

Meeting Summary WRIA 54 & 57 Instream Flow Recommendation Work Group

Tuesday, January 29, 2008

1:30 p.m. – 4:30 p.m.

Location: Washington Department of Fish and Wildlife, 2315 N Discovery Place, Spokane Valley, WA

Meeting Purpose

The purpose of the meeting was to review State suggestions on instream flows and to discuss, propose approaches for, and reach tentative agreements on the following:

- Establish control point(s) for the middle and lower Spokane River reaches
- Provide guidance on and decide about an approach to including “considerations” into Work Group recommendations
- Begin process of responding to the “considerations,” if agreement is reached to proceed with this
- Establish instream flows

Action Items

- Work Group will meet on February 26, 2008 to develop recommendations for future water rights decision making for the following items:
 - Identifying control points in the Spokane River – What control points should be used?
 - Barker Road has been agreed upon as a surface water gage
 - Spokane Gage, Seven Mile/Gun Club, and Nine Mile are potential options for ground and surface water control points in the middle Spokane River segment
 - The Little Falls Dam area could serve as a lower river control point
 - What flows does the Work Group want to recommend for instream flows?
- Work Group members agreed to complete the instream flow considerations worksheet and return it prior to the upcoming February 26, 2008 meeting.
- The Work Group will come to the February 26, 2008 meeting ready to make decisions on control points and instream flows
 - The Work Group will bring supporting data, reports, and/or materials

Welcome, Agenda Review, and Meeting Summary Review

Bob Wheeler welcomed the Work Group and reviewed the agenda.

The Work Group reviewed the December 11, 2007 meeting summary. Changes made clarified that the Little Falls Dam area and *not* the Little Falls Agreement was the basis for a potential control point in the lower segment of the Spokane River. An additional change made in the summary corrected language that did not emphasize the purpose of instream flow recommendations. The language added to the summary builds on the phrase “instream flow recommendations” with “instream flow recommendations *for future water rights decision making.*” The Work Group requested to review the summary and approve it at the February 26, 2008 meeting.

Report Out on Exempt Well Growth Analysis - Mike Hermanson, Spokane County
Mike Hermanson reported out to the Work Group about his analysis of the potential for more exempt wells in Spokane County. He presented the methodology of the Spokane County analysis

for determining where exempt wells were located over the Spokane Valley Rathdrum Prairie aquifer and where future wells could be placed in Spokane County. The analysis concluded that the potential for a significant increase in exempt wells did not appear to be large.

Ecology/WDFW Instream Flow Recommendations - Hal Beecher, Washington Department of Fish and Wildlife & Brad Caldwell, Department of Ecology
Hal Beecher provided an introduction and explained the basis of the Ecology/WDFW instream flow recommendations for future water rights decision making (much of the analysis was based on the EES instream flow study). In addition to describing the methodology behind the recommendations, he noted that these recommendations used the Spokane Gage as the control point. Highlights included:

- The recommendations are intended to avoid drastic drops in streamflow that could dewater spawning areas.
- The instream flow recommendations focus on fish habitat as the prime consideration.
- It was emphasized that the winter instream flows should be good for mountain whitefish.
- Spring flow recommendations were more tailored to rainbow trout.
- The summer flow recommendations try to balance the needs for both rainbow trout and mountain whitefish.
- Flow variability is important to retain aquatic habitat.
- The recommendation does not recognize the effect on water temperatures.

Ecology/WDFW Instream Flow Recommendations	
Time period	Recommended flows
January 1 – March 31	1100 cubic feet per second (cfs)
April 1 – June 15	3000 cfs
June 16 – September 30	850 cfs
October 1 – December 31	1100 cfs

The Work Group discussed whether optimal flows exist. It was noted that there is doubt as to whether or not that is possible. Models make numerous simplifications that limit certainty and different species have different instream flow requirements. In sum, Hal Beecher noted that not everything is known about instream flows. Natural flows seem to do well for fish species and attempts should be made to mimic natural flows as much as possible.

Instream Flow Settings

In response to a question about whether any one instream flow exists, it was noted the Ecology/WDFW recommendation recognizes that instream flows vary according to the season. Instream flows are often set month-by-month, or during critical periods at intervals as small as every two weeks, over the water year.

The recommendation, or recommendations, of the instream flow Work Group for future water rights decision making will go to the individual Planning Units to be decided. It was emphasized that consensus is the Work Group's goal and that the Work Group is the best forum to come to some sort of agreement on what instream flows for WRIAs 54 and 57 should be.

