

Upper Grande Ronde River Watershed Partnership
Place-Based Integrated Water Resource Planning
Stakeholder Meeting No. 43

Meeting Minutes
November 3, 2021
5:00 p.m. – 7:00 p.m.
Conference Call

ATTENDANCE:

Dana Kurtz, Donna Beverage, Steve Parrett, Larry Larson, Brett Moore, Jesse Steele, Kim Ogren, Jed Hassinger, Tim Wallender, Curt Howell, Adrienne Averett, Roxy Nayar, Jim Webster, Rodger Huffman, Joe Lemanski, Kathleen Cathey, Anton Chiono, Matt Insko.

I. WELCOME

a. Introductions

Donna opened the meeting and Dana reported attendance.

b. Meeting Guidelines

Use chat function, state your name, speak up, one speaker at a time, and respect differing viewpoints.

II. UPDATES

a. PBP evaluation

Dana reported that several people attended the evaluation meetings and good discussions took place. Larry thought it went well and they listened to the group. Donna said they were non-biased.

b. In-stream demand update

Dana reported a summary of the in-stream group meeting from September 8 where Spencer provided the methodology ODFW proposed. The method to update demand discussed is one approach that the group can use/modify as needed. A second meeting occurred last month between Dana and Danette; ODFW's request is for a commitment that the Partnership will continue working with ODFW to update the in-stream demand in a mutually agreed upon way. This language can be included in the Step 5 plan, and then once implementation begins, they can work on this component. Donna clarified that "continue working with ODFW" means that the group will work with them as things move forward but their methodology will not be used in the Step 5 plan. Dana added that the Partnership had a lot of questions about this; it was decided that it would be done the same way as before. Dana will email Spencer's summary to everyone. Adrienne stated that they were never requiring these next steps to be in the Step 5 plan. They were just reiterating that they are working on the implementation component in the current OWEB grant. There are tasks related to filling in in-stream flow data gaps for that OWEB grant. They were looking for opportunities to fill in the data gaps that were identified in the Step 5 report throughout the valley. That was the intent at the last meeting and in their comments. The language here that Danette and Dana worked on solidifies that and makes the intent more clear.

c. Groundwater update

Dana provided a summary of the groundwater meeting that occurred last month where OWRD explained the wells evaluated in the memo. Revised language was agreed upon by the working group. OWRD

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recommended removing all the suggested edits from the report (due to the challenging nature of revising it), so this has also been completed. Dana will email a summary of this meeting to everyone as well.

Larry said everyone listened and was willing to move on; he thought the revised language was good. Kim said she also likes the language change; it better captures the nuance and complexity of the basin and includes important information to the Department. She clarified that it's not that the Department focuses on declining wells, but it is important to them to note which wells are declining because it is an indication of potential needs to meet in the future. Rodger said he appreciated all that was done to make it better and liked where it was going.

Dana said the goal is to reduce uncertainty about groundwater supply and now the language is back to one version of the original. The part that was not in the original report but clarifies where everyone is coming from is the second sentence: "The OWRD noted in the 2019 memo that groundwater declines have been observed in some alluvial wells (6 out of 12 wells analyzed) and volcanic wells (6 out of 7 wells analyzed) where there was sufficient long-term groundwater level data monitored by the Department. Among the wells analyzed there are also some groundwater levels that are stable and have risen." It is also clarified further: "groundwater levels are comparatively stable in the alluvial system, especially in the shallow alluvial system and where, presumably, there is a more direct hydraulic connection to recharge areas."

III. Step 5 Plan Revisions

a. Comment line-by-line discussion

Dana stated that the Executive Summary revisions were made in previous meetings. Other changes to the plan are under review today and revised as follows.

- 1. Comment about types of groups that participated**
- 2. "Signatory" term changed to "voting" members**
- 3. Explained who decided that signatories had to live or work in basin to vote**
- 4. How meetings were advertised**
- 5. Stated that the process followed the IW strategy**
- 6. Stated how many publications and meetings**
- 7. Addressed why certain people didn't participate & why participation declined**
- 8. Clarified how different communication preferences were offered and abilities accommodated**
- 9. Suggestion to add type of funding, including grants and time spent**
- 10. Stated where data came from**

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11. Statement added to help people understand why we have unmet water needs

12. More context added to limited built aboveground storage statement

13. Added map and table for reservoir location and storage

14. DEQ added clarified language explaining TMDLs and Section 303(d) list (bodies of water that do not meet water statewide quality standards).

15. Included full list of parameters of concerns and those where the Partnership expressed the most concerns.

Brett asked how habitat modification and flow modification a water quality parameter. Dana said they are listed as issues on the DEQ website. Roxy said sedimentation, habitat modification and flow modification are considered beneficial uses on the 303(d) list. Brett said it was not clear to him that those definitions were from the 303(d) list; Dana added that clarification.

16. Statement added the common issues. The three parameters commonly listed throughout the sub basin: habitat modification, sediment and temperature.

17. Did not accept suggested change from “the most serious problem” to “a significant problem.”

Partnership supported change to “a problem.” Roxy agreed that if “a significant problem” was not a direct quote, then “a problem” would be okay.

