Deschutes Basin Water Collaborative

Working Group Meeting Draft Notes

November 17, 2023 | 1:30-3:30 PM | Hybrid

Attendees: Yancy Lind, Tom Shuman, Jim Powell, Resident; Jessi Talbot, COID; Becky Powell, League of Women Voters of Deschutes County; Jermey Austin, Tod Heisler, Central Oregon Land Watch; Karen Lewotsky, Oregon Environmental Council; Kris Knight, Upper Deschutes Watershed Council; Mark Reinecke, Avion Water Company; Nancy Gilbert, Sierra Club – Juniper Group; Mike Trip, Trout Unlimited – Deschutes Redband Chapter; Gregg Garnett, US Bureau of Reclamation; Mike Britton, NUID; Ellen Hammond, Jefferson County Soil & Water Conservation District; Janna Stevens, ODFW; Doug Riggs, Owen McMurtrey, COCO; Bruce Scanlon, OID; Jason Gritzner, USFS; Ray Judah, Wild River Owners Association; Tommy Cianciolo, Trout Unlimited – State Chapter; Zavier Borja, Regional Solutions; Carolyn Sufit, OWRD; Paul Lipscomb, Oregon Land and Water Alliance; Mike Buettner, City of Bend

Tri-Chairs: Commissioner Phil Chang, Deschutes County Board of County Commissioners; Steve Johnson, AID

Staff: Scott Aycock, Lauren Street, Sommers Taylor, COIC; Lisa Seales, Kate Fitzpatrick, Jim Bond, DRC; Alex Ehrens, Andrew Purkey, AMP Insights; Emelie McKain, OWRD

Action Items:

Staff will create a Google Drive to house comments that individuals make on chapters. Coupled with this, staff will also create a master spreadsheet that contains all comments in one place.

The Planning Team is reviewing chapter 3 and will be discussing this review at their next meeting on Friday, December 1st. An updated chapter 2 incorporating all these comments will be coming back out to Working Group members for a vote via email.

Updates/Outcomes:

Scott discussed the plan build process to date and proposed some considerations for moving forward.

If Working Group members are interested in attending Planning Team meetings or would like to receive the Planning Team meeting materials, please let Sommers know so that she can add you to the email list.

The meeting cadence of Working Group meetings will return to its original schedule of every other month on the fourth Friday of the month from 10:30-12:30pm. This puts the next Working Group meeting on Friday, January 26th.

OWRD has an upcoming Place Based Plan rulemaking. To date, this group has been working off OWRD Place Base Planning guidelines. However, if the plan isn't complete by the end of OWRD's rulemaking process, the plan will need to abide to the new rules and not the old guidelines. OWRD is unaware as to when those rules will be finalized.

Kate mentioned that the next Raise the Deschutes series is underway. She also mentioned that the DRC received $12M for water conservation projects throughout Central Oregon from OWRD.

DRAFT NOTES

1:30-1:40 **1. Welcome & Introductions** *Scott Aycock, COIC*

Members in person and online took a minute to introduce themselves.

1:40-1:45 **2. Public Comment**

There were no public comments.

1:45-1:50 **3. August Meeting Recap & Agenda Overview** *Scott Aycock, COIC*
Attachment A_August Meeting Notes

Scott reviewed the August meeting notes and provided an overview of the agenda for today's meeting.

1:50-2:15 **4. Plan Build Process** *DBWC Staff & Leadership*
Attachment B_DBWC Plan Adoption Timeline

Scott discussed the plan build process to date and proposed some considerations for moving forward. At a previous Working Group meeting, the DBWC adopted the scope of the plan. After that, Working Group meetings consisted of workshops focused on lining out all the possible pathways related to strategies for the plan. Since then, staff have been working alongside the Planning Team to create draft chapters. Chapters are becoming ready for Working Group review, but there are some considerations related to process and timeline before moving forward. These considerations can be found on the PowerPoint that is located on the DBWC website.

A major consideration to note: OWRD has an upcoming Place Based Plan rulemaking. To date, this group has been working off OWRD Place Base Planning guidelines. However, if the plan isn't complete by the end of OWRD's rulemaking process, the plan will need to abide to the new rules and not the old guidelines. OWRD is unaware as to when those rules will be finalized.

To keep the process moving, Scott spoke through a plan build process proposal (the PowerPoint online speaks to this proposal).

Yancy Lind, citizen – Define the word "staff".

Scott Aycock, COIC – Staff mostly consists of DRC staff and AMP Insights.

Yancy – I would like to see a step where comments submitted are shared with everyone.

Lisa Seales, DRC – Staff just discussed this and think the best path forward for this is to create a master spreadsheet with everyone's comments and share that with spreadsheet with everyone.

