

Chehalis River Basin Flood Authority

Business Meeting – 8:30 AM-12:30 PM

Lewis County Courthouse
WSU Conference Room
351 NW North St – Chehalis 98532

January 26, 2012 - Meeting Notes*

***Note: This Business meeting was re-scheduled and the agendas combined from the January 19, 2011 Special and Business Meetings due to severe weather conditions on January 19th.**

Board Members Present: Vickie Raines, City of Montesano; Ron Averill, Lewis County; Edna Fund, City of Centralia; Karen Valenzuela, Thurston County; Dolores Lee, Town of Pe Ell; Dan Thompson, City of Oakville; Julie Balmelli-Powe, City of Chehalis

Board Members Excused: Terry Willis, Grays Harbor County; Alan Carr, Town of Bucoda

Others Present: Please see sign in sheet

Handouts/Materials Used:

- Agenda
- Meeting Notes from December 15, 2011
- PowerPoint on Work Plan, Accomplishments, Budget Items

1. Call to Order

Chairman Raines called the meeting to order at 8:40 am. Introductions were made. Chairman Raines stated that Commissioner Willis had a conflict and may not be able to attend today.

2. Approval of Agenda

A motion was made by Ms. Fund to approve the agenda, seconded by Commissioner Averill. The motion passed.

3. Approval of Meeting Notes from December 15, 2011

A motion was made and seconded to approve the meeting notes from both meetings on December 15. There were no corrections or additions and the motion passed.

4. Public Comment

Mr. Jay Gordon, who was representing himself and dairy farmers, stated he has been watching the Flood Authority for the last several months and he is very pleased with the progress it has made. He was glad to see Mr. Kramer involved and working with the Authority and encouraged the continued good work of the Flood Authority.

5. Review of 2011-2012 Work Plan/Accomplishments

Ms. Fowler summarized the items on the agenda that would be discussed at the meeting: the Flood Authority's accomplishments; where we are now; where we want to go; and how we get there. Mr. Kramer will give feedback from his interviews and there will be a review of the OFM report.

Ms. Fowler stated the Flood Authority has accomplished a great deal, including the development of sub-committees which in turn have their own list of accomplishments.

The H & H modeling is nearly complete, which will help fill in a significant piece of the basin where there had not been good information, such as at Mellen Street and what the impact is downstream. That modeling is under development. There will be additional tributary modeling. There have been requests made of Mr. Karpack to look at these projects so we know what the impacts are.

The Early Warning System is up and running. There is behind-the-scene work being done, such as the Skookumchuck data being added in to the National Weather Service.

The draft Fisheries Impact Study has been released with more than 400 comments received; there have been consultations with the Tribes and the responses to comments are under way.

The Fisheries Enhancement Study is under way.

The Ruckelshaus Center is coordinating the OFM report with state agency staff; there is significant effort underway to sort out what is in the report and how to move forward.

Ms. Fowler stated the work plan adopted by the Flood Authority in September 2011 is very broad, and the plan by month going forward for 2012 needs additional refinement. She and Mr. Kramer are working together regularly to coordinate on the OFM report. She provided a quick review of potential activities for the Flood Authority by month going forward in 2012: In February there will be the government-to-government training; March will be continuing the fisheries impact study; in April there will be work sessions on OFM elements; in May the draft OFM report will be complete; and in June the Fisheries Enhancement study is due, as well as comments on the OFM report and adoption of the 2012-2013 work plan. Ms. Fowler then turned the discussion to Mr. Jim Kramer

6. Review/Discussion of OFM Report

a. Feedback to date – Jim Kramer

Mr. Jim Kramer stated he is the project manager for the OFM report. He has interviewed about 50 people and has gone out on tours. The purpose of the interviews was to help develop information for part of the report and also to get to know the leaders in the communities and hear what their hopes are for this report. There are over 800 reports on the basin and he does not assume his report will be the final answer. He wants to determine what progress needs to be made and how that progress is documented.

Mr. Kramer summarized what he heard during the interviews. People care deeply about this basin. He heard many stories about people helping one another during the floods. There is a concern about the natural environment in the basin. There are many differences of opinion but there is a concern for the basin and the people in it.

Mr. Kramer learned about progress to mitigate flooding in different areas. For example, Aberdeen has protected its city by installing pumps; new information from the Doppler Radar System and the Early Warning System also helps. Still to come is improving the access to the hospital at Mellen Street. He noted that there is a sense that things are getting done.

