

Board of Okanogan County Commissioners
May 1, 2017 - PM

Present:

Andy Hover - AH (BOCC)
Chris Branch - CB (BOCC)
Jim DeTro - JD (BOCC)
Mike Liu - ML (USFS, Method District Ranger)
Meg Trebon - MT (USFS Lead, Mission Sale)
Lanie Johns LJ (Clerk of the Board)

These notes have been taken by one of several volunteer citizen note takers and published on the website of Represent Okanogan County (ROC.) The notes have been taken as close to verbatim as possible or paraphrased, with any writer's comments or explanations in italics. For officially approved minutes of Board of Commissioner meetings, normally published at a later date, see www.okanogancounty.org.

Note: This meeting was extremely complicated, highly technical, and moved rapidly. . It is hoped that these notes will provide useful information to those who are familiar enough with the topic to fill in missing information.

Summary: USFS reviewed public comments on the Mission Sale and addition of an Alternative 3 to address concerns raised by the public in regards to aquatic restoration. Decision-maker Mike Williams will be able to combined Alternatives 2 and 3 if he so chooses. Discussion of the Alternatives among Commissioners.

Mission Project- USFS Presentation to Commissioners

(The conversation was underway when note taker arrived.)

Meg Trebon - (MT) USFS, Lead on Mission Sale
Mike Liu - USFS Methow District Ranger
CB - Chris Branch (BOCC)
AH - Andy Hover (BOCC)
JD - Jim DeTro (BOCC)

Summary by USFS: Increase of aquatic restoration - many strong comments to this effect. Rated all the roads & met . 2-3 day discussion about every road. Came to a consensus on restoration.

Liu - Re enviro risk - how much risk to the enviro does it pose? Close to endangered species stream? Laid against need for fire, recreation, camping, trailhead, etc. Fire access are high needs. Where a low need and high enviro risk, we would decommission. If people needed it, we'd keep it open. How do we reduce risk? This was the framework.

MT - Went back to drawing board and developed another alternative (Alternative 3?) Overriding priority was aquatic restoration. This alternative was just aquatic. More roads decommissioned. (A lot of pointing to map. which audience could not see.) Headwaters of Mission creek would go away. Up Ben and Chickamun Canyon would be decommissioned on certain parts and whole system on Elderberry would be closed. Then Smith Canyon stays pretty much the same. More closures in (???) and Nickel canyon. As far as numbers compare, Alternative 2 - Closures 34.8 compared with talks about difference of closure with access to permittees. 48 miles of closed road. This one is very much the same ...38 miles. (Can't see where she is pointing on map.) More roads shifted to decommissioning with this Alternative. (*Cannot see which ones she is pointing at.*)

CB - In the alternative that doesn't close roads, aren't there some projects mitigating anyway? Is it strictly Alternative 2, Alternative 3, or ??

MT - I did analysis for fire and vegetation. IN Alt 3, this is more of a hierarchy for recreation. (*Pointing at maps at table. Can't see.*) In essence, this trailhead goes away and this trail doesn't get any???? Those are the proposals discussed in the EA. (*Can't see.*)

Liu - In NEPA, we develop alternatives with input from public. Many projects are just action/no-action. This project there was a local group of individuals who thought the aquatics should be more addressed, so it became a significant issue. So we had to develop Alt 3, which provides addressing of this and allows us to demonstrate what the tradeoffs would be to get to a higher level of aquatics.

CB - Were there any changes to Alt 2 as well? Any effort to go back to aquatics and beef it up?

MG - No. Because we know the decision maker could chose a blend. We are required to do this analysis, so if there is a compelling reason to choose Alt 2, he can also say he will incorporate Alt 3. Decision maker is Mike Williams.

This is what was sent out to the people. She passes out something from Chapter 2. It shows in table format, what is on map.

Noncommercial treatment - reads a list of things

Difference between Alt 2 and Alt 3 on roads. Unauthorized roads that the public made and then USFS roads - some had been ripped from system over decades. If we came across a road we didn't have a record for, we called it an unauthorized road and either decommissioned it or put it back.

