

Columbia River Policy Advisory Group

December 12, 2007

Meeting Notes

*Note: The PowerPoint presentations from this meeting will be posted on Ecology's website:
<http://www.ecy.wa.gov/programs/wr/cwp/crwmp.html>*

Legislative Report

Dan Haller presented an overview of Ecology's forthcoming Legislative Report. The Columbia River Bill requires Ecology to prepare an annual Columbia River supply inventory and a long-term (every five years) report on water supply and demand. Ecology has committed to annual updates on the supply and demand report. The report lists 6,138 potential projects, including 6.3 million acre feet of storage and 1.0 million acre feet of conservation. In total, these projects are roughly projected to cost \$12 billion. Ecology received a wide range of comments from readers of the draft report.

Dan noted that Ecology and other parties are working on these reports:

- Climate Change report – 2009
- Crop markets and agriculture demand – 2009
- Lake Roosevelt SEIS – 2008
- DOH municipal demand and conservation – 2008
- Dam operators affect on power generation – 2008 or 2009
- WDFW update on priority stream reaches – 2009
- Columbia River drought insurance – 2008

He gave a brief description of the 41 pre-applications received for funding under the Columbia River account. Eight applicants have more than one project. There are 16 conservation projects, 13 storage projects, 19 feasibility studies, and a Beaver Dam Study.

Panel on Supply and Demand

The four members of the Executive Committee (EC) – Rob Masonis, Merrill Ott, Phil Rigdon, and John Stuhlmiller – served as a panel to discuss supply and demand in the Columbia River Basin. The EC had several off-line discussions on this subject and developed a number of questions to guide the panel discussion. There was considerable back and forth among the panel members, covering a wide range of perspectives.¹

Lake Roosevelt Drawdown

Gerry O'Keefe briefed the CRPAG on two very recent agreements that have been reached between the State and the Spokane and Colville tribes to provide additional water annually from Lake Roosevelt to meet demands associated with the Odessa Subarea (30,000 acre feet), municipalities (25,000 acre feet), and instream flow (27,500 acre feet). The agreements also provide additional water from Lake Roosevelt during drought years (33,000 acre feet for drought relief, 17,000 acre feet for instream flow).

CRPAG members offered a number of comments and observations, [with Gerry's responses]:

- CRISA is highly supportive of this action and will help with legislative support.
- What are the costs associated with this action? [\$3.6 m to the Colville Tribe; \$2.2 m to the Spokane Tribe. For the most part, these monies will not come out of the Columbia River account but will be new monies.]

¹ A fuller representation of this discussion is attached as an appendix to these notes.

- The Farm Bureau is 100% supportive of these agreements and will assist during the legislative process.
- How much of this water is available for allocation? [This is encumbered water, not new water. The distribution is limited by the BoR permit. The irrigators will decide on the distribution of waters within the Odessa. Distribution to municipalities will be part of the EIS. Ecology is working with the agriculture community to determine how to allocate water in a drought.]
- The Yakama Indian Nation has concerns about the refill of Lake Roosevelt. Will there be an EIS on this agreement? If you draw down the reservoir, how do you guarantee refill? [Timing issues are discussed in the EIS. Refill should occur by the end of September.]
- The State is giving away permanent water rights for temporary contractual obligations. Where are you looking for the replacement supply? [Agreements are permanent, but there is no time limit on when the State needs to get replacement water.]
- Is replacing these Lake Roosevelt waters a priority in our development of water, or is it a stop gap? [The mid Columbia treaty brings these issues to a head in 2024. We need to look for other solutions before then.]

Wanapum Project Update

Joe Lukas distributed a written description and set of graphics on the idea for changing operations of the Wanapum Dam. This idea will be discussed in detail at a meeting in Yakima on December 18.

Bi-Op Remand

Dale Bambrick and Phil Rigdon shared their perspectives on the biological opinion remands.

Dale presented a set of slides² describing the biological opinion associated with Section 7 consultation required among federal agencies by the Endangered Species Act. Judge Redden has twice remanded this biological opinion to the federal agencies. The new version is based on unprecedented regional collaboration. The federal agencies think they have gotten this new version right.

