

Columbia River Policy Advisory Group

March 3, 2022

Online Meeting Summary

*Note: Powerpoint presentations from this meeting are available on the OCR website:
<https://www.ezview.wa.gov/?alias=1962&pageid=37050>*

WELCOME/INTRODUCTIONS

The meeting began at 9:30am. Facilitator Cynthia Carlstad reviewed a couple of pointers for the online meeting. Members introduced themselves and guests identified their name and affiliation through the chat function. Cynthia announced that the public comment period will be at 10:30am and asked that anyone who wants to make a public comment send her a chat directly to get in the queue.

2022 LEGISLATIVE SESSION UPDATE

Noah Wentzel, Department of Ecology Legislative Liaison, gave an update from the 2022 legislative session on topics relevant to water issues in the Columbia Basin. This year is a short session (60 days), and it ends on March 10. About a thousand bills were initially introduced, roughly half as many as last year. Ecology has been watching 172 bills, 11 of which are directly related to water resources and OCR. This is a low level of activity for water related bills, however, there has been a lot of activity on salmon and riparian issues.

Of those eleven bills, only one remains active -SSB5860 sponsored by Senator Warnick. It reestablishes the process for groundwater right holders in the Odessa subarea to apply for an exemption from relinquishment for involuntary nonuse. It provides that nonuse of a groundwater right in the Odessa subarea is involuntary due to aquifer conditions. This will replace an expired bill to reauthorize the exemption. It has now passed and is waiting the governor's signature. Ecology supported this bill.

The rest of the bills that Ecology was tracking are inactive:

- 2SSB 5746 - Groundwater Agreements - relates to drought preparedness and response. Ecology had gotten permission to introduce similar legislation and they had worked with Senator Warnick, sponsor of 2SSB 5746. The bill would have allocated \$2M to create a new grant program to local governments for drought plans or other preparations, plus staffing to support. It would have separately allocated \$3M at the time of drought emergency declaration. Ecology found out last year when they declared the drought advisory, that they don't have authority to convene the joint legislative committee under an advisory, only under an emergency. The bill did not make it to the finish line based on its fiscal impact.
- SB 5632 – Water Infrastructure Projects – would establish a large-scale water infrastructure program to fund projects that promote water availability, flood protection, fish passage, and stormwater management. It directs Ecology to pursue all new federal funding sources, creates a new treasury account and commits to appropriating at least \$50M per biennium. Ecology generally liked this bill except for some of the funding approach. It received a public hearing but did not advance beyond Senate AWNP policy committee.
- SSB 5882 - Riparian Stock Water Rights – identified existence of de facto riparian stock water rights and amends 90.03.010 to include riparian stock water rights within the

broader category of riparian water rights preserved under the 1917 water code. Ecology was concerned that this would further confuse riparian stock water rights. The bill received a reading but did not receive a floor vote.

- HB 2067 - Allocation of Relinquished Water Rights – would require two-thirds of relinquished water be made available for out-of-stream uses with preference for local family farms, with the remaining one-third to be available for instream flow. There were concerns about this conflicting with other prior appropriation water code provisions.
- HB 2101 - Family Farm Permit Transfers – would allow family farm permits to be used for development of additional non-agricultural uses. It did not receive a public hearing.
- SB 5966 - Adjudication Data Reporting – would require Ecology to provide a cost estimate analysis and water right evaluation data to the legislature as part of its regular reporting requirements for water rights adjudication. It did not receive a public hearing.

Two budget items were proposed, and did not pass:

- Green Infrastructure Projects – Capital Budget - \$5.5 million for projects intended to retune streamflows to support freshwater habitat improvements. It was intended to augment streamflows during critical low flow periods to improve water quality and support salmonid recovery.
- Water Code Advisory Group – Operating Budget - \$709,000 for a new advisory group to develop recommendations for water resource statues such as increased demand for water resources, climate change adaptation, salmon recovery priorities, permitting standards, and compliance actions.

Two budget items are still active:

- Drought funding – Given possible continued drought, Ecology is hoping to get funding for immediate drought funding for this year.
- Water code research – Funding for two academic centers to research the water code (Washington Water Research Center, UW Climate Impacts Group)

Questions and Answers

1. Megan Kernan asked about the drought bill – why was it not passed? Noah responded that it wasn't entirely clear, but perhaps related to concerns over putting this into statute.
2. Tom Tebb expressed appreciation for CRPAG members who helped support the SSB 5860.

