

## MINUTES

### BOARD OF COUNTY COMMISSIONERS MEETING SPECIAL MEETING

**November 24, 2003**

The Commissioners met in session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, November 24, 2003, at 6:00 p.m. Commissioners Bob Beerbower, Dennis Morrisette and Al Carter were present. Also in attendance was Sharon Meier, Deputy Clerk of the Board. Jim Baker, Prosecuting Attorney was present.

Chairman Morrisette announced this meeting is reconvened from the 2:00 meeting earlier this day. He reported this hearing is to consider the following:

A proposal from the Washington State Department of Fish and Wildlife and to take testimony to consider the possibility of restricting the use of motorized boats on certain parts of both the Wynooche and Satsop Rivers.

The Deputy Clerk of the Board read the announcement and reported for the record written testimony has been received from 11 individuals and the testimony will be attached to the record.

Rob Markich (e-mail)

Bryan Nelson (received via fax)

Trey Carskadon, Marketing Director, Alumaweld Boats, Inc., 2000 Rogue River Drive, Eagle Point, Oregon 98524

Scott Weedman, Three Rivers Marine, 24300 Woodinville-Snoh Road, Woodinville, Washington 98072 (e-mail)

Tony Floor, Director of Fishing Affairs, Northwest Marine Trade Association, Mariner's Square, Suite 233, 1900 North Northlake Way, Seattle, Washington 98103-9087

Connie Holman and Art Holman, 1608 Pacific Avenue, Aberdeen, Washington 98520

Michael Boardman and Diane Boardman, 48 Kite Lane, Elma, Washington 98541

Owen Shaffner, 158 Geissler Road, Montesano, Washington 98563

Jeff Wetzal, 39 North Street, Hoquiam, Washington 98550

Minutes

Board of County Commissioners – November 24, 2003

Special Meeting, 6:00 p.m.

Page 2

Chairman Morrisette introduced himself as Commissioner for District 2 which includes Aberdeen, Grayland and Cosmopolis. Bob Beerbower is Commissioner for District 1 representing Montesano, Elma and East County. Commissioner Al Carter represents District 3 which includes Hoquiam, North Beach and Westport. Jim Baker is Attorney from the Prosecutor's office. The following representatives from the Washington State Department of Fish and Wildlife were introduced: Sue Patnude, Ron Warren, Bob Gibbons, Tim Flint and Pat Michael. Chairman Morrisette stated that representatives from the State Department of Fish and Wildlife are attending and prepared to accept public comment. He stated that nothing has been passed and a proposal is being considered.

Chairman Morrisette explained the Board of Commissioners started this process over one year ago when the Board was advised by the State of Washington Department of Fish and Wildlife that a proposal was before them. That proposal restricted fishing from a motorized boat on the upper Satsop and Wynoochee River. Chairman Morrisette reported the Board has prepared a packet of information containing the question proposed by the State of Washington Department of Fish and Wildlife. He explained that Grays Harbor County has not proposed to do anything. The Board is prepared to listen to public comment and learn about the issue. This hearing will give the public a forum prior to the state's hearing on December 5 and 6 at Fort Worden State Park in Port Townsend.

Chairman Morrisette asked for public comment. Jim Tuggle, resident of Tumwater and serving as State Chairman for the Washington Council of Trout Unlimited and Steelhead and Salmon Chairman, Olympia, Washington, explained that he was the one who had originally requested this proposal to the Fish and Wildlife Department in when it was first proposed. Mr. Tuggle reported that in June 2001 he held a meeting of the Steelhead and Salmon Committee and they reviewed the list of regulations that they might like to see changed at that time. They brought forward a safety issue on the upper Wynoochee and Satsop River due to a perceived conflict with jet boat operation on the upper part of the river. The committee decided to offer a proposal and presented it to the Washington Department of Fish and Wildlife for consideration in December 2001. Mr. Tuggle explained that when the proposal went forward, their organization received good participation and the issue became controversial in their own organization. Mr. Tuggle reported the issue became such a hot topic in their organization that in December 2001 they withdrew their own proposal and they will probably have no position on the proposal. He explained the reason for the proposal was safety issues and specifically larger jet boats vs. drift boats.

Chairman Morrisette commented that the Board has two basic questions to those who plan to testify.

Minutes

Board of County Commissioners – November 24, 2003

Special Meeting, 6:00 p.m.

