



## **CHEHALIS BASIN PARTNERSHIP**

**June 23, 2023**

**9:30 am – 12:00**

**Chehalis Tribe Community Center – Library Classroom**

### **MEETING SUMMARY**

#### **MEMBERS\* and ALTERNATES' PRESENT**

Alissa Shay\*, *Port of Grays Harbor*

Andrea Dahl\*, *City of McCleary*

Andy Oien', *City of Centralia*

Brian Shay\*, *City of Hoquiam*

Rex Hapala\*, *DNR*

Colleen Parrott\*, *Chehalis Tribe*

Dave Windom\*, *Mason County*

Kevin Eldridge\*, *Aberdeen*

Paula Holroyde\*, *Thurston Co. Citizen*

Suresh Bhagavan', *Grays Harbor County*

Terry Harris\*, *City of Chehalis*

#### **GUESTS**

Mark Mobbs, *Quinault Indian Nation*; Lacey Wright, *Americorps*; Bob Amrine, *Lewis Conservation District*; Elaina Fernandez, *Thurston County*; Jacquie Miller, *DOH*; Chanelle Holbrook, *Department of Ecology*; Carson Moscoso, *Department of Ecology*; Mike Gallagher, *Ecology Water Resources*

#### **STAFF**

Kirsten Harma, *Watershed Coordinator*

Lauren Church, *University of Washington Intern*

#### **FOR MORE INFORMATION**

- Meeting summaries are available on the Chehalis Basin Partnership website: [www.chehalisbasinpartnership.org](http://www.chehalisbasinpartnership.org)

#### **MEETING**

##### **A. Partnership Business**

##### **1. Welcome and Introductions**

Chair Terry Harris welcomed everyone to the meeting. Members and guests provided self-introductions, both in person and online.

##### **2. Approval of March & April Meeting Summaries**

A quorum was present. All meeting minutes were approved unanimously.

##### **3. Introducing CBP Summer Interns**

Ms. Harma introduces UW Interns Lauren Church and Florencia Gonzalez-Martinez. Lauren Church will be working on the WaterSmart Conservation Program and Florencia Gonzalez-Martinez will be coordinating Citizen Science on Scatter Creek.

## B. Presentations & Discussions

### 4. Water Rights Curtailments – Summer 2023 – Mike Gallagher, *Ecology Water Resources*

Mike Gallagher provides updates on current river flows and the Chehalis River curtailments for 2023. ~~T and~~ this year is the seventh out of the last eight years that ~~this has been continued there have been curtailments~~. Mr. Gallagher ~~introduces~~ introduced that his presentation will discuss Washington's watersheds and the latest information regarding summer water right curtailments.

~~A~~ Water Resource Inventory Areas, or WRIs, are areas characterized by ~~higher elevations~~ lands that capture rainfall ~~that is then~~ funneled into streams, tributaries, and rivers. ~~WA Washington~~ has 62 major watersheds or WRIA's and each has its own story. ~~The lower and upper Chehalis Basin are explained using a watershed map and the tributaries that feed into the watersheds~~. The presentation ~~discusses~~ discussed the current state of water rights in both the lower and upper Chehalis Watersheds which included new applications, change applications, existing water right certificates, existing water right permits, and existing water right claims. Mr. Gallagher discusses the rivers that are monitored for instream flow regulations, meaning, if the flows get below the limit, ~~they junior water rights holders~~ must stop extracting water. The presentation also depicts the current snowpack in Washington and the snow water equivalent. ~~due to~~ the warm and dry May ~~which~~ has led to an unideal snowpack. ~~This information is presented using a Washington map displaying the WA SNOTEL current snow water equivalent percentage of normal~~. As a result of ~~these~~ streamflow levels, Ecology has sent our curtailment notice letters this month to 93 "Junior" water right holders of surface water. ~~Mr. Gallagher explains the rule that established and does not apply to those senior to this right~~.

Weather events are another factor that can impact the streamflow levels. There were curtailment letters sent in 2021 stating that if flows fall below certain levels, ~~rights holders they~~ must not irrigate, but if flows are above ~~due to a rain event~~, irrigation is allowed. Most everyone has been compliant regarding this curtailment letter in general. ~~With current resources, it is not worth relinquishing water rights due to the detail and tall order but instead valuable to prioritize other areas~~. Mr. Gallagher concludes that this is how water rights are curtailed in the 93 "Junior" water right holders in the Chehalis Basin. The presentation is concluded by Mr. Gallagher, and he opens the meeting for questions.

Q) Bob Amrine states that he noticed in the letter ~~that~~ the ~~S~~outh ~~F~~ork of the Chehalis wasn't being addressed and asked Mr. Gallagher if he is aware of any specifics ~~regarding the south fork of the Chehalis~~.