The new bi-op has 73 actions including extensive mitigation, a major investment in tributaries, predation management, better operations of the system's dams, and a significantly improved hatcheries program. NMFS believes that if these actions are implemented, each of the listed species in the Columbia River system will avoid extinction and have an adequate potential for recovery. Judge Redden hosted a status conference on December 12 and was expected to make a decision on the viability of this plan. [Post meeting note: The judge postponed any decision for two weeks.]

CRPAG and audience members had these questions, [with Dale's responses]:

- How does diversity fit in? Is the lamda measure a sufficient measure of success? Will these fish get to a recovered status? [Lamda is one of four measures of success. The judge has been critical of previous bi-ops as being dependent on the kindness of strangers]
- Does the analysis deal with Alaska harvest? [no]
- If the judge requires more spill, will it make the federal agencies look bad? [spill is better than a fish handling facility]
- How much was climate change brought into the model? [don't know]
- What is the timeframe for the bi-op? [10 years]
- Does it have projected goals? [yes, but it is not a recovery plan]

Phil put the bi-op in the context of the treaty rights of the Yakama Indian Nation with the federal government. The declining population of salmon is relevant to the entire discussion of the CRPAG. The

² Available on Ecology's website

bi-op that eventually emerges is at the heart of recovery of salmon. There is a clear relationship between river flow and the survival of salmon.

Regarding harvest: The Yakama Indian Nation has absorbed the biggest hit because we have minimized our harvest. We don't think harvest is commensurate to spill for recovering these fish. Salmon are the foundation of our culture and our religion, yet some of our people did not have salmon for the first catch this year.

This issue is also tied to the recent discussions on Lake Roosevelt drawdown. The Yakamas want a three foot drawdown in drought years to help salmon.

We are looking for a collaborative decision, though we also remain in court. We need an agreement on action soon.

CRPAG and audience members had these questions, [with Phil's responses]:

- Can the CRPAG help the tribes address these issues, beyond the bi-op? [We are working on components, but we need to get people to move on them. Ecology needs to find lost water now. The State should have had conversations with us on the drawdown ahead of time.]
- The Spokanes and Colvilles haven't been at the table. A 3 foot drawdown would concern them. Are the tribes meeting to discuss these types of contentious issues? [The tribes do meet. These are difficult issues. We see potential progress, but have a struggle to get there.]
- How would the bi-op constrain what Ecology is doing with Lake Roosevelt? [Gerry: there is not much flex in the system. The bi-op could limit the ability for drawdowns.]

Project Status

Derek Sandison made an extensive presentation³ on the status of the outcomes of the Ecology/BoR memorandum of understanding, the Yakima Basin Feasibility Study and EIS, and other Columbia River projects.

The mainstem storage study screened projects from 21 down to 4 and then to a single project, Crab Creek. This project is potentially viable. Ecology and the BoR cannot go further without Congressional authorization with a feasibility study and EIS.

The Odessa Subarea studies have provided four alternatives for getting water to irrigation districts. Changes in operation and potential new dams are among options facing the region. Public comment has been extended to December 15. Conservation in the northern half of the Odessa has complicated the original plan, insofar as there is less return water for the southern irrigation district than originally planned.

The draft EIS on the Yakima Basin Storage Feasibility Study is due out in January 2008, with a final EIS in January 2009. The EIS will review three large joint projects (Black Rock, Wymer, and Wymer pump exchange) as well as three alternatives (enhanced conservation, aquifer recharge, market driven reallocation).

Ecology is also working on four other projects: Kennewick aquifer storage (there is a tentative agreement with Kennewick), Shanker's Bend, KID pump exchange (Ecology identified a path forward, now it is up to the KID Board), and the Columbia Basin Coordinated Conservation Plan (with three irrigation districts).

There were several questions for Derek [and his answers]:

³ Available on Ecology's website

- Re Lake Roosevelt, given that it is BoR permitted water, does this limit the geographic area that can benefit? [With a drought, there is flexibility to serve agriculture out of the permitted area.]
- Re Shanker's Bend, have you considered the sediments issue? [We have begun a preliminary study.]

