



## Monthly Meeting Minutes

November 16, 2017

5-7 p.m. – River Bank Building, Twisp, WA

Council Members Present: Dick Ewing, John Fleming (left at 6:20 p.m.), Mike Fort, Bill Tackman, Travis Thornton, and Ashley Thrasher. Rick Karro and Greg Knott were unable to attend. Andy Hover was unable to attend but called in the Okanogan County report.

Others in Attendance: Lee Bernheisel, Susan Crampton, Dick Evans, Kent Hitch, Logan Johnson, Natalie Kuehler, Mary McCrea, Jennifer Molesworth, George Schneider, and Jacquelyn Wallace

Minutes recorded by: Sali Kilmer, Administrative Assistant

### 1. Call to order

The meeting was called to order by Vice Chair Dick Ewing at 5:02 p.m.

### 2. Introductions

### 3. Approval of Agenda

*Ashley Thrasher moved to adopt the Agenda of November 16, 2017, as presented. Bill Tackman seconded, and the motion carried.*

### 4. Minutes – Review and Approval

*Bill Tackman moved to approve the Minutes of October 19, 2017, as presented. Mike Fort seconded, and the motion carried. Ashley Thrasher abstained, stating she was not in attendance for the meeting.*

**5. Report from the Chair:** No report. Greg Knott absent.

**6. Grant Administrator Report:** George Schneider

George distributed and went over a handout which summarizes the Wolf Creek Twin Lakes Storage Project, Phase II as of November 13, 2017:

- Rationale for grant amendment request – The Phase I Tech Memo included a range of project alternatives. After analyzing the potential projects, the MWC and MWF realized that sufficient funds were available in the grant to attempt to get signed agreements and broad stakeholder support for a pilot project based on Alternative 1A (operational changes and limited infrastructure improvement resulting in water savings on average of 200 acre-feet per year that could be made available to the TLAC storage project, along with instream flow benefit and improvement to the WCRD system). During the pilot, water can originate from 1) eliminating operating spill at screen box, and 2) wet year surplus to irrigation needs.

- Scope of work for new tasks 7 and 8 – Task 7 “Pilot Project Agreement and Stakeholder Outreach” will achieve solid agreements and understanding among stakeholders to proceed with the pilot project. Deliverables include: 7.1 - agreement between WCRD and TLAC, and 7.2 - meeting summary notes of consultation with DOE on water rights strategy. The budget for task 7 is \$18,710. Task 8 “Implementation and Monitoring Plan” implements the smaller pilot project, includes installation of WCRD screen automation, and develops a monitoring plan. Deliverable 8.1 is the monitoring plan which will be in place at least for the duration of the project. The budget for task 8 is \$16,000.
- Requested revision to schedule – New tasks 7 and 8 are expected to be completed by July, 2018. MWF has requested the expiration date of the agreement to be changed to October 31, 2018, to provide for a schedule cushion.
- Current activities and next steps - The Bureau of Reclamation is working on design automation and will be meeting with TLAC and WCRD on November 28 to discuss. The grant amendment has been submitted to DOE and is expected to be approved by the end of November. A team meeting will be scheduled for early December to set tasks, roles, and a schedule. Informational materials will be produced, based on existing TLAC posters. Finally, a one-page water right strategy summary will be produced.

Additionally, Dick Ewing updated the Council on the separate TLAC project grant. TLAC will be meeting with DOE in December or January to change the scope of their legislative grant which may include the addition of another monitoring point or two. The data that has been collected since 2010 has been summarized and sent to Aspect for analysis.

#### **7. Methow Watershed Foundation Report: Mary McCrea**

Mary heartily thanked everyone who contributed to this year’s Give Methow campaign which raised \$2,716.91. The Foundation is very pleased with the effort, especially since this is the first year the MWF has participated. In the fall of 2018, the Bureau of Reclamation may begin offering operational and planning funding to cooperatives for the development of projects that help endangered spring Chinook and steelhead. Jennifer Molesworth encouraged the MWF to begin compiling a list of potential projects that could be funded under this program. In December the Foundation will reapply for both the Moccasin Lake grant and the Community Foundation of NCW grant. Additionally, Dick Evans compiled a list of other potential grant funding sources. The MWF will work on narrowing the list down for approval by the MWC before applying for the selected grants.

