



Monthly Meeting Minutes

November 18, 2021

5 -7 p.m. – Via Zoom

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

Others in Attendance: Lee Bernheisel (OWL), David Clement, Phil Davis, Mark Edson (MVID), * Elliot, Susan Crampton (OWL), Heidi Dunn, Craig McDonald (MWF), Taylor Murray, Virginia O’Kelly, Jason Paulsen (MC), George Schneider, Lorah Super (MVCC),

Minutes recorded by: Sarah Lane, Administrator

Non-Procedural Motions

Motion #	Short Title	Yeas	Nays	Abstain
11.18.21-01	Motion to approve changing public comment to after report and before agenda items for future meetings	6	0	0
11.18.21-02	Motion to cancel December meeting and perform election preparations via email	6	0	0

1. Call to order

The meeting was called to order by the Chair, Mayor Ing-Moody at 5:01 PM

2. Roll Call of Council Members

3. Agenda – Additions or Changes

The agenda was approved as written.

4. Minutes – Review and Approval

Councilmember Hover moved to approve the October 21, 2021 minutes, and Councilmember Tackman seconded the motion. The minutes were approved unanimously with Councilmember Fort abstaining.

5. Report from the Council Chair

Chair Mayor Ing-Moody noted that the MWC will be holding elections in January for Chair and Vice Chair position, as well as Council positions 3, 4, and 6. Incumbents may run again, if desired. Mayor Ing-Moody also had called Sage Park a while ago as reported at the last meeting and is still awaiting a response from Ecology regarding questions she has on water banking and CRM scoping.

6. MWF Report: Chair- Craig McDonald

MWF Chair McDonald reported that finances are in better shape, after completion of the contract with the County and receipt of Give Methow donations. The Foundation has been reviewing topics for grants.

7. Subcommittee Reports:

Technical Review Committee, Chair – Fort

No report

Outreach and Education Committee, Chair- Knott

No Report

8. Ad Hoc Reports

CRM Subcommittee – Mayor Ing-Moody reported that the group has now met four times, and the primary focus is to determine what issues/priorities may be if the MWC were to lead a CRM-type process. So far, the group has reviewed the valley’s water needs for people, agriculture, and the natural environment. Following a discussion at their most recent meeting, it was determined that another committee should be formed to discuss the unfolding water banking topic. It was discussed that since the County had requested assistance from the MWC to develop policy, it would prudent and timely to have another subgroup focused on water banking be developed; Councilmember Tackman was nominated within the committee to be lead the new committee.

Resilient Methow Report – Administrator Lane reported that the Resilient Methow hub is tracking the new infrastructure bill and noted that it has a fair amount of money for water projects in it, particularly for the west. Lane requested the Council’s approval to begin attending hub meetings again now that there is funding. Mayor Ing-Moody asked if any Councilmembers had concerns about Lane doing that work and none were raised.

9. Initiating Government Reports

Town of Winthrop- Councilmember Sarvis reported the Town of Winthrop is wrapping up its report on water rights with positive results. The Town is updating its water system plan with completion expected in 2022, and rehab work is planned for their well #2. The Town’s work on the sewer plan is also about 50% complete. The last update to that plan was in 1984. Planning is projected out 30 years. There is still some water loss in the system, and the Town will be doing some pilot projects with Ecology. Councilmember Sarvis also reported that access to the river at Mack Lloyd Park has been approved to include new restrooms planned for 2023.

Councilmember Knott asked who was preparing the water rights review. Councilmember Sarvis said Aspect Consulting has been doing the work; the document will be available for public review after Town Council’s review is complete.

Okanogan County- Commissioner Hover reported that the County and Conservation District are prepping for a meeting with Ecology in a week and a half for a pre-application grant meeting for water banking.

The court ruled on a clarification requested by the County on the water use ruling. The court affirmed the ruling that a lot may not be subdivided into two lots and use water. However, the court did clarify that any projects vested prior to its **January 2021 ruling** can move forward. The 30-day appeal period on the ruling begins around November 19.

Councilmember Jumars asked what the timeline for policy development is, and what is the requested role of the MWC in developing policy. Commissioner Hover said that there have not been any meetings on structure yet, but soon he will be able to report on the desired timeline and structure. Policy will be needed in the next 12-18 months. Councilmember Tackman said that more education about the process is needed particularly for subcommittee members. He emphasized that the MWC wants to be part of the process and help with outreach. Commissioner Hover said he will find out about including Councilmember Tackman in upcoming meetings. Mayor Ing-Moody suggested MWC Administrator Lane attend as well. Councilmember Sarvis said he would also like to serve on the policy subcommittee.

Commissioner Hover finished his report by saying the County was trying to get the River Bank water use database completed with work done by Aspect, and that it would be available for the public to view online when complete.

Town of Twisp- Mayor Ing-Moody reported that a Glover St water pipe installed since 1936 failed causing a water outage for a day in the downtown area. Mayor Ing-Moody stated that the Town of Twisp does need additional water rights moving forward into the future to allow for annexation, commercial, and much-needed potential affordable housing projects to take place. The Town's water plan and water loss work are in good shape. The Town Council had a presentation from AESI on MAR and is looking at moving forward with that process.

10. Ecology Report: No report

11. Presentation: No Presentation

12. Agenda Item 11.18-02: Discussion: County Update and New Ad Hoc Subcommittee to Develop Water Bank Policy for Methow Funds

A new ad hoc subcommittee on water banking was formed, with Councilmembers Tackman, Sarvis, Jumars, Ing-Moody and Hover participating.

