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December 6, 2022

MEMORANDUM

TO: Council Members

FROM: Leslie Bach

SUBJECT: Briefing on the Columbia Basin Water Transactions Program

BACKGROUND:

Presenter: Femke Freiberg, National Fish and Wildlife Foundation and Matthew Schwartz, Bonneville Power Administration

Summary: Femke and Matthew will provide an overview of the Columbia Basin Water Transactions Program (CBWTP), including background on the program and a description of how it is implemented. They will also highlight the accomplishments of the program over its 20-year history.

Relevance: The CBWTP is a Council-supported project that has been identified as a core measure in every Fish and Wildlife Program since the 1990's. It was most recently described as a General Measure in the Habitat Strategy section of the 2014 Fish and Wildlife Program (page 42) and further supported in the 2020 Addendum.

Background: Inadequate streamflow has been identified as a key factor limiting the productivity of both anadromous and resident fish species. Subbasin plans and other habitat assessments throughout the Columbia Basin describe this limiting factor and identify the need for increasing instream flows to improve fish habitat.

As early as 1991, Fish and Wildlife Programs have called for the use of water transactions to benefit flows for focal fish species. In the 2000 Program, the Council recommended that Bonneville establish a funding agreement for land and water acquisitions. In 2002, Bonneville Power Administration (BPA) and the Council established the Columbia Basin Water Transactions Program in response to the 2000 Federal Columbia River Power System Biological Opinion and the Council's 2000 Fish and Wildlife Program. The primary focus of the CBWTP is to fund water transactions that improve streamflow on ecologically significant Columbia Basin tributaries for which flow is a limiting factor.

The CBWTP is administered through a partnership between BPA and the National Fish and Wildlife Foundation (NFWF). Implementation of the CBWTP is through qualified local entities (QLEs), state, local and tribal agencies and nonprofit organizations that work collaboratively with ranchers, farmers, landowners and irrigation districts to develop, implement and monitor water transactions.

Since 2002, the QLEs have completed over 660 water right transactions that have cumulatively protected over 2.3 million acre-feet of flow in key tributary streams across the Columbia Basin. These transactions have included a number of innovative approaches including split-season leases, source switches, permanent purchases, minimum flow agreements and water produced through significant capital investments in irrigation efficiency projects.

More Info: [CBWTP Website](#)



Columbia Basin
Water Transactions
Program

Columbia Basin Water Transactions Program

Femke Freiberg, National Fish & Wildlife Foundation
Matthew Schwartz, Bonneville Power Administration
Northwest Power and Conservation Council Meeting
December 14, 2022



CBWTP's goal is to restore flows to key fish habitats through voluntary water transactions and other incentive-based approaches.

Program Overview

- Founded in 2002.
- 661 transactions.
- \$132 million invested.
- 2.3 million acre-feet of water protected to date.
- ~12.4 million acre-feet protected into the future.



Background



1980 NORTHWEST POWER ACT

“The Administrator shall use the Bonneville Power Administration Fund to protect, mitigate, and enhance fish and wildlife affected by the FCRPS.”



ESA listed salmon and steelhead



Listed and unlisted resident fish



Wildlife



ENDANGERED SPECIES ACT, FCRPS BIOLOGICAL OPINIONS

“Each federal agency shall... insure that any action authorized funded, or carried out by such agency is not likely to jeopardize continued existence... of any endangered species.”



