



Agricultural Committee/CAPR Membership Drive

PRESENTED BY:  **SNR COMPANY**

15211 3rd Place NE, Duvall, WA 98019 • 425-788-3015 • <http://www.snrcompany.com>

PURPOSE OF THE AG COMMITTEE AND CAPR

To create an organization lead by farmers to protect farmers and others agriculture from regulatory agencies and to protect your rights.

CAPR was founded, in a barn, with the intent to create an organization that dedicated to protecting ALL property owner's rights. Including farmers and other s in agriculture.



AGRICULTURE AND OTHER PROPERTY OWNERS FACE MANY THREATS

- + Flooding and poor drainage in river valleys
- + Water Rights
- + Critical Areas
- + Shorelines
- + Endangered Species Act, Species of Interest, and other regulations
- + Federal, State and municipalities actions that impact agriculture and development, especially development in floodplains and floodways, which is where a lot of the Western Washington farming takes place.



BECAUSE FARMS REQUIRE ACREAGE, THERE ARE LESS OF YOU PER ACRE.

- ✘ If you own a home in rural farming areas you face similar problems to those the farmers have.
- ✘ Politicians, government staff, and government agencies care if enough voters are impacted.
- ✘ The Growth Management Act wants everyone to live in high density urban settings – Cities – “Urban Sprawl” is highly discouraged and in many cases, prohibited.
- ✘ The farmers do have some regulatory protection but when this conflicts with other regulations, the other regulations often trump because farmers represent a lower percentage of the population in developing areas of Washington State.
- ✘ This is the same for homeowners who live in the rural, agricultural areas.
- ✘ Without organizing and creating a voice, the politicians and the agencies would rather impact the farmers than those who live in the cities.

Hops were the first major agricultural crops.

After hop aphid infestations, berries, potatoes, and other seasonal fruits and vegetables replaced hops.

Corn eventually became a major cash crop, but in the Snoqualmie River Valley, dairy became King.



WASHINGTON WAS FOUNDED ON AGRICULTURE

Agriculture is still one of the largest industries in Washington State

The town of Tolt was re-named Carnation for a reason.

COMPETITION FOR RESOURCES

Farming uses land, but not a lot of resources, however, developments (residential, commercial, and industrial) use a LOT of resources but less land.

- + If conducted properly, farming is ecologically friendly and does not create hazards or impact flooding.
- + Urban development adds pollution, excess surface water runoff, and infrastructure needs that change the rural setting and impact the environment in many ways, including surface water. This development results in lots of surplus storm water.
- + Unfortunately, infrastructure was not a priority, including separate storm sewer systems and other storm water controls.
- + Even sewage did not begin to be treated until the 1960s.

Clear cut tree harvesting did and does impact the surface water flows, however, within 5 years most of these impacts have disappeared. In municipal development these impacts are permanent and more severe.

Storm water was a “common enemy” but became more “common for some than” others, especially if you lived at the bottom of a slope.

“THE ROAD TO HELL IS PAVED WITH GOOD INTENTIONS”.

Storm water was not regulated by the Clean Water Act until 1987 – except combined sewer systems.



- + Clear cut tree harvesting which included completely burning all land, road building, housing developments, and other soils disturbing activities created sediment laden water that flowed into streams that flowed into rivers.
- + These sediments bury the gravels in the rivers and streams, these sediments reduce hyporheic interflow and ground water flows into the channel, the shallower streams and rivers have less volume to store water, which can lead to more frequent and severe flooding, to address this, until 1960 many rivers and streams were dredged.
- + Since dredging has been banned, the gravels the salmon need are buried under silts and other fine sediments, there is less room in the channel limiting hiding spots, increasing predation, the fine sediments and shallower channels reduce ground water flow into the channel, which results in higher water temperatures which leads to lower dissolved oxygen levels.

Salmon spawn in gravels, require cooler water, that is oxygen rich, and they need hiding places and wider, deeper channels to allow them to evade predators.

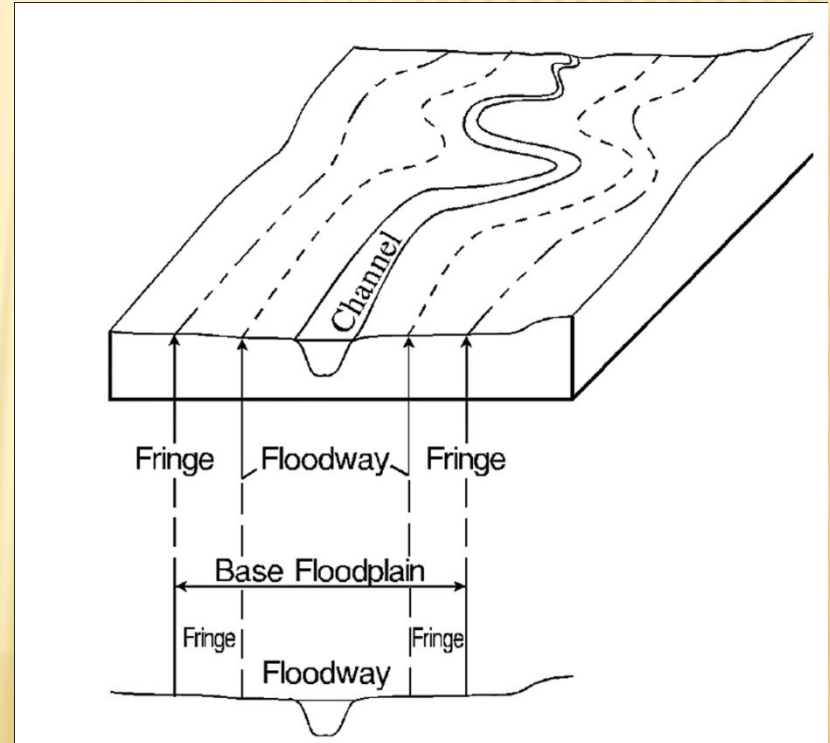
In the Snoqualmie River Valley, the river is a “meandering” river, which means it is also a depositing river, with sediments only being transported during “full bed width flows and during flood events”

In fluvial geomorphology the geologic science that specializes in rivers and streams, there are numerous features that define a stream or river, but in a flood, there are three primary flow regimes, 1., channel flow; 2., full bed width flow (high flow – sediment transport; 3., Flooding – overbank sediment transport – divides into two areas – active floodway and ineffective flow, flood storage.



