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RECORD OF THE PROCEEDINGS

OKANOGAN COUNTY

MAY 23, 2023

9:00 AM Review Meeting Minutes May 8- 9 May 15-16, 2023
9:15 AM Public Comment Period
10:00 AM Commissioner’s to set Wednesday’s Agenda
11:00 AM Public Hearing-Utility Franchise Colville Confederated Tribes-IT Dept.
11:15 AM Update- Public Works- Engineer Josh Thomson
1:30 PM Discussion-Grizzly Bear Restoration Draft EIS- National Park Service
2:30 PM Discussion-Superior Court Staffing Update-Dennis Rabidou
3:00 PM Approve Commissioner Proceedings, May 8 – 9, May 15-16, 2023
3:10 PM Consent Agendas

The Okanogan County Board of Commissioners met for a regular meeting at 123 5th Avenue North, Okanogan, Washington on May 23, 2023 with; Vice-Chairman, Commissioner Andy Hover; Member, Commissioner Jon Neal; and the Clerk of the Board, Laleña Johns, present.

Chairman, Commissioner Chris Branch was absent attending the North Central WA Forest Health Collaborative 10th Anniversary Celebration.

AV Capture and Zoom provided audio and video accessibility for public interaction.

Commissioner Hover arrived at 9:23 a.m. due to road maintenance.

Review Meeting Minutes May 8- 9 May 15-16, 2023

Commissioners were provided their meeting minutes for review and edits.

Motion May 8-9, 2023 Proceedings

Commissioner Neal moved to approve the May 8-9, 2023 meeting minutes. Motion was seconded, all were in favor, motion carried.

Public Comment Period

Ruth Hall, member of the public commented on the Okanogan River which is very full and the Columbia river is very low and asked why she can see sand bars in the channel. Commissioner Hover stated the mouth of the Methow River is getting dredged to open it up for better flow.

Commissioner’s to set Wednesday’s Agenda

No meetings were needed on Wednesday.

Motion - Voucher Approval - Commissioners

Vouchers certified and audited by the Auditing Officer as required by RCW 42.24.080 and those expense reimbursement claims certified as required by RCW 42.24.090 have been recorded on a list, and made available to the Board. As of this date, the Board did vote, by unanimous vote, to approve the regular vouchers in the amount of \$104,205.53. Warrant numbers as cited on the attached blanket voucher list. Motion seconded and carried.

53 **Consent Agenda**

54 Commissioner Neal moved to approve the consent agenda items as presented. Motion was
55 seconded, all were in favor, motion carried.

- 56
- 57 1. Re-appointment Letter-Okanogan County Fair Advisory Committee-Wanda McFarland
 - 58 2. Re-appointment Letter-Okanogan County Fair Advisory Committee-Charlayne Knapp
 - 59 3. Re-appointment Letter-Okanogan County Fair Advisory Committee-Rick Hamilton
 - 60 4. ARPA Fund Request #3 Equipment- Community Action Council
 - 61 5. Special Occasion Liquor License-The Blues Ranch July 21,22, 23, 2023-Arthur Allen
 - 62 6. Local Agency Agreement Supplement #2-Twisp River Rd Bridge Deck Repair-WA State DOT
 - 63 7. Award Recommendation- CRP No.9114-06 Twisp River Rd, Bridge Deck Repair- Razz Construction, Inc.
 - 64 8. Contract Renewal Originally Signed April 25th 2023 by BOCC for DNR Communications Site Lease #52-
65 C69395

66

67 **Public Hearing-Utility Franchise Colville Confederated Tribes-IT Dept. PW Ms. Stansbury**

68 Commissioner Hover opened up the hearing. Ms. Stansbury gave her staff report stating this is a
69 renewal for two separate agreements both for fiber on the roads listed. The applicant is Colville
70 Confederated Tribe NoaNet Fiber Optic Line Franchise No. U01-23. She said the applicant is
71 currently not prepared to approve the agreement and is still reviewing the county's language
72 regarding jurisdiction. Public Comment was not opened due to the hearing continuation.

