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August 18, 2006, 9:30 am
Department to be assigned

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR SNOHOMISH COUNTY

FRIENDS OF GUEMES ISLAND, a
Washington non-profit corporation,

Plaintiff,

v.

SKAGIT COUNTY BOARD OF
COMMISSIONERS, and SKAGIT
COUNTY,

Defendants.

NO. 06-2-09088-6

[PROPOSED]

ORDER RE: FRIENDS’ SUMMARY
JUDGMENT MOTION

This matter comes before this Court on Friends of Guemes Islands’ (“Friends”) Verified Complaint for Writ of Prohibition, Writ of Review, Constitutional Writ of Certiorari, Appeal under RCW 43.21C.075, and Stay (with attachments) (“Verified Complaint”) and Friends’ Summary Judgment Motion Re: Noncompliance with SEPA (“Motion”). The Court has considered Friends’ Verified Complaint, Friends’ Motion, Friends’ Memorandum in Support of its Summary Judgment Motion (with attachments),

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_____ This Court has heard oral argument from Gerald Steel, counsel for Plaintiff Friends of Guemes Island and from A.O. Denny, counsel for Skagit County. Being thus and otherwise fully advised of the premises hereof, this Court now:

ORDERS, ADJUDGES, AND DECREES:

1. This matter is suitable for resolution under a summary judgment motion because there are no disputed material facts that cannot be determined as a matter of law.
 2. Skagit County acted in a clearly erroneous manner when it adopted Resolution # R20060184 (“Resolution”) and subsequently implemented extended weeknight scheduled ferry service for the Guemes Island Ferry without any proceedings under SEPA.
 3. It is likely that extended weeknight scheduled ferry service for the Guemes Island Ferry will have a significant adverse environmental impact.
 4. Therefore, this Court voids Resolution # R20060184 and orders Skagit County to terminate the extended weeknight scheduled ferry service for the Guemes Island Ferry within _____ days of entry of this Order.
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10 DONE IN OPEN COURT this _____ day of _____, 2006.

13 _____
14 Judge

14 Presented by:

15 GERALD STEEL, PE
16

17 _____
18 Gerald Steel, WSBA #31084
19 Attorneys for Friends of Guemes Island

20 APPROVED FOR ENTRY; COPY RECEIVED

21 SKAGIT COUNTY PROS. ATTY.

22 _____
23 _____
24 Attorneys for Board of Skagit County

1 Commissioners and Skagit County

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