

MINUTES

McKenzie Watershed Council
Eugene Water & Electric Board Training Center
500 East 4th Avenue—Eugene, Oregon

March 9, 2006
5:30 p.m.

PRESENT: Emily Rice (Bureau of Land Management), Facilitator; Mary Allison (United States Forest Service), Gene Highfill (McKenzie River Guides), Michael Kerrick (At-large Stakeholder), Michael Morales (Division of State Lands), Douglas Moser (at-large Stakeholder), Alan Olander (Hynix Semiconductor), Gary Papé (City of Eugene), Erik Petersen (Army Corps of Engineers), Ralph Perkins (East Lane Soil and Water Conservation District), Joe Pishioneri (City of Springfield), John Simpson (Eugene Water & Electric Board), Jeff Ziller (Oregon Department of Fish and Wildlife), Council Partners; Megan Finnessy, Kate Ferschweiler, Jared Weybright, Council Staff; Pat Thompson, Wetland Consultant; Steve Smith, United States Fish and Wildlife Service; John Moriarty, Network of Watershed Councils; Phyllis Highfill, Carol Ach, David Rodriguez, guests.

1. REVIEW AGENDA AND INTRODUCTIONS

Ms. Rice called the meeting of the McKenzie Watershed Council (MWC) to order.

Ms. Rice reviewed the agenda. She determined that Council Partners had no changes to the agenda.

Those present introduced themselves.

2. DISCUSSION AND APPROVAL OF PREVIOUS MEETING MINUTES

Mr. McDowell noted that the name of Charlie Volz, who was mentioned in the minutes for his recognition received from the Oregon Department of Fish and Wildlife (ODFW) for the work he was doing with fish passage culverts and other improvements that benefited fish, was misspelled on page 2 of the minutes.

The Council indicated approval of the minutes as amended showing Consensus Level 3.

3. SHORT ANNOUNCEMENTS/PUBLIC COMMENT

Ms. Finnessy said she received an e-mail from John Lilly of the Division of State Lands (DSL), who indicated that he was taking over management of the DSL's Land Asset Section and would no longer be in a position to attend Council meetings. Mr. Morales would be the new member representing the DSL, and John Otsyula would be his alternate.

Ms. Finnessy noted that Mr. Moll was unable to attend and that he wanted the Council to know the Green Island planting went well. Council staff was in attendance at the planting. More than 60 volunteers attended the planting and approximately 40 acres had been planted. It appeared all enjoyed the event.

Mr. Papé arrived.

Ms. Finnessy said Lane County was conducting a public comment meeting regarding the Wildish Sand and

Gravel expansion proposal on Thursday, March 23rd at 9:00 a.m.

Ms. Finnessy said she attended the Metro Waterways forum on Cedar Creek. The presenters would be meeting with the Council at its June meeting. The group was looking at developing guidelines and project ideas and hoped to have a project list by 2007 to address flow and flooding issues in the Cedar Creek area.

Ms. Finnessy said she and Mr. Highfill had attended two meetings regarding the replacement of Ike's boat landing. She said at this point, Plan A seemed to be a location upstream of Indian Creek. If that scenario went forward, the Eugene Water & Electric Board (EWEB) would remove Ike's Landing completely. EWEB was facing a May 5 deadline regarding the relicensing application and may request an extension from the Federal Energy Regulatory Commission.

Mr. Cox said the Ms. Ferschweiler had been coming to the McKenzie Schools to assist students with monitoring, journal entries, and observation of the pond at the track. He also reported the students were growing lupines with the assistance of Willama Restoration, and doing a good job monitoring the plantings.

Mr. Kerrick said he took a guided tour through the Oregon Hatchery Research Center the previous week and had been very impressed with the project, a joint venture of the Oregon Department of Fish and Wildlife (ODFW) and Oregon State University. He reviewed its mission statement, which included greater understanding of the mechanisms that may create differences between hatchery and wild salmon and steelhead; develop approaches to best manage differences to meet fishery and conservation objectives; and help Oregonians understand the role and performance of hatcheries in responsibly using and protecting Oregon's native fish. Mr. Kerrick said he had been impressed by the design concept in the hatchery, and had some brochures to share, which he circulated. He suggested the Council may want to have a presentation on the hatchery in the future.

Mr. Papé reported that the City continued to work on its National Pollutant Discharge Elimination System (NPDES) permit renewal, and he understood there were increased requirements for outfalls into the Willamette River.

