



BOARD of CLALLAM COUNTY COMMISSIONERS

MINUTES for the week of August 21 – 25, 2023

10

AUG 29 2023

WORK SESSION – 9 a.m.

The work session convened at 9 a.m., Monday, August 21, 2023. Present were Commissioners Ozias and Johnson and French, and Administrator Sill. Administrator Mielke was excused.

Items of discussion per the agenda published August 17 were:

- Calendar/Correspondence
- Call for hearing to be held on Tuesday September 12, 2023 regarding amending Clallam County Code chapter 5.100 Consolidated Fee Schedule – Records Fees Schedule 110-A
- Resolution appointing Jasmine Grenot and Roberta Stoneman to the Developmental Disability Advisory Committee
- Call for bids to be received no later than Tuesday, October 3, 2023 at 10 a.m. regarding Lake Pleasant Piling Replacement Project
- Grant agreement with Olympic Peninsula Visitor Bureau for Tourism Enhancement Grant for fair marketing and advertising
- Grant agreement with State Parks and Recreation Commission for Camp David Jr. canoes and aquatic safety at camp
- Agreement with Department of Commerce for Secure Crisis Residential Center
- Agreement with Administrative Office of the Courts for support of CASA Volunteer Guardian Ad Litem Program
- Agreement with Administrative Office of the Courts for BECCA Programs and Services
- Agreement with Department of Children, Youth and Families for evidence-based expansion coordinates services
- Agreement with Department of Children, Youth and Families for At-Risk, Special Sex Offender Disposition Alternative, and Chemical Dependency Block Grant Programs
- Call for hearing to be held no later than Tuesday, September 12, 2023 at 10:30 a.m. regarding a proposed ordinance title Signs
- Clallam County Hearing Examiner status report
- Resolution authorizing the temporary closure of Sekiu River Road – No. 17810
- Agreement with Clallam County PUD for Broadband Infrastructure Improvements Project
- Discussion regarding WaterSMART grant for Dungeness Off-Channel Reservoir Project

Meeting concluded at 11:01 a.m.

REGULAR MEETING OF THE BOARD OF CLALLAM COUNTY COMMISSIONERS

Chair Ozias called the meeting to order at 10 a.m., Tuesday, August 22, 2023. Also present were Commissioners Johnson and French and Administrator Sill. Administrator Mielke was excused.

REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA

Added:

3b Bid opening – Lower Dungeness River Levee Slope Repair Project

ACTION TAKEN: CRJm to adopt the agenda as modified, CMFs, mc

CONSENT AGENDA

1a Approval of vouchers for the week of August 14

1b Approval of payroll for the period ending July 31

1c Approval of special payroll for the period ending August 15

1d Approval of minutes for the week of August 14

ACTION TAKEN: CRJm to adopt the consent agenda as presented, CMFs, mc

BOARD of CLALLAM COUNTY COMMISSIONERS
MINUTES for the week of August 21 – 25, 2023
Page 2

REPORTS AND PRESENTATIONS

- CRJ recognized Idona Baumann for over 39 years of service to Clallam County
 - Sheriff King recognized Baumann for her service to Clallam County
 - Baumann thanked Clallam County
- CMF commented on Clallam Bay Sekiu Sewer Advisory Committee, Fentanyl Roundtable, Recompete, Clallam County Fair
- CRJ commented on Hurricane Ridge closure, Veterans
- CMO commented on Legislative Steering Committee, Clallam County Fair

CONTRACTS AND AGREEMENTS

2a Agreement with Administrative Office of the Courts for Blake decision

ACTION TAKEN: CRJm to approve, CMFs, mc

2b Agreement with Administrative Office of the Courts for Family and Juvenile Court Improvement Plan

ACTION TAKEN: CRJm to approve, CMFs, mc

2c Agreement with LexisNexis for Desk Officer Reporting System

ACTION TAKEN: CRJm to approve, CMFs, mc

2d Agreement amendment 5 with Norpoint Protective Services for Courthouse Security Services

