

**Columbia River Caucus**  
**Meeting Notes**  
**\*Online meeting\***  
**May 28, 2020**

**Attendees:**

Wes McCart, Chair, Stevens County  
Ron Anderson, Yakima County  
Jerome Delvin, Benton County  
Melissa Downes, OCR  
Joel Freudenthal, Yakima County  
Paul Jewell, WSAC  
Dean Kinzer, Whitman County

John Marshall, Adams County  
Holly Myers, Ecology  
Jim Sizemore, Klickitat County  
Mark Stedman, Lincoln County  
Richard Stevens, Grant County  
Tom Tebb, OCR  
Neil Aaland, Staff

**Guest:** Kristin Meira, Pacific Northwest  
Waterways Association

**Call to Order/Agenda Review**

Chair Wes McCart called the meeting to order at 10:00 a.m. Introductions were made around the table.

**Trust Water discussions**

Paul Jewell, WSAC staff, gave a powerpoint presentation. This is an outgrowth of a request we have received from Mark Peterson, attorney for Crown Columbia Water Resources, who wants to discuss water banking with the Caucus. This request is due to an article that appeared in the Seattle Times last fall about private water banks, including Crown. We wanted first to have a general discussion about the issues connected to this request. Paul's powerpoint presentation is available by e-mailing Neil at [naaland@comcast.net](mailto:naaland@comcast.net); for details see that presentation. The full recording of this meeting and Paul's discussion is also on the WSAC website; see link on page 2 of these notes.

Paul reviewed how water rights work and discussed the change and transfer process. He then discussed the Trust Water program. This is established in statute. Water banking is also defined there, and he reviewed that program.

He then moved into a case study of how water banks have worked in Kittitas County. There are differences with banks in Yakima and elsewhere. The Kittitas bank came about because of a 2007 Supreme Court case, which was decided in 2011. A 2014 settlement put in place new requirements for mitigation. Water banks were used to administer the settlement. Private banks came first. These worked well in some ways but there were some issues. Public banks were then developed to address these issues.

Lessons learned included:

- It matters whether the banks are public or private
- It matters how the water bank is using the water
- It matters where the water came from

- It matters where the water is going

Last fall an article was written in the Seattle Times that discussed private water banking and expressed concern about private acquisitions of water. Several bills were introduced because of the article; it is possible these will come back during the next session.

Paul is participating in an Ecology workgroup and posed some questions to the commissioners for feedback:

- Should water banks be classified by type and regulated differently?
- Should transfers into the TWRP for water banking include a public interest test?
- Should out-of-basin or out-of-county transfers be prohibited or compensated?
- Other considerations?

Comments and questions included:

- Joel Freudenthal noted that the Hirst decision changed things. It is a broad GMA issue – when you consider uses, must review each one of the new uses
- Rich wondered about price and if it is different with private parties putting water in the bank? [Paul did not have anything specific in mind; he is not really concerned with ag to ag transfers or a city buying for municipal water; concerns are when there are mitigation requirements to offset]

Neil will put the recording of this presentation on the WSAC website and send a link.

The link is:

[https://wsac-org.zoom.us/rec/share/59MtL57B22pISLOc4x\\_vdbJ9D7mmeaa8hiBP-qELmRIRmVLdPyrKanGuT4t7dz4a](https://wsac-org.zoom.us/rec/share/59MtL57B22pISLOc4x_vdbJ9D7mmeaa8hiBP-qELmRIRmVLdPyrKanGuT4t7dz4a)

Access Password: 6s#rZ2Qv (required for security)

**Commissioner's slot on CR Policy Advisory Group:** With Mike Leita's resignation, there is an open position on the CR-PAG. Neil noted that Commissioner Ron Anderson, currently an alternate, is interested in the full member position. His Yakima County colleague Vicki Baker is interested in Ron's alternate position. Rich Stevens moved to nominate Ron to the full member and Vicki to the alternate; Mark Stedman seconded. Motion passed unanimously.

**System Operation Review:** Chair McCart participated in several of the listening sessions. There was little presented on options other than the dams. Tom Tebb said there is a preferred alternative in the DEIS. The Final EIS is scheduled for a July release.

**Columbia River Treaty:** It seems not much has happened. In early March there was another round of negotiations. Several tribes were at the table. Kristin Meira said, in response to a question, that it does not seem that any decisions have been made on whether the tribal involvement is permanent. She did think it was helpful to the negotiations to have the tribes make some points.

**CR-PAG Agenda:** Neil summarized the draft agenda. Tom Tebb added that things have changed. The strategic planning session will address how we bring OCR work elsewhere in the state. The Yakima basin is a great example of that.

**OCR Updates:** Melissa Downes presented this topic. She first discussed legislative updates. Ecology formed a work group on water banking in response to legislation. It is intended to identify recommendations before the next session. She mentioned the Walla Walla project; important to address issues such as some saved water is moving across the state line. The ten-year WW pilot got a two-year extension to do some strategic planning. OCR will be heavily involved. The State Auditor is issuing their audit report to JLARC in June. Not a lot of water was saved during the pilot. Ecology is better placed than local entities to address some problems. It is a complicated regulatory situation.

She then turned to budget topics. The current budget is heavily impacted by Covid-19. Ecology has received several directives from the Office of Financial Management (OFM). First was to see about reductions in capital funds. They went through projects to see if they were affected by the stay-at-home order. Then a directive was issued requiring a covid protection plan. The most recent directive, effective May 18, is a hiring/contract/equipment freeze. It freezes in place till a special session is held. Agencies are also directed to find other savings. They are carrying vacancies and out of state travel is not allowed. She has been hearing there is \$7 billion in impacts for the current and next biennium. The agency budget requests for the next biennium are due to OFM in September. The theme is to finish what OCR has started.

**Kristin Meira, Pacific Northwest Waterways Association (PNWA):** Kristin provided some updates on Columbia River related items. We are getting quite close to 2024, a key date for the Columbia River Treaty. Predictability is needed. The CRSO EIS was already discussed earlier; her group is focused on navigation issues. She noted that growth in cruise ships on the CR has been big. They would like to see more attention paid to that topic. Wes said he has heard that flood control has been a sticking point on the Treaty; Kristin has not heard a lot of details lately. The State Department is looking to advance flood discussions. PNWA has been raising attention around the Treaty in WA DC.

Kristin reviewed a communication project they have been engaged in the past few months. It explains what the rivers are used for and what they mean to the region. They provide a quick overview about the rivers – the value of navigation, hydropower and irrigation. They have a website with this information and a social media campaign.

Wes earlier talked with Ben McMakin. Ben had pulled out of his proposed media campaign because PNWA had their initiative. He noted that without the dams truck traffic would greatly increase.

**Roundtable:** Wes noted, for Commissioner Anderson's benefit since he joined late, that he had been appointed to the CR-PAG county slot (moved up from alternate)

**Adjournment:** The meeting adjourned at approximately 11:45.