

Water Resources Commission Meeting
Salem, Oregon
January 26, 2017

WRC Present

John Roberts, Chair
Ray Williams, Vice-Chair
Bob Baumgartner
Bruce Corn
Meg Reeves
Carol Whipple
Eric Quaempts (phone)

WRD Staff Present

Tom Byler
Racquel Rancier
Cindy Smith
Doug Woodcock
Lisa Snyder
Alyssa Mucken
Jen Woody
Dwight French
Ivan Gall
Justin Iverson
Kim Ogren
Darrick Boschmann
Josh Hackett
Steve Parrett
Harmony Burright
Ken Stahr
Phil Marcy

Others

Kimberley Priestley
Ben Scardella
Allison Aldous
Peggy Lynch
Clair Klock
Mary Anne Nash
Richard Walkoski
Laurel Tillmann

Written material submitted at this meeting is part of the official record and on file at the Oregon Water Resources Department, 725 Summer St. NE, Salem, Oregon 97301-1271. Audiotapes of the meeting are on file at the same address. Staff reports and PowerPoint presentations are available on the Department's website.

Chair Roberts called the meeting to order, and asked Commissioners and the audience to introduce themselves.

A. Secretary of State's Performance Audit

Tom Byler, Director, provided an overview of the Secretary of State's Performance Audit, and outlined the recommendations in the audit, and Department's next steps. The Commission and Director Byler discussed outreach with stakeholders and local communities regarding the importance of developing a long-term strategic planning process based on the recommendations of the Integrated Water Resources Strategy (IWRS).

Kimberley Priestley, WaterWatch of Oregon, spoke about the 2000 Water Resources Commission Strategic Measurement Plan and asked the Commission to set requirements for user installed measuring devices and reporting to the Department. She asked that the Department consider setting near term deadlines on completion of the Measurement Plan, and for the Department to have discussions regarding the path moving forward after the Plan is fully implemented. She encourages the Department to expand the plan to include groundwater.

Chair Roberts asked what ability the Department had to retroactively require measurement devices on wells and diversions that are not currently in place, and what the implication would be.

Director Byler recommends that the Department focus on long-term and strategic planning, and that those processes will assist in meeting other recommendations of the audit. He discussed bringing in a third party consultant to help scope and define the process. Commissioners were in favor of the plan.

Commissioner Williams felt that other Commissioners would be willing to put in extra time, if necessary, to help facilitate.

B. 2017 Update to Oregon's Integrated Water Resources Strategy

Alyssa Mucken, IWRS Coordinator, briefed the Commission on activities related the recommendations received from the Policy Advisory Group (PAG) that met four times in 2016, and next steps in the development of the 2017 public review draft .

Commissioner Baumgartner attended the PAG meetings and was impressed with how hard everyone worked to attempt consensus. He would have liked to have had more time for discussion on more controversial issues, but complimented staff on their work.

Peggy Lynch, League of Women Voters, thanked Director Byler for allowing her to participate on the PAG and commented on how valuable the original IWRS has been at the Legislative level, and its importance to other State agencies. Lynch would like the IWRS to better address climate change.

C. Groundwater Work Plan Update

Justin Iverson, Groundwater Manager, briefed the Commission on the Department's progress on developing a groundwater work plan.

The work plan is meant to serve as a vehicle to set out specific priorities and objectives, as well as timelines and milestones to reach those objectives. It will identify and prioritize tasks, timelines, and expected costs outlining what can be accomplished within existing resources and what will require additional investments.

Since the last Commission meeting, staff have drafted an outline of the work plan, using the framework of the IWRS.

Director Byler and Commissioners discussed the importance of defining the order work needs to be done in regards to strategic planning, the IWRS update and work plans in progress. Everyone was in agreement to keep moving forward on these efforts.

Staff plan on bringing a more detailed draft of the work plan to a future 2017 Commission meeting.

D. Greater Harney Valley Groundwater Area of Concern (GHVGAC) Update

Dwight French, Water Rights Services Division Administrator, Justin Iverson, Groundwater Manager, and Harmony Burright, Place-Based Planning Coordinator, briefed the Commission on the status of actions in the Greater Harney Valley.

