

SEPT. EXECUTIVE COMMITTEE MEETING SUMMARY

**SNOHOMISH SUSTAINABLE LANDS STRATEGY
EXECUTIVE COMMITTEE PHASE 3 MEETING (3.3.9)
Tuesday September 9, 2014 9:30 – 11:30 , SnoCo Admin (east) 6A04**

PURPOSE: Welcome EPA NEP and Puget Sound Partnership leadership and brief them on the SLS; review and discuss City of Snohomish's plans for a waterfront park; review semi-final Lower Skykomish SLS reach scale package; update on Floodplains by Design Round 2 grant applications. Brief review of other SLS news and reach packages.

PARTICIPANTS:

Conveners: For Snohomish County Executive — Linda Neunzig (Ag. Coord.); Debbie Terwilleger (SnoCo PW/SWM); Randy Slate (PDS); Council Member Dave Somers; Terry Williams (Tulalip Tribes); Shawn Yanity (Stillaguamish Tribe); Bob Everitt (WDFW); Jessica Hamill (ECY); Janet Curran (NMFS); Jim Muck (USFWS); Monte Marti (Snohomish Conservation District); Chuck Hazleton (Stillaguamish FCD).

Executive Committee: Brian Bookey, Kristin Kelly, Monte Marti, Dave Remlinger, Terry Williams (Tulalip Tribes), Shawn Yanity (Stillaguamish Tribe).

Support Team & Participants: Pat Stevenson (Stillaguamish Tribe); Morgan Ruff, Josh Kubo (Tulalip Tribes); Debbie Terwilleger, Bob Aldrich, Karen Stewart (SnoCo SWM, Public Works); Randy Slate, Alison Bridges (PDS); Linda Neunzig (SnoCo Ag. Coord.); Jessica Hamill (ECY); Bob Everitt (WDFW); Ann Stanton (City of Snohomish); Nick Bratton (Forterra); Janet Curren (NMFS); Chuck Hazleton (Stillaguamish Flood Control Dist); Heather Cole (PSP); Judy Bartelheimer, John Misich, Albert Postema (Sno Co Farm Bureau); DeWelle Ellsworth, Lew Roane; Sara DiVittorio, County Prosecuting Attorney; SLS facilitators Dan Evans & Lew Moore.

EPA Nat'l Estuary Prog. (DC & R10) and Puget Sound Partnership Leads: Marilyn Katz, Jerrod McKee, Michael Rylko, Bill Crowell, Angela Bonifaci (EPA); Marc Daily, Rick Parkin, Kevin Anderson, Jeanette Dorner, Alana Knaster, Heather Cole (PSP).

1. WELCOME, INTRODUCTION

- a. Review purpose, agenda:

The September session of the SLS Executive Committee was devoted primarily to three items: 1) an overview and discussion regarding the

SLS for EPA's National Estuary Program (NEP) DC and regional leadership as well as Puget Sound Partnership leads; 2) a briefing and discussion with Ann Stanton of the City of Snohomish regarding their waterfront park concept, including acquisition of the Stocker property; and 3) an initial discussion about potential Executive Committee member appointments, and the structure and governance of the SLS as at this critical juncture. There were also brief updates on reach packaging activities and

b. Introductions:

Council Member Dave Somers introduced the EPA / NEP delegation, including NEP program director Marilyn Katz as well as the PSP leadership, which included Deputy Director Marc Daily.

Ann Stanton, Project Manager for Public Works at the City of Snohomish, was introduced to discuss the City's waterfront park plans, including acquisition of the Stocker property, part of which is zoned Ag10.

In addition, Lew Roane of Citizens for Sustainable Development, with attorney DeWelle Ellsworth, who recently entered into a settlement agreement with the County regarding technical violations of Washington's Public Records Act (RCW 42.56), was introduced as a potential member of the Executive Committee. Under the settlement agreement, the County agreed to "facilitate Lew Roane's appointment" to the SLS Executive Committee.

County Deputy Prosecuting Attorney Sara Di Vittorio was introduced to help explain the settlement agreement.

c. Brief SLS related news/updates; Ag Coord. Update:

Because the EPA / PSP delegation had limited time, the SLS overview began after a brief review of the agenda and introductions.