Mr. Highfill said the Taylor Boat Landing was still in place and there had been no vandalism. He invited questions about the boat landing issue, noting that one of the few spots available was owned by the Oregon Department of Transportation (ODOT) and the group would work on getting the agency to grant the land. He had floated the river since the last Council meeting and noticed changes in the lower river. There were places that formally contained water that were now denuded of water.

Ms. Finnessy understood that the river had moved near the Cedar Creek headgate dramatically and there was speculation the water would be three feet below the headgate in the summer, leaving the creek dry. She had been talking to the Army Corps of Engineers (ACOE) and City of Springfield staff about what would occur there over the next few months.

Responding to a question from Mr. McDowell, Ms. Finnessy noted that Mr. McDowell referred the Council to the Freshman Seminar on Philanthropy, a class of freshman that accepted grant applications and agreed on those to further research and fund. The Council made the cut and was one of four finalists. After site visits, the seminar decided to select the Child Advocacy Center for funding. She thanked Mr. McDowell for referring the Council to the opportunity.

Mr. Ziller reported that he met with Tom Coffit following his testimony before the Council at the February meeting and found that Mr. Coffit was amenable to some low-key work that would allow the banks near

his home to build up. Mr. Coffit was working with Bill Burwell to get that work in place. He thought that there was also an opportunity for additional restoration on the site. Ms. Finnessy noted that Projects Coordinator Juan Welsh had contacted Mr. Coffit about the possibility of additional restoration.

Mr. Ziller said EWEB provided the regulatory agencies with a list of projects related to the Leaburg relicensing, which he found encouraging. He said there would be an update soon on the actual license. There was a lot of energy among meeting participants and good discussion occurred. He had been pleased to see a fish ladder at Trail Bridge among the projects.

Mr. Ziller reported that ODFW had done some challenge cost shares using ODFW Restoration and Enhancement Funds with the Forest Service and the board had approved two projects, one for three stream tables for use by schools or other agencies to use within the basin to demonstrate habitat changes resulting from certain stream manipulations. The second was for fish ID cards that would be handed out at local sports shops that sell licenses. They fit into a license holder and identified various species using very nice pictures, which should help people identify what they were catching. The proposal was accompanied by a proposal for a new poster to replace the old bull trout poster at kiosks in the basin. A three poster set of individual fish of the Willamette Valley were being produced and will be available for loan at Forest Service and ODFW offices. He promised a set to the MWC as well.

Mr. Simpson said EWEB voted to maintain the administration building and split its industrial operations to the property at the corner of Beltline and Roosevelt.

Mr. Simpson said it appeared to be a good water year in terms of power generation. He anticipated it would help the utility build its reserves. In regard to the water utility, sales had been lax. There were competing concerns, conservation on one hand and volume to keep costs down. Conservation efforts were geared toward efficient water use.

Mr. Simpson said the Carmen-Smith relicensing process was moving along quite well. EWEB must submit its license by May 5, and hoped to have a final application to the Federal Energy Regulatory Commission by December 30.

Ms. Allison said the Forest Service had begun to look at three boat launch areas on the river and was considering alternatives at Brutgers, Paradise, and Frissel. The Forest Service got funding to do the environmental analysis and some funding to implement whatever option went forward.

Ms. Allison shared in Mr. Zillers's pleasure about EWEB's Trail Bridge project; part of the Carmen-Smith relicensing draft proposal.

Ms. Ferschweiler said she is organizing a new teacher work shop on energy education and it has filled quickly. The workshop would be held at EWEB this March and 20 teachers would attend.

Ms. Rice called for public comment.

David Rodriguez, a resident near the headgate of Cedar Creek, said that water conditions were low now and it was likely the creek would go dry in the summer. The cause was easily identifiable as the river in January in front of his house scoured two feet deeper. All the debris and sediments that had been in place had moved down the river, creating further changes. He said the Council would hear more about his concerns about the need to do more work on channel migration in the absence of action by State or federal agencies. Mr. Rodriguez said that further rip rap was not the answer. He was working with a University of Oregon professor to track changes in the river over time to document what was occurring. He

emphasized that the State was behind the times. Mr. Rodriguez noted property losses among his neighbors due to changes in the river. He hoped the Council would talk to him some more about the topic.

4. WETLANDS AND MITIGATION

The Council was joined by Steve Smith of the United States Fish and Wildlife Service and Wetland Consultant and former Council Partner Pat Thompson for a presentation on wetlands.

