



CHEHALIS BASIN PARTNERSHIP

Fairfield Marriott Inn, Rochester, Washington

June 28, 2019

9:30 am - 12:00

Meeting Summary

MEMBERS* and ALTERNATES' PRESENT

Alissa Shay', *Port of Grays Harbor*
Brian Shay*, *City of Hoquiam*
Bob Johnson*, *WDNR*
Dan Wood*, *City of Montesano*
Jan Robinson*, *Chehalis River Basin Land Trust*
Jim Hill*, *Citizen*
Caprice Fasano', *Quinault Indian Nation*
Mark Cox', *Grays Harbor County*
Bobby Jackson*, *Lewis County*
Chris Stearns*, *Thurston PUD*
Sabra Noyes''* *Chehalis River Basin Land Trust*
Richard Tausch, *Boistfort Valley Water*
Glen Connelly*, *Chehalis Tribe*
Kris Koski*, *City of Aberdeen*

Kaitlynn Nelson', *Thurston County*
Kim Ashmore*, *City of Centralia*
Mike Noone*, *Ecology Water Resources*
Nick Bird*, *City of Ocean Shores*
Shawn M. O'Neill', *Napavine*;
Terry Harris*, *City of Chehalis*
Tye Menser*, *Thurston County*
Wes Cormier*, *Grays Harbor County*
Terry Willis*, *Grays Harbor County*
Brian Thompson*, *Lewis County Farm Bureau*
Dusty Guenther, *Boistfort Valley Water*
Bobby Cox*, *Town of Pe Ell*
David Windom, *Mason County*
Ed Moch', *City of Aberdeen*

GUESTS

Claire Williamson, *WDFW*; Tristan Weiss, *WDFW*; Bob Amrine, *Lewis Conservation District*; Andy Olen, *Centralia Water Department*; Rick Eaton, *Centralia Wastewater Dept.*, Tanya Eison, *Quinault Indian Nation*; Paula Holyroyde, *League of Women Voters Thurston County*; Mark Mobbs, *Quinault Indian Nation*; Tony Wilson, *Thurston County Citizen*; Garrett Dalan, *The Nature Conservancy*; Marina Kuran, *Grays Harbor County Citizen*; Mike Gallagher, *Ecology*; Jim Pacheco, *Ecology*.

STAFF

Kirsten Harma, *Watershed Coordinator*
Cynthia Carlstad, *Facilitator, NHC*

FOR MORE INFORMATION

- Meeting summaries are available on the Chehalis Basin Partnership website: www.chehalisbasinpartnership.org
- PowerPoint presentations from this meeting are available on the Chehalis Basin Partnership website: www.chehalisbasinpartnership.org/presentations

MEETING

1. Welcome, Introductions

The Chair convened a welcome and participants introduced themselves. Mr. Harris asked voting members to sit at the front of the table at next month's meeting.

Ms. Carlstad reminded attendees about the new member orientation that will be held immediately after today's meeting.

2. Approval of April Meeting Notes

All in favor. Ms. Carlstad noted one typo.

3. Instream Flows Presentation.

Drought and Chehalis Basin Junior Water Right Curtailments

Mr. Gallagher (Ecology) opened the presentation by discussing the ongoing junior water right curtailments in the Chehalis Basin and the statewide drought.

For the fifth year in a row, Ecology has issued curtailment notices to 93 junior water right holders who were issued surface water rights later than when the Chehalis Basin instream flow rule (Chapter 173-522 WAC) was adopted in 1976 because flows have dropped below levels specified in the instream flow rule. Curtailment does not apply to indoor domestic uses, only outdoor uses. This year for the first time, Ecology noticed that four water ski lakes also have interruptible rights, and have also been issued curtailments. All of these junior water rights must curtail their surface water diversions when streamflows are below those specified in the instream flow rule. Any water rights established before rule was adopted are grandfathered in, and are not required to curtail water use when streamflows drop below instream flow levels.

Regarding current conditions in the basin – Mr. Gallagher showed snowpack comparisons between 2015 – a significant drought year and 2012, 2013, and 2014. 2015 had an all-time record low snowpack in the Olympics and Cascades. Normally we get a lot of snowpack in December, January and February in Washington State. Next he showed a comparison between 2016, 2017, 2018 and 2019. In 2019 we got good snowpack in December and January, and fairly good accumulation in February, although not the dramatic quantity of snow that the lowlands got in February. After that it has stayed dry, with very little snow.

