



Oregon

Kate Brown, Governor

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**WATER RESOURCES COMMISSION MEETING
SALEM - VIRTUAL
December 3, 2021
Meeting Minutes**

WRC

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

WRD STAFF

Tom Byler
Nirvana Cook
Doug Woodcock
Lisa Snyder
Becky Williams
Racquel Rancier
Breeze Potter
Sarah Henderson
Renée Moulun
Ivan Gall
Mindy Lane
Kim Fritz-Ogren
Justin Iverson
Lisa Jaramillo

OTHERS

Doug Riggs
Greg Mintz
Gene Souza
Chrysten Rivard
Courtney Crowell
Rep. Ken Helm
David Arnold
John Short
Laurie O'Connor
Adam Sussman
Peggy Lynch
Eric Klann
Ruby Swanson
Stacey Garrison
Caylin Barter
Rep. Jeff Reardon
Ken Yates
Clair Klock
Mike Buettner
Mary Anne Cooper
Genevieve Hubert
Jason Beebe
Kimberley Priestley
Lisa Brown
Kate Fitzpatrick
Rep. Mark Owens

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, 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, explained the process and purpose of the meeting, and welcomed Commissioners Lee and Wolfe to their first Commission meeting.

<https://youtu.be/ETLHjn4kiU4?t=6>

A. Commissioner Comments

<https://youtu.be/ETLHjn4kiU4?t=73>

Commissioners reported on their recent activities, shared information, and commented on a variety of water resource topics. Commissioner Kihara commented on the continued drought and the impacts to irrigation districts in her region and praised Oregon's effort to regulate groundwater. Commissioner Moll noted the innovation people are bringing to address the range

of water challenges Oregon is facing. Commissioner Quaempts emphasized the importance of increased data collection around the hydrologic cycle to support the ability to measure and report variability, which is becoming increasingly important to inform water management decisions. Commissioner Smitherman commented on conditions in the Southwest region and noted activities municipalities are undertaking to be better prepared for the future. Commissioner Reeves reported on OWEB and issues they are undertaking around climate issues. Commissioner Wolfe and Commissioner Lee introduced themselves and gave a summary of their backgrounds and interest in working with the Commission.

B. Approval of Minutes

https://youtu.be/dfK6Ylb-u_4?t=1604

The minutes of the August 25, 2021 meeting were presented for Commission approval. Nirvana Cook, Commission Assistant, noted a correction to the motion for Item H, specifically in the second sentence of the paragraph, changing the word *changes* to *issues*. Chair Reeves acknowledged the edit as being verbatim from the motion in the recording. Commissioner Moll moved to approve the minutes as described and amended, seconded by Commissioner Kihara. Voting in favor of the motion: Quaempts, Moll, Reeves, Smitherman, and Kihara. Abstaining: Wolfe and Lee. Motion passed.

C. Approval of 2022 Meeting Schedule

<https://youtu.be/ETLHjn4kiU4?t=1524>

A tentative schedule of meetings for 2022 was presented for Commission approval. Commissioner Wolfe noted he has a conflict with the proposed date for the September meeting. Commissioner Reeves recommended approving the dates for the March and June meetings, and revisiting the September and November dates at the next Commission meeting. Commissioner Smitherman moved to approve dates for the March and June meetings in 2022, seconded by Commissioner Kihara. Voting in favor of the motion: Quaempts, Moll, Reeves, Smitherman, Kihara, Wolfe, and Lee. Motion passed.

D. Director's Report

<https://youtu.be/ETLHjn4kiU4?t=1748>

Tom Byler, Director, provided an update on Department business and late-breaking issues. Director Byler welcomed Commissioners Lee and Wolfe and gave an update on state government reopening and plans for how the Department will operate moving forward, and briefly discussed the upcoming Legislative Sessions.

