

FINAL
Meeting Summary
WRIA 54 - Lower Spokane River Watershed
October 24, 2007

Location: Airway Heights Community Center, Airway Heights, WA.

Planning Unit members and guests recorded on the sign-in sheet were:

Mike Hermanson, Spokane County	Rob Lindsay, Spokane County
Jim DeGraffenreid, Lincoln County Planning	Brian Crossley, Spokane Tribe
Lloyd Brewer, City of Spokane	Charlie Kessler, Stevens County Conservation District
Hank Nelson, Avista Corporation	Charlie Peterson, Spokane County Conservation District
Stan Miller, Citizen	Craig Volosing, Landowner and Palisades Neighborhood
Sara Hunt, WA State Dept. of Ecology	Jerry Warner, Palisades Neighborhood and Landowner
Bart Haggin, Lands Council	Jay Landreth, Landowner
Bea Lackaff, Citizen	Guy Tillman, Landowner
Richard Teel, Landowner	Dave Jones, Spokane County Planning Commission
Fred Rajala, WA State Dept. of Ecology	Leigh Berdell, WA State Dept. of Ecology
Cynthia Carlstad, TetraTech	Jon Rudders, GeoEngineers
Bryony Stasney, Golder Associates Inc.	
Wes McCart, Stevens County Farm Bureau and Stevens County Water Conservancy Board	
David Luders, Fairchild Airforce Base and Indian Village Estates Water Assoc.	
Jeanne Barnes, Spokane Association of Realtors and Lake Spokane Park Homeowners Association	

Call to Order

Bryony opened the meeting at 9:30 am. Attendees introduced themselves. Bryony requested that each attendee complete the sign-in sheet.

Review and Approve September 2007 Meeting Summary

The draft September 26, 2007 WRIA 54 Planning Unit meeting summary was reviewed page by page with the following edits: 1) change the second sentence on page 7 to read, "Lloyd noted discussion during the Instream Flow work group meeting which indicated that there most likely will be insufficient funding for the ongoing Spokane River Instream Flow workgroup to review the technical data, discuss instream flow rule options and complete recommendations for the Spokane River and for WRIA 54." Those present accepted the suggested change to the September 2007 meeting summary and approved the summary as final. The final meeting summary will be posted on Spokane County's web site at <http://www.spokanecounty.org/wqmp/wria54.htm>.

Public Comment

Mike Hermanson noted that Charlie Kessler from the Stevens County Conservation District attended the Water Quality Work Group meeting. Charlie informed the group that the Stevens County Conservation District is applying for Centennial Clean Water funds / Section 319 grant funding to support a project that will include assessment of point and non-point sources of pollution that impact Lake Spokane in the Suncrest area. The Stevens County Conservation District proposes to monitor the near shore area of Lake Spokane to identify areas of concern due to nutrient loading and bacteria concentrations. The Stevens County Conservation District proposes to conduct effectiveness monitoring of all Best Management Practices (BMPs) installed as part of the project. Charlie requested a letter of support for the project from the WRIA 54 Planning Unit. Mike passed out a draft copy of a letter of support for review by the Planning Unit. Mike drafted the letter on letterhead developed for the WRIA 54 Planning Unit. After discussion, the Planning Unit approved the letter of support.

Jay asked if whitewater issues are being addressed on the Spokane River. Sara noted that flow needs for recreation (e.g., white water) will be addressed within the Spokane River Instream flow process.

Review and Approve Operating Procedures (revised 092607)

Bryony reviewed editorial changes and revisions suggested by the group at the September 26, 2007 Planning Unit meeting and noted that this is the second meeting for approval of the operating procedures (assuming that all present are in agreement with the changes). Bryony reviewed the operating procedures page by page:

