Columbia River Policy Advisory Group
October 17, 2012

State of Oregon Columbia River Projects and Policies

A panel briefed the CRPAG on activities they have been involved with in recent years to develop healthy water resource practices and policies for the State of Oregon and the Umatilla River Basin. The panel included Dr. Brenda Bateman, Oregon Water Resources; Brett Brownscombe, Governor Kitzhaber's office; Chris Marks, Confederated Tribes of the Umatilla Reservations; Steve Greenwood, Oregon Solutions; Dennis Doherty, Umatilla County Commissioner; Bob Levy, Umatilla farmer; and Craig Reader, Umatilla farmer.

Since 2009 Oregon has been working with a number of state and federal agencies and interested citizens to develop *Oregon's Integrated Water Resources Strategy*. The Strategy was adopted in August 2012. The Strategy sets two goals: (1) to improve understanding of Oregon's water resources both today and in the future; and (2) to meet Oregon's future in-stream and out-of-stream needs. The Strategy seeks to support place-based efforts to develop new water supplies, and articulates a number of recommendations for new general obligation bonds to underwrite water resource projects.

[Note: Oregon's PowerPoint slides, as well as the Methow Valley slides from a later presentation, can be found at this link:
http://www.ecy.wa.gov/programs/wr/cwp/cr_pag_2012.html]

As part of this larger water resource strategy, Governor Kitzhaber convened a Columbia River-Umatilla Solutions Task Force. This task force has brought together a number of parties in Morrow and Umatilla Counties to devise various means to restore depleted aquifers and provide opportunities for improved fish runs. The CRPAG has served as a model for this task force in its development of place-based initiatives. The panel solicited the CRPAG's interest in working on a number of potential inter-state projects and policies.

CRPAG members and the audience had these comments and questions:

- This is a fantastic development. Counties are the implementers in their community. The bottom line of the Columbia River effort is community interest and partnerships.
- I was skeptical of our efforts at the beginning. Partnerships are difficult, but they are forming. I definitely value this group.
- One thing that is important to make your effort work is to get the seal of approval of the legislature. Our own negotiations in the legislature to "aggressively pursue" new water sources was a magic moment of time.
- It is essential to get the user community involved in your efforts. One of the things I like about the CRPAG is that there is free and open participation by the audience, not just the members.
- The strength of Oregon's approach is Governor Kitzhaber's willingness to integrate the tributaries and the main stem hydro issues. He is looking at the Basin in an integrated fashion and is ahead of us in that respect.
- County commissioners are a diverse group, and it helps to have a number of them involved.
- We are at a brief moment in time. We need to develop a mechanism for when we are gone, to establish a legacy.

- Since 2006 can Washington point to water resources that you developed that didn't exist at that point? [Municipal supply from Lake Roosevelt; in process in Yakima Basin; replacement water in the Odessa.]
- One of the reasons this has worked in Washington is having money so we could get projects off the ground. We haven't needed new policy. I think $20m is not enough for Oregon to be successful.
- Has the 2/3 -1/3 ratio been controversial? [To some degree. We took a lot of early actions that consumed most of the 1/3. But we have kept the ratio for our overall investment.]
- [If we look out five years, it looks like the ratio will approach 50/50.]

The panel then posed three issues for the CRPAG to consider. (1) Are there potential investment partnerships for storage on either side of the river? (2) Is there a need for an inter-state agreement to protect water flows that are increased in one state from being consumed in the other? (3) If we are going to have regional coordination, do we need a more formal agreement? Will it take congressional action to protect waters that are conserved? What is the best way to deal with mitigation across basins – is it bucket for bucket or $ per acre-foot?