Yancy – I would like this to be a real time thing so that the next round can have incorporated comments. This can be housed in a shared folder.

Scott – The document will get busy if we have many comments on one document.

Lisa – To eliminate that, we can create a shared Google Drive where all comments live and have a spreadsheet with the comments. (Everyone agreed this is a good path forward).

Another consideration Scott mentioned to keep the group moving forward is to get back into a regular meeting schedule. Historically this group has met every other month from 10:30-12:30 on the fourth Friday of the month. That means the next Working Group meeting will take place on January 26, 2024.

Kate spoke to the time gap that took place between this meeting and the August DBWC meeting and how it is encouraging to see how many folks are still at the table and showing up. Ensuring that members feel engaged is a primary goal of staff members and staff want to hear from folks if anyone has any ideas on how keep encouraging that engagement. Commissioner Chang mentioned that folks are welcome to join Planning Team meetings. **If you're interested in joining Planning Team meetings, reach out to Sommers so that she can add you to the email list.**

2:15-3:20 **5. Chapter 2 Review** *Lisa Seales, DRC & Alex Ehrens, AMP Insights*
Attachment C_Chapter 2

- Presentation
- Discussion

Alex Ehrens, AMP Insights helped develop the narrative for chapter 2. During this meeting, he prepared a PowerPoint that went section by section and laid out all the comments that came in for that specific section. The focus of this discussion was to highlight those comments and speak through any more concerns that Working Group members may have regarding chapter 2. The PowerPoint that highlights each comment and each section can be found on the DBWC website. Alex spoke to each slide and comments that came in for each section.

General comments that appeared frequently were:

- References – comments came in that references were too old. If folks have more up to date references, please send them in to staff. There is a full reference list that will go into the next version of the draft.
- Planning area - being consistent with the planning area for the Upper Deschutes that plan is for the Upper Deschutes.
- Introduction/summary – Comments were made that this chapter would benefit from an introduction section that describes the area. Staff will include this moving forward.

Becky Powell, League of Women Voters of Deschutes County – It's confusing not to talk about the whole basin. We're missing an opportunity if we only talk about the Upper Deschutes. There are also confusing references to the Crooked River in this chapter.

Lisa – We're sticking with the planning area that was identified for this effort years ago. This excludes the Whychus and Crooked. We'll return to these areas later.

Becky – It needs to be identified where we're stopping and it's confusing when other sections are getting brought in.

Scott – Is the concern the decision or how it's being represented?

Commissioner Chang, Deschutes County Board of County Commissioners – The way that it's introduced is a little confusing and it could be different.

Lisa – The introduction we will develop will help clarify this.

Commissioner Chang – It would be beneficial to have a map on the front page.

Alex Ehrens, AMP Insights – We can work on creating this.

Mike Buettner, City of Bend – The overall readability of the chapter is difficult, but an introduction will help. Hoping this document can go to non-technical experts like elected City officials. Would like this to be laid out like an informative story. Right now, there's too much jumping around. As we get further in, I recommend looking at the readability.

Lisa – We're working on that and we're going to do our best to make a secondary document that is readable and digestible for others with figures and charts. We need to get the technical details right before we can get there.

Jermey Austin, Central Oregon Land Watch– The sub basins align with areas not in the basin. Do we need that level of detail in the plan and make the map this specific?

Alex – The map in chapter 3 will highlight this section.

Starting with section 2.1, Describing the Place, Alex walked through each section and the main comments that came up regarding each one. The PowerPoint that is online highlights comments that came in from members that were discussed during the meeting today. Those comments are in blue on the PowerPoint. The text that follows is a conversation around those highlighted changes.

Yancy – The next agricultural census is scheduled to come out in the next few months. Staff should be watching out for this new data and incorporate it here.

On the "unique features or attributes" section:

Comments that came in for this section can be found on slide 7 of the PowerPoint.

Commissioner Chang – One absence in this section is beer, which is very relevant to water. When describing the population, this chapter doesn't get into projections, and this is critical. It would be beneficial to describe growth and the current projections.

Alex – This information is in chapter 3, but we can put this all here as well.

On the "physical characteristics" section:
Comments that came in regarding this section can be found on slide 8.

The highlighted map will be changed, and the salmonid quote will be added.

Tom Shuman, Resident – The word "impactful" on page 4 is broad. Recommend using a different word.

Lisa – We can get rid of the word impactful and use something else.

On the "water resources" section:
Comments that came in regarding this section can be found on slide 9.

The main comment here was on planning area consistency and making sure we're consistent on what's included in this planning area.

Jim Powell, Resident – Will you all be able to get more current data regarding the aquifer systems and springs? The data from 2004 is old. There's much more current data.

Alex – If there's any more up to date sources, send them our way and we can incorporate them.

