



# Clallam Conservation District

228 W. First Street, Suite H Port Angeles, WA 98362 www.clallamcd.org 360-775-3747 Fax: 360-775-3749

## Regular Board Meeting

August 8, 2023

Armory Square, OlyCAP Conference Room, and via Zoom  
228 W. First St., Ste. G, Port Angeles, WA

## MINUTES

**Supervisors Present:** Christy Cox, Chair; Wendy Rae Johnson, Auditor; Ben Smith, Lori DeLorm

**Supervisors Absent:** Nicole Rasmussen, Vice-Chair

**Associate Supervisors Present:** None

**Staff Present:** Kim Williams, District Manager; Meghan Adamire, Conservation Planner; Kevin Merrigan, Salmon Riparian Field Technician; Jayne Bloomberg, Office Administrator

**Others Present:** Joe Holtrop, Jefferson County Conservation District Manager; Stephanie Robinson, Washington Water Trust; Robert Beebe, Warren Billups, Irene Greene, Judy Larson, Virginia Shogren, Hillary Steeby, Jim Steeby

**Presiding Officer:** Christy Cox, Chair

**Secretary:** Meghan Adamire & Jayne Bloomberg

**Meeting called to order at 3:00 PM.**

### Public Comment

Jim Steeby, Sequim resident spoke against a SPTIA project to pipe an open irrigation ditch that runs through his property.

Irene Greene, Sequim resident spoke of concerns with a SPTIA project to pipe an open irrigation ditch that runs through her property.

Judy Larson, Sequim resident spoke against a SPTIA project to pipe an open irrigation ditch that runs through her property.

Virginia Shogren brought documents that show the corridor along the SPTIA ditch and showed the Irrigation Festival logo which shows an open ditch. Virginia spoke against the SPTIA piping project.

Warren Billups commented that he has lived in Clallam County for three years, and has concerns that the agricultural community is being hindered by Clallam Counties policies and zoning.

### Approval of Minutes

Ben Smith moved to approve the minutes from July 11, 2023 Regular Board Meeting minutes as amended.

Wendy Rae Johnson seconded the motion. Motion was approved unanimously.

## REPORTS

### District

*Kim Williams* welcomed Jayne Bloomberg as our new office administrator. She spent July closing out SCC grants and began six new grants with SCC, DOE and Bureau of Reclamation. She mentioned the upcoming WACD Area meeting that we are hosting in October, and suggested if any Board members have resolutions to develop them to bring to the Board next month for approval to then submit to WACD for consideration at the Area meeting.

*Meghan Adamire* reported the Hermison Creek Culvert Replacement Project was ranked by NPCLE number two for funding through RCO SRFB, so it will be funded for replacement of the fish passage barrier in 2024. She mentioned she submitted two SCC Sustainable Farms & Fields proposals for cover crop seed and a no-till drill, and that she is working with a landowner on Big River to apply for SCC Salmon Recovery Funding for the removal of blackberries to prepare the site for enrolling in CREP to plant a riparian forest buffer.

*Kevin Merrigan* reported that he jumped into learning about the well metering program and is organizing documents, and learning Waterscope. He is getting training later this month for replacing well meter registers that are no longer working. He is also working on developing more riparian planting projects.

*Jennifer Bond* – not in attendance, her monthly activities were presented to the Board in the staff report.

*Joe Holtrop (Irrigation Update)* reported the WaterSMART grant contract is approved, and he is working with Cascadia Conservation District for a cultural resource survey for the SPTIA Piping Project.

### **Supervisor Reports**

Ben Smith reported the Dungeness River Reservoir project is halted for the moment to ensure all the project partners have signed off on the 30% design before moving forward to 60% design. Ben also mentioned Washington Water Trust announced their Dry Year Lease Program to help keep more water in the Dungeness River by funding farms to stop irrigating during a certain time frame during this drought. The irrigation companies and districts have also coordinated to turn off their systems at night to allow a pulse of water to replenish the Dungeness River so fish can move at night.

Lori DeLorm reported JSKT has been closely monitoring the Dungeness River for flows. There were some fish stranded at River's Edge. Tribal fishery technicians helped with getting the fish moving upstream.

**NRCS Report** – none provided, but Meghan Adamire reported the NRCS biologist is coming up in September to look at a number of restoration projects CCD staff are coordinating visits to.

**WSCC Report** – none provided.

### **Treasurer's Report**

Ben Smith moved to approve the July 2023 Treasurer's report and approval of payments.

Lori DeLorm seconded the motion. Motion was approved unanimously.

### **OLD BUSINESS**

#### **Irrigation PowerPoint Presentation**

Joe Holtrop gave a presentation on the history of the irrigation ditch system in the Dungeness watershed and the milestones that led to the Water Users Association (made up of all the irrigation Districts and Companies) agreement with JSKT and DOE to drastically cut the amount of irrigation water pulled from the Dungeness River to never take more than 50% of the CFS (cubic feet per second) of flow in the river, always leaving 60 CFS in the river at the upper gauge. Joe provided a list of the 66 miles worth of piping projects that have been implemented over the years to eliminate leaky open ditches, leading to a savings of over 30 CFS that can be kept in the river. There has also been an additional benefit to piping the irrigation ditch in that it has helped eliminate that amount of pollution entering the Dungeness Bay, which led to over 1,000 acres being reopened for shellfish harvest.

#### **Questions/Comments on the PowerPoint Presentation**

Virginia Shogren asked why SPTIA applied for the WaterSMART agreement as a landowner when they aren't the landowner, then asked for clarification as to how CCD was able to say they have approval for piping an easement.

