

July 10, 2013  
ENTIAT WATERSHED PLANNING UNIT MEETING MINUTES  
Entiat Grange Hall, Entiat, WA

**Meeting Attendance:** See Attendance List (**Attachment #1**)  
See detailed Agenda (**Attachment #2**)  
**Facilitator / Watershed Coordinator:** Mike Rickel  
**Notes:** Nada Wentz

**Welcome / Introductions**

Meeting began at 9:17 a.m.

Mike Rickel welcomed meeting attendees and started the round of introductions.

- **Approve April 2013 EWPU Meeting Minutes**

**Mike Rickel:** The July 2013 meeting notice and agenda were emailed out the middle of June, with a link to the April 2013 minutes, and posted on the Cascadia web site for review. Does anyone have any comments or edits for the April 2013 meeting minutes?

Hearing none, the April 2013 meeting minutes are finalized.

- **Call for New Business and Review and Accept July Agenda**

**Mike R:** Is there any new business?

**Hal Hawley:** Are there any new fishing areas opening up?

**Craig Chisam:** We hoped to open fishing for Chinook this summer, but in the last two weeks the decision was made to wait until next summer. We hope to have localized fishing from the hatchery on down. Things are getting better each year. It is possible that a Summer Chinook fishery could take place in the next few years. WDFW wants to wait a year or so before allowing fishing season but Craig is optimistic that there will be a fishery since these are not under ESA considerations and are intended as a sport fishery.

**Mike R:** Knowing that fishing for Chinook starts next year allows time to work with orchardists and landowners regarding access areas to the river. Managing access areas will help orchardists comply with their Global GAP (Good Agricultural Practices) requirements. I will track with landowners on access areas.

Are there any other modifications to the agenda? Hearing no objections, the agenda stands.

**Water Resources**

- **Board of Joint Control – next steps**  
(Attachment 3: FAQs Regarding Boards of Joint Control)

**Mike R:** The landowners have been active in meeting with Mark Peterson learning more/discussing the pros and cons of having a Board of Joint Control.

**Karin Whitehall:** The biggest advantage of a Board of Joint Control is to provide the ability to move water rights around in the Entiat Basin. It seems like a good option. We are in the fact finding stage to see if it will work in the Entiat. We also discussed a way to propose the idea to the County Commissioners in an agreeable way to have local control regarding water rights decisions.

**Mike R:** Mark Peterson put together a list of pros and cons.

**Mark Peterson:** Mike Kaputa asked me to put together a list of pros and cons. It is in the format of “Most asked Questions and Answers.”

Some of the disadvantages are the wording. The Department of Ecology (DOE) needs a process that works for all. The irrigation district has the right to move water rights within the service area. They are in a position to fix problems as they arise. The Board of Joint Control takes it a little further. It is a good fit for the Entiat, and gives voice to the major stakeholders. A Board of Joint Control is more efficient as there are not as many layers to go through before an application is processed.

The Board of Joint Control remains in control of the decisions. They still have to go through a process to make sure nothing adverse happens to other water rights. If permission is granted, the landowner still has a responsibility to take care of it. If something goes wrong, it is still the landowner’s problem.

I tried to give a short explanation for each of the questions on the FAQ sheet. The County consented to the Stemilt request to form a local Board of Joint Control. Stemilt worked to get Malaga water rights compliant with the statutes. The Stemilt Board of Joint Control has worked out well. Two irrigation districts joined the same Board of Joint Control, which also worked out well for both districts. The Board of Joint Control has done the work expected of them and they have not resulted in a lot of litigation. I hope the County and other members will find a palatable solution.

The real problem is the high cost of the transactions. Part of the consideration of a water right change is guessing what will happen to it twenty years in the future. The cost for decisions by the Board of Joint Control is less, and you don’t have to plan so far into the future. A water right change with the Board of Joint Control could cost from \$5,000 - \$10,000. Water process management can be done for smaller projects and folks who don’t have deep pockets.

To start forming an Entiat Board of Joint Control, you will need to have a watershed plan, a list of the stakeholders, a history flow analysis, and a good background to make water change decisions.