Jim – OWRD and COCO have this data. Another point is that we're trying to describe the situation as it is today. We can't describe where we were.

Commissioner Chang – We have a lot of data everywhere. Oftentimes this data references modeled information and we don't know if the analysis has been done even if there's more

data. I don't know if anyone's put it all together to tell an actual story that some of the publications are able to do based off synthesis of data. Is there actual comprehensive analysis and more current data that we're missing?

Jim – That depends on what we're trying to accomplish. If we're using this section to justify recommendations or act as a point of synthesis, then we need to have the data mentioned early in describing the place. It's critical to have the data that you're making an argument from.

Scott – This conversation is about daylighting issues we've talked about regarding certain accepted data/interpretation analysis. Additional data can be included, but that doesn't help because it's not interpreted. We've talked about where these critical data gaps are. We can identify these in our implementation plans. We can also acknowledge where we're at and what we need more of. We have the opportunity to identify these gaps in the plan.

Kate – State agencies should be experts with the latest data, and we will look heavily to state agencies for this data.

Karen Lewotsky, Oregon Environmental Council – As someone who relies on reports like this, if in situation where the analytics on the information are completed with data that may no longer be correct, one thing could be done for lay people is simply acknowledge it in the footnotes.

<u>On the "conveyance systems" section</u>:
Comments that came in regarding this section can be found on slide 10.

A description of the Duffee Decree diversion rights will be included, along with another table. No comments passed this.

<u>On the "hydrology" section:</u>
Comments that came in regarding this section can be found on slide 11.

Staff will add more history and impacts of water development in the basin. Staff will add schematics of natural flows. And this section will be placed before the Water Resources section.

Becky Powell – The natural flows term is different than what irrigation districts use.

Lisa – Irrigation Districts use the term "live flows". It's what the river is flowing currently. Natural flows are for pre dam flows.

Kate – We will clarify this moving forward.

Mike Britton, NUID – We use the term "unregulated flows".

Steve Johnson, AID – Natural flow means the natural flow and then storage goes on top.

Kate – We can use the term unregulated to avoid confusion.

General discussion for section 2.1
Mike Buettner – Where would you put a comment on beer in 2.1.1? Maybe under culture? Could we put something about the number of cities here as well? It may be a good idea as well to expand on this section. This document will be used outside the basin, hopefully this can be used to inform those folks on outdoor recreation in this area. We also need to include tribal aspects. I can offer up language for cities.

Becky – Precipitation isn't well described here and should be. Straight number is accurate, give a reach so that entire basin is included.

Jim – There's no mention of Warm Springs water rights that were retained by treaty. Can you explain more? Want to mention their rights here?

Alex – We can mention that as well.

Commissioner Chang – The riparian forests along forests and creeks have been highly altered. We should integrate some of this species composition and inputs to paint a picture of the altered creeks.

Alex – We can expand on that here.

Staff will start incorporating an agency review into the review process so that their feedback is incorporated.

Section 2.2 – Surface Water Quantity/Quality
On the "surface water quantity" section:
Comments that came in regarding this section can be found on slide 16.

Alex mentioned that there was some conflicting language in this section. Staff will straighten this out to drive home the point that water is not available for new appropriation. Staff will also work to ensure that the language used is consistent throughout the chapter.

Tom Shuman – On page 15 there is a reference to a Warm Springs treaty. What's the reference for this statement?

Kate – The state and federal government signed onto the treaty.

Tom – Please include the reference so that it's clear.

On the "existing protections" section:
Comments that came in can be found on slide 17 in PowerPoint online.

Becky – Include the 1955 Groundwater Act.

On the "OWRD basin programs" section:
There were no comments on this section besides the note that OWRD's Upper Deschutes is different than what this group is defining as the Upper Deschutes. Staff will make sure that the maps are aligned accordingly.

On the "surface water quality" section:
Comments that came in regarding this section can be found on slide 20.

Becky – The La Pine area is a special area and it's not mentioned much here.

Alex – There was a comment to mention impacts of septic systems on surface water and drinking water in the La Pine area specifically. We will add this here.

Jim – I don't see any discussion on temperature here.

Alex – It's in the table for impairments but part of expanded discussion that will be added here.

Becky – There was a recharge comment that needs to be removed.

Alex – We noticed it and removed it already.

Section 2.3 – Groundwater Quantity/Quality
Alex mentioned that staff have seen comments reflect a range of perspectives on how to characterize groundwater resources. Staff have been trying to minimize statements that would be biased over one leg of the stool over the other. We're waiting for numbers from the state on how groundwater pumping has changed since 2013. Once we have those, they will go into this section. The state will have the greatest input on this.

