

'We are already stretched to our absolute limit'

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The association represents nearly all of the water users in the state.

Attorney Al Barker, who represents Boise Valley and Owyhee Reservoir water users, objects that Oregon's draft certification would allow that state to unilaterally make decisions on introducing endangered fish into tributaries of a shared waterway.

Even if Oregon were to limit fish reintroduction to Pine Creek, Barker said irrigators could face new requirements to improve water quality and augment flows for the benefit of salmon and steelhead in the Hells Canyon Reservoir.

"There are consequences that need to be addressed and thought through that Oregon is not taking into account," Barker said.

Caught in the middle of the dispute is Idaho Power, which has been working nearly 15 years to relicense the three dams that produce nearly one-third of its power portfolio and could be forced to comply with conflicting Idaho and Oregon Clean Water Act certifications.

State vs. state

Idaho officials saw the potential for a battle over fish reintroduction as far back as 2003, when Idaho Power first applied for a new federal license to operate the Hells Canyon dams. The Idaho Legislature passed laws requiring its blessing — and the governor's — before fish and wildlife could be introduced within Idaho's borders. But legislators envisioned they'd be grappling with the federal government, not a neighboring state.

"This is pretty unprecedented," said Sam Eaton, legal counsel and deputy administrator of the Idaho Governor's Office of Species Conservation. "Does one state veto the other state? As far as my understanding, from discussions and research, there's really nothing like this."

In response to Oregon's plan, the Idaho Legislature recently updated its laws, clarifying that Idaho's primacy over introduction of wildlife within its borders applies to other states in addition to the federal government.

In a more symbolic gesture, the Legislature also



Fish are raised at an Idaho Power hatchery to mitigate the impacts of its dams. Idaho Power is in the process of relicensing its Hells Canyon dams. Courtesy of Idaho Power



Norm Semanko

passed a joint memorial expressing its opposition to fish reintroduction due to the "drastic impacts on irrigated agriculture, industry, water supply and electric generation."

Eaton said he is encouraged that Idaho Gov. Butch Otter and Oregon Gov. Kate Brown have begun negotiating to resolve their states' differences. But they'll have to work quickly. The deadline to complete the Clean Water Act certifications is July 29.

They must be issued by each state's department of environmental quality. The Federal Energy Regulatory Commission — an independent agency that regulates the interstate transmission of electricity — won't be allowed to make any changes to the certifications, and Idaho Power will be obliged to follow them both.

"We've finally got everybody at the table who needs to be at the table," Eaton said. "It's not that Oregon is backing off of (reintroduction) or anything like that, but I think they might be reassessing priorities about where they want to focus their efforts."

Brian Hockaday, a spokesman for Brown, said the governor is committed to collaborating with Idaho to resolve the issue, and conversations are ongoing.

"We're considering all

viable options and taking a look at new approaches," said Hockaday, who declined to offer details of possible compromises.

The cost

Several years ago, Semanko's association commissioned an economic impact study of a federal proposal to reintroduce another endangered species, bull trout, into southwest Idaho tributaries of the Snake River. The study estimated the reintroduction would cost irrigators upward of \$1 billion to make improvements such as retrofitting infrastructure with fish screens to keep the protected fish out of diversions.

Semanko considers the estimate to be conservative if applied to Oregon's planned salmon and steelhead reintroduction, which could impact an even wider geographical area.

"The cost is just astronomical," Semanko said. "I think it's interesting that we haven't heard a single retort or rebuttal to the notion that if these fish are reintroduced above Hells Canyon, there would be major Endangered Species Act and Clean Water Act requirements placed upon the residents, farmers, businesses and industries in Southern and Eastern Idaho."

Idaho's Committee of Nine, which represents watermasters of the major federal irrigation projects on the Upper Snake River, and the Idaho Irrigation Pumpers Association have also come out

against reintroduction.

Lynn Tominaga, executive director of the groundwater users' organization, worries about power rate increases for irrigators, based on Idaho Power's estimate that it would cost more than \$100 million for a system to capture the salmon and transport them for release below Hells Canyon Dam.

Irrigators say they are already boosting the river's flow to help salmon below the dams. Jerry Rigby, an attorney for the Committee of Nine, emphasized Upper Snake irrigators reached an agreement with the Nez Perce Tribe in 2004 requiring them to release water, according to a formula based on the supply outlook, to help salmon below the Hells Canyon dams.

