



August 11, 2010 Meeting Notes
DRAFT Dungeness River Management Team
Dungeness River Audubon Center
Railroad Bridge Park, Sequim, WA
2:00 – 4:00 P.M.

Notes prepared by: Melissa Coughlin

Team Members/Alternates in Attendance:

Steve Tharinger, Clallam County
Cathy Lear, Clallam County
Cynthia Nelson, WA Department of Ecology
Shawn Hines, Jamestown S’Klallam Tribe (alt)
Virginia Clark, Dungeness/Quilcene Planning
Les Jones, Dungeness/Quilcene Planning (alt)
Pete Schroeder, Riverside Property Owners (RM 3.25-4.25)
Al Moore, Riverside Property Owners (RM 0-3.25)

Robert Caldwell, Water Users Association
Robert Brown, Dungeness Beach Association
Lorenz Sollmann, Dungeness National Wildlife Refuge
Don Hatler, Sports Fisheries
Joe Holtrop, Clallam Conservation District
Judy Larson, Protect the Peninsula’s Future
John Cambalik, Puget Sound Partnership

Others in Attendance:

Amanda Cronin, Washington Water Trust
Robin Berry, Graysmarsh
Elizabeth van Sickle, Property owner/Resident
Ann Seiter, County resident

Ann Soule, Clallam County Environmental Health
Phil Martin, Clallam County Resident
Bob Boekelheide, Dungeness River Audubon Center
Welden Clark, Dungeness River Audubon Center
Melissa Coughlin, Independent Contractor/note-taker
Gary Smith, Water Users Association

2:00 P.M.

I. Introductions / Review Agenda / Review and Approval of July 14th DRMT Draft Meeting Notes

- Steve Tharinger called the meeting to order. Introductions all around.
- Agenda was reviewed; no additions were made. Short agenda today. Executive Committee will meet after and discuss possible future agenda items.
- Amended (from e-mail comments to Shawn) hardcopies of draft July meeting notes were distributed and reviewed. Judy Larson moved to accept the minutes, Robert Brown seconded the motion and the notes were accepted. Judy Larson commented that she appreciated the .pdf format that Shawn had used to distribute the notes by e-mail. (This made a smaller file which is easier to download with dial-up ISP connections.)

Public Comment:

- John Cambalik brought attention to the rollout of “Voices of the Strait”, a video of interviews with old-timers from Neah Bay to Port Townsend. The natural resources of the Strait and how conditions have changed were the topics of the interviews. The project was born from the Strait Eco-Net workgroup (or old Strait Action Workgroup). The cost of the video was \$11,500 to produce. The video will be shown, with videographers and people interviewed present, at the Sequim Transit Center near City Hall on August 25th at 7:00 P.M. John said that there will be other opportunities throughout Clallam and Jefferson counties to view the documentary. Another video, by student Cameron Little, consists of interviews with two scuba divers discussing their impressions of changes they’ve witnessed in the last 10 years. Elizabeth van Sickle suggested showings during the day.
- Elizabeth van Sickle recommended “Nature’s Ghosts”, by Mark V. Barrow, Jr. which discusses species that have gone extinct from the time of Jefferson on. It is available from the library.
- Robert Brown asked for an updated schedule for the Shoreline Master Plan. Cathy Lear said they are adjusting the timeline. Will provide to Team once a contractor is in place. All current available materials can be found under the Shoreline Master Program on the Clallam County website: <http://www.clallam.net>.
- Judy Larson mentioned an e-mail from Streamkeepers on additional funding opportunities (from the NOAA Resource Council) for Streamkeepers – Shawn Hines said she will forward that e-mail to the DRMT.

II. Department of Ecology Updates – Cynthia Nelson, WA Department of Ecology

Stream Gaging Update

- State-wide Stream Gaging Committee has begun process to: (1) manage the budget more efficiently including determining the most strategic locations of gages for better management; (2) determine high priority gage sites that don’t have gages as well as low priority sites that do have gages; (3) EAP (Environmental Assessment Program) is looking at replacing some gages (not likely in this area) with modeling results,

meaning that a modeling program will be developed to replace a number of gages. This has been successful in other watersheds.

