

**Meeting Summary**  
**WRIA 54 & 57 Instream Flow Recommendation Work Group**  
Tuesday, September 25, 2007  
1:30 p.m.—4:30 p.m.

**Location:** Washington Department of Fish & Wildlife, Spokane Valley, WA

**Meeting Purpose:** To begin the process of making recommendations for instream flows for Watershed Resource Inventory Areas (WRIAs) 54 and 57. This meeting included a discussion of an Instream Flow White Paper template and approach; discussion of Work Group goals and objectives; detailed discussion of instream flow elements and components to consider; formation of sub-groups to explore elements and issues in greater depth; discussion of resource needs; and scheduling of the work plan for this effort.

**Work Group members and guests recorded on the sign-in sheet were:**

<b>Name</b>	<b>Representing</b>
Bart Haggin	<i>Lands Council</i>
Charlie Peterson	<i>Spokane County Conservation District</i>
Doug Robison	<i>Washington Department of Fish and Wildlife</i>
Kristine Graf	<i>City of Spokane</i>
Lloyd Brewer	<i>City of Spokane</i>
Mark Wachtel	<i>Washington Department of Fish and Wildlife</i>
Mike Hermanson	<i>Spokane County</i>
Rachael Pascal Osborn	<i>Sierra Club &amp; Center for Environmental Law and Policy</i>
Reanette Boese	<i>Spokane County</i>
Sara Hunt	<i>Department of Ecology</i>
Stan Miller	<i>Consultant to Spokane County</i>
Steve Skipworth	<i>Vera Water and Power</i>
Tim Vore	<i>Avista Corporation</i>
Bob Wheeler	<i>Triangle Associates</i>

**Action Items**

- Work Group will meet on October 23, 2007 to develop ideas and recommendations for the following items:
  - **Identifying control points in the Spokane River** – What control points should be used? Are one or two control points adequate or should three be adopted? These could include control points, such as Monroe Street, Barker Road, and/or Gun Club.
  - **What is the geographic extent of the instream flow recommendations?**
  - **What flows does the Work Group want to recommend?**
  - Should **exempt wells** be addressed in the instream flow recommendations?
  - Should the **WRIA 54 tributaries** be recommendations developed out of the **WRIA 54 Planning Unit Plan** or out of this **joint WRIA 54-57 instream flow Work Group?**

- Triangle Associates will make the necessary changes to the “live” White Paper and send it out along with information available on studies that can serve as models (e.g. additional instream flow rules from across the state) and that can provide ideas for Work Group members

### **Welcome and Introductions Agenda Review, Meeting Purpose, and Announcements**

Bob Wheeler welcomed the Work Group and outlined the purpose of the meeting and the planned agenda for the day.

### **Instream Flow Template Discussion**

Bob led the Work Group through the White Paper template—he emphasized the goal to focus on elements and components of instream flows, explored some of the options available in an instream flow rule, and described instream flow rules across the state. Bob explained some of the basics and history around watershed planning and instream flow recommendations and setting. He also illustrated a sample instream flow rules from Walla Walla, Skagit, and a template from Hoko-Lyre for the benefit of the Work Group’s discussion.

### **Instream Flow History of WRIA 55/57 and WRIA 54**

In addition to providing an outline of the draft White Paper, there was an extensive background discussion and history of water management affecting the state and the Spokane River, including:

- History from the 1970s of setting instream flows in the Skagit River.
- A history of water resource planning in the state from the late 1960s and after the passage of the 1998 Watershed Planning Act to present.
- Recent Ecology actions on the Entiat, Stillaguamish, and Walla Walla instream flows that have been adopted; more watersheds are pending.
- A Little Spokane instream flows discussion occurred. It was the only state instream flow set in the Spokane area back in the late 1970s and early 1980s. It was questioned why it was the only instream flow set in the region and whether any lawsuits occurred?
- The Work Group agreed that it is important to clearly understand the basics and history surrounding instream flow setting and watershed planning. The Work Group discussed developing a synopsis in the White Paper about the history of WRIA 55/57 and 54 to include the instream flow history, as well as the Little Spokane (which has a different history than WRIs 54 and 57 where instream flows were set in 1977).
- A summary of what was used in developing historical instream flow efforts/recommendations.
- The Work Group discussed Surface Water Source Limitation (SWSL) list, as well as past SWSL letters written. The RCW requires Ecology to consult with WDFW for water right applications that may affect instream flows and the result is a SWSL (Becher/Fitzsimmons negotiations: RCW 77.55).

