



Chehalis Basin Partnership

Meeting Summary – September 27, 2002

A. GENERAL PARTNERSHIP BUSINESS

Introduction

Chairman Spahr welcomed everyone and opened the meeting. The meeting attendance record disappeared during the meeting, but a visual head count showed that fifteen of the Partnership's thirty-two member organizations had a representative or alternate in attendance. Sixteen additional citizens, alternates, or visitors were at the meeting in addition to several visitors from the Western Washington Property Rights and Water Rights Coalition who attended a portion of the meeting.

Kahle Jennings presented corrections to the July 26, 2002 and August 23, 2002 Partnership meeting summaries (attached).

Citizens' Advisory Committee

The Citizen's Advisory Committee (CAC) plans to meet after this Partnership meeting. The CAC will discuss its role in ranking Salmon Recovery Funding (SRF) Board grant applications.

Steering/Technical Advisory Committee

A summary of the September 5th STC meeting was included in the packet for this Partnership meeting and the issues the STC focused on will be discussed later during the meeting. The next STC meeting will be on October 3 at the Thurston County Commissioner's meeting room starting at 10:00 a.m.

Water Quality Committee

The Water Quality Committee has met twice since the last Partnership meeting. The first meeting was on September 4th and focused on organizing the committee and drafting a section on the Water Quality Committee to go into the draft operating procedures. The second meeting on September 18th was a presentation by Dave Rounry on TMDLs. Both meetings were well attended and some of the people attending the TMDL meeting had not previously been involved in any Partnership activities.

Other Business

John Penberth spoke on behalf of the Western Washington Water Rights and Property Rights Coalition. The Coalition formed in Grays Harbor County but includes members from Lewis, Mason, Thurston and Pacific Counties. The Coalition is concerned about government intrusion into private property and water rights. Their interest is in the rights of private citizens, not obtaining funding for any projects and they want to see citizens' interests in the work the Partnership is doing represented by regular citizens not just by citizens appointed by each Board of County Commissioners.

The Coalition has been waiting several months now for the Partnership to respond to its request. John presented a copy of the Intergovernmental Agreement forming the Partnership and declared that he believed it is invalid because not all the signature blocks contain signatures. He said he has turned a copy of the document over to the state Office of the Attorney General with the request that they look into whether or not the Partnership is a legitimate planning unit under the Watershed Planning Act (RCW 90.82) and whether or not all of its actions to date are legal.

A general discussion of the Intergovernmental Agreement, the Partnership and membership followed. Points that were raised during the discussion include:

- Anyone is welcome to attend Partnership meetings and the Partnership has been very liberal about letting visitors and non-members express their opinions.
- When the Partnership was forming they invited many different groups to become members but not all of them are obligated to sign and participate.
- At the time the Partnership was formed there was a strong desire to make it a government-to-government coordinating body. Elected officials represent hundreds, if not thousands, of citizens and they are accountable through the election process. Small special interest groups are often not accountable to anyone.
- Membership in the Partnership is not designed to be exclusive; however, it is designed so that meetings would be manageable and work can be accomplished.
- The Partnership is not, nor is it intended at this time to be a legal entity. It is first and foremost a coordinating body and a forum for sharing and working on issues that affect multiple jurisdictions. After RCW 90.82 was passed it assumed the role of planning group at the request of the initiating governments (all of which signed the Intergovernmental Agreement) to develop a watershed management plan. It also functions as the advisory committee for salmon recovery under the processes defined in RCW 77.85. All contracts and agreements related to the work of the Partnership are held with, and negotiated by, a county acting as a fiscal agent for the Partnership.
- The phrase in question “must be signed by all parties” means all interested parties that sign the agreement by the effective date – no one can be forced to sign the agreement or to participate.
- This discussion about membership affirms the need to complete and adopt the operating procedures.

Since the complete text of the draft operating procedures was not available to hand out at this meeting the draft language of the chapter on membership was distributed. The complete text will be sent out in a special mailing next week for reviewed by everyone before the next Partnership meeting.

John Penberth closed the discussion by summarizing that there are two issues that need to be addressed in the following order: 1) Is the Intergovernmental Agreement a legal document and is the Partnership functioning legally? 2) Action on the Coalition’s request to become a full member of the Partnership.

All Coalition members except for John Penberth then left the meeting although they were invited several times to remain and participate.

B. SPECIAL PROJECTS

Watershed Planning under RCW 90.82

Bob Wheeler, Triangle Associates, reviewed the different projects the Partnership is involved in. The Chehalis Basin covers a very large area and the issues are complex. The Level 1 Assessment of existing information is complete and work is progressing on gathering new information. The Partnership is now facing its most difficult task -- making sense of all of the information gathered, identifying and discussing issues, setting priorities, making recommendations and recording all of these in a watershed plan. The plan must be completed by October 30, 2003 and forwarded to the counties for adoption. That gives the Partnership just over a year to complete its work on this particular project.

With this in mind a draft schedule for the next 12 to 14 months was reviewed. The intent is to fine tune the schedule over the next few weeks and then send it out so it can guide the Partnerships work. If everything goes as planned, the Partnership meeting in October 2003 should be a celebration of a successful effort rather than a last minute rush to complete the work.

Because the scope of the plan encompasses all of the elements in RCW 90.82 (quantity, quality, habitat, and in-stream flow) there are many issues that must be considered. The Steering/Technical Committee will be holding a special meeting on November 1st to focus specifically on discussing and prioritizing issues.

The Partnership discussed, and agreed, to send a follow-up letter to the counties that have previously chosen to not actively participate in the planning process. The letter would request that they confirm their level of interest in participating in development of the plan. It would also remind them of the requirement that they participate in the adoption of the plan prepared by the Partnership and ask them how they would like to be kept informed so that they can participate when the time comes.