2. WELCOME EPA (NEP) & PSP DELEGATIONS, SLS OVERVIEW

- a. Visiting leaders of the U.S. Environmental Protection Agency's (EPA) National Estuary Program (NEP), which supports the development of collaborative coastal and estuary conservation and management plans, have heard of the work of the SLS and, noting some similarities in mission, wanted to find out more and connect with the SLS during their Northwest tour. The NEP provides funding and support for the Puget Sound Partnership (PSP), which in turn has supported the SLS.

The following excerpt from the NEP website outlines the NEP's mission and role:

Estuaries are places where rivers meet the sea. Estuaries are critical to the health of coastal environments and to our enjoyment of them.

EPA's National Estuary Program was established by Congress in 1987 to improve the quality of estuaries of national importance. The [Clean Water Act Section 320](#) directs EPA to develop plans for attaining or maintaining water quality in an estuary. This includes protection of public water supplies and the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife, and allows recreational activities, in and on water, requires that control of point and nonpoint sources of pollution to supplement existing controls of pollution. In several cases, more than one State is participating in a National Estuary Program. Each program establishes a [Comprehensive Conservation and Management Plan](#) to meet the goals of Section 320.

NEPs are effective, efficient, collaborative, and adaptive community-based programs.... EPA's National Estuary Program is proud of its progress and has had many [successes](#). The NEPs have succeeded because:

- They focus on the watershed,
- Use science to inform decision-making,
- Emphasize collaborative problem solving, and
- Involve the public

The successes of the National Estuary Program are largely a result of the programs' ability to [develop long term, sustainable finance strategies](#).

- b. Council Member Dave Somers introduced the EPA and PSP visitors and provided a brief historical summary of the SLS development, mission, and operation.
- c. SLS facilitators provided a 20-minute PowerPoint overview of the SLS with participation from several SLS conveners, support team, and Executive Committee members. The conversation closely tracked the PPT slide deck, which is attached as Appendix 1.
- d. Members of the Executive Committee, including Terry Williams and Brian Bookey, engaged in the discussion with EPA and PSP officials, as did a member of the Farm Bureau who expressed

concern about the loss of the farmland base and the importance of giving farmland protection a higher priority.

- e. The EPA / PSP delegation left to tour the Qwuloolt restoration project with Tulalip and other project participants.

3. CITY OF SNOHOMISH'S WATERFRONT PARK PROPOSAL

- a. **Background:** At the last Executive Committee in August, Executive Committee member Kristin Kelly and others raised the issue of the City of Snohomish's plans to acquire the Stocker waterfront pasture property (including designated Ag10 land) just downstream of the Pilchuck Creek confluence with the Snohomish River. Snohomish is planning to use Conservation Futures funding to acquire the 20-acre Stocker property, which includes designated Ag10 farmland (pasture), as part of a waterfront park complex that will include trails, a boat ramp, recreational facilities, community garden plots, among other uses.

Issues include the purchase price of the property, loss of designated farmland without a balancing of interests, and possible hydrologic impacts of the boat ramp, which would be installed by WDFW with another grant. Although a subgroup was identified to investigate the issue, Snohomish City Public Works Project Manager Ann Stanton offered to brief the full Executive Committee and begin a discussion with interested parties of these issues, using the SLS table and approach.

- b. Overview of Snohomish waterfront park proposal by Ann Stanton:

Ann opened by saying that the City of Snohomish started the waterfront plan after it lost 300' of riverbank during the 1996 flood, and that it wants to work with the SLS to ensure that the Waterfront Park project respects multiple objectives – recreation, natural shoreline habitat, flood control and river processes, and agriculture. The proposal takes in 7.8 acres of designated Ag10 farmland within the City limits, but is seeking ways to mitigate that loss. To date, the City is considering, or has supported, several ag-friendly actions:

- Farmers market (ongoing and expanded)
- Community gardens
- Continued seasonal agricultural use of some pastureland
- Local sourcing of agricultural products
- Food bank (with locally grown products)

In addition, Ann said the City wants to work with the SLS to identify high-value opportunities for agricultural net gain. Several meeting participants offered suggestions and a willingness to work with the City to identify ag protection and enhancement options.