FLOOD WAY V FLOODPLAIN

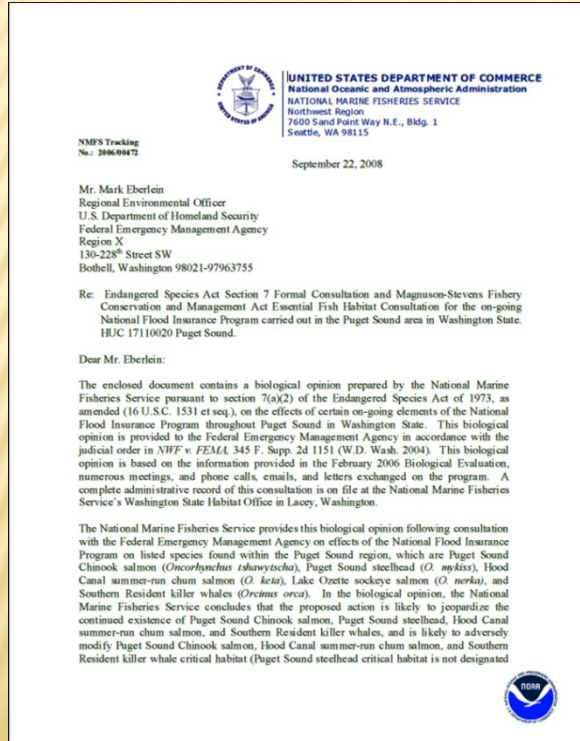
- ✘ **Floodway** - (Also called FEMA Floodway Encroachment Area.) The most dangerous area of the floodplain with the fastest moving water. Development in this area is very restricted and in some cases requires additional approval by FEMA. Flood insurance is required on buildings within this area.
- ✘ **From FEMA:** A "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that **must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height**. Communities must regulate development in these floodways **to ensure that there are no increases in upstream flood elevations**. For streams and other watercourses where FEMA has provided Base Flood Elevations (BFEs), but no floodway has been designated, **the community must review floodplain development on a case-by-case basis to ensure that increases in water surface elevations do not occur**, or identify the need to adopt a floodway if adequate information is available
- ✘ The active floodway is located in the floodplain, but is an area of active flow, whereas other part of the floodplain during a significant flood (e.g., 50% or greater), become ineffective flow flood storage areas with almost no flow. Also the flows that you may see that appear to be "flowing backwards" are what are **called "backwater effects" NOT tidal or the reverse flow from another river's influence** (e.g., the Skykomish).



FEMA REGULATORY

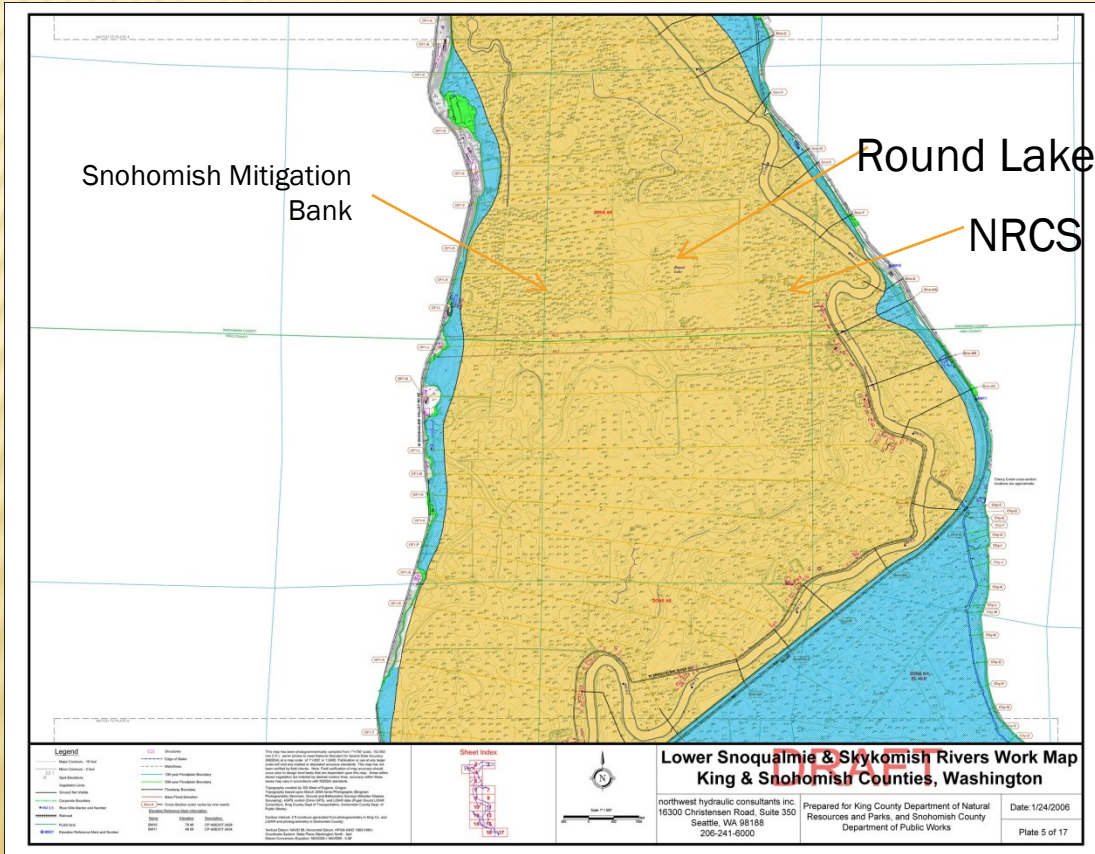
- ✘ **WATERCOURSE ALTERATIONS**
- ✘ **44 CFR 60.3(b)(6) [The community must] Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the [Federal Insurance] Administrator;**
- ✘ The community must notify adjacent communities and the appropriate state agency prior to altering or relocating any river or stream within its jurisdiction. Copies of such notifications must be submitted to the FEMA Regional Office.
- ✘ **44 CFR 60.3(b)(7) [The community must] Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;**
- ✘ Any alteration or relocation of a watercourse should not increase the community's flood risks or those of any adjacent community. This could happen if the watercourse's capacity to carry flood flow is reduced because a smaller or less efficient channel is created, or by modifications to the floodway as a result of the project.
- ✘ After altering a watercourse, the developer has created an artificial situation and must assume responsibility for maintaining the capacity of the modified channel. Otherwise, flooding is likely to increase as the channel silts in, meanders or tries to go back to its old location.
- ✘ For any significant alteration or relocation, you should consider requiring the applicant to have an engineer certify that the flood-flow carrying capacity is maintained and that there will be no increase in flood flows downstream.
- ✘ Federal and state permits may be required for any alteration or relocation activity. It is recommended that the community require the submittal and approval of a CLOMR from FEMA for large-scale proposals (see CLOMR procedures discussion in Unit 4, Section D).
- ✘ Why not simply tell people that they can't build in the floodplain? If we did, we wouldn't have to worry about new buildings getting flooded and the regulations would be simple to administer: Just say "No." While this regulatory standard appears desirable, it has one fatal legal problem: It could be a "taking."
- ✘ The Fifth Amendment to the Constitution states, "Nor shall property be taken for public use without just compensation." The Constitution contains this provision because in England, the king could take property and use it for his own purpose—such as quartering troops or hunting—without compensation.
- ✘ The term "taking" has come to mean any action by a government agency that relieves a person of his or her property without payment. Government agencies possess the authority to acquire privately owned land. Under the power of eminent domain, they can acquire land without the owner's agreement provided the acquisition clearly is for a demonstrably public purpose and official condemnation proceedings are followed. Some common examples of eminent domain actions are:
 - + Purchase of land for roads and public works projects.
 - + The development of public park land.
 - + Utility acquisition of rights of way for transmission lines, etc.
- ✘ Courts have ruled that a taking may occur when the government enacts a law, standard or regulation that limits the use of the land to the extent that the owner has been deprived of all of his or her economic interest in using the property. Thus, the government has "taken" the property under a legal provision known as inverse condemnation.
- ✘ In cases where a court has found a taking, the governmental body has been required to compensate the property owner. Often, though, the regulations are retracted as applied to that property. Usually, courts undertake a complicated balancing of public and private interests in deciding a taking issue. The courts will consider such factors as:
 - + Regulatory objectives.
 - + The harm posed by uncontrollable development.
 - + Reasonableness of the regulations.
 - + Severity of the economic impact upon the private property owner

NMFS CONSULTATION WITH THE FEMA



- × National Marine Fisheries Consultation with the FEMA September 22, 2008, what does it mean?

