

**Chehalis River Basin Flood Authority  
Work Session  
Veterans Memorial Museum  
100 SW Veterans Way  
Chehalis, WA 98532**

**January 20, 2011  
Meeting Notes**

**Board Members Present:** Ron Averill, Lewis County Commissioner; Karen Valenzuela, Thurston County Commissioner; Terry Willis, Grays Harbor County Commissioner; Andrea Fowler, Town of Bucoda; Julie Balmelli-Powe, City of Chehalis; Edna Fund, City of Centralia; Jim Cook, City of Aberdeen; Dan Thompson, City of Oakville; Mark White, Chehalis Tribe; Dolores Lee, Town of Pe Ell

**Board Members Absent:** Ron Schillinger, City of Montesano

**Consultants Present:** Pat Bissonnette and John Ghillarducci, FCS Group; Bruce Mackey, ESA Adolfson

**Others Present:** Please see sign in sheet

**Handouts/Materials Used:**

- Agenda
- Regulations Memo
- PowerPoint
- Memo: Flood Plain and Land Use Regulations
- Regulatory Work Group Staff Report
- Graph of Multi-County Flood Entity Formation Schedule
- Alternative Outreach Proposal

Chairman Willis called the meeting to order at 9:04 a.m. Self-Introductions were made.

**1. Flood Entity Interlocal Agreement**

*a. Formation*

Ms. Bissonnette stated last month she distributed an outline on how to create a flood control zone district (FCZD) by Interlocal Agreement involving three counties and the Tribe. There are five major issues to get resolved as soon as possible and these are items a-e on the agenda. Ms. Bissonnette and Mr. Mackey interviewed each board member since the December meeting regarding these items; some brought additional staff to provide a broader input.

Since the new legislation won't be signed in July, decisions will be based on the existing statute. Whatever is done will be compatible with the new legislation. It was agreed that somewhere in the development and funding of the FCZD entity it would be desirable to have a public vote. The public is concerned with how much money will be raised and how it will be used.

Will the formation of the flood entity be accomplished with a public vote? A vote on bonds allows a capital plan and a financing plan with a borrowing plan imbedded.

Commissioner Averill asked, due to a limited window for voting, about the formation of the FCZD by BOCC vote. Ms. Bissonnette stated while it may be important to have a public vote it is not feasible prior to forming the district. Many members talked about the value of having the

opportunity to vote for the elected board. That will be covered in "Membership". The question was asked if there would be an advisory ballot prior to June, 2011. Ms. Bissonnette stated that is not feasible. There will be a vote on a capital plan, financing or bond approval in the future. That is the appropriate place for a public vote.

Mr. Thompson asked if a capital plan is considered a project and would it be funded by a bond. Ms. Bissonnette stated you could have a project that is not funded by a bond but it would be a small one. Mr. Thompson asked if the entity wanted to do a capital project without a bond, would a vote be needed. Ms. Bissonnette stated that is not required.

*b. Boundaries*

Ms. Bissonnette stated initially boundaries were formed by jurisdictions within Grays Harbor, Lewis and Thurston counties within the Chehalis Basin. Non-tribal boundaries are subject to a Boundary Review Board (BRB) hearing. It was mentioned that Mason County did not participate in the Flood Authority partly because of population in the areas that flood. Ms. Bissonnette stated that does not preclude having sub-area boundaries. A sub-area could include only those benefiting from projects or it could include the entire flood plain.

Commissioner Averill asked if there are sub-areas within the boundary is there not a conflict of boundaries? Ms. Bissonnette gave an example. If the future group decides that everyone contributes but people in the flood plain benefit more, a sub-area could be drawn around the flood plain and charge rates because those people benefit more. You don't have to charge a uniform rate for everyone.

Question: If there is already a FCZD there would be two layers so does that automatically become a sub district of the larger one? Ms. Bissonnette stated if it is a FCZD it can only overlap with the new legislation. Current legislation does not allow overlap. Commissioner Averill stated Lewis County is dissolving the existing FCZD so there will be only one.

Mr. Ghilarducci stated sub-areas do not have to be officially designated to anything. This can be where a different rate is charged and you can't do that with a tax under a FCZD. They are not an officially designated area.

Ms. Bissonnette stated by selecting a larger boundary you do not need to form a sub-area but if you want you have that option.

Ms. Bissonnette learned from the Board members that there is an assumption that the boundary would be within the three county area and tribal lands. There has been discussion regarding Black Lake and its "plumbing" with Commissioner Valenzuela. It will take some hydrologic analysis to resolve that issue. The default is based on the first assumption and if it is not dealt with here it will be dealt with by the BRB.

Commissioner Valenzuela stated both surface and ground water were discussed. Until the analysis is done she is assuming the line is drawn so that Black River is in but Black Lake is out. She also stated the Deschutes is out.

Ms. Bissonnette stated the concern about the boundary study is that whatever decision is made it does not set a precedent that everyone else cannot live with. It also has an impact on

financing. If a precedent is set to carve someone out of the boundary, that will be used in the BRB. The idea of the boundary just around the flood plain is not a good idea. In the adoption of the boundaries for the counties you need to think through what the criteria is that you use and the criteria the BRB uses in setting the boundaries. They need very clear criteria. She stated that Thurston County does not have to go through the BRB if it uses its drainage utility.

*c. Membership*

Ms. Bissonnette stated the initial board of the County FCZDs will be the county commissioners unless the new legislation passes.

Chairman Willis asked if we base decisions on going with an elected board with an appointed board in the interim, unless the legislation passes we won't get to the elected board. Ms. Bissonnette stated that was correct.

Mr. Ghilarducci stated there could be an elected board within Grays Harbor County.

Commissioner Valenzuela stated if we tie ourselves with an interlocal agreement (ILA) absent of legislation providing for a multi county FCZD, that ILA could specify elected or appointed supervisors. Ms. Bissonnette stated yes, the ILA could state that membership is limited to elected officials. Commissioner Valenzuela stated that the only way to get to elections is to work on the legislation. Ms. Bissonnette stated you can but there will not be a vote of a person in Thurston County for a supervisor in the multi-county FCZD. Only Thurston County could vote to put that person in.