Status Report

Dan Haller reported that Ecology will update the Washington Irrigation Guide, which has not been updated since the early 1980s. The update will be done by WSU over the next 18 months. WSU and Ecology will broadly solicit input on the scope of the update. The cost of the update will be \$120,000.

Next Meeting

The next meeting of the CRPAG will be Thursday, March 20, probably in Ellensburg.

Attendees:

CRPAG members and alternates

Dale Bambrick, National Marine Fisheries Service
 Brenda Bateman, Oregon Department of Water Resources
 Gary Chandler, Association of Washington Business
 Bill Eller, Washington State Conservation Commission
 Bill Gray, Bureau of Reclamation
 Russ Burtner, City of Kennewick
 Mike Leita, Yakima County Commission
 Joe Lukas, Grant County PUD
 Rob Masonis, American Rivers
 Michael Mayer, Washington Environmental Council
 Darryll Olsen, Columbia Snake River Irrigators
 Merrill Ott, Stevens County Commission
 Lisa Pelly, Washington Rivers Conservancy
 Phil Rigdon, Yakama Nation
 Mike Schwisow, Columbia Basin Development League, Irrigation Districts
 Teresa Scott, Washington Department of Fish and Wildlife
 John Stuhlmiller, Washington Farm Bureau
 Rob Swedo, Bonneville Power Administration

Others in attendance:

Neil Aaland, Washington State Association of Counties
 Peter Beaudry, City of Kennewick
 Carolyn Comeau, Department of Ecology
 John Charba, House Republican Caucus
 Stuart Crane, Yakama Indian Nation
 Mike Dixel, Department of Health
 Dan Haller, Department of Ecology
 Ken Hammond, retired
 Lisa Hatley, Washington Rivers Conservancy
 Tim Hill, Department of Ecology
 Mitt Johnson, Department of Natural Resources
 Chuck Klarich, YBSA
 Dave McClure, Klickitat County WRIAs 30 and 31
 Jim Milton, Yakima Basin Water Resources Assc.
 Peggy Miller, Washington Department of Fish and Wildlife
 Gerry O'Keefe, Department of Ecology
 Joye Redfield-Wilder, Department of Ecology

Tom Ring, Yakama Nation
Pat Ryan, Department of Natural Resources
Derek Sandison, Department of Ecology
Dan Silver, facilitator
Paul Stoker, Groundwater Management Area
Chad Unland, Washington Department of Natural Resources
Joanne Wellner, Department of Ecology
Patrick Williams, Center for Law and Environmental Policy

Appendix

Notes on Panel Discussion on Supply and Demand

Rob

- There is a significant lack of information about both supply and demand. Supply consists of both human controlled supply and natural supply. Natural supply will likely be altered considerably by climate change.
- We should be attentive to the size of projects, their location (Where are the most acute problems?) and their cost. We currently lack sufficient information to make decisions.

Merrill

- County commissioners have discussed the set of questions on supply and demand. Their views vary considerably, depending on where they live and how familiar they are with water issues. If we don't know what we need and what we have, it will be very difficult to manage down stream.
- We share concerns about the Columbia River. Gaps in information could lead to problems in managing the river.

Phil

- This is a cornerstone issue for the Yakama Indian Nation. Just adding up lists of "demand" in Ecology's report is not really a reflection of true demand.
- We are concerned about climate change and concerned about instream flow. Instream flow demand is not adequately reflected in the report, and there is a big issue over how this is interpreted. For example, we think that there are 12 critical months for flow, not two.
- We have not adequately explored market mechanisms among willing buyers and willing sellers.

John

- With watershed planning, we are making headway on this issue. There is much that we know: demand in the Odessa Subarea, municipal demand, and interruptible demand.
- The supply gaps are much greater than demand gaps.

Merrill

- I have great concerns about potential setbacks to agriculture, pulling out orchards because of inadequate supply. If we had proper management of water, we wouldn't have these constant ups and downs.
- I am also concerned about paralysis through analysis when considering supply.

