

CHEHALIS BASIN PARTNERSHIP
Chehalis Tribe “Lucky Eagle” Casino
Rochester, Washington
October 23, 2009
9:30 a.m. – 12:30 p.m.

Meeting Summary

MEMBERS, ALTERNATES & GUESTS PRESENT

Lee Napier, Grays Harbor County (Alternate)	Bob Burkle, WDFW
Kahle Jennings, City of Centralia (Alternate)	Glen Connelly, Confederated Tribes of the Chehalis Reservation
Julie Balmelli-Powe, Lewis County Farm Bureau	Lyle Hojem, Citizen, Lewis County
Janel Spaulding, Grays Harbor College	Patrick Wiltzius, City of Chehalis (Alternate)
Amy Iverson, Department of Fish & Wildlife (WDFW)	John Penberth, Citizen, Pe Ell
Dave Vasilauskas, City of Chehalis	Karen Valenzuela, Thurston County
Chris Hempleman, Department of Ecology (DOE)	Mark Swartout, Thurston County (Alternate)
Miranda Plumb, US Fish & Wildlife Service	Terry Harris, City of Chehalis
Chuck Caldwell, Port of Grays Harbor	Justin Hall, Nisqually River Foundation
Jim Hill, Citizen, Lewis County (Alternate)	William Gow II, Puget Sound Meeting Services
Terry Willis, Grays Harbor County	Scott Brewer, Hood Canal Coordinating Council (HCCC)
Bill Schulte, Lewis County	
Ken Jones, Town of Tenino	
John Donahoe, Department of Transportation	
Dana Dietz, WA Coast Sustainable Salmon Partnership	

GENERAL PARTNERSHIP BUSINESS

Welcome, Introductions, and Roundtable Comments

Acting Chair Terry Willis called the October 23, 2009, meeting of the Chehalis Basin Partnership (CBP) to order at 9:30 a.m. Everyone present provided self-introductions.

Discuss and Adopt September 25, 2009 Meeting Summary

Lyle Hojem asked how the Partnership’s performance is tracked in terms of the amount of funding received and documented accomplishments. He said he was able to identify spending \$1.3 million but couldn’t account for those funds against any projects. He asked whether the Partnership is accomplishing its goals.

Mark Swartout advised that the Partnership is fulfilling all grant obligations, which is a form of measurement. However, the CBP hasn’t received periodic updates on what’s been accomplished on some current projects. He recommended including quarterly updates on the agenda. Ms. Willis added that there are other agencies working on projects that support the Watershed Management Plan, which should also be recognized, such as projects completed by conservation districts and other organizations. A roundtable discussion might be beneficial at each meeting. She suggested having staff develop a recommendation on how to address the concern.

A correction to the minutes of September 25, 2009 was requested revising the second sentence of the eighth paragraph on page 7 to read, “She referred to developing a comprehensive approach recognizing the intrinsic environmental and economical value of intact ecosystems that act as ...” The minutes of September 25, 2009, as amended were approved by consensus.

SPECIAL PROJECTS AND PRESENTATIONS

Report on the 2009 Watershed Planning Workshop Sponsored by Department of Ecology

Ms. Napier reported on DOE's October 22, 2009, "Western Washington Watershed Planning Act Workshop: Moving from Planning and Implementation to Beyond." The workshop focused on current activities in watershed planning units. The workshop provided good information on the status of work activities in other watersheds and the realization that the Partnership's work has progressed much more than some of us may realize. Participants discussed plan implementation in terms of where watershed planning groups are at and where they're going for statewide water resources management needs. Not all watersheds have adopted plans and many are in the process of implementing respective plans. DOE wants to provide more assistance and funding, but state money and resources are limited.

Participants received a presentation on exempt wells and an update on assessment of salmon recovery and watershed planning integration incentives. Senate House Bill 2157 was passed in 2009 on the assessment and integration of salmon recovery and the three main functions administered by three agencies. The legislation focuses on streamlining and integrating the work and includes a mandate for a December report. The three main groups include watershed planning groups, lead entities, and regional recovery organizations. Salmon recovery is now under the Resource Conservation Office (RCO), which funds projects through the Salmon Recovery Funding Board (SRFB). The Lead Entity program was also transferred to RCO from WDFW. DOE continues to oversee watershed planning units. The state is seeking ways to cut costs and integrate efforts, as well as possibly reforming natural resource agencies.

