1. **Introductions, Opening Remarks, Minutes & Agenda Review, Public Comment**

   Attendance – See Sign-In Sheet

   Introductions were made. Dan H. provided an overview of the agenda. An opportunity for public comment was provided, and it was noted that Yancey Reser was the only member of the public present. Mr. Reser expressed a desire to better understand the group’s intent for the smaller tributaries in the basin; Dan H. indicated there would be an opportunity to address Mr. Reser’s questions at the conclusion of the meeting.

   Gary J. explained his comments to previous draft meeting minutes, which were submitted the afternoon of Feb. 13th. Ray W. noted that Gary's comments were submitted late yesterday and the group has not had a chance to review. Would like additional time to review and assess these comments prior to adopting any changes to previous meeting minutes. Gary J. indicated that going forward he would attempt to provide comments earlier to provide more opportunity for review prior to the meeting.

   **TASK:** Dan H. will forward Gary's comments on previous SC meeting minutes out to group and request comments within a week.

2. **BOR and Ecology Scopes of Work and Funding Integration—PAWG Recommendations:**

   Chris M. summarized the PAWG (Planning & Advisory Work Group) meeting, which reviewed four items:

   a. Aspect Scope of Work
   b. BOR Scope of Work
   c. Funding Allocation Spreadsheet
   d. Scope of Work for RFQ for feasibility study and environmental review.

   a. **Aspect SOW:**

   Made amendments to match up timelines with ECY grant contract and scope language to align with Flow Study objectives.

   **ACTION:** SC unanimously adopted the PAWG recommended changes to the Aspect SOW.

   b. **Bureau of Reclamation Scope of Work Changes.**

   Chris M. noted that the PAWG did not evaluate specific contract language, as that is between WWBWC and BOR: only looked at scope of work. Brian W. provided history of grant application, noting that final SOW was never formally submitted to SC for review and approval (was submitted & reviewed by PAWG). Chris M. explained efforts of PAWG to clarify collaboration and integrate flow
study process. The outcome will be a single integrated report for outcome of both DOE/BOR funding.

Gary J. suggested that assessment of river conditions and water availability be removed from scope, as CTUIR (with assistance from co-managers) will be completing that compilation of existing studies outside of contract. (Current document is an appendix to the Flow Study). Discussion ensued on whether final preparation of flow target/water availability report should be contracted out, or prepared by fishery co-managers. General consensus by SC that report can be prepared appropriately “in-house” for final review and approval by SC.

Brian W. noted that extending BOR contract out 1 year (to line up with ECY funding) is subject to final approval by BOR. Gary J. commented on proposed timeline; suggested edits. Brian W. explained reasoning behind suggested timing of evaluation of flow study options by SC in April of 2018. Gary J. suggested that options are ready to go to contract; as additional information becomes available can be conveyed to contractor. Guy G. suggested that the proposed timeline would mean that RFP's would have to go out w/o funding in place. He would prefer the proposed grant scope asap. Mike I. noted that funding is assured; more matter of timing; RFP’s could go out w/o funding in place. Chris M. asked whether there is currently sufficient new information/data to necessitate additional review of projects. After more discussion, Dan H. suggested a change in language from “advancement of preliminary scenarios” to "review scenarios with contractor”. Consensus agreement on changing April 2018 date to May – July, 2018.

Final project package optimization and selection timeline discussed. Chris M. noted that consolidated report is due by June of 2019. Steven P. pointed out the need to have sufficient time for modeling, and that outreach will need to be done with consideration given to producers being in the field. Brian W. noted that OWRD has suggested they can devote some staff time for water availability review; this task informs timelines for others downstream. Dan H. suggested timeline change from December 2018 to February 2019. Mark W. suggested leaving as is with * disclaimer. Chris M. agreed, suggested the * apply to the entire timeline. Mike I. – resolutions of water availability task is highest priority, and don't want to provide "wiggle room" for contractor; keep firm timeline and provide additional time if necessary at later date. Dan H. suggested that * be applied to everything above Final Report in timeline - no objections. Gary J. noted that Phase 1 should be referenced in the text to give context to reference to Phase II report.

**ACTION:** SC unanimously adopted proposed changes to BOR Scope of Work

- Assessment of river conditional and water availability be removed and completed by Gary James with support from other SC members.
- Date changes in timeline.
- Asterisk (*) applied to everything in timeline above final report due date.
- Reference Phase 1 Flow Study report in SOW language.

  c. Review and approval of funding allocation spreadsheet.

