



WESTERN WASHINGTON AG REPORT

NOVEMBER 2020



OUR NUMBER ONE PRIORITY

*Marty Coble
President*

When our organization was established in 1944, farmers faced challenges with crop contracts. They formed WWAA to be the voice of farmers in negotiations with vegetable contracts and area processors. Our mission has always been to act on behalf of the region's farmers—to be their voice in negotiations and

to sit at the table when they physically can't be there. While the voices and tables may have changed over the years, our simple mission is the same as it was 76 years ago.

We are the longest standing voice in the Skagit Valley that serves all farmers. Our historic work cannot be replicated or replaced. As you'll learn in this issue, the majority of our work has changed from crop contracts to policy management. We understand that the number one priority of our current membership is WATER...both in drainage and irrigation. Supporting our vital tidegate and drainage infrastructure for farmers has been the focus of our work for the past 15+ years. WWAA plays a critical role in multiple agreements that were formed by our predecessors. These agreements are both necessary and fragile. We don't take our work lightly. We are working diligently to stay on top of threats to our drainage and irrigation systems so that agriculture will remain a vital part of Skagit County.

We understand the grit our predecessors used to keep our infrastructure healthy and out of the court system. So far, we've made some huge strides in maintaining our infrastructure, and I encourage you to learn more about the Skagit Delta Tidegates and Fish Initiative in this issue. We are celebrating its 10-year review. Also as directors, we encourage you to connect with us. We are happy to discuss issues and strategy with any member. If you're not a member, please consider joining us as we start a new decade of policy work in western Washington. See you in the fields, friends.

WWAA MISSION

To represent agriculture by providing services to the entire agricultural community

COMMITMENTS

Engage in internal and external (economic, environmental, regulatory) pressures on agriculture

Interact with county, state, and federal legislators and regulators

Pest and nutrient management control

Network with and support of the agricultural research community

Seek out and develop opportunities and technologies for agriculture

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Brute Strength and Awkwardness

A history of drainage in the Skagit Valley

To put it plainly, the only reason we have agriculture in the Skagit River Delta today is because of the hard work and grit of the settlers and farmers of the late 1800s. They put in the original dikes, levees, and drainage systems that transformed the bogs and marshes of the delta into one of the most productive and desirable agriculture regions in the world. Early settlers tackled the wetlands and marshes of northwest Washington, determined to make the bogs a haven for farming. "One of the first things they had to do here was create drainage and put up the dikes so they could farm it. And a lot of that was done with brute

strength and awkwardness," said Jerry Nelson of Double N Farms in Burlington.

"If it wasn't for the dikes that those old timers put in, every tidal cycle we would have water clear this far up. And so they reclaimed this entire Skagit Valley...they dug ditches, and draining the ground was the most important thing so that they could farm it," said Roger Knutzen, whose family settled in the region in 1894 as immigrants from Denmark. Like many farmers in the area, the Knutzens had the task of transforming a bay filled with stumps and snags into a working farm. "(They) removed all the stumps by hand and dug drainage ditches in order to drain the soil off and then started farming after several years of that kind of work."

The work to build earth-packed seawalls along the forks of the rivers

NORMA SMITH

Friend of Agriculture

Elected in 2008, state representative Norma Smith has served the people of the 10th District well. After serving her neighbors for 13 years, Smith chose not to run for re-election this year, and her term ends January 2021. Arguably, she serves one of the most diverse districts in the state, which includes all of Island County and parts of Skagit and Snohomish counties.

While in office, she served as the ranking member of the House Innovation, Technology and Economic Development Committee and the assistant ranking member on the House Capital Budget Committee. She also served on the House State Government and Tribal Relations Committee.

She worked with the WWA on various issues and was committed to finding solutions to challenges that benefited agriculture. Smith advocated for voluntary compliance and better communication between the state Department of Ecology and livestock owners. She also supported the exemption of agriculture from state application and permitting requirements when diverting water from the Skagit River.

"Rep. Smith has been an advocate for our farmers on many occasions," said Brandon Roozen, executive director of WWA. "She understands the unique challenges we face in the Skagit, and worked hard on behalf of small business, drainage districts and agriculture to ensure our voices were heard in Olympia."



and sloughs was done with horse and human power. Once cleared, the land became viable for all manner of crops. All that work, built on the backs of our ancestors, is still at the mercy of nature in many forms. Continued improvements to our dike, drainage, and irrigation infrastructure are vital to keeping the Skagit Delta farmable.



PHOTO CREDIT: Skagit County Historical Museum

HOW DID WE GET HERE?

A history of the Skagit Delta Tidegates and Fish Initiative (TFI)

WHY IT EXISTS

The tidegate and drainage agreements we adhere to today stem from a court decision.

In July 2002, Skagit County Consolidated Diking Improvement District No. 22 (District 22) was planning to replace tidegates, critical components of the subtidal drainage infrastructure. The district was informed that:

1. Any removal or replacement of a tidegate must be authorized by the U.S. Army Corps of Engineers (Corps) under the Clean Water Act (CWA) and the Rivers and Harbors Act, and

2. The Corps would need to consult with the National Marine Fisheries Service (NMFS) prior to authorizing the district's tidegate replacement, due to the potential impact on Puget Sound Chinook salmon, a "threatened" species under the Endangered Species Act (ESA).

District 22 claimed that the CWA didn't apply to its actions because the original tidegates at those locations pre-date the enactment of the CWA, and they also claimed that the replacement actions only caused minimal cumulative adverse effects on aquatic resources. However, as a third-party intervenor under the CWA, the Swinomish Indian Tribal Community (SITC)

disagreed and claimed that the tidegate replacement led to a "take" of Chinook, a violation of the ESA.