Ms. Willis commented that integration of natural resource agencies involves the possible consolidation of DOE, WDFW, and the Department of Agriculture under one umbrella. Chris Hempleman said there is also consideration of some elements of other agencies, such as Department of Health and natural resources for achieving additional efficiencies.

Ms. Willis said RCO has been burdened with many large projects in the last several years. The issue is whether RCO also has been allocated the resources.

Mr. Swartout said that in some watersheds, the "Lead Entity" is two entirely different organizations, which creates some concerns. For the Chehalis Basin Watershed, Grays Harbor County acts as the Lead Entity and as the lead agency for the Chehalis Basin Partnership. Ms. Napier added that the integration can often be confusing for Partnership members in terms of activities by each respective group.

Bob Burkle pointed out that the responsibilities and resources shifted to RCO from WDFW. WDFW is operating under limited state General Fund monies for salmon recovery.

Ms. Napier said the presenters at the workshop did a good job of sharing information on the state budget and the General Fund. The presentation on exempt wells focused on water law and different court cases.

The presentation materials are available on DOE's website. **See:**

<http://www.ecy.wa.gov/watershed/workshop.html>

Mr. Burkle reported an exempt well is any withdrawal of public ground waters for stock-watering purposes, or for the watering of a lawn or of a noncommercial garden not exceeding one-half acre in area, or for single or group domestic uses in an amount not exceeding 5,000 gallons a days, or for an industrial purpose in an amount not exceeding 5,000 gallons a day.

John Penberth commented on the possibility of DOE metering exempt wells. The issue has been discussed for years in terms of how much water is used. The Quinault Indian Nation sent a letter asking for action to stop withdrawals from the river. There will be issues on the amount of withdrawal from the river to satisfy fishing rights. There will be drastic changes. He suggested DOE should be the “bad guys” rather than the Partnership.

Ms. Napier distributed a DOE policy statement clarifying that a water right is not required for an on-site rooftop/guzzler system in the storage and use of rainwater. (Unsigned copy attached)

Ms. Napier reported the afternoon workshop session included more information on implementation activities and some success stories from the Lower Columbia River Fish Recovery Board related to community water supplies and mitigation for water rights and stream flows. Mark Swartout presented information on tools for long-term funding and sustainability for watershed planning units. Another presentation demystified the numbers from the Departments of Health and Ecology on water system design criteria and actual water usage. The workshop wrapped up with a facilitated discussion on what are today’s and tomorrow’s biggest plan implementation challenges. Gordon White, Shorelands and Environmental Assistance Program Manager, ended the workshop with a closing message of “Bringing it all together.”

Mr. Swartout commented that the Partnership has been successful in obtaining funds from the Legislature to implement its plan. Several times, members and staff have visited legislators to request funding. However, as watershed groups are no longer receiving funding from DOE because of ongoing state budget issues, the issue is competition between the watershed groups as they begin contacting legislators to lobby for funding. The general opinion is that the lone approach won’t be effective and watershed groups should join through a common voice and advocate for DOE support to the planning groups rather than watersheds competing directly for funding. The Partnership’s November or December meeting agenda will likely include a discussion on what approach the Partnership should pursue in terms of lobbying for funding. There is an assumption that no funding will be available other than some grant sources.

Glen Connelly mentioned that although not many answers were provided during the workshop, the meeting provided a good benchmark opportunity showing that the Partnership is in the forefront of many major issues facing watersheds today.

Watershed Planning-Tools for Long-Term Funding

Mark Swartout referred to the ongoing discussion on long-term funding for watershed planning and the Partnership’s future decision on next steps to take after funding ends in 2011. Mr. Swartout introduced Justin Hall, Executive Director, Nisqually River Foundation, and Scott Brewer, Executive Director, Hood Canal Coordinating Council.

The Nisqually River Foundation is a nonprofit organization that supports the Nisqually River Council.

The HCCC embarked on a series of iterations before determining a governance structure, which could be helpful to the Partnership in avoiding a similar process.