CB - If there is a demand for this route??

Meg - yes, we look at other things. Some had definitely been made by USFS. Or some were short and didn't go anywhere and maybe went through a wetland.

Branch - The reservation did this kind of thing.

Hover - I had a question about (?) Existing miles of open roads, closed roads, unauthorized roads - 135 miles. But post-product - open roads....reads off which roads changed category. He asks if some are post-status and current status.

Public Comments on Mission Sale

MT - Hands out summary heard from public. In general, received similar comments: get cows off the landscape or cut more or cut less. Do not thin except around urban interface.

One perception that the only thing that will really happen is commercial thinning, and there will be no \$\$ for the other things. Forest Plan minutes for scoping and comment period - some concerns. Adaptive management and monitoring. One pointed comment about Black Pine meadows.

Total comments - 80 letters. Some say just one thing. Others have 40, 50, 80 comments.

Process

We are down to the last 6-7 letters right now. We go through line by line and code to a certain topic.

ML - about 420 comments, but could be boiled down to (?)

JD - Question - There are certain folks who think that the WUI (Wildland Urban Interface) is only 2-300 feet of roads and that we should not do commercial WUI? (*confusing.*)

MT - Definition was created by many entities in this county. interpretation something we agreed upon at that level with public input. The WUI boundary of USFS and Libby creek goes up the valley and spills over to Black Pine. Uplands not considered WUI . But in Buttermilk Creek, it goes to here. (*Pointing at map. Cannot see.*) I was the fire person on this project, so I considered that. So the commercial thinning - some people think that if the definition of WUI excludes area where we thin, we have no basis for thinning. For me the commercial thinning, the overstory, is part of restoration that mimics what was there historically but are also conservatively looked at as (something about drier weather) Conservatively, we are looking to manage right in the middle of that. Commercial thinning of project is aimed at that goal. Commercial thinning not proposed for hazard reduction in the interface.

AH - This means comments can come nationwide. So out of these comments,....

MT - most were from Wa. State. Matter of public record.

ML Majority of comments were definitely local. This group of folks on Libby creek have concerns about any kind of (???) around its property. We have a lot of comments from this group as well as others. Jeff Jewell represents a number of northwest enviro groups.

CB - So In terms of access and (*difficult to hear.*)

MT - some of the constraints...we look at commercial thinning as as tool. Slope, economics, etc. Heli logging does not pay anymore.

Liu - the overriding factor is economics for thinning. Could be heli or cable. Cost of riding material to landing - we have additional cost.Hauling is limited to.....(*Hard to follow.*)

Liu - Probably the last piece is the comments that the BOCC provided in July. Right after scoping. We sent you scoping letter early, in April, came to see you in July. (*last BOCC, it seems.*)

County Comments

*Gave a sheet with responses . We feel like we are providing economic benefit.

*Soil restoration - We gave analysis. EA itself does not have metric of soil compaction, but that is available.

*Desire to let snow get down, opening up canopy - all achieved.

*Item 5 - Request to keep it open as an egress to Smith Canyon. We walked the road and it's not actually a road. It was decommissioned years and years ago. It's amost like a stock driveway. Eroded, overgrown. I would not say it's an egress route During travel analysis....Interest is in decommissioning that and getting it off the landscape. Does not provide egress.

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AH - What is definition of decommissioning a road?

Liu - Hydrologic function. Generally pulling culverts, restoring how water would naturally flow. In some areas, where trees in roadbed and no impact to hydro function, would do nothing. Where compacted, we might do some ripping of the road base there. Re-contouring in some areas. Depends upon where it sits to stream. Closer to stream, more hydrologic impacts. On ridge top, less. So might do nothing. In a given 1 mile of road, you can see a variety of treatments.

AH - What is the goal of decommissioning? Is there a percentage of roads you want to decommission?

ML: 1) economic - do not have maintenance dollars for all roads. 2) given \$\$, what are the critical and more important roads that get the public out for recreation, meeting management needs for timber, and fire access, and in area where access of roads....

