

Columbia River Policy Advisory Group

December 8, 2020

ONLINE MEETING

*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 9:00 a.m. Facilitator Cynthia Carlstad reviewed a couple of pointers for the online meeting.

CRPAG Member Interview Themes and Key Takeaways

Tom Tebb opened with remarks about why he and Melissa asked the new facilitator, Cynthia, to reach out to PAG members individually. This is an important forum for OCR to connect and have dialogue with the basin community, and it is important to reflect periodically on how it can be the most useful for all who participate.

Cynthia presented a short slide show with themes and key takeaways from her PAG member interviews. She thanked members for making themselves available to talk with her.

1. The first observation was that the PAG has both a formal purpose for most – to advise OCR on water policy and issues – and an informal purpose – to provide a channel for productive conversation between OCR and the basin community. Early efforts were largely focused on discussion and decisions around the initial \$200 million investment. That dialogue helped members learn about the perspectives, needs, and values from other parts of the basin, and members reported that it was a good process. Recently, the PAG has been more informational, keeping members informed about progress on projects and other basin issues. Several members reported missing the two-way dialogue and feel the group may have lost some cohesion because of that.
2. Responses to what PAG members most value included the following:
 - Hearing updates and emerging issues from OCR
 - Information presentations
 - Dialogue with other PAG members
 - Respectful tone of the group
 - Diverse participation
 - For agencies, the PAG provides an opportunity to learn how to better support the basin community
3. Ideas for improvement included the following:
 - Hear about OCR's vision and priorities, and have opportunity to dialogue around these topics
 - Getting a lookahead from OCR – emerging issues, topics, and legislation
 - Having a clear purpose for discussions – what is expected of PAG and how will advisement be used
 - Increased member-to-member engagement in meetings
 - More balance around the basin on meeting topics
 - Consider PAG role in big issues – help to integrate related efforts? Bridge to bigger and more comprehensive solutions?

Comments

1. Michael Garrity commented that he likes hearing about related projects and programs as part of PAG meetings.
2. Sandra Sampson commented that she is relatively new as the Umatilla Tribes' representative for the PAG. She is also involved with the Walla Walla Water 2050 plan which is very important to the Umatilla Tribes. She is looking forward to gaining more understanding of the PAG's role.
3. Tom and Melissa thanked members for their participation and comments.

Statewide Water Rights Adjudication Assessment – Recommendations for Lake Roosevelt and middle tributaries (WRIA 58) and future considerations for Spokane and Walla Walla River Watersheds

Robin McPherson, the lead author of Ecology's recent statewide adjudication assessment report, presented. She described what an adjudication is and noted that it is the only way to include federal and tribal rights in an inventory of priority, quantity and purpose of water rights. She commented that while the Yakima basin adjudication took many years, the upper Columbia would be a much smaller effort.

If Ecology is funded to initiate adjudication work, the anticipated timeline would be the following:

- 2022-2023 – Pre-adjudication work
- 2023-2025 – Initiate court action
- 2025-2027 – Determine legal water rights
- 2027-onward – Interim and final orders

Robin described the nature of water rights in the recommended upper Columbia area. There are tribal water rights for the Colville and Spokane Tribes, U.S Bureau of Reclamation (Reclamation) rights, other federal, and private water rights. While the Reclamation water rights serve many irrigation districts and other users, those entities would not be direct parties to the adjudication as the rights are held by Reclamation. Private water rights number 550 or fewer. Several stream basins have been previously adjudicated and a few have WDFW Surface Water Source Limitations (SWSLs).

Robin stated that some of the reasons for recommending adjudication in the Lake Roosevelt and middle tributaries WRIA is to provide certainty around tribal, state, and federal water rights. The current situation creates a "sharing in the dark" environment. It also creates uncertainty and inconsistency for markets and regulation.

In closing, Robin reviewed that the Nooksack River watershed (WRIA 1) was also recommended for adjudication, and two Columbia Basin watersheds – Spokane (WRIAs 54-57) and Walla Walla (WRIA 32) were classified as "prospective."

Comments and Questions

1. Mike Schwisow complimented the adjudication report overall, but said he feels it is a bit "thin" in describing on-the-ground beneficial use associated with the Reclamation water rights. Over one-third of irrigated lands in Washington are served by water from the recommended WRIA. The landowners provide the beneficial use, not Reclamation.