ACTION TAKEN: CRJm to approve, CMFs, mc

2e Agreement with Department of Ecology for Solid Waste - Moderate risk waste activity

ACTION TAKEN: CRJm to approve, CMFs, mc

2f Agreement with Department of Ecology for Solid Waste – Enforcement activities

ACTION TAKEN: CRJm to approve, CMFs, mc

2g Agreement amendment 13 with Department of Health for on-site implementation, shellfish, immunizations, prevention overdose, Group A water systems, OSS and WIC programs

ACTION TAKEN: CRJm to approve, CMFs, mc

2h Agreement with North Olympic Land Trust for Frederick Johns and Helle Andersen - No Goat Farm Conservation Futures Program Project

ACTION TAKEN: CRJm to approve, CMFs, mc

2i Agreement and applicant resolution authorization for North Olympic Lead Entity for Salmon

ACTION TAKEN: CRJm to approve, CMFs, mc

2j Agreement with Department of Ecology for Solid Waste Management

ACTION TAKEN: CRJm to approve, CMFs, mc

BIDS AND AWARDS

3a Bid award – to Bruch and Bruch for Downtown Sekiu Sewer Main Replacement Project

ACTION TAKEN: CRJm to approve and authorize the Chair to sign the contract once received, CMFs, mc

**BOARD of CLALLAM COUNTY COMMISSIONERS
MINUTES for the week of August 21 – 25, 2023
Page 3**

3b Bid opening – Lower Dungeness River Levee Slope Repair Project

<u>CONTRACTOR</u>	<u>AMOUNT</u>
Scarsella Brothers, Inc.	\$164,640
Bruch and Bruch Construction, Inc.	\$170,559
Delhur Industries, Inc.	\$184,268.15

ACTION TAKEN: CRJm to forward the bids to the Public Works Department for review and recommendation to the Board of Commissioners, CMFs, mc

ADMINISTRATION

4a Call for hearing to be held on Tuesday, September 5, 2023 at 10:30 a.m. regarding an Ordinance repealing Clallam County Code Chapter 3.35 Voters’ Pamphlet

ACTION TAKEN: CRJm to issue notice, CMFs, mc

4b Call for hearing to be held on Tuesday, September 5, 2023 at 10:30 a.m. regarding an Ordinance amending Clallam County Code Chapter 5.05 Sales and Use Tax for Chemical Dependency and Mental Health Treatment

ACTION TAKEN: CRJm to issue notice, CMFs, mc

4c Call for hearing to be held on Tuesday, September 5, 2023 at 10:30 a.m. regarding an Ordinance amending Clallam County Code Chapter 5.40 Opportunity Fund Program

ACTION TAKEN: CRJm to issue notice, CMFs, mc

4d Requests for proposals to be received no later than Monday, October 3, 2023 at 3 p.m. regarding Behavioral Health Proposals 2024

ACTION TAKEN: CRJm to issue notice, CMFs, mc

COMMUNITY DEVELOPMENT

5a Resolution authorizing action on Current Use Assessment CUA applications pursuant to Clallam County Code Chapter 27.08, Open Space

ACTION TAKEN: CRJm to adopt, CMFs, mc

PUBLIC COMMENT

- Ellen Menshew, Joyce, commented on Timber Sales TCB 23 and Power Plant, Elwha River (See attached)
- Kenneth Reandeau, commented on Climate Change, fires
- Tim Wheeler, Sequim, commented Voices for Health and Healing, Timber Sales TCB 23 and Power Plant, Elwha River , Climate Change, fires (see attached)
- Brian Grad, Sequim, commented on Timber Sales TCB 23 and Power Plant, Elwha River (see attached)
- Cheri Kidd, Port Angeles, commented on Department of Community Development, permits, Hearing Examiner (see attached)
- Ed Telenick, Sequim, commented on Climate Change, Hearing Examiner report


The meeting concluded at 11:19 a.m. and continued to 9 a.m., Monday, August 28, 2023.


There are no Zoom chat logs for the week of August 21.