Introduction to the Nisqually River Foundation

Mr. Hall reported the Nisqually River Council asked the Nisqually Indian Tribe to lead the planning unit. However, with the end of funding, the question of whether the planning unit comes under the Nisqually River Council needs to be determined.

Mr. Hall reviewed the funding history of the Council, which formed in 1985 with the establishment of the Nisqually River Task Force to create the Nisqually River Management Plan leading to the creation of the Nisqually River Council. The management plan was completed in 1987. The Council does not operate under any memorandum of understanding and meets monthly on a volunteer basis with no legal framework. DOE was directed to staff the Council and provide \$100,000 annually. In 2001, DOE cut staff support and funding. The Nisqually Indian Tribe obtained a grant from WDFW in 2002 for Council staffing. In 2004, the Nisqually River Foundation was formed to provide funding and staffing for the Nisqually River Council and its projects. In 2005, the Legislature restored funding at \$100,000 a year through DOE. In 2009, DOE reduced funding to 75,000 annually. Currently, the Council has three employees and five major contractors working on projects with a budget of over \$1 million.

Creating a nonprofit provided for more funding and grant opportunities through private foundations, private donations, sponsorships, and community support to build a donor base. It also enables the Council to order under the state purchasing contract for supplies and equipment. The Nisqually Indian Tribe provides office space as an in-kind donation with no rental or phone costs. The Council's overhead costs are minimal.

Initially, at the Council level, there were some concerns and resistance from federal partners, particularly Ft. Lewis. To address those concerns, the nonprofit was created as a separate entity of the Nisqually River Council, although maintaining a strong connection. The foundation has a 12-member board of directors with five positions currently filled.

Mr. Justin outlined the requirements for forming a nonprofit organization, which involves obtaining a state business license, articles of incorporation, and obtaining a federal employer identification number. To become an IRS 501(c)3 organization, federal filing of different forms is required along with a fee. Annual tax reporting on IRS Form 990 is required as well as monthly or quarterly state and federal filings for employees. Some overhead costs are incurred for legal and tax requirements as well as state and federal tax filings.

Private foundations have been hit hard with the recent downturn in the economy and are required to donate 10% of its value annually. However, private foundation values have decreased substantially with recovery taking longer than other enterprises.

Mr. Hall outlined other requirements, such as directors and operators insurance, general liability insurance, board and employee handbooks, accounting policies, and conflict of interest policies.

Mr. Hall addressed questions about the liability limit for directors and operators insurance, which was established at \$1 million based on industry standards. Assistance in forming the nonprofit included meeting with other stewardship partners that had formed a nonprofit. No legal assistance was obtained other than reviewing the forms and learning about the process during the course of establishing the nonprofit. The board of directors is not compensated.

Mr. Hill asked about the long-term funding sustainability of the organization. Mr. Hall replied that to date, the foundation has relied mainly on grants and some minimal community donations. The foundation is beginning some efforts to establish a fundraising effort through involvement of the board and developing a "Friends" network of supporters.

Ms. Hempleman inquired about the source of the \$75,000 from DOE. Mr. Hall said the original funding was a budget proviso from the Legislature in 1987, which was subsequently rolled into the DOE budget. Senator Karen Fraser chaired the original task force and pursued the budget proviso. The Nisqually is the only watershed that received the proviso. The base amount pays for staffing. Mr. Hall said the foundation also received DOE funds for water conservation and low impact work. The budget proviso is the sustaining grant for staffing of the River Council and implementation of the Nisqually Watershed Stewardship Plan.

Dana Dietz asked about the relationship between the foundation and the River Council and the difference in roles. Mr. Hall said the mission of the foundation is providing staffing and funding for the Nisqually River Council and its projects. It's a separate legal entity. The Council is not the foundation's board of directors. There have been no issues to date between the two entities. He acknowledged that it's possible for the foundation board to make a decision not supported by the Nisqually River Council.

Mr. Hall described other funding opportunities available to the foundation that can often come through other public entities with the foundation contracting with an entity on projects.