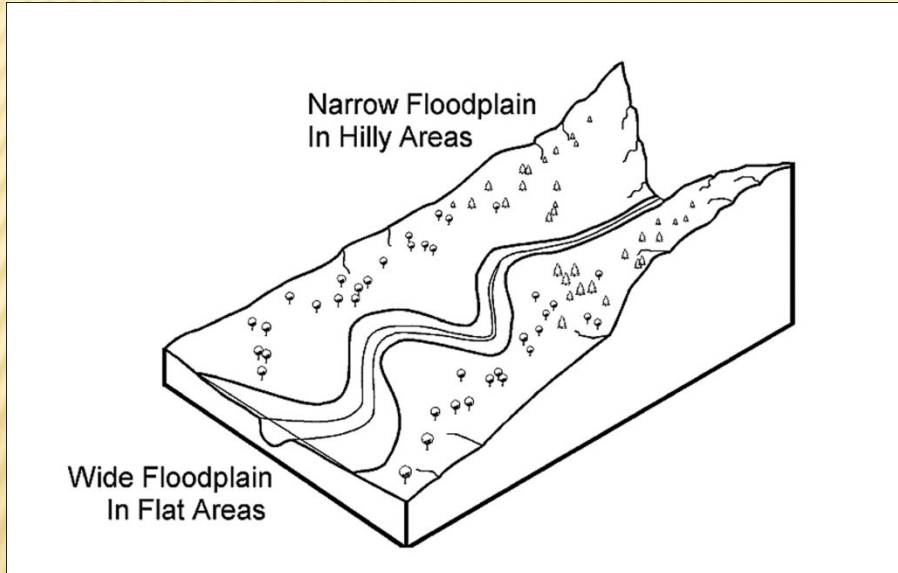
WHAT DOES OUR FLOODPLAIN LOOK LIKE?



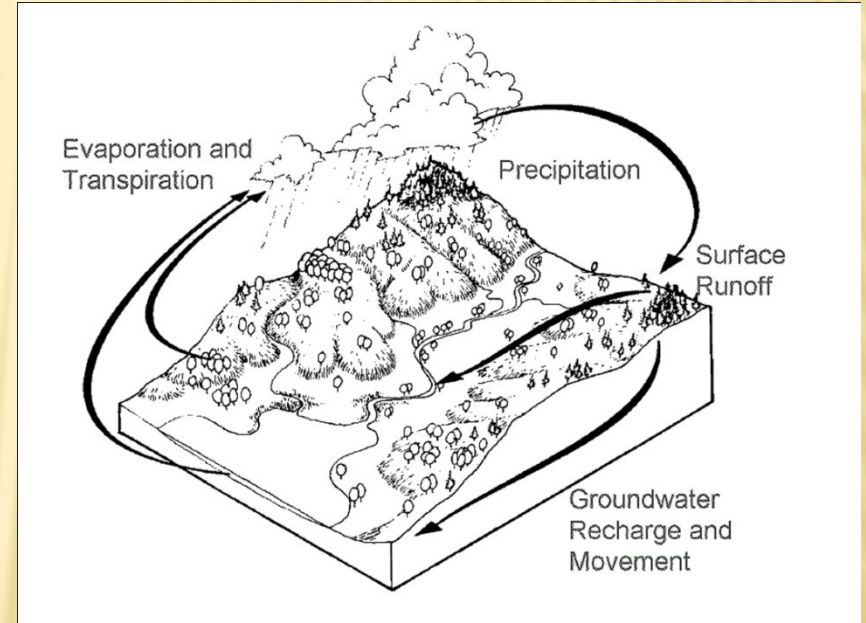
King County's "challenge to the FEMA PFIRM Maps that were released in 2005 to address hurricane Katrina.

PFIRMS done by Ecology with no new data and appear to have a lot of inaccuracies. This Map is supposed to be the most accurate, but is still a model.

