



**Lake Abert & Chewaucan Meeting #2**  
**June 13-14, 2023 in Paisley, OR**

**Meeting Summary**

Participants present: Abby Wicks, James Williams, Joey Minear, JP Pratt, Barry Shullanberger, Greg Green, Craig Foster, Ed Contreras, Autumn Muir, Lisa Brown, Matt Anderson, Patrick Flanagan, Philip Milburn, Ryan Houston, Colleen Withers, Marty St. Louis, Tess Baker, Wilson Wewa, Theo Dreher, Tess Baker, Tammy Barnes, Tory White, Justin Ferrell, Jack O’Leary, Matt Withers, Casie Smith (Day 1), Johnathan Van Roekel (Day 1), Zavier Borja (Day 1), Harmony Burrignt (Day 1), Jon Lamarche (Day 1), Anton Chiono (Day 1), Cole Hendrickson (Day 2), Diane Teeman (Day 2), Sara Slater (Day 2)

Oregon State University Team Members present: Aaron Wolf, Henry Pitts, Hannah Steele

Oregon Consensus Facilitation Team present: Jennah Kiefer, Bobby Cochran

Action Item	Who	Date
Identify a CWC member for the joint fact-finding subgroup	Tess & Colleen	ASAP
Reach out to Green Diamond (Tess), USFS (?), Fort Bidwell Indian Community (Bobby), Klamath Tribes (Bobby)	Tess, ?, Bobby	Before June 26
Update map of current actions (Colleen, Bobby, and GISer like River Design Group/OSU/PSU): Get data from DU (Bobby), new OWEB projects (Autumn and Colleen), other NRCS (Ed and Abby), Sagecon (Bobby and Phillip),	Bobby, Colleen, Autumn, Ed, Abby, Phillip	By July 15
Respond to OSU survey on data sources & current actions	All	June 25
Respond to OC survey on group name & Mtg 2 feedback	All	June 25



Update Group Charter	Jennah	Complete
Review updated Group Charter draft	All	June 25
Search for proposed language on protocols regarding notifications and rights in other forums from the Sisters' meeting	OC	
Review OSU questions for prioritization	All	During June 26th Meeting
Define goals for the group	All	

***Day 1 Welcome, Agenda Review, and Updates***

Oregon Consensus facilitator, Bobby Cochran, welcomed everyone to the meeting and emphasized the importance of being rooted in a place. Opening remarks were provided by Tribal Chairman Wilson Wewa and Commissioner Barry Schullanberger. The group then introduced themselves, stated their organization, and they listed one thing they noticed on the drive in. He then asked the group for updates.

Autumn Muir discussed grant progress on post-fire recovery work (OWEB's budget funding needs to pass one more committee and then the full funding will be authorized for on the ground projects, including work around the Bratton Fire, spraying for weeds, re-seeding, conifer felling, fence felling to protect new fences). Justin Ferrell discussed that 80-90% of the post-fire funds go to contractors, and that a lot of it came from the General Fund. If it's supposed to be allocated for five years, there's a gap, it's hard to get contractors down here/hold contractors down to spots if the funding isn't secure. Tammy Barnes also said that Carlos at OSU would be waiting on funding to assess the efficacy of seeding. This will look at the emergence of native bunch grasses post fire and assess soil carbon, species count, dry matter density in different caged off plots.

Harmony Burrigh provided an update on HB 3099 and shared that elements of it have been rolled into a water omnibus package HB 2010, which passed out of Ways and Means 6/20/23, and now moves onto the House and Senate floor. She noted that it has leadership support on both sides of the aisle. The elements included: formation of collaborative and support for PSU/OSU. Although funding for OWRD and ODFW was not included, they were able to get some positions to support the work more broadly across the state and region rolled into agency budgets, which could include the Chewaucan/Abert effort. They were successful in supporting OWRD's effort to update the statewide water availability model- not basin specific. In the event things aren't funded this session, Rep. Owens' office is committed to pulling together a full comprehensive package on the basin that identifies data gaps. Some

emphasized the need for technical support up front in the Chewaucan Basin and said, “You can’t manage what you don’t measure. We don’t want to make this just a talking exercise.”

