

# Columbia River Policy Advisory Group

## Meeting Notes

March 5, 2009

### Legislation and Budget

The meeting was held in Olympia, due to the on-going legislative session. Dan Haller, Derek Sandison, Mike Schwisow, John Stuhlmiller, and Mo McBroom briefed the CRPAG on water related bills that were still active in the session. Two bills sponsored by Ecology are still alive, one pertaining to water banking and the other to streamlined adjudication. Other bills still in play concern stock watering, reclaimed water, and a pilot for watershed planning in Walla Walla. Multiple amendments have been offered on these bills and folks are still working them.

There was a more extended discussion of SHB 1334, a bill dealing with conservation from operations and maintenance measures that was brought forward by the Columbia Snake Rivers Irrigators Association. Discussion focused on retroactivity of the conservation, relinquishment, the fiscal note, and the projected conservation savings.

CRPAG members and attendees had these comments and observations:

- Ecology opposes the bill due to its hit on the river from retroactive application and because of relinquishment. Ecology is not against the prospective conservation elements.
- There is a lot of confusion as to how much a modified version of this bill might cost. The figures being tossed around vary from \$150K to \$750K.
- Because there is no relinquishment clarity from Ecology, irrigators might increase their water use to fully apply their water right. This is particularly true if the bill is prospective only.
- Irrigators invested in existing conservation measures for other financial considerations, not those offered by this bill.
- Fish and Wildlife is opposed to the retroactive provisions of this bill, as they would take water out of the stream.
- The environmental community has concerns about the retroactive provisions. We are also concerned that some language of this bill reneges on the 2006 Columbia River bill.
- The Yakama Nation has serious concerns about the retroactive application. This bill does not fit well within the collegial approach to water issues that we seek from the CRPAG.

Since last Ecology's Columbia River program has gained a permit writer to help with Lake Roosevelt permits. The department is currently retooling the criteria that will be used to assess applications for Columbia River account grants. Ecology anticipates that it will begin the next application cycle in October. Ecology will also be working on projects that it believes should be funded, independent of the grant cycle.

### Wanapum Pool Raise Concept

Joe Lukas and Tom Tebb briefed the group on the status of the Wanapum Pool Raise concept. Ecology and Grant PUD have committed to a partnership to take a more aggressive approach to the project, since no one has raised a fatal flaw in the discussions over the last year. Ecology will take the lead role in scoping and preparing an EIS and will coordinate with FERC on the NEPA review.

This project is estimated to cost between \$35 and \$50 million. Because 70,000 acre feet would be available from the project, the cost of development is \$500-\$700/af.

The timeframe to begin elements of the project is as follows:

Environmental review .....	2009
State permitting strategy .....	2009
Shared cost/benefits analysis .....	2010
FERC Licensing.....	2010
Design, contract award.....	2011
State permitting.....	2011-12
Construction.....	2012-13
Water availability.....	2014

CRPAG members and attendees had these comments and questions:

- What will be the role for co-managers of the fisheries? [This will be a joint NEPA/SEPA EIS in partnership with cooperative state and federal agencies. There is also a need to consult with FERC.]
- Does this mean that below Wanapum water permits could be issued under the one-third/two-thirds provision of the Columbia River bill? [Yes]
- What is the ongoing financial relationship with the PUD? [Due to seasonal benefits and a need to satisfy the standing power agreement with Chelan PUD, Grant PUD would only get about a 3-4 MW benefit. This project doesn't pencil out on a power basis. Therefore, there is a 100% cost to the Columbia River account.]
- This money is likely to come out of the storage portion of the Columbia River account, but it could conceivably be funded with other monies.

