

Columbia River Policy Advisory Group

Meeting Notes

May 15, 2008

Irrigation Efficiency in the Tributaries

Dan Haller of Ecology posed a policy context on providing grant funding for irrigation efficiency in tributaries to the Columbia River. Dan posed three policy choices:

- (1) Accept that conservation projects will primarily meet in-stream use objectives, with fewer benefits for water users.
- (2) Be open to “retiming of return flows” as a potential consideration for pilots projects under the Columbia Snake River Irrigators’ Voluntary Regional Agreement.
- (3) Conservation for conservation sake is acceptable, even if there are only marginal fish benefits or new use permits won’t be issued.

Jon Culp of the Washington Conservation Commission then presented a proposal for providing Columbia River bill funding to the Conservation Commission to invest in tributary flow enhancement. Under the proposal project criteria would be defined and the criteria could be set to meet one, some, or all of the posed policy choices. There would be an open enrollment in the grant program, and any project that meets the criteria would be funded. Types of best management practices would include conveyance pipelines, sprinkler systems, small storage, change in reservoir regulation, and irrigation water management. \$1.5 million would be set aside for technical assistance and engineering; \$7 million would be set aside for financial assistance funds; and 8% would go to the Conservation Commission for program support and administration. The proposal would not replace the current funding process, but complement it by adding predictability for certain types of known, fundable projects.

Dan and Jon’s presentations posed two questions: *(1) What are the appropriate policy boundaries in use of Columbia River monies? (2) Is the particular Conservation Commission proposal one that should be funded?* CRPAG members had these observations and comments:

- The county commissioners like the efficiency aspects of the proposal. They also would like more emphasis on small storage projects.
- It is wise to conserve water whenever you can.
- It’s unclear whether the new programmatic approach is sound or whether we should stay within the existing funding structure.
- Regarding the policy choices, flexibility is the way to go. It’s not necessary that every project get both fish and out-of-stream benefits, as long as we get both benefits with the overall investment.
- What are Ecology’s thoughts on implementing the proposal? [The first year is a pilot. There have been unintended consequences. Ecology is open to this proposal but also wants to see results of the current funding process.]
- We have more trust of the Conservation Districts and less for other agencies.

- Are we creating another layer of accounting? The administrative costs in this proposal are a red flag for me. We need to set up a separate tracking of projects to see how they compare with projects funded under our current funding model.
- The requirement of this proposal that all water needs to go to Trust is problematic.
- I am interested in this alternative funding model, where we don't need to do side-by-side comparisons of all projects at once. I also agree that we don't need to have both values for each project, but there should be a threshold fish benefit.
- We have already established a policy that getting benefits that remain in the tributaries is acceptable.
- I like the idea of WDFW involvement in the review of projects. I am also glad to see focus on water issues outside the 16 critical basins. My question is if we have so many great projects out there, why didn't they compete in the first cycle? Why didn't we see more piping projects? [Distrust of Ecology and the process, and the cost, time and energy needed to bring projects to the current process.]
- The Conservation Commission needs to submit its budget to OFM. Are we making a reasonable use of money and complying with the policies of this group? We may be better waiting for a year to see if we are getting the necessary bang for the buck.
- The last 10-year debate over policy suggests that there is no need to get into a conflict between fish benefits and out-of stream benefits. We should use the economic vitality of the Columbia River to solve problems in the tributaries.
- A primary objective in the diversion of water always focuses on re-timing. Most of the piping projects are really about retiming, which is good.
- This funding proposal concept is great but it is overly ambitious. It's better to build capacity in selective districts rather than applying it all at once everywhere.

Ecology plans to reintroduce this discussion this summer, starting in June when it shares the draft funding list. Ecology needs to resolve how it will allocate funding next year before October, when the next funding cycle is expected to begin.

Yakama Nation Package

Phil Ridgon of the Yakama Nation presented the tribe's thinking about the restoration of the Yakima Basin and a prioritized list of initial actions that would help that restoration. These actions are focused on either improving fish passage or protecting and restoring critical habitat. Phil sent a letter to Jay Manning, director of Ecology, laying out the priorities:

- Improving fish passage at the Roza diversion dam. This dam is a bottleneck for out-migration. There are two potential fixes, involving (a) the subordination of power generation or (b) structural changes. The Roza Irrigation District is interested in cooperating; the challenge is in the cost.
- Fish passage at five Yakima Project storage dams for sockeye, coho, chinook, bull trout, and steelhead. The first priority is at the Cle Elum dam. Improving passage would open the most miles of high priority habitat, as there has not been much development above the

dam. A temporary wooden flume is in place at the Cle Elum dam. There is a need for a permanent structural fix.