### ***Expectations for Collaboration***

Facilitator, Aaron Wolf, OSU, provided an overview of background context of water issues all over the world, and noted that in being connected to this work, we’re part of a larger community. Water people are noticing that the opposite of war is occurring- water brings people into a room, to the table, etc. Everyone knows the Klamath because of conflict. When feeling in conflict, think of three steps: stop, go to your breath, and ask what’s the artful thing to do? Aaron shared that this moves you into listening and can help reorient the entire dialogue and emphasized the need to be aware of cultural differences. We’re moving slowly because relationships matter. *The process is not rational.* The people cannot be separated from the problem. This conversation then transitioned into a discussion of the four types of water. There is a significant transition between Positions (physical water) — Interests (emotional water)--- Values (mental water)--- Harmony (spiritual water). We find shared values by continually asking a “why”. The final takeaway- LISTEN.

### ***What Actions Are Already Underway Discussion***

Colleen Withers, Chewaucan Basin Collaborative, provided an overview of current projects happening on the ground throughout the watershed, many of which were OWEB-funded restoration efforts following the five catastrophic wildfires that may have burned 75% of the uplands. She explained that local natural resource groups and land managers use a “ridgetop to ridgetop” approach to treat the watershed at the landscape level, which leads to cross jurisdictional restoration. Lake County is 75% public lands and 25% private. The Oregon Dept. of Ag recognized the basin as an SIA ([strategic implementation area](#)). She explained that the SIA work focuses on water quality monitoring (especially sediment and phosphorus), restoring woody vegetation, water column work, and habitat restoration. The last Upper Watershed Assessment done by the Bureau of Reclamation has not been updated since the 1990s but is underway with grant funding and will build upon the highly successful work completed by the US Forest Service.

Small groups then reviewed maps with the OWEB-funded projects and worked together to identify other current activities underway to develop a comprehensive understanding of work happening on the ground. The list of activities included, but was not limited to:

- Weed management around Pine Creek and Willow Creek, with general spot treatment and helicopter work focusing on Scott’s thistle and Medusa head.
- Juniper removal around Willow Creek, Crooked Creek, and on the front range above upper marshes in Little Creek into Lakeview. Suggestion to check with SageCon or ODFW on related sage grouse work. Also need to record BLM conservation work on sage grouse.
- Flood irrigation projects in the marshes, which could involve retrofitting culverts and slide gates or replacing existing infrastructure with improved infrastructure that improves time efficiency for irrigators. One example underway is J Spear Ranch irrigation efficiency projects with Ducks Unlimited. Are there other on-farm irrigation modernization projects underway?
- Upland water quality work- mitigate your way up, work your way down. There's a need for erosion mitigation/strategies. There were questions about upland storage.

- Gauges on Bagley ditch and Small Creek are not functioning right now. Riparian fencing has taken in some of the fish passage on the weirs.
- The USGS gauge is in the middle of the lake, which raised questions about potential issues of aquatic invasive species.
- Water bird inventory in the basin (waterfowl and spring migration). Shorebird use and inventory needs work but is currently being done by Point Blue (a national bird group inventorying shorebirds throughout the Great Basin). Data can be found on the [Intermountain West Joint Venture](#) website. Identified need around developing a water budget, timing, and amount needed to support migratory birds.
- Remediation of the [Alkali Lake chemical waste disposal site](#) around Agent Orange.
- Clover Flat Cougar Fire response with drill seeding and learned lessons from aerial seeding with the Bratton Fire. The Watershed Council has a lot of beaver dam analogs planned along Willow Creek, as well as conifer felling in the area. Small diameter conifer thinning, brush thinning, prescribed fire.
- The Oregon Agricultural Trust has [identified this area for agricultural easements](#) in their strategic plan.

Other questions and comments that arose included: Desire to have the US Forest Service and Green Diamond engaged given that they own significant amounts of land in the area and could be key players. A suggestion that all of these projects could be compiled into one spreadsheet to share with the legislature for future tracking and support. Acknowledgement that some work, such as NRCS' with private landowners in the upper and lower marshes, involve protections and may not be able to be reported. Someone expressed a desire for more specifics around 'forest health' focused projects, such as, what is meant by thinning?

## ***Group Charter***

### Purpose & objectives

A few participants voiced their support for using the goals from HB 3099 as this group's overarching purpose and objectives. Someone else added that the purpose and objectives gleaned from the assessment had important, specific elements that could become good task focal areas and therefore didn't want to lose them altogether. Others urged the group to consider the fact that the HB 3099 language has been negotiated and agreed upon. One person emphasized that using consistent language from HB 3099 through the charter could help from a political stance moving forward.

