RECLAMATION
Managing Water in the West

U.S. Department of the Interior
Bureau of Reclamation

# NOTICE OF INTENT TO AWARD

This Funding Announcement is not a request for applications. This announcement is to provide public notice of the Bureau of Reclamation's intention to fund the following project activities without full and open competition.

| ABSTRACT | |
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| **Funding Announcement** | R15AS00042 |
| **Project Title** | Naneum, Wilson, and Cherry Creek Watershed Assessment |
| **Recipient** | Kittitas County Public Works |
| **Principal Investigator / Program Manager** | Christina Wollman<br>411 N Ruby Street, Suite 1<br>Ellensburg, WA 98926 |
| **Anticipated Federal Amount** | $150,000 |
| **Cost Share** | $494,378 (This Amount Includes Cost-Share Funds From Washington State Salmon Recovery Funding Board and Department of Ecology, and Kittitas County Flood Control Zone District) |
| **Total Anticipated Award Amount** | $644,378 |
| **New Award or Continuation?** | New |
| **Anticipated Period of Performance** | April 2015 – December 2016 |
| **Award Instrument** | Grant Agreement |
| **Statutory Authority** | Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994, Pub. L. 103-434, as amended by P.L.105-62 and P.L.106-372: Title XII--Yakima River Basin Water Enhancement Project, Sec. 1203 & 1207 |
| **CFDA # and Title** | 15.531 |
| **Single Source Justification Criteria Cited** | (4) Unique Qualifications |
| **Reclamation Point of Contact** | Sharon Hamson<br>Grants Management Specialist<br>Columbia-Cascades Area Office<br>1917 Marsh Road<br>Yakima, WA 98901 |

## OVERVIEW

The two major objectives of the Yavapai-Prescott Indian Tribe Water Settlement Act of 1994, P.L. 103-434, as amended, Title XII—Yakima River Basin Water Enhancement Project (YRBWEP), are: (1) to protect, mitigate, and enhance fish and wildlife through improved water management; improved instream flows; improved water quality; protection, creation and enhancement of wetlands; and by other appropriate means of habitat improvement; and (2) to improve the reliability of water supply for irrigation. One of the purposes of the YRBWEP is to establish and administer a Basin Water Conservation Program (Basin Conservation Program). Funding support for projects approved by the Basin Conservation Program comes in part by Washington State Department of Ecology (Ecology), the Bureau of Reclamation (Reclamation) and an eligible entity doing work that benefits the Yakima River Basin.

Naneum, Wilson, and Cherry Creek watersheds are the largest tributary streams in the upper Yakima River basin that remain inaccessible to salmon and steelhead due to irrigation diversions and other infrastructure barriers including Reclamation-owned canals. Most streams within these three watersheds have been significantly altered to accommodate irrigation and transportation infrastructure, development, and to reduce flooding. Legacies of these fragmented actions are streams that have degraded habitat, contain barriers to fish passage, poor water quality, and insufficient flow and create unintended flood hazards. Restoring fish access to the watersheds is considered a high priority for steelhead recovery.

In 2013 the Kittitas County Public Works Department (County) received funding from the Washington State Salmon Recovery Funding Board (SRFB) and the Kittitas County Flood Control Zone District (District) to conduct the Naneum-Wilson Creek watershed assessment. The purpose of the assessment is to develop a baseline understanding of the existing condition of each stream as it relates to fish, irrigation, water quality, and flooding. This assessment is considered the first phase in producing a geospatial decision management framework and a plan for that will be used to prioritize future enhancements to improve fish passage, use and productivity, improve water quality, improve irrigation reliability, reduce the impact of irrigation facilities on streams, and reduce flood hazards within the watersheds.

Available County funds and the cost-share funds received from the SFRB and the District is not enough to complete the assessment. Therefore, it is Reclamation's intent to provide the County with financial assistance, through the Basin Conservation Program, to aid in the on-going assessment within the Naneum, Wilson, and Cherry Creek watersheds. The estimated schedule to complete the watershed assessment is approximately 2.5 years.