- Page 1 – definition for “Implementing Government” modified so that the definition is consistent with the listing of Planning Unit members in Section 8a. ***The Planning Unit agreed with the revision.***
- Page 2 – definition for “Quorum” added as “Quorum” is achieved if ten (10) WRIA 54 Planning Unit members in good standing attend a WRIA 54 Planning Unit meeting.” ***The Planning Unit agreed with the revision.***
- Page 6, Section 8a 2) – the text, “or agent thereof” added after Lead Agency in the first two sentences. ***The Planning Unit agreed with the revision.***
- Page 6, Section 8a 2) – the word, “written” added to the second sentence: “A Planning Unit member with prior **written** notification to the Lead Agency or agent thereof may designate an alternate or another Planning Unit member as their proxy vote.” ***The Planning Unit agreed with the revision.***
- Page 7, Section 8b 2), 5th paragraph – the following was included as a new second sentence, “No decision may bind any participating non-governmental entity to an obligation without agreement from the entity at a WRIA 54 Planning Unit meeting or via written consent.” ***The Planning Unit agreed with the revision.***
- Page 8, Section 8b 3), 5th paragraph – the following was included as a new second sentence, “No decision may bind any participating non-governmental entity to an obligation without agreement from the entity at a WRIA 54 Planning Unit meeting or via written consent.” ***The Planning Unit agreed with the revision.***
- Page 8, Section 9a – the text, “or participating non-governmental entity” added after Implementing Government in the first sentence. ***The Planning Unit agreed with the revision.***
- Page 9, Section 9a, second paragraph – the text, “Non-governmental entities consent to each element of the actions that impose an obligation on the entity by approval of the WRIA 54 Watershed Plan and implementation matrix at WRIA 54 Planning Unit meetings and / or via written consent.” added as a new second sentence. ***The Planning Unit agreed with the revision.***

Discussion occurred about proxy votes and votes by alternates. Following the discussion, the Planning Unit agreed to keep page 6, 8a 2) as is, i.e.:

“Any Planning Unit member not present at a meeting automatically forfeits the right to vote on any issue presented for vote at that time, unless the Planning Unit member writes to the Lead Agency or agent thereof as to their vote before the upcoming meeting. A Planning Unit member with prior written notification to the Lead Agency or agent thereof may designate an alternate or another Planning Unit member as their proxy vote. Planning Unit members who do not attend a meeting can not request a re-vote on any issue voted on at the unattended meeting.”

Bryony suggested that the Planning Unit members think about additional language they may want to add to the operating procedures on proxy and alternate voting and suggest this language at the November 2007 Planning Unit meeting.

The Planning Unit agreed with the changes discussed and Bryony noted the agreement as the first approval of the 10/24/07 revised operating procedures. Bryony will seek a second approval from the Planning Unit at the November 2007 Planning Unit meeting (in accordance with the two-meeting approval process for changes to the operating procedures).

Ongoing / Scheduled Plans and Processes in WRIA 54. Cynthia Carlstad, TetraTech.

Cynthia provided a handout with a draft summary of the previous and on-going natural resource based programs and plans that may relate to the WRIA 54 Watershed Plan. The Planning Unit discussed the programs / plans and suggested that Cynthia add the following:

- Website links, where available, for the programs / plans.
- The Spokane River watershed pre-adjudication.
- Adjacent Watershed Planning, including WRIA 34 and 43 (and spell out the names for the watersheds, e.g., WRIA 34 = Palouse River Watershed) and watershed leads.
- Chamokane federal adjudication (described on page 3-11 of the Phase 2 Technical Assessment).
- USGS project to characterize and model the hydrogeology of the Chamokane watershed.
- Information within the last column for the Coeur d'Alene Lake Management Plan noting that the outlet of Coeur d'Alene Lake is the rock sill that occurs across the channel in the vicinity of the Cedars Restaurant (and not the Post Falls dam). Idaho Department of Environmental Quality and the Coeur d'Alene Tribe are currently in mediation over the plan.
- Coeur d'Alene Basin superfund clean-up (that extends along the Spokane River).
- County Comprehensive Planning.
- Shoreline Master Programs (City and County).
- Spokane River Forum (which Sara noted is in the process of being formed).

Cynthia said that she would revise the summary and present on this topic again at the November 2007 Planning Unit meeting.

Spokane River Pre-Adjudication Water Rights Mapping. Presentation by Washington State Department of Ecology.

Fred Rajala of the Washington State Department of Ecology (Ecology) introduced himself as the lead for Ecology's Spokane River pre-adjudication water rights mapping. Leigh Berdell (Ecology) introduced himself as the person responsible for developing GIS mapping and databases. Fred passed out handouts, including a one-page background text and PowerPoint slides. The handouts will be posted on Spokane County's web site at <http://www.spokanecounty.org/wqmp/wria54.htm>.

Fred noted that pre-adjudication does not mean that Ecology has decided to adjudicate. Pre-adjudication is a process to help decide whether or not to adjudicate. The legislature provided Ecology with \$600K to conduct pre-adjudication activities due to uncertainties about water availability in the Spokane River Basin and because of Idaho's plan to adjudicate in northern Idaho.