- Cynthia reminded Team that a gage questionnaire (handout) was sent out from DOE a few months ago. A subcommittee of the DRMT filled out the questionnaire for each gage in the Elwha and Dungeness areas. Others provided information on Quilcene-Snow, Jimmycomelately. Shawn noted that it was unclear from the various lists whether Jimmycomelately gage was above or below the “cut-line”. Cynthia agreed it was unclear.
- Internal Ecology meeting is scheduled for August 28th at the Southwest Regional DOE office to discuss the ranking of the gages. Negotiations will take place with others in the region to reallocate gages not in use.
- Steve Tharinger remarked that it is crucial to keep high priority gages to enable the ability to manage water.
- Cynthia said that they will need the irrigation gages for use in implementing the Instream Flow Rule and the Water Exchange. They are proposing cost-share partnerships. When asked the cost of a gage Cynthia replied between \$3,000-\$10,000, but cost really isn’t known. There was a metering lawsuit brought against DOE by American Rivers. As a result, 80% of the top water users and irrigators are already required to meter. There has been cost-sharing metering assistance in other areas; a case may be made for that in areas where gages have to be installed; the ditch gaging is important to the whole water management strategy.
- Steve asked which were crucial gages? At the outtakes? Where there are listed species present?
- Cynthia said that results from real-time gages are posted on-line at the DOE website currently.
- Gary Smith noted that the Water Users check gages every two weeks, as well as checking the electronic readings on-line to make sure readings are within parameters. During irrigation season the gages are checked weekly by WUA staff. He expressed concern over the wording in an e-mail that discussed **dismantling** the outtake measurement devices. This action doesn’t make sense.
- Steve suggested Team outline why we need the gages in a letter to DOE to be sent prior to 8/28 meeting.
- Pete Schroeder thought there must be some idea of the cost of the gages. Cynthia said she received different answers, \$10,000 was the cost of installation from scratch. Gary said knowledge of cost for maintenance and records is needed. Cynthia said she will find a more realistic cost range and let Team know.
- Gary Smith said that the email suggested, if another entity took over the gages, the entity would have to meet the DOE requirements – those would also need to be known. Cynthia said that has been developed and is part of the Quality Assurance Project Plan (probably standard) that is required.
- Ann Seiter said that in the trust water rights agreement, established in 1998-1999 between DOE and WUA, the DOE is to insure that water users take no more than 50% of the flow – how would they insure those measurements without the gages? Cynthia said the gages are also needed for the mitigation exchange.
- Steve thought it would be short-sighted to pull gages now, and there are legal obligations. Cynthia agreed a letter from the DRMT, Tribe and Water Users would be helpful when Steve asked.
- Joe Holtrop stated that, regardless of the gages, the WUA is required to submit data to DOE. Cynthia replied that gage data and water users information go to different locations at DOE.
- Judy noted that quality assurance protocol is in place with Streamkeeper activities. She wondered how much of the cost is in the initial installation. She suggested cost-sharing and retaining the equipment, and anyone interested in taking this on should be able to bid on retaining the equipment on an amortized cost basis.
- Robert Brown was concerned about the idea of replacing gages with models -- that development, snow conditions, etc., would not be accounted for in model variations.
- Steve said that after Cynthia gets gage cost information to the Team, she will work with Shawn to compose a letter explaining the various reasons it is important to retain many of the gages. Virginia made a motion to write a letter to retain gages to the Environmental Planning Assessment Group at DOE; Robert Caldwell seconded the motion which then was passed by group. Don Hatler suggested sending copies to Senator Hargrove and Representative VanDeWege. Cynthia will work with Shawn Hines to accomplish. **(Done)**

Dungeness Instream Flow and Water Management Rule Update

- Dungeness Rule Executive Committee meeting has been postponed this month. Committee is made of elected officials, Water Users, representatives of other agencies and work together on policy and concepts.
- Since Sarah Ferguson has left, Ann Wessell who was the Rule Coordinator for WRIA 17, has taken on policy review work for WRIA 18.
- Next Friday (August 20th) the DOE director will be briefed on the status of outreach and comments. A date will be set for him to formally buy-off on filing the Rule.
- Judy asked when the economic analysis will take place. Cynthia said the cost/benefit analysis is drafted while Rule is in filing process. It is all part of the package.

