

ATTACHMENT A

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futurewise.org

Miles Johnson
Columbia Riverkeeper
111 Third Street,
Hood River, Oregon 97031

February 2, 2017

RE: Supplemental Environmental Project, Case No. 4:15-CV-05118-LRS

Dear Mr. Johnson:

Futurewise has read the proposed Consent Decree (Case No. 4:15-CV-05118-LRS). Settlement funds received by Futurewise for the proposed judgment will be spent for the purposes specified in the judgment. The funds will be used to support the project as outlined below.

For more than 25 years, Futurewise has worked to prevent sprawl in order to protect our State's resources and make our urban areas livable for and available to all. Founded to help support implementation of Washington's first-in-the-nation Growth Management Act, we focus on preventing the conversion of wildlife habitat, open space, farmland, and working forests to subdivisions and development, while directing most growth into our urbanized areas. Our mission also incorporates an important focus on livability, housing, transportation, social justice, environmental justice and environmental quality in our urbanized areas.

Population growth in Washington's Benton County and Tri-Cities area will place more pressure on limited land; strain our shorelines, rivers, and streams; and exacerbate economic, health, and equity challenges. Poorly planned or unconstrained development would cause a significant increase in the amount of impervious surfaces and contaminated stormwater runoff into the Columbia River. In broad terms, Futurewise will use the funds received to encourage responsible, sustainable growth and prevent urban sprawl in the Tri-Cities. We will accomplish this work through a combination of expert data analysis and research, visionary community and environmental planning and policy development, community engagement and outreach, grassroots organizing and advocacy, and litigation.

Benton County, Washington, and the Tri-Cities are currently undertaking the eight-year update of their comprehensive plans and development regulations. Futurewise has been engaging in the update process and has already achieved significant improvements to countywide planning policies, such as retaining standards for urban growth area expansions and protections for natural resource lands. With additional funding for on-the-ground resources in the Tri-Cities area, and policy and planning staff in Seattle, we can continue to combat urban sprawl through the following actions:

- Increase Futurewise's on-the-ground staff capacity in Tri-Cities in order to build an informed and organized constituency of local community members that can positively

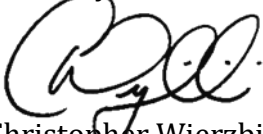
influence local municipalities to make sustainable decisions about issues impacting land-use, stormwater, and water quality and quantity;

- Work proactively with, and educate, county and city staff on land-use, water quality and quantity, and shoreline protection issues as the municipalities update their comprehensive plans and critical areas ordinances;
- Support the Port of Kennewick's urban re-development agenda, including building on the recent success of the Vista Fields in-fill project;
- Protect water quality and quantity by working with municipalities to plan urban development with proper consideration of available ground water resources, as required by Futurewise's recent Washington State Supreme Court victory in *Whatcom Cty. v. W. Wash. Growth Mgmt. Hr'gs Bd.*, 186 Wash. 2d 648, 657 (2016).
- Leverage resources to attract additional funding to help create sustainable and equitable urban areas that will prevent growth pressures from consuming natural resources and contributing to the degradation of water quality.

Futurewise has a proven history of positively influencing urban growth in the Tri-Cities area. The work we have performed in the Tri-Cities has focused primarily on containing urban growth, with the understanding that natural resource areas and water quality and quantity are protected and preserved as a result. Since 2009, we have successfully opposed six attempts to expand urban growth area boundaries in the tri-Cities. With additional support, we can continue to successfully combat urban sprawl and its negative impacts on stormwater, habitat, and human communities.

Futurewise will not use any funds received from the proposed consent judgment for political lobbying activities. After the project is complete, Futurewise will submit to the Court, the United States, and the parties a letter describing how the SEP funds were expended.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Wierzbicki', written over a faint circular stamp or watermark.