Brian W. reviewed spreadsheet components (Partnership funding; New WDOE funding and BOR grant) and proposed allocations.

Mike I. - only funding source that needs to be discussed today is new $500k from ECY. Brian W./Chris M. agreed, described proposed allocations:
- Grant Management: $22,500
- Facilitation: $30,000
- Feasibility analysis & data gaps (modeling, monitoring, data collection): $267,500
- Environmental Review: $80,000
- Contingency: $100k

Discussion ensued regarding monitoring requirements & associated lack of funding. Guy G. - Need to have existing data together with ability to monitor in order to justify funding for primary project down the road. Noted that it is important for locals to step up with respect to data collection and monitoring.

Guy G. indicated ECY will need some task elements broken out for Feasibility allocation as part of contract. These elements can be amended at later date. Mike I. agreed, noting that as a voting member will require additional detail. Chris M. suggested SC might consider tasking PAWG to provide preliminary breakout of task elements and get out to SC (by end of Feb) before Partnership meeting on March 6th, then to ECY (Guy) for approval.

**ACTION:** Consensus Agreement on PAWG review of Feasibility allocation.

**TASK:** PAWG will meet to provide recommended breakout of task elements under the $267,500 Feasibility Analysis portion of the ECY funding allocation.

d. **Scope of Work for RFQ for feasibility study and environmental review**

Chris M. explained PAWG review of RFQ. Water availability task is highest priority. Adjusted Project pairing/packaging so that "apples to apples" comparison can be made. The reports due for WDOE and BOR will be consolidated into a single report covering deliverables for both grants.

Gary J. suggested adding language for kick off meeting with contractor with Project Pairing TWG. Delineate project check-in.

Mike I. - $100k contingency; need to determine allocation. Mike I./Chris M. asked if there is even a need to identify/advertise funding in the RFQ? Steven P. suggested that $ is minor part; qualifications are the driver in RFQ. Brian W./Dan H. - if perhaps legal assistance is needed and the contingency funds have been allocated to some other task, how can we fund that? Guy G. - WDOE will not enter into a contract with a contingency. Deal with contingencies through contract amendment.

Dan H. should $100k be kept out of budget sent to WDOE? (Reserve for future grant amendments). There was discussion that this is a viable option; would not preclude use of these funds for some future allocation through a contract amendment.

Mike I. asked for and received confirmation that the RFQ proposal will not provide information regarding available $.

Was also confirmed that language will be added in Sec. 2.2 regarding requirement that Contractor will attend in person the kick-off meeting and attend first SC meeting language into Sec. 2.2.

**ACTION:** SC voted unanimously to accept changes to RFQ for feasibility study and environmental review

- RFQ will not mention specific $ allocations
• Language requiring contractor to attend kick-off meeting and first SC meeting will be inserted in Sec. 2.2
• Language will be added specifying check-ins/updates to SC
• The $100,000 contingency allocation will be left out of the initial funding allocation submitted to ECY.
• Deliverables will be added to the scope for clarity in expectations and as a grant condition.

The timeline for RFQ submission was discussed. It is anticipated that “flow through” authority will be provided by both the Partnership Board and CTUIR, so that these will not impeded the timeline estimates. Discussion followed regarding deadlines for specific aspects of RFQ submission and evaluation. Final agreement on the RFQ timeline is as follows:

• Launch on 3/7
• Questions: 3/28
• Response to Questions: 4/4
• Submission Deadline on 4/18
• Scoring 4/20-26 (PAWG). TWG/SC input by 23 or 24*
• Selection: 5/3

A proposal was made to post submissions on website for open review. PAWG will incorporate any comments received in their evaluation and recommendations to the SC. PAWG, and anyone else that wishes to participate, may do so. PAWG will distribute meeting info in advance.

ACTION: The SC agreed by consensus to the revised RFQ submission and evaluation timeline.

It was noted that there will be no April 11th SC meeting.

3. Future Funding Coordination Discussion—Review PAWG Recommendations

Chris M. discussed PAWG recommendations with respect to funding/project coordination. Suggested three changes to Technical Work Groups role in ground rules:

(1). Add language requesting that other, complimentary project proposals be brought to SC to inform group.
(2). Specific language added as to role of PAWG in review of flow study funding proposals and contracts.
(3). Advise SC as to funding for early implementation of project components.

PAWG reviewing other assignments from previous meetings and may propose additional edits at the next meeting (e.g. organization and authority).