Introduction to the Hood Canal Coordinating Council (HCCC)

Mr. Brewer provided several handout materials on the HCCC and its operating authorities and the history of the HCCC. The Hood Canal Coordinating Council is a watershed-based "Council of Governments," formed in 1985 as an interlocal agency under Chapter 39.34 RCW, to coordinate the activities of federal, state, tribal, and local governments with jurisdiction over land and resource management in the Hood Canal watershed. In the late 1960s there were citizen concerns about waterfront development and septic systems in the watershed. In 1971, Mason County formed a Hood Canal Advisory Commission to address issues within Hood Canal. In the early 1980s, citizens requested Governor Spellman take action on environmental issues. In 1984, the Governor charged the WA State Ecological Commission to hold a series of hearings on the canal and create a Hood Canal Regional Planning Policy, which resulted in a report recommending the formation of a Hood Canal Coordinating Council. The HCCC was formed in 1985.

DOE provided funding and staff support. Over time, members of the HCCC began contributing dues. The membership of HCCC is comprised of the counties of Kitsap, Mason, and Jefferson and the Skokomish Tribe and the Port Gamble S'Klallam Tribe. Each entity has one vote. Various ex-officio members participate and include Puget Sound Partnership (PSP), DOE, Environmental Protection Agency (EPA), and NOAA Fisheries.

The structure of the HCCC includes bylaws covering the operation of the board of directors and fundraising through grants under the direction of directors. The primary source of funding is through grants. The HCCC is heavily involved in salmon recovery, water quality, and low dissolved oxygen within Hood Canal. HCCC is the Lead Entity for the Hood Canal watershed. HCCC developed and implemented the Hood Canal and Eastern Strait of Juan de Fuca Summer Chum Salmon Recovery Plan adopted by NOAA Fisheries in 2005. HCCC works with WDFW and the two tribes for the Chinook in Hood Canal and the PSP in coordinating projects through SRFB.

Another source of funding is the Aquatic Rehabilitation Program. In 2006, the canal experienced a high rate of fish kills and abnormal fish behavior. The Legislature passed the Aquatic Rehabilitation Act and established aquatic rehabilitation zones for the state. The only zone officially established is Hood Canal. The Act requires a local management board to pursue activities involving formation of technical committees to develop corrective actions. The Legislature provided \$100,000 annually for staffing support. The amount has since been reduced to \$90,000 annually.

Previously, county members contributed membership dues based on population ranging from \$10,000 to \$25,000. Dues were reduced substantially several years ago during the downturn in the economy with dues assessed at approximately \$2,500 annually. The funds are used to for an environmental awards and conference honoring various citizens and community groups throughout the canal supporting the mission of the HCCC. The largest source of funding is from the SRFB through RCO. Another funding source is the Lead Entity Program. Other funding programs include the Community Nearshore Restoration Program and the Marine Riparian Initiative to work with landowners along the shoreline to help them understand the ecology of the marine process and how land use can protect resources. PSP provides funds for watershed integration and coordination to assist in addressing the PSP's Action Agenda. The HCCC is scheduled to receive additional funds to move that process forward, which includes developing an integrated watershed plan for Hood Canal. Interest in the integrated approach has led to interest by private foundations to contribute funding. The plan will help communities and organizations around the canal seek different sources of funding.

Mr. Brewer said the Board of Directors is questioning whether the organization is representative of a council of governments or a nonprofit organization. There are some grants that can't be pursued as a nonprofit. One example is an EPA grant under the West Coast Estuaries Initiative, which provides \$10 million to the Puget Sound area. To consider the grant, one of the member counties would need to agree to act as the fiduciary agent to execute the contracts and pursue the project. The Board of Directors is considering separating into two entities consisting of a Council of Governments under an interlocal agreement and a foundation as the nonprofit entity. One of the potential solutions for a foundation to work is the selection of the Board of Directors, which would include representatives from the county.

Kahle Jennings asked about the level of assistance offered by the PSP. Mr. Brewer said the linkage with PSP is helpful. PSP is moving forward on local integrating groups for each of the action areas. Hood Canal is well positioned as one of those groups. Funds are available from PSP to help fund that effort.

Mr. Jennings asked whether any of the two organizations rely on DOE for lobbying the Legislature for funding allocations. Mr. Brewer said the organization is not allowed to lobby. However, there is ongoing communication with DOE. DOE is a partner and wants to be involved especially in the low dissolved oxygen issue. DOE is committed to PSP, which in turn helps to support HCCC. Mr. Jennings said it appears members individually lobbied the Legislature directly. Mr. Brewer acknowledged that many members lobby the Legislature.