RIVERS WITH HIGH TOPOGRAPHIC RELIEF

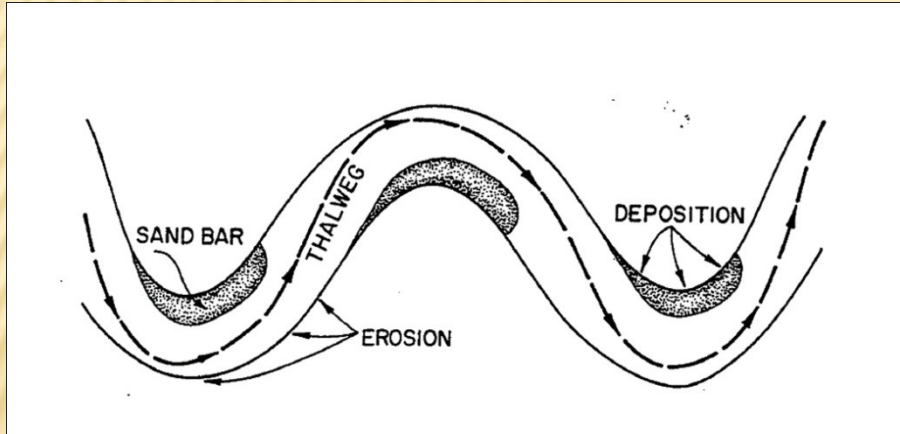


HYDROLOGIC CYCLE

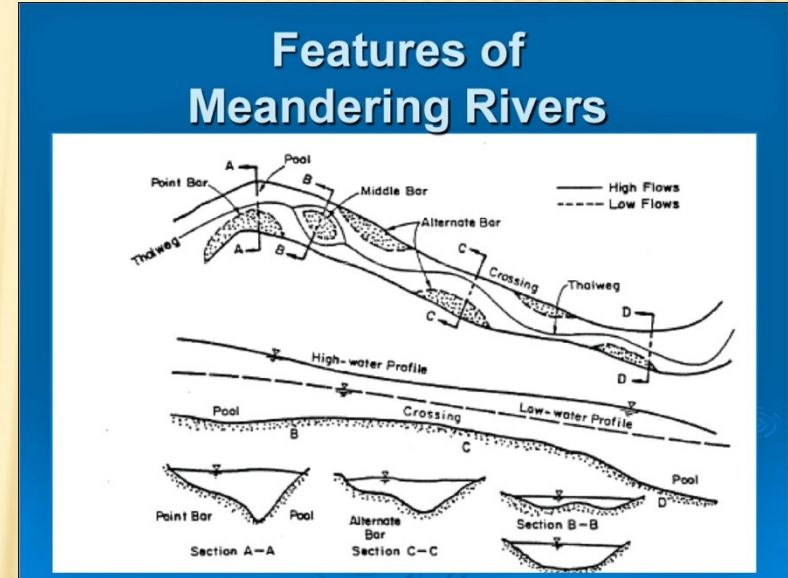


FLUVIAL GEOMORPHOLOGY

SINUOSITY AND STREAM FORMS

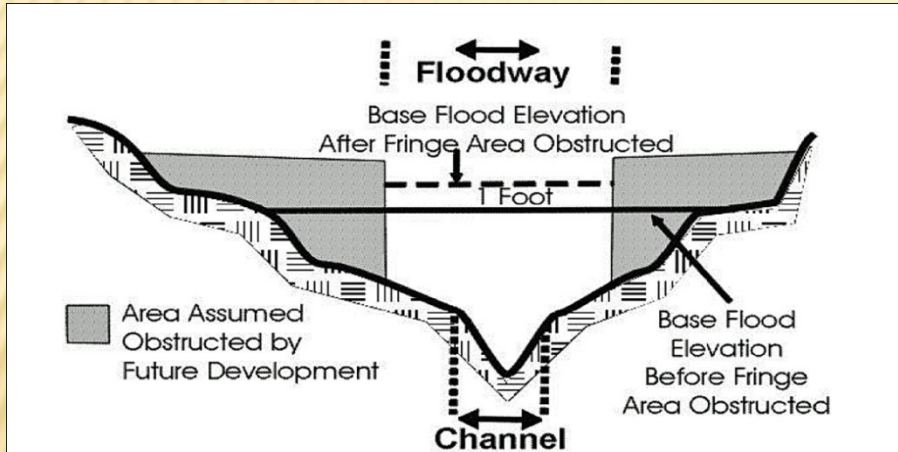


MEANDERING RIVERS

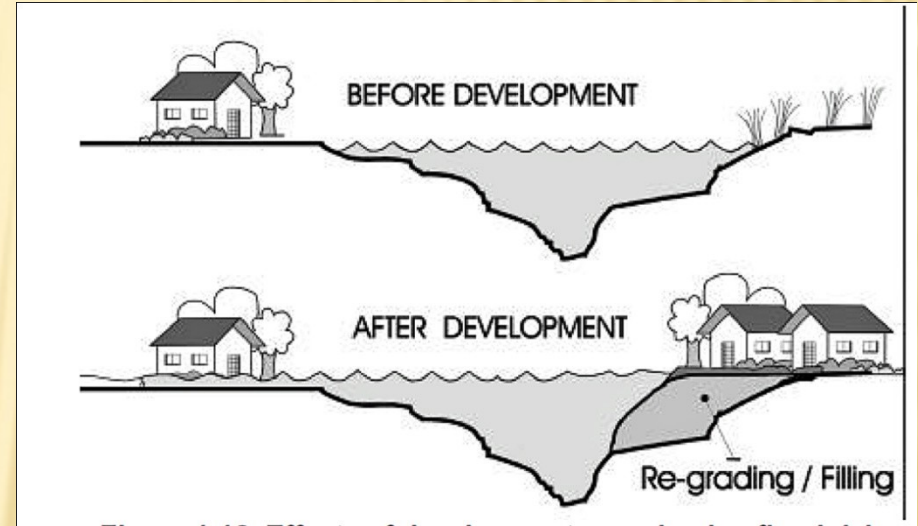


THE SNOQUALMIE IS MEANDERING IN THE VALLEY

CHANGE IN FLOOD ELEVATION

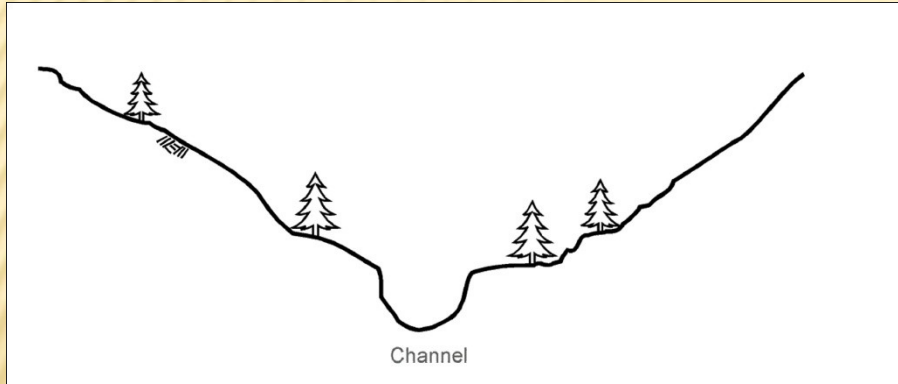


MOVEMENT OF FLOODPLAIN

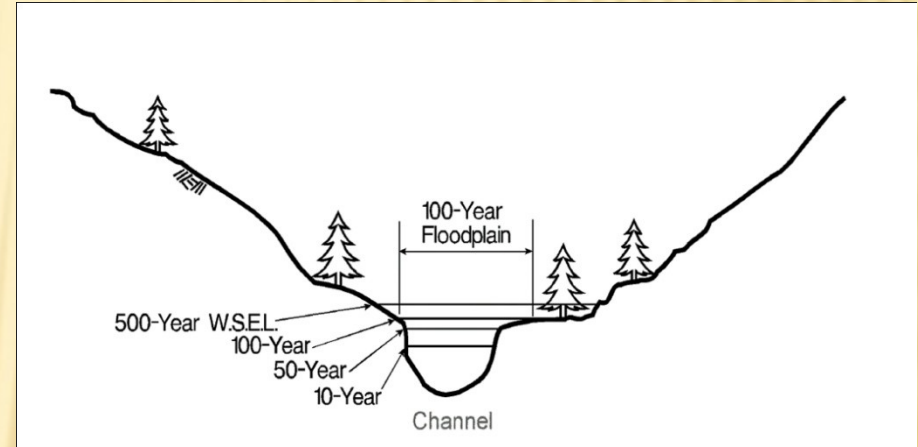


CHANGES IN THE FLOODPLAIN HAVE EFFECTS

CHANNEL IS THE PRIMARY PATHWAY



LARGER STORM EVENTS CREATE HIGHER FLOODWATERS AND MORE STORAGE - GROUND WATER PLAY AND IMPORTANT ROLE!



PRECIPITATION PLAYS A MAJOR ROLE

SHIFT IN RIVER CHANNEL (AFTER FLOOD)

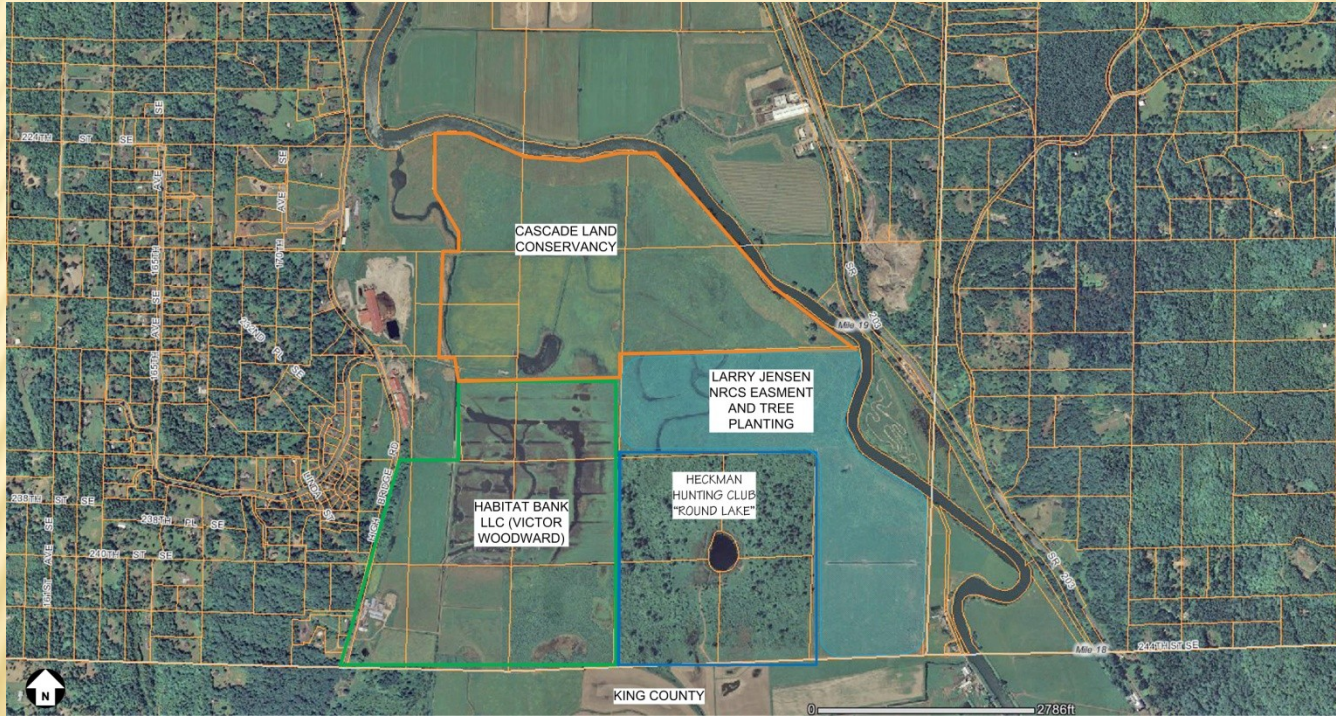


KING COUNTY ACTIVE FLOODWAY MAP



**CHANGES IN THE HYDROLOGIC BALANCE RESULTS IN CHANGES
IN THE HYDROLOGIC SYSTEM**

WHO OWNS WHAT – WHERE'S THE PUMPS?