River Temperatures

In response to a question about water temperature, it was noted that modeling at the Spokane Gage indicates that water temperature is not a significant issue. Temperatures around Spokane Gage are primarily cool in the summer because of the inflow of groundwater. Upstream and

nearer to the Post Falls Dam, river water temperatures could be warmer because the flows released from Post Falls Dam originate in the warm summer waters of Lake Coeur D'Alene.

Flow Variation

In response to a question about whether instream flow recommendations for future water rights decision making would flatten the river hydrograph, it was noted that instream flow variation has been a factor in the evolution of fish species. Flattening instream flows is probably not good for aquatic species. One option to avoid the loss of instream flow variation is to set allocation limits, whereby only a certain amount of water rights could be allocated. These limits have been used by Ecology in other rules (e.g., Walla Walla, Entiat) to retain instream flow variation. It was noted that there is some uncertainty about what amount of streamflow variation is required for healthy aquatic habitat.

Instream Flow Proposals

As was requested at the December 11, 2007 meeting, Work Group members came prepared to present proposals from their perspectives on instream flow recommendations for future water rights decision making at the Spokane Gage.

City of Spokane Environmental Programs

The City of Spokane Environmental Programs submitted a memo to the Work Group detailing its proposal for instream flows.

City of Spokane Environmental Programs Proposal	
Time period	Recommended flows
January 1 – March 31	800 cfs
April 1 – June 15	1500 cfs
June 16 – September 30	425 cfs
October 1 – December 31	550 cfs

Environmental Community

Rachael Pascal Osborn presented the analysis used to generate the environmental community's instream flow proposal, which was based on the "Whitewater Paddling Instream Flow Assessment Report." For a navigable flow—or a flow needed in the summer to protect navigation in the Spokane River—a summer minimum instream flow proposal of 1350 cfs was made. The optimal summer instream flow proposed by the environmental community was determined to be around 3000 cfs. This, she noted, would address issues of aesthetics and would not harm fish. Rachael Pascal Osborn also stated from her own view that water quality should be an issue when making an instream flow recommendation.

Environmental Community Proposal	
Time period	Recommended flows
January 1 – March 31	n/a
April 1 – June 15	n/a
June 16 – September 30	1350 cfs (minimum); 3000 cfs (optimal)
October 1 – December 31	n/a

Spokane County

Staff from Spokane County said they were generally supportive of the Ecology/WDFW recommendation of 850 cfs for the summer flows (June 16 – September 30). Spokane County has not developed instream flow recommendations at other times of the year.

Spokane County Proposal	
Time period	Recommended flows
January 1 – March 31	n/a
April 1 – June 15	n/a
June 16 – September 30	850 cfs
October 1 – December 31	n/a

Discussions about the Proposals

There was a conversation about the ramifications of Spokane River water temperatures if warm water was required to be released from Post Falls Dam in order to meet minimum flow requirements. It was clarified that the instream flow rule does not require putting additional water in the Spokane River. Instream flow rules are not like the 401 Water Quality Certification process where decisions can be made about how much water should remain in, or be added to, the river.

Additional discussion items included:

- Rachael Pascal Osborn noted that it is important to remember why the Work Group is developing recommendations for instream flows. The original state-mandated purpose of setting instream flows was to protect values such as habitat, recreation, aesthetics, etc. The regulatory effect based on the original intent of setting instream flow rules results in the issuance or denial of future water rights.
- It was noted that higher flows above the minimum level recommended by the Ecology/WDFW caucus would not be detrimental to aquatic habitat.
- It was also noted that this instream flow rule does not affect existing water rights. It differs from the 401 Water Quality Certification process, which has more authority to affect what instream flows should be.
- The Work Group engaged in a discussion about the environmental impacts (i.e., carbon footprint) of water distribution and the resources required to transport water from municipalities to water purveyors 20 miles away from the water source.

The Work Group then considered different issues related to the various proposals made by the State caucus, the Environmental Community, the City of Spokane Environmental Programs, and Spokane County. They also considered options on how to arrive at recommendations to present to the WRIA 54 and 55/57 Planning Units.

Water Reserves

The Work Group discussed the option of implementing water reserves in the instream flow rule for future water rights decision making. Different options for reserves were discussed. These included setting a reserve for exempt wells or municipal drinking water supply because these uses cannot be interrupted. It was noted that a water reserve can provide more certainty for municipalities without needing to consider whether or not inchoate water rights will be upheld after the current court challenges to the Municipal Water Law. Existing water rights cannot be

affected by water reserves, but since instream flow rules are essentially the state's water right, a portion of this state water right can be allocated for water reserves.