BOARD of CLALLAM COUNTY COMMISSIONERS
MINUTES for the week of August 21 – 25, 2023
Page 4

The Board of Commissioners attended WSAC Virtual Update, Department of Natural Resources Meeting, Coffee with Colleen, and William Shore Memorial Pool District Meeting during the week of August 21.

PASSED AND ADOPTED this 29th day of August 2023.


ATTEST:

Loni Gores, MMC, Clerk of the Board



The seal is circular with a double-line border. The outer ring contains the text "CLERK OF THE BOARD" at the top and "PORT ANGELES, WA" at the bottom, separated by two stars. The inner ring contains "CLALLAM COUNTY" at the top and "COMMISSIONERS" at the bottom.

BOARD OF CLALLAM COUNTY COMMISSIONERS


Mark Ozias


Randy Johnson


Mike French

KEY TO ABBREVIATIONS:

ARS Administrator Rich Sill

CMO Commissioner Mark Ozias

CRJ Commissioner Randy Johnson

CMF Commissioner Mike French

m moved

mc motion carried

s seconded

Public comment
Ellen menshew
8/22/23

Good morning, my name is Ellen Menshew. I have lived at the same address in the Joyce area for the past 33 years and drive across the Elwha River bridge on Hwy 112 almost daily. I am here this morning to speak out against the recent DNR timber sale, known as TCB23& Power Plant, that threatens the forestation in this area.

As someone who travels this route regularly, I witness the mass numbers of hikers, bikers, horsemen, and others who park on Hwy 112 just west of the bridge to access the Olympic Adventure Trail. This is no small number. From early morning to, often, late into evening (year round) there is constant activity surrounding access and use of this pristine area. The Olympic Back Country Horsemen routinely organize work parties to maintain safe access along these routes. Safeguarding this area in its natural state is necessary for continuing recreational use for our residents and visitors.

Another, equally, if not more important issue is the potential risk to the integrity of the Elwha River and all she provides: pacific region native salmon runs, drinking water to the City of Port Angeles, and overall preservation of our natural ecosystem. It's only recently that the restoration from the dam removals has begun to level out. Devastation that can occur as a result of industrial logging in an area like this can have catastrophic effects to river flows during peak runoff seasons resulting in mudslides that deposit massive amounts of sediment into the river. These effects damage the salmon habit, and increase the risks to communities downstream via floods and landslides.

The amount of revenue from this timber sale is a pittance in comparison to the money spent on the water treatment plant downtown and on

the lower Elwha River site to provide safe drinking water to the City of Port Angeles.

I urge you contact Secretary Franz to pause this timber sale. I ask you to work in collaboration with our state legislators, City of Port Angeles officials, and others to seek alternative revenue sources to this timber sale. I voted for you to represent the best interests of our county. Taking no action to request a pause and explore alternatives is not in the best interest of our county. Thank you.

Public comment

Tim Wheeler

8/22/23

Aug. 22, 2023

Thank you Clallam County Commissioners,

I urge you to stop the plan to log legacy forest above the Elwha River. It risks erosion, mudslides, to clearcut this precious forest land that could damage the Elwha still ~~was~~ recovering from the dam removal, still once again ~~being~~ becoming a habitat for the spawning of salmon and steelhead.

Trees are the greatest reservoir for carbon dioxide. The best way to curb & reverse global warming we just suffered three days of choking unbreatable air from a wildfire near Spokane, part of the crisis of global climate change.

Let us preserve and protect and expand our forests to fight global warming. Thank you.

Tim Wheeler, Sequim - Voices for Health & Health

DECLARATION OF MATT ROSENER, MS, PE

Public Comment
Brien Gerard
8/22/23

I, Matt Rosener, hereby declare as follows:

