee Reports

Financials: Nothing out of the ordinary, back in the black. SCEA is folding and they have agreed on a dissolution plan for their resources. 15% or about \$5000 will come to SWC. 50% will go to Padilla Bay Foundation. Some will go to Salish Sea School to support next iteration of ECONet.

Motion to approve the March financial reports by Michael, seconded by Alison. All approve.

Committee Reports:

- Community Engagement Committee met.
- M&AM Subcommittee: Received a presentation on yearling research by Jen O’Neal from NSD and heard from Catherine on her responses to questions M&AM raised about SRSC’s monitoring proposal. The monitoring project has been forwarded to the Region for their process with SWC recommendation. ***Send slide deck from Jen presentation and invite to PSEMP meeting to Board.**
- Protection Subcommittee: Has not met since the last Board meeting.
- TWG: Has not met since March, but since then Kevik has withdrawn from the committee and doesn’t have a replacement from PSE in mind at the moment. Tyler Porter from USFWS is interested in attending TWG meetings but couldn’t participate in TRC this year.
- Site Visits: Went well with no major concerns raised. Mark Knutzen attended (life-long Skagit farmer) had a lot of good questions and was quite impressed with our work and

some of his preconceptions were changed. All the presentations were excellent.

***Updated committee list will come to the Board next month.**

Old Business

None

New Business

Skagit Upriver Neighbors: There is a long history with the Martin Road community and concerns about increased flooding or erosion risks from salmon projects. They penned two recent letters, both of which were provided to the Board for their education but did not request anything so no direct response is necessary. One letter asks WSDOT to restart their O'Brian Reach feasibility project to include a broader array of risk reduction measures and broader community dialogue. The second reiterated their concern to SRSC about moving Illabot Creek in the Barnaby phase 2 project, or any mainstem diversion. There appears to have been neutrality about designing the Illabot diversion previously. A fewer number of folks in the community signed the letter about Barnaby. WSDOT and SRSC have been working hard to respond to this input. Before these projects move on to new proposed project phases, SWC needs to make sure sponsors have effectively considered and responded to concerns. SRSC met with this group yesterday about Barnaby.

There is quite a bit of misinformation in the letters that needs to be addressed publicly, including the origins of the project, the historical success and commitment of SRSC (and other project sponsors) to their habitat projects, the importance of side and off-channel habitat to salmon recovery and Tribal communities, the relationship of increasing natural flood risks to habitat restoration projects, and that Seattle City Light (SCL) is heavily pushing downstream projects in lieu of fish passage. This upriver community has largely acknowledged that SRSC has done what they said they would do in past projects. There has been a good communication plan previously. Now, some landowners have concluded that the WSDOT project is an SRSC and SCL priority project. This is not true; it was generated by WSDOT's desire to decrease flood and erosion risks that regularly close their transportation corridor. SRSC has taken a back seat in the case of the O'Brian project because it may impact Barnaby project. Much like these upriver neighbors, they are waiting to see the nexus with Barnaby project before supporting it. The community is very concerned about the WSDOT project. WSDOT has had two zoom meetings for community outreach and some direct discussions. In response, WSDOT included both empirical hydraulic modeling results and landowner flooding perceptions into their alternative selection criteria. Landowners want SRSC to write a letter to WSDOT opposing their project. These are two different projects and have been handled differently but they have related, off-channel flow paths. The WSDOT project could change the inflow to Barnaby that would need to be considered in the Barnaby design. WSDOT has not yet approached SRSC about this.

- Misinformation is problematic and corrosive and enduring. We should correct the record, but who is the responsible “we” needs to be decided and actions coordinated.
- A lot of the misinformation is being directly promoted by the Skagit County prosecutor’s office. Is Skagit County’s position opposed to these projects? Skagit County’s position on preferred alternatives at these two sites has not been decided. The Commissioners want to attend the next WSDOT meeting to ask their questions fist hand.
- Does SRSC look to the SWC to back up the project? No need for SWC to weigh in. SRSC has a process with the community.
- All project sponsors should follow their proposals and best practices for outreach processes. If a sponsor wasn’t implementing what they agreed to in their scope of work, or alternatively if they asked for help, then SWC has a responsibility to directly engage.
- Various methods for squelching misinformation have resulted in more misinformation in the past.
- ***Richard will check in with WSDOT to confirm they are on track with their obligations.**
- ***As the SCL relicensing process normalizes, it would be a good time to relaunch engagement with the broader Skagit community about why side and off channels and estuaries are the most important limiting habitat for Chinook salmon.** This and possibly other misinformation is in SWC’s lane as it affects our long-term mission.

Watershed-wide, general risk reduction practices:

- There would be value if RCO/SRFB had a statewide pot of money for responding to unexpected off-site impacts (through no liability of the sponsor or project itself, which is a different issue) where landowners could submit claims. This could be implemented through professional bonding for instance. This could be offered to landowners upfront to reduce their concerns. This could be complicated however if landowners make a claim every time they get flooded despite ample evidence flood risks are increasing in nature.
- The State wants zero responsibility. They will look to insurance carriers to defend lawsuits and/or pay settlements. It has made sponsors in other areas uninsurable.
- The private insurance market is not set up for this system.
- Big bold actions involve bigger risks.
- Bonds have been standard operating procedure for local municipalities and governments like cities and counties and special purpose districts.
- ***We need to find out more about how things shook out with the Governor and legislature about this issue. Intended to be a quick fix this year, but there will be ongoing discussions.**
- ***Another nexus is the adaptive response process. Still waiting on SRFB to take this topic up, so Richard will check in there.**

- This would be for situations where the sponsor and its contractors did everything right, but inherent, unexpected risks. More like a bonding issue. It is not the same as liability.
- If there is a pathway for community members to take it will help feel like there is a backstop. We will get more projects getting built.
- What's the right language to propose in the circles we work?
- We are not alone in salmon recovery facing this issue. How do other entities deal with the bond issue?

Nominate John Stein for SWC Director Re-election—moved by Michael, seconded by Devin.
Approved by all. John and Brian abstain.

Good of the Order

McGlenn project: Site visit found that the jetty is “sucking in” and killing fish at every tidal cycle through holes in the jetty. This has fast-tracked emergency action. There is an ESA take issue that must be addressed.

SCL has scheduled a meeting that conflicts with the SWC Membership meeting, again. Should we reschedule June 7 Council of Members or proceed as planned? ***Richard and John will discuss.** Brian speculates that the topic of the SCL meeting that day will be terrestrial recreation. ***Richard will inquire about the agenda and ask nicely to stop future conflicts.**

Colony Creek project has next community meeting on the 25th of May to review concepts. Floodplains by Design has funded next phase.

Adjourn 12:12pm.

Upcoming Events:

- June 1, 11am to 1pm, SWC Board meeting
- June 7, 10am to Noon, SWC Council of Members meeting
- July 6, 11am to 1pm, SWC Board meeting