Q&A Odessa Ground Water Replacement Program (OGWRP)

What is the OGWRP?

The OGWRP was developed to implement the selected alternative of the Final Environmental Impact Statement for the Odessa Subarea Special Study. The purpose of the Odessa Groundwater Replacement Program is to 1) provide surface water from the Federal Columbia Basin Project (CBP) to replace groundwater from declining irrigation wells in the Odessa Subarea 2) reduce the risk of economic loss to the region's agriculture sector relying on declining and/or failing groundwater wells and 3) provide relief to the declining water levels in the Odessa subarea aquifer.

Eligibility Criteria to participate in Odessa Ground Water Replacement Program

1. Lands must have a valid state-issued groundwater right (permit or certificate).
2. Lands must be within the Odessa Subarea Special Study area boundary.
3. Lands must be within the Federal Columbia Basin Project.
4. Landowners must be able to enter into a water service contract with the East Columbia Basin Irrigation District.

What is the OGWRP PL-566 Watershed Planning Project?

The Watershed Protection and Flood Prevention Act (PL-566) authorizes the USDA Natural Resources Conservation Service to help local organizations and units of government plan and implement watershed projects. The purpose of the OGWRP PL-566 Watershed Planning Project, is the starting point for securing significant additional federal funding through NRCS. The Grant County Conservation District (GCCD), East Columbia Basin Irrigation District (ECBID), and your legislators are pursuing funding through USDA Farm Bill conservation programs, specifically, the NRCS PL-566 Watershed Program to help implement the next and final phases of OGWRP. This USDA funding will build on the significant investments continuing to be made by the State of Washington, Bureau of Reclamation, and ECBID producers.

DISCLAIMER: This document is intended to be a living document, subject to change as new information becomes available. This document will be further refined as new questions arise, and as the program progresses through implementation.

Q1. What funding is available for designs?

A1. Currently, EL22.1, EL80.6, and EL84.7 are using State Grant
funding. The EL11.8 landowner has been directly funding the design. The EL86.4 landowners are funding their system design through contributions to the District. The EL80.6 and 84.7 landowners also contributed funds to the District for early design work prior to grant availability.

Q2. Define "return flows" as they relate to pressurized system?

A2. Return flows, including tailwater, overflows, and wastewater are discharges of water back into District facilities regardless of whether they are from a pressurized or gravity system. Return flows are typically permitted into drains and wasteways, but not delivery canals and laterals. Landowners are responsible for their return flows. The District will convey return flows, if accepted by permit, as a component of their O&M responsibilities.

ECBID's Roles & Responsibilities for PL566

- Sponsor for the OGWRPWPP
- Support subcontractors during plan development
- Ensure consistent and coordinated communications
- Co-lead for communications on all OGWRP items
- Support documentation for OGWRPWPP funding requests
- Ensure consistency with the Odessa FEIS and ROD (2012/2013).

Q3. Who is responsible for the return flows/tail water/waste seepage?

A3. Landowners are responsible for their return flows. The District will convey return flows, if accepted by permit, as a component of their O&M responsibilities.

Q4. Pressurized systems need canal-side main pump management separate from the releases. How will that work moving forward with these systems?

A4. If referring to return flows…Pressurized systems need to account for their return flows like other deliveries. This can be done by gravity deliveries to ponds with adequate storage capabilities, overflow to a drainage capable of handling the flows expected or through other forms of mitigation that protects the delivery canal.

Q5. The Lake Roosevelt Incremental Storage Releases Project authorizes 10k acres to be contracted by the District for OGWRP. 8,200 acres are currently used for 47.5. Where is the rest?

A5. The LRIRP acreage was combined with 10,000 acres of Conserved Water acreage and 70,000 acres from the OSSS in the Renewal Master Water Service Contract for a total of 90,000 acres of groundwater replacement authority. Some of those lands started receiving delivery in 2005 as part of a conserved water pilot project, leaving the remaining "87,700 acres" commonly referred to in OGWRP development. A total of 16,951 ac of groundwater replacement are under contract for the 2022 irrigation season

Q6. What is meant by normalized cost?

A6. Normalized cost references sharing the District's cost for developing the public facilities for OGWRP. It is established to have each acre pay the same cost for the development of the Program. Grants are applied to minimize the Program costs, so all lands share equally in the grant's benefit.

Q6. Why can't we use the grant money received to make the systems bigger and serve more acres?

A6. We could if the Board changes how grant funds are used, unless grant authorization prohibits it. Please note that larger systems do not automatically serve more acres. They may just decrease costs for landowners at the end of the system, at the expense of all other landowners. Larger systems may also serve more acres, but those acres may be more expensive to serve than the acreage removed elsewhere. Long-term O&M is also affected adversely as systems get further away from the canal and serve lands at higher elevations.

