

**Columbia River Policy Advisory Group**  
Ellensburg, Washington  
September 18, 2006

The following people attended the meeting:

*Participants:*

Dale Bambrick, National Marine Fisheries Service  
Max Benitz, Benton County Commission  
Gary Chandler, Association of Washington Business  
Kathleen Collins, Water Policy Alliance  
Jon Culp, Washington State Conservation Commission  
Cindy Custer, Bonneville Power Administration  
Dick Erickson, East Columbia Basin Irrigation District  
Rick George, Umatilla Tribes  
Bill Gray, Bureau of Reclamation  
Tony Grover, NW Power Council  
Bob Hammond, City of Kennewick  
Rob Masonis, American Rivers  
Gerry O'Keefe, Department of Ecology  
Darryl Olsen, Columbia-Snake Rivers Irrigators Association  
Merrill Ott, Stevens County Commission  
Gary Passmore, Colville Tribes  
Lisa Pelly, Washington Rivers Conservancy  
Phil Rigdon, Yakama Nation  
Denny Rohr, Grant County PUD  
Derek Sandison, Department of Ecology  
Mike Schwisow, Columbia Basin Development League  
Teresa Scott, Washington Department of Fish and Wildlife  
Rich Stevens, Grant County Commission  
John Stuhlmiller, Washington State Farm Bureau

*Others in attendance:*

Stuart Crane, Yakama Nation  
Amanda Cronin, Washington Water Trust  
Debbie Colbert, Oregon Water Resources Department  
Christi Davis-Moore, Bureau of Reclamation  
Joan Frey, Klickitat County Commission  
Dan Haller, Department of Ecology  
Steve Hughes, URS Corporation  
Ron Hull, Grant Conservation District  
Bradley Johnson, WRIA #35  
David Johnson, Chelan PUD  
Milt Johnston, Washington Department of Natural Resources

Paul LaRiviere, Washington Department of Fish and Wildlife  
David McClure, Klickitat County, WRIAs 30 and 31  
Elizabeth McManus, facilitator  
VJ Meadows, Benton County  
Jim Milton, Yakima Basin Water Resource Agency  
Tom Ring, Yakama Nation  
Pat Ryan, Washington Department of Natural Resources  
Dan Silver, facilitator  
April Snell, Oregon Water Resources Department  
Paul Stoker, Ground Water Management Area  
Rob Swedo, Bonneville Power Administration  
Duane Unland, Washington Department of Natural Resources

The three county commissioners offered a recommendation to expand the Group to include two participants from watershed planning groups and an additional county commissioner. This recommendation was made in a letter to Ecology Director Jay Manning. The commissioners noted their support for watershed planning across Eastern Washington and referenced language in the Columbia River Bill calling for Ecology to consult with watershed groups. The commissioners believe that including watershed groups on the Advisory Group would improve the flow of information and provide education for all parties. At this point, the commissioners thought that it was premature to add salmon recovery groups, although these groups could be included later.

Members of the PAG offered this feedback on the commissioner's proposal:

- The Northwest Marine Fisheries Association has expressed interest in joining the Group.
- Expanding participation would help with communication with other cities in Eastern Washington.
- There is a tradeoff between inclusiveness and being unwieldy; it's unclear where the balance is.
- We should support greater inclusiveness, along the lines of the commissioners' proposal.
- There should be more of an effort to include local planning groups who are focused on salmon recovery.
- Those in attendance at PAG meetings as observers should be given an opportunity to voice their opinions/advice to the PAG at specified times during each meeting.

Ecology will consider the commissioner's proposal and the PAG's feedback and make a decision about additional representation on the PAG.

Gerry O'Keefe and Derek Sandison presented a PowerPoint presentation on the set of activities Ecology has undertaken related to the Columbia River, and the expenditure of funds pursuant to the Columbia River Bill. Ecology is engaged in both programmatic and project-specific work. This focused in particular on describing Ecology's new role in "aggressively" pursuing new sources of water for instream and out-of-stream needs and

on describing how Ecology has invested Columbia River Program resources to date. In addition, Gerry and Derek described a number of ongoing studies that are examining potential new sources of water including: studies about improving delivery of water to the Odessa and studies of potential large, off-channel storage sites.

Members of the PAG sought to understand how all of these efforts fit together and how they affected one another. The Group thought that it would be useful if Ecology could articulate a framework for all of this work, and indicate the collective impact of the projects and programmatic activities. The Group felt that one of the main ways they might add value is not in project-by-project assessment but in helping to fit all of the pieces together.

