

Board of Okanogan County Commissioners
June 11, 2018

Present:

AH - Andy Hover, BOCC.
CB - Chris Branch, BOCC
LJ - Lanie Johns, Clerk of the Board
JD -Jim DeTro (absent at 9:00)
MG - Maurice Goodall, Emergency Manager
JT - Josh Thompson, County Engineer
DG - Dave Gecas, County Prosecuting Attorney's office
CN - Craig Nelson, Conservation District

These notes have been taken by one of several volunteer citizen note takers and published on the website of Okanogan County Watch. The notes have been taken as close to verbatim as possible, 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.

Summary:

ATV's: WDFW advised that there has been an erroneous publication, stating that all roads in Okanogan Cty are open to ATV's; discussion of implications/options; public meeting planned; mapping/signage of Critical Areas & Unincorporated Towns; **Salmon Recovery:** Discussion of impacts upon Upper Columbia of new court ruling for spilling at Snake/Lower Columbia dams. **WRIA 49:** Composition of Planning Unit, Tribal participation, lead agency, grants. **Planning Dept:** Current staffing status, prioritization of upcoming tasks to be addressed by BOCC next week during Update; **Fairgrounds:** Rule changing procedure issue; **Fire Bill** - new tools for USFS & economic opportunity for county; collaboration with USFS; **Bonneville Power:** New small acquisition in Methow Valley. **Water Availability Study Areas (OCC 17A.400)** Review & criticism of Futurewise comments; Review of changes to date; sending for legal review; 2 year expiration discussion; senior water rights impairment discussion. **Comprehensive Plan:** Responses to Yakama letter; County's use of SEPA; Discussion of Lake Management District as a priority. **Methow Conservancy:** Application for 2 new conservation easements in Twisp highlands.

9:00 Questions as to where JD is. He has not called in. Meeting begins.

ATV map -Erroneous publication by unknown party (See Planning Update, 1:30 PM, for further ATV discussion.)

AH - We have a problem. I don't think anyone is going to litigate or anything at this point, but last week WDFW called me and asked if I knew the Chronicle published an incorrect road map in the paper. He called the ATV group and asked them about it and he hasn't heard back.

AH and CB are concerned.

AH - We are the ones, by legislation, that opened the roads. So what happens if someone just randomlysomeone was to print something on a sign that said all roads in Okanogan county are open to ATV's?

CB - He thinks the paper should be the ones to correct the error. It is their paper.

AH - It was in a guide. An ATV guide. Probably a separate handout.

AH and CB debate whether it was the Chronicle's guide and if they failed to check, and what to do. They are thinking that (?) should follow up on it.

Miscellaneous:

CB - Jim has the statutes for Exec Sessions. And he is absent.

CB passes AH a paper and asks if he has read it..... AH says no.

9:10 - BOCC reading from computers/paperwork.

CB - Unintelligible.

AH - They were going to hold off putting it online because they were contacted by a number of people. *(unclear what is being discussed. Note taker can hear everyone but CB.)*

Response to State Audit:

LJ - Steve would like to know about Wednesday and any concerns about what should be discussed regarding audit.

AH - I will be in Portland talking to NOAA and USFS.

CB - ? Something about when he is available.

LJ - What time are we looking at?

CB - How about something like (???) Any particular concerns?

CB to AH: Anything that we should bring up about our audit?

AH - Fairgrounds - I would say we have gone through with our hiring of a new person. Have gone through cash handling, and the treasurer has....basically, we have addressed the situation that happened there. I believe we sent a reply.

PH - Entering. Says something about a phone call. AH leaves.

(Note taker tells CB that everyone but him can be heard. He turns on the mics and can be heard.)

LJ - RE-entering: Are Fairgrounds still of concern?

CB - Financial situation - there are comments we need to make about that.

9:24 - AH RETURNS.

(BOCC is still considering what comments to make regarding audit.

BPA (Bonneville Power) Issue: Spilling of Dams on Snake/Lower Columbia

AH to CB: Do you know about BPA? *(CB does not.)*Snake and Lower Columbia, court has ordered BPA to spill water for the fish, which will create less chance of predation. It is estimated.... not this year.... but inflow water years it will cost *(1/4 million?)* to spill that water. Thought from Colville tribes and myself from being on the Upper Columbia board, Douglas County, and Chelan County is that because we still have 4 dams that are not spilling - it will not do us any good, but it will go against us. We give 3.5 million to *(?something to do with salmon recovery)* to implement these projects. So I am going to ask about it. I want you to know the background of the question I will ask when he comes in.

CB - You are telling me that so I will understand the question?

AH - Yes. I am going to ask Roy *(something about how this affects us.)*

CB - I asked....it wasn't that extensive. How many projects are on there? 20?

AH - a lot.

CB - So the consensus of the situation is that of the upper Salmon Recovery Board?

AH - Chelan County wasn't with us, and the Yakama nation was not. They have such a broad inclusion with many hatcheries. Colvilles said it is a theory -testing deal that costs a lot of money and will cut into funding for other things.

CB - It is relative to the dams, right?

AH - Everyone on the Snake and everyone above the Tri Cities - it is a function of flow rate for juveniles coming down the Columbia.

CB - Is there something about the lower dams that causes them to think operationally it is (??)

AH - No . As far as I understand, it is all of them in tandem creating a flow rate ordered by court that would help the juveniles.

CB - If it benefits runs up to that point, I was curious as to if there is anything relative to those dams that would make it more important upstream of Tri Cities. If they are leasing water on the Snake, it will benefit anything that goes out of hatcheries downstream.

AH - It might. It's a theory.

CB - It wouldn't help us any...

AH - All will spill from the Snake to the lower Columbia. But we are not spilling from our dams. So the outgoing fish (*from our area*) will get caught up.

CB - I'm trying to imagine if there is a benefit at all to our fisheries in any way.

AH - Partially. IF it benefits at all. There is no science. If our juveniles make through the points where they stop spilling, they will benefit once they get down to where they are spilling. Again, this is a court purely speculating as to whether the science will prove to be right.

CB - Is there a body of science that says it will work? And is it in response to a Snake River run only?

AH - Says good question. He will find out for CB.

9:30 - Executive Session - Evaluation of a public employee.

