

Final SB 839 SVF Task Force Meeting
Monday December 15, 2014, 8:00 am to 9:00 am
3rd Floor Rogue Conference Room
Oregon Water Resources Department
725 Summer St. NE
Salem, Oregon 97301

TASK FORCE ON SEASONALLY VARYING FLOWS (SVF) MEMBERS PRESENT

Leslie Bach (by phone), Katie Fast, Tim Hardin, Valerie Kelly (by phone), Richard Koesan, Mark Landauer, Jerome Rosa (for Curtis Martin), Paul Matthews (by phone), Eric Quaempts (by phone), Tracy Rutten (by phone), April Snell, Jeff Stone, Joe Furia (representing Joe Whitworth).

**TASK FORCE ON SEASONALLY VARYING FLOWS (SVF) MEMBERS NOT PRESENT,
But Polled at Later Date**

JR Cook, Bill Jaeger, Kimberley Priestly, Gil Riddell

TASK FORCE ON GOVERNANCE MEMBERS ALSO ATTENDING

Dave Filippi, Patrick Griffiths, and Amanda Rich

FACILITATION TEAM

Richard Whitman, Office of Governor John Kitzhaber, Convener; Brenda Bateman, Oregon Water Resources; Racquel Rancier, Oregon Water Resources Department; Nancy Salber, Governor's Office.

OBSERVERS

Lori Aunan, Tom Byler, Dwight French, Scott Jorgenson, Rob Kirschner, Rachel LovellFord, Margaret Matter, Amber McKinney, Mateuz Perkowski, Lauren Smith, Jon Unger.

MEETING OBJECTIVES

- ~ Review final version of the SVF Matrix and Narrative
- ~ Ask for consensus: Are the SVF matrix and narrative ready to move into the rule-making arena?

The audio, agenda, and materials from this meeting are posted on-line:
http://www.oregon.gov/OWRD/pages/SB_839_SVF_Task_Force.aspx,
under the "December 15, 2014" meeting materials.

INTRODUCTION AND AGENDA CHECK

Richard Whitman

PRESENTATION

Brenda Bateman described changes in the matrix and narrative from the previous version. These include:

- Matrix - Two new hydrology questions and re-structured "project impact" column
- Narrative - The "who pays" and "who has data" descriptions are found in the narrative, and are described as collaborative processes. (See footnote on page 3, and data sources pp. 4-5)
- Additional Items: Water right permitting process vs. SVF funding process will be taken up in the Governance TF.

DISCUSSION

Katie Fast: Will there be guidelines set forth for the technical review team? What projects will move forward? How can we ensure consistent conversations with applicants?

Paul Matthews: Not sure the hydrological questions help us understand whether a project is actually significant or not. What if all the answers are "no," and yet the project still has a significant impact? Asked Paul to define "significant." Response: What about if the project is a large size?

Richard Koesan: We're putting too many obstacles in the way.

Jeff Stone: A project may have regional importance and need to move forward, even though it has triggered these thresholds.

Tim Hardin: Almost every project will have a significant impact, given this set of questions.

April Snell: Nothing on this matrix will determine whether a project moves forward or not, only the level of effort needed to collect information. If information is lacking, the Governance TF should provide further guidance about how to collect this. The piece that's missing is noting that the state could pay for the analysis and help flesh out how and when to collect additional information.

Richard Whitman: You most likely will always be doing field work and modeling because of the project locations related to STE species.

Katie Fast: Is this different from ODFW's current peak flow work?

Tim Hardin: Pretty different, in terms of level of effort.

Brenda Bateman: The tools noted on the right hand side of the matrix are methods that are available to help gather and analyze the necessary information.

Richard Whitman: These tools are on a graduated scale (least effort to most effort).

Joe Furia: We're setting expectations for applicants about what they're likely to encounter under SB 839. We are not ham-stringing the agencies from doing additional study if they think it's required.

April Snell: We need to make sure we're not preventing the agencies and applicants from learning and getting smarter. We can't be locked into using outdated studies. If matrix indicates that we have minimal impacts and sufficient information, that would be a small, straight-forward set of projects. Compare this to significant impact with insufficient information...those require good questions on the governance side in order to determine a good SVF prescription. However, the projects in the middle...state may want to invest in additional information because it's worthwhile. Add additional pieces into the Governance TF, so that the state has enough information to know whether to invest or not.

Katie: When we move into the rule advisory committee (RAC), it would be helpful to have projects to experiment with.

Jeff: Agreed.

Paul: Satisfied.

Richard W: Are we ready to move this forward into rule-making? The matrix will be used by the agency to determine what level of analysis is appropriate to scientifically establish SVFs.

RESULTS

YES (13) -

Leslie Bach

JR Cook (via email)

Katie Fast

Joe Furia

Tim Hardin

Valerie Kelly

Mark Landauer

Paul Matthews

April Snell

Kimberley Priestly (via email)

Gil Riddell (via email)

Tracy Rutten

Jeff Stone

NEUTRAL (4) --

Jerome Rosa. Want to run some test projects

Richard Kosesan. Want more information about how the process will work.

Eric Quaempts (via email)

Bill Jaeger (via email)

NO (0)

NEXT STEPS (Process Related):

- Staff and members: develop projects to experiment with over next several months / years.
- Governance TF and RAC: develop more specific guidelines for a Technical Review Team to use.
- Governance TF: describe how this relates to the water right permitting process.

MEETING AND TASK FORCE ADJOURNED

9:00 AM