Christopher Wierzbicki
Interim Executive Director

ATTACHMENT B

Attachment B



Friends of Toppenish Creek

Miles Johnson
Columbia Riverkeeper
111 Third Street
Hood River, Oregon 97031

February 13, 2017

RE: Supplemental Environmental Project, Case No. 4:15-CV-05118-LRS

Dear Mr. Johnson:

Friends of Toppenish Creek (“FOTC”) has read the proposed Consent Decree (Case No. 4:15-CV-05118-LRS). Settlement funds received by FOTC for the proposed judgment will be spent for the purposes specified in the judgment. The funds will be used to support the specific project outlined below.

FOTC is a non-profit organization dedicated to protecting the rights of rural communities and improving oversight of industrial agriculture in the lower Yakima River watershed. FOTC operates under the simple principle that all people deserve clean air, clean water, and protection from the abuse that results when profit is favored over people. FOTC uses public education, citizen investigations, research, litigation, special events, and direct action to achieve its goals.

Water quality in the lower Yakima River and many of its tributaries is seriously impaired by nutrient and other pollution originating at large dairies and concentrated animal feeding operations (“CAFOs”). These facilities are not permitted to discharge animal waste directly into waterways, so liquefied manure is often stored in lagoons or disposed of by spraying onto agricultural fields. However, this CAFO waste still reaches surface waters via stormwater and irrigation runoff and through transport through shallow groundwater aquifers. Unfortunately, little research exists on the extent and severity of this problem, especially in eastern Washington.

FOTC proposes to study whether (1) Washington state’s existing rules and laws adequately prevent pollution of waters of the state by CAFOs and/or industry and (2) whether these rules are being followed by certain agricultural and industrial operators along tributaries to the lower Yakima River. FOTC will collect and analyze water samples from waterways

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potentially polluted by point sources and non-point sources and prepare a report that pictorially and narratively describes the impact on the Yakima Valley.

In order to accomplish this study, FOTC would use the funding provided through the proposed consent decree to:

1. Collect water quality samples from selected streams, irrigation drains, flood plains, and/or wetlands adjacent to areas where agricultural and industrial pollution is suspected or known to occur.
2. Analyze those water quality samples for the presence of contaminants and bacteria indicative of pollution from CAFOs and industrial waste.
3. Perform statistical analyses on the data derived from the water quality samples.
4. Conduct aerial and on-the-ground surveys characterizing the size and functionality of the waterways where water quality samples were taken.
5. Develop, publish, and disseminate a final report describing the study and explaining its conclusions about sources and pathways of pollution entering waterways in the Yakima Valley.

FOTC will not use any funds received from the proposed consent judgment for legislative lobbying activities. After the project is complete, FOTC will submit to the Court, the United States, and the parties a letter describing how the SEP funds were spent.

Sincerely,

Jean Mendoza

Jean Mendoza
Executive Director, Friends of Toppenish Creek

ATTACHMENT C



CLEAN, FLOWING WATERS FOR WASHINGTON

The Center for
Environmental Law & Policy

Miles Johnson
Columbia Riverkeeper
111 Third Street,
Hood River, Oregon 97031

February 03, 2017

RE: Supplemental Environmental Project, Case No. 4:15-CV-05118-LRS

Dear Mr. Johnson:

The Center for Environmental Law and Policy (“CELP”) has read the proposed Consent Decree (Case No. 4:15-CV-05118-LRS). Settlement funds received by CELP for the proposed judgment will be spent for the purposes specified in the judgment. The funds will be used to support the specific projects as outlined below.

CELP works to protect both water quality and water quantity in the Columbia River basin and waterways throughout Washington. CELP’s vision for the future is that Washington State will have adequate and sustainable water supplies to support healthy ecosystems, thriving fish and wildlife, and robust communities. CELP works to achieve these goals through:

- hands-on assistance to citizen activists, tribes, and communities working to save their drinking water and rivers;
- advocating for science-based water policy with local, state, and federal agencies;
- collaborating with other stakeholders and agencies to solve water problems;
- producing seminars, workshops, and videos about current water issues and the state of our water resources, and;
- strategic litigation to protect the public’s interest in water.

