

Upper Grande Ronde River Watershed Partnership
Place-Based Integrated Water Resource Planning
Stakeholder Meeting No. 41

Meeting Minutes

September 1, 2021

5:00 p.m. – 7:00 p.m.

Misener Room & Conference Call

ATTENDANCE: Kim Ogren, Steve Parrett, Donna Beverage, Dana Kurtz, Joe Lemanski, Danette Faucera, Roxy Nayar, Anton Chiono, Jeff Yanke, Adrienne Averett, Bill Gamble, Jed Hassinger, Harmony Burreight, Brett Moore, Maria Zamora, Dr. Abigail Tomasek, Darrin Walenta, Larry Larsen, Rodger Huffman, Kathleen Cathey, Tim Wallender, Curt Howell

I. WELCOME

a. Introductions

Donna opened the meeting and brief introductions took place.

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 recent non-step 5 plan activities

i. Alex and Donna's movie!

ii. Ripples in the Grande Ronde article

iii. OWRD Feasibility Study Grant approved, awaiting County signature

iv. OWEB Grant for in-stream flow approved by technical team, awaiting formal approval

v. OWRD received funding for an additional \$50,000 for our planning group and also \$1,000,000 in additional funding (specific details unknown)

vi. Portland State review of the PBP process – two virtual meetings are expected in October/early November, each to last two hours

Dana reported that ODFW wants to update an in-stream demand population. They are currently working with the original in-stream demand group to meet and understand the process we did with Tim Bailey. They will do a new process that was not available when we were doing our in-stream demand calculations. The hope is that it will be more detailed and accurate.

Danette provided background information. We have learned a lot over the years and have grown in our thoughts on what a demand could be for you. Based on new science and data availability, we have a revised method that will give you a more complete picture. This would be refining the in-stream demand and a placer in your Step 5 Report

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showing it is an action with a timeline to have it completed. It helps your plan to be adaptive enough that it can incorporate that new information when you're prioritizing some of your actions. Details will be shared at a virtual meeting open to everyone on September 8.

Dana stated that the OWEB grant does not really relate to the upcoming meeting with ODFW and their revised calculation methods. This work they are meeting on is purely revising the calculation we did on in-stream demand based on more granular data. They have more specific information and a new method to get better calculations. We used in-stream rights and the basin investigation report from 1975 for places where we didn't have water rights.

Donna said she understood that this would not be part of our plan we voted on. It is just something they are doing separately that we add to later, but it is not specific to the plan.

Dana added that it will not revise the plan's calculation tables right now. The in-stream flow studies are for actual physical collection efforts in the field to get top of the line information.

Larry recalled that at the time, Tim said they had very little data on streams and they didn't have a whole of lot data on how much water the fish needed. How are we going to upgrade the in-stream use when there hasn't been any more data collected? If the model was not built on eastern Oregon data, then I don't know that it would have a direct application here. It is not clear that this new model would add information that would be more accurate than the plan has already. We don't need more model outputs because that will give us a hypothesis, not something solid that we know will be appropriate for this watershed.

Danette stated that it will be based on a combination of refined data and some new modeling techniques that we are now utilizing. Refinements made on our flow recommendation in our investigation reports are in addition to what you have for in-stream water rights.

Dana acknowledged that work was done in 2017; this new process is updating calculation techniques. More details will be available at the September 8 virtual meeting; everyone is invited to attend and a summary will be sent to the group afterwards.

Rodger asked about the purpose/intent of the OWEB grant. Dana explained the OWRD feasibility study grant for storage has an in-stream flow requirement. The OWEB grant provides matching funds for that storage grant to do the in-stream flow work and additional goals we had in our data collection group to cover the reaches we were looking for.

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Rodger recalled the group voting on the OWRD feasibility study, but not the in-stream flow part of the study. Dana stated that to do storage, part of the OWRD grant requirement is to evaluate in-stream and flow conditions.

