

FINAL
Meeting Summary
WRIA 54 - Lower Spokane River Watershed
January 23, 2008

Location: Lakeside High School Library, Ninemile Falls, WA.

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

Mike Hermanson, Spokane County	Sara Hunt, WA State Dept. of Ecology
Brian Crossley, Spokane Tribe	Lloyd Brewer, City of Spokane
Dick Price, Stevens County PUD #1	Clay White, Stevens County Planning
Hank Nelson, Avista Corporation	Charlie Peterson, Spokane County Conservation District
Lynn Wells, Riverside State Part Advisory	Craig Volosing, Landowner and Palisades Neighborhood
Stan Miller, Citizen	David Ott, Landowner
Cynthia Carlstad, TetraTech	Bryony Stasney, Golder Associates Inc.
Wes McCart, Stevens County Farm Bureau and Stevens County Water Conservancy Board	
David Luders, Fairchild Air Force 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 6:00 pm. Attendees introduced themselves. Bryony requested that each attendee complete the sign-in sheet.

Review and Approve October 2007 Meeting Summary

The draft December 20, 2007 WRIA 54 Planning Unit meeting summary was reviewed with the following edits: 1) change pubic to public, page 4, 5th bullet under Permit-Exempt Well Information; 2) page 4, above **Handout illustrating** ... add the following text: ‘David Luders provided the Planning Unit with a handout entitled, “Point Paper on Washington’s Water Well 5,000-GPD Domestic Exemption” A copy of the handout is provided on the project website at: <http://www.spokanecounty.org/wqmp/wria54.htm>.’; 3) under Public Comment, second bullet should read Mayor Larkin. Those present accepted the suggested change to the meeting summary and approved the summary as final. The final summary will be posted on Spokane County’s web site at <http://www.spokanecounty.org/wqmp/wria54.htm>.

Public Comment

Ecology is starting work on the update to the Washington Irrigation Guide. Ecology is accepting comments on the scope of work until February 22.

Ecology will be releasing the state water quality assessment at a public meeting on February 12, 6:30 – 8:30 pm at Spokane Falls Community College.

Sara Hunt informed the group that Ecology has received two grant applications for Columbia River Water Management program funding in our area and both are supported by the WRIA 55/57 group: 1) an application from the Lands Council to assess available areas for restoration / reintroduction of beavers to improve water storage and also to look at public outreach related to water conservation; and 2) an application from WSU to evaluate the feasibility of withdrawing water from Lake Pend Oreille or from the Spokane River at high flows to recharge the SVRP aquifer with the objective of enhancing flows in the Spokane River (since the SVRP aquifer discharges to the Spokane River).

Sara Hunt also notified the group that Ecology is soliciting for applications for Terry Hussman funds which are available for water quality / habitat restoration projects.

Land Use Work Group Update

Mike noted that the Land Use Work Group met in the morning and completed the following:

- Reviewed and modified goal statements.
- Reviewed and modified issue statements.
- Developed current status, data needs and possible solutions for two issues:
 - There is a need for better connection between land use regulations and water availability.
 - There is a need for better connection between land use planning and water supply planning.

The next Land Use Work Group meeting is scheduled for Thursday February 21, 1:30 – 4 pm, Spokane County Public Works building, Conference Rm. 4A.

Land Use Planning and Watershed Planning. Presentation by Clay White, Stevens County Planning.

Clay White (Stevens County Planning Director) is also involved with Watershed Planning in WRIA 59 (Colville River watershed). WRIA 59 is currently in the second year of Phase 4 of Watershed Planning. Stevens County adopted their Comprehensive Plan in 2006 and over the last four years has adopted a set of development regulations. Development regulations implement the planning policies that are contained in the Comprehensive Plan. Development regulations include regulations associated with critical areas, shoreline master program, zoning and subdivisions. Stevens County has also just approved a Fire Plan and will be passing an All Hazard Mitigation Plan within the next month.

The Stevens County Comprehensive Plan includes policies to guide development over the next 20 years for a number of topics, including: resource lands; rural lands and development; urban development; general land use; shorelines; critical areas; transportation; capital facilities. A Comprehensive Plan is not a regulatory document.

