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Skagit in compliance with law on land use, board says

By **KATE MARTIN** Staff Writer

A state board says Skagit County is now in compliance with a 22-year-old land-use law, thanks to its participation in a voluntary state program aimed at better protecting streams."

But Swinomish Tribe representatives are skeptical of the voluntary program, saying it isn't adequate to ensure the county is doing enough to protect local waters and habitat.

Alix Foster, director of the tribe's office of tribal attorney, points out studies in Oregon and Washington have shown that voluntary measures are not effective in protecting habitat.

"They've shown that the reason salmon are imperiled is because the governments have been relying on voluntary measures," Foster said. "We're not happy with these voluntary measures without there being some regulatory backup."

In January, Skagit County enrolled in the state's Voluntary Stewardship Program, which will provide incentives for landowners to do more to protect streams.

The Growth Management Hearings Board ruled Monday that the county now complies with the 1990 Growth Management Act because of participation in the program, which was created by the state Legislature last year.

"We're just getting started with the Voluntary Stewardship Program, but it has a lot of potential to do more than a simple regulatory measure can to protect streams," said Ryan Walters, civil deputy prosecuting attorney for Skagit County.

In 2002, the Swinomish Tribe opposed the county's regulatory measures as too lenient. The state Supreme Court ruled against the tribe in 2007, saying landowners only had to maintain habitat, not restore it.

Walters defended the program, saying it could pay for native vegetation along ditches and streams.

"That gets you riparian vegetation versus a regulatory measure that says you can't farm in that area, and doesn't do anything but grow blackberries (along a waterway)," Walters said.

An outreach and voluntary program with incentives could be more effective than regulations, he said.

Walters said the program might be able to allocate up to \$1 million per year through state and federal grants to area landowners. The money would be parceled out by an as-yet-unformed watershed group, made up of local residents and agency representatives.

And while Walters said the county has its critical areas ordinance to fall back on if landowners don't follow the voluntary measures, Foster said those regulations aren't effective in protecting habitat.

The Voluntary Stewardship Program will be evaluated after three, five and 10 years by the state to see if certain benchmarks have been reached.

Later this year, the county will form a citizen board to create a work plan. Foster said the tribe will be a part of that process.

"The tribe will participate, assuming we are invited," Foster said. "We will see how it goes."

For more information about Skagit County's Voluntary Stewardship Program, visit <http://skagitcounty.net/vsp>.