Mr. Thompson provided an overview of wetlands in the Willamette Valley, primarily focused on wet prairie and riverine marshes. He noted the animals and plants associated with wetlands locally, including the western pond turtle, the chub, and Bradshaw's Lomatium.

Mr. Thompson called attention to the packet materials, which were provided by the DSL. He provided an overview of the regulatory processes related to wetlands.

Ms. Rice determined from Mr. Smith there was no economic incentive for a private property owner to mitigate a wetland if there was no economic development proposed.

Ms. Ferschweiler determined from Mr. Smith that all must go through the same permitting processes, including federal agencies and school districts. Ms. Ferschweiler asked what occurred if people tried mitigation on their own. Mr. Morales said that generally, they were reported by community members.

Mr. Morales noted the increasing complexity of the restoration process. Mr. Smith concurred.

Mr. Perkins noted that most applications were prepared by consultants or agency professionals and he thought there was room for improvement in that area. Mr. Thompson concurred, and noted the reluctance many consultants had in taking on "mom and pop" jobs because such small permits took the same amount of work as a large permit.

Responding to a question from Ms. Rice, Mr. Thompson provided a brief overview of mitigation banking, noting the increasing popularity of private mitigation banks. He said that onsite mitigation was generally a failure and mitigation banks provided a greater opportunity for wetland restoration success. He described a successful private mitigation bank that helped to support in perpetuity a 500-acre restored wetland outside of Eugene that was some of the highest value wetlands in Oregon.

Mr. Highfill asked if all Oregon wetlands had been identified and mapped. Mr. Smith said the National Wetlands Inventory was an initial effort to map the wetlands; it did not take into account agricultural lands that had hydrological soils that supported wetlands. The maps were never field-verified and could only be confirmed when a project was actually proposed. Municipalities did local wetland inventories, but those were not always accurate either.

Responding to a question from Mr. Highfill, Mr. Smith explained that wetlands that were in farm use were regulated by different agencies; those regulatory responsibilities shifted when a change in use was proposed, particularly if the site was within an urban growth boundary. For example, the Army Corps of Engineers did not regulate wetlands that were in use as farmland assuming the Farm Bureau had that oversight responsibility, but that changed if a change in use was proposed.

Mr. Ziller asked if impacted wetlands must be mitigated with the same type of wetland. Mr. Thompson said yes, generally. When a mitigation bank was created the bank proprietor attempted to create as many types of wetlands as possible. Responding to a follow-up question from Ms. Rice, Mr. Thompson said

anyone could create a mitigation bank. He reviewed the mitigation bank review process. Ms. Rice asked the smallest size possible for a bank. Mr. Thompson distinguished between acreage and credits available given the different replacement ratios for different wetland types, and said he would hesitate to establish a bank of less than 50 acres.

Mr. Ziller asked if the gravel companies had any incentive through mitigation to reduce levy size. Mr. Smith said the issue was the value of the credit in the mitigation bank. It was important to look at the service area in regard to impact from development and the soil types that development would occur on. Then one could begin to think about where an investment would be prudent. He noted that most commercial and industrial opportunities in cities existed on wetlands and hydrologic soils.

Responding to a question from Mr. Highfill about enforcement of conservation easements, Mr. Smith said that annual reporting and monitoring occurred for five years. After that, no further monitoring occurred. He said that the regulatory agencies recognized the problem, so the agreements establishing such easements frequently included an endowment for a third party nonprofit group to maintain the site. Mr. McDowell asked what happened if the third-party nonprofit dissolved. Mr. Smith did not think there was a good answer to that question.

Ms. Rice acknowledged that this was Mr. Kerrick's last meeting as a Council Partner and thanked him for his service.

The Council took a brief break. Mr. Kerrick and Ms. Allison left during the break.

5. NETWORK OF OREGON WATERSHED COUNCILS

Ms. Finnessy introduced the item, saying that John Moriarty, Statewide Coordinator of the Network of Watershed Councils (NOWC), would provide an overview of NOWC and its work. She recalled that the Executive Committee had agreed to back away from the organization for the time being, and suggested this was an opportunity for the Council to consider its involvement with NOWC in the future.

Ms. Finnessy circulated a document highlighting watershed accomplishments throughout Oregon.

Mr. Moriarty provided an overview of NOWC.

Ms. Finnessy suggested that long-term benefits of participation in NOWC include the potential of funding from private foundations through NOWC and assistance with organizational development issues such as insurance and retirement, which often are an issue for watershed councils.

