

BOARD OF OKANOGAN COUNTY COMMISSIONERS
9/10/18

Jim DeTro- JD (BOCC)

Andy Hover - AH (BOCC)

Chris Branch – CB (BOCC)

Lanie Johns – LJ (Clerk of the Board)

Perry Huston - PH (Administrator & Planning Director)

Char Schumaker – CS (Planning Department)

Angie Hubbard – AHu (Planning Department)

Frank Rogers – FR (County Sheriff)

Brad Thompson – BT (U.S. Fish and Wildlife Service (USFWS))

Jim Brown – JB (Regional Director, Washington Department of Fish and Wildlife (WDFW))

Dan Christensen – DC (WDFW Enforcement)

Matt Ready – MR (U.S. Forest Service (USFS))

Mike Ward – MW (Dispatcher)

Many others: WDFW, USFWS, Sheriff's Office

Nancy Soriano – NS (Member of the public)

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, 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.

Public Hearing on North County Roads Snowmobiles was recorded by LJ.

Summary of significant discussions

Discussion: Wolf Protocol Follow-up with State and Federal Agencies

USFWS and WDFW representatives repeatedly assured the commissioners that human safety is the first priority in any interaction between humans and federally-listed species. The Sheriff's office is designated as the first line of authority/response when human safety concerns arise, however the closest enforcement officer will respond to emergency situations. Communications protocols were discussed, as were potential public outreach efforts.

Interim Water Availability Study Areas

Interim controls creating a moratorium on subdivision in the Tunk Creek watershed have been adopted. A public meeting will be held on September 18, after which the matter will go before the Planning Commission. PH is developing a plan for studying water availability involving stream gaging and an assessment of adjudicated water rights and impairment of those rights, and an assessment of buildable lots, potential lots and current development. A resident of the Tunk Valley asserted that hydraulic continuity between groundwater and surface water implies that further exempt wells should not be allowed and urges a speedy process in order to pursue grant funding for mitigating future development.

Interim Controls OCC 17A.220 District Use Chart and OCC 17A.290 Cannabis Operations

Public hearing Sep. 17, 2018 2 pm.

The commissioners sent the proposed Cannabis Operations ordinance back to the planning commission, directing them to address various concerns. The planning commission requested PH to provide draft language that they can use to begin to address the county commissioners' concerns. Members of the Citizens Advisory Group have been invited to review and comment on the proposed revisions.

WRIA 49

PH reports that he should soon be receiving a contract from the Department of Ecology (ECY) for funding the WRIA 49 Watershed Plan. Membership for the Planning Unit that will develop the plan is still being assembled.

Comprehensive Plan Review

PH has begun re-drafting the plan, based on an approach using an assumption of moderate population growth. The alternatives will include: 1) Maintaining the current comp plan; 2) Adopting a policy of encouraging growth to be concentrated in city expansion areas, and 3) Not using policy to promote growth within the city expansion areas. The new plan will include greater emphasis on water availability and wildfire protection than does the current plan.

1:30 Discussion: Wolf Protocol Follow-up with State and Federal Agencies

PH – *(showing a flip chart with the following objectives: 1) Public safety; 2) Dispatch/responder protocols; 3) Public outreach/education.)* These objectives were developed in conversation with BT. Public safety first, with the sheriff as first line of authority and response for public safety issues; second, establish dispatch/responder protocols; third, discuss public outreach.

AH – This meeting goes beyond just wolves. Addresses federally listed species and our safety (e.g. grizzlies)

BT – First, thank you for the invitation. Thanks PH for contributing to today's agenda. Continue discussion that was started earlier. Agree that it is not just about wolves. Memo from regional office is written not just to address wolves. One thing we spoke about at the last meeting is whether or not the agency I represent (*USFWS. Too rapid to record*). We are providing a statement of that today. Human safety is the first priority. We emphasize that continually to our staff.

AH – So when you came back from our last meeting – I know your safety meetings are about human safety – what was your impression from your employees about the complexities?

