


YAKIMA WATER PLAN


THE OTHER SIDE OF THE STORY

**Yakima Plan
Another View**

by Brock Evans, President, Endangered Species Coalition;
Karl Forsgaard, President, North Cascades Conservation Council;
Chris Maykut, President, Friends of Bumping Lake;
& Elaine Packard, Chair, Sierra Club, Washington Chapter, Water and Salmon Committee

**Previous
Article**

Editor's Note: This article is a response to “*Yakima River Basin Integrated Water Plan*” — an article published in *The Water Report* #106. This response article presents its authors' views as submitted and is published with only minimal editing conducted to better match our usual layout. The authors of the original TWR #106 article provided a short reply (see following article).

**Plan
Criticisms****Introduction**

The recent article “*Yakima River Basin Integrated Water Plan*” (*The Water Report*, Dec. 15, 2012) touts the Yakima Plan as a “model...for the West,” but the article tells only part of the story, omits key facts, and paints a misleading picture. The Yakima Plan proposes activities with serious adverse environmental impacts relating to water (e.g., new dams inundating ancient forests and endangered species habitat) and land (dedicating national forest lands to off-road vehicles). The actual cost of the Plan is disguised in incomplete economic reports. The Plan is also deeply flawed for its deliberate exclusion of public review and participation in the planning and study process. These problems will set precedent for other projects throughout the western U.S.

**Off-Road
Vehicles**

For example, that article fails to mention the Yakima Plan's controversial proposal for two new National Recreation Areas (NRAs) on National Forest lands that would promote use of off-road vehicles (ORVs) — motorcycles, ATVs, 4x4s, and snowmobiles. This undermines the land protection strategies of many nonprofits in the Washington State conservation community, who were blindsided by the NRA proposal. It generated so much mistrust that the federal Bureau of Reclamation (BuRec) and State Department of Ecology (Ecology) are now paying for a facilitated series of conservation community meetings to deal with it; the “sponsors” of the meetings include the authors of *The Water Report's* prior article. Adding the NRAs to the Yakima Plan without conducting due diligence created lots of new problems for Yakima Plan proponents, which can serve as lessons to water practitioners throughout the country.

Taxpayer Costs

Ecology is lobbying Congress and the Washington State Legislature for millions of dollars as a down payment on the controversial Yakima Plan developed with BuRec that would ultimately cost billions of dollars, paid by taxpayers rather than the project beneficiaries. This is not just a local plan. It has national implications for National Forest land use planning, endangered species, the National Environmental Policy Act, and federal water policy.

**Storage
Projects**

On February 7, 2012, the U.S. House Natural Resources Subcommittee on Water and Power held an oversight hearing on “Water for Our Future and Job Creation: Examining Regulatory and Bureaucratic Barriers to New Surface Storage Infrastructure.” The one-sided hearing highlighted regulatory burdens that hinder new dams and water storage projects and attacked “cumbersome environmental regulation” and “environmental litigation.” The hearing press release highlighted a recent BuRec study that “found nearly one hundred potential sites for new surface storage, yet due to environmental regulations and other factors it has been over a generation since BOR built multiple large scale water storage facilities.” See <http://naturalresources.house.gov/news/documentsingle.aspx?DocumentID=278395>.

WaterSMART

One hundred new large dams across the West are a lot of dams. The new BuRec looks a lot like the old “BuWreck,” and it has a new program, WaterSMART, authorized by the SECURE Water Act in Public Law 111-11 to seal the deal. See www.doi.gov/ocl/hearings/112/WaterSurfaceStorage_020712.cfm.

In Fiscal Year 2009, BuRec began WaterSMART by funding three basin studies, one on the Colorado River Basin, one on the St. Mary and Milk River Basins in Montana and Canada, and the third being the Yakima River Basin Study in south-central Washington State. See www.usbr.gov/WaterSMART/bsp/studies.html#fy2009.

Basin Studies

Under the WaterSMART program, BuRec currently has 12 studies of major river basins underway in the west. All of these major Basin Studies will consider structural (i.e., dams) and non-structural options to supply adequate water in the future. This will include consideration of potential new surface storage needs, as directed in the Act at Section 9503(b)(4)(e). See www.doi.gov/ocl/hearings/112/WaterSurfaceStorage_020712.cfm.

