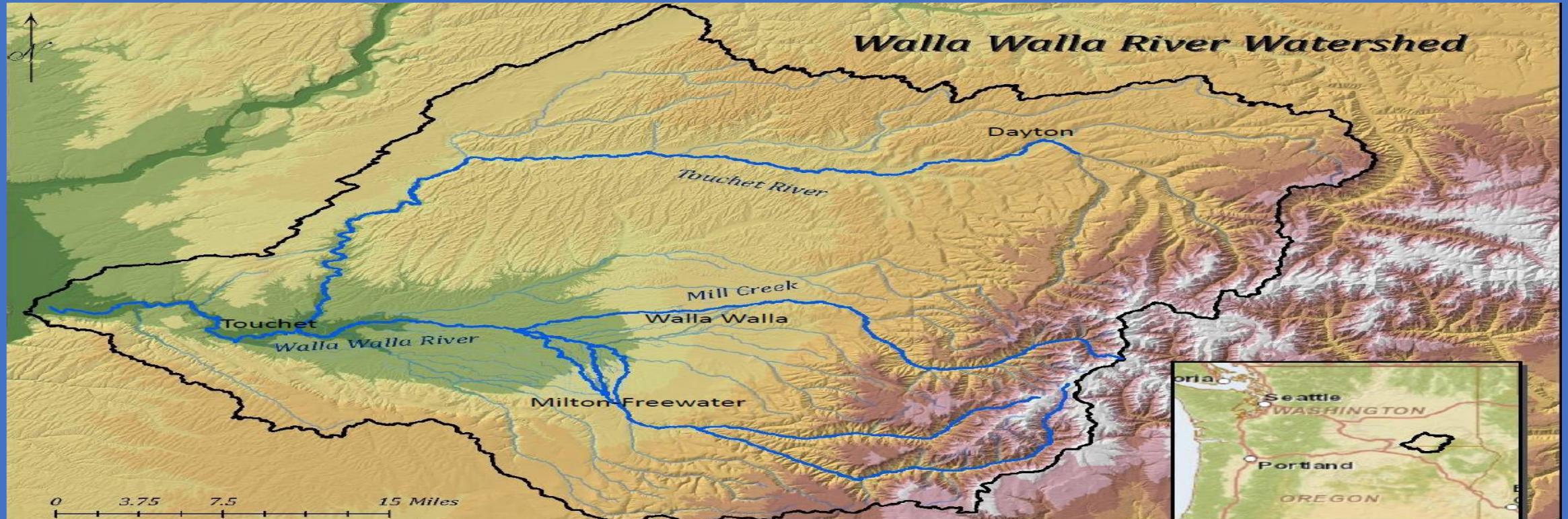


Walla Walla River Watershed Transboundary Water Management Challenges & Opportunities



