



Skagit County Planning and Development Services
Att: Betsy Stevenson, AICP, Senior Planner, Team Supervisor
1800 Continental Place
Mount Vernon, WA 98273

Submitted by
Board of Directors, Skagit Land Trust
325 Pine Square
Mt Vernon, WA 98273

July 9, 2008

**Regarding the proposed mitigation bank restoration activities at Barney Lake/Noockachamps -
Clear Valley Environmental LLC
Shoreline Substantial Development and Conditional use Permit PL06-0607 and Grading Permit
BP06-0669**

Dear Betsy,

Skagit Land Trust is a non-profit conservation organization comprised of 675 families and businesses that are committed to voluntary preservation of conservation and resource lands throughout Skagit County. We have protected over 5200 acres and 24 miles of shoreline that serve as wildlife habitat, farms and forests. It is unfortunate that this debate has come down to pitting our natural resources against each other - both farmland and wetlands are needed in our valley and both are in dwindling supply.

However we do not think the choice for this land is between farmland preservation or wetland protection and restoration. It is about protecting the majority of this land as wetlands and farmland to the best of our ability. Otherwise it will all eventually be subdivided into large-lot residential parcels.

Over the past 20 years we and other groups have been trying to protect this property. The previous owner had discussions with conservation entities in the hopes of insuring the land be preserved as agricultural and wetland resource lands. Unfortunately these efforts proved unsuccessful. If this parcel had remained
in agricultural use with the valuable wetlands protected, we would of course have supported such an outcome. But no agricultural group, farmer, or conservation group purchased the property so the former owner sold it to Clear Valley LLC.

We have heard that Clear Valley LLC's proposal will result in the "loss of 800 acres of Prime Farmland". That statement is not entirely accurate. A portion of the 800-acres is extensive wetlands including half of the 100-acre wetland, Barney Lake. The entire property also encompasses over 3 miles of river and adjacent critical areas – including over 2 miles of Nookachamps Creek and ½ mile of Logan Creek. Approximately 200 acres of the property have never been farmed. In addition, this section of Nookachamps Creek been named as a priority for shoreline restoration to help address high water temperatures.

We are the owners of the other half of Barney Lake. It is an extraordinary place - a Class I Wetland which is considered the most important type in the State. A wetlands of this size right next to Mount Vernon is indeed a rarity. In the winter Barney Lake teems with thousands of ducks and swans, and it serves as a juvenile salmon nursery. In the summer it supports nesting bald eagles and many other important wildlife species. It functions as important flood storage, protects water quality and recharges groundwater which is important for both wildlife and surrounding agriculture.

When Clear Valley Environmental Farm LLC purchased this property, we saw an opportunity for a possible compromise solution to a very difficult situation. Consequently Skagit Land Trust has communicated its interest in buying 250 acres of this land from Clear Valley LLC, a portion which is not needed for the bank. This includes Barney Lake and the western part of the Nookachamps floodplain. Our goal for the 250 acres we would purchase includes preserving and restoring the wetlands and critical areas and keeping the viable farmland areas in agriculture. Clear Valley LLC has been receptive to our proposal, but their acceptance is contingent on their ability to implement their current plans.

Our major concern is what will happen to this irreplaceable natural land given the current conflict. If Clear Valley Environmental Farm LLC does not get their permits it is unlikely that the land will remain in agriculture. If they are not permitted as a mitigation bank, we expect that Clear Valley would seek to recoup its substantial investment in this property through subdividing the farm into 40-acre residential parcels or ranchettes. They are legally able to do this.

Due to the zoning requirements and the topography of the land, subdivision would likely result in long narrow tracts running out into the floodplain and into Barney Lake. This type of large lot development results in more intensive uses of the land, and can include a maze of fencing, and any number of private property uses. It would put much more pressure on the sensitive habitat and impede most farming over time. We don't believe this outcome would achieve the goals of either the agricultural or the conservation communities.

It would be very difficult if not impossible for Skagit Land Trust to protect Barney Lake and the Nookachamps if it were subdivided into large lots due to the increased expense of the land once subdivided, and ultimately the difficulty of working with 14 or more separate landowners. It would likewise be challenging and cost prohibitive for a farmer to purchase enough of these divided parcels and re-aggregate them into a functional commercial farm.

Whatever one thinks about wetland mitigation banking, the law requires the proponents to place a permanent protection agreement (conservation easement) on the bank's property thus it cannot be developed. Given the choices we understand – and we have not heard of any other viable alternatives - we think that protecting the property as a mixture of wetlands and some agricultural land is better than allowing the land to be subdivided, thus losing both wildlife habitat and farmland.

Submitted by
Skagit Land Trust
Board of Directors
July 9, 2008

Presented by Rusty Kuntze, Public Policy Chair