Ms. Bissonnette suggested that the board try to think of a point of commonality about whether it wants an elected board or not. If the Tribe and the counties form a FCZD then each county and the Tribe could appoint one member to the ILA board by June, 2011. That would be four members. The cities could caucus to appoint an ILA member. The state would be an ex-officio member (non-voting) which gives you six members with five voting members. With the new legislation you could decide that the four municipal members would stand for election and that could be done in November, 2011 and that can be stated in the ILA.

Ms. Bissonnette explained the chart on page 8 of the PowerPoint. Cities will not put money directly into the FCZD; their money will go through the county. No election is required in any of the places: the first board has to be appointed and the second step is optional. The first row is the option of the county; the second row is the option of the entity.

There was discussion on how cities would be involved. The position could be rotated among all the cities; every city could be part of the advisory board and if that is the desire, then it should be specified in the ILA.

Mr. Donahue stated regarding the State DOT as an ex-officio member, it is acknowledging that it will be at a high level and is considering how it will participate.

Ms. Bissonnette stated there is no presumption on who is going to sit on the board. The state will figure that out and the counties will say who their appointees are. Everyone thought there was high value in having the state on the board with the understanding of the issue of voting. Mr. Donahue stated he would like to know what people see when they see the "state" box.

Mr. Mark Swartout stated the green line on the chart assumes that the Thurston County Utilities is in the boundary, and there is an assumption that Thurston County and Grays Harbor Counties are included in the FCZD. A city could object to the BRB and the BRB could reduce the area. Ms. Bissonnette stated they can, but the BRB cannot be arbitrary about who is in or out. Mr. Swartout stated there is an assumption that all cities will be in the FCZD which is probably the case but not absolutely. Ms. Bissonnette stated there are a lot of assumptions. Mr. Swartout asked that all the assumptions are stated.

Ms. Powe was concerned about the cities' representation. She suggested each county delegate a representative from each city. Ms. Bissonnette stated that needs to be thought of in the context of an election. It is tougher on an appointed board but that does not mean counties will not appoint a city representative to represent the county. You can go to an election which would provide more opportunity for city representation. If there is a person from every city, that would create a very large board, and it has already been decided that 11 is too many.

Ms. Bissonnette stated the fiduciary responsibility lies with the county. It takes the votes on taxes and rates and has to manage the money so it makes sense for the counties to have representation.

Mr. Mackey stated the counties can appoint a commissioner to the ILA district. If they appoint someone else that person probably lives in a city and he/she is not necessarily an elected official; or it could be a mayor from a city. You have to put it succinctly to prescribe that a county commissioner be on the board to have strong county ties.

Mr. Bob Johnson stated county commissioners are elected by the corporate cities and the unincorporated areas. To have a city elected official when there is a county representative could skew representation. This must be considered carefully. As an example, Commissioner Averill represents Lewis County and also represents the cities within the county. Cities are represented under the model that exists in state legislation for that purpose.

Mr. Mark White asked if sub-groups can be made up from the county, Centralia and Chehalis and anyone who comes from the ILA bringing the viewpoint from the ILA. Ms. Bissonnette stated appointees will not be there very long if they are adverse. There is no way to decide this now because legislation does not exist yet.

There was more discussion about representation and who could or should be included. Ms. Bissonnette stated you cannot have broad representation and a workable board. The suggestion about an advisory committee could include agriculture and forestry. She stated she has worked with an advisory board and that was the only way to get all of the cities in King County to not back out. In 28 years Green River has never had one recommendation not go through because it has a very powerful advisory committee. That is where all the issues get hashed out. The 6-member ILA-Flood District will have a terrific work load. To get a lot of public buy-in and to hear the issues from cities, ag and forestry and people on the river, you will need a robust advisory committee. The existing statute expressly provides for it. You could only have 15 members on the top row but there is no limit to the middle box. Rotating members works well.

*d. Voting*

Ms. Bissonnette stated everyone wants to go with Robert's Rules of Order. There could be a super majority vote for some items, such as financial issues. The need to continue a consensus was not wanted. Tax votes would remain on the top tier and would not come to an ILA without the new legislation.

Ms. Powe confirmed that voting cannot be addressed until the board is set up. Ms. Bissonnette stated based on this scenario (the block chart), if the board is appointed then you have choices. Ms. Powe stated she did not want to lose the option of weighted voting.

**2. Break**

The group recessed until 10:30.

**3. Flood Entity Interlocal Agreement**

*e. Floodplain and Land Use Regulations*

Ms. Bissonnette stated there is no requirement to put land use into an ILA. There is no authority in the FCZD for land use. The recommendations are included in the flood plan but that does not do anything – they must be implemented by the counties and cities. There are two theories: 1) mitigate damage on structures in the flood plains, such as levees and dams; and 2) the flood plain should be preserved to flood.

Ms. Bissonnette stated there is a strong desire for consistency regardless of what it is across the basin. There is recognition that past practices are not going to change – we will not uproot communities in the flood plain. Focus will be on new development. There is also recognition that urban development is a benefit to a jurisdiction in a flood plain rather than leaving it undeveloped. It could be considered that those who do not develop in a flood plain do not pay as much for protection as those who do. There is not an expectation that huge investments will be made to protect agricultural land; ag lands have lived with flooding for years. There is the recognition of tidal influence.