"We are already stretched to our absolute limit to do flow augmentation with the flushing flows," Rigby said.

Kevin Lewis, executive director of Idaho Rivers United, a nonprofit organization dedicated to preserving Idaho waterways, contends reintroduction into Pine Creek would have little impact on Idaho, given that the fish would be confined by dams to Hells Canyon Reservoir. He also believes poor water quality incapable of supporting salmon and steelhead upstream of the Hells Canyon dams relegates expansion of reintroduction into other tributaries to a longterm possibility, at best.

"Oregon realizes they have a tributary that's healthy, and they're entitled as part of their

Endangered Snake River salmon

Steelhead



Binomial name:

Oncorhynchus mykiss

Other names: Steelhead trout, sea-run rainbow trout

Avg. size: 8-11 lbs., up to 40 lbs.

Spring spawner: Summer and winter runs. Most summer runs are east of the Cascades. Winter runs are closer to the ocean.

Chinook



Binomial name:

Oncorhynchus tshawytscha

Other names: King, tyee, blackmouth

Avg. size: 10-15 lbs., up to 135 lbs.

Fall spawner: Fall, spring and summer runs. The largest of the Pacific salmon, most chinook spawn in large rivers such as the Columbia and Snake or in tributaries with sufficient current.

Source: U.S. Forest Service

Capital Press graphic

water-quality certification to take that step," Lewis said.

Mitigation

On Nov. 23, 2016, Idaho Power filed a petition asking FERC to intervene and resolve the dispute.

Idaho Power argued that the so-called Supremacy Clause of the U.S. Constitution pre-empts Oregon from imposing the fish passage requirements on Idaho Power. FERC dismissed the petition on Jan. 19, deciding the request was premature.

Idaho Power spokesman Brad Bowlin said the company has since filed a motion asking FERC to reconsider its stance, but the issue remains on hold, as FERC has only two active commissioners and lacks a quorum. But Bowlin said the company remains hopeful negotiations between the Oregon and Idaho governors will bear fruit.

"That would be best for everybody concerned if we can find some middle ground," Bowlin said.

FERC has also concluded that the current water quality

in the Snake upstream of the dams is too poor for salmon and steelhead survival. Bowlin said Idaho Power has invested millions annually to mitigate for the impacts of its dams and has already launched water-quality improvement initiatives with relicensing in mind.

Ralph Myers, Idaho Power's water quality program manager, said the company's proposed Snake River Stewardship Program would seek to improve water quality along a 30-mile stretch of river from Swan Falls Dam to Homedale, west of Nampa in southwestern Idaho. The plan would be carried out over roughly 25 years. The project would deepen and narrow the river to increase flow velocities and decrease temperatures. Silt would be applied to shallow areas of the river by the banks — where the water flow slows and warms — creating seasonal floodplains.

Idaho Power tested the feasibility of the approach last fall, dredging a small portion of the river and applying silt to expand Bayha Island, located 5 miles downstream from Swan Falls Dam. Myers said Idaho Power also hopes to work with private landowners to plant trees and vegetation to shade about 150 miles of tributaries in the region.

He said the company is also working to convert landowners in the Grand View area south of Boise from flood irrigation to sprinkler systems to keep sediment out of the river. They'll also be bringing in fresh gravel — which is critical for the life cycle of fish and supporting aquatic insects — in reaches where gravel has been bound by silt.

Idaho Power has also partnered with the Riverside Irrigation District to switch irrigators to high-phosphorus water from some tributaries to reduce nutrient inflows into the Snake.

Jim Chandler, Idaho Power fisheries program supervisor, said the company also invests \$5 million annually in its hatchery program. The company stocks 1.8 million steelhead, 3 million spring chinook salmon, 1 million summer chinook salmon and 1 million fall chinook salmon per year.

But Lewis, with Idaho Rivers United, considers hatchery fish to be a poor substitute for their wild counterparts.

Oregon State Police continue to investigate two wolf killings

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"This raises troubling questions about ODFW's continuing drive to pursue hunting and trapping," Pedery said. Oregon Wild and other activists believe the state may ultimately allow hunting of wolves, as it does cougars and bears.

The ODFW report lists several reasons why the wolf count is low, including disease.

Blood samples taken from wolves commonly show high rates of exposure to parvovirus; the same is true of domestic dogs, said Morgan, the ODFW wolf program manager. But in 2016, 68 percent

of samples taken were positive for a specific marker that shows active or recent infections. Parvovirus can increase pup mortality rates, which would affect short-term population growth rates. However, the report indicates the finding is not expected to impact the wolf population long-term.

