

Board of Okanogan County Commissioners
Monday, May 17, 2021 AM

JD—Jim DeTro, BOCC, District 3--absent
AH—Andy Hover, BOCC,vice-chair, District 1
CB—Chris Branch, BOCC, chair, District 2
LJ—Lalena Johns-clerk to the Commissioners
PP—Pete Palmer, Director of Planning and Development
DG—David Gecas, Attorney for the county
MF—Mike Fort, Methow Watershed Council
AJ—Alyssa Jumars, Methow Watershed Council

These notes were taken by an Okanogan County Watch volunteer. Every attempt is made to be accurate. Notes are verbatim when possible, and otherwise summarized or paraphrased. Note takers comments or clarifications are in italics. These notes are published at <https://www.countywatch.org/> and are not the official county record of the meeting. For officially approved minutes, which are normally published at a later time, see <https://okanogancounty.org/Commissioners/Minutes%202014/March%204,%202014.htm>

The time stamps refer to the times on the AV Capture archive of the meeting on this date at <https://okanogancounty.org/avcapture.html> . To locate items in real time, the clock on the wall in the AV Capture screen can be helpful.

Summary of significant discussions:

34:45—Discussion of Methow Watershed Council funding request with Mike Fort and Alyssa Jumars of the Council. AH and CB favor the funding, but want to create a legal relationship between the Council, the BOCC and the two other Initiating Governments (IGs), Winthrop and Twisp. The Winthrop and Twisp mayors are invited to attend a BOCC meeting in June to discuss a joint resolution between the Council and the three IGs

00:00—AH and CB discuss various legal matters before the Commissioners. They plan to have an executive session including DG and PP to discuss them.

02:00—AH & CB discuss the upcoming discussion with the Methow Watershed Council's request for funding for administrative expenses. The position has been paid with grant funding, but that funding is running out.

CB—I'm for it. We should have some documentation to show who they are and why we're funding them.

AH—And we need to know if we're funding this advisory committee, will we also fund the next one. Not just watershed councils. Planning in general.

AH—The funding request is for \$15,000/year. Are we going to fund it fully, or will the other two IGs help?

CB—What about water banking?

AH—We need to have a discussion about water banking in the Methow. Most of the big ranches have conservation easements on them, and that locks up the water.

AH—If I sell my water right, and let the land lie fallow, then it's brown in the summer instead of green, and the water leaves the valley. Selling it to another farmer in the valley is different.

Discussion shifts into marijuana farms and their water rights and the sub-leasing situation.

CB—Maybe we could use incentives to get the marijuana farms in one area. The Planning Department is going to make me a map with the farms and licenses on it.

Board of Okanogan County Commissioners
Monday, May 17, 2021 AM

AH—Sub-leasing was a big question for me when we were having our public hearings about the code.

CB—We're where we are today.

AH—I don't want to just ram-rod something through.

CB—Licenses are zeroing in and stacking up and the market is saturated. And we need to explore commercial and industrial uses on exempt wells anyway.

22:00—Executive session for 20 minutes with DG and PP to discuss potential and ongoing litigation RCW42.30.110.1(i)

34:45—Discussion of Methow Watershed Council funding request with Mike Fort and Alyssa Jumars of the Council.

AH--\$9,000 for this year, but what's the annual amount?

MF—We're asking for a little bit more money for outreach and also to do minutes. 8 hours/week, which is minimal, it's \$13,000. We're asking only for the administrative part of it. Sarah's (Sarah Lane, Watershed Council Administrator) time. We're keeping the records posted. There's lots going on with WRIA 48. We'll writing that final report for Ecology next March.

AH—These days, we're looking at watersheds in general, we all think that an advisory type body is important.

MF—Discusses history of the council. It's a decision for the commissioners to decide if it's important to the public to maintain the records of the council.

AJ—We're a good source of sound, thorough advice for decision makers like the BOCC. It helps us to discuss complex issues like water banking.

CB—I agree it's important. What's the relationship between the Council and the county? I think we should consider that it's tied to the Watershed Planning Act. Discusses history of this. My feeling is we're in for the long haul, so the planning unit (and the Watershed Council has a role to play in watershed plan), so I don't know if you have a watershed plan that you're updating, I think we should be using the council as a resource. Having the Watershed Council as an interface between the public and the government is important. Somehow we should formalize our relationship. That would better justify the allocation of funds to the council.

AH—It would also help if we had another meeting with all the members of the council and strategize about how we'll move forward.

AJ—I'm new to the council. 2009-2018 implementation plan is the most current. 2018 we conducted a pretty board scoping process called Water 2066. It seems like there's a disconnect in what the community was asking for in 2018 and the plan described in 2009.