- Establishment of a habitat acquisition fund. The current system is too slow and restrictive. We need to move quicker to acquire high quality habitat.
- We need to start a dialogue on the enforcement of existing laws and regulations. The Aquavella adjudication is coming to a close; we need to make sure that the decisions are reinforced by appropriate enforcement.

The Yakama Nation is interested in working with the community to solve problems. It is looking for a change in its relationship with Ecology. It looks forward to improving the sockeye run and would invite the CRPAG to a celebration feast.

Derek Sandison noted that Ecology has been working on the Yakima Basin storage studies since 2002. Ecology takes a comprehensive look at water quality, habitat and flow. Ecology is very encouraged by the Yakama's letter. The department needs to reconsider how to work with the Yakamas, the Roza Irrigation District, and Yakima County in a comprehensive way.

Members of the CRPAG had these comments and observations:

- On the Cle Elum, what has been the relationship with the community? [Skepticism at first re the hatchery. But today widespread involvement and support within the community.]
- Can you get the locals to support Roza? [We have support from Roza, if they can get the necessary money. Sometimes there is a disconnect within the federal agencies, especially BPA on energy and fish-related issues.]
- This proposal is deferential to existing agriculture in the Basin. The tribe is looking above the reservoir. This won't impact agriculture.
- This proposal is a radical departure. It shows good leadership by the tribe.
- Grant PUD has been in dialogue with the Yakamas regarding the dams. This dialogue is based on problem solving; there won't be a rush to judgment.
- The trap and haul programs are good investments. They are not expensive.

Tom Tebb noted that Ecology recently hired a water master to cover three counties who will help with the enforcement requirements.

Municipal Conservation

Dan Haller lead a discussion on municipal conservation, following up on the briefings provided in March by several municipal water purveyors. He posed three questions to the group:

1. How large is the conservation potential?
2. What "public interest" policy should Ecology consider when issuing new permits?
3. What legal mechanisms should Ecology use?

The Department of Health recently adopted an efficiency rule that focuses on metering and reporting, leakage, and individual system conservation goals. The municipal conservation plans

are relatively modest. It's too early to assess the before and after impact of the rule since this is the first year of implementation. As a starting point, Ecology projects a 10% reduction in municipal demand which would be about 20,000 acre feet. Not all of this water would be available for new water permits. Ecology wonders how to apply conservation needs to historical pending municipal permits.

Members of the CRPAG had these comments and questions, posed to Dan and to Mike Dixel of the Department of Health:

- What has Ecology's historical practice been for assessing reasonable use? [Case-by-case.]
- There isn't a level playing field in terms of acquiring additional conservation. Some municipalities have made a major investment and captured a lot of opportunities; others haven't done much. Conservation will include both operating and capital investments.
- Not all conservation is driven by environmental needs. Some of it has been driven by cost.
- How much flexibility is there in amending a water right? [Some flexibility; it isn't settled. With too much change, the applicant would lose its place in line].
- The goals of the Growth Management Act would suggest that we need to incentivize restrictions on new hookups.
- There is a dynamic between municipal systems and historic irrigation permits that are changing use. Integration of these systems can help deal with peak as well as instantaneous use requirements.
- This nexus of irrigation and municipal systems is playing itself out in the real world and the public is driving the debate.
- There is no question that Ecology should have a heightened responsibility under the public benefit test, due to the enormous public money being invested. This investment is one reason Ecology needs to adopt more stringent water efficiency standards for municipalities in the Columbia River basin counties than DOH's water efficiency standards.
- A better way to deal with the lawn issue may be to provide education about lawn irrigation to reduce consumption rather than impose a restriction on lawns.
- Green lawns are not just a cultural issue. Lawns in Eastern Washington have historically inhibited soil erosion. We need to find a balance between competing values.
- The crux of this issue is what kind of conservation helps meet the dual standards in the statute. Annual conservation isn't really what we need; we need to hit the "sweet spot" of providing additional water in the summer months. We need a comprehensive look at municipal conservation efforts, not just an analysis of the DOH rule.
- Some places on the west side of the state have started setting regional goals. This might be something to pursue in the Columbia River Basin.
- You see a lot of creativity unleashed when the supply is clearly limited. If Ecology doesn't seek more, it won't get more.

- A question for Ecology is how to stretch the supply from the Lake Roosevelt drawdown: how much should be provided per household. This would likely require a rule.
- We are suffering from antiquated infrastructure in small communities. We need to address this problem if we are going to get a handle on municipal water rights.
- Developers have exploited the 5,000 gpd exception in exempt wells. What can we learn from them?
- Conservation creates a new supply of water. Ecology should push municipalities and offer more technical assistance for conservation.
- We are not dealing directly with the problem of how to assess robustly the municipal potential. Until this issue is resolved, there will be resistance to spending public money.

