

Upper Grande Ronde River Watershed Partnership
Place-Based Integrated Water Resource Planning
Stakeholder Meeting No. 40

Meeting Minutes

April 7, 2021

Misener Room / Conference Call

ATTENDANCE:

Steve Parrett, Rodger Huffman, Dave Johnson, Jed Hassinger, Susie Snyder, Jim Webster, Joe Lemanski, Cheryl Murchison, Larry Larsen, Curt Ricker, Leonard Flint, Tony Malmberg, Brett Moore, Dana Kurtz, Donna Beverage

I. WELCOME

a. Introductions

Donna opened the meeting at 6:35 p.m.

b. Meeting Guidelines

State your name when speaking, speak up, mute your microphone when not talking, and use chat function to share ideas/comments when others are speaking.

c. Recap of March 17, 2021 Stakeholder meeting

Dana reported that at the last meeting due to significant changes from feedback, it was decided that it was not ready for a vote. Revisions to the plan have since been emailed to everyone; this will be the last round of revisions before the vote.

II. Step 5 Plan

a. Review Step 5 plan and revisions

Dana stated that the plan will generally remain the same as it was developed, and will not be as open to changes as in the past. Speak up if you think things need to be changed to vote. If no changes are made tonight, we will vote on this version. She reported and responded to recent feedback; discussions are noted below.

Steve's feedback

- Be more specific about months instead of seasons. Response: that would seem too detailed for the level of this report and the objectives/goals were voted on by the group after significant language revisions. **No change recommended.**
- Opening ditches to reduce flooding would take a change to water law, not just policy. **Understood – the word policy is changed to law.**
- Document needs a description of how the Draft Plan will be converted to a Final Plan. The agency review team will look for this, as it is required criteria. **Agree, added to what was included on page iii. This information was also included in section 5 timeline.**
- The Draft Plan would be more compelling written in an active voice. A good editor can fix this but it takes some work. Dana has done some in places. **Accept Steve's revisions. No further editing, as the style matches the previous step 1-4 reports.**
- The schedule for updating the full plan should be explained: is it every 5 or 10 years? Never? Dana suggests every 5 years and decide if updates are needed. Timeline in

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section 5 states the spreadsheet is updated annually. **Added “this entire plan may be updated every 5 years, if needed.”**

- The Draft Plan title is different in a few places. **Changed as suggested by Steve to Place-based Integrated Water Resources Plan. Draft remains in title until approved by Partnership.**
- The stakeholder committee format is really hard to read; columns may be better. I think that if you asked some OWRD staff if they were on the stakeholder committee, they would say no. They were contributors. **OWRD is listed as an agency on the stakeholder committee, all staff participated is listed in parenthesis, can remove staff if desired. Columns take up a whole page, so I'd prefer not to change.** Steve's response: “interested public” and “stakeholder committee” may need more clarification, such as adding names of those who were contributors to the planning effort. **Clarifications made.**
- 2 spaces after periods are preferred as it breaks up the text better and is easier to read. **No change.**

DEQ feedback

- Don: It seems that there are few goals related to water quality outcomes other than more monitoring, outreach, and planning. **Will incorporate technical edits as possible. Goal 2 is improve water quality. Different implementation teams are working on that objective. Comments addressed in the text.**
- Roxy: Water quality discussion lacking in a lot of detail; there is more data that could be referenced, or at least, language from the TMDL could be cited. **See Step 2 report, this is a summary document.**
- Roxy: Connection between land use activities and impacts on water quality, quantity, instream needs, and the implications for the future weren't really drawn. **Outreach group has tasks associated with water quality improvement that relate to this.**
- Roxy: Concerned about extended timelines proposed for data collection. Considering how many uncertainties were identified in the group, the amount of data collection identified would push out the opportunity for address water. **Agree, timelines will be expedited as much as feasible.**
- Roxy: would like more exploration of multi-benefit strategies serving multiple users (i.e. strategic restoration projects could potentially help cool temperatures, add habitat, improve the water table, and benefit landowners). OWEB has already funded such a project(s) in the area; the known funding source and example of success could be drawn upon for inspiration. **No specific projects are include in the report. Text added to the end of section 4: projects will seek to benefit multiple users.**