Dan H. indicated he would add project/funding updates as standing agenda item for SC meetings. Gary J. suggested the addition of a monitoring TWG could be helpful in addressing that topic.

ACTION: SC unanimously agreed to adopt changes to ground rules with respect to the roles of TWGs.

TASKS: PAWG will update lists of, and roles for, each Technical Work Group. Add a Monitoring TWG—PAWG will make initial staffing recommendation.
4. **Review Steering Committee Structure** (informed by PAWG recommendations re: current ground rules, near and long-term needs, potential gaps in current structure and process, and alternatives to fill gaps)

Chris M. reviewed PAWG recommended changes to ground rules. Among proposed changes:

- 2a: Language added as to genesis of SC.
- 3a: Updated membership lists.
- 4b: Language to reinforce SC meetings as open and transparent, inclusive. Steven ask if this would also apply to TWG's. Language changed to reflect both. More specific information on roles of TWG's.

Guy G. recommended that language be changed to reflect that ECY may not be willing to be ex-officio member with respect to BOR. Diane D. indicated that would apply to Federal agencies as well.

Discussion followed as to what additional specific changes may need to be evaluated as to the existing ground rules, and other procedural questions. The SC tasked the PAWG with review and recommendations to the following:

**TASKS**: The PAWG will review and make recommendations to the SC regarding the following procedural and ground rule questions:

1. Review quorum vs 2/3 of members voting requirement.
2. Review applicability of card voting system.
4. Check to make sure rules are compatible/consistent with WA open public meetings act.
5. Review and incorporate language Guy will be providing regarding state and federal status under authority section.
6. Evaluate structure and process "thought provoking" questions (see 2/14 agenda), *when those questions are ripe to do so.* Make recommendations to SC.
7. SEPA/NEPA co-lead determination, process

**ACTION**: The SC unanimously voted to accept the recommended changes to the ground rules. Answers to future tasks to be brought back in May.

David asked how the $80k fit into SEPA/NEPA processes. Answer: initial scoping, not completion of final environmental review document.

5. **Outreach Efforts and Communication Plan**

Summary of responses from new advisory members: Brian W/Chris H. outlined membership responses to letters sent out requesting interest in participation, and updates to advisory member list. No negative responses. SC satisfied with outreach effort to date.

Summary of effort to develop new communications plan: Chris H. provided update to communications plan. Brian W. noted that OWRD & WDOE indicated they could provide assistance with outreach.

6. **Legal Protection of Cross-State Water Savings**
Discussion of Agreements-Not-to-Divert: Chris H. provided overview of ANTD to bypass water, protect water left instream. Chris briefly summarized ANTD white paper.

Chris M. and Gary J. expressed reservations regarding ANTD; do not view them as a permanent, reliable solution to interstate instream flow protection. Chris M. suggested that the legal TWG could review how ANTD might work. Gary J. felt that McDonald report had already dismissed this as an option, and did not understand why it was still being considered; should be focused on legal solutions that would protect project water. Chris M. suggested that federal funders might ask why a voluntary solution such as ANTD had not been tried in the basin, so in that regard might be work attempting a trial to explore how the process might work; the TWG could flesh out a pilot and come back to the SC with a recommendation. Mike I. indicated that any proposed legal solution that would impair their existing water rights would be a non-starter.

A discussion on the data requirements necessary to implement ANTD followed. Chris M. noted that any solution to keeping water instream – be it legal language, protection of Trust water rights, ANTD – would all require the same data, which is not available currently. It was noted by Guy G. and Steven P. that the existing model was not developed to be used in a regulatory manner. Dan H. asked how do we develop the data/amend the basin model to allow for regulation and enforcement of instream flows? Guy suggested ECY could review model grid size and assumptions and provide recommendations. Kristina R. suggested that we need to develop relationships with water users on mainstem WW River, to enhance the ability of successful implantation of something like ANTD or pulse flows, etc.

Interstate compact discussion. Gary J. asked what are the impediments to an interstate compact, and why aren't we moving forward on that now? Agreement would involve congress, significant time and $ investment. Guy G. - everyone is going to have something up in order for it (pump back) to go forward. Eric H. - we could have some leverage if go to Congress with $ request together with compact language proposal. Chris M. – development of a compact not a TWG exercise; this task could dip heavily into contingency fund. Gary J. - Umatilla project could serve as template for Walla Walla for a basin water management plan.

