

**Appendix A WRIA 55 & 57 MEMORANDUM OF AGREEMENT**

99 0502

MEMORANDUM OF AGREEMENT:  
LOCAL WATERSHED PLANNING FOR WRIA'S 55 & 57  
THE LITTLE SPOKANE RIVER AND THE MIDDLE SPOKANE RIVER

WHEREAS, the Washington Watershed Management Act, Chapter 90.82 RCW, provides a process to plan and manage the uses of water within the Little Spokane River and Middle Spokane River Water Resources Inventory areas (WRIA 55 and WRIA 57); and

WHEREAS, the water resources planning process described in Chapter 90.82 RCW and this Agreement is not intended to formally determine or resolve any legal dispute about water rights under state or federal law or Indian Treaty. Rather, the process provides an alternative, voluntary process for cooperatively planning and managing the use of Washington's water resources; and

WHEREAS, effective watershed planning cannot take place without full participation, as initiating governments, of government entities within the WRIA.

NOW, THEREFORE, the initiating governments for WRIA's 55 & 57 agree as follows:

**1.0 Purpose:** It is the purpose of this agreement to set forth a process through which a technically defensible inventory of water available can be developed. The first step in this process will be to define the technical method deemed appropriate for the program, develop a list of data needs and calculate an estimated cost for arriving at the desired product.

**2.0 Initiating governments:** According to the provisions of Chapter 90.82 RCW, the eligible parties to this Agreement shall be Spokane County, Stevens County, Pend Orielle County, the City of Spokane, Vera Water and Power and Whitworth Water District.

**3.0 Scope:** The Watershed Planning grant for WRIA's 55 & 57 includes funding for both the Phase I and Phase II elements of plan development as provided for in Chapter 90.82 RCW.

3.1 The main focus of Phase I will be determining the information needs for Phase II and developing a work plan for Phase II studies. The general Scope of Work for the program submitted with the grant application and approved by the Department of Ecology is included as Attachment A.

3.2 The intended scope of the work plan developed for Phase II will include water quantity and, insofar as funding allows, water quality. First priority for any water quality consideration will be given to those aspects of water quality most closely related to flow. Existing data, studies and plans will be fully reviewed and those providing information consistent with the "best available science" tenets of this study will be used in developing a comprehensive watershed plan.

**4.0 Lead Agency:** Spokane County will be the lead agency for the purposes of convening the Initiating Governments, administering the Watershed Planning Grant Funds and contracting services. Project budgets and utilization of consultants shall be agreed upon by the initiating governments per the consensus process described in section 6.1 of this agreement.

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**5.0 Planning Unit:** The Planning Unit is a committee formed pursuant to Chapter 90.82 RCW by the initiating governments to recommend water resource management policies for consideration by the counties.

5.1 The Planning Unit is composed of initiating governments' representatives and stakeholders with a wide range of water resources interests. The Planning Unit includes members representing both government and non-government entities. Attachment B is a listing of proposed Planning Unit representation.

5.2 The lead agency, after consultation with representatives of the initiating agencies, will develop a list of Planning Unit members that will be submitted to the legislative boards of the initiating agencies, or their designee, for approval.

5.3 The Planning Unit may adopt rules for operating and decision making as long as they do not conflict with the elements of section 6.0 below.

**6.0 Process:**

6.1 Government participants in the Planning Unit shall conduct decision-making by consensus. Governments are those entities empowered with legislative or regulatory power by state statute. For purposes of this Agreement consensus means general concurrence with the proposed action. The parties to a consensus agreement agree not to disagree with the agreement in the future.

Government participants shall provide specific written approval of all Watershed Plan elements which would create an obligation on the government entity. "Obligation" means any required action which imposes fiscal impact, a re-deployment of resources or a change of existing policy. Non-governmental participants shall approve the watershed plan by majority vote.

6.2 All decisions will be based on best available science. This means all information is collected using methods generally accepted by professionals working in the field of concern and which has had appropriate quality control and assurance practices applied during collection. In addition to being commonly accepted by the scientific community, such information must be agreed upon by all representatives of local, state, and tribal governments.

6.3 The Planning Unit shall be the Policy recommendation committee for the watershed plan envisioned in Chapter 90.82 RCW. Non-governmental representation on the Planning Unit will be designated at the discretion of the initiating agencies to provide representation of a wide range of water resources interests.

6.4 Technical advisory committee(s) and/or focus group(s) may be established by the Planning Unit to provide reports and recommendations on specific issues.

**7.0 Funding:**

7.1 This agreement does not obligate the initiating governments to pay any operating costs for watershed planning in WRIA's 55 & 57. Any such obligation in the future shall require express written agreement.

7.2 Spokane County shall be the lead agency for application and management of grant funds for this project. Annual budgets allocating the use of watershed planning funds shall be approved by the initiating governments. Grant funds shall be used for staff support and consultant support, including the preparation of technical reports for review by the Planning Unit and/or technical committees and/or focus groups. A Budget proposal for 1999 is included as Attachment B

7.3 Participation in the Planning Unit and/or technical committees and/or focus groups by officials and staff shall be contributed time not eligible for reimbursement unless expressly approved by the initiating governments.

7.4 The initiating governments recognize the financial burden watershed planning places on smaller units of government and support their effort to secure outside sources of funding to ensure effective participation by these entities. If approved by the initiating agencies, annual budgets for Watershed Planning grant funds may include limited support for government agencies participating in watershed planning.

**8.0 Duration:**

8.1 This Agreement will operate for the duration of the watershed planning period, which will be no longer than four years from the date on which Phase II of the grant program is initiated by the Planning Unit unless extended by the Initiating Agencies.

8.2 Any government entity shall have the right to withdraw from the planning process at any time. All parties agree that if any entity withdraws, that entity shall not be deemed a party to any plan or agreement produced pursuant to Chapter 90.82 RCW and shall not be bound thereby.

**9.0 Modification:** This Agreement may be modified or amended only by a subsequent written document, signed by representatives of all Initiating Agencies, expressly stating the Initiating Agencies intention to amend this Agreement. No amendment or alteration of this Agreement shall arise by implication, course of conduct or change in state law.

**10.0 Agreement:** The water resource planning process described in this Agreement is intended to result in cooperative management of water resources in WRIA's 55 & 57. The parties agree that participation in the development of watershed plans for WRIA's 55 & 57 shall not abrogate any member's authority or the reserved rights of any Tribe, except where an obligation has been accepted in writing pursuant to section 6.1 of this Agreement.

**11.0 Effective Date:** This agreement shall become effective and commence upon execution of the Agreement by all parties.

IN WITNESS WHEREOF, we the undersigned have executed this Agreement as of the date as indicated.

SPOKANE COUNTY:

By: M. Kate McCaslin  
M. Kate McCaslin, Chair

Date: 6/15/99

STEVENS COUNTY:

By: Fran Besserman  
Fran Besserman, Chair

Date: 11/30/99

PEND ORIELLE COUNTY:

By: Mike Hanson  
Mike Hanson, Chair

Date: 11/1/99

CITY OF SPOKANE:

By: Bill Pappo  
Bill Pappo, City Manager

Date: 7/20/99

WHITWORTH WATER DISTRICT:

By: \_\_\_\_\_  
Susan McGeorge, Manager

Date: \_\_\_\_\_

VERA WATER AND POWER

By: \_\_\_\_\_  
Kevin Wells, Manager

Date: \_\_\_\_\_

Approved as to form  
B. B. B.

Attest: Veri. H. H.  
City Clerk

IN WITNESS WHEREOF, we the undersigned have executed this Agreement as of the date as indicated.

SPOKANE COUNTY:

By: M. Kate McCaslin Date: 6/15/99  
M. Kate McCaslin, Chair

STEVENS COUNTY:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Fran Besserman, Chair

PEND ORIELLE COUNTY:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Mike Hanson, Chair

CITY OF SPOKANE:

By: Bill Papp Date: 7/20/99  
Bill Papp, City Manager

WHITWORTH WATER DISTRICT:

By: Susan McGeorge Date: 2-17-00  
Susan McGeorge, Manager

VERA WATER AND POWER

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Kevin Wells, Manager

Approved as to form  
B. Bunn

Attest: Meri Hester  
City Clerk

5-5

RESOLUTION NO. 99 0502

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BEFORE THE BOARD OF COUNTY COMMISSIONERS OF SPOKANE COUNTY, WASHINGTON

IN THE MATTER OF APPROVING A MEMORANDUM OF AGREEMENT AMONG THE INITIATING AGENCIES OF THE WRIA 55 AND WRIA 57 LOCAL WATERSHED PLANNING PROGRAM SPOKANE COUNTY, STEVENS COUNTY, PEND ORIELLE COUNTY, THE CITY OF SPOKANE, VERA WATER AND POWER AND WHITWORTH WATER DISTRICT FOR THE PURPOSE OF ESTABLISHING THE REQUIRED MANAGEMENT STRUCTURE FOR THE PROGRAM

RESOLUTION

WHEREAS, pursuant to the provisions of the Revised Code of Washington, Section 36.32.120(6), the Board of County Commissioners of Spokane County has the care of County property and the management of County funds and business; and

WHEREAS, management of water resources is an important element in providing for the needs of local citizens; and

WHEREAS, the Washington State Legislature has provided a mechanism for local control of watershed planning through the Local Watershed Planning Act, RCW 90.82, and

WHEREAS, Spokane desires to develop a Local Watershed Plan for the Little Spokane and Middle Spokane River watersheds (WRIA 55 & 57), and

WHEREAS, the conduct of such planning programs requires a Memorandum of Understanding among certain initiating agencies as defined in the Local Watershed Planning Act, RCW 90.82.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Spokane County, Washington, that the Chairman of the Board is hereby authorized to execute the document included herewith as Attachment A termed "Memorandum of Agreement: Local Watershed Planning for WRIA'S 55 & 57, the Little Spokane River and the Middle Spokane River" pursuant to which and under certain terms and conditions Spokane County will participate, with the other initiating agencies defined above, in a program to develop a local watershed plan for WRIA 55 & 57. A signed copy of this document shall be placed in the files of the Board of County Commissioners.

APPROVED BY THE BOARD this 15th day of June, 1999.

BOARD OF COUNTY COMMISSIONERS OF SPOKANE, COUNTY, WASHINGTON

[Signature of M. Kate McCaslin]

M. Kate McCaslin, Chair

[Signature of John Roskelley]

John Roskelley, Vice-Chair

[Signature of Phillip D. Harris]

Phillip D. Harris



ATTEST: VICKY M. DALTON CLERK OF THE BOARD

BY: [Signature of Daniela Erickson] Daniela Erickson, Deputy

**RESOLUTION NO. 1**

**A RESOLUTION AUTHORIZING THE GENERAL MANAGER TO EXECUTE THE  
MEMORANDUM OF AGREEMENT FOR WRIA'S 55 & 57 THE LITTLE SPOKANE  
RIVER AND THE MIDDLE SPOKANE RIVER**

**VERA IRRIGATION DISTRICT NO. 15  
Spokane County, Washington**

**BE IT RESOLVED BY THE BOARD OF DIRECTORS OF VERA IRRIGATION  
DISTRICT NO. 15, of Spokane County, Washington, as follows:**

**WHEREAS**, Vera Irrigation District No. 15 (the "District") Spokane County, Washington, is an irrigation district duly organized and existing pursuant to Title 87, Revised Code of Washington; and

**WHEREAS**, the staff of the District are participating with Spokane County, Stevens County, Pend Orielle County and the Whitworth Water District in the planning and uses of the water within the Little Spokane River and Middle Spokane River Water Resources Inventory Area; and

**WHEREAS**, Spokane County is the lead agency for the purposed of administring grant funds, contracting services and convening meetings; and

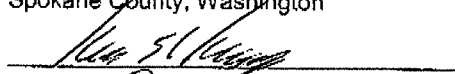
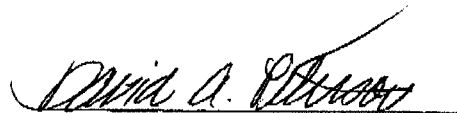
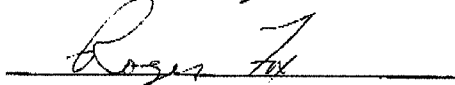
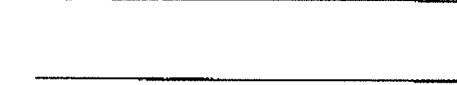
**WHEREAS**, the planning and use of water in the Little Spokane River and Middle Spokane River Watersheds are indirectly connected to the source of water for the customers of the District.

**NOW THEREFORE, BE IT RESOLVED**, as follows:

The General Manager of the District is hereby authorized to execute The Memorandum of Agreement for WRIA's 55 & 57 the Little Spokane River and the Middle Spokane River.

DATED this 9<sup>th</sup> day of February, 2000.

**VERA IRRIGATION DISTRICT NO. 15**  
Spokane County, Washington



## **Appendix B : WRIA 55 & 57 PLANNING UNIT REPRESENTATIVES**

## ATTACHMENT A

### Invited Planning Unit Representatives

The following agencies, organizations and businesses will be asked to appoint a member, and a designated alternate if desired, to the Planning Unit. Names listed are those of individuals already asked to serve on the Planning Unit.

#### Initiating Agencies

Pend Oreille County	Mr. Gary Fergen	Pend Oreille County Planning
Spokane County	Ms. Terry Liberty	Planner
City of Spokane	Mr. Lloyd Brewer	Environmental Programs
Stevens County	Mr. Loren Wiltse	Planning Director
Vera Water and Power	Mr. Steve Skipworth	Director of Operations
Whitworth Water District	Ms. Susan Eldore-McGeorge	Manager

#### Other Government or Regulatory Agencies

City of Deer Park	Mr. Roger Krieger	Community Services Director
Spokane Tribe	Mr. Rudy Peone	Water Resources Manager
Spokane Regional Health	Mr. Steve Holderby	
Washington State Agencies	Mr. Doug Allen	Watershed Planning Lead

#### Agriculture

Washington State Dairy Federation	Ms. Kima Simonson	
General Agriculture	Mr. Paul Hudson	

#### Citizen Interest / Neighborhood

Friends of the Little Spokane Valley	Mr. Tom Hargreaves	
League of Women Voters	Mrs. Alice Stoltz	
Water Quality Advisory Committee	Mr. Dave Jones	

#### Commerce and Economic Development

Spokane Home Builders Association	Ms. Suzanne Knapp	Governmental Affairs Coord.
<i>Greenup Development</i>	<i>Mr. Jim Greenup</i>	
Spokane Valley Chamber of Commerce	Mr. Jamie Tibbits	
Spokane Area Chamber of Commerce	Mr. Kris Johnson	
Spokane Economic Development Council	Mr. Mark Tanner	President

#### Environmental Groups

Washington Environmental Council	Ms. Bev Keating	
The Lands Council	Ms. Michele Nanni	
Center for Environmental Law and Policy	Ms. Rachael Pascal	

#### Industry

Kaiser Aluminum and Chemical Company	Mr. Pat Blau	
Inland Empire Paper	Mr. Wayne Frost	Urban Lands Manager
Avista Utilities	Mr. Sandy Mack	Environmental Affairs Director
Mining Industry		

#### River User Groups

Inland Empire Flyfishers / Trout Unlimited	Mr. David James /Mr. Fred Shiosaki	
Spokane Canoe and Kayak Club	<i>Ms. Robbi Castleberry</i>	

**Water Utilities**

Stevens County PUD #1  
Spokane Aquifer Joint Board

Mr. Dick Price                      Manager  
Mr. Ty Wick                         President

**Conservation Districts**

Pend Oreille Conservation District  
Spokane County Conservation District  
*Stevens County Conservation District*

Ms. Charlotte Yergens  
Mr. Walt Edelen  
*Ms. Claudia Michalke*

**Technical Support Agencies**

Note: At the March 17<sup>th</sup> meeting the Planning Unit decided that the following Agencies/Representatives will be invited to meetings and asked to participate in discussions and planning but will not be “voting” members.

