



Chehalis Basin Partnership

Meeting Summary – October 31, 2003

The Chair welcomed everyone and opened the meeting. Thirteen of the Partnership's thirty-one member organizations had a representative or alternate at the meeting. Fourteen additional citizens, alternates, or visitors were at the meeting.

Robert Cross, Partnership member representing Hoquiam and new to the Chehalis Basin watershed planning process, requested a brief summary on how the Partnership was formed, the issues the group is facing and any other kind of information that would help him understand the process. Members responded that the Partnership was originally organized to provide a forum for local coordination with the Department of Ecology on the many different programs it is responsible for implementing. The role of coordination is still an important function. Watershed planning and salmon habitat restoration were added later when the legislature created those programs. The overall theme for watershed planning is the need to balance competing interests and ensure that there are adequate supplies of water for human uses and adequate supplies of water for fish. Watershed planning has made valuable new information available to Partnership members, information they would not otherwise have been able to afford.

Watershed Planning

In preparation for today's meeting representatives from the cities of Centralia, Chehalis and Napavine, along with citizens J. Roach and John Mudge, met to discuss the direction of the plan. Some issues that need further work: the Phase 4 detailed implementation plan, protecting existing water rights, the effect of new legislation each year on the Partnership's work, exempt wells, inchoate municipal rights and adjudication.

In addition, they agreed that planning priorities need to be in the plan prior to development of a detailed watershed plan implementation work plan and schedule under Phase 4. Suggested priorities include:

- Better, less arbitrary science
- Water storage
- Global warming
- Greater emphasis on recreation
- Possibility of a water court
- Computerized water management system to coordinate information.

A general discussion among Partnership members followed and the following points were made:

- In Washington State water masters are appointed in watersheds where adjudication has been completed. Without an adjudication that identifies who has a valid water right and what the dates of seniority are for each of those rights there is not much a water master can do.
- When discussing rules and regulations, it is important to remember that one of the fundamental desires of the Partnership is to keep as much control as possible at the local level, rather than at the state or federal level.
- Phrases like “voluntary actions” and “water master” seem to contradict each other. However, we must remember that many of the recommended actions were developed in response to local, sometimes conflicting interests.
- The issues discussed here today are not new and are reflected in the underlying theme of cooperative action to obtain goals, as written in the draft plan on pages 4–7.
- There is general agreement that the Chehalis Basin is in fairly decent shape, and the group should continue to use cooperative and proactive approaches to keep it that way, making improvements where needed.

Bob Wheeler (Triangle Associates) summarized how the Partnership got to the point it is at today and the anticipated outcome of today’s discussion. One of the overall goals is to take the technical information developed and make it understandable and applicable to the average citizen.

At its October 24th meeting, the Partnership recognized that there was still a lack of consensus on several important issues. The Partnership decided to step back from approving the watershed plan with the understanding that it would eventually move forward towards approval of the plan once agreement was reached on which recommendations to include. The goal of today’s meeting is to determine which of the recommendations in the draft plan the group as a whole can agree to now, and which ones need further discussion.

Today’s Process

There are a total of 143 recommendations. The recommendations related to the elements of Watershed Planning Act that the Partnership agreed to address in the plan were posted on the wall, with a short statement of the issue and a list of the suggested actions that could be used to implement the recommendation. Partnership members discussed the statements and then were given time to place a blue dot next to the recommendations and suggested actions they supported or place a red dot next to the statements that they disagreed with or felt needed further consideration. They were also allowed to use a marking pen to identify those suggested actions that were not controversial and obviously needed to be implemented. This last category was referred to as “slam dunks.”

Comments and Discussion

- One member’s definition of a successful planning process is whether or not the group had an assessment of current water use and strategies for managing future use.