BT – I believe that it can't be stated enough – that human safety is the first priority. We have people come and go – that reinforces my belief that we have to continue to reinforce that message. We have heard other people express that – WDFW, the county, whatever. This memo is not my memo. It is from an office overseeing 4 states. The accompanying document is the transmittal email that I sent that included the document. That also makes clear that human safety is the first priority. Clear, repetitive language. (*email is projected*). Not only did this email go out to all our employees in Washington, we had a lengthy conversation with our leadership team. We agreed that we need to make sure that everybody opens it – make sure that everybody understands. We require that everybody in our three (*state*) offices open it and sign a statement that they understand it. They have every opportunity to ask questions and discuss it first. Sitting alongside me is the WDFW regional director. I had a conversation with the new WDFW director. We probably need to do more to make sure that everyone within our two agencies understand that priority. I realize that it is not a 'one and done'. I am fully committed to an ongoing effort.

JD – Questions anybody? (*none*)

PH – JB – anything you would add?

JB – Don't have anything to add. The unique nature of this situation was not totally unforeseen. We acknowledge that better communication is needed and we own that. Have talked with new director. He wants to make totally clear that human safety is first priority.

JD – I had a conversation with the new director. He reinforced what you just said.

AH – If we have grizzly bears introduced we can expect the same situation. Also, protocols need to address salmonid protections during wildfires. When a helicopter needs to dip out of a river he needs to be able to do it without calling all over. Really glad that you put these memos together and that WDFW is here to coordinate.

FR – We have to work together – this is the first step. For years we have had a good relationship with our game guy. We are here to work with you, not to fight and battle. This is a great start.

PH – Ready?

MR – Not at this point.

AH – Trailhead near my house, there is a bear identification placard. Maybe we need those at campgrounds.

MR – Have gotten input on an information brochure. We have drafted that and are getting feedback from our peers. Information about large carnivores, how to handle interactions. There are some good examples from other states. Hope to be able to review that in the next 30 days. Then have it available at recreation sites on the Okanogan forest.

AH – Washington family hiking in Montana. A sow comes out and knocks the kid down. They had bear spray and used it. They need to know that here.

MW – Is this an animal management issue? If an animal comes into town we would probably work with the sheriff's office. Or is it an agency issue? What are the roles?

BT – This is not just about carnivores. AH touched on the fires. There was an attachment to the memo highlighting how our field staff should interact with other action agencies in advance of the fire season, provide early guidance on what they can do without needing to call. If they are protecting life they can proceed without contact. There is a long-standing protocol for that.

CB – Law enforcement from each of the agencies is here. My understanding is that human life is the most important thing for all agencies. I hope we have trust on that. (*agreement from agencies*)

AH – We are all at the table.

PH – When the dispatcher or field officer gets the call, it is always a good idea to have a protocol for who is advised. Mr. Thompson, what is USFWS perspective?

BT – Am hoping to get improved education on this area. I do not oversee enforcement. Overall goal is to come up with a confirmed, mutually understood system so that a dispatcher doesn't feel the need to contact our agency before mounting a response.

AH – As people who have grown up in the woods, our sense of what scares us is a lot different from what scares some other people. If a dispatcher gets a call from someone who feels threatened... One of the main things, as the people responding...

FR – We work very well right now. Dispatch usually calls WDFW. If somebody is killed, we get involved. Mauling – search and rescue.

JB – We've had a long history and relationship. You (*FR*) have worked very closely with us. This is a situation where the officer – right or wrong – felt constrained. If this had happened where the wolf was not listed we wouldn't be here right now. That was then, this is now. Now it is clear to me that the officer would know that he could respond. I think we need to have the confidence that the officers are trained and that they are confident that we have a good protocol in place. You are right (*AH*) that people will have different perceptions. You can't be overly prescriptive.

BT - I agree. People have different perceptions. In this email I made it clear that we would trust the judgement of the action agency. Going forward, we will not question the judgement. From a federal standpoint we are not looking to establish the burden of proof.

CB – Andy brought it up. Need to educate the public. People respond differently. Dispatch may not even get the word.

JD – If you are out of service, dial 911 and you will go to a satellite.

AH – We know that wolves have been very close to the town of Twisp. It comes down to - 'Hey, I have a pack of wolves in my back yard. What do I do?' Preparing for as much as you can and hope that the situation falls within your preparation.

