

**FINAL**  
**Meeting Summary**  
**WRIA 54 - Lower Spokane River Watershed**  
**June 27, 2007**

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

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

Lloyd Brewer, City of Spokane	Rob Lindsay, Spokane County
Commissioner Merrill Ott, Stevens County	Dick Price, Stevens PUD #1
Mike Hermanson, Spokane County	Tim Vore, Avista Corporation
Sara Hunt, WA State Dept. of Ecology	Brian Crossley, Spokane Tribe
Jim DeGraffenreid, Lincoln County Planning	Hank Nelson, Avista Corporation
Jay Landreth, Landowner	Craig Volosing, Palisades Neighborhood and Landowner
Reanette Boese, Spokane County	Rachael Osborne, CELP / Sierra Club
Ty Wick, Spokane Aquifer Joint Board	Linda McCollum, Eastern Washington University
Bea Lackaff, Citizen	Mike McCollum, Eastern Washington University
Paul Gross, Spokane Hutterian Brethren	Craig Volosing, Landowner and Palisades Neighborhood
Bill Rickard, City of Spokane	Bob Derkey, WA Department of Natural Resources
Brian Farmer, WA State Dept. of Ecology	Dave Jones, Spokane County Planning Commission
Peter Gross, Citizen (Reardan)	Linda Kiefer, Stevens County Watershed Planning Office
Bob Wheeler, Triangle Associates	Bryony Stasney, Golder Associates Inc.
Cynthia Carlstad, TetraTech	
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 10:00 am. Those in attendance introduced themselves. Bryony requested that each attendee complete the sign-in sheet.

**Review of April and May 2007 Meeting Summaries**

The Planning Unit reviewed page 3 of the draft April 25, 2007 WRIA 54 Planning Unit meeting summary. Based on input from Brian Walsh (Ecology) via email and Wes's comment at the May 2007 WRIA 54 Planning Unit, the table on page 3 was revised to note that all water uses, quantity limits and acreage limits listed are based upon Attorney General Office opinion. The May 23, 2007 WRIA 54 Planning Unit meeting summary was reviewed page by page with no requests for changes. Those present accepted the suggested edits to the April meeting summary and approved the April and May 2007 summaries as final. The meeting summaries will be posted on the County's web site at <http://www.spokanecounty.org/wqmp/wria54.htm>.

**Public Comment**

Rachael said that she thought that this was an instream flow meeting. Bryony answered that this meeting is a regularly scheduled WRIA 54 Planning Unit meeting that includes a 75 minutes of agenda time for scoping the WRIA 54 and WRIA 57 instream flow recommendations project. Rachael suggested that instream flow meetings for WRIA 54 and WRIA 57 should be separate from regularly scheduled WRIA 54 Planning Unit meetings.

**“Columbia River Basin Water Management Program and Watershed Planning” by Derek Sandison, WA State Department of Ecology, Central Regional Office**

Derek’s handouts and presentation are available at the County’s web site at <http://www.spokanecounty.org/wqmp/wria54.htm>. The following summarizes the presentation and discussion.

The Columbia River Basin Water supply legislation (Chapter 90.90 RCW) passed and became effective July 1, 2006. Copies of the legislation were provided by Derek to the group. The following summarizes the main points of the legislation:

- 1 The legislation finds that a Columbia River water supply development program is needed and directs the Washington State Department of Ecology (Ecology) to aggressively pursue development of new water supplies for instream and out of stream uses.
- 2 The legislation created a development account. 2/3 of account to evaluate and construct new storage facilities. 1/3 of account to conservation and modification of existing storage facilities.
- 3 The legislation created a process for voluntary mutual agreements to develop new water supplies (i.e., new water rights) for certain uses.
- 4 The legislation called for a Columbia River mainstem information system to address the one mile corridor inland from the river – in terms of water use and new water rights.
- 5 The legislation requires Ecology to work on demand forecasts for the Columbia Basin (required from Ecology every five years).

Ecology is currently reaching out to Watershed Planning Unit and Conservation Districts and would like to compile lists of relevant projects that have / are being developed by the Watershed Planning Units and that could potentially be considered for funding by this program.