2023-2025 STATE CAPITAL BUDGET DEVELOPMENT / INFRASTRUCTURE INVESTMENT AND JOBS ACT (IIJA) OPPORTUNITIES FOR COLUMBIA BASIN PROJECTS

Melissa Downes described the process for OCR to develop its budget request for the 2023-2025 biennium which is July 2023 through June 2025. Ecology is required to submit its proposed budget to the State Office of Management and Budget in September. Prior to that, each department within Ecology needs to develop and vet its budget within the agency. OCR will bring more specific information on its proposed budget to the June CRPAG meeting.

Tom Tebb added that their budget development process is from the ground up, working with the groups that are closest to the projects. Their guiding mantra is to first finish what we've started. He expects that they will propose to continue to invest in the Odessa groundwater replacement program, the Walla Walla, and Icicle watersheds for example. They received \$45 million in the

2021-2023 biennium for the Columbia Basin and \$42 million for the Yakima Integrated Plan. They plan to request a higher amount for 2023 – 2025 based on inflation for materials and human resources. He added that the Infrastructure Investment and Jobs Act (IIJA) presents great opportunities to leverage state funds with federal. For example, the IIJA has approximately \$8.3 billion over the next five years for the U.S. Bureau of Reclamation (Reclamation), nationwide.

Questions and Answers

1. Cody Desautel asked, related to the federal IIJA funds, if OCR plans to reach out to Columbia Basin entities to partner on proposals. Tom answered yes, and OCR will reach out to Cody on this.
2. Wes McCart asked if OCR has any projects in mind for the IIJA yet. Tom said they are just beginning to identify potential eligible projects and partnering opportunities. Some of the programs are just being developed. He welcomes ideas. Wes said that he was in Washington DC recently and there were opportunities to provide input as agencies are developing guidance. One potential type of project that is a crossover between transportation and water infrastructure are bridges. For example, when the East Low Canal was upgraded, the bridges also needed to be upgraded.
3. Wes McCart said the project called “Bridges” is currently open for project solicitations and he will get Tom contact information.
4. Cynthia said that she recently got information about an upcoming NOAA grant opportunity with categories for community resilience, fish passage, and tribal fish passage.
5. Tom Tebb noted that the federal government is still in a continuing resolution situation which makes their work to develop these programs to distribute funding even more challenging.

PUBLIC COMMENT

1. David Ortman commented that there was significant opposition to SB 5632 including a letter from several environmental organizations. He provided the letter and asked that it be attached to the meeting summary.
2. John Reeves, Save Lake Kachess, commented that when he attends these meetings he does not see a lot of advising from the PAG and he encourages the PAG to advise Ecology. He also noted that the OCR budget is weighted toward the Yakima Basin and there are important water infrastructure needs in the rest of the Columbia Basin, such as the Odessa Groundwater Replacement project.

WALLA WALLA STRATEGY

Scott Tarbutton, Ecology OCR, and Amanda Cronin, AMP Insights gave an update on the Walla Walla Strategy also known as the Walla Walla Water 2050 / Bi-State Advisory Committee process.

Scott described the work completed in Phase 1. The Walla Walla watershed has headwaters in Oregon as well as Washington. The basin is over-appropriated, with junior water rights that are regularly curtailed and instream flows that are unmet. Flows regularly drop below instream flow thresholds and can drop to zero below the irrigation diversion below Detour Road. It has 85,000 acres of irrigated land, and municipal, industrial and habitat water needs. The geology includes significant alluvial fan deposits, braided distributary channels, and high surface water to groundwater connectivity. The basalt is different than in other parts of the Columbia with significant faulting and displacement.

The overview of completed work in Phase 1 includes the following:

- Strategic Plan development through an advisory committee process led by the “Tri Sovereigns” – Umatilla Tribe, Washington, and Oregon. The Strategic Plan was completed in June 2021. It lays out current and desired conditions and recommends strategies to move toward desired conditions. There are three tiers of strategies within different categories.
- Bi-State Flow Study was amended in July 2021. This study looks at projects that could help meet flow targets, including the Columbia River Pump Exchange and Pine Creek Reservoir projects presented to the PAG last year, and a new project - the Warm Springs Reservoir.

Amanda presented the work plan for Phase 2. There will be a facilitated process to accompany the needed technical work. Work groups include implementation, funding/policy/outreach, and bi-state flow study work groups.

