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## Skagit County nears compliance on critical areas

By **WHITNEY PIPKIN** Staff Writer

Skagit County officials sent paperwork Tuesday that should bring the county into compliance with the Growth Management Act for the first time since the act was passed in 1990.

After a series of public meetings, the county in December enrolled in the state's newly formed Voluntary Stewardship Program. The program was approved by the state Legislature last year as a way for counties to maintain current regulations protecting critical areas on agricultural lands while providing incentives for landowners to do more to protect them.

The Swinomish Indian Tribal Community has opposed the county's methods for protecting critical areas without the use of buffers for 15 years — the subject of an ongoing lawsuit that alleged the county wasn't doing enough to protect salmon.

The state Supreme Court ruled in the county's favor in 2007, stating that farmers only had to maintain critical habitat, not improve it. The court also ruled that the county needs to step up its monitoring effort to make sure habitats are not being harmed.

Enrolling in the program should meet that requirement, said Ryan Walters, a Skagit County civil deputy prosecuting attorney.

The voluntary program is the work of a Legislature-appointed board tasked with resolving the heated issue of critical area ordinances during a three-year moratorium on changes to the codes. The board passed the program on to counties last fall, giving them the option to enroll.

For Skagit County, enrollment should mean compliance with the Growth Management Hearings Board, Walters said in a statement to the board detailing the county's recent actions.

If the county is found compliant on this particular case, which was opened in 2002, it would be the first time since the board was established more than two decades ago, he said.

"The Voluntary Stewardship Program legislation obviates the requirement to protect critical areas in ag areas through development regulations," Walters said. "I think the statute is pretty clear."

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