2. Phil Rigdon commented that in his experience with the 40-year duration Yakima adjudication, adjudication is not a panacea. It moves the conversation to a legal venue that is adversarial by nature. It concerns him to see the state moving in this direction. Robin responded that Ecology has a responsibility to respond to the Colville Tribes' petition for adjudication as well as conversations around the topic with the Spokane Tribe. Ecology takes the issues raised by Phil very seriously.
3. Darryll Olsen asked if the objective was for the tribes to secure more water. He agrees with Phil that there is no advantage in an adjudication and does see an advantage for OCR to work with the Colville Tribes on water issues. Robin responded that the objective is to determine legal water rights.
4. David Ortman asked (via chat) if congress is allowed to amend an adjudication decree, and Robin answered no.

Public Comment

Cynthia announced that she had received a draft letter with request for public comment written by several groups opposing additional federal and state funding for continued study of uneconomical and environmentally damaging new water storage dams or pumping project in the Yakima River Basin. She asked if someone was present to make a public comment on the letter. John Reeves, one of the letter signatories, asked that the letter be distributed to PAG members.

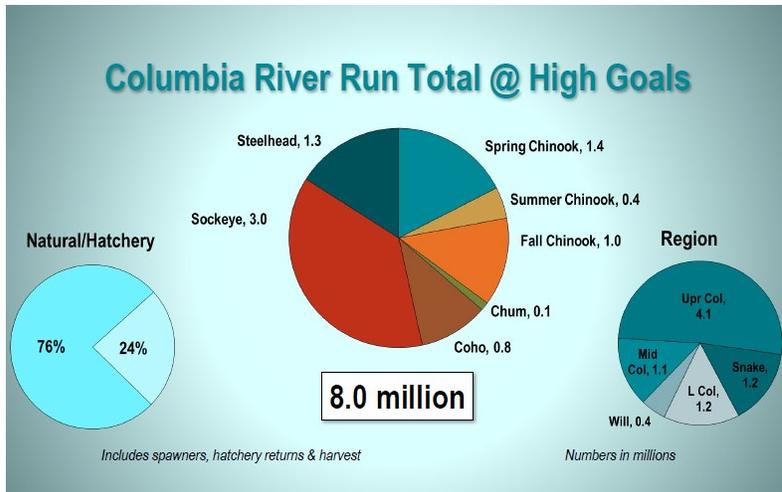
Columbia Basin Partnership Task Force, Phase 2 Report – Goals to Restore Thriving Salmon and Steelhead to the Columbia River Basin

Michael Tehan, NOAA Fisheries, introduced the team of presenters for this work which included: Guy Norman, NW Power and Conservation Council; Zach Penny, Columbia Inter-Tribal Fish Commission, Nez Perce, Yakama, Umatilla, and Warm Springs tribes; and Urban Eberhart, Kittitas Reclamation District. Katherine Cheney, NOAA Fisheries, leads the effort for NOAA and was also present. Michael acknowledged PAG member B.J. Kieffer, Spokane Tribe, who has also been part of the team.

The Columbia Basin Partnership (CBP) Task Force was launched in 2017 with the purpose to develop goals for all ESA-listed and non-listed Columbia Basin salmon and steelhead that address conservation needs, provide harvest/fishing opportunities, and meet tribal treaty/trust responsibilities. It has a diverse membership of 31 organizations. The CBP Task Force is unique in taking a basin-wide approach to Columbia River salmon and steelhead for natural and hatchery-origin fish and for bringing stakeholders and sovereign managers together. Much learning, joint problem solving, and constructive relationship-building occurred because of this approach.

Phase 1 of the effort was completed in 2019, resulting in guiding principles, basin-wide vision, qualitative goals and provisional quantitative goals. Phase 2, recently completed in 2020 resulted in final quantitative goals, key messages, and path forward recommendations. They also explored biological factors limiting salmon and steelhead, scenarios and strategies for potentially achieving goals, and social, cultural, economic and ecological considerations.

Quantitative goals were described in the context of the spectrum between historical potential at the high end to extinct at the low end, with a range in between that is healthy and harvestable. The charts below, excerpted from the presentation, describe the quantitative goals for natural/hatchery, by species, and by region.



In exploring factors (or threats) affecting salmon and steelhead survival, the CBP Task Force found that no single strategy (e.g. reducing predation, increasing habitat, reducing harvest) will achieve the goals on its own. To further explore solutions, they developed and analyzed ten scenarios utilizing one or more strategies and assumed future conditions. These are described in the Phase 2 report.

Presenters described that they believe a powerful element of their work to date has been relationships and diversity of viewpoints shared among the group. They see this as an essential element of getting agreement on basin-wide solutions. A statement of a shared tribal perspective was presented, as shown below.



Shared Tribal Perspectives

“We are asking too much of salmon.”