WHAT ARE SOME OF THE PROBLEMS?



WHERE'S ALL THE WATER COMING FROM?



What did the Corps of Engineers do 5 years ago and what are they proposing to do now?

THE NEXT PROJECT



ANY IMPACTS FROM PHASE I OF CORPS PROJECTS IN SNOQUALMIE?

Recent High Flow Data				
High Flow Event	Sum of the Forks	Snoqualmie River near Snoqualmie	Snoqualmie River at Carnation	
January 7-8, 2009	54,110 c.f.s. *	60,700 c.f.s. *	83,400 c.f.s. *	62.25 ft *
November 12-13, 2008	44,010 c.f.s. *	45,200 c.f.s. *	63,700 c.f.s. *	60.54 ft *
November 6-7, 2006	53,476 c.f.s.	55,000 c.f.s.	71,800 c.f.s.	61.28 ft
January 18-19, 2005	36,330 c.f.s.	37,100 c.f.s.	49,400 c.f.s.	59.08 ft
October 21, 2003	32,700 c.f.s.	29,200 c.f.s.	31,000 c.f.s.	56.83 ft
February, 1996	44,430 c.f.s.	51,700 c.f.s.	61,600 c.f.s.	60.34 ft
November, 1995	49,350 c.f.s.	50,200 c.f.s.	62,400 c.f.s.	60.30 ft
November, 1990	50,100 c.f.s.	78,800 c.f.s.	65,200 c.f.s.	60.70 ft

*provisional data

HYPORRHEIC “FLOW”

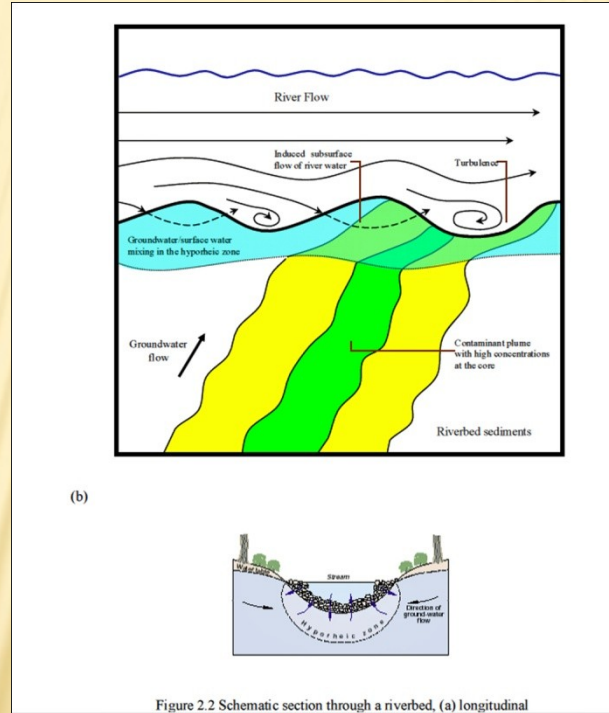
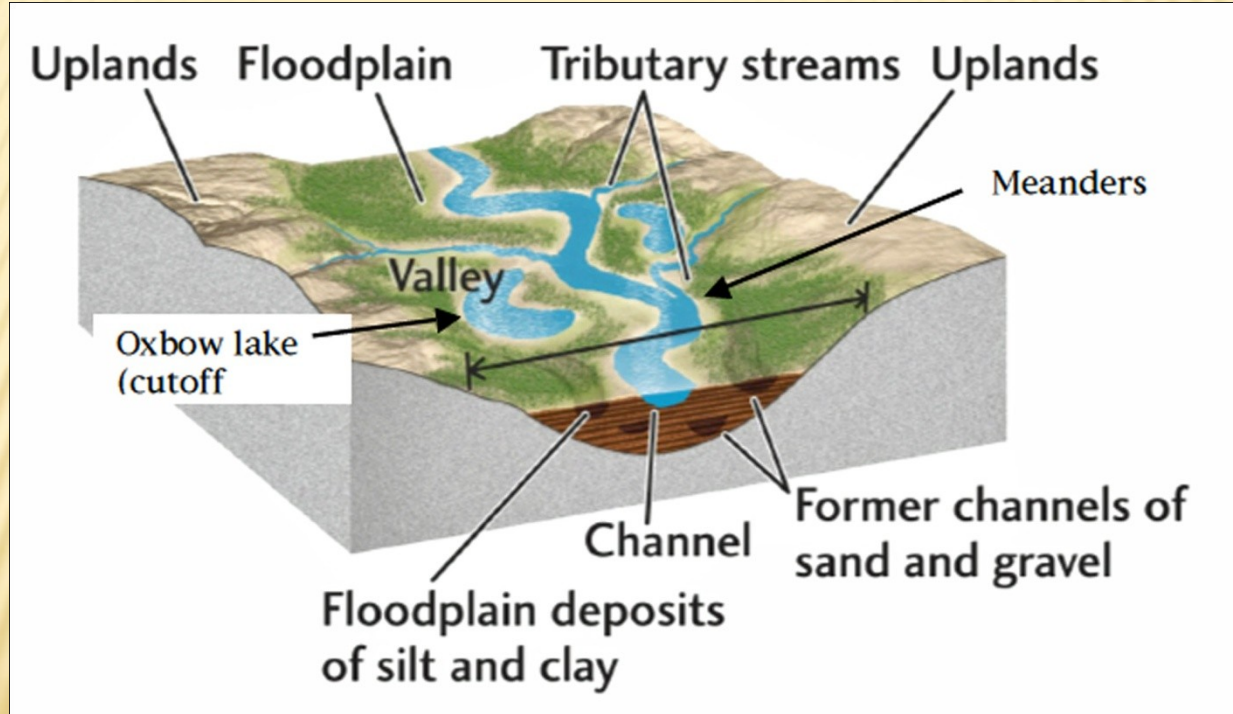


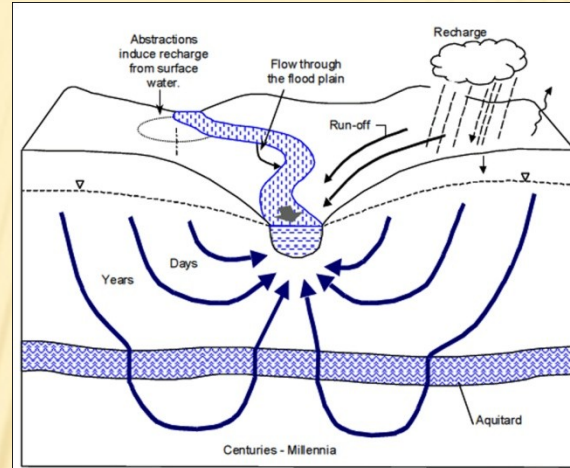
Figure 2.2 Schematic section through a riverbed, (a) longitudinal

