

To:  
Commissioner Ron Wesen  
Commissioner Peter Browning  
Commissioner Lisa Janicki  
Grace Kane, Public Works Director

August 24, 2022

We are writing regarding the Guemes Island Public Open House Meeting held on July 28th, 2022. We wish to address Skagit County's statements that left the impression that the owners of the properties where the beaver lodge and dams are located are not cooperating with Skagit County in addressing the water levels impacting Edens Road.

No requests from the County have been made to the property owners other than invitations to meetings and site visit requests. All requests have been immediately accommodated. The private property owners where the beaver dams reside, and Skagit Land Trust - who own the property with wetlands adjacent to Edens Road - have worked with partners to find effective solutions for lowering water levels. Several County staff have visited the site. With the resurgence of beavers, engineered solutions such as installing pond levelers or beaver deceivers, is the best practice first solution to try when beavers flood roads. This site is not straight forward so, as our attachment shows, we have had many discussions and visits with partners, including County Public Works staff, about how this might work. We have always been willing to collaborate on a solution when a design is decided on that has a fair chance of success. We also continue to be open to discussing all effective, long-term, legal and environmentally sound solutions<sup>1</sup>.

The property owners and Skagit Land Trust look forward to continuing to partner with Skagit County to find effective solutions for Edens Road and the continued issues with feeder bluff erosion impacting South Shore Road. We sympathize with the dilemma of having limited options for road access on the Island alongside aged infrastructure exacerbated by high water levels and eroding bluffs. We also know many community members hope a solution can retain much of the valley's wetland benefits. We are working hard to accommodate the County and community in finding long-term, sustainable solutions.

This letter is to update you on facts that we believe were not accurately portrayed at the public meeting. Thank you for reviewing this letter and the following chronology. We welcome ongoing discussions with the County.

Elaine Anderson, Charlotte and David Clifton  
Landowners

Molly Doran, Executive Director  
Skagit Land Trust

Cc:  
Emily Derenne, Natural Resources Stewardship Program  
Tom Weller, Skagit County Engineer  
The San Juan Preservation Trust

## **RESPONSE TO STATEMENTS MADE AT PUBLIC MEETING BY SKAGIT COUNTY REPRESENTATIVES**

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<sup>1</sup> WA State Fish and Wildlife set and enforce laws related to wildlife, including native beavers. They require a permit (an HPA) for in-water work, including beaver dam management. Solutions will need to be approved by WDFW. The property owned by the private landowners and Skagit Land Trust's property have conservation easements in place to protect habitat and natural resources. The conservation easements are held by different entities. Conservation easements allow landowners to work with public agencies and neighbors to address issues of concern.

1. **Regarding non-cooperation of the property owners or “refusal” to cooperate:**

No requests to implement a solution have been made to any of the property owners by the County or WDFW. All requests for access to the site have been immediately accommodated. The property owners and Skagit Land Trust have provided access and tours of the site to Skagit County staff and consultants (Watershed Science and Engineering (WSE)) as they try to figure things out. Skagit Land Trust and partners have also convened site visits and studies with experts to generate possible solutions with new and evolving beaver management technology. All meetings and discussions with stakeholders, including county staff, have been collaborative and solution-oriented.

It is a best practice in beaver management to try engineered solutions first (pond levelers etc.) because if they work, they are the most effective long-term. This, and understanding the situation, have been the focus of site visits with County staff. The site itself has characteristics that make it more complex to find the right engineered solution, however we continue to work and cooperate with everyone involved.

*County-Initiated*

- At one or more points between 2018-2020, County staff visited the site to look at the beaver dams with Winston Anderson (the property owner).
- December 9th, 2019; Skagit County report completed: Flow Obstruction Assessment on Edens Road. Skagit County retained the services of Watershed Science and Engineering (WSE) for this analysis and recommendations.
  - The property owners provided access for the field inspection by WSE which was conducted by Colin Butler and Jeff Johnson
- March 15, 2022; the property owners met with Skagit County, Michael Brown (representing GIPAC), and Beavers Northwest to discuss the water level impacting Edens Road and the potential solutions. The discussion included use of beaver deceivers (including suitability for the site, costs and maintenance) and the costs of repairing Edens Road and South Shore Road. We understood this meeting was a fact and history gathering meeting. After this meeting, property owners did not hear or receive further communication from Skagit County.
- August 15, 2022; site visit post public meeting per the request of Tom Weller (County Engineer) and coordinated by Emily Derenne of Skagit County to look at the dams together with property owners and discuss the potential for a pond leveler on site or other possible solutions.
  - Attendees:  
Tom Weller, Skagit County Assistant County Engineer and Engineering Division Manager  
Emily Derenne, Skagit County Habitat Restoration Specialist