**Jim Small:** What are DOE's thoughts about this type of water arrangement?

**Dave Holland:** I'm not that familiar with the arrangement. I'd have to go back and look at legislation. As long as it's legal it should be ok. Legislature has cut DOE funding, so it is hard to get applications processed. My goal is to get the applications processed and off of the table. We encourage use of the Conservancy Board to make changes because that's the only way it can be done in a timely way right now.

**Mark P:** The DOE benefits not having to have the responsibility of Board of Joint Control decisions. When the Board of Joint Control makes the decision, if an appeal is made, the one on the hook is the applicant. Practical reality is Conservancy has never been sued. It is very doable. The Board of Joint Control was tailored to the Yakima Basin. The Yakima Basin has many different interconnected organizations, so forming a Board of Joint Control was a good move for them. The Walla Walla district has a different statute and a different plan with DOE. I'm very pleased that DOE didn't decide to litigate the Board of Joint Control. Malaga did a good job in making a plan. They did a lot of consulting and discussion with DOE so they understood what was going on.

**Dave H:** Who did you work with at DOE?

**Mark P:** Mike Dunbar was the point of contact. The consultation relationship is DOE providing information to the Board of Joint Control.

**Dave H:** Part of my job is watershed programs and the other part is water resources. One reason I'm here is to offer my availability and understand what Entiat wants to do. I want to work, explain, and get water rights processed. The limitations will be the legal aspect and the funding.

**Mark P:** The Board of Joint Control would take a load off of your shoulders. They do not have a notice requirement. SEPA consultation is typically two weeks on a two page document, as opposed to a year with a 45 day waiting period between notices.

**Dave H:** I want to see things move here. You've done a lot of work to do things right.

**Jim S:** It helps to see your attitude to make things work.

**Dave H:** If there is a more efficient way to do it, let's do it.

**Mike R:** The advantages are the reserve flow and the outstanding applications still out there. Who are the main players?

**Mark P:** The main players would include an irrigation district, a municipal power like the City of Entiat, and have jurisdictional boundaries like the County is a jurisdictional boundary. A private water association could qualify. A proposed member of the Board of Joint Control needs to agree to be the proposed member. Prepare an interlocal agreement between the Board of Joint Control members as to how they will run the

board, how the members will work together and responsibilities of each member; in general have a business plan. Make a petition to form a Board of Joint Control, and go from there.

**Karin W:** What is the meaning of ‘municipal member’?

**Mark P:** The board member should ideally be a stakeholder in the water availability. Make sure the plan is consistent with county and city zoning.

**Karin W:** I want to back up to the comment of “2 page document.” More likely, the file would include history and information needed to make a good decision.

**Mark P:** If it is a complicated change, there will be more documents. A strong desire to create a paper trail and know what happened. Trails are left for folks coming later on so they have a history of what has happened, what decisions were made, what were the effects on the water and the landowner. DOE has a high turnover in employment, so the new person coming into the job will not have the basic knowledge of how things are working. So DOE has a bigger document tracking process.

**Jim S:** Could you explain a little further?

**Mark P:** The Planning Unit creates the context, and the Board of Joint Control would enter into a consultation process with and notify the Planning Unit what has been asked. The Board of Joint Control would reach out to the authoritative groups and share information.

**Jim S:** It would be a nightmare to develop the science for water in the valley and then have the Board of Joint Control not involve and include the Planning Unit.

**Mark P:** The advantage of the Board of Joint Control is involving major stakeholders, members would have many voices to share knowledge.

**Mike R:** Thank you, Mark, for leading the discussion and providing information for the group. I anticipate another Landowner Steering Committee meeting to have this discussion in the near future.

**Jim S:** I have not read the FAQ sheet yet, and maybe it answers my question. It looks like we are starting the process over with many meetings. It would help to have an outline of action steps to know how the process works, and what is needed.

**Mark P:** We are at the action step of getting particulars and the phase of who would serve as members.

**Jim S:** You are saying we need a tentative board, know who are the entities that should be on that board, and they would go through the process and figure that all out. We need

something a little different than that. We need an understanding of how the legal way to go about setting this up. It is not clear to me how to set it up.

**Mark P:** That is why Mike asked me to provide a FAQ sheet, to address these questions. This process is fairly new, and I hope the FAQ sheet helps to answer some of the questions. It would be good to approach the Entiat folks to see if they are interested.