Mr. Hall said the organization works closely with DOE to ensure ongoing funding is received. However, the agency doesn't directly contact the Legislature. Some of the citizen boardmembers have direct relationships with legislators.

Mr. Swartout suggested it speaks to the issue of determining the membership makeup of the nonprofit organization by ensuring members are not represented on both boards because it limits efforts in obtaining funding through the Legislature.

Mr. Hall said one of the challenges of a nonprofit is that most of the grants are cost reimbursement. When the nonprofit was first established, the stewardship partners provided \$10,000 in seed money. Cash flow can become a challenge, which should be considered when a nonprofit is established. A substantial amount of seed money is necessary to ensure payroll and vendors are paid.

Mr. Penberth said he is a charter member of the Partnership and doesn't see the purpose in establishing a nonprofit as the Partnership's job was established by the Legislature to create a plan. The nation is in financial crisis and county commissioners are dealing with limited funding to run counties. It's time for the Partnership to sunset as it's running out of money. If the State Legislature wants it to continue, funds will be appropriated to continue the Partnership. It appears the effort is to secure funding to keep administration funded rather than pursuing projects.

Mr. Hall advised that the role is to create a plan. However, the plan must be implemented. In the Nisqually, implementation has occurred through projects. The greatest power of the River Council is the coordination and collaboration so that WDFW and DNR know what is occurring in the specific watershed and citizens have an opportunity to talk to the different agencies. There is value beyond what a shovel full of dirt will move. The estuary restoration of the Nisqually is a good example. It's a federal project involving state and SRFB funding. Some of the salmon recovery funding was also applied. Because of the work, neighboring watersheds contributed funding. That project wouldn't have occurred without the River Council working together to brainstorm and secure funding.

Mr. Penberth commented on the GIS CD promoted by J Roach on watershed education. The main problem is that projects do not have continued funding sources. The state, counties, and local municipalities are all facing funding shortfalls. He suggested the effort should be turned back to DOE as the regulatory agency.

Stream Team Update

Janel Spaulding reported the first Grays Harbor Stream Team meeting was held on Wednesday, October 21, with 28 attendees representing many areas of the county. A meeting will be held next month. At this point, the team hasn't selected a stream of focus. The first meeting was an informational meeting on the stream team and its role and goals.

Ms. Spaulding distributed some certificates acknowledging some members and attendees for their participation in the 4th Annual Chehalis Watershed Festival.

Karen Valenzuela asked how streams are selected. Ms. Spaulding reported one of the reasons for the meeting was to receive input and suggestions from citizens about streams of importance. Some of the streams that have been focused on were selected from suggestions. Another consideration is restoration opportunities available. Mr. Jennings added that when the Centralia Stream Team was launched, he was involved in the selection of the stream because some of the funds were from the City's stormwater program.

Ms. Napier commented on the value of involving local citizens, community groups, and students on stream team efforts even in those areas that don't have fish because it broadens the experience base as

well as awareness of the problems that transcends outside the immediate area and leads to more community support to help restoration efforts in other areas.

Mr. Burkle said stream teams universally target streams that generally rank low under the various funding programs. Unless people step forward and volunteer, those streams are not restored. The effort provides people with an appreciation of what it takes to restore an area. Many of the areas have become dumping grounds. The idea of a stream team is to select the most impaired and human-impacted stream to make the world a little better. Cleaning up the smallest of streams will contribute to improving water quality.

Mr. Jennings commented on the work of Ms. Spaulding through the Partnership and how her work on the stream team program has generated student interest as well as additional formations of stream teams in the Grays Harbor County area. The program is generating interest in many other areas.

Ms. Spaulding responded to questions about the types of water bodies involved in clean up and restoration activities and the potential for volunteers to perform some water quality testing.

Janel Spaulding left the meeting.