Virginia asked what CCD plans to do regarding landowners that are against piping the irrigation ditch through their properties, the Board suggested they need to talk with SPTIA regarding that issue.

Irene Greene expressed concern of habitat loss with piping of irrigation ditches. The board replied that any wildlife corridor or habitat could be maintained with irrigation water if needed.

Joe Holtop mentioned that CCD is a sponsor of piping projects. The CCD assists the irrigation districts and companies with obtaining grant funding, hiring engineers, putting the contract out to bid and getting the projects put on the ground.

**Public Comments:**

Judy Larson expressed concern for wildlife species if the ditch is piped, possibly digging a deeper well, and possibly having to remove trees if they die. She also said that construction equipment would be “trespassing” if they worked outside the 10 foot SPTIA easement.

Virginia Shogren mentioned that land rights and easement rights are not the same, and that easement rights can only be modified if modification language exists in the original easement.

**NEW BUSINESS**

**Contract with Department of Ecology for WCC crew time for 23-24 Field Season**

Ben Smith moved to approve the contract with Department of Ecology for WCC crew time for the 2023 – 2024 field season.

Wendy Rae Johnson seconded the motion. Motion was approved unanimously.

**Cooperator Agreement**

Ben Smith moved to approve a cooperator agreement with client #23-006.

Wendy Rae Johnson seconded the motion. Motion approved unanimously.

**Cost-Share Application**

Ben Smith moved to approve the cost-share application with client #23-006 to cover 100% of the engineering costs and up to 75% of the installation costs not to exceed a total District share of \$25,000.

Wendy Rae Johnson seconded the motion. Motion approved unanimously.

Warren Billups requested the CCD Board ask Clallam County to seek a faster solution to the lack of performance standards in the Comprehensive Plan. Warren suggested a Type B amendment is needed. He hopes that agricultural agencies, and farms aren't at risk of retaliation if they ask for this amendment and is turning towards larger agencies that could advocate for them also. Christy mentioned she feels many farms have roadblocks keeping them from diversifying. To truly diversify it requires a conditional use permit which has a fee that many are not able to pay. The Board suggested Warren attends a Commissioners Meeting to voice his concerns and continue to be a squeaky wheel. Kim will also work with Warren to develop some action items to bring to an upcoming meeting she has with the County.

**Meeting adjourned at 5:37PM.**



# Clallam Conservation District

228 W. First Street, Suite H Port Angeles, WA 98362 [www.clallamcd.org](http://www.clallamcd.org) 360-775-3747 Fax: 360-775-3749

## Acronyms

1	AFO / CAFO	Animal Feed Operation / Concentrated Animal Feeding Operation	40	NPCLE	North Pacific Coast Lead Entity
2	Ag/GMA	Agriculture / Growth Management Act	41	NPS	National Park Service
3	BARS	Budget, Accounting and Reporting System	42	NRCS	Natural Resource Conservation Services
4	BMPs	Best Management Practices	43	NRI	Natural Resources Investment
5	BOCC	Board of County Commissioners	44	OlyCAP	Olympic Community Action Program
6	CAO	Critical Areas Ordinance	45	OSS	Onsite Septic System
7	CASP	Critical Areas Stewardship Plan	46	PFM	Pacific Forest Management
8	CCD	Clallam Conservation District	47	PIC	Pollution and Identification Control
9	CREP	Conservation Reserve Enhancement Program	48	PSCD Caucus	Puget Sound Conservation Caucus
10	CY/FY	Calendar Year/Fiscal Year	49	RCO	Recreation and Conservation Office
11	DEI	Diversity, Equity, and Inclusion	50	RFP	Request for Proposal
12	DIP	District Implemented Project	51	SAO	State Auditor's Office
13	DNR	Department of Natural Resources	52	SMP	Shoreline Management Plan
14	DOE	Department of Ecology	53	SRF	Salmon Recovery Funding
15	DOH NTA	Department of Health, Near Term Action	54	SRFB	Salmon Recovery Funding Board
16	DOT	Department of Transportation	55	TA	Technical Assistance
17	EIS	Environmental Impact Statement	56	TSP	Technical Service Provider (with NRCS)
18	EPA	Environmental Protection Agency	57	USDA	United States Department of Agriculture
19	EQIP	Environmental Quality Incentive Program	58	VSP	Voluntary Stewardship Program
20	ERTS	Environmental Report Tracking System (DOE)	59	WACD	Washington Association of Conservation Districts
21	FFFPP	Family Forest Fish Passage Program	60	WACD PMC	Washington Association of Conservation Districts Plant Materials Center
22	FSA CED	Farm Service Agency, County Executive Director	61	WADE	Washington Association of District Employees
23	FSA COC	Farm Service Agency, County Office Committee	62	WCC Crew	Washington Conservation Corps Crew
24	IE	Irrigation Efficiencies	63	WDFW	Washington Department of Fish and Wildlife
25	IEGP	Irrigation Efficiencies Grant Program	64	WHIP	Wildlife Habitat Incentive Program
26	IGDO	Intra Gravel Dissolved Oxygen	65	WRP	Wetland Reserve Program
27	IM	Implementation	66	WRIA	Watershed Resource Inventory Area
28	JSKT	Jamestown S'Klallam Tribe	67	WSC	Wild Salmon Center
29	LEKT	Lower Elwha Klallam Tribe	68	WSU	Washington State University
30	LID & Habitat TA	Low Impact Development and Habitat Technical Assistance	69	WWT	Washington Water Trust
31	MOA/MOU	Memo of Agreement/Memo of Understanding			
32	MRSC	Municipal Research and Services Center of Washington			
33	MST	Microbial Source Tracking			
34	NACD	National Association of Conservation Districts			
35	NFWF	National Fish and Wildlife Foundation			
36	NOLT	North Olympic Land Trust			
37	NOPR C&D	North Olympic Peninsula Resource, Conservation and Development			
38	NOPL	North Olympic Peninsula Lead Entity for Salmon			
39	NOSC	North Olympic Salmon Coalition			