A) Mike Gallagher responds explaining that if there is a junior water right holder in the ~~S~~outh ~~F~~ork of the Chehalis, then they are subject to the rule, but ~~the determination~~ would be based on the Porter gauge.

Q) Terry Harris asks ~~in conjunction with the previous question~~, if there is any way for this ~~gauging~~ to be made more accurate in order to not punish those who did not need to be.

A) Mike Gallagher responds that ~~everything water~~ that falls in the Chehalis ~~B~~asin flows by Porter eventually, ~~so~~ and that if ~~it~~ streamflow is low at Porter, it is low everywhere ~~upstream~~. ~~Further explains how intermittent highs or lows in different areas will eventually trail back~~.

Q) Kirsten Harma asks two questions regarding the 120 new applications: how could you have these at all if we are a closed basin? and secondly, would these be new junior water rights?

A) Mike Gallagher responds that for these the applicants would have to mitigate or offset their water use; however, Ecology would not grant this mitigation off the tributaries of the Chehalis watershed. Mr. Gallagher explains that any mitigation is not cheap, but there are options and there are some options for offsets.

AQ) Colleen Parrott follows up on to ask if there are alternative ways of making curtailment decisions and what streams are looked at to make the decisions. Ms. Parrott also follows up with her concerns about water flow in the upper basins getting too low before curtailments are issued, and states she would like to explore that more different locations for gauging through a follow-up meeting with Mr. Gallagher in the future.

Terry Harris thanks Mike Gallagher and concludes the presentation.

## 5. Presentation: Summary of Learnings from Water Law in Washington Conference – Kirsten Harma, Coordinator

Kirsten Harma presents highlights from the Washington Water Law Conference. The conference involved information regarding the theme was implementation of streamflow restoration plans. The other presenters were also from the few watersheds implementing their plans: from including those of Spokane and Colville. Ms. Harma summarizes key points from the conference and offered to invite individuals from Spokane and Colville for future meetings to discuss these plans further. This conference presented how these planning units are implementing their streamflow plans and this presentation introduces how the Chehalis Basin could implement similar plans based on these findings.

Q) Ms. Holroyde asked if this the fact that few watersheds are implementing means that there are fewer people requesting money to continue doing what they are doing.

A) Ms. Harma answered that everyone is still applying through the streamflow restoration grant program, but they aren't organized groups like ours, asking for money from the legislature to do their work.

The presentation begins with Little Spokane basics. Spokane has a similar history to Chehalis which included a watershed planning unit ongoing since the Watershed Act from the 1990s the first round, followed by plan adoption ahead of schedule, started with the Watershed Act from the 1990s. The main takeaways from the streamflow plan itself include that the tribe wanted offsets by sub-basin, project types included ten MAR projects and five potential water right acquisitions. Learnings since the plan was adopted include that Spokane is now leaning away from this MAR and as they have found that the MAR construction doubled in cost. As a result, Spokane has shifted to putting their efforts into water rights, but limitations include landowner challenges. The Spokane administrative structure includes a single county taking a lead role in implementation and administration. The funding is \$30,000 per year for plan implementation from general funds which is used for county staff admin, surface and groundwater monitoring, and project development for MAR and water rights. Spokane is also conducting tracking in wells in parts of 3 counties, which takes three weeks for the first year and 1 week for the subsequent years.

The Colville Watershed also has a similar history to that of Chehalis. This watershed planning unit has been ongoing since the first law and formed a watershed plan and then a Detailed Implementation Plan. The streamflow planning involved a Hydrogeologist within the planning and

projects were developing where rural growth is most likely and where the most groundwater-surface water connectivity is ~~prevalent~~present. The current projects in plan include water storage and water rights acquisition. ~~Staff and~~ found the engineering projects to be less successful. Projects in the Colville Watershed were administrated by the lead of one county (Stevens County) which has an ongoing planning unit but is shifting its focus to get a water bank with local interest in keeping water in the ~~Basin~~basin. Stevens County is also doing outreach to homeowners to get some water rights into trust.

Ms. Harma explain~~ed~~s she attended only the first of two days but learned that there is a water banking grant program which expanded headwater definition to allow Lewis County to participate. The conference also discussed the Nooksack Adjudication, and a more technical understanding will be gained when a member joins a CBP meeting.

Q) Ms. Shay ask~~ed~~s that ~~if a new water bank could replace an if a water user could purchase from an~~ existing water bank such as the TransAlta water bank, why would someone create a new water bank through purchasing from e an existing water bank?

A) Ms. Harma answers: this might occur so they could manage it on their own, put it ~~in~~to a specific purpose, ~~and or~~ have control over who purchases from it.