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Ecology Dam Studies

Climate Change Cloak

Procedural Flaws

Critical Comments

Benefit/Cost Analysis

Realities

Taxpayers Pay

Meanwhile Ecology, a State agency unable to manage its existing water, air and toxics regulatory programs, successfully lobbied the Washington State Legislature in 2006 to become a State dam building agency. aggressively seek out new water supplies for both instream and out-of-stream uses. The same legislation set up the Columbia River Basin Development Account and authorized \$200 million to fund it. In effect, Ecology seeks to be a mini-BuRec and has been spending tens of millions of state taxpayer dollars on new dam studies, including the technically infeasible Black Rock dam project. *See* www.ecy.wa.gov/programs/wr/cwp/crwmp.html.

How do BuRec and Ecology possibly hope to start up the bulldozers and cement mixers to wreak havoc on endangered species habitat, ancient forests, and public lands across the West? By cloaking themselves in “climate change.”

BuRec and Ecology do not even need to do the heavy lifting themselves. As the recent article in *The Water Report* demonstrates, American Rivers and the National Wildlife Federation are now engaged in a full scale lobbying effort to promote controversial new dams in the Yakima Basin.

It is very important to pay attention to what is happening in the Yakima Basin. As one of the first WaterSMART programs, the Yakima plan demonstrates just how controversial BuRec remains, and how far the Washington Department of Ecology has strayed from its environmental mission.

In an August 2012 op-ed in the Ellensburg (WA) Daily Record, Charlie de la Chappelle, vice-chair of the Yakima Basin Storage Alliance in Yakima (YBSA is a Yakima Workgroup member) and Marlin Rechterman, vice president of the Kittitas Audubon Society, detailed the procedural flaws in the Yakima Water Plan process. These flaws include:

- limited Workgroup membership;
- closure of the Workgroup implementation subcommittee meetings to the public and other Workgroup members, such as the YBSA;
- preparation of a \$20 million “Early Action Implementation Request” prior to release of the Draft Programmatic Environmental Impact Statement (DPEIS);
- lack of a range of alternatives in the DPEIS;
- BuRec and Ecology’s denial of a request from 11 local, state, and national organizations for a DPEIS comment-period extension;
- after the close of comments on the DPEIS, the inclusion in the Final Programmatic EIS (FPEIS) of the new proposal for National Recreation Areas within the Okanogan-Wenatchee National Forest, based on a Workgroup plan for more than 40,000 acres dedicated to off-road vehicle (ORV) use; and
- failure to respond to 15 local, state and national organizations’ March 2012 comment letter on the FPEIS.

In addition, BuRec and Ecology received more than 1,500 comments on the DPEIS from citizens around the country objecting to the Yakima integrated plan. *See* www.washington.sierraclub.org/uppercol/ucr/yakima/media/Entries/2012/8/9_Guest_column_Yakima_plan_flawed_from_the_start.html.

Any one of these procedural missteps under the National and State Environmental Policy Acts should raise alarms. In addition, BuRec refused to constitute the Yakima Workgroup under the Federal Advisory Committee Act and failed to consult with the federal wildlife agencies under the Endangered Species Act. Under current water policy (Principles and Guidelines) BuRec is required to prepare a benefit/cost analysis on water projects proposed for Congressional funding. In 2008, BuRec prepared a benefit/cost analysis for the proposed Wymer Dam project, which is part of the Yakima Plan. This analysis showed a money-losing benefit/cost ratio of 0.31. Because the Wymer project (and likely a new Bumping Lake Dam) would be a colossal waste of federal taxpayer funds, BuRec has prepared a separate analysis on the entire Yakima Plan, counting benefits that have nothing to do with the two new dams.

Taken together this is an ominous start to BuRec’s WaterSMART program. It certainly does not deserve the support of elected officials, state and federal resource agencies, or any conservation organization connected with the Yakima Workgroup.

Hundreds of thousands of taxpayer dollars are being poured into persuading the public to support the Yakima Plan. Contrary to what has been presented to *The Water Report* readers in the prior article, and before Congress and the Washington State Legislature spend money we can’t afford, discussed below are a few realities.

Yakima irrigators are not entitled to more water at taxpayer expense.

Welcome to Western Water Law: first in time is first in right. During drought years, senior Yakima irrigation districts get 100 percent of their water allotment. Junior irrigation districts get whatever is left over. The junior irrigation districts have always known that in drought years their water would be curtailed. The Yakima Plan intends, in part, for taxpayers to pay for and provide insurance water to junior irrigation districts during water-short years by building two new irrigation dams.

