



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.Oregon.gov/OWRD

WATER RESOURCES COMMISSION

**Virtual Meeting
March 17-18, 2022
Meeting Minutes**

COMMISSION

Meg Reeves, Chair
Eric Quaempts, Vice Chair
Jan Lee
Joe Moll
Julie Smitherman
Kathy Kihara
Woody Wolfe

WRD STAFF

Becky Williams
Breeze Potter
Bryn Hudson
Doug Woodcock
Danielle Gonzalez
Dwight French
Kim French
Ivan Gall
Justin Iverson
Kim Fritz-Ogren
Lisa Snyder
Mary Grainey
Mindy Lane
Nirvana Cook
Racquel Rancier
Steve Parrett
Tom Byler

OTHERS

Anton Chiono
April Snell
Brent Stevenson
Caroline Barnes
Clair Klock
Cole Hendrickson
Dana Kurtz
Donna Beverage
Genoa Ingram
Harmony Burrigh
Jed Hassinger
Joe Lemanski
Ken Yates
Kimberley Priestley
Ken Lite
Malia Kupillas
Mary Anne Cooper
Paige Haxton-Evans
Rebecca McLain
Salini Sasidharan
Steve Odell

Written material submitted at this meeting is part of the official record and is on file at the Oregon Water Resources Department, 725 Summer St. NE, Suite A, Salem, Oregon 97301-1271. Agendas, minutes, PowerPoint presentations, staff reports, and audio/video files are available on the Department's [website](#).

Chair Reeves called the meeting to order, and explained the process and purpose of the meeting.

https://youtu.be/E40DeC_fumQ?t=99

Chair Reeves proposed appointing a Vice Chair for the Commission. Commissioner Moll nominated Eric Quaempts for Vice Chair, seconded by Commissioner Lee. Voting in favor of the nomination: Smitherman, Moll, Kihara, Lee, Wolfe, Reeves, Quaempts. Opposed: None. Eric Quaempts is appointed as Vice Chair for the Commission.

https://youtu.be/E40DeC_fumQ?t=130

A. Commissioner Comments

https://youtu.be/E40DeC_fumQ?t=271

Commissioners reported on their recent activities, shared information, and commented on a variety of water resource topics. Commissioner Lee reported a water webinar will be hosted by conservation districts on March 29. Commissioner Kihara noted the ongoing drought, climate change, and thoughts on management of water issues. Commissioner Smitherman echoed Commissioner Kihara's concern on drought and limited water resources, noting the increased public awareness of current conditions, and commented on recent funding the Department received during the 2021 Legislative Session. Commissioner Moll discussed the economics of water, and thanked Legislators for allocating money to the state to address water issues. Vice Chair Quaempts commended the Department for onboarding many new staff in a short amount of time and noted the importance of communicating the work of the Department to stakeholders. Commissioner Wolfe talked about an increase of snowpack in his area and thanked Department staff for their work. Chair Reeves recognized the challenges Department staff are facing because of the Legislature's funding and gave an overview of how funding OWEB received from the Legislature directly relates to the work of the Department. Commissioner Moll and Vice Chair Quaempts discussed the possibility of multi-agency discussions on water issues.

B. Approval of Minutes

https://youtu.be/E40DeC_fumQ?t=1958

The minutes of the December 2021 meeting were presented for Commission approval. Commissioner Smitherman moved to approve the minutes, seconded by Commissioner Kihara. Voting in favor of the motion: Smitherman, Moll, Kihara, Lee, Wolfe, Reeves, Quaempts. Opposed: None. Motion passed.

C. Director's Report

https://youtu.be/E40DeC_fumQ?t=2019

Tom Byler, Director, provided an update on Department business and late-breaking issues.

Update on Implementation of Projects

https://youtu.be/E40DeC_fumQ?t=5405

Tom Byler, Director, discussed the implementation of projects following the 2021 Legislative Session, including the status of recruitments, projects, and rulemaking. Commissioner Moll requested the Department provide a Projects List dashboard that focuses on project type. Vice Chair Quaempts and Commissioners Kihara and Lee discussed what they would like to see on the dashboard for both internal and external audiences.