There was a discussion about the continual calling out of Lake Abert- why not leave it under the umbrella of the Chewaucan watershed? Someone responded that Lake Abert is the canary in the coal mine, and emphasized that it's the reason that many people are here. Another saw value in calling out Abert because it is quite different from the freshwater systems. Someone else discussed the caution around elimination of phrases from working documents (referenced the Columbia River Basin, the Columbia Treaty, and talking about the river separately from the ocean) assuming that future people will interpret the language, and omitting some language could shape those future interpretations.

**Proposed Action:** Use the HB 3099 objectives as the group's purpose in the Charter and retain the specific call-outs for both the Chewaucan River watershed and Lake Abert.

- Develop a shared understanding of water management in the Chewaucan River watershed
- Identify broadly supported actions related to the Chewaucan River watershed that will strive to:
  - Meet water needs, including needs for agricultural operations, communities, Lake Abert, wet meadows and fish and wildlife.

- Address the ecological health of Lake Abert and the entire Chewaucan River watershed and
- Consider social, economic and environmental benefits and impacts.
- Address current and future in-stream and out-of-stream water needs.

### Decision-making

A Tribal member reminded the group that Tribes are sovereigns, and there are ways Tribes will make decisions in that context which are different from participating in a collaborative process. Someone shared their view on the importance of participants taking the time to show up to engage in decision-making, and others expressed support for having representatives of groups hold decision-making responsibility. The Deschutes Basin Collaborative charter says you have to attend two consecutive meetings to participate in decisions. Members get two weeks advance notice with materials before a consensus decision is sought. For the Harney Place-Based Planning process, the protocol is that someone has to be at 2 of the last 4 meetings to participate in consensus, but can be via Zoom, phone or in-person.

Someone advised that the group be clear on who has authority for decisions (e.g., what the group can decide, what state agencies decide, and what Tribes as sovereigns decide); what the authority of a person vs. their institution is; what does representation mean; and how the public can be involved. Some participants asked if we needed a formal charter? Others responded that a governance document is helpful for long term continuity as well as for agencies and funders to see as they consider the group's recommendations, and others noted that some funders require a charter.

**Proposed Action:** Everyone who spoke favored a consensus-based decision-making approach where anyone at the meeting can participate to inform decisions. Named representatives of groups would be 'members' and those members would be part of the consensus decisions. Group membership would be open for some time. There would be a way to seek decision input from groups not able to make meetings. There would be a way to capture dissenting opinions and move forward when the group is very close to consensus. There would be an articulation of the role for state/federal agencies and sovereign Tribes.

### Rights in other forums

Someone mentioned that the April meeting in Sisters may have had notes on ways to notify others about actions in other forums. The group did not have significant additions to this language. Things good to notify about- grant application or funding asks or an important project like a new fish passage structure. Things with no need to notify- a change in the point of diversion for an existing water right.

## **THE CHARTER CONVERSATION CONTINUED ON DAY 2**

### Membership

Jannah Kiefer, Oregon Consensus, presented some revised charter language crafted overnight based on the group's discussion on Day 1. The new draft missed adding the Confederated Tribe of the Umatilla Reservation, Legislative Commission on Indian Services, and Green Diamond, which was fixed during the meeting. The Burns Paiute Tribe and Fort Bidwell Indian Community are still interested in participating. It was suggested that the Klamath Lake Forest Health Partnership, IWJV, and LCRI be listed as advisors.

### Group name



Jannah asked for additional name options by June 16, and Oregon Consensus will ask for votes on preferred names via a Google Form before June 26.

### Other

Related to the discussion around decision-making and general operating protocols, there was a suggestion to consider whether or not to provide hybrid meeting participation (i.e., with Zoom call-in) for when the group meets in person.

### ***Joint Fact-Finding Process***

Aaron, Henry, and Hannah from OSU introduced the joint fact-finding process. They emphasized the importance of 1) asking the right questions, and 2) identifying the least amount of information needed to make a good policy decision. More information can always be acquired, but that takes time and resources. The OSU team is asking the group to submit knowledge sources by June 25 via a [Qualtrics survey](#), and via [BOX INSTRUCTIONS HERE](#). That information will be shared out via a google sheet, and the OSU team is also looking for visual ways to share the information (e.g., Survey 123)--both for the group and for the broader public.

Email the OSU team at [chewaucanteam@oregonstate.edu](mailto:chewaucanteam@oregonstate.edu) with any questions.

Aaron framed the role for three kinds of knowledge: Traditional ecological knowledge, lived experience, and peer reviewed science. We heard presentations as examples of each.