Chris Marks

DNR First Foods Policy Program Manager

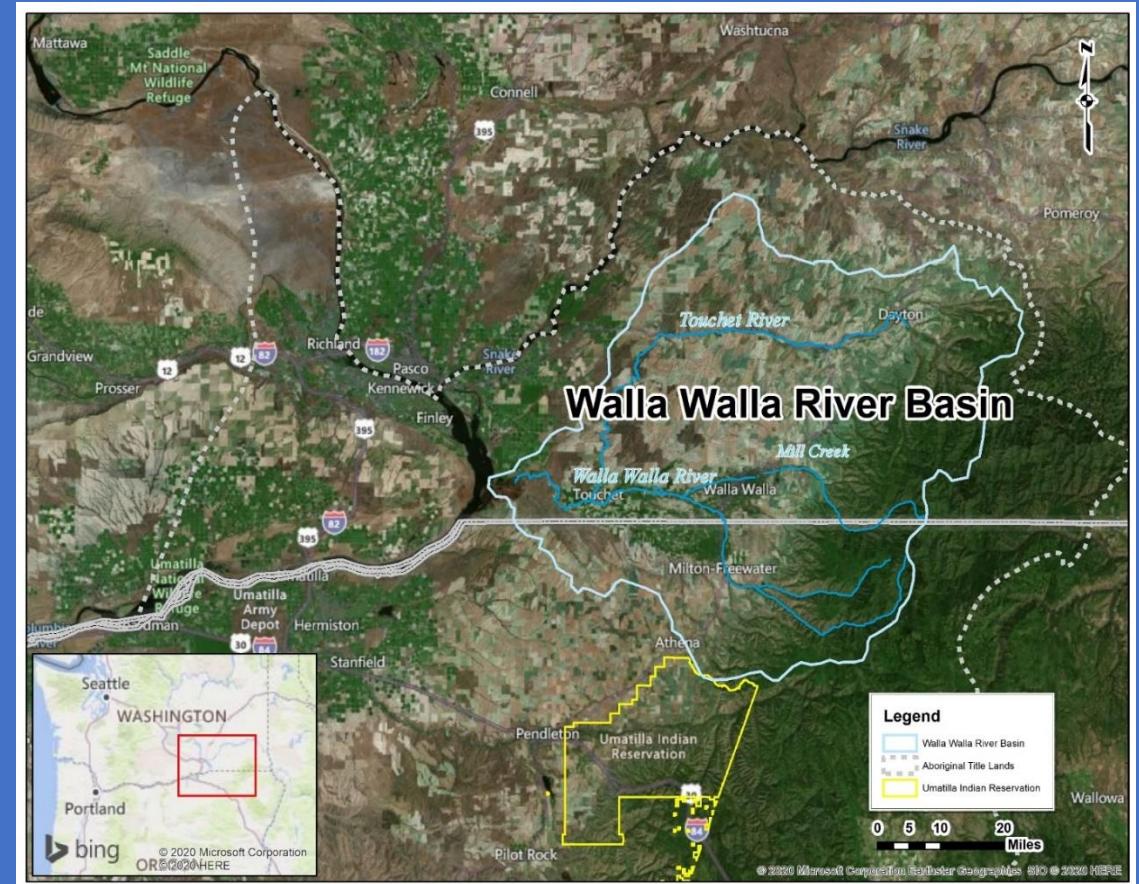
Confederated Tribes of the Umatilla Indian Reservation

LCRG Annual Meeting

August 10, 2022

Presentation Outline

- Walla Walla Watershed Background
- Transboundary Challenges
- Transboundary Opportunities
- Next Steps



Walla Walla Watershed Background

Treaty signed on banks of Mill Creek by the Umatilla, Cayuse, and Walla Walla Tribes;

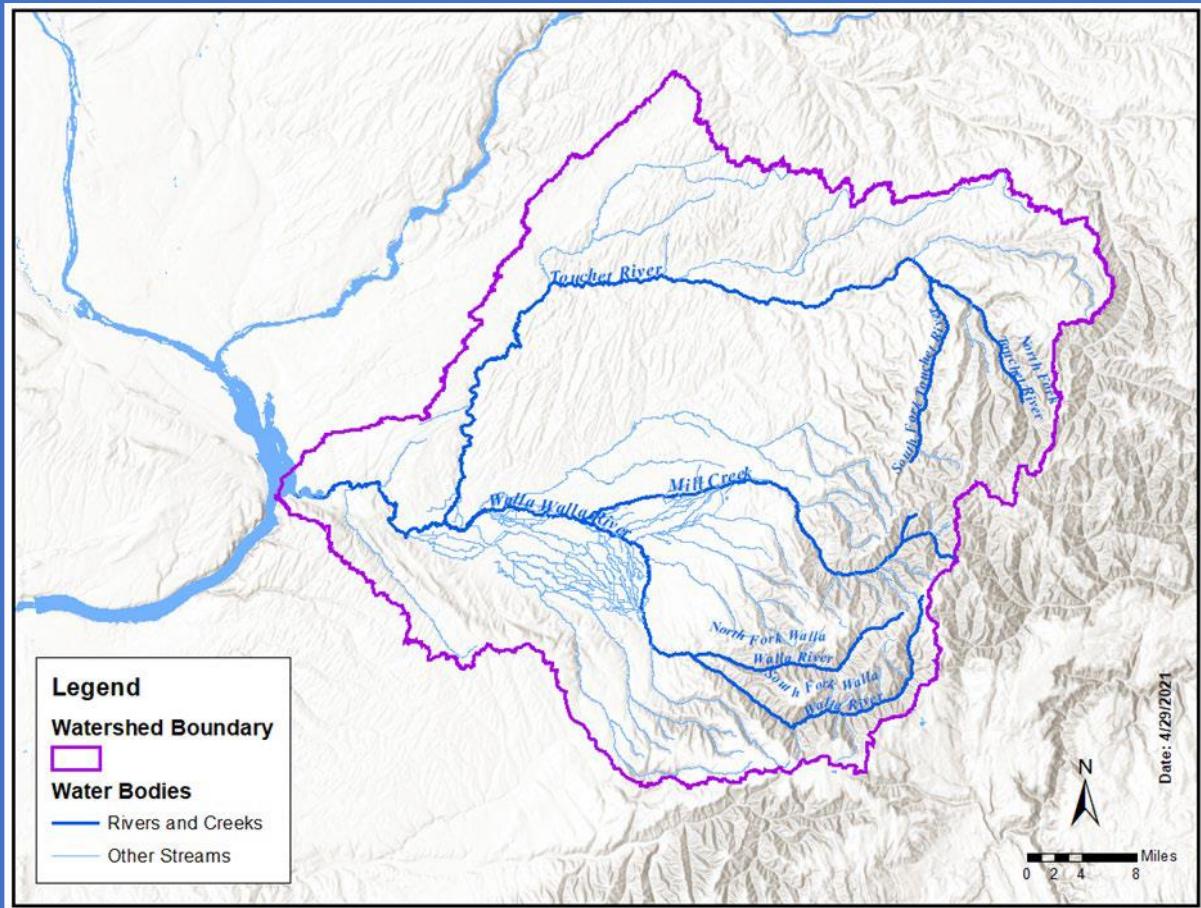
Treaty reserved right to take fish at ***“usual and accustomed stations . . . in common with citizens of the territory”***;