TRIBAL TRUST & TREATY PROVISIONS

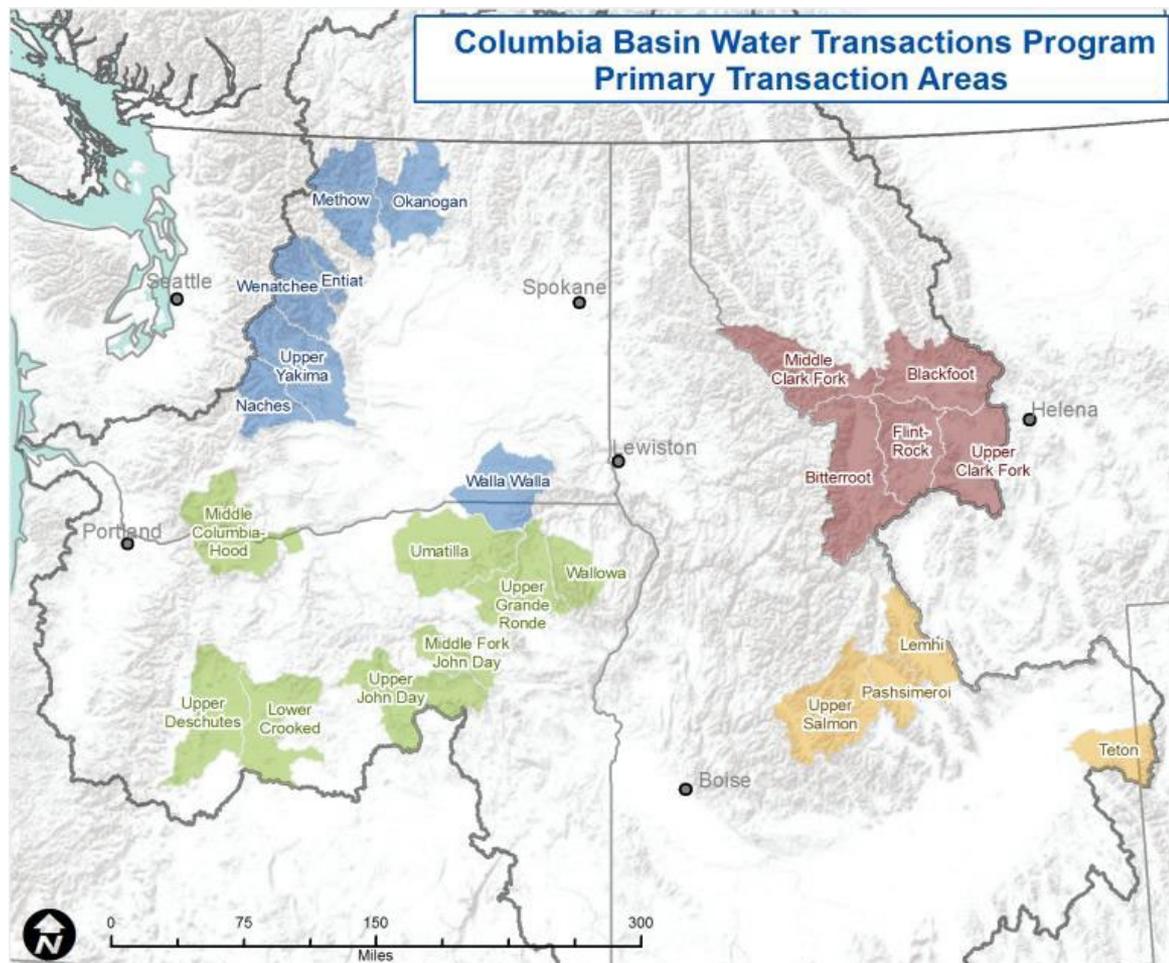
BPA will consult with the Tribal governments prior to BPA taking actions, making decisions, or implementing programs that may affect Tribal resources.



