



# FRIENDS

*of the San Juans*

2007 Annual Report



# From the Director...

For many islanders, the wood is chopped and stacked, and the daily ritual of lighting the fire has begun. This is our time to strengthen relationships, renew family ties, and get together to enjoy the changing season.

The FRIENDS Annual Meeting on Shaw Island this September was a special opportunity for islanders to gather together with our Coast Salish neighbors. We were honored that the Lummi Nation and the Swinomish Indian Tribal Community offered our members the chance to paddle in two beautifully crafted Coast Salish canoes.

During the welcome address from Lummi elder, James Hillaire, on the topic of "living life in a good way," Hillaire stated, "that the spirit of friendship, honor, and goodwill between the people of these islands, and the Coast Salish people is a gift we can give the next Seven Generations." Paddling, or "pulling" in a canoe is the epitome of "living life in a good way." Pulling the canoe together provides the opportunity to experience, preserve, and honor the ancestry, and traditions of our shared waters.

It is a pleasure to share this year's accomplishments with you in our 2007 Annual report. As we move into 2008, FRIENDS will need your help, time, enthusiasm, and financial contributions to protect the land, water, sea and livability of these magnificent islands. Through science, education, law, policy, and citizen action, FRIENDS will continue to collaborate with local, state, and tribal stakeholders to accomplish our mission.

Pulling together, we can preserve this treasure that we all call home.

Thank you.



Stephanie Buffum Field  
Executive Director

## FRIENDS of the San Juans Mission, Goals and Objectives

**MISSION:** To protect the land, water, sea and livability of the San Juan Islands through science, education, policy, law, and citizen action.

### GOAL 1: Preserve the Character of the Islands

#### Objectives

- Preserve the character of our small communities.
- Support hamlet planning where desired.
- Conserve rural, natural, conservancy, and resource land.
- Monitor compliance to local, state and federal law.
- Promote low-impact development.
- Monitor updates to the Comprehensive Land Use Plan, Shoreline Master Plan.
- Support island scale, sustainable, economic development.

### GOAL 2: Conserve Natural Resources

#### Objectives

- Conserve the biological diversity of the Islands.
- Protect critical/environmentally sensitive areas.
- Initiate scientific study and recovery planning.
- Monitor County watershed and water resource planning efforts.
- Monitor compliance with local, state and Federal laws, intervening legally when appropriate.
- Compile Best Available Science for inclusion in local, state, federal planning documents.

### GOAL 3: Promote Ecological Stewardship

#### Objectives

- Foster a stewardship ethic among residents, visitors, governmental and tribal agencies.
- Increase the capacity of local planners, managers, and consultants to apply Best Available Science to decision making.
- Form private, tribal, and public partnerships.
- Serve as a community resource.

### GOAL 4: Promote Environmental Protections

#### Objectives

- Monitor and ensure compliance with local, state, and federal laws.
- Develop community partnerships to support conservation priorities.
- Increase the County's capacity building through data sharing, workshops, etc.
- Promote the precautionary principle in land use decisions.
- Facilitate information sharing between decision makers to ensure consistent implementation of protection policies.

To read more about our programs, log onto our website at [www.sanjuans.org](http://www.sanjuans.org)

### FRIENDS of the San Juans

P.O. Box 1344, Friday Harbor, WA 98250 • 360-378-2319 [www.sanjuans.org](http://www.sanjuans.org)

BOARD OF DIRECTORS: San Juan - Ralph Hahn, John Marx, Mark Gardner & Larry Marx  
Orcas - Roger Collier, Irmgard Conley, Tom Owens, Patti Pirnack-Hamilton, Farouk Seif & Janet Alderton, Shaw - Lynn Bahrych, Jon Christoffersen & Fred Ellis  
Lopez - San Olson & George Lawson

STAFF: Executive Director - Stephanie Buffum Field ([stephanie@sanjuans.org](mailto:stephanie@sanjuans.org)), Science Director - Tina Whitman ([tina@sanjuans.org](mailto:tina@sanjuans.org)), Development Director - Shannon Davis ([shannon@sanjuans.org](mailto:shannon@sanjuans.org)), Office Manager - Jana Marks ([jana@sanjuans.org](mailto:jana@sanjuans.org)), Staff Attorney - Amy Trainer ([amy@sanjuans.org](mailto:amy@sanjuans.org))

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# Annual Meeting and Best FRIENDS of the Year

## FRIENDS Annual Meeting

Our hands are up to all who participated in the 28th Annual Meeting on Shaw Island on Saturday September 15.

Over 130 people attended the meeting including an inter-tribal crew from the Samsish Indian Nation, Lummi Nation, Nooksack Nation, and the Swinomish Indian Tribal Community who paddled in two canoes to participate in the event.

Lummi Nation elder, James Hillaire, welcomed guests to the event. Known conservationists, Fred Ellis, Estella Leopold, Philip Red Eagle, and Helen Engle, each provided their own perspective on the islands and how to protect them. Members were given a very rare opportunity to paddle in the Lummi canoe, "O'hileqsen" and the Swinomish canoe, "Squelalitut artsi s Zuladx W."

In addition to the paddle, FRIENDS Science Director, Tina Whitman, led a hands-on forage fish habitat presentation on Shaw's South Beach.

Islanders, Marc Forlenza, Kim Sundberg and Debbie Clausen; Gregg, Rachel and Roald Dietzman; Chad, Kathleen and Evan Foley; and Bob Anderson and crew escorted the canoes in their personal boats from Washington Park to Shaw Island on Friday and back again on Sunday morning.