Brett summarized that in order to pursue a storage project, we need to know how it will impact natural waterways. Matching funds were required for the grant and OWEB agreed to a portion of it if we used it to do the in-stream part as opposed to the storage feasibility part. The two work together and it makes sense.

Adrienne provided additional background. When Tim Bailey was presenting in-stream flow information, our staff hydrologist and team were working on this exact type of flow analysis in different areas of the state. Tim eluded to that when resources were available to improve that data, we were going to allocate those resources to the UGGR. That's the pivot you're seeing in terms of capacity and ability to do that bottling work now that wasn't previously available in 2017. It will refine those components of the plan that require in-stream flow sussed out for in-stream flow needs consistent with Oregon's Integrative Water Resources strategy. Spencer is the hydrologist that runs this team and will be prepared to answer questions at the September 8 meeting.

Larry said that when we built the plan, it was based off the gauge data on the river for the amount of flows, then we built the demand around the permitted rights. Now we're talking about adjusting the in-stream demand when it was my understanding that those calculations were all done on in-stream rights. A calculation of a demand is not a given that it is a right, it hasn't gone through that process.

Dana provided clarification. That's what we did for in-stream demand because we didn't have anything better. For municipal demand and ag demand, we didn't just use the right. We went further for the actual needs, uses, water rights recording data, or water use data from the municipalities and a variety of components for that ag demand. This is just bringing the in-stream demand close to the level of work we did there.

Jed asked if the OWEB in-stream grant would be conducted by ODFW. Dana explained that some of our match funds are from CTUIR, which is funding the Catherine Creek part of the study. We are adding the Grande Ronde section of the study to that. If ODFW has capacity, we will have them do it, but if not we can put another consulting firm in there. The plan is to have ODFW lead it and get support if they don't have enough staff. We expect to have feedback from that study as it goes since we will likely have quarterly implementation meetings.

II. STEP 5 PLAN SUMMARY, DISCUSSION, NEXT STEPS

- a. Step 5 Plan was approved April 20
- b. Agency review of the Step 5 plan was complete June 25. Multiple required and suggested changes are detailed in text and summary documents (sent to group)

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c. Agency staff and County staff have met several times to discuss incorporating changes. ODFW would like to update in-stream demand calculation (not to be included in the plan). They will work with original in-stream demand group; let Dana know if you would like to join.

d. Brief Summary of strengths and required revisions

1. Balanced representation of interests
2. Collaborative and integrated process
3. Public process
4. OWRD consultation
5. Scope of planning effort
6. Understanding water resource supply, quality, and ecological issues
7. Current and future water needs
8. Solutions or recommended actions
9. Addresses in-stream and out of stream needs
10. Validity of information
11. Information and data gaps
12. Plan adoption by Planning Group
13. Implementation strategy

Required revision summary – 7 required items

1. Balanced representation of interest
2. Compliance with state law
3. Understanding water resources supply, quality, and ecological issues
4. Current and future water needs
5. Solutions or recommended actions
6. Addresses in-stream and out of stream needs
7. Plan adoption by planning group

e. Timeline to address revisions

Sept. 1	Introductions to revisions
Sept. - Oct	Small groups may need to meet to work on topics
Oct. 6	Draft Step 5 Plan for discussion
November	Step 5 Plan finalization
December	Step 5 Plan vote for approval
March	Step 5 Plan to presentation to Water Resources Commission

f. Roundtable discussion of ideas on if and how to address comments

Dana shared that emails to the group were sent by several Stakeholders expressing feelings about the review process. Several others called or emailed Dana privately. Those seven comment areas are required to be addressed for State recognition of our plan. State recognition of the plan could be beneficial for financial and political support for our potential projects.

