



Chehalis Basin Partnership

Meeting Summary – June 23, 2000

Introduction

Lewis County Commissioner Richard Graham, acting as temporary chair, opened the meeting. Both Mayor Spahr of Chehalis (Chair) and Dr. Sodhi (Vice-Chair) were unable to attend today's meeting. The following visitors introduced themselves: John Fratt (Port of Centralia), Bill Young (WRIA 14 Lead Entity for salmon recovery), Jan Leth (Congressman Baird's office) and Clint Dies (Montesano – sitting in for Ron Schillinger).

Attendance: Nineteen designated representatives or their alternates attended this meeting. There were Twenty-four additional citizens, alternates, or visitors that attended.

Endangered Species Act 4d rule...follow-up on the May Request for a Presentation

At the May Partnership meeting a request was made for a presentation on the status of the Endangered Species Act (ESA) section 4d rule being developed by the National Marine Fisheries Service (NMFS). This rule applies to areas of Washington, Idaho, Oregon, and California where Chinook salmon, Chum Salmon or Steelhead are listed as threatened. In Washington, the NMFS 4d rule applies to the Puget Sound area and tributaries, and the (lower) Columbia River and tributaries. This 4d rule does not apply to the Chehalis Basin because the only species currently listed is the Bull Trout, and the U.S. Fish and Wildlife Service, not the NMFS, oversees that listing.

A presentation will be scheduled on the 4d rule for Bull Trout that will apply to the Chehalis Basin in the near future. USFWS will be asked to explain the current status of the 4d rule being developed for Bull Trout and how the Bull Trout 4d rule USFWS develops will compare to the NMFS 4d rule for west coast salmon and steelhead.

A "Citizen's guide to the 4d Rule for Threatened Salmon and Steelhead on the West Coast" is available on the Internet at the following address:

<http://www.nwr.noaa.gov/1salmon/salmesa/4ddocs/citguide.htm>

Water Conservancy Board of Thurston County (Agenda item #1)

In (May) the Partnership received notice from the Water Conservancy Board of Thurston County inviting comment on an application for a transfer/change in the use of an existing water right that Conservancy Board was considering. Since this was a new issue to the Partnership a representative of the Water Conservancy Board of Thurston County was invited to attend today's meeting to explain the purpose of Water Conservancy Boards. Nick Adams, Chair of the Thurston County Water Conservancy Board, was introduced. Mr. Adams started by sharing his personal experience with waiting 3 ½ years for Ecology to process a transfer of an existing water right he held to the City of Lacey. In 1997 the Washington State Legislature passed 90.80 RCW that empowered counties to establish water conservancy boards to help deal with the backlog Ecology faces in applications for new water rights and transfers or changes in use of existing water rights. Two Pilots were set up, one in Lewis County and one in Benton County. Based on the results of these two pilot water conservancy boards, the process was opened up for all counties to participate. Currently 13 counties have established WCBs.

Water Conservancy Boards offer an alternative to Ecology's process for "transferring" an existing water right to another location, or "changing" the designated use of an existing water right. WCBs can only address transfers or changes; the statute does not give them authority to consider requests for new water rights. State courts have ruled that Ecology must take all applications for new water rights, transfers, and changes in the order they are received, without regard for how quickly a decision could be made on an individual application. Currently in Thurston County there are approximately 65 applications in line waiting for action by Ecology. WCBs offer a shortcut that can save eligible holders of existing water rights time. Although WCBs must also consider applications in the order they are received, the fact that they can't consider applications for new water rights makes their work somewhat easier – and therefore decisions can be made quicker. The WCB of Thurston County anticipates that decisions on transfers/changes can be made in 4 to 6 months.

WCBs are made up of three members appointed by County Commissioners. One of the three must hold a valid water right. There are rules governing situations where a WCB member has a conflict of interest with a specific application. The three WCB members must go through 32 hours of training provided by Ecology and have eight hours of refresher training each year. The WCB must follow all the state laws and rules governing water rights that Ecology does in making its decisions, and all decisions must be approved by Ecology. In making its decision on a transfer or change in use for an existing water right, the WCB must make an on-site inspection, and must consider these three things:

1. The extent and validity of the water right for which a transfer/change action has been requested must be verified. The water right must have actually been used for the beneficial use it was applied for, and only the amount of water that has actually been used can be transferred or designated for a different use. With very few exceptions, water rights (or portions thereof) that exist only on paper but have never been used are not valid and can not be considered for transfer or change in use.
2. Can the transfer or change in use be made without injury or detriment to existing water rights?
3. Will the proposed transfer or change in use be detrimental to “public” interests?