**Q:** Why did Ecology give authority to Bureau of Reclamation (BOR) on water rights issued out of the mainstem?

**A:** This was a request made by the Bureau of Reclamation in 2004 to withhold from appropriation a certain quantity of water (water necessary to water up the storage projects such as the Blackrock project). Ecology did make the decision to renew this authority until 2008. It is likely that Ecology will receive an application from BOR to extend this agreement.

Ecology has developed a policy advisory group to guide Ecology’s implementation of the program and to provide a forum for discussion. This group developed the Vision, Mission and Goals and Objectives for the program. The County Commissioners attend this group and have strongly recommended coordination with Watershed Planning groups.

Derek directed the group to the one page handout that provides information on the program website (<http://www.ecy.wa.gov/programs/wr/cwp/crwmp.html>).

Ecology is working towards managing the program both regionally and at the local watershed scale.

Derek directed the group to handouts that provides information on the draft funding cycle for the program and a list of projects that have been submitted to Ecology. Ecology is currently receiving applications and will start the pre-approval process in October 2007. Applications that meet criteria will be screened in March 2008 and will be ranked by Ecology and the policy advisory group. Ecology will pass the ranked projects on to state legislature. The state legislature will select projects for funding. The project construction window will likely be the middle of 2009.

**Q:** What is the size of the small projects?

**A:** Projects that have local benefits or are small scale will not rank as high as larger scale projects with more regional benefits. Multiple benefits are better. Projects that benefit stream flows will rank high. Applicants could consider additional funding sources and packaging local benefits with regional benefits.

**Q:** Will there be a similar program for groundwater resources?

**A:** There used to be an active groundwater management program in Washington in the 1980s and 1990s. Watershed planning shifted the focus to surface water. The focus is now shifting to a combination of surface water and groundwater management through watershed planning and other programs, with the state recognizing that there needs to be some consolidation of efforts.

Any additional questions can be posed to Sara Hunt, Keith Stoffel and/or Guy Gregory (Ecology Eastern Regional office staff in Spokane). The Watershed Planning Unit will be informed of additional presentations on the Columbia River Basin Water Management Program.

### **Scoping for Joint WRIA 54/57 Instream Flow Setting Process and Agreements**

Cynthia opened the joint WRIA 54/57 instream flow scoping session, noting that there were a number of new faces in the room, and therefore it was worth reviewing a little of the background to today's session:

- There are four WRIsAs (Water Resource Inventory Areas) that make up the Spokane River system in Washington State.
- Three of the WRIsAs have completed and adopted Watershed Plans (WRIsAs 55/57 (joint effort and plan), and WRIA 56) Both plans are currently in Phase 4 – Implementation
- WRIA 54 is just completing its technical studies and beginning development of its Watershed Plan
- Instream flow technical studies were conducted as part of the WRIA 55/57 and 56 plans. The WRIA 55/57 Watershed Plan contains instream flow recommendations; the WRIA 56 Watershed Plan does not.
- The WRIA 55/57 Watershed Plan recommends that after the Avista Hydroelectric Development (HED) license application is filed, the Total Maximum Daily Load (TMDL) spell out TMDL first time (Total Maximum Daily Load) data gathering phase, and instream studies on rearing below Monroe Street are completed, all recommended instream flows be integrated into one regime for the whole watershed. We are now at that point.

The meeting today is the second required public meeting for the WRIA 54/57 Instream Flow Study, and also the kickoff meeting for the joint effort to develop integrated recommendations for the whole river system.

Cynthia re-introduced Bob Wheeler, who facilitated the WRIA 54/57 Instream Flow Technical Team a year ago in developing their scope for the technical study.

Bob presented a brief overview of today's scoping session:

#### ***Agenda***

- 10:30 AM—Agenda and purpose for this session
- 10:35 AM—Summary of technical findings
- 10:55 AM—Anatomy of an instream flow rule
- 11:10 AM—Planning Unit identifies comments, issues, and concerns
- 11:30 AM—Where to go from here/next steps?

