

Yakima Plan: Not yet shovel-ready

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By Karl Forsgaard

In the Washington State Legislature's 2013 session, the proposed funding of Yakima Plan "early action items" grew from \$23 million to \$134 million after they were included in the new Governor's first "jobs" bill. The underlying premise is that these "early action items" are all "shovel-ready," but are they? For this massive construction project, the State's largest since WPPSS, have project planning, engineering, environmental review and permitting advanced to the stage where laborers may immediately be employed to begin work? Do the proposed irrigation dams meet federal economic tests—or is the State planning to pay the full cost of \$5 billion, or more?

In fact, they do not meet these tests. The Yakima Plan is not yet shovel-ready.

Plan components

Some but not all components of the Yakima Plan may be worthy of support or potentially so. For example, State acquisition of the private forestlands of American Forest Land Company (AFLC) and Plum Creek would keep those lands in forestry, avoiding development and loss of forestland. Certain water storage projects may make sense, after they have been designed and undergo environmental review (we are not there yet) and pass economic muster. Fish passage projects may benefit salmon, although it remains to be seen how these projects would work in the context of irrigation dams with reservoirs that dry up in summer. The Plan contains some water conservation provisions, and it calls for some Wild & Scenic River designations.

Unfortunately, the Yakima Plan's defects overwhelm its other components, compelling opposition. The U.S. Bureau of Reclamation and State Department of Ecology seek to construct two new dams in the Yakima Basin, including a dam that would drown and destroy more than 1,000 acres of ancient forest at Bumping Lake (including Critical Habitat for the northern spotted owl), and establish two new National Recreation Areas for off-road vehicles (ORVs). The proposed Wymer dam on Lmuma Creek has a benefit/cost ratio of 0.31 (31 cents of benefit for every dollar spent), a major money loser for taxpayers. The Plan provides for inadequate water conservation, and inadequate wilderness protection. The Plan was developed by a defective process, and with defective economic analysis. The Governor's policy bill in the State Legislature would endorse the Plan, and thus would endorse all of these defects. We cannot support this.

State legislation

We previously reported that in January 2013, a hearing was conducted in the State House on the policy bill that became Governor Inslee's request legislation. In February another hearing was held in the State Senate, including testimony from NCCC. By April, the Senate Capital Budget proposed more than \$134 million to fund Yakima Plan early action items, while the House Capital Budget proposed \$45 million. The main difference between their total amounts was that the Senate Budget would acquire AFLC's Teanaway forestlands with a single payment (about \$99 million), while the House Budget would acquire that land with an initial payment of about \$10 million and the remainder spread out over five biennia (with consequent cost of interest).

As of May 2013, Yakima Plan proponents continue to seek funding of "early action items" in the State Capital Budget, which may not be decided until the end of the current Special Session(s) of the State Legislature. These early action items include some related to the proposed dams at Bumping Lake and Wymer, unofficially reported as including a "fatal flaw" study for each dam, but the budget legislation does not specify such studies. The House Capital Budget appropriates \$45 million for the Yakima Plan including \$500,000 each for the Bumping enlargement and Wymer Reservoir. The Senate Capital Budget, on the other hand, appropriates \$32.1 million for Ecology's "Yakima River Basin Water Supply" account without specifying component amounts.

The early action items in the proposed Budgets do not include anything related to the proposed National Recreation Areas for ORVs on federal lands, since those land designations would require an act of Congress, but the National Recreation Areas for ORVs are included in the Plan, and the State Budget-related policy bill does endorse the Plan, and thus the State policy bill indirectly endorses the National Recreation Areas for ORVs.

Final Ross Report

Many conservation organizations participated in the so-called "Ross process" of meetings facilitated by Bill Ross from September 2012 to January 2013. This process focused on conservation community concerns about public land designations proposed in the January 2012 memo of the Yakima Workgroup's Lands Subcommittee. These

designations include two proposed National Recreation Areas on National Forest lands in the Cle Elum District that were intended to “lock in” ORV use at existing levels and “footprint.”

In February 2013, Mr. Ross submitted his “Final report of the Washington State Public Lands Advocacy Workgroup.” Its recommendations include items reported in the Winter 2013 issue of *TWC*: change the proposed areas’ name to National Conservation and Recreation Area; shift the boundaries south and east; and set up a stakeholder process to develop management plans.

As the final Ross report states, the report should not be interpreted as something that all of the Ross meeting participants endorsed. Major concerns continue to exist, and we hope they will be addressed in the coming months. These concerns include balance between motorized and non-motorized recreation, protection of habitat and water quality, and protection of wilderness and wild and scenic rivers. The Ross process did not resolve these concerns, and they still need work. NCCC engaged in the Ross meetings to give constructive feedback and help improve the Subcommittee’s proposal (to make the bad precedent less bad). Indeed, the report incorporates some ideas that came from the Yakima Plan’s strongest critics, which demonstrates that you do not need to support the Plan in order to be “at the table”; you do not need to support the Plan in order to be heard. We urge the Lands Subcommittee to communicate with us as the Subcommittee continues its work.

Campaign messaging errors

In lobbying for passage of the policy bill and State Capital Budget provisions for the Yakima Plan, and in recruiting new supporters for their campaign, some Yakima Plan proponents have engaged in hyperbole and nondisclosure. They have promoted the false premise of universal support for the Plan, thereby overstating their support, hiding the existence of controversy in the environmental community, and hiding the existence of opposition from conservation organizations that greatly outnumber those who support the Plan. They have also tried to hide the Plan’s promotion of ORV impacts. They tell the public that the Plan has been changing, but in fact it has not changed in over a year, since the March 2012 Final EIS (which incorporated the NRA Proposal without public comment).

