Oregon Water Coalition
Member Newsletter

Inside this Issue:

- Hermiston Farm Fair dates
- Water permit duplication ends?
- Irrigated ag boosts economy

October, 2012 **oregonwatercoalition.org** **Volume 19, Issue 10**

Wild swings in precipitation leave reservoirs empty, rangelands parched

Record books will reflect above-average moisture throughout the Pacific Northwest for the water year that ended Oct. 1.

But coming off an extremely hot and dry summer and heading into a mild El Niño winter that climatologists predict is likely to bring below-average precipitation to the region, water managers remain concerned about the 2013 water outlook.

For the 2011-12 water year that ended Sept. 30, Oregon received 103 percent of its average rainfall, the Idaho mountains had about 101 percent of normal moisture and Washington's precipitation was 108 percent of normal, according to the Natural Resources Conservation Service.

Yet wildfires have charred the region's withering rangeland, massive reservoirs have been drained and dryland growers have seeded winter wheat into dust.

"You almost have to break this last water year into chunks and look at it," said Scott Pattee, water supply specialist with NRCS in Washington.

He explained the season started with a dry fall, followed by a wet, late winter and early spring and ended with a dry summer that hasn't seen more than 25 percent of average precipitation throughout Washington for the past two months.

"When it turned hot and dry, anything that wasn't irrigated burned up. You had lush, green range in mid-July, and by mid-August, you were kicking dry grass stems," Pattee said.

Jon Lea, snow survey supervisor for the NRCS in Portland, describes the regional water year statistics as "skewed," noting a disproportionate amount of moisture fell during the spring.

"When you look at how it works out, it's not that great. Our southern tier counties have been very dry, and Harney, Lake and Klamath counties all had state drought declarations, as well as USDA drought declarations," Lea said.

Much of Idaho and most of California is also covered by disaster declarations to help growers recoup losses from heat, drought and fire.

Northern California ended the water year with just 66 percent of its average moisture. With the exception of the northern coast, Golden State officials reported their first dry year since the 2007-09 drought.

California ranchers were especially hard hit. According to USDA, 85 percent of the state's range and pasture land was in poor or very poor condition as of Sept. 30, compared with 34 percent in Washington, 46 percent in Oregon and 51 percent in Idaho.

Fueled by a dry summer, wildfires have charred forage on 1.5 million acres of Oregon range land, said Lynn Voigt, state director of the Oregon Farm Service Agency. Nonetheless, Voigt considers the Pacific Northwest to be relatively fortunate during a severe drought that's gripped about two-thirds of the contiguous U.S. states.

In southern Idaho, growers are concerned about the lowest carryover since 2007 in the state's major water storage system. Combined, the nine Snake River reservoirs average 28 percent full. American Falls Reservoir, the largest in the system, is at 8.6 percent full and continues to drop. The No. 2 reservoir, Palisades, is 12 percent full.

A poor snowpack this winter could force certain growers to change cropping patterns, said Lyle Swank, watermaster for the Snake River system.

"The reservoir system wasn't built to get us through back-to-back dry years," Swank said.

Reservoirs serving southeast Oregon have also been taxed by a hot and dry summer. The Thief Valley reservoir is empty. Beulah Reservoir is 6 percent full, Warm Springs Reservoir is a quarter full and Phillips and Owyhee reservoirs are both at 32 percent.

California Department of Water Resources officials said they managed to deliver 60 percent of requested State Water Project water, helped by strong storage carryover.

The state's 161 reservoirs are now at 58 percent of capacity on average. "Should the new water year beginning Oct. 1 also be dry, the state's reservoirs and groundwater basins will have less carryover storage for the following year," the department wrote in a press release.

Washington growers are less dependent on stored water, relying heavily on natural moisture in the eastern part of the state and ample river water in the Columbia Basin.

Guy Gregory, technical unit supervisor for the Washington State Department of Ecology in Spokane, said a dry start to the water year last fall stressed dryland winter wheat crops and hurt yields, a situation he sees repeating now.

Eastern Idaho dryland grower Sid Cellan and his neighbors in Caribou County have planted winter wheat in dry soil and are hoping for the best.

"All I can tell you is thank goodness for insurance or a lot of us wouldn't survive," Cellan said.