- Shawn asked when the most recent version of the Rule will be available for review. Cynthia replied that due to internal considerations, it will probably not be available before filing, which is now planned for October.
- Robert Brown wondered about the current well permit process, and if anyone was tracking how many wells have gone in as we wait for the rule; is the permit process running as always, or is there a backlog for processing? Cynthia said the only permits held up at DOE are the recent two applications for water rights from Dave Leroux and PUD. Exempt wells are still exempt.
- Judy asked about the process for reviewing water certificates and asked who ensures that the conditions of the certificate are met. Cynthia said that in situations dealing with changes or transfers the conditions of the certificate will be looked at. Judy then asked to whom one addresses a complaint. Cynthia replied that Vicky Cline is the Compliance Officer who pulls files and certificates for review.

DOE/County MOA Update – Ann Soule, Clallam County Environmental Health

- Ann Soule reported that the MOA is at the County and DOE attorneys for review and comments. No firm date on when the comments will come back, but at least a good month away.
- Gary Smith asked if the County and State are in agreement with the MOA. Ann said the document itself has gaps and needs to be tightened up. She thought that progress has been made.
- Steve explained that the MOA sets up the structure of the Water Exchange. It delineates obligations, states who does what, which is still under debate. They have been trying to predict and address future issues.
- Robert Brown noted that he hadn't heard about any sort of appeal process. Amanda Cronin said that there will be a Review Board with the Exchange that will manage day-to-day activities. The overall strategy will be in place before the Exchange is up and running. Also, there are always appeal processes with DOE if the issue isn't under the Exchange.
Steve said that the Exchange will execute transactions. The DOE has the final say to approve and accept. As an alternative to the Exchange, one will be able to go directly to DOE to establish mitigation separate from the Exchange if approved by DOE.

III. Washington Water Trust – Amanda Cronin, WA Water Trust

- Rule process is still moving along. There has been a lot of progress with the Washington Water Trust's contract with the County. They are preparing for the Rule. The Washington Water Trust was hired by the County with a grant from DOE.
- Mitigation Strategy being worked on: Describing actions that require mitigation; deciding what can and can't be circumstances for mitigation; outlining steps to follow; determining how the mitigation is setup; predicting demand; determining what is mitigation credit; defining existing surface and groundwater rights and the ability to transfer; developing list of activities that could constitute mitigation, such as aquifer recharge.
- After review/approval by County/DOE, a draft will go out for public review. The strategy becomes the mitigation plan.
- Currently also working on a user-friendly Mitigation Guide that will include Frequently Asked Questions and explain levels of mitigation offered by the Exchange. It will explain options offered and assist in determining cheapest option with the mitigation calculator. There will be four packages describing multiple uses (for example: indoor use only). The Mitigation Guide will be a resource for some people requiring building permits.
- Outreach is planned and tonight there will be a "Water Rights 101" presentation in Sequim at Saint Luke's hosted by the League of Women Voters. Amanda will be one of the presenters, along with Shirley Nixon. Other outreach is planned under the WWT/County contract.
- Funding obligation: Clallam County Conservation District, Washington Water Trust, and Agnew Irrigation District have applied to BOR and it looks promising for funding of \$250,000 for piping and \$50,000 for facilitating the Exchange. Currently brainstorming for further grant writing proposals – to help continue the Exchange.
- Currently working with Water Users association to revisit and clarify their water rights and the Trust Water Rights MOU.
- Along with detailed analysis of irrigation diversion levels, which have been documented since 2001 (used two groups of DOE gages for data), and applied leasing data from 2001, 2002, 2003, and 2009 they have been able to document the average flow throughout irrigation seasons – saw strong declines in irrigation diversions in 2001-2004. May attribute decline to conservation efficiencies and voluntary cutbacks by WUA. Data now in place will be used to re-analyze current use of water rights. Looking at future needs – considering superseding old water rights to use new accurate volume assumptions needed to irrigate in the valley.