AH - Can you take private funding to support decommissioning?

ML - Yes.

AH - Maintenance?

ML - Yes. If people want to give us money.

Liu - We have used our hour. There are another 8 comments on the back . We haven't given you a chance to ask many questions, and we are running out of time. Would you like time to process? We wanted to get feedback. Are we on the right track? We think we have addressed concerns we heard today but wanted to check in with you.

JD - We always defer to the commissioner who is in the district. That's why I look at Andy.

AH - The more management you do, the better. The more revenue you generate...Not the USFS generating revenue solely. Our budgets are being helped by these things. I don't like decommissioning the roads unnecessarily. Probably some redundancy, needs to be based on good science - but we also need to manage the forest at a certain level.

I don't like Alt 3 as compared with Alt 2. But overall, it's a big project, so doing anything to add revenue to the county, manage the forests, try to maintain access for elderly people. etc. to get out into the forest. If you don't have anyone who can get out into the forest, they won't care about the forest.

JD - asks CB. CB thinks one Alternative does that. It is unclear if it is Alternative 2 or Alternative 3. We all have our issues. The Alt that includes access - very important to protect water resources. I appreciate the balance of this one. Don't know if it takes out whole sections when you address resources, but if there is ...you probably integrated most of the water resources that you could, given the fact that you have roads... I understand need for road closures. I know what happens when you don't manage those roads. I appreciate that you have a couple of crossings that are hardened. But regardless, it looks like there should be an attempt to address these. I like this Alternative.

Some of BOCC previous questions - spotted owl? Do we have them there?

MT - nesting, foraging habitat. An important connectivity corridor between 2 owl habitats (with Upper gold Ck/Foggy dew.

Liu - No known nesting. We did get a calling response on the Libby side....(*couldn't hear.*)

JD - We've been over it quite a few times. Of the Alts, I favor #2. I sit on wildland fire committee. It's basically DNR, and (*names an individual, couldn't catch name*) sits on that board too. The general consensus was that after bills coming out of legislature, that there is a larger emphasis on forest health. Will see more and more.

CB - There are some closures that do not require removal, and there is a real issue...it goes a couple of ways. Re access; re this - enforcement is the issue. (A person) was complaining the roads are closed, but you are not keeping the people out. They are not getting the experience of a road closed.

MT - You mean motorized vs backpackers?

AH - You will always have illegal activity. If you close a road but do not totally decommission it, you can take water bars out, etc. If you need to get back into that area....

CB - I understand. You do not achieve closure without enforcement. A few, you just go right around the gate. I discovered one, and I learned the gate had been torn down. By Conconully. Had nothing to keep the public out of it. That was one of those that was a good road - so if the gates open....many you can get right around. Many hunters wanted the roads closed and weren't getting it.

JD - One of the reasons I like this rather than that (/points). A lot of people I talk with are the horse community. If the road is closed, that eliminates access.

CB - Horse people tell him that they wanted to ride there, but people had not been kept out.

JD - points at map, (*can't see*.) Talks about people going cross country on horseback.

AH - this here, I saw 4-5 vehicles parked up here to get up to this hillside. If you have to park, here, etc (*pointing, can't see*.) Steep areas etc. etc. the road is too narrow to have vehicles and horses.

Thank you.

Liu - If you want map, we can provide.

JD - Some people feel that South Pass and up to forest pack camp, McAllister to High Camp will get more pressure if you close that.

Meg - road has been closed for 5 years

.AH - but road is not decommissioned.

Liu - If a big fire year, we will be here providing updates. But with projects.....

AH would like see more than once a year. ..chatter.

JD - with snow pack, I'm hoping if anything you read in the news that you don't know about, you will come over and share.

AH - Have you heard anything about outfitter permits?

USFS - With Jennifer retiring, has gone to Paul Willard on (Tonasket.) I think there will be something by June and will let you know. They are going line by line through the letters.

ALL BOCC looking at paperwork.

