

WALLA WALLA BASIN ADVISORY COMMITTEE (BAC) SPECIAL MEETING SUMMARY

Wednesday, September 4, 2024

1:00-2:30 p.m.

Virtual Only | Zoom

Time*	Agenda Item (Action items are marked with "!")	Reference Materials	Presenter(s)
1:00 (10 min)	Welcome <ul style="list-style-type: none"> Review agenda Opening remarks 	Agenda	<ul style="list-style-type: none"> Brook Beeler, Ecology, on behalf of the Tri-Sovereigns Amanda Cronin, Project Manager
1:10* (60 min)	Developed Water Project <ul style="list-style-type: none"> Context and background Ecology's response and next steps CTUIR Fisheries perspective BAC Member Questions 		<ul style="list-style-type: none"> Chris Marks, CTUIR Jaime Short, Ecology Ethan Greene, CTUIR
2:15* (15 mins)	Public Comment		<ul style="list-style-type: none"> Amanda Cronin, Project Manager
2:25* (5 mins)	Closing <ul style="list-style-type: none"> Next steps Closing comments 		<ul style="list-style-type: none"> Amanda Cronin, Project Manager Anton Chiono, CTUIR on behalf of the Tri-Sovereigns

*All times are approximate and may change

Welcome & Introductions

- Amanda Cronin, facilitator, welcomed everyone to the meeting and reviewed the agenda.
- Brook Beeler, Ecology, thanked everyone for joining. Ecology and the Tri-Sovereigns have heard lots of questions and conversations about the developed water project. This meeting is to share the lessons learned while implementing the new legislation we were successful in passing. Ecology as an agency and as a Tri-Sovereign wants to be very thoughtful about how to move forward and will carefully consider BAC and public feedback.

Developed Water Project

- Chris Marks, CTUIR, thanked everyone for attending. The legislation passed in Washington and Oregon is an unprecedented legal mechanism to protect water as it crosses the state line and furthers the goals of the Walla Walla 2050 Strategic Plan. There were unexpected gauge issues during this first developed water pilot, but this pilot presents an opportunity to learn and continue to improve the process. Chris noted the multiple decades of relationship building that laid the foundation for this pilot and expressed excitement to hear feedback and learn from this experience.

Presentation by Jaime Short, Ecology

- Jaime Short reviewed Ecology's activities to date on the developed pilot project (slide 7), which included consultation with fisheries co-managers and several public notices and opportunities for engagement.
- On August 1, Ecology checked gauge data and noted there was not enough water in Mill Creek. Watermaster Eric Hartwig communicated with the Army Corps of Engineers (USACE) and asked the Corps to keep some water in



Mill Creek as opposed to moving it down Yellowhawk, with the goal of maintaining live flow in both Yellowhawk and Mill Creek.

- Between August 1 and 9, community members on Yellowhawk Creek started sharing concerns about low flows in Yellowhawk. On August 9, a CTUIR technician measured the water at the Mill Creek @ Walla Walla USGS gauge (where it had been reporting low flows), and found the streamflow was far higher than what the gauge was reporting. After being notified, Ecology immediately started moving water down Yellowhawk Creek.
- The gauge error was completely unexpected. Mill Creek was actually at 8 cfs (which was the target flow established as part of the lease) when the gauge was reading far lower.
- Ecology took several immediate next steps after moving water back down Yellowhawk:
 - They met with USGS to discuss gauging protocol and how frequently they're in the field. In the future, Ecology staff will cross-train with USGS staff to share measurements, get people taking measurements in-person more frequently, and improve data accuracy.
 - Ecology will take manual measurements to verify flow, especially when regulating. After finding the gauge issue, they found that another gauge is also overreporting, so Ecology is working with USGS to manually measure regularly and maintain the 8 cfs flow for the rest of the developed water pilot.
 - Finally, Ecology has a Memorandum of Understanding (MOU) with USACE for Yellowhawk Creek and plans to work with the Corps to update the MOU.
- Ecology has several initial lessons learned and improvements they will make, including:
 - This situation brought to light that there isn't good consensus amongst fisheries co-managers about how and where to move water in the system. One future step is to get all the fisheries co-managers together in person to make a documented consensus decision.
 - Ecology's project management should include elements like ramping rates and contingency plans. Ecology will provide more direction and transparency to residents along affected streams, so everyone knows how the water will be moved down the system and no one is caught by surprise.
 - Ecology is working on a policy to clarify what types of water rights could be brought into this developed water program. Ecology **will not** bring "paper rights" (i.e., junior rights or rights that aren't used) into the trust program and then give them a super priority. This policy will help clarify the intent and purpose of participation in the developed water program.