Thank you all who contributed to this successful event!

## Best FRIENDS of the Year

April and Gary Ford, of San Juan Island, received FRIENDS of the San Juans "Best FRIENDS of the Year

Award" for their unprecedented support of our public interest law program. April and Gary provided staunch support of our conservation programs, and also provided housing for FRIENDS legal interns this summer. "April and Gary really made our public interest legal department possible this year." said Executive Director, Stephanie Buffum Field. "Thank you so much, April and Gary, for helping us protect our islands resources."

Special Recognition was also given to several board members in honor of their service. They were presented with a signed-copy of Ron Keeshan's recently released book of photographs and essays on wildlife and their habitats in the Pacific Northwest, *Journey into the Web of Life*.



Counter clockwise from top - Stephanie helps launch FRIENDS members in Swinomish canoe, Mark Gardner & James Hillaire document the event, Best FRIEND of the Year April Ford, members learn about forage fish habitat, Helen Engle provides perspective on how to protect the islands.





## Science Highlights & Accomplishments

*With over 400 miles of shoreline, San Juan County plays an important role in regional salmon and orca recovery efforts. Over the past year FRIENDS science program has mapped critical kelp habitat, analyzed shoreline permit activity and began to restore habitat at priority shoreline sites.*

### Analysis of Shoreline Permit Activity 1972-2005

Located at the confluence of Puget Sound, Georgia Strait and the Strait of Juan de Fuca, San Juan County's shorelines play a critical role in the health of the regional marine ecosystem. The majority of the County's shoreline development impacts come from incremental single-family development and individual shoreline alterations. The cumulative effects from this incremental development may only be evident over time. To help determine if local and state land use policies are providing adequate protection to critical shoreline resources, FRIENDS conducted an analysis of shoreline permit activity for San Juan County for the period 1972 through 2005.

FRIENDS' *Analysis of Shoreline Permit Activity* provides the first comprehensive look at San Juan County's permit activity. Project findings indicate that San Juan County

needs to better manage and track shoreline development activities to ensure adequate protection of critical resources. The County also needs to develop more successful protection policies. For example, the inclusion of specific protection policies for eelgrass and forage fish spawning habitats under county code has not reduced the number, annual rate or percentage of dock or bulkhead permit activity on parcels with those critical marine habitat types present. This report raises serious management concerns about the incremental and cumulative impacts of shoreline development. Contact FRIENDS for the full report.

### Eelgrass Research in Westcott Bay

As in an old growth forest, there are habitats in every niche of an eelgrass (*Z. Marina*) meadow. Compared to nearby barren, shifting sands, the eelgrass meadow is full of life. For the last 3 years, FRIENDS has been working collaboratively with University

of Washington seagrass expert Dr. Sandy Wyllie-Echeverria and agency experts to understand the causes and extent of eelgrass habitat declines in the San Juans. Our findings have resulted in significant state and federal agency attention to the problem. This past summer, Washington Department of Natural Resources and the United States Geologic Survey expanded their involvement and implemented the Eelgrass Stressor Project, a major collaborative research effort within San Juan Islands' Westcott Bay. Extensive information was gathered on sediments, water quality, eelgrass transplant success, and benthic communities. In early August, FRIENDS conducted underwater video surveys of the Westcott/Garrison Bay complex to see if eelgrass is naturally regenerating in Westcott Bay and if declines are still occurring in Garrison Bay. While results have not yet been analyzed, these collaborative studies will advance protection and restoration plans for this critical marine resource.

*From left - Jim Slocomb monitors County marine water quality, Tina Whitman maps eelgrass habitat in Westcott Bay, Tina Wyllie-Echeverria and Jim Johannessen discuss FRIENDS' Shoal Bay lagoon tide gate removal project.*



## Shoreline Restoration

FRIENDS is working with private landowners to restore shoreline habitat at three sites. All projects focus on removal of unnecessary shoreline structures, including a derelict tide gate, an old concrete and creosote pile shuffleboard court, and a rock wall located along a shoreline salt marsh. When complete, these restoration projects will improve forage fish spawning beach substrate, reconnect coastal wetlands to the marine environment, and enhance prey and habitat resources for out-migrating juvenile salmon. A majority of project funding has been secured and design, engineering, and archaeological work is underway. FRIENDS is also working with San Juan County Public Works and Parks Departments to develop protection and restoration projects at public shoreline sites and beaches impacted by County infrastructure such as roads.

## Assessment of Kelp Habitat

Kelp is one of the fastest growing organisms on earth reaching over 30 meters to the surface of the ocean. Kelp provides a protective canopy to hundreds of species of fish, invertebrates and mammals that feed, live and hunt below. Approximately one-third of all floating kelp resources in the Sound and Strait occur in San Juan County. Consequently, San Juan County's kelp habitats provide important ecosystem services, especially for juvenile fish, including primary productivity, habitat, and wave moderation.

FRIENDS has recently completed a county-wide mapping project of bull kelp (*Nereocystis luetkeana*) in partnership with the Washington Department of Natural Resources. The location of this important habitat is now documented along 78 miles of shoreline in the San Juans. Project



*In 2007, FRIENDS mapped San Juan County's critical bull kelp habitat. Photo by Mark Gardner.*

results will be shared with land managers and scientists. Results will also be applied to marine protection and recovery efforts like those underway for salmon and orca. Kelp is protected under the environmentally sensitive areas section of San Juan County Code and listed as a priority habitat type by the Washington Department of Fish and Wildlife. Primary threats to kelp include sedimentation, overwater structures, petroleum pollutants, invasive species, and climate change.