1:30 - Perry Huston: Planning Update

This is a note about a surface water right they are putting into trust. Use the water in Benton county area. Map and notice. We've in the past had voices on these sorts of things, but we stopped getting them for awhile.

AH - Is this In trust? Not being used at this time?

PH - Doesn't know

JD - Not moving permanently, just want to use it for 2 seasons? Looks like...mumbles. What's the guy that bought that? All kinds of money and built that arena facility past the gun club? I wonder if this is some of his other holdings in Benton County or ??? (CB looking at county map.)By Tonasket airport.

JD- he was a Microsoft guy or something, lots of \$\$ into facility up above the gun club. I think he owns this property. Connection - if this is his property and water right....

CB - thought he was connected with the Jack Black (Eagle Canyon) seems like he came into Tonasket and was trying to deal with us by moving that water right around and wanted Tonasket to be the vehicle to do that, would pay the city to take the right. It was too complicated. Wanted to put it into trust at one point.

Perry - first notice we've gotten since the new board was created. Do we want to offer comments?

JD - wants comments from water conservancy board.

PH - Benton County conservancy board does the permitting (?)

JD - they meet on Wednesday. We can pose the question. Do they know about it?

CB agrees.

LJ - Charlene Groomes wanted to address the board tomorrow at 4:15 about something about Kiwanis.

DT - Can we go? 10:00 is open. Lanie says she will talk about it.

Shorelines

PH - Chatted last week a bit about next steps. On agenda to remind you that one of next steps is the review of the comments and responses sent out a few weeks ago now. We met with Ecy. CB was present to talk about what they are interested in. Most of theirs are probably doable. Discussion with Kittitas county. Will be talking here about policy they have put into place.

Asks LJ if we have a date. She says no.

PH - we are anticipating giving BOCC time to identify , waiting for Lennard Jordan to send not the changes, but results of discussion we had in terms of the language I suggested. When we get that, if you have the chance to look at comments, we sit down and drill in as to what we want the DOE.....acceptable change. That will give them the opportunity to institute the final stages of adoptions. Comment responses have then re-sent. As of last week, Lennard hadn't been sent. Will send to you when I get it.

CANNABIS AND TITLE 20

Title 20 - In both in stream flow rules - our next hot button... I was reading them, there is provisions for permit except wells, but in both in stream flow rules, household use and stock water.... No provision for commercial activity or irrigation. This has come to forefront under banner of cannabis growers. Many of them are using merit exempt wells.

OCC 17A- 290 requires they must have an adequate water source. The new ones are all conditional use permit. The older ones are where we are having CUP's back as to expansion. If you already had work on the ground in 17A - 290 days (?) you are vested.

We try to define footprint. Can you stay within that? The parcel is first to go - to position. Where they want to expand, how are we dealing with Hirst?

As I read it, commercial uses are not an activity where you can use water in any of the in stream flow. You have to be in an irrigation district or be a certified well. No exempt wells. My interpretation is that I cannot approve them for commercial activities.

AH - Thought process. Want to make sure we are consistent. Two weeks ago we were talking about plats that had the water allocations already on them, if already allocated, and so a new person coming in would be able to get new water out of that well because it is a single domestic use.

CB - I think if it is said on the face of the plat, and that was the purpose of the water in that way.

AH - When these wells were put in for pot growers, a 5,000 gal/day limit. but say they are not using 5,000 gallons but want to expand. So they are using more water than previously. Trying to make sure we are consistent...if they had allotment of 5,000 gal/day at a certain period of time. Say they were using 1/2 of their allotment, that is what got (vested?), right? I want to be sure the expansion does not fall into domestic.

PH - the way we implemented Campbell-Gwinn, we would slip out the 5,000 gal /day and look for physical and functional relationship, parcel out the water. We never to my memory, we never had one that proposed commercial activity. That never came up. We took the 1/2 acre of lawn and commercial garden.

CB - You apportioned it for same use?

PH - rather than a gallonage, it is by area. Divided by the number of lots.