A) Mr. Gallagher comments that a new water bank purchasing from the TransAlta water bank for their own water bank is conceivably possible, but it is important to keep in mind that the water in that water bank ~~in terms of water rights~~ is only available to offset use on~~for~~ the mainstem Chehalis River. ~~However, because the streamflow restoration law allows for mitigation of streamflow-exempt wells to be throughout the Basin but~~Mitigation for exempt well water use in the Chehalis Basin has to come from-would have to be in the Chehalis Basin~~-specifically~~.

## 6. Presentation: Water Law – Dave Windom, *Mason County*

~~Mr. Windom d~~Discusses~~d~~s a ~~Washington Water Law seminar~~Water Resources and Local Planning webinar presented two weeks ago to the Planning Association. Mr. Windom explain~~ed~~s that it was clear and easy to understand and delved into a variety of hard topics. The ~~P~~planning ~~A~~association emphasize~~d~~s that water rights are complicated. Counties have staff including water rights attorneys and conservancy boards who all weigh into water law. One of the main topics that was discussed is what water rights are. Water rights include first in time, beneficial use for water, and for a specific quantity. ~~Mr. Windom also discusses his personal water right in the past. Through this presentation, it is~~Mr. Windom explained that water rights are seasonal and have particular locations. One specific of the seminar ~~was~~ that water rights and permit-except wells continue ~~at the county level~~ to be contentious in counties. ~~There are four main permitting-exempt wells. Explains that~~ Mason County ran into problems with permitting of projects in terms of development. These problems at the county level occurred as they had difficulty determining with ~~E~~ecology what is a “project”- ~~and~~ what constitutes a single project. This conflict has been ongoing for 6 years. Ecology and Mason County’s definitions are very different, so it has been very difficult to attain an agreement on this.

~~Mr. Windom explains that through T~~the ~~Washington Water Law-seminar webinar~~ delved into the Hirst Decision. This decision laid out that you had to mitigate in time, in place, and in kind. This then means that water rights in streams are protected from new impacts. This decision set a timeline in county planning going forward to track wells and reduce the amount of flow ~~available~~used. State-wide monitoring and reporting were also significant. Many recent court cases have also influenced water law in the past few years.

Throughout the training, ~~he~~ explain~~s~~s it became apparent that in this work from the county point of view, there is no single repository for data government as and so many different ~~pieces~~ people and departments play roles. Mr. Windom also explain~~ed~~s that it is difficult to make sure ~~to~~

~~that each department~~ adapts to a variety of challenges such as climate change. ~~It c~~ould be beneficial for counties to have single-~~point~~ resources – ~~a Water Resources Department~~ – that could be used across multiple counties.

Mr. Windom conclude~~ds~~ his ~~presentation regarding highlights from the Washington Water Law seminar~~ and open~~eds~~ the floor for questions.

Terry Harris comment~~eds~~ that he likes the idea of the ~~resource unit~~~~Water Resource Department~~ to be put in place for county governments. Mr. Harris then explain~~eds~~ that communal operations are going to be important to accomplish tasks.

Mr. Windom explain~~eds~~ it also might be important to have central water managers or experts so that ~~C~~ounty ~~C~~ommissioners do not have to be taught ~~after~~ each ~~r~~election.

## **7. Water Quality Improvement Grants from Ecology** – Channele Holbrook & Carson Moscoso, *Department of Ecology*

Ms. Holbrook i~~n~~troduce~~ds~~ herself as well as Carson Moscoso who is working with her. She also introduce~~ds~~ her presentation on Nonpoint funding opportunities through the Department of Ecology. There are three main sectors encompassing projected funding available for Nonpoint including Section 319, Centennial, and CWSRF Loans. For nonpoint projects, there are no longer match requirements, which have historically been a stumbling point for grants. Another ~~newer~~ opportunity is on-site sewage- repair and replacement ~~which~~ require a 100% match, ~~which is a newer program~~. The maximum grant amount is \$500,000 and there is a 36-month agreement duration.

The presentation provide~~ds~~ an overview of grant eligibility regarding land acquisitions. This includes property purchase and conservation easements for riparian areas, watershed protection wetland preservation and protection, and drinking source water protection. There are a few main eligible grant activities for restoration work which include: riparian buffers ~~through the new voluntary clean water guidance~~, lake ~~improvements- which a phased process is required~~, wetland ~~enhancements~~, and stream ~~which includes~~ grading and bank stabilization, installation of large woody debris, and a channel re-establishment/re-meander. ~~Grant eligibility-Eligible activities~~ also includes agricultural BMPs such as conservation-based tillage, livestock feeding and off-stream watering BMPs.

