



Confederated Tribes and Bands  
of the Yakama Nation

Established by the  
Treaty of June 9, 1855

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Re: Joint Yakama Nation, Roza Irrigation District comments on Yakima Basin Storage Study

Dear Sirs,

The Yakama Nation and Roza Irrigation District appreciate the opportunity to submit this joint letter on the Yakima Basin Storage Study EIS. The Nation and Roza hold two of the largest proratable irrigation rights in the Yakima Basin. The Yakama Nation, in addition, holds Time Immemorial Treaty Rights for water to maintain the fishery that has supported the economy, diet and culture of the Yakama People for thousands of years. We both feel that the only solution to the problems in the Yakima basin is one that benefits all resources collectively, Indian, non-Indian, instream and out. Achieving these goals will require using all the available tools, including restoration of fish passage, additional storage, further conservation, water markets, habitat restoration and others. It now seems clear that an overly restrictive congressional authorization for the storage study has precluded assembling an appropriate package of measures. It is quite clear that storage alone can not solve the range of problems facing the resources. We believe the

Storage Study, for reasons we understand, has failed develop and evaluate the kind of package necessary to solve the water resource problems in the basin. It is our hope that this letter will point the direction toward what we consider to be the elements of a consensus solution to the problems facing the fishery and agricultural resources of the Yakima River basin.

The Yakama Nation will provide detailed comments on the content of the EIS and associated technical reports in a separate letter. This letter does not constitute a legal position or admission by either the Yakama Nation or the Roza Irrigation District nor waive, limit or concede any argument otherwise available to either.

Given that any mutually acceptable solution to the resource problems of the basin will require a package of measures, it is impractical to analyze the potential benefits of storage alone, as has been done in the Storage Study. Effective fish utilization of any improved flow regime depends on a concomitant enhancement of habitat access and quality in the mainstem and tributaries. Failure to consider all components of the package together artificially inflates the relative value of some storage alternatives while underestimating the value of flow enhancement in general. For example, flow improvements in key mainstem reaches considered in tandem with reintroduction of anadromous fish above the reservoirs and in tributaries along with restoration of mainstem floodplain side channels would likely yield much greater benefits than flow improvements alone. Further analysis should be done of the cumulative benefits of upper mainstem, Naches arm, and tributary instream flow modifications resulting from storage, conservation, and acquisition alternatives in tandem with restoration of passage at the Yakima Project reservoirs, restoration of flow and passage in the tributaries, and reconnection of the river and its floodplains.

We believe as a matter of both principal and practical considerations that the least cost long-term solutions should be identified and evaluated. In addition to considering such low-cost alternatives as water marketing, highest benefit per cost storage options need to be exhaustively identified. Whatever storage component may be eventually selected as part of a package, it is important that it be as economical to build and operate as possible, lest the storage component compete unnecessarily for funding with ongoing successful salmon recovery and enhancement projects and place an unnecessary burden on agriculture. The 70% criteria for proratable supply may be a useful planning goal, but is not appropriately used on the storage study to eliminate more modest proposals.

We believe that the storage study has inadvisably removed from consideration options for storing Yakima River flows, particularly in the Naches Arm. Gravity storage and release will always be less expensive both in capital and operating costs than pump storage. Likewise, for pump storage, lower pumping heads equate to lower initial and ongoing costs. We suggest a thorough analysis of both water budget and potential storage sites for Naches arm water.

We suggest the equivalent water budget analysis be performed for the Naches arm as has been done for the mainstem in the Wymer and Black Rock analysis. It appears that the

Bumping alternative was thrown out based on a simplistic and inappropriate consideration of "normative" flows, while other alternatives received a rigorous study relating flow with habitat, temperature and other parameters. The Bumping review seems to have assumed that any deviation from current measured flow in unregulated reaches would be non-normative. One problem is a variety of inconsistent and imprecise definitions of the term normative. The manner in which the normative flow concept was applied did not lend itself to evaluating small changes in operations, water transfers, timing of changes in flow, or smaller storage options. Normative and natural are not synonymous. Normative is a concept encompassing functions performed by the hydrograph and is determined by the sort of study being done on the other storage study alternatives. Reducing peak flows and increasing summer flows may or may not be less normative. Study is required to make that determination.

Also, it can not be assumed that the existing observed flows in the unregulated reaches of the Naches arm are either natural or normative. Land use practices such as logging and road building, which are extensive in parts of the Naches arm, tend to increase peak flows and decrease summer flows. Climate change is predicted to further shift the hydrograph toward earlier higher peaks and lower summer flows. Flows in the Naches below the confluence with the Tieton are already artificially low, except during flip flop, due to the influence of Rimrock. Summer restoration of higher flows in the lower Naches would be beneficial, which was the justification for the acquisition of Wapatox, which was a partial fix for the problem.

For the above reasons, we believe the analysis of Bumping, and by extension any other storage opportunities on the Naches arm inappropriately eliminated consideration of options for storing water generated in the only large part of the basin where additional Yakima River water may potentially be stored for the benefit of both instream and out of stream resources.

One final and fatal flaw in the Bumping analysis was the assumption that all newly stored water would be subject to the same operational constraints as the existing storage. The Yakama Nation has not agreed with these existing operational constraints and has, additionally, long made it clear that an agreed upon portion of any newly stored water would have to be managed by the Yakama Nation as part of its Treaty Right for instream flow for fish and other aquatic life. The Bumping analysis assumed all water would be managed to maximize carry over and any fish benefits would be coincidental. Given that the Yakama Nation would not support new storage under such conditions, this analysis was not fruitful. Bumping was not properly analyzed as a facility for the combined purposes of carry over storage as insurance against dry years along with instream flow and reducing the impacts of flip flop. Wymer should have been evaluated in combination with Bumping or other storage of Naches arm water to provide relief from flip flop operations.

The M&I analysis did not provide clarity. The goal is not well defined and appears to ignore the fact that most urban development is occurring in existing irrigated areas, which

should greatly lessen future water needs. An adequate analysis of M&I alternatives was not performed.

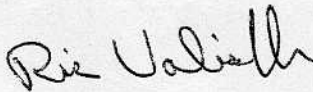
In summary, the congressional emphasis on Black Rock seems to have required the Storage Study to be conducted in reverse. An analysis of the problems, needs, and issues, utilizing local expertise, should precede evaluating specific projects. Through its scoping comments, the Yakama Nation intended to provide the basis for this discussion of problems and needs. We incorporate those scoping comments by reference. However, scoping seems to have come too late in the process to have much influence on the direction of the study.

We recommend that Ecology and Reclamation work with Roza, the Yakama Nation, and others with interest and expertise in water and fisheries management to construct a package of measures to solve problems of flow, passage, and habitat in the Yakima basin. We are available to discuss this matter further at your convenience.

Sincerely,



Ralph Sampson, Jr., Chairman  
Yakama Tribal Council



Ric Valicoff, Chairman  
Roza Irrigation District Board of Directors