Q: Comprehensive Plan amendments in Spokane County seem like zoning changes. For the most part, a Comprehensive Plan amendment that changes a land use is always accompanied by a zoning change. Why is this?

A: Changes are usually made so that the two documents are consistent and work well together. Under state law development regulations must be consistent with the Comprehensive Plan.

The Growth Management Act (GMA) is a difficult law for rural counties. There are 16 people per square mile in Stevens County. In Stevens County we used the Watershed Planning documents quite a bit in developing the Comprehensive Plan and implementing Development Regulations. As an example, Stevens County Planning designated the Loon Lake area as a critical recharge area based primarily on technical information developed for Watershed Planning. Policies and maps are included in the Comprehensive Plan to identify this area. To implement these policies, we have specific requirements for types of development in critical areas.

Exempt wells and water will always be issues. There are currently few answers for developers on what they can and can't do with exempt wells.

Q: How did you incorporate information on water availability into land use planning?

A: We reviewed Ecology's well record information and information in Watershed Planning technical documents and developed a number of map iterations to present information on water availability in addition to information on topics such as fire risk and slopes. The public also had an opportunity to comment. Stevens County has also included opportunities to be flexible if applicants for changes can show water availability.

Q: Can you explain clustering?

A: There are a number of innovative development techniques allowed under Growth Management, including clustering. Clustering allows for higher densities in trade for open space. In Stevens County we have regulated maximum densities and have not regulated minimum lot sizes. For example, in a 20-acre zone allowing 4 lots,

Stevens County is not concerned about the size of the lots.

Q: How do you ensure that the land stays as originally designated.

A: Stevens County tracks this through the platting process and also utilizes conservation easements.

Water is an important resource for land use planning. Sound planning and a good connection between land use planning and watershed planning allows for options to address land use planning and development and to guide smart choices.

In Stevens County, we have designated unincorporated growth areas. Eventually, Stevens County expects these areas to incorporate.

Q: Does Stevens County address water conservation in development?

A: No, this has not been an issue for us. The County is sparsely populated.

Q: Did you maintain connection with the Watershed Planning group through your own initiative or was your connection aided by your bosses?

A: The Watershed Planning Coordinator for WRIA 59 (Linda Kiefer) is a Stevens County employee within the land services department. It is therefore relatively easy for me to communicate with the Watershed Planning process in WRIA 59. Stevens County is currently considering hiring a person to work solely on water resources issues in conjunction with land use planning.

It is very important to coordinate with County Planning Departments early in the development of actions that relate to land use so that time is not wasted developing actions that will not be supported. It is also important that WRIA 54 review our documents to make sure actions are consistent and not duplicative. All the Stevens County planning documents are on-line.

If the WRIA 54 Watershed Planning group wants to include new regulations for Stevens County, it will be important to be clear as to why and to provide the supporting technical information. In Stevens County, we would like see a set of best management standards for development.

Clay has been working with Ecology on exempt well issues such as what constitutes a project and what type of development needs a water right. For example, if a developer says that he would like to develop an 8-lot plat, the County will let the developer know that he may need a water right. If the developer asks Ecology, Ecology does not answer this question. This poses problems and may result in developers applying for a 4-lot short plat to avoid having to apply for a water right. Stevens County assumes 800 gpd per ERU and this is equivalent to 6 ERUs to be less than 5,000 gpd. Outside of urban growth areas, Stevens County has to rely on permit exempt wells for water. It would be good if Ecology could provide guidance to Counties on whether or not a water right is needed for a project and then defend this decision if needed.

Stevens County requires proof of water availability prior to subdivision. This could involve drilling and testing a well or working with a hydrogeologist. Stevens County does not take potential impairment into account in this process unless this information is already available through existing local / regional studies. Putting the onus on the proponent to consider impairment may not be feasible for the proponent in Stevens County. In WRIA 55/57, a study is on-going to identify areas of strained water resources and will pass this information on to the counties to incorporate into policies and development regulations.

Q: Does Stevens County provide stewardship for conservation easements?

A: No, we pass this on to other organizations or may designate these areas as open space. Stevens County will provide information on options to the landowner.