John O'Connell, Capital Press, 10/4/2012

Hermiston Farm Fair & Ag Trade Show returns November 28-30

The Annual Hermiston Farm Fair and Ag Trade Show is scheduled for Wednesday through Friday, November 28-30 at the Hermiston Conference Center, 415 S. Highway 395 in Hermiston.

The Farm Fair is an agricultural forum co-sponsored by OSU Extension Service, the Agriculture Committee and the Greater Hermiston Chamber of Commerce. Local agriculture-related businesses will be displaying their wares and services, both inside and outside the Conference Center. One of the most important aspects of Farm Fair is the Trade Show. This is your opportunity to present innovative products and services. Reach hundreds of participants from eastern Oregon and Washington.

Agriculture related seminars will be offered all 3 days Call 541-567-8321- for registration & information.

Oregon Water Coalition, 10/18/2012

New bill would end controversial rule creating duplicate water permits

An Idaho senator has introduced a bill that would eliminate a costly and redundant Environmental Protection Agency requirement on pesticide use near water.

The regulation, which went into effect Nov. 1, 2011, requires anyone spraying pesticides near or on water to have a permit under the Clean Water Act. Permits for that activity are already required under the Federal Insecticide, Fungicide and Rodenticide Act.

EPA's requirement is enormously burdensome and costly to irrigators and public health and safety agencies, said Norm Semanko, executive director of the Idaho Water Users Association and chairman of the federal affairs committee for the National Water Resources Association.

It would affect an additional 365,000 pesticide users -- including farmers, ranchers, water districts, state and local governments, mosquito control districts, and forest managers -- nearly double the number of entities previously subject to permitting requirements, he said in a press release.

The permitting system went into effect Nov. 1, 2011, and is directly enforced by EPA in Idaho, Alaska, Massachusetts, New Jersey, New Mexico, Oklahoma, on tribal and federal lands, and in most territories, said Mandi Critchfield, press secretary for Sen. Mike Crapo, R-Idaho, who co-sponsored the bill with Sen. Key Hagen, D-N.C.

Other states must adopt the federal model or develop their own National Pollutant Discharge Elimination System permitting program, and many are having difficulty completing permits and education compliance requirements, Critchfield said.

EPA estimated that permittees and permitting authorities will spend more than 1 million hours and more than $50 million a year to collect, report and evaluate information for the now required NPDES permits, she said.

"This cost on rural America is unprecedented, as virtually every stream and creek near pesticide applications will be subject to regulation," Crapo said in a press release.

S3605, the Restoring Effective Environmental Protection ACT, demands regulatory relief for water users who must employ aquatic herbicides to keep canals clear of weeds for water delivery and to avoid flooding, Semanko said.

IWUA officials hope the bill will allow legislators to remove the "oppressive and costly" double-permitting requirement before it begins to hurt water supplies and efforts to protect the public from dangers such as West Nile virus, he said.

They also hope the legislation might prevent the potential threat of legal action against water users and mosquito control officials. Pesticide-based mosquito control efforts are already being threatened by activists in Oregon and Massachusetts.

Similar legislation passed in the House and was approved by the Senate Agriculture Committee last year but never went to the Senate floor. The new bill definitely has the 60 votes for passage, it's just a matter of getting it on the floor, Critchfield said. "It will probably have to be reintroduced in the new Congress."

The bill also asks EPA to report back to Congress on whether the FIFRA process can be improved, she said.

Carol Ryan Dumas, Capital Press, 9/26/2012

Irrigated agriculture adds $128 billion to economy, study shows

Irrigated agriculture is a $128 billion-a-year industry in the West, and some Northwest ag representatives want to make sure the EPA knows it.

Dan Keppen, executive director of the Family Farm Alliance in Klamath Falls, Ore., and resource economist Darryll Olsen, of the Pacific Northwest Project and the Columbia and Snake River Irrigators Association, recently presented an economic study to the EPA in Washington, D.C.

The presentation was in response to the regulatory agency's request for more information about the value of water to the U.S. economy.

Olsen focused on household income and the direct impact of the irrigated agriculture industry -- agricultural production and services and food processing -- coming up with the $128 billion total.

"With most people, irrigated ag is just sort of this silent industry out there, nobody ever really thinks much about it," he said. "People in general undervalue what the magnitude of the industry is."