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Larry's feedback

- Report discussions always emphasize water quality ahead of quantity, yet partnership meeting discussions focus on quantity issues. This representation of the report is inaccurate. The report also states multiple times that waters are impaired and or degraded. DEQ made a comparison with an inadequate data set to determine if the water was in compliance with statewide standard. **Accepted revisions to change “water quality and quantity” to “water quantity and quality” – both are important to the Partnership. Changed “impaired” to “above statewide standards” etc.**
- It is misleading to leap from an adequate comparison to a claim of impairment or degradation. The partnership had a number of discussions regarding the accuracy of using statewide standards without any knowledge of natural background conditions. I added the need for validating natural conditions. **Did not add suggestions for validating natural conditions – not known how this would be accomplished and prefer to seek to improve what we have.**

Larry: When we started this process, it was based on deductive reason. We then later questioned that approach and tried to burrow down. We are just guessing if we don't know background nutrients, temperature, or any of those attributes. We have to bring that up to the same standards, not just relying on models.

Dana: The answer to background study challenges may be more than to just study or define it; there are qualitative parts used. No idea on how to validate natural conditions; we have stated that, but the goals are still there.

Larry: If we don't say that we want to know what that background is, we are in violation of statewide standards.

Brett: Are we getting off what our charge is for planning? It has never been on natural conditions. It has always been to identify the demand, resource, and how to balance the two. Ag producers have an amount they are demanding and we are not in position to question that need. We are to balance demands, not question them.

Larry: I might have a difference with you. I thought the farther we got along the biggest challenge was dealing with water deficit. In doing that, we would have to collect more data and know how it is being used. That information was to be used to prioritize which projects to support. Otherwise, you won't be able to separate one project from another. How are you going to say you won't support a project if it hasn't been quantified? The deficit should be driving our decisions for supporting a project.

Rodger: Thinking back a year or two ago, we discussed quantifying and the validity of that data or accuracy, as well as using it as our goal. The DEQ says Catherine Creek is not meeting temperature standards all winter long, but it includes January and February when it is frozen over. They say water quality is limited through sedimentation. That's the point we need to drill down and say nothing more than for lack of the things we are trying to accomplish, we need to do more work to do that. Let's realistically look at what isn't defined enough and the criteria we are trying to meet. It is not temperature issues in January/February/March in Catherine Creek.

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Dana: I hope that is clearly defined in this report. The data collection group is looking into water quality and whether we can get additional support from other agencies. Their limits are based on whole season for beneficial use for fish. They could have used June if the salmon season spanned from February through June. February through June is listed in impairment and the actual month it is measured. DEQ commented to leave tables back in report. It would show that we have listed those data gaps. Would you prefer water quality report in this?

Rodger: I want to be sure that the conversation be recorded, so they understand we weren't making decisions on this data reference because we realize it was not accurate for that period of time.

Dana: Anyone have concerns about adding that table?

Larry: No, but this illustrated my point. Some of these data are so coarse you can't be making the decision in the future regarding projects. If DEQ wants to have input on this, they need to supply better data. We need more data of where that standard is appropriate and where it is not.

“Natural” - what is background level of nutrients or water temperature. We should state that we want DEQ to develop what background is. Is this data valid/accurate? *things maybe cannot be accomplished. Add water quality table from step 2 report and caveat about “accuracy and coarseness of data”

- Instream - the report accurately represents the inadequacy of the instream analysis and how instream rights were established. However, statements that they improve this problem by relying upon qualitative assessment and expansive modeling is very unlikely to resolve the issue. Furthermore, terms are not defined and appear to be an open ended opportunity to expand their claims to include these 'needs' for everything from fish to microbes. We don't have an accurate picture of needs for fish let alone microbes. **Correct, ecological needs have been described starting in Step 2 to express that instream needs are not just for fish. ODFW developed a technical memo called “Step 3 Determining Instream Flow Ecological Needs” that we have been referencing. Recommend retaining. Define and caveat (Larry).**

Larry: If that is not better defined, this is an amorphous. We're just going to go species by species and it will be a never-ending path if that doesn't get narrowed down. We can't leave that wide open. If someone says they have an amoeba – where did that data come from, are we going to accept that? What can people submit and declare is the truth? If it's not quantified, I'm not sure how you are going to deal with it.