Q1. Is my land eligible for replacement water if I submitted an Odessa Reserve Form?

A1. Yes, if you signed and submitted an Odessa Reserve Form to Ecology under RCW 90.44.520 prior to April 2, 2013, the date the US Bureau of Reclamation issued the Record of Decision on the Odessa Subarea Special Study, your state-issued groundwater right is eligible for replacement water.

Q2. Is my land eligible for replacement water if I am enrolled in the Conservation Reserve Program (CRP) administered by the US Department of Agriculture, Farm Service Agency (FSA)?

A2. Yes, the Conservation Reserve Program (CRP) qualifies as a sufficient cause for non-use of a state-issued groundwater right under RCW 90.14.140 and is eligible for replacement water.

Ecology's Roles & Responsibilities for PL566

- Supporter for the OGWRPWPP
- Support subcontractors during plan development
- Ensure consistent and coordinated communications
- Co-lead for communications on all OGWRP items
- Support documentation for OGWRPWPP funding requests
- Ensure consistency with the Odessa FEIS and ROD (2012/2013).

Q3. My land currently is not irrigated and does not have a state-issued groundwater right, is there an option to get replacement water to my land?

A3. Yes, there may be opportunities to infill your lands by transferring an existing state-issued groundwater right from a landowner that, in turn, retires the right. This may require a formal water right transfer to your land, permanent donation into the State's Trust Water Rights Program, or voluntary relinquishment of the right. This process may involve filing a water right change application and/or a trust water right application.

Q4. If I participate in the Odessa Acreage Expansion Program, how many acres are eligible for replacement water?

A4. The acres eligible for replacement water corresponds to the number of acres identified on the state-issued groundwater right permit or certificate, in other words expanded acres are not eligible at this time.

Q5. What happens to my temporary authorization for expanded acres under the Odessa Acreage Expansion Program, if I choose to receive replacement water?

A5. Upon entering into a water service contract for replacement water, the temporary authorization will be cancelled.

Q6. What happens to my state-issued groundwater right if I choose to receive replacement water?

A6. Ecology will issue a superseding state-issued permit or certificate that identifies your groundwater wells as standby/reserve sources of water that can be used only when Columbia Basin Project water is unavailable (i.e., canal failure). Additionally, this means your state-issued groundwater right will not be available for use before replacement water deliveries begin or after replacement water deliveries end.

Q7. What if I lease land that has a state-issued groundwater right?

A7. In this case, multiple signatures may be required on any water right documents. The landowner's signature will be required on any replacement water contracts.

Q8. Is it an option to receive replacement water on only a portion of my Odessa eligible lands?

A8. Yes, it is possible for only a portion your Odessa eligible lands to receive replacement water. This may require your state-issued groundwater right be split, with definition around the place of use for lands being irrigated by the groundwater well(s) and the lands being irrigated by replacement water.

Q9. How many acres are available to receive replacement water under the Odessa Groundwater Replacement Program?

A9. The Odessa Subarea Special Study resulted in 70,000 acres. Additionally, the Lake Roosevelt Incremental Storage Release Program resulted in 10,000 acres, and the Coordinated Conservation Program, involving all 3 Columbia Basin Irrigation Districts, will result in a maximum of 10,000 acres. In total, approximately 90,000 acres of Odessa lands are eligible for replacement water from the Federal Columbia Basin Project via the Odessa Groundwater Replacement Program.

Q10. Are future coordinated water conservation efforts going to be available for additional groundwater replacement water supplies?

A10. Reclamation has authorized ECBID to deliver Coordinated Conservation water savings by contract to 10,000 acres utilizing 30,000 acre-feet of savings. That supply makes up a portion of the 90,000 acre total available for groundwater replacement authorized by our contract with Reclamation. Additional savings from conservation, both coordinated and by ECBID separately, have continued but are not currently available for delivery. Future conditions need to be met with the State prior to using any additional conserved water for deliveries.

Q11. Does ECBID need to formally request an extension of the secondary use permit in writing according to Amended RMWSC (page 19, (h) (2).)?

A11. The secondary use permit was issued to the US Bureau of Reclamation, Reclamation is the appropriate party to request an extension of time to the permit.

DEPARTMENT OF ECOLOGY
State of Washington

Q1. Does Reclamation provide funds for OGWRP?