Page 3

1. Should the State Department of Fish and Wildlife proposal go forward?
2. Should Grays Harbor County pass any law?

The following individuals provided testimony regarding the proposal:

Buzz Johnson, 9410 Lohrer Lane, Olympia, Washington. Mr. Johnson reported that he has used a jet boat on both rivers since 1973 when he lived in Central Park and taught at Grays Harbor College. Mr. Johnson outlined points that pertain to both rivers and observations addressing each river separately. He commented that enforcement would be a burden on Grays Harbor if a motor restriction was passed. Grays Harbor would feel a negative economic impact from the restriction of motors. This could amount to thousands of dollars in lost revenue. Mr. Johnson urged the State Department of Fish and Wildlife to not proceed with the proposal. For the record Mr. Johnson submitted a written copy of his statement.

Joe Durham, 1102 Hake Lane, Aberdeen, Washington. Mr. Durham commented on a story that appeared in The Montesano Vidette by Bob Gibbons, the statewide freshwater fish program manager. Mr. Durham read a letter from Grays Harbor Chapter 111 of Trout Unlimited and signed by Jon Lewis, President and Joe Durham, Salmon, Steelhead Chairman. For the record Mr. Durham submitted a copy of the letter from Grays Harbor Chapter 111 of Trout Unlimited.

Jerry Matthews, 34 Meadowood, Elma, Washington, commented there is a safety problem on the rivers. Mr. Matthews expressed support to the state proposal and asked the County to do something.

John Richert, 2616 South 360 Street, Federal Way, expressed opposition to the State and Grays Harbor County taking any action regulating fishing on the rivers.

Gill Ostergard, resident of Grays Harbor commented that regulations are needed and he expressed support for a County law regulating the motor boat size and horsepower.

Tom Pollack, resident of Kent, Washington, announced that he represents Northwest Marine Trade Association. Mr. Pollack read a letter dated November 20, 2003 from the Northwest Marine Trade Association expressing opposition to the proposal.

Sean Orr, resident of Olympia, announced that he is also speaking on behalf of Chuck Wicken from Centralia. Mr. Orr commented that he and Mr. Wicken are both fishing guides. He expressed opposition to restricting user groups. He suggested using education as a way to address the problem. Mr. Orr asked the Board to carefully consider

Minutes

Board of County Commissioners – November 24, 2003

Special Meeting, 6:00 p.m.

Page 4

the economic impact that the proposal would have on Grays Harbor County. He commented the Department of Fish and Wildlife is required by the Administrative Procedures Act RCW 34.05.328 to prepare a significant analysis and small business economic impact statement on their proposed rule. He stated that he requested the information two years ago and has received no response. Mr. Orr asked the Board to request that the Department of Fish and Wildlife follow their rule and prepare written justification for rules that they propose on the citizens. Mr. Orr summarized and expressed opposition to the State and Grays Harbor County taking any action.

Harold Bergstrom, resident of 2737 Bench Drive, Aberdeen, Washington, commented that he agrees with Buzz Johnson and Joe Durham and their comments. Mr. Bergstrom stated that he is against the State and the County taking any action on the proposal.

Mike Burton, resident of 2630 Bench Drive, Aberdeen, Washington, commented that he is opposed to the State and the County taking any action on the proposal.

Ken Carlson, resident of East Satsop Road, Montesano, Washington, commented there is a problem with some boats traveling too fast. He suggested that a speed limit might work. Mr. Carlson commented that he is not affected by the proposition because he is located on the lower part of the river. He commented that a speed limit makes sense.

Jeffery Norwood, from Black Diamond in King County, explained that lack of education is a problem. He commented that it is unfortunate that user groups can not work together. Mr. Norwood summarized that he is opposed to the State and the County taking any action on the proposal.

Hans Mak, resident of 31 East Cromarty Court, Shelton, Washington, reported that he volunteers for the State of Washington in the Aquatic Education Program. He explained that as a volunteer he teaches fishing for almost fifteen years. Mr. Mak expressed opposition to the regulation at the State level and at the County level.

Jack Betterlei, resident of 670 East Street, Andrews Drive, Shelton, Washington, commented he is against the State and the County regulating the motor boats fishing on the rivers.

Mike Boardman, reported that he lives on the Satsop River. He commented that the problem is disgruntled fishermen. Mr. Boardman stated that he opposed to the State and the County taking any action on the proposal.

Chairman Morrisette called for a 10-minute break at 7:25 p.m. The meeting reconvened

Minutes

Board of County Commissioners – November 24, 2003

Special Meeting, 6:00 p.m.

Page 5

at 7:40 p.m.

Ms. Pat Sogg, resident of Carter Creek, discussed problems with fisherman. She reported they have killed her cows and killed her dog. Ms. Sogg stated that she is strongly opposed to having boats in the river.