- Numbers for new certificates need to be agreed upon. Once in agreement, water will hopefully be purchased from irrigators to seed Exchange. Judy Larson asked if diversion data Amanda discussed is available in report format. Amanda said that could potentially be transmitted to the DRMT.
- Conservation District's updates for the irrigation districts are funded by a variety of sources. Many projects suggested by the Montgomery report (WUA Water Conservation Plan) have been implemented. According to data analyses conducted by WWT, 15½ cfs have been saved from all projects and 33 miles of irrigation ditch has been piped. Negotiating water right purchases for the Exchange.
- A lot of WWT work has gone into matching water rights with current land owners. This was not tied at the County level. Now there is a list of water rights by current landowner name and parcel number. This will help in negotiating water right purchases for the Exchange. Shawn said she had received a database from Dave Nazy in the past, which he said would eventually go on Ecology's website, and she asked if the DOE will replace that with the new list. Amanda said the database from Dave was the one that was updated; the file is very large but has been sent to the County and DOE.
- When determining whether water rights have been used for beneficial purposes/irrigation, aerial photographs, Lidar imagery, temperature data, infrared data, flow data and crop receipts are used. Pete Schroeder asked what if a parcel has not been watered in ten years and was then watered; Amanda said they will be able to determine continued use with the data and photos they have available. She noted that water rights are complicated. Most of the water rights here are overlapping (irrigation districts, wells). It will be difficult to buy ground water rights if an irrigation district is involved.
- Bob Caldwell asked Amanda to comment on the grant that the Agnew Irrigation District and the Conservation District has applied for to help fund Exchange in other areas. Amanda said it is difficult to use public money to provide mitigation. The BOR grant will cover restoration, conservation and it is explicit that it will not pay for private mitigation. The amount of water that will be purchased is a very small percentage. Steve asked if the Water Users' water rights will be retained by them; Amanda said some will go into a state trust.
- Judy asked if credit could be given to people who employ impervious surfaces and low-impact development (affects recharge). Amanda said that would not be creating water, but it is something to look into for the future.
- Pete brought up an example situation of 50 acres with 2 wells that have been subdivided into ten 5-acre parcels. Over time each 5 acre piece goes through new mitigation requirements to drill wells, Amanda said if a **new** well must be drilled, they will need to mitigate for a new type of water use.
- Robert Brown asked about metering once the Rule is in effect; he has heard no discussion on data collection or what the information will be used for. This issue will come up with the new wells, if metering is in place but the data is not used. How will the data be used? Steve said that in the MOA metering is DOE's responsibility. Amanda said the Exchange may take responsibility for it. Cynthia said there has been a lot of meter research; probably meters will be read remotely. Don Hatler spoke up that it did not make sense to save money by eliminating stream gages and then spend money to read individual meters. Cynthia said there was a statutory basis for meters, who will collect the data and what will be used with it. A description of the statute and process is available on the DOE water resources web page. Reference: WAC 173-173 for information on the statute. Discussion about possible presentation on this.
- Pete asked if the meter reading alerted overuse. Amanda said the point is to inspire conservation. In other areas she has seen that people become interested in reading their meters themselves to see how much water they are using; it becomes an incentive to pay attention to their meter.
- Robert Brown commented there was a disconnect between the planned conservation use and the actual water uses on the ground. One side is the plan to conserve, mitigate and basically manage water, the other side is the data gathered from meters, ground water model indicating the amount of water present, but there is nothing said about the real water and plan to bring that together. Steve said the goal is to bring more surface water into the main stems of the Dungeness River. Late-season surface water is the key. Amanda summarized that it is adaptive management of limited resources using the metered data gathered to figure out what water is being used.
- Judy asked if the data collected so far has shown any improvement to the flow. Amanda cited the 15½ cfs of water that is no longer being diverted by the irrigators and said the flow is impacted by a number of things - such as diversions, climate, wells drilled, the decrease in time of diverted water for agricultural uses and voluntary cutbacks, to name a few. Judy asked if improvements in salmonid populations were recorded. Steve said the Chinook season was extended a full week. Joe Holtrop said that we can say that less water is being taken from the river; can't really document what else.

- Pete noted historically the agreement to increase flow during the critical period was between the irrigation districts and the Tribe. Now every home will potentially be metered, he doesn't understand why this so complicated, can't it just go back to the irrigators and Tribe. Cynthia noted the Tribe supports meters; Metering is in statute; the direction and administration of metering is the Rule.
- Al Moore asked if the requirement is now to drill to the second aquifer. Steve said that wasn't the case currently, determining which aquifer will be drilled will be based on the calculator and depends on where you are based on small streams and other variables. The Exchange will evaluate using the location of the parcel, the number of users, the option package and mitigation costs. Depth of wells will vary.