AH—Community scoping effort—You've got to make sure the scoping efforts represent the community. There are ways maybe to get better community engagement with direct outreach.

MF—I'm concerned with the outreach, but those are the people who showed up.

CB—It depends on the mix you get. Statistically valid surveys, it's the mix you get.

AJ—Asking for \$13,000 in donations is beyond our reach, but I can tell you about our work plan for the next year. Really important topics and we can be that neutral discussion forum.

AJ—One is to gather & collate information about water quality and quantity. There's a ton of data out there.

AJ—We want to continue to play a role in bringing clarity to the valley's legal water budget.

AJ—Talking about a CRM process as a means of solving the disconnect between water drawn (?) and land use planning.

AJ—Want to continue to provide outreach and education specifically we want to provide input on the goal (?) of water banking.

Board of Okanogan County Commissioners
Monday, May 17, 2021 AM

AJ—I think you need us to play that role. I listened to the May 3 BOCC meeting and was surprised that you were ready to pass a motion to support a water bank collaboration between the county and the conservation district without asking deeper questions and doing broader scoping, particularly in WRIA 48. I would like to invite CB to our meeting on Thursday. AH will be there.

AH—No. I won't be able to be there.

AJ—The intention was to spend the next couple of meeting talking about water banking.

AH—If CB wants to go, there's no problem. If you talk about water banking, under the legislation, there are only certain types of groups that can do it. I see there are lots of people who want to get involved because there's \$2,000,000 sitting there, but we have to look at—how are we going to be involved. I want the BOCC involved because I don't want price gouging. I don't want policy contrary to what we all believe in.

AJ—We're here to support you in that—making sure the right questions are being asked, etc. Back to our pitch...

MF—Water banking is kind of funny. Not to get away from our pitch, but I just finished the MVID (Methow Valley Irrigation District) pipeline. The substantial water savings is going into instream flow enhancement. TU (Trout Unlimited?) has a lot of water bank in the Methow. 3000-4000 gpm going into water banking. That water mitigates junior users.

AH—All the water savings from MVID went in to instream flow?

MF—Absolutely. Not banked for anything else.

AH—You're correct because they didn't raise the flow rate (mumbles) junior users.

MF—That's what we will do with it. Any water banking from now on, the first thing it does is mitigate junior users.

AH—If I were to lease my first class water right, and somebody down below leases that water right, they don't have to shut off.

MF—The water in the bank goes to the Columbia River. The public needs to be aware how the water bank works.

CB—I can't go to the meeting Thursday, but clearly water banking needs discussion.

AH—Also, we need to discuss the assumptions and scientific information provided by Sarah the other day about our well tracking software. We need a decision on that to say how much water is coming out of the reserve.

AH—It's our database we're using. Cloud based, called Riverbank. Public facing database where people can see how much water is coming out of each reserve. So we need the council to say "Yes, this data is valid. It's the same exact assumptions and data used in the Aspect study and the updated database.

MF—Questions—It looks at the (shake?) file for the parcels? (AH—Correct) and makes a decision on those decision based on the centroid based on which reach it's in? (AH—Correct) It looks at all codes...

AH—They've taken all the assumptions about 1976 and 1994, so they looks at each parcel's code and made a determination about if it's using an exempt well. From a year ago, we know if there's an exempt well. It will automatically update now and it'll be accurate. It doesn't forecast and doesn't do any of the land use projections. It's just a snapshot of the water is used that day. It'll the thing we sent the report to Ecology on. It's by reach.

CB—Back to the proposal. Council has an opinion and I rely on that. I appreciate the diversity of the councils and their knowledge. I remember when it was first established. It's a planning unit I respect, but it hasn't had the relationship with the county that it needs. We should establish something by resolution and then we can fund its activity.

AH—Here's a possible issue. The Watershed Foundation is a 501(3)c. I don't think that the county can put money into that. So how do we fund it?

MF—Sarah could send a monthly bill.

Board of Okanogan County Commissioners
Monday, May 17, 2021 AM

CB—If the council represents us, the Memorandum of Agreement (MOA) or whatever, we don't have a contract with you.

AJ—I don't think the council could commit to representing the county because there are other IGs involved.

CB—But as an advisory committee you do, so we have to establish how that works. Let's look into how that works. The relationship is important. Who do we have the relationship with?

MF—Start with an MOA?

AH—The county opens up a part-time position to fund administrative assistant for the council?

AJ—My sense is we'd like to maintain our autonomy.

AH—If it's an advisory committee to the county, and it's completely against the direction the county is going, we'd have issues.