The soon-to-be-completed studies will offer choices that the Flood Authority has not had before. This is an advance forward from where you have been. Many people mentioned the regular tours hosted by the Flood Authority had been very helpful to increase perspective. There were a lot of compliments for staff; people feel they are doing the Authority well.

Mr. Kramer stated there is an expectation that the Flood Authority is going to tackle the tough issues over the next few months, such as what you should move forward, and talking about differences in opinion, and people are interested in seeing that happen.

Mr. Kramer heard about the break in trust last spring from a series of events. The trust among the Flood Authority and others had been affected by those events and those things were still fresh in peoples' minds.

There was frequent mention of two or more philosophies to address flooding and there is the recognition that there is no one project that will solve all the problems, but a combination of basin-wide projects and local projects for a comprehensive solution. There is a diversity of opinion in the Flood Authority and in the community. He noted that such diversity may be a strength, but is also a challenge; this needs to be addressed.

Mr. Kramer heard that the board members do not enjoy the meetings – they are tough meetings. Despite that, the people are still at the table because they are hopeful that something is going to get done and they want to get something done.

What is the hope of the Alternatives Report? That it will stimulate action on the ground and bring together all the information you have provided: here is what you understand at this time; here are the options; how to move forward and make decisions.

Mr. Kramer stated he and Ms. Fowler talked with the legislative staff, congressional staff and the Governor's office and they are all looking for this next period of time to come to conclusions of where to go and put some action on the ground. There is a concern about the disputes and the issues you struggle with, but they are hopeful that there can be a clear process forward. They are ready to act in the near future to make funding available and to pave the way to make things happen if there is clarity on how to proceed.

His personal observation as a result of meeting with those 50 people is that he has a great deal of hope in the ability to make this fruitful. It is a challenging meeting of the minds but there is opportunity to move things forward.

b. Report requirements, action steps

Mr. Kramer noted that as part of the meeting materials, an outline of the OFM report requirements was distributed. The purpose of the report is stated in the outline: to meet the six requirements and provide a report to the Legislature and the Governor by the due date of July 2012.

Mr. Kramer summarized the requirements, which are A through F in the report (and are the same requirements from ESHB 2020 (2011)). He then reviewed the questions that should be considered for each proposed alternative, such as the status of the project, predicted effect of the projects, project costs and others.

c. Next steps

Mr. Kramer then walked through the next steps by each upcoming month: compiling the draft report sections; internal draft for Flood Authority; review of the draft by all interested parties; final draft for comment; and in July the report is due to the Governor and to the Legislature.

Mr. Kramer stated there have been other issues mentioned. One is land use: What is happening regarding development in the flood plain? It would be helpful to have some clarity on this issue in the report. The other issue is forestry. Both of these issues need to be addressed. DNR has agreed to provide information on forestry.

Element C is for the protection of I-5, the airport and hospital. Mr. Gernhart stated that WSDOT is going to start the first phase around the hospital. That will not guarantee total protection from a flood typical of the 2007 event but full protection is expected by the end of 2014. This project was not included in the freeway widening project. WSDOT talked to Chehalis, Centralia and Lewis County about various issues and this was identified as a critical need and DOT decided it was in the best interests to do this. The conversation will continue with those jurisdictions as well as the airport board to determine the issues and how to address those issues. Those will be in a report provided to Mr. Kramer. The first meeting will be in two weeks, followed by three or four more meetings within a short time frame to get the information to Mr. Kramer.

Commissioner Averill stated it is nice to do the scoping with the local entities but because this involves the entire basin, others should be involved and the report should come back to the Flood Authority. Mr. Gernhart stated he would not exclude anyone – the meetings will be open and DOT will be glad to share information.

Mr. Kramer stated the purpose of the report is to get a common base of information – no one wants any surprises. A series of discussions will be scheduled where various issues are tackled that will go into the report, such as agreeing on the most current information and what the conclusion is, whether the project should be moved forward. If that is acceptable, then we will figure out a schedule for more meetings and create that common base of understanding. The Flood Authority is a key place to have those discussions.

Commissioner Averill stated he did not see anything in the matrix that addresses Item F, which is governance. He also noted the need for the Flood Authority to figure out continued operation and maintenance funding for the Early Warning System. The Flood Authority has a contract with WEST and we did get cooperation with the governor's office for "testing and calibration" but operations and maintenance is running about \$50,000 and is not in the capital budget. The Authority needs to decide how to handle this as an annual expense, whether it is finding a source through the Authority or individual jurisdictions. It has to be addressed by June.

