

Approved March 3, 1993

EUGENE WATER & ELECTRIC BOARD/
BOARD OF LANE COUNTY COMMISSIONERS
SPECIAL JOINT MEETING
(WORK SESSION)
December 1, 1992
5:30 P.M.

EWEB Board members present: Susie Smith, Dorothy Anderson, Sarah Hendrickson, and Glen Gibbons.

EWEB Board members excused: Mike Dyer

Others present: Randy Berggren, Tom Buckhouse, Susan Brody, Jim Brown, Max Smith, Laurie Power, Marty Douglass, Garry Kunkel, Shirley West and Kathy Cleland of the EWEB staff; Marcia Morgan, Jackie Mikalonis, Jim Johnson, Steve Cornocchia, Jerry Rust, Ellie Dumdi, Jack Roberts, and Roy Burns of Lane County; Jim Carlson and Kathi Wiederhold of the Lane Council of Governments; Louise Bilheimer of the Oregon Rivers Council; and Ross West, Recorder.

President Smith opened the meeting at 5:50 p.m. She introduced the members of the EWEB Board and EWEB staff.

Lane County Commissioner Ellie Dumdi called the Lane County Board of Commissioners to order. She introduced County support staff.

Project Status Report

The meeting was called to order by Susie Smith, EWEB Board President and Ellie Dumdi, Chair of the Lane County Board of Commissioners.

EWEB Management Services Director Susan Brody began her presentation with a review of the goals and objectives of the McKenzie Watershed Project (MWP). These goals and objectives were, she said, identified in the scoping project prepared by the Lane Council of Governments (LCOG) in April, 1992. She said that, from the staff perspective, the most important of these is the creation of a problem-solving and decisionmaking framework that can be used over a long period of time to resolve watershed issues.

Ms. Brody then reviewed the outcomes expected from the MWP and updated the Boards on the project's current status. Ms. Brody said that federal funding had been granted in the last Congressional session. A line item in the Environmental Protection Agency (EPA) budget will provide \$600,000 for the MWP. These funds, she stated, have been transferred to the EPA regional office in Seattle. The next step in obtaining the funding is to apply to the EPA through a grant application mechanism. LCOG is currently in the process of applying for this funding on behalf of EWEB and Lane County, she reported.

In addition, efforts have been continuing to determine the level of support state agencies (among them Department of Environmental Quality, Department of Land Conservation, State Parks Department, Water Resources Division, Division of State Lands, etc.) will be able to lend to the project, Ms. Brody said. She described the responses from these agencies as "very positive." She said that the MWP had been presented to the State Strategic Water Management Group (SWMG) on one occasion already and that on December 8 another meeting will be held at which time the results of tonight's joint Board meeting will be reported.

Ms. Brody stated that, assuming the Boards take positive action on the proposal to be placed before them tonight, the state will be asked to designate a lead state agency to work with the MWP group for the duration of the project.

Ms. Brody reported that other meetings had taken place with state and federal agencies as well as local interest groups. At these meetings, participants' ideas and concerns have been actively solicited regarding the contents of the scoping report and the proposal describing how the study will be structured.

Ms. Brody said that the MWP has always been envisioned as a three-year project and that, as such, that funding already obtained will need to be supplemented by additional funding. Because of this need, Ms. Brody recommended that the MWP continue to be a high priority for the United Front lobbying delegation and that the delegation actively seek further funding on its upcoming trip to Washington D.C. in February.

Lane County Planning Director Roy Burns stated that as a result of meetings with interested parties and agency representatives, the scope of MWP work has evolved to include a revision of the structure for the MWP as included in the original scoping report. Mr. Burns then presented the project's revised structure. This structure contained the following elements: Policy Oversight Committee, Project Manager, Project Team, technical advisors, and a public involvement process. Mr. Burns described the relationships of these elements.

Mr. Burns outlined the proposed make-up of the Policy Oversight Committee. He identified the responsibilities "still tentative" of the Committee; to approve and monitor the public involvement program, to monitor the MWP's work program and budget, to resolve issues among study participants, to provide feedback and direction to the Project Manager and Project Team, to integrate annual budget needs into agency budgets, and to report to the participating agencies as the study progresses.

Ms. Brody presented the Boards with an overhead projection of a list of agreements that they may choose to come to in the course of tonight's session. She said that these agreements would be entered into with the understanding that detailed work program development remains to be done.

Ms. Brody said that this concluded her formal presentation.

President Smith asked if there were any questions concerning the presentation.