9:30 - Maurice Goodall (MG) enters.

AH - That was a big slide.

MG - The Chiliwist?

9:30 - CB says we do not need any attorney for this. Evaluation of a public employee. RCW 42.30.110. 1.g.

9:33: MG asks for 15-20 minutes.

AH - Calls executive session, invites Maurice, etc.

9:52 - BOCC returns, Goodall leaves.

Tuesday Agenda - Scheduling difficulty (*Not enough time has been allotted to get to Nespelem for meeting with Colville tribe.*)

CB - I think we will ask him to take Laurie's report tomorrow? (on agenda.) They will probably have to eliminate it. If we are going to get to Nespelem at 11:00 and she comes in at 10:30, we won't make it. Even 10:00 would make it tight, because it takes me an hour to get to the agency. We'd need to be out of here by 10:00.

AH: *Studying schedule.*

CB - Even prior to Ben showing up to report..... SWAC decided not to recommend..... (?)

AH - I didn't know that.

CB - In a lot of ways I'm ok with that. I like to respect their recommendations unless totally wrong.

CB - Something I have a copy of ...latest and greatest about emergency management. The it was Grady's turn to share his story about fires, he ripped emergency management plan apart and through it away. Apparently something.....It had to do more with how you get \$\$ to help. I went to a workshop by Planning Association of WA. Pretty good, but mostly about the aftermath and not the emergency itself. About what was a done during the fire, what could be recovered....discussion as to what the complaints might have been.

CB - Maybe we want to cut out the 10:00 too...

LJ - I talked with Ben. I didn't realize it took an hour to get there to Nespelem.

CB - By the time you get over the pass and to the agency, you are pressed for time. I went last night, and pone of the reports had already been given.

Summary of last week's proceedings: Comp Plan map review; WRIA 49

AH - (*He is catching up from absence last week.*) Last week, on Monday with Perry, we got that \$60,000 grant from ecology. And we talked about exempt well tracking program.

CB - It's intended to be implemented.

AH - Comp Plan map review - where are we on that? On WRIA 49, I had someone call with concern about the fact that we have not initiated anything yet.

CB - George gave a concern about that. Actually, we are going as fast as we can, because we do not have the full framework of Ecology. We are now in the mode of contacting the previous watershed committee for approval and we have not done that, and we have not gotten a written document from the Initiating governments. They could just send us a letter saying we are the entity.

WRIA 49 Issues: Tribal participation

AH - Colville tribe - I talked with Chuck Brushwood at Salmon Recovery about them not being formally invited to WRIA 49 process. I explained that 6091"usual "..... I did not invite Yakamas because it would be disrespectful to invite a tribe when it said "usual and accustomed fishing areas" when it was not their area. I said I am going to defer to the Colvilles, and if they think we should invite the Yakamas, we will listen to them.

CB - And then we will decide. We never invited the Yakamas before. The Colvilles never weighed in, and neither did the Yakamas.

AH - I heard this information about the one of the young people from the Yakamas (new people) said well, absolutely the Yakamas have ...No, the Colvillesdon't have usual fishing rights there either. But it's on their reservation....

CB - How about if we were to directly put the question to the Colvilles?

AH - I think there is some back and forth behind the scenes. Personally, not sure I'd want to bring that question to them because I don't want them to think I'm influencing the process.

CB - I would certainly like to know what the legal opinion is from the Colville tribes in comparison with the Yakamas. For me, I'd like some background from someone who knows what the argument is.

AH - You know more people in the tribe than I do. If you want to ask....

CB - Cody Disautel would be the one to ask. Everything I know is just from gathering information. There is nothing on paper substantiated. I just know the Colvilles would be offended. And the Yakamas raided the Colvilles, so maybe that's where their rights occurred?

AH - From what I know about the history, it had to do with Rock Island. If you didn't speak the language, you couldn't communicate, so how could you be usual and accustomed out here?

CB - There was conflict anyway, and I think the conflict was more about how powerful you could be. Now, anything that relates to the federal government....they have a lot to say . The fed gov't has something like a parent relationship with the tribes. They get their sovereignty from the fed gov't.

AH - They get their sovereignty from the judicial side in the fed gov't.

CB - That's the federal gov't. There were treaties drawn, etc. So simply, they were ...the mission..... so that relationship with the federal gov't , , ,

AH - But it doesn't change history.

CB - We need to know what happened.

AH - We need to respect their heritage about where they fish, etc. Yakamas are in the Methow because that was part of their take down there.

CB - Just saying....I, in no way, shape, or form want to fight the Yakamas . It would be against my own heritage. But we need to look at it from a legal standpoint to see what they are asserting.

AH_ Maybe we need our prosecutor to give his opinion as to 6091. I am going by "usual and accustomed fishing ares."

CB - My point is that I would like to understand that, what they are saying.... in case there is something legal we can say.... I was just going to ask Cody. A letter we got from Solid Waste

AH - We should respond to that.

AH - On the 17A.400, did Perry come in *(last week)*? Did they submit a draft of change to 17A.400 to go to the land use attorney *(Mark)*?

CB - I think he has a draft.

AH - It's weird, because in the minutes there is a little bit of....*(to LJ)* will you look in June 4 minutes, line 66.... 17A.400....everything we talked about, has the discussion of the Yakamas' policy regarding the comp Plan.... It doesn't look like there is anything in there about 17A.400

LJ - That should be moved to Comp Plan section. He was talking about things out of order. I got out of whack.

AH - 17A.400 - it went to.....I thought Perry told me he was going to bring the draft back to look at - and then move it to the land use committee *(or land use attorney?)*

(Note; when note taker inquired at Planning Office for names of those on the land use committee, Perry stated there is no land use committee.)

Fire Bill: Changes in USFS procedures, opportunities for economic growth

AH to CB: Fire Bill - there is the opportunity for the USFS, which specifically targeted the Okanogan area, because with a 20-year contract, a mill could come in.

CB - Did it go over the option for the SO *(Supervisor's office)* to decide that?

AH - I don't know. They just told me this was within it. The other thing heard is that there is more opportunity...

CB - Seems like it would be more of a Regional decision if

AH - I think if you were going to try to get something done around here, based on percentages we are seeing on a project and the timber coming out, there are tools the USFs now has to speak and to be able to include more area.