PH – It sounds like we have a lot of agreement here. The call comes in. Mike (*dispatcher*) do you have the protocol?

Mike – Yes. (*too rapid to record*)

JB – When we get a wildlife conflict call, our dispatcher calls an officer. I have had numerous conversations with people who have seen a bear, a cougar. We don't send the cavalry to run down a cat that was standing in somebody's driveway. In their yard or porch, yeah, we might send an officer with hounds. Can't be overly prescriptive. If someone feels threatened and shoots a wolf, we will investigate it.

AH – Also, there is this point of – at what point has it gone from a nuisance animal to where the sheriff's office needs to get involved?

Rogers – Over the years, if we have a problem with a bear, we are going to turn it over to the WDFW. We don't have an issue now. We had an issue; we resolved it. The biggest issue is not going to be with us, it will be with you guys. This conversation is going to come with animals – a grizzly is killing cows.

JB – We are part of the communication chain network in regard to grizzly reintroduction. We are already in dialogue with USFWS so that we are in front of this regardless of which alternative they pick. The general framework of human safety coming first plugs right in. If reintroduction does occur, what gives us the tools? Obviously the valley bottom is not open (*for grizzly bears*).

AH – It is not easy to find what you can do. Bullet points for us – what is our defense mechanism? That would be good information.

PH – Sounds like the protocol now exists. Mike?

MW – Yes.

FR – We are going to bump this to WDFW.

JB – We are going to defer to whoever is the closest.

AH – You have been around for a long time. It is that turnover, the younger guys. They may not know about turning it over to someone else. Those are the concerns I have.

JB – I am hearing the concern. I know the individuals in this area. I have the utmost confidence that they will convey the information to their officers.

MR – We just want to make sure that we don't slow down the response. However the protocol is – we are notifying each other that emergencies are happening. That we are sharing the information. After the incident, in that protocol, how are we going to handle requests for information (*by the media*). How do we coordinate responses to requests for information? When we have events that have interest, how do we all provide that information?

BT – We are having this meeting. I am learning about dispatch. Who are the various entities that have dispatch capabilities?

JD – DNR's dispatch is mainly fire-oriented but they have the same frequencies.

AH – This went to DNR. You have enforcement driving around and they see something. They are probably going to radio their dispatch center.

MR – To clarify – if we have an emergency and we have telephone service, we are going to call 911.

(rapid conversation from multiple parties about emergency communications)

FR – We have all been doing this for years- we call the dispatch center. The dispatchers pretty much take care of it so that everybody is on the same page. We may have 4 or 5 agencies responding. It is mostly about the law enforcement protocol.

BT – Just want to make sure that all the potential dispatch entities understand that they don't have to call me.

WDFW enforcement officer – To echo what the sheriff said, I have never talked to a dispatcher who didn't know who they had to contact.

PH – How about with MR's) expertise, I will work with BT to develop a memo to inform everyone of the outcome of this conversation?

MR agrees.

PH – Public outreach.

AH – If I am on a trail and a wolf attacks my dog, do I have the right to defend that dog?

JB – East of the Okanogan River, yes. West of the river, I can't answer that. This is about human safety.

(Discussion of legalities from many individuals)

DC – ESA section 11 states that you can't kill an endangered animal to protect property.

AH – This creates the issues that we have with wolves. If people understood that they could protect themselves and their property it would go a long way to creating some acceptance.

FR – *(too rapid to record)*

JB – We did not write the law. We would be remiss to tell you to break the law.

(various scenarios of when people can kill wolves are discussed; multiple conversations)

PH – Public outreach. USFS is already working on materials. We haven't identified anyone to develop 'How to Live in Wolf Country'. Do we want to try to?

AH – Does WDFW have that sort of information on their website?

JB – I can't give you a definite answer.

AH – Maybe you could do that.

PH – Brad – do you have anything, in terms of federal law?

BT – No. We have people in our agency who have to do with communication. First we need to think about who is our audience, how do they consume information? Certainly the ideas we have heard here are good. There is going to be a lot of people, outside of hunting. We have to come up with a robust way of communicating with target audience.

