

**Columbia River Policy Advisory Group
December 12, 2019
Kittitas County Events Center
Ellensburg, Washington**

*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 9:30 a.m. Introductions were made around the room. Facilitator Neil Aaland reviewed the agenda. Neil noted that the agenda has the meeting dates shown on the back. Locations will be determined later.

Budget and Legislative Update for upcoming legislative session/Columbia River Systems Operations EIS – Melissa Downes, OCR

Melissa had a few announcements. Ecology Director Maia Bellon is resigning as of the end of this year, December 31. She plans to take some time off and then may go into private practice as an attorney. Deputy Director Polly Zehm is retiring at the end of January 2020. The Governor's office is moving to fill the vacancies soon.

For the upcoming legislative session, OCR is not proposing any legislation. It seems likely that there will be some water banking legislation introduced (this will be discussed later today). She noted that Al Josephy, Water Resources Program, has moved into a new position related to the watershed restoration program. The new OCR grants person is Joy Polston Barnes.

Melissa updated on the federal government Columbia River System Operation Review (SOR). A Draft EIS will be issued about February 2020 which will likely include 5 alternatives and a preferred alternative. Michael Garrity, WDFW, added that it will include a no-action alternative and also several other alternatives including "energy-friendly", high spill, and a couple of others. The preferred alternative might be a combination of those. The February draft will be a public draft EIS. A final EIS is planned for June and a Record of Decision (ROD) might be issued in September.

Water Banking

Carrie Sessions, Policy/Legislative Analyst for Ecology's Water Resources Program, presented this topic. There are two legislative items she mentioned: the first is the Water Resources Program is again proposing drought preparation and response legislation, same as last year. Second is that Senator Honeyford will be proposing SB 6036, using water rights donated in trust for drought response.

Water banking has been active. A year ago, they decided to do some strategic thinking on this. The original plan was to have internal discussions and draft some policies, then show to the public. The Seattle Times article from a couple of months ago accelerated their timeframe. It does seem like a timely opportunity for assessment, looking at where banking is being used and whether there are unintended consequences. Issue of speculation in water has been of interest.

There likely will be a number of bills on this issue from both sides of the aisle. Ecology is NOT putting forth any. The trust program is in RCW 90.42. This is a difficult statute to read; if

legislation occurs it would be good to re-write this for clarity. Out of basin and downstream transfers is also of interest. When reviewing, Ecology doesn't look at the public interest aspect.

Questions and comments:

- Who was interviewed by Ecology in the outreach phase? [Bankers, local governments, two environmental interests, AWC/WSAC, utilities, some tribes, WA Department of Agriculture, Peter Dykstra. Did not talk to agricultural interests. They are happy to meet with ag interests.]
- Urban said the program is very important to them, and wonders if Ecology is going to take a position regarding telling how important the trust water right program is? [Carrie said they are actively discussing with the Governor's office what the best role for Ecology is.]
- Urban noted a worldwide literature review has been done; similar concerns regarding marketing
- Carrie said this will be a multi-year planning effort, but some in legislature are interested in taking it all on now

Carrie asked the group about their reaction to speculation in water markets. Comments included:

- Yakima County is looking at this issue now
- Tom Davis said water rights are property rights for farmers; they saw the story with great interest. Trying to determine intent is important, but hard. The relevant statutes are ancient.
- Jeremy said the COE is starting to look at this; they can store water upon request. They see people requesting water and not using it. Starting to track.
- Dan Haller is glad to see Ecology considering these problems. It's a concern where speculation and monopolistic tendencies intersect. Perhaps WSU can consider. [Carrie says the economists are looking at this; there are some economic benefits to speculation, but monopolies are a concern]
- Paul Jewell said it is difficult for Ecology to figure out how public benefit is addressed; good to better define the public benefits associated with specific programs. He also noted this is a public resource, people have the right to use it, but it is not the same thing as an investment
- Dan noted the Hillis rule addressed this to a certain extent

Neil suggested that Carrie come back at an appropriate time and ask this group some specific policy questions.

A 15-minute break was taken.

Public Comment

Margie Van Cleve is here for the Sierra Club and noted they support the removal of the Snake River dams. She also expressed support for the stakeholder process, and for addressing impacted communities. Any process like this should allow farmers to keep their irrigation rights.