Clallam Conservation District  
228 W. First Street, Suite H  
Port Angeles, WA 98362

August 4, 2023  
Via email to:  
kim.williams@clallamcd.org  
jholtrop@jeffersoncd.org  
info@clallamcd.org

**PUBLIC COMMENT FOR CCD BOARD MEETING AUGUST 8, 2023**

Dear Clallam Conservation District,

Please accept this letter as public comment for the CCD Board Meeting scheduled for August 8, 2023 and please include this letter and enclosures in the minutes for the meeting on August 8, 2023.

This comment follows up on my written and oral comment submitted for the July 11, 2023 CCD Board Meeting, in which CCD was notified of the CCD’s violation of easements held by landowners impacted by the SPTIA Irrigation Efficiencies and Improvement Project.

According to the Notice of Award, the project manager is Kim Williams, District Manager, CCD. CCD applied for public funding through a WaterSMART grant (“Federal Grant”) offered by the Federal Bureau of Reclamation (“BOR”).

Based on the evidence gathered to date (see enclosures incorporated herein)<sup>1</sup>, we have serious concerns regarding the representations made, and process for, the Federal Grant based on, *inter alia*:

On November 9, 2021 Joe Holtrop attended a Board meeting of SPTIA to sell SPTIA on the Federal Grant with the BOR.

Mr. Holtrop told the SPTIA Board that the intent of the Federal Grant was to, *inter alia*, “**modernize existing infrastructure.**”

The project would require that certain sections of the ditch be maintained (“a section near Littlejohn’s . . . must remain open.”).

SPTIA expressed concerns about the project, noting that the project may have to be cancelled “all together in the future.”

SPTIA discussed with Mr. Holtrop that landowner signed contracts would be required as a first step: “**To start we will have to get signed contracts with all**

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<sup>1</sup> Public records of communications between and among CCD and SPTIA agents and representatives have been requested; the CCD has notified us that receipt of those records is currently delayed, and that disclosure will not happen until October 2023.

**landowners before construction begins to avoid issues we have had in the recent past.”** Apparently after this step was discussed, Mr. Holtrop departed from the meeting.

SPTIA had been working with the landowners of the Shaw property who opposed a pipeline on their property.

SPTIA updated the board regarding easements that had not been completed.

After Mr. Holtrop left the meeting, SPTIA voiced concerns about Mr. Holtrop “pushing” for the Priest Rd to 5<sup>th</sup> Ave project.

By December 14, 2021, SPTIA had a signed agreement with the Shaw family for piping on their property. SPTIA was still waiting for a response from another landowner.

SPTIA had entered into an agreement with the Shaws that **“we will use going forward for similar pipeline easements.”**

SPTIA had entered into a signed agreement with the CCD “covering the Berger place, the Shaw place, rebuilding the headgate dam **and the pipeline from the split to 5<sup>th</sup> Ave.**” Under the agreement, SPTIA was **“responsible for dealing with landowners along the piping and our shareholders.”** Funding of \$2,500,000 was being sought.

The Federal Grant application submitted by CCD represented to the BOR that all necessary “rights of way or easements” were in place, any new easements would be recorded, and that a “landowner/notification acknowledgement form” would be used to ensure “landowner engagement” for the project:

All proposed work will occur within existing irrigation company rights of way or easements, unless changes are agreed to with landowners. Irrigation ditch rights of way and easements in the Dungeness watershed are rarely recorded; however, easements will be recorded for the new pipelines. A landowner notification/acknowledgement form is used to ensure landowner engagement when ditch piping projects are in the planning stages.

Federal Grant application, p. 15.

The CCD, recognizing that SPTIA was not the “landowner” for purposes of the Federal Grant, declined to enter into a Landowner Acknowledgement Form with SPTIA, choosing instead to enter into a Memorandum of Understanding for pursuit of the Federal Grant funding.

Despite choosing the MOU route, the CCD has now back-tracked and is asserting

that the SPTIA *was* the “**landowner**” from CCD’s “**perspective.**”

Based on the above, it appears at all relevant times, that: 1) both the CCD and the SPTIA had actual knowledge that piping would require the consent of the **landowners** and/or new easements; 2) that the initial consent of the **landowners** was therefore essential to the core purpose and success of the project; 3) that in lieu of landowner acknowledgement, the CCD knowingly did an end-run around the **landowners** by entering into an MOU as the basis for requesting Federal Grant funding; 4) the CCD and SPTIA had actual knowledge that they did not obtain the consent of the **landowners** “from the split to 5<sup>th</sup> Ave.” along which our property is situated prior to applying for, or accepting the award for, the Federal Grant; and, 5) prior to Federal Grant award acceptance, CCD and SPTIA had actual knowledge that the project would violate the express terms of easements held by the actual **landowners.**

The CCD cannot rely on the fiction that SPTIA was the “landowner” (all along) from its “perspective.” As the CCD is well aware, land rights and easement rights are not grounded in “perspectives.” At the time CCD took this position, it had actual knowledge that at least this landowner (and others) **do not consent** to the modification of the original easement for irrigation ditch maintenance. *Sunnyside Valley Irrigation District v. Dickie*, 149 Wash.2d 873, 73 P.3d 369, 372-74 (Wash. 2003) (“We . . . hold that an easement can be expanded over time [only] if the express terms of the easement manifest a clear intention by the original parties to modify the initial scope based on future demands.”).

