

## SUMMARY OF SIERRA CLUB CONCERNS to Sen. Cantwell & ENR Staff re-S.1694

Major Issues with S. 1694 as revised 14 Aug 2015 (if this is the latest revision)

1. Language that authorizes the 2012 Yakima Plan and FPEIS as Phase III must be deleted.
  - August 2015 revision to SEC. 1214. AUTHORIZATION OF PHASE III OF YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT (a)(1) deletes the original language that “it is the intent of Congress that the Management Plan shall be implemented in its entirety.” This is helpful.
  - However, contradictory language remains in other parts of the bill including Section 1. Short Title; Sec. 1201(8); Sec. 1202(7)(A); Sec. 1214 header; Sec. 1214(e)(2) [*and there may be other locations*]. These sections must be revised to delete these other references to Phase III.
  - Implications of “in its entirety” and authorization of the 2012 Yakima Plan and Phase III language:
    - The 2012 Yakima Plan includes two new National Recreation Areas (NRAs) totaling 141,000, designating at least 46,000 acres for off-road vehicle use on the Okanogan-Wenatchee National Forest (O-WNF).
    - The recommendations for NRA was not included in the Draft Programmatic EIS, do not meet Yakima Plan objectives, and violate NEPA and the Federal Advisory Committee Act.
    - The proposed Bumping enlargement would destroy ancient forests and critical habitat for endangered species within the O-WNF, and has a very low benefit/cost ratio: 0.18.
    - The proposed Wymer Dam would destroy shrub-steppe habitat for sage-grouse and also has a very low benefit/cost ratio: 0.09.
    - The final EIS for the Kachess Pumping Project and K-K Pipeline has not been completed. Congress should not authorize projects in the absence of NEPA compliance by the Bureau of Reclamation.
2. Water Conservation and Water Marketing needs to be strengthened. S. 1694 deletes the water conservation targets in Sec. 1201(4).
  - According to the Bureau of Reclamation, because water conservation in the 1994 Act was voluntary, the water savings targets in the 1994 Act “were not met.” Two districts have still not installed water measuring devices. Under the 1994 authorized Basin Conservation Plan, irrigation districts have achieved only 40,000 acre feet of water savings for instream flows and 13,000 acre feet for irrigation. Therefore, water conservation and water marketing must be carried out to the maximum extent feasible before additional storage solutions are sought.
  - Rather than deleting water conservation targets from the purposes of the Act, Sec. 1201(4) should be amended to add water savings targets from the Yakima River Basin Water Conservation Program so that not less than 250,000 acre feet

of water savings per year are achieved within 10 years of enactment with half available for irrigation and half to protect and enhance fish and wildlife resources; add a new (G) to Sec. 1203(c)(3), regarding the Yakima River Basin Water Conservation Program, to provide proposals necessary to carry out a water market within the Yakima River Basin; and add a new Sec. 1203(j) (renumber existing (j) to (h)) to require the Conservation Advisory Group to update the Yakima Basin Conservation Plan.

3. Clarification of intent of FACA language as it relates to the work group. While amendments to Sec. 1202 (16) WORK GROUP eliminated the original S. 1694 language that the Yakima Workgroup is “not subject to Federal Advisory Committee Act (5 U.S.C. App.),” –simply eliminating the requirement does not address the entire issue.
  - The legislation should recognize that the existing Workgroup was not FACA compliant; should require that all Bureau of Reclamation advisory committees meet all Federal Advisory Committee Act requirements; and should insure that Bureau of Reclamation advisory committees do not use federal or state funds for lobbying purposes.