Inherent in this is the maintenance of habitat (such as instream flow) necessary for the right to be exercised;

Spring Chinook salmon, summer steelhead, and bull trout all important to Umatilla Tribes' culture and subsistence.



Walla Walla Watershed Background



- Rain and Snow fed system
- Streamflow Discharge Variation
- Glacier & Flood Deposition
- Extensive Alluvial Aquifer
- Legal Complexity
- Agriculture Based Economy
- Growing Population

Streamflow Discharge Fluctuations

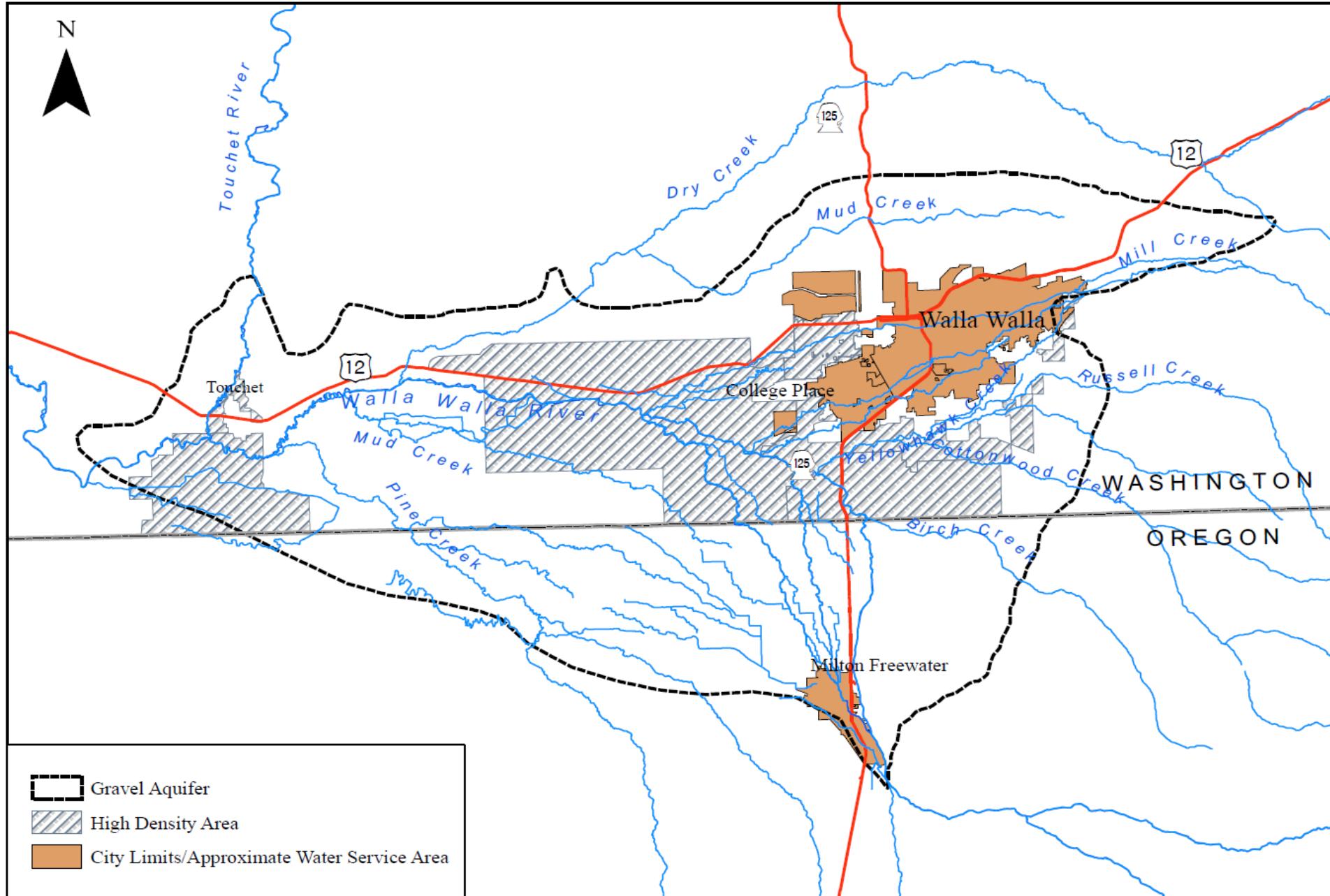


April 2019



June 2019

Zoning and Approximate Extent of Gravel Aquifer in Walla Walla County



Legal Complexity

- **1926 WA / 1932 OR Adjudication**
 - Determination for each water right on a source
 - Surface water only
 - Water supplies necessary to support CTUIR Treaty reserved rights were not considered
- **1936 US Supreme Court Washington v. Oregon**
 - Established that Oregon has priority over Washington
 - Adds complexity to an over-appropriated basin
- **1990's ESA Listings**
 - Bull trout (*Salvelinus confluentus*) listed as threatened in 1998 under 50 CFR § 17.31(a); Mid-Columbia summer steelhead (*O. mykiss*) follow suit in 1999
- **2007 WA Instream Flow Rule: Chapter 173-532 WAC**

