

## KLICKITAT COUNTY PLANNING DEPARTMENT

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December 15, 2006



Derek Sandison, Regional Director  
Central Regional Offices  
Washington Department of Ecology  
15 West Yakima Avenue, Suite 200  
Yakima, WA 98902-3452

RE: Proposed Columbia Snake River Irrigators Association (CSRIA) Voluntary Regional Agreement (VRA) Consultation, WRIA 31 Planning Unit

Dear Mr. Sandison,

We appreciate Tom Tebb meeting with the Water Resource Inventory Area (WRIA) 31 Planning Unit and presenting information on the proposed CSRIA VRA. Please consider the following comments on the proposed CSRIA VAR, which I am submitting on behalf of the WRIA 31 Planning Unit.

Preamble The last sentence in the Preamble gives the July and August timeframe applicable to Columbia River diversions. Perhaps the April through August timeframe applicable to Snake River diversions should also be mentioned.

Termination Clause It might help avoid misunderstanding in the future if the VRA's termination and, perhaps, amendment clauses address whether termination of the VRA would affect water rights issued prior to its termination. It is our understanding that termination of the VRA would have no effect on water rights issued under the VRA prior to the termination or amendment.

Watershed Plans RCW 90.90.030(2)(c) states that voluntary regional agreements shall ensure that efforts are made to harmonize such agreements with watershed plans developed under authority of chapter 90.82 RCW that are applicable to the area covered by the agreement. However, the proposed VRA does not address RCW 90.90.030(2)(c).

A watershed plan developed under chapter 90.82 RCW addresses the management of water resources to meet both instream and out of stream water needs within the area subject to the plan. Under RCW 90.82.130(4), approved watershed plans shall be used by Ecology as the framework for water resource management decisions and Ecology shall rely upon the plans as a primary consideration in determining the public interest related to such decisions. Under RCW 90.42.040(1), trust water rights acquired in an area with an approved watershed plan developed under chapter 90.82 RCW shall be consistent with that plan if the plan calls for acquisition. Watershed plans and planning units are the appropriate resources for identifying and prioritizing conservation and other mitigation projects. However,

approved watershed plans will be amended from time to time and some watershed plans are still being drafted. A one-time review of the watershed plans existing at the time the VRA is executed may not achieve harmonization.

The following are our recommendations for ensuring that efforts are made to harmonize the VRA with watershed plans developed under authority of chapter 90.82 RCW.

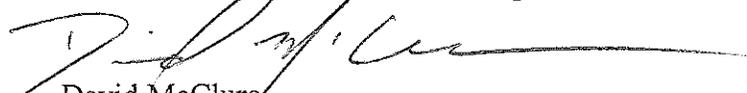
- Include a provision in the Ecology commitment section of the VRA stating that Ecology will ensure conformance with RCW 90.90.030(2)(c).
- Include a provision in the VRA stating that applicable watershed plans and their associated detailed implementation plans will be utilized to aid in the identification of candidate conservation projects and other mitigation actions. The watershed plan that would be applicable to a given water right is the one that is applicable to the WRIA in which the water right is located. If a conservation or other mitigation project is under consideration that is located in a WRIA other than the one in which water right is located, then the watershed plan for that WRIA would be relevant too.
- Include a provision in the Ecology commitment section of the VRA stating that Ecology will work with the applicable WRIA planning unit(s) to identify and prioritize conservation and mitigation projects. It might be appropriate for Ecology to identify the applicable WRIA(s) and which planning units want to participate in the effort to harmonize the VRA to the watershed plan. It might also be appropriate for Ecology to develop and memorandum of agreement with the interested WRIA planning unit(s) regarding the process and timelessness of the process.
- There is a provision in the CSRIA commitment section of the VRA regarding CSRIA working with Ecology to identify projects. Perhaps this provision should also mention working with interested WRIA planning units to identify projects.

Best Management Practices (BMPs) The WRIA 31 Planning Unit has reviewed the BMPs proposed by CSRIA. The Planning Unit supports the BMPs as proposed for purposes of implementing the VRA.

General Comment With the inclusion of appropriate provisions to address RCW 90.90.030(2)(c), the WRIA 31 Planning Unit supports approval of the CSRIA VRA. To the extent that the Planning Unit may be enabled under chapter 90.82 RCW, other applicable statute(s), or departmental policy to provide Ecology with input regarding public interest in water resource decisions within WRIA 31, the Planning Unit recommends that expeditious approval of the CSRIA VRA and issuance of water rights there under is in the public interest.

Thank you for considering the WRIA 31 Planning Unit's comments which are submitted for consideration under the consultation process provided for in RCW 90.90.030(4)(a).

On behalf of the WRIA 31 Planning Unit,



David McClure  
WRIA 31 Watershed Planning Coordinator