#### ***Purpose for Today's Meeting***

Kickoff meeting of the WRIA 54 and 57 Planning Units to:

- Identify process and issues around establishing an instream flow rule
- Identify focus areas for instream flow recommendations

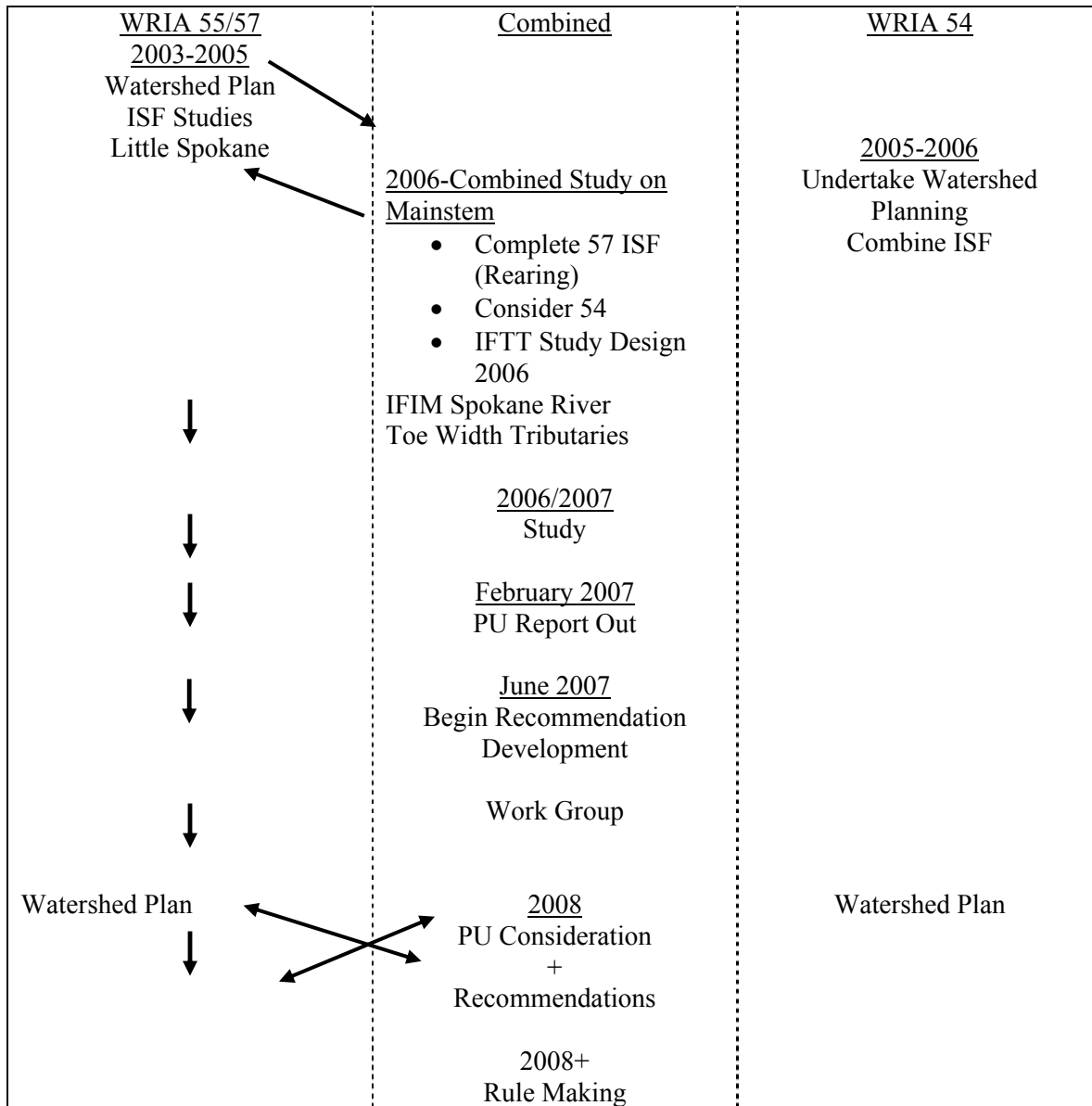
- Hear Planning Unit member comments, issues, concerns, and ideas
- Establish a process to develop ISF recommendations including charging a work group for this effort

**Purpose for ISF Recommendations Work Group Effort**

- Focus on mainstem Spokane River upstream to Idaho border
- Develop integrated recommendations rather than piecemeal for each WRIA
- Implement WRIA 55/57 Watershed Plan recommendations for integrated instream flows

**Spokane River ISF Approach**

The following diagram illustrates the approach for separate and combined instream flow studies and recommendations:



### ***Who Needs or is Affected by Instream Flows (ISF)?***

- Fish
- Other aquatic life
- Hydropower
- Water users (domestic, agriculture, industrial and more)
- Recreation
- Aesthetics

### ***What Technical Information Exists?***

Cynthia Carlstad and Mike Hermanson presented an overview of some of the available technical studies that relate to instream flow in the Spokane River system. Locations that these studies pertain to were shown on a poster board map of the Spokane River system.