Mr. Kramer stated this relates to the Early Warning System. Without gages, the entire system is hampered. He agreed that the funding issue has to be resolved soon.

Mr. Kramer asked for questions. Mr. Thompson asked if the PowerPoint is available and Ms. Fowler stated it was and she would be sure it was distributed.

Ms. Hempleman stated the third bullet refers to the positive/negative effects on fish. She asked if any work had been done with the Earth Economics report, and where the information will come from. A question was also raised about the potential impact to aquifer recharge.

Mr. Kramer stated he will work with the state team and others to get a qualitative sense of the effect on the aquifer recharge. As people come to conclusions they are aware of other things that need to be addressed. By using the various experts at the state, local jurisdictions, the PUD, and the tribes we can learn the potential impacts.

Mr. Cook stated there had been dialogue between the Flood Authority and the Chehalis Basin Partnership and that could be another source of information.

7. Discussion: Flood Authority use of Consensus

In addition to the Board members present, Chairman Raines asked the each of alternates present to participate in this discussion.

Ms. Fowler stated the Executive Committee discussed the consensus issue and if there is a better technique to use. She noted that there has been frustration about how the Flood Authority meetings have been conducted. There are going to be tough decisions to be made and there is a need to talk about things and agree or disagree.

She reviewed the Flood Authority's Rules of Procedure. They first say Roberts Rules of Order will be followed, then state that informal consensus will be used. If consensus cannot be reached, then a motion may be made. Ms. Fowler stated that she had talked with staff at the Ruckelshaus Center about this; their sense is that the Rules of Procedure present contradictory guidance if consensus is the goal.

Ms. Fowler then reviewed a slide outlining why a group might use consensus as a tool; she to noted that reasons, pulled from the Policy Consensus Program in Portland, seemed to match the situation in the Chehalis Basin.

She then reviewed one definition of consensus: I don't agree with everything you say but I believe that others understand my point of view and I understand others' points of view, and I am okay proceeding forward. Ms. Fowler presented a slide showing three potential actions someone could take after having a discussion on a topic: 'good to go' (thumbs up), partial consensus (thumb sideways), or no consensus (thumb down). She noted that if at the end of the discussion you had thumbs sideways or down, then you would continue the discussion. She then asked if Mr. Kramer had anything to add.

Mr. Kramer stated with consensus people who disagree can stop progress. That is a design issue as to how you use it rather than a component. If you know where people are you can understand where to go. Roberts Rules allows you to move to a vote. Use this way of discussing things to see where people are. Sometimes there is also a perception of where a person is but it is not openly talked about. There is the hope that the common view will surface with back and forth dialogue. Whether you use consensus or not, be transparent about your views and understand others' perspectives.

Ms. Fowler stated she would ask each person to respond to the consensus issue.

Ms. Raines stated there have been times when there was a discussion and someone called the question and the discussion ended. We have to allow people to voice their concerns to a point. When it becomes argumentative then we must agree to move on. We need to be respectful of everyone's opinion and listen to all of them. She stated not all of us have worked with consensus so it is important to work together to a positive end.

Commissioner Valenzuela stated she agreed with Ms. Raines. She noted that consensus is a messy process; it is not easy and it takes time and patience. We must be willing to argue. She is confused by quickly moving to a motion. The purpose of a motion is to bring the body to a vote. We do not have sufficient discussion to ready ourselves for a vote. We need to be patient and not be anxious to call for the question.

Commissioner Averill stated when he was Chair of the Authority he would say "without objection..." and then we would move on. The Authority has new members and they have not been given the rules of procedure so they don't know what the process is. We get to an area seeking consensus and we end up with abstentions rather trying to seek consensus. The consensus idea was taken from the Chehalis Basin Partnership. We added the 60% provision because one person can block the progress. At some point we have to say we have exhausted all the arguments and need to call for the question.

Ms. Powe stated it has been difficult to come to decisions because of changes in membership. If someone was not involved at the beginning, they lose perspective. Attempts to find flooding solutions have gone on forever. Others could not come up with a solution and the groups disbanded. During the early formation we agreed we wanted to move ahead when there was disagreement. We wanted everyone to agree but knowing it would fail without consensus, we would go to a vote.

Mr. Estes stated consensus does not work in the military or law enforcement. As a mayor, he has a council to make the decisions. It is not done by consensus and he has the right to veto. He thinks an issue can be discussed and can come to a decision.