Ms. Bissonnette's concept is that perhaps the group should start with consistency and develop a baseline that at a minimum certain things are going to happen. Everyone should look at the 16 recommendations in the Flood Plan to see what each can live with. Give yourselves a period of time to go through the adoption process, which all cities and counties would do. If some jurisdictions want to go beyond that to get a higher CRS rating that is good. They may be able to get a financial bonus on the theory that they are doing something to prevent flooding and reduce costs to the Flood District. For an area that is going to develop and needs levees or dams, or for those jurisdictions that don't adopt the baseline there will be a consequence such as a premium for not bringing their development regulations up to the baseline because they are creating more cost to the district. The allocations would be implemented by the top tier on the chart. Example: If a jurisdiction (in the middle tier) adopts all they could to get a reduction in their allocation then it would be implemented in the top tier. If Grays Harbor County has a FCZD and there are 9 jurisdictions plus the county (10) and 9 adopt, you could have a subarea and that one jurisdiction has a certain amount of time to do (this) or it pays (x) amount to the county. If Lewis County decides to adopt all 21 recommendations and all the jurisdictions decide to do the same, it would affect the county's allocation and the county could provide that to its municipalities through its rate structure. This can only be done on rates, not on taxes.

Mr. Ghilarducci stated under the FCZD statute consent on the part of a city is not required. The FCZD can impose a rate regardless of the city's impact. There does not have to be a direct correlation but an indirect link.

Someone asked what would happen if McClearly did not want to join the FCZD.

Ms. Bissonnette stated it is up to economics to show what the benefits are for the baseline regulations. As long as the economics show that across the basin the baseline shows benefits McClearly would not have the option not to join. When the economic analysis is brought to the Flood Authority we hope to show the grounds for including everyone.

Mr. Mackey stated there is a report at the back of the plan showing how the recommendations tie to more CRS points which implies less damage and lower insurance rates.

There was discussion about knowing where each jurisdiction is on adopting the recommendations. Commissioner Averill stated the matrix did not include jurisdictions that are not in the Flood Authority. Chairman Willis stated only Flood Authority jurisdictions were to approve the plan and not all of them have done it. She asked where each jurisdiction is in the process and would like that topic on the February agenda.

Mr. Swartout stated a lot of regulations will be changing in five or six months. Ms. Bissonnette suggested putting a value on 16 recommendations, or whatever number, and a value number on the rest. There will be economics surrounding that with a factor in your allocation. All jurisdictions within the boundary will have to adopt them within a period of time and can use the economic analysis to come up with a percentage or premium. This would come into play with the county structure, not a multi-county FCZD.

Mr. Thompson stated this goes back to public relations. If the jurisdiction adopts the 16 points the taxpayer sees benefits without direct taxation. All these measures are going to help stop damage and save money. It is a good public relations element to show tax payers that the Flood Authority has a use other than for just studies.

Ms. Bissonnette went through the Flood Authority decisions on the ILA. The Board generally agreed with the formation by action of jurisdictions; the boundary to include the Chehalis Basin in the three-county area and reservation lands by consent of the Chehalis Tribe; 5 member appointed board with an ex-officio state member. There is still a concern about the cities. Ms. Bissonnette will draft it to say that within 6 months the board will stand for election. It can be thrown out if the Board does not like it. There was agreement on the Robert's Rules of Order for voting.

Ms. Bissonnette stated there is not a specific proposal to make on land use; it is more of a concept. She gave the example of someone willing to pay the parking ticket to park where he wants. She is looking for ways to keep people in. If the Board agrees with that she will develop it once the economic data is available.

Mr. Thompson asked how much money there is for mitigation. Ms. Bissonnette stated the economic development shows what damage you will avoid and the insurance you save. These should be in the economic analysis.

Mr. Bruce Treichler stated he hoped there would be elections. He asked who draws the district lines. Ms. Bissonnette stated the county auditor does that. Mr. Treichler asked what happens if it crosses county lines. Ms. Bissonnette stated that question is still to be answered.

Mr. Treichler asked if the economic data talks about avoided costs. Ms. Bissonnette stayed yes. Mr. Mackey stated the report from the PUD talked about using the Corps' model. Ms. Bissonnette stated FCS Group is using it, too, but they are tasked with getting the full range of benefits. They did not take economic disruption into consideration. When FCS did theirs, they were told to take it all in, including job creation. Mr. Chase is taking a broader view of it.

Additional issues included the role of the ILA to review flood projects of jurisdictions. The ILA has no authority over the jurisdictions, such as funding. Dredging and a focus on rates are still an issue.

There is a need for funding after 2011. There cannot be any new taxes levied until the fall of 2011 with the earliest collection in January of 2012. Mr. Mackey has submitted an application for additional funds to carry over until elections take place for people or money. If that does not happen we will need a fallback to keep the district functioning.

Commissioner Valenzuela stated how elections are to be paid for has not been talked about. Ms. Bissonnette stated no one talked about it. It is listed as a "con" and should be bookmarked as an additional cost. Commissioner Averill stated it depends on whether it goes to a special or general election. General elections have ballots going out anyway. He also noted that even though money can't be collected until January the vehicle for it must be in place by October.

The next steps include drafting an ILA; in February have the economic analysis and financing of the FCZD and ILA Flood District. March: review the draft ILA, and jurisdiction FCZDs should be formed and subject to BRB process; April and May: complete the BRBs and the ILA; May and June: adopt the ILA; June and July: adopt new legislation and possible state funding for continuation.

Mr. Ghilarducci stated the schedule is a little behind on the ILA formation and the BRB process and the revenue requirements have been postponed. Ms. Bissonnette stated the group needs to move on the creation of the jurisdiction formations.

Mr. Johnson stated Lewis County is going to notice the dissolution of its existing districts on February 14. The 45 day period for the BRB will be done in time to meet the March schedule.

#### **4. Alternate Outreach Proposal**

Mr. Ghilarducci distributed a handout from Chris Hoffman which identified what can be done with the existing public outreach budget and incorporate lessons learned from the outreach effort last fall. It also identified the tasks that can be done by others to ensure that effective public meetings are promoted and conducted.

Mr. White asked why there would be less money spent in the *Olympian*. Mr. Ghilarducci stated he would ask Mr. Hoffman.

Chairman Willis stated if the budget is based just on cost it will not evenly distribute the advertising.