Ben Clark, Skagit County District 1 Supervisor  
John Davidson, Skagit County Operations Division Manager  
Regina Wandler, Skagit Land Trust Stewardship Director  
Molly Doran, Skagit Land Trust Executive Director  
Property owners: Elaine Anderson, Charlotte Clifton and David Clifton

*Land Trust, Partner or Landowner Initiated Meetings*

- Skagit Land Trust and the landowners have collaborated with partners and agencies (including Ducks Unlimited, Beavers Northwest, and Washington State Department of Fish and Wildlife) to complete Cayou Creek and associated wetland assessments. At the end of the assessment, Ducks Unlimited convened the partners to discuss if this site might be appropriate for testing pond-levelers associated with beaver dams and to try a design and management regime that would pass fish. A successful trial could have regional implications. *Ducks Unlimited has so far been unable to move this effort forward for reasons not associated with the landowners.*
- April 4, 2018; Skagit Land Trust engaged C.K. Eidem, Ducks Unlimited Biologist to complete an Ecological Assessment of Cayou Creek and associated wetlands.
- October 2, 2018; site visit of Cayou Creek by C.K. Eidem, Ducks Unlimited Biologist, occurred while meeting with property owner, Winston Anderson.
- Nov 27 2018 Ducks Unlimited met with Washington Department of Fish and Wildlife regional engineer, Channing Syms, to discuss beaver management, stream restoration and permitting on Cayou Creek.
- November and December 2018, Skagit Land Trust staff attended an on-site presentation of Cayou Creek and Associated Wetlands recommendations to Skagit Land Trust. The written report was finalized and provided to Skagit County.
- March 13, 2020; At property owners and Skagit Land Trust's invitation, Ducks Unlimited coordinated a site visit with property owners, permitting agencies, and pond leveler specialists. The group discussed testing pond-levelers associated with beaver dams.
  - Attendees:  
Winston Anderson, Property owner  
Wendy Cole, WDFW Habitat Biologist  
Channing Syms, WDFW Region 4 Engineer  
Elyssa Kerr, Executive Director Beavers NW  
Michael Bailey, Beavers NW Project Manager  
C.K. Eidem, Ducks Unlimited Regional Biologist  
Regina Wandler, Skagit Land Trust Stewardship Manager

**2. Inaccurate characterization during the public meeting that history indicates there was not a pond prior to the recent beaver activity.**

One of the key findings from the 2019 report produced by Ducks Unlimited:

*Cayou Creek drains the valley and its elevation determines the water level in the valley. The channel is partially engineered to drain the valley. The stream existed before European American settlement, but its form was different. The wetland complex in the valley was likely larger and surface water probably persisted for a longer period in the summer. It appears that the stream was straightened and deepened, and drain tile was installed in the stream bed. This partially drained the large wetland complex that occupied most of the valley.*

Although water levels are higher currently than in the recent past due to beaver dams, Edens Road runs through a natural and historic wetland. Beak Consultants, in a 2004 report for Skagit County, identify this area as the largest wetland on Guemes Island. WSE's report states Edens Road had to be elevated in 2010 due to persistent winter flooding – this was before the beavers were present. Soft subsurface soils (which most likely would have formed in a historical wetland) add to the settling of Edens Road. The straightening of Cayou Creek to drain the wetland has created easy places for beavers to dam. Although the wetlands have been partially drained by human actions in the past, it is and will remain, a wetland.



Figure 4.2 Wetlands

3. **Inaccurate characterization that raising the roadway is not a long-term solution in WSE's report.**

Three of the recommended solutions in the key findings in Skagit County's 2019 report produced by WSE deal with raising the road.