CRPAG members and the audience had these comments and questions:

- If you are looking at new storage projects, keep in mind that there is a very high bar to demonstrate demand and avoid unacceptable environmental impacts. One of the reasons the Yakima Integrated Plan works so well is the overwhelming fish and other ecosystem benefits in the package.
- I like the idea of an inter-state forum; we should potentially bring in Idaho too.
- I am skeptical of forums, due to our history with the three sovereigns. I think contracts work the best to achieve collaboration.
- The sovereign review team developed under the Columbia Treaty talks is a useful forum.
- The sovereign review team is deficient because it does not include stakeholders.
- The 2/3-1/3 formula is a substitute for thinking. The best effort we have seen is in the Yakima Basin. Jay Manning said, let's just ignore the formula for now and see what we can get done in a total package.
- I am skeptical about an interstate compact; it would just bring a flood of lawyers. What is at the heart of the matter is getting all of the parties together in the room. It is imperative to work with the tribes who are the senior holders of water rights.
- We don't have all the answers to how mitigation should work. It could be that the NRCS funding is a model for working across basins.
- We should be flexible where it makes sense on the application of the mitigation ratio, but not too flexible; ignoring the 1/3rd for the river could result in death by a thousand cuts.
- As you develop new water sources, the more important question is allocation, not mitigation. For example, I like the Voluntary Regional Agreement where, if users are more efficient, new water is available for allocation
- Before the CRPAG there was the Columbia River Initiative with its $10/acre foot inducement. This was firmly rejected by the Yakama Nation.
- The two most positive things we have seen in the last few years are (1) the Columbia River Treaty talks and (2) the emerging partnership with Oregon. Our future is regional, systemic collaboration.

Methow River Basin Projects and Policies

Melissa Downes of Ecology, Lisa Pelly of Trout Unlimited, and Greg Knott of the Methow Watershed Council discussed a set of policies and projects currently under consideration by the Department of Ecology. These projects are competitive for the 2013-15 biennial funding package. These projects include:

* MVID West Canal diversion from the Twisp River to the Methow and pipe a majority of the west canal. Court order to reduce the Twisp withdrawal by 2016. Potentially eliminate Push-up Dam. The policy consideration is that this would be a large in-stream project to offset a large out-of-stream effect. Three listed species are at risk.

- Are you just moving the diversion? [We would get improved in-stream flow in the flow-limited Twisp River.]
- The 1/3-2/3 ratio doesn't apply since this isn't a new storage project. The strength of the CRPAG is that it looks at a suite of projects, not just project-by-project. This is what we need to do in the Methow.
- When you get into smaller projects, it is harder to keep the ratio. Need to expand the geography.
- I'm not sure that the Columbia River account is the appropriate source. I think it would be best if the Upper Columbia Recovery Board assessed this project rather than the CRPAG.
- There is not enough money in the Upper Columbia to do everything that needs to be done.
- After two decades of disagreements, Ecology welcomes the West Canal project and appreciates the opportunity and willingness of the Methow Valley Irrigation District to upgrade the system and bring it into modernity.
- There are out-of-stream benefits to this project as well, insofar as the District would have improved reliability of their water right.
- It's clear that there is a benefit to the Methow, but I don't know if this is really a benefit to the Columbia River.

* Barkley Irrigation Diversion Replacement. Eliminate or modify wing dam (largest fish killer in the Methow Valley). Reconnect Bear Creek with the Methow. Reduce consumption from 26 cfs to 19.5 cfs. Could involve temporary irrigation pumps in the river. Policy consideration – moving the point of diversion upstream on the mainstem Methow River.

* Town of Twisp Water Right. Twisp needs to acquire new water right, as their previous right was reduced in 1990s. Ecology is considering issuing a right that is offset by consumptive use from an irrigation water right. The policy considerations are: do summer benefits outweigh winter impacts; is an out-of-kind mitigation an appropriate option; and should Ecology issue an Overriding Consideration of Public Interest (OCPI) to waive the interruptibility of the right at issue.

CRPAG members had these comments and questions:

- I struggle to figure out how far we should go from the Columbia River. The management zone is 1 mile; Twisp is 32 miles up-stream.
- Is Twisp currently using more water than allotted? [No. They lease water from MVID and have aggressively pursued conservation.]

- A critical portion of the in-stream flow is in the wintertime. The summer/winter tradeoff requires us to look at a broader suite of interests.

* Chewuch Canal Company. Additional canal piping would eliminate a diversion during low flow periods to fill the Pearrygin Lake reservoir and would improve in stream flows on Chewuch River. The policy consideration is whether to whether to issue an OCPI determination to waive in stream flows to allow river diversion during high flow periods in exchange for diversion reduction during low flow periods.