Mr. Ghilarducci stated the counties can send out postcards themselves if they wish to do so; that is not included in this budget. Radio spots are recommended to be made by the Flood Authority members themselves because of the recognition factor. Mr. Hoffman will limit his support in future public meetings to providing materials and set-up. Facilitation will be done by Mr. Mackey, Ms. Bissonnette or Flood Authority members, which will save money. There are other items that will require the participation of others if you choose to do them. One way to get word out is to write articles for editorial sections of the newspapers. Mr. Ghilarducci stated he will provide talking points so everyone is saying the same things.

Ms. Bissonnette stated the public will listen to the Flood Authority board, not to the consultants. It is important to get an information packet together. There is an opportunity now to promise what is going into the interlocal and this is the beginning of fulfilling those promises. You will have the economic benefits from Mr. Chase and hopefully you will have the ILA to stand on.

Mr. Mackey asked if the budget proposal is part of the existing contract. Mr. Ghilarducci stated it is and he will also develop talking points within that budget. The \$10,500 is not new money. FCS Group was trying to determine how to best spend what is left.

Commissioner Valenzuela asked what the goal is for going back out to the public. Mr. Ghilarducci stated the Flood Authority will have the ILA and all the policy decisions.

Ms. Bissonnette stated after the last public meetings FCS summarized the messages. The goal is to go back and demonstrate that you listened and you responded in the ILA especially the request for a vote. By then you may have decided whether you will have an elected board or not. At the end, the jurisdiction that has to make these decisions does it with an informed public. November will be the earliest for a vote so now you need to determine what you need in getting the votes of your Boards or Councils to create a FCZD in your own jurisdiction and make sure the public is with you.

Commissioner Willis asked when the talking points would be ready. Ms. Bissonnette stated once the BRB work is done the Board has to take action to form an entity and that is when the public meetings for outreach are scheduled. If you support the ILA the March meeting looks pretty good and FCS can get the materials to you immediately in March. The key is voting and how to address that.

Discussions followed about additional ways to notify the public: Centralia's TV station; a message on tax bills; include inserts with other bills; perhaps the PUD would put an insert into its bills. Mr. Ghilarducci stated the cost of the advertising budget is about 75% of FCS Group's total budget so far. That includes facilitating, preparing for meetings as well as the initial outreach. He does not know how much of that was just for public outreach initially. There is a little extra money available if the Flood Authority desires more advertising.

One issue the Flood Authority faced during the last public meetings was the public's need to talk about issues that were not really relevant. Mr. Ghilarducci stated FCS's intent was to respond to some concerns; they can't control what people want to talk about. Mr. Thompson stated he hoped there would be more varied discussion, not just about the cost of dams.

**5. Adjourn** – The meeting adjourned at 11:53 a.m.



**Chehalis River Basin Flood Authority  
Business Meeting  
Lewis County Courthouse  
351 NW North St.  
Chehalis, WA 98532**

**January 20, 2011  
Meeting Notes**

**Board Members Present:** Glen Connelly, Chehalis Tribe; Ron Averill, Lewis County Commissioner; Julie Balmelli-Powe, City of Chehalis; Edna Fund, City of Centralia; Andrea Fowler, Town of Bucoda; Ron Schillinger, City of Montesano; Karen Valenzuela, Thurston County Commissioner; Jim Cook, City of Aberdeen; Dolores Lee, Town of Pe Ell; Terry Willis, Grays Harbor County Commissioner

**Board Members Absent:** Dan Thompson, City of Oakville

**Others Present:** Please see sign in sheet

**Handouts/Materials Used:**

- Agenda
- Meeting Notes from December 16, 2010
- Ongoing Efforts
- Legislative Talking Points
- Multi-Jurisdiction Flood Control Zone District Legislation
- Letter from Chairman Willis to Keith Phillips re: General Investigation
- Anchor QEA Report

**1. Call to Order**

Chairman Willis called the meeting to order at 1:31 pm.

**2. Introductions**

Self-introductions were made by all attending.

**3. Approval of Agenda**

Chairman Willis asked if there were any corrections or additions to the agenda. There were none and the agenda was approved.

**4. Approval of the Meeting Notes**

Chairman Willis asked if there were any additions or corrections to the meeting notes from the December 16, 2010 work session. There were none and the notes were approved.

The Chair asked if there were any additions or corrections to the meeting notes from the December business meeting. There were none and they were also approved.

**5. Public Comment**

Mr. Vince Panesko asked for clarification on a couple of issues regarding the proposed dam. The Flood Authority funded the Phase IIB study and since the Flood Authority will be replaced in July 2011, Mr. Panesko asked what the Flood Authority's role is in the studies that it funded, and if it will be accountable for the studies. There are still a lot of unanswered questions.

Another question Mr. Panesko had was regarding two dams lowering the water at Mellen St. In the 2007 flood the dams would have lowered the water 2.8 feet. The water was deeper than 2.8 feet on I-5; it was reported that in some places the water was 10 feet deep. If there is only going to be one dam that benefit would be even lower. He did not think that the benefit of lowering the water at Mellen St. would be enough to correct the problem on I-5.

Mr. Bruce Treichler stated the Northwest Steelhead and Salmon Conservation Society drafted a resolution that was sent out to the Flood Authority regarding conducting unbiased science-based evaluations of proposals for mitigating flood damage in the basin. The NWSSCS is interested in looking at benefits and costs of all strategies both structural and non-structural and he wanted that to be very clear.

The Society also believes these studies need to be done by someone such as the University of Washington or Washington State University which would reduce the amount of bias. At the very least he suggested that they be managed or supervised by one of the universities. NWSSCS also recommends that the peer review not be done by a state agency but by someone who has no "skin in the game". He meant no disrespect to the state agencies but stated they all have some kind of agenda.

Mr. Treichler stated the NWSSCS is willing to go to the legislature or the governor to help lobby for the money that is necessary to do the work to understand how the basin works.

## **6. Reports**

### **a. Chair's Report**

Chairman Willis summarized the morning work session. There was discussion on flood entity interlocal agreements regarding the formation, boundaries, membership and voting. Ms. Bissonnette presented a PowerPoint explaining those step and options. June 30, 2011 is the deadline for completing the task of forming a new entity to replace the Flood Authority.