BAC Discussion

- A BAC member asked if there were any documented fish kills? Why wasn't there any investigation into potential fish kills, particularly steelhead, and why was NOAA NMFS not contacted after the incident?
 - Fisheries co-managers and Ecology confirmed that there were no documented fish kills. There were some dry spots that had previously been wet (soil was still wet) but there were no fish kills documented or observed. However, summer steelhead were at least put in danger of being stranded and then being eaten by predators.
 - NOAA NMFS representatives requested that they be immediately notified if there's ever danger of potential take of ESA-listed species.
- BAC members asked why Mill Creek was chosen for this developed water pilot over Yellowhawk Creek?
 - A fisheries co-managers representative noted that they never expected to see Yellowhawk Creek get so low; it wasn't an anticipated risk of this pilot. Based on the information they had during the initial consultation, the fisheries co-managers agreed with the Tribes' recommendation for the water to move down Mill Creek. However, future projects may have different priority locations, and they plan to have a more comprehensive consultation process in the future.
 - A fisheries co-manager representative noted the low flows on Yellowhawk weren't even considered an option, since the issue was directly caused by the incorrect gauge data. A clear lesson learned is that the fisheries co-managers need to have more formal conversations about the best utilization of developed water. In the future, Ecology will consult the technical body Walla Walla Management, Monitoring, Evaluation, and Operations Committee (WWMMEOC).
- A BAC member shared that if fish survived in Yellowhawk, it's because of the beavers, who have created some deep cold pools. One thing that could be improved is the speed of response once low flows were identified – they

and many others were saying “the house is on fire” but it was 7-8 days later once the agencies responded. In these developed water scenarios, there need to be more immediate checkpoints with fisheries co-managers in case of emergency.