Dana: “Ecological need” is a common term for ODFW analysis, but it's a broader term. This has been used starting in Step 2 report. I could include definition from tech memo from that report so they know we mean ecosystem needs, not fish needs only. This states methods to determine those needs. Does that help?

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Larry: I don't think so and the reason why is because when I read that it sounded to me that we have a whole set of models that have been used to come up with what they have right now and that is not adequate. Now we're going to go to a new generation of models, so this is deductive reasoning all the way through this thing. I don't see a spot where people say we are going to quantify and verify that what we say we need, we do need. Until that happens with DEQ and ODFW, you have something that is not comparable to the rest of the database you're working with. You do have an idea of how much water quantity, but it's not a very good handle.

Dana: You don't want to add "ecological need" definition. We don't have a good handle on that data; that's true and I think that's been stated in the reports. The concern of ODFW that were trying to correct isn't a reason to stop and do studies that may take years to get those answers before approving this report.

Larry: I am saying that using "ecological needs" is open-ended, not defined where it is, it is by model. That will give us good data.

Dana – "ecological needs" has been included in other reports, and it would not be fair to the work we've done to change that.

Joe: The skill we're working at is enormous and every bit of information and data is fed into models. We can't feasibly go out and collect every single piece of info. We have to use the information we have to make the best decision for the resource so we're going to have to rely on models for every aspect of every one of these projects, even engineering and hydrologic models. If you're wanting to rely on very specific information and data, it's never going to be available. We have to utilize the most up to date information for those models. The last instream flows studies at Catherine Creek was in the 1970s, and we didn't have the tools then. As modeling goes, that was the Stone Age. The point in redoing these models is that we have a lot more information about developing and utilizing models that are a lot more informative than they were back in the 1970s. We can nitpick every single piece of information that we don't have, but the reality is that we're never going to have it. We have to use the best of it at this point and develop that over time and continue to adapt. Regarding Jed's question about whether "ecological needs" includes protection for species that aren't protected under the ESA: the short answer is, no, not right now. ESA-listed species have just had the spotlight because we have to act now. We are looking at quasi-extincts across the entire Catherine Creek Basin and Snake Basin. "Ecological needs" could be for native species, not just ESA-listed species if the data is available.

Dana: if Jed is asking for legal listed, nothing in our report talks about that. It's considering their needs when looking at projects. There is no legal connection, just ecological needs. Not sure how to move on from this question; I don't see a path to taking out ecological needs from this report, but I do see a way for providing caveats to that term if that would help. I can make sure that is clearly stated.

Larry: If you're not going to remove it then you need to have some kind of caveats put in there.

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Dana: I will work with Larry on this before sending to group. It may not be exactly what you want but will hopefully provide some protection against us doing a project just for an amoeba concern, which I do see. It does make sense that we do need to put a little more definition in there.

- The section on instream rights also introduces tribal culture and treaty rights. These items are not within the scope of the partnership and will be resolved in different venues. Again, this appears to be an attempt to create an opportunity to open an unending discussion if instream rights are not elevated to the level that is controlled by the tribe rather than the partnership. **Tribal rights have been included from Step 1 throughout the process. It is accurate to include this information, and no new information is included in this Step 5 report (references to Step 1-4 reports). Recommend retaining. Add municipal users, ag users, and ecological users to list.**

Dana: Anton sent a message stating that the Tribe strongly feels that should be included.

Larry: I am not saying they don't have rights, just asking why is it being stated there and no one else's rights are stated in the document. I don't know why it is focused on that and not County rights, or water rights, or someone else. To center them out and give them a highlight didn't seem like treating all the rights the same. It's not being consistent.

Donna: Good point, we agree that all rights should be included in that paragraph.

Dana: We do state municipal users and ecological users, how should we clarify that?

Brett: In addition to the Tribe rights, all users' rights.

- Climate change – wording regarding climate change and modeling needs to be carefully thought through. Just because a model spits out numbers does not mean they should be accepted. It is fine to gather information but knowledge of the accuracy of the data must be employed before this county tried to plan for any event. **Accepted most of your in text changes to caveat model information more carefully. Did not accept parts where climate change was deleted from sections, as these were sentences voted on by the group in earlier report – marked text for discussion. Larry did not think it added to the paragraph – extra words, didn't add value to the sentences before. Look at as group.**

Dana: I received feedback from two people with concerns about that being deleted. Anytime we try to cut it down people feel like what they care about its being cut out. Did like caveats you put in there.