CB - That's what is going on in Wenatchee.

AH - There is a 150,000 Acre project in Wenatchee.

CB - Huge. I went on a tour. They are getting push - back on 10 years, but moving on to 20 years.

AH - As commissioners, we can ask the USFS how can we help you?

CB - We can collaborate.

AH - We can do more. I think that if the collaborative sails, that is a good idea. I also think that as Commissioners we should say that we support the actions of the Regional Forester to implement this 20 year stewardship contract in order to attract business.

CB - I say yes. The complications in it were multi-faceted. Even where they did a break,,,, they were considering whether it would overrun the owl habitat. The stuff they have to make their case on to Portland is pretty interesting. They have to ...

AH - The USFS is changing the way they are thinking. Right now there area exclusions for riparian areas, so rather than an EIS they can do an EA.

CB - I am saying yes, absolutely. Just knowing that, a 20 year contract is going to be a challenge. That may be just at the SO level also. That's why the Northwest Collaborative in Portland is...the Portland folks are there, and the new things that are coming out were talked about. We need to be sure we are on the same page, because we are both getting info in different ways. I would support it, but what does it look like? Looking at the 150,000 acres, there are a lot pot pieces to this.

AH - But they can look at the tools they can usethe new tools they have to do good forestry.

Fair Advisory Committee Rule Change Issue

Fair advisory committee - They adopt rules every spring. In order to get a rule change, it has to be read 3 times at (3?) meetings. One rule says you can enter 2 steers, but you can't get an application after a certain dates. What happened is a person had 1 steer and it died, so Sam Buchart, being the livestock committee chair, said that he couldn't enter another one. I believe that, because it lays out the fact that you can enter two just in case, but not after a certain date. After all, it is animal husbandry. So that is the whole portion of raising the animal to the fair, keeping them healthy, etc. I think the fair advisory committee can't overturn the rule without going through the process of changing a rule. Follow the rule.

CB - Totally agrees.

AH leaves to get some paperwork re USFS. No quorum, briefly.

(10:37 - BPA - (Roy Beaty and colleagues enter. 4 gentlemen here.)

USFS - Brief discussion. AH wants to be sure all levels of USFS know that they have new “tools.” Notes that the Interim Chief was a forester here in Washington.

Resolution 5938

AH to Lanie - Res 5928 - AH wants to rescind it. Can we do it right now?

LJ - It does not rescind the emergency situation. Josh may need to report on that.

AH Moves to approve 5928, rescinding staying out of Okanogan River and no wake on Lake Osoyoos. Approved.

11:00 BPA - New acquisition in Methow Valley. (Roy Beaty and colleagues invited to table by Branch.)

AH mentions that he is on the Killer Whale task force. BPA handing out color-coded document. Asks if DeTRo is here. Answer is no.

Intros:

Roy Beaty (RB) - Project manager of BPA Fish and Wildlife (*missed the specific division*) Here again after 2 years.

Joe Connor - Project manager at Bonneville Power, Okanogan to Wenatchee.

Our reason for being here is because 5 years ago or so the BOCC was very interested in properties...we coming to answer questions about those. Here today because of a small acquisition in the Methow (*something Camp.*) Cmr. Branch asked for the document you have here. Limited answers about the property, & you probably received a notification in the mail about it. AH knows about the one by Pateros. Clarification of the numbering system.

This is a list of projects current in Okanogan County (*handout.*)

AJ - on left hand side , do the numbers mean the year initiated?

JC: Yes. This project was a initiated in 2009. BPA is one of the entities that work with Fish and Wildlife. Bureau of reclamation also has a presence. Power planing and Conservation Act oversees our program to be sure we are investing enough in fish and wildlife. To compensate for dams, treaties and Trust responsibilities under fed law.

Next page - Approach to fish mitigation. Things like predator management . A very diverse program, throughout Columbia Basin. We implement our project through local partners. We do a lot through the Colvilles, Yakama Nation, Salmon Recovery board, etc. We spend between 240 - 50 million, and 17 million on associated projects.

AH - I have questions.

* This specific property - what tax classification is it in currently? (*They do not know.*)

* CB - asks for an overview: Part of agreements with Colville include habitat protection. This is an acquisition under Yakamas - to enable them to do habitat restoration there. Much of the time the landowners want them to buy the property. A small property 11 miles up Twisp River, 12 acres. This is the first one Yakamas are acquiring ...before, ownership went to Methow Conservancy and Salmon Foundation.

*

AH - With these acquisitions, the Yakamas are keeping possession, and any acquisition the Colvilles would get. My understanding is that they are able to not pay county taxes because of their status with fed got.

Roy - My understanding is that 2-3 years ago, there was a law that allows tribes to take properties off the tax role.

AH - I don't begrudge an entity for from taking a property off the tax roll, but my question goes to BPA funds - can't be used to pay for property taxes, so my thoughts on the realities of politics, the realities of trying to be active on fish mitigation - the main crux of arguments I've heard is that when tribal purposes take property out of the tax roll, we are increasing the rate of taxes for everyone in that district because the levies associated with it have to be compensated for. My thought - if there were monies allowable for some period of time, like with the gold mine,,,,,we knew it would shut town but that it provided a lot of taxes . The assessor was able to even it out so that neighbors taxes did go up right away.

You want to provide for the environment, but somehow we need to offset. Often it is not a lot of money, because the property is open space ag, etc. This is one of my thoughts about that program.

RB- It's a reasonable concern. A few years ago I met with Fuhrman to see how it works. It refers to cultural acquisitions.

AH - One argument is say that when we are doing this, we bring in contractors,,,,,it would be nice to see some of the program spending on that property - how much economic influx is generated in the area.

11:15 - Note taker leaves for another meeting. BPA meeting is ongoing.

1:30 - Perry Huston, Planning Update

ATV's (See AM notes for additional discussion.)

Perry has sent out a memo to the agencies involved and Mr. Brown (Jim Brown, WDFW) has confirmed for the 26th - He is the only one who has confirmed.

Public hearing - Is this something the BOCC wishes to do? Pre-proposal, public meeting. Open House type, not a formal hearing. Trying to get people engaged beforeor after outreach with the agencies, so that we have the agency proposals before public meeting. I sent map we looked at the other day, coded enough to use with the info of the public agencies.

