

**MINUTES**  
**McKay Creek Mitigation**  
2<sup>nd</sup> Meeting -- June 27, 2019  
1:00 p.m., Room 114, Umatilla County Courthouse  
Pendleton, Oregon

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**Commissioners Present:** Chair George Murdock, Vice-Chair John Shafer (absent: Commissioner Bill Elfering)

**Guests Present:** John Turner, Mayor-Pendleton; Marilyn Lohmann, Hydrologist-NWS; Sean Kimbrel, Umatilla Field Office Manager (McKay Dam) –BOR; Mark Mulvihill, Pendleton citizen/homeowner; Jessica Keys, Field Rep for Senator Merkley; Kathleen Cathey, Field Rep for Senator Wyden; Courtney Crowell, Regional Solutions-Governor’s Office; Mike Wick, Westland Irrigation District Manager; Mike Ladd, OR Water Resources Department Region Manager; Greg Silbernagel, OWRD Watermaster

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CALL TO ORDER at 1 pm by Commissioner George Murdock. He turned the meeting over to Commissioner John Shafer.

1. Introductions were made around the room.
2. Review of minutes – May 15, 2019. Sean Kimbrel noted changes/corrections: Pg. 1, #3, ¶ 2, change Kimbrel to Austin. Pg. 2, #4, ¶ 4 last line change dam capacity to exclusive flood control. And, ¶ 7, after 2000 cubic ft., change to read: flow was going around the device (weir) and not getting an accurate discharge. BOR asked OWRD to take onsite discharge release going out of the reservoir. Jessica Keys noted correction on p. 3, her name is spelled Keys. Minutes were accepted as corrected.
3. Flood Recovery meeting. Commissioner Shafer noted the 6/25 meeting hosted by the City of Pendleton was very productive, including a short tour. Mark Mulvihill added the tour started at the first area with significant damage where a cottonwood tree fell in and a new gravel bar formed. It demonstrated the profound nature of water and making its own course. Next they saw an area where the water control district had worked, but it had fallen through. After that, they returned to the meeting to share perspectives. Primary focus is to work to positive outcomes. Permits are needed to look at water flows, when water is stopped. The “choke points” are the critical areas. Also needed is a study or merging studies to understand watershed. Original purpose of the dam seems to have evolved from irrigation to more need for flood control. A positive outcome was building relationships - negative is that it is extremely complex, which will require consistent and regular contact – “stay with it” for as long as it takes. His reflections were, overall, the meeting was good.

Mike Ladd agreed with his summary.

Greg Silbernagel suggested the UBWC (Umatilla Basin Watershed Council) be involved as they are familiar in this area with water issues. Courtney Crowell agreed and suggested adding ODF&W as well.

Mr. Mulvihill noted there are a lot of acronyms. Who will be the lead agency -- how do we build a structure? Ms. Crowell agreed there needs to be a “champion”. She suggested the OWEB (Oregon Watershed Enhancement Board) may have funding opportunities, but in terms of permitting – those at the upcoming Tuesday (7/2) meeting -- including DEQ, DS Lands, ODFW, OWRD, Corps of Engineers, BOR, US Geological Survey, Tribes, National Marine Fisheries – all those would help with the permitting aspect.

Mr. Turner agreed with being overwhelmed with the “alphabet soup” of agencies. His take on the 6/25 meeting was it was polite, but he was concerned with the comment by the Tribes’ representative about wanting a “natural floodplain”.

Commissioner Shafer noted 36% of the water is owned by the Tribes for fish habitat; Stanfield has a right to it, but the Tribes use it for fish water – it is in exchange for Columbia River water.

Continued discussion by Mr. Turner and Mr. Kimbrel about fish. Mr. Turner talked about proper entitlement of water exchange – he wasn't feeling good about the Tribes' comment. Mr. Mulvihill noted a bad reaction when "dredge" term was brought up and also a term of "scalp" about the creek bed. Protection has to be a happy medium. Things have changed since the 1960s. We must consider investment in going forward.

Commissioner Shafer noted the Tribes had done a study (Birch Creek) 1-2 years ago at a cost of \$100,000-\$200,000. That is an idea of a starting point -- good to hear. Mr. Silbernagel added that the watershed council was involved and should be approached moving forward. In addition, maybe include SWCD (Soil & Water Conservation District) for the irrigation focus.