WCBs have authority to assume the role of “Lead Agency” under the State Environmental (Polity Act) (SEPA). Decisions of the three-member WCB are made by majority vote. They do not have taxing authority, so they must rely on fees to cover the costs of processing the applications they receive. Liability is a big concern and in Thurston County a large percentage of the fees go to pay for errors and omissions insurance. WCB members may receive reimbursement for travel costs, but they otherwise serve without pay. Decisions of the WCB can be appealed to Ecology before Ecology acts on the decision. The decisions can also be appealed to the state Pollution Control Hearing Board.

The Partnership asked Mr. Adams “What does the WCB of Thurston County want from the CBP?” Mr. Adams responded that the WCB is required to notify Local Planning units like the CBP which cover areas where a transfer/change has been requested. The WCB would like to have a single contact to work with in the Chehalis River Watershed, or at least a smaller sub-group of the CBP. This is an opportunity for the Partnership to provide information that is pertinent to the application or comment on the application that the WCB is considering. The Partnership is not obligated to respond. The information the Partnership is gathering under its assessments could be useful, and the plan for water use in the basin that is eventually prepared could be integrated into WCB decisions.

The Partnership member’s present reached agreement that we want to be kept informed about applications for transfer/change in use within the Chehalis Basin. The Partnership is not currently set up to consider or comment on WCB applications. We will not comment on the current application, but we may choose to develop a process to comment on future applications.

Culvert Barriers (Agenda Item #2)

This presentation is the result of a discussion at the May CBP meeting about criteria the Salmon Recovery Funding Board may choose to determine eligibility of fish blockage removal projects. Many of these migration barriers are culverts.

WDFW has developed a manual that describes suitable methods of fixing culverts that are acting as migration barriers. Culverts become barriers because they are not appropriate for the site where they are placed, they are too small, fish passage criteria were not applied when they were installed, the channel has become degraded, the requirements of the permit issued for the culvert were not enforced, or maintenance has not been adequate. The state Department of Transportation has evaluated culverts under many miles of roads and found over 2400 of them that act as barriers, so they are a significant cause of loss of salmon habitat.

The Manual contains three options for culvert replacement:

1. Follow the State Rules (the default option) – under this option, culverts are placed so that they are level and there is no change in channel shape.
2. Hydraulic Design – these culverts can be smaller than those installed using the default option, but the design process is very complex. You can't design for just one species.
3. Stream Simulation – these are wider than the default option, but they provide additional benefits such as access through the culvert for non-fish species.

The manual is available over the internet at the Washington State Department of Fish and Wildlife website www.wa.gov/dfw/hablengineer.com

Lead Agency Report (Agenda item #3)

Staff reported on the status of the **resolutions** transferring Lead Agency and Lead Entity status from Lewis County to Grays Harbor County (handout provided at meeting). Several organizations still need to take action and will be contacted to remind them.

Envirovision Contract: Work is progressing on evaluating the information/data gathered during the first stage of the Level 1 Assessment. Envirovision will be making a report at the July meeting.

2514 Phase 3 Grant: the contract has been signed and submitted to Ecology. The funding for Phase 3 (Planning) should be available July 1. This may make it possible to hire additional staff to begin supporting the early stages of 2514 plan development.

Strategic Planning Workshop: Grays Harbor County is sponsoring a workshop on Wednesday June 28th so that the Partnership can take a look at all the responsibilities that are being thrust upon us. The intent is to look at these

responsibilities, establish some sense of priorities, and develop strategies for accomplishing the work. Members of the Technical Advisory Committee will be attending the workshop but it is open to any member of the Partnership as long as the county is notified in advance. A summary of the workshop will be provided.

Salmon Recovery Funding Late 2000 Project Application Period: Acting in its role as Lead Entity for salmon recovery in behalf of the Partnership, staff from Grays Harbor County handed out a memo regarding the upcoming salmon recovery project application period and information from the Salmon Recovery Funding Board (SRFB). Grays Harbor is funded to provide ½ of a full time position to help the Partnership with 2514 (water for people/water for fish) planning and administer the contract with Ecology. During the Early 2000 salmon recovery project cycle the county provided at least ½ of a full time position just to coordinate the solicitation, evaluation, and local ranking of project proposals. This activity is not eligible for 2514 (water planning) funding and the county will not be able to provide the same level of support during the Late 2000 SRFB cycle. The memo lays out three options:

1. The CBP could determine that it is appropriate to solicit within the Basin for salmon recovery projects that will be evaluated, ranked and submitted to the SRFB. This would require the CBP to identify a revenue source for coordination of the process; recruit volunteers to coordinate the solicitation, evaluation/project ranking and assist with the preparation of lead entity grant; and recruit volunteers to present the high priority projects and local project selection process to the SRFB technical review panel.
2. The CBP could decide to submit only one capacity-building project. This might take the form of a request for funding to develop a salmon recovery plan. When the recovery plan has been completed projects from the Chehalis Basin more competitive before the SRFB. The Lead Entity would still need assistance with preparing and presenting the proposal.
3. The Partnership could decline to participate in the SRFB program and encourage project proponents to pursue other funding sources.