Mr. Gallagher then showed a graphic with the 7-day average flow for June 15 for 2015 through 2019. 2015 had very low streamflows statewide. 2019 has low streamflows in southwest Washington, the Olympic Peninsula and north-central Washington. This week, the Chehalis River at Porter is flowing at approximately 500 cfs; the median flow for this week is approximately 800 cfs. Forecasted runoff for rest of season is approximately 61% of normal. Similar conditions in watersheds throughout the state led Governor Inslee to declare drought conditions in many watersheds across Washington.

A few statistics that Mr. Gallagher shared are listed below:

- May was ninth warmest for Washington.
- 71% of the rivers statewide are flowing below normal levels
- Statewide, March through May tied for the 15th driest such period on records
- The Olympic Coast experience the 2nd driest March-May since 1895 while the Palouse/Blue Mountain area had the 39th wettest.

Drought conditions as define in Washington state law are the following:

- A geographic area is experiencing, or projected to experience, a water supply that is below 75% of normal, and
- Water users within the area will likely incur undue hardships as a result of the water shortage.

The state has drought relief funding available to address hardships to public water supplies, agriculture and livestock, and fisheries and wildlife. Eligibility requirements are the following:

- Applicant must be a public entity
- Applicant must be capable of implementing the proposal in a timely manner (by April 2020)
- The associated water use must be an existing use under a legal water right
- Applicant must provide a 50% funding match, unless “fiscally disadvantaged.”

Mr. Gallagher's contact information and Ecology's drought information website is listed below.

Mike Gallagher
Mike.gallagher@ecy.wa.gov
(360) 407-6058
<http://www.ecy.wa.gov/drought/>

Mr. Stearns commented that droughts also affect fish – increased stranding, salmon choosing different areas to spend time.

Introduction to instream flows – science, policy, and impacts to water availability

Mr. Pacheco provided an introduction to instream flows – science, policy and impacts to availability. Ecology's Water Resources Program manages water to meet the needs of people and the natural environment, and one of their responsibilities is to develop and defend instream flows.

He started by explaining the difference between stream flow, which is water in the stream, and instream flows, which is a water right. An instream flow has a priority date like all water rights, and it does not affect water rights that are senior to (or issued before) the instream flow. There is no requirement that instream flows be met, and they do not add more water to the stream.

The concept of instream flows dates back to at least 1949, but it took decades before the state took action to protect decreasing stream flow levels caused by consumptive water use. Low stream flows are a factor in many endangered species listings for salmon.

In the early 1970s, Ecology began developing instream flow rules to address low flows and to protect and preserve instream resources – animals, activities, and social values that benefit from having enough water in the stream.

Mr. Pacheco displayed several hydrographs to show how stream flows vary on a daily, seasonal, and annual basis. Because of the wide variability of stream flows, instream flow rules rely on averages calculated from all the available data for a specific time period.

He also showed how the annual flow patterns are different for different rivers. Rivers like the Chehalis (rain dominated) have the longest period of low flows and the highest seasonal flow differences. The seasonal range is less in the Chehalis than some rain-dominated rivers because of significant groundwater influences in the lower basin. Snow-dominated rivers get a bump in flows during the early summer when snowmelt feeds the rivers.

The methods for developing instream flow rules have evolved through the years:

- From 1973 to 1980, instream flows were determined with a hydrology-based definition and led to an instream flow method that was loosely called the hydrologic or stream rating method. The high flow period had the instream flows set at the 95% exceedance level (statistically flows will be at or above that level 95% of the time). The low flow period had an instream flow that varied between the 95 and 60% exceedance level depending upon

its ratings for wildlife, fish, scenic and aesthetic values, navigation, other environmental values, and water quality. This method was the basis for the Chehalis Basin instream flow rule and it is also the least protective instream flow methodology.

- From 1981 to 1985, Ecology used habitat-based methods called toe-width and PHABSIM, which stands for Physical HABitat SIMulation. Instream flows developed using these methods resulted in more protective flows – 50% exceedance during high flow periods and up to 40% exceedance during the dry season.
- No instream flow rules were developed from 1986 to 2000.
- From 2000 to 2015 Ecology used adopted watershed plans to develop or update eleven instream flow rules. Methodology relates fish habitat to stream flow. It continues to focus on quantifying fish habitat since other instream resources are usually also protected if fish habitat is. The three elements of this method are a habitat study, fish periodicity (when fish are using the stream and at what life stage), and stream hydrology. Toe width and PHabSim are still the preferred methods to evaluate habitat. These modern instream flow rules also use a hydrologic limit because the instream flow should be achievable; Ecology uses the 10% exceedance flow as their hydrologic limit to habitat flows. Instream flow rules developed through this method are typically the most protective of stream flow.