**Jim S:** The City of Entiat and the Irrigation District are involved with the EWPU. They will want to see what we are getting into before making the decision.

**Mike R:** My hope is to approach the City of Entiat and see if there is an interest. It sounds like there is a need to discuss this further. Can you put a sheet together to explain the steps to form a Board of Joint Control?

**Mark P:** I need some interest from the tentative board before I can do much more. I can show you the interlocal agreements from the Stemilt Board of Joint Control.

**Mike R:** It is time to move to the next agenda item.

#### **Entiat Landowner Steering Committee Update**

- **Chelan-Douglas Land Trust Discussion – resale of upland portion of CDLT properties in the Entiat**

*(Attachment 4: CDLT Power point presentation)*

**Decision Point:** Is there any objection to support the CDLT's plan to sell the upland portion of property they own in the Entiat River?

**Mickey Fleming:** I attended the January EWPU meeting to present this proposal, but there wasn't a projector to show you the maps of the upland areas. I wasn't able to come to the April meeting. It is important to show you the maps of the proposed lands for sale.

*(Mickey started the power point presentation.)*

To provide a little background of what has happened in the past, the Land Trust acquired parcels designated for salmon recovery habitat. Reduction of taxes was requested for two of the parcels. We are sensitive to landowners and tax eligibility, and the rest of the parcels were left as is. The Land Trust is paying taxes for them.

Some acquisitions have an upland area, separated from the river by the road. The upland areas are not necessary to the salmon habitat recovery. The Land Trust has been talking with the Salmon Recovery Funding Board (SRFB) about putting the upland portions back into the market. The SRFB process would convert the land back for homesite purposes. We also talked with the Upper Columbia Salmon Recovery Board. They would like to do this on a planned basis, planning it with the EWPU. The upland portions could be sold, the funds deposited with a title insurance company for replacement property,

identify high habitat value property, and get approval through the SRFB amendment process.

**Doug England:** Is there a way to put a dollar amount on that? Part of the reason folks sold is they thought the land was of little value.

**Mickey F:** The Land Trust would appraise the land before selling. Each of the parcels was prepared as a homesite. Each parcel has a well on the property. The landowners' reason for selling was a little different. We would be selling the more valuable piece of property because the part we keep has no bridge access to the other side of the river.

The advantages are that the upland areas have a higher dollar value and lesser fish value. The land would be returned for potential ownership by individuals. There would be an increased taxable value by removal of the salmon recovery deed restriction. The upland areas have existing wells and power. There would be increased funds for the Salmon Recovery with the net proceeds from the sale. The sale would provide attractive home sites with Chelan-Douglas Land Trust conservation and public access property across the road.

**Jim S:** Since this was paid for with tax payer money, why couldn't the money be given back to the salmon recovery?

**Mickey F:** They are not allowed to take money back. They would get property of equal value to do other projects. Some positive aspects can be seen at Stormy Creek with the informational sign, public parking, an outhouse, and public access. Volunteer activities are planned and implemented to keep the lands cleaned up. The down side is the SRFB policy requires that sold property be replaced with property of equal dollar and fish value.

**Hal H:** If there is no fish value, how do you figure what the fish value is?

**Mickey F:** That is what I asked. They said this won't be a problem. The potential misunderstandings and concerns about the sale of the property are the property could be viewed as competing with private sellers. The CDLT ownership is secure and permanent versus the risk of the unknowns.

**Hal H:** Could you list it with a realtor?

**Mickey F:** Yes, we could. We do acquisitions, but we don't do property sales. We don't have staff time and expertise to do that. This is our goal to protect high quality habitat. It would be more efficient use of money to sell unneeded property.

**Mike R:** It appears to be a good means to secure high value fish habitat property.

**Hal H:** What if you add a piece of land a far flung distance from the river with no bridge access, can a person purchase that property?

**Mickey F:** Everything we have is close to the river. We have a six acre parcel below Tyee, about road mile 19.

**Doug E:** I can assure you that the commissioners would be in support of it.

**Mike R:** Are there any further questions from the EWPU members? Does the EWPU have any objection for Chelan-Douglas Land Trust (CDLT) to sell the upland parcels?

