

CHEHALIS BASIN BOARD SUMMARIZED MEETING AGENDA AND ACTIONS

Date: July 7, 2017

Location: Adna Grange, 123 Dieckman Rd, Chehalis WA 98532

ITEM	FORMAL ACTION	FOLLOW-UP ACTION
1. Consent Agenda	Decision: Approved; no changes	No follow-up action requested.
2. Office of Chehalis Basin (OCB) Director Position	Discussion	Email feedback on desired qualities for OCB Director to Gordon White by Friday, July 21, 2017. Maia Bellon will review.
3. Tribal Perspectives on the Chehalis Basin	Discussion	No follow-up action requested.
4. Overview of Board Responsibilities	Information	AAG will provide answers to follow-up questions.
5. Board Procedures/Decision Making <ul style="list-style-type: none"> a. Determine Method of Decision Making (page 9 of 6/28 draft Board Handbook) b. Meeting Minutes (page 11 of 6/28 draft Board Handbook) c. Meeting Locations 	Decision: <ul style="list-style-type: none"> a. Consensus Decision-making. Board decisions and recommendations will be consensus-based, with option for voting members to vote if consensus cannot be reached. b. Meeting summaries will be provided well in advance of subsequent meeting so Board can review and report back to their appointing authorities. c. Discuss meeting locations at the next Board meeting, August 3, 2017. 	<ul style="list-style-type: none"> a. Handbook language will be amended to reflect approved decision-making method, as well as other corrections. b. Not applicable. c. Prepare to discuss and decide on meeting locations (alternate/central location?)
6. Overview of Roadmap and Board Relationship with Other Organizations	Information	Ecology will create visual timeline of roadmap to illustrate where issues/topics are currently at in the process, and anticipated times when items will be presented to the Board for decision.
7. Additional Funding for Aquatic Species Restoration Plan (ASRP)	Decision: Delay decision to provide additional funding; capital budget has not been passed.	Gordon discuss with ASRP Steering Committee. Add this item to August 3 Board meeting agenda.
8. Next Steps and Closing	Discussion	Next Board meeting, August 3, is anticipated to be in Montesano.

CHEHALIS BASIN BOARD MEETING SUMMARY

Date: July 7, 2017

Chehalis Basin Board Members Present:

Dave Burnett	Confederated Tribes of the Chehalis Reservation	Steve Malloch	Office of the Governor
Edna Fund	Chehalis River Basin Flood Authority	Vickie Raines, Chair	Chehalis River Basin Flood Authority
Jay Gordon	Chehalis River Basin Flood Authority	J. Vander Stoep	Office of the Governor
Tyson Johnston	Quinault Indian Nation		

Chehalis Basin Board Ex Officio Members Present:

Justin Allegro	Department of Fish and Wildlife	Stu Trefry	Washington State Conservation Commission
Stephen Bernath	Department of Natural Resources	Gordon White	Department of Ecology
Kris Strickler	Department of Transportation		

Board Staff/Board Guests Present:

Pierre Augare	Quinault Indian Nation	Maria Hunter	Washington Department of Fish and Wildlife
Chrissy Bailey	Department of Ecology	Jim Kramer	Ruckelshaus Center
Maia Bellon	Director, Department of Ecology	Gen McMoore	Department of Ecology (Note taker)
Danielle Dan	Quinault Indian Nation	David Price	Washington Department of Fish and Wildlife
Rob Duff	Office of the Governor	Laura Watson	Office of the Attorney General, Ecology Division
Stephanie Duvall	Office of the Attorney General, Ecology Division		

Introductions and Welcome

Chair Vickie Raines called the special meeting to order at 9:08 a.m. and welcomed the Board, staff, and audience. Board members provided brief introductions and shared their interests in the Chehalis Basin Strategy.

Shared interests include:

- Agricultural, community (tribal and non-tribal), economic, environmental, infrastructure, and transportation
- Development of mutually balanced and beneficial strategy
- Future sustainability of species and natural resources; recovery of fisheries and aquatic species
- Maintaining connections and partnerships with community
- Protection of community, tribal partners, tribal rights, citizens
- Reducing flood damage

Consent Agenda

The Board did not have additions or revisions to the agenda.

BOARD DECISION: Agenda approved.

Jim Kramer announced that the meeting is being audio recorded. Sign-up sheets for public comments (3-minutes maximum) have been placed near the meeting area entrance door.

Office of Chehalis Basin (OCB) Director Position

Maia Bellon, Director of Department of Ecology, shared her perspective about the value and mission of the new OCB and Chehalis Basin Board (Board). Maia is committed to finding a good Director for the OCB to support the Board's work. Ecology will staff the new OCB. The OCB Director will be a direct report to Maia, and will take direction from the Board. The recruitment process for the OCB Director position is underway; aiming to fill the position by September 2017, and no later than November 2017.