E. Commission Appointments to the Groundwater Advisory Committee

<https://youtu.be/ETLHjn4kiU4?t=4395>

Justin Iverson, Groundwater Section Manager, presented recommendations for appointments to the Groundwater Advisory Committee. Commissioner Lee noted that nominee Ken Masten is a board member for the organization she works for and inquired whether that would substantiate a conflict of interest. Director Byler and Chair Reeves indicated from their perspective there was

no conflict of interest. Commissioner Moll moved to appoint Phillip Brown, Trent Castner, and Kenneth Masten to GWAC terms beginning December 3, 2021 through November 30, 2024, seconded by Commissioner Quaempts. Voting in favor of the motion: Quaempts, Moll, Reeves, Smitherman, Kihara, Wolfe, and Lee. Motion passed. Commissioner Moll followed up with a question regarding the Groundwater Advisory Committee’s decision making process. Justin Iverson provided a summary of the Committee’s decision making process.

F. Update on Implementation of Projects

<https://youtu.be/ETLHjn4kiU4?t=5049>

Tom Byler, Director, and Racquel Rancier, Deputy Director, discussed the implementation of projects following the 2021 Legislative Session, including the status of recruitments, projects, and rulemaking. Commissioner Moll asked for clarification on guidance the Department has received from the federal government in terms of ARPA funding. Commissioner Lee inquired about the possibility of requesting funds through the E-Board while waiting for greater clarification on ARPA dollars. Commissioner Quaempts commented on the significant challenge the Department is facing in terms of increasing staff and highlighted the importance of climate planning and the idea of shaping the Department during this time of growth to meet the needs of Oregon’s future under different climate scenarios. Commissioner Reeves asked about the investment in the Basin Water Budget project with USGS. Commissioner Smitherman noted the importance of continuing to secure funding for maintaining staff to complete projects over the long-term.

G. Discussion on Groundwater Allocation

<https://youtu.be/ETLHjn4kiU4?t=8908>

Justin Iverson, Groundwater Section Manager, and Doug Woodcock, Deputy Director, followed up on conversations at the previous two Commission meetings to discuss potential steps to better manage groundwater resources. Commissioner Kihara gave kudos for the presentation and noted the importance of addressing declining groundwater issues. Chair Reeves commented on the need to shift direction in terms of approving applications in areas of significant concern. Commissioner Quaempts noted components of climate change and other issues compounding groundwater supply issues. Commissioner Smitherman emphasized prioritizing groundwater issues. Commissioner Moll asked for clarification on whether policy for conducting groundwater reviews and making decisions is written, or more of a practice of the Department, and asked what drove the disbanding of the Groundwater Planning program. Director Byler recognized the Commission’s desire to prioritize this issue and remarked on the Department’s plan to elevate this issue and come back to the March meeting with a plan of action.

Public Comment:

Laurie O’Connor

<https://youtu.be/ETLHjn4kiU4?t=12617>

Lisa Brown, WaterWatch

<https://youtu.be/ETLHjn4kiU4?t=13041>

H. Division 51 Temporary Rulemaking – Annual Fees for Hydroelectric Projects

<https://youtu.be/ETLHjn4kiU4?t=13516>

Breeze Potter, Rules Coordinator, presented a request for adoption of a temporary rule to amend OAR 690-051-0400 to conform with statute. Commissioner Kihara moved to adopt the temporary rule amending OAR 690-041-0400 as contained in attachment 2, seconded by Commissioner Lee. Voting in favor of the motion: Quaempts, Moll, Reeves, Smitherman, Kihara, Wolfe, and Lee. Motion passed.