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Should we move forward to address these comments? (idea: accept, accept with changes, reject) **Any areas of additional discussion** (specific topics that need additional meetings)

Donna stated that she was very frustrated when they met with OWRD and wanted to see how everyone else would like to respond as a group. It is very important to remember that when OWRD gave us grant money for place-based planning, that meant place-based planning. They were at the table from day one. If there was a law that we needed to follow, we needed to know at that meeting then. As far as the planning, that was supposed to be local. Otherwise, it's not a local planning process anymore. They are saying we have too many ag people. It's place-based, that's who Union County is. We have representations from all the different users; there were many invitations and lots of people could have come. We didn't keep meetings a secret. At no point did we not want representation from everyone. It happens that Union County has a lot of ag representation because we have a lot of agriculture. If we were on the coast, we would have more in-stream people. Place-based planning needs to represent the place that is doing the planning. This was concerning to us.

Tim agreed with Donna and added that it seems like there is a hurry all of a sudden and interest to get something finalized during an important time of year for ag producers. The latecomers are wanting to present new information with new models. The way this is taking place at the eleventh hour doesn't pass the smell test. Something smells wrong with the way this is taking shape. How can we review all the edits and changes while we, as ag producers, are doing our job to provide food to the marketplace so people have nourishment? We are being hurried when we have invested five years of our time to vocalize what we think are important at the local level.

Dana said that the hurriedness feeling could be taken off the table because we can spend as long as we need on this.

Kim provided a history of the program with additional comments. This journey started when a bill was passed to pilot place-based, locally led and initiated water planning in partnership with the State. This was a sort of test to see if we could have locals and the State work in partnership in order to develop a plan that they both support, therefore having one with a smoother transition because it was developed in the place with the State on board. OWRD developed guidelines in talking with folks around the state on how we might try this out. We've learned along the way that the guidelines in some ways are really helpful and other ways they are missing important content. We learned a lot of lessons in this. It is important that as we talk about the review comments to understand that the State agencies were reviewing the documents per the planning guidelines that were developed in 2015 and also reviewing the plan with the IWS principles, which is also part of the guidelines. We were trying to make sure that all the hard work that the group had done is documented, and, that if this plan comes before our commission, the Legislature, or any state groups, it is robust and incorporates all of those things that we defined as needed in place-based planning. In that review, we were trying to identify those things to make it more robust. The feedback I have heard is that how we have

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communicated those items at times came across as harsh or unclear. We are committed to sort things out so that a local place-based plan can come before the commission in partnership with the State agencies. There are things we need to work through and we are ready to do that with all of you.

Larry agreed with Donna. We are writing a plan, but with the review we are heading toward a novel. The State agencies had representation on our committees; they participated as much as they wanted during the process. They don't have any business coming back at the eleventh hour to declare that they have something to add other than basic editing for clarity of what was being said. What they are providing us with is not data from our watershed, they are providing us with professional opinion and it is unacceptable.

Anton said the Tribes share frustrations with comments received back on the draft. We all invested a lot time in this over the last five years. We need to keep in perspective that this is a pilot program and everybody is learning in this process. I agree, some of those concerns could have been raised while we were working on this. That is important feedback for our friends at the State to hear; it's important that we go through this review process and provide that feedback to Portland State. I know folks are a little discouraged but I urge you to keep in mind that this is a pilot program and we are working to make it better.

Curt said he appreciated the comments about interest areas represented in this basin. If someone were not here during planning, then it is no fault but their own. To now say that ag interests are too many is not accurate or fair.

Harmony provided additional comments. Every region is really different; the planning process has been different for each group. As we are nearing the finish line, we are testing out the tools we built. I served on the review team so some of your frustrations can and should be directed at me. I had a set of criteria that we developed, shared and used to assess the plan. This is the first time we have applied it. Some of the things that we found maybe weren't communicated well to you. I made the comment about balanced representation of interests. As an outside observer reading the plan, it wasn't abundantly clear who participated and what interests they represented. It made it hard to assess it against the criteria. No part of that review was meant to diminish the value of your planning effort or the plan because there was significant participation from the ag sector. That is remarkable and a strength of your effort. Certain things didn't come through in the plan that needed to be strengthened before it came before a broader audience. There is no part of my comment that was meant to be disparaging towards participation from the ag community, it was intended to help you articulate who was involved and help others understand what went into the planning. I collected feedback from 15 people and delivered comments; I am super committed to help you work through that and help you understand where we are coming from. There is no part where we want to come in at the eleventh hour and have you accept what we say. We want to work through some things and talk through them. I appreciate everyone's patience

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with us and I hope we can look to the future and see how much good has already come out of the work you all have done. We are very excited to support implementation.