Dick Evans summarized the Treasurer’s report. MWF has approximately \$4,900 in the bank (\$3,100 in the Moccasin Lake grant and \$1,800 in the Community Foundation of NCW grant). He is awaiting the next disbursement from DOE. All invoices have been paid to date.

Mary informed the Council that special event insurance has been purchased for the November 21 Amy Snover presentation on climate change at the cost of \$163. The Foundation is continuing to work on its application for permanent insurance.

## 8. Initiating Government Reports

Town of Twisp: John Fleming stated that the Town of Twisp had nothing relevant to report. However, he informed that Council that the Town of Twisp Wastewater Treatment Facility received an outstanding performance award from DOE, which is quite an accomplishment for such a small municipality.

Town of Winthrop: No report. Rick Karro absent.

Okanogan County: Andy Hover was not present but called in at 5:20 p.m. to report on the meeting between Department of Ecology, Okanogan County and the Yakama Nation to discuss DOE findings on their assessment of hydraulic continuity in the Wolf Creek area. DOE gave a brief history on the origination of the “closed basin” maps. In 1976, when the Methow Rule came about and certain tributaries were closed, groundwater was not considered. In 1991, DOE considered groundwater, and the maps came about based on known strata. However, hydraulic continuity could not be established with absolute certainty in certain areas. Andy shared that DOE has put out a draft technical document on their findings in the Wolf Creek area. Stated simply, areas outside of the mapped portion of the “closed basin” were found to most likely not be in hydraulic continuity with Wolf Creek. Areas inside the mapped boundaries are most likely in continuity with the closed tributary. However, at some depth down there is a layer of dry material, and DOE has determined that wells drilled into the dry material layer are not in continuity with the closed tributary. DOE is planning to similarly analyze several other closed basin areas including Beaver Creek and Pearrygin Creek. Based on this information, Okanogan County will treat the closed basins as they have done before: permit applicants in the closed basin areas must obtain a letter from DOE prior to being issued a building permit.

Andy reported that DOE is still working through the list of questions sent earlier by the County. Additionally, they are refining the draft Wolf Creek technical document to include more background information. He hopes that the final document will be made available to the public soon.

## 9. Sub-Committee Reports

Instream Flow Rule Revision Committee: Mike Fort stated that it makes sense to combine the Instream Flow Rule Revision Committee with the Technical Review Committee henceforth. Additionally, the Committee has determined that efforts at rule revision would be more effective and carry much more weight if the Colville Confederated Tribes, Yakama Nation, and Department of Ecology were at the table. To that end, the Instream Flow Rule Revision and Technical Review Committee is suggesting that the MWC consider changing to a consensus vote, which would be an incentive for these entities to join the Council. Otherwise, the Robert’s Rules of Order will remain in effect.

A discussion ensued on the pros and cons of consensus decisions. Consensus groups have the potential to break down over disagreements. However, a consensus vote gives the group’s recommendation much more weight, especially when they involve a wide variety of stakeholders. Additionally, consensus decisions decrease the chances of future litigation by opposed parties. It was also noted that a consensus decision does not necessarily mean unanimity, as members can abstain from voting.

*Ashley Thrasher made a motion to present to the Colville Confederated Tribes, Yakama Nation, and Department of Ecology that MWC will amend its bylaws to vote by consensus if any one of them choose to join the Methow Watershed Council. Mike Fort seconded, and the motion carried. Dick Ewing abstained. None of the initiating governments were present for the vote.*

Political Action Committee: Bill Tackman stated that he sent Council members a list of current bills being discussed in Olympia. Members and interested parties can go to the Washington State Legislature website (<http://leg.wa.gov/>) for summaries of specific bills.

Technical Review Committee: Combined with the Instream Flow Rule Revision Committee report above.

Outreach and Education Committee: Bill Tackman provided a summary on the upcoming subject matter expert presentations:

- November 21 – Amy Snover’s presentation on climate change
- January 9 – Trust Water Rights program (co-sponsored by Methow Conservancy)
- February 20 – Water banking

All Council members and interested parties were encouraged to attend. Terry Hunt will be recording the presentations, which will be made available on [www.methowwatershed.com](http://www.methowwatershed.com) and on the Methow Watershed Facebook page.