AH - The argument is going to be.....I drilled a well 3 years ago. Then, I was allowed 5,000 gal per day and I want to utilize my 5,000 gal per day.

JD - These guys will try to push the envelope any way they can. If we tried to draw a bright line when they were vested.The vesting doesn't mean that they can just use more.

PH - any time we deal with a legal pre-existing use....we still allow some exemption within a definable footprint. That should remain. Under the banner of consistency, the folks that are coming in now, they have a parcel or house and want to share a well or do an accessory dwelling. We are considering that a new use and applying to the instream flow.

AH - How we are being consistent and following law?

PH - Many people might disagree.

PH - this will create some push back - one has lawyered up already. They hadn't been using any water. They have the residential lot, but unless they had the water, have to go the application process.

CB - So the vesting , we changed to CUP. We have vested users who are talking about expanding, so they are tested in pre-existing legal nonconforming use. Since I've been here, you have what you have, but we have allowed some expansion within a footprint. Code has flexibility as far as (?) pre-existing uses. Period when from 1 to 3 years...to admin (the old abandonment period was 1 years, it is now 2 years.)

CB - If your definition of expansion of nonconforming use - it has a footprint. Someone proposes to expand. So it has to be expanded under a CUP...

PH says if they do this, they can expand.

JD - Doesn't want them to just expand when they want. These new folks have lawyered up and have named us. I can't say much. If they are going to usurp what we have given them, let's put an amortization on them.

AH - How many of them even got permits?

CB - To vest in an existing use, you can't vest if you don't follow code. If an operation has gone without appropriate permits, no one can vest.

PH - Going back, initial subject was interpretation of two instream flow rules and exempt wells. (?)This means a restaurant, anything proposing commercial activity on exempt well - I see nothing to approve this. It has come up now only on marijuana , nothing else.

AH - So city water, provided, on Riverside. For exempt, bed and breakfast wants to open up but can't get to city water....

PH - They all have a water plan, water management plan....

CB - Their services area is where they are obligated to serve with limitations. Can't expand the infrastructure but have to serve ??????

JD - Burton street - they offered the people to go on city water that were adjacent to street.

CB - Probably in their water service area. These can be pretty large. The city denies to serve that area. But the infrastructure .. the (?) to that area can be pretty costly.

AH - Reason I said this is because without consistency, if we apply one thing without understanding the ripple effect down the line - we are talking about commercial use just outside a water service area but not being able to use it. We don't know where water service areas are.

CB - If I have a house....(missed this.)

CB - re marijuana, if you followed all the rules and did the operation with exempt wells, asked Dan - have you issued building permits??

Dan - to processors. Producers just have bathrooms in some of them. But processors have kitchens, bathrooms, etc.

CB - Some of these grow operations - have

AH - We can do this through water or zoning.? Zoning seems easier.

PH - If that's what you heard me say,..... excuse me. I am talking about 173.48-49. It does not allow commercial or irrigation You have to have a water right or be an irrigation district.

AH - I meant the water issue.

So 1782.90 (not sure I got this right) = We can morph into this, marijuana session.

PH - If you think I'm misreading this, we will get a lawyer.

BOCC - I think you are reading it the way it's written.

So 1782.90 (?)- in re zoning. legal preexisting. You can apply in any zone for a CUP. They are suggesting that there are some areas where it just doesn't fit. Recent example was Mallot School. All zoned neighborhood commercial centers....all unincorporated areas.

AH - What is growing pot considered? Ag use? Industrial? Farming revenue - not this in tax code. In any event, it is a commercial activity.

Perry - neighborhood commercial. Like a LAMPIR. Commercial and retail mix. Gas, Grocery, is characteristic of an unincorporated town.

AH - I meant industrial use, like lumberyard, light manufacturing.

PH - not sure . Have to look at district use chart. My suggestion - any time you treat all the zones exactly the same, you have probably overlooked something. In some areas, maybe they

could be permitted, some not. Some say neighborhood commercial isn't fitting well. In your code, specific general restrictions pretty much recitation of state law except for local prohibition of 1 miles within a school and light being shielded. We can pick this back up again. Fair act of push-pack.