Mr. Cook stated early on during a discussion, the question was called and a vote was taken. The ILA says we will use consensus but if we are going to vote then we don't need consensus if we are not going to make an attempt to reach consensus. Leave the language and make the attempt; don't rush to a vote. Many times it was obvious there were a variety of opinions and we may never have come to consensus. This organization was built on trust and everyone has a right to give their point of view. Rarely did we come to a decision where everyone agreed but we went around the table to come to a decision that was palatable. Sometimes that didn't work, either, and that is why the super majority was put in. Maybe we are not making as diligent an effort as we could for everyone to make a decision.

Ms. Fund stated consensus means everyone agrees. If we don't all agree then she would like to know why and have more discussion. We need to know why someone cannot go a certain way. It does come to a point where we have to take a vote, but it's all about communication. If someone has an objection, it must be talked about.

Ms. Canaday stated she is the chair of the Chehalis Basin Partnership and they have 100% consensus. It keeps bringing us back to the table if we do not reach consensus. There have been times when discussion stops; we do not have the option of a vote and that has gotten everyone to speak and it works well.

Mr. Swartout stated he has spent twenty years with BOCCs and advisory committees and they have always used consensus. It works. It is a great tool to urge communication. The larger the group, the more important it is to reach consensus. It can also be used as a tool to stop progress but that is usually resolved. If you use it as a tool to move forward, you will be more creative in the solutions to your problems. If you are not instilling communication you are not instilling a solution. As Mr. Cook stated, there may be times when you cannot reach consensus and then it may have to move to a vote.

Mr. Thompson recalled the meeting in Bucoda where the lack of consensus went to a vote. Factors that day contributed to that decision – the building was cold; no one could hear if the heat was turned on. We need the patience and the time to work through issues.

Ms. Lee stated as a council member, she makes decisions by vote. She allowed that she might rush to a vote because there is no consensus process used by her city council.

Mr. Vander Stoep stated one difference between the councils and the Flood Authority is the latter is a multi-jurisdictional group. Because of that, there must be a thorough discussion; however, if after that discussion, it has to move forward then it must go to a vote. Another difference between this body and the councils is that this body has a deadline required by legislation and it can't debate an issue for months. The issues in the river will never go away. The Flood Authority has a timeline and we keep saying we are one day closer to another big flood.

Mr. Kramer stated differences are not the problem: it is how you communicate those differences. There will always be differences and those can be distractions for others or a powerful part of the decision.

Commissioner Valenzuela stated we are not very practiced at consensus. We have not been using it and we need to keep in mind as we practice that we are going to have fits and starts and it is okay to backtrack or revisit something.

Ms. Powe stated we are going in a positive direction. A lot of what has happened in the past stemmed from frustration and a lot of different personalities. We need to be mindful to have a goal decision but not use it as a tool to stall progress. We should decide to come to a decision within a meeting or two and not rush to a vote.

Ms. Fowler summarized:

- People are coming from different places using this as a tool: some are used to using consensus, and others are not
- We want to continue having real discussions
- We are willing to try using a visual method of thumbs up, sideways or down, and and explore the issue more if we get a thumbs sideways or down
- We need to work hard to figure out what the set of solutions might look like – this will require that each person communicate their own point of view and listen to other points of view
- We want to avoid speculation on where people may be coming from

8. Break

Chairman Raines recessed the meeting at 10:13 and reconvened at 10:26.

9. Discussion: Napavine and Cosmopolis Request for Membership

Chairman Raines invited Lionel Pinn (Napavine) and Ken Estes (Montesano) to the table. She then noted that she would be wearing the hat of Cosmopolis for this section of the meeting, and asked Ms. Fowler to facilitate the discussion.

Ms. Fowler stated the cities of Napavine and Cosmopolis submitted requests to join the Flood Authority as they are both affected by flooding and would like to participate. The Flood Authority requested that each jurisdiction vote on the request. The Interlocal Agreement would need to be modified and each jurisdiction would need to sign. In December the draft resolution was circulated; some Flood Authority members have already made decisions and others are still considering.

Ms. Fowler stated the Flood Authority would like to hear from the jurisdictions making the request and questions and answers would follow.

Mr. Lionel Pinn, Napavine, thanked the Authority for the opportunity to be heard. He believes the Authority's work has been remarkable and he is in favor of consensus. He will be supportive of this board whether he sits on it or not. He also stated that Napavine is currently represented by Commissioner Averill.

Napavine is the only large city on the Newaukum River and it is impacted by flooding. In 2007, Exit 72 was closed which impacted businesses there and prevented Emergency Services from getting through.

