



May 4, 2009

Honorable Kenneth Salazar  
Secretary of the Interior  
U.S. Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

Re: Stimulus funding for Weber Siphon, Columbia Basin Project

Dear Secretary Salazar,

This letter is sent on behalf of the Center for Environmental Law & Policy, Columbia Riverkeeper, and Sierra Club, all membership-based conservation organizations that work to protect the public interest in the freshwater resources of the Columbia River.

On April 15, you announced that \$50 million in federal stimulus funding will be made available for the Weber Siphon Complex project, a component of the water delivery infrastructure for the Bureau of Reclamation's Columbia Basin Project (CBP). According to the Bureau's fact sheet, the Weber Siphon expansion will eliminate a bottleneck and provide 30,000 acre-feet of water to 10,000 acres outside the current service area of the CBP. What the fact sheet omits is that Weber Siphon expansion would double water capacity in that area, making it possible to pump another 202,000 acre-feet of water to 57,000 acres proposed for irrigation under the Bureau's ongoing "Odessa Subarea Special Study."

The decision to fund the Weber Siphon project appears to violate at least two requirements of the American Recovery and Reinvestment Act. First, NEPA analysis has not been completed for either of the two irrigation proposals that would receive water as a result of Weber Siphon expansion. The Lake Roosevelt Drawdown project is the subject of a pending lawsuit and an incomplete NEPA process; the Odessa Subarea environmental impact statement will not be issued for another year. Congress debated and chose to apply NEPA to stimulus-funded projects. P.L 111-5, Title XVI, Sec. 1608. This letter is sent, in part, to ensure that you are fully apprised of the status of these projects under NEPA.

Second, Title IV of the ARRA specifically prohibits the Bureau's use of stimulus funds for water supply projects that cannot be completed using the funding provided via the ARRA. The Weber Siphon expansion is obviously part of a proposal to deliver water to the Odessa Subarea. The Bureau's construction cost estimates for the Odessa Subarea project range between \$1.2 and \$4.4 billion. The federal funds needed to put the expanded Weber Siphon to use vastly exceed the \$50 million authorized pursuant to the ARRA.

Finally, even if built, the expanded siphon will not be used given water availability, toxic pollution, and economic feasibility problems associated with diverting more

water from the Columbia River. Spending \$50 million on water supply infrastructure that cannot be used will certainly blemish the Administration's otherwise well-intended economic stimulus program.

Because the Weber Siphon Complex expansion does not comport with requirements of the American Recovery and Reinvestment Act, we respectfully request that you reconsider and withdraw stimulus funds for the project.

**(1) NEPA process is not complete.**

**(a) Weber Siphon & the Lake Roosevelt Drawdown project**

The first project that would receive water from the Weber Siphon expansion is the Lake Roosevelt Incremental Storage Releases Project (also known as the "Lake Roosevelt Drawdown"). A portion of the water to be made available from the drawdown, 30,000 acre-feet (at a rate of 181 cfs), would be delivered to 10,000 acres outside the present CBP service area. According to the Bureau, this water cannot be delivered unless the Weber Siphon is enlarged.<sup>1</sup>

Two NEPA processes are underway for the Lake Roosevelt Drawdown project. First, the Drawdown is the subject of a pending federal lawsuit that directly challenges the Bureau's failure to comply with NEPA.<sup>2</sup>

Second, in March 2009 the Bureau issued a belated draft environmental assessment for the Lake Roosevelt Drawdown project. Our organizations filed comments (Attachment 2), objecting to the inadequate treatment of several environmental issues. Deficiencies in the EA include:

- failure to assess impacts of climate change on instream flows in the Columbia River,
- failure to assess toxic releases caused by drawing down the Lake Roosevelt pool,
- failure to analyze the energy costs associated with the project, and
- failure to consider reasonable alternatives, including water conservation and water markets.

If the Bureau adopts the sole action alternative identified in the EA, one or more of our organizations may appeal. NEPA process is nowhere near complete.

