

Walla Walla Basin Advisory Committee (BAC)
Meeting Summary
Wednesday, May 25, 2022
1:00 p.m. – 4:00 p.m.

| Time* | Agenda Item (Action items are marked with “!”) | Reference Materials | Presenter(s) |
|---|---|--|--|
| 1:00 (30 mins) | Welcome, Introductions, Review Agenda <ul style="list-style-type: none"> Welcome and opening remarks Introductions Review agenda | <ul style="list-style-type: none"> Agenda | <ul style="list-style-type: none"> Brook Beeler, on behalf of Tri-Sovereigns Susan Gulick, Facilitator |
| 1:30* (60 mins) | WA Legislation to Support Implementation of the WWW 2050 Strategic Plan <ul style="list-style-type: none"> Overview of key concepts being considered for the legislation BAC Member Questions/Discussion | <ul style="list-style-type: none"> Conceptual Outline for Potential Legislation | <ul style="list-style-type: none"> Tom Tebb and Dave Christenson, Ecology BAC Members Susan Gulick, Facilitator |
| There will be a 15-minute BREAK around 2:30 | | | |
| 2:45* (30 mins) | Updates, Agenda Requests <ul style="list-style-type: none"> Bi-State Flow Study USBR Basin Study Project and funding updates from BAC members Update on Recent Working Group Meetings <ul style="list-style-type: none"> Implementation Policy, Funding, and Outreach (PFO) Upcoming BAC and WG Meetings Agenda or field trip requests from BAC members (BAC or Working Groups) | | <ul style="list-style-type: none"> Facilitation Team BAC Members |
| 3:15* (10 mins) | Public Comment | | <ul style="list-style-type: none"> Susan Gulick, Facilitator |
| 3:25* (20 mins) | Reflections from BAC Members | | <ul style="list-style-type: none"> BAC Members Susan Gulick, Facilitator |
| 3:55* (5 mins) | Closing <ul style="list-style-type: none"> Next Steps Closing comments | | <ul style="list-style-type: none"> Amanda Cronin, Project Manager Chris Marks CTUIR, on behalf of Tri-Sovereigns |
| 3:30-4:00* | Adjourn | | <ul style="list-style-type: none"> Susan Gulick, Facilitator |

Note that audio equipment in room at Walla Walla Community College was not working so some notes may be incomplete.

Welcome, Introductions, Review Agenda

BAC members introduced themselves and shared why they are participating in the BAC. BAC members cited the importance of achieving multiple benefits for fish, farms, and communities, uplifting and sustaining the rural quality of life, and implementing projects that achieve real impacts for the basin.

Facilitator reviewed the agenda and led roll call. Attendees are listed in Appendix A.

WA Legislation to Support Implementation of the WWW 2050 Strategic Plan

Tom Tebb, WA Department of Ecology, introduced the discussion. The intention is to build support for long term implementation of the strategy.

Dave Christensen, Ecology, provided an overview of WA's Legislative approach:

- Ecology evaluated several options for the legislative approach. Options reviewed included:
 - Budget proviso. This process is (much) simpler, but is not codified (only exists during the biennium)
 - Amend existing OCR statute. OCR has authority for much of what needs to happen in the Walla Walla, but a new section in chapter 90.90 RCW is “less visible”

- Create a new RCW chapter with new authorities. A new chapter creates higher visibility and importance, but duplicates existing agency authorities (and subjects Walla Walla to more competition)
- Ecology ultimately recommends amending the Office of Columbia River (OCR) statute RCW 90.90.
- The proposed language will include the role of the BAC in providing recommendations as well as guiding principles, which Dave previewed with the BAC.
- Dave also discussed the need for clarity in the statute regarding project development and funding.
 - Ecology would need clear authority to fund the construction of projects in OR and would need other sources of funding to be brought to the table for a cost share.
 - A minimum of 50% percent of the total costs to finance the implementation of the integrated plan must be funded through non-state sources

Discussion:

