

Steering Team Meeting
April 4, 2023
Facilitator's Summary
[Edits provided by Corps, ODFW, CTGR]

http://pweb.crohms.org/tmt/documents/FPOM/2010/Willamette_Coordination/Steering_team/WST.html
https://pweb.crohms.org/tmt/documents/FPOM/2010/Willamette_Coordination/Willamette%20RME/RME.html

Facilitation Team: Emily Stranz & Nancy Pionk, DS Consulting.

Steering Team Meeting

Participants for all or part of the meeting: *Leslie Bach (NPCC), Amy Gibbons (Corps), Grace Goldrich-Middaugh (ODEQ), Mike Hudson (USFWS), Elise Kelley (ODFW), Fenton Khan (Corps), Cathy Kellon (NPCC), Pete Markos (ODFW), Anne Mullan (NOAA), Alyssa Mucken (OWRD), Niklas Knudson (Corps), Christine Peterson (BPA), Kelly Reis (ODFW), Ida Royer (Corps), Kate Self (NPCC), Lawrence Schwabe (CTGR), Christina Austin-Smith (Corps), Dan Spear (BPA), Kathy Warner (Corps), Kate Wells (NOAA), Luke Whitman (ODFW), Jeff Ziller (ODFW).*

Welcome and Introductions: Emily welcomed participants and noted that several agencies had additional representatives in attendance to hear Alyssa's presentation on Minimum Perennial Streamflows in the Willamette River Basin. Following the presentation (see summary below), Emily led a round of introductions. Kate Self will serve as NPCC's new RM&E representative, as Leslie Bach is retiring this year. Grace Goldrich-Middaugh is temporarily serving as ODEQ's basin coordinator and will serve as ODEQ's WATER representative while in this role.

Presentation on Conversion of the Willamette Minimum Perennial Streamflows: Alyssa provided a high-level overview on Willamette Minimum Perennial Streamflows (MPSFs), the issues and challenges related to converting MPSFs to instream water rights, how the conversion process intersects with the Willamette Basin Review and next steps for the conversion process.

She noted that many MPSFs were created in the 1960s and some in the early 1980's by the Water Policy Review Board. The purpose was to establish minimum flow amounts within the river system to support aquatic life, maintain recreation, or minimize pollution. MPSFs are measured at a certain point in the basin, typically at a point near the confluence of a major river and are described in the Oregon Administrative Rules.

In 1987, Oregon passed the Instream Water Rights Act which required the conversion of MPSFs to instream water rights. When an MPSF is converted into an instream water right, a priority date is established and can then be regulated to, like other existing water rights. That said, instream water rights are still junior to legally established rights with earlier priority dates. In the late 1980's and early 1990's, OWRD undertook an effort to convert the MPSFs to instream rights. However, OWRD tabled approximately two dozen MPSFs within the Willamette Basin because storage water rights complicated the conversion process. At the same time, OWRD and the Corps were starting to build momentum for the Willamette Basin Reservoir Study and felt that there would be better information regarding how much stored water to protect, once the study was complete. The study, however, was put on hold in the late 1990's.

OWRD is now reengaging to convert the remaining 22 MPSFs in the Willamette Basin. In the early 1990's the agency developed a process for converting the MPSFs; 3 MPSFs in the Coast Fork have been initiated, but not yet completed. Alyssa noted that some of the values for the MPSFs were created before some Willamette Dam

Projects were built or anticipating other federal projects that were later de-authorized, so there are some unresolved issues with how the streamflow values are integrated into a wholistic system. Other complicating questions include: whether these are the values that are biologically justified and needed, whether they make sense from a management perspective, and how they intersect with ESA flow target objectives in the BiOp. There have been occasions where flow amounts have been modified or changed in the Administrative Rules; typically, they have not been increased. The Administrative Rules provide that if the flow amounts have been modified or conditioned by the Water Resources Commission, then a hearing shall take place. For example, the Coast Fork process underwent a contested case and settlement agreement process that took several years.

Alyssa noted that some stakeholders have expressed concerns about potential impacts of converting to instream flows. For instance, downstream water users may have been benefiting from release of stored water but might not have access to those flows once the MPSFs are converted. Several stakeholders are asking how they will be impacted so they can plan for future water use.

The administrative and stakeholder engagement process for the conversion is unclear. For example, there is confusion about whether a hearing is required: the statutory requirement for a hearing was deleted as part of a Clean-up Bill in 2001; however, the Administrative Rules still reflect the opportunity for a hearing. Additionally, there are several operational challenges: 1) the current adaptive management approach to flow management contrasts with instream water right amounts, which are fixed; 2) the language relating to storage and lack of a seasonality to the rights creates confusion and uncertainty; 3) the MPSFs do not align with the flow objectives in the 2008 BiOp or draft EIS. The challenge will be how to reconcile the values to properly manage the resource and provide the legal protection intended.

Contracting is also another challenge. Until a contract with the owner of the storage facility is in place, the state cannot require the release of stored water or regulate water rights to provide flow from the stored water portion of the instream water right. Better accounting for the use of storage water is also needed.

Alyssa also reviewed how the conversion process intersects with the Willamette Basin Review. The study recommended re-allocating stored water from WVP reservoirs to three uses and the 2019 BiOp also limits the water that can be released until the MPSFs are converted.