*Traditional Ecological Knowledge (TEK) Presentation- Wilson Wema, Northern Paiute and Confederated Tribes of the Warm Springs*  
Wilson commented that his knowledge has been passed down through three generations, and that traditional ecological knowledge is recognized for policy decisions at the federal and state levels. Wilson has been traveling through the Chewaucan since the 1960s and has listened to his dad's hunting stories and grandma's observations. His grandma talked about the meadows along the road from Bend to Burns and the playa lakes with aspens that have now transitioned to rabbitbrush. The land is changing. Wilson spoke of rotational harvests, never taking more than what could be used. There can be a balance. "Our legends are our history".

*Lived Experience Presentation- Colleen Winters and Tess Baker, Chewaucan Watershed Collaborative*

During drought, water runs out in the marshes. Colleen referenced Dustin Sims' family in Valley Falls, and their observation that they saw wagon tracks across Lake Abert the last time it was dry. Also referenced a conversation with Grandpa Withers and how there have been other dry times, but these have been extraordinary. But the community is resilient against drying events. Also, a conversation with Jack O'Leary's dad around runoff in the Chewaucan River, and the struggle to pass cattle over the river in June because it was so high.

*Scientific Literature Presentation- Casie Smith, USGS*

Casie spoke to the difference between terminal lakes and saline lakes. \$5 million annually was authorized by Congress to study lakes in the Great Basin, but only \$1.75 million was appropriated for FY23. The hope is that this funding will remain constant for FY24, but this is currently unclear. USGS studies are focused on water quality, water quantity, the food web, and the birds. USGS has conducted a data gap analysis and literature review and compiled a database of published data. That manuscript is ready for internal review, and then will go for peer reviewed publication. There are 900 data sources. How can our group not reinvent the wheel or coordinate? Oregon is missing more data than other states. USGS will install a continuous water gauge at Highway 31 where it crosses

the Chewaucan River, pending approval from ODOT and the landowner. The plan is to also collect discrete measurements at Crooked Creek (Pacific Corps may fund a continuous gauge here as part of their interest in a pumped storage project). Plan is to start collecting data for October 2023 onward. Nine lakes will be prioritized- 3 hypersaline lakes, 3 freshwater, and 3 mixed. Abert is one of the priority hypersaline lakes. They want to consider ecological tipping points. Contact Bridget Deemer if we know of datasets. USGS is pulling together a water data catalog for Oregon (contact [bdeemer@usgs.gov](mailto:bdeemer@usgs.gov)). The catalog is looking at soil moisture, snowpack, precipitation, groundwater levels, and consumptive water use. USGS is also tracking American Avocets, including some tracked from Abert. Those birds will provide real time data on bird locations. In FY 24, USGS will add tracking for Grebes.

*Scientific Literature Presentation- Jonathan LaMarche, Oregon Water Resources Department*

Jon presented a paper reviewing known hydrologic data designed to provide a common baseline of information on water quantity for the Lower Chewaucan Basin. The paper did not look at the Upper Chewaucan. A lot of the OWRD 2015 analysis still holds up, but some things (especially natural flow amounts- the amount of water that would be flowing in the river prior to agriculture) might need adjustment (i.e., the difference between wetland evapotranspiration and agriculture evapotranspiration). Simulating water dynamics in wetlands is really hard- OWRD is trying to do this in the Klamath. Water outflow in the Chewaucan is highly variable. The consumptive use rates for agriculture in the Lower Chewaucan are lower than a lot of other agricultural systems (i.e., the consumptive use is relatively efficient compared to irrigated agriculture in other places, like the Deschutes).

The climate signal (i.e., warmer temperatures both increase evaporation and increase crop water demands) is driving Lake Abert levels (just like everywhere else in the arid West). Agricultural use is still influential. Jon went on to talk about the conundrum of “there is nothing to manage for water” v. “you can’t manage what you don’t measure”. According to the water rights in the Lower Chewaucan, current water rights holders A) hold enough water rights to use all the flow in the Chewaucan, and B) have enough access to water where no water rights holders are complaining to the water master about getting their water. Lake Abert does not have a water right to manage for. There is also not enough water to meet the various needs for instream and out of stream uses.

### ***Next Steps and Day 1 Adjourn***

In closing, Bobby reviewed the topics covered and collective accomplishments from the full day spent together. He noted that the facilitation team would continue to take notes and organize all of the information gathered during discussions and bring it back again tomorrow to advance tomorrow. He shared gratitude for everyone showing up and leaning into a long day’s work.

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### ***Day 2 Welcome, Agenda Review***

Bobby welcomed the group, highlighted the letter of support for HB 3099 budget and other data asks, and that the next meeting is on June 26th via Zoom.