Q: Lynn noted that there are a few areas in WRIA 54 (i.e., around Lakeside) that have dry wells. Does the

County look at well logs to assess this prior to giving approval for lots?

A: The County will look at this but is not likely to deny unless most of the wells in the area are dry. This is because often the well records are poorly located and sometimes adjacent wells can have very differing production rates.

Q: At what point is an area designated as having a water supply problem.

A: We should be discussing this within our management group meetings. This can be very specific to aquifer locations. In Stevens County, we did designate larger densities for areas that appear to have water availability problems.

Water Management Work Group Update

Bryony presented a summary of the January 11, 2008 WMWG meeting. A copy of the presentation will be available at <http://www.spokanecounty.org/wqmp/wria54.htm>.

Presentation Outline

- Water Management Goals
- **Meeting focus - Water Allocation (i.e. water rights), including**
 - Information
 - Issues
 - Alternative Solutions

Purpose of presentation today – present work & gather feedback

Goals

WMWG is developing goal statements. To date, the draft statements are:

- Balance the needs of instream and out of stream uses.
- Strive for water availability in the future to protect quality of life, healthy economy, and a healthy environment.
- Promote sustainable use of water resources.
- Strive for adequate laws and regulations that are dictated by reality and that support sustainable management of water resources.
- Coordinate water availability and areas of development – *confirmation at next meeting*

WRIA 54 Water Allocation Information

- About 62% of water rights in WRIA 54 are not being used (based on comparison of paper water rights and water use, as presented in the WRIA 54 Phase 2 Technical Assessment).
- Ecology's WRATs database summarizes water allocation.
 - Database records can be incomplete and include duplicates and errors.
 - WRATs "clean-up" is occurring as component of Ecology's pre-adjudication work.
- Bryony presented figures showing the location of applications for water rights changes and transfers and applications for new water rights in WRIA 54.
 - There are seven applications for water rights changes and transfers in WRIA 54: 4 in the Airway Heights area; one in north Spokane, on the east side of the Spokane River, just south of Ninemile Falls; one in central WRIA 54, on the south bank of the Spokane River; and, one in western WRIA 54, on the south bank of the Spokane River, just south of Fort Spokane.
 - There are 37 applications new water rights in WRIA 54, including two surface water, two spring and 33 groundwater applications. All but one application (which is located in the Chamokane subbasin) are located along or south of the Spokane River.
 - Ecology has recently processed a couple of applications for new water rights for the Hutterian Brethern.
- Ecology processes water rights: in order of application date; within a hydrologic watershed or subbasin; and charges about \$50 fee.

- County Water Conservancy Boards (in Lincoln, Stevens and Spokane Counties): select water rights changes and transfers to process; generally process within one year; charge about \$500 - \$1,000 fee (fees varies by County); and, Ecology must make a decision on the Board's recommendation in 45 days (with 30 extension)
- Ecology also has a cost re-imburement process, whereby the applicant can utilize a consultant from Ecology's list of qualified consultants to assist with processing. The applicant must also pay to process all applications ahead in the line.
- In general, the barriers to Ecology making "yes" decisions are:
 - Water not physically available
 - Surface Water – instream flows not being met
 - Groundwater – "safe sustaining yield" already exceeded
 - Lack of mitigation water (storage +/- imported water) in place to issue new water against
- In general, the barriers to Ecology making "no" decisions include:
 - Political fallout
- Litigation (for both "yes" and "no" decisions)
- Barriers to Ecology making decisions in WRIA 54:
 - Ongoing studies / processes – Ecology may not process water rights until the results of these studies are available
 - Instream flow studies / recommendations
 - Chamokane Creek USGS study
 - Water over allocated in some areas?
 - Large inchoate water rights in the Spokane River watershed.
 - Declining groundwater levels in West Plains basalt aquifers.
 - SWSLs (Deep Crk, Spring Crk, Mill Canyon Crk and streams with < 5cfs mean annual flow) – WDFW has indicated that these streams may be flow limited.
 - Lack of data so that it is unknown if water physically available or not.
 - Insufficient resources (staff and funding) for Ecology to process water rights.
 - Complexities associated with specific applications

WRIA 54 Water Allocation Issues

The WMWG has identified the following issues (i.e., concerns) with water allocation in WRIA 54:

- There is uncertainty about the actual amount of water appropriated. This restricts the ability to effectively manage water resources in WRIA 54.
- Groundwater and surface water is believed to be over allocated in localized areas. There is a need to coordinate with adjacent WRIsAs (e.g., WRIsAs 55&57, 34, 43 and 56) where applicable.
- Availability of new water rights is limited.
- Timeline for water rights processing is unreasonably long.
- Relinquishment rule is a disincentive for conservation.
- Increase in water demand is anticipated to be high in the West Plains and Long Lake North and South subbasins.
- Estimated actual water use exceeds water rights appropriations in three subbasins: Harker Canyon, Little Chamokane and Pitney (based on the sub-basin water budgets and may be an artifact of the water budget data).

Possible Solutions for Water Allocation Issues

The following lists the potential solutions identified by the WMWG under various categories. These potential solutions will be evaluated and ranked by the Planning Unit.

ADJUDICATION

1. Adjudicate water rights. Consider streamlined adjudication.
2. Resolve FAB's claim (*Early action item? David to explain after this presentation*).

CLEAN-UP DATA

1. Ecology present pre-adjudication work.
2. Ecology "Clean-up" WRATs database.
3. Ecology to evaluate overlap between claims and permit-exempt water rights.

WATER RIGHTS PROCESSING

1. Recommend Legislature provide additional funds to Ecology to process water rights.
2. Prioritize hydrologic subbasins for Ecology to process water rights.
3. Consider timeline for water rights processing.
4. Recommend a change to the relinquishment rule.
5. Water conservancy boards to inform the Planning Unit when they are working on a WRIA 54 water right.
6. Ecology present potential water rights decisions to Planning Unit for consideration prior to Ecology making the final decision.
7. Ecology present water rights applications for potential comment by WRIA 54 Planning Unit.

REGULATION

1. Ecology to address illegal water use.
2. Consider a WRIA 54 watermaster.

WATER MARKETING

1. Explore water rights trusts and banking as potential solution to limited availability of new water and to address relinquishment.
2. Water conservancy boards develop and maintain database of willing water rights buyers and sellers.

PLANNING AND STUDIES

1. Municipal water providers form West Plains Joint Board.
2. Establish a coordinated planning to support sharing of municipal inchoate water rights to meet future demand.
3. Assess if water available for future allocation from Lower Spokane River and tributaries (instream flow rule first).
4. Assess if water available for future allocation from the CRBG aquifers within southwest WRIA 54.
5. Hydrogeological characterization of the West Plains to determine amount of water available for use.
6. Identify and pursue storage of winter/spring water.
7. Assess why estimated actual water use exceeds appropriations in Harker Canyon, Little Chamokane and Pitney subbasins.

WATER USE

1. Adopt water conservation measures for indoor and outdoor water use.
2. Consider the use of reclaimed water.

SPOKANE TRIBE

1. Spokane Tribe develop water code.

The following potential solutions will be passed on to the instream flow, land use and education work groups:

INSTREAM FLOW

1. Establish instream flow needs for Spokane River, Mill Canyon Crk, Deep Crk, Spring Crk, Little Chamokane Crk and Coulee Crk.
2. Develop reservations for future allocation within instream flow rules.

LAND USE

1. Conduct buildout analysis for subbasins according to current zoning and projected water needs.
2. Develop water supply & demand forecasts for subbasins/study areas.
3. Comment on land use regulation changes and comp plan ammendments to strive for consistency between Watershed Planning and land use planning.

EDUCATION

1. Public education on water rights.

Fairchild Air Force Base – Briefing by David Luders

FAFB has water rights claims that were filed in 1975. A privatization team will be evaluating FAFB's water, sewer and electrical system in March / April 2008. The land for FAFB was donated by the Spokane Chamber of Commerce in 1942 and FAFB has purchased additional land to fill in since then. As a result, FAFB does not have federal reserve water rights. In 2003, Ecology completed a record of exam for the FAFB claims. The question is how does FAFB privatize a resource that the Base may not own. FAFB is eastern Washington's largest employer.