- There was a question about the process for updating the plan. For example, will it be updated on a set timeline such as every 5 years? The answer is that the plan is intended to be a fluid document and will be updated as necessary, but that the plan needs to include a description of how changes and additions will be made.
- If the plan does not get implemented soon, how will our communities be affected? One person felt that this planning process should be put on hold while the issues surrounding water rights are sorted out. The real discussion should start with the tribes because they have the most senior water rights and we should stop planning until we know what their water rights are. That decision will be decided in court and for now we should wait for the litigation process to be completed before deciding where to go next. We haven't failed as a group. Existing laws regarding water are complicated and the legislature has complicated our efforts further by continuing to pass new laws that change the rules before we have even completed our work. Others felt that waiting would be abdicating our responsibility. Yes, there are things we can't do – we can't overrule or make provisions that conflict with state, federal or tribal treaty rights. But, we asked for the opportunity to have local input and we got it. We've proved that even with our diverse opinions, we can get along and respect the process of developing a Plan.
- The draft watershed plan is a good document, however, there are issues that still need to be discussed in detail. The more discussion we have on those issues the better, because the group needs to be able to make an informed decision.
- What is the legislature looking for? This is a new process and the legislature is waiting to see what local planning units come up with.
- The Chehalis Tribe does not favor adjudication because it would create tremendous conflict in the basin. The Tribe is very interested with getting along with our neighbors, and they can support some things in the plan. The Tribe recognizes that the process can be cooperative or it can be contentious; they don't want the latter. Others are also worried about adjudication. And looking at the parameters for the Plan, what we can do is a shorter list than what we can't do. There was a question regarding who and what gets adjudicated, because the concern is that it would be arbitrary. The legal framework section recognizes that the Tribes have the most senior water rights. Does adjudication have to consider the Tribal rights?
- How do we determine what we are obligated to do if we approve this plan? The plan does not become effective until the County Commissioners adopt the plan at a joint meeting. The language in the plan should be structured to limit your obligations to what you agree you are willing and able to do.
- Revisions to the Watershed Planning Act in 2003 added a fourth phase. Phase 4 (if the Partnership decides to do Phase 4) requires development of an implementation plan that describes who is going to implement what recommendations, how they are going to pay for it and the schedule for implementation.
- If we can't find somebody to take on the obligation called for in one of the recommendations, does the Plan die? The plan itself doesn't "die," that portion of the plan just won't be implemented. Right now the Partnership needs to reach an

agreement on recommendations so the plan can continue to move towards completion. The organizations that will be implementing elements of the plan will want to know what the Partnership's priorities are as well as some idea of what it will cost to implement a specific element of the plan before they can make a decision on accepting an obligation. Much of the detail on the cost to implement specific recommendations will not be developed until Phase 4.

- There is a concern that recommendations will become obligations. By agreeing on recommendations or suggested actions here today aren't we already saying that we mean to go forward to Phase 4? The question of whether or not to take on developing a detained work plan as called for in Phase 4 of the Watershed Planning Act is one of the recommendations that must be discussed and decided on as a separate issue. Only those recommendations and obligations that the Partnership has agreed to will actually become part of the Phase 4 implementation Plan.
- What about all the written comments on the draft plan that have already been submitted, are they going to be disregarded/bypassed with this "red-dot-blue-dot" process? No, once the Partnership agrees on the recommendations we can move forward with the comments on those recommendations made on the draft plan will be incorporated into the final plan.
- Some Partnership members stated that they would have liked to have more dots-- they didn't like being limited to 25.

Open Comment

Senator Dan Swecker attended the latter portion of the meeting and was invited to make some comments at the close of the meeting. Senator Swecker encouraged the Partnership to continue its work and said that the legislature is waiting to see what local planning groups come up with. He also expressed interest in hearing what local planning groups might have to say about programmatic mitigation for large projects such as the I-5 widening project.

The next meeting of the Chehalis Basin Partnership will be at 9:00 a.m. on Friday November 21, 2003, at the Lucky Eagle Casino.

RESULTS AND DECISIONS:

- **Partnership members discussed which recommendations and suggested actions they could agree on and which recommendations and suggested actions needed further discussion. The results of the discussion are attached to this summary.**