AH – *(tells about first hunting trip to Montana – sign at trailhead describing how grizzlies can kill you; need for bear spray. Indicates that would be a good idea within Okanogan County)*

PH – We will have opportunity to see what Forest Service is developing. We can work on building on that.

JB – Don't forget AH's point about addressing other endangered species.

PH – Are the commissioners ready to provide direction on public outreach or wait to see what USFS comes up with?

CB – Sportsman shows a good venue for public outreach.

AH – This is a good coordination opportunity. We aren't going to dictate what the Forest Service puts on their signs. They (*federal agencies*) should do it (*public outreach*). We want to communicate that in Okanogan County, public outreach is needed.

PH – Do we need another meeting?

AH – Don't think we need it.

JB – You asked about wolf collar information (*hands out a document – data sharing agreement*). A sheriff who wants the data can provide email addresses for those who need the data. The agreement is currently being revised. Once the county has signed the agreement they have access to the data. I may need to drop back in here with you after you have had the chance to look at this. This is new for me, too.

CB – If we have wolf data, what do we do with it?

JB – It is not for dissemination. You have to ask what is the efficacy of the information? We have collars on two of the Loup Loup pack – they do split off from each other. I think a lot of your questions will be answered by the documents.

BT – My goal is that we develop a high level of trust amongst each other. Communication needs to continue to happen to maintain and improve what we have so far. Don't know yet whether we need to schedule another meeting. Am more than willing to come back and meet with you, as needed.

3:05 wolf discussion ends.

Update – Planning

Interim Water Availability Study Areas (Upper Tunk, Lower Tunk, Tamarack Springs)

PH – Adopted interim controls designating Upper Tunk, Lower Tunk, Tamarack Springs. Public hearing scheduled for Sep. 18 at 3:30 pm. Assuming to maintain interim controls after public meeting, it will then go to the planning commission. Am developing a study plan: 1) Stream gaging, 2) Water right adjudication/impairment questionnaire to send out to landowners.

AH – That will be a scary thing to ask people. Maybe it should be optional....

PH – I am working on that. Maybe that is not a good idea. But we need to figure out how to get that information.

CB – You would be describing why you are asking for that information?

PH – Yes. We will develop an informational packet describing what the water availability study is about and why we are doing it.

CB – There is another reason people get mad, and that is when you (too rapid)

AH – Maybe an informational piece to the landowners, telling what you are doing and how you are trying to protect water rights.

PH – Maybe scheduling community meetings in the area.

CB – That sounds like a good idea. (refers to a previous outreach effort)

Nancy Soriano – Maybe frame it as science/hydrology. The senior water right holder is subjective. Anyone who already has a well is a senior water rights holder.

PH – Will send out a mailer.

AH – I have a question about mailers. It costs a certain amount per mailer. (expresses that they should be able to use the county notification system).

PH – In this case there are no particular legal requirements. Mail and public notices are not very effective.

CB – Important that we need to do it. Important to know what folks in the basin experience today.

AH projects a chart of days below base flow by year.

PH – We have been below instream flow.

AH – Had a conversation with ECY. Junior users are supposed to check every day to see if you can irrigate, after ECY sends out letter.

PH – Want to avoid perception that we are declaring a moratorium and will just let it sit.

CB to AH – ECY doesn't call out subbasins?

AH – No, they call out the river (*in the Okanogan*).

NS – Surface water rights in the tributaries east of the Okanogan River are shut down 6 months of the year.

(multiple conversations about rules)

PH – The rules, as written, create an exemption for domestic use and stockwater. However, ESSB 6091 tells us that it doesn't regulate exempt wells.

AH – The information we have gotten (*from the Tunk*) tells us that impairment is occurring.

NS – this new overlay will prevent new exempt wells?

CB – No. All it does is to not make things worse (through subdivision). In my mind, if you own a lot, you have a reasonable expectation.

AH – The other thing is, if you have a senior water right. We are looking at this.