Columbia Basin Water Transactions Program

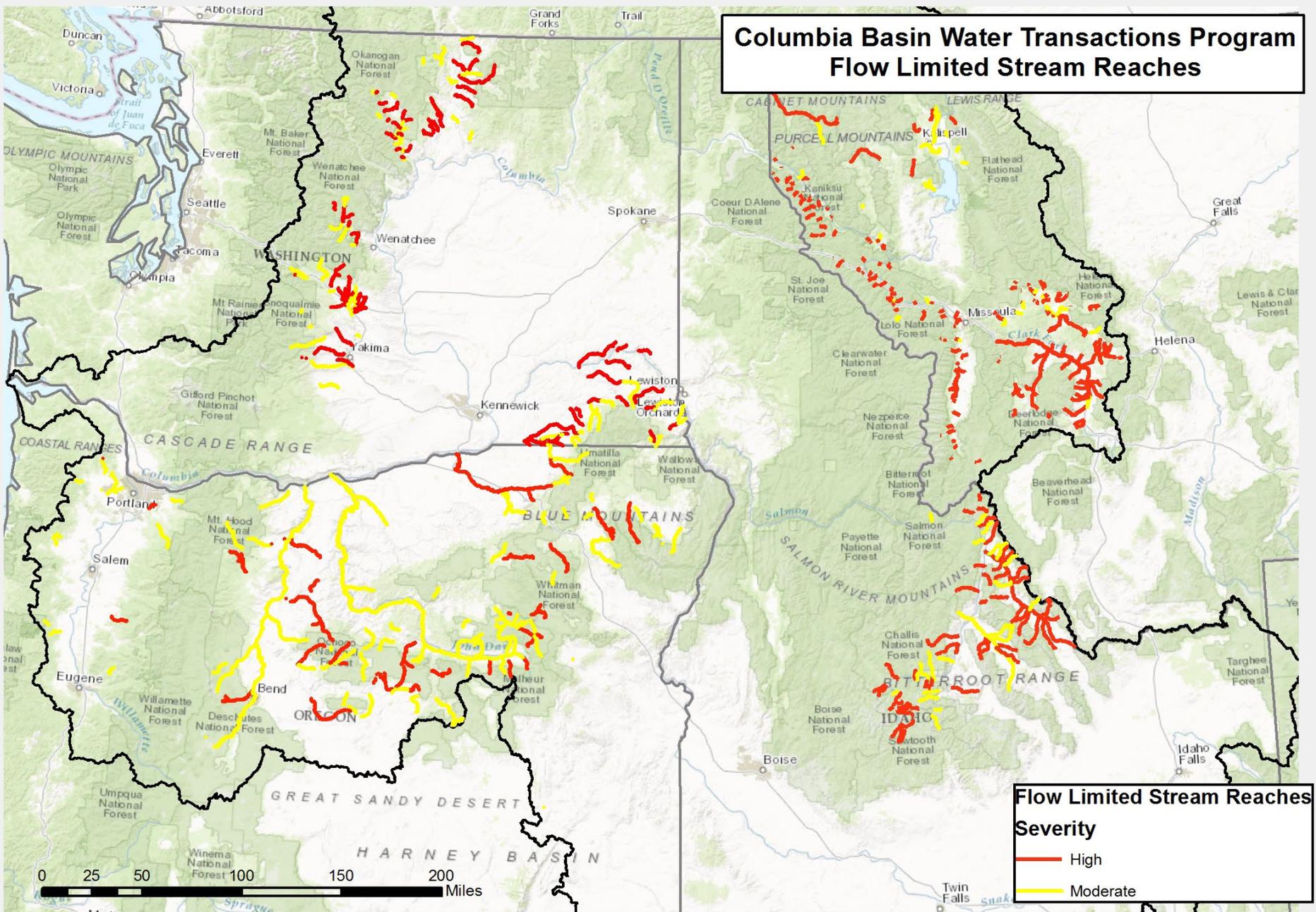
Geographic and Species Priorities

- ESA listed salmon and steelhead species.
- ESA listed resident U.S. Fish and Wildlife Service or state species of concern.
- Other fish or wildlife where a benefit can be tied to increased flows in a specific location.