- Priorities – I submitted changes in the first revision to indicate that project support would depend on the quantification of the ability of a project to actually reduce a known deficit in water quantity. Those changes were not included in this revision. If that language is not included we will approve “feel good” projects that don't contribute to solving the problem. This valley cannot obtain enough funding to do important

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projects that can reduce deficits let alone spend limited resources on 'feel good' projects. **Deficits have been quantified by subwatershed. Added text to the end of section 4 "Where possible multi-benefit strategies that serve multiple users will be pursued and projects that address quantifiable deficits/water quality issues will be prioritized. Project to improve flows must have some measurement of how project would accomplish objectives.**

Dana: Implementation will be driven by the 9 entities that are in charge of those implementation teams and will develop their projects and strategies to the group to be discussed and approved. The hard part with saying we will only approve projects that reduce water deficit is that there is a lot of data collection we want to do that answer water quality questions or data gaps that need to be filled, but do not solve quantity issues.

Larry: What I would say is that if you have a project that is supposed to be improving flows there should be some mechanism knowing how much you are going to contribute.

Dana: Agree with that. Speaking plainly, projects that don't quantify their benefits are not likely to be funded by grants.

- I will vote not to approve the report if the issues described above are not addressed. No response or discussion.

USFS feedback (Bill):

- Please find attached with a variety of editorial suggestions (shown in track changes), comments and suggestions for consideration. There may be some areas where I have just forgotten some of our past discussions, so please accept my apology if I am unnecessarily retreading over old ground. I did identify areas of perceived bias and included thoughts on how we can make them more objective. **Sections marked for discussion in text.** I don't expect all suggestions to be accepted and do not want my comments to detract from the group's amazing efforts in compiling this report.

Dana: Perceived bias about climate change sections and sections about prioritizing water storage over other options.

Other Discussion

Rodger: In regards to Rachel Lovellford's suggested change from "instream demands are likely underestimated" to "instream demands are underestimated," do we know for sure that they are underestimated? Some of us think they are overestimated.

Dana: Underestimated instream demands is based on the same calculation process as agriculture and municipal demand. This just used instream water rights and the basin studies for some sections. I think that's why we had "likely."

Rodger: I would like to leave it in.

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Joe: Do we have enough consensus amongst the group to say that we don't actually have a great handle on it at the moment, and that further investigation is needed?

Donna: Our group thinks it should be left in.

Dana: Will update to **Change not made**.

Other Discussion

Jed: One thing worth mentioning that Larry has brought up in the past is that we have not defined the agriculture lands that do not currently have water rights that are irrigable and would be productive if they did. That is analogous to the incompleteness of the instream demands as you can say we are underestimating the agriculture demand since we don't account for all the irrigable acres.

Dana: True. We don't bring that up anywhere in this report. Do you think we should?

Jed: We have not accounted for land that could be irrigated (how productive it would be if irrigated).

Dana: That is fair. The difference is demand. Just because we haven't measured demand that the fish have in the different the streams doesn't mean we don't have it. That might be beneficial to put in here, and provide additional reasons to support a project that could lead to more irrigable land.

Other Comments

Steve: In reference to the risk to ground water based on cleanup sites in the basin, the wells we drink out of are much deeper than those cleanup sites. That has been excluded from this report. Groundwater has not known to cause concern.

Other Comments

Larry: Somewhere in DEQ discussions, there was a statement about warming of streams partly caused by increased solar radiation in the summer. That statement is not technically correct. June 21 is the highest concentration radiation; August 30 is the same radiation we receive today. July 27 is the same as May 17. If you would just say the heating environment then it would be correct. Solar radiation is decreasing after June 21, so that is not technically correct. **Changed solar radiation to heating environment**.

Other Comments

Dana: Added step 2 tables back in this section where Roxy suggests adding more TMDL information.

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Other Discussion

Dana: Limit changing summer through fall changes to keep consistency.

Steve: I feel strongly about this. In some tables, we had more specific information about when surface water supply is limited. The term summer through fall spans seven months and seems vague to me. If we can be more specific about when the problem occurs, then we can be more specific to implement solutions.

Dana: It varies by subwatershed.

Steve: We could say summer to late fall and see table x that shows more specific information about each sub watershed. Just because we voted on something in a previous report, doesn't mean the group can't vote on it now.