Ms. Holbrook explain~~eds~~ that there are some eligible activities that include BMP implementation on state and federal lands ~~which there are rare exceptions on a case-by-case basis~~. Ineligible activities ~~also~~ include funding application preparation and previously funded ~~objectives~~activities. There are also buffer guidelines which include that federal terms and conditions are applied to all state revolving funds and centennial match funds. These buffer guidelines are based on the Department of Ecology's new voluntary clean water guidance for agriculture. Ms. Holbrook then explain~~eds~~ the mapping tool which indicates stream sizes which buffer width applies.

There are guidelines for Agricultural BMPs such as caps on direct seed including equipment rental or custom application fee reimbursement. The presentation further delve~~ds~~ into grant eligibility regarding conservation plans for water quality ~~explaining what determines if sites are eligible or not eligible~~. There are also other tasks that are eligible grant activities such as groundwater protection, public outreach and education, technical assistance and conservation plans, water quality monitoring, watershed planning. ~~Also explains that in the slides footnotes there is further information and~~ ~~The presentation slides have links to~~ resources regarding the opportunities she discuss~~es~~ in the presentation.

Eligible loan activities also exist which include all grant activities, direct seed equipment purchasing program, irrigation efficiency implementation, and onsite septic repair and replacement, and wetland creation—~~which was emphasized~~. Ms. Holbrook provided~~s~~ an overview of the 2019-2021 Outcomes Report which is a story map which displays the mission ~~and~~ visuals of completed projects, ~~wastewater projects and funding for municipalities, stormwater projects, stormwater in infrastructure, loans and grants, sewer collections and systems, and stormwater infrastructure. Nonpoint sources such as Riparian restoration work is shown in the presentation through before and after photos following different projects.~~ There are also resources such as outreach and education in King County and survey and monitoring. In this case, the funding is there, however, people to carry out the services are needed.

~~The presentation explains Spokane's project for an improved sewer storage facility and also explains other projects being done elsewhere that the Department of Ecology has provided funding for. Further provides some final things to know regarding watershed plans, landowner agreements, and cultural resource review as well as project schedule tips regarding the timeline of reviews and application submission things to know.~~

Q) Lacey Wright asked~~s~~ about some of the environmental science education that the Department of Ecology has funded in the past, asking if there ~~is any history of the Department of Ecology funding environmental science education were education projects funded along in~~ the Chehalis River Watershed.

A) Kirsten Harma and Carson Moscoso answer~~d~~ that there have not been any of these projects in recent years that they are aware of.

Q) Alissa Shay asked~~s~~ if for the Department of Ecology grants if ~~P~~port districts are eligible to apply.

A) Chanelle Holbrook answer~~s~~ that she will double-check that information, but she believes so. She elaborates that there are two different funding sources.

A) Carson Moscoso respond~~s~~ that SRF Loans and Centennial funding is limited to public entities, 319 funding is eligible to public and non-profits.

Terry Harris thanks Ms. Holbrook for her time and presentation.

## 8. Partner Updates – Everyone

Kirsten Harma and Terry Harris move the meeting towards partner updates.

Dave Windom explain~~s~~ ~~that it is septic awareness month in Mason County, and they are working on outreach current things~~ such as flyers and coupons for improving water pumps and ~~related things and rebates in Mason County.~~ ~~Mr. Windom e~~Explain~~s~~ that these things have been successful for the county in the past and ~~they~~ are pushing for these initiatives again this year.

Paula Holroyde share~~s~~ her League of Thurston County Women Voters finalized report: ~~“Thurston County's Freshwater Future: Adaptation will be a MUST”.~~ ~~Kirsten Ms.~~ Harma and Ms. Holroyde share that this report is available on the League of Women Voters website. This report is a water study that summarizes much of the discussions and work of the CBP ~~for years~~ and contains a call to action.

Lacey Wright provided~~s~~ an update that the AmeriCorps position for Grays Harbor National Wildlife Refuge education and coordination is open and up for hire. Ms. Wright also provided~~s~~ news that she is now the education specialist for the Nisqually National Wildlife Refuge Complex now and can now do more outreach for the greater the Chehalis ~~B~~basin rather than just Nisqually.

Alissa Shay shares that ~~there the Port is completing~~ river ~~and stream~~ projects: one being to replace a water line ~~this summer as well as and the other a~~ project ~~for along~~ the haul road ~~project~~ to protect the water line due to erosion, ~~and a~~ large woody debris ~~project will be added~~ to protect the waterline ~~which will be constructed~~ in the next couple of months. Ms. Shay would be amenable to hosting a field trip.

Brian Shay provides an update on the ~~Tour tour~~ of Hoquiam, ~~s and~~ the dam removal ~~and water supply~~ project. He states that ~~it the tour~~ far exceeded his expectations, and the history and information was incredibly well done. He is open to putting on a tour and suggests the possibility of continuing this again.

Terry Harris thanked everyone and confirmed the next CBP meeting in August.

### **ADJOURNMENT**

With there being no further business, Chair Terry Harris adjourned the meeting.