Mr. Pacheco explained that Ecology understands that some people believe instream flows are set unreasonably high. But since 1935 research studies have consistently found a strong relationship between salmon abundance and stream flow. Even with less protective instream flow rules such as the Chehalis Basin's the instream flow is often not met as Mr. Gallagher described earlier.

Lastly, Mr. Pacheco described the events leading to the Streamflow Restoration Act, including several successful legal challenges to new domestic water uses. The Streamflow Restoration Act provides the authorization for new permit-exempt well domestic use over a 20-year period if offset projects are implemented to counter the projected stream impairment. Other projects that contribute to the Net Ecological Benefit standard can also be included in the offset.

Mr. Pacheco offered technical assistance to help the Partnership be successful with its Plan.

Questions and Answers

Mr. Stearns stated that there are man-made features like the fish plant that used to be on Scatter Creek that added flow to the creek, and then they stopped – so what was normal for the last period changed. Has Ecology considered some of these things? Another example is agriculture - converting to crops that do not require water or as much water. Mr. Pacheco responded that Ecology isn't mandating the offset projects but is considering anything the Partnership comes up with.

Ms. Willis asked about augmenting groundwater by deepening river channels to encourage more flow in the river. Jim responded that this is not typically an effective approach because when rivers are deepened they lose the connection to their floodplain which is a giant sponge. Ms. Willis further asked about the situation where large gravel accumulations in the channel essentially bury the flow in the river – all the flow is flowing through the gravels instead of on the surface. Mr. Pacheco reiterated that Ecology is looking at all ideas including managed aquifer recharge.

Mr. Stearns commented that historical logging practices accelerated sedimentation and incision in the rivers, and also scoured the rivers with the use of splash dams. History should be taken into

account in solving the problems. Mr. Pacheco encouraged the group to try to fix some of those problems.

Mr. Thompson asked about the role of gaining and losing reaches and how the Partnership can use that. Mr. Pacheco encouraged that.

4. Watershed Plan and Detailed Implementation Plan Reviews

Ms. Willis provided a discussion on her review of the 2004 Watershed Plan and Detailed Implementation Plan, including useful information, findings, and recommendations. She provided a handout to participants and described key points from her review. Ms. Willis was involved as a citizen representative in development of the 2004 Plan and Detailed Implementation Plan. She said her review focused on the question of how the new law wraps into the old Watershed Plan and she skimmed all the documents to identify subject matter that pertains to the new law.

Ms. Willis drew participant's attention to the white papers (informational papers) that are part of the Supplement to the Watershed Plan itself. In addition to the Exempt Well white paper (was also provided as handout) she noted the cross-reference sheet shows the exempt wells are discussed in the Core Issues, Hydraulic Continuity, and Instream Flows white papers. These and the Plan itself contain recommendations for all water use by fish, wildlife and humans; recommendations for instream flows, and a recommendation for a plan to address exempt wells.

Ms. Willis also emphasized her view that in the process of developing the Streamflow Restoration Act Watershed Plan Addendum, we should not confine ourselves to the exempt well conversation. The original Plan took several years, meetings, and a lot of thought process to put together because the issues are complicated and interconnected. For example, if you do good land use planning you can sidestep drastic use of water, and if you support agriculture you can improve the efficiency of water use. We need to look at system holistically.

Ms. Willis noted that the Detailed implementation Plan, approved in 2006 has additional strategies and drew participants' attention to the reference guide at the bottom of the handout which provides websites for more information. She recognized Mr. Wood who had provided her a copy of the original Bill – ESSB6091, codified as RCW 90.94. These documents are available on Ecology's Streamflow Restoration Act website <https://ecology.wa.gov/Water-Shorelines/Water-supply/Streamflow-restoration>

There were no questions, and members expressed appreciation for Ms. Willis's review and report. Mr. Pacheco commented on how much of a leg up the Partnership has because of its previous work.