I. Framework for Conversations about Oregon’s Water Future

<https://youtu.be/ETLHjn4kiU4?t=16069>

Tom Byler, Director, and Representatives Ken Helm, Jeff Reardon, and Mark Owens discussed important water conversations and activities which will be undertaken around the state during the current biennium. Director Byler welcomed the Representatives and introduced Courtney Crowell, the lead contact at the Governor’s office for water issues being discussed at this meeting. Rep. Helm remarked the framework is a roadmap and not a regulatory document which will be helpful as a framework for understanding where to go to participate but can change as progress is made. Rep. Owens commented on funding for data and supporting communities as they plan for the future. Rep. Reardon noted the challenge of knowing all voices are being treated equitably and division of resources is fair, the need to focus on how to do things better and as equitably and fairly as possible. Courtney Crowell commented on the great job done by the Legislators and Director Byler. Chair Reeves discussed sitting in on a couple of meetings, as a representative of the Executive Branch, with the Representatives, Director Byler, and the Oregon Consensus group facilitating the State-Supported Regional Water Planning and management table. Commissioner Lee thanked the Legislators for their effort in getting the funding to the Department to address issues. Commissioner Quaempts asked for clarity around the County piece and the different engagement processes listed in the Framework document. Rep. Reardon discussed conversations with the AOC, encouraging counties to reach out to invite communities to fully participate in the process. Commissioner Moll discussed thinking ahead and the importance of OWRD staff being ready and well equipped to move forward and posed the question of how to elevate water issues, prioritizing these issues above others.

Public Comment:

Peggy Lynch, League of Women Voters of Oregon

<https://youtu.be/ETLHjn4kiU4?t=19752>

J. Deschutes Basin Groundwater Mitigation Program Five-Year Legislative and Administrative Report

<https://youtu.be/ETLHjn4kiU4?t=20059>

Dwight French, Water Right Services Division Administrator; Lisa Jaramillo, Transfer and Conservation Section Manager; and Sarah Henderson, Flow Restoration Program Coordinator, provided a summary of the Deschutes Basin Groundwater Mitigation Program Five-Year Legislative and Administrative Report.

Public Comment:

Eric Klann, City Engineer, City of Prineville

<https://youtu.be/ETLHjn4kiU4?t=21761>

Mike Buettner, Utility Director, City of Bend

<https://youtu.be/ETLHjn4kiU4?t=21956>

Doug Riggs, Government Affairs Director, Central Oregon Cities Organization

<https://youtu.be/ETLHjn4kiU4?t=22172>

Adam Sussman, GSI Water Solutions on behalf of Central Oregon Cities Organization

<https://youtu.be/ETLHjn4kiU4?t=22463>

Kimberley Priestley, WaterWatch

<https://youtu.be/ETLHjn4kiU4?t=22893>

Kate Fitzpatrick, Executive Director, Deschutes River Conservancy

<https://youtu.be/ETLHjn4kiU4?t=23396>

John Short, Water Right Services, LLC

<https://youtu.be/ETLHjn4kiU4?t=23731>

Commissioner Lee asked for information on 7J permits. Director Byler noted an upcoming recruitment for a position to help with the work on complex issues in the Deschutes Basin and the plan to reach out to stakeholders in the basin to better assess the range of issues to develop a better sense of priorities. Commissioners highlighted the complexity of this issue and things to consider moving forward.

K. Water Project Grant and Loan Award Funding Recommendations

<https://youtu.be/ETLHjn4kiU4?t=25363>

Becky Williams, Grant Program Coordinator, and Kim Fritz-Ogren, Manager, Planning, Collaboration, and Investments, presented the Technical Review Team's scoring results, evaluation summaries and funding recommendations, public comments received, and the Department's funding recommendations. Commissioner Moll inquired about formal reporting requirements post project implementation. Commissioner Quaempts asked about challenges of increasing project costs. Commissioner Smitherman asked about next steps for applicants who are not approved for funding. Chair Reeves asked for clarification on the John Day proposal around the Technical Review Team process, and whether there is authority for the Agency to adjust the amount of grant awards. Commissioner Moll moved that the Commission direct staff to do the legwork on developing procedures and policies on how decisions would be made for increasing grant awards, and bring this back to the Commission for consideration, seconded by Commissioner Smitherman. Voting in favor of the motion: Quaempts, Moll, Reeves, Smitherman, Kihara, Wolfe, and Lee. Motion passed. Commissioner Kihara moved to Adopt the recommendation in section 6, alternative 1 of the report, seconded by Commissioner Moll. Voting in favor of the motion: Quaempts, Moll, Reeves, Smitherman, Kihara, Wolfe, and Lee. Motion passed.

L. Public Comment/Other

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