A1. Yes, since 2018 when the benefit/cost ratio was reevaluated, Reclamation received authority to request and spend federal funding. Since then, Reclamation has contributed over $7M in appropriated funds. Generally, these funds are used for Reclamation staff support to accomplish critical OGWRP tasks that require its participation.

Q2. Do Reclamation funds have to be paid back (reimbursed) by the Irrigation District/landowners?

A2. It depends on the activity. Tasks such as, design support and review, and other planning-related tasks do not generally require repayment. Repayment obligations are evaluated on a case-by-case basis as opportunities to expend federal funds are realized.

Q3. Do Reclamation funds expire?

A3. Appropriated funds are provided to Reclamation on an annual basis. Those funds need to be allocated within that year or require an established project component where funds can be committed across multiple years.

RECLAMATION'S ROLES & RESPONSIBILITIES FOR PL566

- Supporter for the OGWRPWPP
- Support subcontractors during plan development
- Ensure consistent and coordinated communications
- Co-lead for communications on all OGWRP items
- Distribute questions to appropriate partners for answers
- Support Administration of Authorized Watershed Plan
- Provide construction oversight for ECBID delivery systems using a combination of funding sources
- Support documentation for OGWRPWPP funding requests
- Ensure consistency with the Odessa FEIS and ROD (2012/2013).

Q4. What design tasks are Reclamation responsible for?

A4. Reclamation works with ECBID to determine which tasks Reclamation will conduct depending on the individual system. For EL22.1, Reclamation has assumed responsibility for working with ECBID to achieve environmental compliance, cultural resource compliance, and support for easement acquisitions; and conducts design support, review, and acceptance. For EL11.8, Reclamation is also conducting the physical pumping plant model, if needed. For EL80.6 and EL84.7 Reclamation has agreed to environmental and cultural compliance; realty acquisition support; design support, review, and acceptance; and to conduct the physical pumping plant model.

Q5. How long do designs take to complete?

A5. That depends on the size and complexity of the system. On average, 2+ years.

Q6. What funding is available for designs?

A6. Currently, EL22.1, EL80.6 and EL84.7 are using State Grant funds. EL11.8 and 86.4 are using landowner provided funds. NRCS funding will eventually be available, but it will be 2-3 years, maybe longer, until NRCS funds will be available. Reclamation funding is available, but depending on the task, funding may need to be paid back (reimbursed).

Q7. When can we begin construction?

A7. Construction can begin after the District receives a notice to proceed from Reclamation. The requirements to receive this notice differ if the District plans to own the facility or desires to request that Reclamation take title. Generally, however, each require reclamation review at different phases of design and various compliance activities.

Q8. Do the systems get project(reserved) power?

A8. The intent is for the OGWRP systems to receive project power. ECBID must enter into a power contract with Reclamation. The power process is a separate process that has to proceed concurrently with the design process. It has to be initiated separately but relies on information from the designs. There are power study requirements that require time and funding to complete.

Q9. Will Reclamation own the new systems?

A9. Reclamation may accept title to a water delivery facility, contingent upon meeting Reclamation requirements for title acceptance with review and discretionary approval from Reclamation's Policy and Administration Office. Close coordination with all partners working on the project is necessary to ensure Reclamation requirements are met at the appropriate time and sequence. For details, please see ECBID's Renewal Master Water Service Contract No. 159E101882, as amended.

Q10. Does Reclamation have to own the systems in order for the systems to get project power?

A10. Normally Federal ownership of the project facility is required per RM D&S FAC 04-06. In order to support OGWRP implementation a deviation from the requirement was approved for OGWRP, as with the EL47.5. ECBID requested and received a waiver of the D&S for EL47.5 in order to execute a project power contract with Reclamation while still maintaining ownership of the facility as the title process is being worked through.

Q11. Is the congressional authority for the plan different then the congressional authority for OGWRP?

A11. Yes. Reclamation already has congressional authority to implement the OGWRP. New authority is strictly for the PL-566 Watershed Plan to request specific funding via NRCS.

Q12. Are there other alternatives in the EIS that can be done now that the USDA funding is available?

A12. The elected alternative was based on the best environmental benefits and least environmental impacts. Any of the other alternatives that were not selected would have to be re-evaluated from an environmental perspective, and cost or availability of funds was not the deciding factor in not choosing those alternatives. Availability of funds would not be a factor used to choose those previously non-selected alternatives.

Q13. In Sept. 2015 USBR executed a renewal MWSC and 3 supplements that authorize 30K "First Phase Continuation Acres", can we get a full explanation of that term, what it does and what it means?

A13. The term First Phase Continuation Acres is defined in ECBID's Renewal Master Water Service Contract No. 159E101882, as amended.