73

74 **Motion Continued Public Hearing**

75 Commissioner Neal moved to continue the public hearing to June 20, 2023 at 11:00 a.m. for Utility
76 Franchise Colville Confederated Tribes-IT Department to give time for the tribe to return the signed
77 agreement. Motion was seconded, all were in favor, motion carried.

78

79 **Update- Public Works- Engineer Josh Thomson**

80 *Maintenance and road conditions Bonaparte Creek Rd* Engineer Thomson provided an
81 update on this road condition. There is an alluvial fan affecting the repair schedule. He
82 discussed the plan to address over time.

83

84 *Cecile Creek Rd:* This is a much larger fix but the department did get started on this repair
85 this week. A new culvert is being installed with the hope an 8-foot culvert will accommodate
86 any debris that comes down. There is no money available for catastrophic events that cause
87 damages. Commissioner Hover asked if there was money for creeks involved that are fish
88 bearing. No, replied Engineer Thomson, but discussing with Emergency Management to
89 confirm available funds. An overflow culvert is planned for a temporary fix.

90

91 *Wolf Creek Rd* Things have slowed down with little more runoff.
92 *Owhi Lake Rd* No more information was received about impacts. If we do anything he doesn't
93 want to cause issues.

94

95 *Methow Community Trail at Goat Creek* Engineer Thomson met with Methow Trails at the
96 crossing and it is a mess. They discussed possible solutions. Commissioner Hover received
97 a request from James DeSalvo to meet and discuss.

98

99 *Tawlks Foster Access bridge* was discussed. Methow Trails applied for LTAC funds
100 (\$100,000) to spend on the repairs. Engineer Thomson said it did not look like it would require
101 all of that. Commissioner Hover will discuss with Mr. DeSalvo. It was unclear who owns Lower

102 *Goat Creek bridge.* The County doesn't own all or have all easements for all portions of the
103 Methow Trails.

104

105 *Construction projects*

106 Old 97 project is going slow, but do want to pave sooner than scheduled sometime in June.

107

108 Pouring footings for the Tonasket Shop, but not in Winthrop.

109

110 *Federal Funds Exchange* There is money identified in DOT budget for federal exchange at
111 the 95% rate for state funds. We have projects obligated until 2026 after the trial period and
112 so we cannot take advantage of it. Engineer Thomson explained how it works and the timeline
113 involved in the allocations to projects.

114

115 *Consent agenda: Local Agency Agreement Supplement #2-Twisp River Rd Bridge Deck*
116 *Repair Award Twisp River Bridge Deck Repair Project*

117

118 Engineer Thomson asked if the board had any questions about the items listed on the consent
119 agenda. The board had no questions.

120

121 **Countywide Burn Restriction Resolution**

122 Emergency Manager provided a draft of the resolution for countywide burn restriction that
123 would begin June 15, 2023 until October 15, 2023. He explained changes from last year's
124 resolution.

125

126 **Motion Countywide Burn Restriction Resolution 61-2023**

127 Commissioner Neal moved to approve resolution 61-2023 establishing a burn restriction
128 within Okanogan County and authorizing Emergency Management to publish. Motion was
129 seconded, all were in favor, motion carried.

130

131 The Clerk of the Board explained she received invoices from OBHC for the county's millage
132 funds. These funds include Mental Health, Developmental Disabilities, and Alcohol and Drug
133 Abuse funds. The invoices are for more than what the county budgeted. Commissioners
134 discussed the funds and provided direction to the Clerk of the Board.

135

136 **Discussion-Grizzly Bear Restoration Draft EIS- National Park Service**

137 Via Zoom: Mr. Brad Thompson, State Supervisor Washington Fish and Wildlife Office U.S. Fish and
138 Wildlife Service; Andrew LaValle, US Fish & Wildlife Service; Ann Froschauer, State Supervisor
139 Ecological Service program, and Member of the Public Karen Harris

140

141 Ferry County Commissioner Michael Heath was present.

142

143 Commissioner Hover welcomed the group from Fish and Wildlife service.

144

145 Mr. LaValle started out by sharing his screen to present an update on the Grizzly Bear
146 Reintroduction Environmental Impact Statement overview, and the 10(J) Rule, timeline and next
147 steps regarding Grizzly Bears. Mr. LaValle explained the map details and recovery zones with the
148 North Cascades recovery zone being one of them. It covers 13,500 square miles. Canada is also
149 looking at translocation into their ecosystems. 3-7 bears would be captured and released in North
150 Cascade Ecosystem each year over 5-10 years.

