

## Section 5

# Water Resources and Environmental Policy

### 5.1 Memorandum of Agreement Regarding Utilization of Skagit River Basin Water Resources (1730-96)

A Memorandum of Agreement has been established regarding use of Skagit River Basin Water Resources for instream and out of stream purposes. (1730-96)

#### 5.1.1 Parties to the Agreement (1730-96)

The Parties to the Agreement include:

City of Anacortes (1730-96)  
Public Utility District No. 1 of Skagit County (1730-96)  
Skagit County (1730-96)  
Upper Skagit Indian Tribe (1730-96)  
Swinomish Indian Tribal Community (1730-96)  
Sauk-Suiattle Indian Tribe (1730-96)  
Washington State (1730-96)  
Department of Ecology (1730-96)  
Department of Fish and Wildlife (1730-96)

#### 5.1.2 Agreement Purpose (1730-96)

The Agreement is designed to achieve the following purposes:

- Ensure the establishment of instream flows to protect fisheries resources, and mitigate any interference with such established flows; (1730-96)
- Provide a mechanism for the coordinated management of water resources in areas described by the Skagit County Coordinated Water System Plan (CWSP), Regional Supplement, July 1993 to meet the out-of stream needs of the Swinomish Indian Tribal Community, Upper Skagit River Tribe, and Sauk-Suiattle Indian Tribe, local governments, and public water purveyors within Skagit County; (1730-96)
- Avoid litigation of adjudication of water resources within the Skagit River Basin between the Parties to this Agreement; (1730-96)
- Assist in expediting the Department of Ecology's water right decision-making within the CWSP service area; and (1730-96)
- Modify the CWSP to conform to this Agreement and to incorporate this Agreement into the Joint Operating Agreement between the City of Anacortes and the District. (1730-96)

## 5.2 Watersheds and Critical Areas (634)

### 5.2.1 Management and Protection

The District will participate in watershed and Critical Areas planning and management affecting District water supply in collaboration with other local, State, and tribal governments. Watershed delineation is based upon Washington State Water Resource Inventory Areas (WRIAs), local designations, and/or Critical Areas identified in the Skagit County Comprehensive Plan.

The District will take specific steps to protect and manage watersheds and Critical Areas important to District water resources, including: acquiring property, entering into cooperative agreements with land owners and agencies, working with Skagit County to ensure that land use regulations, critical area designations, and ordinances adequately protect water supply and other local, State, or tribal environmental management strategies.

### 5.2.2 Cultus Mountain Watershed (634)

The District has established Cultus Mountain Watershed as the watershed for the present domestic water use of its customers. (634)

## 5.3 Wetlands and Floodplains Protection (1554-92)

The District will prohibit water service hookups to undeveloped lots or parcels where private construction would disturb wetlands of significance or any area within the 100 year flood plain or its associated water ways inside the Big Lake LUD boundaries. Applicants will be required to provide Skagit County approval before water service will be provided to proposed structures within the boundaries of the USDA Rural Development-funded Big Lake LUD to ensure these are not located within or will not impact wetlands of significance or 100 year floodplains, or in conflict with federal, State, and county laws (1554-92)

## 5.4 State Environmental Policy Act (SEPA) (1628-94)

The District will use the SEPA Procedures in Appendix B in the planning and execution of construction, maintenance and repair of District facilities. (1628-94) Whenever there is a question as to whether proceeding under the District's SEPA Procedures fully meets the requirements and intent of SEPA, such matter will be called immediately to the attention of the General Manager and the Commission. The General Manager and the Commission shall determine whether adherence to the SEPA Procedures meets the requirements and intent of SEPA. (1628-94)

The Commission reserves the right, prior to staff making a formal submission to the Department of Ecology, to amplify, restrict or rule upon any such item or items in making a decision as to whether the SEPA requirements are being met, (1628-94)

It is the policy and intent of the District to fully meet all provisions of SEPA even though situations may develop which are not delineated in the District's SEPA Procedures. (1628-94)