5. Draft Charter Addendum to 2004 Operating Procedures

Ms. Carlstad briefly reviewed the purpose for the Charter Addendum to the 2004 Operating Procedures. It provides explanations for aspects of the Watershed Plan Addendum that are not addressed in the Operating Procedures. It will also provide a list of voting members. It will not replace the 2004 Operating Procedures, which is the governing document for how the Partnership works together.

Nothing in charter should conflict with Operating Procedures. We have a limited amount of time to complete the work – Plan Addendum must be adopted by Ecology by February 2021, and Ecology cannot give extension. Using a Charter Addendum is an expedient way to enable us to get the work done.

Mr. Stearns noted that when the Operating Procedures were adopted in 2004 was before the Governor's task force on flooding, and before the Flood Authority formed. The Partnership has narrowed its scope in response to those other entities taking on the flooding issues. Mr. Wood responded that while Mr. Stearns is correct about those other entities, he does not believe flooding is completely removed from Partnership purview. The Partnership can still address flooding where there are interrelated needs. Ms. Carlstad voiced her hope that the group looks to leverage efforts wherever possible.

Ms. Carlstad directed attention to the latest version of the Charter Addendum. This version has accepted changes that the Partnership has seen before, and the only changes are a couple edits made in response to discussion at the last meeting.

Ms. Carlstad stated the goal of getting a first approval for this version of the Charter Addendum today if members are comfortable with that. A second approval will be required, which could happen at our July meeting. Discussion occurred around decision-making:

- Mr. Harris suggested using the language "first reading," and then approval would be obtained at the "second reading."
- Ms. Willis asked if someone votes to approve today, can they change their mind at the second reading. Ms. Carlstad answered yes.
- Mr. Wood asked if changes can be suggested at the second reading if internal review prompts those. Ms. Carlstad answered yes. That would then force the approval to go to a "third reading."
- Ms. Carlstad asked the group for their preferences in consensus decision-making – using a simple thumbs up/thumbs down/flat hand for ambivalent - versus voting with more gradation, such as the fist-to-five method. Preference for simple was voiced. Mr. Cormier stated he prefers simple majority.
- Mr. Harris stated that he wants every voice to be heard, and if we have cases where someone dissents, they will have opportunity to express their view as part of the formal decision.

Ms. Carlstad walked through the Charter Addendum. It describes some of the features of this Plan Addendum project that are not addressed in the Operating Procedures but need to be. She paused to discuss the new edits shown.

Participant threshold for Partnership members – who would be considered to be a voting member. This section references the original Intergovernmental Agreement and establishes a deadline for identifying voting member participation. Mr. Stearns noted this includes new member organizations as required by RCW 90.94. One change here was addition of a sentence to acknowledge where there may be a change of mind or elected leadership at an entity listed in the Intergovernmental Agreement, the Partnership would consider granting membership later than the established deadline. Mr. Wood affirmed this addressed his request at the July Partnership meeting.

Mr. Wood asked about membership – how many of the original entities are now participating. Ms. Harma walked through the current membership list:

- All counties are participating
- Chehalis Tribe and Quinault Indian Nation - participating
- Cities/Towns
 - Aberdeen - yes
 - Centralia - yes
 - Chehalis - yes

- Montesano - yes
 - Hoquiam - yes
 - McCleary – has not responded
 - Napavine - yes
 - Ocean Shores - yes
 - Pe Ell - yes
- Thurston PUD - yes
- Grays Harbor Water District – have not responded
- Boistfort Water District – present today
- Citizen Representative – discretion of counties
 - Grays Harbor -yes
 - Lewis County - yes
 - Thurston – have not designated anyone
 - Mason – have not designated anyone
- Agencies
 - Ecology – yes, but does not vote on matters pertaining to the Plan
 - Fish and Wildlife - yes
 - DNR – yes
 - Agriculture - no
- Stakeholder Representatives
 - Fisheries – vacant; Fisheries Task Force does not want to go to more meetings
 - Agriculture - yes
 - Forestry – pending; Ms. Carlstad has reached out to Weyerhaeuser who is named for this seat in the Intergovernmental Agreement. Port Blakely is interested; they also represent Lewis County Farm and Forestry
 - Environment/Conservation – yes

Mr. Wood requested that effective date be edited to be effective at date of adoption. Ms. Carlstad will make this change.

Ms. Carlstad continued through the Charter Addendum. She noted that no edits were made to the Participant Role for the Quinault Indian Nation section. No one has been able to find the executed IGA that may contain language recalled by Ms. Napier. The Quinault Indian Nation is satisfied with the language in the Charter Addendum so Ms. Carlstad proposes leaving it as-is.