### **Additional requests to insert into the White Paper**

Bob asked the Work Group if there were any suggestions for edits or points to add to the headings or body of the draft White Paper. The following ideas emerged:

- Replacing the “Questions to Consider” section with a “Frequently Asked Questions” section. Bob said he would change the title of the section. It was thought that such a section could be useful as a tool for public outreach and would be an effective way to explain instream flow recommendations

- One member asked if there should be a section that explains the Avista Federal Energy Regulatory Commission (FERC) relicensing process and how flows determined through that process would interact with the Spokane instream flow recommendations. Where to place this in the White Paper was discussed, possibly as a standalone section because of its importance to potential recommendations.
  - It was noted that the Avista FERC relicensing is “in-flux” or “in process” so that the recommendations out of this watershed planning process could impact those out of the relicensing process.
- Idaho minimum flows set on the Spokane River
- Create a technical findings section
  - Summary of the findings and of what was used in developing the instream flow recommendations
  - Some elements of this section could include:
    - Hydrology
    - Instream flow studies

## **Elements/ Components of the Instream Flow Rule**

Bob reviewed the Elements/ Components section and described how the Work Group could develop the section for establishing instream flow recommendations. As the group reviewed this section the following questions were raised:

Question: What kind of provisions would exist for reservoirs, ponds, or lakes? Bob answered using the Skagit rule watershed as an example of what could be included - that the quality of reservoirs, lakes, and ponds shall be enhanced or retained and in the case that they are not enhanced or retained, future water withdrawals could be denied.

Question: Can reservations be consumptive and non-consumptive? Bob answered that his understanding was that they are generally consumptive, but that provisions for both could be included.

Bob also stressed that reservations are an important element that the Work Group should consider.

**How to address exempt wells in this process?** A question was asked about exempt wells and whether or not they should be addressed in any instream flow recommendations.

- Some members recalled that Ecology has not addressed exempt wells during water adjudications, such as the Yakima Basin where only surface water was considered
- It was stated that exempt well issues are an issue of concern across the state
- Some watersheds have limited the water allowance below the standard 5000 gpd, others have made no recommendations
- It was discussed whether exempt well usage is consumptive or not
- It was agreed that many viewpoints exist on the issue of exempt wells

## **Additional changes (or suggestions) made by the Work Group to the Elements/ Components Section of the White Paper included:**

- Reservations
  - The effect of municipal inchoate rights and those future demands need to be considered

- Water conservation and efficiency standards
  - Rule mandating efficiency – new and/or old water rights
  - Possibly establish goals for efficiency standards
  - Look at specifics of Spokane Basin and what this would look like?
  - Metering or measuring water use (maybe under administration regulation?)
    - Municipal
    - Exempt wells
    - Monitoring and data collection of this water usage information, and reporting—these could be potential topics of treatment by the rule, as well as flow.
- Designated groundwater areas and withdrawal limits
  - Surface water basins are different from groundwater basins – WRIA boundaries represent the surface water, but not necessarily the boundaries that delineate groundwater basins.
- Administration and regulation
  - Flow and water usage measuring, monitoring, collection, reporting, and availability of the data were noted as important subjects to address.
- Maps
  - What is the geographic area that is covered by this rule?
    - Everything tributary to the point of control?
    - Barker Road? Monroe Street?
  - Tributaries
- Should there be only one rule that covers the whole geographic area or would it be best to have differences established by each WRIA?

### **Discussion about points of control**

Numerous Work Group members raised the following questions and comments:

- Would the instream flow be measured at the Columbia River?
- In this rule would multiple points be established with everything behind that control point dependent upon it?
- Will an instream flow at Barker Road provide for managing an entire river for the needs identified by the Work Group? If it will, everything can be managed with a control point at Barker Road. Maybe Barker Road is not the best place to manage the river?
- One Work Group member said that water management for WRIAs 54 and 57 could be done at Monroe Street and not Barker Road. This is because Barker Road flow measurements are not used for the management of water rights, but for fish habitat, so it may be used for different management purposes.
- Another Work Group member said typically most rules use the lowest point in the watershed. It was noted that Ecology typically likes to use one control point in its rules.
- One member suggested that two questions need to be answered at the onset of the instream flow Work Group discussion. (1) What control points and flows should be discussed at the start of the Spokane River instream flow process? and (2) What are the flows that the Work Group wants to set?