Washington State Department of Ecology  
*Washington State Department of Health*  
*Washington State Dept. of Fish and Wildlife*  
U. S. Geological Survey  
U. S. Environmental Protection Agency  
Eastern Washington University

Mr. John Roland  
  
Mr. Ray Smith                      Hydrogeologist  
Mr. Chuck Rice  
Dr. John Buchanan                Geology

## WRIA 55 & 57 Planning Unit Representatives as of 2/17/2005

### Planning Unit Roster

<u>Representative</u>	<u>Group or Agency</u>
Dave Jensen	Pend Oreille County Planning
Terry Liberty	Spokane County Planning
Linda Kiefer / Clay White	Stevens County
Lloyd Brewer / Harry A. McLean, Jr.	City of Spokane “
Steve Skipworth	Vera Water
Susan McGeorge	Whitworth Water
Keith Holliday	State Caucus / Department of Ecology
Steve Holderby	Spokane Regional Health District
Roger Krieger	City of Deer Park
Heather Cannon	Town of Millwood
Doug Smith/ Mary Wren	City of Liberty Lake “
Scott Kuhta	City of Spokane Valley
Rudy Peone	Spokane Tribe
Kima Simonson	Washington State Dairy Federation
Paul Hudson	General Agriculture
Tom Hargreaves	Friends of the Little Spokane Valley
Ann Murphy	League of Women Voters
Dave Jones	Water Quality Advisory Committee
Gail Howard	Neighborhood Council Representative
Gus Koedding	Spokane Homebuilders Association
Jim Wilson	Association of Realtors
Vacant	Development Community
Jamie Tibbits	Spokane Valley Chamber of Commerce
Jeff Selle	Spokane Area Chamber of Commerce
Mark Tanner	Spokane Economic Development Council
Bev Keating	Washington Environmental Council
Jane Cunningham / Amber Waldref	The Lands Council “
Rachael Paschal Osborn	Independent
Pat Blau	Kaiser Aluminum and Chemical Company
Wayne Frost	Inland Empire Paper
Bruce Howard	Avista Utilities
Mark Murphy	Mining Industry (Central Pre-Mix)
Vacant	Inland Empire Flyfishers / Trout Unlimited

Robbi Castleberry	Spokane Canoe and Kayak Club
Dick Price	Stevens County PUD #1
Ty Wick /	Spokane Aquifer Joint Board
Julia McHugh	“
Matt Zupich /	Pend Oreille Conservation District
Donald Comins	“
Walt Edelen /	Spokane County Conservation District
Rick Noll	“

### **Invited Technical Representatives**

John Roland	Washington State Department of Ecology
Megan Harding	Washington State Department of Health
Karin Divens	Washington State Dept. of Fish and Wildlife
Ray Smith	U. S. Geological Survey
Chuck Rice	U. S. Environmental Protection Agency
John Buchanan	Eastern Washington University
Lee Melish	Liberty Lake Sewer and Water
Bryony Stasney	Golder Associates
Chris Pitre	Golder Associates
Rob Lindsay	Spokane County
Reanette Boese	Spokane County
Bill Gilmour	Spokane County

## Appendix C : Operating Procedures

### Plan Recommendation Decision Making:

#### *Planning Unit Decision Making Process – Step 1:*

- All Planning Unit members, **including Initiating Agency representatives**, will make a good faith effort to reach decisions through consensus. If there are minority opinions, they will be discussed and considered. Voting will only occur when consensus can not be reached.
- If a vote occurs, all Planning Unit members listed in Attachment B of the Memorandum of Agreement, or their designated representative, **including Initiating Agency representatives**, plus a new City of Liberty Lake representative, can vote.
- Planning Unit members must be at the Planning Unit meetings to vote, however, vote by proxy will be allowed.
- Simple majority vote will be used and there will not be a quorum requirement.
- When applicable, Planning Unit meeting notices will indicate in bold that consensus decision making, and possible voting, will occur.
- All recommendations will be discussed at a meeting prior to the meeting where a decision is made. Typically, discussions and consensus building will occur at one meeting, with a wrap up discussion and decision making occurring at a second meeting.

#### *Initiating Agency Decision Making – Step 2:*

- If the Initiating Agencies were not in consensus during Step 1, then a follow up meeting of the Initiating Agencies will be held to discuss the recommendation and make a good faith effort to reach consensus.
- If consensus can not be reached, individual Initiating Agencies would not be obligated to implement specific recommendations – in this case the individual agencies would not oppose the recommendation, but would not be obligated to implement the recommendation.
- All Initiating Agency meetings will be open to Planning Unit members to observe.

## Appendix D : Public Comments on the September 2004 Draft Plan

### **Dale Gill, written statement turned in 9/14/2004.**

One goal of the WIRA (sic) 55/57 Planning Committee has been to explore ways to increase the quantity of water for future growth and development. The committee admittedly opted out of addressing the issue of water quality stating that increase quantity would provide increased dilution to improve water quality. A strategy which bases the future economic growth of the region on increased water quantity and does not emphasize the importance of water quality in the Spokane and Little Spokane River watersheds has several flaws as described below. (Dale Gill, Opening paragraph in written statement turned in 9/14/2004)

First – The hydrologic cycle produces a finite amount of water which is dependent on variable climatic conditions. Water is one resource which is a limiting factor to future community growth. Therefore, when economic growth is allowed to exceed the carrying capacity of the watershed, the finite supply of water must be taken away from some and given to others. Changing water right allocations or recharging the sole source aquifer with poor quality water will result in reduced quality of life for some, (probably all), while increasing the standard of living for others. These efforts will cause further expansion beyond the regions carrying capacity and result in bigger problems in the future. The solution is to develop a, “no growth” strategy based on a steady state ecosystem concept. Our quality of life is mostly dependent on the quality of water we drink and use to grow our food, therefore, we must change our standard of living which adversely impacts water quality to improve our quality of life. If we don’t develop a viable steady state economic system now, we will be forced to do so at some point in time. However, it will be at a greatly reduced quality of life for all. (Dale Gill, First point in written statement turned in 9/14/2004)

Second - The committee is chasing after every drop of water to keep our economic growth engine going, with no plans regarding what to do when we run out of ways to increase this finite renewable resource in the future. This may be a good faith reaction to an emergency situation involving a water shortage, or it may be an attempt by the aristocrats in power to gain more control over our water resources for their own survival or entrepreneurial interests. Quality should not be sacrificed for quantity (sic). (Dale Gill 2<sup>nd</sup> point in written statement turned in 9/14/2004)

Third – Some members of the committee have recommended, “opening the whole of the Little Spokane River to recreation”, or “seeking a state attorney general’s reversal on the non-navigable status of the LSR”, or “regulating water flows on the rivers to enhance canoe and kayak opportunities”. Why is this committee giving more consideration to special interest recreational activities than to water quality. Presently, recreational users would freely choose their activity based on the available instream flows. It is also interesting, that the major watershed for the LSR and drainages for the SVRP aquifer is Mt. Spokane. A decrease in logging activity in the drainages would delay snow melt and provide considerable amounts of water for summer flows. A reduction in the Mt. Spokane State Park ski area by planting trees will greatly increase water storage. It doesn’t make sense to expand the winter ski area and reduce watershed capacity and then take water away from others to enhance water recreational activities on the rivers. The 1031 land exchanges, of Mt. Spokane State Park out holdings along drainages, to logging companies must stop to prevent further watershed declines. Efforts must also be made to purchase land from private logging companies who own property within MSSP and the surrounding watershed. If logging and ski expansion continue, the spring snow melt and runoff will be more rapid. The watershed plan does not identify this problem but proposes a plan to capture and store this high volume spring flow for surface storage and aquifer recharge. One portion of a 20 year watershed plan should be to reclaim and restore the forest on Mt. Spokane and its drainages. Twenty-year old trees and related forest plants would help shade and restore our precious watershed. (Dale Gill, 3<sup>rd</sup> point in written statement turned in 9/14/2004)

Forth (sic) - Private property owners along the LSR have paid higher values for their land along and under the LSR. This allows them to prevent access to the water by the public and protect water quality. Any attempt to take this right away could be considered a “taking” by the U. S. Supreme Court and will certainly face legal action. (Dale Gill 4<sup>th</sup> point in written statement turned in 9/14/2004)

Fifth - Building dams and other surface water storage areas on the LSR will increase summer water temperatures. The existing dams and lakes currently increase water temperatures and BOD, which reduces water quality. The increase in plant growth and their subsequent decay reduces dissolved oxygen to dangerously low levels. Again this committee is concentrating on water quantity without regard for the impact dams would have on water quality. (Dale Gill 5<sup>th</sup> point in written statement turned in 9/14/2004)

Summary – Several areas of the Watershed Management Plan indicate that current water rights exceed the availability of water in the watershed. Peak demands currently reduce instream flows and aquifer capacity. The 20 year scenario on pp. 50&51 gives a very poor outlook for water quantity and future growth without a decreased quality of life. This plan must have a no growth scenario that is implemented in stages along with its other recommendations. The no growth component must also have a 20 year scenario that achieves this limit to growth. This plan has an inchoate scenario where it keeps taking water from those with junior water rights and domestic exempt well, etc. and giving new allocation for municipal distribution. Water districts will then support increased growth in areas allowed by the growth management act. Rural land owners will be prevented from developing their property. Democratic governments should carry out the wishes of the majority while protecting the rights of the minority. Any decision that cannot satisfy both criteria is not a just decision. The development of this plan has been without public input from its inception. There has been no investigative reporting by the news media. Announcements are downplayed and not widely distributed. The public, which the ruling aristocracy serves, does not know of the serious implications of this plan. This is a plan to continue growth and further exceed the areas watershed carrying capacity. The results will be legal battles, possible future revolution, and decreased quality of life. All solutions must protect the quality of our sole source aquifer water. (Dale Gill, summary in written statement turned in 9/14/2004)

#### **Dale Gill, 2<sup>nd</sup> written statement turned in 9/15/2004.**

##### **IDENTIFICATION OF THE PROBLEM**

The WIRA (sic) 55/57 watershed stores a finite quantity of water provided by the hydrologic cycle. The amounts of water produced vary due to local seasonal changes and global changes, such as, El Ninyo (sic) and global warming. No new water can be produced. (Dale Gill, 2<sup>nd</sup> written statement turned in 9/15/2004)

A watershed is a forested area structured in a way to prevent the rapid runoff of water into the oceans during seasonal changes. The forest and associated plant cover acts as a buffer and sponge during the rainy season. In winter, the dark green color of the trees absorbs the largest number of light waves and converts them to heat. Snow will melt even when air temperatures are below freezing, building up the water table through-out the winter. (Dale Gill, 2<sup>nd</sup> written statement turned in 9/15/2004)

Increasing population, (that means you and me), have a double impact on the watershed. First, we demand the forest and agricultural products that support our high standard of living. The trees are cleared, water runs off the land during the rainy season, and white snow reflects all wave lengths of light. The snow does not melt down in the cleared areas though-out the winter, instead snow depths remain high and runs off rapidly during warm spring temperatures. Second, our population has grown beyond the carrying capacity of the under ground aquifer. We are using water faster than the watershed can replace it. The water table in the LSR and SVRP aquifer is dropping faster than the watershed can replenish it. (Dale Gill, 2<sup>nd</sup> written statement turned in 9/15/2004)

##### **SOLUTIONS TO THE PROBLEM**

Identify strategic forested area and prevent logging where possible. Such as, state land, ski areas, and Mt. Spokane State Park out-holdings. (Dale Gill, 2<sup>nd</sup> written statement turned in 9/15/2004)



Develop a 20 year limited growth scenario that works in conjunction with the Watershed Planning Committees recommendations. Establish a goal that brings the areas population within the carrying capacity of the watershed and achieves an economically viable steady-state ecosystem. (Dale Gill, 2<sup>nd</sup> written statement turned in 9/15/2004)

Finally, emphasize the importance of improving the quality of water in the watershed and aquifer. This is more important than increasing the quantity to support future economic growth and development. (Dale Gill, 2<sup>nd</sup> written statement turned in 9/15/2004)

### **Jacqueline Halvorson**

Mandatory water conservation requirements (#1, Jacqueline Halvorson)

Specific strategies to restore the Spokane River and Little Spokane River. (#2, Jacqueline Halvorson)

Specific strategies to protect the Spokane Valley / Rathdrum Prairie Aquifer, e.g. Limit pumping of the Aquifer so that aquifer water is allowed to flow to the river (the aquifer is one of the main sources of the river.) (3#, Jacqueline Halvorson)

### **Lands Council talking points on Watershed Plan – Amber Waldref**

Compliment Plan on:

1. Instream flow at Barker Road is good. The plan recommends a flow in the Spokane River at Barker Road adequate to fully support adult and juvenile rainbow trout populations. (Approximately 890 cfs released from Post Falls Dam provides the greatest amount of adult habitat at the Barker site studied by Hardin-Davis). This recommendation could affect operation of Post Falls Dam, requiring larger releases of water in the summer to improve habitat conditions in the Spokane River between the state line and Sullivan Road. (Amber Waldref)

In Chapter 2, page 45 in the Technical information summary... I have a problem with this paragraph:

“The Barker site provides better habitat for juveniles than adults.

At the studied transect at Barker 200 cfs provides good habitat for juveniles.

At the studied transect at Barker 500 cfs provides good habitat for adults.” Yes, this is true. However, if you read the Hardin-Davis study, the BEST habitat for juveniles is at least 300 cfs and at least 700 cfs for adults. These statements are a bit misleading. (Amber Waldref)

Proposal to Change the Barker Road Flow is Bad. Certain parties to the Avista re-license process want the watershed plan to change (weaken) its recommendation for instream flows at Barker Road. This item is on the agenda for the watershed planning group’s next regular meeting (tomorrow!). This effort should be opposed. In fact, I do not think this Watershed Plan needs to be linked to the Avista Fisheries Work Group (p. 61-62) recommendations. That group has a different process, which is being heavily influenced by upstream interests and issues other than fisheries management. (Amber Waldref)

The Watershed Plan should contain recommendations for MANDATORY water conservation. This is a huge issue for Spokane. We use more water than almost any other part of the country. All water conservation in this plan is strictly voluntary. We suggest that plan be altered to include requirements for conservation pricing, water audits, metering, etc – all these strategies are known to work to reduce the use of water. (Amber Waldref #1)

**Water reclamation inadequate.** Water re-use and reclamation is absolutely key to addressing our sewage treatment issues, as well as being use to offset future pumping of water (for example, re-used water could substitute for a million gallons per day per golf course). But the plan is vague about specifics, and delays re-use implementation strategies to be contingent on “public acceptance” evaluations. “Evaluate the public perception of water reclamation and reuse and determine how to educate the public to increase their understanding of the benefits and risks...”. This should be changed to both educating and researching possible reuse and reclamation opportunities. (Amber Waldref)

This dovetails with the current process to determine a TMDL for the Spokane River. In order to have a clean river and meet standards, we are going to have to get some or most of our sewage out of the

river...and increase flow. The watershed plan should include more recommendations towards achieving an adequate instream flow for this reason. (Amber Waldref)

Again, with my experience with the Avista Relicensing process, the watershed planning group should not be relying on Avista workgroups for recommendations regarding instream flow for water over the Spokane Falls for aesthetics (sic). The Avista workgroup limited its assessment of aesthetics to a maximum of 500 cfs, and compromised at 300. 300 cfs is not enough water for Spokane Falls. This decision should be re-visited and recommendations made independent of the Avista process. (Amber Waldref)

Finally, Dam Construction should be Last Resort, not First. I realize the planning unit did not see dams as a primary water management tool, but the amount of funding going towards study of the Ponderosa Dam / Beaver & Buck Creek seems out of proportion to other management tools. I understand WA state Fish and Wildlife is not supportive of building any dams on the Little Spokane. We agree that less water needs to be taken out of the stream instead of trying to artificially create reservoirs to supplement the stream. (Amber Waldref)

### **M. Judy Smith**

Suggestion for multi-purpose storage: Cisterns to collect rain water from roof. Piping in buildings for reuse of gray water. Divert stormwater from going into sewage treatment plant – make storage areas to settle out and filter out contaminants of this stormwater runoff. Diverted stormwater if possible, could be used to water parks, to wash the streets, highway green areas, golf courses, so forth. (M. Judy Smith, question 3 of meeting questionnaire)

Do not export water to areas that use it in fantasy frivolous endeavors such as in Las Vegas!! Water in the ground runs in tiny veins – so – not all domestic well would cause an effect to the watershed? People with low gallonage wells can create more water by having their own storage tank and a two pump system – one in the well and one to pump from the storage tank. (M. Judy Smith, question 5 of meeting questionnaire)

Groundwater recharge augmentation is scary – what about contamination? (M. Judy Smith, question 5 of meeting questionnaire)

### **Tammy Magnuson**

Would like to know if there is a permanent gauge below Eloika Lake to monitor continuous (sic) flow levels? If not, suggest it. West Branch flow restricted significantly compared to East Branch influence on Little Spokane. (Tammy Magnuson, question 1 of meeting questionnaire)

Eloika Lake use to store more water before loss of dam and then additionally, the replacement of culvert on Eloika Lk Rd which again lowered the lake well below it's 1908? Levels. See comments. (Tammy Magnuson, question 3 of meeting questionnaire)

Please be sure Eloika Lake Association is notified at all meeting regarding water issues.

