

draft
Columbia River Policy Advisory Group
Olympia, Washington
January 25, 2007

Mission and Goals

Dan Haller and Gerry O’Keefe shared a draft paper that Ecology had prepared to reflect the Vision, Mission, Goals and Objectives of the Columbia River Resources Management Program. Based on the discussion Ecology will develop new draft language. It will share this language with the Executive Committee, get comments, and then provide a new version to the PAG for discussion on March 1.

PAG members expressed a variety of comments about this draft:

- The language is too squishy. It needs to be shorter, more memorable.
- The vision is good. The goals and objectives need to be quantifiable. The language is too vague.
- The objectives go inappropriately beyond the language of the legislation. They suggest that Ecology has an affirmative obligation to create new storage, and this obligation is not in the legislation. We need to capture the legislative language and the proper role of Ecology.
- Ecology has an affirmative obligation to evaluate supply options, not to develop storage. Need to identify a full range of the tools and use them to make good decisions; in the best interests of the state.
- The objective on data needs to be more balanced, right now we have inadequate data, better data is needed to support better decision making.
- This discussion should not water down the greatest part of the bill, which is to develop new storage. Storage should be a greater part of this vision. Right now it is one sub-bullet and isn’t even in the title. The legislation is specific that two-thirds of the money in the Account is for new storage.
- There is a lot of out-of-stream focus. We need to restore the economic viability of fisheries which have sustained people for hundreds of generations. Need more of a focus on in-stream use.
- The mission statement should seek a balance. We shouldn’t be overly sensitive at any given moment as long as the balance is kept overall. Our commitment to fish is fundamental. Storage and habitat are really about fish.
- We need to be explicit that the shortage of water is for salmon habitat and for out-of-stream uses. Don’t think that the one-third/two-thirds ratio is carved in stone. To resolve the problem of storage, we need to first address tribal rights.
- It isn’t appropriate to say that this is fish versus people. Tribal people have depended on fish for sustenance and economic well-being.
- It is a misconception to divide fish and people.
- We need a balance. In the Odessa Subarea people want Ecology to go faster to resolve their problems. This is an immediate statewide economic issue.

- We like the language as it is portrayed in the draft. Fixing the problem means getting new water rights.
- There should never be a balance between thoughtful assessment and action. Action should always be built on thoughtful behavior. We need to frame the program in a common way.

Discussion of Pace

There was a diversity of views on the PAG about whether the pace of Program development. Some PAG members believe that the Program is moving too fast and that this speed will be detrimental to decision making. Other PAG members believe that the Program is moving with speed appropriate to the problem. PAG members made the following specific comments about pace.

- Don't rush too fast with this language.
- We are moving too slowly.
- The Program isn't going too fast; we have a real need to seek out water supplies. Let's keep the agency focused on that effort.
- Identifying the problem is very important. Let's focus on what is the need. We are in too much of a rush.
- The language in the bill to "aggressively" pursue is a concern and perhaps should be removed.
- It's a good start, but we need time to reflect on it.
- We need to take our time with this.

Discussion of the Need for a Problem Statement

The PAG also discussed whether there is a need for an agreed upon problem statement to help build common understanding. In particular, some PAG members observed that without a problem statement it would not be possible to identify which tool to use to address the situation.

In response to this discussion, Gerry O'Keefe proposed a problem statement of "there is a shortage of water in the summer time for both instream and out-of-stream uses." The PAG briefly discussed this problem statement, but did not reach resolution. Some PAG members were comfortable with the problem statements, others wanted more time to think about and discuss it. Some PAG members emphasized the need to acknowledge and work with the diversity of problem statements that members might bring to the table to create a shared sense of what is needed. The PAG agreed that a discussion of development of a shared problem statement would be placed on an upcoming meeting agenda.

Status Updates

Dan Haller and Derek Sandison provided handouts and status updates in five areas: studies related to potential storage projects, the capital budget, the technical advisory group, the 2009 water information database, and the metering plan.

