

CALL TO ORDER

At 4:30 PM, Chairman Foster called the July 30, 2019 Special Board Meeting of the Moses Lake Irrigation and Rehabilitation District to order. The record shows that all Directors were present, including General Manager, Chris Overland. Legal Counsel, Brian Iller attended the meeting via telephone. The record indicates that this meeting was recorded. The Pledge of Allegiance was then recited.

DISCUSSION OF AGENDA ITEM(S)

Chairman Foster called on the board members and the audience for discussion on any agenda items, and nothing was brought forward.

APPROVAL OF THE AGENDA

Chairman Foster called on the board members to approve the agenda. Vice Chairman Bailey made a motion to approve the agenda. Director Teals seconded the motion. The motion carried unanimously.

EXECUTIVE SESSION

The Board went into Executive Session at 4:32 PM to discuss with Legal Counsel potential litigation in the form of the legal risks of a proposed action or current practice. The expected time was 10 minutes, and the Board was to return approximately at 4:42 PM. Possible action may occur after Executive Session.

The Board entered back into Regular Session at 4:42 PM.

ACTION ITEMS

With the recent occurrences, announcements in the paper from the Grant County Health District, the social media, letters to the editor, and the dozens of phone calls to board members and the MLIRD office, the Board decided to call a Special Board Meeting to discuss the water quality issues and MLIRD's responses and actions.

Director Selmann said one of the topics brought up at the last Moses Lake Watershed Council meeting was the testing methodology that the Grant County Health District used for the determination to put up signage. When the GCHD receives a phone call about a bloom, they budget two test sites a week. They test the worst areas on the lake because the theory is the blooms can blow anywhere on the lake which, is why signs are posted. Director Selmann said Gene Welch has suggested testing a bigger cross-section of the lake. Director Selmann believes more testing is worth discussing since MLIRD does water quality testing regularly and asked whether it makes sense to include testing for toxins with the other testing regimen and make that information available for the public. This would give a better overall understanding of what the Microcystin levels are in the lake. He believes this added information would be potentially helpful in terms of providing more information available to the public for another useful resource. Legal Counsel, Brian Iller stated he has concerns from a liability perspective and would like to discuss the matter in Executive Session if the Board would like to pursue adding more testing. Chairman Foster stated that Stephanie Shopbell with the Grant County Health District had mentioned how it would look if there is any competing information going out to the public when all the entities are supposed to

be part of a whole group known as the Moses Lake Watershed Council. He doesn't know that he would particularly care for another member of the Moses Lake Watershed Council undermining, not intentionally, but the perception is going to be two different sides and does not want to take on that role. Vice Chairman Bailey stated he agreed with Chairman Foster and the only way he can see going about more testing would be to fund the Grant County Health District to do additional testing. Vice Chairman Bailey also does not want the responsibility of saying if the lake is safe or not. Chairman Foster stated that Stephanie Shopbell with the Grant County Health District said they are following the State Department of Ecology's protocol and Chairman Foster does not believe it is up to MLIRD to say how many tests are enough tests and let the Grant County Health District do what they are responsible for. Director Teals asked what MLIRD currently tests for. General Manager, Chris Overland stated MLIRD currently tests the nutrient levels in the lake at 14 different test sites. Last year, water testing was taken approximately every two weeks. This year with the dredge project underway, water testing has been taken monthly, although every two weeks is the preference. MLIRD water quality tests have been made available for the Moses Lake Watershed Council meetings and can also be found on MLIRD's website. The Grant County Health District has all of their previous test sites and their pending test sites located on their website as well.