Reach Focus

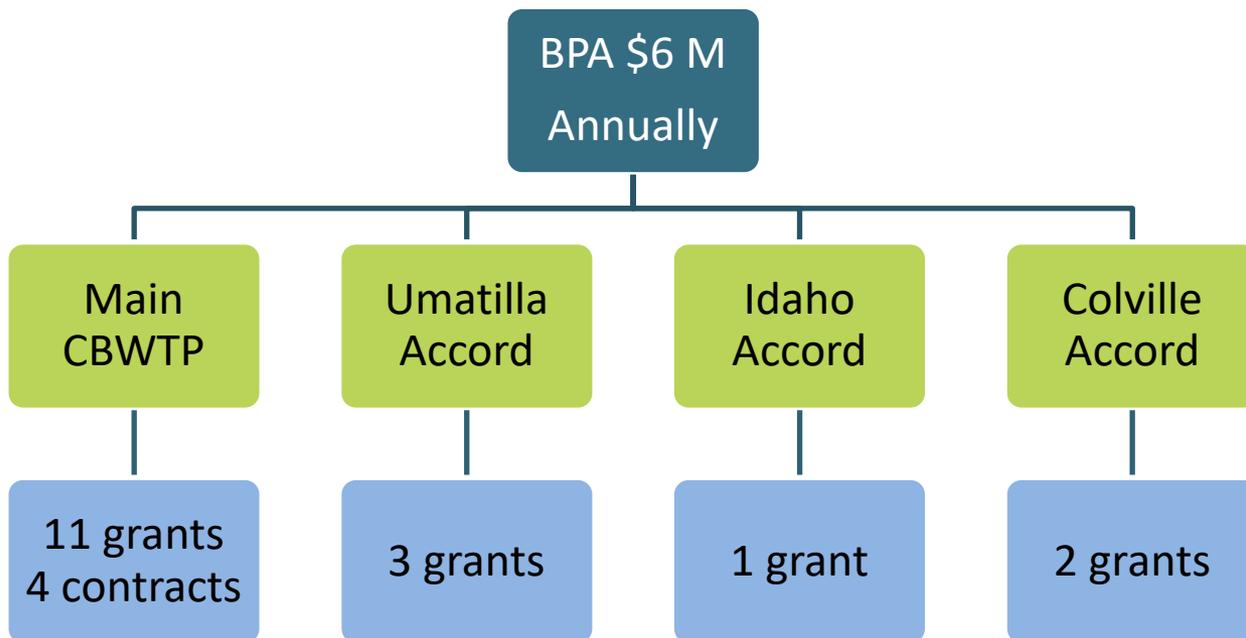
Columbia Basin Water Transactions Program Flow Limited Stream Reaches