D. Groundwater Allocation – Proposed Action Plan

https://youtu.be/E40DeC_fumQ?t=8095

Doug Woodcock, Deputy Director, Water Management; Ivan Gall, Field Services Division Administrator; and Justin Iverson, Groundwater Section Manager; followed up on the Groundwater Allocation presentation from the last Commission meeting and discussed the Department's proposed plan of action to modernize management of Oregon's groundwater resources. Commissioner Moll expressed his thoughts on the challenges of water scarcity. Commissioner Smitherman thanked staff for preparing this presentation in such a short amount of time and praised the work of the Department. Chair Reeves asked Department staff to provide an update on groundwater at each Commission meeting. Vice Chair Quaempts suggested a peer review of the Department's work may help gain the trust of stakeholders and provide insight and other perspectives. Commissioner Wolfe asked Department staff to be cautious when making recommendations on groundwater allocation. Commissioner Kihara thanked Department staff for their work and provided her thoughts on other issues which need to be addressed as part of the solution. Commissioner Moll asked for clarification on whether Division 10 will impede progress on managing groundwater.

Public Comment:

Malia Kupillas, Pacific Hydrogeology

https://youtu.be/E40DeC_fumQ?t=11028

Kimberley Priestley, WaterWatch of Oregon

https://youtu.be/E40DeC_fumQ?t=11242

F. State Recognition of the Upper Grand Ronde River Watershed Partnership's Place-Based Integrated Water Resources Plan

https://youtu.be/E40DeC_fumQ?t=12628

Donna Beverage, Union County Commissioner; Dana Kurtz, Senior Environmental Scientist, Anderson Perry & Associates; Jed Hassinger, Union County Farm Bureau; Anton Chiono, Water Transactions Specialist, Confederated Tribes of the Umatilla Indian Reservation; Kim Fritz-Ogren, Planning, Collaboration, and Investments Manager; and Steve Parrett, Planning Coordinator; presented the Upper Grande Ronde River Watershed Integrated Water Resources

Plan and the accompanying state agency recommendations for state-recognition of the plan. Commissioner Lee commented on the thoroughness of the presentation. Commissioner Moll asked about support received from the Ford Family Foundation, and if during their work did the Partnership notice a trend in rural residential development in their community. Chair Reeves mentioned process fatigue and asked if additional people will be added to this work moving forward. Commissioner Smitherman noted how impressed she is with the plan and commended the Partnership's work. Commissioner Kihara moved to formally recognize the Partnership's Plan as included in Attachment 3 of the staff report by resolution of the Commission, seconded by Commissioner Smitherman. Voting in favor of the motion: Smitherman, Moll, Kihara, Lee, Wolfe, Reeves, Quaempts. Opposed: None. Motion passed.

G. Legislative and Budget Update

<https://youtu.be/K9cHDv9W-Nw?t=28>

Racquel Rancier, Deputy Director, Strategy and Administration; Lisa Snyder, Administrative Services Division Administrator; and Bryn Hudson, Legislative Coordinator; provided a recap on the 2021 second special Legislative Session, the 2022 Legislative Session, and an overview of the 2023 budget and legislative development process. Commissioner Moll asked where boundaries can be pushed on what have historically been rigid funding restrictions. Vice Chair Quaempts asked how equity in budget outcomes are cross-checked with the communities they are intended to benefit, and how the transition in the Governor's office may affect legislative concepts. Commissioner Smitherman asked for clarification on whether the budget packages are intended to continue funding positions added to the Department. Commissioner Moll encouraged the Department to be creative in finding ways to keep the funding going. Commissioner Lee commented on storage and mitigation for climate change, and the potential for working with ODFW on storage options. Commissioner Wolfe expressed his perspective on the importance of storage, water availability, and water planning. Chair Reeves asked about the status of the Harney County CREP and how the proposed budget will support the groundwater allocation action plan.

H. Update on the Well Abandonment, Repair, and Replacement Fund

<https://youtu.be/K9cHDv9W-Nw?t=5447>

Kim Fritz-Ogren, Planning, Collaboration, and Investments Manager, and Becky Williams, Grant Program Coordinator, provided an update on the implementation of the Well Abandonment, Repair, and Replacement Fund. Commissioner Moll noted impacts to the community after the Holiday Farm fire, including administrative challenges in terms of seeking help for damaged wells. Commissioner Kihara inquired about different types of wells, including community wells, and their eligibility for coverage under this program.