Director Selmann has recently been in contact with congressional representatives as a private concerned citizen. He had a meeting today with Maria Cantwell's representative, and one of the things that was discussed is there is not a written agreement or a lot of information from the USBR on the water flows which is one of the biggest impacts of the phosphorus levels on the lake. Director Selmann has been in communications with the USBR on facilitating a meeting and possibly coming to a memorandum of understanding. The feedback that has been received from the USBR is that water quality in Moses Lake is not their purview, so the water flows through Moses Lake has left their planning process. Whereas when the dilution water flows were part of the Clean Lakes Project, it was headed by EPA, had federal connections, and since there was no written agreement made, is no longer institutional knowledge. Director Selmann has been talking to congressional representatives about setting up a meeting with the decision-makers at the USBR about making the flows through Moses Lake part of their flow plan such as a memorandum of understanding that set target levels. In Director Selmann's meetings with congressional representatives, it was suggested that it is a lot easier for them to approach a concern if they are approaching it on behalf of a board or a legal entity and the more entities, the better. In MLIRD's response to enable the congressional delegation to do their job effectively in terms with setting up a meeting with the USBR for getting a written agreement for a flow plan, it would be beneficial if the MLIRD Board an interested party in negotiating an agreement with the USBR in terms of creating a flow plan. Director Teals stated that when there are about 200,000 cubic acre-feet of water coming down through Moses Lake in May and June, the lake is cleaner. When the flows stop, the heavy phosphorus water from the north end of the lake comes down and flushes all the benefit of the Columbia River water flow away which is one of the reasons why Moses Lake is experiencing the situation it is right now. The blue-green algae issue is not new and has been here forever. Director Selmann stated that the blue-green algae was addressed effectively 30 years ago with Moses Lake getting enough dilution water flows until the last few years. General Manager, Chris Overland said he had received information from Clyde Lay, the Department Field Office Manager with the USBR saying they are willing to discuss a memorandum of understanding with MLIRD. Vice Chairman Bailey stated MLIRD is part of the interested parties in Moses Lake and represents a minority fraction. The Moses Lake Watershed Council was formed by parties that have either authority and/or an interest in seeing Moses Lake improve;

some municipalities, state agencies, political representatives, and many more. The Moses Lake Watershed Council is still in the process of becoming a legal entity. At the same time, Vice Chairman Bailey thinks the Moses Lake Watershed Council is addressing issues. Chairman Foster said Stephanie Shopbell with Grant County Health District commented that they have not closed the lake; although Chairman Foster believes that is the perception of the people.

Vice Chairman Bailey had a meeting with Representative Tom Dent the morning of July 30, 2019 who said he was in Washington DC with Judy Warnick in December and met with the USBR in June who is all aware MLIRD is trying to do something. Tom Dent also met with the head of DOE in Spokane relative to Sprague Lake and also asked about Moses Lake. Tom Dent was the Chairman of the TMDL project which stands for Total Maximum Daily Load and dealt with phosphorus in Moses Lake which was a very contentious period for people relative to the lake. The DOE is being cooperative, informative, and offering to help and recognizing that there is a problem and knowing that the solution is not a simple change. The three irrigation districts needs are driving the entire system. Vice Chairman Bailey knows that right now the preferred method of getting water to the South District through O'Sullivan is through the Lind Coulee rather than the Rocky Coulee Wasteway. These are the kinds of issues that affect MLIRD's ability to have dilution water through Moses Lake. Vice Chairman Bailey and Tom Dent also discussed the project from Brooks Lake to Crab Creek down into Moses Lake which was started approximately 15 years ago. The USBR did a lot of work on Billy Clap on the Dam so they could get water into the Crab Creek channel to run a continuous supply of water down into Moses Lake. With this, they experienced several issues such as the Dieringer Dairy on Road 10 that had flooding and a lake that develops at the airport, at the end of the asphalt runway which attracted ducks and geese. Vice Chairman Bailey suggested cleaning Crab Creek out through those areas and keeping the water where it's supposed to be. These are all contingencies that will need to be discussed at a meeting with the USBR. Vice Chairman Bailey stated the bottom line is the lake has improved over the years, and he does not think MLIRD is the one to be leading the charge. He thinks MLIRD should be working with, through and for the Moses Lake Watershed Council.

Director Selmann said he did bring up signing on to participate with the USBR to get an MOU created at the Moses Lake Watershed Council meeting, and Harold Crose with the Conservation District responded that the Conservation District would be interested in signing on as well. Director Selmann believes that MLIRD signing up to be an interested party in negotiating an agreement with the USBR in terms of creating a flow plan would not hinder the Moses Lake Watershed Council. He also believes the other members of the Moses Lake Watershed Council should sign on as well. Chairman Foster would like the Board to authorize the MLIRD Board Members who have been sitting in on the Moses Lake Watershed Council meeting to invite other members of the council to go as a group representing the Moses Lake Watershed Council to a sit down meeting with the USBR to discuss an MOU. Director Teals thinks MLIRD should come up with a proposal that MLIRD passes to get the Moses Lake Watershed Council to agree to come to a meeting with the USBR and come up with an MOU in terms of creating a flow plan. Director Dexter brought up that DOE gave an accolade too, stating that the dilution in Moses Lake has had a significant positive impact on the water quality. Discussion was had on if political pressure needed to be included. Director Selmann believes that with all the feedback he has gotten from the community and how this issue has affected Moses Lake, timeliness, and action is a large part of it.