BOCC says yes to public meeting.

AH - questions - the state route, from Mallot across the bright....

JT - it is a state route, so the way the RCWs are, there is no opening for a state route at 35 mph. They are looking into it.

PH What you have is what we created on the zone map, and the unincorporated town (*Mallot*) has a line around existing development . No real town limits, no town legislative body to take action.

AH - Anything in the legislation right now that deals with WATV's? Josh heard about something, but didn't see a lot of facts. Could be for next year. If you claim a farm ATV exemption, you cannot register with a tag to take it elsewhere. Can be sort of a hindrance. If an ag person wanted to go up and down the road for farm activities, it might be beneficial to them.

PH - Other questions?

JT - Last time, we put it on our website. If you like, we can put it on our website as a draft for discussion.

AH - With current state of affairs, I do not want any misinformation.

CB - Explains to Josh that the apparent insert into the paper or published document - a wrong publication - was published .

JT- didn't even know anything was published.

PH - says it may have been an e-mail stream.

AH - explains that WDFW informed him of the problem. Their map is a map of the roads that are oldest. We have base map ready - last step is Critical Area designations. Then we can have our own map on the website. We are required to have a list of roads that are open on our website.

AH - One thing that can make it easier on the map is to have Planning do a critical areas overlap with cross-hatching as wide as necessary, and with the colors on the map over that, with the cross-hatching dark enough to stand out.

PH - Would need to come up with some kind of protocol of an increased likelihood of them leaving the road so the critical area off the road is simple, but figuring out where to put the sign may take some work.

AH - You are talking about 2 things One list of critical areas that we have....

PH - Listing of the roads that are open. Critical areas will impact where the signs go and the 'double font' if it is adopted.

CB - Adding special info on the map kind of (*redundant?*) in a way. You are not supposed to leave the roads anyway. Just a small sign should be sufficient. If I am an ATV rider, and I am going to leave the road anyway...I use this sign to make sure I don't go there.

AH - Is the sign showing the Critical Area and not a Critical Area so sheriff can enforce? I am trying to say - is the sign going to be the actual designator of where the (*critical area is?*)

CB -Thinking that the map - not sure it will help.

PH - It depends in how in the end, and in what form, you adopt in the penalty ordinance. Right now it is in the area of a sign. It could be in the area of the map, if you do not think the sign is useful.

AH - I go back to no hunting signs. They are usually required every so often. The courts say they were not here, so how should they know. If you are taking a road that is going through a swampy area that is 5 miles long.... A person can put a sign into the GIS and you would know exactly where you area.

CB - If it is a situation proving in court that you are in a particular area, a map might serve a function. (*Goes into a comparison of no guns within a certain area of a school. You don't see a sign where you cross the line.*)

Discussion of what was actually published with the erroneous ATV route info, by whom, and where.

Decision - PH will call the newspaper to find out what happened. Then, BOCC can solidify an e-mail to (Chronicle?)

Discussion with Josh about the previous procedures of updating ATV routes. No one in the county has actually seen it themselves yet, and cannot find it. (JD still absent.)

JT - We could put out a map on our Public Works website.

AH -that should go on right away. Make sure it's well spelled out.

They have made a map for the ordinances still on the books.

PH - Will get out a final determination for the public hearing . Should be able to lay the critical areas maps over the other maps.

AH - Either way, cross hatch or color...

PH - When we play it over, we will see which one works best.

CB - Critical areas do not have a surveyed area.

JT - If you turn them to scale, you will not be able to tell what's in or out of area.

JT - Will need to mark on map.

PH - Compares groups, leks, and nexts - to identify this type of more critical area....seems to be proposing to put Sharptail leks on a map.

CB - Map gets you there, but the actual area that is affected is determined by distance from things.

PH - Part of that process is to inform you of (*unintelligible*.) Agency input important to all this - they know the areas, the roads.

JT - RE the COT processing as an addendum to an easement...Methow Valley...crossings of a long highway. Signs are approved by AG office. They are asking him to sign the agreement that was signed by County Engineer.

AH - Are they the act same right of ways?

AH - Would like to see them where they are posted.

JT - Could have them Friday.

AH - has anyone spoken to the trails association regarding toilets and funding, etc.?

PH - Everyone is offering new perspectives. Funding not clear as to whether it's for sure, whether extension needs to be gotten. Not sure.

Okanogan County Code 17A.400 (Water Availability Study Areas Overlays)

Review of draft in re legal arguments made by Futurewise.

PH - This is on the adopting ordinance, not the exact text.

AH - asks for red line version of 17A.400

PH - *Dropped 2 phrases related to zoning ordinance in effect, vesting, etc.

*Also changed “may” to “shall be adopted upon verifying that sufficient info is known to support the conclusion that inadequate water supplies exist to support additional density or intensity of uses that require potable water supplies”....etc.

*Dropped “water conservancy board” out of section “by purchase of credits from an approved water bank. “

AH - asks to write in “county approved water bank.” Asks - can a private company come in with their own water bank?

PH - Says that in Kittitas they did this.

AH - How was county involved with pricing, etc?

PH - In initial stages, the private company and county were at odds. So the county opened its own bank. Suncadia has a water bank, along with at least one other private entity.

AH - My concern is that a private company comes in and created a water bank and the county has no say over selling to whom, buying from whom, etc. etc.

PH - If the only reason the private sector was able to do that was because of the emergency situation.

CB - The approval of water being transferred is dealt with Ecology. So we don't have control. But I might add that the city of Oroville the way they give out water us is a water bank. The city would have come to the county, but no provisions.

AH - We will just get out of the way then.

Futurewise Comments - Analysis by Gecas & back and forth discussion regarding changes in Ordinance: *(They are working off a draft by PH in response to discussions last week when AH was absent.)*

Dave Gecas - Looking at Futurewise comments, I am surprised at their objections. I don't see anything in 6091 that ..most of the interpretations I have read, even by people who are disappointed with it in terms of... are interpreting it the same as I am. Section 103 - Tim is reading a lot into it. Section 202 - specifically addresses WRIA 49. You don't have to look much beyond this section for WRIA 49. For WRIA 48, 6091 didn't really affect it. Took me awhile to realize this. 6091 - I was surprised by Futurewise's comments. They are kind of alone in their interpretation, trying to change it into something...