- BAC members stated that it is important that Oregon be an equal partner and asked whether there will be an attempt to form a Bi-State agreement.
 - Yes – discussions are ongoing between Washington and Oregon.
 - BAC members suggested clarifying in the legislation that the basin includes both states and that there is BAC representation across both states and diverse interest groups.
- BAC members asked for background on the statutory authority for the Yakima Basin.
 - Ecology shared that the Yakima basin is different because the Bureau of Reclamation (BoR) manages water in the basin. There has been federal legislation in place since 1979 to support fish passage infrastructure and water conservation measures.
 - The Yakima Basin statute was created prior to the OCR statute, so some authorities that OCR has did not exist at the time that the Yakima statute was adopted.
- BAC members asked how they would like to see themselves represented in the legislative approach. Re: how much detail about the BAC should be included in statute?
 - Several BAC members added that there have been concerns about the need for local government representation. They added that several County Commissioners are missing at the meeting and that their input should be included.
 - Others suggested that it is important to acknowledge the broader public and the community at large.
 - BAC member suggested that it should be stated that all members are voting members and reiterate that it's a consensus-based process to advise the Tri-Sovereigns.
 - Some BAC members prefer that the Tri-Sovereigns serve as Ex-Officio members. They could fully participate in discussion but would not vote on recommendations to themselves.
 - BAC members suggested clarifying the Ex-Officio role. Several BAC members added that they think it is beneficial for the Tri-Sovereigns to sit at the table to hear what the BAC is advising.
- BAC members added that the most important piece is the Working Groups (WG). This does not need to be communicated in the legislation but we should continue to communicate that the WGs are an important part of the process.
- What kind of language will be included in the authorizing legislation regarding the authority to change instream flow ratios?
 - Ecology clarified that they can adjust allocations for new water that is developed but cannot change existing allocations (the ratio of 1/3 instream and 2/3 out of stream set forth in the Columbia river statute can be adjusted to better fit the Walla Walla) B.
 - They added that they do not know what the allocations for new projects (e.g., pump exchange) will be in the basin yet.
 - BAC members asked about what assurances there will be for fishery managers.
 - Ecology intends to develop water supply solutions to provide benefits to a variety of ecosystem components and out of supply uses.
- BAC members emphasized that Tribal consultation should be specifically identified and called out in the legislation.
- BAC members asked whether the legislation will cover recognition of one state's trust water in the other state? This seems to be an essential element underlying many of the strategies included in the WWW2050 Plan.
 - Trust water right recognition across state lines needs to be discussed more. This would require changes to the actual trust statutes (90.42).
 - WA Water Trust (WWT) added that they would like to discuss trust water legislation that would recognize the seniority of water rights across state borders.
 - Ecology added that they recognize that instream flow across the border is an issue, but we don't know enough now. Ecology wants to be clear that any new water in the basin from an infrastructure project will need to be protected across the border
- BAC members discussed the funding program and cost share for implementation of the WWW2050 Plan.
 - Ecology clarified that if WA gets the enabling legislation, this will be a \$300-\$500M plan. WA is willing to pay for half and is looking for matching funds from other entities including the federal government. This speaks to why Ecology is bringing in BoR via the Basin Study. In kind match from local community could potentially count too.
 - Projects that began after 6/30/2021 (the date the strategic plan was adopted) can be used as matching funds if the projects are clearly tied to the strategic plan.
 - BAC members added that there will be a need for a clear accounting process to identify where funding is coming from and what projects it is supporting.

Next Steps:

- Ecology will incorporate feedback from the discussion into the draft language.

- Ecology will present the updated language at the June BAC Meeting.
- Ecology will revise the language as needed and present the final language at the July BAC meeting
- Ecology will send the language to the Office of Financial Management and the Governor's Office for their approval in the Fall.

Updates, Agenda Requests

• Flow Study

- Jacobs Engineering was selected as the apparent successful vendor with Aspect and Water Rights Solutions identified as sub-contractors within the proposal.
- Specifics around start date and next WG meeting are yet to be determined.
 - *Reminder that the new Flow Study WG is a continuation of what was formerly called the Bi-State Flow Steering Committee.*

• Bureau of Reclamation Basin Study

- Ecology received notice from BoR to submit a formal proposal.
- Need participation from the BAC to complete their template requesting information.
- This represents a critical step to bringing federal participation in the Basin by asking BoR to review work to-date.

• Project Updates

- WWT added that they are pursuing the WaterSmart opportunity to develop a planning tool to expand access to information on water use in the Basin. This includes installing three new gauges in the Basin.
 - Will be looking for a letter of support from the BAC.
- USACOE received funding for construction of new Bennington Lake fish ladder and low flow channel in Mill Creek.
- The City of Walla Walla is applying for a BoR grant to take ASR Well #5 to the construction phase.
 - Submitted letter of support from BAC.
 - City of Walla Walla also has agreement with WWT for more water in the summer in Mill Creek for this year
- WWBWC projects has several projects that are in progress:
 - N Fork Walla Walla River: 5-mile restoration project.
 - N Fork Walla Walla River Effectiveness Monitoring.
 - Culvert replacement project on 14 streams.
 - Couse Creek: Fish barrier replacement project.
 - Upper watershed: Spring inventory and baseflow assessment – 3 individual projects (1 in upper S fork; 1 in S fork; 1 in Mill Creek above the City of Walla Walla intake).
 - Pesticide stewardship partnership project in Little Walla Walla River.
 - Pine Creek geotechnical project in relation to Bi-State Flow Study to look at faulting in lower reservoir site.
 - Stormwater project South of Milton Freewater.
 - Additionally, they have the opportunity to apply for OR Watershed Enhancement funding to build capacity for future projects around the WWW2050 plan.
- WWCCD has several floodplain restoration projects in progress:
 - 3 projects in Mill Creek
 - 3 projects in the Touchet River
 - 1 project in the Walla Walla River
 - Additionally, there are several ongoing planting projects and survey efforts including the tree of heaven- an invasive plant harmful to fruit trees.
- OWRD is looking at installing 3-5 new gages on the OR side though accessing equipment has been difficult lately. One of the new gage sites will likely be at the Frog.
- OWRD is also about to get a detailed geologic map of the basin, information on how water moves in the Basin, and identification of strategies to recharge or stabilize the aquifer system. There may be some inclusion of the WA side of the border.
- OWRD is hiring for an outreach staff person to support engagement in the Basin.
- Gardena Farms Irrigation District have piped 11 miles and are working on piping 20 miles of irrigation canals. They have a concern about their inverted siphon and are studying it now.
- Ralph Perkins added that we need to be able to update the Strategic Plan to reflect lack of land use strategies specially related to forest management and dryland management. Ralph asked if there is a process to expand and update the strategies we have now?