- Jaime Short thanked community members for the communication and concerns they expressed and acknowledged that Ecology should have manually checked the gauge sooner. They had misplaced confidence in the USGS gauge data. Ecology should have checked it sooner, and that will absolutely be part of the protocol moving forward.
- A BAC member asked if there was any ramp-up period when the City of Walla Walla started to slowly forgo the leased water, and asked how the protocol between Ecology and USACE works? They commented that this pilot has successfully taught us so much, because so much didn’t go as planned. These are opportunities for learning.
 - Frank Nicholson, City of Walla Walla, answered that the lease is from August 1 – September 30. There was no ramp-up period; the City pulled the same amount of water until August 1, then adjusted.
 - Jaime Short and Brook Beeler answered that Ecology has an MOU with the Corps. The Corps owns and operates the infrastructure and moves the water as Ecology directs. Ecology made the decision and provided direction for when the water should go down Mill Creek or Yellowhawk. USGS monitors flow through their gauges. Ecology and the Corps plan to update the MOU to better reflect current processes.
 - Cindy Boen, USACE, agreed with Jaime. The Corps moves water at the direction of Ecology unless we reach a flood flow threshold. The Corps owns the hardware, but Ecology manages the water for the state of Washington. Watermaster Eric Hartwig works closely with operators at Bennington Dam and Diversion Dam to implement that split and move water. There are some updates needed for the MOU –conditions and priorities in the Basin have changed.
- A BAC member asked why the developed water was directed down Mill Creek while there’s also significant instream work in Downtown Walla Walla, bridge replacements, weir notching, and more.
 - Chris Marks and Ethan Green, CTUIR, responded that there’s more monitoring infrastructure in Mill Creek, so it’s easier to track the water and the fish in Mill Creek. As stated previously, no one anticipated any changes to Yellowhawk Creek.
 - A BAC member stated that the long-term goal is to have Mill Creek as a main fish passage route and have Yellowhawk more for salmon population recovery.
- A BAC member asked if we could revisit the season of when the developed water flow is bypassed. Maybe it’s better in May/June rather than Aug/Sept.
- BAC members recommended that Ecology apologize to the landowners who were affected by this developed water pilot, and work on rebuilding their trust. We could lose a lot of trust from community members if they are only familiar with Walla Walla 2050 through what happened in August. We need to be very thoughtful in our outreach going forward, especially on this issue, and offer clear explanations/transparency in every possible avenue. A BAC member suggested the fall open house and other fall outreach events should highlight the lessons learned and what we will do differently in the future.
- A BAC member commented that the Ecology press releases should have been circulated to BAC members for review before publishing, especially since they stated actions are taken under the direction of Walla Walla 2050.
 - Jaime acknowledged this comment but noted that Ecology was trying to respond immediately to the concerns through these press releases. It was challenging that most of the concerns were not shared directly with Ecology but were happening on social media platforms like Facebook.
- A BAC member noted that all information came from Ecology, and BAC members were not given any responsibility for outreach. BAC members could have likely contacted landowners more quickly individually, which could have improved communication much earlier. Instead, many people learned about the WW2050 Plan for the first time because their creek didn’t have water in it, which is a negative first impression. The BAC member recommended Ecology utilize their local BAC contacts to help raise awareness among the community. Other BAC members agreed with this recommendation.
 - Jaime appreciated this offer and would love to involve BAC members in future outreach. Ecology had drafted an outreach plan for developed water this spring, and Jaime presented it to the BAC a couple months before the pilot started. Jaime will bring it back to the BAC and see if there are places where BAC members would like to be involved in the outreach.

- A BAC member noted that, from a salmon recovery perspective, Yellowhawk Creek is critical spawning ground and critical habitat. However, the primary passage route is Mill Creek. While it was an unintended outcome that Yellowhawk would go low through this, they shared other people's concern about low flows in Yellowhawk.
 - A fisheries co-manager representative agreed, Yellowhawk will always be an important stream, for spring chinook, steelhead, and others, and maintaining a flow in Yellowhawk will always be important. But the fisheries co-managers need to have a discussion about where to route water through the system and come to consensus about where we want preferential fish migration in the future.
 - A fisheries co-manager representative noted that the co-managers have their own lessons learned through this process and their own role in this pilot project. In the future, WDFW will more carefully consider risk factors and think about options like ramping rates or minimum flow.
 - A fisheries co-manager echoed these comments. The drop in flows was unexpected and Yellowhawk is an important stream for ESA-listed and other CTUIR First Foods fish species. Mill Creek is anticipated to be the main passage route in the future. To the question about flow minimums, CTUIR has developed recommendations for minimum ecological flows Basin-wide, including in Yellowhawk Creek, which could be a good starting point for conversation.