18. Statement added to explain temperature with heat as a pollutant.

Larry said the statement about “the removal of trees and other shade producing vegetation allows sunlight to heat the water” is a false statement. Joe said he vehemently disagrees with that and could not live without that part of the statement; he will provide information to support the statement. A small group meeting will be scheduled for further discussion.

19. Removed the word “human” from “human activities” and changed to “activities and events.”

Tim said that water temperature is also affected by Mother Nature events, too, not only human activities. Dana said the language was required by DEQ and asked if this change would be acceptable; Roxy said that was fine.

20. Explains TMDLs.

21. Statement added saying we’re not sure TMDL standards could ever be attained or have ever been.

Harmony inserted a comment here saying that this could require additional conversation with agency partners. Roxy asked if this version reflected the revised language that Harmony sent as an attachment in an email; Dana was unsure and asked Roxy to send via email. Brett said this subject was a source of litigation in Umatilla; results were somewhat inconclusive and it would be interesting to review that point. He hopes that this Partnership is not heading down a road that is as divisive as what happened in Umatilla

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that caused the litigation. Donna said she doesn't think it's a statement of fact, it's just saying that we have discussed it in meetings. Dana said she didn't know how to put it in there because those are the standards and the law, but it's hard to base all our goals around getting there. This will be discussed further at the small group meeting.

22. Beneficial use overview definition changed to quote the law and detail those uses.

23. Added statement to include OWRD's definition of beneficial uses.

24. Clarified why species of concern are important: "for both tribes and ESA listings."

25. Harmony inserted comment suggestion to note that "using water rights is likely an over-estimate of water used."

Tim questioned the accuracy of the statement: "using ground water right permits to estimate water quantity only reflects a high end estimate of groundwater..." because there are other outside factors and it does not take into account domestic wells. Donna didn't think the suggested language was needed. Brett said the evaluation included the number of homes with domestic wells and the addition of the maximum associated with the domestic well. Tim suggested adding a reference to that point. Anton said that using water rights is an imperfect method to estimate actual water use. It might be good to point out two caveats: permitted water rights may not be using all their paper water right, and there are domestic wells that aren't included in the water rights. Brett said domestic wells are permitted, just differently; it is based on the maximum permitted allowance for each domestic well. The statement was updated to include points made in this discussion.

26. Dana added comment primary irrigation accounts for ... legally allowed withdrawals.

27. Updated to reflect new OWRD language, similar to meeting language (listed as required revision).

Dana said the first part explains the law and the second part says we have uncertainty about groundwater that we need to study more; the language is different, but it fits previous discussions and restates it in a more clear way. Curt wondered if including "gaps in existing data need to be addressed" would be a stumbling block toward any progress later. Donna asked if two things could happen at the same time, or if this would be a priority before anything else. Dana said data gaps is the third strategy of nine, so we are saying that we are going to focus on it. Tim suggested changing "addressed" to "explored." Curt suggested changing the word "need" to "could." Joe said that since the strategies were decided upon some time ago, the majority of the conversations have revolved around whether or not data is adequate to make these types of decisions. Now we are arguing about whether data is needed or not; those are two conflicting arguments. Donna was ok with the word "need" as long as it doesn't mean that this would be prioritized. Dana said that this is one of the things we are implementing, but it doesn't have to be done before other things. Tim and Donna agreed that it needs to be done but it doesn't have to be done before anything else happens. Joe said that if we are doing things before we have the actual data to make a conscious decision about the best thing to do, then that's the cart before the horse. Brett pointed out that we need to stay true to the philosophy we've had over the last five years and that is that we recognize

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the data we have is the best available. Although it may be imperfect, we are going to improve where and when we are able. We also don't want our efforts to go down the rabbit hole of studying it to death and not completing anything positive because we just don't know enough. The language needs to be respectful of the comments, thoughts, and concerns that have been expressed over the last few years. Joe said he appreciated that sentiment and thought Brett stated it perfectly. We can't move forward with performing any sort of action if we feel as though we don't have sufficient data. There are conflicting opinions of the necessity of this information. Not too long ago, it was said that we didn't have enough information to know how groundwater influences lower tributaries/above tributaries. Now we are saying this is not a priority. Dana clarified that it's about the extent of work to be done before progress can be made in other areas of implementation, not the necessity of the information. Jim Webster suggested rephrasing it to say, "in order to gain a better understanding of the connection between surface water and groundwater ... the partnership wants to explore gaps in the existing gaps in the future." Curt agreed it was a little softer, Steve said he likes it and Joe said it seems reasonable.

28. Added statement from Step 2 report to better cover the species in the area. This was a required revision to include a description of the ecological elements.

Tim suggested that the statement be more focused on the ecosystem where we live. The statement was left as is because it was directly copied from the Step 2 report and almost directly copied from the basin report.

29. Added reference for information shown in Table 2-3.

30. Statements added to Data Gaps section about changing conditions over time.

31. Comment was inserted that the statement, "The Partnership has identified significant gaps ..." casts doubt on the validity of any information and will color the reader's perception. Statement left unchanged.