Public outreach was discussed and how the Flood Authority can better inform the public about decisions that need to be made in the next few months. The public meetings held last year were poorly attended and the Board needs to decide how to inform the public of the meetings in the spring and the topics that will be discussed.

Chairman Willis stated there was a brief discussion regarding the flood plan and land use regulations which is a portion of the flood plan. Not all of the jurisdictions on the board have approved the flood plan and those that have not were asked to try to get that done before the meeting in February.

### **b. Member Reports**

Commissioner Averill stated comments were received from the state on the Phase IIB study and if it has not been distributed to everyone he will be sure that it is.

Commissioner Averill stated he also received a letter from a citizen in Oakville that talks about the bridge that gets blocked during flood events and would like it included as a project that will benefit Oakville.

Ms. Fund spoke to the director of the Timberland Regional Library about studies that the Flood Authority is conducting. He stated he would keep copies of the studies in the catalog and reference center.

Ms. Fund asked if there had been any further conversation with the Chehalis Tribe since receiving their letter.

Chairman Willis spoke with the Chairman of the Tribe and all of his issues were discussed. He is supportive of the Flood Authority but wants the Flood Authority to discuss the differences in issues between the jurisdictions and the Tribe and move forward those on which they all agree. He wanted to make sure that only truthful statements are made in public by Flood Authority members and these things were discussed at the last work session.

Ms. Powe stated meetings between the Chair and the Tribe or the state legislative body are important and the Flood Authority board should be made aware of them within a short period of time after the meeting. The conversation with Mr. Burnett would not have been discussed if Ms. Fund had not asked about it.

c. Correspondence

Chairman Willis stated EES Consulting sent their invoice for Phase IIB.

Chairman Willis sent a letter to Keith Phillips requesting the governor's office to be the non-federal sponsor for the Chehalis Basin General Investigation. We have not heard back from the state yet. There is also a funding request to help pay the Flood Authority expenses between the dissolution of the Flood Authority and the creation of the new entity.

One Voice also sent a letter addressing several issues. It is available to anyone who requests it.

d. State Team Report

Mr. Donahue stated there is some overlap in his report and Mr. Goss' report and asked that Mr. Goss give his report first.

e. Corps of Engineers Report

i. Twin Cities Project

Mr. Goss stated the last phase on the cost benefit ratio is being worked on incorporating discrepancies between the flood damage assessment model and the hydraulic model. This will be done by the end of January. Many of the Corps' efforts have been to ensure that it includes all benefits. A few iterations have been done where more benefits were discovered and those were added.

The Corps is also looking at the environmental mitigation report from last November and it is working with the State who wants to look again at the data and request some further discussion and technical input.

ii. Basin-Wide General Investigation

The Corps had discussions with Chairman Willis and Mr. Mackey about what to do with carryover funds from previous years. The Corps would like to use those funds for hydraulic modeling for the basin which would be needed for the without project conditions whether it goes with a single ecosystem restoration or ecosystem restoration combined with flood risk management. Depending on the outcome of getting

a non-federal sponsor for the flood risk management portion, this work would need to be done regardless of which purpose is decided upon. The Corps will generate a draft scope of work for the hydraulic modeling by the end of February and get it out for comment. The modeling would cover everything that the Twin Cities portion does not: from below Grand Mound to the uppermost portion. Mr. Donahue stated state agency staff submitted comments on the Phase IIB study and they can be made available to anyone who requests them.

Mr. Donahue spoke to the environmental mitigation that Mr. Goss mentioned. Technical staff and experts on hydraulic modeling met in November and some follow ups were identified from that meeting. In the near future there will be more opportunities for both state and local agencies to weigh in on results and issues coming out of the Twin Cities project. Mr. Donahue will work with the Flood Authority to ensure that those topics are being identified in a timely way and that the Flood Authority will have time to have the proper staff participate in either work sessions or at meetings like the one held in November. He can communicate through the Chair or someone who is assigned to that. By next month he expects topics with both technical information and decisions that will depend on that information.

Chairman Willis stated Mr. Donahue should contact her and notify Mr. Mackey as well.

Mr. Donahue stated more comments on Phase IIB are expected. He hopes to have those to Mr. Muller in a day or so and the whole package will be updated. The expected comments have to do with the transportation section.

Last month the website that the state maintains was updated. It is ChehalisBasin.org and it has refreshed information about the status of projects and programs. On the first page the Early Warning System is referenced and there is a link to the National Weather Service. There is a summary of the gauges, forecast graphs on the gauges, etc. If anyone has comments as to how to use that site better, please contact Mr. Donahue.

Mr. Donahue stated the Flood Authority is working with the governor's policy office for budgeting for the next biennium. DOT is also budgeting for state agency participation involvement, technical staff, and coordination staff. The intention is to stay with the program with the Flood Authority and working directly with Mr. Phillips.

Commissioner Averill stated he understands the mitigation area below the fairgrounds but does not understand the shape and intention on what the Hanaford site is supposed to do. Mr. Goss stated he would need to speak with his biologists and get back to Commissioner Averill.

f. Lewis County PUD Report

Mr. Muller stated comments have already been made about the state agency comments. There were a number of comments prior to the last meeting and EES is working on updating the document and responding to some of those questions. He was hoping to see the updated benefit cost information from the Corps on the Twin Cities project because the methodology is the same.

Mr. Muller responded to Mr. Panesko's question about the protection of I-5. Mr. Panesko is correct in that the flood elevations at Mellen St. would be reduced by about 3 feet with two dams; 80% of the value comes from the upper dam, or about 2.6 feet. Therefore in the Phase IIB benefit cost, a \$13 million item was included to add elevation to the airport levee so that I-5 is protected. I-5 in the vicinity

of Chamber Way is substantially lower than the levee. If water gets inside the levee then there will be a lot of water on I-5. If the water is kept outside of the levee then it protects I-5.