Several Board members provided initial feedback for OCB Director ideal qualities:

- Legal background is important. This position requires someone with legal background so he/she can understand complex process and follow them closely.
- This position requires a deep understanding of fish, flood, Chehalis Basin community, as well as how the Washington state government works.
- Capacity to learn is vital. Technical expertise is secondary.
- Someone who recognizes and respects current leadership, and can lead from behind.
- Someone who is cognizant and respectful of various interests.
- Someone who has respect within the state legislative body and within federal government.
- Must be able to gain the support from the basin communities and different interest groups.

In the interim while recruitment for OCB Director is underway, Gordon White and Gen McMoore will support the Board. Chrissy Bailey's role has shifted from PEIS project manager to OCB Project Manager.

Follow-up Action: Email feedback on desired qualities for OCB Director to Gordon White gordon.white@ecy.wa.gov by **Friday, July 21, 2017**. Maia Bellon will review.

Tribal Perspectives on the Chehalis Basin

Dave Burnett, Confederated Tribes of the Chehalis Reservation, and Tyson Johnston, Quinault Indian Nation, provided valuable perspectives on behalf of their respective tribes about their interest in the Chehalis and the Chehalis Basin strategy.

Overview of Board Responsibilities

Stephanie Duvall, Assistant Attorney General, will be supporting the Board.

Assistant Attorney General Laura Watson, provided overview of the statute governing the OCB, and other statutes guiding conduct of Board members as public officials.

Laura presented the following PowerPoint presentations:

- **Public Records Act Training:** <http://www.ecy.wa.gov/programs/sea/floods/ChehalisBasin/PRATraining.pdf>

Key points:

- Use Ecology-issued email address when conducting Board business. Ecology OCB will be custodian of records.
 - Ecology support staff are currently working with their Information Technology Services Office to create Ecology email addresses for voting Board members.
- Do not retain transitory documents.

- **Open Public Meetings Act (OPMA):**

<http://www.ecy.wa.gov/programs/sea/floods/ChehalisBasin/OPMATraining.pdf>

Some key points for OPMA:

- *All meetings of the governing body of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in RCW 42.30.030*
- Committee of governing body is not subject to the OPMA when it lacks actual or de facto decision-making authority, and only does things like:
 - Gather and/or provide information, conduct internal discussions, give advice to governing body, perform an administrative support role.
- A meeting of a governing body occurs when a majority of its members (quorum) gathers with the collective intent of transacting the governing body's business.
 - A meeting can occur by phone or email, if a quorum participate and discuss agency business. If there is quorum on a phone call, this needs to be open to the public.
 - Receiving information without comment is not considered a meeting.
- A majority of the members of a governing body may travel together or gather for purposes other than a regular meeting or a special meeting, so long as no action is taken.
 - Discussion or consideration of official business would be action, triggering the requirements of the OPMA.
 - Consult Stephanie if you are unsure if a field trip/tour is considered a meeting. Depending on what the activity is, it may constitute as an "action" and will therefore be considered a meeting.
- Personnel actions brought to the Board need to be open and disclosed to the public.

Follow-up Actions: Regarding field trips/tours, the Board should provide an itinerary of the tour and make it accessible to the public.

The AAG will provide answers to the following questions raised by the Board after they conduct their research and gather information:

1. Under the Open Public Meetings Act, individual members of the Board may be deemed personally liable and incur civil penalties for knowing violations of the OPMA. Would the AG represent individual members of the Board in such a lawsuit?

2. If tribal Board appointees provide a written report of the meeting to their respective Tribes, would this written report constitute a public record? Will they be required to submit this written report to Ecology when a public record request comes in?
3. Which, if any, of the Board members may designate an alternate to be present at and/or vote at a Board meeting?
4. General topic for later discussion: more clarity regarding the different roles, actions, discussions, etc. which are permitted when a Board member is acting/discussing Chehalis Basin outside of his/her official capacity as a Board member.

Board Procedures/Decision Making

Gordon and Chrissy walked through the draft Board handbook. Board discussed and determined method of decision making (page 9 of the 6/28/17 draft handbook).

BOARD DECISION: Board decisions and recommendations will be consensus-based, with option for voting members to vote if consensus cannot be reached. All members unanimously supported the decision.

Meeting summaries will be provided well in advance of subsequent meeting so Board members will have time to review and report back to their appointing authorities. It will be critical for meeting summaries to clearly reflect Board member's perspectives and individual positions with respect to recording decisions made by consensus.

Follow-up Actions: Handbook language will be amended to reflect approved decision-making method. Corrections will be made to page 14, Ethics and Appearance of Fairness. It currently has old language from the Board RCW regarding conflict of interest. Board members were requested to submit comments on the draft Chehalis Basin Board handbook to Chrissy Bailey, chrissy.bailey@ecy.wa.gov, by close of business Wednesday, July 19, 2017. An updated version will be provided to you by Thursday, July 27, 2017.