The BOR Federal Grant is a house without a foundation.

**Based on the above, we request that CCD promptly notify, in writing, all impacted landowners, to: 1) provide them with information about the SPTIA Irrigation Efficiencies and Improvement Project; 2) advise them that the project is on hold pending review of what funding requests may be lawfully completed by CCD; and, 3) request that any landowner who does not consent or in any way objects to entering into a new easement for piping on their property to contact CCD by a certain date.**

Thank you,



Virginia Shogren  
961 W. Oak Court  
Sequim, WA 98382  
360-461-5551  
vshogren@gmail.com

Encls.

## SEQUIM PRAIRIE TRI-IRRIGATION

November 9, 2021 Minutes

Gary Smith called the meeting to order at 6:00pm and introduced Joe Holtrip from Clallam Conservation District. Gary Smith, Troy Smith, Dana Davis, Alex Scagliotti, Pete Cameron, Brian Gossett and Julie Vig were present.

The first topic of discussion was with Joe Holtrip on the prospect of new grant funding availability and project opportunities.

Two different grants were discussed, Irrigation Efficiencies Grant Program (IEGP) and The Bureau of Reclamation Water Smart, each having different criteria and benefits.

Irrigation Efficiencies Grant Program (IEGP) has been in effect for 20 years and has done more projects in Washington than any other state. It would pay as much as 85% of the project costs with SPTI showing a contribution of 15%. It requires that the amount of water that is saved by the improvements stay in the river. This could be a problem for SPTI with the amount of water lost in conveyance. Water flow measurements have been taken in several locations to determine water loss and see if projects would qualify.

Joe thought this would be the best option for the Berger/Shaw piping project. The original plan to go under the road would be very expensive and then obsolete in a year so we discussed skipping that and having Jamestown Excavating move ahead with the secondary plan not scheduled for 2 years. SPTI would provide all the materials and Jamestown Tribe providing the installation. That way their contribution would cover the 15% required by landowner for the IEGP grant. The first phase would be the Berger property and the Shaw's would be phase 2. Gary said we need engineering calculations before we can order pipe and that Ryan Barttleheimer with the Conservation District may be able to do that. Joe said he would follow up on that as 4" piping is not available and 12" is double the price right now. He did say that the Agnew district had 12" pipe stockpiled for a future project and we may be able to use that as a Plan B and replace for them when available. There is a possible cost share agreement of \$50,000 for this project but Shaw family members must sign.

Jamestown is working of the 9<sup>th</sup> Ave ditch cut out this month and finishing the roadway. Gary stated a letter had been sent to them saying that SPTI would not turn over the right away until the piping was installed. JTK plans on a January-February installation.

Another Grant funding option is with The Bureau of Reclamation. They work cooperatively with states, tribes, and local entities to plan and implement actions to increase water supply through investments to modernize existing infrastructure and attention to local water conflicts. BOR Water Smart Grants are due in December and will be awarded in the spring. If awarded, we would have 3 years to implement and, in both cases, monies could be returned if unused.

Joe recommended BOR Water Smart for the piping of Robb Hill Main all the way to 5<sup>th</sup> Ave. Gary has called Chris with the WDFW about improvements to the river channel just above our headgate. Their



engineer will draw up a rough outline on the scope of work so we can begin on a budget to determine grant dollars needed. The project would be staged in phases with a section near Littlejohn's that must remain open. Gary had a few concerns on this tentative project as we haven't really talked about this section before. It is a large grant application for a project that will take a year just to get all pinned down and may be canceled all together in the future. Engineering is a problem locally and may slow things further with only one firm in the area. Pete and Dana said the main concern is Robb Hill as "it is a ticking time bomb".

Carol Creasey, the Clallam County Hydrogeologist has applied for Water Smart funds on the New Reservoir Project as well. Some changes are being considered to make the proposed reservoir smaller but deeper are on the table and Gary asked Alex to study the area below the reservoir for possible problems. All piping on the proposed project, except a couple small laterals, will be within Sequim Prairie Tri Irrigation. So that will involve a ton of work and man hours for SPTI coming up in the future. To start we will have to get signed contracts with all landowners before construction begins to avoid issues we have had in the recent past.

We wrapped up project discussion with Joe and he excused himself from the meeting.

OLD BUSINESS:

Dana moved to approve the October 12, 2021 minutes as emailed, Pete seconded and it passed unanimously.

Treasurer's report – October 2021:

\$ 38,271.66 in SPTI regular checking (as of 10/31/2021)  
\$ 10,419.38 in 24 mo. CD1 0.61% Sound Community (Matures 8-6-2022)  
\$ 9212.75 in Edward Jones Corporate Account 1 (as of 10/24/21)  
\$ 152,070.84 in Edward Jones Corporate Advisory 2 (as of 10/24/21)  
\$ 78,662.86 in Edward Jones Corporate Advisory 3 (as of 10/24/21)  
**\$ 288,637.49 Total**

Bills presented 10/01/2021 to 10/31/21:

Julie Vig October	\$ 900.00
Brian Gossett Paycheck	\$ 481.64
PUD#1 Independent: fish wheel	\$ 64.14
Century Link	\$ 63.45
McAfee (Auto Renewal)	\$ 141.43
IRS- 941 payroll taxes	\$ 427.90
Labor & Industries	\$ 80.18
Employment Securities	\$ 18.78
Pd Family Leave	\$ 13.65
Office supplies (envelopes/folders/100 Stamps)	\$ 110.73

Troy moved to approve payment of bills for October, Alex seconded: approved unanimously.

