



October 11, 2013

Columbia River Treaty

Attn: Mr. Stephen R. Oliver, U.S Entity Coordinator, Bonneville Power Administration;

Mr. David Ponganis, U.S Entity Coordinator, U.S. Army Corps of Engineers

P.O. Box 14428

Portland, OR 97293

Submitted online at: www.bpa.gov/comment

Re: Columbia River Treaty – Draft Regional Recommendation

Dear Mr. Oliver and Mr. Ponganis:

The Oregon Water Resources Congress (OWRC) is submitting comments on the **Columbia River Treaty Draft Regional Recommendation**, released on September 20, 2013. OWRC is concerned that the Draft Regional Recommendation does not adequately consider potential impacts to water supply in the proposed changes to the Columbia River Treaty. It is imperative that potential impacts to water supply, including connections with flood risk management, hydropower, ecosystem functions, and climate change, are thoroughly evaluated and understood. Additionally, the recommendations were developed with minimal public involvement, particularly from the irrigation community, which could have helped better inform the U.S. Entity's Regional Recommendation. We recommend that the Draft Recommendation be revised to consist of a more inclusive stakeholder process and detailed analysis of water supply impacts and opportunities.

OWRC is a nonprofit association representing irrigation districts, water control districts, improvement districts, drainage districts and other local government entities delivering agricultural water supplies. These water stewards operate complex water management systems, including water supply reservoirs, canals, pipelines, and hydropower production, and deliver water to roughly 1/3 of all irrigated land in Oregon. OWRC has been promoting the protection and use of water rights and the wise stewardship of water resources on behalf of agricultural water suppliers for over 100 years.

Evaluation of Water Supply Impacts and Opportunities

Water from the Columbia River system is used to irrigate more than 7.3 million acres of land in the Basin, which is a key economic driver for Oregon and the region as well as ensuring food security for the nation. Given the importance of water supply in the region, the Draft Regional Recommendation appears to omit critical analyses and is insufficient in its evaluation of potential impacts to water supply, particularly to irrigated agriculture. In addition to evaluating and protecting against negative impacts to water suppliers, we recommend conducting a more thorough analysis of opportunities for improving water supply management through the Columbia River Treaty review process. This analysis could yield possible changes that benefit not only irrigated agriculture, but also aid in flood risk management, hydropower, and ecosystem functions throughout the Basin.

While the overall discussion of water supply needs to be improved, OWRC strongly supports exploring opportunities for additional water storage and agrees with the following statements:

“Treaty Review studies indicate a potential for a modernized Treaty to allow for additional storage of water in Canada during the fall and winter, and release in the spring and summer. The Treaty should allow the storage and release of water from Canada in the spring and summer for additional in-stream and out-of-stream uses.”

However, we do not support delaying the discussion about additional storage until a “future domestic process” is developed. Postponing decisions about the potential storage and release of water from Canada under the Treaty ignores the reality that more storage is needed today and the needs will only become more critical with time. We are also deeply disappointed that water supply allocation is relegated to post-2024 activities, as stated below:

“Pacific Northwest States, Tribes, and appropriate Federal agencies will design and initiate a process to allocate and manage any additional spring or summer flows for in-stream and out-of-stream purposes derived through post-2024 Treaty operations.”

We are strongly supportive of an inclusive stakeholder process to allocate any additional flows. However, waiting to incorporate this process and its results to post-2024 creates too much uncertainty. We are also concerned about the lack of detail regarding who would be initiating the process, in what timeframe, and what parameters would be used in the allocation. We request that any process for allocating water be developed using a broad and inclusive group of stakeholders, including representative from irrigated agriculture, and start discussions about this complex issue now.

Water supply from the Columbia River is not a singular issue and should not be treated as such. Exploring opportunities for increased storage and improved water management can yield benefits not only for irrigated agriculture and other consumptive uses, but also hydropower, flood control, ecosystem functions, and climate change. If the Treaty is to be truly modernized then there needs to be a more balanced and holistic view of the diverse benefits, rather than an “us versus them” juxtaposition of interests that hinders collaborative action. We recognize the political complexities involved but attempting to avoid controversy by delaying the conversation does not change the fact that water supply is integral to the success of the other Treaty objectives in addition to being a key economic driver.

