

ESPA CAMP PUBLIC COMMENT SUMMARY

January 29, 2009

I. OVERVIEW

A total of 17 written comments were received by the Idaho Department of Water Resources regarding the Eastern Snake Plain Comprehensive Aquifer Management Plan (ESPA CAMP) between December 5, 2008 and January 5, 2009. These comments were analyzed and organized into themes, as outlined in this document (Funding, CAMP Document, Implementation of Phase I and Legal/Public Context). The first section gives an illustration of the types of comments received by category. A summary chart is included to show the frequency of issues raised¹.

The majority of the comments center on how the CAMP is going to work once it is on the ground. In other words, the questions pertain more to *how* to go about implementing the CAMP, rather than *whether* to implement the plan. In terms of the *how*, clarification is sought as to how the CAMP will be funded, how changes will be made to the document, how the adaptive management will inform decision-making, how the Phase I recommendations will be carried out,

For the most part, those opposed to the plan challenge *whether* the plan goes far enough or too far, whether the funding sources are appropriate, whether their specific interests were adequately represented, whether an administrative/legal remedy might better address the problem, and whether the data informing the CAMP is adequate.

II. FUNDING

Funding Mechanism

- Pay As You Go
- Mechanism needs further development
- Legislative authority for fee collection for Water Districts
- Annual accounting of funds and legislative audits
- Creation of water management improvement districts unnecessary considering pre-existing water districts
- Unclear and unspecific in relation to funding mechanism
- Lack of funding should not deter continued plan development. The Implementation Committee should be empowered to further discuss and develop details to allow for rapid implementation when funds become available.

Cost/fees

- Cost analyses necessary
- Supplemental groundwater rights should only be charged \$1 per acre

¹ Please note that there are multiple issues per letter. If an issue was raised several times by the same individual/organization, it was only counted once.

- A \$25 to \$100 annual water fee for domestics
- If the \$70M to \$100M is not enough, State should provided the additional necessary funds.
- If lands are administratively curtailed, the CAMP fees should not be assessed against the landowners.
- CAMP should be amended to abate fees on entities that have not converted away from irrigation practices that provide recharge benefits.
- The plan must be adequately funded to compensate spring users for water that has disappeared and will not recover.
- Payment/fees for agriculture should be paid to WD 01, 110, 120, 130, 140

Funding Sources

- Inclusion of domestic users
- State should pay
- *State pay for it all by taking a portion of the sales tax to create a state-wide water fund.*
- Senior water users should not have to mitigate their own shortage
- Unfair that those asked to provide water, facilities for recharge are being assessed to solve problems (Who pays?)
- Remove the canals of the Great Feeder Canal system from the tax formula
- Assess a per acre foot water charge for all water rights holders in Idaho to pay for the CAMP.
- A fee structure in which canal irrigators pay less per acre than well irrigators.
- Fees on individual wells should be earmarked for senior water rights buy-outs, buy-downs or permanent subordination agreements
- Cannot support providing same level of funding that would be required of junior priority rights.
- Irrigation entities cannot keep doing vast amounts of recharge and be charged the same or more as those who have had a detrimental impact on the aquifer

III. CAMP DOCUMENT

General

- More details needed on implementation
- Appendices should not be interpreted as guidelines or policies (it is not their intended use); be clear that the Advisory Committee did not endorse these reports due to level of uncertainty.
- Change the last sentence in the Executive Summary to: The purpose of this plan is to achieve change in the hydrologic budget of the ESPA. Neither the plan, nor implementation of its proposed actions, shall constitute mitigation for any junior priority water right (surface or groundwater) for purposes of water right administration.

Goals

- Unrealistic goals (especially in relation to agriculture and feasibility of buy-downs)

- Does not contain specific aquifer goals (aquifer level to be achieved, spring flow levels to be achieved, or objective standards that could be used)
- Goal should be to maximize spring flows as quickly as possible
- Should identify goals for reach gains and groundwater levels to ensure that surface and groundwater rights will be satisfied.
- Need to recognize that the full extent of the budget change may not occur within ten years due to variables such as type of measure and where and when it is implemented.
- 2030 timeframe too long
- A stabilization goal and timetable must be set.