Transboundary Challenges: Water Supply

Water Supply Over-Allocation Both States

- Groundwater
- Surface Water

Separate State Water Laws/Limited Ability for Management Coordination

Tribal Water Rights Not Formally Recognized

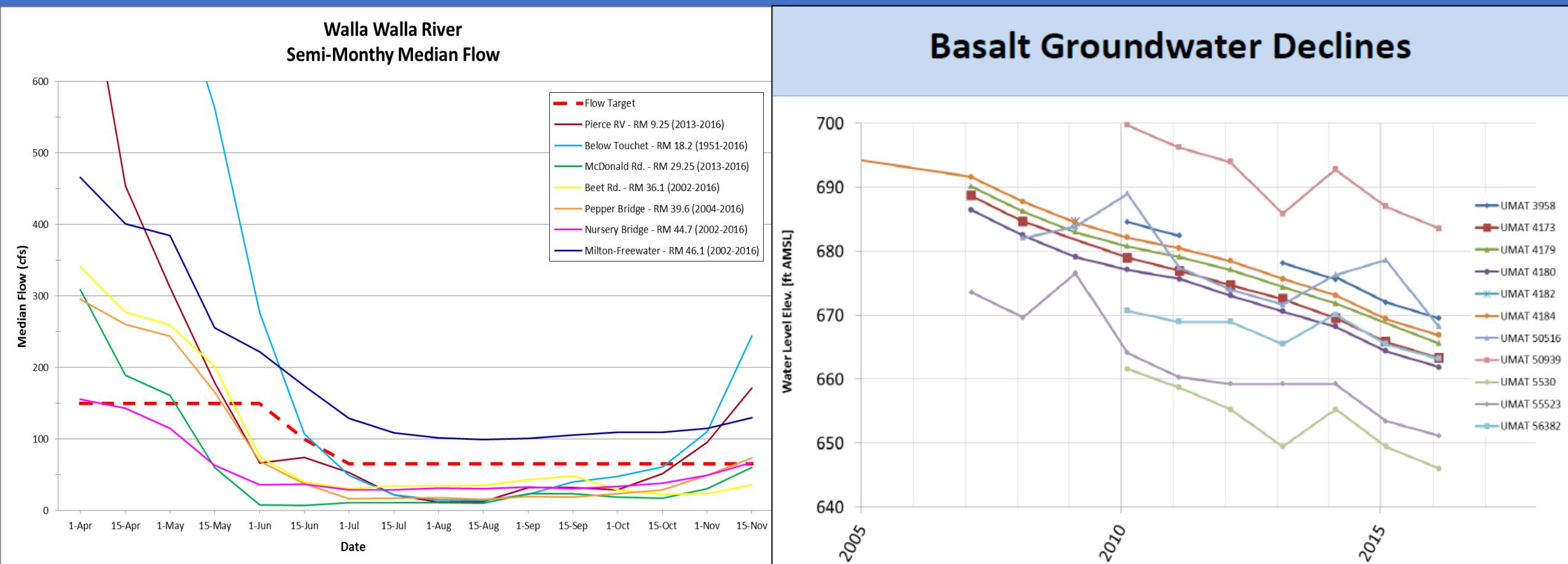
ESA & Culturally Significant Species Needs Unmet

U.S. Supreme Court Case

Degraded Watershed Ecological Processes (Floodplain Connectivity/GW Recharge)