The Partnership also discussed preparing a letter for local legislators that would describe the workload associated with watershed planning and ask that some consideration be given to amending RCW 90.82 to allow counties with very small territories in a planning area the option of not participating in the planning or adoption processes. For the Chehalis Basin this change could allow Cowlitz, Jefferson, Pacific and Wahkiakum Counties to opt out of plan approval if they choose to do so. This change would also provide Grays Harbor County the option of not participating in plan approval for two other watershed plans where it has small territories. The Partnership agreed that such a letter should be prepared, but that due to the Partnerships state grant funding care should be taken that the letter provides information to the legislature without lobbying.

Next, TetraTech/KCM provided an update on the two studies that are currently underway. A first draft of the basin-wide water balance will be completed and shared with the Partnership within the next two months. Some of the preliminary basin-wide estimates are that 55% of the precipitation falling on the Chehalis Basin each year runs off as stream flow. An additional 30% is lost through evaporation and transpiration, ½ to 1% is consumed and 14% is unaccounted for at this time. When the estimates are presented to the Partnership they will be broken down by month so it is clear that during the wet months there is a surplus of water and during the dry months there is a deficit.

The work on stream flow measurements at 16 sites where regulatory flows have been set but no flow data is available continues. Flow monitoring started in June and is entering the final stage. A balance will have to be struck between leaving the gages in long enough to capture the entire low-flow season and taking them out before any high flows can wash them away. Preliminary data on flows and how they compare to the minimum flows set in regulation will be presented to the Steering/Technical Committee at its October 3rd meeting. Expenditures are running a bit less than anticipated and there may be some left over to do additional flow monitoring next year. Each flow-monitoring site has been surveyed in so they could be reinstalled relatively easily.

Comments on the projects included:

- A request that visual representations of the basin-wide water balance be developed
- A caution was raised that a basin-wide water balance could not be used to draw conclusions about water use and needs in specific locations. Each tributary varies and for these types of conclusions to be made each tributary must be looked at individually – which is what the detailed water balance is starting to do.
- It was suggested that there could be value in leaving the gages in long enough so that a correlation between the start of precipitation in the fall and increasing in-stream flows could be developed.
- Some Partnership members have collected stream-flow data that they can share.

Salmon Recovery Project

Complete Salmon Recovery Funding Board applications are due September 30. The projects will be ranked based on technical merit (evaluated by a technical committee) and reviewed for social objectives (evaluated by the Citizens' Advisory Committee). The results will be a prioritized list of projects that will be presented to the full Partnership for discussion and approval on October 25th.

U.S. Army Corps of Engineers Work in the Chehalis Basin

Flood Damage Reduction Project sponsored by Lewis County: The public comment period for the draft Environmental Impact Statement ended September 19th. There were relatively few comments. The Corps will prepare responses to all comments and incorporate them into the final Environmental Impact Statement.

Ultimately the construction of this project depends upon funding. Part of that funding will come from the federal government, but a significant amount (estimated by one audience member at \$35 million) will have to come from state and local sources.

Ecosystem Restoration Project sponsored by Grays Harbor County: The Army Corps of Engineers is working with its partners on the project to prepare a basin characterization. They are looking at the physical processes in over 600 sub-basins that determine why the basin reacts the way it does and how it has changed over time. This will allow targeting of sub-basins for restoration work. After the results have been through technical review they will be shared with the Partnership and posted on the Corps web site.

C. SPECIAL PRESENTATION

J. Roach, citizen representative to the Partnership appointed by Thurston County Commissioners, presented an update on work to create a CD of data for the upper basin (WRIA 23). This is the second phase of a pilot effort to make a wide variety of information available to the public that can be displayed geographically on computer generated maps. The first phase

of this effort was a CD of 90 different data layers for the lower basin (WRIA 22) that has been well received and used by a variety of groups.

Most of the technical work on this pilot has been completed through a collaborative effort between state agencies – led by the Department of Natural Resources -- and a private firm that provides Geographical Information Services (GIS) software. Since this was initiated as a pilot to demonstrate what could be done to provide data that can be used by anyone with a personal or laptop computer much of the costs have been absorbed by the cooperating organizations. In order to complete the project, however, \$3,000 is needed to help with the cost of making copies of the CD and help offset the development fees. This is a very small amount of the total cost of developing and producing the CD for WRIA 23 and the CD for WRIA 22 was provided at no cost to the Partnership.

The CD format for providing access to data is an interim step – eventually some data will be accessible on-line to anyone with an internet link. However, it will take years to provide access to the wide variety of information that is being made available on these two CDs, and even then there are questions about how to include the underlying GIS capability that makes it possible to select specific data layers and display that information visually on maps. The software that makes it all work was developed and is owned by a private firm.

This is a unique opportunity for the Chehalis Basin to have access to information that is not currently available in this format for any other watershed in the state. The next step under consideration is to assemble a team that would be available to demonstrate how to use the data CDs and placing copies of the CDs into every school in the basin.

At the close of the presentation the Partnership approved spending \$3,000 to help complete work on the data CD for the Upper Basin (WRIA 23).

The meeting adjourned at 11:45 a. m.

The next meeting of the Chehalis Basin Partnership will be at 9:00 a.m. on October 25th at the Lucky Eagle Casino.

Decisions

- A letter should be drafted for legislators explaining the potential hardship that RCW 90.82 will place on counties with very small territories in a planning area.
- Each county with territory in the Chehalis Basin planning area should be contacted to verify that they are comfortable with the planning process and their level of involvement.
- Agreed to provide \$3,000 so that a watershed data CD similar to the one published for WRIA 22 can be published for WRIA 23.