IV. IMPLEMENTATION OF PHASE I ACTIONS

General

- Pilot programs (recharge, surface water conversions, crop mix programs, demand reduction) should be split to allow for one above and one below American Falls
- Pilot programs should be used
- Should consider impacts of climate change:
 - *The impact of climate induced changes in the amount and pattern of precipitation;*
 - *Increased evapotranspiration and crop irrigation requirements caused by rising temperatures;*
 - *Increased surface water temperatures;*
 - *Higher summer demand for electricity; and*
 - *The increasing value of low carbon producing hydroelectricity.*
- Prioritization of Phase I management strategies needed
- Phase I actions unrealistic
- Benefits of downstream transfer policy to recreation, ecosystem, fisheries and aesthetics

Recharge

- Reductions in recharge could be accomplished by flood irrigated entities
- No compensation for incidental recharge
- Not being developed or encouraged enough
- Proposes a recharge option for city that would allow cities to sink surface water in exchange for groundwater to support growth, dealt with peak demand and assure water quality
- Balance measures that increase water supply through demand reduction and targeted conservation with measures that divert surface water to recharge the ESPA.
- The CAMP Policy Favoring Downstream Transfers for Recharge and Conversions Can Benefit both the Aquifer and the Snake River.
- Do not amend the recharge recommendations.
- Following measures need to be adopted by the Board to ensure mitigation of recharge and conversions: Section 3.2.2.#1, #2, #3 & #6

- The policy encouraging continuation of incidental recharge has some merit as a form of underground water storage, but should not be rigidly pursued
- In some instances, increased conveyance or irrigation efficiency may permit water managers to use that saved water to purposefully meet specific ESPA objectives more effectively than general incidental recharge.
- Need specific actions/projects for aggressive recharge to quickly enhance spring flows
- Concerns about CREP as a temporary solution; proposes funds be used to find a permanent solution, such as infrastructure for recharge
- IDWR should use groundwater trace tests to identify best areas for recharge
- Benefits of downstream transfer policy to recreation, ecosystem, fisheries and aesthetics

Storage

- The recommended ESPA CAMP only calls for new water storage in the form of recharge—a form of storage that is environmentally preferable to new dams.
- No new dams
- Must consider using the aquifer as storage through water banking.

Conversions

- Conversions need to be carefully implemented to avoid adverse affects on upper Snake stream flows.
- Following measures need to be adopted by the Board to ensure mitigation of recharge and conversions: Section 3.2.2.#1, #2, #3 & #6
- The CAMP Policy Favoring Downstream Transfers for Recharge and Conversions Can Benefit both the Aquifer and the Snake River.

Weather Modification

- The Proposed Pilot Weather Modification Program Should Have a Full Monitoring and Community Outreach Effort.
- Comprehensive monitoring plan to measure water yield in target areas, impacts on downwind precipitation, and environmental effects.
- The State should suspend weather modification activities during heavy precipitation periods when additional rain or snow may have adverse consequences on wintering game, public safety, flooding, or other factors.
- As part of the pilot program, the State should consult county commissions and the public in areas affected by planned weather modification activities and develop an outreach plan for these communities.
- Clarify the federal approvals and processes required for weather modification.

Demand Reduction

- Demand reduction and conservation can help provide a reliable water supply for recharge and conversions without further harming the Snake River.

- A more effective approach to demand reduction requires being responsive to landowner needs and flexible in the face of changing economic and water supply conditions.
- Develop programs that target the least costly water first.
- The highly variable nature of the acquisition costs should serve as a caution against attempts to put a total price tag on the demand reduction program.
- Proceed initially through pilot programs that offer targeted incentives and that help program managers to understand interest levels and prices.
- It must be stressed that reducing agricultural production is nobody's objective.

Conservation (Fish & Wildlife)

- Demand reduction and conservation can help provide a reliable water supply for recharge and conversions without further harming the Snake River.
- Enhance fish & wildlife habitat and management objectives through: 1) a forum in which timely water management and river operations information is shared; (2) a commitment to consider operational strategies that assist fish and wildlife and other river uses; (3) support for establishing science-based strategies for integrating fish and wildlife considerations into system management; and (4) active collaboration by the interested members and advisors of the ESPA Advisory Committee
- Need precision regarding environmental impacts of any action choice.
- Hydrologic analyses presented to the Advisory Committee demonstrate that it is possible to improve the health of the ESPA without harming the Snake River. The two things that are essential to achieving this result are: (1) to integrate environmental considerations into aquifer management and (2) to balance measures that increase water supply through demand reduction and targeted conservation with measures that divert surface water to recharge the ESPA.