Mr. McDowell determined from Mr. Moriarty that NOWC was currently funded through the Oregon Watershed Enhancement Board.

Responding to a question from Ms. Rice, Mr. Moriarty said the NOWC newsletter goes to many agencies, to the public, and to all watershed council coordinators and some council partners identified by coordinators. NOWC does not want to overwhelm people with information but wanted to get information out to the degree possible. NOWC continued to build its mailing list. Ms. Finnessy said that the NOWC website was a very useful site for the public and watershed councils to go to for information. Mr. Moriarty said the website provided information on funding and training opportunities. A list serve provided information sharing opportunities.

Responding to a question from Mr. Morales, Mr. Moriarty said that NOWC was not yet a 501(c)(3).

Mr. Moriarty stated the State had a responsibility to the non-regulatory, voluntary approach, which was key to leveraging dollars from private foundations. He said such organizations were often reluctant to fund a single watershed council because of concern about receiving multiple requests. NOWC anticipated it could serve as a conduit for foundation funding that would otherwise not be available.

Mr. Papé asked if the newsletter could include information about NOWC. Ms. Finnessy said it could; she noted that the newsletter was currently an outreach tool to landowners, and NOWC was in the developmental phase at this point. Mr. Moriarty acknowledged that the network was in the formative stage.

Mr. Moriarty emphasized that independence did not mean isolation; watershed councils could share information and pool resource in the form of understanding and knowledge through the network.

Mr. Perkins asked if NOWC would be politically active at the legislature. Mr. Moriarty said yes, but as an educator rather than as a lobbyist.

Mr. Moriarty encouraged the Council to consider joining the network and noted that he was available as he was based locally.

6. AT-LARGE PARTNER

Ms. Finnessy reviewed the application process for the At-large position and called the Council's attention to the application for the At-large position recommended by the Executive Committee. She noted that there were a total of four applications for the position. The Executive Committee recommended Nancy Holzhauser for the position.

A member of the audience expressed concerns about the applicant because she believed that she was interested in furthering her employment opportunities and supported the use of chemicals to control invasive species in Horse Creek.

Ms. Finnessy explained that any conflict of interest that the applicant had must be disclosed. In regard to the invasive species issues, Ms. Finnessy said that the Council was attempting to be more global in thinking and thus adopted the subbasin approach. Ms. Finnessy also noted that the Council had not made a policy decision regarding the use of chemicals, but Council staff did not fund the use of chemicals in the eradication of invasive species.

Mr. Cox noted a recent conversation he had with the applicant regarding the seating arrangement at Council meetings.

The Council briefly discussed the application.

Council Partners indicated support for the recommendation of the Executive Committee showing Consensus Level 3.

Mr. Simpson expressed appreciation to the Executive Committee.

7. COMMITTEE UPDATES

Executive Committee

Ms. Rice directed the Committee to the Committee meeting minutes contained within the mailing packet.

Projects Committee

Ms. Rice reported that Mr. Welsh had been busy with plantings over the last month. He was preparing an OWEB grant in April for a variety of lower McKenzie and Mohawk projects. She, Mr. Welsh, Mr. Ziller, Mr. Moser, and Andy Reasoner, a representative of the McKenzie River Trust, met the previous day to discuss potential projects for the 412/413 funds.

8. ADMINISTRATIVE UPDATE

Ms. Finnessy reported that the Watershed Alliance recently received notification from United Way that an anonymous contribution of \$2,000 had been made to the organization. Alliance staff was currently busy with nonprofit reporting to the State and Federal regulatory agencies and was working with the Finance Committee on the issue. The reports were due May 12. She noted that Mr. Moll had offered the McKenzie River Trust's assistance while Amanda Wilson was out on maternity leave.

Ms. Finnessy reported that the next newsletter would be out in approximately a month.

Ms. Finnessy said the new database developed with the assistance of Weyerhaeuser would be downloaded on the Council's system soon and backed up frequently.

Ms. Finnessy called the Council's attention to a list of upcoming meeting topics and reminded the Council that it did not meet in August.

Responding to a question from Mr. Highfill, Ms. Finnessy said that the McKenzie Maintenance Partnership effort was led by Lane County and no meetings had occurred recently. She noted new management at Lane County Parks and said she was encouraging Lane County staff to facilitate a meeting.

The meeting adjourned at 8:08 p.m.

(Recorded by Kimberly Young)