Rodger provided additional comments. We were being as objective as we could be, not selfish, and trying to make it better. Everyone has been genuine. Comments about balanced representation keeps popping up everywhere, but we tried to get everyone to come and meetings were advertised. That's the way the world works: if you show up, you're part of the process. Everyone was invited, never excluded, and some showed up. While it looks one sided, it was not intentional. Maybe we can explain that better. I think the place-based planning was done well here.

Jeff noted that he was not part of the process originally; he invited everyone to think ahead to where it goes from here and who will be involved. There are going to be people commenting on the plan who weren't part of the group and development process. The plan is going to be sent off for implementation and possibly to raise grant funds from a lot of people that aren't involved in this process. OWRD objectives are to help you all plan as rigorous as possible so that when somebody outside the group reviews this for a multi-million dollar grant, the plan stands on its own. I think those outside objective comments are important as we move forward.

Donna said she thinks there has been a good faith effort on everyone's part and is thrilled that OWRD wants to work with us. If there are frustrations, we need to be saying them now and get this back to a vote so it can be presented to the commission. We can't even talk about the feasibility study until we get past this. I think the study ODFW is going to do is great, we're going to need it, but it definitely should not be part of this plan that we worked on for four and-a-half years.

Larry asked for clarification about a requirement that we address the agency review comments. I'm assuming that they're not all necessarily required, but there are statements in the review that they are required. That means they have a veto. We made a decision as a group before we started this last plan that we weren't going to replough old ground, pull a bunch of information out of the earlier reports, and put them in word for word into this document to keep it manageable on both sides so it didn't become a novel. Now it looks like that information is being dragged up. That belonged in those earlier reports where they are. It doesn't belong in this final plan. We don't want to put more stuff in here that's already been said in earlier reports. All we're doing is making it more difficult for the reader. Referencing other reports would be fine, but don't put all that verbiage back into this report or it will be a ten inch tall document.

Donna agreed; that is a conversation we had with OWRD. We wrote a letter and they said we will go to the commission with what we feel is our final plan. This is basically what the staff is asking us to require. In talking to the staff, they understand some of our frustrations about the things we've already done.

Dana added that it is required that we do it, but not specifically as those redlines; those are meant to help us.

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Kim provided more information. We were attempting to be helpful in identifying underlining topics that required improvements and needed to be addressed. The redlines were a way that you could address them. If you have another way you would prefer to address the issue, that's great. Or, if you disagree, that is something you can do. I do think the commission will heavily consider the State's recommendation for State recognition or not. If there is a topic area where you fundamentally disagree with the required improvement, I would encourage us to have further conversation to see where that disconnect is and find a good path forward.

Larry commented on the DEQ section talking about removal of trees and other shade producing vegetation from stream banks. That discussion took place in earlier documents. We don't need to put that in this plan. Why would we litter our document now with that kind of verbiage? It doesn't make a bit of sense. You want this to be a concise document that we can follow. If you want to cite a webpage or something, then why in the world do we repeat what's on the website? This is crazy.

Roxy responded. It is a balancing act of bringing in some of the information from those earlier reports just to show that it was considered and captured, like TMDL and water quality, without making it gigantic. We talked about this balancing act a few months ago, but I don't remember if we came to a solid conclusion. This is a question for OWRD.

