



Walla Walla Watershed Management Partnership

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Partnership Board Meeting Minutes

Date: September 7, 2010

Type: Regular

Time: 7:00PM–9:00PM

Location: WWCC Water and Environmental Center, 500 Tausick Way, Walla Walla, WA

Board Members Present: Dick Jones (Columbia County), Ed Chvatal (Walla Walla County Conservation District) Greg Farrens (Citizen at Large), Greg Tompkins (Walla Walla County), Jim Barrow (City of Walla Walla), John Barkley (Confederated Tribes of the Umatilla Indian Reservation), Judith Johnson (Environmental Representative), Mark Wagoner (Gardena Farms Irrigation District).

Staff Present: Cathy Schaeffer and Matt Rajnus.

Others Present: Amanda Cronin, Amber Larson, Brian Wolcott, Chris Marks, Paul Wemhoener, Robert Gordon, Tom Purcell, Valerie Scott.

The meeting was called to order 7:00 P.M. A quorum was established.

Introductions:

Those in attendance provided introductions.

Public Comment Period:

None

Reports:

Cathy Schaeffer presented the July 2010 Financial Statement.

Cathy Schaeffer presented that the Policy Advisory Group (PAG) did not meet this month but will be reconvened once the strategic plan is approved. It was noted that Ecology has opened a forum at <http://ecologywa.blogspot.com/> asking for comments on water resource issues.

Matt Rajnus noted that the Water Resource Panel (WRP) met August 23rd. There was discussion on Environmental Enhancement Projects and Water Banking. The WRP will be reconvened for further work on these issues or any local water plans that come forward.

John Barkley and Chris Marks reported on the US Army Corps of Engineers/CTUIR Flow Enhancement Feasibility Study. The Corps has proposed a plan to increase the scope, budget, and deadline (by 4 months) of the feasibility study in order to reduce the costs of the final project and take into consideration the expertise of those in the Basin. This would include looking at a 110 and a 140 cfs pipeline alternative and doing a complete reanalysis of the feasibility study. At this point the Tribe is considering whether or not to accept this proposed plan.

Consent Agenda:

The consent agenda included consideration of the minutes from the August 3, 2010 Partnership Board meeting and approval of vouchers 160 through 177.

Action 1: A motion was made by Dick Jones “to approve the consent agenda.” Jim Barrow Farrens seconded the motion. The motion carried with all in favor.

Action Items:

Resolution 10-010 and the updated Policy Advisory Group member status were discussed.

Action 2: A motion was made by Dick Jones “to approve resolution 10-010.” John Barkley seconded the motion. The motion carried with all in favor.

**MEMBERSHIP OF THE POLICY
ADVISORY GROUP**

WHEREAS, RCW 90.92 requires that Water Management Boards create a Policy Advisory Group, inviting participation and appointing members; and

WHEREAS, Karen Lennon as newly appointed Director of the Walla Walla Community College Water and Environmental Center replaced Mike Bireley, and is recommended for Group membership; now therefore

BE IT RESOLVED that in accordance with RCW 90.92, the Partnership approves that the Policy Advisory Group membership be updated to include Karen Lennon in replacement of Mike Bireley.

Resolution 10-011 and the water banking applications were discussed.

Action 3: A motion was made by Ed Chvatal "to approve resolution 10-011." Greg Farrens seconded the motion. The motion carried with all in favor.

**IN THE MATTER OF APPROVING
APPLICATIONS TO ACCEPT WATER
RIGHTS IN THE WALLA WALLA
WATERSHED MANAGEMENT
PARTNERSHIP WATER BANK**

RESOLUTION 10-011

WHEREAS, RCW 90.92.070 provides for the Walla Walla Watershed Management Partnership (Partnership) to bank water, with the Partnership authorized to accept water rights into its water bank under terms and conditions agreed upon by the water rights holder and the Partnership; and

WHEREAS, Dave and Bonnie Snedeker applied to bank a portion of TRAC 173(A) until 10/31/2013, consisting of 0.39 cfs 4/1-9/15, 0.58 cfs 9/15-4/1, and 73.5 ac-ft per year, under terms and conditions identified in their application; and

WHEREAS, Steve Ames applied to bank a portion of SWC 1158 with change CV2P707 until 4/1/2019, consisting of 0.61 cfs under terms and conditions identified in their application; and

WHEREAS, Jan Kruper & Cecilia McKean applied to bank a portion of G3-28725C until 9/1/2011, consisting of 30 ac-ft per year, under terms and conditions identified in their application; and

WHEREAS, Peter Lucarelli applied to bank a portion of GWC 4232-A(B) until 6/30/2019, consisting of 35.7 gpm and 16.3 ac-ft per year, under terms and conditions identified in their application; now therefore

BE IT RESOLVED that the Partnership approves said applications and accepts the portions of the water rights proposed in the applications into the Walla Walla Watershed Management Partnership water bank in accordance with RCW 90.92.070 and that the Board Chair shall provide notification to the applicants of Partnership action to include terms and conditions of the agreement including annual reporting and compliance requirements.