Mr. Pinn stated there are big decisions to be made and more voices would offer more perspective regarding policy decisions. Napavine wants to be heard and the council is 100% supportive and is excited about the possibility.

Mr. Pinn stated he works for the Centralia/Chehalis school district. That district and Napavine's school district was affected by flooding. He thinks the Flood Authority should be talking to the superintendents and school boards so they know the Authority is there for them, and find out what their concerns and objectives are. He would be happy to report back to them so their voices can be heard. He is also pleased that the Authority is working with the Tribes.

Ms. Raines stated the Flood Authority has heard about Cosmopolis and went on a tour of the area last month. Cosmopolis is one of the few cities that have residences right on the river. The city's boundaries are on both sides of the river and it needs protection and would like to provide input.

Cosmopolis has two issues: The Chehalis River and Mill Creek. A portion of the dam on Mill Creek breached in 2008 and failed. It will cost about \$1 million to replace it. Engineering has begun to decide if it should be removed or replaced. Flood control is needed. There is a high amount of flow with rain and the tide. 15 homes flooded in 2008; many lost living areas. The Chehalis River also impacts the tributaries.

Cosmopolis wants a basin-wide solution. They know that the solutions will come from up river and the city deserves and has a vested interest to be part of that discussion so that whatever is done in the upper basin does not impact the lower basin. There might be more than one solution to reduce flooding on the Chehalis River and it must work for everybody. Cosmopolis wants to work with others in the basin.

Commissioner Valenzuela asked because of the proximity to Aberdeen if there are situations that affect both cities differently.

Mr. Cook stated there is an imaginary line between Cosmopolis and Aberdeen. They do have a lot of the same problems, such as tidal influence, but there are other unique problems that relate to their cities. We have common issues but the circumstances are unique and Aberdeen endorses both Cosmopolis and Napavine.

Ms. Powe stated she grew up on the Newaukum River and now lives on the Chehalis. She stated tributaries are not part of the main stream flooding but she knows how much more Napavine floods if the Chehalis is high. She noted that Napavine is directly impacted by what happens on the Chehalis.

In responding to Commissioner Valenzuela's question, Ms. Raines stated that one similarity is that both Aberdeen and Cosmopolis are on the Chehalis River. The differences vary. Aberdeen is more business related and Cosmopolis is more family related. Cosmopolis has some businesses on the river but in connection to Mill Creek and flooding in the past, the problems are different from Aberdeen. Cosmopolis also has a school that is affected.

Mr. Estes stated filling has created problems all the way down the river. If you went to Aberdeen during the flood you would see the river banks were full and Cosmopolis had water backed up across the road for three days. Whatever happens upriver has an impact down river. What we have agreed is: the people here should be the people who are impacted and they should all have a voice at this table and they should reach consensus. He added that in the event the group or jurisdictions do now allow Cosmopolis and Napavine to sit at the table, Cosmopolis will still be represented by Ms. Raines.

Commissioner Averill stated when the Flood Authority was first introduced, it started with the Twin Cities levee project to include Grays Harbor County, Thurston County, Chehalis and Centralia. The two counties were involved because the levees would push water faster and sooner creating an impact in those counties. Not everyone in Lewis County was protected but the Twin Cities project would protect I-5 and Chehalis and Centralia. It would have given a little protection to Bucoda if the Skookumchuck was completed.

In 2007 there was tremendous flooding in the upper Chehalis and there was nothing the Twin Cities project could do for it. There was a recognition that looking at a solution of protecting part of the system was not going to work. That is when the Flood Authority expanded. While the cities are within the county, the county commissioners have no jurisdiction over land use matters within the city boundaries. Over time, Oakville, Pe Ell, Chehalis, Aberdeen and Montesano were added, and then the Chehalis Tribe, making an 11-member board. There were many other cities that could have been included but the board would have been unwieldy and it was decided not to take in any more members for two years. We are beyond that now and if we are talking about doing things that impacts a jurisdiction and it wants to be on this body, then it needs to be.

Ms. Powe stated as a member of the public she realized that her commissioner could not represent her and the city. It is a large area that gets extreme damage. Levees would have prevented a lot of damage but the county commissioners do not represent everyone in the county. Everyone needs to be represented and be heard. If it's going to impact them then they should be at the table. As much as you don't want to get too big, she observed that we've got to have everyone's interest represented.