## Lake Roosevelt and BoR Stimulus Spending

Mike Schwisow and Bill Gray briefed the committee on the status of new Lake Roosevelt permits. The genesis of the Lake Roosevelt project was a MOU between Ecology, the BoR and Columbia Basin Irrigators Districts to deal with a range of issues involving the Bureau's water rights. Based on reviews over the last two years, Ecology has issued two secondary permits, one for municipal/industrial uses and the other for the Odessa Subarea. The Center for Environmental Law and Policy and Columbia Riverkeeper and Vision for Our Future appealed the Reports of Examination to the State Pollution Control Hearings Board, and they also sued in U.S. District Court. The appeals to the Hearings Board have been withdrawn; the federal suit is pending.

Bill Gray described two construction projects that he anticipates will go forward, if the regional Bureau office is allocated monies under the stimulus bill. One of these is the Potholes Supplemental Feed Route, which is an alternative route to move Banks Lake water to the Potholes. The other is the Weber Complex, which would involve construction of a set of siphons and pipes (barrels) that would upgrade infrastructure near I-90 and allow water to get to the most depressed groundwater areas. If monies are provided for these projects, construction would begin in October.

## 2011 Water Supply and Demand Forecast

Dan Haller described Ecology's intention to prepare a new supply and demand forecast, and he focused particular attention on the agriculture demand portion of that forecast. Ecology is seeking broader support and collaboration from the CRPAG than it received in its two previous studies, as well as a significantly

improved analytical approach. The CRPAG addressed two aspects of the study: (1) Should Ecology contract with WSU's agriculture program for the primary analysis, in conjunction with a review from a knowledgeable peer institution? and (2) How should the CRPAG be involved in the scoping and oversight of the study?

After extensive discussion, the CRPAG determined that it made sense to have WSU conduct the study, while also including a peer review process. That peer review could come from another institution, from within WSU, or elsewhere. To assist with the scoping of this project the Executive Committee and volunteers would work with Ecology. In addition to the Executive Committee (Phil Ridgion, John Stuhlmiller, Michael Garrity, Merrill Ott), the following people volunteered: Mike Schwisow, Pat Ryan, Teresa Scott, Bob Hammond, Jon Culp, and Paul Stoker.

## Area of Origin Study

Larry MacDonnell, an independent consultant from Boulder, Colorado, briefed the CRPAG on the report he recently completed titled *Protecting Local Economies*. During the last legislative session a bill was offered which would have precluded private water transfers from one WRIA to another. This bill did not pass. Instead, Ecology was directed to contract for a report on the water transfer experience of other states and in northeast Washington counties.

From 2000-2008, there were 50 applications for water transfers in northeast Washington counties: In Okanagan County, there were 25 applications, and 24 would have moved water out of the county. In Stevens County there were 13 applications, and 2 would have moved water out of the county. In Lincoln County there were 12 applications, and 6 would have moved water out of the county. Of these 50 applications, 38 would have kept the use agriculture and 12 would have changed the right to municipal use. At the time of the study in November 2008, Ecology had approved 16 of the applications and rejected 4 others.

Five states have passed laws addressing third party concerns from out-of-area water transfers: California, Colorado, Idaho, Nevada, and Wyoming. While the statutes varied, they all intended to mitigate the impact on local communities of these transfers.

MacDonnell recommended that legislation on third party impacts should:

- 1) Prevent the spread of noxious weeds and dust from land no longer under irrigation.
- 2) Offset property tax loss to the local governments for up to 20 years.
- 3) Require a general public interest review of proposed changes of water.

Larry concluded by observing that the fundamental issues posed by such water transfers cannot be dealt with solely by legislation, due to demographic and economic forces. But the experience in Palo Verde California suggests that there are ways to provide some protections to the communities which are losing the water.

CRPAG members and attendees had these comments and questions:

- Do we know why farmers sell their water? [Mostly because agriculture is no longer viable on the property in question.]
- Is there any other public resource/property which is restricted from sale similar to what is proposed here? [No, water is unique.]
- Should the State compensate local communities? That is, other parts of the state benefit while the affected community loses revenues.

