

WTWG Meeting Minutes, February 7, 2011 at 1:00 PM

Attendees: Dave Brown, Stuart Crane, Melissa Downes, Ingrid Ekstrom, Bill Ferry, Chuck Garner, Ken Hasbrouck, Teresa Hauser, Carron Helberg, Anna Hoselton, Stan Isley, Paul LaRiviere, Walt Larrick, Chris Lynch, Larry Martin, Jason McCormick, Joe Mentor, Tom Ring (phone and in person), Mark Schuppe, Mike Starkovich, Tom Tebb, Ron Van Gundy.

Walt opened the meeting with introductions around the room and asked for approval of the January minutes, the group approved with the stream name correction.

2011-13: Joe wanted to review Tillman Creek, Paul talked about the steelhead on the PHS map, where Spex Arth Creek shows steelhead and he is trying to verify the data with Salmonscape. He feels it is better delineation. He began talking about measurements with not much snow melt and showed continuity on Spex Arth Creek. Joe asked for a public map to share. Paul and Joe talked about Salmonscape and if it is publicly accessible. showed the group a map with of Spex Arth Creek. Joe stated he would like to see best management practices in this area and explained how he will handle this with his applicants.

2011-03 and 2011-18: These proposals are in the Spring Creek area. Paul observed the habitat is very healthy, but needs to measure flows in late summer, definitely has conductivity, with habitat up to the highway, wide lateral flood plain, from a fish perspective; if asking at the minimum 500 square feet, he would be ok with these. He asked if 2011-18 was modified. Mark asked if bull trout are present, and Paul said he is not sure unless someone goes in and looks, but it is good habitat for them. Joe stated Hamberlin (2011-03) is asking for 1,500 square feet, but the others are all at the minimum 500 square feet. Larry Martin asked if the wells are in direct continuity with the lake, Melissa and Anna with Ecology talked about the wells, Anna stated they are indirect and explained the deposits and the formations, clay and windows of discharge and the relationship is not clear yet. Tom Ring suggested to Anna to get together to discuss this further. Bill talked the Exchange Contract, and if we assumed that fish were present, would it go over the 1% threshold. Mark talked about how ground water pumping would not manifest itself in the lake. Anna added the wells are upslope, and explained the specifics. The dip of the formation, with a very minuscule amount if at all, upslope with no direct connection, however downslope it is possible. These are upslope, so it is location dependent. Tom asked is the assumption incredibly minuscule, the answer was yes. Tom wanted to take a hard look at this one, with no thumbs up. The harm factor needs to be zero. TWSA is not in dispute, so he needs to talk to the tribe. Walt asked about the ESA trigger. Bill said because this will repeat itself, that Ecology needs to agree on which reach it affects, and feels that Ecology needs to make this decision. Joe asked about the fish bearing listed species, no harm to fish, and formal consultation if fish could be affected. Bill and Joe talked about the contract exhibits. Bill said the local impact in paragraph 7b is key. Bill discussed how local fish impact comes into play.

Joe is frustrated that he needs to do these over again, and talked about the previous applicants and their usage. He compared south and the north slope. Walt asked the group for a response to his comments.

Tom Tebb talked about what Ecology is doing to address efficiencies and the lack of communication on Ecology's part and feels Joe is right concerning the applicants. He suggested a separate meeting; however this process is new and complex. He feels Ecology needs to work harder on communication and the commitment on a decision to be more timely. Joe stated we have an obligation to work these out, and that no one wants to own the growing pains. Tom Tebb said they do too, and they talked about the process. Bill agrees with Joe about a process of predictability, if in violation of ESA, it doesn't matter then what the order is and believes that the process is not going backwards.

2011-20: Upper Cle Elum area and needs to have the previous discussion as it is in a place that is cared about. Walt asked Paul for comments and Paul talked about how difficult it is to mitigate for flow. Absent site specific mitigation, it is not water budget neutral. Joe feels it would fall under 7b, Stan agrees with Joe that it does not trigger the threshold. It seems to Stan, because of the substantial flow in the upper Cle Elum River, but the tribal fishing right complicates this discussion. Tom thinks this is over-analyzed; the box must not have harmful change in stream flow. Joe said on Gardner provide minimum amount of irrigation, on Heightchew, WDFW ok, but not YN. Tom will try to have an answer, but he talked that some spots the work has not been done and may not be done in the next month, with no plan for this one. Joe talked about the green (or turquoise) areas to cross-hatch, in the upper Cle Elum River, Tom said yes, he captured what he was saying. There are so many points, and not sure when we will get to that number. Tom thinks Tillman Creek may be already there at the zero point.

