



Monthly Meeting Minutes

April 15, 2021 5 -7 p.m. – Via Zoom

Council Members Present: Dick Ewing, Greg Knott, Commissioner Andy Hover, Alyssa Jumars, Mayor Soo Ing-Moody, Jeff Sarvis, Bill Tackman

Others in Attendance: Jay Chenault (AESI), Susan Crampton, John Crandall, Katie Haven, Craig McDonald (MWF), Jasmine Minbashian (MVCC), Joe Klizman, George Schneider, Lorah Super (MVCC), Jaquelyn Wallace (TU), Jeanne White (MC)

Minutes recorded by: Sarah Lane, Administrative Assistant

Non-Procedural Motions

Motion #	Short Title	Yeas	Nays	Abstain
4.15-01	Motion: Approve the 2021 MWF Working Budget	6	0	0
4.15-02	Motion: Approve the 2020 Income Statement	6	0	0

1. Call to order

The meeting was called to order by the Chair, Mayor Ing-Moody at 5:04 PM

2. Roll Call of Council Members

3. Agenda – Additions or Changes

4. Minutes – Review and Approval

Council Member Ewing moved to approve the March 18, 2021 minutes, and Commissioner Hover seconded the motion. The minutes was approved unanimously. Councilmembers Tackman and Sarvis abstained.

5. Report from the Council Chair

Chair Mayor Ing-Moody reported a conversation with Sage Park of Ecology, who said there was approximately \$10,000 to start a CRM process. The Council should discuss what they want to do and talk with Park again.

The stakeholder process proviso funds did not get approved. Commissioner Hover asked what happened to the proviso. Mayor Ing-Moody said that the proviso had been left out of the budget process, possibly due to confusion with the water banking funding request.

The water banking funding was approved in the House. There is another statewide water banking request in the Ways and Means committee, and so members are encouraged to contact members of that committee to support the local water banking proviso.

Mayor Ing-Moody has made a few changes on how Council meetings will be run, and to subcommittees, with the goal of improved work flow.

6. MWF Report: Chair- Craig McDonald

McDonald reviewed the 2020 Income Statement, and the working budget for 2021. The MWF approved both of these reports. Mayor Ing-Moody asked if approval from the Council was required, and Lane said she didn't think so, but would like the Council to approve the 2021 Budget.

Mayor Ing-Moody asked about the status of the letter to request funds for administrative support. Commissioner Hover said he would get edits on the letter to Lane shortly. Mayor Ing-Moody asked what the likelihood would be that request would be funded. Commissioner Hover said he wasn't sure, as organizing Councils for WRIA 49 and 48 need to be considered by the Commissioners. The request in this letter is for \$9000.

McDonald reviewed the proposed 2021 working budget. Councilmember Ewing asked if the income shown was likely all that is anticipated. Lane said it depends on any grants that are applied for and funded. There was a short discussion on the number of remaining meters to be installed for the metering program.

Councilmember Ewing moved to accept the proposed budget as presented. Commissioner Hover seconded the motion. Motion passed.

Commissioner Hover noted that the 2020 budget had not been approved by the Council, and suggested doing so. Lane concurred and asked if the Council would approve the 2020 Income Statement. Commissioner Hover moved to approve the 2020 Income Statement. Commissioner Sarvis seconded the motion. Commissioner Tackman asked if a 2020 budget had been drafted. Lane offered to send a budget to actual for 2020 for the Councilmembers information. Motion passed.

7. Subcommittee Reports:

Technical Review Committee, Chair – Fort

Councilmember Fort was absent.

Outreach and Education Committee, Chair- Knott

Councilmember Knott reported that Councilmember Jumars has joined the committee.

8. Ad Hoc Reports

Strategic Planning, Chair- Thrasher

Councilmember Jumars reported on the work of the group to refine the Strategic Plan and Work Plan. She presented a chart that, combined with Water 2066 outcomes, identified that the focus of the Council is balancing the human and ecological need for water for towns and thoughtful rural development, farms, and for fish and other aquatic species. Through sharing quality information and guidance, sharing information and advice with local governments, the community and other stakeholders.