Transboundary Challenges: Water Supply



Transboundary Challenges: Floodplain



5 Mile stretch Nursery Bridge Walla Walla River

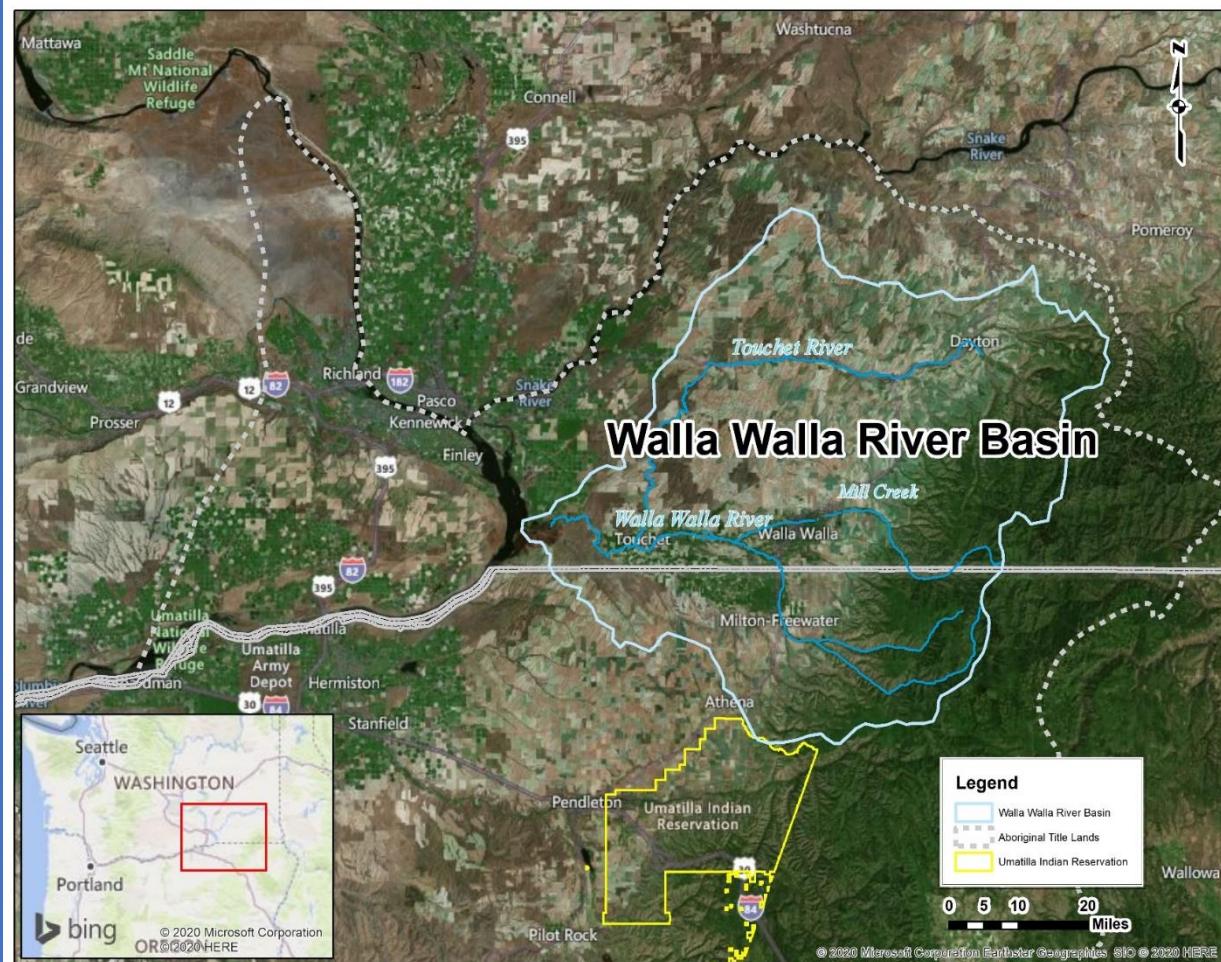


Figure 11.—Walla Walla River in the 1964 flood showing meanders in a channelized section near Milton-Freewater. (Source: OSU Archives)