State Senator Karen Fraser co-sponsored the policy bill, and during the Senate Ways & Means Committee hearing on February 21 she expressed surprise to discover it has hidden ORV impacts: “but I’m really puzzled by hearing about part of the Plan includes, you know, off-road vehicle recreation; I’ve never heard of that being part of a water resource plan before” She noted that by endorsing the bill and the Plan, the committee would be endorsing the ORV provisions in the Plan. Senator Fraser is a Senate veteran and an ORV expert—how did she get surprised by that? Apparently, the bill she co-sponsored was sold to her with nondisclosure.

The Yakima Plan would designate two National Recreation Areas (NRAs) to “lock in” off-road vehicle use on the trails and backcountry of National Forest lands in the Cle Elum District, putting more machines into the headwaters, which is bad for water quality, bad for fish, bad for wildlife habitat, and bad for the recreational experiences of the non-motorized majority of human users of our National Forest backcountry. The Plan would set bad national precedents involving NEPA and SEPA, off-road vehicle management, the Endangered Species Act, and the Federal Advisory Committee Act. Then-Governor Christine Gregoire erroneously asserted that “everybody” agrees with the Plan, which is not true, and never was true. The Yakima Plan is highly controversial in the Washington State conservation community, and more than 30 conservation organizations including NCCC have stated objections and/or concerns about the Yakima Plan.¹ An even larger number, more than 40, have refused to support the Yakima Plan, including prominent organizations that have been publicly silent on it.

The minority of conservation organizations that support the Yakima Plan are led by these four (all based out-of-state): American Rivers, National Wildlife Federation, Trout Unlimited and TWS. In January, their attorney testified in the State House (on the Ecology request bill that became Governor Inslee’s policy bill): “It doesn’t please everybody on the far left, it doesn’t please everybody on the far right, but it has the support of virtually everybody in the middle.” This is a peculiarly anti-Environmental statement, coming from the advocate for American Rivers, National Wildlife Federation, Trout Unlimited and TWS. If you characterize three-quarters of environmental groups as “far left” or “far right,” then you should expect that three-quarters of environmental groups will not want to work with you. They will also challenge the accuracy of what you said to the Legislature. Audubon, Sierra Club, The Mountaineers, and the Issaquah Alps Trails Club are neither “far left” nor “far right.”

Perhaps due to such mischaracterizations, in January the new Governor’s transition team briefing memo on environmental issues erroneously suggested that there is universal support for the Yakima Plan. We were able to correct that error, but it raises the question of how many other decision-makers have been misinformed about the existence and magnitude of the controversy.

Other than *The Wild Cascades*, it appears that reporters at the online news websites *Crosscut* and *Seattle P-I* are the only other Puget Sound journalists who have reported on the controversy within the environmental community over the Yakima Plan.

Just last month, another organization erroneously reported to its members that some of the state's largest conservation groups have worked hard to create the Yakima Plan, including the Washington Environmental Council, Forterra, and the Trust for Public Land. In fact, WEC, Forterra and TPL have never attended any meetings of the Yakima Workgroup; they did not create the Yakima Plan.

The Yakima Plan is the largest project in Washington State since WPPSS. It is highly significant and highly controversial. A large volume of information is available at the Sierra Club website on the Yakima Plan:

washington.sierraclub.org/uppercol/ucr/yakima/water_overview.html

¹A March 11, 2012 letter detailing numerous substantive and procedural objections to the NRA Proposal in the Yakima Plan was signed by these 26 organizations: Alpine Lakes Protection Society; Aqua Permanente; Center for Biological Diversity; CELP; El Sendero; Endangered Species Coalition; Federation of Western Outdoor Clubs; Friends of Bumping Lake; Friends of the Earth; Friends of the Teanaway; Friends of Wild Sky; Issaquah Alps Trails Club; Kittitas Audubon Society; Kittitas County Conservation Coalition; Mazamas; MidFORC; North Cascades Conservation Council; Olympic Forest Coalition; Seattle Audubon Society; Sierra Club; Washington Native Plant Society; Wenatchee Mountains Coalition; Western Lands Project; Western Watersheds Project; Wilderness Watch; and Wildlands CPR. A separate March 13, 2012 letter expressing similar concerns, including that the NRA Proposal "undermines" the National Forest planning processes, was signed by American Whitewater; The Mountaineers; and Washington Wild. Organizations that subsequently objected to the Yakima Plan include Leavenworth Adopt-a-Forest and Friends of Seven Rivers.

What you can do

Send Governor Inslee a strong message:

Support water conservation and water banking in the Yakima basin.

Oppose new money-losing dams in the Yakima Basin.

Oppose new off-road vehicle designations in the Okanogan-Wenatchee National Forest outside of the existing National Forest planning process.

Support Wilderness protection for roadless areas in the Yakima Basin, including the ancient forest surrounding the existing Bumping Lake.

Comments may be sent through governor.wa.gov/contact/default.asp. You can also telephone the Washington State Legislature toll-free at (800) 562-6000 (M-F 8:30 am – 12 Noon and 1:00 to 4:30 pm). With one call you can leave a message for the Governor, your Senator and your two House Representatives.