Q14. Is the 2019 Amendment to the RMWSC that authorized up to 70k acres plus an additional 20k acres of conserved water the only agreement left on the table for OGWRP? What happened to the other 10k that was agreed upon in verbal discussions to equal the 102k acres of OGWRP?

A14. The existing contract, as amended, fully captured what was negotiated at the time. For details see Article 7 of ECBID's Renewal Master Water Service Contract No. 159E101882, as amended.

Q1. Why are we doing the Watershed Plan?
A1. The NRCS is required to develop a Watershed Plan, during the process all viable alternatives are considered. A preferred alternative will then be selected by the Sponsor and NRCS, which is then submitted for approval of funding for the pumping plants and laterals.

Q2. How long will the Watershed Plan take to complete?
A2. Answering this question is extremely difficult because much of the process is outside of NRCS and Sponsor control. With that said, our best-case estimate to complete the Watershed Plan is three years but could end up taking closer to seven.

Q3. What happens after the Watershed Plan is approved?
A3. After the plan is approved, design work can begin on the pumping plants and laterals. Once the design work is done, construction funding can be requested by the sponsor to complete the projects.

Q4. How long does the funding request take?
A4. Some of the projects are "shovel ready." Once the Watershed Plan is complete, those projects could potentially be started in six months. If none of the design work has been completed, it could take around two years for the design work to be completed before construction could begin.

NRCS's Roles & Responsibilities for PL566

- Has overall responsibility in the development of the OGWRPWPP.
- Approves Watershed Plan.
- Provides funding for development of the Watershed Plan.
- Prepares technical requirements and oversight for the development of the Watershed Plan.
- Ensures the SOW is adhered to.
- Ensures NEPA process is adhered to in the development of the Watershed Plan.
- Ensure consistent and coordinated communications
- Co-lead for communications on all OGWRPWPP items

Q5. Are design costs included in the Watershed Plan?
A5. Design costs are not relevant to the development of the Watershed Plan. One of the Watershed Plan's primary purposes is to determine whether the preferred alternative is even possible and technically feasible. Once the Watershed Plan is approved, design work can begin, which includes, engineering analysis, surveys, construction plans and specifications, and construction cost estimates.

Q6. Can a system have designs completed before the Watershed Plan is approved?
A6. Yes – but it will not be funded through the Watershed Plan. We know some have already been started and will be completed before the Watershed Plan is completed. This will help speed the construction process (as long as the design work aligns with the Watershed Plan's preferred alternative) because they will be shovel-ready when the Watershed Plan is approved.

Q7. What does Congressional Approval/Authority mean?
A7. The House and Senate committees on agriculture must review and approve the Watershed Plan before it is finalized.

Q8. What about power?

A8. Through the Small Watershed Program, power and other necessary utilities are considered "Real Property Rights" and are a Sponsor cost.

Q9. Does PL-566 Small Watershed Program pay 100 percent?

A9. PL-566 Small Watershed Program does not pay for 100 percent of construction costs. It is yet to be determined, but we anticipate that we will be able to pay up to 75 percent of construction costs.

The Sponsor (ECBID) is responsible for covering all costs for construction that are not covered by the Small Watershed Program. Matching funds can be provided by the Sponsor from any non-federal funding source which could include funds provided by the State.

Currently, the Small Watershed Program funding is expecting to provide funding for ECBID laterals, pumps, and structures. For now, there has not been any talk at expanding the funding to the on-farm portion and this expansion would change the terms of the original scope.

Through the PL566 program, the NRCS can pay up to 100 percent for costs related to all design activities.

Q10. Does the Watershed Plan expire?

A10. The Watershed Plan does not expire, but if enough time passes, the NEPA elements may change, and the plan may need to be updated.

Q11. How long will the Sponsor (ECBID) be able to apply for funding?

A11. The Sponsor (ECBID) will have access to funding until all the approved project activities identified in the Watershed Plan are completed, contingent on Congress continuing to fund the PL566 program annually.

Q12. How does Environmental Quality Incentives Program (EQIP) handle designs?

A12. NRCS is ultimately responsible for leading all the design activities for irrigation system designs. We usually rely on designs develop by irrigation vendors for landowners. The vendor designs are reviewed by NRCS to ensure the project will meet our standards and specifications. During the review we also want to ensure that we are paying for what is needed and that the project has not been over or under designed.

Designed prepared by the ECBID or USBR would need to be reviewed by NRCS as well.

NRCS does not pay for irrigation designs. Typically, the vendor designs the system so they can sell the materials to the customer. The design is part of the package that comes back to the customer and is forwarded to NRCS review, approval for and contracting the specific project.