CB - I have a ...about the neighborhood zones - you may have a separate zone of (?) for them.. They are communities. The question goes to the people who live there. The only thing these neighborhood areas like Mallot have missing is a government. People can get together to talk about their community. Should they be able to come together and decide whether to have these things in their neighborhood? We want this - we want our zoning to be different from others.

PH - Could be done. Barnholt Loop - was like this. Zoning has to be general in its application. Anywhere it appears, it was to be the same. Wherever it appears. You can come up with a broad mix of zones. In old days it was, minimum requirement district, Barnholt, and Methow.

CB - In minimum requirement districts - anything goes, no respect for zoning next to it - caused fights and lawsuits.

PH - We can bring back marijuana again (in zoning.) Had draft from advisory group, but on the back burner for other things. Supposed to mesh with Title 20. Now with Hirst and additions to Title 20 last year, not a lot of connectivity between the two. What I want to talk about is to give you a feel for what you have on the books and how Title 20 has changed it.

Long Plat - Not much change. Long Plat always requires SEPA and public hearing.

Short Plat - Now with insurgence of public hearings requirement, some bumps in 4 plats or less, 20 A parcel or less. A process in code - administrative process. Application comes in, public comments, first step - preliminary approval. So you if you get prelim. approval, a list of things you need for final approval. No public hearing.

Long Plats - now the Hearing Examiner has authority.

Short Plats - now I have authority. Now, we are having a public hearing re Title 20(?) We are required to have a short plat process. We have a lot of leeway as to what it is, but must be administrated.

(Notetaker question - the above is different from what was stated in Omnibus hearings. Short plats were also to go before Beardslee as stated in the hearings.)

Planned Development - You can apply for planned development, but also subdivision with bonuses, lot sizes, etc. SEPA required, public hearing required.

Binding site plan - is administrative - Perry's. We need to tear into it. Have tightened up because there are some things that conflict with state law. It is administrative , with appeal to Hearing Examiner.

SEPA - SEPA responsible when it goes beyond 4 lots, he can require SEPA. Case in point - the case in Methow, required SEPA. (*Note taker thinks he is referring to Jolley development. Perry required SEPA - which meant that Perry said it was exempt from SEPA*)

CB - is this now in our SEPA ordinance? In our county, same language as "305."

PH - More than 4 lots or greater than 20 A, goes thru large lot subdivision. At one time, SEPA not required, but there is no categorical exemption. There is exemption in 58.17, not sure how Hirst applies. 5 acres or greater lot size - our local code bumps it from 5 to 20, but no categorical exemptions. Large lots more than 4, we make them go through SEPA. 20A or more, do not require SEPA.

CB - Exempt segs?

PH - simply a definition. No process.. 4 lots or less. Exempt seg - large lot - more than 4 lots - adopted process. 4 or less lots. Exempt seg- 5 or more - large lots (*Confusing.*)

According to Title 20, all of our land dividing process is requiring....

CB - Large lot vs Exempt set - why exempt if 4 lots or less? I don't get the reasoning.. for exempting 20 acre or more lots just because you are making 4.

PH - that was more of an undiscussed issue. Either/or - the processes speak to SEPA. I concluded there is no categorical exemption for large lots exemptions. Municipal research agreed. My requirement was SEPA..... For exempt Segs, a 4 - lot short plat was exempt, so 4- lot 20's should be. We figured this.

CB - On exempt segs, 2 exempt segs next to each other? Same as short plats?

PH - ordinance is silent on this. Rather than serial exempt seg, go to large lot. I have required them to go through SEPA.

DISCUSSION OF HIRST/CHALLENGES/CLOSED BASINS

CB - I see an area where this needs to be addressed. **With exempt seg requiring same scrutiny as short plats - 2 next to each other is a loophole. Large plats should be the same, I think.**

PH - Now with our public hearing process for all processes, the BOCC might want to move this around a bit, plant seeds.