IV. DRMT List for DOE Funding – Follow-up – Cathy Lear, Clallam County

- Cathy Lear said there had been a meeting at the courthouse to discuss the project list; Cynthia Nelson called in, Judy Larson and Steve Rankin and Shawn Hines sent e-mails with input, Joe Holtrop, Ann Soule and Cathy Lear were present. Suggestions were discussed and they ended up with essentially the same list to move forward:
- *High category:*
 - Implementation of agricultural water conservation plan through irrigation piping
 - Aquifer recharge planning and engineering
 - Contracts for late summer leases from irrigators to augment flows
 - Water conservation outreach year 2 & 3
 - Water quality improvement program
- *Medium category:*
 - Streamkeepers funding
- *Last category:*
 - Off-channel storage potential on east side of Dungeness River
 - Elwha Morse water reuse feasibility study
- The proposal was updated and sent in for consideration.
- Judy asked why the Streamkeepers were ranked in the middle category and not high. Cathy said that relative to the DRMT area other projects had more weight, or a greater urgency. Judy said that Streamkeepers role was increasing pertinent to the Rule specific to WRIA 18 and she is a strong advocate for seeing they are assigned a higher priority. Streamkeepers share a lot of knowledge and facilitate outreach and play a role in water quality. Cathy suggested there may be roles for Streamkeepers within other projects.
- Ann Soule reminded the group that this list is for a budget request, and is not a proposal.
- Steve said that water quantity is the challenge now, quality is currently pretty good.
- Bob Caldwell asked about prioritizing the list. Shawn said last year a subcommittee prioritized the list to submit. Cathy said that fundamentally the list is the same although Atterberry Reservoir (\$3.5 million) and money for the initial water for the Exchange (\$200,000) was removed from list.
- Don Hatler asked if the Washington Water Trust would be producing a cost/benefit analysis on the Atterberry reservoir project. Amanda said that will be addressed later in the year in a general assessment of water conservation projects, (not a detailed proposal on Atterberry, but will give some consideration to the option).
- Cynthia said that after Ecology review the budget request will be forwarded to the legislature. There will be a formal request later in the fall to forward and then to prioritize projects for the Operating and Capital budgets.
- Shawn asked about the stream gages; in the past they have been on the list, but then the past few rounds funding came from a separate "pot", so DRMT did not include gaging in the ranking. Should they go back on the project list for budget building? Cynthia said individual letters will help with this cause.

V. Other Business / Announcements

- Phil Martin brought up that the City of Sequim has two wells in the shallow aquifer and the PUD has four. Judy Larson said the City of Sequim has three such wells that are operational, counting one at Port Williams. She voiced concern about the City of Sequim meeting the terms of the water right certificate. They are taking water from the infiltration bed and it should be verified that they do not draw from that. Judy wondered if the Graysmarsh water right is impacted by the Port Williams well.
- Robert Brown suggested publishing the draft agenda for the DRMT meeting as soon as it is sent to Team on the DRMT website and in the Peninsula Daily News. Shawn said there has been a technical problem with updating the DRMT website. She doesn't think that publishing the draft agenda in the newspaper is practical as it changes up until the meeting date. Steve thought a disclaimer with "proposed" or "draft" label before the agenda title would take care of any changes and thought the Sequim Gazette may publish it as a community

service. Cynthia proposed using the watershed support grant to pay for any cost involved. Shawn to inquire at Gazette. **(Done)**

- Ann Soule suggested the flow at the schoolhouse gage (which is relevant to fish success) be added to the top of the agenda along with the other gage readings. Also suggested adding rainfall and snowpack to compare to median flow, but at least Schoolhouse data.
- Steve Tharinger said that, in all, the SRFB capital request for the state increased by approximately \$2 million for the Puget Sound area.

IV. Meeting Adjourned at 4:00 P.M.

Handouts:

- “Measuring Water Use” 6-page DOE handout from <http://www.ecy.wa.gov> under “Water Resources”.
- “Stream Gaging Questionnaire” hardcopy handouts.