FLOOD PLAIN DEPOSITS

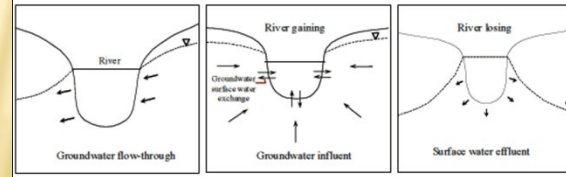


ALL STREAMS ARE CHARGED BY GROUND WATER

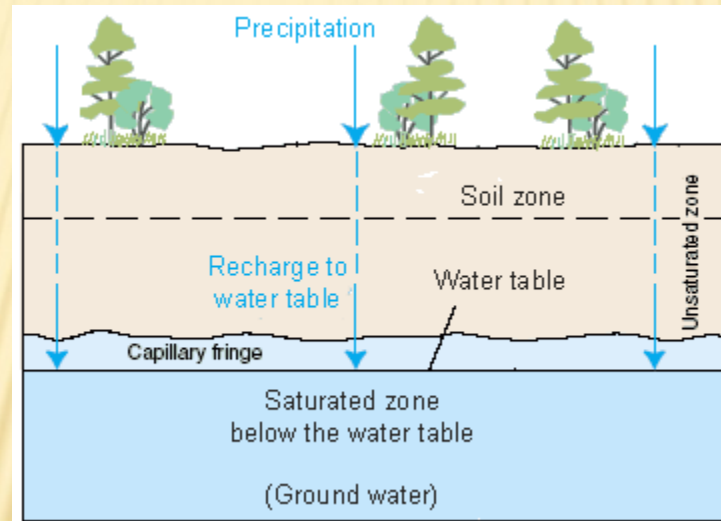
Only seasonal (intermittent streams), go dry when the ground water table drops below the channel level.



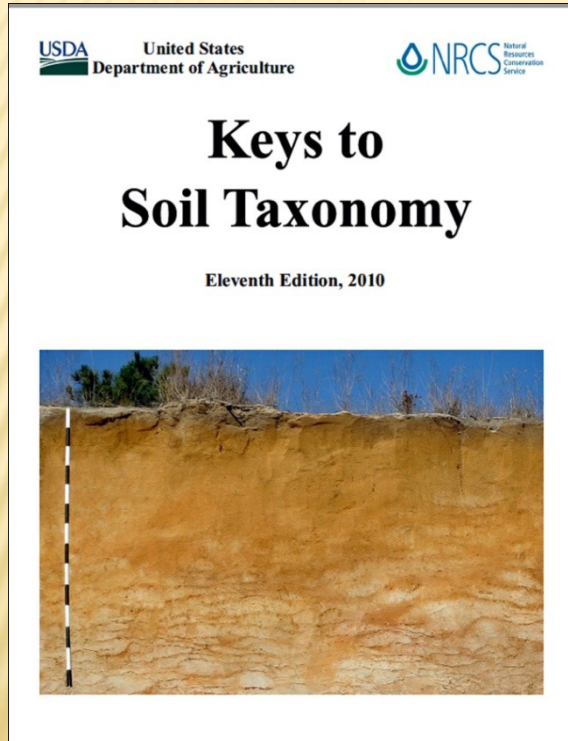
Ephemeral flows are not regulatory streams, but they can contribute to flooding.



WHAT IS HYDROGEOLOGY AND WHAT IS GROUND WATER?



SOIL SATURATION

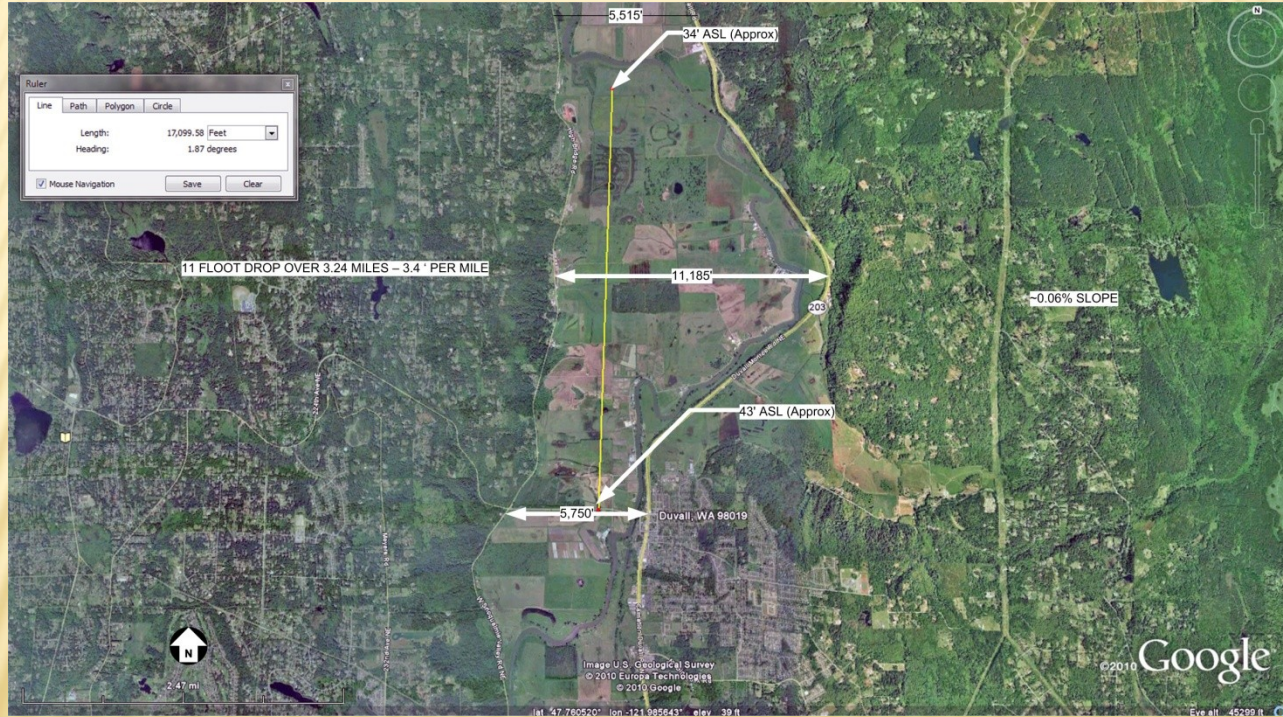


- ✘ 1. Saturation is characterized by zero or positive pressure in the soil water and can generally be determined by observing free water in an unlined auger hole. Problems may arise, however, in clayey soils with peds, where an unlined auger hole may fill with water flowing along faces of peds while the soil matrix is and remains unsaturated (bypass flow). Such free water may incorrectly suggest the presence of a water table, while the actual water table occurs at greater depth. Use of well sealed piezometers or tensiometers is therefore recommended for measuring saturation. Problems may still occur, however, if water runs into piezometer slits near the bottom of the piezometer hole or if tensiometers with slowly reacting manometers are used. The first problem can be overcome by using piezometers with smaller slits and the second by using transducer tensiometry, which reacts faster than manometers.
- ✘ Soils are considered wet if they have pressure heads greater than -1 kPa. Only macropores, such as cracks between peds or channels, are then filled with air, while the soil matrix is usually still saturated. Obviously, exact measurements of the wet state can be obtained only with tensiometers. For operational purposes, the use of piezometers is recommended as a standard method. The duration of saturation required for creating aquic conditions varies, depending on the soil environment, and is not specified.