Update Regarding the Chehalis Basin-wide General Investigation Study

Ms. Napier updated members on the status of the Chehalis Basin General Investigation (GI) Study. Work is ongoing in the update the Project Management Plan (PMP). The Partnership directed the Steering Technical Committee (STC) to work with the Board Advisory Committee from the Flood Authority to meet with the local sponsor (Grays Harbor County) and the U.S. Army Corps of Engineer for updating the GI Study PMP. The group met and allocated some time from each committee's meeting schedule to discuss the PMP. The first meeting occurred on October 1 and included background information and flushing out some questions for the Corps. The second meeting on October 16 included the Corps. The working group has a good understanding of what's involved in the GI Study and with the Corps of Engineers. The process is very complicated. However, communication is now open and questions will be exchanged freely between the groups as well as leading to good input into the PMP and input into the study. The next step includes a meeting on November 20 after the Partnership's meeting. She extended an invitation to attend the next meeting at the WDFW building on Capitol Way in Olympia across from the Farmers Market. The meeting will begin at 1:30 p.m.

Bill Schulte said his concern is that the Corps of the Engineers is asserting an incorrect assumption of beginning the study after the construction of the levee. Ms. Napier advised that a PMP and an Existing Conditions Report are developed in conjunction with the feasibility study phase. A question was asked during the last Board Advisory Committee on what the Existing Conditions Report entails and whether it includes the levees. The response was that it's unknown whether it will include the levees. Additionally, the Corps of Engineers are indicating that the Colonel will decide whether to include the levees. The group is seeking more information on that specific question because it's unknown which way the Corps of Engineers will proceed. Mr. Schulte said if the levees are already built there is no way the cost benefit analysis will pay for any other actions in the basin. That means that it can't be included.

Ms. Napier said the issue is one of the major concerns under discussion. What's triggering the decision is the fact that the basin-wide study needs to develop an existing conditions report with and without a project. Mr. Hojem added that the Corps' federal appropriation stipulates that the Corps cannot consider anything else because the Centralia Twin Cities project is an authorized project that includes levees. Mr.

Schulte pointed out that it was also noted that if the basin wants to study water retention it must be included in a GI study.

Mr. Burkle said he understood the Corps must understand the hydrology of the entire basin in its present condition before deciding on any project construction, such as levees. As a defacto, there should be information on the system without levees because that will be factored first. Mr. Jennings said the Corps is also adjusting the flood model. The entire process is very complicated.

Ms. Napier reported meeting notes will be distributed for each of the meetings.

Members discussed the complexity of the issues.

Follow up Fiscal Report-Watershed Council Year 2 Grant

Ms. Napier reported on the Legislative budget proviso that covers costs associated with the watershed facilitator position, GIS Clearinghouse, Water Quality Monitoring Program, and the EDT. Last month the Partnership expressed interest in not pursuing the EDT Model due to lack of long term funding to sustain this task. Because the source of money for this contract was a budget proviso that was developed based on a clear request from the Partnership, DOE staff is seeking the Partnership's direction for reallocating the remaining funds. Currently, Task 1 has a \$75,000 balance. The EDT Model included a \$50,000 appropriation and is over budget. DOE will need to address whether the overage is acceptable for the deliverables. The contract was between DOE and Grays Harbor College. Ms. Hempleman reported DOE recently received the invoice. It appears that the budget was overspent by \$38,000 on tasks related to GIS Clearinghouse and Water Quality Monitoring Program.

Mr. Schulte asked whether the Partnership is liable for the funding.

Ms. Napier said there appears to be a balance of \$96,000. She asked for feedback on whether to increase Task 1, watershed facilitator.

Ms. Willis said it's important to protect funds from this budget proviso to maintain staffing level to support watershed plan implementation.

Ms. Napier explained that DOE is considering the \$38,000 overspent by the college. Ms. Hempleman said another question is the GIS clearinghouse and water quality coordination and whether the product delivered is considered adequate. There is \$10,000 remaining in task 2, the GIS Clearinghouse and the issue is whether DOE as the agent should accept the product and move those funds.

Ms. Napier asked the Partnership whether to merge whatever balance remains into Task 1 for the Watershed Facilitator and whether it's acceptable to merge the two grants so that all funds remaining from the provisos goes to into Watershed Facilitation and Outreach.

Mr. Schulte agreed with Ms. Willis' recommendation.