2011-21: YN thumbs up on Lodge Creek, Paul said he was ok with it, and the group gave it a thumbs-up recommendation.

2011-22: YN thumbs up, and Paul says ok with it, and the group gave it a thumbs-up recommendation.

2011-23: YN thumbs up, and Paul says ok with it, and the group gave it a thumbs-up recommendation.

2011-24: The group felt this proposal for SwiftWater is confusing. Ingrid clarified that the point of diversion had downstream changes in the past, and is now downstream of the proposed future development. It is a change from irrigation to instream flow. They will submit a proposal later, in the future, to use this water for mitigation for 56 units and a total of 9,000 square feet of landscaping that will come before this group. Less than a ¼ acre for the total irrigation and need

more details. A watershed with an ESA listed species, but under the 1% threshold and no winter stock water added. The group talked about critical fish in winter is more critical in some places than others. And in some places a reduction in flow is a good thing and that the 1% is separate from the no harm to instream flows. Stan said that no instream flow reduction triggers, that these things can be approved with no ESA species and harmful change in stream flow in winter to YN. Three trust water applications to go into instream flows, irrigation water and downstream transfer, return flow is adjacent to the river, and this is just the portion into the trust. The group gave this proposal a thumbs-up recommendation.

2011-25: Starkovich, it is self mitigating and is taking a small portion of irrigated land out of production, to place the irrigation water instream, with the intention of mitigating for a future domestic well on the Starkovich property. Joe asked does this rely on the Exchange Contract, Stan said when it needs to, outside irrigation season, but may be Sept 15th (Taneum to Oct 31<sup>st</sup>). This is irrigation out of and into trust. They are Teanaway River water rights and Joe asked if it is regulated during a water short year. Stan is the stream patrolman and has not curtailed since he took over in 1998. Stan talked about priority dates. The group talked about the irrigated area, ESA listed species, the 1% threshold and no winter stock water. Mark asked about the Teanaway these new uses will be self mitigated, is there anything in the non irrigation season as an issue. Stan talked about the salmon spawning and timing, groundwater flow towards the Yakima River, and he does not think there is any harmful impact with this well and no impact to the lower Teanaway river. Walt asked Ecology is there an impact in the non irrigation season. Mark thought that Gary looked at it. Stan said everyone has looked at it at Ecology and in Stan's experience he feels it does not impair. Stan & Joe talked about this area in the past. Tom added that a default presumption will not be on the end of the irrigation season rather it is stream flow. First part is put it in trust as a two-step process. What is the hydrologic study timeline? Mark felt 30-60 days and may be sooner once they talk to Gary. Starkovich feels it is confusing at best and Ecology's website is no help. Walt said there is a plan in place. The first step, the transfer of the fallowed irrigation water to instream flow use, is a thumbs-up, and second step, the use of the water for mitigation for a new domestic well, will come back once the study is done.

Tillman Creek Groundwater Mitigation Program: Joe discussed the process he has done with a goal of developing an application in this area. The group talked about best management practices, and will re-file the applications in the next 30 days and wanted to preview the critical parts with the hope that when they are presented at the next meeting they would get a thumbs-up approval. Joe passed out a deed covenant example and draft Tillman Creek Groundwater mitigation program. He displayed maps and photos to show the watershed, stream flow and other diversions. The group talked about the areas, flow augmentation, return flows from Burchak, Paul supports Joe's presentation and Tom R. also agreed with his proposals. He updated by stating the areas that need permits from Ecology, low flow period, 10 weeks from July 1 to September 15<sup>th</sup>. Paul and Walt talked about other types of systems. Tom is glad to see

flexibility with the flow period and an augmentation with a flow pump and is in addition to the exchange contract. Tom also said it would be in the box. The group talked about other options. He talked about the utility companies and got comments from the group.

The group discussed the draft suitability map. The group discussed pending legislation. Tom R suggested that identifying areas where the flow is zero, applicants need to find solutions. Joe said he welcomed this and Tom R commented that he understands what he is doing to find these solutions.

Next meeting is March 7, 2011.

Meeting adjourned 4:45 PM.