Transboundary Challenges: Floodplain

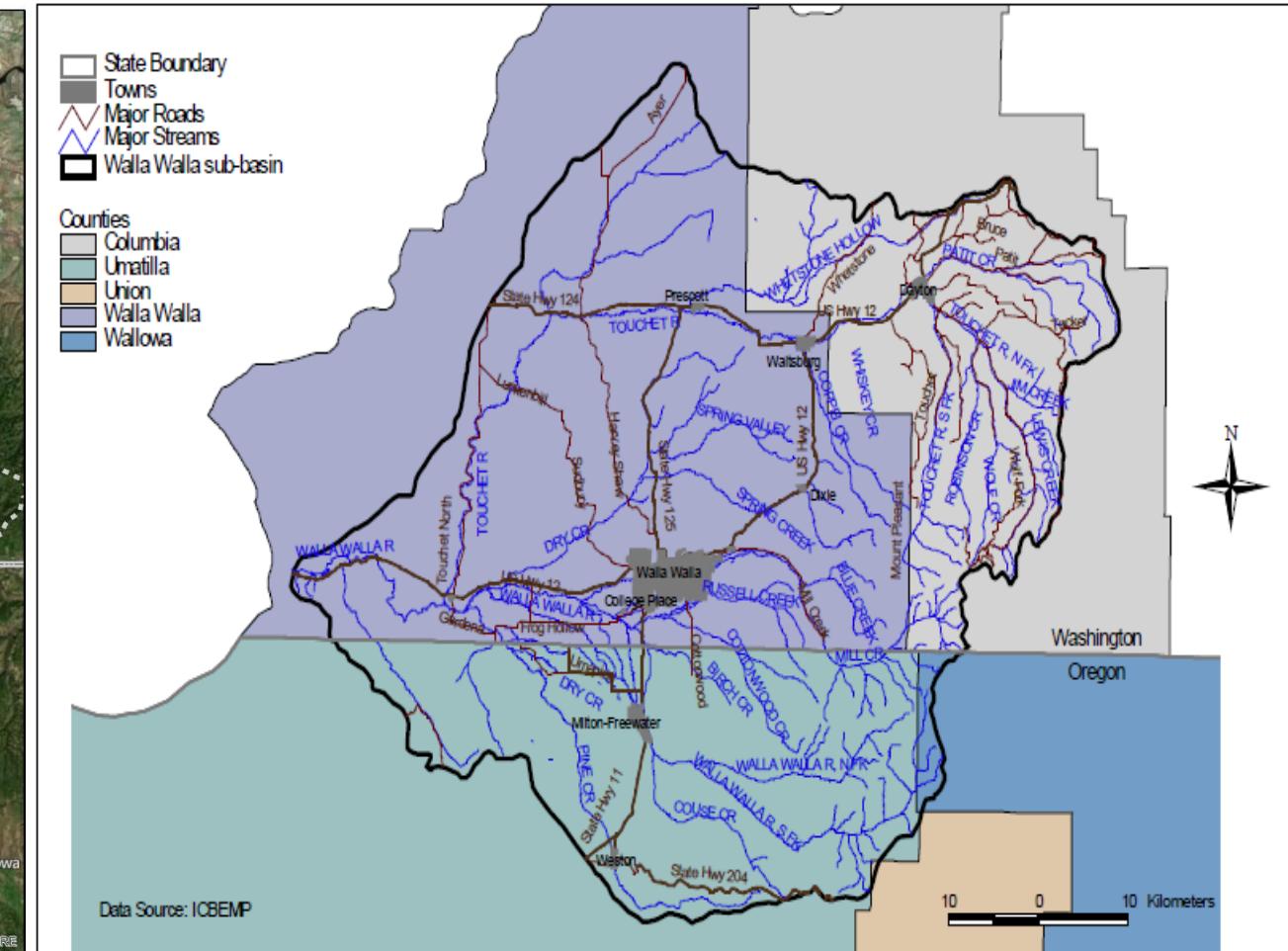


Transboundary Challenges: Jurisdiction



Bi-State Watershed

CTUIR Aboriginal Title Lands



Local Governments

Federal Government

Transboundary Challenges: First Foods

Treaty Rights Links

Water

Salmon

Deer

