



Monthly Meeting Minutes

December 19, 2019

5 -7 p.m. – Community Center Conference Room, Twisp, WA

Council Members Present: Dick Ewing, Mike Fort, Andy Hover, Greg Knott, Jeff Sarvis, Bill Tackman, Travis Thornton, Ashley Thrasher

Others in Attendance: Chris Branch (Okanogan County Commissioner), JB Huyett, Curtis Koger (RESI), Natalie Kuehler, Jasmine Minbashian (MVCC), Melanie Rowland (MVCC), Marcy Stamper (MVN), Lorah Super (MVCC), Jacquelyn Wallace (TU)

Minutes recorded by: Sarah Lane, Administrative Assistant

Non-Procedural Motions

Motion #	Short Title	Yeas	Nays	Abstain
12.19-04	Approval to Seek Funding to Participate in Resilient Methow	8	0	0

1. Call to order

The meeting was called to order by 5:02 P.M.

2. Introductions

All introduces themselves. JB Huyett is a new potential Foundation member.

3. Agenda – Review and Approval

Ashley struck Agenda items 1 and 3. Discussion of ordinance Ord 2019-11 was determined to be included in the Okanogan County report. Mike moved to approve as amended. Andy seconded. Agenda was approved.

4. Minutes – Review and Approval

Mike moved to approve the October Minutes. Bill seconded. Approved with two abstentions due to late arrival.

5. Report from the Chair

Mary McCrea had her last meeting as the chair of MWF. Greg is the new Chair, and Wyatt Southworth the Vice Chair. Ashley declared that the nominations for MWC positions 5 and 6, and for the executive positions are open. Nominations can be sent to Sarah. Ashley will be happy to serve again as Chair of the MWC, and Greg is not interested in reprising his roll.

6. Ecology Report

No report.



7. MWF Report.

Greg reported that Wyatt will be Vice Chair. He reported that our current bank balance is approx. \$7000. Greg reported that our Patagonia efforts were a no go, but we continue to work to find a fit for funding. Resolving base issues of differences about water seems like a good option. Our request to the Community Foundation to change our funding to be used for an online newsletter and contact system was approved. Greg met today with Wyatt regarding pursuing Ecology's recently opened 9094 funding opportunity.

8. Initiating Government Reports

Town of Twisp-

No report

Town of Winthrop-

No report

Okanogan County-

Andy reported on Ordinance 2019-11, which was signed yesterday. Under threat of litigation regarding land use and in consultation with legal staff, a water availability study overlay has been added to the entire WRIA 48. Chris added that the firm was brought forth by the risk pool to due to the cost of possible litigation. Mike asked what the risk was. Chris said that the risk is to land investors digging a well if it turns out to be illegal. Approving subdivisions that then do not have adequate water puts the County at risk from said investors if no water can be legally available, and from environmental groups if wells are dug and they shouldn't be. Futurewise said in a letter that they would litigate if further subdivisions were approved, based on precedent from the Campbell & Gwinn decision. Bill asked how the County got to the point of signing the ordinance, without talking to the Watershed Council. Chris clarified- that this is an interim regulation that will last 60 days, and there will be a chance for public comment coming up January 27. Because of the legal review identifying the risk, the interim decision was decided to be the tool to use to protect the County and investors. Because of the interpretation of the Methow Rule, certain subdivisions have had public comments stating that they were illegal, and the Commission didn't want to risk another instance of that.

Ashley asked for clarification- does this Ordinance halt all subdivisions. Andy said most, but not all. Dick asked what sort of development this affects. Andy said group domestic use – any public water serving greater than one. Dick asked, if SFD is still OK, and it is. Andy said also, that if one well is on a parcel and is already put to beneficial use, and the parcel is divided, the other parcel can have a well.

Andy said this is not something he wanted to sign, but based on the legal interpretation of the rule, this ordinance is in place. This will prevent subdivisions of land that would get water. Exempt seg (large lot seg: 5 or more lots, exempt seg- 4 or more pieces up to 20 acre) still can be done, but water will not be available for those parcels.