- Historical and legal context is critical and necessary.
- Treaty and trust responsibilities are non-negotiable.
- Beyond the right to take, right to access, and right to a fair share, there has always been an inherent understanding by the tribes that there would actually be fish.
- Settlers and regional authorities were fully aware of how salmon were being impacted by the decisions being made, converting the wealth derived from salmon to wealth in other forms.
- The tribal nations are not willing to accept the normalization of the status quo and do not concede our long-term goals
- The many sectors of the Columbia Basin economy that enjoys the benefits of the developed Columbia River must be willing to return a portion of those benefits for the purposes of restoring the very salmon that were sacrificed on their behalf.
- The full extent of the quantitative goals can only be realized when salmon can access the entirety of their historical range, which includes all currently blocked areas.



Presenters described that the path forward will include regional conversations about how to best achieve the quantitative and qualitative goals, and to explore and agree on specific strategies and actions for near and long-term. They have formulated three key message points:

- A call to action
- The path forward needs a salmon ethic, strong leadership, and collaboration; and

- Science plus accountability delivers a healthy ecosystem and a vibrant quality of life.

Comments and Questions

1. Cynthia asked about the level of detail of the work, and Michael responded that they conducted a coarse level screening of threats.
2. Sandra Sampson asked about any knowledge the CBP Task Force had on effects of oil spills from hydroelectric operations. Joye Redfield Wilder responded that the Corps is required to report spills to Ecology.
3. Regarding next steps – Urban Eberhart commented that while complex/controversial issues are being discussed, they need to continue implementing actions that are broadly supported. Guy Norman followed that there is a separate process envisioned to determine how the region wants to achieve the goals that have been set.
4. Michael Garrity expanded on the new regional effort – Columbia River Regional collaborative. Governors of Idaho, Montana, Oregon, and Washington have pledged support for this group to “work together to rebuild Columbia River salmon and steelhead stocks and to advance the goals of the Columbia Basin Partnership Task Force.” Michael Tehan closed by saying the key is to provide a forum so tribes and stakeholders can participate; this should not default to a federal-led process.

Office of Columbia River (OCR) Updates

Tom Tebb gave an update on the state budget. There have been significant COVID-19 restrictions since March. The June budget deficit forecast was \$8.8 billion through the next biennium; this was reduced to \$4.2 billion most recently. OCR has been holding vacancies; travel and project work has been impacted.

The upcoming legislative session will be fully online, which will limit the number of bills they will consider. Ecology is not initiating any legislation, however there is a water banking effort on the legislative front. OCR is developing a \$40+ capital budget request, and the Governor’s budget is expected to be released on December 17.

Comments and Questions

None

Final thoughts/wrap-up

Next PAG meeting is March 4 (online.) We will plan for online meetings until September, with hopes that the September meeting will be in person in Ellensburg. Tom thanked all of today’s speakers.

The meeting adjourned at noon.

Attendees:

CRPAG members and alternates:

Tom Tebb, OCR/Ecology
 Melissa Downes, OCR/Ecology
 Jon Culp, Washington Conservation Comm
 Christi Davis Kernan, BOR
 Michael Garrity, WDFW
 BJ Kieffer, Spokane Tribe
 Liz Klumpp, BPA

Wes McCart, Stevens Co Comm
 Wendy McDermott, American Rivers
 Phil Rigdon, Yakama Nation
 Sandra Sampson, CTUIR
 Mike Schwisow, Columbia Basin
 Development League
 Craig Simpson, ECBID

Mark Stedman, Lincoln Co Comm
Richard Stevens, Grant Co Comm
Kim Fritz-Ogren, Oregon Water Resources
Dept.
Jeremy Weber, ACOE

Dale Bambrick, NOAA Fisheries
Darryll Olsen, Columbia-Snake River
Irrigation Association
Cory Wright, Kittitas Co Comm

Others logged in for the meeting¹:

Ann Lewis
Benjamin Tindall, WSFB
Bruce Wakefield
Chris Voigt
David Ortman
Ethan Lockwood
Ilene Le Vee, Landowner
Jacob A.
Jeff Dengel, WDFW
John Reeves
John Warinner
Jon Twye
Joye Redfield Wilder
Kris McCaig
Mark Pellton
Megan Kernan
Michael Callahan

Michael Tehan
Paul Jewell, WSAC
Rob Masonis
Ryan Tyler
Sean Gross
Stacy Lee King
Stacy Webster Wharton
Steve Mantow
Stuart Crane, YN
Theodore Knight, Spokane Tribe
Tim Poppleton, Ecology
Tom Mygren
Urban Eberhart
Zach Penny

Facilitation

Cynthia Carlstad
Neil Aaland

¹ Note on attendance: some participants were not identified by their name, so we do not list those here.