Flow information – long record of flow data at Spokane River at Spokane gauge (over 100 years – oldest gauge in the state). Cynthia showed a flow exceedance hydrograph for the Spokane River at Spokane gauge for the 1891-2004 period and described how to use this graph as a way of understanding expected river flows throughout the year.

Habitat studies – several, including WRIA 54/Lower 57 Study –

- PHABSIM studies on mainstem at sites identified as important for habitat from Idaho border downstream to Nine Mile Dam pool. PHABSIM studies are the most detailed type of instream flow study, providing data about how incremental changes in flow impact incremental changes in instream habitat. We need to be careful about simplifying results, but in general the studies recommend flows in the range of 850-1100 cfs for lower WRIA 57 (Monroe Street bridge to confluence with Latah Creek) and 650-850 cfs in WRIA 54 above the Nine Mile Dam pool. These studies evaluated preferences of Rainbow Trout and Mountain Whitefish for various life stages (spawning, incubating, rearing, juvenile, adult). Although results are available for numerous locations along the river, it may be best to focus on the downstream needs, and establish one control point at the lower end of the reach. This is definitely Ecology's preference as it is easier to administer. Since the Spokane River loses and gains water from groundwater throughout its length, that must be understood and accounted for.
- Also on Little Spokane there is PHABSIM and Wetted Perimeter study (2003) – minimum instream flow levels are already set in rule for Little Spokane; the study evaluated the adequacy of these flow levels. Results indicated that established flow levels are probably adequate, but recommended revisiting this as more data becomes available.
- On Latah Creek – PHABSIM, temperature, and hydrology studies (2003)
- Chamokane Creek –Eastern Washington University theses: PHABSIM study and Benthic Index of Biological Integrity survey (1988).

Spokane Valley Rathdrum Prairie aquifer study – models flow and response to pumping in SVRP

- Average gain at Spokane gage is 12.3 cfs
- Average gain at Long Lake is 12.5 cfs
- Example model run – 10% reduction in well flow from selected wells (115 wells) and 10% reduction in return of percolation from landscaping for the months April to October, 1990 – 2005.  
*Results:* Average gain at Sullivan Rd. 0.6 cfs

Avista relicensing studies

- Recreational use study – evaluated flow preferences for boating at various sites along the mainstem
- Hydropower operations study – evaluated what flows would be without flow controls at HED sites
- Lays out proposed Post Falls operation

### ***What do These Studies Tell Us?***

They give us information about all instream flow “interested parties”, except consumptive water users:

- ✓ Fish
- ✓ Other aquatic life
- ✓ Hydropower
- Water Users (domestic, agriculture, industrial and more)
- ✓ Recreation
- ✓ Aesthetics

### ***What do These Studies Not Tell Us?***

These studies do NOT give us information about the needs of consumptive water users – that will be a major element of work for the Instream Flow Recommendations Work Group

- Fish
- Other aquatic life
- Hydropower
- ✓ Water users (domestic, agriculture, industrial and more)
- Recreation
- Aesthetics

### ***What Else Should We Consider?***

Water user needs must be addressed through Planning Unit recommendations

- Use Technical information
- Consider Human Needs
- Consider Local/Community Values
- Understand what ISF Rule does
- Policy Decisions
- Public Involvement

### ***What is Instream Flow?***

Instream Flow - *Regulatory flow* - considers data including the hydrology, the stream hydrograph, the need for fish habitat, etc. plus other factors.

The following is the official Ecology definition for instream flow: The term "instream flow" is used to identify a specific stream flow (typically measured in cubic feet per second, or cfs) at a specific location for a defined time, and typically following seasonal variations. Instream flows are usually defined as the stream flows needed to protect and preserve instream resources and values, such as fish, wildlife and recreation. Instream flows are most often described and established in a formal legal document, typically an adopted state rule.