Donna: Refer back to table.

Jed: What if we said July through November for most sub watersheds?

Steve: With some variants from others.

“Circa July through November” added to surface water supply is limited in “summer to late fall” statement. Add reference to table.

Add in step 2 water quality tables

Other Discussion

Joe: Recommend that fill data gaps come first as objective as 2.1, then 2.2, reduce water quality issue.

Brett: The order had more to do with priority.

Donna: The thought was that by putting that first we would be working to fill data gaps for 30 years and no projects.

Goal 1 and 2 objectives to be pursued simultaneously.

Leaving 2040 as date.

Other Discussion

Dana – When we looked at our climate change scenario, it looked like things would get worse. Larry suggested deletion, I recommend leaving it. At least we are planning to be prepared for it.

Brett: “altered” can be update to say “could change.”

Larry: Recommended monitor water quality and conditions.

Dana: to me that seems different, recommend not changing.

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Larry: Recommended monitor new climate change data and develop adaptive management protocol.

Dana: That changes it to less active as a task to more wait and see. Don't say I disagree with, but it's not a big enough change at this point. We voted on that objective.

No change.

Other Discussion

Jed: Statement of "Union County and beyond": this is supposed to be a local plan. For the purposes of this effort, if they are not local, are they really stakeholders?

Jim: You don't have to be resident of Union County to be a stakeholder either.

Jed: I don't feel strongly about it.

Joe: say something like the efforts that are proposed in the plan to benefit stakeholder in Union County and beyond, then you're accounting for those downstream.

Joe will rework that and send to Dana.

Jed: Maybe it fits better in the previous paragraph.

Other Comments

Steve: Dana has handled the process of incorporating comments and finding common ground with grace.

Dana: I will take executive summaries and narrative comments that were changed tonight, and make them consistent. Everyone who has interest, look at your own comments and see responses. Contact me with concerns. I tried to accept comments that did not change work that was done before and didn't say something not previously discussed as a group. DEQ comments guided them back towards the document that talked about these in more detail. Need to get water quality table in there and address those. Getting rid of table and doing one page summaries was helpful.

Discussion about Voting

Dana: I will send final draft for voting, one with track changes and one without. The vote will be on the document, there will be no pre-vote.

Dana noted that they had lower attendance at this hour and the person requesting this time did not attend; should she send a poll for the next meeting to hold the vote? Donna said most everyone showed up, and they need a bit more time to get through the rest of the draft at the next meeting. She suggested holding the meeting from 5pm to 8pm. Dana said she was thinking that they would send the draft ahead of time and hold the vote at the beginning of the meeting. Dana said that everyone's homework will be to finish checking the document for concerns and send them to her prior to the next meeting.

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Steve: Is there provision for people to vote outside of the meeting, or will voting only be allowed for those who are present?

Rodger: If you're going to allow for potential discussion, there is no way you could pre-vote.

Donna: The MOU says voters must attend two of the last four meetings. We will stress that this will be a voting meeting.

Dana: We allowed a vote outside of the meeting once during COVID and that got messy.

Rodger: That was an advisory vote and some voters weren't official members.

Joe: Make it clear in the email that if you have not reviewed this to do so now and understand we will be voting on it.

Dana: The level of comments this last time makes me feel confident about having a vote on April 20. A lot of these changes were minor, with the exception of a few.

Tony: How many qualified voters there are and what quorum needed?

Dana: We don't have a quorum requirement. The agreement just says a diverse stakeholder group will vote. We would not in good faith hold a vote if say, for example, not everyone from the municipal group was available. I think the current number of eligible voters is 15. I will send an email with a list of eligible voters and remind everyone that we have voting and nonvoting stakeholders. My goal is to get the final version we will vote on to everyone by April 14.

III. Conclusion

a. Next meeting is Tuesday, April 20 (5:00 p.m. to 8:00 p.m.) Misener Room/Conference Call

b. Other Comments

Steve: In the spirit of cooperation to make it better, everyone is working in the right direction. We are hosting virtual conversations from noon to 1pm via zoom every Tuesday at noon. This series is about the transition from planning to implementation.

Donna adjourned the meeting 8:40 p.m.

Respectfully Submitted,

Cinda Johnston
Union County Planning Department Specialist