Q13. Does EQIP pay 100 percent?

A13. NRCS has payment rates based off average costs for typical scenarios. It does not pay off receipts, but from the payment rate. The payment rate costs are reviewed annually so the rates can fluctuate from one year to the next. Once an EQIP contract is obligated the payment rate is in for the duration of the contract.

NRCS EQIP pays a flat rate per unit installed, they do not pay off receipts or percent of project installation costs.

Q14. Does EQIP expire?

A14. EQIP contracts are typically three-to-five years in length. Certain program rules do exist, such as completing a practice within the first 12 months. The contract schedule can be built around those rules. By statue, EQIP contracts cannot exceed 10 years.

Q15. Does Regional Conservation Partnership Program (RCPP) pay 100 percent?

A15. The RCPP works very similarly to EQIP. EQIP pays a flat rate per unit installed, they do not pay off receipts or percent of project installation costs.

One very major difference with RCPP is the 2018 farm bill payment limitation. There is NO farm bill payment limitation of $450k like EQIP. Instead, the $450k is per CONTRACT. So conceivably over the course of the five-year RCPP agreement one producer could have five different contracts of $450k each.

Q16. Does RCPP Expire?

A16. RCPP is a program that a sponsor applies for, and once the proposal is accepted it will take about a year to develop an agreement that will expire five years later. After the agreement has been approved the project sponsor has five years to expend the money requested annually as part of the agreement's budget. The money received annually can go to private landowners to support the on-farm portion of the Odessa project through an annual announcement and application process. Similar to that of EQIP.

RCPP contracts are typically three-to-five years in length. Certain program rules do exist, such as completing a practice within the first 12 months. The contract schedule can be built around those rules. By statue, RCPP contracts cannot exceed 10 years.

Q17. Can you request construction funds before the Watershed Plan is done?

A17. No, you cannot request construction funds before the Watershed Plan is done; but you can advocate for funds to be in the farm bill.

Q1. Why is GCCD now involved in the OGWRP?

A1. GCCD has a long history of working on groundwater protection in the Columbia Basin, going back to the Columbia Basin Groundwater Management Area (GWMA) and the Moses Lake Clean Lakes Project. In 2020, GCCD began engaging with the OGWRP at the invitation of NRCS to help provide local leadership and guidance to producers for the purpose of bringing USDA-NRCS programs, specifically PL-566, RCPP, and EQIP to the OGWRP. Our local legislators worked to secure a legislative proviso in early 2021 to fund GCCD's efforts to pursue and coordinate bringing these NRCS programs to the OGWRP. GCCD continues to provide coordination, technical, and administrative support to advance the OGWWP Watershed Planning Project and to assist producers on-farm.

GCCD's Roles & Responsibilities for PL566

- Funded by Legislature to pursue and coordinate NRCS programs for OGWRP, including PL-566 and RCPP
- Provides coordination and administrative support for ECBID and NRCS to develop the PL-566 Watershed Plan
- Coordinating and developing communications; maintains www.ogwrp-programs.org website and newsletter
- Pursuing and coordinating NRCS on-farm funding and technical assistance
- Conducting on-farm assessments and planning to accelerate implementation

Q2. How is GCCD able to help producers on-farm?

A2. GCCD is actively pursuing NRCS funding for on-farm systems within the OGWRP through RCPP and is available to assist producers in all phases of accessing USDA-NRCS programs and technical services. GCCD has the knowledge, skills, and abilities to provide producers with the necessary information to access and maximize NRCS farm bill programs. This includes onsite investigations and conservation plan development designed to provide a holistic approach to resource protection and enhancement – and to help accelerate OGWRP implementation.

Q3. Does GCCD provide funding to the OGWRP?

A3. No, GCCD does not provide funding for the OGWRP. GCCD is aggressively (and successfully) pursuing NRCS funding for the OGWRP pump stations and laterals through PL-566 and for on-farm systems through RCPP and EQIP. Additionally, GCCD is working to coordinate and leverage the investments being made by the State of Washington, Bureau of Reclamation, and other funding sources to accelerate OGWRP implementation.

Q4. Are there additional standards or protocols that the GCCD requires the projects to meet?

A4. No, GCCD does not have additional standards or protocols that the projects will be required to meet. Depending on the funding source and nature of a particular project, additional standards or protocols may apply. For example, if GCCD is successful with obtaining RCPP funding through NRCS for on-farm systems, NRCS' standards and protocols would apply.

Q5. Can GCCD help with any of the power components of the OGWRP?

A5. GCCD typically does not assist with power-related issues, unless it pertains to increasing energy efficiencies.