Mike asked if, given the information that there is enough water in the 2 cfs, for all potential development, why is this necessary? Andy asked about why the Council was discussing revising the rule, then. Mike stated that rule revisions are desired to comingle the reaches, move Early Winters



to lower reaches. The Plan states the Council will come up with revisions, not what the revisions would be.

Natalie stated that this seems to say that any land divisions that have title restrictions of new water will still be approved, Andy agreed. Greg asked if new studies will be done, or are the studies already done sufficient. Andy said the Watershed Council doesn't have pull for rule change without Colvilles and Yakamas. Only water for water will be acceptable, he thinks. Developing water projects for fish will probably be the way to go – retiming water, not mitigation. Mike stated that in the discussions with tribes, water for water is all they wanted if water was pulled from Early Winters for Twisp.

Other than the lower reach, the buildout potential is OK with the water we have, according to Andy. Mike asked if this is an exercise in rule revision, not anything to do with physical water availability. Chris mentioned that water availability has a lot to do with whether the use for it is legal. Subdivision is what triggered this move, but behind that is growth and where growth happens. Chris sees this as a delay of risk until issues can be sorted out. It can be called any kind of study desired, as long as there is a delay so it can be studied. Legal opinion that Futurewise was probably right, that single family wells cannot be used for subdivisions.

Travis said his understanding that a trap has been created by case law over time. Subdivisions weren't restricted until Campbell Glenn, which said that any land division is a subdivision, and that single-family domestic well is now a group domestic and not allowed under the law.

Mike said that there is no need for studies, because this is a rule revision effort. Andy said if the County and two tribes came to DOE with a rule change, it might be accepted. Natalie said that her understanding of Campbell & Gwinn was basically the same, that it was not intended to limit subdivision. She said that her understanding of opening the rule opens everything, amounts, reserve, etc.

Andy stated that over the years, Okanogan County has been getting conflicting advice. Melanie commented she wanted to get back to the idea of water availability. In the 2 cfs reserve, there is plenty of "that" left. However, it does not account for instream flows. Mike said that that is not true, that instream flow supersedes the 2 cfs. Andy said that the 2 cfs, equaling 14 cfs through the WRIA, is an instantaneous value and we'd never use that much at one time. Melanie said that that 14 cfs will become even more important with climate change, and yes, a study needs to be done to see what and where adequate water is needed for fish. What needs to stay in the stream, given changes.

Andy suggested that a grant be written for new Ecology grant to gather all data on Methow river salmon recovery and find out where water bottlenecks are. Greg said he believes that Futurewise is right, and that with climate change, there will not be adequate water for fish if the reserve is 14 cfs for people. Chris said, there's data, which gets debated- his question is- how to refine the data collectively in order to have a conversation about it that will bring consensus. He doesn't think that is likely to happen and the questions will be brought to the court. Chris thinks addressing this on a local level, having all sides at the table to help analyze the data and point out the issues, is a good



opportunity. This ordinance provides a pause. A chance to try to do this as a group. Can the Watershed Council do this? How do we get the right people in the room? Chris thinks it seems like the state should be able to provide protections in order to open the rule to work on this. He is very leery of litigation to solve problems. Natalie said that instream flows are set for esthetics and recreation as well, so don't apply for grants just based on fish. Greg stated that he thought the IFIM method was best – gathering all data possible and negotiating it with all stakeholders.

Natalie asked if the ordinance would affect currently subdivided property, and Andy said no, only new subdivisions. A building permit, and legal water, will be available for a previously subdivided lot, but not any new subdivisions. All previous subdivisions have been put out for comment, and if they have been approved, with no appeals, they can be built. Melanie asked, wouldn't water serving a lot that was previously divided, not be legal? Chris asked if anybody wants to appeal those past decisions- how far back do we want to go with this? Mike asked if the goal would be to put a cap on possible lots. Bill said his problem with this is that the current commissions won't be here long enough to see this through. Chris said he's like this to be a durable process. Travis said that the Chelan County process would be a way to achieve durability. Mike added we should go back to the lots present when the rule is passed. Melanie mentioned that the Comp plan process is what brought this up, and that it could be the place to solve it, and it could be kept out of court. Since the comp plan looks at all issues, including water, and that could be a place to address it.