Storage Studies – Derek shared an updated timeline of storage project studies with the group. The Columbia River Mainstem Off-Channel Storage appraisal level study report is due in March. Further action on the results of this study depends on 1) Congressional authorization and 2) state and federal funding for a feasibility study. Scoping for the Yakima Basin Feasibility Study EIS is underway. The draft EIS should be available at the end of 2007 or early 2008, with the final EIS to follow about a year later. Numerous other small water supply projects, including projects specifically related to the Odessa, are described on the timeline.

Capital Budget – Dan showed what the overall capital budget is for the Program and how the capital budget has been committed to date. Dan also showed a pie chart describing how projects will be identified for funding from the Columbia River Water Resources Management Account.

Individual PAG and audience members made these observations on the capital budget:

- County commissioners have expressed particular interest about Ecology's approach to the budget. Commissioners have a concern about geographic distribution of funds; they want local expertise brought into the decision process; and they want to loop back to the commissioners via watershed groups, as the language of the bill suggests.
- Ecology should tie line items on the handout to the pie chart, to help illustrate how the bill's language is being implemented.
- Ecology should commit monies to a demand side analysis and not just supply side, as there was a gap in information about demand.

Technical Advisory Group – Ecology hopes to finalize the group's membership by March 1 and start meeting in the late spring. The TAG will apply funding criteria to evaluate and rank proposed water supply projects. Because the TAG will begin meeting soon, the PAG will need to discuss funding criteria at an upcoming meeting to ensure Ecology has adequate input to finalize the criteria for use by the TAG.

2009 Water Information Database – Ecology is working toward making all of its information available on its website, thereby improving the transparency of its decision processes. The process of designing the database is just beginning; Ecology will bring more information to the PAG for a fuller discussion in the near future.

Metering – Ecology has set a program goal to meter 90% of all Columbia River water use between the Canadian border and Bonneville Dam by 2009. The project will proceed in three phases. Phase I is the Tri-Cities area; 132 holders; about 75% of total use. Phase II

is the Wenatchee, upper mid-Columbia; 7-8% of use. Phase III is extreme north and south of the Columbia Basin for the remaining use.

Individual PAG and audience members offered these comments on the metering program:

- The first contact letter with the users is critical. Don't start with an enforcement order or something that puts fear into the landowners.
- This is a good opportunity to talk about the trust water program. We need a good education effort.
- We need attention to the quality of the information that is being developed by this effort.
- This effort doesn't target exempt wells. It might be useful to use the aerial imaging to help with exempt wells.
- Ecology should be clear in its language describing the metering effort that water rights in this state are granted for beneficial use.

Umatilla River Case Study

Leo Stewart, Vice Chair of the Confederated Tribe of the Umatilla Reservation (CTUIR) and Rick George of CTUIR presented their experience on the Umatilla River, wherein tribal members, irrigators, county commissioners, and state and federal representatives restored water to the lower Umatilla River that had previously been dry and thereby recovered salmon to the system.

Leo described the Treaty of 1855 and the history that brought the Walla Walla, Cayuse, and Umatilla Indians into the CTUIR. Dams and water diversions in the upper and lower Umatilla resulted in the lower part of the river being dry for most of the calendar year. Salmon in the upper Umatilla disappeared. The quality of water in the Umatilla was degraded. Leo emphasized the importance of working together to solve these types of complex problems. The successful restoration of the lower Umatilla, and maintenance of agricultural water uses in lands surrounding the river, can serve as a model for other places, including the Columbia.

In 1981, representatives of the tribe and local irrigators began a set of conversations on how to get water and fish back into the lower Umatilla River. Operation of the modern Umatilla River is largely a mechanical (rather than natural) function, controlled by diversions and dam projects, which provided a good potential for change. Working together, the tribe and irrigators acquired federal money, and used a pump exchange project to substitute Columbia River water for water from upper Umatilla. This allowed the lower Umatilla to be watered naturally and ultimately restored a fishery for both Indian and non-Indian fishers. The process for this very successful project was (1) get the stakeholders together, (2) describe a common definition of the problem, and (3) create trust and identify solutions. County commissioners were a key component of the process, insofar as they have a lot of weight with their Congressional delegations. The state assisted the effort but did not lead it.