In April 2016, new rules in OAR 690-512 were adopted that required annual reporting to the Commission on certain groundwater related activities in the Malheur Lakes Basin. A groundwater study has been initiated and the Department is in coordination with a local Groundwater Study Advisory Committee (SAC). The SAC consists of fifteen individuals, including Harney County citizens, landowners, and business owners, as well as representatives of a conservation organization, a federal agency, and the Burns Paiute Tribe, that were jointly appointed by the Department and the Harney County Court in June 2016. Three SAC meetings had been held in Burns. Meeting minutes, a work plan for the study, and other associated materials are available at: www.oregon.gov/owrd/Pages/Place/Malheur_Lake_Basin.aspx.

Staff expect to make significant progress on the study in 2017.

E. Walla Walla Subbasin Division 507 Rulemaking Update

Justin Iverson, Groundwater Manager, reported on the status of the Division 507, Walla Walla Subbasin rulemaking, that would classify the Subbasin for exempt uses only and to designate the basalt aquifers a Serious Water Management Problem Area (SWMPA). The rules are scheduled to be before the Commission for adoption in May 2017.

F. Request for Concurrence on the Adoption of Management Rules for the Chetco and Molalla Scenic Waterways

Ken Stahr, Hydrographics Manager, and Chris Havel, Communications Director, Oregon Parks and Recreation Department (OPRD), presented a request for concurrence on the adoption of rules for the management of the Molalla and Chetco Scenic Waterways.

Commissioner Corn moved to concur with OPRD on the adoption of management rules for both Chetco and Molalla Scenic Waterways. Seconded by Commissioner Whipple. Voting in favor of the motion: Commissioners Corn, Baumgartner, Whipple, Williams, Reeves, and Roberts. Voting in opposition: none.

Peggy Lynch, League of Women Voters, thanked the Commission for concurring with the adoption of the rules.

G. Overview of the Report of the Task Force on Drought Emergency Response

Racquel Rancier, Senior Policy Coordinator, presented an overview of the Task Force's recommendations.

The Task Force identified 13 recommended actions to improve the state's preparedness and response to droughts in the future. Several of these recommendations will require budget resources and legislation, while others may be implemented administratively.

The Department is determining recommendations to move forward in the Department's placeholder legislation for the Task Force. In addition, the Governor's Recommended Budget includes a field conservation coordinator position, which would carry out at least one of the recommendations of the Task Force. Over the next several months, the Department will work with the Legislature, stakeholders, and Governor's Office to move these legislative and budget proposals forward.

In 2016, HB 4113 established the Task Force on Drought Emergency Response, which was directed to research and evaluate potential tools to prepare for or deal with drought emergencies.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lorri Cooper
Executive Administrative Support to the Director's Office

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H. Approval of Minutes

The minutes of the October 13 and 14, 2016 meeting were offered to the Commission for consideration.

Commissioner Williams moved to approve the October 13 and 14, 2016 minutes as presented. Seconded by Commissioner Corn. Voting in favor of the motion: Commissioners Baumgartner, Roberts, Corn, Whipple, Reeves, and Williams. Voting in opposition: none.

I. Commission Comments

Commissioner Whipple commented that she recently had a conversation with the new Watermaster in Douglas County and noted the smooth transition; the Umpqua Basin is about average for this time year and the concern is how the snowpack might come off; a pilot project in Newport convened in November, and said she looks forward to attending at least one meeting.

Commissioner Williams has been fairly active in the Walla Walla Basin Rulemaking process. The people in the area are very appreciative of the Department's openness and willingness to work on local solutions. He wonders if the model used in Harney County could be used in the Walla Walla Basin. He has been participating on a steering committee to bring large projects into the Walla Walla area to address agriculture and fish needs.

Commissioner Baumgartner said there is a lot of water in the Northwest Region. He attended the IWRS PAG meetings and was impressed with the level of commitment of the people on the committee. He has been working with the City of Beaverton, who received a grant from the Department, to help them to develop a plan for capturing and treating storm water for use in summer irrigation.

Commissioner Corn has seen a large snowpack in his area, and should have full reservoirs. The Owyhee just completed a lateral piping project through funding from OWEB. Aging infrastructure is a continuing issue, and they continue to look for solutions. He sees aging infrastructure as a major concern and undertaking around the state.

Commissioner Reeves commented that this is her second meeting and is still working to get a better understanding of issues facing the Department and the State. She recently worked with Commissioner Quaempts, Director Byler and staff on the groundwater work plan. She is impressed with the amount of

work the Department gets done with the limited resources, and is looking forward to learning more, and being active in strategic approaches.

