



U.S. SENATE COMMITTEE ON
**ENERGY &
NATURAL RESOURCES**

SENATOR MARIA CANTWELL, *Ranking Member*

@EnergyDems

S. 1694, the Yakima River Basin Water Enhancement Project Phase III Act of 2015

By Sen. Maria Cantwell (D-Wash.)

Since the bill's introduction in July, Senator Cantwell and her staff have worked with farmers and irrigation districts; conservation groups; community organizations; and federal, state, and local governments to refine the bill.

Major refinements to the draft include: (1) changes in how the Integrated Plan is defined and will be implemented; (2) changes to ensure broad public participation and oversight; (3) additional provisions supporting water conservation targets and water transfers; (4) additional provisions regarding studies to evaluate the feasibility, benefits, and environmental impacts of projects in the basin; (5) changes that clarify drought resilience activities to support irrigation; (6) clarification of fish passage authorities; and (7) adjustments in funding to account for inflation.

1. Integrated Plan Definition and Implementation

- The previous version of S. 1694 defined the "Integrated Plan" in reference to the March 2, 2012 Programmatic EIS that reviewed the Plan.
- **NOW:** The current draft defines federal participation in the "Integrated Plan," as the activities specifically authorized in S. 1694, particularly section 1213 of the bill. Bill language was also redrafted to further clarify that commencement of projects is subject to completion of appropriate studies, authorization, and appropriation (Sec. 2 and 5).

2. Public Participation and Oversight

Work Group

- The previous version of the bill included provisions that defined the Yakima River Basin Work Group and articulated a role for the Work Group in informing the implementation of the Integrated Plan in statute.
- **NOW:** The Work Group has been removed from the bill. While the Work Group no longer has a statutory role in the bill, it may continue as a separate stakeholder body. Both the current and previous versions of the bill include language that expands the role of the existing Conservation Advisory Group (Sec. 3). The Conservation Advisory Group is mandated to provide recommendations to advance the purposes and programs of the Yakima Enhancement Project, which now includes the Integrated Plan.

Public Oversight and Participation in Projects

- **NOW:** A contingency clause was added to ensure public participation and oversight throughout all implementation stages of the Plan (Sec. 5). This provision makes implementation of the activities and projects associated with the Plan contingent on several conditions, including the completion and outcome of applicable feasibility studies, environmental reviews, cost-benefit and other analyses, and a finding that implementation is in the best interest of the public. The clause also clarifies that projects shall be subject to authorization and appropriation and in compliance with all applicable laws, including the National Environmental Policy Act and the Endangered Species Act.

Review of Kachess and K-to-K Projects before Commencement

- **NOW:** Language in the current draft of the bill further clarifies that agreements regarding the Kachess Drought Relief Pumping Plant and K to K Pipeline, are subject to feasibility studies, cost-benefit analyses, environmental reviews, an analysis of community impacts, public review, and a determination by the Secretary that the projects are both in the public interest and can be implemented without significant adverse impacts to the environment prior to commencement. This includes analysis of potential project impacts on adjacent communities, including potential fire hazards, water access for fire districts, community and homeowner wells, future water levels based on projected usage, recreational values, property values, and specific options and measures for mitigating these impacts (Sec. 5).

3. *Water Conservation and Water Marketing*

Water Conservation

- The previous draft of S. 1694 struck outdated water conservation targets that had been enacted in 1994 in an effort to clean up the underlying public law.
- **NOW:** Language in the new draft (Sec. 2) provides for a water conservation target of 85,000 acre feet by implementing the first phase of the Integrated Plan.

Water Marketing and Transfers

- Previous bill language did not include specific provisions regarding water transfers.
- **NOW:** The current language expands the purposes of the bill to include water marketing and includes provisions to facilitate water transfers in the Yakima River Basin (Sec. 5). Pursuant to these provisions, the Secretary of the Interior is to coordinate with and assist the State of Washington in implementing a robust water market to enhance water management in the Yakima River basin including:
 - Assisting in identifying ways to encourage and increase the use of, and reduce the barriers to, water transfers, leasing, markets, and other voluntary transactions among public and private entities in the basin;
 - Providing technical assistance, including scientific data and market information; and
 - Negotiating agreements that would facilitate voluntary water transfers between entities, including where appropriate the use of federally managed infrastructure.

4. Studies to Evaluate the Feasibility, Benefits, and Environmental Impacts of Projects

- Previous bill language provided less specificity regarding the study, development, and oversight of the Integrated Plan.
- **NOW:** The current draft of the bill includes provisions directing the Secretary of the Interior to study, evaluate, and conduct feasibility analyses and environmental reviews of fish passage, water supply, conservation, habitat restoration projects, and other alternatives for the initial and future phases of the Integrated Plan and to develop plans for future phases of the Integrated Plan. The text further specifies that the commencement of these projects is subject to completion of studies and reviews and authorization and appropriation. (Sec. 5).

5. Drought Resilience for Irrigation

- Previous bill language provided less specificity regarding the implementation of drought resilience and conservation activities.
- **NOW:** The current draft clarifies authorities regarding the use of conserved water and agreements regarding drought relief projects to benefit irrigators.

6. Clarifies Fish Passage Authority

- S. 1694 as introduced included provisions authorizing permanent fish passage at Lake Cle Elum, which was previously authorized in the Hoover Power Plant Act of 1984.
- **NOW:** The current draft clarifies authorities regarding the use of conserved water and agreements regarding drought relief projects to benefit irrigators.

7. Adjustments to Funding to Account for Inflation

- S. 1694 as introduced included language allowing for funding to be indexed for inflation.
 - **NOW:** Indexing language has been removed and funding totals have been adjusted to account for inflation over the ten years that projects are expected to be implemented in the current draft.
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