Fred reviewed the anticipated steps for Ecology's pre-adjudication work:

Pre-Adjudication Work Phases

1. Water right documents and claims
 - Verify information in database
 - Find document errors
 - Map documented rights and claims
 - Collect information concerning documentation, examples:
 - How many municipal supplies
 - How many riparian stockwater claims
 - How many permit exempt groundwater uses
2. Other internal documents
 - Canceled/rejected permits, applications for permit/change
 - Metering records
 - Regulatory records (instream flow, improper use, etc)
 - Map documents as appropriate

3. Review existing water use, examples:
 - Land use, aerial photo and observation (i.e., how do water rights records compare to apparent land use records)
 - Water system plans (i.e., how do water rights records compare to water system plans)
 - Diversion points, aerial photo and observation
 - Well locations per well logs and observation
4. Gather external documents
 - Existing GIS: County, PUD, City and federal
 - Mining claims, homestead documents
 - Adjudication and private civil case records
 - Input from:
 - Watershed Planning Unit
 - Indian Tribes
 - Water User Groups
5. Presentations and input
 - Periodic presentations as progress is made
 - Watershed planning unit
 - Governmental agencies and tribes
 - User groups
 - General public
 - Present findings when previous phases completed
 - Watershed planning unit
 - Governmental agencies and tribes
 - User groups
 - General public
6. Analyze information – identify problems. Example problems may include:
 - What does the Planning Unit need?
 - Does land use match documentation?
 - Does documentation differ from current water use?
 - Is documentation accurate?
 - Are there conflicts between water user groups?
 - Is there enough information to manage water?
 - Does the information allow maximum benefits?
 - Can future growth be met with current knowledge?
7. Matching tools / solutions to identified problems
 - Hydrologic/water use studies
 - Water right technical assistance
 - Individual contact and education
 - Negotiation with user groups
 - Case-by-case regulatory authority
 - Waste of water
 - Unauthorized use
 - Relinquishment/abandonment
 - Statutory changes
 - Adjudication of specific basin streams
 - Basin-wide adjudication

Factors Whether to Adjudicate

- Local and legislative support (funding)
- Increased need to manage water
- Water controversies
- Resources for Ecology, AGO and Courts
- Pending historical petitions
- Priority to watershed planning units
- Backlog of applications
- Need for regulation, enforcement
- Growth, economic needs (including costs)

Water Rights Mapping

Three Ecology staff are currently working on reviewing water rights mapping using GIS. Leigh noted that he is responsible for mapping water rights claims and certificates in WRIsAs 54 (Lower Spokane), 55 (Little Spokane), 56 (Hangman), 57 (Middle Spokane), and 59 (Colville). To date, Ecology has mapped about 15% of the water rights claims and certificates mapped in the state. There are approximately 170,000 claims and 50,000 certificates in the state. Mapping in WRIA 59 is almost complete. We will start mapping for the Spokane Basin in WRIA 57, upstream to downstream, then map WRIA 54, WRIA 55 and WRIA 56 (in this order). We anticipate that the mapping will be complete in about two years.

Leigh walked the group through claims mapping (including point of diversion and place of use), showing the GIS interface. Information from the original paper rights such as the water right number and how reliable the mapping is are included as attributes in the data set.

Ecology is linking the maps to WRATs and has created an Access database to include additional information from the paper rights that WRATs cannot accommodate (such as the amount of water used and whether or not a right requires an amendment to clarify aspects of the right such as volume). WRATs accommodates only the amount of water claimed and not the amount used. One of the factors in determining if adjudication is appropriate is the difference between the amount claimed and the amount of water reported as actually used.

Q: How does metering connect to this work?

A: This information will be used to determine who needs to be metered and who does not need to be metered.

Q: Can you talk about enforcement at the end of adjudication.

A: Ecology currently enforces on a water right by water right basis. Adjudication allows Ecology to set a schedule for enforcement of the various components of the water right (e.g., place of use, point of diversion / withdrawal etc.) and regulate water rights on the basis of priority (which Ecology cannot effectively do with the current uncertainties in water rights permits, certificates and claims).

Q: Would Ecology assign a water master at the end of adjudication?

A: Likely yes, because of the number of water rights to regulate. However, I cannot ensure this.

Q: Why do we not have a water master now?