[Eloikalakeassoc@aol.com](mailto:Eloikalakeassoc@aol.com). (Tammy Magnuson, question 4 of meeting questionnaire)

Investigate the culvert replacement by Spokane County. Water quality and elevation was seriously effected when this occurred. Also private landowners who take it upon themselves to remove beaver dam at south end of Eloika Lake. (Tammy Magnuson, question 5 of meeting questionnaire)

### **Greg Sweeney, meeting questionnaire**

A. After 5 years & 1.5 million, why do we still not see technical data summarizing amount of water available compared with amount allocated already? Where is this specific data? (Greg Sweeney, question 1 of meeting questionnaire)

B. Why is there no in-stream monitoring station on the W. Branch of the Little Spokane above Chatteroy (sic)? (Greg Sweeney, question 1 of meeting questionnaire)

C. Why no mandatory water conservation? (Greg Sweeney, question 1 of meeting questionnaire)

Change language in I.A.01.C....to read..."mandatory" (not "voluntary") by water suppliers/purveyors. (Greg Sweeney, question 2 of meeting questionnaire)

- 1.) Quit studying more "dams" & focus on conservation, restoration & reuse. (Greg Sweeney, question 3 of meeting questionnaire)
- 2.) Legislate elimination of phosphate detergents. (Greg Sweeney, question 3 of meeting questionnaire)
- 3.) Get farm, ag & timber erosion away from waterways. (Greg Sweeney, question 3 of meeting questionnaire)
- 4.) Raise water consumption rates to encourage conservation. ("Inverted water rates") (Greg Sweeney, question 3 of meeting questionnaire)

Please place more emphasis & more teeth in conservation, reclamation & reuse. (Greg Sweeney, question 4 of meeting questionnaire)

Secure funding for in-stream monitor station on West Branch Little Spokane River & get Eloika Lk Assn. Involved. (Greg Sweeney, question 3 of meeting questionnaire)

### **Dale E Smith**

We fell the stream low, aquifer flow and run off water should be addressed seperatly (sic) and kept separated! We need to address all water from its source to it's use – whatever? We need to address all (agriculture, industry, residents, animals, fish) seperatly (sic) under the water they might need and use (Dale E Smith)

### **Dale Gill, meeting questionnaire**

Yes, water quality planning committee will not complete its recommendation by Oct 1, 1004. Therefore, I have enclosed the committee report on recreational impacts to water quality in the LSR. Please add to your draft a recommendation on limits to recreation that impacts water quality. (Dale Gill, question 4 of meeting questionnaire)

### **Jerry White**

1. Please replace the language of "recommend" and "encourage" with regards to water conservation with words such as "mandate". Mandatory water conservation measures are the only real way to ensure the preservation of our aquifer and the Spokane River from over-consumption. If we allow water users to simply comply with conservation on a voluntary basis, we are surely going to face a "tragedy of the commons" in the very near future. Such a tragedy would mean the Spokane River and its aquatic biota will not survive and the citizens of tomorrow will face a water consumption crisis. (Jerry White)
2. The failure to set an in stream flow level for the Spokane Falls and the section of the River that runs to the west of Spokane needs to be corrected. Breaking the river into discreet section and ignoring the systemic connections between the reaches of the river is a flaw. The Monroe Street Bridge to 7 Mile Bridge needs an in stream flow recommendation. (Jerry White)
3. Please recommend protections from over pumping of the aquifer which feeds the Spokane River. Without protection from various interests mining the aquifer, the Spokane River is in jeopardy. (Jerry White)
4. Please strike from this plan the recommendation to replace the Department of Ecology's water quality model with the CEQUALW2 model. The model that the DOE currently uses is state of the art and does not need replacement. (Jerry White)

### **Richard R Rivers**

Instream flow must be set for the point that summarizes all of the input-output interventions in the Spokane River / SVRP Aquifer: namely Spokane Falls. (Richard R Rivers, question 2 of meeting questionnaire)

You should call for laws/regulation that stop all forest practices likely to result in early snow water run-off followed by summer draught / water deficit for the Spokane and Little Spokane River Watersheds. (Richard R Rivers, question 3 of meeting questionnaire)

Be much more forceful in expressing the need for mandatory water conservation! (Richard R Rivers, question 4 of meeting questionnaire)

The over-allocation of water for each watershed is a pending emergency! You should identify it as such in order to give it the importance/urgency it deserves. (Richard R Rivers, question 5 of meeting questionnaire)

### **Bill Osebold**

PLEASE help design a watershed plan that contains mandatory water conservation requirement, and specific strategies to restore the Spokane River and the Little Spokane River. The Rivers are our greatest asset, but they are in danger, and need strong protection and restoration efforts. (Bill Osebold)

### **Julian Powers**

I have one significant problem: I now understand that the process may dead-end if just two County Commissioners from the same county vote no on the final draft. Is it possible to have an early meeting of the 9 County Commissioners for 2005, after the November election as changes will occur, to basically ask if they will, in good faith, work for agreement? If nothing else, they would not later say they had always been opposed as taxpayer funds and precious time will by then have been lost if it does dead-end.

Another thought, if there is a reasonable chance that the process is headed for a dead-end, could the key WA legislators be asked if there would be a legislative solution by, e.g., allowing only the positive counties to continue? (Julian Powers)

I really hate the prospect of a dead-end due to the time and resources wasted as well as the negative impact on people like my wife, Jane Cunningham, who may be turned-off by possible future need for extended, volunteer time and effort. (Julian Powers)

3. I now understand the argument against dams, i.e., evaporation would be a water withdrawal activity. A multi-storage approach that seems useful would be to construct catchment basins/small dams/ponds that would catch some of the runoff (reduce flooding) and increase recharge by the stored water slowly percolating (sic) to the aquifer after the runoff was over. Such entities could be subsidized for construction on land not otherwise used for farming, etc. (Julian Powers, question 3 of meeting questionnaire)

4. Yes. I briefly voiced my concern on global warming last night. To repeat, perhaps more clearly.

-Global warming is occurring now and will continue to worsen for at least 100 years (an explanation is available if you want it but it is not short).

-Global warming is now and will increasingly affect the recharge quantity and timing. (explanation on request).

-Global warming will increase the non-growth related demand for water in the drier and hotter summers.

-Your 20-year planning horizon absolutely needs to recognize and also plan for the future global warming impacts. (Julian Powers, question 4 of meeting questionnaire)

5. #1 -- Global warming impacts

#2. -- Conservation with either mandatory or escalating (sic) rates that primarily impact heavy water users.

#3 -- IF water users such as golf courses (true, 1 million gallons per day per course?) are pulling from their own wells, hence NOT under your influence, then gain control of them. The power and influence of local golfers is HUGE: just ask County Commissioner John Roskelley as you, a newcomer, very likely have not heard his story. John is very accessible, is not running for re-election, and will talk willingly, I think. No question, you CANNOT impact the golf course use now but you can lay the preparatory groundwork so they will not be able to say, "You didn't tell me!". (Julian Powers, question 5 of meeting questionnaire)

### **Tammy Magnuson, email**

I believe that conservation of our water sources is my greatest concern and also my greatest desire. (Tammy Magnuson, email)

I also think that looking forward 20 years is not long enough in this plan. With the projected growth of our region, I believe that we will continually need to address this issue and need to think long term, not short term. The amount of water going out and not being replaced, to support more growth is critical. How much growth is too much, to protect our limited water resources above and below ground? (Tammy Magnuson, email)

I suggest that 'educational' efforts be a big priority. More outreach is necessary and money needs to be spent to get the message out to the general public about such things as conservation and protecting water quality. Education is key especially with the younger generation as they are the future. (Tammy Magnuson, email)

When addressing ideas about containment of run-off, what long term affect will that have on communities downstream from us (Spokane area). There are so many lakes in the West Branch of the Little Spokane. Living on Eloika Lake, diminished water flow is already a huge concern and fact for us. I would expect more public involvement and education before making a decision about this concept. (Tammy Magnuson, email)

Recreation is of interest to me. I think that if motorized recreation or recreation in general is having an impact on water quality, fish and wildlife then it needs to be addressed, monitored and managed. Again, education should play a big role. (Tammy Magnuson, email)

### **Greg Sweeney, email**

While appreciative of efforts to date, it is disappointing that the draft plan is so lacking in specific conservations efforts. (Greg Sweeney, email)

Given that the intent of the enabling legislation, the Watershed Planning Act of 1988, states, “The [watershed] plans must include strategies to provide water to meet the future needs of agriculture, energy production, and population and economic growth, as well as sufficient water for fish and habitat” [source: WA ST Dept of Ecology Publication #03-06-037, December, 2003], the following comments are intended to inform, increase conservation recommendations, and add needed “muscle” to the WIRA 55/57 Watershed Plan during the upcoming final revision process, prior to presentation to Spokane, Stevens and Pend Oreille Board(s) of County Commissioners by December 31, 2004. (Greg Sweeney, email)

General Comments:

1. **MISSING DATA:** After nearly 5 years and over \$1 million dollars, one is mystified why there still exists no single source document listing how much (quantity/volume) of water is available within WRIA 55/57, and no corresponding detail regarding how much (volume) has already been allocated to existing rights. While the Plan recognizes and clearly states that **the Little Spokane and Spokane Rivers are “fully appropriated”** – it seems an obvious oversight to not provide this sobering statistical detail. Please include this data in the final report. (Greg Sweeney, email)
2. **AGGRESSIVELY PURSUE CONSERVATION:** In Recommended Actions [page 1, Chapter 4, “Background” 1<sup>st</sup> sentence], **“Conservation, Reclamation and Reuse are the easiest ways of extending the availability of water.”** Obviously, this is also the least expensive method for achieving plan goals. If it is true, as stated in the notes from the summary document of September 14 Watershed Planning Public meeting that [page 1, 2<sup>nd</sup> bullet], **“Stevens County Commissioners would probably not approve the plan if it required mandatory water conservation”**... then I strongly recommend that mandatory water conservation measures be included specifically for Spokane County. Appropriate water conservation methods in Spokane County must NOT be held hostage to political factors or less-informed public opinion in two adjacent Counties where the challenges faced by Spokane County are of little or no concern. Separate the recommendations for Spokane County from the other 2 counties and recommend

implementing an aggressive water conservation plan. As is the case with continued granting of water permits in Kootenai County, precious time and water are both wasting. Spokane County cannot afford to wait. Place more teeth in conservation, reclamation and reuse. (Greg Sweeney, email)

Specific WRIA 55/57 Comments:

1. A. IN STREAM FLOWS ON THE SPOKANE RIVER: At the Planning Unite meeting on September 28, 2004, a discussion ensued relative to the “internal conflict” in the draft plan [**Issue II.E.01.a** and other related passages] in which setting of instream flows will not be specifically proposed [in the most recent draft plan] until “after the Avista HED license application is filed...” This is unacceptable and conflicts with an earlier Planning Unit recommendation calling for “**890 cfs released from Post Falls dam** [which] “provides the greatest amount of adult habitat at the Barker site” [source: July draft, Chapter 4, Recommended Actions, Section II, page 6]. (Greg Sweeney, email)

**Note:** For an alternative flow recommendation, review the “Spokane River Instream Flow Recommendations,” a collaborative report provided by WA Dept. of Fish and Wildlife; Idaho Fish and Game; Spokane County Utilities; WA ST DOE, which calls for “setting a new minimum discharge flow for the Post Falls HED at 700 cfs.” [source: Hal Beecher, Donley, Robinson, Rob Lindsay, Stan Miller, Doug Allen, June 30, 2004] (Greg Sweeney, email)

1. B. Failing to recommend a specific flow also conflicts with the mandated intent of the Watershed Planning Act. Further, given that any final decision on this FERC relicensing application is unlikely-at-best in the foreseeable future, and that the nature of the HED project is incidental to the scope of the WRIA 57 planning process, the final draft Watershed Plan must agree upon a specific flow recommendation at Post Falls, one which is demonstrably protective of the Spokane River within Watershed 57. Eliminate this internal plan conflict and leave it to the HED process to negotiate further details. (Greg Sweeney, email)

2. INSTREAM FLOW AT SPOKANE FALLS: The draft recommendations fails to set an instream flow at Spokane Falls. Such inaction fails to take into consideration the unintended implications of this oversight, in effect essentially leaving to other jurisdictions control over pumping from the Spokane-Rathdrum Prairie Aquifer. This is unacceptable. The Watershed Planning Unit must weigh in on this critical issue in support of the long term health of the Spokane River. Set instream flows at Spokane Falls. (Greg Sweeney, email)

3. INSTREAM FLOW ON W. BRANCH LITTLE SPOKANE RIVER: In order to effectively analyze and understand total flows along the Little Spokane River drainage upstream from the Colbert flow gage, it is important to differentiate flows originating on both the W. Branch (Sasheen (sic)-Horseshoe-Eloika Lake drainage) and the E. Branch (Newport to Camden above Colbert). Set an instream flow monitoring station on the West Branch above the confluence with the E. Branch. (Greg Sweeney, email)

4. ELOIKA LAKE OUTLET: Some years ago, road improvements undertaken by Spokane County near the outlet from Eloika Lake resulted in placement of new culverts below the previous “naturally occurring” lowest lake level, thus effectively lowering the lake level and removing substantial additional water storage capacity from Eloika Lake. Investigate and consider restoring the natural flow and storage capacity of Eloika Lake. (Greg Sweeney, email)

5. ELOIKA LAKE WATER STORAGE: For many years, someone has consistently torn out/removed sections of lower Eloika Lake beaver dams which, if allowed to remain in place, would afford opportunity for restoration of an additional, “naturally occurring” and inexpensive water storage in the upper Little Spokane drainage. Investigate illegal dam removals on Eloika Lake and recommend restoration of the naturally occurring lake level. (Greg Sweeney, email)

October 14, 2004

Rob Lindsay  
Spokane County Utilities Division  
1026 W. Broadway  
Spokane, WA 99260-0430

Re: WRIA 55/57 draft watershed plan

Dear Mr. Lindsay,

Thank you for the opportunity to comment on the September 2004 draft of the Watershed Management Plan for WRIAs 55 and 57. These comments are submitted on behalf of the Upper Columbia River Group of the Sierra Club. The Sierra Club has nearly 1400 members in the Spokane and Little Spokane River watershed. Virtually all of our members depend upon the Spokane Aquifer for drinking water. Likewise, our members use and enjoy the Spokane River and Little Spokane River for recreation, aesthetic and water supply purposes. The creation of a watershed plan that effectively addresses future water supply and environmental needs in this region is of critical interest to the Sierra Club.

We appreciate the technical effort that has gone into the watershed planning process. However, we have three major concerns with the content of the plan itself.

First, the plan contains virtually no action items that directly fulfill the requirements of the watershed planning statute. Instead, the plan appears to be a “full employment policy” for consultants and agency staff who will prepare yet more plans and documents in pursuit of nebulous goals. Given the time and money spent on this plan, we expected that it would contain concrete directives and proposals that would directly lead to restoration of the Little Spokane and Spokane Rivers, protection of the Spokane-Rathdrum Aquifer, and preparation for our region’s future water needs.