Public Comment

- A member of the public commented that they've lived on Mill Creek, just above the Kooskooskie Gauge, for more than 30 years. They asked for clarification between what people are calling "developed water," or "new water," versus the "floor" of 8 cfs. They also noted that the Kooskooskie gauge today is 5 cfs over the median, but it's 2 cfs below last year at this time. Last Chance gauge is 5 cfs over both the median and the previous year.
 - Anton Chiono, CTUIR, explained that the City of Walla Walla has been working for many years to be able to switch to stored winter water during the summer, rather than pull from Mill Creek. By switching to stored water, they can create temporary leases with Washington Water Trust each year. During that lease, the City is prohibited from taking their full water right, so they're not allowed to divert more than 20 cfs in August and September. This year, because we were in a drought, the City's switch to stored water wasn't as distinct a difference because they had already been relying on pumping stored water.
 - Jaime Short agreed, the 8 cfs "floor" was what Ecology could protect, but they weren't necessarily expecting to see 8 cfs exactly throughout the whole system. In the future, Ecology can adopt and reflect flow conditions in these agreements such as ramping rates, minimum flows, etc.
- A member of the public shared sympathy for Eric Hartwig's position as Watermaster. It was his responsibility to make decisions, and he was doing the best he could with what he was instructed.
- A member of the public supported the idea of talking about about a Basin-wide minimum ecological flow, as well as the Yellowhawk/Mill Creek biological tradeoffs. They also supported further outreach to landowners.
 - A BAC member reiterated that it has been very helpful to reflect as a group about the lessons learned.
 - A BAC member stated that there needs to be some way to contact landowners who lost their water for a whole week, take responsibility, and provide a clear explanation about what happened and what we're going to do in the future. This would be very helpful to change the public's attitude.
 - Another BAC member agreed. There should be some outreach and apology to those who were affected financially (pump burned up, or pastures dried up). This outreach could offer credence to what we did and that we're trying our best, as well as the lessons we learned and how we're going to do better in the future. This would go a long way to reinstate the trust in WW2050.
 - A BAC member recommended reaching out to the Union Bulletin to ask them to do a feature about what we've learned and what we'll do in the future.
 - Brook Beeler, Ecology, thanked BAC members for these recommendations and agreed that there needs to be broad communication on lessons learned and forward-looking action. She noted that Ecology hasn't yet heard of anyone who experienced financial impacts, so cannot address what they don't know. If there are people who have experienced hardship, please send their contact information to Brook Beeler (brook.beeler@ecy.wa.gov).

- A BAC member recommended that Ecology have an additional staff person answering calls and fielding questions for the Walla Walla Basin, since Eric Hartwig is extremely busy.

Closing Comments

- Anton Chiono, CTUIR, thanked everyone for attending and sharing their feedback. While this wasn't the outcome we hoped for, there have been very thoughtful reflections and lessons learned. Success has many different manifestations. This pilot pressure-tested the system, and we survived, but we also identified some glaring gaps—particularly in monitoring and measuring—that need to be addressed if we're going to move forward. We also need more staff capacity to address time-sensitive issues and get more people out on the ground. We look forward to building on this foundation, addressing these gaps, and working together to improve going forward.

Appendix A. Attendees

WWBAC Members & Alternates

First Name	Last Name	Affiliation
Agriculture		
Alli	Newhouse	Little River Group
Annie	Byerley	WA Agriculture / Walla Walla Conservation District
Mark	Wagoner	Gardena Farms Irrigation District
Mike	Ingham	Gardena Farms Irrigation District
Renee	Hadley	Walla Walla County Conservation District
Travis	Trumbull	WWRID
Environment		
Judith	Johnson	Kooskooskie Commons
Ralph	Perkins	Walla Walla Basin Watershed Council
Sarah	Dymecki	Washington Water Trust
Steve	Martin	Snake River Salmon Recovery Board
Troy	Baker	Walla Walla Basin Watershed Council
Recreation/Quality of Life		
Jerry	Norquist	Blue Mountain Land Trust
Linda	Herbert	Blue Mountain Land Trust
Economic Development		
Amy	Schwab	Port of Walla Walla
Nick	Velluzzi	Walla Walla Community College
Local Government		
Dan	Dorran	Umatilla County
Frank	Nicholson	City of Walla Walla
Jack	Miller	Columbia County
Robert	McAndrews	City of College Place
Steven	Patten	City of Milton-Freewater
State Government		
Jeff	Dengel	WDFW
Mark	Wachtel	WDFW
Taylor	McCroskey	ODFW
Tribal Government		
Chris	Marks	CTUIR
Federal Government		
Cindy	Boen	US Army Corps of Engineers
Colleen	Fagan	NOAA NMFS
Tri-Sovereigns (Ex-Officio/Non-Voting Members)		