George Dragoo, resident of 2727 Highland Drive, Aberdeen, Washington, commented that jet boats are not the problem. He stated people are the problem. Mr. Dragoo reported he is disabled and he asked the Board to consider if the law is passed how will it impact disabled people. He asked if the law is passed would it violate the American's with Disability Act. Mr. Dragoo summarized he is opposed to the State and to the County taking action on the proposal.

Karl Rainey, resident of Humptulips, Washington, reported that he is disabled and he asked the Board to consider the American's with Disability Act. Mr. Rainey expressed opposition to the State and the County taking action on the proposal. Carl Burke, resident of 4841 Legacy Drive Northeast, Olympia and Clyde McBrare reported they are members of the Washington Department of Fish and Wildlife Sports Fishing Advisory Board. The advisory board was created to assist the agency in providing insight and recommendations concerning recreational fishing issues statewide. They reported it is the opinion of the advisory board that the proposal is not in the best economic, social and political interest of Grays Harbor County, local cities and the State of Washington. They commented the goal of the proposal is to give exclusivity to small special interest groups at the expense of the majority of the fishing public. A letter signed by Carl Burke was read and a written copy was submitted for the record. They expressed opposition to the proposal.

Ray Hinkkanen, resident of 394 East Satsop Road, Elma, Washington, asked what happens after this hearing. It was explained that the State will proceed with its hearing and will make a decision regarding the proposal. The State can choose to take no action, or they can proceed with the proposal as it is written or the proposal can be revised. The Board of County Commissioners are not going to make a decision at this meeting. Mr. Hinkkanen expressed opposition to State involvement.

Doug Dosch expressed opposition to the proposal.

Herman Ohlde reported he has been the Satsop Steelhead manager for the past six years. Mr. Ohlde suggested courtesy and education are needed for the groups to work together. Mr. Ohlde summarized and expressed opposition to regulations.

Minutes

Board of County Commissioners – November 24, 2003

Special Meeting, 6:00 p.m.

Page 6

Scott Howarth, resident of 1043 East Satsop Road, Elma, Washington, commented on problems with sleds. He stated that he agrees with comments made by Jerry Matthews and he supports the proposal.

Floyd Wheaton, resident of 549 Wynooche Valley Road, Montesano, discussed the need for some control on sleds. Mr. Wheaton expressed support for the proposal.

Tom Turnbow, resident of 221 East Bay Drive, Olympia, Washington, reported that he is in the boat repair business. Mr. Turnbow displayed a framed photo of a large fish that he caught on the East Fork of the Satsop River. He stated that is what the issue is really about. The argument is really over the fish. Mr. Turnbow expressed opposition to the State and the County taking any action on the proposal.

Mike Connor, resident of 3924 South Bay Road, Northeast, Olympia, Washington, reported that he is employed by American Honda Motor Company and is a representative for Honda Marine. Mr. Connor expressed the importance of recreational fishing and access. He discussed the need for access for future generations. Mr. Connor stated that he is opposed to the State and the County taking action regarding the proposal.

Erik Johnson, resident of 9410 Lohrer Lane, Olympia, Washington, submitted written testimony. Mr. Johnson read his testimony and for the record stated he is opposed to the State and the County taking action on the proposal.

Corey Freeman, resident of Olympia, reported that he is the Washington State Government Affairs Director for the Northwest Sport Fishing Industry Association. Mr. Freeman provided information regarding small business impact. He reported that every five years the American Sport Fishing Association conducts a survey that considers the economics of sport fishing. In 2001 sport fishermen spent over \$853 million and provided over 19,000 jobs. In the state of Washington the average expenditure per day spent fishing is \$66. He commented laws that cannot be enforced should not be passed. Mr. Freeman summarized and expressed opposition to the proposal.

Mike Swarthout, resident of Bonney Lake, Washington, commented the issue is over access. He explained that powerboats provide more opportunity for fishing. Mr. Swarthout stated he is opposed to the proposal.

Dean Neely, commented that he builds boats for a living and he is opposed to the proposal.

Minutes

Board of County Commissioners – November 24, 2003

Special Meeting, 6:00 p.m.

Page 7

Robert Nowowiejski, reported that is a full-time fishing guide and it would be unfair to restrict the rivers to certain users and leave it open to others. Mr. Nowowiejski expressed opposition to the proposal.

Jerry Porter, resident of 901 North 7<sup>th</sup> SW, Tumwater, Washington, submitted a written letter for the record. Mr. Porter read the letter and commented that speed limits are not enforceable on a river.