The Snohomish Waterfront Park concept proposal includes the following elements (also see map below):

- Riverfront Trail extension, connection with Sno-Monroe segment of the Centennial Trail
- Boat launch and parking area
- 100' riparian buffer restoration (over 1000' lineal feet of riverfront) plus creation of potential
- Off-leash dog area
- Soccer fields used for tournaments 8 days/year with large overflow parking area (open space / grazing remainder of year)
- Community gardening area
- Acquisition of the 20-acre Stocker Property, 7.8 acres of which is designated farmland (Ag10) that would be partially converted to other uses (8 days/year of soccer tournaments) but potentially available for seasonal grazing and other ag uses. It was noted by an ag rep that the land is not diked and drained, is too wet for most crops much of the year, and is subject to periodic inundation, limiting its agricultural potential.

There are several questions and potential issues that have generated some controversy surrounding the Waterfront Park concept proposal and the Stocker Property acquisition in particular, including:

- Loss of designated farmland without clear definition, at this time, of off-setting measures by the City of Snohomish
- Appraised value and terms of the Stocker Property acquisition (noting portion of the property contains developable uplands)
- Boat launch location, hydrodynamic effects (if any), and parking
- Influence on river processes up and downstream (e.g., sedimentation and erosion around the mouth of the Pilchuck)
- Seasonal overflow parking area surface – grass vs. gravel / asphalt, which would render the area unusable for grazing or other ag purpose well into the future

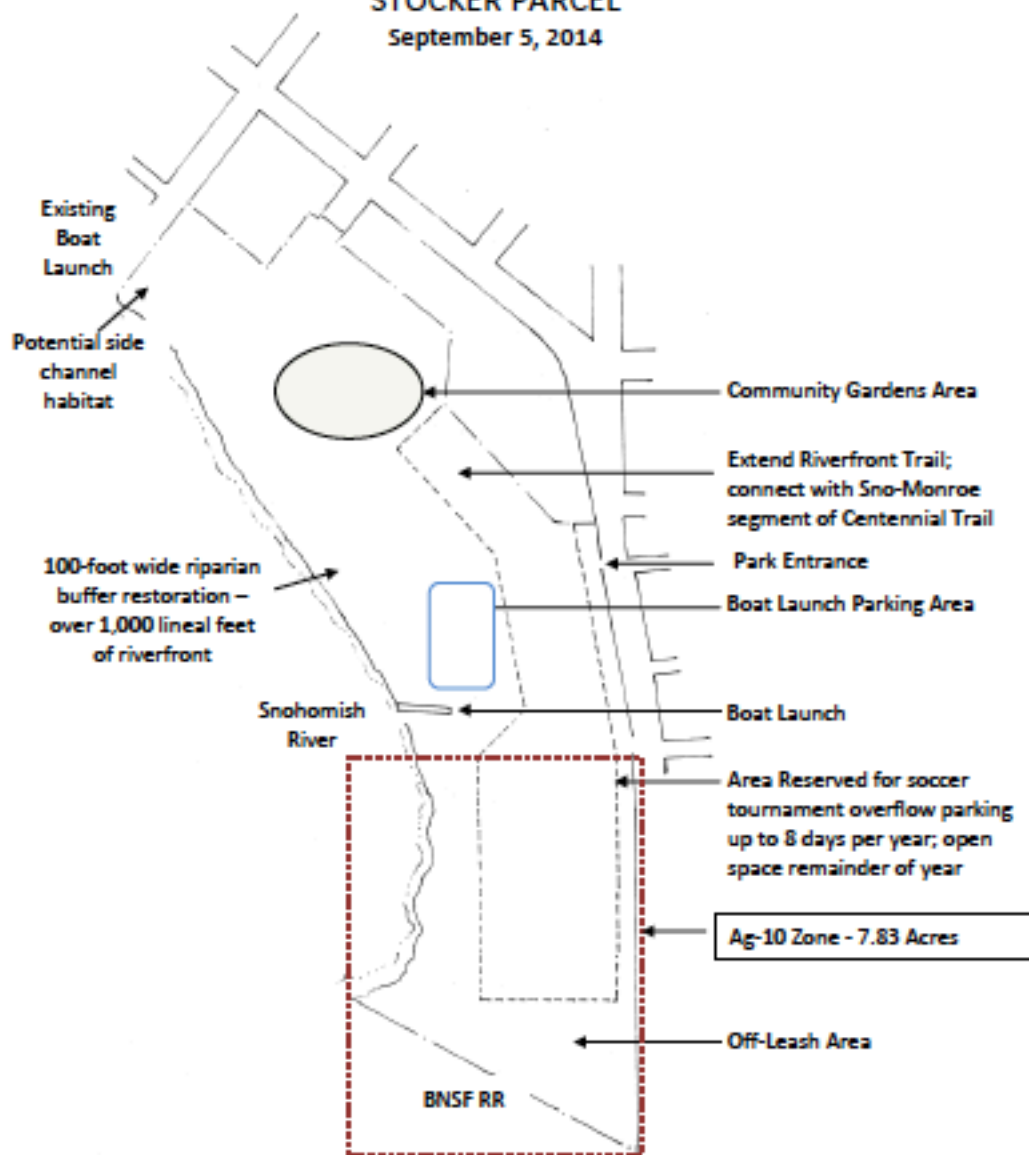
Participants in the discussion suggested several opportunities for the City to coordinate with potentially related ongoing efforts, such as working with the French Slough Flood Control District on the sedimentation and erosion problem at the mouth of Pilchuck Creek; and coordinating with the County on the Lower Snohomish River Reach Assessment (hydro/geo assessment and 2D modeling).