AH - This was just a mechanism to create a study area. I don't think there is anything so far that has been....

CB - It's the subdivision law that we are concerned with5817...if we don't have enough information to make that decision on a subdivision, we are looking at an area where we don't have enough info. So we want to know that info before we make decisions on subdivisions.

Gecas has not yet passed the draft on to Mark Johnsen.

2 year expiration of adoption of Study Area

CB -Regarding F. - **Shall** expire 2 years by the date of adoption unless renewed by ordinance by the legislative authority of Okanogan County. How might this be looked at as a moratorium? Someone may interpret it as a moratorium.

PH - That is a possibility.

AH - I wanted language saying that the study needs to be conducted....

PH - The approach in doing this is that we are not going to take the application, because if you do not think provisions for potable water is denied....while I recognize if after a point we can't show we are making substantial progress.....

AH - That is not what this says. It just says it expires after 2 years, and if they want to keep doing it, they can extend it. No provisions for saying BOCC can't just roll along.

AH - Also need protections from 3 county commissioners who just decide we are going to keep doing this. What if none of them want to see subdivisions happen?

CB - The ordinance adoption under authority study area will describe the scope of work for the study with checkpoints for monitoring the progress of the study. PH claims it fixes problem that commissioners couldn't just extend it on and on.

AH - can do all this, but still not start the study. So all of a sudden we can say that we can slap a study on an area but then just say we don't have the funding, we don't have the people...etc, ect. - and after 2 years keep it going.

PH - You would be incredibly vulnerable to an appeal if you cannot demonstrate you have been working in good faith. The person could bring an appeal...

AH - I' m OK with (???)

CB - Water availability study is triggered by application for subdivision of 20 lots.

AH - So then people come in with good info.

CB -Then I go to the information. so then I say I have enough info in re 5817.

AH - But it goes not say anything about the bodies of science or anything else. Just says the commissioners must determine. People could come in and say commissioners MUST do this.

CB - They could do that, but they could also come in and show studies. So I don't have info enough to show the app should be approved. If we say thatwe could recommend from this study of that area there - that we go for a study. This is a really quick part of it, because 2 years later...(couldn't follow.)

AH - Still comes back to ambiguity . To provide adequate protection, there has to be a trigger point that says this will happen, otherwise we can't keep doing this.

CB - It could be that the commissioners say in their own mind the it appears there is enough water here.

You have a decision to make. Do you have enough info to do it. That is what this is for. jI understand - you don't want it to hang out there forever.

AH - Actually, reading it , it is a moot point.(Reads) Not sure I understand the argument against having a trigger point for the legislative body not to just have a rolling moratorium.

PH - With a moratorium, we would put a moratorium against subdivisions in a certain area. We are not doing it now. The BOCC desired to avoid a scenario whereby on a case by case basis all the neighbors come in and say there is not enough water and we just do not ok the subdivision.

By this, we try to (have a day) we could say we have enough water for creating lots, but maybe not for a lot of additional ...you could create an R-40 then. If you don't believe there is enough without existing lots entering into senior rights, it's a legal problem. Would lead to a water bank for a building permit, etc.

AH - Let me compromise.

PH - Let me be clear, I am not arguing.

AH - A lot of discussion is going into the fact that I am concerned. I am trying to make sure that the process in place, when things change it is still the same.

I will compromise and ask Dave (Gecas) to specifically ask Mark (contracted county land use attorney) about this section. "A" is fine. It is the 2 year process. Tell him I am not happy about the 2 year part.

PH - Adds to the wording "which shall be ...only after findings of substantial progress..etc.)

CB - I want to ask about ...what would the likelihood be from a challenge that would call it a moratorium? It goes back to an experience I had with city of Oroville serving county with water

where the water is not available. The city looks at their water rights and says we do not have enough water to add this. We do serve people.

AH - it's all about creating a balanced document that creates what we want to do with a water study...we could take comments from concerned people who think there is not enough water. Totally appropriate. But at the same time, if you have 3 people who listen to 1 or 2 influential people who want in, and don't want more development in their neighborhood, and they keep it going within public hearings, etc.

AH - I am ok with the original overlay and with the 2 year process. But not the continuation after the 2 years being arbitrary. The findings are necessary to continue the timeline. If we have 3 or 4 studies going on but we need more info, fine. Let's continue for 2 years. But if we say we don't have the \$\$ or the time and keep it going indefinitely

PH - I can take a run with some additional language for a 2 year review for Mark. Gives rise to question about the commencement of the study. Get down to "C". will design the scope of work for the study with checkpoints....

AH - This could be agreed upon, but it could also be contentious and you need to actually do a hydrogeologic study. I don't want to confine us to doing it within a certain period of time. It may take a bit to get it rolling. I only want to have protection regarding an extension for over 2 years.

Impairment of Senior Water Rights

Debate over an additional point. Gecas said look at 202. He has an article written by a UW professor. New exempt wells may impact water....

PH - I see nothing that says you can impact a senior water right.

AH - All hell would have broken loose.

CB - How would you know when you are doing that?

(More discussion, including Net Ecological Benefit.)

GECAS - 6091 is not subject to the state law of water appropriation. *(Detailed debate of 6091 among PH, DG, and AH.)*

PH - It does say that particular water rights you can impair in some basins.

AH - I do not believe whatsoever that 6091 allows for the impairment of private senior water rights.

CB - The criticism is a little sarcastic. Blind to the fact that you are impairing a senior water right - How can you know??

DG - Before Hirst, it was up to the impaired right to sue.

AH - I still think it should be. If they believe there would be impairment to their water claim, they should bring it forth.

PH - Dave's question - Could there be redundancy? This theoretically would zero in to a certain area and specific set of circumstances. Where I see more opportunity for redundancy - if there are areas in the Methow where because physical water...like in the lower reach....all of 48 has been slated for review of closed basins. All of their work could inform a fair portion of the water availability study. That sort of mapping exercise could go a long ways to informing us.

PH - Can we make it work for us? Probably. Where I don't like the 60 day thing - through the watershed planning effort, there may be some areas that we don't know about, like they did before...USGS stepped up to do some work.