## Long-term Protection of Shoreline Habitat

Protection of critical shoreline, or nearshore, habitat has been identified as the top salmon recovery strategy for San Juan County by local and regional experts. The goal of FRIENDS' **Salmon Protection Blueprint**, a project underway with the San Juan County Land Bank and the San Juan Preservation Trust, is to identify priority conservation sites and achieve

long-term habitat protection through voluntary conservation programs such as conservation easements, stewardship plans, and tax-incentive programs. To help reach this goal, a copy of FRIENDS Shoreline Stewardship Guide and a landowner survey was mailed to all shoreline property owners in the county. Over 750 surveys were returned providing information on shoreline conditions and landowner interest in voluntary conservation of tideland and nearshore habitats. Survey results are being mapped and modeled with habitat value and threat data to identify high priority sites for shoreline protection. FRIENDS wishes to thank those landowners who responded.

A series of workshops on **Shoreline Values, Threats and Protection Opportunities** will be held this November to further involve residents in shoreline protection.

Nov. 7, 7-8:30 pm Lopez Library  
Nov. 8, 7-8:30 pm Orcas Senior Center  
Nov. 10, 12 to 2 pm San Juan Grange



## Education Highlights & Accomplishments

*Protecting our environment requires the awareness and participation of all citizens. The primary objectives of FRIENDS education programs are to foster a stewardship ethic and to increase local capacity for cultural and natural heritage preservation.*



*From left - Over 70 professionals attended FRIENDS workshop on Land Development Permits and Practices, FRIENDS highlighted the importance of local agriculture in the Spring newsletter, Tina Whitman leads a forage fish interpretive field trip on John's Island.*

### Workshop on "Land Development Permits and Practices: the good, the bad and the ugly"

FRIENDS of the San Juans partnered with the San Juan Islands Conservation District last spring to host a workshop for professional excavating, landscaping, and building contractors. Over 70 land development professionals attended this unique workshop to hear presentations on local and state environmental regulations and best management practices for wetlands, shorelines, and stormwater. The workshop brought together permitting agencies, land use consultants, and private contractors with the goal of improving resource protection. The workshop also helped strengthen relationships between county and state staff and has led to better coordination of permitting efforts.

### Farming in the San Juans

Agriculture dramatically shapes our local environment and by supporting our local farmers FRIENDS hopes to help reduce fuel usage, pesticide consumption, and help maintain our rural land use pattern. FRIENDS devoted its spring newsletter to *Farming in the San Juan Islands* highlighting local farmers, agriculture education programs, and local efforts to protect farmland. Please contact the FRIENDS office if you would like a hardcopy of this beautiful special edition newsletter. You can also read all of our past newsletters online at [www.sanjuans.org/newsletters.htm](http://www.sanjuans.org/newsletters.htm).

### Forage Fish Education

Southern Resident Orca eat salmon and salmon eat forage fish. This summer, FRIENDS staff led interpretive field trips on forage fish

spawning beaches for residents of Lopez, John's, and Shaw Islands. Participants conducted beach surveys for smelt eggs and held lively discussions of the past, current, and desired future conditions of marine habitats in their communities.

In addition, an educational forage fish field and lab day was conducted with middle school students from around the country participating in the OMSI summer science program at British Camp National Historic Park. FRIENDS will be working with OMSI to incorporate the forage fish program into their regular summer curriculum.

### Technical Assistance for Shoreline Property Owners

FRIENDS marine education efforts over the past year focused on shoreline landowners and land

managers. Twenty shoreline landowners participated in FRIENDS Shoreline Technical Assistance Program. FRIENDS staff and either a coastal engineer, Jim Johannessen, or ecologist, Elliott Menashe, visited their property. This targeted, site-specific education program enabled participants to move quickly toward achieving on-the-ground improvements, protecting property, and maintaining important ecological services such as water quality and fish and wildlife habitat.

### Shoreline Stewardship Guide: Second Edition

Over 4,600 updated Shoreline Stewardship Guides (with new kelp habitat, landowner resources and long-term conservation information) have been distributed to shoreline property owners and realtors in San Juan County this year. The stewardship guide offers landowners and residents important resources along with a summary of issues and biological factors specific to the San Juans. Contact FRIENDS office for a copy. You can also download the stewardship guide from our website [www.sanjuans.org/stewardshipguide.htm](http://www.sanjuans.org/stewardshipguide.htm)

### Making Fish Friendly Choices in San Juan County

FRIENDS staff met with the San Juan County Council, the Public Works Department, and the Marine Resources Committee to discuss results from FRIENDS Soft Shore Protection Blueprint and Nearshore Impact Assessment. Discussions emphasized the regional importance of San Juan County shorelines and the significant opportunities for improvement available on sites associated with County ownership, management or infrastructure.

## Protecting Orcas from Vessel Impacts

One year after our resident Orcas were federally listed as an “endangered” species by the National Marine Fisheries Service (NMFS), a division of NOAA, a Draft Recovery Plan for the Orcas was released. The recovery plan identified vessel effects as a contributing factor to the demise of Orcas. In March, 2007, NMFS issued an “Advanced Notice of Federal Rulemaking,” thereby declaring its intent to draft a federal regulation to protect Orcas from vessel effects.