In awarding stimulus funds to expand the Weber Siphon, the Department of Interior appears to have pre-judged the outcome of the NEPA analyses described above. Because Congress required that stimulus projects be subject to NEPA process, we respectfully submit that the Weber Siphon Complex project is not "shovel ready" and should be reconsidered as eligible for stimulus funding.

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<sup>1</sup> U.S. Bureau of Reclamation, Lake Roosevelt Incremental Storage Releases Project, *Draft Environmental Impact Statement*, p.13 (March 2009).

<sup>2</sup> Center for Environmental Law & Policy and Columbia Riverkeeper v. U.S. Bureau of Reclamation, Civil No.: 2:08-cv-01730-RAJ(U.S.D.C.W.D. WA). See Attachment 1.

**(b) Weber Siphon & the Odessa Subarea Study project**

The Weber Siphon expansion is also intended to serve the Bureau's Odessa Subarea irrigation project, involving delivery of 202,000 acre-feet (at a rate of approximately 1,000 cfs) to 57,000 acres.<sup>3</sup> The Bureau's draft environmental and feasibility analyses for the Odessa Subarea project are due out in 2010. Despite the obvious fact that the Weber Siphon expansion is sized to serve the Odessa Subarea acreage, the Bureau's recent announcements about Weber Siphon funding failed to acknowledge that the siphon will deliver water to the Odessa irrigation project.

However, in an April 2008 appraisal report, the Bureau did explicitly identify Weber Siphon enlargement as a pre-condition for water delivery to the Odessa Subarea. That report states that "[t]he capacity of the Weber Branch and Weber Coulee siphons . . . would also be enlarged. With the enlargement, the East Low Canal capacity would increase from its current maximum capacity of **1,700 cfs to 3,650 cfs** at the Weber Branch Siphon . . ."<sup>4</sup>

Commitment of stimulus funds to the Weber Siphon project has occurred far in advance of scheduled environmental analysis of the Odessa Subarea project. We, as members of the public, wish to participate in that process. (Our September 2008 scoping comments are attached.) Because the stimulus legislation requires that NEPA process be complete before funds may be spent, it is premature to fund the Weber Siphon expansion.

**(2) Weber Siphon expansion violates budget limitations of the stimulus funding bill.**

Because expansion of the Weber Siphon is intended to facilitate increased irrigation for the Odessa Subarea project, a provision of the American Recovery and Reinvestment Act relating to Bureau of Reclamation water projects is relevant:

[F]unds provided in this Act shall be used for elements of projects, programs or activities that can be completed within these funding amounts and not create budgetary obligations in future fiscal years.

P.L. 111-5, Title IV, p. 23 (Dept. of the Interior, Bureau of Reclamation, Water and Related Resources).

The Bureau has not published cost estimates for the Lake Roosevelt Drawdown project. However, with respect to the Odessa Subarea Study, the Bureau's detailed construction estimates put the cost of the project at somewhere between \$1.2 and \$4.4 billion.<sup>5</sup> The Weber Siphon expansion appears to commit the federal government to future funding of the Odessa Subarea irrigation project, in violation of the ARRA. As a matter of law and fiscal prudence, we ask you to withdraw the Weber Siphon project from the stimulus package.

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<sup>3</sup> U.S. Bureau of Reclamation, *Odessa Subarea Special Study, Study Update* (March 2009).

<sup>4</sup> U.S. Bureau of Reclamation, *Odessa Subarea Special Study, Appraisal-Level Investigation Summary of Findings*, Section 3.0, p. 57 (April 2008) (emphasis added).

<sup>5</sup> *Id.* at Chapter 5, pp. 93-100.

**(3) For environmental & economic reasons, an expanded Weber Siphon cannot be utilized.**

The Weber Siphon expansion is premised on plans to pump more water from the Columbia River. But, for the environmental and economic reasons discussed below, water is not available from the Columbia. The waste of \$50 million will become an unfortunate example of stimulus funding gone wrong. As a matter of policy, we urge you to reconsider this project.