Commissioner Hover noted that the esthetic and recreation values of the river are also important for the aquatic environment. Changing the "fish" description to "river" might be more accurate.

Based on these priorities, the subcommittee refined a work plan, identifying six areas of work.

–**Estimate the valley's water consumption** – Meter project and buildout estimates. Bring clarity to valley's legal water budget -- what are we using and what do we need at future buildouts in the county? what do the towns need for future growth? what water do we legally have access to, through the MV Rule or mitigation? what are the opportunities to expand legal access to water? *engage DOE*

- Gather in-stream water data** -- gather/curate existing water quality and quantity data/studies; identify data gaps with stakeholders
- Provide outreach & education** (newsletters, website portal for water data, presentations, stakeholder-led updates, engage in Climate Action Plan aka Resilient Methow)
- Engage & provide input on local water banking**
- Evaluate CRM process as a means for solving the disconnect between water law and land use planning** – evaluate risk/benefit of process, risks of opening Methow Rule, opportunities outside of rule, how to engage all stakeholders
- Fund MWC administrative costs**

Mayor Ing-Moody noted that this plan has not been adopted by the Council to date, that this is a report and the Council will need to consider if this plan is to be adopted.

Commissioner Hover noted that along with water quality, gathering water quantity data will be just as important. Councilmember Jumars noted that the water quality group things quantity will be a next step following the focus on water quality.

Resilient Methow Report – Lane

Lane shared a document sent to the Council that described the Climate Action Plan goals in relation to developing MWC priorities. The CAP is currently out for review. Lane asked if anyone else is interested in providing comments. Councilmember Ewing said he would review. Mayor Ing-Moody asked if Lane is looking for Council approval, or just as individuals. Lane said she is looking for feedback on the water section in particular, but it does not need to be approved by Council.

In regard to Lane’s initial proposal for a Climate subcommittee; on further review, Lane noted most CAP work that relates to MWC goals could be addressed in existing subcommittees, and she proposes the MWC stays involved with those items, providing data and advice, through those existing subcommittees.

Lane reported that she believes her work on the CAP implementation group is coming to a natural ending point and that she thinks it would be beneficial to remain involved with the group forming to implement water CAP actions. She estimated it would be 3-4 hours per week to do so. Councilmember Tackman asked if there was money in the RM budget for staff; Lane said not at this time. They are trying to find funding for an administrator. Mayor Ing-Moody asked for the deadlines on comments, which are due by the end of the month.

Mayor Ing-Moody asked if anyone is interested in joining the group, or if Lane should continue in this capacity. Councilmember Tackman said that he doesn’t feel there is funding for Lane to continue currently, and nominated Councilmember Ewing, who said he would be willing to participate in the water action group. Councilmember Jumars said that funding being sought from Moccasin Lake Foundation could provide for Lane to continue.

9. Initiating Government Reports

Town of Twisp- Mayor Ing-Moody reported several water projects happening. Twisp Ave project is changing out a 4-inch water line. Project is going over budget, and funding is being extended. Improvements are also taking place at the sewer plant. Water delivery and quality, as well as water quality being returned to the river are going to be a focus of the town.

Town of Winthrop- Council Member Sarvis said he is feeling positive on Council direction after hearing Councilmember Jumars report on strategic planning. Lane's report was helpful for understanding the connections between the CAP plan and Council. Winthrop is working on water rights, and looking for funds to repair the water main across the Winthrop bridge.

Okanogan County-

Commissioner Hover reported he will be meeting with the meter company next week, along with the building official and planning director, to get a demonstration on water meters.

The comprehensive plan passed out of the planning commission and the director is writing responses to comments. The plan will go to commissioners next. Work on zone code will follow.

Commissioner Hover reported on the Burma Shores project in relation to water quality and quantity for the project that concerns the MWC. Ecology did convert an agriculture right to domestic with storage for the development. Sewer and ensuring water quality are concerns of the county.

Councilmember Tackman asked to clarify that the ag right was being converted to domestic. Commissioner Hover said that step had already been done. Councilmember Tackman asked if they had a state approved group A system. Commissioner Hover said no, that had none been done yet. He thinks that conversion of the right requires storage, but is not sure if a group system has been developed. Councilmember Tackman said that people in the lower valley have many questions about this: can anyone convert an ag right, can this be used to deal with short plat issues, etc. The time frame of the application to convert, and the fact the orchards have been taken out for years, as well as the status of the water – whether it is in a trust rights program currently or not – were commented on. Commissioner Hover will follow up.