## **OLD BUSINESS**

### **7. Ongoing Efforts Update**

Mr. Mackey stated all of the items in the update are on the agenda with the exception of West Consulting. They are scheduled to give an update in person at the February meeting. In the meantime, they are continuing to install new gauges and upgrade others.

### **8. Presentation from Rick Noble**

Mr. Rick Noble, Natural Resources Conservation Service (NRCS), stated Mr. Larry Johnson was in attendance also. Mr. Johnson is the state engineer and both he and Mr. Noble will answer any questions the Board may have.

Mr. Noble stated NRCS has not been directly involved in the flood discussions but it is hearing the same questions: what can be done to reduce peak flows; how can water get out faster; how can the agriculture community be kept viable and in place.

NRCS is an agency of the US Department of Agriculture. It works in a voluntary and non-regulatory fashion on private lands. It does not have any regulatory authority. Its authorities primarily reside in a farm bill which is written every five years and it receives annual funds. Most of the programs have NRCS working with private land owners through individual contracts to apply conservation practices. The agency provides technical assistance and financial assistance to landowners through programs like the Environmental Quality Incentives Program, the Wildlife Habitat and Census Program and the Wetland Preservation Program.

In general, NRCS does have some conservation programs that can provide some relief for individual producers in certain ways. There is a Floodplain Easement Program and a Wetlands Reserve Program and both are easement programs that retire cropland from production and create areas that can store and retain water. However, we are sensitive to keeping every opportunity to have viable farmlands stay as working lands. Most of the programs address agriculture production and how to keep farms as working lands.

One program being done in King County and other areas, which does not solve the flooding issues but does help people deal with it, is livestock refuge pads (critter pads). In the worst of flood waters they provide a place of safety for livestock. There are also opportunities to create oxbows or additional storage within a flood plain. These are some of the cost share and easement programs that NRCS offers.

There are other program opportunities that Mr. Johnson will speak about. There is the Emergency Watershed Protection Program. After a flood event occurs NRCS can provide assistance to impacted areas. Mr. Johnson will ask you to consider identifying local sponsors and discuss some older programs, such as Public Law (PL) 566.

Mr. Johnson stated he is the conservation engineer with NRCS in Spokane. There are other programs available and there has been a lot of interest in the PL 566 program and what it can and cannot do. As far as program eligibility on the proposed dams, those structures exceed program limitations and are not a good fit for the program as it is currently drafted. The PL 566 program is on "life support" at this time. It is a federal program that has not received a lot of support over the last decade and continues to

receive decreased support as time goes on. That is unfortunate because that program has done a lot of work related to things that the Flood Authority is looking at. NRCS has done some work in the state through the PL 566 program but currently is not receiving the support it needs to make it a viable program.

Mr. Schillinger asked with if the federal programs, with federal money available, require local match money and if so how much. Mr. Johnson stated the PL 566 program for flood control and prevention can cost share up to 100% (of federal money). The watershed projects that NRCS has done related to flood control on the Snohomish River and in King County were funded 100%. There was also technical support and design work done by NRCS. These programs do require local sponsors, a unit of government that has certain authorities to sponsor and be the local representative on site.

Commissioner Averill stated Mr. Noble said these are basically agreements with private land owners. Mr. Johnson stated those were different programs. NRCS administers a lot of different programs and PL 566 is only one of them. The programs that Mr. Noble spoke about are farm bill programs and NRCS does enter into agreements with local land owners. Those are funded differently, they are administered differently, they are run differently and the agency administers all of them. Today we are here to try to help you understand the programs we have and which ones may be viable for the locals and the county to deal with the flooding issues you are confronted with.

Chairman Willis stated sometimes NRCS partners with conservation districts because conservation districts work very closely with the land owners. She also stated there are other programs besides the critter pads, such as riparian zones which are workable into what the Flood Authority is doing.

Mr. Johnson stated the farm bill programs are used to help treat certain resource issues such as stream bank erosion problems and we do stream bank stabilization, riparian planting, and structural measures that help in other ways. An example would be small levees that go around agricultural buildings.

Another program Mr. Johnson wanted to talk about was the Emergency Watershed Protection (EWP) Program. It is a post recovery program and comes into play when a community is impacted by floods or fires to restore things to the prior existing condition. There are some tight requirements for eligibility, typically dealing with imminent threat to life and property. Stream bank erosion caused by significant flood events and lateral migration of the stream where it is impacting homes is an ideal fit for the EWP program. It is a cost share program, 75% federal with a local match of non-federal funds, and there has to be a sponsor. In the past flood events in Lewis County, 2009 and 2007, there were no sponsors willing to step in to help local folks recover. He understands that the County was challenged with all of the infrastructure damages. He encouraged the Flood Authority to look at who might be able to step in as a sponsor so that program can be utilized. Without the sponsor, NRCS cannot provide financial or technical assistance.

Mr. Schillinger understood Mr. Johnson to say there was no local money needed. Mr. Johnson stated that was a different program. This program is an emergency program and at times there is a backlog of requests in the national office for those funds. He does not know where they are with those requests today. In 2009 there were funds available but there were no sponsors. If there are major disasters Congress typically provides funding not only to NRCS but to other federal agencies to help with recovery efforts.

Mr. Connelly asked if Mr. Johnson had examples of what types of projects might be funded by that. Mr. Johnson stated if you are dealing with flooding and there is significant stream bank erosion that is getting threateningly close to a home or building of value, (there has to be an economic element involved) NRCS can come in after the flood waters have receded to do some stabilization to restore the bank to protect the infrastructure behind the eroding bank. It is intended to be a quick program. If everything is in place the requirements are that the project has to be on the ground in ten days. We can get waivers if there is an extreme amount of work to do but it is still very quick.

We ask local sponsors (which has to be a unit of government and the flood district could be a sponsor) to agree to some things up front. They are not really significant but some potential sponsors don't want the commitments. One commitment is doing operation and maintenance on the installed practices for a certain period of time, which is typically three years for structural measures. These practices are designed to withstand significant flood events and maintenance activities are not usually required during that period of time. There are some ways to mitigate for these commitments. Land owners can sign agreements that shift that responsibility to the folks who are benefiting from the work and very often the land owners are willing to do that.