Financial Overview

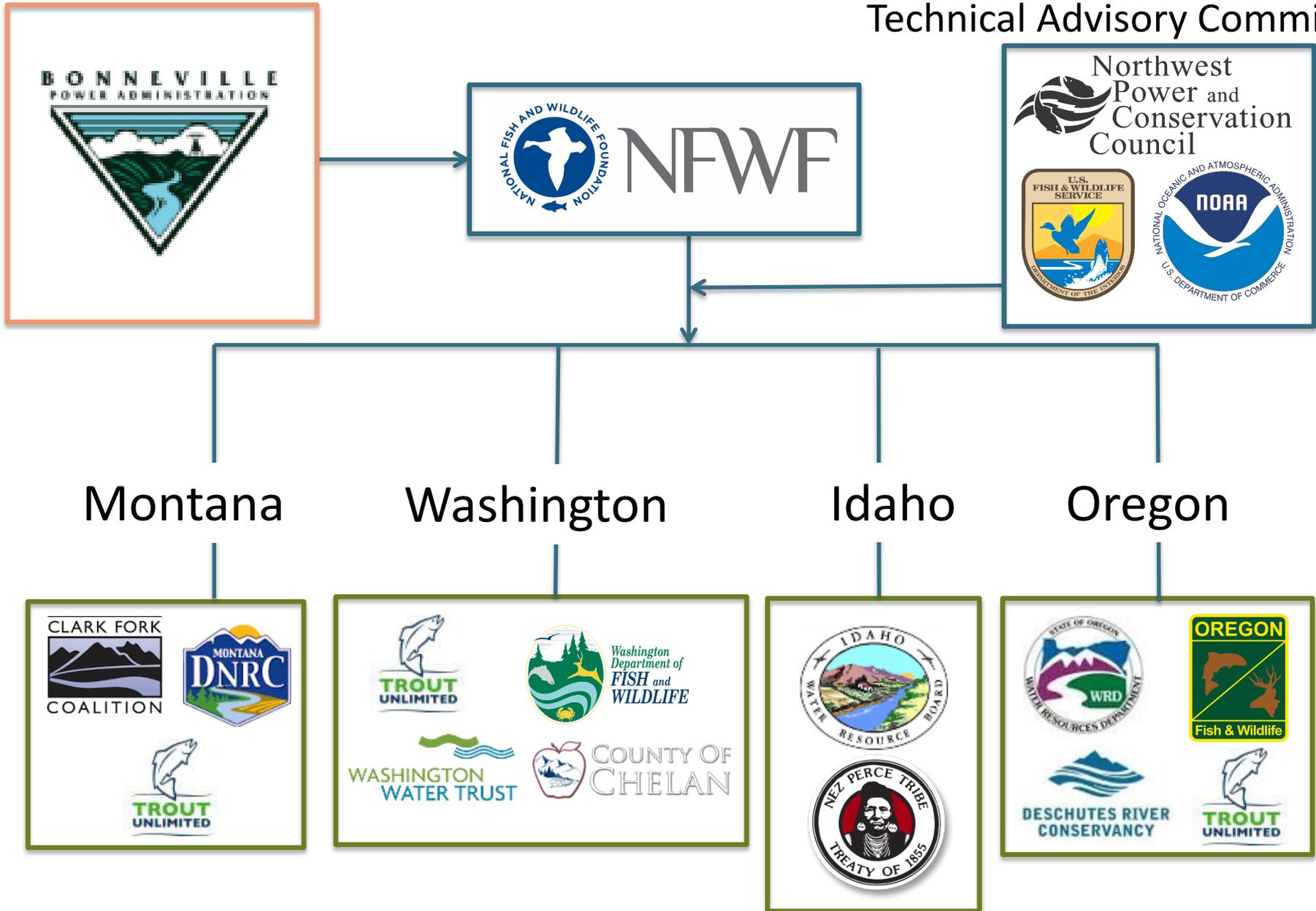
~ \$132 M invested since 2002

\$80 M (NFWF) + \$52 M (match)



Program Structure

Technical Advisory Committee



Program Approach

1. Build Capacity
 2. Acquire Water
 3. Account for Outcomes
- 

Types of Funding Under CBWTP

Programmatic

Transaction Development

- Staff time
- Travel
- Supplies/materials
- Other associated costs of developing a water transaction
- Annual grants

Transactional

Direct Water Costs

- Eligible only if a programmatic grant is awarded
- Separate submission and review process (rolling implementation)



Columbia Basin
Water Transactions
Program

Building Trust with Landowners is Key

A man wearing a light-colored cowboy hat and a blue denim shirt stands in profile, looking towards the left. He is positioned on the right side of the frame. The background features a lush green landscape with a small stream or creek flowing through it. The stream is bordered by dark rocks on the left and green grass on the right. In the distance, there are trees and a wooden fence. The overall scene is a rural, natural setting.

“Water rights are gold, and you don’t give those up.”
Pat Voigt, Oregon Rancher

Building Trust with Landowners is Key

A woman with long blonde hair, wearing sunglasses and a green polka-dot button-down shirt tied at the waist, leans against a wooden fence post. She is smiling and looking off to the side. In the background, a brown horse is grazing in a green field, with rolling hills and a forested ridge under a cloudy sky.

“Water is the complete lifeline to ranching and being able to nourish our land. With water everything thrives.”

Anna Stitt, Montana Rancher

Water Transaction Tools

- Lease
- Permanent Acquisition
- Forbearance
- Diversion Reduction
- Minimum Flow
- Reverse Auction
- Source Switch
- Conserved Water
- Stored Water



Transaction Proposal Review Process

QLE

- Online proposal submission
- Standardized criteria developed with ISRP

Staff

- Eligibility
- Completeness

TAC

- Expert third party review and ranking based in ISRP criteria
- Feedback loop and revisions