Keppen said his organization initially had concerns about an emphasis on the economic value of water for municipal, industrial, recreational and other uses, with irrigated agriculture not getting much attention.

There were also concerns the EPA might use the information to justify further regulations, but EPA said that's not their intent, he said. With the drought in the Midwest and the general economy faltering, Keppen said irrigated agriculture remains one of the few strong points.

"Folks are talking about moving water away from agriculture to other, perceived better purposes," he said. "They need to consider the importance irrigated agriculture has to our overall economy."

Olsen recommended the EPA consider the food security implications of the economic impact of irrigated agriculture. Reduced food costs have been the main factor contributing to the consumer-spending economy, he said, noting one-third of household income in Russia still goes to food.

The agency doesn't want to do something to cause an increase in household income expenditures on food, Olsen said.

"We are in a very fragile economic situation right now," Olsen said. "You must be very careful what you do right now with irrigated agriculture and water policy."

Keppen expects the EPA will host a symposium in Washington D.C. in December, but isn't certain how presentations will fit into its report, expected to be finalized in early spring 2013. The process will be impacted by the election in November, he said.

John O'Connell, Capital Press, 10/10/2012

Federal negotiating team assigned to tribal water rights settlement efforts

U.S. government representatives in late September informed the Confederated Tribes of the Umatilla Indian Reservation that a federal negotiation team has been assigned to help work toward a long-sought water rights settlement for region. Before the CTUIR Board of Trustees Sept. 27, Letty Belin, counselor to the Deputy Secretary of Interior, said it was an "honor" to be before them and announced that "we have established a negotiating

team" for the tribes' water rights settlement. Belin said that Interior's Indian Water Rights Working Group had convened Sept. 7 in San Francisco and made the determination.

"Your settlement is ripe for a settlement and we're ready for it," said Belin. "Leadership is extremely impressive not just because of our work but because of your work. When I combine that with all the things that we have seen today with our own eyes and what we heard today it's extraordinary. How that is integrated for your vision is how this settlement should be."

In August of 2007, leaders from the Confederated Tribes of the Umatilla Indian Reservation, met with federal, state and county officials, along with downstream irrigators, and laid claim to about three-fourths of Umatilla River flows that originate about 15 miles east of the reservation boundary in the Blue Mountains of eastern Oregon.

A negotiated settlement would include on-the-ground irrigation projects, subject to federal funding, to secure a new water source for irrigators in the west end of Umatilla County, according to a story that appeared in the Confederated Umatilla Journal in September of 2007.

The water claimed by the tribes would be used primarily as in-stream flows for migrating salmon and steelhead, and to serve current and future domestic and commercial water needs on the Umatilla Indian Reservation.

Most of the water the tribes are claiming is already available as a result of the federal Umatilla Basin Project, which provides a bucket-for-bucket Columbia River exchange for three of four irrigation districts in the west end of Umatilla County.

The tribes' water rights claims would be contingent upon securing a new water supply for Westland Irrigation District in a partial exchange of Phase 2 for the Umatilla Basin Project and/or upstream storage.

Federal team members in late September toured the Umatilla River basin and saw first-hand the key components of the proposed tribal water rights settlement: the Columbia River pump station of Phase II of the Umatilla Basin Project, Cold Springs Reservoir, Westland Irrigation District diversion dam, McKay Reservoir, and the reservation resort and community properties.

Federal officials included Belin; Pam Williams, director of the Secretary's Office on Indian Water Rights; Fain Gildea, deputy director, Secretary's Office on Indian Water Rights; Duane Meacham, chair, Federal Indian Water Rights Negotiation Team; Michael Black, deputy director, Bureau of Indian Affairs (Washington, D.C.); Lorri Lee, Pacific Northwest regional director (Boise, Idaho), Bureau of Reclamation; Tim Personius, deputy director, BOR PNW Region; Bob Hamilton, engineer, BOR Pacific Northwest Region.

Tribal representatives on the tour were Les Minthorn, chairman, CTUIR Board of Trustees; Leo Stewart, vice-chairman, BOT; John Barkley, chairman, Tribal Water Commission; Joe Ely, consultant, Stetson's Engineers; Dan Hester, tribal attorney, and Aaron Skirvin, program manager, Tribal Water Resources.