The CRPAG agreed to return to this issue at the August meeting. This will allow an opportunity to see the first performance reports provided to DOH. In the interim, Ecology and DOH will meet in June to discuss how their agencies can coordinate better to deliver need for better reporting on municipal conservation. Absent an allocation standard for new water rights adopted in rule, Ecology would likely process applications on a case-by-case basis and determine a reasonable beneficial use of water for each community.

Updates

Derek Sandison briefed the group on the release of the Supplemental Environmental Impact Statement. A 45-day public comment period has now begun.

Dan Haller noted that Phase II of metering has begun. This phase will focus on the Wenatchee/Douglas area. The target is to gain another 5-10% compliance, toward the overall goal of 90% compliance. Phase I was a big success.

Dan Haller described progress on creating a Columbia River webmap of all water rights in the basin. A massive effort in the first two years following passage of the Columbia River bill has entered about 6,000 projects into the system.

Dan introduced Tom Perkow, the new water master for Wenatchee. Tom will undertake a dialogue with users when the webmap shows a questionable use or no existing right. The webmap has identified 100-150 anomalies. By statute, Ecology will use technical assistance before turning to enforcement.

The webmap illustrations prompted these comments from CRPAG members:

- Given how difficult we have made it for people who play by the rules, I hope we are tougher on those who haven't followed the rules.
- I commend Ecology on this accomplishment. It should be statewide.
- My experience is that there are many problems with historical records. We need to take care while exploring these problems.
- This is preliminary information. Let Ecology and the landowners sort it out first. We need to be careful not to be too exuberant about enforcement.

- Will Ecology also look at irrigation rights not being used? [It is not a priority to look at relinquishment.]

Voluntary Regional Agreement

Dan Haller presented an overview of comments received on VRAs. These themes emerged:

- 1) Statutory performance standard for mitigation (e.g., no hit on the Columbia River in August)
- 2) The market value of \$10/af is inadequate
- 3) The fate of water saved in recalibration
- 4) Pilot projects – who, what, where, when, how?
- 5) Process issues – how will it work?

CRISA sponsored two workshops in April. Ecology is hosting a meeting in Yakima on May 29 for a more in-depth discussion with the commenters.

Executive Committee

Rob Masonis will be leaving his position at American Rivers, taking a new job with Trout Unlimited. The CRPAG agreed that Michael Garrity should replace him on the Executive Committee.

Attendees:

CRPAG members and alternates

Dale Bambrick, National Marine Fisheries Service
 Jon Culp, Washington State Conservation Commission
 Christina Davis-Moore, Bureau of Reclamation
 Joel Freudenthal, Yakima County
 Bob Hammond, City of Kennewick
 Jennifer Hudson, self
 Mike Leita, Yakima County Commission
 Joe Lukas, Grant County PUD
 Chris McCabe, Association of Washington Business
 Rob Masonis, American Rivers
 Michael Meyer, Washington Environmental Council
 Darryll Olsen, Columbia Snake River Irrigators
 Merrill Ott, Stevens County Commission
 Gary Passmore, Confederated Tribes of the Colville
 Lisa Pelly, Washington Rivers Conservancy
 Rudy Plager, Adams County Commission
 Phil Rigdon, Yakama Nation
 Mike Schwisow, Columbia Basin Development League, Irrigation Districts
 Teresa Scott, Washington Department of Fish and Wildlife
 Warren Seyler, Spokane Tribe
 Craig Simpson, East Columbia Basin Irrigation District
 Richard Stevens, Grant County Commission
 Rob Swedo, Bonneville Power Administration

Others in attendance:

Neil Aaland, Washington State Association of Counties
Nancy Aldrich, City of Richland
Justin Bader, North Yakima Conservation District
Dan Boettger, Okanogan PUD
Dave Burdick, Department of Ecology
Carolyn Comeau, Department of Ecology
Stuart Crane, Yakama Indian Nation
Mike Dixel, Department of Health
Bill Eller, Washington State Conservation Commission
Karen Epps, Senate Committee Services
Michael Garrity, American Rivers
Andrew Grassell, Chelan County PUD
Dan Haller, Department of Ecology
Wally Hickerson, CH2MHill
Paul LaRiviere, Washington Department of Fish and Wildlife
Greg McLaughlin, Washington Water Trust
Peggy Miller, Washington Department of Fish and Wildlife
Tom Perkow, Department of Ecology
Tom Ring, Yakama Nation
Derek Sandison, Department of Ecology
Dan Silver, facilitator
Paul Stoker, Groundwater Management Area
Tom Tebb, Department of Ecology
Michael Tobin, North Yakima Conservation District