Next Steps: Gary J. suggested that the Legal TWG look at Umatilla basin project with respect to its potential application to WW Basin – their water management plan with respect to project options, protection of water. Umatilla deals with only a single state, but many other parallels. Was noted that the Umatilla project provided producers with several benefits that would most likely not be available today (BPA power cost pickup; water provided on basis of paper water right).

Mike I. noted that Oregon also has water protection issues; Teresa K. agreed, noting that 17 cfs in bypass water in Oregon is currently not protected (in Oregon).

Legal TWG Initiative on Potential Legislative Language: Chris M. - no updates; on agenda for next TWG mtg. set for 2/26.

ACTION: Legal TWG will meet and outline how an ANTD Pilot could work and bring that back to the SC. Legal TWG will meet and make recommendation on legislative/compact proposal. Umatilla Pump Exchange will be reviewed as one potential template.

TASKS: ECY will evaluate GW model grid size and assumptions and report back on whether it is adequate as a future enforcement model for implementation of Flow Study projects, or whether improvements are needed.
7. **Discussion of Tribal Treaty Rights relative to Flow Study objectives**

Chris M. explained CTUIR’s current position regarding resolution of their tribal treaty water rights. CTUIR is not currently attempting to define their water rights, and do not intend to enter into such a process at this time. Flow Project from their perspective is not the “be all end all” for tribal rights. Tribal rights off the table due to this process, and other efforts to incrementally improve flows in mainstem and tributaries – this process is for the time being averting potential litigation over treaty water rights. CTUIR trying to avoid confrontational approach to instream flows by bypassing tribal right definition. Admits there is no certainty on back end; depends on outcomes of project and other efforts. However, Gary J. also stated that in the Umatilla they did not resolve their treaty rights, but have not gone to court to do so because even though the river flows and fish returns are not meeting their goals, they are satisfied with the progress and efforts being made to improve conditions.

Mike I. asked about forbearance agreements for those rightholders taking significant actions to improve instream flows; specifically, the three large irrigation districts in OR & WA. Chris indicated this is something CTUIR could consider; other tribal authorities would have to weigh in. Mike I noted that irrigators are being asked to give up a lot on the front end, while CTUIR is providing no assurances up front. Would like to see efforts by CTUIR on forbearance consideration on the front end for three districts, perhaps others. Was noted that a meeting between these Districts and CTUIR had been requested by the Districts.

**Chris M. said he would provide them with a response to their request. Additional updates will occur at future meetings.**

8. **Mill Creek SEIS Update**

Brett provided an update on the Mill Creek SEIS. USCOE is preparing the draft SEIS. Limited funding, looking at ongoing operation of existing facilities. A draft is due out for public review in March. Gary expressed frustration that this SEIS could not take a more holistic view of the USCOE Mill Creek project.

Brett indicated that in order to change or add to the purpose of use (flood control) of Bennington Lake, needs study and congressional action to initiate a general investigation (GI). Corps is looking at improving fish passage, but not incorporating in SEIS. In response to a question from Brian W., Brett indicated no $$ available to study grouting for additional storage/release at Bennington.

**Brett, Eric, Gary and Chris will meet with Crops to discuss broadening of scope through a GI.**

9. **Roundtable, Next Steps, Closing Remarks, and Public Comment**

The group returned to Mr. Reser’s questions during initial public comment; incorporation of LWWR and other tributaries.

Dan H. – focus of effort to-date is on mainstem WW River.

Teresa K. – implementation of project should restore flows in the LWWR, as unprotected bypass water in mainstem returns to LWWR.

Yancey R. – historically flows went down the LWWR; protection of flows in mainstem WWR has resulted in LWWR going dry in the summer.

Dan H. – restoration of flows in tribs is currently identified as a secondary objective. Issue will continue to come up; should a TWG be tasked to evaluate these issues? Perhaps a request for a small
amount of additional funding to address the tributaries, and encompass a broader number of users in
the basin, could enhance ability to gain approval.
Chris M – only so much water with which to work with, not a matter of $$. LWWR no different than
Mill Creek, Touchet River, or any other trib, where no target flows were set, these are all secondary
objectives. Water right holders are going to have a difficult time laying blame on project
implementation as the reason for issues on the tribs. It has never been the objective of this plan to
address all problems in the basin – it has focused on the largest broken piece – the WWR mainstem.

Dan H. suggested the group think about this for further discussion at a future meeting. It may also
come up again in environmental scoping.

Meet Adjourned.