



CLEAN, FLOWING WATERS FOR WASHINGTON

The Center for
Environmental Law & Policy

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Conservation group seeks to invalidate proposed Quad Cities water permit

Center for Environmental Law & Policy cites violations of state laws, public policy conflicts, lack of evidence that withdrawals will not harm salmon

Seattle, WA. The Center for Environmental Law and Policy (CELP), a non-profit water resource advocacy group, is seeking to invalidate a recent decision by the Washington State Department of Ecology to allow the Quad Cities to withdraw 80,000 gallons of water per minute (equivalent to the water supply for Seattle and 28 surrounding utilities) from the Columbia River. The Quad Cities (which include Kennewick, Pasco, Richland, and West Richland) are seeking the water for unspecified industrial, commercial, and municipal uses.

CELP's notice of appeal, filed Wednesday with the Pollution Control Hearings Board of Washington, outlines an array of problems with both the proposed permit and Ecology's overall management of the Columbia River. It cites violations of environmental protection laws, public policy conflicts, and a lack of evidence that the withdrawals will not harm endangered salmon or undermine the public interest.

"We're appealing the permit because Ecology hasn't done its homework. Many people depend on the Columbia River - not only for a living, but also for a certain quality of life. They deserve a responsible planning process that conforms with state law and balances demands for water with long-term supplies," says Shirley Nixon, CELP's Staff Attorney. "Ecology's findings lack the study and analysis to warrant a passing grade."

Several sections of the Columbia near the Quad Cities fail Federal Clean Water Act standards, due in part to reduced river flows. Nearly 40% of the average natural flow of the river at McNary Dam (about 40 miles downstream from the Quad Cities) is already withdrawn (mostly for irrigation). And with hundreds of users not yet taking all of the water they are permitted to use, flows on the Columbia are likely to continue dropping, even if Ecology issues no new water rights.

State law requires Ecology to ensure that Washington's rivers retain adequate flows to support fisheries and other environmental values. Though Ecology earlier stated consideration of the Quad Cities permit would require comprehensive analysis under the State Environmental Policy Act (SEPA), no such independent study was completed. Among other things, a SEPA analysis would review specific impacts on river ecology, pollution control and other quality of life issues.

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Ecology's decision on the permit also appears to be out of step with state and national salmon recovery policy. The Statewide Strategy to Recover Salmon (issued by the Governor's Joint Natural Resource Cabinet) calls for a halt to new Columbia water rights until new minimum stream flows are set for the river. The U.S. Bureau of Reclamation, B.C. Hydro of Canada, the Bonneville Power Administration, and several Indian tribes are also actively seeking to improve salmon habitat by restoring water to the Columbia.

The proposed withdrawals could impact the Hanford Reach and the McNary National Wildlife Refuge, located north and south of the Quad Cities. Both areas are considered critical to preserving what remains of the Columbia's once abundant salmon runs and wildlife populations. Historically, Ecology has not required metering or reporting of most water withdrawals. It lacks basic water use data about thousands of water rights, and no comprehensive 'water budget' that balances water supply and demand for the river has ever been created.

"Without that information, it is impossible to determine if water is really available for new withdrawals from the river without endangering fish, wildlife, tourism, or other public interests," says Karen Allston, CELP's Executive Director, adding, "the Department of Ecology is letting the Columbia River suffer a 'death by a thousand withdrawals'. The intent of this appeal is to hold Ecology accountable to their legal mandate to protect a public resource."

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A copy of the Notice of Appeal, Attachments to the appeal, and a timeline of the Quad Cities permit application is available at <http://www.celp.org/pressreleases.html>.