Adaptive Management

- Must include extensive monitoring
- Must include a clear process for change after adoption
- Must inform future funding decisions
- If aquifer is stable, no further programs needed.
- Concern: too vague

Monitoring

- Weather modification
- Domestic well use
- Groundwater levels
- Weather modification
- Each management strategy

Implementation Committee

- Support an Implementation Committee
- Inadequate representation of environmental interests
- Should develop detailed plan ASAP

- Membership of the Advisory Committee should include members of Legislature and Executive Branch to ensure oversight of fund
- IWRB to approve all projects
- The Committee should also be charged with establishing a coordination process that shares timely information on river and aquifer management actions, makes recommendations and provides opportunity for public involvement.
- The Implementation Committee should include at least one member of every interest group represented on the Advisory Committee (including the conservation community).
- The Water Resource Board could use the Clearinghouse mechanism to create procedures for the development, approval and sale of plans that address water resource needs identified in the CAMP.
- The leadership of the State and the Board should provide direction and financial support for CAMP implementation.
- Require assurance that substantive changes to the Advisory Committee plan will not occur without CAMP Implementation/Board approval.
- Need to prioritize Phase I management actions

Alternatives

- Suggestion: Outright purchase of water rights/private irrigated land
- Restore beneficial flows to spring systems and the Snake River
- Inadequate exploration of alternatives

V. LEGAL/PUBLIC CONTEXT

Legal/policy implications

- Respect of NEPA
- Impact on listed species
- Clarify required federal approvals/processes
- Legality of draft language regarding diversion facilities
- Impact on senior water rights
- Protection of existing water rights (first in time, first in right).
- Administrative curtailment should be considered

Stakeholder Involvement

- Views not considered
- A model of collaboration
- Should pursue cooperative agreements
- Developers and municipalities should be seen as equal stakeholders
- Train city officials and developers in water management
- Insufficient representation on the CAMP of the majority of surface and groundwater entities