Chair Roberts attended the quarterly Oregon Watershed Enhancement Board (OWEB) meeting in Madras. He commented that OWEB is transitioning to larger grants, giving the opportunity to do major projects. He would like the Department to have a similar approach to an operating plan that works with the IWRS. He would also like to see the strategic planning piece moving forward before he rotates off of the Commission.

Chair Roberts reported a piping project beginning this spring at a site the Commission toured in Medford in October. He also shared a video produced by Jackson County on the marijuana production in the area.

J. Director's Report

Director Tom Byler updated the Commission on Department business and late-breaking issues. Byler and staff responded to Commission questions and comments.

K. Budget Update

Lisa Snyder, Interim Administrative Services Division Administrator, and Racquel Rancier, Senior Policy Coordinator, provided an overview of the Governor's Recommended Budget.

The Governor's Recommended Budget (GRB) for 2017-2019 includes investments in water that will further implement the state's 2012 Integrated Water Resources Strategy and help the state understand and meet current water needs and needs into the future. The GRB will be considered by the Joint Committee on Ways and Means, as well as its subcommittees. Ultimately, the final budget for the Department is set and approved by the Oregon Legislature.

Peggy Lynch, League of Women Voters, noted that changes to the PERS system could affect the Department's ability to hire qualified technically trained people. The proposed fixes will have a very limited effect on the 2017-19 Budget. She sees a challenge with the Legislature passing tax issues. The League of Women Voters believes the state needs more stable revenue sources, and is committed to making it their highest priority.

Director Byler emphasized that there is a lot of uncertainty with the Budget process, and unease among state employees; and it is important to keep focused on Department duties and priorities.

L. Legislative Update

Racquel Rancier, Senior Policy Coordinator, briefed the Commission on the 2017 Legislative Session.

The Department had four legislative concepts, two of which were placeholders. The concepts had to be approved and filed by the Department of Administrative Services and the Governor's Office in order to move forward. In December, it was determined that three of the Department's Legislative Concepts would move forward for filing; the placeholder for partial decrees in the Klamath Basin did not move forward.

The Department's bills are:

HB 2295 - Water Right Transactions and Dam Safety Fee Schedule
HB 2296 - Protecting Groundwater through Proper Well Construction
HB 2297 - Drought Task Force Placeholder

In addition to the Department's bills, the Governor's Natural Resources Office has also filed placeholders for proposals coming from the Task Force on Drought Emergency Response.

The Constitutional Sine Die deadline for adjournment is July 10.

M. Evaluation of Key Performance Measures

Racquel Rancier, Senior Policy Coordinator, briefed the Commission on the process the Department intends to use to evaluate and review its Key Performance Measures (KPM's).

Chair Roberts asked for the KPM's to be sent to Commission members by email.

Commissioner Reeves noted that the KPM's need to align well with the outcome of the Strategic Planning efforts.

Peggy Lynch, League of Women Voters, emphasized that KPM's are linked to the budget, and were designed to measure the effect of the budget to the programs happening to an agency.

Commissioner Williams also wants the KPM's directly linked to the IWRS.

N. Process Improvement Update

Dwight French, Water Right Services Administrator, Justin Iverson, Groundwater Manager, and Kris Byrd, Well Construction and Compliance Manager, discussed recent activities related to process improvement.

The Department has used a variety of tools to generate efficiencies in its programs and is committed to continued process improvement efforts. The Secretary of State's 2016 audit highlighted areas for opportunities for improvements; the Department will continue to evaluate the report and identify options for implementing its recommendations. Another update to the Commission is planned for 2018.

Commissioner Baumgartner encouraged the Department to make the review of Internal Management Directives (IMD) a continuing exercise so they don't become outdated and constraining.

O. Public Comments

Clair Klock, Klock Farm and Clackamas Soil and Water Conservation District, noted that his experience with low interest loans from the Oregon Department of Environmental Quality, were very beneficial to users in his area. He thanked the Commission for their time to work on strategic planning and the funding associated with place-based planning.

Peggy Lynch, League of Women Voters, in response to the Water Conditions Report, noted that the statewide average is 132%. Last year at this time the statewide average was 127% and was beginning to drop due to warmer and drier conditions.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lorri Cooper
Executive Administrative Support to the Director's Office