Commissioner Valenzuela stated the quandary has always been come one, come all, or should the board be kept to a reasonable size. The Thurston County commissioners understand the Napavine request and it makes sense. Commissioner Valenzuela said that she will probably make a recommendation that both Napavine and Cosmopolis are included as members of the Flood Authority. She also noted that the Thurston County Commission had been discussing some of the issues that were part of the conversation today: everyone or a reasonable number? Should the people who come bring unique options, and should there be a balance between urban and rural interests?

Mr. Johnson stated after discussions of membership early in the formation of the Authority, it was decided that the voting membership needs to be those that make land use decisions and can commit bond money. That is why some cities and some Tribes were not included.

Commissioner Valenzuela expressed concern for the loss of the Chehalis Tribe on the board. She has directly approached the tribe and has no expectations of being successful in getting them back.

Chairman Raines agreed. She stated she and Ms. Fowler talked with the Tribe last month and it is her understanding that they do not want to come back but she also thinks that consultation does bring them to the table. It is her desire to build on that relationship and keep them in the loop.

Mr. Lyle Hojem stated bond money or flood projects will affect people who live on the hills. They will have to help pay but they will get no benefit.

Mr. Cook stated there will be access to the hospital and people on the hill need access to those facilities.

Ms. Powe stated this is similar to a school district. Her kids don't go to the schools but she still pays taxes. Reducing flooding benefits the entire community.

Ms. Lee asked who had not yet signed the Interlocal Agreement. She was told Thurston County, Grays Harbor County and the Town of Bucoda.

Ms. Fowler stated she would follow up with Commissioner Willis and others to see if there are questions. Chairman Raines stated she had spoken to Commissioner Willis and she and the other commissioners were waiting to see what conversation developed at today's Flood Authority meeting.

Ms. Fund asked about Bucoda and Commissioner Valenzuela stated she would have news about that later.

10. Discussion/Potential Action: Budget Items

a. Review of OFM Contract, expenditures to date

Ms. Fowler stated the expenditure report at the last meeting raised questions. The contract between the Flood Authority and OFM is for the biennium through June, 2013, and is for \$1.32 million. There was a discussion about the work plan, whether it should be split evenly or front load it. The Authority decided to front load it. The contract says you can move up to 10% between tasks or you need permission from OFM and the Flood Authority. The key tasks for 2012 include: refine the hydraulic model, finish the Early Warning System, secure funding for operations and maintenance, complete the fisheries study, evaluate flooding downstream and work with OFM in preparing the alternative flood mitigation measures. The tasks also call for a technical review and consultation with the Tribes.

b. Anchor QEA budget request

Ms. Fowler stated Anchor has gone through its budget for the fisheries impact study. There was \$900,000 for the fisheries impact study and the timeframe was extended to include the enhancement study. The extension of original funds was for \$188,000 which was rolled over from the last biennium. The sediment analysis is expected to cost an additional \$49,000, for a total of approximately \$238,000. The enhancement study has a subtotal of approximately \$189,000 for a grand total of \$427,500.

Focusing on the fisheries impact study (not the enhancement study), Ms. Fowler stated Mr. Schlenger reported they have already spent an additional \$40,000 but they are not asking for that; they are requesting an additional \$20,000 to cover time already spent. They estimate another \$20,000 for consultation and responding to comments. The rationale was a longer comment period and more consultation and they expanded the Shiraz model and collected additional watershed habitat data. The total request is for \$40,000 additional.

She noted that during the phone meeting last week, we discussed whether the Flood Authority would consider adding additional funding and would there be potential funding from the State. She spoke with Keith Phillips, who said that he did not know.

Mr. Kramer noted that he asked the state team about the report and if the response from Anchor was something they support technically. They were unanimous in that support, plus the way Anchor did the work and doing the extra was very important to get to conclusion. There will be a tech-to-tech discussion which Mr. Kramer thinks will be very helpful.

Mr. Hueckel added that it is critical that Anchor's study has scientific credibility. The State team and scientists from other agencies need to review the document. The Flood Authority wants the best document that satisfied outside experts so it can make critical decisions from good science. The local experts need to be satisfied with the document, also.

Mr. Johnson stated the contract landscape has changed and some consultation and review was put into place after the contract was let. There is nothing in the contract for a change order and that is what this is. This should give us pause to look at future contracts, knowing that things do not remain static. If we ask someone to do something and as we evolve and get third-party review, we need to have a change order built into the contract.