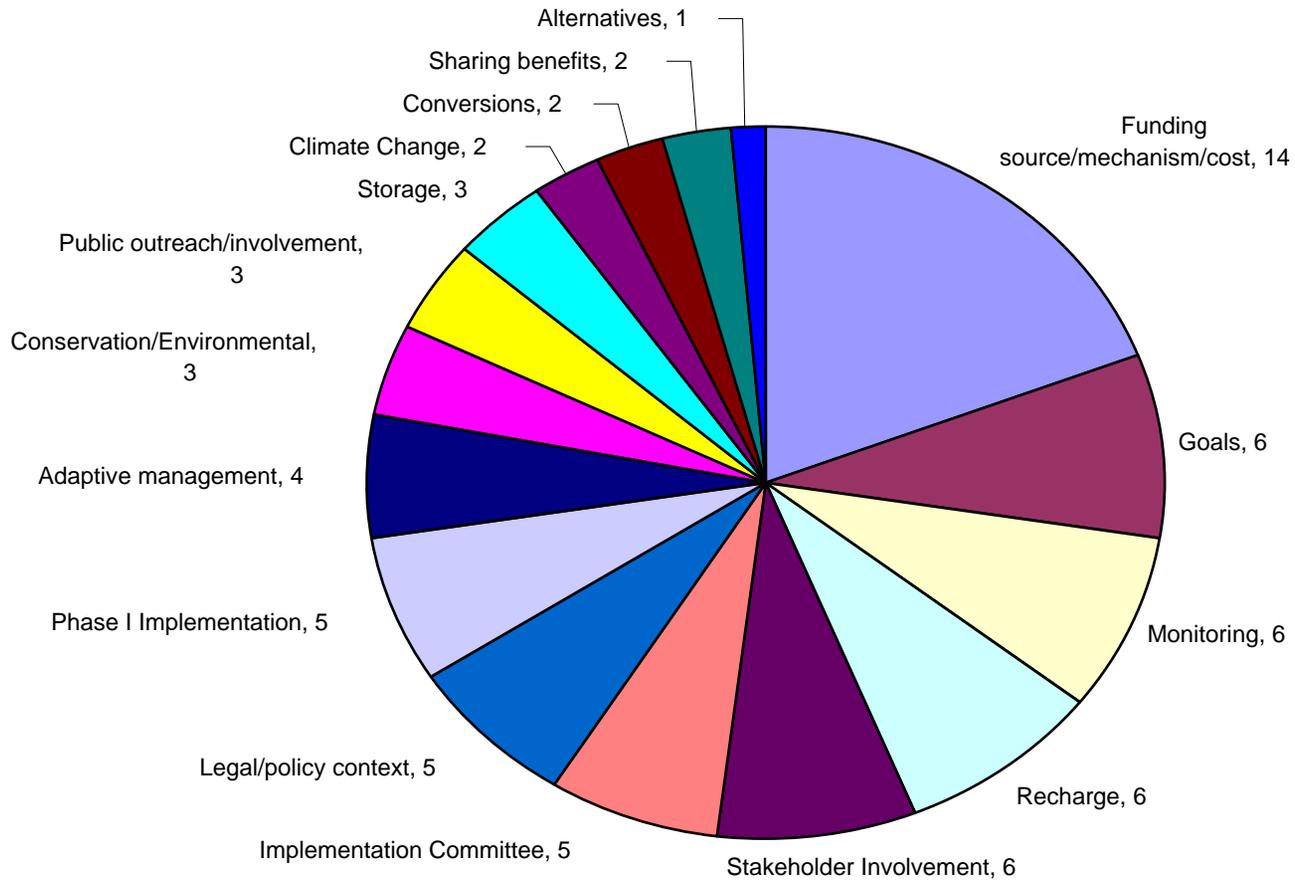
Sharing Benefits

- Seems unfair that the agricultural and dairy interests should get all the water of the Snake River, leaving none for other user groups such as recreation and fish.
- The Board should pursue opportunities for cooperative arrangements that may expand the scope of, or resources available to, a program by providing complementary benefits to environmental interests, such as fish & wildlife or water quality, hydropower, recreation or other third party interests

Public outreach

- The Proposed Pilot Weather Modification Program Should Have a Full Monitoring and Community Outreach Effort.
- Public input needs to be assured in implementation
- Should include outreach to municipalities and developers

ESPA CAMP Public Comment Analysis, By Issue



Public Comment Sources

Date Received	Name	Affiliation	Method Received
05-Dec-08	1. Vince Alberdi	Surface Water Coalition	Email (through Hal)
09-Dec-08	2. Jon Marvel	Western Watersheds Project	Email
09-Dec-08	3. Olin and Shelley Gardner	Idaho Guide Service	Email (through Bob McLaughlin)
09-Dec-08	4. John MacMillan (Randy)	Clear Springs Foods	Email pdf attachment
16-Dec-08	5. Kent Fletcher	Minidoka Irrigation District	Mail
14-Dec-08	6. Rebecca Casper	Land Development Concerns	Email
05-Jan-09	7. Ty Mack	Friends of the Teton River	Email
05-Jan-09	8. Anita Kay Hardy, Gregory Kaslo	Idaho Trout Company	Hand Delivered
05-Jan-09	9. Dan Temple	A&B Irrigation District	Mail
05-Jan-09	10. Harold Johnson		
05-Jan-09	11. Lynn Tominaga	Idaho Ground Water Appropriators	Email
05-Jan-09	12. Don Hale	United Canal Company	Email
05-Jan-09	13. Linn Hawkins	Great Feeder Canal Co.	Email
05-Jan-09	14. Kim Trotter	Trout Unlimited	
05-Jan-09	15. Linda Lemmon		
05-Jan-09	16. Jim Tucker	Idaho Power Co.	
05-Jan-09	17. Bill Jones		

Addendum: Reaction to Public Comments from Advisory Committee Members – (from January 8, 2009 Teleconference call)

The Advisory Committee acknowledges that while the CAMP isn't perfect, it would be a mistake to make a major changes to the document at this time. There is a need to move forward way that it is written without substantive changes (minor grammatical changes are acceptable).

The Committee recommends that the Board respond to the themes present in the comments and include their responses in an appendix to the CAMP. Should the Board wish to have input from the Committee, then they are willing to advise on specific concerns.