Our second major concern is that the plan contains no requirements for water conservation. Given the exorbitant per capita water usage in this region, the voluntary efforts outlined in the plan make no sense. Contrary to the premise that our community is “not ready” for conservation, in fact this region is primed and ready to undertake aggressive water conservation– if someone would simply lead.

Our third major concern is for the failure of the plan to establish an instream flow for the Spokane River at or near the downstream end of WRIA 57, as well as an appropriate “aesthetic” flow for Spokane Falls. We do acknowledge and thank you for making a strong recommendation for the “losing” reach of the river at or around Barker Road. However, that recommendation has little relevance for the control of future pumping from the Spokane Aquifer and restoration of the Spokane River.

The necessity for establishing an instream flow at the lower end of WRIA 57 is a critical issue for the Spokane River. Simultaneous with this planning process, Avista Corporation’s relicensing process is grappling with the question of the appropriate minimum discharge from Post Falls Dam. It is incumbent upon someone, presumably the Planning Unit, to make a recommendation that is relevant to the Avista proceedings.

By failing to address management of groundwater pumping that would limit future pumping and preserve cold groundwater influent into the River, the Planning Unit is creating a situation in which Avista can justify putting LESS water in the river at Post Falls Dam. The issue of groundwater and minimum flows is complex and critical. It is the responsibility of the Planning Unit to address it. Deferring the issue to the WRIA 54 plan, not to be completed until 2009, is indefensible. Setting a flow at Monroe Street is not

about downstream water usage, it's about upstream and upgradient usage. It is not appropriate that this plan would default on such a critical issue for our community.

The WRIA 55/57 Planning Unit has accepted very large sums of money, in excess of \$1.3 million, from Washington state taxpayers to produce a watershed plan that meets statutory requirements. The watershed plan as currently drafted does not appear to fulfill the intent of either the statute or the funding provided to local governments to create the plan.

What follows are general comments and comments specific to the recommendations contained in the draft watershed plan.

## **General Issues**

### **Multi-county approval**

It may have made sense to package the Little Spokane and Middle Spokane Rivers as part of the scientific assessment of the two watersheds (given shared groundwater). But, that packaging makes little sense now, in the planning and approval phases of this process. It is quite problematic that Pend Oreille and Stevens County Commissioners now have control over water resource planning in the Spokane River and Aquifer watershed. If the requirement of tri-county approval is a barrier to incorporating provisions that are appropriate for the Middle Spokane, the plan should explicitly identify those provisions that apply only in the lower end of WRIA 55, and in WRIA 57.

This factor is particularly important for water conservation requirements. It may be that the two northern counties are not interested in imposing stringent water conservation requirements for their small slices of the Little Spokane River watershed. This should not be used as an excuse for not adopting stringent water conservation requirements for the Lower LSR and Middle Spokane watersheds.

### **The "opt-out" issue**

The watershed planning statute contains opt-out provisions that allow any government agency that does not wish to be bound by a plan requirement to decline to adopt the requirement. The opt-out process should have been utilized as a basis to include strong recommendations in the plan. Then, any government or purveyor that chooses to not be bound by a plan recommendation could make a decision that would be transparent to the public.

The unique memorandum of agreement between the Planning Unit initiating governments allows select parties (Counties of Spokane, Stevens and Pend Oreille, City of Spokane, Veradale and Whitworth Water Districts) to veto recommendations before they ever make it into the plan. This is a non-democratic process, has limited choices in the plan, and obscured decision making. It also violates the spirit, if not the letter, of the watershed planning statute.

## **Assessment**

With respect to summarizing the scientific assessment of the watershed, the plan does a good job of putting together information about existing water usage, including natural water supply and the amount of water rights already issued. Importantly, the plan correctly concludes that both the Little Spokane and Spokane Rivers are fully appropriated and that no new water rights can be issued (at least without mitigation) (p. 48).



The watershed plan correctly identifies that public water purveyors hold significant quantities of “paper” water rights that, when fully pumped, will deplete the Spokane River by up to 250 cubic feet per second (cfs), and the Little Spokane River by up to 18 cfs. The plan acknowledges that both rivers are already stressed and not meeting required or recommended minimum instream flows (pp. 51-52).

The plan acknowledges that per capita water use in the Spokane metro area is extremely high (328 gallons per person per day) and includes a chart that includes useful comparisons with other municipalities (pp. 54-55). This is critical information that is appropriate to include in the plan.

### **Future water supply strategies.**

As discussed above, while the plan is clear that the Spokane River will suffer as future water demand increases, it contains very few concrete strategies to address these impacts. Instead, it calls for dozens more studies. For example, the plan suggests a study on diverting water from the Spokane River during spring run-off to recharge the Spokane Aquifer. It also calls for study of opportunities to re-use municipal wastewater. All of these strategies were known and discussed five years ago when the planning process commenced. The plan should specifically state who will do what and when and at what cost. In this respect, the plan fails the statutory mandate to identify how future water supply needs in this region will be satisfied.

### **Water conservation requirements.**

The plan contains no mandatory water conservation. Instead, all proposed water conservation activities are strictly voluntary. For example, water suppliers will “study” methods to educate the public and “consider” developing incentives (pp. 56-57).

Public education is not an effective means for inducing water conservation. Indeed, this exact fact was identified by one of the WRIA 55/57 initiating government representatives, Susan McGeorge, at a June 23 presentation she gave to a Department of Health water conservation advisory group meeting in Ellensburg. Her recounting of Whitworth Water District’s inability to induce conservation among its customers via education, and subsequent decision to adopt a conservation rate structure, is quite interesting. Perhaps Ms. McGeorge should enlighten the Planning Unit as well.

The plan should contain requirements for conducting conservation potential assessments, adopting conservation rate structures, preparing water audits, requiring metering, low-flow fixture retrofits and rebates, and the many other strategies demonstrated to reduce water usage. The Planning Unit, in designing its water conservation recommendations, should at a minimum, consult the following resources:

American Water Works Assn., Pacific Northwest Section, Water Conservation Committee, 1993. Water Conservation Guidebook for Small and Medium-Sized Utilities.

Chesnutt, 1997. Performance Standards for Demonstrating Urban Water Conservation, [http://www.cuwcc.org/uploads/tech\\_docs/PerformanceStandardsWaterConsv.pdf](http://www.cuwcc.org/uploads/tech_docs/PerformanceStandardsWaterConsv.pdf)

Chestnutt, 1997. Designing, Evaluating, and Implementing Conservation Rate Structures.

Environmental Protection Agency, Office of Water, 1998. Water Conservation Plan Guidelines, EPA Publ. No. EPA-832-D-98-001.

Pacific Institute, 2003. Waste Not, Want Not: The Potential for Urban Water Conservation in California.

Washington Departments of Ecology and Health, 1994. Conservation Planning Requirements. Ecology Publ. No. 94-24, DOH Publ. No. 331-008/

WaterWiser Water Efficiency Clearinghouse, [www.waterwiser.org](http://www.waterwiser.org)

In addition, the Planning Unit should look to other cities in the western United States for inspiration and ideas on successful water conservation programs. For example:

Seattle Public Utilities' Water Conservation Potential Assessment,  
[http://www.seattle.gov/util/About\\_SPU/Water\\_System/Reports/index.asp](http://www.seattle.gov/util/About_SPU/Water_System/Reports/index.asp)  
Seattle Regional Water Usage Reports,  
[http://www.seattle.gov/util/About\\_SPU/Water\\_System/Reports/index.asp](http://www.seattle.gov/util/About_SPU/Water_System/Reports/index.asp)  
Fiske, 2001. California Urban Water Agencies, Urban Water Conservation Potential,  
[http://www.cuwcc.org/uploads/tech\\_docs/UrbanWaterConservationPotential.pdf](http://www.cuwcc.org/uploads/tech_docs/UrbanWaterConservationPotential.pdf)  
Texas Water Development Board, 2003. An Assessment of Water Conservation in Texas,  
<http://www.twdb.state.tx.us/assistance/conservation/ConservationPublications/AssesmentofWaterConservationAssessment%20of%20Water%20Conservation.pdf>  
Rocky Mountain Institute, 2002. North Central Arizona Water Demand Study,  
<http://www.rmi.org/sitepages/pid172.php>

Cities throughout the west successfully employ a suite of water conservation techniques to reduce per capita usage consumption and tighten up internal water usage and losses. In western Washington, Seattle-area utilities have entered into the Saving Water Partnership to aggressively promote water conservation (see [www.savingwater.org](http://www.savingwater.org)). Given the lack of teeth in the water conservation recommendations, it appears that the Planning Unit has not reviewed the above documents and case studies.

It is critical that the Planning Unit go back to the drawing board on this topic, particularly given the unusually close relationship between pumping from the Spokane Aquifer and depletion of flows in the Spokane and Little Spokane Rivers.

### **HB 1338 and water conservation.**

Significant misinformation has been advanced in the watershed planning process (and elsewhere) to the effect that the water conservation chapter in HB 1338, RCW 70.119A.180, constitutes a substitute for purveyor-based water conservation measures. In fact, that statute has limited reach in requiring specific water conservation measures, addressing leakage standards, demand projection and performance reporting. Water purveyors, however, continue to retain authority to set their own goals and need only adopt water conservation measures that they deem to be "cost effective." Further, what benefit will be seen from HB 1338 will not occur for many years. The Department of Health is preparing regulations for these selected topics, but rules will not be adopted or effective until 2006 (assuming no litigation). Moreover, these requirements will not be implemented for many years, as the implementation mechanism occurs via water supply planning, which water utilities must update only once every six years.

The watershed plan should not mislead the public about the status of water conservation planning requirements in state and local law.

### **Water reclamation inadequate.**

Water re-use and reclamation is key to addressing our municipal wastewater treatment issues, as well as a serving to offset future water pumping (for example, re-used water could substitute for a million gallons per day per golf course). But the plan is vague about specifics, and delays re-use implementation strategies contingent on "public acceptance" evaluations (pp. 57-58; 83-84).

We already know that the public will accept reuse of wastewater. This fact is evident from the recent City of Post Falls bond referendum, in which voters approved a plan to purchase acreage for land application

of wastewater. Although the plan encountered some vocal opposition, the actual vote tally revealed significant public acceptance of this reuse strategy.

We are also concerned about inconsistent statements from watershed planning members concerning this topic. In a September 30 letter from the City of Spokane to the Department of Ecology, the City stated that benefits of water reclamation are “exaggerated,” and that proposals to reuse treated wastewater “ignore the potential damaging effects of large scale discharge of treated wastewater over the SVRP Aquifer.” Similarly, Spokane County has expressed reluctance to adopt reuse requirements in wastewater treatment discussions. Which is it? Do the City and County support reuse and reclamation or do they not? The lack of coordination on this topic is discouraging at best, and may indicate that principal actors are not acting in good faith. This raises questions about both past and future expenditure of state watershed planning funds.

Reuse is a key strategy to supply water for future use in our region. Replacement of non-potable water uses with reclaimed water could provide significant benefits to the Spokane River. The watershed plan should be re-written to include specific reuse and reclamation strategies.

#### **No strategies to restore instream flows.**

The plan acknowledges that not enough water flows in both the Little Spokane and Spokane Rivers during low-flow seasons, but contains no strategies to restore instream flows in these rivers. Again, future studies are identified, but no specific strategies are proposed for direct, restoration-based action.

In this respect the plan fails to meet the requirements of the watershed planning statute. Specific flow issues are discussed below.

#### **Barker Road instream flow.**

The plan recommends a flow of 700 cfs in the Spokane River at Barker Road (p. 61). There has been controversy about that recommendation and apparently Avista Corporation has asked the Planning Unit to amend the recommended flow downward because of the potential impacts on Post Falls Dam operations. The flow should not be amended downward for several reasons, and in fact there are good reasons to amend the recommendation upward.

The primary issue is one of water supply. The more water flowing from Idaho, the less impact on the River from aquifer pumping. A second reason involves water quality. Modeling of dissolved oxygen reveals that more flow in the river attenuates pollution concentrations. This in turn may help ameliorate the impacts of the DO TMDL, which at this point will require substantial and expensive improvements to wastewater treatment plants. While this watershed plan, unfortunately, does not address the water quality connection, the Department of Ecology and other parties must address the issue. The watershed plan should provide support for those processes.

A third issue is the question of credible science. While much study has been focused on the Barker Road reach of the Spokane River, including the \$100,000 spent by the Planning Unit on an IFIM study, it appears that the real issue is flow and temperature at Sullivan Road (where the aquifer enters the river). It is not clear that the Avista recommendation for 600 cfs is based on adequate data.

Both the City and County of Spokane have a strong interest in recommending higher instream flows, which would dilute pollution effluent and assist with their own interests in using the Spokane River as a

receiving water for water quality purposes. Why these entities would recommend otherwise is a mystery to the public.

The 700 cfs flow recommendation for Barker Road is justified for a variety of water supply and water quality reasons. We urge the Planning Unit to maintain this recommendation.

### **Failure to recommend flow at or below Monroe Street.**

The plan does not recommend a flow at the downstream end of the watershed, instead proposing to wait until the WRIA 54 (Lower Spokane) watershed plan is complete in 2009. (p. 62). This is a significant omission. It is not acceptable to defer this decision to the WRIA 54 planning process, for several reasons.

First, the WRIA 54 process will not be complete until 2009. This is simply too long to wait for a flow recommendation for a critical reach of the river. In fact, a flow recommendation should be forthcoming now in order to be useful in the Avista relicensing process.

Second, the Planning Unit should not, as indicated on p. 62, defer to the Avista PM&E process to establish flows in this vicinity. The Avista Alternative Licensing Process or ALP is not an appropriate forum for determining needs for the Spokane River in Washington state. We are particularly concerned about the potential for scientifically indefensible compromises to satisfy upstream Idaho interests.

Third, establishing an instream flow in a river is for the purpose of managing *upstream and upgradient* pumping. Thus, an instream flow recommendation at Monroe Street would control future groundwater pumping east of the control point and establish restoration targets for the River. As discussed above, the plan's failure to recommend a flow that speaks to future groundwater pumping creates a void in the water resource management that could adversely affect the Spokane River for years to come. It appears that water purveyors who pump in and east of the City of Spokane are avoiding a recommendation that could affect them. This undermines the credibility of the plan as well as raising questions as to whether the plan meets the requirements of the watershed planning statute.

### **Instream flow not adequate for aesthetics.**

The Spokane Falls are both a centerpiece resource for our community and a quintessential locale for establishing an aesthetic instream flow. Despite this fact, the watershed plan recommends only 300 cfs of water at Spokane Falls and 200 cfs at the Monroe Street dam (p. 63). At 300 cfs, there is virtually no water coming over the far north channel (north of Canada Island) of the Falls. Photos of the 300 cfs flow at the Falls can be viewed in Avista's aesthetics study, available at pages B-8 and B-9, <http://www.avistautilities.com/resources/relicensing/spokane/documents.asp?DocID=2003-0662>.

Rather than do its own study of an appropriate flows for the Falls, the watershed plan defers to a study prepared by Avista Corporation, which limited its assessment of aesthetics to a maximum of 500 cfs. Avista is now proposing a compromise flow of 300, although there seems to be no scientific or economic basis for this proposal. More than 300 cfs is available to flow over the Falls – but is being diverted by Avista to generate what seems to be a fairly insignificant amount of energy.

How is it that the Planning Unit could recommend an instream flow for Spokane Falls that fails to ensure that water is flowing over the falls during the summer season, when visitors to the Spokane Falls are at

their peak? The 300 cfs recommendation should be rescinded and the Planning Unit should revisit the question of appropriate flows for the Spokane Falls.

#### **Integrating instream flow needs.**

The plan calls for integrating instream flow needs for aquatic biota, recreation, aesthetics and water quality. This is a good idea and is what THIS watershed plan should have done in the first place (pp. 64-65; 71-72).