The removal of an additional 202,000 acre-feet of water from Lake Roosevelt would have adverse impacts on Columbia River flows. Endangered Species Act litigation regarding the impacts of the Columbia River hydropower system has focused, in part, on the inadequacy of instream flows for salmon migration. Grand Coulee Dam is operated to meet downstream target flows for fisheries throughout the year. Climate change is already depleting Columbia River instream flows and projections are alarming (a topic the Bureau has resolutely refused to address to date).<sup>6</sup> Additional water diversions from the Columbia River are not available.

Behind Grand Coulee Dam, Lake Roosevelt's bed and banks are covered with millions of tons of slag and toxic chemicals, resulting from a century of pollution from the Trail, B.C. smelter. New water diversions from Lake Roosevelt will exacerbate fluctuations in pool levels, increasing the potential for airborne toxics that threaten public health.<sup>7</sup> A Superfund investigation is underway.

Finally, the decision to expand Weber Siphon does not consider the socio-economic realities of the Columbia Basin Project. CBP water deliveries are highly energy intensive. The electricity that powers water pumping is charged to CBP irrigators at less than 10% of BPA's replacement cost. Further, irrigation water diverted from the Columbia does not run through the turbines of 11 downstream dams. This foregone hydropower also requires replacement at substantial cost to BPA ratepayers.

In the 1980s, when it last proposed to irrigate the Odessa Subarea, the Bureau failed to assess these energy costs. A GAO study pegged this omission as a potential violation of the Principles & Guidelines, which require a 1:1 cost-benefit ratio for

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<sup>6</sup> Elsner, M.M., et al., *Implications of 21<sup>st</sup> century climate change for the hydrology of Washington State*, in Washington Climate Change Impacts Assessment (Univ. of Washington Climate Impacts Group, 3/3/09) ("Changes in the mean hydrograph at The Dalles . . . includ[e] reduced peak flow in the late spring and early summer and increased cool season flow in connection with reduced snowpack."); National Center for Atmospheric Research, News Release re forthcoming Journal of Climate article (American Meteorological Society, May 2009) ("In the United States, the Columbia River's flow declined by about 14 percent during the 1948-2004 study period, largely because of reduced precipitation and higher water usage in the West.").

<sup>7</sup> Majewski, M.S., Kahle, S.C., Ebbert, J.C., and Josberger, E.G., *Concentrations and distribution of slag-related trace elements and mercury in fine - grained beach and bed sediments of Lake Roosevelt, Washington, April-May 2001* (U.S. Geological Survey Water-Resources Investigations Report 03-4170, 2003).

federal water projects.<sup>8</sup> Ultimately, the proposal was dropped. When energy costs are added to construction costs, it appears highly unlikely that the Odessa Subarea project will meet threshold federal economic requirements. See Attachment 4.

The decision to expand the Weber Siphon, which assumes that additional water may be diverted from the Columbia River, fails to consider these water availability, toxic contamination, and economic feasibility limitations. We submit that these impacts are likely fatal to the proposal to withdraw more water from the Columbia River, and that expansion of the Weber Siphon will ultimately waste taxpayer funds.

Because the Weber Siphon expansion does not comport with the requirements of the American Recovery and Reinvestment Act, and because of substantial impacts on the Columbia River, we ask you to reconsider and withdraw funding for the Weber Siphon expansion.

Thank you for your attention to this important matter.

Yours very truly,

  
for

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Enclosures:

- (1) CELP-CRK federal complaint
- (2) CELP-CRK-Sierra Club comments on Lake Roosevelt Drawdown draft EA
- (3) CELP-CRK-Sierra Club scoping comments for Odessa Subarea Special Study
- (4) Comments of Profs. Whittlesey and Butcher re Lake Roosevelt Drawdown EA

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<sup>8</sup> U.S. General Accounting Office, *Water Resources: Issues Concerning Expanded Irrigation in the Columbia Basin Project* (GAO/RCED-86-82BR, Jan. 1986).