In broad terms, CELP will use the funds received to protect and restore streamflow and water quality in the mid-Columbia River basin to support endangered salmon and steelhead, other aquatic life, and recreational opportunities. The Columbia River, many of its tributaries, and their aquatic resources are negatively impacted by low or altered streamflow. Low streamflow causes or exacerbates many of the water quality problems that impact aquatic life in the Columbia River basin, such as high water temperatures, low dissolved oxygen levels, and high concentrations of pollutants.

The following is an outline of our proposed work to protect water quantity and streamflow in the mid-Columbia basin:

1. CELP’s Mid-Columbia Basin Instream Flows Initiative

Water quantity and water quality are closely connected, especially with respect to water temperature. Setting enforceable minimum instream flow requirements in tributaries of the Columbia River will help protect water quality in these tributaries and ensure that endangered Columbia River salmon and steelhead have adequate spawning and rearing habitat. Increasing instream flow in Columbia River tributaries could also enhance thermal refugia in the mainstream Columbia River at the mouth of these tributaries, which are used by migrating adult salmon and steelhead.

The State of Washington is obligated, under statutory programs, the public trust doctrine, and U.S.-Tribal treaties, to protect and sustainably manage river flows. Since 1969, state law has explicitly directed state agencies to adopt rules to protect instream flows for public benefit in each watershed. Nonetheless, formal instream flow protections have been

adopted for only one-third of Washington's watershed. Many of the remaining unprotected watersheds are tributaries to the Mid-Columbia River in central Washington.

CELP's Mid-Columbia Basin Instream Flows Initiative would examine which Columbia River tributaries in central Washington currently do not have mandated minimum instream flows. Some of the unprotected tributaries in the Mid-Columbia basin include the Wind, White Salmon, Klickitat, Palouse, Pend Oreille, and Sanpoil rivers, and Rock and Glade creeks. CELP would then determine in which watersheds setting minimum flows would have the greatest benefit for Columbia River and local ecology.

Once CELP identifies priority watersheds for instream flow protections, CELP would conduct community organizing and outreach within and beyond those watersheds to build support for the Washington Department of Ecology ("Ecology") setting minimum instream flows. CELP staff and experts would then do the legal and technical work compile and submit petitions to Ecology to begin rulemaking to set minimum instream flows for those watersheds. CELP staff would participate in Ecology's rulemaking process to set instream flows to ensure that such flows adequately protect aquatic resources and comply with Washington law and regulations.

2. CELP's Ethics & Treaty Project

CELP's Ethics & Treaty Project focuses on working with tribes and conservation organizations to advocate for modernizing the Columbia River Treaty. The mission of CELP's Ethics & Treaty Project is to modernize the Columbia River Treaty to promote the common good through stewardship and justice, while encouraging respectful dialogue and an international water ethic for the Columbia River.

Specifically, CELP seeks to support efforts to include "ecosystem-based function" as a new primary purpose of a re-negotiated Columbia River Treaty, on equal footing with the Treaty's two current purposes: hydropower and flood risk management. As part of this effort, we would support efforts to restore fish passage to the Upper Columbia River, including all watersheds where salmon historically migrated, including the Spokane and Pend Oreille River basins.

CELP's Ethics & Treaty Project will continue to focus on on public outreach and education. Thus far, we have hosted Ethics & Treaty conferences all over the Pacific Northwest and Canada, and we hope to host several more in the coming years in Montana and in British Columbia. We will also host roundtable calls to connect tribes, conservation groups, and citizens from Canada & the U.S. who are interested in modernizing the treaty. Facilitating these outreach and organizing activities across several western states and provinces requires a significant commitment of staff time and resources. This funding would allow CELP to intensify and extend its Ethics & Treaty Project to advocate on both sides of the border for a re-negotiated Columbia River Treaty that recognizes the importance of maintaining the Columbia's ecosystem-based function.

CELP will not use any funds received from the proposed consent judgment for legislative lobbying activities. After the projects are complete, CELP will submit to the Court, the United States, and the parties a letter describing how the SEP funds were spent.

Sincerely,



Trish Rolfe
Executive Director