Harmony provided comments. We reviewed the plan as a stand-alone document and we have required plan contents based on the guidelines. Essentially, picking up the plan and reading through it: does it have the right information to provide a basis for taking action, all contained in one document? I agree with Larry and Roxy, it is a really hard balance to strike between including sufficient information for a reader who is new to the process trying to figure out what you guys did/what you're going to do/why without overburdening the reader with too many words. As Kim said, the redline comments are what we suggested to make your lives a little easier. We didn't want to offer up a required change without also proposing a solution of how you might address it. You might come up with a different way to address it. We don't expect that you will accept all of our comments without talking about it, considering it, and working through it with us. I know that adds more to an already lengthy process, which is unfortunate.

Larry said his point is that we don't want to create a doorstop and that's what we're going to get if things keeps getting larger and larger.

Donna said the hope is to take it to the commission in March 2022, which gives the group plenty of time to get through this.

Dana acknowledged that it feels rushed with the amount of comments. We have time to take our time, hold meetings, and talk through the comments. The hard part is that we all want to start working on the feasibility study and implementation, but we need to get through this part first.

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Donna added that if we are successful, then everyone is successful. We are the first group to finish the pilot project; there are three others behind us and other basins wanting to do it. We are learning, but we want to get this right and implement something in our county for our basin.

Curt suggested that we move as quickly as possible because there are a lot of good thoughts that need to come forward. If we need to break into some smaller work groups, then great. Those groups should start meeting as quickly as possible.

Kim said OWRD commission meets in November to schedule 2022 meetings; there are tentative plans for the commission to meet in March. This group can also ask for a special meeting.

Harmony made a suggestion to fold some conversations about implementation into small group meetings. For example, to resolve the comments around ground water, the group could invite the ground water staff to talk about how you would take the first step.

Donna and Dana felt that upcoming meetings should focus on the plan and wait for implementation conversations at later meetings.

Rodger agreed with Donna and Dana. This is an example that any in-stream stuff would not be a part of the plan, but the suggested redlines very clearly say that if we adopt this, all of the stuff would be updated. We need to realize that this is a living document. It's probably not accurate to think that the agencies aren't going to submit information and we're just not going to acknowledge that.

Dana added that there had to be a limit of bringing more information up and wanting more research after voting took place. The thought is that during implementation, we are going to get new numbers on everything, but we don't need to go back through the whole plan and do that now. I envision it being more project specific. That's where those numbers will come into play, not this high level planning document. As we work on the strategies and plans come out of them, we have to have a lot better information there.

Curt said some of the comments came across as killers. He would like to see more involvement from the reviewers who made the comments, like Harmony explained earlier. Then everyone can reach agreements in a timeframe that the group can fashion that will fly with OWRD.

Harmony agreed that was a great idea. We would prefer to work through them with you and help you understand what we meant by some comments. Maybe what we are saying isn't what is being communicated. Something we don't have knowledge of is when you have framed an issue in a particular way after having talked about it as a group so many times. Steve did represent that but some of it didn't come through to us as outside reviewers. I would be happy to represent the OWRD's comments and explain where we were coming from. Some comments are from other agencies, but I imagine they would be happy to help explain where they're coming from and work through it.

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There is no part of this where we want to exercise veto power and make you accept our comments. I think there is a real desire to find common ground. I know you have worked through a lot of this already. I didn't have the benefit of that. I don't think it will be difficult for us to find common ground.

Dana agreed with Curt, it sounds better to hear comments explained than reading them on paper. It is a lot kinder and easier to find common ground. She suggested that the next meeting begin with reviewers providing more information about their comments.

Kim thought the path forward sounded good and added that multiple agencies provided comments. Although one particular person might have worded the comment, the review team as a whole discussed it and came to a consensus. Sometimes a comment is coming from multiple agencies, not just one; those comments have the support of all the agencies.

g. Comment line-by-line discussion

This discussion will take place at the next meeting. Comments can be sent to Dana prior.

III. Conclusion (5 minutes)

- a. Next meeting is Wednesday October 6 (5-7) Misener Room/Conference Call
- b. Other comments

The meeting was adjourned.