Elevation of Ecosystem-based Functions

OWRC supports the continued improvement of ecosystem functions on the Columbia River but does not agree with the recommended elevation of these functions above other Treaty benefits. We are concerned about how placing ecosystem-based functions on an equal level with the existing treaty’s main purposes of hydropower production and flood risk management will impact water supply as well as the overall objectives of the Treaty. Furthermore, we feel that the Treaty review process is an inappropriate venue to advocate for additional ecosystem requirements and these discussions are better suited for the existing processes already underway to meet federal and state requirements.

OWRC is primarily concerned about the lack of definition on how a “comprehensive ecosystem-based function approach” will be implemented and how those could impact water supply, particularly for irrigated agriculture. The “ecosystem-based function” section of the Draft Regional Recommendation states:

“A modernized Treaty should provide streamflows from Canada with appropriate timing, quantity and water quality to promote productive populations of anadromous and resident fish, and provide reservoir conditions to promote productive populations of native fish and wildlife.”

OWRC members are actively involved in augmenting instream flows, installing fish screens and fish passage, improving water quality, and other environmentally beneficial projects. While we are supportive of ongoing fish protection and restoration efforts, we are concerned how changes in the timing, quantity and reservoir conditions will impact current and future water supply operations as well as flood control and hydropower generation.

The proposed elevation of ecosystem functions as an additional primary purpose is troublesome because of the lack of detail about what that means and how it could impact other Treaty benefits, especially agricultural water supply. This elevation also seems to ignore the interconnected nature of water in the Columbia River Basin and that numerous ecosystem benefits are often provided through water supply management. A variety of existing environmental programs are listed in the footnotes yet the document as a whole seems to disregard the work already underway to address Endangered Species Act (ESA) and other environmental needs.

OWRC members continually face the challenge of delivering adequate water suppliers for the farmers in their district while ensuring that they are managing water to meet the (ESA) for listed fish. Just as environmental and tribal entities are concerned about adequate flows for fish, irrigation districts are also concerned that modifications to the Treaty could impact existing flow augmentation to meet ESA requirements and as a result cause some districts and other water suppliers to lose the ability to withdraw water for beneficial irrigation use. Water supplies are already strained and a loss or further reduction in irrigation deliveries can cause both immediate and long-term damage to the agricultural economy and severe detriment to the existing environmental efforts irrigators are involved. These types of unintended consequences need to be prevented before any changes to the Treaty are made, particularly related to placing a higher priority on ecosystem functions.

Flood Risk Management

As one of the primary benefits and purposes of the Columbia River Treaty, it is essential that adequate flood risk management activities are continued. However, as alluded to in the Draft Regional Recommendation, there may be two differing interpretations by the U.S. and Canada over the flood control Canada would provide under a “called upon” scenario. Canada’s understanding is that the U.S. must use all of its reservoirs before they will provide any flood control after 2024. That means a reservoir used for irrigation, recreation, urban use, or local fisheries could suddenly be emptied to make room for excess water to avert flooding in Portland and other communities. The U.S.’s understanding is that all projects that are authorized for flood control, including Canadian dams, must be used for system flood control. We concur with the U.S perspective and that there should be a common understanding of how “called upon” storage will work, but leaving this large issue to address later is deeply troubling. It is critical that the methods and procedures for flood control after 2024 are clearly understood by both parties before any changes to the Treaty are adopted.

Moreover, it is imperative that new flood risk management methods and procedures do not have unintentional negative impacts on irrigated agriculture and other water supply entities that rely upon storage in the Columbia River Basin. Any changes related to flood control should be carefully evaluated and aligned with changes related to water supply and storage. Current water storage represents only about 30 percent of an average year's runoff (measured at The Dalles, Oregon) and more information about the capacity of existing reservoirs, and authorized uses, is needed to assure that the U.S can meet its responsibilities after 2024. These issues are even more crucial to sort out in light of potential impacts from climate change, which we discuss further below.