Anton	Chiono	CTUIR
Brook	Beeler	Ecology
Chris	Kowitz	OWRD
Tom	Tebb	Ecology

WWBAC Members Not in Attendance

First Name	Last Name	Affiliation
Local Government		
Todd	Kimball	Walla Walla County
Tribal Government		
Jerimiah	Bonifer	CTUIR
Federal Government		
Justin	Yeager	NOAA NMFS

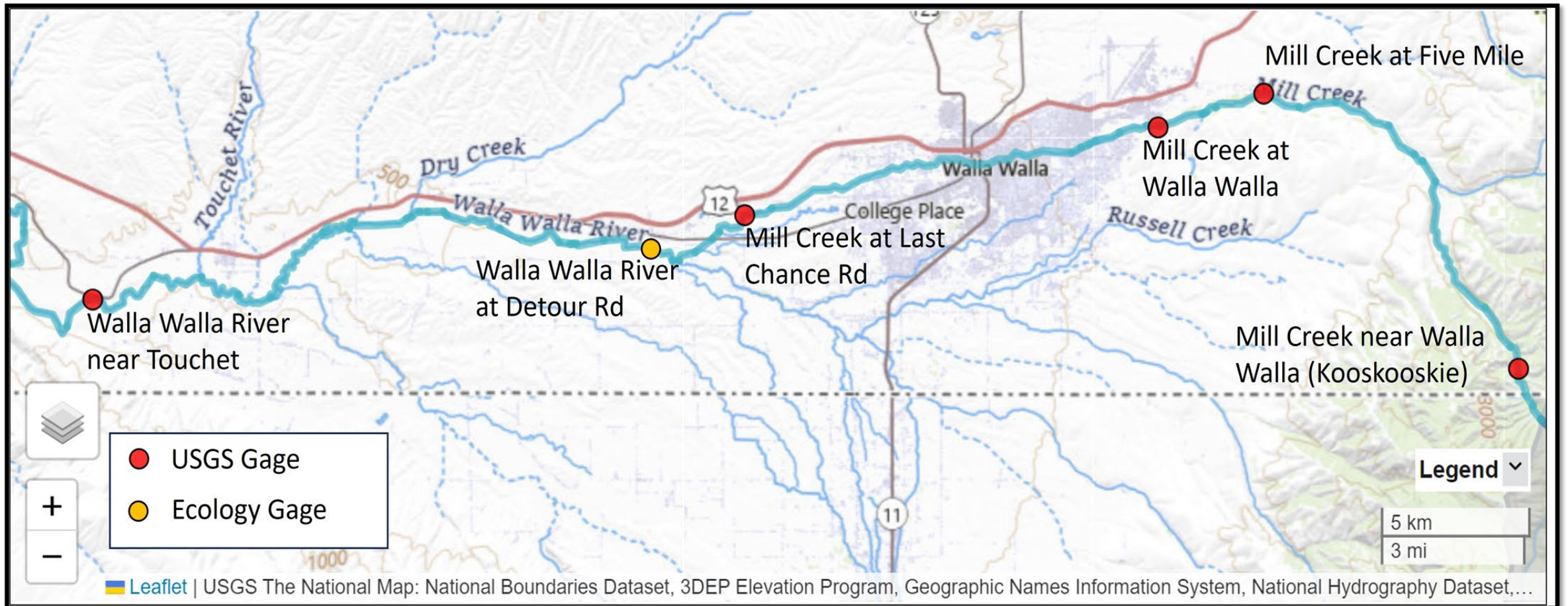
Other Attendees

First Name	Last Name	Affiliation
Adriane	Borgias	Ecology
Alle	Brown-Law	Cascadia Consulting Group
Amanda	Cronin	AMP Insights
Annie	Simpson	Ecology
Barbara	Hetrick	Walla Walla Resident, Yellowhawk Creek Permit Holder
Bob		
Bryant	Gartland	Aspect Consulting
Catherine	Veninga	Washington State Senate Democratic Caucus Staff