Follow up actions include connecting key stakeholders with the City of Snohomish to discuss a “net gain” for fish-farm-recreation-flood control, engaging with other assessment efforts and nearby river-based projects, and addressing or clarifying questions and issues.

PARK CONCEPT

STOCKER PARCEL

September 5, 2014



4. POTENTIAL APPOINTMENTS TO THE SLS EXECUTIVE COMMITTEE

- a. Resignation of John Postema: by separate communication, John Postema announced his resignation from the SLS Executive Committee, effective immediately, after more than three years of service and active participation as one of the four ag reps. In brief, he is concerned that land use and regulatory policies do not provide emphasis on farmland protection and enhancement of agricultural

productivity. As he has done in the past, John will be working through the initiative process to strengthen agricultural policies and protections. He is continuing to participate in SLS initiatives but not as a member of the Executive Committee. The Executive Committee will need to fill John's vacancy with another agricultural representative.

- b. Consideration of the potential appointment of Lew Roane: Under the terms of a September 8th settlement agreement between Snohomish County and Citizens for Sustainable Development (Lew Roane) under the Public Records Act (RCW 42.56), the County agreed to "facilitate Lew Roane's appointment to the Sustainable Lands Strategy Executive Committee..." See attached memorandum.

Snohomish County Surface Water Management Director, Debbie Terwilleger and Deputy Prosecuting Attorney Sara Di Vittorio, with some participation by Lew Roane's attorney, DeWelle Ellsworth, outlined the terms of the settlement. The County representatives pointed out that the SLS is not a County entity or even an official advisory group recognized by the County, such as the Agricultural Advisory Board, and therefore cannot direct SLS actions. Snohomish County is one of a number of federal, state, local, and tribal conveners of the SLS, several of which have financially supported the SLS. Currently, the County is the principal financial contributor, with Tribes, to the SLS effort and has a contract with the facilitators that now requires the facilitators to provide documents requested under the Public Records Act.

After this briefing, SLS Executive Committee members asked Mr. Roane why he wanted to join the panel. A heated exchange ensued regarding whether Mr. Roane needed to respond to questions from the Executive Committee or whether he had an automatic right to be appointed. Ms. Di Vittorio made it clear that the County could not direct Mr. Roane's appointment to the SLS Executive Committee, but merely attempt to facilitate his appointment.

The Executive Committee came to no conclusion on the matter. The facilitators said they would send Mr. Roane the SLS Accord and Framework documents, signed by all Executive Committee members at the formation of the SLS three years ago, which lays out key SLS principles and guidance. After review of the SLS documents by Mr. Roane, the facilitators would set up an informal session in which the Committee members and Lew Roane could discuss his potential appointment and the potential "fit" on the carefully balanced SLS panel.

The Executive Committee also agreed to take up more definitive procedures, perhaps establishing a set of bylaws for the SLS, which has operated with general guidance to this point.

5. COMMENTS, QUESTIONS, NEXT STEPS

6. PARTICIPANT FOLLOW UP DISCUSSIONS