CB - I just planted a seed too, right? We have potential challenges on our water decisions already, right? If they pertain to a closed basin - let's talk the Okanogan. If we take a closed basin where applications are being made, that is where we are having challenges. We should do 2 things. Go and count the lots in the basin.

AH - You said a closed basin is closed for development, but really means water.

CB - Yes . If closed for further appropriation for water by Ecy, but we didn't apply exempt wells in the past. Take one basin and count the lots that are available in that basin and do some kind of predicted model in re exempt wells., and when we look at Comp Plan/zoning, if there is a question in that basin we should cease subdivisions in that basin until we know.

AH - how about homes? So even if the lot doesn't have a well....

CB - Existing lots that are already created. We have created the problem already. People will apply for exempt wells. If we have a subdivision proposal in a closed basin, we don't have this process very well addressed. So it seems to me that we would temporarily close for subdivisions under the existing zone law.

PH - This is easy to generate. We have already done this. My crew creates a map. Maybe they are off a little. My crew identifies the drainage. We have the boundary. We have the well count. We could (?over law assessor?) - if we sort by code, we could figure out which parcels are deleted vs the ones that are not. Figuring out where the well is on the property is harder. But we can generate that information. If you want to pick a base to conduct. Obviously a lot of interest in the subdivision proposal out of Thompson Ck. Some interest in individual water availability applications. You saw the e-mails.

WRIA 48 VS. 49

AH - I think that over here (Okanogan side) is a little more appropriate.

CB - more info in the other drainage. In this WIRA (49), not.

PH - language of the rule is very different in 48, have water set aside for domestic and stock. Didn't talk about irrigation. Fine art set aside. We are left to the conclusion that there is measurable impact. Have embraced but not said, the way I'm implementing Title 20, now chipping away against the set- aside.

PH - What 49 creates is exceptions, doesn't have set - aside. If we find the cumulative wells have not significantly impacted, all I can permit is domestic and stock. If significant impact, we can only do single use domestic and if no other water source available. In either case, does not prevent me from approving any permit exempt well. In 48, once we do the 2 cfs, we are done. In Okanogan, no limit. cannot negatively impact takes or surface water.

CB - So have the option of narrowing down from 5,000 gal to (?)

PH - This will be someone else's next litigation. In Kittitas, called it a "dimmer switch" AG says you can't do it. We have in effect done that. We are tying it back to the Aspect report that creates 710 gallons for each exempt well.

CB - The way I see it, you are counter to AG opinion, and next if you make that rule and say you will have this exempt well and you are restricted to (less than 5,000 gal?)

PLAN RE MITIGATION - PERRY TO WRITE SOMETHING UP

PH - Ok let's see to what we are getting at. We need a Plan B .

PH - Since your time is short let's come back to this. I'll create a white paper for you to review. In a word, the direction this has been going is mitigation. Only one mitigation - banking.

AH - People have to trust the procedure.

PH - for better or worse, we are now in the lead here. Should have a public meeting for discussion, I'll prepare something for you.

AH - The USFS that was here in re aquatics - we need to be able to help and quantify. Can't do ASR or micro storage. Will need to do storage and banking, etc.

PH - I will create a paper for discussion

AH - a good idea . Some people could utilize - if I'm not using my entire allocation, there might be someone who wants to use my water in a trust that people trust. Or sell it to me, or lease it, or whatever.

Fairgrounds and Restroom

PH - Let's come back. Clerk of the Board now has contracts for fairgrounds and restroom. Calls for single owner signature.

LJ - Wants a motion to sign. Gets it.

AH - I would move to allow chairman to sign contact. Branch 2nd .Passes. PTO Construction.

Tonasket EMS

PH - quick update. Tonasket EMS, met with Mike in final stages of contract language for your review. Numbers are down in Oroville and Tonasket. Causing some (concern?) on part of contractors. Looking at the numbers. We reserved a fair act of levy for reserve. Operating cushion. Will have (?) probably next week.

End