Director Teals made a motion to have MLIRD meet with the USBR to establish an MOU and ask members of the Moses Lake Watershed Council

to support the action. Secondly, that MLIRD sends information to the WA State Representatives and Senators so they can support the issue as well. Director Selmann seconded the motion. Chairman Foster asked to interpret “information” in the motion to the fact that MLIRD is meeting at the ground level and that MLIRD is doing it as a number of stakeholders and interested agencies. Director Teals restated the motion to read “to have MLIRD meet with the USBR to establish an MOU and ask members of the Moses Lake Watershed Council to support MLIRD. Secondly, MLIRD asks for support from its Congressional Delegation.”

Vice Chairman Bailey amended the motion to authorize MLIRD as a Moses Lake Watershed Council member schedule a meeting with the USBR to develop an MOU on water flows through Moses Lake. Secondly, MLIRD asks for support from its Congressional members. All Directors agreed on the amendment. The motion carried unanimously.

Director Teals mentioned the USBR sends water down to the South part of the Irrigation District through the Lind Coulee, the Winchester Wasteway, and through Moses Lake. When water flows through the Lind Coulee and the Winchester Wasteways, it does not affect many people. When the water flows through Moses Lake, it affects the entire town and some people outside city limits. Director Teals thinks that is why it is so important to bring dilution water through Moses Lake no matter what the cost.

Chairman Foster would like the authority to meet with Harold Crose with the GC Conservation District and let him know that MLIRD has been invited by the USBR to set up a meeting and invite the GC Conservation District to come to that meeting as well. Chairman Foster also asked for clarity on how MLIRD is going to contact the Congressional representatives. Director Selmann stated he as a concerned citizen met with Richard Evans, who is Maria Cantwell’s Outreach Director for the region and they discussed a lot of the history and the challenges that Moses Lake faces. Richard Evans asked for help with finding more information on the economic impact by possibly getting the EDC involved. Richard Evans stated he could then take that information to the policy-makers on Maria Cantwell’s staff in Washington DC who would then reach out with further questions. Director Selmann reported he spoke with Dan Newhouse’s Outreach Director who directed him to Nicole Kuchenbuch, who deals with water issues. Nicole Kuchenbuch said she reached out to the USBR who told her they were aware of the issues and they are open to seeing what anyone has in mind. Director Selmann said it was Dan Newhouse’s office who felt it was important that they have a legal entity that they were representing and Maria Cantwell’s office stated the more entities that would sign on the better.

Chairman Foster stated he had learned a lot in the last nine months on what the Conservation District does and they are the only member of the Moses Lake Watershed Council that has the authority to contract with every possible entity and agency to do the things MLIRD is looking to do. All it would take would be for the Moses Lake Watershed Council to do an MOU with the GC Conservation District. Director Teals would like a letter sent to Dan Newhouse, Maria Cantwell, Patty Murray, Judy Warnick, etc. by any of the entities that are willing to support the effort stating they are working with the USBR to establish an MOU and explain what it is they are after and state any support regarding the issue would be greatly appreciated.

Chairman Foster stated he feels the board has a better feel for the direction MLIRD is willing to do things in conjunction with the Moses Lake Watershed Council. Chairman Foster is looking for the Board to re-affirm what was decided last November or December of 2018 in regards to the participants on the Moses Lake Watershed Council will be the Chairman

and the Vice Chairman of MLIRD. There was confusion after the last Moses Lake Watershed Council meeting as to who was speaking for MLIRD. Legal Counsel, Brian Iller stated that it is important there are not three Board members of MLIRD at any meeting of which important or relevant matters of MLIRD are being discussed. Director Selmann said he has been careful with every effort he has done he has made sure he has said that he is not representing the MLIRD Board. Chairman Foster said he would formulate a response back to Clyde Lay at the USBR after he has a chance to talk to Harold Crose at the GC Conservation District. Chairman Foster also let General Manager, Chris Overland know to contact the USBR and let them know that MLIRD is anxious to set a date to meet. Director Teals thanked Chairman Foster for calling the special meeting, and he thinks the Board has established a good procedure to move ahead.

ADJOURNMENT

The meeting was adjourned at 5:48 PM.

Jeffrey B. Foster, Chairman

Bill Bailey, Vice Chairman

Kaj Selmann, Director

Kris Dexter, Director

Richard Teals, Director

By: _____
Secretary to the Board of Directors