Mr. Thompson asked if we don't do the retention structure, do we need the answers to those 400 questions. Should we wait until there is a decision for the retention facility and at that time pay for and answer the questions.

Commissioner Averill stated that unless we get those questions answered, we don't know if we can move forward to the water retention facility. We have to know that. Somehow we have to find the money. He noted that 38 pages of questions came from the State. We need to look at what we agreed to with OFM. We obligated all but \$115,000 in the first half of the biennium and we have made no request to the legislature to give us relief. He brought this up during the conference call. We need to get into more details with the governor's office. There is money in the budget to handle the administrative side, but there is \$1.2 million not spent at all that was earmarked for the Twin Cities project. We need to find out if that is accessible.

Ms. Powe stated this study is pivotal as far as looking at water retention – what is the impact, and can we mitigate for it. All the experts need to agree that this study is defensible. There are a lot of opinions on both sides of water retention and they all want the facts, so these questions need to be answered.

Ms. Powe noted that when you contract for something, they need to deliver what was promised at the price they agreed upon. Anchor agreed to some things for \$900,000. She does not believe the Flood Authority owes for aspects that were included in the original contract. Anchor was asked to do a lot more than they agreed to. A lot of it was to consult to remain transparent and to get the best available science from every aspect. Anchor held a number of long meetings to gather additional information; Ms. Powe was disappointed that the information did not come in at the right time. Anchor could not predict that. She suggested looking line by line – if we had the money, would we want to reimburse Anchor? Do we agree that they should get some more, and if so how much?

Chairman Raines stated the state team has more knowledge about what is required and there will be conflict regardless of what the study is for but it needs to be as complete as possible. She suggested the Flood Authority pay Anchor whatever is deemed necessary to finalize the study.

Ms. Fowler stated the request was for \$40,000; Anchor will absorb other cost overruns.

Ms. Lee stated if the state has additional money maybe we should approach the state. Are they willing to cough up some funds for this? If it is a cost overrun, they should be considered in the future.

Commissioner Valenzuela agreed. We cannot move forward unless we have a defensible study. She is not a fan of change orders; this is a huge contract, but for another \$40,000 for defensible information that has been peer reviewed is a small price to pay. We should have anticipated this; we also have to do it.

Commissioner Averill made a motion to approve providing \$40,000 more to Anchor to meet the overruns. Ms. Lee seconded. There was further discussion.

Ms. Fund asked where the money is coming from. Commissioner Averill stated there are two alternatives: within what we already agreed, go back to OFM and rearrange the priorities. He felt the Authority needed to put more pressure on the governor's office. We probably can't use the \$1.2 million on the fish study but there is probably something else we could use it on and free up other money.

There were some reservations from the Board; mostly about the money. Ms. Powe stated we must be more conscientious about money – we can't ask for \$40,000 because they want more. We have to justify each item. She is not in favor of providing additional funding to cover examination of the third fish species, for example.

Mr. Johnson stated the Board needs to keep in mind that it will be voting on an additional expenditure and other people will ask the same question. He suspects that SBGH are going through money at a higher rate than anticipated: more meetings, more consultations, etc. WEST had difficulties working with the state and Weyerhaeuser. These things were never anticipated but there will be more requests for additional money.

More discussion followed and Commissioner Averill stated if this was to be approved a new contract would need to be written and that takes about a week.

Ms. Fowler summarized what she thought she was hearing: that the Flood Authority members would consider granting up to the \$40,000 requested, contingent on the Executive Committee closely examining the original and supplemental contracts, and that the Executive Committee would be authorized to make the decision and work with Mr. Johnson and Commissioner Averill to get a contract implemented. She asked whether there was consensus on this issue.

Consensus was reached.

c. GTH expenditures to date

Ms. Fowler stated she has been working 67 -97 hours a week. Her budget was not to exceed \$91,000 and to date she has written off about \$23,000. She has \$45,000 left, and while she is not asking for additional funding, this issue should be considered.

Commissioner Averill stated the administrative costs were underestimated. This is not something that can be solved today. We need a group to look at where we are going since we have better experience than when the contracts were let.

Commissioner Valenzuela stated when the committees were formed she asked who would be staffing them. The answer was "nobody" but it has actually been Ms. Fowler and Mr. Boettcher and that is part of what is burning though the money. She asked if there is a way to change the way we are using the money.

Further discussion included going back to OFM and requesting a supplemental budget for 2013, requesting the Twin Cities project funding, speaking to Keith Phillips about what can be done and perhaps change the budget language.