Board members went over their meeting at the Berger Shaw property on October 26<sup>th</sup> where they worked on a piping plan that would satisfy landowner concerns and impact their land as little as

possible. Several options were discussed. Part of the ditch being piped and the other part abandoned. The Shaw's still oppose the pipeline on their property but Gary spoke with Tim Shaw and told him they needed to wrap up the plan in the next few weeks. Tim agreed to talk with Evelyn Shaw about it and meet Gary the day after Thanksgiving.

Gary updated us on the Evans Rd easements with Sunland not being completed, the surveyor and Alan Millet are finishing up.

Brian Gossett reported he is learning how often to check the headgate, especially after large rains and winds, the bubble screen can cause some problems. The laterals were flushed. Dungeness Irrigation District wants stock water so we can leave on for them to maintain over the winter.

Julie reported there were share transfers requested for 2 property sales. One at 918 N Kendall Rd and the other a lot on W Hendrickson. Pete motioned to approve both transfers, Troy seconded it and it was approved unanimously.

#### NEW BUSINESS:

Gary voiced concern for taking on so much work over the next 3-4 years and the possible need to scale back his SPTI role in the future. Joe is pushing for the Priest Rd to 5<sup>th</sup> Ave project but Gary is holding out a bit. He brought up the idea of a project manager for all to think about over the next few months.

Gary met with the Fisheries who are planning on upgrading the river channel just above our headgate with something better than rebuilding the dirt dam. We will know more by our next meeting.

A date for the SPTI Annual meeting was proposed for Monday, January 31<sup>st</sup>, 2022 1:00pm. Alex motioned to approve, Pete seconded it and it was approved by all.

Meeting Adjourned at 7:17pm

## SEQUIM PRAIRIE TRI-IRRIGATION

December 14, 2021 Minutes

Gary Smith called the meeting to order at 6:00pm. Gary Smith, Alex Scaliotti, Pete Cameron, Dana Davis, Troy Smith, Jake Smith and Julie Vig were present.

Dana moved to approve the November 9, 2021 Meeting Minutes as emailed, Troy seconded; passed unanimously.

### Treasurer's report – November 2021:

\$ 38,594.19 in SPTI regular checking (as of 11/30/2021)  
\$ 10,430.00 in 24 mo. CD1 0.61% Sound Community (Matures 8-6-2022)  
\$ 9207.39 in Edward Jones Corporate Account 1 (as of 11/30/21)  
\$ 148,988.23 in Edward Jones Corporate Advisory 2 (as of 11/30/21)  
\$ 77,191.71 in Edward Jones Corporate Advisory 3 (as of 11/30/21)  
**\$ 284,411.52 Total**

### Bills presented 11/01/2021 to 11/31/21:

Julie Vig November	\$ 900.00
Brian Gossett Paycheck	\$ 379.86
PUD#1 Independent: fish wheel	\$ 58.14
Century Link	\$ 63.45

Troy moved to approve the November Treasurers Report, Dana seconded; passed unanimously.

### Field Report-

Gary reported things had been pretty quiet. Brian removed blackberry bushes where Eureka goes under the highway to make it safer to get in there. There is no water in Sequim Prairie or Independent. But with this last rain there was a good deal of water coming off the hill and going into the Eureka system. The city pulled the board so the water would go down the ditch and not over the hill. Gary spread it out and it is in pretty good shape now and should be good for a while.

### Projects-

We now have a signed agreement with the Shaw family agreeing to pipe down the west side of the trees. We are still waiting on a response from the other property owner closest to the Mats Clinic. Gary clarified this is a project for next winter but that this agreement with the Shaw's is one we will use going forward for similar pipeline easements.

The only project for this winter is the 1300 ft of pipe on the Berger place. We do not have Irrigation Efficiency funds approval yet so we cannot order pipe. Jerry Schmidt says he has the 12" pipe we need and could use them as a backup if pipe is unavailable. We need to get that pipe in the ground before irrigation season next year. Pete says the tribe has a berm right up next the state cyclone fence that is going to make it hard to get in there. The tribe is putting the pipe in ground so it will be up to them.

Gary signed an agreement with the Clallam Conservation District covering the Berger place, the Shaw place, rebuilding the headgate dam and the pipeline from the split to 5<sup>th</sup> Ave. They will manage the projects, get the engineering done and supervise the work. We will have input on the engineering and are responsible for dealing with landowners along the piping and our shareholders. The application for the Water Smart grant went in last Friday for \$1,500,000. There will be some Irrigation Efficiency funds to go along with that, totaling about 2,500,000. We will have to give up some water rights for the amount that goes through IE, about 8/10 of a cfs. But we are projected to save 1 ¾ cfs overall. We still have to work with Alex at Graysmarsh. He is going over the Aspect information and will talk to the family on the preliminary plan. The one spot just before priest road has a signed agreement with Graysmarsh saying we cannot pipe for about 600ft. so we will have to work around that. Alex and Gary plan to meet with Joe to go over things mid January.