Dick asked why 90-94 is a problem. Andy said it is not a problem for SFD, just group domestic. Dick also said that by reaching back, it could cause much liability. Andy clarified that the commissioners are not looking at that option. Greg said disagreement on water availability is the crux of the issue. He thinks the solution relates to the original disagreement in 1974-76. Are the Commissioners willing to direct the Council to do an IFIM study? It could get all parties to agree on the water we have. Dick said he thought such a process would be better coming from the County as in the Chelan process. Travis agreed. Greg said perhaps the Council could partner with the County on an application.

Chris addressed Melanie's question on the Comp Plan process. There would need to be a commitment to work together, with all of the interests on the table. The Comp Plan can provide a strategy, based on the condition today. Everyone in the discussion needs to come to it with a positive prospective and commitment to process.

Ashley proposed that the MWF looks at the Ecology streamflow restoration grant and come to the Council with a proposal next meeting. Andy wants to know what the goal and end product of the effort will be. Greg said he sees the end result being consensus on the amount of water we have.

9. Sub-Committee Reports

Technical Review Committee, Chair – Fort

Mike reported we have five meters out, 7 more coming. The database needs updating, and Mike wants to get the new info from the County.

Political Action Committee, Chair – TBD



Nothing to report

Outreach and Education Committee, Chair – Knott

A film series is being planned. The first is January 21 at the Grange. Instream flow will be addressed with a look at allocation of Colorado river water, with a panel on instream flows.

Water 2066 Committee, Chair – Thrasher

Progress report is in packet. Contractors have made internal adjustments for billing issues and are on track for on time completion of the project.

Agenda item 12-19-02- Succession Planning- Greg floated the idea of Vice Chairs taking the position with intention to be the Chair in the future years, with training and mentoring provided by the Chair. Mike reminded the Council that members of the Council are approved by the initiating governments, but the Council chooses the Chair and Vice Chair. Greg would like future Vice Chairs to be in agreement with this strategy.

Agenda Item 12.19-04 – The MWF wants Council approval to apply for CFNCW through the Methow Valley Fund to allow Sarah to participate in Resilient Methow, representing the Council. Jasmine of MVCC gave a short presentation on the Resilient Methow efforts.

This effort addresses how the climate is changing and what it means for the valley, and how to plan for the future. The goal is to develop and community driven climate action plan. A Climate Action Task force was developed with business, ag, economic and recreation, natural systems, infrastructure and health as topics represented. Dr. Amy Snover gave a well-attended presentation on Nov 19th event. People were asked to respond to climate predictions and state what the important issues are for them. We have the potential to be a model for what communities can do. Resilient Methow is working with Roel Hammerschlag and Dr. Amy Snover on this project. Result of this process will be an action plan. Top priority from the community meeting was water availability- enough water to grow food. Fire was a second top issue. Meeting in March to go over next steps, emission study, wrapping up in June. Jasmine also gave a brief overview of Dr. Snover’s talk identifying current changes due to climate change. The point to remember: the prediction is more water when you don’t want it and less when you do.

The Task Force is working watershed-wide from upper to Pateros, and would love to involve the Watershed Council. Ashley stated she wanted Water 2066 to be additive to the Task Force efforts. Greg is supportive of the Council joining this effort as the Council is tasked with drought management planning. Mike moved that MWF apply to CFNCW for staff funding to participate in Resilient Methow. Bill seconded. Motion passed unanimously. Lorah mentioned that there may be a complementary effort for watershed planning being performed by DNR. She will try to find out more and encourage the Council to participate. Jasmine offered a letter of support.

10. Agenda items for next meeting

Greg regarding a proposal for the foundation
Water transfers
Elections

11. Public Comment



Lorah noted in the last minutes that the state Conservation Association of Districts approved denying out of basin transfers. Natalie thanked the commissioners for coming to explain the ordinance. Chris said there will be a public meeting January 27th in the Methow Valley.

12. Adjournment

The meeting adjourned at 7:08 P.M.

Ashley Thrasher, Council Chair

Approved at the January 16, 2020 Council meeting.