Members also raised the following points:

- Several people indicated they would like to keep a greater focus on in-stream flow and the protection of fish during analysis of projects and the water management activities.
- It would be useful to have some indication of a baseline conditions so changes from the baseline can be evaluated.
- It would be useful to understand what all these activities mean to Oregon and to learn what Oregon is doing that might affect the Columbia River.
- We need to stay within the framework of the bill; what are the problems we are trying to solve and what does success look like?

Members also raised questions about the role of the PAG. Members emphasized that Ecology should be clear about what it needs advice about and when it needs that advice. The PAG requested that Ecology develop a schedule matrix showing which activities preceded the legislation and which have proceeded from it. This matrix could help show the big picture, including when PAG advice is needed on specific issues. Ecology agreed to produce a schedule matrix and highlighted that in the near-term some important areas for the PAG to focus on are the supply inventory and demand forecast, voluntary regional agreements, and new information systems.

Dan Haller of Ecology and Darryl Olsen of the Columbia/Snake River Irrigators Association (CRISA) briefed the Group on voluntary regional agreements (VRAs). Dan reviewed those provisions of the Columbia River Bill related to VRAs. There is no template for a VRA. Ecology wants to be creative and innovative in the development of this tool. It seeks to harmonize VRAs with watershed planning.

Darryl described the history of CRISA's efforts to achieve the provisions of the VRA that it has proposed to Ecology. CRISA believes that tributaries and watersheds are the place for action, rather than the mainstem of the Columbia. Interruptibility of water rights does not make sense in the Columbia. CRISA's proposed VRA would reward efficiency, through implementation of best management practices; its mitigation costs would be based on a high calculation of the measurable value of hydropower; and it would provide funding to tribes for conservation or water management projects. Success for the VRA

would mean issuance of new water rights by July 2007 and initiation of a pilot program. The total water involved would be 57-60 cfs from the Columbia.

Members of the Group made the following observations:

- Confidence in the VRA will depend on the degree to which Ecology can assure that the water will go where it is supposed to go. The monitoring program must be “bulletproof.”
- There is a concern about the notification and consultation provisions for the VRA, particularly as they relate to tribes. There is a need to deal with tribal issues, including fish-related issues.
- There should be no negative impact on the Columbia River from water rights issued under the VRA.
- It is important to be attentive to the provision protecting flows in July and August, but also to the other 10 months as well.
- There should be some provision or indication of who in CRISA would be involved in the VRA and who would not be participating.
- The VRA as presented does not give a clear indication of the benefits or whether the mitigation is adequate. It would be useful to create a hypothetical scenario or case study to provide more clarity.
- There should be upfront transparency as to how the VRA would work, prior to approval.

Dan Haller clarified that water permits issued under a VRA would still be subject to the current consultation process. Ecology is putting a significant effort into improving its databases to help track the water and money. Ecology will be creating a technical advisory committee to assist with implementation of the VRA.

Darryl clarified that the source of supply in any mitigation must be explicitly referenced in the Record of Exam.

Alan Reichman, an Attorney General assigned to Ecology, then briefed the Group on the procedures involved in rulemaking. He then discussed two possible rulemakings, one that governs processing of water rights; the second dealing with funding disbursement provisions for water supply projects. Ecology could amend the Hillis rule or it could establish a new rule pertaining to the Columbia River.

Members of the Group made the following observations about a rulemaking related to the processing of water rights:

- Hillis is cumbersome. There is a need for Ecology to get clarity.
- Ecology should adopt a rule in order to provide clarity; otherwise processing of rights under a VRA would create the risk of litigation.
- The current environmental provisions of the Hillis rule are sound; there is no need to go through a new rulemaking.

- There is no need to adopt a rule just for the VRA, although there might be a need for a rule for other provisions of the Columbia River Bill.
- Without a rule, the need to produce a balanced water budget could snag the processing of permits; it would be useful to get formal guidance on how to proceed through a line of applicants, when the processing of one of the applications is held up.
- Since Ecology has already clarified what “non-consumptive” means under Hillis, there is no need for a rule or rule amendment.

No member advised Ecology to proceed with rulemaking related to funding. Members thought that the bill had sufficient provisions to guide Ecology in funding decisions. Because a dedicated account is involved, the funds must be appropriated by the Legislature in any case.

The next meeting will be held at the Department of Ecology’s Yakima office, on **Wednesday, October 11, beginning at 9:30.**

The meeting adjourned at 4:00 p.m.