WHAT HAPPENS WHEN THE EXTRA WATER HITS THIS?



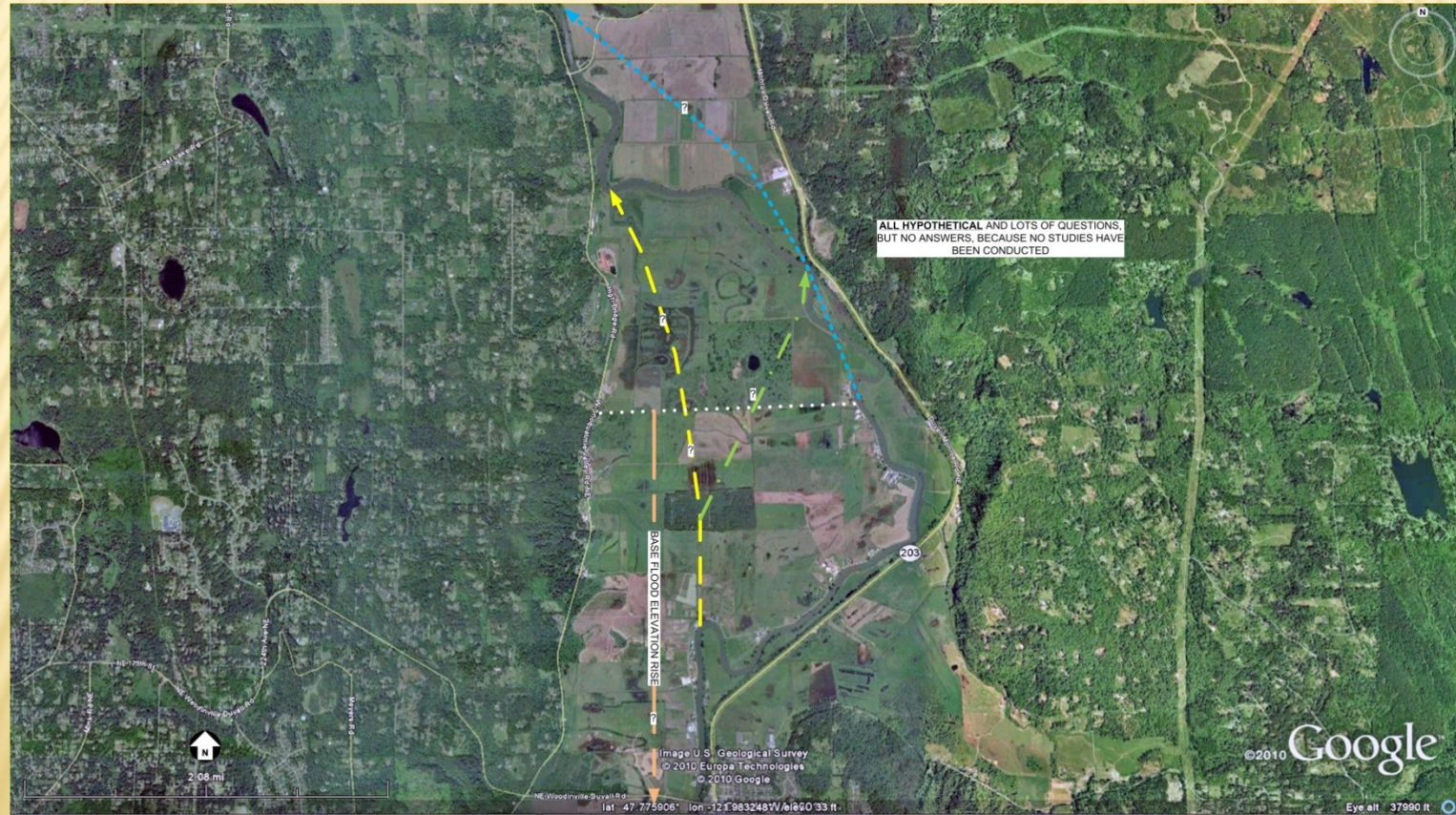
WHAT IS THE GRADIENT



WHY?

- + In attempts to correct the “damage” caused by European settlement of the Puget Lowlands environmentalists are conducting restoration projects.
- + Most, if not all restoration projects in the Snoqualmie River Valley (and elsewhere), have been conducted without the required environmental impact studies.
- + Many of these “restoration projects” have been conducted in floodways and floodplains with no impact studies.
- + The Federal Agencies who used to be the farmer’s friend have joined the environmentalists in conducting restoration projects on agricultural land that will be permanently removed from agricultural production.
- + These agencies have also alleviated flooding in the municipality of Snoqualmie, with Phase I being completed in 2005, however no impact studies were conducted, is it a coincidence that the two largest flood events on record (in the Duvall area) occurred in the last 5 years? With the previous record holder being the 1990 flood event, but the 1990 flood event coincided with a major storm, the two flooding events in the last 5 years were not associated with this level of storm event.
- × No - National Environmental Policy Act (NEPA) Studies
- × No - State Environmental Policy Act (SEPA) Studies
- × No Studies of any kind conducted for NRCS
- × SEPA DNS for Mitigation Bank despite no floodplain studies, only studies on site for an above ground wetland.
- × No studies of any kind for other changes to the Snoqualmie River modifications upstream
- × We will find out when it happens, but by then it could be too late to address if the impacts are as significant as they could be.

WHAT COULD HAPPEN?



HYDROLOGY

- ✘ Critical Areas
- ✘ More “River Restoration Work”
- ✘ More Storm Water
- ✘ Ongoing sedimentation build up in the floodway and floodplain.

HYDROLOGY IN OTHER WORDS

- ✘ Limits or complete restrictions on water rights
- ✘ Salmon come first
- ✘ Perceived impacts to surface water flows (without BAS) can result in total loss of water rights

OTHER PROBLEMS FACING YOU

Water Rights? Who owns the water and how does this impact agriculture?



THE WASHINGTON STATE DEPARTMENT OF ECOLOGY (ECOLOGY) REGULATES WATER RIGHTS

- ✘ There are laws already in place that can restrict everyone's right to ground water, this includes domestic use that is usually guaranteed (maximum of 5,000 gallons per day).
- ✘ Ecology has the right to place meters on every well in this state and restrict or tax usage.
- ✘ Ecology is already restricting water use and is implementing plans that can affect small agriculture's water rights.
- ✘ The USACE, NRCS, and other agencies have slowly been removing their focus of protecting agricultural land and have been moving towards environmental projects to restore agricultural areas to their pre-European development "habitats". This not only affects farmers, it affects everyone, with the farmers being the "canaries" in the coal mine.

WHY WAS THE CAPR AGRICULTURAL COMMITTEE CREATED?

- ✘ Activities are being conducted by agencies, municipalities, and other governmental entities that are not following the required regulatory requirements and these activities are impacting farming.
- ✘ The first case involves the Van Ness farms which are located in King County at the Snohomish County line.
- ✘ Several activities are being conducted in the name of environmental “restoration” that are changing the hydrology of the Snoqualmie River floodway and floodplain.
- ✘ None of these activities have had the required studies to determine how these changes will affect the river or the drainage in this area, however, the Van Ness’ have noticed the impacts, with their farm land no longer draining as it used to, for several reasons, all having to do with these activities.
- ✘ These activities, along with an existing hunting club, 97% of the Snoqualmie River active floodway and floodplain. However, no hydrologic or other environmental impact studies were conducted to determine how these activities will affect flooding and drainage in this area of the Snoqualmie River Valley.