151 He said the North Cascades Recovery Zone management responsibility is 80% federal, 7% state,
152 1% local and 3% private.

153
154 Mr. LaValle presented a map with population status showing no current viable grizzly populations
155 in the North Cascades Ecosystem (NCE). He explained the history of the bear and said bears were
156 killed by humans not due to habitat loss.

157
158 He discussed the new EIS process to evaluate several approaches the Park Service is looking at.
159 November 14, 2022 was the start of the scoping period. Consideration of a simultaneous rulemaking
160 process for a 10(j)-rule designation. The National Park Service (NPS) and US Fish and Wildlife
161 Service are joint lead agencies with WDFW as a cooperating agency. The purpose of the EIS is to
162 determine how to restore the grizzly bear populations to North Cascades ecosystem, to contribute
163 to restoration and biodiversity of the ecosystem. After 25 bears is reached distribution adjustments
164 will be made to improve reproductive success with a 200-bear population target within a 60-100-
165 year population goal.

166
167 They are looking at alternatives for focusing in on elements common to all. The action alternatives
168 were discussed and include capture, transport and release, enhanced public education and
169 outreach, and guidelines for management of human conflicts.

170
171 Mr. LaValle explained this is an experimental population designation and it is a unique opportunity.
172 This is a simultaneous rule making process specifically to address stakeholder concerns while
173 providing for conservation developed in collaboration with the stakeholders. This expanded rule
174 was not available to other areas. Examples of the 10 (j) rule designations included black footed
175 ferret, bull trout, whooping crane, and wood bison and recently the grey wolf. He discussed what
176 we could expect with the management tools under that rule and what those include.

177
178 Mr. LaValle explained the timeline for the translocation with spring 2024 NPS/FWS Record of
179 Decision. The public comment period is this summer of 2023 on the proposed 10 (j) rule with a
180 comment period for joint meetings inviting the public to comment.

181
182 Commissioner Hover asked about the continental divide and asked if bears existed prior to 1965
183 when they were listed. Why are they not moving down from those three portions above in Cabinet
184 Yak? Ann said they would need more information about that. Commissioner Hover commented on
185 the generation of the alternatives. If BC is going to moving bears at some point along our northern
186 border are there other alternatives other than the 10 (j) rule? The decision must include active
187 restoration and translocation of bears, said LaValle. Ann said legal advice would be needed to
188 answer in detail, and she will double check. Commissioner Neal's concern is that the territory with
189 50 bears may not be enough to alleviate conflict. How do we keep them contained and where do
190 they get moved from? Ann replied one distinction on the range in territory is that it is highly
191 overlapping and we could be in a situation where bears are moving in and out of the hatched
192 ecosystems. This will be included in the 10 (j) rule management tools once they begin moving
193 outside of their area. Tools used by our neighbors to the east are being contemplated in the
194 alternatives giving flexibility in the rules. Commissioner Hover appreciated that, he said a letter
195 requesting joint cooperation on this issue is being signed by Okanogan, Chelan, Skagit, and
196 Whatcom counties. When drafting the rule when will border counties have direct consultation on
197 important things to be included in the rule. LaValle said yes, they will talk about what is in the
198 document. Commissioner Hover said his district is fully contained in this ecosystem and the
199 possibility of conflict is heightened due to proximity to the park and the terrain in the NCE is different
200 than that in the Rockies and is more rugged. Seeing the number of black bears moving out of those
201 rugged areas as summer progresses he wonders if the bigger bears are going to do that too. When