FRIENDS Staff Attorney worked closely with Kari Koski, Director of the The Whale Museum’s Soundwatch Boater Education Program, to better understand how vessel traffic affects the endangered Orcas. For the last 15 years, the Soundwatch Program has documented the behavior and travel patterns of the resident Orcas and the boats that seek them. Kari shared her knowledge and data with FRIENDS staff, enabling FRIENDS to submit detailed comment letters both on the NMFS Draft Recovery Plan and Advanced Notice of Federal Rulemaking. In addition, FRIENDS Staff Attorney worked with members of Ocean Advocates and Orca Relief to coordinate comments to the Federal Rulemaking.

In the process of commenting on both the Draft Recovery Plan and the Federal Rulemaking, FRIENDS Staff Attorney served as the catalyst to bring the recently adopted Orca vessel regulation to fruition. Knowing that it typically takes a minimum of two years to complete the federal public rulemaking process, FRIENDS Staff Attorney had an idea: get the County to utilize authority granted under Section 6 (f) of the Endangered Species Act to enact a local, interim regulation until the federal rulemaking process is complete. NOAA attorneys and staff supported the idea because it would provide a measure of interim protection for the Orcas.

Working with Soundwatch, Ocean Advocates, Orca Relief, Washington Department of Fish & Wildlife marine law enforcement officers, and other concerned citizens, FRIENDS Staff Attorney presented a proposal to the County Council on April 10th requesting that the County consider adopting an interim regulation protecting Orcas from vessel effects. FRIENDS Staff Attorney followed the issue closely all summer, and on September 11th, the Council unanimously approved an ordinance to protect Orcas from vessel effects.

*Photo by Mark Gardner*





## Policy Highlights & Accomplishments

*Protection of San Juan County's resources requires an understanding of the issues, best available science, and the engagement of stakeholders. Over the past year FRIENDS policy work has focused on freshwater resources, nearshore habitat, and at risk and endangered species.*

### Protecting Critical Areas

The Growth Management Act (GMA) requires cities and counties to periodically review and update comprehensive plans and development regulations to meet minimum State requirements. San Juan County's first update was due December 2005. A one-year extension was granted for the Critical Areas Ordinance (CAO). This deadline has passed and now San Juan County is out of compliance with the GMA making the County ineligible to apply for State public works and water quality assistance grants.

FRIENDS Legal Intern, Julie Schaffer, performed in-depth research on best available science policies for the Fish & Wildlife component of the CAO update. Julie compared the County's existing protections with Whatcom County's recently updated CAO to analyze the best ways the

County can protect fish and wildlife habitat. FRIENDS staff will utilize this analysis as the CAO update moves forward.

### Critical Areas Ordinance: Wetlands and Farming

FRIENDS Staff Attorney worked with farmers, the Conservation District, concerned citizens, and the County Planning Department to draft the Critical Areas Ordinance update for wetland buffers and agricultural activities. However, after three productive meetings, the State Legislature passed SB 5248 which prohibits cities and counties from enacting Critical Areas regulations on existing agricultural lands until after July 1, 2010. The Bill also requires the Ruckelshaus Center to conduct fact finding and identify options for protecting agricultural resource lands.

### Eelgrass "No Net Loss" Policy Research

FRIENDS Legal Intern Christina Davis performed in-depth research on local and state policies surrounding the protection of eelgrass, a critical marine habitat. Christina examined local and state "no net loss" eelgrass policies and how both the courts and the Shorelines Hearings Board have interpreted and applied the policy. FRIENDS Science Director will utilize this analysis in working with the Marine Resources Committee, Friday Harbor Labs and Washington Department of Fish & Wildlife to improve county and state eelgrass protection.

### Critical Areas Ordinance Policy Committee

Executive Director, Stephanie Buffum Field was appointed by the San Juan County Council to serve on the Critical Areas Ordinance Policy Committee. She will work with County staff to develop a Critical Areas Ordinance (CAO) that will effectively protect local resources and bring San Juan County into compliance with the Growth Management Act (GMA). The CAO Committee has been meeting since August and has discussed "Guiding Principles." The proposed principles have evolved over the last few months based on citizen and agency input. The first section deals with legal requirements based on the GMA and associated Growth Board and court

*FRIENDS worked with local farmers on the Critical Areas Ordinance Update for wetland buffers and agricultural activities. Photo by Sven Haarhoff.*



protecting the land, water, sea and





*FRIENDS policy work in 2007 aimed to protect fresh water, shoreline, and upland resources. Photos by (from left) Mark Gardner, Nick Jones, Jana Marks.*

decisions. The second section includes community choices on how to approach the regulation of critical areas.

The committee is currently reviewing San Juan County's Best Available Science document. This document will serve as the basis for future discussion on actions to better protect shellfish areas, kelp and eelgrass beds, forage fish spawning areas, streams, lakes, areas with rare plant species, and priority habitats designated by the State. CAO Committee meetings will occur on the 3rd and 4th Thursdays of the month.

## Letter Opposing Navy Sonar near Marine Life

This summer, FRIENDS of the San Juans, Vice President, Sanford Olson, DVM, Retired Veterinarian and former Lieutenant in the United States Naval Reserves, co-authored a comment letter to the Navy and NMFS in opposition to the Navy's requested authorization to "take" marine mammals incidental to the conduct of SURTASS LFA sonar over a 5 year period.

FRIENDS, like numerous organizations, is concerned with the effects of sound energy on marine life. The FRIENDS letter requested the Navy use passive technology to determine the presence of marine mammals and avoid using active sonar while in their presence; terminate sonar operations if marine mammals are observed; no use of active sonar in confined, shallow, coastal waters where marine mammals are likely to congregate; and keep the sonar energy level below the threshold of injury to the exquisitely sensitive organs of hearing.