Councilmember Tackman's concern is that this may be a direction people are taking for mitigating for not having domestic water. Commissioner Hover said the state has been pushing for this. Domestic water rights are not being purchased; ag water is. The issue in the Methow is low winter flows. Water must be stored in order to mitigate for low winter flows, per the Yelm case. Councilmember asked if predating instream flow makes a difference. Commissioner Hover said no. Councilmember Tackman asked if this means anyone can sell their ag water rights and subdivide their property. Commissioner Hover agreed, in theory, they could, with storage for mitigation. Councilmember Tackman recalled the developers made a presentation in the lower valley showing they would be potentially using injection wells or ponds. Commissioner Hover said wells wouldn't work due to the geology. Councilmember Tackman said he thought the ponds were being proposed for storage for off irrigation season use. Commissioner Hover said that the water amount was limited by the amount of the right. Councilmember Ewing said he thought the project had made a donation to instream flow, with 2/3 used and 1/3 donated and with a storage pond to offset flows.

Mayor Ing-Moody asked where the project currently stands. Commissioner Hover said the developers need to show adequate water to the County. Ecology also has a long list of requirements. The County would also be concerned with what kind of group septic system would be used. Councilmember Tackman said the water quality is a big concern. Commissioner Hover said 52 individual septic systems would be a concern.

Council member Knott noted that another issue is how would this water be counted against the reserve. A prior case was "Mazama Junction", for which there is no reserve water available as a business, and was still developed. Commissioner Hover said in this case, it is accounted for as former ag water, and is legally useable.

Commissioner Hover reported the County is getting ready to finalize a report prepared by Aspect to Ecology on how much domestic water has been used out of the reserves. Documentation of assumption was sent to Councilmembers prior to the meeting. Councilmember Ewing asked if there is a prospective rate of buildout. Commissioner Hover asked for total buildout current zoning, buildout with a 20-acre minimum zoning, and a look based on the building permit trend.

Councilmember Tackman asked about the status of the lawsuit with Ecology. Commissioner Hover said he thinks the case will be heard in July.

10. Ecology Report: No Report

11. Presentation: No Presentation

12. Agenda Item 4.18-01: Subcommittee Review RE: Strategic Work Plan

Mayor Ing-Moody asked the Council to consider, based on the plan as it has been developed so far, what goals and objectives it wants to set for itself. She noted that water quality should be explicitly stated. She also noted that in regard to CRM, the current goal is to evaluate a CRM. In talking with Sage Park, Park said it does not need to be a CRM, but it should be a community driven conversation. Mayor Ing-Moody said that the Council should determine how to bring in the rest of the community.

Commissioner Hover said that making sure water quantity is included in the gathering water data task item is important. Councilmember Tackman said he agreed that quantity is base knowledge the MWC should have. Mayor Ing-Moody asked if the second item should be the first item. Councilmember Tackman said the MWC's main job should be to focus on the data first, and Mayor Ing-Moody agreed.

Councilmember Ewing asked Commissioner Hover if any of the 2 cfs reservation could be appropriated. Commissioner Hover said no, Ecology is the only entity that can appropriate water. People can use water if they have a non-divided lot or lot subdivided prior to 2002. Councilmember Ewing asked if it was Campbell Gwinn holding up use, and if all the lots have been identified that are affected. Commissioner Hover described the terms by which group use by subdivision is determined. Councilmember Ewing noted that the court case with Ecology needs to be resolved before buildout can be accurately determined. Commissioner Hover agreed, that just as closed basins are taken out of the buildout equation, so would be lots subdivided after 2002. Commissioner Hover noted that closed basins were not challenged by the County to Ecology. Councilmember Ewing asked how instream data could be used to resolve access to reserve. Commissioner Hover said that if instream flow in the winter could be revisited, as he believes instream flow was set to high (higher than average gauge before the date it was set).

