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

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

Walla Walla River
Transboundary Challenges: Jurisdiction

Bi-State Watershed
CTUIR Aboriginal Title Lands
Local Governments
Federal Government
Transboundary Challenges: First Foods

- 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/Adopted 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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