• WG Updates

- Implementation WG met May 12
 - Presentation from CTUIR and WWRID about a conceptual project to upgrade irrigation distribution system to tightline in the summer and allow leakage in the winter to benefit groundwater.
 - Discussed June Pulse Flow needs.
 - Reviewed the Letter of Support process.
 - Discussed implementers' capacity to manage projects and apply for funding opportunities.
- PFO WG met April 28
 - Brainstormed outreach needs.

- At the next meeting, will review what already exists to identify gaps and what outreach methods are needed.
- Discussed federal funding opportunities.

Public Comment

No comments

Reflections from BAC Members

- BAC members shared several closing reflections including the need to collaborate and find common ground in order to uplift one another's projects, to work themselves out of a job, and to adaptively manage the Plan to incorporate new strategies and actions.

Closing

- Next Meetings
 - Implementation WG | Online | June 9, 2022 from 1-3 pm
 - PFO WG | hybrid | June 23, 2022 from 9-11 am, WWCC
 - Bi State Flow WG | TBD
 - BAC | hybrid | June 22, 2022 from 1 – 4:30 pm, WWCC

Appendix A. Attendees

Note that audio equipment in room at Walla Walla Community College was not working so list of attendees may be incomplete.

WWBAC Members & Alternates

| First Name | Last Name | Affiliation |
|------------|-------------|--|
| Brook | Beeler | Ecology |
| Cindy | Boen | USACE |
| Ron | Brown | WWRID (alternate) |
| Annie | Byerley | WA Irrigation at Large |
| David | Haire | CTUIR (alternate) |
| Sarah | Dymecki | WWT (alternate) |
| John | Foltz | Snake River Salmon Recovery Board |
| Renee | Hadley | Walla Walla County Conservation District |
| Linda | Herbert | Blue Mountain Land Trust |
| Judith | Johnson | WWWMP |
| Randy | Jones | ODEQ |
| Todd | Kimball | Walla Walla County |
| Chris | Kowitz | OWRD |
| Steve | Martin | WDFW |
| Steve | Martin | WDFW |
| Steven | Patten | City of Milton-Freewater |
| Ralph | Perkins | WWBWC |
| Tom | Tebb | Ecology |
| Michael | Fredrickson | Port of Walla Walla (alternate) |
| Mark | Wagoner | Gardena Farms Irrigation District |
| Justin | Yaeger | NMFS, NOAA |

WWBAC Members Not in Attendance

| First Name | Last Name | Affiliation |
|------------|-----------|------------------------|
| Allie | Newhouse | OR Irrigation at-large |
| Dan | Dorran | Umatilla County |

Other Attendees

| First Name | Last Name | Affiliation |
|------------|-------------|---------------------|
| Troy | Baker | WWBWC |
| Caroline | Burney | Cascadia Consulting |
| Anton | Chiono | CTUIR |
| Dave | Christensen | Ecology |
| Arnold | Coe | WWBWC |
| Amanda | Cronin | Amp Insights |
| Jeff | Dengel | WDFW |
| Melissa | Downes | Ecology |
| Susan | Gulick | Sound Resolutions |
| Dan | Haller | Aspect Consulting |
| Eric | Hartwig | Ecology |
| Jonathan | Kohr | WDFW |
| James | Kraft | WWT |
| Chris | Marks | CTUIR |

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|--------------|-----------|---------------------|
| Frank | Nicholson | City of Walla Walla |
| Jerry | Norquist | |
| Tim | Poppleton | Ecology |
| Tom | Schirm | WDFW |
| Jaime | Short | Ecology |
| Janna | Stevens | ODFW |
| Scott | Tarbutton | Ecology |
| John | Warinner | Watersolving |