## Cherry Point Aquatic Reserve

FRIENDS Staff Attorney has been participating in a collaborative process with a diverse group of stakeholders to draft a management plan for the Cherry Point Aquatic Reserve. In 2000, outgoing Department of Natural Resources (WDNR) Commissioner Jennifer Belcher designated the Cherry Point reach as a State Environmental Aquatic Reserve to foster restoration

of the Cherry Point herring and the Nooksack salmon stocks. The Cherry Point herring stock serves as critical prey for a host of marine mammals and seabirds, including many federally listed endangered species. The management plan will find common ground to restore and preserve the ecosystem and the herring stock, the population of which has declined 90% over the past 30 years.

In addition, FRIENDS Staff Attorney provided lengthy comments to the Army Corps of Engineers as part of the scoping process for the environmental impact statement for British Petroleum's dock expansion at Cherry Point. Originally, the Corps permitted the dock expansion without requiring an EIS. Due to a successful lawsuit by Ocean Advocates, the Federal Ninth Circuit Court of Appeals required the EIS. Issues of concern include adequate consideration of mitigation to protect Cherry Point herring and the aquatic environment, and compliance with the Magnuson Amendment to the Marine Mammal Protection Act.



## Law Highlights & Accomplishments

*At FRIENDS, we believe that good land use decisions are based in science, law and community participation. Our public interest law program serves as an important legal resource for citizens and local organizations: protecting wetlands, shorelines, water quantity and quality, endangered species and residential character.*

### Land Use and Shoreline Permit Review

FRIENDS staff continue to monitor permit applications for land use and shoreline development in San Juan County. This past year FRIENDS reviewed Deer Harbor's Hamlet Plan, Rosario Resort's Master Plan, the proposed La Farge road end, shoreline variance permit applications, as well as applications for transient rentals, docks, shoreline armoring, and mooring buoys.

### Protecting Shorelines on Fisherman Bay

On the western shore of Fisherman Bay, property owners are requesting a variance to build a 1,500 sq. ft. home on a 15,987 sq. ft. forested waterfront lot. The adjacent and nearby shoreline lots are all undeveloped, together forming an 1.2 mile stretch of undisturbed shoreline. The shoreline is mapped as "unstable" and the property owners bought the lot which was openly advertised as "unbuildable." San Juan County law requires that shoreline homes be located behind the treeline and set back a minimum of

50 feet from the top of the bank. This property is too small to comply with this requirement; therefore the owners are asking the county to relax their requirements.

FRIENDS staff met with concerned residents on Lopez Island this summer to discuss the proposed shoreline variance and help interested citizens prepare their own comment letters. FRIENDS staff also testified against the proposed shoreline variance at the public hearing because the proposal fails to meet the five legal criteria necessary to receive a variance. The public hearing was continued to October 16.

### Protecting Fresh Water Resources in False Bay

The south end of False Bay is a sparsely populated area, largely due to its lack of available groundwater. In the summer of 2006, a developer proposed to subdivide an upland 39-acre parcel into eight lots and install a Group B Water System to feed the subdivision and one shoreline house. The neighborhood already has a history of wells running dry in the summer months, a steadily declining water table, and higher than average chloride measurements indicating a risk for

sea water intrusion. Many neighbors are concerned about impairment and seawater intrusion to the aquifer from the proposed doubling of the neighborhood density. FRIENDS Staff Attorney worked with the neighbors to appeal the proposed development.

The County Health Department twice denied preliminary approval of the proposed Group B Water System because the developer failed to demonstrate an adequate water supply. The developer hired a Seattle hydrogeologic firm to explain the low yielding pump test, and the County issued the Group B Water System approval the day before the March 1, 2007 public hearing.

Hydrogeologists for both the developer and the neighbors presented testimony to the Hearing Examiner about the availability of groundwater to support the proposed development. FRIENDS Staff Attorney, on behalf of the neighbors, argued that State water law affords the neighbors "senior" water rights and the proposed development must not impair those



rights or degrade the groundwater resource by causing seawater intrusion. The evidence presented by the developer did not adequately address whether the proposed development would impair the neighbors' wells or cause seawater intrusion.

The Hearing Examiner ruled in favor of the neighbors and required the developer to retest the wells to demonstrate that the proposed 9-connection water system would not degrade the aquifer, would not impair the neighbors' senior water rights, and would not result in seawater intrusion. The developer has recently drilled 3 more wells and is conducting new pump tests. A new public hearing has not yet been scheduled.

### Protecting Pear Point

In 2005, a 14-lot subdivision was proposed for the south-facing slope overlooking Griffin Bay on Pear Point Road. Concerned neighbors appealed the proposed development because it failed to protect a historic orchard and meadow as required by the County's Conservation Design Requirements, and because of insufficient water availability and the potential for seawater intrusion. After the Hearing Examiner ruled in favor of the neighbors, the developer appealed the decision to superior court. FRIENDS Staff Attorney intervened on behalf of members and spent several months in

negotiations with concerned neighbors and the developer over the Hearing Examiner's decision that required further groundwater studies and redesigning the preliminary plat.

This spring, the developer dismissed the lawsuit and filed a new 4-lot subdivision application. Despite the developer's reducing the number of proposed subdivision lots from 14 to 4, the County determined that the developer's groundwater resources and seawater intrusion analysis was insufficient to meet the County's new water policy. Due in part to a letter the FRIENDS Staff Attorney submitted, the County withdrew its "determination of non-significance" and the hearing has been postponed indefinitely.