## RECIPIENT INVOLVEMENT

The County, with assistance from the Kittitas County Flood Control Zone District, will enter into contract(s) with qualified consultants to manage and complete the following tasks:

- Task 1: Develop Project Goals and Objectives
- Task 2: Identify and Engage Key Stakeholders Groups
- Task 3: Develop a Baseline Watershed Inventory and Condition Assessment
- Task 4: Develop Alternative Screening and Evaluation Criteria

- Task 5: Identification of Initial List of Actions
- Task 6: Develop a GIS Project Database and Summary Report, and Presentation of Assessment Results
- Task 7: Prepare a Draft Scope of Work for Next Phase

## RECLAMATION INVOLVEMENT

No substantial involvement on the part of Reclamation is anticipated for the successful completion of the objectives to be funded by this award. It is anticipated that Reclamation's involvement will consist of standard federal stewardship responsibilities such as monitoring project performance, technical assistance at the request of the recipient, etc.

## SINGLE-SOURCE JUSTIFICATION

**DEPARTMENT OF THE INTERIOR**
**SINGLE SOURCE POLICY REQUIREMENTS**

Department of the Interior Policy (505 DM 2) requires a written justification which explains why competition is not practicable for each single-source award. The justification must address one or more of the following criteria as well as discussion of the program legislative history, unique capabilities of the proposed recipient, and cost-sharing contribution offered by the proposed recipient, as applicable.

In order for an assistance award to be made without competition, the award must satisfy one or more of the following criteria:

(1) Unsolicited Proposal – The proposed award is the result of an unsolicited assistance application which represents a unique or innovative idea, method, or approach which is not the subject of a current or planned contract or assistance award, but which is deemed advantageous to the program objectives;

(2) Continuation – The activity to be funded is necessary to the satisfactory completion of, or is a continuation of an activity presently being funded, and for which competition would have a significant adverse effect on the continuity or completion of the activity;

(3) Legislative intent – The language in the applicable authorizing legislation or legislative history clearly indicates Congress' intent to restrict the award to a particular recipient of purpose;

(4) Unique Qualifications – The applicant is uniquely qualified to perform the activity based upon a variety of demonstrable factors such as location, property ownership, voluntary support capacity, cost-sharing ability if applicable, technical expertise, or other such unique qualifications;

(5) Emergencies – Program/award where there is insufficient time available (due to a compelling and unusual urgency, or substantial danger to health or safety) for adequate competitive procedures to be followed.

Reclamation did not solicit full and open competition for this award based the following criteria:

## (4) UNIQUE QUALIFICATIONS

### Single Source Justification Description:

There are many private landowners and local agencies involved in managing water and other natural resources in Naneum, Wilson, and Cherry Creek watersheds, including a large number of private, non-federal water rights on creeks where most of the land is in private ownership. The County has already started the process of engaging local landowners and agencies, received cost-share funding assistance from state and county entities, and initiated the assessment. The assessment is considered the first phase in producing a plan that will be used to prioritize future enhancements; the Yakima River Basin Water Enhancement Project (YRBWEP), Title XII of P.L. 103-434, as amended, requires Reclamation to produce a tributary study plan prior to funding tributary enhancement projects that will benefit the Yakima River Basin. The goals of the assessment being completed by the County overlap with the YRBWEP requirement to produce a tributary study report. Therefore, it is cost and time effective for Reclamation to partially fund and participate in this on-going assessment to avoid duplication of existing efforts and to take advantage of a process that has already engaged local landowners and agencies.

### STATUTORY AUTHORITY

Yavapai-Prescott Indian Tribe Water Settlement Act of 1994; P.L. 103-434, as amended by P.L.105-62 and P.L.106-372: Title XII—Yakima River Basin Water Enhancement Project, Sec 1203 and 1207 (applicable subsections listed only):

**SEC. 1203. YAKIMA RIVER BASIN WATER CONSERVATION PROGRAM.**

(a) ESTABLISHMENT-

(1) The Secretary, in consultation with the State of Washington, the Yakama Indian Nation, Yakima River basin irrigators, and other interested parties, shall establish and administer a Yakima River Basin Water Conservation Program for the purpose of evaluating and implementing measures to improve the availability of water supplies for irrigation and the protection and enhancement of fish and wildlife resources, including wetlands, while improving the quality of water in the Yakima Basin. The Secretary may make grants to eligible entities for the purposes of carrying out this title under such terms and conditions as the Secretary may require. Such terms and conditions shall include a requirement that all water districts, irrigation districts, individuals, or other entities eligible to participate in the Basin Conservation Program must equip all surface water delivery systems within their boundaries with volumetric water meters or equally

effective water measuring methods within 5 years of the date of enactment of this Act.
(2) Conserved water resulting in whole or in part from the expenditure of Federal funds shall not be used to expand irrigation in the Yakima Basin, except as specifically provided in section 1204(a)(3) on the Yakama Indian Reservation.
(3) The provisions of this section shall not apply to the Yakama Indian Nation except as to any funds specifically applied for from the Basin Conservation Program.