Commissioner Hover said that it looks like much of the water deposited will be agricultural water. The policy questions that need direction are: Will water be directed toward things like annexation, infrastructure and lowering development costs? How much is needed for industry in the county?

The County will track where water goes and the Conservation District (CD) will manage the legal work for deposits and withdrawals. Councilmember Tackman asked if the CD has discussed water banking with people experienced with them. Commissioner Hover said that talking with people like Paul Jewell would be helpful. Okanogan County wants to avoid situations like what happened in Kittitas County, where prices were somewhat out of control. Aspect may also have feedback and information to share. He said that this water bank will be different because it will be a public entity. Policy needs to be driven by the community reflecting its priorities.

Mayor Ing Moody noted that it may not only be Ag water that may come available for deposit, or be only Ag water which is needed for withdrawal. She wants to make sure that whoever runs the bank is adequately prepared and capable of address the diverse future needs of a water bank for the Methow. She also stated that because \$2 million was specifically earmarked for a water bank in the Methow Valley, MWC Board views need to be incorporated as water banking policy is adopted for the area; there may be unique and specific interests in the Methow Valley that need to be considered. Councilmember Sarvis noted the need for learning more about ditch water rights, Ag water rights, and more.

Commissioner Hover spoke of an issue for people in ditch service areas, in which he thinks it is appropriate for those people to get water from the ditch company, and not from the water bank. He has asked the County GIS department to create a map with ditch service area overlays for all ditch companies in the valley. Mayor Ing-Moody commented that Commissioner Hover's comment is in regard to the County only, as an exception might be for those serviced by irrigation ditches within the town. She noted that a special agreement currently exists between the Town of Twisp and MVID on the process of transferring "excess water" to the Town as outlined in contract upon the piping of the irrigation ditches in town.

Public comment from Heidi Dunn: appreciates everyone working together for the future of the valley. She asked what is the timeline following Judge Rawson's decision, and when it would be final, so that affected

landowners can begin planning. Commissioner Hover said that the appeal period would start once the County finished with a stipulation in the next day. Anyone vested prior to the moratorium will be able to proceed after 30 days if no appeals are made.

Public Comment from Lee Bernheisel: Bernheisel encouraged the public participation on water banking to include looking at history, such as the Chelan water bank and its outcomes. In his opinion, after four years, in 2000, the final public hearing showed that the public was against the idea of the proposal. He said that the process included participants from the Methow Valley, Tribes, municipalities, and local governments; he said that people were concerned that the exempt right to 5000 gpd would be superseded. At that point Ecology backed out of that process. Bernheisel noted that 5000 gpd is still the legal right, even if the Methow is using 710 gpd for accounting. He believes towns will no longer be able to get water through agricultural water due to Ecology case law. Bernheisel doesn't believe storage will solve the problem of winter use because return flows are generally two weeks.

Mayor Ing- Moody agreed that there have been changes made to Ecology rulings over the years on what is allowable and said that historical knowledge though important, she cautioned that equally important is to acknowledge dynamics, advances in understanding and technological advancements for conservation, in consideration of current and future needs consistent with responsible planning and the potential for options in changes to rulings and legislation.

Public Comment from Lorah Super (CD): Super clarified that the role of the MWC is to determine priorities for mitigation. Amounts available will be determined by the types, amounts offered, and the will of the seller. She hopes the Council will speak to mitigation water priorities.

Councilmember Knott asked the MWC to consider how it will fulfill its representative obligation to the community, ditches, development interests. The ad hoc committee should discuss how to do outreach to MWC constituencies. Councilmember Tackman said the committee needs to look at timeline and educating the MWC and public.

Commissioner Hover identified a recent housing study, and the storage study as resources for the committee and public. Mayor Ing-Moody said inclusiveness would be key moving forward.

13. Agenda Item 11.18.01: Discussion: Public Comment/Participation at MWC Meetings

Mayor Ing-Moody opened the discussion by asking how the MWC wants public comment to be a part of transparent and productive meetings.

Commissioner Hover suggested having more comment and question time at meetings when lighter agendas are presented. Mayor Ing-Moody suggested also promoting the opportunity to submit written comment in advance of meetings to be distributed to councilmembers ahead of time.

Mayor Ing-Moody asked about the appropriate amount of time to be allowed for comments. Commissioner Hover said comments should be limited to three minutes, but could be longer at the discretion of the Chair depending on Council engagement and agenda. Councilmember Tackman said tonight's method of letting Council speak first, then inviting public comment on a topic, worked well. Time could be limited if a topic of extended interest is to be added at a subsequent meeting's agenda. Mayor Ing-Moody said this way of receiving comment could be helpful for informing Council actions. Future agendas will reflect this decision moving forward, along with a write-in option to be included in packets, when received in time. This change will be publicized.

Commissioner Hover made a motion to reorder future MWC agendas to reflect the new position of public comment, after reports and before agenda items, and giving the Chair the discretion to monitor public comments as deemed suitable for a particular meeting. Councilmember Tackman seconded the motion. Motion passed unanimously.

14. Agenda Item 11.18-03: Next Steps

- Councilmember Knott made a motion to cancel the December MWC meeting and prepare for elections and nominations via email. Commissioner Hover seconded the motion. Motion passed unanimously.

15. Agenda Item 11.18-04: Public Comment

- No further comments were made

16. Adjournment: The meeting adjourned at 6.21 P.M.

Mayor Ing-Moody, Council Chair

~~Approved at the January 20, 2022 Methow Watershed Council meeting~~

Minutes to be approved at the January 20, 2022 meeting