David said that FAFB may want to have their claims adjudicated by superior court and is open to suggestions from the WRIA 54 Planning Unit. David will be meeting with Keith Stoffel (Ecology) in the near future. All present agreed that they support FAFB in resolving this issue.

The Planning Unit agreed that this issue should be further discussed at the next WMWG (scheduled for February 13, 2008). The next work group meetings are scheduled for:

- February 13 – Water Supply (including further discussion on resolving FAFB's claims)
- March 21 – Water Conservation, Reclamation and Reuse

Water Quality Work Group Update

Cynthia noted that the WQWG met on January 22 and worked through the water quality matrix. The WQWG plans to present the WRIA 54 water quality issues and possible solutions to the Planning Unit at the February 2008 meeting. Cynthia provided the draft water quality assessment report. This information will be included within the Watershed Plan.

Instream Flow Update

Mike Hermanson noted that the WRIA 55/57 and 54 instream flow work groupd will be meeting on Tuesday January 29 at the WDFW office in Spokane Valley. The Washington State caucus will be presenting their recommendations for flows and control points. Other entities will also have opportunity to present their recommendations for flows and control points. Hal Beecher (WDFW) and Brad Caldwell (Ecology) plan to attend. Lloyd noted that City of Spokane staff will be meeting with Council tomorrow for an instream flow work session.

Public Comment

Mike Hermanson noted that Spokane County has contacted about 5 groups that were initially contacted but have not become involved in Watershed Planning in WRIA 54. Mike said that he has sent letters to these entities encouraging them to get involved. Mike said that he has not submitted press releases.

Administration and General Schedule Announcements

Mike Hermanson noted that the grant quarter ended on Dec 31, 2007 and handed out the financial status. Spokane County would like to make a grant amendment to provide an additional \$10,000 to cover the projected project management costs for Spokane County. Spokane County project management includes grant administration, consultant contract and project management and public outreach. There is \$16,000 that has not yet been allocated within the WRIA 54 Phase 3 budget. The \$10,000 would come from this unallocated \$16,000. The Planning Unit had no objections. Mike will presume that the Planning Unit members agree with

this amendment unless he hears otherwise via email or phone.

Cynthia provided an updated schedule for the work group meetings. The following meetings are scheduled and open to everyone:

JANUARY 2008:

- WRIA 55/57 and 54 Instream Flow Work Group, Tuesday, February 26, 1:30 – 4:30 pm, WDFW building, 2315 Discovery Place, Spokane Valley, WA.

FEBRUARY 2008:

- WRIA 54 Water Management Work Group, Wednesday February 13, 8:30 – 11:30 am, Conf. Rm. 4C, Spokane County Public Works Building, 1026 W. Broadway Ave, Spokane, WA.
- WRIA 54 Water Quality Work Group, teleconference, Thursday, February 14, 10:30 am. Call-in number TBA.
- WRIA 54 Land Use Work Group, Thursday February 21, 1:30 – 4:30 pm, Conf. Rm. 4A, Spokane County Public Works Building, 1026 W. Broadway Ave, Spokane, WA.
- WRIA 54 Water Quality Work Group, Tuesday, February 26, 9:00 – 11:00 am, Conf. Rm. 4A, Spokane County Public Works Building, 1026 W. Broadway Ave, Spokane, WA.
- WRIA 55/57 and 54 Instream Flow Work Group, Tuesday, February 26, 1:30 – 4:30 pm. Location TBA.
- WRIA 54 Planning Unit, Wednesday February 27, 10-noon, Airway Heights Community Center, Airway Heights, WA.

MARCH 2008:

- WRIA 54 Water Management Work Group, Friday March 21, 9 am – noon, Conf. Rm. 4A, Spokane County Public Works Building, 1026 W. Broadway Ave, Spokane, WA.
- WRIA 54 Planning Unit, Wednesday March 26, 6 – 8 pm, Lakeside High School Library, 5909 Highway 291, Ninemile Falls, WA.

Next Meeting Date and Adjourn

The next WRIA 54 Planning Unit meeting is scheduled for Wednesday, February 27, 2008, 10 am – noon Airway Heights Community Center, Airway Heights, WA. Bryony adjourned the meeting at 8:25 pm.