Gary found while getting things that the Sequim Prairie, Eureka, Independent has a total of 25-26 Miles of irrigation ditch, 9 ½ of that in pipe. Troy said we will have about half it done in the next couple years. Dana said it has been a good investment and that a lot of water had been saved on Evans Rd. It involves less maintenance. The tail water can be tricky.

Sunland is not filed yet. Gary talked to Brian Cays about a week ago to encourage him to complete. Then Sunland will have to sign and we can then file with the county.

#### Other Business:

Going back to Bills paid in November, everyone agreed in the future to vote on this together with the Financials as one item. Julie Spoke of a bill received from Meyer, CPA for 2020 Tax Preparation for \$1712. She has emailed them for an explanation on the cost breakdown. Gary received a bill from Alan Millet from 2016 for a bill along with a small new one. All agreed to pay.

SPTI received a letter of resignation from Greg Stone which will open up a board position to be voted on at the Annual Meeting along with the regular re-elections.

Gary would like to transfer 46 Shares to Jake Smith. Dana motioned to approve the transfer of shares, Pete seconded and it was approved unanimously.

The annual meeting is set for January 31, 2021. But the location is yet to be determined. Julie will work up a Notice to Shareholders and will mail and email copies to all shareholders.

Pete brought a letter to request the sale of Berger Trust 140 shares back to SPTI and keep 40 for himself to remain on the board. We discussed who would need additional shares. Dana requested the purchase of 38 more to bring his share total to 350. When Greg returns in the spring he will sell his 40 shares to Gary.

Dana and Gary discussed draining the pipeline if weather got extra cold. Gary said he would shut off the Evans road valve and then drain it from the bottom.

Meeting adjourned, 6:36pm

**MEMORANDUM OF UNDERSTANDING**  
 between  
**CLALLAM CONSERVATION DISTRICT**  
 and  
**SEQUIM PRAIRIE TRI IRRIGATION ASSOCIATION**  
 for  
**IRRIGATION EFFICIENCIES and IMPROVEMENT PROJECTS**

This memorandum of understanding is entered into by and between Clallam Conservation District (CCD) and the Sequim Prairie Tri Irrigation Association (SPTIA). The purpose of this MOU is to describe the proposed technical and financial assistance activities to be provided to the SPTIA to carry out irrigation efficiencies and improvement projects.

**This MOU is effective when signed by both parties and expires upon completion of the projects, which is anticipated to be no later than prior to the 2025 irrigation season.**

**GENERAL INFORMATION**

<b>Project Title:</b>	<b>Eureka-Independent Ditch Piping Project, Sequim Prairie Main Ditch Piping Project, and Sequim Prairie-Dungeness Irrigation District Diversion Modification</b>
<b>PROJECT PROPONENT</b> Contact Information	Sequim Prairie Tri Irrigation Association PO Box 721 Sequim, WA 98382
<b>Project Manager:</b> Telephone Number: Email:	<b>Gary Smith</b> <b>(360) 460-7337</b> <b>garsmith@nikolabroadband.com</b>
<b>CCD:</b>  Telephone Number: Email Address:	<b>Kim Williams, Manager</b> 228 West First Street, Suite H Port Angeles, WA 98362 (360)775-2747 <a href="mailto:kim.williams@clallamcd.org">kim.williams@clallamcd.org</a>
<b>CCD Project Manager:</b> Telephone Number: Email Address:	<b>Joe Holtrop</b> <b>(360) 808-3645</b> <b>jholtrop@jeffersoncd.org</b>
<b>Estimated Project Cost:</b>	Preliminary estimates for construction are as follows: Eureka-Independent Ditch Piping - \$300,000 Sequim Prairie Main DID Split to Priest Ditch Piping - \$525,000 Sequim Prairie Main Priest to 5 <sup>th</sup> Ave Ditch Piping - \$750,000 Sequim Prairie-Dungeness Irrigation District Diversion - \$300,000
<b>CCD Share:</b>	100 percent, including design, cultural resource survey, and construction
<b>SPTIA Share:</b>	IEP requires a 15% match. Efforts are underway to fulfill this match requirement with other grants, including a Bureau of Reclamation WaterSMART grant. SPTIA will contribute in-kind time for project planning and landowner negotiations.
<b>Funding Sources:</b>	Funding for planning and design, and cultural resources reviews has been secured from the Washington State Conservation Commission Irrigation Efficiencies (IEP) and Shellfish programs. Construction funding is anticipated from the IEP. Additional funding is being sought for planning and design, and construction from the Bureau of Reclamation WaterSMART Program.
<b>Saved Water to Trust:</b>	<b>0.80 cubic feet per second, 245 acre-feet per year</b>

## **PROJECT DESCRIPTION**

Three distinct projects are proposed, two of which are irrigation ditch piping projects. The third involves modifications to the Sequim Prairie-Dungeness Irrigation District shared diversion and headgate. The following are brief summaries of the proposed projects.

### **Eureka-Independent Ditch Piping – estimated cost = \$300,000**

This project will result in a total of approximately 3,000 feet of open irrigation ditch being replaced with approximately 2,600 feet of pipeline. This project will be implemented in two phases. The combined water savings of the two phases is estimated to be 0.5 cfs of water.