- (1) My name is Matt Rosener, and I live in Port Angeles, Washington part of the time and in Hanalei, Hawaii the other part of the time. Since 2014, I have operated my business, North Shore Hydrological Services in both locations. I have extensive experience as a hydrologist, including for USDA Natural Resources Conservation Service and US Geological Survey. I am a registered professional engineer in both Washington and Hawaii. My current CV is attached to this declaration.
- (2) I am personally familiar with the Elwha River and Watershed, I have attended several conferences and symposia on the Elwha River Restoration Project, and I have assisted the US Geological Survey for Elwha River channel surveys associated with this project.
- (3) My declaration is based on my professional experience as a hydrologist, my personal knowledge, and my review and analysis of relevant scientific literature, in particular: a science synthesis produced by the US Forest Service Pacific Northwest Research Station called “Effects of Forest Practices on Peak Flows and Consequent Channel Response: A State-of-Science Report for Western Oregon and Washington” by Gordon E. Grant et al.; a scientific paper called “Long-term effects of forest harvesting on summer low flow deficits in the Coast Range of Oregon”; by Catalina Segura et al. (*Journal of Hydrology* 585 (2020) 124749; a scientific paper called “Summer streamflow deficits from regenerating Douglas-fir forests in the Pacific Northwest, USA”, by Timothy D. Perry and Julia A. Jones, (*Ecohydrology* 2016:1-13, DOI 10.1002/eco.1790. The studies I

reviewed contain information applicable to industrial logging practices and the health of the Elwha River Watershed, in particular in-stream flows.

- (4) I have also reviewed the SEPA checklists for timber sales TCB23 and Power Plant. The area proposed for timber sale TCB23 is entirely within the Elwha River Watershed, and the four areas proposed for the Power Plant timber sale are predominantly within the Elwha River Watershed. Risks to the Watershed associated with industrial logging include increases in peak flows and diminished summer streamflow.
- (5) The US Forest Service Pacific Northwest Research Station synthesis surveys over 100 peer-reviewed scientific studies spanning the last five decades and identifies a direct correlation between industrial logging and increases in peak flows. Peak flows—a term to describe the maximum rate of water discharge in rivers and streams during rain storms and snowmelt runoff—are associated with landslides, mass wasting, channelization, streambed scour, and other forms of erosion and sediment deposition that detrimentally affect fish. By causing water to move faster through the hydrologic system, industrial logging practices not only can contribute to the degradation of salmonid habitat, but also can endanger communities downstream by elevating the risks of floods and landslides. Mass wasting and landslides can cause significant adverse impacts on nearby streams and their aquatic habitat. While state forest practices regulations require some protection for streams and wetlands, these minimal buffers may not adequately mitigate mass wasting or turbidity impacts to the watershed.
- (6) In the paper called “Long-term effects of forest harvesting on summer low flow deficits in the Coast Range of Oregon”, researchers at Oregon State University published a study that drew conclusions about the role forest management plays in streamflow levels in

summer months. Dr. Catalina Segura and her colleagues analyzed 60 years of data collected on paired stream basins in the Alsea Watershed in Oregon's Coast Range. Some basins were logged according to the rules laid out by Oregon's current forestry regulations, while others were left standing and allowed to mature to over 100 years of age. The researchers found that streams in logged basins produced 50% less water during summer months than streams in unlogged basins. These streamflow deficits persisted for more than half of the year, being most pronounced in late summer. The researchers suggest that the high evapotranspiration rate of young Douglas-fir plantations is the primary cause of this deficit.

- (7) In the paper called "Summer streamflow deficits from regenerating Douglas-fir forests in the Pacific Northwest, USA", Dr. Julia Jones and Timothy Perry studied data collected in eight paired basins over a six-decade period to inquire into the streamflow consequences of industrial forest practices. The researchers studied forestlands that were set aside over 70 years ago for the purpose of research located within the H.J. Andrews Experimental Forest (east of Eugene, Oregon) and the South Umpqua Experimental Forest (east of Roseburg, Oregon). Half of the basins studied were clearcut according to current legal standards, while the others were left standing. The research concluded that young Douglas-fir plantations diminish summer streamflow by 50% when compared to mature forest reference sites. These streamflow deficits caused by industrial logging practices lasted for long periods of time. According to the six decades of data, low flows in clearcut-and-replanted basins persisted and intensified for over a half century after the initial harvest of the basin. The results of this study indicate that clearcutting today will produce diminished water levels well into the late-21st century.