I. Division 51 Rulemaking – Hydroelectric Project Annual Fees

<https://youtu.be/K9cHDv9W-Nw?t=6519>

Breeze Potter, Water Policy Analyst and Rules Coordinator, presented a request to amend OAR 690-051-0400 to remove language relating to hydroelectric project annual fees to conform rule with statute. Commissioner Smitherman moved to adopt the permanent amended OAR 690-051-0400, as contained in Attachment 4 of the staff report, seconded by Commissioner Lee. Voting in favor of the motion: Smitherman, Moll, Kihara, Lee, Wolfe, Reeves. Absent: Quaempts. Opposed: None. Motion passed.

J. Division 54 Rulemaking – Conversion of Hydroelectric Water Rights to Instream

<https://youtu.be/K9cHDv9W-Nw?t=7633>

Breeze Potter, Water Policy Analyst and Rules Coordinator, presented a request to adopt new rules governing the conversion of hydroelectric water rights to instream water rights. Chair Reeves asked about mitigation measures and what the rules would allow. Commissioner Lee reported her participation on several Rule Advisory Committees between 1995 and 2017 but noted this should not be a conflict of interest. In addition, Commissioner Lee noted water users are often restricted on water use due to circumstances out of their control and believes the rules as they are written are flexible enough to allow for broad mitigation. Commissioner Moll stated he was not prepared to vote, that he had concerns about Commissioner Quaempts' absence from the vote, and that he will abstain from voting until he has a better understanding of the range of issues. Commissioner Moll also asked for a pause on the vote until the Department provides a more in-depth presentation on Division 54 rules. Chair Reeves agreed this issue is incredibly complicated and would like a better understanding of choices the Department made in the past based on current rules prior to a vote. Commissioner Lee stated because of the complexity of the issue, delaying the vote may not provide a clearer understanding than Commissioners currently have. Director Byler offered to continue the conversation today or bring this issue back to the next meeting. Commissioner Moll moved to table the vote until the June Commission meeting and to include Division 54 Rulemaking in the May Commission meeting agenda, seconded by Commissioner Kihara. Commissioner Lee proposed to amend the motion to exclude continuing the discussion in May. Commissioner Moll accepted the proposed amendment. Chair Reeves stated the amended motion as tabling the vote today and taking up the matter for further discussion and decision at the June Commission meeting, seconded by Commissioner Kihara. Voting in favor of the amended motion: Smitherman, Moll, Kihara, Lee, Wolfe, Reeves. Absent: Quaempts. Opposed: None. Amended motion passed. Director Byler reminded Commissioners the public comment period for this issue is closed.

K. Evaluation of Place-Based Integrated Water Resources Planning

<https://youtu.be/K9cHDv9W-Nw?t=11162>

Rebecca McLain, National Policy Consensus Center; Kim Fritz-Ogren, Planning, Collaboration, and Investments Manager; and Steve Parrett, Planning Coordinator; presented the results of the independent evaluation of the pilot phase of place-based integrated water resources planning. Commissioner Moll asked about community capacity

and working with other partner organizations, and the potential for being less prescriptive in processes. Vice Chair Quaempts asked if there is an opportunity to harvest information from planning processes which may then inform local policy statements for stakeholders. Vice Chair Quaempts referenced the concluding slide from the PowerPoint presentation and noted learning from this process can help structure the 100-year vision. Chair Reeves commented that moving forward, it may be beneficial to build data into the planning process.

Public Comment:

Harmony Burright

<https://youtu.be/K9cHDv9W-Nw?t=14339>

L. Public Comment and Other Issues

Clair Klock

<https://youtu.be/K9cHDv9W-Nw?t=14942>

Mary Anne Cooper, Oregon Farm Bureau

<https://youtu.be/K9cHDv9W-Nw?t=15198>

April Snell, Oregon Water Resources Congress

<https://youtu.be/K9cHDv9W-Nw?t=15463>

There were no further requests for public comment.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Nirvana Cook

Nirvana Cook
Commission Assistant