

the amount and geographical distribution of reservations for future irrigation, conservation and development of additional water supplies, and how to process pending permit applications.

Director's Recommendation

The staff recommended that the Commission proceed with alternative 3, consideration of the basin plan and rules with direction to address the issues raised in the record as part of the implementing actions.

Karen Russell, WaterWatch of Oregon, Inc., strongly supported the staff recommendation to go forward. Further delay, she said, would not make sense.

It was MOVED by Mike Jewett, seconded by Roger Bachman, and passed unanimously not to delay consideration of the basin plan.

I. 1991 LEGISLATIVE REPORT

The Department distributed to the Commission its final report summarizing activities during the 1991 legislative session. The Department staff prepared recommendations in the report for activities during the 1991-93 interim in the report that required discussion and action by the Commission at this meeting.

Director's Recommendation

The staff recommended that the Commission approve legislative activities during the interim that were outlined in the report.

It was MOVED by Mike Jewett, seconded by Jim Howland, and passed unanimously to approve the Director's recommendation.

The meeting was recessed until the next day.

FRIDAY, AUGUST 23:

The Commission began the meeting with a review of elements of the retreat.

Use of a facilitator: Chair Stickel polled the Commission members on their feelings regarding the use of a professional consultant acting as a facilitator at the retreat.

Vice-chair Cliff Bentz commented that he thought Chair Stickel or someone like former WRC member Claude Curran could have performed this task as well.

Mike Jewett said that he would like to see an additional half- or whole day added to the next regular Commission meeting for continued concentration on some of the retreat topics.

Cliff Bentz suggested that the Commission meet one time each year and schedule the larger group, with invited participants from outside of the Department, every two years.

Jim Howland thought that the use of small break-out groups would have been helpful.

Hadley Akins wanted the Commission to meet together more often to "brainstorm."

Chair Stickel said that the Commission and Department must discuss the update of the goals and objectives, priorities for this biennial budget, priorities for the 30% reductions, stream restoration and water use fees. Her intention, she said, was to talk about the revamping of the goals and objectives document today in light of the retreat discussion and to conduct further discussions about water use fees. She would be looking for a final report on the results at the Commission's October meeting.

The Director asked to have interested Commission members assigned to study the results of the retreat along with the staff.

Cliff Bentz was assigned to review the goals and objectives document and come back to the Commission with his conclusions in October.

(Chair Stickel recused herself from the discussion on the following item and left the meeting table.)

J. 1. HOODLAND CORRIDOR DOMESTIC WATER AVAILABILITY PLAN

and

2. REQUEST FOR APPROVAL OF SANDY RIVER SCENIC WATER FLOWS FOR DIACK FINDINGS

At its May 31 meeting, the Commission delayed action on the scenic waterway flows recommended for the Sandy River Scenic Waterway until its August meeting. The delay was requested by Clackamas County and others concerned that approval of the flows would hinder efforts to resolve the water rights issues in the Hoodland corridor. The Commission agreed to delay action until this meeting, contingent upon development of a workplan by Clackamas County specifying how the situation might be resolved.

In the 1991 legislative session, House Joint Resolution 61, which proposed a mechanism to address the water rights problems in the corridor, was not passed. Staff has been meeting with Clackamas County staff and citizens to obtain better information about the number of unpermitted water uses in the corridor and to explore possible solutions.

In accordance with the Diack decision, before issuing new water rights, the Commission must find that recreation, fish, and wildlife uses in downstream scenic waterways will not be impaired. The assessment provides information on flow ranges that support scenic waterway uses and values. This information is intended to assist the Commission in making Diack findings. The flows for recreation, fish, and wildlife in the scenic waterway vary by use and season. The major flow-dependent uses are recreation and fisheries. Flows supporting existing levels of recreation were identified through literature review and interviews with experts. Flows identified for fish life were taken from ODFW studies, consultants, established instream water rights, or instream water right applications.

Director's Recommendation

The staff recommended that the Commission approve the Sandy River Scenic Waterway Flow Assessment and the use of the recommended scenic waterway flows for making findings on water rights applications pursuant to the Diack decision.

Judie Hammerstad, Clackamas County commissioner, and John Borge, Clackamas County planner, said that at the May 31 Commission meeting, action on the recommended scenic waterway flows for the Sandy River was postponed. The basis for the postponement was to permit Clackamas County additional time to develop a work plan on how to resolve water rights issues in the Mt. Hood corridor and to collect additional information that would improve the evidence for adopting the proposed flows.

After a study group was created and a work plan drafted to accomplish these objectives, the County was now requesting an additional postponement in order to conduct a further analysis of the basin. The study group is proceeding to collect information in an effort to resolve the area's water problems. Hammerstad maintained that this information would help ODFW with its flow recommendations and improve the Commission's ability to make responsible decisions on water withdrawals.

Karen Russell, WaterWatch of Oregon, Inc., strongly urged approval of the Department's recommendation.

Jerry Schmidt, Oregon Association of Water Utilities, said his group supported the position of Clackamas County in this matter. Schmidt said that it is essential that realistic and reliable data be used in setting proposed instream flows. He said he thought the Department had erred in recommending flows before a comprehensive recreational study was completed.

In closing, he asked that (1) his group be involved in public input on the formulation of water policy and drafting of rules; (2) the Commission use reliable and realistic data when developing policies which affect the health and welfare of citizens; (3) the Commission not establish instream flows until accurate and reliable assessment is made; and (4) a policy be adopted that provides for a uniform treatment under the law for domestic water providers.

Chris Hermann, representing Government Camp Recreation Association, urged the Commission either to delay or deny the adoption of the flows as presented. Arguing for a delay, Hermann cited serious water supply problems and the need for a cooperative and practical solution.

Dave Butt, Government Camp Recreation Association, urged the Commission to allow the County's effort to continue and approve further time as requested by them. Butt referred to several factors important to the use of water in the Sandy Basin that, in his opinion, were not adequately evaluated.

Butt said that the water issue is of great concern and hoped that the Commission would be instrumental in implementing long-term solutions which would benefit the fisheries and other resources.

Louise Bilheimer, Oregon Rivers Council, argued for water conservation measures in the Sandy Basin and urged the Commission to move forward with approval of the Diack flows for the scenic waterway.

Caryn Tilton, Mt. Hood corridor planning organization, had a number of questions posed by Hoodland-area citizens and asked the Commission for answers which could allay fears among her neighbors. The Commission asked Tilton to work with Bill Fujii.

Fred Bachorner, Rippling River Homeowners' Association, spoke on behalf of local citizens in the Hoodland corridor and especially for those who harbored fears about losing their water rights.

It was MOVED by Roger Bachman and seconded by Jim Howland to grant the County's request for a delay until the January Commission meeting. The motion passed unanimously.

K. FOLLOW-UP ON RETREAT ITEMS.

The Commission completed its discussion of topics from the retreat earlier in the week.

1. Streamlining of the rulemaking procedures: The Department staff was directed to return to a future meeting with the agency's recommendations and a revised rulemaking schedule.
2. 30% reduction process: Jim Howland agreed to work on this, along with Anita Johnson (member-appointee) and the Department staff. Mike Jewett will act as alternate if Johnson is unable to do this.
3. Stream restoration and water use fees: A subcommittee of the Commission will be selected to work on this.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Jan Shaw
Commission Assistant

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