- (8) In general, scientists predict that climate change will dramatically alter hydrologic systems and lead to a water shortage crisis in the Pacific Northwest during the latter half of this century. See *State of Knowledge: Climate Change in Puget Sound*, by Climate Impacts Group, University of Washington 2015. This is especially relevant to the Elwha River Watershed where glacial meltwater and seasonal snowmelt substantially contribute to summer streamflow in the Elwha River and its tributaries. Glacial retreat and disappearance have been well-documented in the Olympic Mountain range ([Fountain, et al](#); “*Glaciers of the Olympic Mountains, Washington—The Past and Future 100 Years*” March 8, 2022). With the glacial melt component of the water budget decreasing and predicted to further decrease, summer low flows in the Elwha River Watershed are expected to decline in the future. The timing of seasonal snowmelt runoff is being accelerated due to climate change as well, and this will also contribute to reduced summer low flows ([Glacier status and contribution to streamflow in the Olympic Mountains, Washington](#); Riedel et al.; November 18, 2014); (Lower Elwha Klallam Tribe Climate Change [Vulnerability Assessment](#); February 2022).
- (9) The results of the above studies and the predicted impacts of climate change have implications for management of logging in the Elwha River Watershed. It is likely that the effects of altered hydrologic regimes due to climate change will compound the impacts of industrial logging operations on summer low flow availability in this area.
- (10) The planned timber harvests known as TCB23 and Power Plant are primarily within the Elwha River watershed, as well as other streams and wetlands.
- (11) Based on my professional experience and as is standard in advising local governments or other entities about the impacts of certain activities on watershed health,

it is best practices to avoid or defer activities that may have a measurable impact on in-stream flows until there is an acceptable degree of certainty that such activities will not have an unacceptable impact. This is particularly important as climate change introduces greater uncertainty as to our ability to predict the severity of impacts and availability and reliability of fresh water sources are expected to be greatly compromised.

- (12) It is important to consider the cumulative effects of past, present, and future planned logging, both on public and private land, in the Elwha River Watershed.
- (13) It is also important to consider the recent dramatic changes to the Elwha River that have occurred as a result of dam removal, including the effects such changes have had on the river channel, sedimentation, high flow events, and slope stability of the river bluffs.
- (14) Based on my professional experience and review of the above cited studies, it is my opinion that industrial logging poses a threat to the health of the Elwha River Watershed, and, in particular, will reduce in-stream summer flows to at least some degree and in a potentially significant amount. Logging also presents other hazards to the River such as landslides and erosion.

I declare that the foregoing is true and correct.

Dated: June 1, 2023, Hanalei, Hawaii.



Matt Rosener, MS, PE

Public Comment
Cheri Udd
8/22/23

PDF RCW 36.70.970

Hearing examiner system—Adoption authorized—Alternative—Functions—Procedures.

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and issue recommendations on applications for plat approval and applications for amendments to the zoning ordinance, the county legislative authority may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and issue decisions on proposals for plat approval and for amendments to the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative authority may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner, including but not limited to:

(a) Applications for conditional uses, variances, shoreline permits, or any other class of applications for or pertaining to development of land or land use;

(b) Appeals of administrative decisions or determinations; and

(c) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

The legislative authority shall prescribe procedures to be followed by a hearing examiner.

Any county which vests in a hearing examiner the authority to hear and decide conditional uses and variances shall not be required to have a zoning adjuster or board of adjustment.

(2) Each county legislative authority electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. Such legal effect may vary for the different classes of applications decided by the examiner but shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative authority;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative authority; or

(c) Except in the case of a rezone, the decision may be given the effect of a final decision of the legislative authority.

(3) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the county's comprehensive plan and the county's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

[1995 c 347 § 425; 1994 c 257 § 9; 1977 ex.s. c 213 § 3.]

NOTES:

Finding—Severability—Part headings and table of contents not law—1995 c 347: See notes following RCW 36.70A.470.

Severability—1994 c 257: See note following RCW 36.70A.270.

Severability—1977 ex.s. c 213: See note following RCW 35.63.130.