Commissioner Dumdi asked for a description of the reaction given by local citizens and interest groups in response to meetings with MWP representatives.

Lane County's Jackie Mikalonis described a meeting that had taken place with the McKenzie Residents Association Board of Directors. She characterized their reaction to the project as positive and said that Board members expressed an interest in participating in the project.

Governmental Affairs Coordinator Marty Douglass re-emphasized that the group expressed an interest in participating in the process and in seeing the MWP assembly serve as a mechanism for dispute resolution.

Ms. Brody stated that meetings with resource managers from various timber companies had resulted in these managers voicing an interest in making sure that the MWP does not impose another level of regulation affecting their industry. They did acknowledge the potential benefit of their participation in the MWP. Following this meeting it was suggested that a representative of the timber industry sit on the Policy Oversight Committee, she said.

Mr. Douglass added that a key value of McKenzie Residents Association participation is that the Association hosts a wide variety of political philosophies as well as diverging river-management philosophies. Bringing so diverse a group into the process will better the process, he stated.

Commissioner Jerry Rust asked what other agencies had been considered but not recommended for participation on the Project Team, and what led to these decisions.

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Mr. Burns detailed why several key agencies had been included, among them the Water Resources Department, the Department of Environmental Quality, the Division of State Lands, and SWMG.

Ms. Brody added that there had been some debate about the inclusion of various agencies. She stated that one consideration employed in this process was to look for agencies required in its work to balance different perspectives. She noted that many of the agencies not represented on the Policy Advisory Committee would be represented by technical advisors.

President Smith said that the interests of the City of Springfield are substantial in this discussion, that they should not be overlooked and that, therefore, these interests need to be better integrated into the MWP.

Ms. Brody responded that the number of participants on the Policy Oversight Committee, as presented, is near what its facilitators feel to be a maximum workable number. Nonetheless, if strong sentiment were expressed by the Boards that representation of the City of Springfield is called for, such a representative could be added to the Committee. She offered another response to President Smith's concern: that staff could explore other ways of involving the City of Springfield (e.g. through mechanisms of update & consultation, by inclusion of technical advisors from Springfield, etc.).

Mr. Burns added that to some degree EWEB and the Springfield Utility Board (SUB) would represent their respective cities.

Commissioner Roberts stated that the City of Springfield has a clear and obvious interest in the work of the MWP and that the size of the Oversight Committee should not be a barrier to Springfield's participation.

Commissioner Rust posed the question that if Springfield were to be given a seat, wouldn't it make sense to also seat a representative of the City of Eugene on the Committee.

Mr. Burns suggested that the scope of the study is inclusive of a great deal of area in or near Springfield, but only a small portion of Eugene near Armitage Park.

President Smith suggested trying to establish a partnership between the City of Springfield and SUB in a kind of joint representation on the Committee.

Ms. Brody said that since strong support for the inclusion of Springfield is being voiced, staff would work to see that a Springfield representative is included on the Committee.

Commissioner Rust concurred with Ms. Brody's suggestion. He added that the City of Eugene should also be approached, through staff channels, to determine its interest level in participating. He asked if anyone disagreed with this suggestion.

There was no disagreement.

Commissioner Hendrickson asked for more background information on the Oregon Rural Resources Development Council (ORRDC) and the McKenzie Fisheries Restoration Project (MFRP).

Commissioner Dumdi provided information about the ORRDC. She said the organization was initiated through a Presidential initiative in 1990. She stated that originally there had been eight pilot states in the program--Oregon being one of them. A county-wide group--the Rural Development Council--associated with the ORRDC is comprised of four sub-committees: water, forestry, agriculture, and economic development. She said that George Greer has played a leading role on the water subcommittee.

Mr. Douglass described the MFRP as an association of McKenzie River fishing interests that are, generally, interested in the protection of fish, fish habitat and the environment of the McKenzie. He reported that several members of the MFRP are representative members of EWEB's McKenzie Network Group, a citizen input committee.

Commissioner Cornocchia asked for further information on the role of the Oversight Committee, the uses to which its findings will be put, etc.

Ms. Brody stated that each member of the Committee would be asked to report back to the group/s he or she represents as the project progresses. She said that the project is not expected to produce recommended draft regulations, but that it might recommend policy initiatives for implementation by one or several of the agencies sitting on the Policy Oversight Committee.

Commissioner Cornocchia, noting that the word "policy" is used in the Committee's title, asked what policies would be set, who would be setting them, under what authority these policies would be set, etc.