Another possibility is what the report calls known or unknown "human-caused" mortality. Seven wolves are known to have been killed during the year, including four by ODFW itself. The department shot members of the Imnaha Pack, including longtime alpha wolf OR-4, in March 2016. The



Snake River pack captured by a remote trail camera Feb. 1 in Hells Canyon National Recreation Area. Courtesy ODFW

wolves had attacked and eaten or injured calves and sheep in private pastures five times that spring.

Meanwhile, Oregon State Police continue to investigate two other wolf killings, and one wolf was legally shot by

a herder when it was caught in the act attacking livestock.

Other reasons for the small population gain may include "decreased breeder success, diseases affecting pup survival, and dispersal out-of-state," according to the report.

Dennehy, the ODFW spokeswoman, said the 2016 count was hindered by severe winter weather that grounded observation flights at times. Wolves may have been present but not counted, the ODFW report says.

Also in the report:

- Depredation investigations counted wolves killed 11 calves, seven sheep, one

goat and a llama in 2016, compared to three calves, 10 sheep and a herding or guard dog in 2015.

• The state distributed \$129,664 to 13 counties to compensate producers for dead, injured or missing livestock and to pay for prevention and deterrence programs. About \$5,000 of the amount was for grant administration.

The population numbers are part of a draft wolf management plan that will be considered by the ODFW Commission at two public hearings this spring: April 21 in Klamath Falls and May 19 in Portland.

Groundwater recharge by individual growers can be difficult on the Westside

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"What they're not able to do as a district is say, 'Absolutely under no circumstances would we take that water back,'" he said. "It's kind of an interesting problem to have if we had two years in a row of above-average snowpack and rain."

Another option for farms is to divert water for aquifer recharge, which would help reduce salinity problems for growers with citrus or almond trees, Hutmacher said. But water is expensive even this year, and some water users "probably have to help pay the bills," he said.

Further, groundwater recharge by individual growers can be difficult on the Westside, where soils in many areas are hard and not very porous.

UC researchers are working with growers throughout the valley to find fields that are conducive to groundwater recharge and do pilot projects. Growers or districts with hard clay soils could do water transfers to areas where the projects are ongoing,



A pump takes water from a main canal south of Mendota, Calif., and sends it to a farm in this file photo. Growers on the west side of the San Joaquin Valley had their Central Valley Project allocation increased to 100 percent of requested supplies on April 11. Tim Hearden/Capital Press

Hutmacher said.

Federal officials announced the 100 percent allocation for areas south of the Sacramento-San Joaquin River Delta on April 11, raising it from the 65 percent that was promised in late March.

The bureau cited the state Department of Water Resources' latest manual snow survey on March 30 which found 183 percent of the late March and early April average for the survey site near Lake Tahoe. Electronic readings in the central

Sierra Nevada showed a snowpack water content that was 175 percent of normal.

The announcement follows the bureau's decision in February to give full allocations for many growers served by the CVP, including the settlement and exchange contractors on the Sacramento and San Joaquin rivers, respectively, and the Friant division in the eastern San Joaquin Valley.

The federal allocations come as the State Water Project so far has promised 60 percent of requested deliveries to its 29 contracting agencies. An increase to that allocation is still "very likely," DWR spokesman Ted Thomas said. He added he didn't know when or by how much.

"I think it's fair to say that Oroville has dominated our attention recently," he said, referring to efforts to shore up a deteriorated spillway at the Oroville Dam.

Hundreds of thousands of acres on the Westside have been followed in recent years as surface water sup-

plies have steadily decreased because of protections for imperiled fish, growers' advocates say. The Westside only received 5 percent last summer despite late-season storms that provided more water elsewhere.

San Joaquin Valley growers complained they had to put off planting decisions or rely on guesswork as state and federal agencies took their time in determining their water allocations. However, some crops require advance contracts, meaning decisions had to be made.

Bureau officials have said they will make a greater attempt in future years to announce all of their initial allocations in February.

"Any surface supplies are welcome in the San Joaquin Valley," the Fresno Farm Bureau's Jacobsen said. "It hopefully provides growers a little more certainty for next year's allocation. But the only certainty with the Bureau of Reclamation is uncertainty of what the water allocation will be."