In 2008, District Judge Richard Jones agreed with the Swinomish Tribe's claims that District 22 violated both the CWA and the ESA, but allowed the parties to negotiate a settlement. The following negotiation process ultimately led to the creation of the Skagit Delta Tidegates and Fish Initiative (TFI).

THE ORIGINAL PARTNERS

Through investigating and tracking District 22's ordeal, WWAA came to appreciate that case-by-case tidegate repair and replacement would require lengthy permitting processes, with variable mitigation scenarios possible. This created uncertainty for agricultural landowners and operations, who faced landscape-wide flood and drainage problems without adequate infrastructure maintenance and management. Through years of awkward conversations, difficult meetings, and masterful negotiations, the parties came to agreement on how to manage district tidegate and floodgate maintenance. They created a collaborative, landscape-wide process that

balanced this community's most important resources.

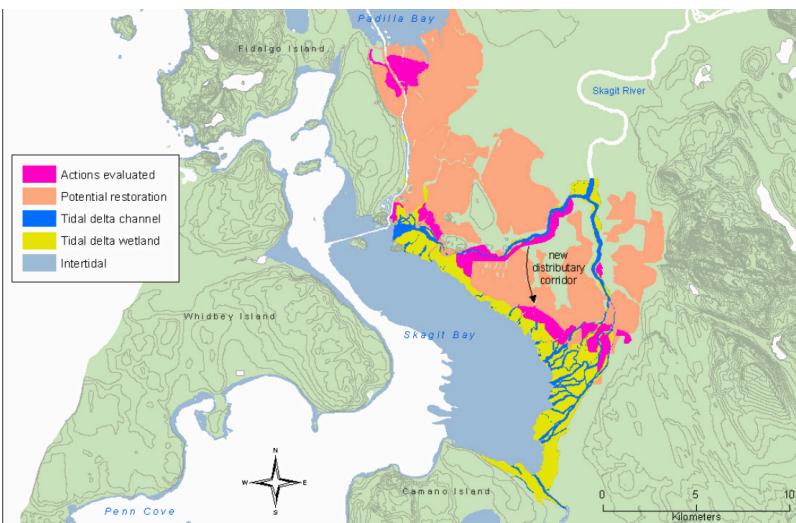
The original participants in the negotiations included the Washington Department of Fish and Wildlife (WDFW), National Oceanic and Atmospheric Administration's National Marine Fisheries Service, Western Washington Agricultural Association, and the Skagit County drainage, irrigation, and diking districts. In April 2010, the parties finalized the plan to authorize tidegate maintenance and advance estuary restoration on the delta for the next 25 years—the Skagit Delta Tidegates and Fish Initiative.

THE SPECIFIC GOALS

The Memorandum of Understanding (MOU) developed between WWAA, NMFS and WDFW maintains two major goals—achieve functional estuarine habitat restoration within the Skagit River Delta, and do it with the least possible impact to established agricultural lands in the delta.

In an effort to tie the permitting of tidegate and floodgate maintenance to the achievement of estuarine habitat restoration and Chinook smolt pro-

(continued on next page)



Implementation Agreement Restoration Area as depicted in Beamer et al. 2005



The original signers of the Skagit Delta Tidegates and Fish Initiative, including Mike Shelby (back row far left) and Curtis Johnson (next to Shelby).

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duction goals, the parties developed a clearly defined credit banking process that provides a system of checks and balances to assure that mutually supportive actions will occur in a timely and cooperative manner. Today, drainage and irrigation districts, through commitment to the TFI, are able to perform tidegate maintenance with streamlined environmental and regulatory review. In turn, both the districts and WWAA continue to support Chinook recovery programs and estuary restoration processes.

THE WWA'S UNIQUE ROLE

From day one, WWAA has been involved in convening the parties to facilitate district infrastructure maintenance. The dedication, thoughtfulness, and humility of WWAA Executive Mike Shelby, Staffer Mike Rundlett, Chairman Curtis Johnson, and other community leaders forged a path to find areas of agreement with the involved interests and agencies. It was a tough and gritty process that took years to achieve a satisfactory outcome.

Because of our historic role and suc-



View of Skagit Valley agricultural land and Samish Bay from Blanchard Outlook in Skagit County.

cess as a trusted community voice and convener, WWAA's role in the TFI developed into the most complicated of all the parties. WWAA wears two hats: agricultural representative and programmatic overseer. WWAA is a member of the TFI's Oversight Committee (along with WDFW, NMFS, the districts, and other invited parties like the tribes), which manages the agreement. Second, WWAA provides representation of the farm community and land within the signatory dike and drainage districts. In reality, the WWAA's goal is to ensure that tidegates are maintained and Chinook recovery is supported, and costly and unproductive lawsuits are avoided.

THE SKAGIT RIVER

The Skagit Valley is unique for many reasons: its people, its past, its economy. If you chart this uniqueness, it leads you to the river. Here are the two major factors of the Skagit River and our unique situation:

1. The Skagit River is the largest river in the Puget Sound, and it is the only Puget Sound river inhabited by all six Pacific salmon species (Chinook, coho, sockeye, pink, chum and masu). In the Puget Sound, the Chinook are protected by the ESA due to a decline in their populations.
2. The Skagit River Delta is also a world-renowned, subtidal farming area, generating hundreds of millions of dollars in economic activity. Area farmers produce fresh market fruits and vegetables. This region also supports family dairy operations.

Both fish and farmers need the Skagit River to flourish. WWAA believes we don't have to decide between one or the other, rather, we can maintain a landscape that allows both to thrive.