Mr. Kimbrel suggested an acronym table would be helpful.

Mr. Ladd talked about an upcoming meeting in Portland. He thought there was an idea to get a group together (possibly Mr. Mulvihill and water control district) to collaborate and coordinate a permit application. Need to get something in place in the water work period December - February or March – that is coming up soon and whomever must work fast to get into permitting. Someone needs to get on their agenda.

#### 4. Updates on Four Major Goals of the Task Force.

Mr. Mulvihill - streambank. He and Robb Corbett met, but wanted to see this meeting's outcome. Tuesday's meeting showed a holistic approach. Collapsing this group's four main goals into one would be better. Diversion, the dam, water rights – all merge into one. Mr. Shafer commented initially it was a rough outline of how to move forward; however, it is a living document.

Better instrumentation. Mr. Ladd noted instruments are model technology and top of the line. We can discuss when there is a trigger that can be changed to reporting more often. Mr. Kimbrel felt it should be every 15 minutes vs. every hour – a BIG point. Mr. Ladd felt good coordination regarding stream flow instruments and gauge. Compared to the channel, at the time, where measurements aren't very accurate. In addition, the upstream measurement worked. He advised all information is updated and important during high flow events. The challenge is in opening channels.

Mr. Kimbrel added that 2,000 cubic ft./second for measuring the flow accurately is a good trigger point. He needed precise measurement for what is going downstream. Mr. Mulvihill asked Mr. Kimbrel, what is his best need? He explained stages, flood, upstream above the reservoir. He would like to know what the number is at a higher point. Without that knowledge, it wouldn't have changed the release.

He also would like a gauge further upstream, (14-15 miles) and would like estimated discharge -- it could buy more time if flows are coming.

Mr. Mulvihill asked about snowpack – can't it be determined or shouldn't we know in the Blues what is the water measurement? "Why didn't water get released earlier"?

Mr. Kimbrel noted forecasts are available for snow (melt); however, the snow/moisture measurement this year in February was a record, although there were higher years and yet there wasn't enough snow to fill the reservoir. Releases were made in March based on forecasts – volume of runoff. Also factored in was the rain forecast. Mr. Mulvihill felt the management of the dam is not working. How can the Umatilla River flooding be foreseen? Can the same/similar concept be used for McKay Creek?

Commissioner Shafer added the NRCS was confident about snow in the mountains – volume. Given two SNOTEL sites, can water equivalent be put into volume feet – storage? Mr. Kimbrel agreed he or any water user wants the answer.

Mike Wick – Westland Irrigation District Manager. The contract is for a bit less than 45%. A difficult thing about acre feet has to do with density of snow – water content/run off. Prediction is a day by day thing. Mr. Ladd added, how fast does it come off, charge up the channel and how much precipitation – those are factors for predictions (by NRCS (Natural Resource Conservation Service)). Ladd noted there is a process on the Umatilla River – a good forecast – those measurements sound like just what is needed on McKay Creek.

Third goal, 6,000 acre feet is not enough for reserve. The federal government must make this change, since it is within its authority. Commissioner Shafer noted discussion with Tucker Billman (Senator Walden’s field representative) who talked about a Walla Walla dam issue (similar) where the federal government “ask” is about \$40 million.

Mr. Ladd talked about additional storage capacity and the price tag – making the dam a little taller. Mr. Kimbrel noted the dam design life is 100 years. There is no authority to dredge – it is typically cost prohibitive. Discussion continued about 6,000 acre feet, sediment deposits, lower pool – not at the top. Where water enters the pool is where sediment collects.

Mr. Mulvihill asked what is ability to get capacity in the dam? This is manageable and realistic. Mr. Kimbrel responded that is site specific for cost effective means to increase storage space. Ms. Crowell added this could tie into the “holistic” discussion.

Mr. Shafer to Mr. Wick about water, he agreed they are water short; there isn’t any extra to “sell back” as discussed at the first meeting.

