

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Special Board Meeting  
Wednesday, May 15, 2013, 9:00 a.m.  
Commissioners' Conference Room  
Benton County Justice Center, Kennewick, WA

**Present:** Chairman Shon Small  
Commissioner James Beaver  
Commissioner Jerome Delvin  
County Administrator David Sparks  
Clerk of the Board Cami McKenzie

**Benton County Employees Present During All or a Portion of the Meeting:** Adam Fyall, Sustainable Development; Planning Manager Mike Shuttleworth; DPA Ryan Brown; Steve Brown, Building Department; Finance Manager Keith Mercer.

#### Introduction and Overview of Water Issues

Adam Fyall briefly reviewed the WRIA 31 (Water Resources Inventory Area 31 Rock/Glade) program and said they had been working on this for over 10 years with the same team in place. He said that Klickitat County was the lead agency and that Dave McClure had been the director since the beginning.

#### WRIA 31: History, Accomplishments, Status

Dave McClure gave a Powerpoint on the WRIA 31 and briefly discussed the following:

- Klickitat County, Benton County, Yakima County and City of Kennewick agreed to initiate planning and ultimately Yakima County chose not to participate
- Planning Unit Membership
  - 32 agencies identified; 20 + voting members; now down to 18 active members and citizens at large that participate at the meetings
- Assessment Phase - \$200,000 grant for level 1 assessment; level 2 funding was completed after a couple of years – accepted
- Planning Phase - another \$250,000 grant received - solicited proposals for contractor to provide support (two year process); approved by Planning Unit in January 2008; completed a SEPA review process; then approved by Benton, Klickitat and Yakima Counties in April 2008

Commissioner Beaver asked about Yakima County's decision to not participate in the planning process but its ability to approve the plan. Mr. McClure said that although Yakima County chose not to actively participate in the planning process, they reserved the right to have a seat at the table if at any point they didn't like what was going on.

- Phase 4 Implementation
  - Funding for projects - Kennewick ASR (Aquifer Storage/Recovery), Water Storage Appraisal Assessment for Horse Heaven Hills; Rock Creek Water

## Quality Improvement Plan; Pump Test to Determine Suitability of Aquifer for ASR

- Ongoing Implementation Efforts
  - Support of VRA's; consult and advise on Columbia River water supply and demand inventory; communicate/coordinate with other Planning Units in the Columbia Basin; pursue legislation to address water right relinquishment - part of lobbying and his employment with Klickitat County;
  - Modest grant received for riparian planning to address Rock Creek temperatures; stream flow gage Rock Creek (Ecology) and various fish habitat related actions
- Implementation - 2014
  - Entitled to up to \$50,000 grant for watershed plan implementation
  - Proposed grants for the following:
    - Pump test to determine suitability of Aquifer for ASR;
    - Water Right bank/exchange;
    - Water Availability Assessment
    - Water Storage SEPA Scoping
    - Primary projects that he saw being funded would be in storage

### **Horse Heaven Water Storage Project - Aspect Consulting**

Adam Fyall stated that in the past Benton County had been involved and exposed to other concepts for storage in the area and there were quite a few studies completed. However, this was a different storage project that was a lot more realistic.

Tim Flynn, Aspect Consulting reviewed his Powerpoint presentation and discussed the following:

- WRIA 31 Storage Project History - used previous study information so not to re-create the wheel; looked at a wide range of storage concepts when this started
- Pre-Feasibility Study
  - Analysis of Water Demands Met w/Storage; Numerous Surface Reservoir Options Considered; Interaction with Local Stakeholders
  - Preferred Storage Alternatives
    - Alder Creek Reservoir
    - Switzler Canyon Reservoir
    - ASR in Western Horse Heaven
  - Water Storage Concept
    - Provide mitigation for new water rights; pump from Columbia River when water is available (Winter/Spring); pump into surface reservoirs; divert water from same pool or downstream; discharge equal volume of stored water from reservoir back to Columbia River
  - Final Report
- Storage Appraisal Assessment – Phase 1
  - Fatal Flaw Analysis
    - Alder Creek Reservoir (fatally flawed due to landslide hazards)
    - Switzler Reservoir (no fatal flaws identified – proceed to Phase 2)
- Storage Appraisal Assessment – Phase 2

- Project Overview; Engineering;
- Cost Estimate
  - Capital \$280 Million
  - Annual O & M + Power: \$4.5 million
  - Amortized Cost: \$430/acre-foot (cost to get water right; water delivery costs are extra)
- Allocation/Funding Concepts
- Next Steps for Switzler Reservoir
  - SEPA Scoping - Grant Application in for SEPA Scoping
  - Ancillary Tasks – Assess ASR for Horse Heaven

The Board briefly recessed, reconvening at 10:20 a.m.