Rob

- We have considerable agreement on our knowledge of demand, but there remains a lack of clarity and significant uncertainty about other demand.
- The issue of public interest standard is complex. What is Ecology's obligation to meet demand? Does Ecology have an obligation to supply all of the water? My answer is no.

Phil

- Both supply and demand have uncertainty. For example, is the demand for large acreage of green lawn a priority? Should the general public be subsidizing this demand? I am supportive of meeting the demand of the Odessa Subarea, but less supportive of other demand.

- There is only so much water. Will a large storage project satisfy everyone? Salmon are the Yakama's number one priority. For the first time in our history, three long houses did not catch salmon.

John

- We are working in a new arena. Defining beneficial use is not the state's decision. But deciding who gets money is a legitimate area of decision.

Merrill

- There is a question of how much we let elected official dictate who gets what; or should we let the free market dictate? Who do we want making decisions, local officials or the federal government?
- In the Okanogan, water is following the money and there is a genuine concern that this will dewater our rivers.
- I worry about a single judicial entity making these decisions.

Rob

- This is the promise of the CRPAG – to vet these issues. We need to come at it differently than we have in the past. Our history is a posture of interests. We need to develop information together; use it; select it; expedite solutions.
- We need to look at cost effective, doable projects first. When you get to large projects, this raises questions about demand. We don't have enough information, so we should go slowly on these large projects. There is a large opportunity cost in public monies. The large projects foment a non-helpful approach.

Merrill

- Rob is capturing my concerns in terms of cost benefit and timing. We are constrained in the development of new water supply. We should stay with smaller, measurable projects. Larger projects have greater uncertainty.
- The assumption with earlier projects is that they would pay for themselves with power. Will these new large projects provide enough benefit to make their cost worthwhile?
- I am also concerned about the physical impact of large projects across the region. Are we sucking water from place to place?

Phil

- Large storage projects take a decade or two, and we have needs today. We can't wait for large projects.
- There is a true need right now which will be addressed by small projects. We need successes, e.g., to flush smolt to sea, demand for instream flow.

John

- We do need to focus on the hear-and-now, but let's keep our eye on the long term as well. We can't wait 15 years to get information. The \$200 million is seed money, even for small storage projects.
- We need to spend resources to get information on both short term and long term projects.

Merrill

- Having measurable outcomes keeps adding to success. Let's make sure we make the right choices early and build confidence in the grand scheme.

[Lisa Pelly Question]: I see some common themes. How can we move to shift our discussion to the large policy questions about how Washington will deal with water in the future?

Merrill

- In Stevens County we faced a highly contentious issue in the public's use of forest roads. We needed to take some initial steps to succeed before taking bigger steps. Without collaboration, nothing will happen.

Phil

- Especially in the Columbia River there are other moving parts, for example the Nez Perce water right, and the biological opinion.
- Some things we won't agree on. Federal court is where we have found that our attention gets addressed. But it is better to have the conversation and look for when we do agree.

John

- We have a lot of background behind us. We are a policy group. Let's get to the policy questions.

[Teresa Scott question]: We are all interested in cost effectiveness. The market is the most cost effective, but we also need to protect local economies. How does this fit?

Merrill

- When resources collapse, people move. There is a shift of civilization.

John

- We need to make water available to mitigate the competition. Municipal needs will outstrip agriculture. We need to make supply available to both.

[Mike Leita comment]: Decisions should be valuable to our communities, both for economic well being and for salmon recovery. In Yakima County we are spending money in both areas. We need to maintain and improve the basin upstream. What we first should do is supply and stabilize existing demand. Currently the Yakima River Basin is unhealthy. We need to take care of it before we take on new demand.

[Gerry O'Keefe question]: Is there a firm element of existing demand?

John

- We don't have a free market by any stretch of imagination. Lots of things interfere with the true movement of water.

[Dan Haller observation]: It would be helpful to get clarity around what Ecology needs to do to bring clarity to the process, e.g. a survey of watersheds, new and existing demand.