Target Flow—*Voluntary goal* set to provide desired flow conditions (for fish, recreation, etc.)

### ***What is the Washington Statutory Foundation Timeline of ISF?***

- 1949—RCW 75.20 amended state fishery code to tie needs of fish to river water levels; required inter-agency consultation
- 1967—Minimum Water Flows and Levels Act (RCW 90.22) establishes regulatory minimum flows in freshwater bodies for fish, wildlife, habitat, and water quality
- 1971—Water Resources Act of 1971 (RCW 90.54) establishes base flows to protect and when possible enhance and preserve ISF

- 1998—Watershed Planning Act (RCW 90.82) develops process to evaluate and to plan for the future. Groups can propose ISF if they want

***What is the Process to Set ISF in the Watershed Planning Approach?***

Early in the watershed planning process, the Planning Unit must decide whether to address ISF. If its decision is YES, then:

1. They conduct technical studies
2. The Planning Unit develops recommendations
3. Ecology uses Planning Unit recommendation as basis for draft ISF rule
4. Public and agency review occurs - public hearing
5. This is often an iterative process

If the Planning Unit does not address ISF, or is unable to agree on recommendations, then Ecology may choose to develop ISF rules independent of the watershed planning effort. Ecology takes on ISF rule making under its internal prioritization process.

***Key Point to Remember***

Any ISF set through this process WILL NOT IMPACT EXISTING WATER RIGHTS

***Some Watershed Examples***

- Entiat—WRIA planning and ISF completed, which led to Ecology rule and adoption. *Lesson*: A good example, but few stakeholders/complications
- Quilcene-Snow—Public involvement not done early enough and it caused problems. *Lesson*: Without early public involvement, the process can suffer
- Samish-Skagit—ISF set, but no exempt well reserve set and exempt wells in theory were banned. *Lesson*: Need to consider all factors when setting ISF
- Walla Walla—Successful collaboration on water issues prompted Ecology to propose a pilot Water Management Initiative in the WRIA. *Lesson*: Collaboration can result in novel water management opportunities

***What Can be Considered?***

- ISF only establishes what minimum is required, doesn't affect existing senior rights—doesn't put water into the stream
- Reserve of water – for future consumptive water use needs
- Exempt wells
- Policy/Political considerations
- Public input

Bob showed an example of an ISF recommendation from WRIA 19 Watershed Plan, and described the various elements including the following:

- Basis for flow recommendation (PHABSIM or Hydrology)
- Qualifiers for the flow recommendation
- Closure options
- Review period
- Exempt well provisions/restrictions
- Water right reserves
- Mitigation plans
- Alternate water sources
- Out of WRIA sources

This concluded the presentation. Bob led the Planning Units in providing input and direction to the ISF Recommendation Workgroup. He noted that today's focus would be to document member's questions, concerns, issues, and requests, not necessarily answer/resolve them.

### **Observations and questions from meeting participants:**

ISF targets—There was a general inquiry as to how Ecology addresses target flows. Discussion around the target flows question noted that setting ISF by rule does not get water into the water body alone. Target flows are achieved largely by implementing watershed plan recommendations. Also, if an ISF Rule is adopted, that ISF rule's seniority will protect existing stream flows from future, junior water right holders.

### Hydropower Observations

- The Avista FERC license expires this summer. The Avista FERC license will therefore be a continuation of the existing license and will be an annual permit until a new license is issued.
- The new FERC license will set a flow (cubic feet per second—cfs) out of Post Falls. The thought now is that the flow will be set at 600 cfs, but a potential fall back is 500 cfs.
- 401 certification for Avista—Ecology will issue the certification and it will include flow, a flow that they will look to the Planning Units to recommend.
- Paul Gross said that Avista's attorney had said that Avista has a 10,000 CFS water right for Little Falls Dam—could shut others down when flows drop below that level.

### Conservation

A general comment was made that conservation doesn't seem to work in the Spokane River system.

- It was observed that meeting a 10% water conservation goal only seemed to achieve 2% more flow
- The suggestion was that the SVRP-Model runs need to be looked at more closely to better evaluate this. Also, the MIKE-SHEE model runs may have shown more impact and also sensitivity to where wells are sited.