### **Salmon Recovery – Yakima Basin & Klickitat Lead Entity**

Klickitat County is the lead entity as established in 1999 and it expanded to include WRIA 31 in 2011. It includes a citizens’ review committee to evaluate and prioritize habitat projects; an adaptive management strategy and habitat work schedule; also a Klickitat technical committee to provide technical support. The primary function is evaluate and prioritize projects for grant funding through salmon recovery funding board program and to date there have been 45 projects for a total of \$7,892,073 in grant funding.

### **Groundwater Issues**

#### Groundwater Management Area

Mr. Shuttleworth said the Board instructed the group to send a letter requesting to get out of the GWMA and they would be attending a meeting tomorrow to discuss this request. Commissioner Delvin commented that he received a phone call from the Department of Ecology Director to talk about that letter and he hoped to have that conversation soon to see what they had to say.

#### Exempt Well Issues for Single Family Dwelling

Mr. Shuttleworth said this related to the committee with Kittitas and Yakima Counties and the MOU Benton County was asked to sign. Commissioner Beaver said the County needed to implement some strategies but he was not sure the County needed to sign the Memorandum of Understanding.

Mr. Shuttleworth provided documentation on water policies for Benton County and said the Board previously reviewed water resources and policies that were adopted into the Benton County Comprehensive Plan. He said they have looked at these issues in the past and may want to consider them as it reviewed the MOU. He stated the Planning Commission looked at these issues in subdivisions and they are also looked at administratively for short plats. Additionally, when building permits for structures with potable water were submitted, they were required to complete a form entitled “water availability notification”.

Tom Tebb, Department of Ecology, said the main issue for exempt wells was that any new use of groundwater contributed to the declining water in the basin.

Commissioner Beaver said that Kittitas, Yakima, and Benton were all in this group but there were varying degrees of interest and he wanted to have conclusion about where Benton County was going with this and have some direction about what steps they would take.

Commissioner Delvin asked the Board if it wanted to say no to the MOU and state that Benton County was going to go out on its own. He said there were a lot of statements in the agreement that were not needed and he was hoping for a more generic version. Commissioner Beaver said he was in agreement with not signing the MOU.

**MOTION:** Commissioner Beaver moved that the Board decline to sign the MOU with Kittitas and Yakima County regarding exempt wells. Chairman Small seconded.

### Discussion

Commissioner Delvin said he could do that, but wanted to continue to address the issue and move forward. Chairman Small said he agreed they should continue to work on the issue with the team and legal to see what was best for Benton County.

Upon vote, the motion carried unanimously.

The Board agreed it would work with Mike Shuttleworth and the Conservation District to work through these issues to form a plan how it would interact with the public and others and to define legal obligations. Once the information was compiled the Board would have a public meeting and workshop to continue to work through the issues.

### Agency Comments

Tom Tebb, Regional Director for WA State Dept. of Ecology (Central) said he wanted to express appreciation to the County for working through the water issues. He said he wanted to clarify they were in the process of reviewing that MOU and another option they were looking at was preparing a more symbolic MOU to work these issues and that was still an option. He said the Department was disappointed that Benton County was seeking to withdraw from the GWMA. He indicated he wished the County had made it more evident there were such issues and that he was still hoping it was a possibility that Benton County remain in the group. He said the issues they faced in the Yakima Basin were difficult and the reason they were doing this was because it affected senior water rights. He said they were trying to come up with a partnership to make purchasing property a timely, affordable and effective process instead of making rules and closing the door. He said he hoped that Benton County would continue to engage in this process.

Mark Nielsen, Benton Conservation District, provide additional data showing a map of Benton County and all the wells in the Dept. of Ecology database. He said the majority of Benton County's wells were not shown; there were 1900 wells in the GWMA and 13,400 wells in Benton County (only 10%). Commissioner Delvin said that maybe an option would be to expand the GWMA and Mr. Nielsen said there was nothing that would preclude that.

John Cox, Benton County resident, thanked the Board for discussing this issue. He commented that water was one of the few natural resources and we needed to take good care of it. He asked who in the audience was there on its own dime (no hands were shown) and then said he wanted to know where the citizens were that should be involved in this; he said

he was just asking everyone to be diligent about using the rate payers money. He said the storage project was an excellent presentation and that whenever we do something that leaves a footprint, that it should be reviewed very carefully.

Commissioner Beaver stated that the Board was very sensitive to the issue of taxes, to the environment, and sensitive to Native Americans and their rights along the river and would continue to be aware of that.

There being no further business, the meeting adjourned at 11:13 a.m.

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Clerk of the Board

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Chairman