202 talking about the rules he wonders if there would be different rules in the park compared to lowlands
203 of the Methow valley. He is hopeful we can adaptively say up there they are okay but down here
204 makes a different rule that would apply. Brad Thompson said yes, that is why they want to work
205 with the counties to identify concerns that need to be addressed in the expanding tools in parts of
206 the NCE when bears are more likely to come in conflict with humans. The 10 (j) rule is really flexible.
207 They have gathered information from various stakeholders that they will be addressing in the rule.
208 Commissioner Hover said highway 97 runs through Okanogan County and is the western border
209 for the wolves. Ann said yes, that was a 10 (j) rule regarding population for wolves and certainly
210 something they are thinking about for this 10 (j) rule and the expansive consideration of where the
211 bears could go in the future. The wolves expanded more quickly and farther than expected and so
212 that will be considered. Commissioner Michael Heath of Ferry County asked if the bear left the area
213 then what would happen? The northern part is grizzly habitat area or eventually will be. If they move
214 outside the 10 (j) boundary they would be assumed threatened. The NCE would include a more
215 expansive boundary looking at a boundary that encompasses additional boundary for those moving
216 out of it. Commissioner Hover said boundary of Washington state would be better than one side of
217 the road versus another side of the road. Commissioner Heath said Ferry County is right under the
218 Canadian border where they will be traveling and the white spot between NCE territory and the
219 other, he expects it will get filled in. Ann said with the 10 (j) rule they have to have a buffer and
220 cannot abut existing populations like the Selkirk's. Exclude the area around the Selkirk's in order to
221 not mix those bears with the NCE bears so they do not impact existing bears. Carve out of the 10
222 (j) boundary to meet the requirement. Commissioner Hover said if an action alternative is decided
223 upon will the bears be collared. Yes, eventually down the road it won't be possible but at first yes.
224 Commissioner Heath asked about the experimental population when do they decide and look at the
225 number to determine if it doesn't work or succeed that triggers transplantation of more bears and
226 where is the cap on that? He sees the Woodland Caribou in the Selkirk's and where does it get
227 capped. If all 5-6 bears are not staying in their habitat and come down that is adaptive management
228 and hopes there is forethought about bears that keep having to moved when do they decide it is
229 not working. Commissioner Heath said habitat in November isn't great and bears move down to
230 water near cities or near Tonasket Oroville areas and what happens then when they cruise creeks
231 with salmon and food sources near humans. Adjustments need to be made as they learn, but for
232 us what can we tell our citizens when some things are not thought about. He really pushed FW to
233 think about those things.

234
235 Ann replied that bears have been moved into the Cabinets and so they have a good sense of what
236 the bears are doing in that ecosystem but they do not know what they will do in the NCE. The 10 (j)
237 rule will allow flexibility as they learn and apply that to what they do know. Where bears may go on
238 the landscape is still unknown. Find bears with similar food economies and sources and target those
239 populations for transport. With the unanticipated things they want to make sure they have the
240 maximum flexibility. Adaptive phase intention is to put in 25 bears and then monitor that population
241 if one gets hit by a car or has genetic issues they want the flexibility to replace with another bear.
242 Gathering the experimental population data is part of writing the rules and forming the decisions
243 moving forward.

244
245 Brad Thompson said 10 (j) rule includes experimentation. If it is finalized its a jurisdiction overlay
246 and that is the experimental part and it will stay until a future rule is decided upon to disband it. It
247 provides the potential management rules that would not otherwise exist. The experiment with or
248 without the overlay might include establish natural recruitment could bring the numbers up, but it is
249 not the term they use that is tied to the sub rule of translocation.

250
251 Commissioner Hover said after the initial population of 25 bears has been reach the adaptive
252 management phase would allow additional bears to be released in to the ecosystem over time to

253 address mortality, population, and demographic trends. In the public's eye what does that mean?
254 Will 100 get dropped in because they didn't say exactly how many? They say one number and then
255 don't say the other. LaValle said the number would be determined due to certain circumstances.
256 Commissioner Hover asked if the replacement is related to the initial population. Is replacement
257 then opened up to other trends. Commissioner Heath said it would be more helpful to say it isn't a
258 blank check. Commissioner Hover said the last EIS said 25-250 and that was a huge number but
259 there should be a goal for the experiment and a number that establishes when enough is enough.
260 Commissioner Neal said not to exceed a number and some sort of cap. Mr. Thompson explained
261 they do have a lot of perspectives through the process and actively looking for ways to communicate
262 to the public and commissioners' points are very helpful. He shared the proposed action idea is a
263 proposed action to get some population of bears to congregate and they know it was attempted
264 from the Cabinet Yak and they've learned from that. Animals do things that are not according to the
265 game plan and ran back to where they were originally brought from. The idea is to try and establish
266 the initial set of translocated bears to like each other. It is found too genetically close that is a grey
267 area and the minimum numbers may be considered. The initial set of bears moving to places in the
268 valley where people are and looking at populations in Yellowstone to determine and address that.
269