Other Considerations to be Included in the Instream Flow Rule

Brad Caldwell asked if the Work Group might begin to consider how the instream flows proposed by the different caucuses will affect the interests of Work Group members. The Work Group agreed to look at the different flow values and how it would affect their interests by completing the instream flow considerations worksheet.

The Work Group discussed various options or considerations to include in the instream flow rule. They considered what issues the Work Group will need to address in order to respond to inquiries made by members of the WRIA 54 and 55/57 Planning Units.

An additional consideration—water trust/water banking—was added to the consideration worksheet.

Control Points

The Work Group continued its ongoing discussion on control points. The Work Group confirmed the recommendation made at the December 11, 2007 meeting to use the Barker Road control point for the regulation of surface water upstream of that point.

Evaluating the Merits of a Middle River Control Point below Spokane Gage

The Work Group discussed the costs (~\$15,000) of installing the equipment necessary to establish a real-time gage at Seven Mile/Gun Club (a foundation has been laid for a gage in the river but there is no river gage). The Work Group discussed John Covert's previous recommendation to choose just one control point for the middle segment of the Spokane River. Additionally, Mike Hermanson explained that from his modeling work, the Spokane Gage did not adequately reflect withdrawals from the Western Arm and the upper portion of the Spokane Valley Rathdrum Prairie aquifer. A concern was expressed by Rob Lindsay that the Spokane Gage does not have the capability to monitor future development on the West Plain and that monitoring at a lower control point would allow one to evaluate the potential impact of paleochannels on flows in the middle segment of the Spokane River.

Because of the groundwater contributions from the aquifer are so significant (~200 cfs) Mike Hermanson noted that a control point to measure the input of ground water below the Spokane Gage would be important. Stan Miller mentioned that the question for the Work Group might be whether to have the control point at Seven Mile/Gun Club or Nine Mile, instead of the Spokane Gage. The Work Group discussed John Covert's previous concern that a control point at Nine Mile would be too "flashy" (i.e., this control point would experience variable flows that are not consistent enough to use for regulatory purposes) to be useful in regulating water users.

The Work Group took an informal poll of whether there was any agreement on which control point to use for the middle segment of the Spokane River. There was not a unanimous opinion for any control point option. Bob Wheeler asked if there was a way for the Work Group to choose one control point with some caveats attached to the recommendation (so as to change a recommendation in the future if new information came to light).

Stan Miller noted that all of the proposals made by different Work Group caucuses were based on the Spokane Gage site. If another control point was recommended this shift would require a complete reevaluation of the instream flow numbers that have been proposed by the Work Group

so far. The Work Group also noted that the Spokane Gage will not be shut down regardless of the instream flow recommendations for future water rights decision making made by the two Planning Units (even if another control point for the middle segment of the Spokane River is recommended).

The Work Group evaluated different options for what control points might cover the most area of the watershed.

One suggestion was made to have the Work Group develop a recommendation that Ecology and watershed groups strongly pursue the installation of a gage below the gaining reach of the middle segment of the Spokane River.

Assignments and Next Steps

Bob Wheeler discussed the proposed worksheet of instream flow considerations. He asked Work Group participants to complete the instream flow consideration worksheet (to be distributed via email after the meeting) prior to the upcoming February 26 meeting. He also outlined the next steps for the Work Group and the potential white paper.

Bob thanked the Work Group for their time. He noted that the next meeting will be held on Tuesday, February 26, 2008 from 1:30 p.m. to 4:30 p.m. He adjourned the meeting at 4:30 p.m.

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

Name	Representing
Andy Dunau	<i>Spokane River Forum</i>
Bill Rickard	<i>City of Spokane</i>
Bob Wheeler	<i>Triangle Associates</i>
Brad Caldwell	<i>Washington State Department of Ecology</i>
Brian Crossley	<i>Spokane Tribe</i>
Brian Walker	<i>The Lands Council</i>
Charlie Peterson	<i>Spokane County Conservation District</i>
Hal Beecher	<i>Washington Department of Fish and Wildlife</i>
John Patrouch	<i>UWWA/FOF</i>
Kristine Graf	<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 & Center for Environmental Law and Policy</i>
Rick Eichstaedt	<i>Center for Justice</i>
Rob Lindsay	<i>Spokane County</i>
Ryan Molsua	<i>URS</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>
Ty Wick	<i>Spokane Aquifer Joint Board</i>