Mr. Mulvihill asked about flood problems in February/March/April – what about the tribal portion -- would they be willing to sell flood storage? Commissioner Shafer noted that is a Gary James question (fish consideration). Kathleen Cathey noted that would be a good conversation with the Tribes. Mr. Mulvihill asked can we invest together with the Tribes? He would love to do that on his property.

Fourth goal, Finding Upstream Diversion Sites: The Water Control District did this after the 1991 flood per Mr. Mulvihill. They looked at diversion and did research into natural waterway diversion. Diversion and pumping into the aquifer are good possibilities. What about ideas in other countries? Mr. Mulvihill supports and values culture – feels it is best to leave water rights alone– need to look at storage – what about recharging the aquifer? Or alternative storage?

5. Updates from the Room. Mr. Mulvihill talked about taxing authority – he is now on the district budget committee. The Water Control District receives \$15,000/year; it has added up over years until they now have \$150,000 in the bank. The control district can use it for anything in McKay Creek -- for more than bank control. The WCD is committed to be part of the effort.

6. Goals for Next Meeting. Mr. Turner went back to the Tuesday meeting. He realizes that dredging is not supported. However, a permit can be obtained for 3-4 key chokepoints. He noted we (this group/representatives) can be put on the agenda to present the case and link up with the watershed enhancement board for funding.

Mr. Silbernagel explained the purpose of the 1-2year study on Birch Creek was for a long-term fix. There should also be a project list of diversion options. Ms. Crowell added that OWEB may be able to fund a study.

Mr. Mulvihill asked should there be a hired lead? A project manager? There is need for a point person since many people work full time jobs. Mr. Silbernagel suggested Michael Ward at the Umatilla Basin Watershed Council

could be that person as that is his area of expertise. He can introduce him after return after July 8. And, Ms. Cathey also noted Sue Greer (Condon) would also be a good person to include.

7. Next Meeting. Commissioner Murdock noted the need to determine some type of budget to accelerate the work. And Mr. Ward should be included. In response to Commissioner Murdock's question, Mr. Mulvihill noted the McKay Creek Water Control District would be willing to commit some funds. Mr. Turner noted as a partner, the City of Pendleton would commit some funds as well. And, Commissioner Murdock noted Commissioner Shafer could approach the County for some funds as well.

Commissioner Shafer noted after the day's discussion, the group needs to collapse into one rather than separate work groups. To advance the goals for holistic approach, the group felt it best to consolidate.

Ms. Cathey talked about FEMA and eligible damages and felt an emergency disaster declaration should be approved since damages are over what is required. And regarding hazard mitigation grant money, Ms. Keys noted it is for forward-looking planning. Grants through OEM have a list of allowable expenses. Ms. Crowell believed those funds could be used for the study discussed previously. She gave an example of specific items like the Canyon Creek fire (a house was moved). Ms. Cathey suggested the county EM should be involved and give a report on allowable fund use for hazard mitigation.

Back to setting up the next meeting, Mr. Turner suggested waiting until after the Kaizen interagency meeting in Portland. Mr. Crowell was advised by Sarah Christianson about the need to present the identified four chokepoints on McKay Creek at the meeting.

There was more discussion about dates – possibly 7/23. (Commissioner Shafer would hope to meet Mr. Ward 7/8 or 7/9 – then he is out until after 7/18). It was agreed to wait to schedule this group meeting until after those meetings are had and the participants can report back.

Commissioner Shafer asked Mike Wick to comment if he would like. He advised the Westland Irrigation District is the major contractor and he is the representative (General Manager). He has talked with Mr. Kimbrel about the importance of prediction of events. In addition, Gary James at the Tribes must be part of the McKay Creek discussion.

Adjourned at 2:35 p.m.

## **Melinda Slatt**

BOR (Bureau of Reclamation)  
DEQ (Department of Environmental Quality)  
DSL (Division of State Lands)  
NMF (National Marine Fisheries)  
NRCS (US Dept. of Ag Natural Resources Conservation Service)  
ODF&W (Oregon Department of Fish & Wildlife).  
OEM (Office of Emergency Management)  
OWEB (Oregon Watershed Enhancement Board)  
OWRD (Oregon Water Resources Department)  
UBWC (Umatilla Basin Watershed Council)  
USGS (U.S. Geological Survey)