AH - Like now, we are not paying for ecology to finish their studies on the closed basins in the Methow. Not every study has to be paid for through county funds. It always was to go out there and get things accomplished.

PH - Somebody obviously thinks 6091.....

DG - There is such a disconnect between (Refers to some articles he has.) What was interesting is that these professors' interpretation (in articles) was so different from Futurewise's, even though they are in the same "camp."

PH - I will massage this language (*in before Dave sends to Mark.*)

AH - Make a section that could be inserted. Do not change this, what we have gone over.

PH - Any other observations from Dave? PH says he will send to Mark for additional review. Anything else on 17A.400?

WRIA 49: Lead agency, composition of Planning Unit, Grants

PH - I spoke with Vanessa (*WDOE*) this morning. You will recall awhile ago they wouldn't have their Eagle system in time, That does not appear to be the case. She is sending me a link and instructions. Will put Rocky to work registering the planning dept in theirCounty will still be lead agency, with us monitoring the grant.

AH - Since we had a meeting of the Initiating Gov'ts do the initiating. Gov'ts need to come to a consensus as to who the lead will be.

PH - I would like to generate a letter to them with our discussions including that ecology recommend them becoming lead agency, also the planning unit membership and how they want to initiate the membership? Lead agency? County voting appointments or do they want more input?

What do the commissioners want?

Craig Nelson: Says he is here. Perry says he's surprised to see him

PH - Vanessa said that in order for county to get the \$\$, county should be lead agency. Contract with Conservation District, as in the VSP. That would be one question to run past initiating governments. Another: Make up and appointments to the Planning Unit. I would like their feedback. Do they want to be involved?

CB - In getting your feedback, if you are asking me and I were them, I might want to wash my hands of it, and I might ask what kind of a process you have in mind?

Perry points to list on board. A bit of a debate about water right holders occurs.

PH - how big a group do you want? We can brainstorm organizations...sooner or later you get so many people on the committee that it's untenable to work with.

AH - I am on a committee like that now...

Craig Nelson - if you don't start with 25 or 30, you will wind up with 5. On average, we had 13-16 at any given meeting, but there were 25 spots at the table.

AH - landowners would be important

CB - If we were to be more general as to potential landowners so that it be represented by realtors, etc....associations rather than only land owners.

CB - Business and Economic development should be someone who is a business person, not someone from the county.

Craig - intent was to put a non-ag person on there.

Does Citizens' Coalition still exist? Private property rights organization..... do they still exist?)

CB - They should be cautious because they held us up a bit in the previous group.

PH - Goes over positions - do you want to consolidate?

CB - I would like to consolidate. Most of our categories are good. Senior water rights people would be good addition. It would include a lot of farmers.

Perry - If you give me permission to write the letter to initiating government. I would include this list as to what existed or whether we should add people. I would suggest a meeting soon.

CB - a questionnaire to members - include an objective and help them to agree?

PH - Unlike the first step where there was latitude to pick and choose, I don't see that. There are now definite things on the list. There is latitude as to how to accomplish them.

CN - Craig agrees. I would actually go further with a letter to individuals or groups - you are looking at one to two meeting a month probably in evenings for next couple of years. Are you willing to commit? Another thing important would be to nominate people who are solution oriented, not people who are coming in to throw blocks in the way.

AH - Is there a list of points you need to accomplish? If I were to write the letter, I would say we have to get these things done in 2012 or it will be done for us.

PH - The powerpoint I presented, I could boil it down even more. Things we are tasked to do.

Craig - this is one set of the 4 parts of the plan. It is just the most difficult.

PH - It is the one subject they didn't want to delve into the first time. It is the can that got kicked down the road. (*re first watershed group?*)

CB - Reaching out to the Initiating Governments, we need documentation that they agree.

PH - DOE tasks, membership? whatever - if we are not comfortable with all, we need to meet and talk.

Question: How are appointments made? Farm bureau - do we just accept the person they sent? For landowners - it would be no one special.

AH - Separate into 2 lists: eco officio, and other.

PH - Can re-arrange to do this.

Craig Nelson (CN)- In some groups, put the part in that we are looking for your nominee, but there are other generic positions that you could suggest that others in your group apply to the other positions.

PH - I will send letter, over my signature as the coordinator.

CB - You had each of the cities listed, didn't you? They are all senior water right holders? (Yes.)

PH - Does not remember if the initiating governments has a seat?

CN: Yes.

Grants

The \$60,000 grant for permit well tracking system. Will be electronic app through the Eagle system. When we register for other grants, we will have applied for this too.

DOE - Scope of Work, Deliverables. I will write a letter to DOE and later should be able to come up with an contract to gain access. A Planner 1 for about 15 months.

\$50,000 local capacity grant. Used to capital the effort to get up and running. One time shot to create the watershed plan. Scope of work and contract are probably pretty standard.

CB - Are there other \$\$ available for things we might bump into?

Craig Nelson (CN) - \$50,000 sounds like it would be renewable. The \$150,000 is it. No more.

CB - Not much wiggle room. not much \$\$ for studies.

PH - DOE outreach - they did outreach with the tribes in the state asking them for a list of the WRIAs they are interested in as advisors, or whatever. They received the input and are likely going to give the tribes 25,000 for each WRIA, and 15,000 for each WRIA after that. Outstanding issue in terms of 49. DOE is taking some responsibility for that outreach. They are working this in. They are well informed as to initiating government as to whom it includes.

CN - Only thing that has me spooked is the guidance document - we do not expect final until the end of the year. The one that comes out this week is a draft, maybe WSU. or Ruckleshaus. They are working on coming up with a final to that.

PH - Goes to our previous discussion on the WRIA's under the 2019 group, what net ecological benefit means. They promised money in May, now promising next week. Whatever they come up with interim guidelines are similar to final guidelines on Feb, 2019 guidelines. They are under some incredible pressure to get this done.

PH - RULE - at workshop they wanted to call in the DOE's understanding of the net ecological benefit, which is the final goal - water for water, etc. etc. gets more confusing : water for water in same place, not necessarily in same time, etc. etc. Lack of senior water rights in upper reaches - what kind of mitigation? In terms of bank restoration, forest management, will be considered as mitigation for additional water use. The whole workshop I went to revolved around that. They want something so that the units have a goal...front loaded so a writ can say if they think they already have met some of these.