A: Ecology's ability to respond is much more limited without first having water rights adjudicated. Ecology has very limited funding for regulation. In Spokane, Ecology has one person assigned to regulatory work and this person spends most time enforcing metering requirements. Enforcement tends to be complaint driven. Due to limited resources, Ecology must determine the magnitude of the complaint and prioritize issues that have the greatest potential impacts to senior water rights / instream flows.

Q: How do you locate the point of withdrawal?

A: Using the legal description on the paper rights initially. We will later use additional location information and

compare this to the original paper right. We are not looking at permit exempt wells at this stage.

Q: Has Ecology considered streamlined adjudication and other processes?

A: In 2003 Ecology put out a publication on streamlined adjudication. We will not make a decision until we better understand what the problems are and what the best approach is. We will likely also develop policies such as how to integrate state and federal adjudications (such as for Chamokane Creek).

Water Quality Priority Projects and Issue Workshop Report

Cynthia provided a handout entitled, "Scope of Work – Quality Assurance Project Plan – Nine Mile Area Non-Point Source Monitoring Study Paleochannel Water Quality Monitoring Study". This scope is for the next phase of work for on Phase 2 Water Quality supplemental grant. The consultant team reported the first phase of the water quality work (assessment of water quality in WRIA 54) in August.

The objective for this phase is for the group to select a project or projects for which our consultant team will develop a study plan or Quality Assurance Project Plan (QAPP). With QAPPs in place, the Planning Unit is more likely to obtain funding to implement these projects. The Water Quality Work Group noted that there are a number of areas in WRIA 54 where non-point source contributions to surface water are not well understood.

The Water Quality Work Group selected two priority projects for consideration:

- Palaeochannel water quality monitoring; and
- Ninemile area non-point source monitoring study.

These two projects were selected as a good use of the WRIA 54 resources in areas that are not currently being addressed through other ongoing or planned water quality plans / processes.

The palaeochannels are channel-like features comprising unconsolidated sediments (e.g., silt, sand, gravel) that are connected hydraulically to basalt aquifers and likely discharge water to surface water bodies such as Deep Creek and the Spokane River. The proposed study will collect baseline water quality monitoring data for the palaeochannels. The rationale for selecting the palaeochannel study is:

- Spokane County is considering the palaeochannels for stormwater infiltration.
- Airway Heights is considering the palaeochannels for recharge with reclaimed water.
- Consideration for aquifer storage and recovery

The Ninemile area includes the area downstream of Ninemile Falls Dam. The proposed study involves setting up a monitoring program to gather and assess information on landuse along the river / lake corridor that may impact non-point source loading to the Spokane River and Lake Spokane. Spokane County is currently administering an EPA grant to do a non-point assessment for the entire Spokane River Basin that will include identification of data gaps. Spokane County is currently gathering information for this project and is aware that there is very little information available for the Lake Spokane shoreline. It is likely that there will be follow up funding to look at areas with data gaps, such as this Ninemile area. Therefore, if this group can develop a QAPP for data collection in this area, we will likely be able to apply for additional funding to implement the monitoring project. This project does overlap with TMDL work.

Q: When you refer to the EPA clean up at the Midnite Mine (page 1 of the scope of work), are you also referring to the Dawn mill site?

A: Yes. We will also list the Dawn mill site (located just east of the Spokane Reservation) and the Sherwood Mine (which is located across from Porcupine Bay and is now reclaimed).

Q: Does the Ninemile area include the Tum Tum area?

A: The area is yet to be determined but has been currently scoped as the Lake Spokane shoreline.

Q: I understood that the non-point source work (i.e., the modeling work) did not include Lake Spokane?

A: The point of compliance for the Spokane River dissolved oxygen TMDL is the Long Lake (i.e., Lake Spokane) dam. Therefore any source from the land that drains to Lake Spokane contributes to the loading to Lake Spokane. We feel that through the WRIA 54 process, we may potentially be able to recommend land use changes that would result in a decrease in the non-point source load to Lake Spokane.

Q: I would like to see how this proposed Ninemile project ties in to the grant application being made by the Stevens County Conservation District to Ecology (i.e., can we skip the QAPP since a QAPP will be prepared as part of the Stevens County Conservation District project).