Mr. Burns replied that the Committee would deal with projects associated with the MWP by directing the Manager and staff to ensure that the Committee's adopted plan remains on track. He also stated that the Committee would also evaluate "the different information items as they come out." The Committee is not a substitute for the policy-making authority of any of the appointed state, federal or municipal Boards involved, he said.

Ms. Brody added that the Policy Oversight Committee could as easily have been called the Oversight Committee or Watershed Council. The name of the group, she said, is flexible. The group is a gathering of those responsible for overseeing the process and products of the MWP, she stated.

Commissioner Roberts offered an analogy that he suggested might clarify the question. He said that the Housing Policy Board serves much the same function as the proposed Policy Oversight Committee. The Board, he said, is an intergovernmental body that has citizen representation; the function of this body is to apply already existing policies to new projects, then make recommendations regarding the correspondence of policy to project. The Board has no authority, he stated, except to make recommendations.

President Smith said this description is very close to her understanding of the purpose and function of the Committee.

Commissioner Roberts said he was pleased by the award of the \$600,000, and commended President Smith for the part she played in securing the funding on last year's United Front delegation trip to Washington D.C. He pointed out, however, that this money will not be available until January 1, 1993 and that the United Front will be returning to Washington in February to ask for additional funding. He stressed the importance of crafting a message for the United Front to deliver that explains why more funding should be provided when there is little to show for the \$600,000 already allocated.

Mr. Burns said that a package demonstrating the importance of the MWP as well as the place of both present and future funding could be produced before the delegation's trip to Washington.

President Smith asked for acknowledgement that the Boards are in agreement regarding reaffirming the objectives that have been reviewed.

There was general acknowledgement of the objectives.

Ms. Brody then opened a discussion of the agreements under which EWEB and Lane County would enter into the MWP.

Commissioner Cornocchia said he had reservations about the availability of resources to fund any MWP-related expenditures in excess of the federally-granted \$600,000.

President Smith said that there is a matching-fund requirement in the federal grant.

Ms. Brody said that these matching contributions could be given in the form of either staff time or cash. EWEB's draft 1993 budget calls for a .75 - 1.0 FTE plus an additional \$20,000.

LCOG's Jim Carlson said that the matching fund requirement is five percent, or \$30,000 on the \$600,000 grant.

The EWEB funding alone would satisfy this requirement, Ms. Brody continued.

Commissioner Cornocchia said that this answered his concerns.

Commissioner Roberts asked about the implications of the "equal partners" wording in the list of agreements as it applies to the agencies and citizen groups that are invited to sit on the Committee.

President Smith said that the EWEB Board had expressed similar concerns and had discussed the matter at a recent meeting.

Ms. Brody added that she intended to amend the language to describe agencies and citizen groups sitting on the committee as "cooperative partners."

Commissioner Roberts said that certain constituencies are much larger than others, and because of this he has difficulty with the term "equal."

Commissioner Hendrickson suggested striking the word equal from the wording of the document.

Commissioner Cornocchia said he was not concerned about the participating interests so long as Lane County asserts its appropriate role.

President Smith said that the concerns expressed by the EWEB Board were related to the delegation of responsibility for project oversight to all partners. This, she said, could at times become problematic, as, for example, during budget discussions.

Commissioner Hendrickson added that as the project's originators, the County and EWEB bare some responsibility to maintain the project. In this role, it is important for the two entities to retain the ability to move the Committee should it come to a deadlocked position.

Commissioner Roberts added that as the entities responsible for obtaining funding for the project, EWEB and the County need to ensure that those funds are not "hijacked."

Commissioner Dumdi asked if the word "equal" was then to be dropped.

President Smith asked for the consensus of the Boards.

The consensus of the Boards was to strike the word.

President Smith asked if there was any more discussion of the agreements.

There was none.

President Smith stated that agreement had been reached. She then asked when the next joint meeting should be scheduled.

Ms. Brody suggested that it would be approximately three months and that as the date approaches discussions will be conducted to firm a date for the meeting.

Commissioner Rust suggested that a thorough briefing be conducted for members of the United Front.

Ms. Brody agreed. She said that the key to a successful delegation trip will be the development of a detailed work plan and the forceful delivery of this plan in Washington.

(For copies of the overhead projections used in Ms. Brody's presentation, see Document No. 9115-5 of the EWEB files.)

President Smith and Chairperson Dumdi closed their respective meetings at 7:45 p.m.

Secretary

President