### ***Joint Fact-Finding Process (Day 2)***

Henry and Hannah asked the small groups to answer four questions:

1. What information do we still need in order to make good decisions moving forward? Who has this information or who can get it?

2. What do you want this joint-fact finding process to accomplish ahead of the June 26th meeting?
3. How can the OSU Team best contribute for June 26 and beyond?
4. Would having a sub-group be valuable? Any volunteers?

**The key information captured from the report-out included, but was not limited to:**

- How irrigation and agriculture works (e.g., different types of irrigation, how water moves across the fields, correlation between hay yields and cow weights with water levels)
- Local history, photos, and stories
- Upland fire history, ecology, forest health, and impacts of fire on the broader watershed and hydrology
- Habitat requirements for certain fish (e.g., redband trout)
- Maps of where data collection sites are & coverage of current monitoring efforts (e.g., Agreement, Snotel, precipitation, flow gages, water quality monitoring, bird counts, etc.)
- Optimal water quantity and quality (e.g., salinity) of water in marshes and Lake Abert to support ecosystems
- How much water is needed in Lake Abert to sustain ecological function? If more water is delivered in wet years, can it help with wet years?
- How much water is going to Lake Abert from subsurface return flows and surface return flows.?
- There is also interest in measuring diversions, more water for the same tonnage of crop in a dry climate
- Questions around declining springs on the north end of the lake (anecdotal, could be tied to water withdrawals in a different basin)
- Who makes which kinds of decisions relative to the things this group cares about
- Access to the Visualizing Ecosystem Land Management Assessments ([VELMA](#)) model

One small group asked which of this information is feasible to collect, and what are some of the common tools, methods, measures, etc. for collecting data and turning that into usable information?

**Requested “deliverables” for the joint fact-finding process**

- Key questions we would like answered (maybe start this on June 26)
- Can we get a literature review, with annotated bibliographies for each key question?
  - Table of information sources- title of document, annotated bibliography. OSU to show the group a draft to ensure categories and level of annotation detail is right.
- “Overlays” of information – Especially intersecting the OWRD analysis with knowledge of how agriculture and irrigation works to get a more precise picture of hydrology and water use.
- More accessible syntheses (e.g., plain language, visual representation) of existing information (e.g., of the OWRD hydrology data; of ODFW bird data sitting in people’s heads or file drawers; of how the Lake Abert ecosystem functions in terms of chemistry/habitat access, invertebrate ecology, and bird use)
- Summary of what the group agrees that they know and where there are priority information gaps. The group also was interested in some level of third-party engagement with the information to help the group see where there were areas of agreement, disagreement, or missing understanding.
- Some people were interested in some kind of third party ‘arbiter’ or expertise that could help the group resolve where there were remaining disagreements over key knowledge areas.

The OSU team needs to summarize the source material we have and make it accessible via the knowledge database so that group members can evaluate for planning purposes. OSU will send the invitation for survey, box, etc from our [chewaucanteam@oregonstate.edu](mailto:chewaucanteam@oregonstate.edu).



**Proposed Action:** Form a joint fact-finding subgroup. Volunteers: Ed, Theo, Lisa, Tammy, Autumn, CWC will put forward someone, JP

### ***Future Planning***

The group offered suggestions for the June 26th meeting key agenda topics, which included 1) Budget scenarios (in response to legislative support, or not), 2) Key questions for joint fact-finding to consider, and 3) Next draft Charter, including group name.

They also brainstormed ideas and hopes for future meetings, which included 1) More engagement with the data presented by OWRD, 2) Exploring possibilities for upland field days, 3) Thinking about ways to engage elders and youth in the group's gatherings and engagement—both for knowledge, but also to share what the group is doing across generation, and 4) Identifying “what decisions need to get made” for this group

The groups who weren't at the meeting but were identified to follow-up with and invited to engage included: USFS, Green Diamond, Fort Bidwell Indian Community, and Oregon Agricultural Trust.

Feedback (Do this again):

- Coordination with the Planning Team and subgroup to develop options for the broader group to discuss and move forward.
- Including quick summary on background context in the meeting materials
- Having large scale maps of the watershed
- Reaching the peak of discussion then moving onto the next topic and revisiting it again the next day was efficient and productive.

Feedback (Improvements for next time):

- Table layouts that support full visibility of everyone's faces during group discussions.
- More maps of full basin in larger scale
- Name tags on day two as well

***The meeting adjourned at 11:15AM, and some participants attended the optional field tour.***