PH - 2019 WRIAs are looking at it.

Craig Nelson and Char Schumacher leave. 2:15.

Workload of Planning Department & Prioritization

PH - I am working with Vanessa for that \$\$, for staff position. We did the math in terms of what BOCC put into budget. I have not filled Planner 1 yet - can bring on in September. The math works out to that time.

AH - I thought it was middle of June

Perry - Reverse engineering of the math - it's in September.

CB asks about the load.

PH - Code enforcement is out the window. We are barely getting by.

AH - Where are we with with Sheriff's dept?

PH - We are mentioning in some of the ordinances as we do them. We need to go back over code section , which creates the code enforcement. Hasn't gotten to the point as to the process of how and when a summons is created or when we would get the deputies to go. We have not picked up that code section again. We need to do it, in order to get it into the review process.

CB - Aren't there some timelines in it so that it doesn't get dropped?

PH - Yes, that was if important to district processes. There is a concern about the new procedure that tickets will be dropped on them. Also, prosecutors anticipated a flood of enforcements. So part of this is a hierarch of protocol - 1st, second, third notice. Etc. Need to pick his up.

CB - So - A hierarchy of notices, and a good record that they had been given an opportunity to correct these things. Then a prosecutor's office would give a summary report and issue a citation.

AH - Because you are down a planner right now, we need to make a list of the various things you are doing to prioritize...that PH or planning are doing, so that we need to hone in on all the times. Put it on the next week's planing agenda.

PH - We prioritize activities every day. I would like to know what BOCC wants us to work on hardest. Right now I have Comp Plan prioritized.

AH - Comp Plan, Critical Areas, Shorelines, Zone code, Airport Overlays

PH - Nightly rentals, 72.90 on PC list., WATV thing. I will give you a list of things we should be working on but are not. Also, a snap shot of the (?)we are working on.

AH - With ecology grant for another person - you said we could work them through 8 hours a day for 13 months. What if we split time to make it 26 months and use them for 1/2 day to pick up on certain projects?

PH - First position is for tracking wells... to do ONLY that. I don't want them doing anything else. Otherwise, pretty soon, those activities begin to eat away at the time they are getting the system into place. Certainly you can make the other work, I can make a bright line.....

CN - Just a shift in the focus is a waste of time. It needs to be that primary objective. I have seen this before - when you are shifting over to something else - where work gets abandoned.

AHu (Angie Hubbard) - training is important.

CB - I really agree with that. You can be sidetracked easily. I think you need another staff person.

AH - When we figure out the scope of work we are going to do for the permit tacking and the reconciliation, we can look at it .

PH - We have time because we don't have the money yet. To Hubbard's point, the skill set would be different if I brought someone else in for Planner I. For permit stuff, we can give them general training, but it will be mostly skills on computer and the process. Be comfortable with computer and sit in a cubby hole for hours and hours.

Later - There will be a stack of well logs not connected to anything else,..... if there are places that are using another source, etc, At that point, we will be knocking on doors to ask them to identify their water source, well log, etc. Not sure if tis will be 4 months, 6 months, 9 months.

PH - I will come up with list to things we are doing or not doing.

AH - We had 2 senior planners. Reduced the senior planner to (?) In looking at the department, in what position are you ? Do we need another Planner I or another senior Planner?

PH - Another senior planner or another planner 2 is up for discussion. My concern is that I start judging people to a class where they are doing higher than what they should be doing.

Planner 1 now - Does conditional use permits, site analysis.

Senior planner - Land divisions.

Planner 2 - Code (?)

AH? Is that planner 2 or senior planer?

PH - Traditionally senior planner. We need to look at that. There is some oppportunity to reverse and put code writing in one area, other one.....

AH - In Chelan, they have 21 people. And separate

PH -Some of this is due to \$\$ problems, some I elected to do. We had 6 people when I got here. I own part of my map guys. We get by, not necessarily get by well. If we can get through Comp Plan, that frees someone up.

Subdivision code - We can work on this when we get around to it. No requirement except that land use controls must be compatible with Comp Plan. in 2014, we never even got to subdivision code because we got wrapped around the axle.

Will get lots of cooperation from staff in regards to the things that are expected from them.

Comprehensive Plan

PH - We are still drafting. Projects letter to Rigdon (*Yakama tribe*): I sent it out. What I have done, I have pointed out there are no policies regarding , for example

Are you interested in this letter, with the notes to Mr. Rigdon in response to their request that we respond?

AH - (*Change of subject*) Have you ever seen the groundwater restoration program? I haven't . Neither has Branch. Let's just ask them if there are any references to other counties who know what it looks like. I want to know at whose expense, what does it look like, what does it do? if grant funding is available to clean up ground water activities we would be interested.

Dave Decas to contact Shawna.

CB - There is an area with elected nitrate levels. A contaminated system. In Oroville.

PH - Asks if the BOCC would like some language re polluted systems, etc. ?

AH - first, ask them what reference material they are looking for. We can embrace the use of cisterns in this county. They are probably looking for how you are going to clean it up rather than use it.

Champerty Shores - we put them on city water rather than ...was it prevention?

Change of subject: Continuing now with letter to Rigdon...going down list of policies Yakamas wanted addressed.

PH - (*Perry's analysis about how county uses or could use SEPA*) EIS - We've talked about SEPA a lot in EIS, but not in Comp Plan. Working more on that. We also use SEPA to fill in the cracks. If there were direct impacts to roads, we use SEPA to mitigate. Also use it where we have individual projects that are categorically exempt but physically or functionally related. We clump them so they are not exempt because of being related. Sometimes use a DA (Development Agreement) to codify the conditions that emerge from the SEPA process. We did a lot of DA's on a series of short plats breaking up big pieces. Also, when they do phases, the first one is with just 4 lots and each uses 4 lots. We make them go through SEPA review and go through a DA.. I will be dragging that section.....We have no clearing and grading or filling ordinances and I have not been directed to do them. . We can use SEPA for this. Shorelines - substantial development permit.

AH - Restoration processes? Are those somehow....

PH - If we have a proposal that within its footprint has a contaminated site, we did that - CUP for auto recycling ..soils test came back as polluted . We did a SEPA review til a remediation program under SEPA (?)