Ms. Powe stated the Flood Authority has considered non-structural solutions to the flooding problems and she asked if NRCS has research in this basin that could assist the Flood Authority.

Mr. Johnson stated there is no research to the watershed scale level. He understands there have been a lot of studies and work done with a variety of consultants and federal agencies in this watershed. He and Mr. Noble have met with other groups and this is their third meeting in this area to see how NRCS programs might fit into helping with the flooding issues.

Mr. Noble stated the farm bill programs are conservation programs that have been getting robust funding. Those programs are available to help an individual land owner to do a buffer or riparian area or critter pad. Depending on the sign-up cycle the NRCS can move quickly to work with land owners on those programs. There are many programs that come under the farm bill besides the three he spoke about. There is the Emergency Watershed Protection Program and Mr. Johnson is the state program manager for that. That program has been used rather extensively throughout Western Washington and is tied to an event. We can only restore things to a pre-storm condition. Sometimes the Army Corps of Engineers is involved and we look at their damage survey reports to see if there is a fit for our program. That does require a local sponsor and a cost share.

Mr. Johnson also talked about the PL 566 program. It is an older program and has not been funded much lately because most of the funding is going towards conservation programs. Mr. Noble reiterated that NRCS is happy to provide technical and financial assistance within the program authorities and it works closely with conservation districts with a field office in Chehalis. NRCS will provide all the assistance it can.

Ms. Hempleman is familiar with NRCS' land owner programs and is aware of the benefits to the community but she does not know what the incentive is for the land owner to go to NRCS in the first place.

Mr. Noble stated the land owners come to NRCS and conservation districts because we have a set of technical standards that have been established over many years. We have a conservation planning process that trained staff can assess resource concerns and write conservation plans that include

practices that address those resource concerns. Land owners come to NRCS in a voluntary and private lands role because we can offer the technical assistance to help solve resource concerns and then come back and offer a cost share financial assistance.

Chairman Willis stated an example of that was when dairy farms were putting in lagoons for manure management. NRCS was a very big player in that, not only with the technical expertise to engineer the lagoons but for financial help as well.

Mr. Schillinger asked, since this is a national program with national funding, where does Washington State rank nationwide either for funding or the need for relief. Mr. Johnson stated the EWP program is first come, first served. If there are funds available in the national office and there is an event that causes damage and there are eligible EWP projects, it goes into the pipeline for funding.

Mr. Noble stated he has heard that Washington State is about average in terms of looking at annual funding for conservation programs.

Mr. Dave Fenn, Chair of Lewis County Conservation District, stated part of its five year plan was to try to find solutions to flooding. In that process the District became aware of the NRCS programs that may benefit the basin. The District wrote a letter to NRCS requesting to partner with them in the planning process to find solutions to the flooding. This is not intended to replace the Flood Authority's efforts but to work with its efforts to find broader solutions by using their expertise and funding. When Mr. Johnson says that money has not been available in the PL 566 program, you are talking about politics and until you are completely turned down, you should consider their abilities to help in this situation.

Chairman Willis thanked Mr. Noble and Mr. Johnson for coming and thanked Mr. Fenn for bringing this information to the surface again. NRCS has been around for a long time and local farmers have taken advantage of its services over the years and this puts it in a different context. She stated there is an NRCS field office in Montesano also.

Mr. Noble stated there are field offices in many of the counties in Western Washington. He again stated he would be happy to come before the Flood Authority again and provide assistance if he can.

## **9. Work Session Update**

Chairman Willis asked if there was any additional information to discuss from the morning work session. There was none.

## **10. Fish Study Update**

Mr. Paul Schlenger distributed some handouts and thanked the Flood Authority for the opportunity to provide an update on Anchor QEA's fish study.

The documents handed out included a two-sided map of where some of the work has been conducted and the other is an assumptions memo that Mr. Schlenger will discuss.

Regarding the work update, Anchor is about at the mid-way point of the contract, which is to be delivered in June. The study began last August with low-flow monitoring throughout the study reach that included habitat mapping and working with resource agencies of the state to develop a study plan for the physical habitat simulation modeling. This is one of two main models that will be applied and that information along with other information is feeding into a model called SHIRAZ.



The physical habitat simulation modeling involves sampling throughout the study area during three different flows: low flows were conducted in August; middle flows and high flows still need to be collected. About half of the high flows have been collected and high flows for Anchor is not as high as the flows get. There is a safety aspect to that and some data was collected but because of the increasing flow, that work had to be curtailed. It will be picked up again when the flows subside to the ranges that were targeted. Figure 1 on the map shows the 7 main stem study areas in which data is being collected, and on the back of the map is a series of sediment transport stations that have been monitored. Water temperatures are continuously being monitored at a number of sites.

In addition, data compilation efforts continue, tapping into available data that the basin has in terms of habitat conditions, fisheries resources, and a number of organizations have been contacted with the work that is on-going.

Modeling is under way and much of that will be dependent on the completion of the data collection; it is developing but there are no results at this time. That work will continue and Anchor will set up a time in June with Mr. Mackey for a data transfer workshop.

Mr. Schlenger asked for questions. Mr. Schillinger referred to the map and asked if Mr. Schlenger would explain what is done at the sediment sample sites. Mr. Schlenger stated Mr. Bob Montgomery could answer that question. Mr. Montgomery stated the sediment sample sites are used to characterize the grain size distribution and that information is used in the sediment transport analysis.

Mr. Schillinger asked about the water quality sample sites. Mr. Schlenger stated that in addition to the temperature, which is continuously logged, there are grab samples that are being taken for temperature dissolved oxygen and fecal coliform bacteria.

Chairman Willis stated there had been some concern last year when this study began that the seasons were off for this type of study. She asked if Mr. Schlenger is comfortable with the types of seasons since the study began.