NS – I appreciate the clarification. The 1976 portion of the instream rule that I sent to you – That was sent to you by Futurewise following ESSB 6091. That portion is still relevant. The question is ‘Is there hydraulic continuity between groundwater and surface water in the Tunk Vallye?’ I would say yes. If someone wants to dig a well, the burden is on them to prove that it is not in continuity.

AH – I want to read something from 173- ? -035?

NS – Given the timing of the Watershed Plan, I get concerned when I hear about mailings and feedback. Need to be timely for applying for funding.

CB – I think that the interim control on the sub-basin has a lot of potential for backlash if we don’t communicate adequately. How much money will we have available? I don’t know.

NS – I think you should be first in line to get that money.

PH – What you will get for the public meeting will be ‘layman’s stuff’, by no means perfect – don’t have the expertise on my staff.

CB – There should be the opportunity to have a hydrologist’s review.

(third item on flip-chart – Buildable lands/current lots/potential lots)

PH – *(too rapid to record)* It will be useful for the planning commission to understand where you are coming from.

AH – Can we get records of impairment claims from ECY?

PH – *(too rapid to record)*

AH – Well, if we can’t, we should file a public records request. That would let us know.

CB – A lot of times people are pretty tolerant of impairment *(gives examples)*.

AH – I had a person tell me that they had made an impairment claim.

Interim Controls OCC 17A.220 District Use Chart and OCC 17A.290 Cannabis Operations

Public hearing Sep. 17, 2018 2 pm.

PH – You repealed interim control; adopted Citizens Advisory Committee (CAC) recommendations as interim controls, then sent the proposed ordinance back to the planning commission for further development. The planning commission asked PH to develop a draft to start to address BOCC concerns.

AH – George Zittel’s comments on buffer zone at public hearing. JD – I don’t think you were here. CAC recommendations don’t speak to population densities.

PH – Correct.

AH – At some point we are going to look at city expansion areas as not the right place to put these things *(cannabis grows)*.

PH – Expansion areas were proposed by the cities; they have not been adopted by the county. The Advisory Committee did look at expansion areas and treated them differently. *(asks AH to check on that)*

CB – *(too rapid to record)*

AH – The other thing that comes to mind in regards to density. If you have a bunch of small lots... there is going to be winners and losers in all this.

CB describes an area around Tonasket Creek in a city expansion area. Heavy commercial area. Storage facility, cannabis grow and (?). Neighboring businesses are fine with the grow.

PH – *(project district use chart and reads from it; confirms previous statement)*

CB – Conditional Use Permits (CUP) presents a risk to us; needs to be held to a good standard.

AH – Some of those grows could have odors year-round. No – it has to be limited.

PH – The advisory committee distinguished between indoor and outdoor grows. I will have documents for you for your meeting.

CB – Will the planning commission be consulting with the advisory group?

PH – The planning commission instructed me to notify the advisory committee and invite them to comment. At least one of them wants to.

WRIA 49

PH - Had a discussion with Vanessa (Department of Ecology (ECY)) about when funding would be available.

AH – The Watershed Council in WRIA 48 got a grant to track wells. No county funds will be used. At some point, the county has to tell ECY how many improved structures are in each reach.

CB – It doesn't mean that they have to be served by water?

AH – They want to know how many residences are there. There are going to count that against usage. The Watershed Council serves at the pleasure of the initiating entities – the county, the Town of Twisp and the largest water purveyor, which happens to be the Town of Winthrop.

CB – Is there an MOU with the Watershed Foundation?

AH – No.

PH – At first I thought that we would do the same thing for the Watershed Plan. Metering was not part of our scope of work.

AH – Larry is going to be here tomorrow. We can ask him about codes.

PH – The system we are creating will be updated in real time. Anything they do will have to be updated in a separate effort.

CB – What if the Watershed Council – they use funding from the Watershed Foundation, right?

AH – Only for the money for the secretary.

CB – Just wondering if there will ever be a conflict with the Watershed Foundation.

AH – There already is...

CB – I agree with the work. Don't want to be a drag on anything successful.

AH – I told them that the county would be the only one to provide that information to ECY. They will provide the information to us.

CB – *(too rapid to record)*

AH – In their grant application they said they wouldn't do anything unless the county agreed. PH's observation is good – if they are duplicating the work the county is doing.