### Accessory Dwelling Unit Case "Closed"

On August 27, 2007, the Western Washington Growth Management Hearings Board, FRIENDS of the San Juans, and San Juan County, held a telephonic compliance hearing on one of the longest running Growth Management Act cases ever, Case No. 03-2-0003c (aka the Guest House or Accessory Dwelling Unit Ordinance,). Appearing in bold capital letters at the end of the Order Finding Compliance appears the word, "CLOSED." FRIENDS Vice President, Lynn Bahrych, filed the first petition in this case in February of 1999. Bahrych stated that, "Given the fragile beauty and sensitive ecosystem of the San Juan

Islands, there is no question that it was all worthwhile. Thanks to the Growth Management Act, and to the excellent work of the Growth Board, we now have a chance to manage our growth intelligently. We have a chance to keep the rural character and ethereal beauty of these islands. We have, again thanks to you, a chance to preserve the way of life that brought us here."

### Tidal Energy Project Proposed In San Juan County

In February, Snohomish County PUD No. 1 (SnoPud) received preliminary permits from the Federal Energy Regulatory Commission {FERC} to study the viability of utilizing San Juan and Spieden Channels for tidal energy. FRIENDS successfully intervened as a party to the permits, which gives FRIENDS the right to all public notices and comment opportunities regarding the preliminary permits. FRIENDS Staff Attorney and Science Director provided SnoPud a wealth of scientific information and references for it to consider as it moves forward to assess the feasibility of utilizing San Juan County for tidal energy. Most recently, FRIENDS Staff Attorney testified before the Washington House Technology, Energy & Communications Committee to reiterate the need for a cautious approach before moving forward with tidal energy arrays in the County's waters.

*San Juan Channel, location of proposed tidal energy project.  
Photo by Mark Gardner.*



## Citizen Action Highlights & Accomplishments

*Protecting our local resources requires the collective efforts of many caring islanders. FRIENDS assists individuals, neighborhoods, committees, and organizations to increase their capacity to protect environmental resources and preserve the livability and character of the islands. FRIENDS also participates with local citizens on numerous volunteer advisory committees.*



*Lopez citizens work with FRIENDS to protect Fisherman Bay shoreline. Photo by Mark Gardner.*

### Citizen Stewardship and Land Use Monitoring

As part of our public interest work, FRIENDS helps concerned citizens navigate through the maze of code compliance. When the FRIENDS office is contacted about a potential code violation, FRIENDS staff conducts research to determine if there is a permit on file and what the potential risks are to environmental resources. If the activity is not permitted, FRIENDS staff will often file a formal complaint and encourage concerned neighbors to do the same. Last year, FRIENDS staff filed formal complaints for numerous code violations including unpermitted wetland excavations, shoreline construction, shoreline armoring repair work, and tree clearing/grading.

In addition, members and neighbors often call the FRIENDS office asking for advice on questionable land use activities, proposed permits, writing a comment letter, and guidance on the public hearing process. If you have any such land use questions, we encourage you to contact our office at 378-2319.

### San Juan Anti-Litter Initiative

As a member of the San Juan Island Anti-Litter Initiative, FRIENDS helped achieve two remarkable campaigns, "Secure Your Load," and "Imagine No Litter - A roadside and beach adoption campaign." The San Juan Island Anti-Litter Initiative invites friends and neighbors to help keep our roadside and beaches litter-free. The Initiative will host a potluck for all participants in the "Adopt a Roadside or Beach" campaign on Sunday,

November 4 from 5 p.m. to 7 p.m. at the San Juan Grange. In 2008, the San Juan Island Anti-Litter Initiative will focus on reducing cigarette butts and plastic shopping bags from our local waste stream. To find out more about adopting a road or beach to clean up, please contact FRIENDS at 378-2319.

### Marine Resources Committee

FRIENDS Science Director, Tina Whitman, continued participation as a member of the San Juan County Marine Resources Committee this year. Key MRC accomplishments over the past year include: adoption of the Marine Stewardship Area Plan by the San Juan County Council; community outreach meetings on four islands with over 200 participants; 3rd Annual Marine Manager Workshop; technical and policy guidance to the County on its Critical Areas Ordinance update; and collaborative work with Washington Department of Fish and Wildlife to improve understanding and protection of eelgrass from shoreline development impacts.

### Water Resources Committee

In 2007, the Water Resources Advisory Committee recommended new water policies for San Juan County. The fractured bedrock geology of the San Juans Islands makes it difficult to assess whether new water sources will impact adjacent property owners who hold "senior" water rights as required by State law. After a handful of lawsuits against the County for failing to comply with State water laws, the Committee



was charged with drafting a policy that requires new water sources to demonstrate that they will not impair or degrade the groundwater resource. The Committee spent several months drafting the policy in coordination with the County's hydrogeologist. As a result, the policy addresses seawater intrusion in addition to groundwater resources. The Board of Health adopted the new policy on June 25th, 2007. Staff Attorney, Amy Trainer, represents FRIENDS on this committee.

### Septic Committee

San Juan County Health and Community Services convened a citizen advisory committee of State-licensed septic designers, wastewater system inspectors, septic tank pumpers, realtors, shellfish growers, and environmental organizations in 2006 to develop a management plan for operating and maintaining on-site sewage systems. Shannon Davis represented FRIENDS on this committee. Plan development was in response to a state requirement that the twelve Counties bordering the waters of Puget Sound develop an On-site Sewage System Management Plan by July 1, 2007. The committee's plan, which was approved by the Board of Health, is designed to provide effective management of on-site sewage disposal systems countywide by identifying and correcting failing systems, eliminate public health hazards, and maintaining our pristine water quality.