#### **Little Spokane River instream flows.**

The plan recognizes that more flow may be necessary for the Little Spokane River, but fails to make recommendations about those flows. Instead, the plan calls for more study (pp. 69-70). The plan contains no concrete strategies to improve LSR flows, even though the minimum flows set by rule are not being met.

#### **Exempt well restrictions are appropriate.**

The plan calls for restrictions on outdoor watering from exempt wells. This is a good idea. However, the plan does not address enforcement. If enforcement is not possible, the plan should call for a moratorium on new exempt wells until enforcement can be designed and implemented (p. 70). It is critical that the hemorrhage of water from our rivers be stopped until appropriate controls and mitigation can be implemented.

#### **Water users should pay.**

The plan calls for water users to fund new water management stream gages. This is a good idea. (p. 71)

#### **More exempt well restrictions.**

The plan contains some good ideas to control proliferation of exempt wells, including limiting land use densities and parcel sizes, requiring developers to show water availability, and limiting the exempt well rate. These ideas should be supported. As noted above, the plan should require a moratorium on new exempt wells while these policies are implemented (pp. 73-74).

#### **Voluntary water conservation is not enough.**

Simply asking water right owners to voluntarily conserve water is not an effective measure to achieve water use reductions (pp.74-75; 78).

#### **Municipal water reserve doesn't make sense.**

The plan calls for evaluation of a "municipal reserve" for new water rights. In other words, the planning group proposes that the state to set aside more water from already overtaxed aquifer and river systems, to satisfy future growth. This recommendation makes no sense given that the plan has found that the rivers are not meeting minimum flows (p. 78). This recommendation should be stricken from the plan.

#### **Land management methods are a good idea.**

The goals of restoring and creating wetlands, controlling timber cutting and agricultural practices, and controlling stormwater runoff are excellent. But the plan contains no concrete ideas about how this is to be done (pp. 79-80; 83-84).

### **Dam construction should be last resort, not first.**

As the Ponderosa Dam/Beaver & Buck Creek proposal shows, dam construction has been prioritized for investigation as a water management strategy. The watershed Planning Unit should go back to the drawing board and direct “feasibility” money on specific conservation and re-use strategies (pp. 80-81), and trust water rights, discussed below. We are concerned that the Planning Unit is not forthcoming about its dam construction plans. Why is public money being spent on feasibility studies if the Planning Unit does not intend to pursue those options, once shown to be feasible?

### **Artificial aquifer recharge.**

The plan indicates that water that is injected into the aquifer comes out in the River very quickly. Despite this finding, the plan calls for significant studies of infiltration areas and artificial recharge. Public dollars should not be spent on proposals that have very little chance of succeeding. These recommendations should be reconsidered. (pp. 84-85).

### **Continuation of the WRIA 55/57 Planning Group.**

The plan recommends continued functioning of the planning group for plan implementation. But both the statute and the local agreement creating the planning group limits and de-values public participation. The Planning Unit decision process must change if the Planning Unit is to remain in operation. (p. 87)

### **Trust water rights.**

The notable void in the draft plan is its failure to discuss one of the most direct and effective mechanisms for returning water to streams: Washington trust water rights program. Information about the Department of Ecology’s “Water Acquisition Program” can be found at <http://www.ecy.wa.gov/programs/wr/instream-flows/wacq.html>. This program, which involves purchase and retirement of off-stream water rights could, in tandem with reuse strategies, form a basis for significant, cost-effective, instream flow restoration in both the Spokane and Little Spokane River basins. The plan should be revised to address and recommend use of trust water rights to restore our rivers.

### **Idaho water rights.**

The plan would benefit from acknowledgement and discussion of the fact of ground water usage in Idaho and its impacts on Spokane River flows in Washington state. It is incumbent upon the WRIA 55/57 Planning Unit to be an advocate for the water resources within its ambit that are shared with another state. Untutored readers of this document would have no idea that Idaho and Washington are in conflict over allocation of their shared groundwater resources.

Washington’s watershed planning statute does not provide a basis for control of Idaho’s (over) appropriation of the Spokane-Rathdrum Aquifer. However, there is data to suggest the extent of Idaho’s appropriation of water rights (estimated at approximately 650 cfs) at the 2002 Rathdrum Power Plant water right appeals. This information should be presented and a discussion offered about the need for “equitable allocation” of water resources between the two states.

## **Public Process.**

The public outreach for the planning process has not been adequate. At the two public meetings held in mid-September, members of the public were asked to prioritize dozens of plan recommendations in a 30-minute period. If the Planning Unit is really interested in what the public thinks, it will have to try harder.

In addition, concerns about the deficiencies of the plan have been answered with suggestions that, because members of the public do not attend Planning Unit meetings, they do not have a right to criticize the plan. This suggestion is inappropriate and wrong. Virtually all of the active members of the Planning Unit are paid to attend the meetings. Unpaid members, representing various NGOs, typically are retirees. It is simply not reasonable to ask ordinary members of the public to take leave from their jobs in order to attend monthly meetings for years on end. Further, given that non-governmental votes on the Planning Unit are virtually worthless in the "government consensus" process, what motivation would members of the public have to attend and participate?

Sierra Club hopes the WRIA 55/57 Planning Unit will seriously rethink basic elements of the watershed plan relating to water conservation, instream flow setting and restoration, and establishing concrete implementation activities and schedules. Thank you for the opportunity to provide comments on the WRIA 55/57 draft watershed plan.

Yours very truly,

Rachael Paschal Osborn  
on behalf of Sierra Club Upper Columbia River Group

cc: Brian Farmer, Department of Ecology

### **Jeff Storms, Sacheen Lake Sewer and Water District**

I would like to get our information on your watershed project by means of "Public Record" for instance from Washington State Department of Ecology.

1. Water Quality at Selected Streams within the Sacheen Lake, WA Watershed with Emphasis on Sources of Non-point Phosphorus Loading (grant No. G9300167)

ALSO THE FOLLOWING PUBLICATIONS FROM (Grant No. G9300167)

Sacheen Lake Phase 2 Restoration Project

Volume 1-Watershed Land Owners Handbook

Volume 2-Pre-Restoration Water Quality Report

Volume 3 Watershed Non-Point Source Report

Volume 4 Milfoil Treatment Report

Volume 5 Post-Restoration Water Quality Report

Volume 6 Project Summary

2. Water Quality Assessment and Restoration Alternatives for Sacheen Lake, Washington (Grant No. TAX 90045)

3. Jeff Lawlor Faxed over our Jarpa permit and Hydrology permit. I hope he faxed them all, it would help us to show that we have set a precedence with our lake level problem as well as our beaver problem.

4. Also I would like the Sacheen Lake book that was published in conjunction with our Centennial Clean Water Grant included. I gave 1 of these books to Reanette.



# **Appendix E : Responses to Comments on the September 2004 Draft 1 WRIA 55/57 Watershed Management Plan**

## **Responsiveness Summary for Public Comments Received September 1 2004 through October 14, 2004**

Specific comments received about the WRIA 55/57 Draft Watershed Management Plan (Draft 01, September 2004) are summarized below. For organizational purposes, and to assist the WRIA 55/57 Planning Unit in developing a uniform set of comprehensive, non-repetitive responses, the comments are sorted by issue.

The primary issues identified in the comments include: Conservation; Conservation, Reclamation and Reuse; Growth; Water Quality; Logging and Reforestation; Instream Flows on Spokane River, including reference locations, Water Quality, and Aesthetics; Recharge and Base Flow Augmentation; Eloika Lake issues; and other issues related to decision making process, coordination with other regional water resource issues, and public process.

The WRIA 55/57 Planning Unit reviewed the comments received and prepared the responses to the comments below, in this document. As approved by the WRIA 55/57 Planning Unit, the Draft WRIA 55/57 Watershed Management Plan has been amended to address specific comments when appropriate.

The resulting WRIA 55/57 Watershed Management Plan is intended to be a consensus-based living document, which, when adopted, will be reviewed and amended on a regular basis. Also, as the WRIA 54 Watershed plan is developed and adopted then this plan may be revised accordingly.

### **Issues from Comments on WRIA 55 / 57 Watershed Plan**

#### ***Conservation***

Mandatory water conservation requirements (#1, Jacqueline Halvorson)

The Watershed Plan should contain recommendations for MANDATORY water conservation. (Amber Waldref #1)

C. Why no mandatory water conservation? (Greg Sweeney, question 1 of meeting questionnaire)  
Change language in I.A.01.C....to read..."mandatory" (not "voluntary") by water suppliers/purveyors. (Greg Sweeney, question 2 of meeting questionnaire)

Raise water consumption rates to encourage conservation. ("Inverted water rates") (Greg Sweeney, question 3 of meeting questionnaire)

Please replace the language of “recommend” and “encourage” with regards to water conservation with words such as “mandate”. (Jerry White)

While appreciative of efforts to date, it is disappointing that the draft plan is so lacking in specific conservations efforts. (Greg Sweeney, email)

Be much more forceful in expressing the need for mandatory water conservation! (Richard R Rivers, question 4 of meeting questionnaire)

I strongly recommend that mandatory water conservation measures be included specifically for Spokane County. (Greg Sweeney, email)

Conservation with either mandatory or escalating rates that primarily impact heavy water users. (Julian Powers)

I believe that conservation of our water sources is my greatest concern and also my greatest desire. (Tammy Magnuson, email)

PLEASE help design a watershed plan that contains mandatory water conservation requirement. (Bill Osebold)

Our second major concern is that the plan contains no requirements for water conservation. Given the exorbitant per capita water usage in this region, the voluntary efforts outlined in the plan make no sense. Contrary to the premise that our community is “not ready” for conservation, in fact this region is primed and ready to undertake aggressive water conservation– if someone would simply lead. (Rachael Paschal Osborn)

The plan contains no mandatory water conservation. Instead, all proposed water conservation activities are strictly voluntary. For example, water suppliers will “study” methods to educate the public and “consider” developing incentives (pp. 56-57). (Rachael Paschal Osborn)

Public education is not an effective means for inducing water conservation. Indeed, this exact fact was identified by one of the WRIA 55/57 initiating government representatives, Susan McGeorge, at a June 23 presentation she gave to a Department of Health water conservation advisory group meeting in Ellensburg. Her recounting of Whitworth Water District’s inability to induce conservation among its customers via education, and subsequent decision to adopt a conservation rate structure, is quite interesting. Perhaps Ms. McGeorge should enlighten the Planning Unit as well. (Rachael Paschal Osborn)

The plan should contain requirements for conducting conservation potential assessments, adopting conservation rate structures, preparing water audits, requiring metering, low-flow fixture retrofits and rebates, and the many other strategies demonstrated to reduce water usage. The Planning Unit, in designing its water conservation recommendations, should at a minimum, consult the following resources: (Rachael Paschal Osborn)

Cities throughout the west successfully employ a suite of water conservation techniques to reduce per capita usage consumption and tighten up internal water usage and losses. In western Washington, Seattle-area utilities have entered into the Saving Water Partnership to aggressively promote water conservation (see [www.savingwater.org](http://www.savingwater.org)). Given the lack of teeth in the water conservation recommendations, it

appears that the Planning Unit has not reviewed the above documents and case studies. (Rachael Paschal Osborn)

It is critical that the Planning Unit go back to the drawing board on this topic, particularly given the unusually close relationship between pumping from the Spokane Aquifer and depletion of flows in the Spokane and Little Spokane Rivers. (Rachael Paschal Osborn)

Significant misinformation has been advanced in the watershed planning process (and elsewhere) to the effect that the water conservation chapter in HB 1338, RCW 70.119A.180, constitutes a substitute for purveyor-based water conservation measures. In fact, that statute has limited reach in requiring specific water conservation measures, addressing leakage standards, demand projection and performance reporting. Water purveyors, however, continue to retain authority to set their own goals and need only adopt water conservation measures that they deem to be “cost effective.” Further, what benefit will be seen from HB 1338 will not occur for many years. The Department of Health is preparing regulations for these selected topics, but rules will not be adopted or effective until 2006 (assuming no litigation). Moreover, these requirements will not be implemented for many years, as the implementation mechanism occurs via water supply planning, which water utilities must update only once every six years. (Rachael Paschal Osborn)

The watershed plan should not mislead the public about the status of water conservation planning requirements in state and local law. (Rachael Paschal Osborn)

Simply asking water right owners to voluntarily conserve water is not an effective measure to achieve water use reductions (pp.74-75; 78). (Rachael Paschal Osborn)

*Response: The Planning Unit acknowledges that water conservation is a critical element in water resource planning. Water conservation is a priority in this plan. Conservation is one way to make sure there is enough water for all future needs. Education on the need for water conservation is an important step towards lowering water use in our community. It is unlikely that there is political support for mandatory conservation in either of the watersheds at this time.*

*Many water purveyors already have conservation programs in place. For example, the City of Spokane has reduced unaccounted water loss from 18% to 7%, partially through leak detection and repair; currently has a flat block water rate and as of November 15, 2004 is converting to inclined water rates; and has engaged in a study of sprinkler system control technologies and their resultant effectiveness in water conservation. Whitworth Water District began a leak detection program in the late 1980s that covers not only their transmission and distribution lines but service lines as well. Their unaccounted for water generally falls in the 7% to 8% range. The inclining block rate structure implemented in 1999 has realized a decrease in per home water consumption below 1999 use every year since. Other continuous conservation efforts pertain to customer education and a “credit for leak repair” program.*

*Because of the Municipal Water Bill (HB 1338, RCW 70.119A.180), any water purveyor with inchoate water rights will be required to implement additional conservation in order to use those water rights. Water purveyors without inchoate water rights will need to implement conservation measures because getting new water rights will be very difficult and / or expensive. Individual water purveyors will implement the water conservation strategies that will work for them in accordance with state law.*

Specific strategies to protect the Spokane Valley / Rathdrum Prairie Aquifer, e.g. Limit pumping of the Aquifer so that aquifer water is allowed to flow to the river. (3#, Jacqueline Halvorson)

Please recommend protections from over pumping of the aquifer which feeds the Spokane River. Without protection from various interests mining the aquifer, the Spokane River is in jeopardy. (Jerry White)

*Response: The watershed plan cannot impact valid water rights granted before this plan was approved. The Planning Unit found no evidence of mining of the SVRP Aquifer, in fact, some water purveyors are pumping less water now than they did when the water was used for irrigation rather than municipal purposes.*

The over-allocation of water for each watershed is a pending emergency! You should identify it as such in order to give it the importance/urgency it deserves. (Richard R Rivers, question 5 of meeting questionnaire)

*Response: This is potentially true. The over allocation problem is in part due to water rights that may actually be invalid, but are still listed because they have not been challenged. Recommendation V.A.01.a “Request the Department of Ecology to monitor and enforce existing water rights holders to meet conditions of their water rights and comply with state law” addresses this issue. The watershed plan cannot impact valid water rights granted before this plan was approved.*

## ***Conservation, Reclamation, and Reuse***

[Place more teeth in conservation, reclamation and reuse.](#) (Greg Sweeney, email)

Please place more emphasis & more teeth in conservation, reclamation & reuse. (Greg Sweeney, question 4 of meeting questionnaire)

Water re-use and reclamation is absolutely key to addressing our sewage treatment issues, as well as being use to offset future pumping of water. “Evaluate the public perception of water reclamation and reuse and determine how to educate the public to increase their understanding of the benefits and risks...”. This should be changed to both educating and researching possible reuse and reclamation opportunities. (Amber Waldref)

*Response: The Planning Unit added a recommendation to the Plan (I.C.01.d. Research possible water reuse and reclamation opportunities.) Spokane County Utilities is currently studying reclamation and reuse of water from the proposed WWTP.*

Water re-use and reclamation is key to addressing our municipal wastewater treatment issues, as well as serving to offset future water pumping (for example, re-used water could substitute for a million gallons per day per golf course). But the plan is vague about specifics, and delays re-use implementation strategies contingent on “public acceptance” evaluations (pp. 57-58; 83-84). (Rachael Paschal Osborn)

We already know that the public will accept reuse of wastewater. This fact is evident from the recent City of Post Falls bond referendum, in which voters approved a plan to purchase acreage for land application of wastewater. Although the plan encountered some vocal opposition, the actual vote tally revealed significant public acceptance of this reuse strategy. (Rachael Paschal Osborn)