The report noted that raising the roadway less than 3.7 feet, 32 feet above sea level, would likely be a short-term solution since the beavers could raise the water through further dam building. Skagit County has tried the first solution below, but it is not working due to both beavers and the settling of the road bed. We are not aware of how far the other solutions have been studied. Skagit Land Trust has indicated to the County a willingness to explore the possibility of accommodating a wider Right of Way (ROW) on our property, if that helps make other solutions more feasible

- *Raise Edens Road at least 8" so that it is higher than the crest of the existing beaver dam. However in the future, it is possible that the beavers may raise the existing dam, which in turn would likely increase water levels and flood the raised roadway.*
- *Raise Edens Road through the wetland more than 3.7 feet to an elevation above 32.0 feet, higher than the theoretical maximum elevation of the beaver dam as indicated in Figure 11. This would require expanding the road footprint into the wetland due to the wider road prism of an elevated roadway. The mitigation requirements and resulting costs could be significant.*
- *Raise a lane-width section at the center of Edens Road more than 3.7 feet to an elevation above 32.0 feet and convert it to a single lane with stop lights at either end to safely allow traffic in both directions. This would raise the road above the theoretical maximum water level while limiting construction to the existing road footprint and not encroaching into the wetland.*

With South Shore Road failing, we understand that the County will also consider ways to upgrade Edens Road to a modern design that allows better materials, water and stream flow clearance, and that can accommodate more Island traffic. Although this will not be an immediate solution, beavers or not, something will need to be done eventually. Water will always seek the lowest place to travel and settle- and this valley is the largest natural accumulation area on Guemes Island. Raising or widening the road solutions must address more than the current beaver issues.

**4. Inaccurate characterization that beaver and dam removal is the only long-term solution.**

There are seven possible long-term solutions, in addition to beaver and dam removal, presented for dealing with the road flooding in WSE's 2019 report to Skagit County. In meetings with partners and county staff, we have thought of a few more.

The repeated characterization in the Public Meeting that the property owners are standing in the way of the only cost-effective solution (removing the beavers and dams) is not accurate. All options are open for discussion and have been.

Blaming landowners is counter-productive. The landowners did not put the beavers there - they are part of nature. We understand the important road access need. Our efforts have been solely focused on how we can work together to lower water for the County road. However, with the recent resurgence of beavers in Washington, finding effective beaver management strategies is relatively new and evolving. There are many associated permit laws. It is confusing for private landowners to navigate when beavers impact county roads. We are not aware of written Best Management Practices in the Skagit so issues are dealt with case by case. There are no Skagit-based programs that are set up to assist private landowners with beaver solutions. For all these reasons, collaboration has taken time to research and focus together on a plan. County Public Works staff have been helpful and we are all considering what solution might work.

Despite the Public Meeting focus of "remove the beavers" as the only long-term solution, best management practices are that beaver removal is a measure of last resort. This is because beavers are now repopulating areas quickly enough that removal is often not effective long-term. For example, King County states in their Landowner Beaver Management Flow Chart "trapping is considered a temporary solution". Snohomish County's Website on Beaver Management "Trapping and removing all animals in a colony can eliminate beaver impacts, but it is important to consider that more often than not this relief is temporary". In a summary of WA jurisdiction best beaver management practices the City of Bellevue states "Used a trapper in past but stopped when decided it was not effective". Now, many jurisdictions instead first try to find ways to live alongside beavers using engineered solutions (pond levelers, beaver deceivers) and/or future road design. Perhaps those solutions will not work here, but maybe they will. That is what we are working to find out.

Some solutions could fix the road issues and retain the main benefits of wetlands.

- The potential benefits of these wetlands include but are not limited to:
  - groundwater/aquifer recharge,
  - reduction/prevention of seawater intrusion,
  - water filtration,

- source of water for firefighting,
- increased ground moisture acting as fire risk reduction and barrier,
- regulating surface water runoff through Cayou Creek and into Guemes Channel,
- habitat for a wide arrange of native wildlife species,
- public access to watchable wildlife,
- ecosystem benefits that healthy wetland environments provide.

This is not as easy an issue to solve as it may appear. We will continue to work towards solutions collaboratively and with transparency.