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Voluntary Conservation

Yakima irrigators have not conserved as much as possible.

As far back as the 1970s, Yakima Basin irrigators were told that they needed to improve water conservation. After more than 30 years, the irrigation districts have installed some measures. But the Yakima Plan still identifies up to 170,000 acre-feet (AF) of water conservation savings yet to be attained. In 2009, Ecology identified 223,596 AF of potential conserved water savings from Yakima River water users and an additional 20,003 AF of potential conserved water savings from Naches River water users. But under the Yakima Plan, any future water conservation would be VOLUNTARY.

Junior districts now claim that they can get by with 70% of their allotment during a drought. It would help if the senior districts would match that. One way is through water marketing. According to a presentation made to the Workgroup in 2010, up to 110,000 AF of water may be available for inter-district water trades and up to 230,000 AF of water may be available for intra-district trades. Under the Yakima Plan this eminently sensible approach is virtually a non-starter.

Two new multi-billion dollar Bureau of Reclamation dams are not needed in the Yakima Basin.

In normal snowpack years such as 2012, both senior and junior districts receive adequate water supplies. The two proposed dams (Bumping Lake and Wymer) would be used to provide additional water to junior districts during drought years. This means they are really “insurance” dams. That is a very expensive insurance policy! Especially when a 2008 BuRec study showed that Wymer dam would provide only 31 cents of benefits for every dollar spent. The Green Scissors Campaign, a national coalition, identified both the proposed Bumping and Wymer dams in its 2012 report as wasteful government projects that should not be funded in the Federal Budget. See <http://greenscissors.com/wp-content/uploads/2012/06/GS2012-v7E.pdf>. A new Bumping Lake Dam would flood roadless ancient forests and endangered species habitat within the Okanogan-Wenatchee National Forest. This spectacular remnant of what once was nearly everywhere in the Cascades still stands along the shores of Bumping Lake — a pretty, natural lake expanded when a small (60’) dam was built at its natural outlet some decades ago. All of us have hiked National Forest Trail #971, an accessible hiking trail with little elevation gain along the northern shore of the existing Bumping Lake. The National Forest trail, the ancient forest, as well as historic cabins, a marina, and a campground at the existing dam site would all be flooded. This is no “ordinary” forest: a great many of its individual trees are huge, some enormous (8-10’ diameter) by today’s standards. Without the threat of a new dam, this magnificent ancient forest as well as other uncut forest along the southern boundary of the lake could be added to the William O. Douglas Wilderness in honor of Justice Douglas, who helped fight a successful battle against a new Bumping Lake dam in the 1970s. Many of the other unprotected ancient forests of the Cascades in our state have vanished. The Yakima Plan would guarantee the loss of even more irreplaceable ancient forests.

Protection and enhancement of other Yakima Basin lands will not “mitigate” for endangered species habitat and ancient forests destroyed by new Bumping and Wymer dams.

This is no way to “mitigate” for the loss of ancient forests, roadless area, and endangered species habitat from these new dams. There is no guaranteed protection and little enhancement in the Yakima Plan. The original proposed watershed lands protection element of the Integrated Plan, which has nothing to do with Yakima Basin water supplies, has been significantly weakened and remains voluntary and ill-defined. The Yakima Workgroup’s Watersheds Land Subcommittee is scheduled to meet in 2013 to try to correct obvious flaws. There are no guarantees that acquisition of 46,000-acres of private timberlands owned by American Forest Land Co. (AFLC) in the Teanaway watershed would take place. No appraisal has been completed. Other options include acquiring only development rights where the land would continue as “working forest.” At the March 2012 Workgroup meeting, Ecology admitted that acquiring the AFLC property may not happen at all. If so, the entire rationale for supporting new irrigation dams to protect the Teanaway goes away.

While the Yakima Plan proposes minimal Wilderness designations within the Okanogan-Wenatchee National Forest, The Wilderness Society is on record saying that Wilderness designation is not necessary for the Yakima Plan. Because of these and other flaws, over 1,500 DPEIS comments opposed the Yakima Plan.

More off-road vehicle use in the Okanogan-Wenatchee National Forest is not integral to the Yakima Integrated Plan.