Ms. Willis asked if any other entities are in a similar category as Quinault – not signatory to the IGA, but participating. Ms. Harma responded no. The one similar item is the counties that have slivers in WRIs 22 and 23 – Cowlitz, Pacific, Wahkiakum, and Jefferson. These counties opted out of WRIA 22/23 Watershed Planning during the original plan development. Mr. Noone reported that he had reviewed Chapter 90.82-130.c RCW at Ms. Napier's recollection that it allowed counties the opt-out option, and it appears to cover them as opted out. Ms. Willis agreed with this recollection.

The last Charter Addendum edit discussed is the language for the added ground rule that references best available science. There was discussion at the last meeting that a requirement to use best available science could preclude use of local knowledge and/or innovative practices if these have not been peer vetted and accepted as best available science. Ms. Fasano stated that Quinault's proposed edit stemmed from their value for science-based decisions and the importance of the work at hand. Mr. Wood noted that the Growth Management Act (GMA) states "consider" best available science versus the

proposed draft charter language that specifies “utilize.” He stated that local knowledge and traditional knowledge would not likely be best available science but could be the best information we have. Mr. Thompson added that in previous planning efforts, Lyle Hojem’s historical perspective and knowledge was found very useful. Mr. Menser noted that the Plan has to be adopted by Ecology and asked the Ecology representatives if these words mean anything significant to Ecology that we should consider. Mr. Noone said that Ecology is not looking at best available science as a required standard for their adoption. Mr. Pacheco cautioned that requiring use of best available science could lead to pigeonholing further work into expensive studies that are not necessary, referencing his earlier description of instream flow setting methods “toe width” versus “PHabSim.” Mr. Windam read the GMA language which is “consider.” Mr. Stearns noted detailed extensive knowledge that exists within tribes (he used example of Chehalis Tribe) about fish use patterns that is local knowledge not contained in peer reviewed scientific paper.

Discussion focused on wording to give equal weight rather than having oppositional language to consideration of best available science, local experience and knowledge, and traditional knowledge. Mr. Harris expressed confidence in the group to work. Ms. Fasano stated that she will need her internal team to review the edit.

Ms. Carlstad asked if anyone felt uncomfortable voting on taking this version of the Charter Addendum to review within their organizations for an approval at our next meeting. No one indicated they were uncomfortable voting on that. She then asked if members agreed with taking this version of the Charter Addendum to their organizations for approval at our next meeting. No one gave a thumbs-down to this decision.

6. Watershed Plan Addendum Progress Reports

The following progress reports were provided:

- Demand Forecast Work Group / Subbasin delineations – Ms. Carlstad stated that preliminary subbasin delineations have been made, and now the group is seeking to lump subbasins where it makes sense based on where future permit-exempt wells are projected, instream flow issues, and the ability to have confidence in offsetting future impacts. We also have growth projections from Thurston Regional Planning Council and are now working with individual counties to reconcile those with the developable rural lands analysis.
- Habitat Offset Projects – Ms. Harma reported that the work group has met twice and is developing a project list and crosswalk to related basin programs.
- Other Strategies Offset Project Work Group – Ms. Carlstad stated this work group will likely kick off after the next Partnership meeting and encouraged participants to view Ecology’s Projects webinar to gain familiarity with the types of projects that Ecology is envisioning. The Washington Water Trust work done for the Chehalis Basin Strategy should be available to the group soon too.
- Work Plan Overview – Today’s handout replaces last month’s. A few changes were made to create this new version: added August meeting, added public outreach, added more detail around preamble to review and approval of Plan Addendum.

7. Action Items

The following were listed as action items from the meeting:

- A. Meeting space – Ms. Harma confirmed that this meeting space is ok with everyone. The Port of Grays Harbor has funded the meeting space at the Lucky Eagle and has agreed to fund this meeting space. Ms. Harma will schedule subsequent meetings at this location.

ADJOURNMENT

With there being no further business, Chair Terry Harris adjourned the meeting at 12:00pm.

RECORD OF DECISIONS:

- 1. June 28, 2019 – Members voted by full consensus to review the Charter Addendum as edited at this meeting within their organizations and be prepared for a second reading and approval at the July 26, 2019 meeting.

NEXT MEETING: July 26, 2019