**Decision Point Answer:** *Hearing no objections, the EWPU supports the CDLT proposal to sell upland portions of property in the Entiat Valley.*

**Mickey F:** Is it possible to have a letter drafted on behalf of the Planning Unit to give to the Recreation and Conservation Office (RCO)?

**Mike R:** Yes, I can write a letter of support on behalf of the Planning Unit.

**Doug E:** I can write a letter of support if you need it.

### **Habitat**

- **2014 Project Planning Update**

**Mike R:** Mike Cushman will bring a high level update on the 2014 projects. We hope to bring design pictures to the October Planning Unit meeting.

**Mike Cushman:** Most folks know the lower projects are from the Fish Hatchery to the mouth of the river. I'm not sure where everyone is at with the plans. We'll start from the bottom and work up to the Fish Hatchery.

From the Keystone Bridge up to Bill Small's will be instream boulders and side channel work.

**Jim S:** Do you have access agreements with those people yet?

**Mike C:** That is why we are working through the design plans, dependent on agreements understood and drafted. We will have this in place for the permits in September.

**Jim S:** It would be good to put access agreements at the top of the list. The property has changed hands, and some have also changed management.

**Mike C:** The Milne property including the Asher property is a Yakama Nation project with logs imbedded into the banks. Up from there is a County project on Harrison's side channel. There will be some instream components to direct the water into the channel. The next project is up from the Harrison - and is from Alan Moen's down to the Gollaher Farm property. There are five landowners with related projects, with a lot of details to cover yet. We want to add water to the channel.

The next project is at the Fish Hatchery with a split flow for a potential engineered log jam to protect the island and continue to maintain the flow into the side channel. There are a few log and boulder clusters planned in that project.

The PUD is decommissioning their project. For 2014, the construction season will be a potential for the Salmon Recovery Funding Board (SRFB) round to get water to the folks in need of water. We should have a slide show presentation to show you in October. There will be slide show and food at different booths.

**Mike R:** There will be a formal presentation at the October meeting, and we will share some information at the River Appreciation Day. Then again, in the spring, we will have another presentation to show folks what the projects will look like and where they are located.

**Jim S:** Could we have Alan Moen provide the food for the Appreciation Day?

**Karin W:** The Gollaher Ditch washes out the county road.

**Mike C:** The Gains Ditch?

**Karin W:** I have pictures, both wash out the county road.

- **2012 Project Monitoring Update**

**Mike R:** Are there any other comments? We wanted to include the 2012 project report. We continue to monitor the structures, particularly after a high flow, to see how the structures fair. The side channels are getting fish. We recognize the need to monitor the structures, and we are doing that.

**Mickey F:** Were you coordinating the monitoring and reporting the information to the landowners?

**Mike R:** We want to provide some high level information to the landowners as to what is happening in the river since the structures have been built.

**Mickey F:** Any information you can provide would be appreciated.

### **Outreach Efforts**

**Mike R:** The Yakama Nation had pictures to share, but Chris was not able to attend the meeting today. He will bring them to the October meeting.

- **Entiat River Appreciation Day, August 3<sup>rd</sup>**

August 3 is Appreciation Day, starting at 9:00 a.m. There will be a BBQ at noon with project details to explain about the 2014 projects coming. This is a fun event that builds

community involvement and clean up. There will be more information in the advertisement and email coming soon. It is not quite a work day, but a little work is involved. Are there any questions, comments, or concerns?

- **Informational Signs Update**

The Yakama Nation indicated they would need a bit more time yet before discussing this with the planning unit.

**Meeting Close-out, Evaluation and Adjournment**

**Mike R:** Are there any other discussion items for the October meeting? The next Planning Unit meeting is on October 2, 2013 at 9:00 a.m., at the Entiat Grange Hall.

**Mike R:** I encourage you to sign the ‘sign-in’ sheet before you leave, if you haven’t already done so, and to fill out an evaluation sheet. Thank you for your attendance! See you on October 2, if not before.

The meeting adjourned at 11:05 a.m.

**List of Attachments**

<b><u>Attachment</u></b>	<b><u>Contents</u></b>
1	Attendance List
2	July 2013 Agenda
3	FAQ’s Regarding Boards of Joint Control
4	CDLT – Maps of Upland Property for Sale (Power Point)