Cous

Huckleberry

Water Rights
-Instream
-Consumptive

Fishing
Rights

Hunting
Rights

Gathering/Grazing
Rights

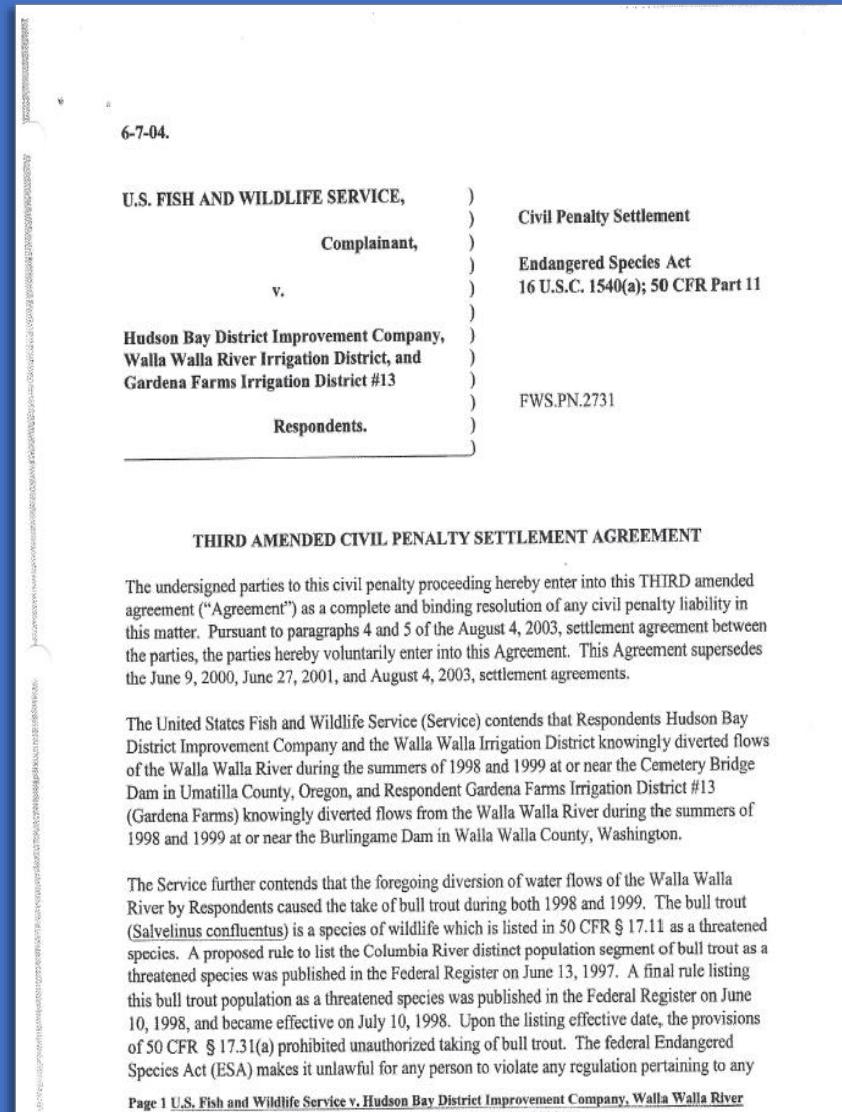
First Foods sustainability;
First Foods that are safe to eat;
Protected, useable access; and
Ability to celebrate, share First Foods.