### Stormwater Committee

FRIENDS participated on the steering committee convened to develop the goals, objectives and structure for a new county-wide stormwater utility. The committee provided unanimous recommendations to the County Council and a stormwater ordinance was adopted in late fall of 2006. While the funding mechanism selected is currently being challenged through a citizen referendum, there is a clear need to comprehensively manage stormwater to protect water quality, private property, public infrastructure, and critical marine habitat.

### Roche Harbor Watershed Stewardship

FRIENDS Staff Attorney sits on the advisory committee that helps guide management of the 1200 acres of private land opened to the public near Roche Harbor. Last November, the advisory committee developed a set of recommended Stewardship Policies/Principles and a set of Management Goals and Objectives for the Highlands. Both the Policies and Objectives were based in part on the Department of Natural Resources "Sustainable Forests" policies. These guiding documents for the Roche Harbor Highlands are the first instance of public policies being voluntarily adopted to manage private forest lands.

## Stay Informed, Get Involved, & Take Action

**San Juan County Council**  
Meets weekly on Tuesday at 10 am in the County Courthouse. Agendas are posted online at [www.co.san-juan.wa.us](http://www.co.san-juan.wa.us)

**Planning Commission**  
Meets the third Friday of each month. Call Lynda Guernsey, Departmental Assistant at 370-7579 to receive agendas.

**Hearing Examiner**  
Hearings on proposed land use permits are held on the first and third Wednesday of each month, at Key Bank in Friday Harbor. Agendas are posted at [www.co.san-juan.wa.us/cdp/default.asp](http://www.co.san-juan.wa.us/cdp/default.asp)

**Marine Resources Committee**  
Meets on the first and third Wednesday of each month at 8:30 a.m. at the Islanders Bank Annex on San Juan Island. For more information call 370-7592 go to [www.sjcmrc.org](http://www.sjcmrc.org).

**Water Resources Committee**  
Meets the first Monday of each month, 8:30 a.m. at the San Juan Island Grange. Contact Vicki Heater at [vickih@co.san-juan.wa.us](mailto:vickih@co.san-juan.wa.us) or call 378-4474.

**Agricultural Resources Committee** – Meeting dates and locations vary. Visit [www.sanjuancountywaarc.net](http://www.sanjuancountywaarc.net) for more information, contact Eliza Buck, ARC Coordinator at 378-6621.

**San Juan Initiative**  
The San Juan Initiative is working to understand the effectiveness of current environmental protections. For more information contact Amy Windrope, Project Manager, at 298-2278.

*We've got you covered ... if you are not able to attend these important committee meetings FRIENDS staff will be there. From left - Stephanie Buffum Field, Amy Trainer, Jana Marks, Shannon Davis, Tina Whitman.*





## Summer Legal Interns

This summer, FRIENDS Staff Attorney supervised two exceedingly bright legal interns, Julie Schaffer from the University of Washington Law School and Christina Davis from the University of Oregon Law School.

Julie grew up in Spokane, Washington, where she enjoyed the pristine North Idaho lakes, rivers and mountains. Her passion for the outdoors was ingrained in her at a young age, which led her to pursue a career in environmental law. Julie has been active with the Greenlaw Advocacy Group throughout law school. During her third year at the University of Washington Julie will be participating in the Berman Environmental Law Clinic.

Christina's commitment to environmental protection began during childhood, hiking and camping in the Canadian Rockies. She has been active with many environmental advocacy organizations working on various campaigns from protecting

wetlands to fighting dams on rivers. She is a Bowerman Environmental and Natural Resource Law Fellow, and was selected as an editor for the University of Oregon's Journal of Environmental Law and Litigation, in the fall of 2006. Christina has decided to focus her third year law research project on tidal energy and marine protected areas.

In addition to all their hard work, both ladies enjoyed kayaking, biking and hiking around the Islands. Thank you Julie & Christina!

## Spotlight on FRIENDS New Board Members

### George Lawson

George was raised in Bellingham, and spent 10 years as a commercial salmon fisherman in the San Juans and in Alaska. He was introduced to the islands as a small child as a frequent passenger on the mail boat "Osage". George was ordained and served as pastor for churches in New England and Washington State,

including the Lopez Congregational church. Through his experiences in the ministry and chaplaincy, he gained an understanding of the importance of dealing with the whole person. A resident of Lopez, George is now Vice-President- Financial Consultant with RBC Dain Rauscher in Seattle.

### Janet Alderton

Janet spent 27 years as a research biologist at the University of California, Berkeley before retiring to Orcas Island. She loves hiking, native plants, and gardening. On 5 rocky, dry acres in Deer Harbor, Janet is working to remove invasive plants such as Canada thistle and scotch broom, thinning the native shrubs to reduce fire danger, and selectively pulling alien grasses to encourage the native grasses, wild flowers, ferns, and mosses. Janet proudly supports the research and public education activities of the FRIENDS that are helping to protect our fresh and salt-water resources and the web of life that they sustain.

