

McNary Fisheries Compensation Committee McNary Facility Tour and Meeting Minutes

Northern Wasco and Klickitat Counties Hydroplant
McNary Dam, Umatilla, Oregon

Thursday, September 5, 2019, 10 am.

We will meet at the Oregon entrance gate to the McNary Dam. Once we are all signed in we will drive to the Washington shore entrance and begin the tour. Someone from the PUD will escort us and lead the tour.

1. Are land acquisition grants eligible for MMF monies?
 - a. What are the risks?
 - b. Would our current GAD be legally sufficient for land purchase grants?
 - c. What are the legal ramifications?

Brandon opened the discussion saying he thought land acquisition (LA) was a necessary tool, referring to improvement projects he works on where much of the work is on private land. He thought that if we do it we may want to cap the amount we could spend on land acquisition. He thought restoration was a necessary part of any land purchase, just purchasing the parcel was not ideal.

Patrick thought having matching funds was important and wondered if other sources were still out there.

Brandon responded that other sources were still out there but they can be very dogmatic and complicated whereas MFCC does not have to be restricted by extensive regulations and processes. MFCC flexibility is a big advantage.

RD said he thought just purchasing land was not enough, needs to be linked to restoration. If restoration is linked to purchase then land acquisition is more attractive but RD is still not convinced it is a good fit for MFCC.

What if the land is resold and not used as intended, which would be a problem. Erick said it complicates things.

Brandon said if we decide to do LA's, we can work out the details.

Erick said he does see the value but could not be supportive but would like to understand WA need for the tool.

RD emphasized the need for clear parameters and cost share. He also raised the question of how much is enough?

Erick agreed that cost share is an important component.

Brandon commented that he would hate to not fund a worthy project because there was no cost share.

Erick said he can't support big, long projects by ourselves. Prefers to act as a filler or part of a pool of money sources which fosters working together and broad support.

RD said that if we do LA, it could end up being all we do.

Brandon talked about restrictions that can be legally attached to LA, such as deed restrictions and conservation easements.

He also said there is a fair amount of legal work involved.

Rick said it sounded like it may be too complex for our current grant award document and that getting legal help could be difficult and expensive. Would we use trust fund money for it? Would the PUD pay for it? Could Julie do it?

RD asked about the legal issues Brandon has seen in Washington.

Brandon said it is difficult to buy w/o conditions and those conditions require legal counsel.

RD asked if there is a scarcity of willing land owners.

With the realization that LA would require assistance from legal counsel, the overriding sentiment was opposed to pursuing LA grants.

Post meeting comments from Julie Carter, CRITFC-

I agree that opportunities for restoration through land acquisition are available, and that it potentially can be an excellent tool, but I also agree that there are many complicated variables that have to be adequately and appropriately considered. Frankly, I don't think our fund is big enough to do land acquisition correctly.

Land transactions are complicated and I am not an expert in that field. In addition, I'm not the Fund's lawyer, I represent a party to the Settlement Agreement and I participate with the group as CRITFC's representative only. Hiring an "outside" attorney to do land acquisition correctly would be necessary, but would be costly to the Fund. Thus, I think the costs would outweigh the benefits to the Fund.

At this point we went to voting and final comments. All present voted against entertaining LA grant applications.

To Do:

Rick- fill out vote record vote.

Remove LA example project summary on the application instructions document.

-modify the protocols document to specify that LA grants were not eligible.

-fill out a change form to document this decision.

-update the website.