PAG members discussed the Umatilla case and the lessons it brings to the Columbia River and its tributaries.

Programmatic Environmental Impact Statement Policy Alternatives

Derek Sandison gave a preview of the preferred alternatives selected by Ecology that are currently planned for announcement in the final programmatic EIS. Once this document is published in mid-February, Ecology will begin working on policy and process decisions to implement the Program. [Note: the PowerPoint slides of this presentation will soon be available on Ecology's website.]

Individual PAG members offered preliminary comments on Ecology's thinking:

- We need to figure out how to do the implementation and not rush into it. We need to be careful that we really need to do rulemaking before embarking on a rulemaking process.
- It is a surprise that Ecology thinks it has rulemaking authority, when the discussion last fall with the Assistant Attorney General suggested otherwise.
- There needs to be a process of clear accountability on the cost sharing for water supply projects and for mitigation water. Will too much discretion lead to differential treatment of applicants?
- The Administrative Procedures Act will inform where you should go from policy alternatives to rulemaking, if at all.
- Ecology is developing discretion to work on a case-by-case basis, which is good.
- Ecology should be careful in asking senior applicants to step aside for a water application under a VRA. The senior applicants become a pawn in this new context.

At this point Jay Manning, Director of Ecology stopped by to visit the Group. Jay emphasized that Columbia River issues were of great importance to the Governor and that she had commented specifically on these issues in her State of the State message. Jay reiterated Ecology's commitment to working with the PAG and seeking collaborative ways to move forward in different parts of the Basin. Recent conversations about the Walla Walla provide a sample case of how collaboration can help all parties. Ecology wants to successfully deal with the Voluntary Regional Agreement that is now before it. There are important economic considerations for the region at stake. If there are environmental "red flags" with the VRA, Ecology is committed to resolve them before issuing water rights.

At this point there was a discussion of the March 1 agenda. The Executive Committee will meet to sort through competing agenda items. The next PAG meeting will be on March 1 at the Tumwater Valley Lodge in Olympia.

The following people attended the meeting:

Participants:

Jon Culp, Washington State Conservation Commission
Rick George, Confederated Tribes of the Umatilla Indian Reservation
Bill Gray, Bureau of Reclamation
Tony Grover, NW Power and Conservation Council
Dan Haller, Department of Ecology
Bob Hammond, City of Kennewick
Mike Leita, Yakima County Commissioner
Joe Lukas, Grant County PUD
Rob Masonis, American Rivers
Michael Mayer, Washington Environmental Council
Peggy Miller, Washington Department of Fish and Wildlife
Gerry O'Keefe, Department of Ecology
Darryll Olsen, Columbia-Snake Rivers Irrigators Association
Merrill Ott, Stevens County Commission
Lisa Pelly, Washington Rivers Conservancy
Rudy Plager, Adams County Commissioner
Philip Rigdon, Yakama Nation
Derek Sandison, Department of Ecology
Mike Schwisow, Columbia Basin Development League
John Stuhlmiller, Washington Farm Bureau
Rob Swedo, Bonneville Power Administration

Others in attendance:

Bob Barwin, Department of Ecology
Dave Burdick, Department of Ecology
Amanda Cronin, Washington Water Trust
Christi Davis-Moore, Bureau of Reclamation
Kirby Gilbert, MWH Global
David McClure, Klickitat County, WRIAs 30 and 31
Elizabeth McManus, facilitator
VJ Meadows, Benton County
Tom Ring, Yakama Nation
Pat Ryan, Washington Department of Natural Resources
Dan Silver, facilitator
Leo Stewart, Confederated Tribes of the Umatilla Indian Reservation
Paul Stoker, Ground Water Management Area
Michael Taylor, Cascade Economics LLC
Steve Thurin, HDR Engineering