Phase 2 is focused on strategy development and implementation by matching up projects with funding opportunities and polishing strategies for legislative asks. Strategies are organized into five categories:

- Floodplain, habitat, and fish passage
- Monitoring and metering
- Water policy and management
- Streamflows, groundwater and water supply
- Water quality

Coordinating policy and management between Oregon and Washington is a major need that adds complexity.

Next steps include:

- Requesting short term funding through 2023-2025 state capital budget,
- Seeking authorization for implementation of the plan from the State legislation,
- Continuing Bi-State coordination with the Tri-Sovereigns,
- Hopefully implementing a Basin study under a WaterSMART grant they recently applied for, and
- Continuing the Bi-State USGS groundwater study.

Questions and Answers

1. Tom Tebb acknowledged Scott and Amanda and the whole Walla Walla team for the work they have done so far. He also recognized the complexities of this basin.
2. Chris Hyland, Walla Walla Management Partnership echoed Tom’s comments and the CRPAG role in supporting their work, including funding and capacity through OCR.
3. Cynthia asked how developed most of the strategies are. Scott responded that some are broad and some are more narrow. They will be describing each of the strategies in a

strategy scoping memo that will lay out needed work for each strategy. He reminded the group that this is not a project list.

4. Cynthia asked if there are any strategies that the group is particularly excited about. Amanda responded that there are a lot of creative ideas and that many of the implementers in the basin have made great strides. Tom added that this is one of the basins that first started exploring aquifer storage and recovery and the USGS study is augmenting the ability to understand and optimize this work. The strategies and projects also include very straightforward actions like moving access roads out of streambeds.

GENERAL COLUMBIA BASIN UPDATES

- **Pasco Basin 508-14 Rulemaking**

Tom Tebb reported that the legislation passed in 2021 allowed Ecology to modify RCW 89.12.170 to work with Reclamation to co-manage the co-mingled water that resulted from the Columbia Basin Project. Ecology and Reclamation are working on getting a MOU finalized, working in collaboration with the three Columbia Basin irrigation districts. OCR is working with the USGS on groundwater modeling to determine the magnitude of water that could be available. They are also working under 90.44.400 on a boundary designation for a groundwater management area and then will subsequently develop a groundwater management strategy. That will eventually lead to rulemaking, which will hopefully be initiated this summer. OCR will continue to bring this back to the PAG. Melissa added that more formal information will be available in the coming year. Tom closed by saying he is excited about the potential new water supply and that this could be a potential water supply to help the growing city of Pasco.

- **Lake Roosevelt Adjudication**

Robin McPherson gave an update on the Lake Roosevelt adjudication. The process will proceed in superior court for quantification and prioritization of all water rights on Lake Roosevelt. Ecology is preparing for the adjudication by mapping, outreach and data systems building to prepare for the adjudication process. This adjudication responds in part to a petition from the Colville Confederated Tribes that requests adjudication of all their reservation water rights, starting with those from Lake Roosevelt.

Robin displayed a map that showed the area that would be covered by this adjudication. It includes Lake Roosevelt, including Reclamation water rights. Spokane and Colville Tribes both claim Winters rights from Lake Roosevelt; these are currently unquantified. Both Tribes claim water rights that are senior to the Reclamation water right. The State's interest is to resolve this sooner rather than later.

Ecology has been communicating with federal parties in recent months – BIA, Justice Dept., etc. Much of the headwaters are in forest lands, and the federal government is asking about the boundaries of the adjudication based on different definitions for the lake. They are also looking at which tributaries are appropriate to include. The State believes the current WRIA 58 is a good delineation; many of the tributaries on the eastern shore have already been adjudicated.

Ecology is targeting June 2023 to file in superior court; this timeline is flexible. At that point, all parties would be notified. They have heard that irrigation districts want to participate along with the Reclamation, and this will be considered.

There were no questions or comments from the PAG, and Robin thanked everyone for their professionalism in working with Ecology, as this topic is an adversarial one.

- **2022 Water Supply Outlook**

Melissa reported on the water supply outlook for Columbia River for irrigators. The Columbia River rule regulates Columbia River interruptible diverters based on a March 1 forecast for runoff at The Dalles Dam. The March 1 runoff forecast at The Dalles Dam is 90 million acre-feet which equates to 96% of average for the 30-year period. This forecast means that interruptible water right holders from the Columbia will not be curtailed in 2022.

Tom Tebb reported on water supply outlook for Reclamation's Yakima Project. They have senior and junior (pro-ratables) water right holders within the Project. For pro-ratables, their forecasted allotment is 96%, which is down from earlier in the year. The Reclamation's next forecast will be released on April 7. The State continues to be in a State-declared drought.