Bylaws Amendment Committee: Ashley Thrasher projected a draft of the updated Methow Watershed Council bylaws for consideration by Council members. Several minor changes (grammar, spelling, etc.) have already been accepted in the document. The following additional amendments were discussed:

- Section 4.1 – Mary McCrea clarified that the references to Chapter 42.30 RCW have been omitted since the Open Public Meetings act does not apply to this group. Change the first sentence of the paragraph to, “All meetings of the MWC, excluding executive sessions, shall be open to the public.” For the same reason, all references to “regular meeting or any special meeting” have been changed to simply “any meeting”.
- Article VI. Indemnification – Travis Thornton explained that there is no need for this section since the MWC is not a decision-making body. Instead, the Council relies on the “hold harmless” statute of the enabling legislation (RCW 90.82 Watershed Planning). Further clarification on this issue may be determined through discussions between MWF and the insurance company.

Further amendments may be made to sections 1.1 and 2.1, pending the outcome of the proposal to the Colville Confederated Tribes, Yakama Nation, and Department of Ecology that MWC will amend its bylaws to vote by consensus if any one of them choose to join the Methow Watershed Council. (See the Instream Flow Rule Revision Committee report above.) Ashley will send a link to the draft document to MWC members for further review.

Water 2066 Committee: The Water 2066 Committee has been working on compiling a list of entities that could be considered stakeholders in the vision of water in the Methow Valley over the next fifty years. Ashley Thrasher posted a list the committee had come up with and invited MWC members and interested parties to add to it. These are the entities listed thus far:

- Government Agencies – Twisp, Winthrop, Okanogan County, DOE, WDFW, BOR, USFS, DNR, USFWS, NRCS, Wilderness Society, USGS, National Park Service, NOAA Fisheries
- Tribes – Colville Confederated Tribes, Yakama Nation
- Non-Government Agencies – TV, MVCC, FutureWise/CELP, MSRF, Methow Conservancy, Columbia Cascade Fish Enhancement, UCSRB, Washington Water Trust, OK Conservation District, Citizens at Large, MWC, MWF, Methow Valley School District, University of Washington
- Businesses – Irrigators/farmers, Chamber of Commerce, Builders/real estate, PUD's

## 10. Agenda Items

Discussion: “Waterwise” Program Idea: Dick Ewing provided a brief background on the proposed idea, first introduced by Boo Turner. She envisioned a program similar to “Firewise” whereby field experts could consult with and educate individual homeowners on water use, best practices, etc. She wondered whether such a program exists in the Methow Valley. Several Council members recalled that Okanogan Electric Coop sponsored a water efficiency outreach program several years ago. Additionally, the Methow Conservancy may have a water conservancy education program. Dick Ewing found a product online by Flow Technologies, which may fit into this program idea. The device is a water meter and water control valve which monitors daily use and allows users to turn off their water from an app on their mobile device. This could provide users with a useful water management tool while also providing data regarding the 2 cfs reservation. Additionally, it was mentioned that a “Small User’s Guide to Water Efficiency” might be a great topic for a MWC sponsored presentation. It was agreed that this ongoing discussion will be added to the December MWC meeting agenda.

Discussion: SB 5239 and Other Legislative Proposals: Dick Ewing noted that in light of the Hirst decision, the Methow Basin 2 cfs reservation is potentially in danger of being challenged legally. SB 5239 is a bill being considered by the legislature which aims to return the authority for managing water back to the Department of Ecology. Several other bills are being considered, but SB 5239 may be used as the core for further additions. Dick wondered what the Council thought about evaluating the bills still being considered and sending feedback to the Legislature in an effort to influence the decision on water rights law. Mary McCrea noted that it takes a lot of energy to research and evaluate bills that will most likely go nowhere. In addition, it may be difficult to get a majority decision on what the input from the MWC should be. It was agreed that the ongoing discussion on legislative proposals will be added to the December MWC meeting agenda.

Public Comments: Susan Crampton kindly complimented the knowledgeable and well-expressed Methow Watershed Council members. She has observed the evolution of the Council since its inception in 1999 and is grateful that community members are working hard on issues related to water in the Methow Valley.

Discussion: Agenda Items – Next Meeting: The next meeting agenda may include a continuing discussion on legislative proposals, the “Waterwise” concept, and MWF grant funding opportunities.

## **11. Meeting Adjournment**

*At 7.04 p.m. the meeting was adjourned by Vice Chair Dick Ewing.*

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Greg Knott, Council Chairman

*Approved at the December 21, 2017 Council Meeting.*