270 Commissioner Neal asked bringing Yellowstone bears in that are problem bears there into our area
271 and will those be our problem? Ann said they are looking at wild bears that have little to no contact
272 with humans. Mr. Thompson said the best bears are in British Columbia and they are looking for
273 younger bears looking to establish their range and haven't had much contact and young enough
274 they live long enough to produce one or more times. Commissioner Hover asked if that is part of
275 the rule to not take problem bears. Mr. Thompson said they will make that abundantly clear in the
276 rule say they are not taking problem bears for translocation. Commissioner Hover asked that they
277 come back and discuss what the rule will look like once it is drafted. They said yes, they would.
278

279 **Discussion-Superior Court Staffing Update-Dennis Rabidou**

280 Judge Rawson

281
282 Mr. Rabidou explained Superior Court staffing issues and what that office is currently facing with
283 recruitment. Recruitment for the interpreter position has been ongoing for over a year with little luck,
284 Raul is looking at retiring in July unless we can keep him. The proposal today would address both
285 those issues and keep Raul one more year. He hopes the commissioners support their conservative
286 proposal for 2024. Mr. Rabidou provided the proposal to the commissioners but not the Clerk of the
287 Board. Mr. Rabidou stated he discussed the proposal with HR. The proposal was to hire a new
288 interpreter a higher wage and pay the senior interpreter more to stay longer and move the position
289 to grade 27 essentially \$3 more per hour, plus provide a bonus to Raul to stay. The commissioners
290 discussed the numbers. Commissioner Hover said bonuses are irregular in county government and
291 could be problematic. Mr. Rabidou proposed an \$8,000 bonus. As long as the position of Bailiff isn't
292 filled for 3-months there is no budget impact. They received \$38,000 back from?? Where did the
293 idea of a bonus come from? Mr. Rabidou said he was looking at the Sheriff's Office bonuses and
294 thought his idea was conservative and it would keep Raul until next year. He said there is a high
295 standard for state certification. Keeping Raul onboard it would make the test conditional and reclass
296 those that pass before next year. Mr. Rabidou said this would be a retention bonus for an employee
297 who would otherwise move on and they need an interpreter. He said bonuses are very subjective
298 and he wants to make sure we get another interpreter at that rate. Additional he asked the
299 commissioners to look at reclassifying Raul at the high end of grade 27 at step 5. If a new hire
300 comes in are they going to be happy at grade 27 when the state is paying \$50 per hour? Mr. Rabidou
301 said yes, budget negotiations will include data from statewide survey they will discuss later. This
302 addresses the critical clogs they are faced with now. The \$8000 retention bonus would fix it. Judge
303 Rawson said there were only inquiries about the job posting but no one serious. Commissioner

304 Hover asked them to work with Cari Hall on the bonus because those are irregular. If there is an
305 issue with that then commissioners may consider a higher grade. Mr. Rabidou asked how is the
306 county dealing with the Sheriff's retention bonuses and how is that different? The position could be
307 bumped up to pay what it is worth rather than paying a bonus, said commissioner Hover. He is not
308 opposed to changing wages according to what is going on.

309
310 Recruitment bonuses are helping with other recruitments but still not fully staffed. Getting ready to
311 lose their Bailiff. Judge Rawson explained difficulties with that.

312
313 **Motion Letter to State Auditor**
314 Commissioner Neal moved to authorize the Chairman to sign the letter to the State Auditor
315 regarding the County's accountability audit of compliance for fiscal years ended December 31, 2022
316 and 2021. Motion was seconded, all were in favor, motion carried.

317
318 The board adjourned at 2:48 p.m.
319