



Deschutes Basin Board of Control



Connecting Central Oregon's Water, Land & Environment



2018 DESCHUTES BASIN HABITAT CONSERVATION PLAN UPDATE

OVERVIEW

The Deschutes Basin Board of Control (DBBC), made up of eight irrigation districts in Central Oregon, and the City of Prineville, are working with local, state, and federal agencies to improve fish and wildlife habitat in the Deschutes River and its tributaries by reducing their potential impacts to species protected by the Endangered Species Act.

One of their initiatives is the Deschutes Basin Habitat Conservation Plan (DBHCP). Initiated in 2009, the DBHCP is a multi-species plan designed to improve and enhance fish and wildlife habitat conditions and enable the Districts and City to continue to supply water for irrigation and municipal purposes throughout Central Oregon.

A great deal of credible work has been completed over the last nine years. Early efforts focused on determining which species should be covered by the DBHCP, what activities by the Districts and City might affect those species, and where those effects may occur. The studies identified bull trout, Oregon spotted frog, steelhead trout, sockeye salmon, and spring-run Chinook salmon as the species to be covered by the DBHCP, while other studies examined the effects of District and City activities on habitat. A broad array of surveys and studies focused on a variety of aspects of the Deschutes River, several of its tributaries, and reservoirs in the Deschutes Basin. This work was performed with the input of the U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), U.S. Bureau of Reclamation (USBOR), Confederated Tribes of Warm Springs, and 20 other state and federal agencies and non-governmental organizations (NGOs).

WHAT'S THE STATUS?

With the necessary studies complete, the Districts and City passed a major milestone in December 2017, as they presented their proposed conservation measures—to address their potential impacts on the covered species—to the DBHCP Working Group and stakeholders. In developing these measures, the Districts and City focused on the key criterion for evaluating HCPs, which is whether the plan minimizes and mitigates, to the maximum extent practicable, impacts by the Districts and City on these species. The proposed conservation measures include specific water management measures for Crane Prairie Reservoir, Wickiup Reservoir, Crescent Lake Reservoir, the Deschutes River, Whychus Creek, the Crooked River, Ochoco Creek, and McKay Creek.

Some of the measures outlined in the proposed DBHCP, including a number of measures involving reservoir operations designed to benefit the Oregon spotted frog, are already being implemented, as these measures are contained in a 2016 court-approved settlement agreement between five Districts, USBOR, and two environmental groups. Other measures build off of years-long efforts by the Districts to conserve water and enhance instream flows.

WHAT'S NEXT?

The next step is for USFWS and NMFS to evaluate the proposed DBHCP, and specifically to evaluate the proposed conservation measures, as required by the National Environmental Policy Act (NEPA). The NEPA process was initiated in the summer of 2017 when USFWS led four public scoping meetings in Madras and Bend. The USFWS is now working to select a NEPA consultant team, which will spend the next year evaluating the proposed DBHCP and preparing a Draft Environmental Impact Statement (EIS). Once completed, the proposed DBHCP and Draft EIS will be released for public comment, likely in late 2018 or early 2019. The goal then will be to have a Final EIS and an approved DBHCP by July 2019.

With the approval of the DBHCP, USFWS and NMFS will issue incidental take permits to the Districts and City, and so long as they adhere to the approved conservation measures in the DBHCP and follow the terms and conditions of the permits, the Districts and City will be authorized to continue their operations covered by the permits. The Districts and City are seeking permits that would provide coverage for 30 years.

In the meantime, the Districts and City are continuing to implement an array of conservation projects in furtherance of the objectives of the DBHCP.

RESOURCES

PowerPoint Presentation: National Environmental Policy Act, Endangered Species Act, and Habitat Conservation Plans, August 2017: <http://bit.ly/2mGbJFq>

PowerPoint Presentation: Deschutes Basin Habitat Conservation Plan NEPA meetings, August 2017: <http://bit.ly/2rjDJE6>

Working Group Presentation: Deschutes Basin Habitat Presentation, December 2017: <http://bit.ly/2DwkSKU>

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WHAT ARE SOME OF THE ISSUES?

Some have expressed concern that the proposed conservation measures are not aggressive enough. The Districts have proposed increasing winter flows below Wickiup Dam for the benefit of Oregon spotted frogs, but some stakeholders argue that even higher flows should be provided. The Districts examined the higher flows and are confident that any flow level above what has been proposed would not be practicable. There is simply insufficient water to meet higher winter flow requirements, maintain adequate summer flows, and enable North Unit Irrigation District to continue to meet the needs of the farm and ranch families in the District. It is important to note that federal law does not require the Districts to propose conservation measures that would bankrupt a particular District or otherwise result in one or more Districts being unable to fulfill their obligation to deliver irrigation water.

At the same time, in anticipation that some stakeholders would not be pleased with the proposed winter flows below Wickiup Dam, the Districts also identified higher winter flows as alternatives to be analyzed as part of the NEPA process. Thus, the NEPA process itself will help confirm how much winter flow below Wickiup Dam is indeed practicable.

Some residents also expressed a desire for the winter flows proposed by the Districts to be provided on a more aggressive schedule.

Others have asked why the proposed conservation measures do not include requirements for increased on-farm efficiency. The Districts closely examined these measures, and while the Districts are supportive of improving on-farm efficiencies, these requirements would not provide the same conservation benefits as larger canal piping projects. While increased on-farm efficiency can and has reduced irrigation demands, it cannot provide the same level of certainty for instream flows under Oregon state law as piping canals. Moreover, any District resources expended for on-farm efficiencies only reduces funding for the more productive piping projects.

Some residents have raised concern regarding the expense of the conservation projects needed to support the proposed winter flows below Wickiup Dam. The Districts and City have been working with Congress and the State Legislature to secure a sufficient cost-share for all of these projects. Regardless of the specific project, the Districts will provide some or most of the funding for planning, design, construction, operations and maintenance. The NEPA process will also analyze the practicable cost-share for the Districts.

Finally, some have expressed concerns that the proposed conservation measures do not address all of the sources of impacts to the covered species, nor do they ensure recovery of the covered species. Federal law does not require an HCP to address impacts unrelated to the covered activities or ensure the recovery of the species. Rather, the DBHCP represents only a proposal by the Districts and City to address their impacts, and only their impacts, on the covered species. The DBHCP, however, does not prevent others from taking steps to protect or recover fish and wildlife habitat.

There are many views of what should or should not be included as conservation measures in the final DBHCP. The Districts and City believe the DBHCP is a responsible conservation strategy comprised of appropriate measures for improving fish and wildlife habitat conditions. This approach would also enable the Districts and City to continue to meet the societal needs of farm and ranch families, and City residents, throughout Central Oregon. The Districts and City are committed to proceed with the NEPA process as the next phase of the DBHCP effort, and look forward to completing the Deschutes Basin Habitat Conservation Plan in 2019.