AJ—I don't see us going against the direction of the county, just providing advice that you're free to take.

CB—It only takes one person. And I haven't heard anything come out of the council that I'd consider controversial, but if there are three different people here, they could have a whole different view of life. So we need to make the relationship solid.

AH—There is no autonomy. Because it was formed under an RCW that county government could appoint a group to do this. If the county's not involved, you're not a legal entity. Just a group of people sitting around having a chat.

AH—The foundation was created to be the fiduciary body for the Watershed Council because none of the IGs had the horsepower to write the grants, correct? MF & AJ—Yes.

CB—And Winthrop and Twisp are in need of good water management. It really has a lot to do with the county.

MF—Before we started the foundation, Twisp sponsored the grants.

AH—If we have an agreement, the foundation won't need to exist. The county will be the fiduciary body

AJ—We need to be able to go after other funds...

CB—...not available to local governments. Good point.

AH—The council is necessary. People to represent different geographical areas about water use. But how do we do it? People were worried about law suits for their recommendations.

CB—discusses history of legislation relating to watershed councils.

CB—We could look at other counties and watershed groups to see who they're doing.

AH—Here's my overarching idea. I would like the county to be able to support the council (technically or financially) as an advisory committee to the three IGs. I'd like to see that happen in the Okanogan watershed, too. So have to establish the ground rules for the relationship.

CB—If we had a resolution, we could take the IGs out of it, but require representatives from the towns. If it's created by the county, it's funded.

AH—There's a lot of autonomy right now.

MF—When the county approved the watershed plan in 2006, we had a discussion with BOCC and they said, well, make a foundation. The council was formed but there never was a discussion about money. Then DOE wanted to give us money. Foundation takes the money.

CB—Didn't DOE ever think about this....

CB—Given the land use issues we're dealing with in the Methow, did the past BOCC do with the information collected with the council, and did they make responsible decisions.

AH—Up until we in this board changed the zoning from 1 acre to 5 acres in the lower Methow, we're the ones that took the initiative to change the zoning.

CB—I need the information and the conversation with the people down there.

AH—discusses different proposals and getting funding.

Board of Okanogan County Commissioners
Monday, May 17, 2021 AM

CB—Example of how politics can screw this us. Uses water metering as an example. Some people won't learn the situation, even if there's a practical conversation.

AJ—If we have a formal resolution with the county, what's the implication to Twisp and Winthrop?

AH—We need to talk to them. Figure out who funds how much. It's mostly county stuff we're talking about.

AJ—I think if it's a collaborative effort among the three, that would alleviate the concerns about autonomy and credibility.

CB—If we adopt the resolution, it would have whereas clauses telling the legislative history, and would end with "we hereby designate a Watershed Council that's the stakeholder group and we have a watershed plan and that group will advise the BOCC in regards to watershed planning and the BOCC's updates will use their info to update their plan.

AH—And we can make it a joint resolution between all three IGs.

CB—We're leaning on previous efforts and laws.

AH—I think it's good if the two mayors came here to discuss this with us. But the money is an immediate need, but we can't give it to you without this resolution.

AH—Asks LJ to email the mayors with potential dates for the meeting. Maybe an hour long.

CB—I don't think it will be that hard.

MF—Write a draft MOA?

AH—Not yet. First we need to talk to our lawyer and the auditor to figure out the methods for funding.

CB—I think we'd just make it happen with a resolution.

AH—We'll meet with the other IGs and talk with the attorney and auditor. If you know of other counties with watershed councils that operate with a county funding source, it would be helpful to know that.

AJ—Thanks.

AH—I think it would be good for maybe once per quarter to have the Watershed Council report to the BOCC.

AJ—Might be good for to go to towns, too.

AH—You'll need to forgo the water banking discussion. We just heard from you guys—don't go too far, too fast. Maybe put it on the backburner for a month. I want to put that data out. Okanogan County has never put out its data about water use to ecology. I want to do it. Use 710 as a conservative number.

MF—It's really easy to put water into a water bank, but it's hard to take it out. Need to show water adequacy.

AH—We need to have the Water Conservancy Board involved in this conversation, too.

CB—Those boards are like hearing examiners. They play by the rules, trained by Ecology.

AH—It's the check box deal.

MF—Reiterates putting water in is easy. Taking it out is hard.

1:43:25—LJ—Any agenda items for the NEWC meeting on Thursday?

CB—I'll have to check if I can attend.

LJ—I have an email drafted to Winthrop and Twisp clerks to invite them to the BOCC to discuss Watershed Council. Proposed meeting dates are June 7, 21 or 29.

Board approves two vouchers.

Adjourn until Tuesday.