"This is a milestone in the history of the tribes," Barkley told the federal officials. "Our diligence and perseverance for this day is attributed to an accumulation of past and current leaders and staff who felt justice would be served. We are leaving a legacy for this generation and generations to come."

The three principal parties – CTUIR, the state of Oregon and WID – filed a joint request May 21, 2012, for the appointment of a federal negotiation team, which was supported by the Oregon U.S. Sens. Ron Wyden and Jeff Merkley and U.S. Rep. Greg Walden.

"I think you have good ingredients you put together in here. Your team has gone about this in an effective, intelligent way," said Belin. "We don't know how long ahead this road is, it has to go through Congress, but I'm optimistic. I can observe first hand to have a good partnership that results in a good settlement."

Williams remarked to the board that "I had the privilege to work with many Indian water rights settlements in my career; you're off to a good start, very thoughtful. You've worked with the partners very well."

Meacham, who chaired the federal negotiation team for the Snake River Basin Adjudication involving the Nez Perce Tribe of Idaho, said that "I'm appreciative of the broader federal contingent group we brought today. It wasn't very hard to convince them to come. They recognized the work you all have done to make our job easier, to say 'yes, this is a ripe situation for a federal negotiation team'."

"It's almost a no-brainer to follow what you've done, the partnership you've built … the approach you've taken shows that you want to work with us, to get at the table

and treat everyone fair at the table," Black said. Tour members stopped at the tribes' Three-Mile dam facility to see fall chinook and coho salmon and steelhead make their way from the Columbia up to the headwaters of the Umatilla River, all the while surrounded by the expansive agriculture community of the lower basin.

Members of the tribes' water rights negotiation team – Stewart, Ely and Hester – have begun a series of meetings with WID and next month with other irrigation districts to review key components of the tribal water right settlement proposal.

Eventually these parties will engage the Federal Negotiation Team and seek a settlement for authorization by Congress and subsequently appropriations for infrastructure initially estimated around $145 million dollars.

To realize "wet" water the tribes and WID are seeking a partial exchange using the Phase II system of the Umatilla Basin Project and Cold Springs Reservoir for storage, which makes available WID's McKay Reservoir storage for the tribes to secure in the settlement.

"What we seek is a win-win situation for all stakeholders in the basin," said Minthorn, "and for our part, secured water for future growth and future generations to come."

Columbia Basin Bulletin, 10/12/2012

Pesticide stewardship partnerships working, pesticide use reduced

In 1998, when high levels of organophosphate pesticides were detected in nearby Neal Creek, it caught the attention of area farmers, pear grower Brian Nakamura said at a recent pesticide stewardship workshop.

With the help of federal and state agencies and Oregon State University, the Columbia Gorge Fruit Growers Association started surveying pest management practices, Nakamura said Oct. 4.

They also developed maps identifying where detections were high and a manual of best management practices to reduce the use of toxic pesticides and minimize pesticide exposure to surface water, Nakamura said.

Fourteen years later, detections of organophosphates in Hood River County have dropped by more than 90 percent, according to Kevin Masterson, toxics coordinator of the Department of Environmental Quality.

"We're pretty proud of that," Nakamura said.

"The best part about the partnership is it has been a locally driven collaborative effort," Nakamura said.

Nakamura's presentation was among several success stories growers told a workshop sponsored by the Oregon Environmental Council.

Pesticide stewardship partnerships have reduced pesticides in surface water here and in other basins where pilot projects are under way, workshop participants said, but more needs to be done.

The efforts could help diffuse future restrictions on pesticide use, participants said. "It is voluntary," said cherry grower Ken Bailey from The Dalles. "But I think everyone understands that if you don't see it through, eventually it is going to come down to a regulatory situation."

"In Oregon, we need to figure out what has happened in Hood River the last few years and spread it around the state," said Rep. Brian Clem, D-Salem, at the workshop.

The Hood River County pilot project, which started in 2000, was the first pesticide stewardship partnership in Oregon, Masterson said.

"We had folks that wanted to sit down at the table and get going on this project," Masterson said.

Subsequent pilot projects have developed in The Dalles, Walla Walla, the Yamhill, Pudding River, Clackamas and Amazon Creek, or Long Tom, watersheds.