The Board should be prepared to discuss and decide locations for Board meetings (stay within the Basin? alternate locations? option for phone conference?).

Overview of Roadmap and Board Relationship with Other Organizations

Chrissy Bailey and Gordon White walked through the draft roadmap document, which lists issues likely to come before the Board during the 2017-2019 biennium. Chrissy and Gordon also reviewed a draft summary of major groups and work efforts associated with the Chehalis Basin Strategy, and draft organizational structure for how the Board relates to committees and organizations involved in aspects of the Chehalis Basin Strategy. These draft documents are available on Ecology's Chehalis Basin Board website:

<http://www.ecy.wa.gov/programs/sea/floods/ChehalisBasinStrategy.html>

Follow-up Actions: Chrissy will create visual timeline of roadmap to illustrate where projects/topics are currently at in the process, and anticipated times when items will be presented to the Board for decision. This will make it easier for the Board to visualize timeline and progress. Also need to make sure Board is properly briefed so they can make appropriate decisions.

On page 6 of the draft Chehalis Work Efforts document, Chrissy will update the "Member Tribes, Groups/Organization" list. Chrissy will also make other needed clarifying changes.

On page 9 of the draft Chehalis Work Efforts document, we hope to broaden membership and add to this list as people become available to participate.

Additional Funding for Aquatic Species Restoration Plan (ASRP)

Chrissy Bailey, Maria Hunter, and David Price went through the memo outlining ASRP Steering Committee request for additional funding for development of long-term restoration plan in the 2017-2019 biennium, and potential options for funding the Steering Committee's request.

A big portion of the ASRP is funded by the capital budget, which has not yet been passed by the Legislature. We are working with reappropriated funds between now and when the capital budget gets adopted. There is funding for the Steering Committee to continue their work for at least a month in the interim.

Substantial technical and policy work is needed over most of the 2017-2019 biennium to develop the ASRP and garner support from the tribes, state, and key stakeholders.

Board support for the additional science work and ecological corridor must be considered in advance of September 2017 in order for the ASRP to progress this biennium. Page 3 of the "ASRP Budget Additions Memorandum" identifies four potential options (individual or combination) for changes to the existing budget.

Option 1: Reduce funds for advancement of certain elements of the long-term strategy. The current 2017-2019 budget includes approximately \$30.4 million for these purposes.

Option 2: Reduce funds for construction of priority aquatic species habitat restoration projects. The current 2017-2019 budget includes approximately \$8.2 million in state funds for habitat project implementation/construction (the remaining \$1.8 million is for staff support and permitting).

Option 3: Reduce funds for construction of local flood damage reduction projects (Priority #1 on Attachment 3). The current 2017-2019 budget includes approximately \$9.1 million for project implementation/construction.

Option 4: Prioritize reappropriated funds from the 2015-2017 biennium to fill any gaps resulting from choosing one of the options above, once reappropriated funds are available.

Gordon suggested Option 5, which is an alternative approach to funding the additional cost for the ASRP, if Board agrees with the value of the additional work. There will be cost savings from unexpended funds allocated in the last biennium (2015-2017). These savings may range from \$500 to potentially over \$1Million. However, we will not know for sure until sometime in September when all the invoices have been submitted. In addition, funds budgeted for this biennium for habitat projects, local flood projects, and other analyses will not have been fully committed before the end of September. If the Board affirms the Steering Committee's plan for developing the ASRP, an additional option for funding would be to use the available unexpended funds from the last biennium. If the unexpended funds are not sufficient to cover all of the increased cost for the ASRP, the Board will need to decide in September to use funds allocated to other elements of the Chehalis Basin Strategy; aquatic species habitat projects, local flood projects, or reduce/delay analyses of the project level EIS or Restorative Flood Reduction alternative.

Several Board members voiced their support for Option 5.

BOARD DECISION: Delay decision to provide additional funding as Board has not been briefed on the ASRP, and because the capital budget has not been passed yet. All members unanimously supported this decision.

Follow-up Actions: Gordon will attend the next ASRP Steering Committee meeting on Wednesday, July 12, 2017 and discuss alternative ASRP funding and get potential refinements to costs. Add this topic to the August 3rd Board meeting.

Closing and Next Steps

Gordon White will convey information about today's Board meeting to the media (The Chronicle, other).

The Board can expect regular briefing reports from Chrissy and Gordon (until OCB is fully staffed) at every meeting. It is important that the Board is clear on projects and next steps.

Meeting was adjourned at 2:55 pm. The next Board meeting is scheduled for Thursday, August 3, 2017 in Montesano.

DRAFT