We are also concerned about inconsistent statements from watershed planning members concerning this topic. In a September 30 letter from the City of Spokane to the Department of Ecology, the City stated

that benefits of water reclamation are “exaggerated,” and that proposals to reuse treated wastewater “ignore the potential damaging effects of large scale discharge of treated wastewater over the SVRP Aquifer.” Similarly, Spokane County has expressed reluctance to adopt reuse requirements in wastewater treatment discussions. Which is it? Do the City and County support reuse and reclamation or do they not? (Rachael Paschal Osborn)

Reuse is a key strategy to supply water for future use in our region. Replacement of non-potable water uses with reclaimed water could provide significant benefits to the Spokane River. The watershed plan should be re-written to include specific reuse and reclamation strategies. (Rachael Paschal Osborn)

*Response: We do not “already know that the public will accept reuse of wastewater”. As stated, there was “some vocal opposition” to this concept. The Planning Unit received the following comment: “Groundwater recharge augmentation is scary – what about contamination?” For over 20 years, the message to the public has been that wastewater from septic systems should not recharge the Aquifer. We now need to educate people about reclamation and reuse before it will be accepted. In other words, if the treated wastewater can’t go into the river, why would we want to put it into the drinking water?*

*The City of Spokane, like many citizens, is concerned about water reuse causing aquifer contamination if it is not done in a careful manner. Spokane County Utilities is currently researching the feasibility of using reclaimed wastewater. The multi-purpose water storage study included a reuse and reclamation component as a strategy for use of wastewater.*

*There currently are not enough non-potable water uses in the SVRP Aquifer service area to use all of the reclaimed water that would be generated from wastewater treatment plants. This means most of the reclaimed water would not be used to replace water pumped from the SVRP Aquifer and there would not be more water left in the Aquifer. This would result in a net loss of flow to the river. In addition, the reclaimed water used over the aquifer could still return phosphorus to the river.*

## **Growth**

The hydrologic cycle produces a finite amount of water which is dependent on variable climatic conditions. Water is one resource which is a limiting factor to future community growth. Therefore, when economic growth is allowed to exceed the carrying capacity of the watershed, the finite supply of water must be taken away from some and given to others. Changing water right allocations or recharging the sole source aquifer with poor quality water will result in reduced quality of life for some, (probably all), while increasing the standard of living for others. These efforts will cause further expansion beyond the regions carrying capacity and result in bigger problems in the future. The solution is to develop a, “no growth” strategy based on a steady state ecosystem concept. (Dale Gill, First point in written statement turned in 9/14/2004)

Develop a 20 year limited growth scenario that works in conjunction with the Watershed Planning Committees recommendations. Establish a goal that brings the areas population within the carrying capacity of the watershed and achieves an economically viable steady-state ecosystem. (Dale Gill, 2<sup>nd</sup> written statement turned in 9/15/2004)

I also think that looking forward 20 years is not long enough in this plan. With the projected growth of our region, I believe that we will continually need to address this issue and need to think long term, not

short term. The amount of water going out and not being replaced, to support more growth is critical. How much growth is too much, to protect our limited water resources above and below ground? (Tammy Magnuson, email)

*Response: The hydrologic cycle does bring a finite amount of water to our watersheds each year. Our area cannot grow forever without either changing our consumption patterns, efficiencies, or running some of the aquifers or rivers dangerously low in the summer.*

*“No growth” is not the only option. Conserving, recycling, and reusing water will also help us keep from exceeding the carrying capacity of our watersheds. The more often we reuse the water, the less we need. Also, water that enters our watersheds tends to leave rapidly during the spring runoff. Finding ways to keep some of that water in the watershed until the low flow times (summer and early fall) will increase available water during the summer when water use is high.*

*The Planning Unit projected water use for 20 years in the future because population projections were available for that time frame through the Growth Management process. The 20- year growth model represented approximately 125% of current pumping. We also ran a model scenario using all of the inchoate (unused) water rights. The model results indicated that if all the inchoate rights were exercised, water use would more than double compared to current use, and probably represents the maximum amount that could be legally pumped. Both scenarios show the need for conservation, reuse, and reclamation. Projecting beyond 20 years is very difficult and the uncertainty of projecting even 20 years makes decision-making very suspect.*

*This Watershed Plan is intended to be a living document with re-evaluations of the recommendations happening on a regular basis.*

## ***Water Quality***

A strategy which bases the future economic growth of the region on increased water quantity and does not emphasize the importance of water quality in the Spokane and Little Spokane River watersheds has several flaws as described below. (Dale Gill, Opening paragraph in written statement turned in 9/14/2004)

Quality should not be sacrificed for quantity. (Dale Gill 2<sup>nd</sup> point in written statement turned in 9/14/2004)

Why is this committee giving more consideration to special interest recreational activities than to water quality. (Dale Gill, 3<sup>rd</sup> point in written statement turned in 9/14/2004)

This committee is concentrating on water quantity without regard for the impact dams would have on water quality. (Dale Gill 5<sup>th</sup> point in written statement turned in 9/14/2004)

Finally, emphasize the importance of improving the quality of water in the watershed and aquifer. This is more important than increasing the quantity to support future economic growth and development. (Dale Gill, 2<sup>nd</sup> written statement turned in 9/15/2004)

The water quality planning committee will not complete its recommendation by Oct 1, 1004. Please add to your draft a recommendation on limits to recreation that impacts water quality. (Dale Gill, question 4 of meeting questionnaire)

I think that if motorized recreation or recreation in general is having an impact on water quality, fish and wildlife then it needs to be addressed, monitored and managed. (Tammy Magnuson, email)

*Response: Methods to improve water quality are outside the scope of this plan. The Planning Unit chose not to include the water quality element at this time except for where lowering flow through diversion of surface or ground water would create or exacerbate problems. It was not believed that increased quantity was the answer to all of the water quality problems in the watersheds. When applying for the original grants, the amount of money provided for watershed planning did not seem to be enough money to cover water quantity, water quality, and the other potential elements. The amount of money spent on the TMDL process for the Spokane River has proved this to be true. The Planning Unit supports the efforts of the Water Quality Plan group. This suggestion will be forwarded to the Little Spokane Water Quality Plan group.*

### ***Logging/Reforestation***

A decrease in logging activity in the drainages would delay snow melt and provide considerable amounts of water for summer flows. (Dale Gill, 3<sup>rd</sup> point in written statement turned in 9/14/2004)

A reduction in the Mt. Spokane State Park ski area by planting trees will greatly increase water storage. Efforts must also be made to purchase land from private logging companies who own property within MSSP and the surrounding watershed. (Dale Gill, 3<sup>rd</sup> point in written statement turned in 9/14/2004)

Identify strategic forested area and prevent logging where possible. Such as, state land, ski areas, and Mt. Spokane State Park out-holdings. (Dale Gill, 2<sup>nd</sup> written statement turned in 9/15/2004)

You should call for laws/regulation that stop all forest practices likely to result in early snow water runoff followed by summer draught / water deficit for the Spokane and Little Spokane River Watersheds. (Richard R Rivers, question 3 of meeting questionnaire)

*Response: Recommendation VI.A.01.c states “Support forest harvest practices that preserve vegetative ground cover to reduce runoff and increase infiltration in keeping with the forest practices act .” “Harvest” was changed to “management and harvest”. An additional recommendation was added - Recommendation VI.A.01.f: Consider land use policies that preserve natural vegetation in natural drainages and other areas in new subdivisions, short subdivisions, or binding site plans.*

### ***Instream Flow on Spokane River***

The failure to set an in stream flow level for the Spokane Falls and the section of the River that runs to the west of Spokane needs to be corrected. Breaking the river into discreet section and ignoring the systemic connections between the reaches of the river is a flaw. The Monroe Street Bridge to 7 Mile Bridge needs an instream flow recommendation. (Jerry White)

Instream flow must be set for the point that summarizes all of the input-output interventions in the Spokane River / SVRP Aquifer: namely Spokane Falls. (Richard R Rivers, question 2 of meeting questionnaire)

Set instream flows at Spokane Falls. (Greg Sweeney, email)

Our third major concern is for the failure of the plan to establish an instream flow for the Spokane River at or near the downstream end of WRIA 57, as well as an appropriate “aesthetic” flow for Spokane Falls. We do acknowledge and thank you for making a strong recommendation for the “losing” reach of the river at or around Barker Road. However, that recommendation has little relevance for the control of future pumping from the Spokane Aquifer and restoration of the Spokane River. (Rachael Paschal Osborn)

The necessity for establishing an instream flow at the lower end of WRIA 57 is a critical issue for the Spokane River. Simultaneous with this planning process, Avista Corporation’s relicensing process is grappling with the question of the appropriate minimum discharge from Post Falls Dam. It is incumbent upon someone, presumably the Planning Unit, to make a recommendation that is relevant to the Avista proceedings. (Rachael Paschal Osborn)

By failing to address management of groundwater pumping that would limit future pumping and preserve cold groundwater influent into the River, the Planning Unit is creating a situation in which Avista can justify putting LESS water in the river at Post Falls Dam. The issue of groundwater and minimum flows is complex and critical. It is the responsibility of the Planning Unit to address it. Deferring the issue to the WRIA 54 plan, not to be completed until 2009, is indefensible. Setting a flow at Monroe Street is not about downstream water usage, it’s about upstream and upgradient usage. It is not appropriate that this plan would default on such a critical issue for our community. (Rachael Paschal Osborn)

The plan does not recommend a flow at the downstream end of the watershed, instead proposing to wait until the WRIA 54 (Lower Spokane) watershed plan is complete in 2009. (p. 62). This is a significant omission. It is not acceptable to defer this decision to the WRIA 54 planning process, for several reasons. (Rachael Paschal Osborn)

First, the WRIA 54 process will not be complete until 2009. This is simply too long to wait for a flow recommendation for a critical reach of the river. In fact, a flow recommendation should be forthcoming now in order to be useful in the Avista relicensing process. (Rachael Paschal Osborn)

Second, the Planning Unit should not, as indicated on p. 62, defer to the Avista PM&E process to establish flows in this vicinity. The Avista Alternative Licensing Process or ALP is not an appropriate forum for determining needs for the Spokane River in Washington state. We are particularly concerned about the potential for scientifically indefensible compromises to satisfy upstream Idaho interests. (Rachael Paschal Osborn)

Third, establishing an instream flow in a river is for the purpose of managing *upstream and upgradient* pumping. Thus, an instream flow recommendation at Monroe Street would control future groundwater pumping east of the control point and establish restoration targets for the River. As discussed above, the plan’s failure to recommend a flow that speaks to future groundwater pumping creates a void in the water resource management that could adversely affect the Spokane River for years to come. It appears that water purveyors who pump in and east of the City of Spokane are avoiding a recommendation that could affect them. This undermines the credibility of the plan as well as raising questions as to whether the plan meets the requirements of the watershed planning statute. (Rachael Paschal Osborn)



*Response: The Planning Unit agrees that setting an instream flow below Spokane Falls is very important and included the following recommendation:*

*Recommendation II.A.02.b. Instream flow for the Lower Spokane River could be managed using USGS Gage 12422500, the Spokane River at Spokane. Conduct fish habitat studies focusing on juvenile and adult rearing on at least 3 sites in the Lower Spokane River between the Monroe Street HED and the Nine-Mile HED pool. This work could be conducted as part of the WRIA 54, Lower Spokane River Watershed Plan and/or as an Avista relicensing PM&E.*

*Setting the minimum instream flow below the Spokane Falls could happen before the WRIA 54 Plan is completed.*

*Data for spawning were collected in this reach of the river during this process. The Department of Ecology, Department of Fish and Wildlife, and the contractors hired by the Avista relicensing group helped to determine which data needed to be collected. No data, unfortunately, were collected on juvenile and adult rearing habitat in the reach. The Planning Unit concluded the minimum instream flow should not be set until the proper scientific data are collected. These critical data need to be collected and analyzed before an instream flow can be set at the Spokane gage.*

*Finally, the instream flow will manage upstream and upgradient future new water rights, not future pumping. The instream flow will be junior to, and cannot affect, all existing water rights.*

### ***Barker Road Flow***

Proposal to Change the Barker Road Flow is Bad. Certain parties to the Avista re-license process want the watershed plan to change (weaken) its recommendation for instream flows at Barker Road. I do not think this Watershed Plan needs to be linked to the Avista Fisheries Work Group recommendations. That group has a different process, which is being heavily influenced by upstream interests and issues other than fisheries management. (Amber Waldref)

The final draft Watershed Plan must agree upon a specific flow recommendation at Post Falls, one which is demonstrably protective of the Spokane River within Watershed 57. Eliminate this internal plan conflict and leave it to the HED process to negotiate further details. (Greg Sweeney, email)

The plan recommends a flow of 700 cfs in the Spokane River at Barker Road (p. 61). There has been controversy about that recommendation and apparently Avista Corporation has asked the Planning Unit to amend the recommended flow downward because of the potential impacts on Post Falls Dam operations. The flow should not be amended downward for several reasons, and in fact there are good reasons to amend the recommendation upward. (Rachael Paschal Osborn)

The primary issue is one of water supply. The more water flowing from Idaho, the less impact on the River from aquifer pumping. A second reason involves water quality. Modeling of dissolved oxygen reveals that more flow in the river attenuates pollution concentrations. This in turn may help ameliorate the impacts of the DO TMDL, which at this point will require substantial and expensive improvements to wastewater treatment plants. While this watershed plan, unfortunately, does not address the water quality connection, the Department of Ecology and other parties must address the issue. The watershed plan should provide support for those processes. (Rachael Paschal Osborn)

A third issue is the question of credible science. While much study has been focused on the Barker Road reach of the Spokane River, including the \$100,000 spent by the Planning Unit on an IFIM study, it appears that the real issue is flow and temperature at Sullivan Road (where the aquifer enters the river). It is not clear that the Avista recommendation for 600 cfs is based on adequate data. (Rachael Paschal Osborn)

Both the City and County of Spokane have a strong interest in recommending higher instream flows, which would dilute pollution effluent and assist with their own interests in using the Spokane River as a receiving water for water quality purposes. Why these entities would recommend otherwise is a mystery to the public. (Rachael Paschal Osborn)

The 700 cfs flow recommendation for Barker Road is justified for a variety of water supply and water quality reasons. We urge the Planning Unit to maintain this recommendation. (Rachael Paschal Osborn)

*Response: The Planning Unit has changed its minimum instream flow recommendation to 500 cfs at the Barker Road transect, based on information provided by the consultant who completed the original instream flow needs analysis that has been confirmed by the Washington Department of Fish and Wildlife. The minimum instream flow recommendation at Barker Road is based on the best information available at this time for the needs of fish (rainbow trout) in the reach from Post Falls to downstream of Sullivan.*

*Avista did not request the Planning Unit to re-evaluate the recommendation. The request came from the Washington and Idaho fisheries agencies.*

### ***Instream flow for Water Quality***

The watershed plan should include more recommendations towards achieving an adequate instream flow for this reason (water quality and TMDLs). (Amber Waldref)

*Response: The Planning Unit added language to Recommendation II.E.01.a. After the Avista HED license application is filed, the Spokane River / Lake Spokane Dissolved Oxygen TMDL data gathering phase, and instream studies on rearing below Monroe Street HED are completed, integrate all of the recommended instream flows into one regime for the whole watershed. The flow regime will be submitted to the Department of Ecology for instream flow rule making.*

### ***Aesthetic Instream Flow***

The watershed planning group should not be relying on Avista workgroups for recommendations regarding instream flow for water over the Spokane Falls for aesthetics. The Avista workgroup limited its assessment of aesthetics to a maximum of 500 cfs, and compromised at 300. 300 cfs is not enough water for Spokane Falls. This decision should be re-visited and recommendations made independent of the Avista process. (Amber Waldref)