Transboundary Opportunities

- ESA Listings and subsequent lawsuits = call to action

Collaboration or Litigation?

- CTUIR asked to explore Umatilla Basin model in Walla Walla
 - Co-sponsored Walla Walla Basin Integrated Flow Enhancement Study with US Corps of Engineers
- ESA Civil Penalty Agreement – Good Faith Foundation
- Local Salmon and Water Management Modifications and Pilot
 - Salmon Recovery Plan
 - Instream Flow Rules, closures, exempt well limitations
 - Walla Walla Watershed Management Partnership



Transboundary Opportunities

Collaboration is Difficult—Success not Guaranteed

- No Meaningful Flow Restoration
- No Solution to Jurisdiction Challenges
- Increased Groundwater and Climate Change problems and awareness

Collaboration or Litigation Revisited

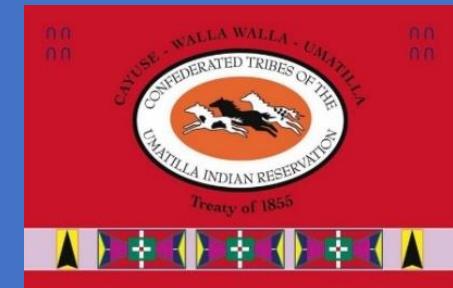
Assess Strategies—Build Upon Past Planning & Coordination— Modify Based on Lessons Learned

- Enhance Sovereign Government Coordination
- Improve Legally Defensible Data for Decision Making
- Develop & Implement Basin-Wide Strategic Plan



Transboundary Opportunities: Tri-Sovereign Coordination

- Long Term Commitment to Walla Walla Basin watershed health
- Retain quality of “The Land of Many Waters”
- Achieve meaningful fish recovery
- Balance both instream and out-of-stream needs
- Manage surface water & groundwater conjunctively across the bi-state Walla Walla Basin
- Provide Support and Leadership to guide complex legal, technical and funding challenges



Transboundary Opportunities: USGS Basin Study

- Multi-year cooperative groundwater study in the Walla Walla Basin with the USGS, WA ECY, and OWRD
- Obtain an understanding of the groundwater-flow system
- Emphasis on the interaction of groundwater and surface water and related hydrogeologic controls
- Concerted public engagement and outreach components



Transboundary Opportunities: Walla Walla 2050 Strategic Planning

Walla Walla Water 2050 Strategic Plan

- 30-year integrated water resource management approach
- Integrates goals and solutions from the basin's diverse stakeholders in both Washington and Oregon
- Strategic Plan Advisory Committee and Workgroups
- Explore interstate agreements
- Phase 1: Plan Developed/Affirmed June 2021
- Phase 2: Implementation underway



Collaboration Next Steps

- **State Adoption/Acknowledgment of Strategic Plan**
 - Draft WA Legislation for 2023 Session
 - Strategy for OR to-be-determined
- **Refine & Advance Strategic Plan Actions**
- **Seek Strategic Plan Federal Partner**
 - Plan implementation and cost-share partner
 - BOR WaterSmart Basin Study Proposal
- **Advance bi-state regulatory framework**



Thank you!

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