The first phase will involve installation of approximately 1,300 feet of 12-inch diameter pressure-rated PVC pipe from the East Independent ditch Highway 101 sag pipe outlet east along the north side of Highway 101 to the Eureka sag pipe outlet. All piping materials will be purchased through this interlocal agreement, and Jamestown Excavating, which is doing construction on the site, will install the pipe. Jamestown Excavating previously installed a pipeline from the outlet of the Eureka sag pipe north to the next property. This phase is planned for completion by March 15, 2022.

The second phase will involve replacement of open ditches with a single pipeline from the current terminus of the Eureka pipeline to the existing pipeline located approximately 1,300 feet downstream. This phase will require additional design and engineering and may involve a different route across the Shaw property from the existing ditches. This phase is planned for construction in the early fall of 2022.

### **Sequim Prairie Main Ditch Piping – estimated cost = \$1,275,000**

This project will result in a total of approximately 8,900 feet of open irrigation ditch being replaced with pipe. This project will be implemented in two phases. Considerable planning and design work remains to be done, but pipe size will likely be 24-inch. Construction is planned for the fall of 2023 and the fall of 2024. The combined water savings of the two phases is estimated to be 1.25 cfs of water.

The first phase will involve piping what is referred to as the Robb Hill reach of the Sequim Prairie main ditch. This phase begins where the Sequim Prairie system splits off from the Sequim Prairie and Dungeness Irrigation District combined pipeline and ends at Priest Road. This phase will save an estimated 0.51 cfs of water.

The second phase will continue the piping from Priest Road downstream to the vicinity of 5<sup>th</sup> Ave. This phase will save an estimated 0.74 cfs of water.

The Irrigation Efficiencies Program requires the conserved water be placed in trust for Dungeness River flows, at a percentage equal to the percent of IEP funding. Furthermore, IEP policies require water savings of one cubic foot per second per \$500,000 of funding. Ditch flow monitoring performed in 2021 determined ditch losses of approximately 1.75 cubic feet per second. Additional grant funding is being sought from the Bureau of Reclamation's WaterSMART program. Those funds and the value of the work to be performed by Jamestown Excavating would contribute an approximately 54 percent of the cost of the ditch piping projects, thus about 0.8 cfs would have to be transferred to trust.

### **Sequim Prairie-Dungeness Irrigation District Diversion Modification – estimated cost = \$300,000**

This project involves construction of a concrete spillway structure upstream of the existing headgate that serves the two irrigation entities to replace the push-up dam. This structure will reduce or eliminate twice-annual instream maintenance required to ensure flows to the headgate and allow for fish passage. Some preliminary planning has been done by the state Department of Fish & Wildlife, but more planning and design work is necessary. The WDFW will be the lead for project planning and design.

## **ROLES and RESPONSIBILITIES**

### **Clallam Conservation District**

Compliance with cultural resources investigation requirements is required before construction can proceed. CCD will take responsibility for ensuring proper cultural resources review compliance. CCD will also be responsible for securing and paying for engineering services. CCD will pay for construction as described under BILLING.

Sequim Prairie-Tri Irrigation Association

SPTIA is responsible for working with property owners to inform them of the project, negotiating new pipeline routes and easements where necessary or desired, and reviewing and commenting on project designs.

**BILLING**

The SPTIA and selected contractors will complete an Assignment of Payment Form (provided by CCD), which allows CCD to make payments directly to the contractor. The CCD construction manager or engineer will review and approve contractor invoices. A designated SPTIA representative will also approve each invoice for payment.

**INDEPENDENT CAPACITY**

The employees or agents of each party who are engaged in the performance of this agreement shall continue to be employees or agents of that party and shall not be considered for any purpose to be employees or agents of the other party.

**INDEMNIFICATION**

To the fullest extent permitted by law, the SPTIA and CCD shall indemnify, defend, and hold harmless each other, their boards, agents and employees, as well as the State of Washington, its officials, agents and employees from and against all claims for injuries or death arising out of or resulting from the performance of this agreement.

**AMENDMENTS**

This agreement may be amended by mutual agreement of the parties. Such amendments shall not be binding unless they are in writing and signed by the parties signatory to this agreement.

**ALL WRITINGS CONTAINED HEREIN**

This agreement contains the entire understanding between the parties, and there are no other understandings or representations other than as set forth, or incorporated by reference, herein. No subsequent modification(s) or amendment(s) of this agreement shall be of any force or effect unless signed by authorized representatives of the SPTIA and CCD and made a part of this agreement.

IN WITNESS WHEREOF, the parties hereby execute this Agreement:

  
\_\_\_\_\_  
Christy Cox  
CLALLAM CONSERVATION DISTRICT  
12/10/21  
DATE

  
\_\_\_\_\_  
Gary Smith  
SEQUIM PRAIRIE TRI IRRIGATION ASSOCIATION  
11/30/21  
DATE



Virginia Shogren &lt;vshogren@gmail.com&gt;

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**PRR requests # 1, 2, 3, 7**

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**Kim Williams** <kim.williams@clallamcd.org>  
To: Virginia Shogren <vshogren@gmail.com>

Mon, Jul 17, 2023 at 9:14 AM

**PRR #1 Complete**

Attachments includes the BoR contract and email. There was no cover letter.

**PRR #2 Complete**

Attachments include CCD supervisor policies which include conflict of interest language.

**PRR#3 Complete**

You asked for a Copy of the Landowner Acknowledgement form prepared by Joe Holtrop. This is a form of the relationship between the CCD and SPTIA. In this case SPTIA is considered the landowner that we are working with, not the landowners that SPTIA is working with. Instead of calling it a Landowner acknowledgment form I decided we needed to create an MOU. Attached is the MOU.

