

STATE ENVIRONMENTAL POLICY ACT (SEPA) ADDENDUM

The following addendum has been prepared pursuant to provisions of WAC 197-11-625.

Environmental document added to or modified by this addendum: The document for which additional information is being provided is the *Final Programmatic Environmental Impact Statement (EIS) for the Columbia River Water Management Program*. This State Environmental Policy Act (SEPA) document was prepared by the Washington State Department of Ecology and released on February 15, 2007.

Proponent: Washington State Department of Ecology (Ecology).

Proposal: Chapter 90.90 RCW directs Ecology to aggressively pursue development of new water supplies for both instream and out-of-stream uses. Ecology is in the process of developing and implementing a Management Program to facilitate implementation of the RCW.

Description of proposal: The Management Program will potentially involve implementation of a variety of water supply development measures authorized by Chapter 90.90 RCW. Those may include: new or modified surface storage facilities, aquifer storage, municipal and industrial conservation, regional or irrigation district agricultural conservation, on-farm irrigation efficiency projects, conveyance system improvements, and pump exchanges. Chapter 90.90 RCW also directs Ecology to place water conserved via the Program into trust in proportion to funding from the Columbia River Account (Account). Water stored in projects funded by the Account may also be placed into the trust water rights program.

Addendum: This addendum provides additional information regarding the relationship between the trust water rights program and the Management Program. Information pertaining to the trust water rights program was provided in Appendix D of the *Final Programmatic EIS for the Columbia River Water Management Program*. Ecology is implementing a programmatic change in the management of the State's trust water rights holdings in the Columbia River basin. Ecology's intention is to modify the place of use on existing trust water rights that currently have secondary reaches that end at the mouths of tributaries. Future trust water rights in the Columbia River basin will also be created and protected both in the tributaries and in the mainstem Columbia River. Current practice has generally been to manage the State's trust water holdings within the tributaries only.

The framework for the State's trust water rights program is contained in Chapter 90.42 (and Chapter 90.38 for the Yakima Basin). RCW 90.42.005 identifies the need to preserve and protect water rights in trust for both instream and out-of-stream needs. RCW 90.42.005 also identifies acquisition, storage and conservation as acceptable methods for addressing unmet water demands. The protection of water rights in trust is supplemented by this planned modification to how Ecology manages its trust water rights by extending that managed protection into the mainstem Columbia River, downstream to the Pacific Ocean. RCW 90.42.040(5) authorizes modification to a trust water right.

Prior to the passage of RCW 90.90 in 2006, Ecology typically identified a trust water right's secondary reach benefit only in tributaries, where the instream benefit was greatest. Ecology did not elect to similarly protect trust water rights once they reached the Columbia River. This element of a trust water right certificate is called the *place of use*. The place of use is defined as that reach of a creek, stream, or river where a calculated quantity of consumptive water savings exists. *Consumptive water* is that water that was previously lost via evaporation to the sun and via transpiration by crop growth—or together *evapotranspiration*. When consumptive water usage is reduced, via a state-funded conservation program for example, then the quantity of water saved must transfer to the State's trust water rights program. Those water savings are then left instream for the benefit of fish or are available to mitigate for out-of-stream needs downstream, depending on the terms of the trust water agreement.

With the passage of Chapter 90.90 RCW, Ecology now has a Program and statutory mandate to focus on water supply development in the Columbia River for both instream and out-of-stream demands. Ecology is aggressively pursuing new methods to develop sources of water that will meet those demands, which will result in the creation of new trust water rights. Pursuant to RCW 90.42.050, Ecology has developed and instituted policies, procedures, and guidance documents for the effective administration of trust water rights that included input from federally recognized Indian tribes, local governments, state agencies, and other interested parties.

The planned modification to current trust water rights and in the management of future trust water rights applies just to the place of use element in a trust water right certificate. Pursuant to RCW 90.42.080(1)(a), modifications to current trust water right certificates will follow the original stipulations and intent within the original trust water rights agreements. Using the new programmatic strategy to modify the place of use of the trust water rights, the accumulative effect is intended to revive, enhance, and maintain instream flows in the mainstem Columbia River to improve fish habitat and for beneficial out-of-streams needs.

Chapter 90.42 RCW governs the development and management of trust water as a natural resource statewide. In contrast, Chapter 90.90 RCW governs the development of water supplies within the Columbia River Basin predominately in the central, eastern and southwestern regions of the State. Trust water decisions on the remaining areas of the State will be made on a case-by-case basis in response to local planning goals, the presence of adjudications, the intent of the parties involved in the trust water agreement and other factors.

From the legislative intent of Chapter 90.90 RCW, Ecology will protect and manage trust water rights in the Columbia River when it is consistent with the purposes for which the water right was acquired. The places of use of new trust water rights would identify the secondary reach in both tributaries and the Columbia River. Existing trust water rights with secondary reaches terminating at the confluence of the Columbia River and one of its tributaries would similarly be modified to include the Columbia River in the place of use when it is consistent with the purposes of the original acquisition. Whether a trust water right will be used in the future for instream benefit or mitigation of out-of-stream uses will be a case-by-case decision. However, when Ecology seeks to protect a trust water right for either instream benefit or mitigation of out-of-stream uses, the department will provide notice pursuant to RCW 90.42.040(5) and will accept and consider public comments.

SEPA Lead Agency: Washington State Department of Ecology

Responsible official: Derek I. Sandison

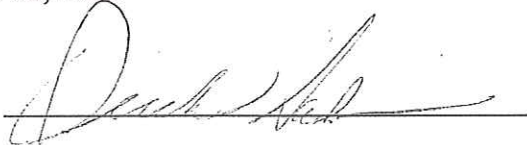
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Date: April 10, 2008

Signature:

A handwritten signature in black ink, appearing to read "Derek I. Sandison", is written over a horizontal line.