Ms. Napier said staff will address the issue based on the direction. She addressed questions on how the \$38,000 overrun will be handled. DOE will need to examine whether the expenditures were acceptable. After DOE renders a decision, a decision will need to occur how to fund the overrun. The Partnership will have a discussion on what's acceptable after DOE has an opportunity to review the expenditures.

Possible Agenda Items for the November 20, 2009 Meeting

- Presentation by Earth Economics
- Discussion on Legislative outreach strategy

Ms. Hempleman was asked to check on Don Davidson's schedule for a presentation to the Partnership early next year on water law.

Ms. Willis asked about the status of any septic tank testing that might be occurring within the counties. Several members shared information on studies completed or underway. Ms. Napier was provided with contact names for counties that completed a study for a possible presentation in the near term.

ADJOURNMENT

With there being no further business, Acting Chair Willis adjourned the meeting at 12:00 p.m.

Summary of Action Items:

<u>Approval of Meeting Summary</u>	Approved the September 25, 2009 Meeting Summary as amended.
<u>Funding-Project Measurements Reporting</u>	Directed staff to develop a recommendation on how to address concerns for measuring project performance against funding received.
<u>DOE Watershed Planning Workshop</u>	Directed staff to schedule a presentation by Don Davidson with DOE on water law for early 2010. Ms. Hempleman was asked to contact Mr. Davidson for his availability early next year.
<u>Watershed Council Year 2 Grant</u>	Directed staff to draft a letter from the Partnership requesting the reallocation of remaining funds from the GIS Clearinghouse, Water Quality Monitoring Program, and the EDT Model Program to Task 1 – Watershed Coordination. Additionally, the Partnership will receive information on DOE's plan to rectify the \$38,000 budget overrun incurred by Grays Harbor College during the administration of the contract between the college and DOE on behalf of the Partnership.
<u>Future Presentation on Septic Tank Activities</u>	Staff was asked to contact Thurston County for a presentation on any recent testing/activities involving septic tank.

Prepared by Valerie Gow, Recording Secretary/President
Puget Sound Meeting Services

**POL 1017 WATER RESOURCES PROGRAM POLICY REGARDING
COLLECTION OF RAINWATER FOR BENEFICIAL USE**

Resource Contact: Policy and Planning Section Effective Date: October 09, 2009

References: RCW 90.03; RCW 90.54

Purpose: To 1) clarify that a water right is not required for on-site storage and use of rooftop or guzzler collected rainwater, and (2) identify the Department of Ecology's intent to regulate the storage and use of rooftop or guzzler collected rainwater if and when the cumulative impact of such rainwater harvesting is likely to negatively affect instream values or existing water rights.

Application: This Interpretive Statement applies to the water right permit requirement in RCW 90.03 and the authority to regulate rainwater harvesting systems.

This policy supersedes any previous Policy/Interpretive Statement, Focus Sheet or other stated Ecology viewpoint with which it may conflict.

After carefully considering existing legal authorities, Ecology has determined that existing law may be reasonably interpreted not to require a permit for the on-site storage and use of rooftop or guzzler collected rainwater. This Interpretive Statement clarifies Ecology's current interpretation.

The Department's Rooftop/Guzzler Collected Rainwater Policy

The on-site storage and/or beneficial use of rooftop or guzzler collected rainwater is not subject to the permit process of RCW 90.03. If and when the department determines that rooftop or guzzler rainwater harvesting systems are likely to negatively affect instream values or existing water rights, local restrictions may be set in place to govern subsequent new systems. To qualify as rooftop collected rainwater, the roof collecting the rainwater must be part of a fixed structure above the ground with a primary purpose other than the collection of rainwater for beneficial use. A guzzler is a device used to catch and store rainwater to provide drinking water for wildlife, livestock or birds.

Jay J. Manning, Director
Department of Ecology

Special Note: Water Resource Program policies and procedures are used to guide and ensure consistency among water resources program staff in the administration of laws and regulations. These policies and procedures are not formal administrative regulations that have been adopted through a rule-making process. In some cases, the policies may not reflect subsequent changes in statutory law or judicial findings, but they are indicative of the department's practices and interpretations of laws and regulations at the time they are adopted. If you have any questions regarding a policy or procedure, please contact the department.