The Spokane Falls are both a centerpiece resource for our community and a quintessential locale for establishing an aesthetic instream flow. Despite this fact, the watershed plan recommends only 300 cfs of water at Spokane Falls and 200 cfs at the Monroe Street dam (p. 63). At 300 cfs, there is virtually no

water coming over the far north channel (north of Canada Island) of the Falls. Photos of the 300 cfs flow at the Falls can be viewed in Avista's aesthetics study, available at pages B-8 and B-9, <http://www.avistautilities.com/resources/relicensing/spokane/documents.asp?DocID=2003-0662>. (Rachael Paschal Osborn)

Rather than do its own study of an appropriate flows for the Falls, the watershed plan defers to a study prepared by Avista Corporation, which limited its assessment of aesthetics to a maximum of 500 cfs. Avista is now proposing a compromise flow of 300, although there seems to be no scientific or economic basis for this proposal. More than 300 cfs is available to flow over the Falls – but is being diverted by Avista to generate what seems to be a fairly insignificant amount of energy. (Rachael Paschal Osborn)

How is it that the Planning Unit could recommend an instream flow for Spokane Falls that fails to ensure that water is flowing over the falls during the summer season, when visitors to the Spokane Falls are at their peak? The 300 cfs recommendation should be rescinded and the Planning Unit should revisit the question of appropriate flows for the Spokane Falls. (Rachael Paschal Osborn)

*Response: A study of the flows for aesthetic purposes in the north channel of the Spokane River through Riverfront Park was beyond the limited grant resources provided by the Watershed Planning Act. The Planning Unit acknowledges there should be additional study of this issue, but will rely on the current findings of Avista-funded study until resources, if any, are available to conduct additional study. The Planning Unit agrees that the falls are a centerpiece for the community and feels there needs to be enough flow so that the north channel looks like a river and not a field of basalt. The Planning Unit recognizes that Avista loses power generation capability from the flow through the north channel or over the Monroe Street Dam and this is, therefore, an economic issue for Avista. We support the Avista RLUA workgroup if they are able to reach consensus and support a flow through the north channel of at least 300 cfs. The Planning Unit will change Recommendation II.B.01.a: Use Support a consensus based agreement within the Avista Recreation, Land Use, and Aesthetics Work Group findings of at least 300 cfs in the north channel of the Spokane River through Riverfront Park as the basis for aesthetic flows.*

### ***Recharge and Base flow Augmentation (Storage)***

Dam Construction should be Last Resort, not First. I realize the planning unit did not see dams as a primary water management tool, but the amount of funding going towards study of the Ponderosa Dam / Beaver & Buck Creek seems out of proportion to other management tools. I understand WA state Fish and Wildlife is not supportive of building any dams on the Little Spokane. We agree that less water needs to be taken out of the stream instead of trying to artificially create reservoirs to supplement the stream. (Amber Waldref)

Quit studying more “dams” & focus on conservation, restoration & reuse. (Greg Sweeney, question 3 of meeting questionnaire)

I now understand the argument against dams, i.e., evaporation would be a water withdrawal activity. A multi-storage approach that seems useful would be to construct catchment basins/small dams/ponds that would catch some of the runoff (reduce flooding) and increase recharge by the stored water slowly percolating to the aquifer after the runoff was over. Such entities could be subsidized for construction on land not otherwise used for farming, etc. (Julian Powers, question 3 of meeting questionnaire)

As the Ponderosa Dam/Beaver & Buck Creek proposal shows, dam construction has been prioritized for investigation as a water management strategy. The watershed Planning Unit should go back to the drawing board and direct “feasibility” money on specific conservation and re-use strategies (pp. 80-81), and trust water rights, discussed below. We are concerned that the Planning Unit is not forthcoming about its dam construction plans. Why is public money being spent on feasibility studies if the Planning Unit does not intend to pursue those options, once shown to be feasible?

*Response: Conservation alone is not likely to meet all our future needs, and we need to investigate many possibilities if conservation isn't enough. Dam building is not a first priority and the Planning Unit is not currently moving forward with any dam projects. The Planning Unit did not want to limit the possibilities to augment instream flows before examining any options. Should surface water impoundments be considered, water quality (including temperature) and other environmental factors will be considered.*

Suggestion for multi-purpose storage: Cisterns to collect rain water from roof. Piping in buildings for reuse of gray water. Divert stormwater from going into sewage treatment plant – make storage areas to settle out and filter out contaminants of this stormwater runoff. Diverted stormwater if possible, could be used to water parks, to wash the streets, highway green areas, golf courses, so forth. People with low gallonage wells can create more water by having their own storage tank and a two pump system – one in the well and one to pump from the storage tank. (M. Judy Smith, question 5 of meeting questionnaire)

*Response: Thank you for your ideas. The Planning Unit will keep them in mind as we go forward.*

The plan indicates that water that is injected into the aquifer comes out in the River very quickly. Despite this finding, the plan calls for significant studies of infiltration areas and artificial recharge. Public dollars should not be spent on proposals that have very little chance of succeeding. These recommendations should be reconsidered. (pp. 84-85). (Rachael Paschal Osborn)

*Response: Only one aquifer injection location was tried with the watershed model. Though that location did show the water entering the Spokane River too quickly to increase flow through the whole summer a different location where aquifer storage and recovery may work has been identified. There may be other locations or times where injection into an aquifer will help with stream flow or water supply. Some of these studies may also be useful for identifying potential water reclamation projects.*

*One of the recommendations is - VII.C.01a. “Apply for supplemental funding under multi-use storage to investigate the technical feasibility of increasing summer river flow using non-natural recharge.” The recommendation was made to show support for applying for the multi-purpose storage funding and the limited study was funded and completed.*

### ***Eloika Lake, Sacheen Lake, and the West Branch of the LSR***

Would like a permanent gauge below Eloika Lake to monitor continuous flow levels. (Tammy Magnuson, question 1 of meeting questionnaire)

B. Why is there no in-stream monitoring station on the W. Branch of the Little Spokane above Chatteroy (sic)? (Greg Sweeney, question 1 of meeting questionnaire)

Set an instream flow monitoring station on the West Branch above the confluence with the E. Branch. (Greg Sweeney, email)

Secure funding for in-stream monitor station on West Branch Little Spokane River & get Eloika Lk Assn. Involved. (Greg Sweeney, question 3 of meeting questionnaire)

*Response: Gaging stations are costly to install and maintain. (See note from Ray Smith of the USGS below.) A gage below Eloika Lake would provide interesting data about the Little Spokane Watershed. A gaging station on the West Branch may be possible if the Eloika Lake Association is prepared to fund the gage.*

*The Planning Unit added a new issue and a new recommendation. Issue III.B.05. Would a better understanding of flow in the West Branch of the Little Spokane River help water resource management in the watershed? Recommendation II.B.05.a. Determine the feasibility of installing a gage(s) on the West Branch of the Little Spokane River.*

*From Ray Smith, USGS: We can **install a stream gage** using a pressure transducer and small environmental enclosure with outside reference gage and vertical datum controls for about \$5,000 if the cooperating agency takes care of the property agreements and permits. This structure is all that is needed if wading, or a nearby bridge, provides measuring capability at all stages. If these aren't adequate for high stages, a bank operated or manned cableway would be needed and that can add significant cost (\$10-15K for bank operated and over \$25K for manned). Purchase and installation of a transmitter to produce near real-time data on our web site would cost another \$5K. **Annual operation and maintenance**, which includes data computation, publication on CD-rom, and storage in the NWIS database is \$11,320 per stage/discharge station this year and has an inflation adjustment each year. If you choose to purchase a transmitter, a \$2,030 basic service charge is added to cover annual operation/maintenance of the transmitter.*

Eloika Lake use (sic) to store more water before loss of dam and then additionally, the replacement of culvert on Eloika Lake Rd which again lowered the lake well below it's 1908? Levels. (Tammy Magnuson, question 3 of meeting questionnaire)

Investigate and consider restoring the natural flow and storage capacity of Eloika Lake. (Greg Sweeney, email)

Investigate illegal dam removals on Eloika Lake and recommend restoration of the naturally occurring lake level. (Greg Sweeney, email)

Investigate the culvert replacement by Spokane County. Water quality and elevation was seriously effected (sic) when this occurred. Also private landowners who take it upon themselves to remove beaver dam at south end of Eloika Lake. (Tammy Magnuson, question 5 of meeting questionnaire)

*Response: Spokane County replaced a bridge with a large, concrete culvert in about 1968. Thank you for your comments. The Planning Unit will continue to look into the Eloika Lake water surface elevation. We will keep your concerns in mind as we go forward.*

*The Planning Unit will add a new recommendation concerning Beaver Dams. New Recommendation VI.A.02.d –Consider a public education program on the benefits and problems of*

*beaver dams. (WRIA 56 just worked on some wording for a recommendation about beaver dam education. We will have their wording at the next meeting.)*

When addressing ideas about containment of run-off, what long term affect will that have on communities downstream from us (Spokane area). Living on Eloika Lake, diminished water flow is already a huge concern and fact for us. I would expect more public involvement and education before making a decision about this concept. (Tammy Magnuson, email)

*Response: There will be education opportunities and chances for public involvement before any decisions are made on storage options.*

**I would like to get our information on your watershed project by means of "Public Record" for instance from Washington State Department of Ecology. (Jeff Storms)**

*Response: Thank you for the information. We hope we can work with you and other Lake groups in the future.*

### ***Trust water rights***

The notable void in the draft plan is its failure to discuss one of the most direct and effective mechanisms for returning water to streams: Washington trust water rights program. Information about the Department of Ecology's "Water Acquisition Program" can be found at <http://www.ecy.wa.gov/programs/wr/instream-flows/wacq.html>. This program, which involves purchase and retirement of off-stream water rights could, in tandem with reuse strategies, form a basis for significant, cost-effective, instream flow restoration in both the Spokane and Little Spokane River basins. The plan should be revised to address and recommend use of trust water rights to restore our rivers. (Rachael Paschal Osborn)

*Response: The Planning Unit agrees. An issue and recommendation were added to the plan: Issue V.B.02: How can water rights be acquired to be used for instream flow? Recommendation V.B.02.a: Encourage the use of the State Trust Water Rights Program to hold water rights for instream flow.*

### ***Miscellaneous Topics***

#### ***CEQUALW2 Model***

Please strike from this plan the recommendation to replace the Department of Ecology's water quality model with the CEQUALW2 model. The model that the DOE currently uses is state of the art and does not need replacement. (Jerry White)

*Response: The model the Department of Ecology is currently using is the CEQUALW2. The plan does not recommend a change in the model. It is recommending additional runs of the model using different conditions.*

### ***Global warming impacts (Julian Powers)***

If water users such as golf courses are pulling from their own wells, hence NOT under your influence, then gain control of them. No question, you CANNOT impact the golf course use now but you can lay the preparatory groundwork so they will not be able to say, "You didn't tell me!". (Julian Powers, question 5 of meeting questionnaire)

*Response: The Planning unit agrees that there is a need to work on educating large irrigation water users about how they can help with water conservation, and we need to collaboratively find ways that conservation could benefit them.*

### ***Education***

I suggest that 'educational' efforts be a big priority. More outreach is necessary and money needs to be spent to get the message out to the general public about such things as conservation and protecting water quality. Education is key especially with the younger generation, as they are the future. (Tammy Magnuson, email)

*Response: Thank you. The Planning Unit agrees and believes education is necessary.*

### ***Separate rivers from aquifers***

We feel the stream flow; aquifer flow and run off water should be addressed separately (sic) and kept separated! We need to address all water from its source to its use – whatever? We need to address all (agriculture, industry, residents, animals, fish) separately (sic) under the water they might need and use (Dale E Smith)

*Response: All of the water in the watershed (or watersheds) are interconnected so that overuse of stream flow affects aquifer flow and vice versa. Watershed Planning (RCW 90.82) acknowledges this fact, which is one of the reasons for Watershed Planning. There is a finite amount of water available so that allowing one use all the water it needs could mean reducing the water available for another use. All water uses must be addressed together.*

### ***Restore rivers***

Specific strategies to restore the Spokane River and Little Spokane River. (#2, Jacqueline Halvorson)

Design specific strategies to restore the Spokane River and the Little Spokane River. (Bill Osebold)

*Response: "Restoring" the rivers includes many factors, including water quality, water quantity, and habitat issues. The Planning Unit supports improving water quality and habitat, and seeks to increase instream flows.*

### ***No strategies to restore instream flows***

The plan acknowledges that not enough water flows in both the Little Spokane and Spokane Rivers during low-flow seasons, but contains no strategies to restore instream flows in these rivers. Again, future studies are identified, but no specific strategies are proposed for direct, restoration-based action. (Rachael Paschal Osborn)

In this respect the plan fails to meet the requirements of the watershed planning statute. Specific flow issues are discussed below. (Rachael Paschal Osborn)

The plan recognizes that more flow may be necessary for the Little Spokane River, but fails to make recommendations about those flows. Instead, the plan calls for more study (pp. 69-70). The plan contains no concrete strategies to improve LSR flows, even though the minimum flows set by rule are not being met. (Rachael Paschal Osborn)

*Response: The current instream flow recommendations in the Little Spokane and Middle Spokane Rivers are based on fish habitat in a few locations. The studies are recommended to fill in gaps of locations, habitat types, and other uses. Once the data are understood, Recommendation III.C.01.b. "Develop strategies for achieving the integrated flow regime" will give us the goals for progressing towards "restoration", if needed.*

### ***Integrating instream flow needs***

The plan calls for integrating instream flow needs for aquatic biota, recreation, aesthetics and water quality. This is a good idea and is what THIS watershed plan should have done in the first place (pp. 64-65; 71-72). (Rachael Paschal Osborn)

*Response: Key data are needed before a comprehensive instream flow recommendation can be made.*

### ***Exempt well restrictions are appropriate***

The plan calls for restrictions on outdoor watering from exempt wells. This is a good idea. However, the plan does not address enforcement. If enforcement is not possible, the plan should call for a moratorium on new exempt wells until enforcement can be designed and implemented (p. 70). It is critical that the hemorrhage of water from our rivers be stopped until appropriate controls and mitigation can be implemented. (Rachael Paschal Osborn)

The plan contains some good ideas to control proliferation of exempt wells, including limiting land use densities and parcel sizes, requiring developers to show water availability, and limiting the exempt well rate. These ideas should be supported. As noted above, the plan should require a moratorium on new exempt wells while these policies are implemented (pp. 73-74). (Rachael Paschal Osborn)

*Response: It is unlikely that there is political support for a moratorium on domestic exempt wells at this time.*

### ***Land management methods are a good idea***



The goals of restoring and creating wetlands, controlling timber cutting and agricultural practices, and controlling stormwater runoff are excellent. But the plan contains no concrete ideas about how this is to be done (pp. 79-80; 83-84). (Rachael Paschal Osborn)

*Response: The Planning Unit recognized a number of regulatory mechanisms exist that control land management decisions. However, rather than attempt to prescribe specific actions, the planning unit decided it is more important to identify goals for land management that agencies, special districts, and organizations can work to fulfill. This approach provides these entities flexibility in the methods they use to attain the goals identified.*

### ***Water users should pay***

The plan calls for water users to fund new water management stream gages. This is a good idea. (p. 71) (Rachael Paschal Osborn)

*Response: The Planning Unit looks forward to working across the state line. At this time the Planning Unit does not have the authority to cause changes in Idaho. Our technical studies did not provide information on reductions in groundwater across the state line. The bi-state aquifer study may give additional direction.*

### ***Municipal water reserve doesn't make sense***

The plan calls for evaluation of a “municipal reserve” for new water rights. In other words, the planning group proposes that the state to set aside more water from already overtaxed aquifer and river systems, to satisfy future growth. This recommendation makes no sense given that the plan has found that the rivers are not meeting minimum flows (p. 78). This recommendation should be stricken from the plan. (Rachael Paschal Osborn)

*Response: An evaluation does not necessarily imply that the planning unit is proposing to employ this recommendation.*

### ***Idaho water rights***

The plan would benefit from acknowledgement and discussion of the fact of ground water usage in Idaho and its impacts on Spokane River flows in Washington State. It is incumbent upon the WRIA 55/57 Planning Unit to be an advocate for the water resources within its ambit that are shared with another state. Untutored readers of this document would have no idea that Idaho and Washington are in conflict over allocation of their shared groundwater resources. (Rachael Paschal Osborn)