THESE ACTIVITIES ARE IN ADDITION TO NUMEROUS OTHER ACTIVITIES ON THE SNOQUALMIE RIVER

- ✘ None of the other “upstream activities” that have been conducted, or have been approved to be conducted have been required to conduct the studies necessary to demonstrate that these activities will not impact flooding or drainage in the Snoqualmie River Valley, nor do they include studies that demonstrate that endangered species will not be impacted (in this case this could include humans that live in the floodplain or floodway).

WATER RIGHTS, AND MANY MORE ISSUES

Re: Ecology/ Bureau of Reclamation/ Yakama Nation Joint News Release: Agencies consider Yakima Basin groundwater study results

Jeremy Porter [thebigjman@msn.com]

You forwarded this message on 10/7/2010 1:39 PM.

Sent: Thu 10/7/2010 1:08 PM

To: Kristy Reopelle; Alex@ackohl.com; Christine Anglemeyer; Greg Barton; derek babcock; Steven Neugebauer

Cc: Landtech; Greg Oakes; Scott Lindley; Aaron Wullf; Andy McDonough; Barnes, Kirsten; Bill Hinkle; Bob Pusey; Boyer, Paul; breannaenglish@aol.com; Brett Fladsett; Burdick, Raymond; Byron & Heidi Langley; Carissa Goetzl; Carly Faul; Carrie Stever; Chris Fusetti; Christian & Suzanne Grue; Chuy; Cris Nielsen; Dale & Sara Taylor; Dale Loveland; dankoenig@comcast.net; Darren Buck; Dave Caple; Dave Kline; Dave Lussier; Dave W; Dave Zanavich; Dee Gotch; Devin Lee; Don Torget; Doug Christie;

will take whatever help and time Mr. Neugebauer is willing to give since it seems he has exactly the experience and expertise we need.

Jeremy Porter

From: Kristy Reopelle
Sent: Thursday, October 07, 2010 10:45 AM
To: Alex@ackohl.com; Christine Anglemeyer; Greg Barton; derek babcock; Jeremy Porter; Steven Neugebauer
Cc: Landtech; Greg Oakes; Scott Lindley; Aaron Wullf; Andy McDonough; Barnes, Kirsten; Bill Hinkle; Bob Pusey; Boyer, Paul; breannaenglish@aol.com; Brett Fladsett; Burdick, Raymond; Byron & Heidi Langley; Carissa Goetzl; Carly Faul; Carrie Stever; Chris Fusetti; Chris Kevill; Christian & Suzanne Grue; Chuy; Cris Nielsen; Dale & Sara Taylor; Dale Loveland; dankoenig@comcast.net; Darren Buck; Dave Caple; Dave Kline; Dave Lussier; Dave W; Dave Zanavich; Dee Gotch; Devin Lee; Don Torget; Doug Christie; Doug Pook & Geneene Kluck; Drew Mattson; elizasells@yahoo.com; Eric Wullf; Evan Wyman; Gary Chittim; Gary Hagen; Gene & Alice Crnick; Glenn Nies; Greg Devine; Greg Weaver; Gregg Hall; Jackie Carey; James & Grace Cox; James Solimano; Jan Hart; Jeff Baintel; Jeff Brinker; Jeff Montague; Jeff Schaefer; Jen Ewart; Jerry Martens; Jill Kuhl; Jim Kieburst; Jim Loon; Jim Merrill; Jim Miller; jim@sierraind.com; Joel Shalaby; Joey Abramson; John & Mark Gobbie; John & Stephanie Connolly; Justin Smith & Sarah Kerrigan; Robert Chellis; Karin Fusetti; karlpauly@aol.com; Kendall Stever; Kevin Kelly; Kevin Lane; kimstreck@hotmail.com; Kitty Wallace; Kyle Bush; Lana Rich; Leslie Honda; Lew & Lois Matthews; Lincoln Ghion; Lucy.d@comcast.net; Lynda & Reggie Brown; lnnromans@att.net; Maire Twomey; Marc Kirkpatrick; Mark & Kenda Berger; Marli McCormick; Michael & Kathleen Richardson; Michael Carlucci; Mick and Sally; Mike Annis; mksosney@gmail.com; Nina Abelman; Peter & Jennifer Kellog-Smith; Peter Kohl; Rachel Bennett; Randy & Conna Fletcher; Rich & Mari Wolf; Rich & Shelley Sailer; Richard A. Fisher; Rick & Margaret Schwarz; Rob Carpenter; Robert & Jennifer Larson; Robert & Melinda Deaton; Robert & Victoria Hammond; Robert Annis; Rod Jovanovich; Roger Collins; Roger Hammond; Ron Lange; Roy and Penny Davis; Roy Davis; Rudy Evans; Sara Taylor; Scott Cannon; sds@dsarc.com; Sean Northrop; Sean Northrop; Shannon Cogland; Sharon Porter; Stenberg, Jon; Stan Gray; Steve & Karin Wright; Steve & Leslie Loflin; Steve Ballew; Steve Gunn; Steve Johnson; Steve Kembrel; Steve Local; Steve Senger; Thad Vaughn; Todd Bradbury; Tom Hinrichs; Tom Roth; Tori & Ari Schumacher; Traci Shallbetter; Wayne Nelson; Wendie Kelly; Will Poppie; William Denny; Kathy.k.rust@gmail.com; mvold53@msn.com; Bobbie Bennett; Dan Koehn; emersimbscompany@comcast.net; Greg Johnson; Laura Callaway; Michael Redard

Subject: Re: Ecology/ Bureau of Reclamation/ Yakama Nation Joint News Release: Agencies consider Yakima Basin groundwater study results

Is there someone taking the reins on this? It seems to have been Scott Lindley in the past...Scott, is it still you?
Steve, you've worked with this Attorney's office in the past, do you want to contact them for a ballpark price?
Thanks,
Kristy

- ✘ CAPR and the Agricultural Committee are formed to address the property rights issues that face all property owners, the Ag Committee is run by those in agriculture and have no boundaries, as other CAPR chapters do (usually by County).
- ✘ The Snohomish County CAPR Chapter is ready for you to join and customize it to your needs in this area.

CAPR

- ✘ CAPR v Ron Simms
- ✘ CAPR mission to unite for property rights and to make sure yours are not taken.
- ✘ Each chapter is autonomous but must follow the goals and bylaws of CAPR
- ✘ CAPR is supporting a new effort and a new type of legal action that will have an impact on any agency that conducts a taking or impacts a property owner's rights, especially if these activities violate property owner's legal rights and include regulatory violations by the agency.

WHAT CAN WE DO?

- ✘ Create a flood control/drainage district like the French Slough Flood Control District (join forces with them).



THERE ARE MANY THINGS YOU CAN DO, SO IS CAPR

- ✘ CAPR is considering legal action using the Citizen's Lawsuit
- ✘ There are legal options to all of the potentially impacted property owners
- ✘ Organize, the more people who join the more the politicians will listen.
- ✘ Contributed to the CAPR legal fund (tax deductible) to allow them to continue the fight.

WHAT IS CAPR AND WHAT IS THE AG COMMITTEE?

- ✘ Steve Hammond, founder of CAPR will now Speak.
- ✘ Other CAPR board members and officials are here to answer your questions.
- ✘ Please join today!
- ✘ Steve Van Ness will tell you his story.
- ✘ Questions?