A review of Strategic Planning Process steps taken to-date was provided. A public comment period was held in the month of August, and feedback was reviewed. It was noted that the Board has authority to modify the strategic plan and that the PAG will look at it annually.

Action 4: A motion was made by Jim Barrow "to approve the 2009-2012 strategic plan and begin implementation of strategic actions." John Barkley seconded the motion. The motion carried with all in favor.

The next steps for the Exempt Well mitigation program were discussed. It was recalled that there was a guarantee from Ecology to place water in the mitigation bank. Concerns over this not happening in full and concerns over this resulting in the Partnership taking on some sort of inappropriate regulatory role were discussed. Discussion ensued regarding risks to taking ownership of this process if it is not set up to succeed, and conversely that it is not likely to succeed unless led by a local entity. Amendments were suggested to a proposed draft letter to be sent to Ecology to clarify the Board's concerns over funding. It was also noted that the two main issues of Board concern must be addressed before any final action is taken to assume program responsibilities: funding for water to seed the exchange, and that the Partnership is not taking on Ecology's regulatory responsibility.

Action 5: A motion was made by Dick Jones "to submit a letter to the Department of Ecology that outlines the Partnership's intent to reach agreement with Ecology on exempt well mitigation exchange processes and roles as amended." Judith Johnson seconded the motion. The motion carried with all in favor.

Resolution 10-012 on maintaining an index of public records was discussed.

Action 6: A motion was made by Greg Tompkins "to approve resolution 10-012." Ed Chvatal seconded the motion. The motion carried with all in favor.

WHEREAS, RCW 42.56.070 requires local governments to maintain an index of all public records; and

WHEREAS, RCW 42.56.070 requires local agencies to index the following:

- (a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
- (b) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the agency;
- (c) Administrative staff manuals and instructions to staff that affect a member of the public;
- (d) Planning policies and goals, and interim and final planning decisions;
- (e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and
- (f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

WHEREAS, RCW 42.56.070(4) allows a local agency to exempt itself from this requirement if the requirement would be unduly burdensome; and

WHEREAS, in order to exempt itself from the requirement, a local agency must issue a public order and specify why compliance with the indexing requirement is unduly burdensome; and

WHEREAS, the Walla Walla Watershed Management Partnership Directors wish to exempt Walla Walla Watershed Management Partnership from the indexing requirement of RCW 42.56.070; now therefore,

BE IT HEREBY RESOLVED by this Board of Walla Walla Watershed Management Partnership Directors that, in accordance with RCW 42.56.070(4), the Board makes the following findings of fact:

1. Public records, among other things, include e-mails, electronic data, memorandums, agreements and correspondence.
2. Such items are not indexed.
3. Indexing such items would necessitate increased staff time and increased costs,
4. There is very limited if any capacity for the two staff who provide assistance to the Partnership to also index the public records.
5. Indexing will be of no or little benefit to the public based on the limited public records maintained by the Board.
6. The increased cost of indexing the items listed in RCW 42.56.070 clearly outweighs any corresponding value to the public.

BE IT FURTHER RESOLVED and so ordered by the Board of Directors that under the authority of RCW 90.56.070(4), the Walla Walla Watershed Management Partnership is exempt from maintaining an index that identifies information as to public records pursuant to RCW 42.56.070(3) and will further not promulgate rules in regard to indexing pursuant to RCW 42.56.070(5). To the extent that any index is maintained, all such indexes shall be available for inspection and copying.

A request for public information was discussed. There was a concern about protection of private email addresses. It was also noted that sharing information on how and why we have been successful in collaboration is important since the Partnership's pilot program is unique.

Action 7: A motion was made by Greg Farrens "to direct staff to cooperate with Dr. Thoms by sending out the researcher's survey link and requiring Dr. Thoms to provide the Partnership with a copy of the final study report." Ed Chvatal seconded the motion. The motion carried with all in favor.

An update was provided on the opportunity under WAC 173-532 to get a new water rights for "environmental enhancement projects" (EEP). EEP efforts are important for aquifers, given recent actions to decrease inputs to groundwater due to a shift toward increased use of wells and piping ditches. Groundwater is critical to surface flows; according to a USGS study from 1976 124,000 ac-ft of water a year enter streams from the shallow aquifer, which equates to approximately 170 cfs of river flows supported by aquifer levels. Estimates of 12,000 ac-ft lost to piping, 20,000 ac-ft to future piping, and an unknown amount from changes from surface-water to groundwater were shown. The process and steps to get an EEP project, which provides one of the only mechanisms to replenish the groundwater, were presented. It was noted that there is one constructed project, the Locher Road site. The Walla Walla Basin Watershed Council also has funding to construct additional projects. The capacity exists for additional EEP projects, but the process to receive a new winter water right for diversion for aquifer recharge presents challenges that the Partnership may be able to help overcome. Staff will be working with the Partnership, Water Resource Panel, and individual entities to identify options for streamlining the process for new water right allocation, since these entities must all approve an EEP project.

Other Business:

Partnership staff noted that the employee insurance policies will be subject to annual review and renewal in coming weeks, any changes will be brought to the Board.

Meeting adjourned at 9:05 P.M.