A lively discussion followed this review of the memo and SRFB information. An attempt was made to reach consensus, but in the end it was decided to table reaching agreement until the next CBP meeting. Between now and then Partnership members should gather information and develop suggestions on how to proceed. The following is a list of the issues recorded during the discussion:

- Projects will not be limited to ESA listed species. The SRFB is wrestling with the issue of listed versus non-listed species, but no decision has been made that anyone is aware of. The Chehalis Basin has one listed species (Bull Trout – Threatened) and one proposed candidate species (Sea-Run Cutthroat – proposed threatened) so the Chehalis Basin is eligible no matter which way the SRFB goes.

- There is also a debate over “healthy” versus “weak” stocks – should we put money into protecting healthy stocks or into saving weak stocks.
- Some members felt that it is pretty obvious that the SRFB has not been able to communicate what they really want and based on our success record last cycle we apparently don’t have some of the critical pieces of information necessary to compete (a recovery strategy and a recovery plan). The SRFB also isn’t very friendly to the local prioritization process they established, and made several changes from the local priority list in deciding which projects would be funded. These members recommend we save our time and resources by sitting this cycle out.
- Other members disagreed. Some of them have completed 75% of the work needed for a complete project proposal. They would be very uncomfortable if the Partnership decided to sit the next cycle out and they weren’t able to submit their project.
- Several members stated that they had resources they could make available to support solicitation, evaluation, and ranking of project proposals from the Partnership. As the designated Lead Entity, Grays Harbor County has to submit the applications, but nothing says they have to do all the work. Also, additional support for local efforts should be available this cycle from the SRFB and other agencies.
- There are no basins in the state that have actually completed salmon recovery plans that meet the SRFB criteria. Some are closer than others. The SRFB is asking “how does your basin’s salmon recovery project list relate to the state of knowledge about what is needed in your basin today?” We need to show that the highest priority projects have the greatest benefits to salmon recovery, and a low risk of failure.
- 2496 grants to the lead entity contain tasks related to identifying salmon recovery projects.
- Groups who want the funding for their projects should share the burden of coordinating the solicitation, evaluation, and ranking of all the basin projects, including presenting (and defending) the projects before the SRFB and its panels. The burden should not all be on the Lead Entity.
- The partnership should pursue obtaining a statement from the SRFB that we can still get projects funded even though we don’t have a salmon recovery strategy/plan. If we can’t obtain this statement maybe sitting out the Late 2000 funding cycle will put enough shock into the system so that we see some changes and get some help.

Citizen’s Advisory Committee Report (Agenda Item # 4)

A summary of the June CAC meeting was mailed out with the agenda for today’s meeting. A couple of highlights are:

- The Partnership needs to start thinking about establishing a basin Library for electronic data, maps, and paper documents.

- To facilitate getting Partnership member out on the river, the CAC is sponsoring a float trip on July 29th (the CAC minutes say June but that is an error). CAC members are scouting the best area. Members will provide several canoes. Interested persons should **notify a CAC member** if they want to attend.
- The next CAC meeting is in the Montesano offices of the WDFW at 9:00 a.m. on July 12. The planned speaker will be Steve Stinson on the subject of Habitat Conservation Plans for small landowners.

Flood Control (Agenda Item #5)

Lewis County thought that they would be able to amend their existing agreement with DOT but found that they will have to negotiate a separate contract instead. This will slow things down some. The county received \$1 million dollars from the legislature for the state share of the project. The U.S. Army Corps of Engineers project manager is now Chris Runner.

Open Comments (Agenda item #6)

Members of the audience complimented the DFW presentation on culverts. They also expressed confusion and concern about the state Department of Fish and Wildlife plans to kill “hatchery” fish in the Chehalis to prevent them from spawning and mixing with “wild” or “native” fish. Where is the hatchery on the upper Chehalis? Where are these hatchery fish coming from?

Wrap-up/Adjourn (Agenda Item #7)

The next Chehalis Basin Partnership meeting will be held on **Friday July 28, 2000 at the Chehalis Tribal Center from 9:00 to 11:30 a.m.**