### General

- Regulatory flows related to future water rights could be looked at now— you don't need to wait for the FERC licensing.
- Purpose of flow setting must include water quality
- Do we need an instream flow rule and if so, what are the criteria? A response to this was that the Spokane River is not completely regulated—much instream flow comes from SVRP
- Inchoate water rights must be considered and when they are used, their impact on instream flows.
- Group should consider a weighting for all factors—Fish, humans, and hydropower and have a percentage going to each.

### **Specific Charges and Considerations for Instream Flow Recommendations Workgroup**

The following charge items represent the ideas gathered from the scoping session. Some of these items represent actual charges, while others are questions that the workgroup may wish to incorporate into their scoping process.

- Look more comprehensively at the entire Spokane River—This is a target but it is affected by Avista hydropower operations.
- Ecology will look for the WRIA 54/57 ISF recommendation as they proceed in the 401 certification process.
- ISF recommendations for WRIA 54 tributaries should be included in the Workgroup effort.
- Need to consider recreation and aesthetics when setting ISF.
  - Recreation study related to the effects of higher river levels on the Spokane River.
  - Aesthetics have been an issue on the Spokane River.
  - Sierra Club has aesthetic concerns that have been voiced in Avista's FERC relicensing process.



- As part of considering ISF, water quality considerations will be necessary to incorporate into the process as well as how water quality interrelates with flow.
- For Monroe Street Dam consider a minimum discharge and the possibility of timing releases.
- Need to answer if we have a need for ISF rule on the Spokane River at all because it is such a controlled river now. If a rule is determined to be needed, what criteria are needed to develop one?
- Inchoate water rights—Consider that when these rights actually start being used there will be an impact on future ISF in Spokane River.
- Weighting—Think about the needs of all users (fish, humans, hydropower) and then allocate a percentage of water to each group of users based on some weighting criterion.
- Work Group—The Workgroup should consider the need to form sub groups to carry out the different charge items.

### **Next Steps**

After discussion, Bob indicated that the first meeting of the ISF Work Group would be July 26 from 1-5 PM. Rob noted that an application had been made to Ecology for funding to facilitate this process.

### **Water Quality, Storage and Phase 3 Update**

Mike Hermanson updated the group:

- The Water Quality Grant has been signed by Spokane County and Ecology and Spokane County is currently negotiating a contract with TetraTech. The project is expected to start on July 1.
- Comments will be accepted on the draft Storage assessment report until July 31<sup>st</sup>.
- Spokane County has submitted an extension request to Ecology for preauthorization of funds for Phase 3. Spokane County is currently negotiating a contract with TetraTech. Phase 3 will kickoff at the August 2007 Planning Unit meeting.

### **Public Comment**

Mike Hermanson notified the group that he had attended a meeting last month at the Washington State Department of Health. A veterans' memorial cemetery is planned in Medical Lake. The City of Medical Lake is proposing to use water from West Medical Lake and make up for this water use with reclaimed water. No additional meetings are planned to discuss this. Mike said that Medical Lake currently discharges reclaimed water to Deep Creek. When Mike asked the City of Medical Lake what impacts may occur if reclaimed water is redirected to West Medical Lake, the response from the City was that hardly any reclaimed water reaches Deep Creek in the summer months.

Wes asked if the projects that are listed in water storage assessment will be included in a submission to Ecology for potential funding through the Columbia River Management Program. Sara answered that Ecology is considering projects from adopted watershed plans but could consider other projects.

### **General Schedule Announcements**

The following meetings are scheduled and open to everyone:

- WRIA 54 Steering Committee meeting Wednesday, July 11, 2:30pm at the Spokane County Public Works Building, 1026 W. Broadway Ave, Spokane, WA.
- WRIA 54 and WRIA 55/57 ISF recommendations workgroup, July 26, 1-5pm, location TBD.
- WRIA 55/57 Detailed Implementation Plan meetings on July 11 and 25.

### **Next Meeting Date and Adjourn**

The WRIA 54 Planning Unit agreed to cancel the July Planning Unit meeting. The next WRIA 54 Planning Unit meeting is scheduled for August 22, 2007, starting at 10 am at the Airway Heights Community Center. The meeting was adjourned at 11:58 am.