On January 4, 2012, the day after the DPEIS public comment period closed, a Workgroup subcommittee presented a new, controversial, and damaging recommendation for new National Recreation Areas (NRAs) with over 40,000 acres dedicated to off-road vehicle use (ORV) within the Okanogan-Wenatchee National Forest — dancing over even the cosmetics of open public process. In March 2012, 26 local, state, and national conservation organizations submitted a letter to BuRec and Ecology opposing NRAs as part of the Yakima Plan. Included in that group are the Alpine Lakes Protection Society; Aqua

Expensive Insurance

Ancient Forest

Acquisition Questions

Off-Road Use Dedicated

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Last Minute Addition

Fish Passage

Permanente; Center for Biological Diversity; CELP; El Sendero; Endangered Species Coalition; Federation of Western Outdoor Clubs; Friends of Bumping Lake; Friends of the Earth; Friends of the Teanaway; Friends of Wild Sky; Issaquah Alps Trails Club; Kittitas Audubon Society; Kittitas County Conservation Coalition; Mazamas; MidFORC; North Cascades Conservation Council; Olympic Forest Coalition; Seattle Audubon Society; Sierra Club; Washington Native Plant Society; Wenatchee Mountains Coalition; Western Lands Project; Western Watersheds Project; Wilderness Watch; and Wildlands CPR.

The FPEIS says that the purpose of the “National Recreation” designation is to “attract more users” onto these National Forest lands. However, putting more ORVs into the headwaters is bad for fish, bad for watershed values, and bad for wildlife habitat. It is also bad for all kinds of non-motorized recreationists. The NRA proposal was published without consulting those who know the most about ORV problems, including the National Forest District Ranger who manages the land in question. The last-minute addition of NRAs to the Yakima Plan makes no sense, and would set a horrible precedent in Washington State and nationally.

Conclusion

As the Yakima Basin Storage Alliance and Kittitas Audubon pointed out in their August 9, 2012 Op-Ed, “These flaws and the \$4 billion to \$6 billion price tag are evidence that this plan will be viewed with skepticism in Olympia, and in Washington D.C., where legislators are looking at major budget deficits, not opportunities to earmark billions of dollars.”

We agree with YBSA and Kittitas Audubon that the local tribe, the Yakama Nation, is entitled to Yakima Basin fishery restoration, but that fish passage at existing irrigation dams, even if feasible, is not dependent on new irrigation dams. Indeed fish passage is already required by the Endangered Species Act and should not be a “quid pro quo” for building new dams. We agree that the Yakima Plan does not address low flows in the lower Yakima River, where upstream anadromous fish have to pass. Nor does it adequately address the Wapato Irrigation Project on the Yakama Nation, which is managed by the Bureau of Indian Affairs and is one of the largest, most water-wasteful irrigation districts in the country.

We agree that Yakima River Basin improvements can take place with a steady eye on water conservation, water banking, streamside and fish restoration, and aquifer water storage. But not with a controversial, fatally flawed integrated plan.

FOR ADDITIONAL INFORMATION:

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Brock Evans was the Northwest Representative of the Sierra Club and Federation of Western Outdoor Clubs in the 1960s & early 70s. Exploring nearly all of the wilderness places in the Cascades in those years, he was especially moved by the unusual magnificence and huge size of the ancient trees around Bumping Lake. Now President of the National Endangered Species Coalition, he is also very concerned that the destruction of these forests and grasslands by the proposed dams will lead to irreversible losses of prime habitats for such endangered species as bull trout, sage grouse, and spotted owl.

Karl Forsgaard is President of the North Cascades Conservation Council. He is an attorney who has represented conservation and recreation groups seeking to protect public lands from adverse impacts of off-road vehicle use.

Chris Maykut is President of Friends of Bumping Lake. He is a native Seattleite who owns the Chaco Canyon Organic Cafe, a vegetarian establishment which is dependent on year-round produce from the Yakima Basin. Chris is an avid outdoorsman and environmentalist who cherishes the pristine, untouched nature around Bumping Lake.

Elaine Packard is Chair of the Sierra Club, Washington Chapter, Water and Salmon Committee. She has monitored the Yakima Workgroup process for the last three years. Upon her retirement as high school principal and mathematics teacher, she is devoting time to the protection of water quality and quantity in Washington State.