- Have you considered prohibiting change of use? [No state has gone that far and prohibited change of use.]
- Was there anything in the research that touched on exempt wells? [No]
- What was it that forced Los Angeles to the table? [Drought]
- Some of the issue is around the quantity of water. It seems like we should not be preoccupied by transfers of small amounts.
- Protection of instream flow does not seem to be a consideration in the debate, which is a problem when you have over-appropriated streams.
- Is there a way to protect rural communities who do not have the same capacity for alternative economic activity?
- Were there any public interest tests considering the viability of the agriculture institutions or conveyances? [No, most were small systems. Individually, it is hard to see the impact; in the aggregate it is much easier to see the impact.]
- This seems like a band-aid. The real issue is how to have a healthy agriculture. This problem of out-of-area transfers has been exaggerated by county commissioners.
- Early dialogue on this issue is important. We are a long ways from having a useful discussion.
- It is important to remember that much of the economic issue of water transfers in the northeastern counties is due to a change in the economics of apples being grown there. Due to a number of market factors, the economics of growing fruit in northeast Washington aren't positive.

## Ecology activities

Dan Haller described the metering and imaging activities of the Columbia River office in 2008. At this point, 81% of the total permitted water use is metered (about 19,000cfs), and its owners are submitting reports to Ecology. The goal is to meter 90% of water by the end of June 2009. Ecology has also made significant progress in scanning water right documentation and putting that documentation online for public review. At this point, 93% of water right images are available on-line (4,400), on the way to 100% Ecology has increased its effort to improve the quality of the images.

## Groundwater Management Area

Paul Stoker briefed the CRPAG on funding challenges faced by the Groundwater Management Area. The GWMA has depended on “soft” state and federal money. That money is now in jeopardy. For the last 3-4 years GWMA has been working on stratigraphic mapping to see if there is hydraulic continuity between the Odessa aquifer and Lake Roosevelt. The mapping showed there is no connection. Therefore, the only recharge to the deep Odessa aquifer is rainfall. Geochemistry from well samples shows that water from the deep wells is about 10,000 years old; it is not being recharged. The GWMA had sought an additional \$2.5 million to complete the underground mapping and build a hydrographic model, but it does not appear that money will be forthcoming.

## Next Meeting

The next CRPAG meeting will be Wednesday, May 6, in Ellensburg.

## Attendees:

### *CRPAG members and alternates*

Jon Culp, Washington State Conservation Commission  
Michael Garrity, American Rivers  
Bill Gray, Bureau of Reclamation  
Bob Hammond, City of Kennewick  
Joe Lukas, Grant County PUD  
Mo McBroom, Washington Environmental Council  
Lisa Pelly, Washington Rivers Conservancy  
Rudy Plager, Adams County Commission  
Bill Quaempts, Umatilla Tribe  
Philip Rigdon, Yakama Nation  
Dave Sauter, Klickitat County  
Mike Schwisow, Columbia Basin Development League, Irrigation Districts  
Teresa Scott, Washington Department of Fish and Wildlife  
Warren Seyler, Spokane Tribe  
John Stuhlmiller, Washington Farm Bureau  
Rob Swedo, Bonneville Power Administration

### *Others in attendance:*

Neil Aaland, Washington State Association of Counties  
Dave Burdick, Department of Ecology  
Bill Eller, Washington State Conservation Commission  
Joel Freudenthal, Yakima County  
Andrew Grassell, Chelan County PUD  
Suzanne Grassell  
Dan Haller, Department of Ecology  
Al Josephy, Department of Ecology  
Paul LaRiviere, Washington Department of Fish and Wildlife  
Tom Ring, Yakama Nation  
Rick Roeder, Department of Ecology  
Denny Rohr, D Rohr and Associates  
Pat Ryan, Department of Natural Resources  
Dan Silver, facilitator  
Paul Stoker, Groundwater Management Area  
Tom Tebb, Department of Ecology  
Dawn Vyvyan, Yakama Nation