NPCC

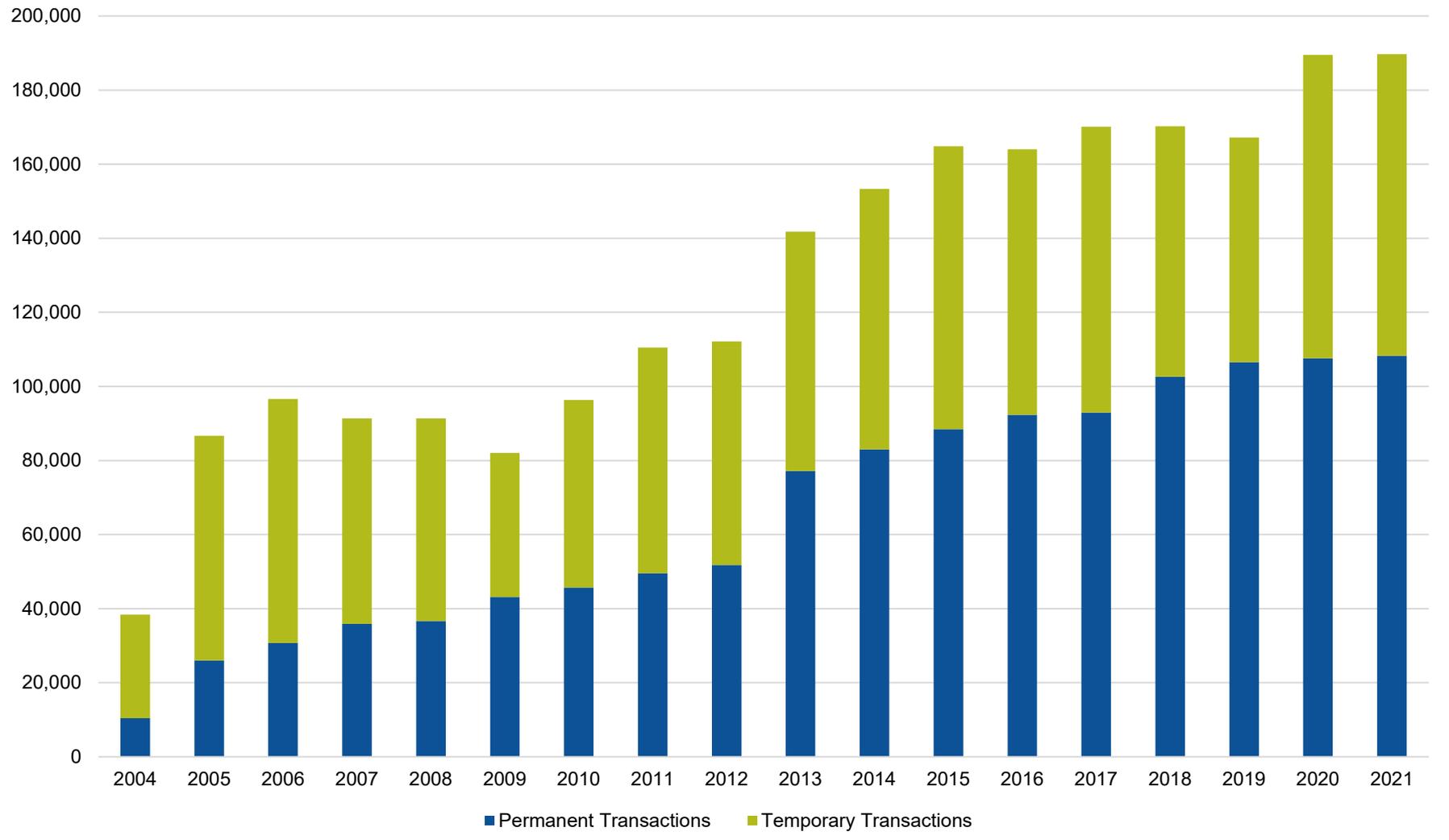
- Regional priorities
- Final approval

State

- State agency approval of instream transfer
- Water secured

Protected Flow Over Time

Protected Flow in Acre Feet (2003-2021)



Monitoring Goals



Contractual Compliance to support project implementation and streamflow management.

Effectiveness Monitoring on priority streams to assess the impacts of restoration work on instream habitats.

Flow Restoration Accounting Framework

Ecological Function – assessing targeted species response (partner dependent)