Jessi Talbot, COID – The lack of data makes this subject touchy. The language between the link between water declines and canal piping in this chapter is concerning. Doesn't seem to align with securing an affordable supply of water to sustain agriculture. COID recommends taking a step back to see how this affects the overall framework. Suggests airing in caution when tying the two together.

Yancy – When we mention "the state", is that OWRD? **Yes.**

On the "groundwater quantity" section:
Tom Shuman – I would like to see more information on where the 76cfs number is coming from. Would like to see how much was pumped by cities and irrigation districts, etc. Need to see supporting information.

Alex – This came from the Gannett et al study. The reference can be included.

Kate – We have extensive data on water rights from the basin study that could be included here.

Mike Buettner – Wasn't there communication from OWRD that summarized the ground water declines? The 2021 memo from OWRD to this group summarized the overall groundwater declines. It's important to tie that data here. It's also important to recognize the reasons for ground water decline. Can we site that document?

Kate – We need to get Alex this document and then yes. We're relying on 2013 studies.

Doug Riggs, COCO – Echoing what Mike said- we need the OWRD report to reflect the most recent review of research. 2022 study points out precipitation is the main driver for groundwater level readings. This seems to suggest that canal piping is negative. The chapter needs to address that what has been done in the basin has helped with recharge. Update science and reference most recent reports have a balanced approach.

Scott – There is a difference between acknowledging an effect and making a different decision. Need to include science as well.

Mike Tripp, Trout Unlimited – It might benefit us to write this up in a way that is consistent with state language. State folks could help us clean up this section.

Becky – I expected agency input. Hoping this document will be transparent and include the whole basin who aren't a part of the three legs of the stool.

Scott – We will need to add agency review as part of the process.

Steve – What other data do we need besides just the 202121 data?

Kate – We need to acknowledge that a lot of piping has happened, and it will continue to happen.

Commissioner Chang – There's temptation to stick to the facts. The impacts and values at stake should also be discussed here and how those impacts on values will be mitigated. Need to acknowledge all effects and capture them all.

Jim – Data has been presented at OWRD planning groups. If reservoirs were recharged and lakes filled, rather than pulling water, if we can conserve, what impact does that have on aquifers?

Commissioner Chang – We can look at some of the losing/gaining reach maps and get a feel of what sort of impacts the aquifers are having.

Scott – We'll need to mark this as something to address in the future.

Mike Tripp – Given the complexity and changing state regulations, we need to consult OWRD.

Owen McMurtrey, COCO – The 76cfs number is from the Gannett et al. citation and OWRD is going to update this. We need to make sure we're clear in the chapters on how we're getting this number. We also need to have good data to represent the changes in groundwater levels.

Kate – I suggest we work with OWRD on this.

Owen – This section isn't about normative policy making impacts. It's supposed to be about projected impacts. When working on chapter 4 and 5, the projected impacts need to be looked at and discussed.

<u>On the "groundwater management areas" section</u>:
Comments that came in regarding this section can be found on slide 26.

Due to time constraints, discussion around the following topics was shortened. Alex highlighted the changes that they will be making in each section given comments that came in.

Alex mentioned that there is an illegible figure of the Deschutes Groundwater Study Area and Zones of impact. Staff will change this.

<u>On the "existing protections/programs" section:</u>
Comments that came in regarding this section can be found on slide 27.

A comment was made asking to clarify OWRD's criteria on considering impacts on groundwater and interconnected surface water.

<u>On the "groundwater quality" section:</u>
Comments that came in regarding this section can be found on slide 28.

The comment made earlier about La Pine's private systems and water contamination will go in here.

Becky – There's new things present in the water that are not being tested for and need to be. Need to discuss what the EPA is doing to this drinking water now as well.

Commissioner Chang – This isn't much of an issue for us here, but other places where there's a city upstream, it is a really big deal.

Alex – Will include this in here.

Section 2.4 – Ecological Health of the Watershed
<u>On the "key species and habitats" section</u>

Comments that came in regarding this section can be found on slide 33.

Comments came in asking for more updated reports.

Tom Shuman – If one species of fish is going to be mentioned, all types of fish in the river should be named.

Becky – I was hoping agencies would have a lot of input here. There's nothing in here about the Ground Butte Dam. There are several dams that limit fish passage, but dams aren't mentioned in this chapter. This could be cleaned up with agency input.

Mike Tripp – Mirror Pond and its impact on the basin need to be mentioned.

3:20-3:30 **6. Roundtable Updates & Sharing**

The Planning Team is reviewing chapter 3 and will be discussing this review at their next meeting on Friday, December 1st. An updated chapter 2 incorporating all these comments will be coming back out to Working Group members for a vote via email.

Kate mentioned that the next Raise the Deschutes series is underway. She also mentioned that the DRC received $12M for water conservation projects throughout Central Oregon from OWRD.

3:30 **ADJOURN**