**PRR #7 Complete**

We do not record our Board meetings.

*Kim Williams*

District Manager

Clallam Conservation District

228 W First St., Suite H

Port Angeles, WA 98362

360-775-2297

[clallamcd.org](http://clallamcd.org)

----- Forwarded message -----

From: "Opatz, Kelly R" &lt;kopatz@usbr.gov&gt;

To: Joe Holtrop &lt;jholtrop@jeffersoncd.org&gt;, Kim Williams &lt;kim.williams@clallamcd.org&gt;

Cc: "Graber, Robin E" &lt;rgraber@usbr.gov&gt;, "Tucker, Katherine AM" &lt;ktucker@usbr.gov&gt;, "Church, Daniel B"

&lt;DChurch@usbr.gov&gt;, "Calagua, Katherine (Kat)" &lt;kcalagua@usbr.gov&gt;, "Neupane, Katie E" &lt;kneupane@usbr.gov&gt;

Bcc:



Date: Wed, 12 Jul 2023 22:11:56 +0000

Subject: Award of Financial Assistance Agreement R22AP00608 to Clallam Conservation District

Dear Ms. Kimberly Williams:

Attached is the fully executed agreement for Bureau of Reclamation award number R22AP00608 to Clallam Conservation District for Sequim Prairie-Tri Irrigation Association Irrigation Efficiencies and Improvement Project. Contacts for this agreement are listed below; the Grants Management Specialist (GMS) is the administrative point of contact for this agreement, and the Grants Officer Technical Representative (GOTR) is the point of contact for technical matters.

If you do not have a Grantee account in Grant Solutions, please complete the [Recipient User Account Request Form](#) and submit it to the Help Desk. After verification with the Grants Service Office associated with this award, the Help Desk will inform you of your new account information. Please follow the instructions provided in the form. All Administrative (Project Performance Report aka PPR) and Financial reports (Federal Financial Reports aka FFR) will be submitted in Grant Solutions. Some programs require additional reporting, please verify the reporting requirements included in the agreement (Sections 5 & 10).

No Cost Time Extension (NCTE) Requests must be requested by the Authorized Representative no later than 45 days prior to the Period of Performance (PoP) end date. Please send your request to [sha-dro-faoperations@usbr.gov](mailto:sha-dro-faoperations@usbr.gov) with a cc to the assigned GMS and GOTR. Change in Key Personnel Requests must also be requested by the Authorized Representative and must include the effective date of the change as well as why the change is needed. Please send your request to [sha-dro-faoperations@usbr.gov](mailto:sha-dro-faoperations@usbr.gov) with a cc to the GMS and GOTR. Each request must be sent separately.

Please note that is project has been identified as an infrastructure project and this award includes a Buy America Domestic Procurement Preference term. The Buy America preference applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. The current general applicability waivers are in effect through February 20, 2028 as described at: [www.doi.gov/grants/BuyAmerica/GeneralApplicabilityWaivers](http://www.doi.gov/grants/BuyAmerica/GeneralApplicabilityWaivers) and is noted in Section I, Term 17 of this Agreement.

**VERY IMPORTANT: This project requires Environmental and Cultural Compliance to be completed prior to beginning the project (please refer to section 11 in the agreement). When Environmental and Cultural Compliance has been completed the recipient will receive a Notice to Proceed (NTP) and any relevant completed National Environmental Policy Act (NEPA) documents.**

Grants Management Specialist/Grants Officer:

Kelly Opatz, Grants Management Specialist (GMS)

[kopatz@usrb.gov](mailto:kopatz@usrb.gov)

Grants Officer Technical Representative:

Dan Church, Grants Officer Technical Representative (GOTR)

[dchurch@usbr.gov](mailto:dchurch@usbr.gov)

Sincerely,

Kelly Opatz

Grants Management Specialist

Attachments:

Fully executed agreement

GOTR designation memo

**Kelly Opatz**

Grants Officer

Financial Assistance Operations

Bureau of Reclamation- Denver Office

Office 84-27132



— BUREAU OF —  
RECLAMATION

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**7 attachments**



**Notice of Award 7.12.2023.pdf**

4566K



**Grants Officer Tech. Representative Designation.pdf**

228K



**R22AP00608 NOA\_FE.pdf**

4566K



**R22AP00608 GOTR Designation\_FE.pdf**

228K



**Award of Financial Assistance Agreement R22AP00608 to Clallam Conservation District.eml**

6601K



**ADOPTED Supervisor Policy 3-8-2022.pdf**

275K



**SPTIA MOU signed 2021.pdf**

226K



Virginia Shogren &lt;vshogren@gmail.com&gt;

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**PRR requests # 1, 2, 3, 7**

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**Kim Williams** <kim.williams@clallamcd.org>  
To: Virginia Shogren <vshogren@gmail.com>

Tue, Jul 18, 2023 at 1:15 PM

I just want to be clear that from our perspective SPTIA is the landowner.

Thanks

*Kim Williams*

District Manager

Clallam Conservation District

228 W First St., Suite H

Port Angeles, WA 98362

360-775-2297

[clallamcd.org](http://clallamcd.org)

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**From:** Virginia Shogren <vshogren@gmail.com>  
**Sent:** Tuesday, July 18, 2023 11:23 AM  
**To:** Kim Williams <kim.williams@clallamcd.org>  
**Subject:** Re: PRR requests # 1, 2, 3, 7

Hi Kim,

[Quoted text hidden]

[Quoted text hidden]