Ms. Fowler asked for consensus to take this back to the executive committee, and speak to Mr. Phillips and the governor's office about recommendations in solving this.

Consensus was reached.

11. Action: Approval of work plan items for H & H Modeling

The work plan had elements that needed to be more fully defined. Potential modeling in four tributaries was narrowed down to three: the Skookumchuck, the Newaukum and the Satsop. The Project Committee recommends moving this forward. It is allowed for in the budget, but approval is needed to move forward with this more defined work plan.

Consensus was reached to move forward.

Ms. Fowler stated regarding the Corps and the hydraulic modeling, there could be a probability adjustment. She understands the Authority's Project Committee recommends not spending additional funding but using the Corps process, meaning the hydraulic modeling could not be used by FEMA. Ms. Powe stated when the Authority spends this money it should use the studies for other things. The Authority thought it could be used for FEMA but with the LiDAR, an adjustment will be required.

Consensus was reached to accept the Project Committee's recommendation and not incorporate the probability adjustment at this time.

Ms. Fowler stated Mr. Karpack needs to start the modeling of various scenarios. She recommended that staff work with Mr. Karpack and the Project Committee about what should scenarios or alternatives should be modeled because time is of the essence.

Mr. Gordon spoke about the Sickman Ford Bridge. The approach ramp is what the Chehalis Tribe is considering working on and that would help Oakville. He asked if this model would be in conjunction with the model done by the Tribe and Oakville.

Mr. Johnson stated any bridges that provide constrictions should be included.

Ms. Fowler stated the meetings are open to anyone to participate but Mr. Karpack needs direction. Commissioner Averill thought he was to concentrate on the main stem first.

The recommendation was to keep Mr. Karpack moving and take information back to the Project Committee.

Consensus was reached.

12. Action: Nomination, Election of Officers for 2012

Commissioner Averill nominated Ms. Raines for Chair and Commissioner Valenzuela for Vice Chair. There were no other nominations. Mr. Cook moved to close the nominations.

There was a consensus to elect Ms. Raines and Commissioner Valenzuela as Chair and Vice Chair respectively.

13. Reports and Updates

a. Chair's report

Chairman Raines asked Mr. Johnson about the audit of the Flood Authority. Mr. Johnson stated the account will be audited and it will go through the Lewis County Auditor's office. He noted that one issue is who pays for such an audit; normally, the state charges for audits. He noted that Lewis County should not have to pay for it.

Chairman Raines stated that a \$1.2 billion "jobs" package is being discussed in Olympia as part of the legislative session; she said that a request has come in to identify projects for some of this funding could be used. She asked if the Project Committee could provide the top 25 projects with 15 alternates. Ms. Fowler stated that there is a desire to know what is shovel-ready within the next year – jobs packages are being targeted; where in the Basin is there an opportunity to get something on the ground to deal with the flooding issues.

The group discussed the projects that Mr. Mackey had presented. Mr. Hueckel stated the Project Committee would have an inventory of projects to the Flood Authority in February. From there funding sources will be discussed and that information will be given to the legislature.

b. Member Reports

Commissioner Valenzuela stated the Bucoda Town Council voted to withdraw from the Flood Authority.

Ms. Fund distributed a press release regarding the Doppler radar workshop. She also stated there is a DVD on the Early Warning System available.

c. State Team report

Mr. Donahue stated the close out report from the Corps on the Twin Cities project was received last week. There is a stipulation about restricting its distribution and he is going to work on that issue. Commissioner Averill stated the Flood Authority would like to know what is in the report, as well as how to wrap up the fish study with the technical session and the changes that are anticipated.

d. Sub-Committee Reports

Reports not heard from sub-committees during the meeting were waived due to the time.

14. Confirm Government to Government Training, Shortened meeting for February 16, 2012

The next meeting will be on February 16. The majority of this meeting will be a Government to Government Training on Tribal Consultation issues. A short business meeting will be held at the end of this day. The March meeting is tentatively scheduled in Montesano; in April it will be in Chehalis with a possible tour of Napavine and the Newaukum River.

15. Additional Public Comment

Mr. Hojem stated if the fish study is a separate study it should have a separate contract. If there is a change order, write up a change order. He thought the Flood Authority was being lax.

Chairman Raines stated the Authority will look at the ultimate request and the Executive Committee will do what it needs to do for a change order. Mr. Johnson stated there have been supplemental contracts done with Anchor, ESA and others. They were done with the authorization of OFM.

15. Adjourn

The meeting adjourned at 12:40 p.m.