Charlotte	Regula-Whitefield	OWRD
Chris	Beard	Ecology
Dara	Osborne	City of Walla Walla
Emily	Tilden	Ecology
Eric	Hartwig	Ecology
Ethan	Green	CTUIR
Greg	McLaughlin	Washington Water Trust
Heather	May	Ecology
Jackie	McCool	WDFW
Jaime	Short	Ecology
Janna	Guzman	ODFW
Jon	Campbell	
Kaila	Anderson	Landau Associates
Karen	Robison	US Army Corps of Engineers
Luke	Martin	OWRD
Nina	Lottsfeldt	Washington Water Trust

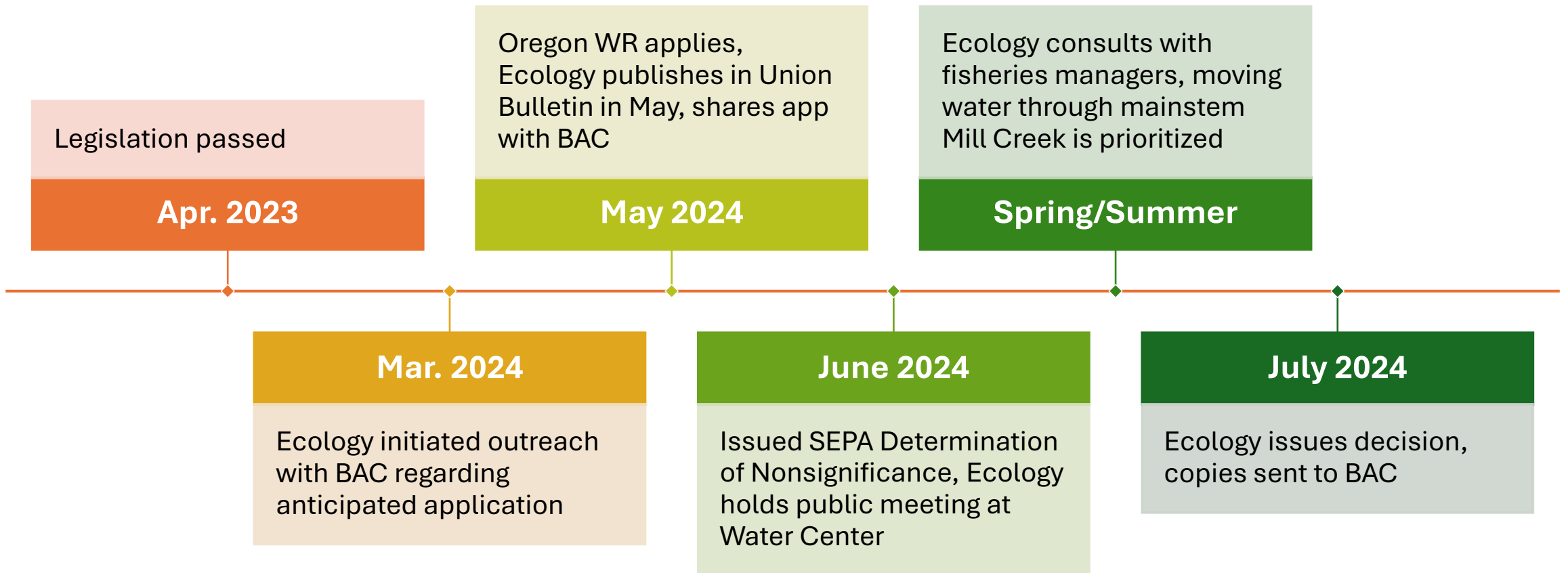
Randal	Son	Landowner on Mill Creek
Robin	Nimmer	Alta-SE
Scott	Tarbutton	Ecology
Stephanie	May	Ecology
Stuart	Crane	Yakama Nation
Tim	Poppleton	Ecology
Unidentified Call-in User 1		
Unidentified Call-in User 2		