*From left - Julie Schaffer, Christina Davis, George Lawson & Janet Alderton.*





## 2007 Financial Highlights

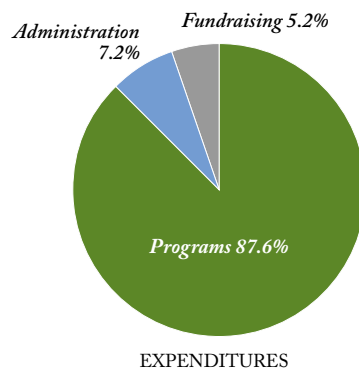
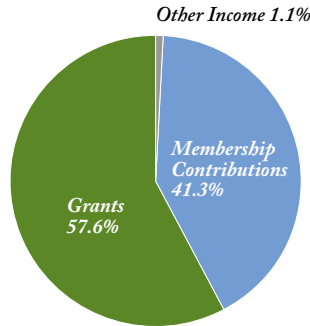
FRIENDS of the San Juans is a 501(C)(3) non profit organization. FRIENDS income primarily comes from membership contributions and grants. FRIENDS expenditures are for science, law, and education program costs, publications, and administrative support. This is a financial snapshot for our 2007 Fiscal Year (October 1, 2006 to September 30, 2007) and does not include all final adjustments.

### Statement of Activities

<i>Income</i>	<i>2007</i>
Membership Contributions	\$214,179
Grants	\$298,418
Investments, Events &	
Other Income	\$5,462
<b>Total Income</b>	<b>\$518,059</b>
<i>Expenses</i>	
Programs	\$435,498
Fundraising	\$26,120
Administration	\$32,034
<b>Total Expenses</b>	<b>\$497,385</b>
<b>Net Surplus</b>	<b>\$20,674</b>

### Financial Position

<i>Current &amp; Fixed Assets</i>	<i>2007</i>
Cash & Other Unrestricted	\$180,325
Marilyn Ellis Endowment	\$78,264
Other Assets	\$4,129
<b>Total Assets</b>	<b>\$262,718</b>
<i>Liabilities &amp; Accumulated Surplus</i>	
Current Liabilities	\$5,560
Accumulated Surplus	\$257,158
<b>Total Liabilities &amp; Accumulated Surplus</b>	<b>\$262,718</b>



**Thank You  
Members...  
We Appreciate  
Your Support!**

### Thank You Funders & Partners!

**Grant Funders:** The Bullitt Foundation, The Charlotte Martin Foundation, ESRI, Horizons Foundation, National Fish & Wildlife Foundation: Community Salmon Fund, Northwest Fund for the Environment, The Puget Sound Action Team, The Russell Family Foundation, San Juan County Marine Resources Committee, The Tulalip Tribe, U.S. Fish & Wildlife Service, Washington Department of Ecology, Washington State Salmon Recovery Funding Board.

**Project Partners:** Center for Biological Diversity, Coastal Geologic Services, Friday Harbor Labs, Earthjustice, Eglick Kiker Whited PLLC, Erda Environmental Services, Inc., Fred Felleman, Greenbelt Consulting, Lummi Nation, National Marine Fisheries Service, National Park Service, Natural resources Defense Council, Ocean Advocates, Orca Relief, People For Puget Sound, Port of Friday Harbor, Rozewood Environmental, Samish Indian Nation, San Juan County Land Bank, San Juan County Marine Resources Committee, San Juan Islands Conservation District, San Juan Island Anti-Litter Initiative, San Juan Island Lion's Club, San Juan Preservation Trust, Soroptimist, Swinomish Tribal Community, The Whale Museum, United States Geological Survey, University of Washington, Washington Department of Natural Resources, Washington Department of Fish and Wildlife, Washington Environmental Council, Xerces Society.

**Call for Volunteers** Do you have some time to spare? We are looking for volunteers to attend meetings, coordinate events, participate on committees, and assist with FRIENDS projects. See the following list for some ways you can get involved and help FRIENDS protect the environment of the San Juan Islands. For more information or to discuss your interests, please contact Jana Marks at 378-2319, or at [jana@sanjuans.org](mailto:jana@sanjuans.org).

#### Attend Meetings

- Agricultural Resources Committee
- Marine Resources Committee
- Planning Commission
- County Council
- Town of Friday Harbor

- Eastsound Committees
- Hamlet Plans

#### Activities and Events

- Beach Clean Ups
- Earth Day
- Orca Sing
- Canoe Journey

- Fairs
- Annual Meeting
- Setting Up for Events
- Event Hosting
- Photography
- Mailing Parties
- Media
- Website Updates

#### Science/Field Work

- Participate in Projects as Needed
- Research and Database Assistance

#### Legal/Policy Work

- Pro Bono Legal Assistance



# Leave A Conservation Legacy

The financial and estate planning decisions you make today can help ensure the San Juan Islands are protected for generations to come.

**Bequests:** As the old saying goes ... "Where there's a Will, there's a way." A bequest to FRIENDS of the San Juans can be part of your conservation legacy. You can donate specific property, a fixed sum, or a portion of your estate, and receive a tax deduction for your bequest.

**IRAs:** During the remainder of 2007 people over 70 ½ have an opportunity to take advantage of Tax-free Charitable Transfers from IRAs.

**Marilyn Ellis Endowment Fund:** Founding Board member, Fred Ellis created the Marilyn Ellis Endowment to provide long-term financial support for FRIENDS' efforts.

*Donations to the FRIENDS of the San Juans may be in the form of cash, check, stock, property, or through a bequest. For more information, contact Stephanie Buffum Field at (360) 378-2319.*



*Photo by Shannon Davis*



P.O. Box 1344, Friday Harbor, WA 98250  
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