

Columbia River Policy Advisory Group
July 21, 2011

Odessa EIS

Wendy Christensen of the Bureau of Reclamation and Derek Sandison briefed the group on the current status of the Odessa EIS. This EIS has been underway since interested parties decided in 2006 on a set of objectives. The Draft EIS looked at groundwater replacement of 102,000 acres being studied by constructing a portion of the East High Canal and expansion of the East Low Canal. The partial replacement alternative (57,000 acres) would be accomplished by only the expansion of the East Low Canal. BoR and Ecology received more than 1,000 individual comments on that draft, in 108 letters and more than 400 postcards. Comments addressed economic benefits, cumulative impacts, the Columbia River Treaty, climate change, Lake Roosevelt operations, and other recreational and cultural aspects.

The agencies crafted a modified partial replacement as the preferred alternative. This alternative would improve irrigation to 70,000 acres; would rely on Banks Lake as the primary storage facility; would optimize use of the current infrastructure; and would result in in-filling, with an exchange of acreage for outlying users.

CRPAG members had these questions and observations:

- With in-filling, would the proposal lead to the retirement of deep wells? [Yes.]
- Would the in-fill result in the substitution of tilled acreage rather than untouched acreage? [Primarily.]
- What is the timing of the final EIS release? [Draft was October 26, 2010; Final in December 2011 (more likely February 2012); Record of Decision in 2012.]
- Are maps with the new alternative on your website? [Not yet.]
- Does the 70,000 acres depend on expansion south of I-90? [Yes.]
- Does the 70,000 acres assume a 100% capacity factor in summer? [Yes]
- Are you planning on additional aquifer modeling? [No.]
- Would the alternative provide water to the better off part of the aquifer? [To some degree. We know where the most significant decline is, but offsetting use is not a perfect fit.]
- Do you have plans for additional consultation? [Not on a schedule, but we have a commitment to talk with parties about the modified partial replacement.]

Ecology Proposed Legislation

Evan Sheffels reviewed legislation that Ecology had proposed in the last session and talked about the future. The Water Smart Legislation introduced last session is still alive, into the second year of the session. There were three components of this bill that attracted considerable debate and discussion: (1) fees associated with recovering water permit processing costs; (2) relinquishment reform, in terms of how far the “look back” should extend; and (3) the ability to protect Trust water. A significant challenge for the bill was

that because the Governor's budget was built on revenue replacement from fees, the Department faced a potential shortfall of \$11m without an agreement on fees, thereby jeopardizing the entire water permitting staff. Ultimately the legislature restored a significant portion of these funds, while not enacting new fees.

It is unlikely that this bill will be advanced in 2012. Instead, the Department is focused on implementing a set of provisos from the Legislature. These are: (1) Simplify the procedures for permit processing, using a loaned executive from Boeing. (2) Identify confusing and conflicting statutory language through consultation with stakeholders. (3) Complete 500 water right decisions, and therein restore \$500K in the budget to maintain staff expertise. (4) Improve and maintain the accounting of the number of permits processed.

CRPAG members had these questions and observations:

- Is Water Smart still a fee bill? [Yes.]
- If you gain efficiency from the partnership with Boeing, will you need fewer people? [No. We will commit the freed-up time to other work that has been neglected.]
- Hasn't the Legislature told you to put some activities on hold as a way to manage your budget?
- Is part of your effort to identify legislative process requirements that could be streamlined? [Yes.]
- Will Ecology pursue the Water Smart legislation next session? [Right now our focus for the short session is to deal with the various provisos.]

Derek Sandison noted that, through the CRPAG, Ecology has sponsored a committee to assist with responding to two legislative provisos. One of these deals with the calculation of out-of-stream indirect benefits. The other looks at options for aggregating the storage allotment requirements of the Columbia River Development Account.

The Department also intends to propose extending the expiration date of the Voluntary Regional Agreement from 2012 to 2018.

Lake Roosevelt Permitting Decisions

Dan Haller reported on the outcome of Ecology's discussion with the CRPAG on the policy framework for processing Municipal and Industrial (M&I) permits associated with the 25,000 af from Lake Roosevelt: The Department will allow applicants to split the purpose of use when their application involves multiple purposes and retain the date of the non-M & I purpose. The Department will decide how much to allocate on a case-by-case basis, rather than fixing a 6 year or 20 year schedule. The Department will consider domestic use to be M & I water. Applicants who are not ready will keep their application date place in line. The Department will be flexible in considering changes in project and consider them on a case-by-case basis.

CRPAG members had these questions and observations:

- How many active applications are there? [150]
- How much water would be applied to these applications? [It is likely that the 25,000 af would cover the universe of 150 applications.]

Derek Sandison noted that Ecology has entered into formal negotiations with the Bureau on a service contract pertaining to the Lake Roosevelt water.

Pilot Project on Interruptible Users

Dan Haller described an effort to reduce the number of small interruptible users. Currently there are 379 interruptible users subject to water availability restrictions. Many of them are small users. Ecology doesn't believe that it makes sense to have a drought strategy where one size fits all. Ecology is looking to reduce the number of interruptible users and thereby reduce the number of transactions in a drought to make it easier to manage. The tool it would rely on is application of the Overriding Consideration of Public Interest (OCPI) provision of the water code.