Dana said this statement is in other reports, but it could be removed. Donna thought it was ok. Tim said the statement speaks volumes to what we have been talking about in reference to the gaps in the data because it has been neglected and overlooked for 40 years. This doesn't fall at the feet of the Partnership. There were assumptions made about this basin without the data. We are trying to fix the problem that may or may not exist because we don't have enough data to make an informed decision. Donna said that we don't want to state a problem that doesn't exist. Joe said that points to elevating the necessity of having data and information to move forward.

32. Suggestion to clarify return flow to surface water and groundwater. Statement revised to account for water reapplied to the aquifer.

Tim said the original suggestion does not address what Anton wanted, which was that domestic factor. We're not recharging the aquifer because we are not flooding like we used to do. He would like this statement to have more detailed understanding about the amount of water pumped, and also to account for water being reapplied to the aquifer through irrigation or other rights. We need to recognize that there are positive benefits that aren't being accounted for. Joe agreed, that is a very important point to make

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in understanding the water budget as a whole. We can find ways to get creative and look forward. We need to understand how the whole system operates. Dana updated the statement to include "...requires a more detailed understanding of the amount of water pumped, applied recharged to the aquifer, and consumed by crops as well as surface water-groundwater interactions."

33. Added example of repairs to infrastructure.

34. Statement added to show that strategies adequately address city needs. Will also add mention of field trips to cities.

35. Comment inserted asking to estimate private land that is suitable for irrigation that does not currently have a water right.

Jed provided the estimate based on most recent census of ag taking total cropland acres in Union County and subtracting acres that have a primary water right that was identified in Step 2. He said this is estimating dryland cropland that exists and is not currently irrigated. Brett said there could be consideration given for identifying dryland that could benefit from water if it was available. Dana said we have that blanket statement already, it just doesn't state the numbers. Kim said they don't require the numbers, it is just a way to note that there are other ways that you could calculate the ag demand. Tim said that if something were to change in the future and some stored water is available, then we want to include people without irrigation so they have that opportunity. Joe suggested a side discussion before including hard numbers. Jed added that another point of discussion for a side meeting would be about the quality of those ag lands and if they would benefit much from irrigation. Dana said that people at the meeting were leaning away from the numbers and suggested leaving the blanket statement as is; no one disagreed. Jed said this is about demand, not availability; the demand can be more or less than available. Joe said the demand would need to be spread across all sectors.

36. Clarified current and future water quantity uses during certain months.

37. Clarified approach to come up with in-stream demand.

38. Added statement about location of water rights and ESA species.

Anton said that there was a small group meeting to draft this language. Dana said that we did not use "ecological flows" in earlier reports so this part was changed to reflect that. Kim said the approach used to calculate in-stream demand was focused on in-stream water rights because that was the data and information available to the group. This is just acknowledging the limitation of that; if you're calculating demand on in-stream water rights, those water rights don't consider those flow needs that are important to fish species. This is something that the group agreed to in previous step reports so it is pulling that concept into this document. Brett said he thought it reads real well, especially for the studies that are being undertaken.

39. Suggested change "scenic waterway flows are necessary to maintain..." was not accepted because there could be a lot of discussion about the meaning of the word 'necessary'.

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IV. Conclusion

a. Next meeting

Joe asked if folks would have the opportunity to hold meetings earlier in the day. There was overwhelming support for this idea so the next meeting will begin at 4pm:

Wednesday, December 8 (4-6pm) Conference Call/OSU Extension Service Office

b. Other comments

Dana said she would delete the remaining suggested comments throughout the rest of the report. Donna asked for the remaining suggestions so that everyone could review them before the next meeting. Dana suggested that people bring up concerns instead of going line by line. Tim would like to see it with required changes only. Anton and Joe said they would like to see all the suggestions. Kim said they did put in a lot of time on the suggestions and they were offered in the spirit of trying to clarify some things and improve the plan. From their perspective, it is up to the planning group to consider them or not. The review process can be facilitated without those suggestions.

Dana reminded the group that it is important for stakeholders to attend these last few meetings to be eligible to vote on the plan. The review team commented in the document that we did not have everyone participate in the last vote, namely from the cities.

Kim said that the 2022 OWR Commission meetings would be determined in December. The Commission is aware that this group plans to present in March.

Action items:

1. Roxy will email to Dana a copy of Harmony’s revised language in reference to the statement saying we’re not sure TMDL standards could ever be met or have ever have beenF
2. Dana will email summaries of the most recent in-stream demand and groundwater meetings
3. Dana will send notice of the small group meeting to determine language changes in Surface Water Quality section. (Pages 2-11 and 2-12; “temperature as a heat pollutant” and “water can be greatly affected by human activities.”)
4. Dana will email most recently revised Step 5 with suggested and required changes for review

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| Nov. | Draft Step 5 Plan discussion |
| Dec. | Draft Step 5 Plan discussion |
| Jan. | Step 5 Plan vote for approval |
| Feb. | Step 5 Plan vote for approval |
| Mar. | Step 5 Plan presentation to Water Resources Commission |

The meeting was adjourned.