(b) FOUR PHASES OF PROGRAM- The Basin Conservation Program shall encourage and provide funding assistance for four phases of water conservation, which shall consist of the following:

(1) The development of water conservation plans, consistent with applicable water conservation guidelines of the Secretary, by irrigation districts, conservation districts, water purveyors, other areawide entities, and individuals not included within an areawide entity.

(d) COST SHARING-

(1) Except as otherwise provided by this title, costs incurred in the four phases of the Basin Conservation Program shall be shared as follows:

| **Program Phase** | **Non-Federal** | | **Federal Grant** |
|---|---|---|---|
| | **State Grant** | **Local** | |
| 1. Development of water conservation plans | 50% but not more than $200,000 per | (Residual amount if any) | 50% |
| 2. Investigation of specific water conservation measures | 50% but sum of 1 and 2 not greater than $200,000 per recipient | 20% after deducting State funds for Item 2 | Residual amount after deducting State and local funds for Item 2 |
| 3 and 4. Implementation and post implementation monitoring and evaluation | 17.5% | 17.5% | 65.0% |

**SEC. 1207. ENHANCEMENT OF WATER SUPPLIES FOR YAKIMA BASIN TRIBUTARIES**.

(a) GENERAL PROVISIONS- The following shall be applicable to the investigation and implementation of measures to enhance water supplies for fish and wildlife and irrigation purposes on tributaries of the Yakima River basin:

(1) An enhancement program authorized by this section undertaken in any tributary shall be contingent upon the agreement of appropriate water right owners to participate.
(2) The enhancement program authorized by this section shall not be construed to affect

(A) the water rights of any water right owners in the tributary or other water delivering entities;
(B) the capability of tributary water users to divert, convey, and apply water; and
(C) existing water and land uses within the tributary area.

(3) The water supply for tributary enhancement shall be administered in accordance with applicable State and Federal laws.

(4) Any enhancement program authorized by this section shall be predicated upon the availability of a dependable water supply.

(b) STUDY-

(1) The Secretary, following consultation with the State of Washington, the tributary water right owners, and the Yakama Indian Nation, and agreement of appropriate water right owners to participate, shall conduct a study concerning the measures that can be implemented to enhance water supplies for fish and wildlife and irrigation purposes on Taneum Creek, including (but not limited to)--

(A) water use efficiency improvements;
(B) the conveyance of water from the Yakima Project through the facilities of any irrigation entity willing to contract with the Secretary without adverse impact to water users;
(C) the construction, operation, and maintenance of ground water withdrawal facilities;
(D) contracting with any entity that is willing to voluntarily limit or forego present water use through lease or sale of water or water rights on a temporary or permanent basis;
(E) purchase of water rights from willing sellers; and
(F) other measures compatible with the purposes of this title, including restoration of stream habitats.

(2) In conducting the Taneum Creek study, the Secretary shall consider--

(A) the hydrologic and environmental characteristics;
(B) the engineering and economic factors relating to each measure; and
(C) the potential impacts upon the operations of present water users in the tributary and measures to alleviate such impacts.

(3) The Secretary shall make available to the public for a 45-day comment period a draft report describing in detail the findings, conclusions, and recommendations of the study. The Secretary shall consider and include any comment made in developing a final report. The Secretary's final report shall be submitted to the Committee on Energy and Natural Resources of the Senate, the Committee on Natural Resources of the House of Representatives, and the Governor of the State of Washington, and made available to the public.

(d) OTHER YAKIMA RIVER BASIN TRIBUTARIES- Enhancement programs similar to the enhancement program authorized by this section (on Taneum Creek) may be investigated and implemented by the Secretary in other tributaries contingent upon the agreement of the appropriate tributary water right owners to participate. The provisions set forth in this section shall be applicable to such programs.

(e) There is also authorized to be appropriated to the Secretary such funds as are necessary for the investigation of enhancement programs similar to the enhancement program authorized by this section in other Yakima River basin tributaries contingent upon the agreement of the appropriate water right owners to participate. Funds for the implementation of any such similar enhancement program may not be appropriated until after the Secretary submits an investigation report to the appropriate congressional committees.