Tier 4

Aquatic Habitat Response - quantification of change in aquatic habitats

Tier 3

Flow Accounting / Flow Gaging of transferred water instream

Tier 2

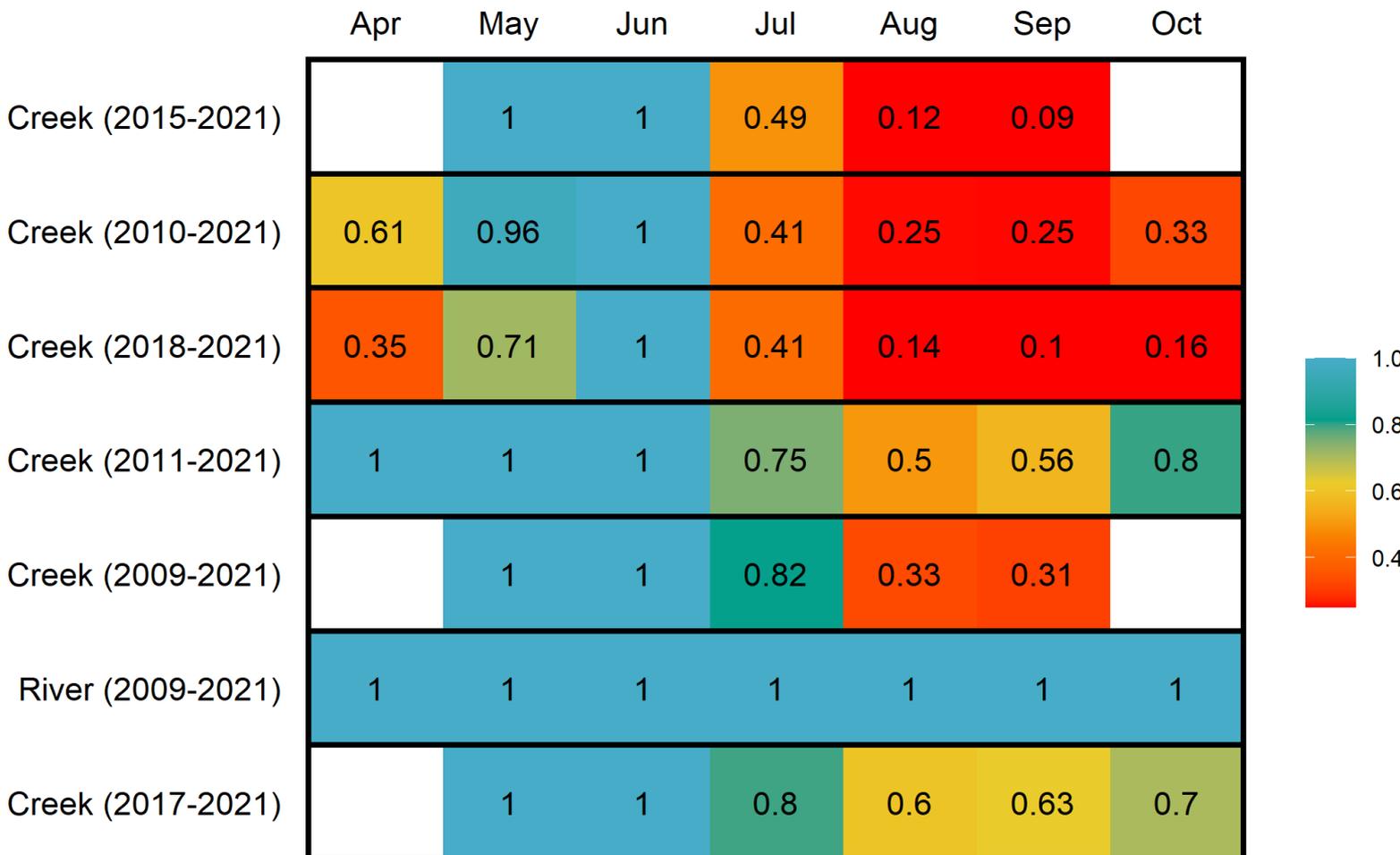
Compliance Monitoring – ensuring contracts are followed

Tier 1



Columbia Basin
Water Transactions
Program

Monitoring Tools to Inform Adaptive Management



FOUR PEAKS
ENVIRONMENTAL
 Science & Data Solutions



Columbia Basin
Water Transactions
 Program

Looking Ahead

“Without CBTWP, Chinook and bull trout would not be reaching their spawning grounds.”

Bobby Hills, Nez Perce Tribe



- Climate change threatens progress.
- Water secured through the program has been the difference between a wet and dry stream.
- Ongoing work to integrate water transactions with habitat restoration to expand impact.

Questions?



Lostine River, Oregon