Questions/Comments

1. Wes McCart reported from Stevens County it is snowing currently, and right now water supply looks good. This can change quickly though.
2. Cody Desautel reported that he heard that Lake Roosevelt will be drawn down to the 1230-foot elevation (versus 1244-feet announced earlier) in the year. Snowpack in Canada is good, so they are drawing the reservoir down lower to accommodate expected runoff.

- **CRPAG Membership Updates**

Cynthia announced that the Executive Committee is working to fill vacant PAG positions; this includes an environmental member and a city member.

ANNOUNCEMENTS

Cynthia asked if PAG members had any other news about IJJA funding opportunities or wanted to share what they are working on.

1. Talmadge Oxford commented that there is a lot going on right now within Reclamation in developing programs to deploy infrastructure funding, but nothing specific to report yet.
2. Craig Simpson announced that they received notification that the preliminary investigative feasibility study for the PL-566 watershed program for the Odessa groundwater replacement program was funded. This will be significant leverage for state funding.
3. Jeremy Weber reported that the Corps is finalizing their workplan under IJJA and it will be available to share in June. He also reported that the Corps has a new Assistant Secretary of the Army for Civil Works – Mike Connor - coming from Reclamation in the past, so is very interested in water infrastructure. The Principal Deputy for the Assistant Secretary of the Army is Jamie Pinkham from the Nez Pierce Tribe, so much greater focus on partnership programs and the Pacific Northwest. He is coming from the Columbia River Inter-Tribal Fish Commission (CRITFC)
4. Cody Desautel said they are looking at some NOAA funding for some of the Upper Columbia fish passage work they are advancing. They are starting Phase 2 implementation with acclimation and release of 50,000 juveniles that will be tracked and provide the first year of data. With adults, they had success with spawning in the San

Poil River again this year. They will monitor outmigration of juveniles. They are working with the Corps and Reclamation and also starting to collaborate with First Nations on the Canadian side of the border.

5. Liz Klumpp said while BPA does not receive funding through IJJA, the U.S. Treasury Dept. did increase their borrowing authority by \$10 million. Their financial decision-making requires balance between costs they put into rates and what they put into debt. There is a fair amount of pressure on the transmission system with states working to de-carbonize, so upgrades will be needed.

ADJOURNMENT

Meeting adjourned at Noon. Next meeting is scheduled for June 2, 2022.

Attendees:

CRPAG members and alternates:

Chad McCrea, Spokane Tribe	Lisa Pelly, TU
Clint Didier, Franklin Co. Commission	Liz Klumpp, BPA
Cody Desautel, Colville Tribes	Mike Schwisow, Columbia Basin Development League
Talmadge Oxford, Reclamation	Craig Simpson, ECBID
Megan Kernan, WDFW	Tom Davis, Washington Farm Bureau
Jeff Dengel, WDFW	Tom Tebb, OCR/Ecology
Jeremy Weber, ACOE	Melissa Downes, OCR/Ecology
Jerome Delvin, Benton Co. Commission	Scott Hutsell, Lincoln Co. Commission
Jon Culp, WCC	Wendy McDermott, American Rivers
Mark Stedman, Lincoln Co Commission	Wes McCart, Stevens Co. Commission

Others logged in for the meeting¹:

Amanda Cronin, AMP Insights	Joye Redfield Wilder, Ecology
Andy Long, USGS	Kelley Jorgensen, HDR
Bob Bugert, Chelan Co. Commission	Marcie Clement, Chelan County PUD
Bruce Wakefield, Colville Tribes	Mark Nielson, Franklin County CD
Chris Hyland, WWMP	Mike Kaputa, Chelan County
Christina Frantz, WDNR	Noah Wentzel, Ecology
Dan Haller, Aspect Consulting	Robin McPherson, Ecology
David Ortman, private citizen	Scott Tarbutton, Ecology
Deborah Johnson, WDOH	Scott Turner, Ecology
Elaine Packard, Sierra Club	Stuart Crane, Yakama Nation
Ethan Lockwood, WWT	Ted Knight, Spokane Tribe
Henry Allen, City of Spokane Valley	Tim Poppleton, Ecology
John Reeves, Save Lake Kachess	Tom Colby, Robinson & Noble, Inc.

Facilitation

Cynthia Carlstad

¹ Note on attendance: some participants did not list full name on Zoom login.