Scott Weedman, reported that he is the owner of Three Rivers Marine in Woodinville, Washington. Mr. Weedman commented the issue is more about user groups than anything. Mr. Weedman stated that he is opposed to the State and the County taking action on the proposal.

Ed Comfort, reported that he lives on the Satsop River and owns a jet sled and a driftboat. Mr. Comfort expressed support for the proposal.

Rachel Zeigler, resident of 32 Matzen Road, Montesano, Washington, stated that her septic tank drains out the back of her house and does not drain in the river. Ms. Zeigler stated that motor boats should not be allowed in the river. Ms. Zeigler expressed support for the proposal.

Brett Ferriss, resident of Olympia, Washington, reported that he is a licensed fishing guide. Mr. Ferriss expressed opposition to the State and the County taking action on the proposal.

Mike Peruse, resident of Sumner, Washington, reported that he grew up in Aberdeen and is a retired fishing guide. Mr. Peruse commented about local boat builders and suggested educating boat builders and people who sell boats. Mr. Peruse summarized and expressed opposition to the proposals.

Jason Simons commented.

Nick Norbeck, resident of Olympia, Washington, reported that he is a fishing guide and he discussed problems. Mr. Norbeck summarized and expressed opposition to the State and County taking action on the proposal.

Bill Swan, resident of Yelm, Washington expressed opposition to the State and County taking action on the proposal.

Minutes

Board of County Commissioners – November 24, 2003

Special Meeting, 6:00 p.m.

Page 8

Mike Sexton reported that he is an owner of a boat building company and he tries to emphasize to potential buyers the appropriate size of a boat for the rivers. Mr. Sexton expressed opposition to the State and County taking action on the proposal.

Commissioner Beerbower expressed concern regarding safety issues on the rivers. He reported on citizen complaints regarding jet boats. He asked how to control motorboat speed and solve the problems. Commissioner Beerbower commented that he does not want the County to pass something that cannot be enforced.

Commissioner Carter commented that before restrictions and laws are enacted there should be more evaluation of the situation. He asked the Department of Fish and Wildlife representatives if they have conducted studies regarding erosion and salmon habitat and destruction. He asked if they have prepared a small business economic impact statement or if there is scientific data that could be submitted. Commissioner Carter asked the basis for the proposal and restrictions.

Chairman Morrisette explained that Grays Harbor County has not proposed to do anything. He explained that if the State passed the proposition and the County passes a law there are two laws. They do not become one law. Chairman Morrisette explained the state regulated the fishing and the County regulates the boat size and the motor and speed. He commented on the financial hardship for Grays Harbor County of enforcing new laws.

Chairman Morrisette announced that testimony was taken from 41 people at this meeting. Written testimony will continue to be accepted.

Written testimony was received from:

Buzz Johnson, 9410 Lohrer Lane, Olympia, Washington

Joe Durham, 1102 Hake Lane, Aberdeen, Washington

Jon Lewis, President, Grays Harbor Chapter 111 of Trout Unlimited and Joe Durham, Salmon, Steelhead Chairman

Mark Ostwald, 55 Stephens Road, Elma, Washington 98541

Gerald A. Porter, 801 North 7<sup>th</sup> S.W., Tumwater, Washington 98512-6311

Minutes

Board of County Commissioners – November 24, 2003

Special Meeting, 6:00 p.m.

Page 9

Liz Hamilton, Executive Director and Corey Freeman, Washington Government Affairs Director, Northwest Sportfishing Industry Association, PO Box 4, Oregon City, Oregon 97045

Sean Orr, 4748 87<sup>th</sup> Avenue SE, Olympia, Washington 98501

Chuck Wicken, 9209 Lundeen Road, Centralia, Washington 98531

Robert Paulsen, 168 Olympic View Avenue NE, Ocean Shores, WA 98569

Carl Burke, member of Washington Department of Fish and Wildlife Sports Fishing Advisory Board

Eric Johnson, 9410 Lohrer Lane, Olympia, Washington

Jim Crisp, PO Box 143, Satsop, Washington 98583

Minutes  
Board of Commissioners – November 24, 200  
Special Meeting, 6:00 p.m.  
Page 10

The meeting adjourned at 9:17 p.m. to Monday, December 8, 2003 at 2:00 p.m.

BOARD OF COMMISSIONERS  
for Grays Harbor County  
This \_\_\_\_\_ day of \_\_\_\_\_, 2003

---

BOB BEERBOWER, Commissioner, District 1

---

DENNIS MORRISETTE, Chairman

---

ALBERT A. CARTER, Commissioner, District 3

ATTEST:

---

Donna Caton  
Clerk of the Board