2019 Drought: Final Review

Jeff Marti called in from Olympia. He reviewed slides from a powerpoint presentation (posted on the OCR website). 2019 was roughly normal, a little on the dry side. It was drier in western Washington, wetter on the eastside. The 2019 drought was not as bad as it could have been. There were 7 emergency drought grants issued for a total of \$1.2 million; the state share was \$680,000.

Water rights curtailments happened in some areas. This year has been a pretty dry fall. The forecast for next month's snowpack is not great.

Lower Snake River Dams – Jim Kramer, Kramer Consulting

Jim was hired by the Governor's office to do public engagement around the issue of the Snake River dams. This came out of the Orca task force, which recommended a stakeholder process about removing the dams. This process is happening at the same time as the System Operations Review EIS stakeholder process. They are focusing on positive and negative effects in Washington State. The purpose is to provide information on different perspectives to the Governor; they are NOT providing recommendations. Their online questionnaire so far has 4000 responses.

He's heard that people are weary of the cycle – study, court action, decisions, then again. Has heard a strong interest that if dams are removed that agriculture should be "made whole". He noted that economic information is not readily available until the EIS comes out. Jim thinks the value is the Governor can see concisely the issues and perspectives. The report will be out next Friday, December 20th.

Questions and comments:

- Any projected modeling regarding flooding? [Not as part of this process]
- Do the Snake River dams provide flood control? [They do not provide any flood damage reduction benefits. They could be operated to provide some incidental benefits under the right circumstances, but it wasn't part of their design or authorization, and couldn't be relied upon.]
- Is the Governor's office outreach more of informing or getting information? [It's more informing]
- There has been some interest from other states
- Tom Davis thinks this is good summary, and noted that agriculture is quite concerns and looks forward to the report
- Wendy wonders how the information from the online questionnaire will be presented? [Intent is to provide an easy way to comment]

Update: Mid-Columbia Resiliency Coordination Project (Declining Municipal Groundwater Supplies) - Ben Serr, Washington Department of Commerce

Ben gave a powerpoint presentation (posted on the OCR website). He noted there are water systems that are facing declining water levels. He reviewed highlights from a survey. He's been helping with the formation of a Columbia Basin Sustainable Water Coalition and reviewed the goals of that group.

Questions and comments:

- Funding for his involvement is ending, but he'll try to help as he can
- Melissa was on a panel with Ben recently; she is interested in baseline and more recent data as OCR moved big irrigators off the aquifer and how that affect the water levels

Project Updates – Melissa Downes

Melissa provided some infrastructure updates –work on the siphons is wrapping up, as well as the canal widening. The BOR has added some funding for radial gates with a target of Spring 2020. 10 out of 12 county road bridges still need replacing. OCR's focus will move to pump stations and the delivery system. Craig Simpson said they are trying to get to an April 1 timeline to meet the irrigation season.

Melissa briefly discussed the Walla Walla project. They are working on a 30-year strategic plan. She also noted the Yakima Basin work recently celebrated its 10-year anniversary. They are making great progress on the Cle Elum Fish Passage project.

The meeting adjourned at approximately 1:00 p.m. The next meeting of the CRPAG will be on Thursday, March 12 in Ellensburg, WA (specific location TBD).

Attendees:

CRPAG members and alternates:

Ron Anderson, Yakima Co Comm
Stuart Crane, Yakama Nation
Jon Culp, Conservation Comm
Tom Davis, WSFB

Michael Garrity, WDFW
Wendy McDermott, American Rivers
Craig Simpson, ECBID
Jeremy Weber, ACOE

Others in attendance:

Neil Aaland, Facilitator
Phil Brown, NWGS
Jeff Dengel, WDFW
Melissa Downes, OCR/Ecology
Andy Dunn, RH2 Engineering
Urban Eberhart, KRD
Dan Haller, Aspect Consulting
Kevin Haydon, WWT
Paul Jewell, WSAC
Ben Lee, Landau Associates

Harry Olivos
Tim Poppleton, OCR
Jens Rasmussen, Agri Northwest
Ben Serr, WA Dept of Commerce
Carrie Sessions, Ecology
Jennifer Stephens, OCR
Benjamin Tindall, WSFB
Dave Van Cleve
Margie Van Cleve
Bruce Wakefield, Colville Tribes