As next steps in the process, OWRD will scope the process and timeline for conversion and define uncertainties. There is strong commitment from ODFW, and OWRD is working with other state and federal agencies to prepare for the process. Alyssa envisions that it will be a lengthy process, with initial conversations among state and federal agencies beginning in 2023.

2/7/23 Meeting Summary: The Steering Team approved the February meeting summary with no additional edits.

Budget Updates: Ida shared the good news that the Corps will receive additional workplan funding and is fully funded for FY23 capability. Additionally, the FY24 President's Budget (PBud) includes funding for the Corps' full capability indicated (\$66 Million). Ida cautioned that Congress still needs to approve the FY24 PBud, which could result in changes. DSC will send the Corps' budget spreadsheet with a breakdown of the FY24 PBud to the Steering and RM&E team members (document entitled CRFM FY23 WATER Spreadsheet_03APR2023).

Check-in on Managers Forum: Emily sought the Steering Team's input on whether there was a need for Managers Forum in the next few months. Steering Team members did not see a current need for a meeting. Emily asked team members to let her know if a need arises, as soon in advance as possible, to allow for scheduling. DS Consulting will also reach out to Managers for their input.

Steering & RM&E Joint Session

Participants: Leslie Bach (NPCC), Amy Gibbons (Corps), Grace Goldrich-Middaugh (ODEQ), Mike Hudson (USFWS), Fenton Khan (Corps), Cathy Kellon (NPCC), Anne Mullan (NOAA), Alyssa Mucken (OWRD), Christine Peterson (BPA), Kelly Reis (ODFW), Ida Royer (Corps), Kate Self (NPCC), Lawrence Schwabe (CTGR), Dan Spear (BPA), Kate Wells (NOAA), Luke Whitman (ODFW), Jeff Ziller (ODFW).

WATER Partner Updates

- **USFWS:** Mike noted that the Corps has transmitted the Willamette Biological Assessment (BA) to USFWS and the Service is now moving forward to prepare the BiOp; Chris Allen's group is leading the effort. A 9-year post-delisting monitoring plan was implemented for the formerly listed Oregon Chub species. Kelly noted that any monitoring after the 9 years will be led by the districts. *[Facilitator's Note: In summary edits, ODFW provided an update following the Oregon Chub Working Group Meeting 2023.04.25: Monitoring after the 2023 field season will be conducted at a reduced scale by various partners, including CTGR, ODFW, USFS, Corps and land trusts, depending on location/landowner.]* Team members interested in attending Lamprey Recovery Management unit meetings should contact Mike for dates.
- **CTGR:** Lawrence noted that the Tribes finished back-channel connection work last fall at the Chahalpam property in the North Santiam; the work included a culvert replacement and construction of a bridge. The channel reconnection design is now fully operational. It is hoped that the improved channel connection will flush out invasive species and promote chub and salmonid use.
- **NMFS:** NOAA is also reviewing the Corps' Willamette BA. Kate noted that NMFS is hiring a new permanent employee to support Anne and the BA/BiOp work in the Willamette. NMFS is also hiring someone to help with consultation on USFS actions. NOAA has announced that Jennifer Quan will be the new regional administrator; she will start April 23.
- **ODFW:** Kelly noted that ODFW has established a new habitat division and due to delay in hiring has realized some program savings, which ODFW has used to support habitat restoration including funding towards the CTGR's Chahalpam efforts. The Willamette Wildlife Mitigation Program is in the FY25 project solicitation process. This was scheduled to be the last solicitation under the Program, however, ODFW has received approval from BPA to do one more solicitation for FY26 to spend down cost savings and work toward their acreage target.
- **Corps:** Fenton reminded team members that the Willamette Fisheries Science Review is taking place April 5-6.
- **OWRD:** Alyssa reported that the agency is in the process of finalizing a workplan for implementation of the Willamette Basin Review reallocation study. OWRD has also been working to update the State's groundwater allocations policy and has issued [a call for people to serve on the Rule Advisory Committee](#) for the policy.
- **ODEQ:** Grace noted that ODEQ continues to work on temperature TMDLs and has a second Rule Advisory Committee meeting for the Willamette Basin this week. They are working with several state and federal agencies to collaborate on a monitoring plan.
- There were no updates from **BPA** and **NPCC**.

WATER Team Updates

- **HTT:** Anne noted that Jason Karnezis confirmed that HTT project funding could be used for monitoring (for example – PIT Tags, reading/reader upkeep, electrofishing).

- **Flow Team:** Anne noted that the Flow Team has been very busy watching the snow water equivalent and how it changes the trajectory of refill. She noted that precipitation is not reaching average levels so far this year.
- **EIS Schedule Updates:** Updates are available here:
<https://www.nwp.usace.army.mil/Locations/Willamette-Valley/System-Evaluation-EIS/>
- **Injunction Updates:** Public information about the Willamette Valley Injunction is available here:
[https://www.nwp.usace.army.mil/Locations/Willamette-Valley/Injunction/.](https://www.nwp.usace.army.mil/Locations/Willamette-Valley/Injunction/)

The DS Consulting Facilitation Team drafts Steering and RME Team meeting summaries; suggested edits are welcome. Please send suggested edits to Nancy Pionk at nancy@dsconsult.co.