Developed Water: Project to Date & Lessons Learned

Jaime Short, Ecology
9/4/2024



Recap of Activities to Date



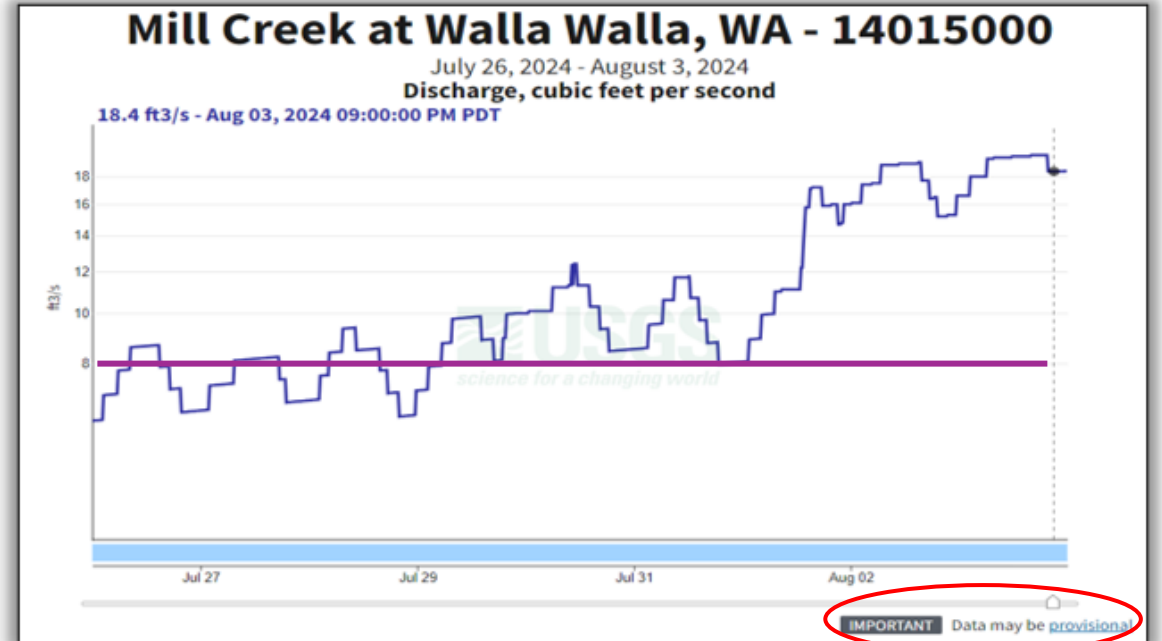
Fast-forward to August 1, 2024



August 1st - August 9th



USGS Gage Data Revised



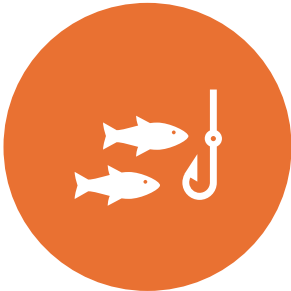
Immediate Steps

Met with USGS to discuss gaging protocol, Ecology staff crosstraining with USGS to improve data accuracy

Ecology staff taking manual measurements to verify flow, especially when regulating

Met with Army Corps to review MOA for Yellowhawk, updates needed

Process Improvements



Fisheries comanagers meet, consensus recommendation will inform Ecology decision



More outreach to residents along affected streams



Ecology decision should include elements like ramping rates, contingency plans



Ecology drafting policy to clarify participation in developed water program, BAC review this fall/early winter

Questions?

Jaime Short

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Jaime.short@ecy.wa.gov

