

WATER RESOURCES COMMISSION
NOVEMBER 18, 1993
WORK SESSION
MINUTES

MEMBERS

Lorna Stickel
Cliff Bentz
Hadley Akins
Mike Jewett
Roger Bachman
Jim Howland

STAFF

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Diane Reynolds
Cindy Smith
Bob Main
Bill Fujii
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Becky Kreag
Tom Kline
Doug Parrow
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Steve Applegate
Mike Ladd
Reed Marbut
Tony Justus
Rick Bastasch

OTHERS

Jim Myron
Karen Russell
Kimberly Priestly
Todd Heidgerken
Steve Schneider
Stephanie Burchfield
Jerry Schmidt
Jan Boettcher
Larry Trosi
Daniel Dancer
Dr. John Harville

The staff reports presented at this meeting, which contain the Director's recommendations mentioned in these minutes, are on file in the office of the Director of the Water Resources Department, 3850 Portland Road NE, Salem, Oregon. Written information submitted at this meeting is hereby made a part of this record and is on file at the above address. Audiocassette recording tapes of the meeting are also on file in the Water Resources Department office.

**ITEM 1 BRIEFING ON COLUMBIA/SNAKE SALMON DRAFT RECOVERY
PLAN & ITS IMPACT ON AGENCY STRATEGY**

Tom Kline, WRD, explained that staff were recommending that action on the strategy be deferred to allow further review of the draft plan.

Dr. John Harville, Vice-chair of the Salmon Recovery Team, summarized the draft recovery plan for the Commission.

The Plan has been developed by the Recovery Team for the National Marine Fisheries Service (NMFS) under the requirements of the National Environmental Protection Act and the Endangered Species Act.

Dr. Harville complimented the Commission on the content of the Watershed Health/Salmon Recovery materials sent to him. He said that these efforts were on target with the recommendations of the Report. They are also consistent with conclusions arrived at by the Forest Ecosystem Management Assessment Team, the Pacific Fish Strategy and the US Forest Service and Bureau of Land Management in the Eastside Fish Studies.

Dr Harville suggested that the Finalized Plan will have four major recommendations concerning habitat. These are:

1. A moratorium on new development in watersheds containing critical habitat of listed fish species, unless the developer can prove no harm to the fish;
2. A "horse back" assessment must be done of all watersheds containing listed fish stocks. The emphasis should be on areas with significant risk especially those habitat areas that are still in good to excellent condition;
3. Comprehensive Watershed Conservation and Management Plans should be developed for all areas. The Draft Plan contains some general standards but the Team recommends that specific standards be developed locally with public participation;
4. Further tests at Lower Granite Dam are needed to understand the ramifications of drawdowns. At this time, the Team is not recommending drawdowns because there is insufficient evidence to prove benefit to fish.

He explained that the team had received extensive public comments in developing the draft plan. The team hopes to complete its revisions and submit the plan to NMFS after the first of the year.

Jim Myron, WaterWatch, commented. Mark 724, Tape 1.

Karen Russell, WaterWatch, commented. Mark 1, Tape 2.

Stephanie Burchfield, ODFW, commented. Mark 179, Tape 2.

**ITEM 2 REQUEST FOR AUTHORIZATION TO CONDUCT RULEMAKING
HEARINGS ON PARRETT MOUNTAIN SPECIAL AREA WELL
CONSTRUCTION STANDARDS AND RESTRICTIVE WATER USE
CLASSIFICATION.**

At its January 1992 meeting, the Commission adopted the Willamette Basin rules that classified eight groundwater areas for exempt uses only, including two for basalt aquifers that make up the Parrett Mountain area located in Yamhill, Washington and Clackamas Counties. The Commission also approved the Willamette Basin plan which directs staff to work with local parties and schedule a groundwater study, as needed, on Parrett Mountain. The plan also indicates that the Department will consider creating a Serious Water Management Problem Area which would allow the Department to require reporting on water use (and possibly groundwater levels) from existing and new wells in the area.

During consideration of the Willamette Basin Rules and Plan at the Commission's January 1992 meeting, staff described a possible Parrett Mountain groundwater study. The study was planned to take 18 months and a staff commitment of two person-years. The staff report also described the delays that such a study would place on previously contemplated activities. Karl Anuta, attorney for a local group of residents (Friends of Parrett Mountain), appealed to the Commission for administrative controls on new uses of groundwater on Parrett Mountain during the study period. The Commission directed staff to hold a hearing and generate the record on a proposal to withdraw the unappropriated groundwater of Parrett Mountain from further appropriation for two years. Staff were instructed to return to the Commission at its March 13, 1992, meeting with a staff report on the proposal.

At its March 13, 1992, meeting the Commission took several administrative actions. It withdrew basalt groundwater in a three-square-mile area of Northern Parrett Mountain. This action occurred because it appeared that the potential risk to the

resource and existing users from additional development of exempt uses may be substantial. Due to the odd statutory language in ORS 536.410 concerning the withdrawal process and upon the advice of the Attorney General, the withdrawal took the form of an order (expiring 3/13/94) and a temporary rule (expiring 9/13/92). The Commission also adopted temporary special area well construction standards (rules) for Parrett Mountain in order to prevent the commingling of dissimilar waters within wells. Such commingling was identified as an important factor in the water level decline situation for some area basalt wells.

At the August 1992 meeting, the Commission adopted permanent, time-dated rules regarding Parrett Mountain. Amendments to the Willamette Basin rules withdrew shallow basalt groundwater on Northern Parrett Mountain from further appropriation but slightly expanded the classification for that area's deep basalt groundwater, allowing domestic and rural residential fire protection. The special area well construction standards were continued in a much more flexible form. Both adopted rules were set for expiration on March 13, 1994.

At this time, the technical investigation is essentially complete. As previously indicated to the Commission, the study will "better define the geology, aquifers, and groundwater flow system" and will "identify the reasons for the documented water level declines and refine estimates of historic and potential groundwater pumpage." Data analysis, report writing, review, and preparation continue with reports scheduled to be available by January 4, 1994.

DIRECTOR'S RECOMMENDATION

The Director and staff propose Alternative 1 of the staff report, that the Commission endorse the tentative public involvement process, authorize rulemaking hearings, select a Commission subcommittee for draft rule writing assistance, and select a Commissioner or subcommittee to hold the Basin amendment hearing.

A subcommittee consisting of Roger Bachman and Lorna Stickel will work with the advisory committee on determining when the report is distributed and whether an extension of the rules is required.

Jerry Schmidt, OR Realtors Assoc. and Ground Water Assoc., commented. Tape 2, Mark 426.

Karen Russell, WaterWatch, commented. Tape 2, Mark 758.

Cliff Bentz moved and Mike Jewett seconded the motion to adopt the staff recommendation and propose Alternative 1. The motion passed unanimously.

ITEM 3 INFORMATION REPORT ON REFINEMENT OF AGENCY MISSION STATEMENT

After discussing a draft one-page mission statement, the Commission suggested some minor wording changes but otherwise expressed satisfaction that the statement reflected the Commission's approach to water management.

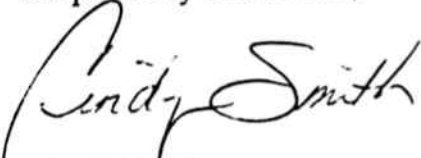
DIRECTOR'S RECOMMENDATION

No Commission action was required.

Chair Stickel announced that an Executive Session would immediately follow this meeting.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Cindy Smith
Commission Assistant