Mr. Schlenger stated because of the timing of the contract it is being done in the reverse order of how it ideally should be done. It is preferred to catch high flows first and then catch the medium and low flows. A key assumption in the modeling is that there are static conditions: that the conditions are the same that you are sampling, the high conditions versus the low. This has been structured with us starting with the low flow. We have invested the sampling effort that is available in the low flow and we run the risk that higher flow events will produce channel altering floods that would violate a key assumption. In terms of our comfort level, we are in the wet season and have encountered a few stormy periods and our certainty really depends on the weather. So far there has not been flooding that would violate any of the assumptions.

Mr. Mackey stated in the budget request to the governor's office the Flood Authority asked for an extension through December 2011. If that happens soon enough and Mr. Schlenger knows about it he could perhaps adjust some of the work he is doing over that timeframe.

Mr. Schlenger stated the assumptions memo relates to the dam structure and operations. He pointed out that at the planning stages of the dam, and for what needs to be done for the fisheries study some

of the details for relevant operations that might impact fisheries have not been worked out. There is a need to make some assumptions about those.

The November report from EES provides excellent information to support some of the questions that Anchor needs to calculate into the model. To the extent possible we will be consistent with the information they provide. There are certain lines in the assumption where we plan to go back to EES to get more detail and information from them. An example is during a flood event, at what point is it envisioned that the dam would hold back water to different conditions: a flood storage only facility versus one that is multi-purpose. During and after a flood we would like to talk about the operational features of releasing water and where the water is coming from. That is important to water quality. This report will be updated as we get into the modeling.

#### **11. Legislative Outreach**

Mr. Mackey stated that in Chapter 8 of the Flood Plan there was quite a bit of work done looking at funding sources and NRCS is listed there along with others. That may help the Flood Authority when it is looking for funding.

Mr. Mackey submitted a rough draft of talking points regarding the legislative outreach. It includes background, reasons why the legislature might want to support it, and why it might be good to have it in place for others in the state.

Ms. Bissonnette has made contacts with people in WRIA 9, the Puget Sound Partnership; she has extensive contacts in King County; she has contacted Pierce County and Mr. Donahue with DOT. Mr. Mackey has written e-mails to the Governor's Office of Indian Affairs and kept the Association of Washington Cities up to date.

Because of the interest of the Puget Sound Partnership, their lobbyist has agreed to spend some time every Monday morning on the phone with Ms. Bissonnette and Mr. Mackey to let them know where the legislation is, who is involved, what committees might be available. Mr. Mackey will be sure to get that information to the Flood Authority so there is an opportunity to further influence this process. Both Commissioners Averill and Willis have contacted their legislators about sponsoring this legislation and moving it forward.

Commissioner Averill stated there is a copy of the legislation in the member packets. Commissioner Averill spoke to Senator Swecker and staff and he agreed to sponsor the bill. In this legislature, Senator Swecker is the ranking minority member on the Government Relations Committee. The Committee staff has received this legislation and has spoken with Ms. Bissonnette. There are some questions to be resolved and it is hoped to have those worked out this afternoon and that the bill will be dropped later this week or early next week.

Commissioner Averill stated Representative Alexander is willing to sign up when it goes over to the House side.

Chairman Willis stated Senator Brian Hatfield has also agreed to sponsor this bill. While it is awaiting a number, Representative Dean Takko has been contacted and he is willing to sponsor it on the House side and he was hoping Representative Alexander would also sponsor it. It appears that all the pieces are falling into place. Staff on the Representative's side was going to get in touch with the Senate once the bill has a number and it will be dropped on the other side.

Chairman Willis stated the talking points are available and she sent them to the representatives thinking it would be more explanatory than the actual legislation. Representative Takko told Chairman Willis that normally there about 120 bills but there are less than 20 at this time. He hoped this would move through fairly quickly but that conversation was two weeks ago and a lot can happen in two weeks. The board members having the talking points with them will allow them to contact the representatives and senators to help them understand why this is being moved forward.

Chairman Willis stated once the bill has a number it can be tracked on the legislative web site. Commissioner Averill stated the Washington Policies Center – WashingtonVotes.org – will have the bill published there as well as comments and how people are voting.

## **12. General Investigation**

Chairman Willis stated a copy of the letter she sent to Mr. Keith Phillips was in the member packets. A response has not yet been received. Chairman Willis reminded the board that the Flood Authority is not the non-federal sponsor; the Chehalis Basin Partnership (CBP) is with Grays Harbor as the fiscal agent. At Friday's meeting the CBP will see this letter and if there is a consensus they will send a similar letter.

Mr. Mackey added that Mr. Phillips stated that before the governor made a decision she would wait to see what the benefit cost ratio would be on the Twin Cities project. A definitive answer has been received from the Corps and hopefully a decision will be made in a couple of weeks.

Ms. Powe stated there had been discussion about the state providing staff for the GI and asked if that has been decided. Chairman Willis stated that Mr. Phillips said the state would find the funding for it and they would find someone to fill that position. He understood that there were two issues: funding the position and doing the work for that position. That is why the PMP cannot be signed by Grays Harbor County; it must be signed by the sponsor.

## **NEW BUSINESS**

### **13. Expenditure Review**

Mr. Johnson stated the financial report through January 18, 2011 was in the member packets. He thanked everyone for getting the bills to Donna Olson so she could close out the fiscal year.

This report looks like last month's report, in that there is still approximately \$400 thousand that is unspent excluding encumbered funds.

Chairman Willis stated a question was asked at the work session that if the Flood Authority is doing public outreach would there be money left here for additional outreach. Mr. Johnson stated yes, but he stated if there is a desire to move funding to the next biennium and fund the initial start-up for a flood zone district, not all of this will be available for outreach.

### **14. Confirm Next Meeting and Board-Requested Topics**

The next meeting will be February 17, 2011 with a work session at 9:00 a.m. at the Veterans Museum and the business meeting starting at 1:30 at the Lewis County Courthouse.

### **15. Adjourn**

There was no other business before the Board and the meeting adjourned at 3:12 p.m.