CB – What if there is a difference between the reports?

AH – There is a lot of moving parts.

CB – I am interested in how ECY views the application.

AH – They are concerned about possible duplication.

PH – *(refers to the situation in the Kittitas)*

AH – Have you finalized that application?

PH – According to Vanessa, I am waiting for the contract.

AH – It would be interesting to go back to the construction date of the house. If it was built before 1976, it shouldn't count against the 2 cfs.

PH – *(too rapid to record)* I am not going to suggest that we will have 100% success. We will have parcels that don't have a defined source of water...

AH – Count it against the 2 cfs and move on.

PH – Have had a pretty good response *(on the Planning Unit Membership)*. I have had contact with the Tribe's Natural Resource Division. They have not yet decided on how they want to participate. Will be contacting the groups we haven't heard from.

CB – Did you get a communication from Columbiana – an environmental organization?

PH – Not under that name. We still need to call them. Hoping we can get a meeting in the last week of September or first week of October.

CB – They sent a letter to me.

AH – You have listed us as participants? *(PH - yes)* I would like to bow out.

PH – Commissioner Branch has vast experience with the previous watershed plan....

CB – There is an alternate position.... *(AH agrees)*

PH – ECY is still trying to decide on funding local capacity.

(Discussion with LJ about scheduling a meeting. Conversation segues.)

VSP Update

PH – Meeting coming up Thursday. Still in discussions with the technical advisory committee. Still on time, assuming we come to an agreement with the TAC. Hope to be done by end of September.

Comprehensive Plan Review

PH – Have begun re-drafting. Will reduce it to 3 alternatives. Assuming we will be using mid-range population growth. One, no action, one directing growth to urban expansion areas, one dispersing growth into rural areas. I tried to work the unincorporated towns into a fourth alternative, but I don't see them as being a major source of buildable land. Am trying to squeeze it down to distinctive policy approaches.

AH – If we look at historical growth and the state growth... What is the projection going to be for moderate growth. I see 3 alternatives. No action – current zoning. One alternative...

PH – From a policy approach I see (too rapid), depending on water supply.

AH – How is that different from no action?

PH – The tie to water availability is much stronger. 2014 does not state a preference.

AH – We are not necessarily directing it into the cities, but we are more focused on water, wildfire....

CB – Thinking about population projections...

AH – 60,000 for high. Upper 40's to mid 50's for medium.

CB – Haven't made the analysis of what the urban growth areas are intended to accommodate.

AH – Would you go to all the cities and ask how many citizens their plan is for?

CB – The cities look at the population projections and say... We have to coordinate our planning with the cities. Their plans are partly based on what the comp plan says.

PH – We are trying to get to general policy. The only real distinction is whether we limit growth in rural areas. Strong tie to water supply, wildfire protection... Higher sideboards for further rural development. 2,500 additional households (in 22 years). Try to come up with some way to quantify – extrapolate what will happen if you direct growth to the cities or if you don't.

AH – High range is 9,000 households in the next 22 years. The medium one seems like the one we are going to hit. *(describes a high growth scenario where growth could be concentrated in city expansion areas)*

(multiple conversations)

AH – What are we using to develop projections? Building permits...

PH – We used building permits. Some are second homes. Need to get info from cities. We took that and extrapolated that out. Immigration/outmigration – it looks like not a lot happening in Okanogan County. Tried to figure out what makes sense and then write a policy around that.

AH – It would be interesting to see the outflux from Seattle. As people get tired of Seattle, they are going to want to move here.

PH – I looked at that. They either move somewhere else on the west side or they move out of state. If the commissioners are comfortable with that I will continue my drafting. I will try to have that available for you for the meeting on the 24th.

AH – I had a discussion with another commissioner about Bitcoin mining. They have a moratorium on it. Power consumptive/non-labor intensive.

CB – Technology can change all this. That is why we need to continue to update. Look at ‘conservative’, meaning higher population growth estimates. The only place that was fulfilled was here in the central valley.

Lake Management District

PH – You have adopted the ordinance.

4:50 meeting ends.