### **Additional items/questions discussed**

The Work Group continued to discuss a host of issues, including:

- How do you split up a WRIA within a rule? Is this possible?
- Can reclaimed water be used to replenish instream flows/aquifers?

- Is there an amount of water to reserve? Does it make sense to talk about reserves if the determination is made that there is still water available?
- Are exempt wells connected to instream flows? It was noted that WRIA 54 will have to work on the issue of exempt wells.
  - Ecology, Bob also noted, would likely address exempt wells in the rule, and would include something to say whether the rule does or does not include it. He said that the Work Group could address the exempt well issue by saying something like, “We recommend that the instream flow rule not make any changes to exempt wells and any provisions that the individual WRIsAs choose to make themselves, should be made separately by each Planning Unit.” WRIA 54 could then go forward and make changes to exempt wells in the rule that Ecology might then use when setting the rule.
- A lot of discussion occurred on the connection between exempt wells and surface water. Additionally hydraulic continuity and its impacts on setting instream flows were talked about.

### **Focusing the Discussion**

Bob sought to focus the Work Group to the following issues and questions. He asked if the next “Sub Group” Meeting could address the following points (originally highlighted on the White Paper in blue):

- Setting control points in the stream – What are the control points? Are two or three potential points adequate? Monroe Street? Barker Road? Gun Club? Others?
- What is the geographic extent of the recommendation(s)?
- What are the flows that the Work Group wants?
- Should the Work Group address exempt wells in the instream flow recommendations?
- Should the WRIA 54 tributaries be recommendations out of the Planning Unit Plan or out of this instream flow Work Group? (Could the Work Group prioritize the mainstem of the Spokane River and focus on tributaries afterward?).
  - Bob referred to the contract between Spokane County and Ecology as to what has to be done by the Work Group.

### **Additional items to be addressed, but identified to be of lesser priority (originally highlighted on the White Paper in green)**

- Can the West Plains area be separated from the instream flow recommendations, i.e. are there areas where pumping from one area to another? Is this also true for WRIA 57 to 55 and 56?
- Is there water available to reserve? Is there water available for new permits, with or without mitigation?
- How can the area make more water available for flows? Do mitigation strategies exist for making water available?

### **Possible Sub Group Designations**

An emphasis was made that to be practical with the small size of the Work Group, it might be best to have the entire Work Group focus on the five proposed “Sub Group” issues (ISF Recommendations; Reserved water/ Exempt wells; 401, FERC/ Avista, interstate issues; Hydraulic continuity of ground and surface water; and Tributaries). Thus the Work Group decided to form one “Sub Group” to discuss the five proposed issues.

The Sub Work Group agreed to meet October 23, 2007 to develop the ideas and recommendations for items colored in blue above under the heading “Focus the Discussion.” Items in the “Additional items to be addressed, but of lesser priority” section highlighted in green will be the focus after decisions are made on those questions in blue.

Work Group members will be expected to come to the table ready to present their ideas and thoughts, with an eye to deciding these at the Nov 27, 2007 Work Group meeting. In the meantime, Work Group members should focus on the Hardin and EES Reports, as well as Avista efforts for FERC relicensing. The White Paper will be sent out to the Work Group along with information available on studies for members to focus on for providing ideas to add when considering recommendations for instream flows in WRIAs 54 and 57.

**Schedule and Tasks**

The Work Group agreed upon October 23, 2007 as the next “Sub Group” meeting time. At that time the whole Work Group will look to form sub-groups as necessary. Additionally, the Work Group agreed to meet together as a whole on November 27, 2007. Future meetings with tentative meeting dates are shaded in gray.

<b>ISF Work Group Dates</b>	<b>ISF Work Group tasks/products</b>	<b>Sub-Group Dates</b>	<b>Sub-Group tasks/products</b>
Sept. 25	Develop template and approaches; element/component refinement and agreement, goals and objectives, and schedule	Oct. 23	See the action items list for Sub-Group goals in the October meeting
Nov. 27	Substantive development of document recommendations; fact finding	Dec.18	Development of sub-group information/recommendations
Jan. 22		Feb.26	Compile sub-group information/recommendations to present to the ISF Work Group
March 25	Draft Issue Paper and Recommendations		
May 27	Finalize Issue Paper and Recommendations		

**Summary and Next Steps**

Bob Wheeler thanked the Work Group for meeting and adjourned the meeting.