Climate Change and Water Supply

The Draft Regional Recommendation aptly recognizes that potential impacts from climate change need to be considered in post-2024 operations. OWRC supports the inclusion of flexible and adaptive management tools to address climate change, which is a factor that will potentially have broad ranging impacts on the Treaty and region as a whole. However, while the Draft Regional Recommendation elaborates on climate change considerations related to ecosystem-based functions, we are concerned about the lack of detail about how climate change will impact the other areas of the Treaty, particularly related to water storage.

Climate change adaptation is going to require additional storage facilities to meet future water supply needs. Projections regarding climate change's impact on the Columbia River Basin show less snowpack, but more rain during the warmer winter and summer months. This will result in early spring runoff and impact all users in the basin as there may be a lack of storage facilities to capture this runoff and provide for flood management. OWRC districts are worried about the availability of water as a result of a modified treaty, particularly in dry years when reservoir levels fall below pump intake systems which can make them inoperable. If water is released from reservoirs in anticipation for flood control, but water to replenish the system does not occur, there is a high possibility that water supply will not be able meet irrigated agricultural needs. Going to an "on-call system" may not be the best approach as weather volatility will increase with climate change.

We recognize that additional flow augmentation may be needed in order to mitigate and adapt to climate change impacts in the region. The Draft Regional Recommendation states:

"A modernized Treaty should seek to expand on present Treaty agreements to: a) further augment flows for spring and summer, with the recognition that these increased flows come from less fall and winter drafts in Canadian reservoirs; b) incorporate a dry-year strategy; c) gain long-term assurance of ecosystem-based functions rather than negotiating for these functions on an annual basis."

However, it is crucial that any flow augmentation regimes are based on the best available science and carefully evaluated to ensure that water rights and the use of irrigation water in the region is not harmed. Furthermore, any flow augmentation changes should be evaluated alongside water supply opportunities because adequate water storage will be essential to providing additional spring and summer flows.

It must be ensured that there is enough water set aside for future in and out of stream uses and that any new water supplies must be reserved and appropriated without contradictory conditions to state water laws. Also, it is important that a revised Treaty does not negatively impact the operation and maintenance of the irrigation facilities, particularly related to reservoir levels and ability to deliver water supply. The elevation levels at the reservoirs need to be kept at elevations

necessary to meet water supply obligations taking into consideration limitations on available pumping units and their capabilities and should not result in additional economic burdens for water users in the region impacted. In addition to ensuring current operations continue, it is also important that any changes to the Treaty also consider potential operational changes to meet future irrigated agricultural needs that are related to climate change.

Stakeholder Participation

A more inclusive engagement process is needed in order to have a more robust regional recommendation and receive buy-in from the various stakeholders impacted by the Columbia River Treaty. The Draft Regional Recommendation erroneously states that there was “extensive involvement and input” from the region’s stakeholders. While it is true that there have been a series of meetings with public comment opportunities, these meetings have largely been reports on what the Sovereign Review Team has been or plans to do, rather than soliciting input as the recommendation was being developed. Being able to comment on periodic drafts that are developed behind closed doors and attend meetings where participants are only given a few minutes to talk is wholly inadequate and far from inclusive. It has only been recently that water supply interests have been asked for input and there is little assurance that our concerns will be incorporated into final drafts and decisions.

There are many stakeholders that are currently not invited to the table which should be because allocation will directly impact them or their members. OWRC believes that irrigated agriculture should have a seat at that table to ensure that there is a balanced approach between the primary benefits. Additionally, the draft regional recommendation document states that the Department of State should establish a domestic advisory mechanism to assist, inform and provide advice to the Department of State in the negotiations phase of this project. OWRC strongly advocates that adequate irrigation representatives are a part of the advisory group.

Thank you for the opportunity to comment on the Columbia River Treaty Draft Regional Recommendation. The Columbia River Treaty provides a variety of important functions that directly impact Oregon’s economy and environment. Therefore, any changes to the Treaty should be based on broad and inclusive stakeholder engagement, and carefully balance the intricate and intertwined water supply, flood control, hydropower, and ecological needs of the region.

Sincerely,



April Snell
Executive Director

cc:

Senator Jeff Merkley

Senator Ron Wyden

Congressman Earl Blumenauer

Congressman Suzanne Bonamici

Congressman Peter DeFazio

Congressman Kurt Schrader

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