



Chehalis Basin Partnership

Meeting Summary – July 25, 2003

A. GENERAL PARTNERSHIP BUSINESS

Introduction -- Chairman Spahr welcomed everyone and opened the meeting. Fifteen of the Partnership's thirty-two member organizations had a representative or alternate in attendance. Seventeen additional citizens, alternates, or visitors were at the meeting.

New visitors: Kris Van Gorkom with the Thurston Conservation District.

Citizens' Advisory Committee -- Chanele Holbrook is the new chair. The committee will try meeting in the evening on July 31 to see if more members are able to attend.

Steering/Technical Advisory Committee -- The committee continues to meet twice a month to discuss planning issues and develop recommendations. Partnership members are encouraged to have a representative attend. The next few meetings are: August 7 and 21, September 4 and 18.

Water Quality Committee – Terry Willis, chair of the committee, was not able to attend today. A one-page summary of the meeting was handed out. The Humptulips River Temperature TMDL Detailed Implementation Plan is out for public review. Copies of the Detailed Implementation Plan for Chehalis River TMDLs were handed out.

B. SPECIAL PROJECTS -- Watershed Planning under RCW 90.82

Instream Flow Issue Paper – The yellow packet mailed out for this meeting contained a copy of the Instream Flow issue paper. This discussion focused on the recommendations and the comments recorded were as follows:

- Not everyone is comfortable with saying that we recommend keeping the 1976 regulatory flows. Those flows may not be enough to sustain Coho and Chinook
- Establishing an “instream flow” does not guarantee that there will be water in the river, because all water rights that were given out prior to the establishment of the instream flow are senior to the instream flow and can not be interrupted to meet the instream flow. Only water rights that are junior to the instream flow are interruptible to meet the instream flow. Also, a regulation does not put water in the stream, there needs to be some enforcement too.
- 1976 instream flows for the Chehalis Basin were set primarily to guide Ecology in making decisions on water right applications received after 1976. Although the process of setting flows considered the impacts on fish they were not set based on providing water dependant habitat for fish. Flows above the instream flow can be allocated. This is how water is managed in Washington State.
- Regarding recommendation #3 – remember that a recommendation from Ecology/WDFW is just that, it's a recommendation.

- Recommendation #4 (pre-European flows) created a lot of discussion both pro and con. Some feel it is speculative (based on assumptions) and not relevant – what we are after is adequate flows for fish, agriculture uses, etc. Restoring 100% of the flow may be unrealistic and the costs may be prohibitive. Others see pre-European flows as setting boundaries by representing what could be achieved at one extreme. Since the Chehalis basin is 8% forested still today pre-European flows are relevant.
- The Quinault Indian Nation wants instream flow language to include protection of fish. We would be having a whole different discussion if there were endangered fish in the basin and that should be one of our goals, to prevent future listings of Chehalis River fish as threatened or endangered. We need to provide enough water to protect the fish.
- Both fish and human needs must be recognized.
- This discussion appears to be polarizing the issue in terms of people versus fish. Since people still depend on the fish it is really a situation of one component of the population and their interests versus the interests of another component of the population. We need to recognize that people have competing interests. Some of those interests are harmful to fish and some are beneficial.
- Can 'wet year' and 'dry year' be defined?
- Ecology and WDFW will be asked to make a flow recommendation by August 30th so that the STC can discuss it in September and make a recommendation to the Partnership.
- WDFW was also asked to complete the stream alignment necessary for the US Army Corps of Engineers to complete its work on historical flows.

After much discussion the Partnership reached consensus and accepted the instream flow Issue paper recognizing that not everyone is comfortable with all the current language in the version presented today.

Impaired Water Quality Issue Paper – this issue paper was reviewed and the following comments recorded:

- Possible Solution #4 needs to be refined by the Water Quality Committee
- Possible Solution #5 – Ecology will not be pursuing use-based standards unless a specific request is made.
- Recommendation #3 – agriculture isn't comfortable with this recommendation if it means more regulation.
- The recommendations of this issue paper can not be implemented without new resources at the local level.

Water Quality Monitoring Project – Cynthia Carlstad (TetraTech/KCM) presented the results of the water quality supplemental funding project.

Draft Plan – copies of the updated draft plan, including new sections and revisions of sections handed out in June, were distributed. The July version of the draft plan is printed on pink paper. Bob Wheeler reviewed the plan approval process and the comment form, both provided in versions dated July 25, 2003.

Exempt Well Issue Paper – Bob Wheeler (Triangle) presented an Issue Paper on exempt wells. The version handed out at the meeting was dated July 24th, which is different from the July 16th version sent out in the yellow meeting packet. The following comments were recorded:

- It is still unclear if exempt wells are even a problem.

- This paper says Ecology should provide a statewide fix for a problem without providing any suggestions about how we would like to see it resolved. Watershed planning was initiated by the legislature to give local direction on how water should be managed. If we continue with the recommendations as presented we just need to recognize that we have relinquished our opportunity to influence the outcome.
- There are conflicts in state regulation on how exempt wells are to be handled. They are exempt from having to apply for a water right to use the water, but they are not exempt from being regulated if other, more senior water rights become impaired. These conflicts need to be addressed through revisions of the state regulations, or in some cases changes in state law. The Partnership should recommend what changes they would like to see made.
- The Partnership doesn't have the resources to address the exempt well issue.
- We are talking about wells that take a very small amount of water out of the basin and what effect that could have on river flows, while the City of Chehalis is being forced to take one million gallons of highly treated municipal waste water with a small amount of BOD out of the river to protect water quality. It just doesn't make any sense.
- Counties do not base housing densities based on water availability, and we are not going to – that would put us in the position of guaranteeing that water is available and the liability for us is just too great.
- The following questions need to be addressed:
 1. What does the work 'superior' mean in WAC 173-522-040 (1) which says "Rights for domestic use, including irrigation of lawn and noncommercial garden not to exceed one-half acre, and livestock use excluding feedlot operation, shall be superior to all other consumptive and non-consumptive uses."? This seems to contradict subsection (2) of the same WAC which says "the date of priority shall control with an earlier-dated right being superior to those rights with later dates."
 2. How does Ecology currently administer exempt wells?
 3. Do Regional Offices within Ecology administer them differently or with differing amounts of success?

The next meeting of the Chehalis Basin Partnership will be at 9:00 a.m. on Friday August 22, 2003 at the Lucky Eagle Casino.

DECISIONS:

- **The Partnership reached consensus on the Instream Flow issue paper recognizing that not everyone is comfortable with all the current language and that further revisions may be made.**
- **The Impaired Water Quality issue paper should be looked at by the Water Quality Committee to address areas of concern raised by the Partnership.**