

OPEN LETTER TO MVCCC MEMBERS AND FRIENDS

REGARDING BANK EROSION THREAT

3/14/19

On March 24, immediately after the Sunday morning church service, there will be an open meeting to discuss the status of the river bank erosion threat. The church members will be voting on whether to increase the engineering design budget from \$25K to \$35K. Some may ask, why is this necessary? Didn't we already address this issue? The answer is that a significant change has occurred since we took action at the last members' meeting (11/4/18). This letter is to provide you with the events that have happened since then.

To summarize the background, early September (2018) Al Bisnett and Jerry Heller attended a meeting of interested parties and agencies. The subject was how to deal with the church's bank erosion issue. It was set up by Andrew Denham, Twisp Public Works Director, and was well attended, probably 25 – 30 persons. The broad interest was because the church is not the only one threatened by river bank erosion.

At that meeting various ideals were discussed to address the church's problem. These included the launchable bank concept, and keeping all construction work set back, away from the bank. The WDFW, Region 2, Habitat Program Manager, was in attendance and stated that WDFW's jurisdiction for a Hydraulic Project Approval (HPA) started at the ordinary high water line and below. If the project was set back away from the bank, there would be no HPA jurisdiction. This information was used to develop the initial design concept for the project, and the basis of the original engineering contract.

In early November, a few days after the church members approved the \$25K engineering budget, we received notice from WDFW that it had reversed its position, and that a HPA would be required. Subsequently (12/7/18), Al and Jerry met with the following WDFW folks: the Region 2 manager, the local representative and their project engineer. We learned that: 1) WDFW will require a HPA, 2) a launchable bank is not an acceptable construction method, and 3) mitigation will be required. Two types of mitigation were discussed, habitat enhancement and energy dissipation. Although, they agreed with Al and Jerry that energy dissipation was the issue, and not habitat enhancement, WDFW's subsequent discussions with TetraTech have focused on root ball installation, which seems like both.

Al and Jerry did not ask them why they changed their mind. In the end, it doesn't matter. They were clearly and strongly informed that we were unhappy with their reversal of position.

There is a Washington state 2016 Attorney's Opinion (AGO 2016 No. 6), which concludes that WDFW HPA jurisdiction is not limited to the ordinary high water line in some cases. A copy of the opinion is attached. That AGO is the law for the state agencies until the courts rule to the contrary. This AGO opens the door for WDFW to extend its HPA authority to above and beyond the ordinary high water line, as it has done in this case.

While we may disagree with WDFW, we all recognize the need to get a permit from the Town of Twisp to do the project. The church and its property are along the river. In Washington, river front property is highly regulated by towns, cities, counties and the state. The church property is included in the town's Shoreline Master Program. When we apply for the town's shorelines permit it triggers SEPA review. WDFW will respond to that process. In a conversation with Kurt Danison (11/29/18), the town planner and person responsible for permitting, Al and Jerry were told that the town would not issue its permit over the objection of WDFW.

The bottom line is, the church will have to satisfy WDFW to move our project forward. Our engineers are the folks with the experience, and who are equipped to deal with WDFW.

There will be further discussion at the church meeting on Sunday, March 24, 2019. Hope to see you there.

Respectfully,

CHURCH COUNCIL