As in Hood River, organophosphate pesticide detections dropped by more than 90 percent in the Walla Walla watershed since 2006, Masterson said. Levels in The Dalles also have dropped substantially, he said.

Growers have adopted "a diverse range of measures ... to get results," Masterson said, including using less toxic pesticides, adopting integrated pest management programs and establishing buffer strips.

Key to the projects, Masterson said, is monitoring.

State Sen. Chuck Thomsen, a Hood River pear grower, agreed. "If we know we have issues, we can deal with them without being regulated," he said.

Thomsen said that when he learned pesticides were showing up in the Hood River watershed, he adopted practices to reduce pesticide exposure to surface water, including turning off nozzles as he neared the ends of rows. Also, he said, growers scaled back on the more toxic pesticides as effective substitutes became available.

"The real challenge is in helping growers develop alternative strategies that maintain profitability," said Mike Omeg, a cherry grower from The Dalles.

Mitch Lies, Capital Press, 10/9/2012

Fish consumption, water quality: should states follow Oregon's lead?

The U.S. Environmental Protection Agency has rejected Idaho's new and revised human health water criteria for toxic pollutants, notifying the state's Department of Environmental Quality that it must use a higher fish consumption rate in determining new standards required by the Clean Water Act.

Meanwhile, tribal leaders attending the annual conference of the Affiliated Tribes of Northwest Indians in Pendleton passed a resolution asking EPA to take a "regional approach" that would set Washington and Idaho in line with stricter rules established in 2011 by the state of Oregon. Oregon has the highest fish consumption rate in the United States.

Under the Clean Water Act, states are required to establish water quality standards and submit them to EPA for approval or disapproval. Likewise, revisions to a state's water quality standards also must be submitted to EPA for approval or disapproval.

The fish consumption rate is a factor used by states to establish water quality standards, which set out the amount of pollutants allowed to be discharged into a state's waterways. Increasing the fish consumption rate results in stricter limitations on pollutant discharges by industry and municipalities.

Although the decision has only recently surfaced, EPA in May "…disapproved Idaho's revised human health criteria for 88 toxic pollutants applicable to all surface waters" in the state.

In a May letter to Barry Burnell, Idaho's Water Quality Programs administrator, EPA's Michael Bussell, director of the Office of Water and Watersheds, said the CWA requires that the state address the federal decision in a timely manner. EPA has consistently told states that they must make progress on revising water quality standards or it will step in to establish the new rules.

"The EPA prefers that Idaho address this disapproval under its regulatory development process. However, if the state does not adopt necessary changes, the EPA will promptly propose and promulgate appropriate human health criteria for Idaho," Bussell wrote.

Bussell said Idaho did not consider several sources of information before submitting water quality standards that used the national default fish consumption rate of 17.5 grams per day (about the amount of fish that would sit on a saltine cracker).

EPA suggested Idaho use available and relevant information on fish consumption, including the Columbia River Inter-Tribal Fish Commission survey, which Bussell described as "a well-designed survey … directly applicable to a population of people – i.e., the Nez Perce Tribe – fishing in state waters."

EPA told Idaho it should evaluate how its revised human health criteria will protect other fish eaters because studies have shown that in addition to tribal subsistence fishers, recreational anglers in Idaho also consume fish at rates higher than the national default rate.

Tribal leaders advocated for the "regional approach" to a Northwest fish consumption rate so that Washington and Idaho, and ultimately Alaska, would provide the same human health protections in the Columbia River Basin.

It is not the first time such a regional approach has been mentioned. In August of 2005, Ronald A. Kreizenbeck, then acting administrator for EPA's Region 10, outlined a plan that would "provide joint leadership in human health protection and toxics reduction in the Northwest" and "establish a regional and national model for use in guiding similar efforts."

In his letter to state and tribal officials, Kreizenbeck said a higher fish consumption rate "may be appropriate for some waters in Oregon, Idaho and Washington" to "increase protection provided to subsistence fishing practices."

Further, Kreizenbeck said EPA would work with the states of Washington, Idaho and Alaska to encourage regional consistency on water quality standards of toxics.