CRPAG members had these comments and questions:

- Has there been an analysis regarding fall diversion harming smolt? [Yes]
- How is recreation improved with a lower reservoir? [The goal is to keep it as full as possible most summers.]

* Davis Lake Storage Project. This is the most favorable of 66 potential storage sites reviewed. This would improve the storage capacity of a natural lake. The infrastructure improvements would allow a change in reservoir operations to provide flows to Bear Creek, with the willing support of the landowner that has been dewatering Bear Creek in the summer.

[The Methow discussion was truncated at this point due to time considerations.]

Columbia River Legislation

Derek Sandison briefed the CRPAG on legislation that Ecology intends to bring forward in January. The focus of this legislation is to affirm the course of action embedded in the Yakima River Basin Integrated Plan. Ecology will also seek an appropriation of $20m to be directed toward different portions of the Integrated Plan. The Implementation Committee working on the Integrated Plan has met twice with congressional offices and federal agencies in Washington DC. One result of these meetings is that the Department of Interior is establishing a Federal DC Leadership Group, to work in concert with the State's congressional delegation in seeking the necessary funding and authorities to carry out the Integrated Plan.

The next meeting of the CRPAG will be December 13 at the Hal Holmes Center in Ellensburg.

****

Attendees:

CRPAG members and alternates:

Brenda Bateman, Oregon Water Resources Department
Jim Fredericks, U.S. Army Corps of Engineers
Michael Garrity, American Rivers
Mike Leita, Yakima County Commission
Chris Marks, Confederated Tribes of the Umatilla Reservation
Gary Passmore, Confederated Tribes of the Colville Reservation
Lisa Pelly, Trout Unlimited
Rudy Plager, Adams County Commission
Tom Ring, Yakama Nation

Dave Sauter, Klickitat County
Teresa Scott, Washington Department of Fish and Wildlife
John Stuhlmiller, Washington Farm Bureau
Ted Knight, Spokane Tribe
Richard Stevens, Grant County
Rob Swedo, Bonneville Power Administration
Christi Davis-Kernan, Bureau of Reclamation

Others in attendance:

Neil Aaland, Washington State Association of Counties
Chuck Berrie, Grant PUD
Brett Brownscombe, Oregon Governor's Office
Dan Brudevold, Confederated Tribes of the Colville Reservation
Wendy Christensen, Bureau of Reclamation
Marie Cobb, Intera
J.R. Cook, Umatilla Basin Water Commission
Stu Crane, Yakama Nation
Jim Davenport, Davenport LLC
Charity Davidson, Washington Department of Fish and Wildlife
Mike Dexel, Washington Department of Health
Dennis Doherty, Umatilla County Commission
Melissa Downes, Department of Ecology
Tim Flynn, Aspect Consulting
Steve Greenwood, Oregon Solutions
Dan Haller, Aspect Consulting
Bob Heath, Ferry County Commission
Tim Hill, Department of Ecology
Greg Knott, Methow Watershed Council
Kenny Jannsen, GSI Groundwater Solutions
Al Josephy, Department of Ecology
Mike Kaputa, Chelan County
Jerry Kelso, Bureau of Reclamation
Paul La Riviere, Washington Department of Fish and Wildlife
Bob Levy, Umatilla Farmer
Keith Lindsay, GSI Water Solutions
Daniel Martinez, Yakima Basin Storage Alliance
Dan Matlock, Pacific Groundwater Group
Scott Merriman, Washington State Association of Counties
Craig Reader, Umatilla Farmer
Rick Roeder, Department of Natural Resources
Derek Sandison, Department of Ecology
Dan Silver, facilitator
Paul Stoker, Groundwater Management Area
Tom Tebb, Department of Ecology
Ed Thomas, CH2MHill
Craig Trummel, Attorney
Jill Van Hulle, Pacific Groundwater Group
Chris Voigt, WA State Potato Commission
Bill Wagoner, National Frozen Foods Coop
Representative Judy Warnick, House of Representatives, 13th District