Mayor Ing-Moody said, that in bringing it back to the work plan, that the question we are looking at was accurate information about what we have. Councilmember Tackman said that much of the work plan will be affected by the outcome of the suit against Ecology. Mayor Ing-Moody said that regardless of outcome, the MWC can still look at the issues, and use these steps to move forward. The lawsuit will have bearing, but it's not fully predicated on that case. Commissioner Hover said he disagreed with Councilmember Tackman's view because regardless if Ecology wins, the use of the reserve still needs to be discussed in order to meet the needs of towns and other growth. Councilmember Ewing said the question would be whether water comes from the reserve or from ag water rights.

Councilmember Knott said he likes the list and would also add quantity to the water data work item. Mayor Ing-Moody said that consideration of Ecology's decision should be added as well. Councilmember Ewing asked if there is a preferred methodology for quantity. Councilmember Knott said he didn't think so at this point.

Commissioner Hover also brought up the issue of desired solution such as duplexes, which are not allowed as a single use. Mayor Ing-Moody said that kind of development would be allowed in the towns. Commissioner Hover noted that without water, towns can't expand into their UGA's in order to build and serve that kind of development, as an example of how the water problem needs to be solved to allow for that development.

Mayor Ing-Moody said the planning committee will work on the plan, add action items and bring it back to the MWC to approve.

13. Agenda Item 4.18-02: CRM Discussion – What is the problem to be addressed?

Mayor Ing-Moody asked the Council for their thoughts on CRM process; has the problem been identified yet? What is our mission or goal? Water 2066 and three areas of Strategic Plan feed into the process. Do we want to see an acceptance of common ground on three working areas? Commissioner Hover asked if we are going beyond water with this discussion. Mayor Ing-Moody said those things are all linked to water and will be part of the discussion, but wants to see how water centrally fits in. We have a plan that we know isn't working for us. How do we fix it?

Commissioner Hover said the plan doesn't identify land use, and there is plenty reserved. He said the first thing he'd want to know is, #1, is there enough water for fish? And then, is there enough water for esthetics and recreation. Once that had been determined, then it needs to be decided, what do we do with what we have left? Hover believes that we need to establish how much water do we need for households, and how much is in the river for fish.

Councilmember Jumars said that she sees a general thinking in the community that water is a problem. Jumars said the problems she sees are that ag water is not being used and is being relinquished; that fish are not thriving; and that people are not able to build on their land. Mayor Ing-Moody said that for the towns, economy and sustainability are also concerns, along with density and quality of life.

Mayor Ing-Moody asked what it is that we want CRM to achieve for us. Is it to identify what the issues are and then work to solve them? Commissioner Hover said yes, it is to have everyone bring their issues to the table and be able to see what they are. Mayor Ing-Moody said it will be very important to look beyond problems to see where we want to be. She asked if a CRM is the process that will get us to that point. Councilmember Knott said that agreement on water management should be the outcome regardless of the process. We need to know how much water we have, and what the limiting factors on quality are. Then, we can look at land use issues in regard to water policy and express our opinions and look to solutions.

Councilmember Jumars said she feels the work plan could be an outline for a CRM process, but wants to be sure it's not just another Water 2066. Councilmember Knott said that Water 2066 was a starting point to identify that there is a problem, and now the work is to drill down. Councilmember Tackman said he feels the MWC's job is to provide good information on water quality and quantity and provide that to others to make the land use decisions. Councilmember Knott agreed, and said he doesn't see the MWC leading the CRM, but would be there to provide good information. Mayor Ing-Moody asked if not the MWC, who does he see leading the process. Councilmember Tackman said like the Water 2066 process, we sought the comments of governments, tribes and agencies, and that we need a list of those people and organizations for this process.

14. Agenda Item 4.18-03: Agenda items for next meeting

Commissioner Hover asked the MWC to consider if they will make a recommendation on the information Aspect provided on the water use report.

15. Agenda Item 4.18-04: Public Comment

John Crandall said that from the restoration perspective, water quality and quantity data are very important, and there may be data readily available. John is willing to help with that.

16. Adjournment: The meeting adjourned at 7:05 P.M.

Mayor Ing-Moody, Council Chair

Approved at the May 20, 2021 Council meeting.