AUTHORS' REPLY



by Steve Malloch, National Wildlife Federation and Michael Garrity, American Rivers

It will come as no surprise to practitioners in Western water that for every proposal, there will be opposition. Nor should it be surprising that within an interest block — be it conservation, irrigated agriculture, municipal and industrial users, or others — there will be differences of perspective, often quite strong differences.

In support of the Yakima Basin Integrated Plan, American Rivers and National Wildlife Federation are joined not only by government at all levels, the Yakama Nation, and irrigation districts, but also by many of the largest conservation organizations active in Washington State, including: Trout Unlimited; The Wilderness Society; Conservation Northwest; Washington Environmental Council; The Nature Conservancy; Trust For Public Land; Mountains to Sound Greenway Trust; Washington Trails Association; and Forterra.

We personally, and our organizations, have spent decades fighting traditional water projects. A few years ago, we would have almost certainly opposed any proposal for new storage in the Yakima (and we did oppose the deeply flawed Black Rock dam proposal), using many of the arguments put forward in the response, because a few years ago that proposal would have been very different than the innovative suite of actions that make up the Yakima Plan.

OUR POSITION TODAY IS BASED ON THREE CHANGED FACTORS:

First, the Yakima Plan is an ecosystem restoration project every bit as much as it is an economic sustainability project. It is a sincere and innovative effort to marry fishery restoration, modern public lands management and terrestrial resource protection with water supply reliability. On balance, bringing hundreds of thousands of salmon back to the basin, acquiring 70,000 acres of priority conservation lands, and shaping public lands management as integral elements of the overall project makes the whole worth pursuing. These ecosystem elements are not mitigation to keep the unsatisfactory status quo; they greatly improve the functioning of the Yakima Basin ecosystem. After years of efforts to achieve those goals through other avenues, we are convinced that the Yakima Plan is the most effective and most viable path forward.

Second, climate change is profoundly disrupting hydrology in the West. The Yakima Plan is a model for addressing climate change in that we took a hard look at current problems, and likely future conditions, and developed an integrated set of solutions to many of the basin's challenges. The ultimate prescription is — appropriately and necessarily — unique to Yakima. In other basins the prescription will be different. For instance, in the Colorado River system, where storage is already several times annual flow and essentially no water makes it the Colorado Delta, significant additional storage would not be effective. We do not believe that the Yakima project will set off a wave of climate change-induced dam building — a few new reservoirs may pencil out, but not many. In the Yakima, the approach is to make better use of existing reservoirs (here by accessing inactive storage) before expanding an existing reservoir (the Bumping Reservoir expansion) or building an expensive new reservoir (Wymer Reservoir). Commissioner Mike Connor, who as Democratic Senate staff helped draft the SECURE Water Act, thankfully lacks any philosophical link to Floyd Dominy. Similarly, Columbia River legislation passed in Washington State led to better information and water conservation; however, outside of the Yakima projects, initial studies of new dams were completed and then promptly shelved.

Third, our organizations are looking for ways to make serious ecosystem restoration progress while meeting today's economic and political challenges. That will involve compromise. Note that the companion piece in December *The Water Report* which ran our article was about water conveyance (see Fort & Nelson, *TWR* #106). In mid-January a diverse coalition which included one of the authors of that piece proposed an integrated approach combining water supply reliability and ecosystem restoration — different elements than in Yakima, but the same integrated approach. This kind of thinking is the way forward in Western water. [For information on this proposal see: <http://switchboard.nrdc.org/blogs/bnelson/Portfolio%20Based%20BDCP%20Conceptual%20Alternative%201-16-13%20V2.pdf>]

The response to our article raises some points with which we agree. We also requested that the Bureau of Reclamation and the Department of Ecology extend time for comment on the Draft Programmatic EIS, in part because of the late refinement of one aspect of the Plan, designations on public lands. However, we disagree with most of the other procedural complaints — the process was open and fair, early action is being taken pursuant to existing authority, and project specific legislation as well as NEPA, ESA, and administrative compliance will follow.

Both of us have walked around Bumping Reservoir and explored the spectacular old-growth forest grove that would be inundated by an expanded reservoir. That element causes us personal anguish, as it should for everyone. We respect the defenders of those trees, and we hope that as the Plan moves forward, another path might emerge that meets the goals of the project with a smaller impact. But even if it does not, we are convinced that the Yakima project as a whole is the right thing to do, for the fish, forests, farms and families of the Yakima, the State of Washington and the nation.

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