A: The Stevens County Conservation District grant application will be submitted to Ecology by the end of October 2007. If the Stevens County Conservation District project is funded, the Stevens County Conservation District and WRIA 54 group will coordinate on this project. The Stevens County Conservation District grant covers only land in Stevens County. However, the grant funding is not secure.

Q: I think a more detailed study plan is needed for the Ninemile project before a QAPP is developed.

A: The Ninemile project is likely to include review of water quality and nearshore environments, the effects of nutrients, ground-truthing. I encourage the Water Quality Work Group members to help with scoping this.

After discussion, the Planning Unit provided the Water Quality Work Group with direction to proceed with developing grant and consultant scopes of work for the second phase of the supplemental water quality grant. The scopes will detail development of study designs and QAPPs for both the palaeochannel and Ninemile projects, as presented. The Planning Unit agreed that there needs to be coordination between the WRIA 54 Ninemile project and the Stevens County Conservation District project. It was noted that the Stevens County Conservation District will not know until Spring 2008 if their project is funded. Charlie Kessler said that he would continue to be involved with the WRIA 54 Water Quality Work Group to assist with scope and QAPP development.

Water Management Work Group Report

Sara Hunt provided an overview of the October 15, 2007 Water Management Work Group (WMWG) meeting:

- The initial scope of the Water Management issue paper was discussed as: water resources, water allocation, water supply and use and regulations that govern water management in WRIA 54. Components may be passed on to other work groups as the issues develop (e.g., the need for land use connection with water availability may be passed on to the Land Use Work Group).
- The work group discussed, revised and added to the goals for water management in WRIA 54.
- The work group discussed water allocation, permit-exempt well and water supply / use issues.
- The work group noted that technical information may be needed to support decisions.
- WMWG meetings are tentatively set for the second Tuesday of each month on Nov 13, Dec 11, Jan 8, Feb 12 and Mar 11, 10 am to noon at Spokane County Public Works Bldg, Conf Rm 4A or 4C.

Storage and Instream Flow Updates

Cynthia noted that the final WRIA 54 storage reports are available at the back of the room for the Planning Unit to pick up.

Mike Hermanson informed the group that the joint WRIA 54 and WRIA 55/57 instream flow work group met on Tuesday October 23. The discussion at the meeting focused on potential control points, geographic extent of the rule and what the recommended flows might be. The group discussion was leaning towards having a single control point for regulation of an instream flow rule. The next meeting is tentatively scheduled for Tuesday November 27. Spokane County will consider a meeting location that is more central for the group members.

Public Comment

- Hank asked the group to keep in mind that the application submitted to FERC by Avista included a minimum flow at the McGuire gage (downstream of Post Falls dam) of 600 cfs with 500 cfs during drought times. Drought is defined as when the level of Lake Coeur d'Alene drops by 3 inches below the low summer pool elevation.
- Rob asked that Planning Unit members notify the County if they are not getting meeting notifications. The Planning Group agreed that all notifications for Planning Unit meetings and work group meetings will be sent to all Planning Unit members. The work groups that are currently active are: the WRIA 54 Water Management Work Group, the WRIA 54 Water Quality Work Group and the WRIA 54 and WRIA 55/57 Instream Flow Work Group. Mike noted that current meeting notifications are included on Spokane County's web site at <http://www.spokanecounty.org/wqmp/wria54.htm>.
- Wes noted that local involvement is important to Watershed Planning and that the meeting locations / times need to take this into consideration to encourage local and non-government / agency participation. Bryony and Mike asked Wes to suggest alternate meeting locations that would be more convenient to landowners.

Administration and General Schedule Announcements

Mike Hermanson provided copies of the WRIA 54 project budgets.

The following meetings are scheduled and open to everyone:

- WRIA 54 Water Management Work Group, Tuesday November 13, 10 am – noon, Conf. Rm 4A, Spokane County Public Works Building, 1026 W. Broadway Ave, Spokane, WA.
- WRIA 54 Water Quality Work Group, Wednesday November 28, 10 am – noon, Conf. Rm 4A, Spokane County Public Works Building, 1026 W. Broadway Ave, Spokane, WA.
- WRIA 54 Planning Unit for December was scheduled for Thursday December 20 at 1:30 pm (venue to be confirmed).

Next Meeting Date and Adjourn

The next WRIA 54 Planning Unit meeting is scheduled for November 28, 2007, 6:00 – 8:00 pm at the Lakeside High School library. The library is located opposite the cafeteria.

Bryony adjourned the meeting at 12:30 pm.