AH - Policy 10 - Can you add something more specific? Encourage and streamline the process of restoring critical areas. In what circumstance? Like the auto place...or that I just bought a riparian area and I want to enhance it ?

PH - Assuming that when the Yakamas and Colvilleswhen they have come in with permits to do different types of operations unless it rings a gong of categorical exemption or subset of environmental review each time he came in with a component of that, we still have them go through SEPA to identify the unintended consequences.

AH -I want more detailed examples of the restoring critical areas. Policy 10.

Policy 11 - In GMA, you are not required to restore .

AH - I'd like something that says we are supportive of restoration, but not necessarily that they need to do SEPA.

PH - We could say that landowners are encouraged to enhance critical areas. if you are interested, I will make some language.

CB - Sometimes there are 2 critical areas that are separated, and you take out the intermediary use and you get credit for enhancing or upgrading wetlands. In fact, you may be able to do some type of development elsewhere.

PH - will work on language. (this was policy 12.)

Also policy 12 - Best available science of evolution of wetlands. There is no general policy statement in proposed Comp plan regarding use of Best Available Science etc.

AH Upper Salmon Recovery - say that we recognize those policies exist.etc.

PH - Over your signature or mine?

AH - yours is ok.

PH - Dave will make his phone call first.

PH - One last subject. Assessor's office - ballot by August 1 to get ballot together for 2019. I can relate an ordinance that lends itself to amendment. Hearing is July 10th. *Lake Management District on Ballot?*

AH - This is something that needs to go on this list. Is it really, really critical that we get this on the ballot for 2019 (Apparent reference to Lake Management District?) Or is it more important

that we get our Comp Plan together? We are not going to be able to find some of the timelines we need to follow. While it is important to do Lake Osoyoos, it is not as important as Comp Plan.

PH . In terms of the commissioners; Altho you are having a hearing, you will set the boundaries. etc. etc. You take the hearing. Your ask is to determine that the properties included will benefit. If you think certain properties will not benefit, you can deleted them.

AH - So that means you will have to hustle to get the ballot done? *(No apparent answer?)*

PH - At the hearing if you decide certain properties need to be excluded, you have to do the ballot the next day (mail it out) Andy - let's have them make that list and find time later.

CB - I think you can do it.

4:07 - Jason Paulsen - Methow Conservancy: Conservation Easements

Attending: Methow Conservancy: JP, John Sunderland, Jeannie White. Landowners: Mark Nysether; Charlie Lehman- out of town. Perry Huston stays for this meeting.

Overview of Projects: Jason Paulsen (JP) : Example of new project: Increase focus on place of agriculture in the county into the future, not just in the Methow. I'm excited to bring forth this proposal. Working from paper copy handed out.

Background: 2 1/2 years ago, RCW 79A required members of State Wildlife and Recreation Coalition to confer with local government. We are making applications.

Twisp Conservation Easements project.... our State law requires we confer with you before this application is made final. Your approval or formal blessing is not required, but the law provides you with an opportunity to go to the funding board where, if you have concerns or complaints or objects, or support, you may comment.

Any input you provide is considered in the funding process. We will come in at any time to give you information, but this is a more formal process. Last year it was the Lehman uplands. After some delay, we were funded through wWRP and are working with Lehman project now.

(Flipping to p. 2)

Twisp Uplands - 2,180 acres.

First, Lehman Phase 2 - adds 264 A to the 1,028 A project. Second: about 1,916 acres. geographically to the south of Lehman uplands project.

AH - Is this privately held or is it WDFW?

JP - both will flow through the state agenda for the RCO or to the Conservancy. We are not handing them off to anyone else. We currently hold 112 conservation easements, and it is not our practice to hand them over. We care and steward into the future.

AH - what is current zoning underlying zoning to all this?

JP - All is in Upland 20.

AH - So this could have been 100 parcels?

JP- yes.

Purpose of easements: protection of habitat important to mule deer and other species. Deer are just thick up there. These are core to the hinterland habitat. Also, continued agricultural use. The Lehman small piece is in the context of the larger property. Extends down to the irrigated land.

Nysether piece - landowners made extensive investment over time for grazing. Taking advantage of programs through Conservation District, extensive fencing of ponds, etc. Recognized by Conservation District as lands of distinction several years ago.

Will remain in private ownership once the easements are in place. While Ny will allow for some development like Farmstead, the intent is to leave it in the current condition for habitat, ag, views from valley floor.

Nysether - Quite visually significant to views from approach to valley.

Lehman Phase 2 - west to east connector from Lehman property to west and to east - Lehman uplands Phase 1. The conservation easement is still in progress. Still appraising,

CB - Who is color right below? (BLM.)

Orange - Lehman bottom land. Farmstead zone and building envelopes of 1 AC and 3 ac.

G4 - At first, family did not include this, but family decided to include it to connect valley bottom piece to the uplands.

JP: Next steps: We need to submit application to state. Our team goes around end of Sept. They are scored. We find out in Sept or Oct. and the list gets submitted to RCO in December. When they meet in January, it's part of the capital budget process. Usually happens in April. We will not know for certain until late fall, in terms of funding, end of April or May. Grant contract July or August. A year from now, maybe a little longer....These projects have no impacts upon tax status.

CB - Do you have reports as to conditions of ...habitat..... as of today?

The state board has moved in last 2-3 years to trying to promote projects that include both habitat and grazing. One of the reasons we are able to bring this forward. Open space, habitat, grazing - these have to all show. We lobbied hard in Oly, when this project gets scored it can get additional points when we can show that we are providing multiple benefits. If you have detailed questions, happy to answer.

CB - More curious these days, because I was working with Fish and Wildlife earlier. Curious after that law, what the condition is.

JP - If population use and abundance is any indication, the wildlife seems to like both properties. Every fall, Charlie has statements of the bucks they get to select from on his property. To follow on John's comment, if you are interest in writing a letter of support, I could draft something and could have it ready as early as tomorrow. If you are wiring a letter in opposition, I would like the opportunity to give a response to that letter. Right now the Methow market is intense interns of real estate pressure, so we are working hard to be sure these properties are not turned into lots. any questions, you are free to ask.

End of Meeting