Ecology is considering three options;

- 1) Acquire additional consumptive water every year in trust and remove an equal number of interruptibles.
- 2) Hold primary reach water in a key tributary every year in trust and remove some interruptibles.
- 3) Fund habitat, land acquisition, side channel restoration, or fish barrier removal projects and remove some interruptibles.

CRPAG members had these questions and observations:

- What is the location of the interruptibles? [Primarily they are on, or within one mile of, the mainstem.]
- Would the water affected be in addition to the increment of Lake Roosevelt water targeted to drought users? [Yes.]
- This is an interesting proposal and I encourage you to pursue it.
- Another strategy to add to the plan is to recalibrate water rights; it is likely that if you did, the nameplates would drop.
- Were you able to reduce interruptibles this year? [There has been no interruption this year.]
- Be careful about the third option. It could have unintended consequences. There are many pots of money for habitat improvement right now. I am skeptical about employing this option.
- Would Ecology be interested in a conservation bank for steelhead habitat? [We want to work with the CRPAG and others to identify projects and gain momentum.]

- Is the OCPI individual or programmatic in application? [We weigh all uses on the river and determine if there is an overriding public interest.]
- I worry about out-of-place mitigation. How would you do geographic matching if the interruptibles are way up a tributary? [Interruptibles are on the mainstem, in nearby groundwater, or in Columbia River backwater on a tributary. Our pilot would match the interruptibles closest to the mitigation.]
- WDFW is interested in this proposal. There are circumstances where flow alone isn't the issue for fish. We need to set up sideboards around this.
- Have you talked with NOAA about this idea? [No; we'll do that, though.]
- Would this project compete with other funds in the CR account? [Yes. Currently there is a funding gap of about \$5m due to legislative budget provisos for the GWMA studies and Sunnyside Irrigation.]

Dan requested that people should get their comments to him on a pilot approach in the next 30 days **[by August 19]**.

Lincoln County Passive Hydration

Derek discussed Ecology's decision on the passive hydration project in Lincoln County that the CRPAG reviewed at its last meeting. Ecology would like to refocus the project to get to SEPA and permitting issues earlier, so that a decision on whether to proceed is more cost effective.

Other Projects

Ecology will be issuing notices on three projects: A point of diversion change for the Kennewick Irrigation District; Sullivan Lake Reauthorization to allow retiming; and availability of trust water to mitigate for temporary permits for use of about 600 af in Walla Walla.

Ecology has changed its webpage and has increased the links between projects. Comments from the CRPAG were that Ecology is looking good on the water side; there is a need for more context on the fish side.

The next CRPAG meeting will be on September 29 at the Hal Holmes Center in Ellensburg.

Attendees:

CRPAG members and alternates:

Dennis Bly, Lincoln County Commission
 Jack Myrick, Washington State Conservation Commission
 Michael Garrity, American Rivers
 Chris Marks, Confederated Tribes of the Umatilla Reservation

Darryll Olsen, Columbia Snake River Irrigators Association
Gary Passmore, Colville Tribes
Lisa Pelly, Trout Unlimited
Rudy Plager, Adams County Commission
Phil Rigdon, Yakama Nation
Mike Schwisow, Columbia Basin Development League/WA Irrigation Districts
Teresa Scott, Washington Department of Fish and Wildlife
Warren Seyler, Spokane Tribe
Richard Stevens, Grant County Commission
Leo Stewart, Confederated Tribes of the Umatilla Reservation
John Stuhlmiller, Washington Farm Bureau
Rob Swedo, Bonneville Power Administration

Others in attendance:

Neil Aaland, Washington State Association of Counties
Nancy Aldrich, City of Richland
Phil Brown, Golder Associates
Wendy Christensen, Bureau of Reclamation
Carolyn Comeau, Department of Ecology
Sara Cornell, Columbia Basin Development League
Stuart Crane, Yakama Nation
Charity Davidson, Washington Department of Fish and Wildlife
Dan Haller, Department of Ecology
Tom Helgeson, CH2MHill
Wally Hickerson, ICF/Jones & Stokes
Al Josephy, Department of Ecology
Barb Lisk, Congressman Hastings Office
David Lundgren, Lincoln County Conservation District
Kyle Lynch, Representative Warnick's Office
Dave McClure, Klickitat County
Chris Marks, Confederated Tribes of the Umatilla Reservation
Carl Merkle, Confederated Tribes of the Umatilla Reservation
Scott Revell, Kennewick Irrigation District
Tom Ring, Yakama Nation
Doug Robinson, Washington Department of Fish and Wildlife
Derek Sandison, Department of Ecology
Evan Sheffels, Department of Ecology
Dan Silver, facilitator
Paul Stoker, Groundwater Management Area
Karen Terwilliger, Department of Ecology
Steve Thurin, HDR Inc.
Stephanie Utter, Bureau of Reclamation
Dawn Vyvyan, Yakama Nation