"Defining appropriate fish consumption rates are critical to rendering water quality standards decisions that ensure adequate human health protection," Kreizenbeck wrote. "For shared waters such as the Columbia River, a regional approach will provide more opportunities for cross-boundary toxics reduction efforts."

Speaking to tribal leaders Wednesday in Pendleton, Dennis McLerran, administrator for EPA Region 10, said Idaho and Washington should follow the lead of Oregon.

In 2006, the Umatilla Tribes asked the Oregon Department of Environmental Quality to use a higher fish consumption rate based on studies that outlined health risks and the amount of fish eaten by Native Americans, as well as by Asian populations, and recreational anglers.

Over four years, the Umatilla Tribes, the Oregon DEQ and EPA, with industry, local governments, non-governmental organizations and local groups met to develop the new criteria with the intention of lowering the allowable amount of pollutants released to Oregon's waters while, at the same time, considering variances and other actions that would provide affordable options to those that discharge those pollutants.

EPA in October of 2011 approved a new fish consumption rate in Oregon of 175 grams – 10 times higher than EPA's national default rate of 17.5 grams per day. (At one time Oregon had a default rate of 6.5 grams per day, and many states still do.)

A rate of 175 grams per day (about 24 eight-ounce meals a month) is the amount of fish that, under EPA guidelines, could be eaten without risking the health of consumers. McLerran told tribal leaders that higher fish consumption rates in Idaho and Washington will require some heavy lifting.

McLerran said Northwest tribes should "stand together" to encourage Washington and Idaho to increase their fish consumption rates. While EPA is prepared to "step in" if states do not make progress, defining that progress can be tricky.

"It's a bit of a dance," McLerran said. "It took Oregon multiple years to finish."

Leaders from two Washington tribes told McLerran that they would not be involved in a process driven by stakeholders, demanding instead to deal with the state on a government-to-government basis.

"I get you guys are mad," McLerran said, suggesting that state and tribal staffs might be able to work through some issues.

"My fear is that if you are not there in the process then it won't reflect your point of view," McLerran said. "The process will suffer if you are not there."

Noting that Oregon has set the bar for fish consumption rates, McLerran said he would favor a regional approach, but noted that other Northwest states and Alaska present "much more of a different political lift."

Columbia Basin Bulletin, 9/27/2012

First Sockeye spawner in 45 years seen in Oregon's Upper Deschutes Basin

On Thursday, September 27 a fish biologist with the Oregon Department of Fish and Wildlife confirmed the first observed spawning sockeye salmon in the Metolius River in more than 45 years.

The Metolius joins the Crooked and Deschutes rivers in central Oregon's Lake Billy Chinook above the Pelton-Round Butte hydro project, which has for that half century blocked upstream passage of anadromous fish – salmon and steelhead that are born in freshwater, mature at sea and then return to spawn in their natal streams.

The three rivers become the Deschutes, which flows about 100 miles downstream from the dam complex before entering the Columbia River. Mike Gauvin spotted the sockeye while conducting annual kokanee spawning surveys in the Metolius River near the town of Camp Sherman. "I saw a flash of red color and was able to see the green tags that confirmed it was a sockeye," he said. "I stayed very still so I would not disturb the fish and watched it swim over its redd; I snapped a few photos and was able to see the radio tag antenna trailing out of it mouth."

According to Gauvin, this same sockeye had been captured earlier this summer at the fish trap located below the Pelton Round Butte Dam complex. It was given two green tags to help to identify it as an ocean-going sockeye salmon returning to freshwater to spawn and not a kokanee, a landlocked form of sockeye salmon.

Columbia Basin Bulletin, 10/5/2012

Oregon Water Coalition
P.O. Box 1276
Hermiston, Oregon 97838

PRSRT STD
U.S. Postage Paid
Hermiston, OR
Permit No. 30

Return Service Requested

The Oregon Water Coalition—Promoting the Wise Use of Oregon's Water Resources!

Oregon Water Coalition

www.oregonwatercoalition.org · owc@eotnet.net

Inside October 2012 Newsletter

1 Hot, arid summer ignites forecast fears

2 Hermiston Farm Fair & Ag Trade Show dates

3 New bill would end duplicate water permits

4 Irrigated ag adds $128B to economy, study shows

5 Pesticide stewardship partnerships are working