Washington’s watershed planning statute does not provide a basis for control of Idaho’s (over) appropriation of the Spokane-Rathdrum Aquifer. However, there is data to suggest the extent of Idaho’s appropriation of water rights (estimated at approximately 650 cfs) at the 2002 Rathdrum Power Plant water right appeals. This information should be presented and a discussion offered about the need for “equitable allocation” of water resources between the two states. (Rachael Paschal Osborn)

*Response: The Planning Unit looks forward to working cooperatively with the State of Idaho on watershed planning. At this time the Planning Unit does not have the authority (mechanism) to ask for alterations to water use in Idaho. Also, our technical studies did not provide information on changes in the amount of groundwater crossing the state line. The bi-state aquifer study may provide this information and give us direction for working with the State of Idaho.*

## **Issues dealing with the process (not the plan)**

### ***Multi-county approval***

It may have made sense to package the Little Spokane and Middle Spokane Rivers as part of the scientific assessment of the two watersheds (given shared groundwater). But, that packaging makes little sense now, in the planning and approval phases of this process. It is quite problematic that Pend Oreille and Stevens County Commissioners now have control over water resource planning in the Spokane River and Aquifer watershed. If the requirement of tri-county approval is a barrier to incorporating provisions that are appropriate for the Middle Spokane, the plan should explicitly identify those provisions that apply only in the lower end of WRIA 55, and in WRIA 57. (Rachael Paschal Osborn)

This factor is particularly important for water conservation requirements. It may be that the two northern counties are not interested in imposing stringent water conservation requirements for their small slices of the Little Spokane River watershed. This should not be used as an excuse for not adopting stringent water conservation requirements for the Lower LSR and Middle Spokane watersheds. (Rachael Paschal Osborn)

*Response: This goes both ways, Stevens County and Pend Oreille County may feel that Spokane County Commissioners can “control” water resource planning in their counties. The Planning Unit does not perceive collaborating with Pend Oreille and Stevens Counties on water resource management as problematic. The planning unit has representation from these counties and the lead agency has consistently communicated with these representatives. Recommendations will identify geographical or jurisdictional limitations when appropriate. The planning unit does not view allowing participation of water resource user interests, especially when they are initiating and potentially implementing agencies, as a method for defending or excusing recommendations or the lack thereof. The planning unit believes inclusiveness will help ensure the recommendations will be implemented throughout the watershed, not just a portion of it.*

### **The “opt-out” issue**

The watershed planning statute contains opt-out provisions that allow any government agency that does not wish to be bound by a plan requirement to decline to adopt the requirement. The opt-out process should have been utilized as a basis to include strong recommendations in the plan. Then, any government or purveyor that chooses to not be bound by a plan recommendation could make a decision that would be transparent to the public. (Rachael Paschal Osborn)

The unique memorandum of agreement between the Planning Unit initiating governments allows select parties (Counties of Spokane, Stevens and Pend Oreille, City of Spokane, Veradale and Whitworth Water Districts) to veto recommendations before they ever make it into the plan. This is a non-democratic

process, has limited choices in the plan, and obscured decision making. It also violates the spirit, if not the letter, of the watershed planning statute. (Rachael Paschal Osborn)

*Response: There appears to be some confusion between the choice a county legislative authority has to opt out of watershed planning (RCW 90.82.130 (2) (c)) and the provision in the Watershed Planning Act that requires a party to agree to be obligated (RCW 90.82.130 (3)). The planning unit has chosen to prepare a plan that documents recommendations of general consensus, rather than identify issues yet to be resolved and the position of the various water resource user interests. The spirit of the planning process has been cooperation. As a result, no initiating government or other participating party has vetoed a recommendation, thus preventing its entry into the plan. The planning unit intends for this plan to be a living document that will have updates to document new issues that have been resolved and revise existing recommendations as implementation proceeds.*

## **Public Process**

The public outreach for the planning process has not been adequate. At the two public meetings held in mid-September, members of the public were asked to prioritize dozens of plan recommendations in a 30-minute period. If the Planning Unit is really interested in what the public thinks, it will have to try harder. (Rachael Paschal Osborn)

In addition, concerns about the deficiencies of the plan have been answered with suggestions that, because members of the public do not attend Planning Unit meetings, they do not have a right to criticize the plan. This suggestion is inappropriate and wrong. Virtually all of the active members of the Planning Unit are paid to attend the meetings. Unpaid members, representing various NGOs, typically are retirees. It is simply not reasonable to ask ordinary members of the public to take leave from their jobs in order to attend monthly meetings for years on end. Further, given that non-governmental votes on the Planning Unit are virtually worthless in the “government consensus” process, what motivation would members of the public have to attend and participate? (Rachael Paschal Osborn)

*Response: The planning unit early on recognized the difficulty in accommodating non-governmental interests. In doing so, we tried to include many interests in the original list of groups invited to participate. This list is included as an attachment. The planning unit does not agree non-governmental votes are “worthless”. The planning unit has worked to reach consensus on all recommendations and have listened to all viewpoints. Because of the length of this process and the number of opportunities provided to participate in some form, including the upcoming public hearings, the planning unit feels there have been avenues available for non-governmental concerns, issues and suggestions to have been conveyed to any number of water resource user interests and/or their representatives. The mailing list now includes all of the people who gave us a current address at public or planning unit meetings. All of these people receive information about chances to participate and comment. We continue to search for additional ways to include public review and comments in this process, and welcome your suggestions.*

## **Continuation of the WRIA 55/57 Planning Group**

The plan recommends continued functioning of the planning group for plan implementation. But both the statute and the local agreement creating the planning group limits and de-values public participation. The Planning Unit decision process must change if the Planning Unit is to remain in operation. (p. 87) (Rachael Paschal Osborn)

*Response: Comment noted.*

## **The Plan does not Meet Statutory Requirements**

First, the plan contains virtually no action items that directly fulfill the requirements of the watershed planning statute. Instead, the plan appears to be a “full employment policy” for consultants and agency staff who will prepare yet more plans and documents in pursuit of nebulous goals. Given the time and money spent on this plan, we expected that it would contain concrete directives and proposals that would directly lead to restoration of the Little Spokane and Spokane Rivers, protection of the Spokane-Rathdrum Aquifer, and preparation for our region’s future water needs. (Rachael Paschal Osborn)

The WRIA 55/57 Planning Unit has accepted very large sums of money, in excess of \$1.3 million, from Washington state taxpayers to produce a watershed plan that meets statutory requirements. The watershed plan as currently drafted does not appear to fulfill the intent of either the statute or the funding provided to local governments to create the plan. (Rachael Paschal Osborn)

The lack of coordination on this topic is discouraging at best, and may indicate that principal actors are not acting in good faith. This raises questions about both past and future expenditure of state watershed planning funds. (Rachael Paschal Osborn)

*Response: As a result of this planning process, the planning unit has increased its level of understanding in regard to the complexity of managing water resources at the watershed scale. While a list of discrete well defined actions specific to each and every issue is highly desirable, the planning unit recognizes that in most instances the complexity of the issue and the lack of information and public awareness or understanding often require several steps of preparation before detailing an approach or action. The planning unit understands this plan to be the first step of many toward resolving water resource issues in WRIA 55 and 57.*

*However, the planning unit takes statements of non-compliance and ineffective use of state resources very seriously. Specific examples need to be provided of how this plan or process has not complied with the watershed planning statute or the grant agreements that allocated the funding, so these accusations may be evaluated and resolved, if warranted.*

# Appendix F : COMMENTS ON THE WRIA 55 & 57 WATERSHED MANAGEMENT PLAN from PLANNING UNIT MEMBERS

## *Washington State Agency comments*

December 21, 2004

Re: Comments on the WRIA 55/57 Implementation Matrix

Thank you for the opportunity to review and comment on the WRIA 55/57 Implementation Matrix. This letter documents the comments of both the Washington Department of Ecology (Ecology) and the other state agencies signatory to the *Memorandum of Understanding for the Coordinated Implementation of Watershed Management and Salmon Recovery Planning* (1998).

Comments have been formatted to identify first the section, policy, issue or strategy being addressed using the coding from the matrix, and then the remarks of the state agencies. The matrix was reviewed for agreement upon the policies, issues, and strategies in addition to the type of commitment (i.e., obligation or recommendation), priority, and level of effort. It is important to understand that comments related to the type of commitment were developed utilizing two pieces of the Watershed Planning Act, the meaning of obligation provided in Chapter 90.82.130 (6) Revised Code of Washington (RCW) and the actions associated with an obligation found in Chapter 90.82.130 (3) (a) RCW.

### Comments

I.A.01.d: Washington Department of Health (WDOH) understands this strategy to be an obligation of municipal water suppliers, and will provide technical assistance contingent upon available funding and staff resources. This strategy should be assigned a priority ranking of 1 and a level of effort rating of A in the column for the State of Washington.

I.A.02.g: Washington Department of Ecology has been implementing this strategy through irrigation efficiencies projects and the reclaimed water statutes. This strategy should be considered a recommendation, unless more specific actions are requested. This strategy should be assigned a priority ranking of 0 and a level of effort rating of A in the column for the State of Washington.

I.C.01.c: Early involvement of state agencies would facilitate identifying regulatory requirements. This strategy appears to be a recommendation rather than an obligation. Also, this strategy should be assigned a priority ranking of 1 and a level of effort rating of A in the column for the State of Washington.

II.A.01.a: Ecology agrees with this obligation, however, the commitment to the schedule for developing an instream flow rule is contingent upon available staff and funding. Washington Department of Fish and Wildlife (WDFW) support a minimum instream flow of 500 cubic feet for second (cfs) for the Spokane River at Barker Road. WDFW should not be identified as obligated to lead this action. WDFW will provide supporting technical assistance contingent upon available funding and resources. This strategy should be assigned a priority ranking of 2 and a level of effort rating of A in the column for the State of Washington.

II.A.01.b: Ecology and WDFW support this recommendation. This strategy should be assigned a priority ranking of 0 and a level of effort rating of A in the column for the State of Washington.

II.A.01.c: This recommendation is consistent with fish management goals and represents what has been agreed upon to date between WDFW, Idaho Department of Fish and Game, and Avista. However, final agreement will be contingent upon the final outcome of the Avista FERC Re-licensing process. This strategy should be assigned a priority ranking of 1 and a level of effort rating of A in the column for the State of Washington.

II.A.02.b: Ecology and WDFW support using the USGS Gage 12422500, Spokane River at Spokane for managing water resources through instream flows. Ecology and WDFW understand and support the need to conduct the studies identified in this strategy. However, Ecology and WDFW cannot commit to an obligation that allocates funds from processes which the agencies do not lead or manage. This strategy should be considered a recommendation. Ecology and WDFW commit to working to support this recommendation as staff and funding permit. This strategy should be assigned a priority ranking of 1 and a level of effort rating of A in the column for the State of Washington.

II.B.02.a: The state agencies agree to support the recommended strategy, so long as the findings of Avista FERC Re-licensing Work Groups Reports comply with Washington State's laws and regulations. This strategy should be assigned a priority ranking of 0 and a level of effort rating of A in the column for the State of Washington.

II.B.02.b: The state agencies agree to support the recommended strategy. However, WDFW is concerned that providing for recreational flows in the Middle Spokane River could conflict with establishing and maintaining minimum seasonal flows designed to protect fish and useable habitat. Point-in-time increases in flow to facilitate seasonal recreational interests could produce nuisance attractant flows for salmonids and/or cause thermal problems for fish through discharges of larger quantities of summer heated water from Lake Coeur d'Alene that might affect summer/fall cool water refugia sites in the Sullivan Road area and below, and also possibly other isolated up river sites. This strategy should be assigned a priority ranking of 1 and a level of effort rating of A in the column for the State of Washington.

II.B.02.c: The state agencies agree to support the recommended strategy. WDFW would support the recommendation by providing technical assistance with study design, but the planning unit should decide what biota (including fish) to evaluate and what aspects of the biota are important. For this study to be meaningful, the planning unit will need to have sufficient baseline information. WDFW recommends collection of baseline data begin as soon as possible. This strategy should be assigned a priority ranking of 1 and a level of effort rating of A in the column for the State of Washington.

II.C.01.a: The recommended strategy appears to have been implemented. Recommended strategy should possibly be changed to address issue II.C.01 through monitoring. If the existing strategy remains, it should be assigned a priority ranking of 0 and a level of effort rating of A in the column for the State of Washington. Modification of the strategy will require review for agreement and assignment of priority and level of effort.

II.D.01.a: The state agencies will work with the planning unit to evaluate alternatives for storage available under state law as staff and funding permit. This strategy should be considered a recommendation and assigned a priority ranking of 1 along with a level of effort rating of D in the column for the State of Washington.

II.E.01.a: Ecology concurs that this integration is desirable, and agrees to this obligation contingent upon available staff and funding. This strategy should be assigned a priority ranking of 1 and a level of effort rating of A in the column for the State of Washington.

III.A.01.a through f: The state agencies concur that this set of information is desirable on the Little Spokane River and will support the strategy as funding and staff are available. This strategy should be assigned a priority ranking of 2 and a level of effort rating of A in the column for the State of Washington.

III.B.02.a: Ecology will continue to enforce Chapter 173-555 Washington Administrative Code (WAC) as staff and funding permit. Please identify what specific criteria might be used to assess fire danger. This strategy should be assigned a priority ranking of 1 and a level of effort rating of A in the column for the State of Washington.

III.B.03.b and c: Ecology supports the recommended strategy contingent upon available staff and funding resources. This strategy should be assigned a priority ranking of 1 and a level of effort rating of A in the column for the State of Washington.

III.C.01.a: The strategy is not clear whether the intent is to use the resulting instream flow regime to revise Chapter 173-555 WAC. Ecology and WDFW do not agree to be obligated to this strategy at this time in light of strategy III.A.01.a. Ecology and WDFW suggest adding “to evaluate the need for revising the instream flow rule” between “regime” and “for.” Ecology and WDFW would support this revised strategy as a recommendation contingent upon available funding and staff. This strategy should be assigned a priority ranking of 2 and a level of effort rating of A in the column for the State of Washington.

III.C.01.b: Ecology and WDFW support this strategy but as a recommendation. State agency support would consist of technical assistance contingent upon available funding and staff resources. This strategy should be assigned a priority ranking of 1 and a level of effort rating of A in the column for the State of Washington.

IV.A.01.e: The state agencies support this recommended strategy. This strategy should be assigned a priority ranking of 1 and a level of effort rating of A in the column for the State of Washington.

IV.A.02.a: Ecology will work with local entities to evaluate local approaches to domestic exempt wells. This strategy should be assigned a priority ranking of 1 and a level of effort rating of A in the column for the State of Washington.

IV.C.01.a: Ecology supports the recommended strategy. Ecology will work with the planning unit to evaluate the specific need(s) for clarification of policy 1230. This strategy should be assigned a priority ranking of 1 and a level of effort rating of A in the column for the State of Washington.

V.A.01.a: Ecology supports the recommended strategy as staff and funding resources allow. If there are specific aspects or performance measures associated with monitoring or enforcement envisioned, then such specifics need to be identified to allow Ecology to identify the resources required. Otherwise, this strategy should be assigned a priority ranking of 0 and a level of effort rating of A in the column for the State of Washington.

V.A.01.c: Ecology does not agree to be obligated to this strategy. Ecology supports this strategy as a recommendation. Creation of a Municipal Reserve can be considered at the appropriate point in future

rulemaking. This strategy should be assigned a priority ranking of 1 and a level of effort rating of A in the column for the State of Washington.

V.A.02.a: The state agencies support the strategy as recommended. This strategy should be assigned a priority ranking of 1 and a level of effort rating of A in the column for the State of Washington.

VI.A.01.d: Ecology supports the recommended strategy. Ecology is currently implementing this strategy through staff in the Shorelands and Environmental Assistance and Water Quality Programs. This strategy should be assigned a priority ranking of 0 and a level of effort rating of A in the column for the State of Washington.

VII. Strategies for Ground Water Recharge Augmentation: The policies and their strategies in this section may benefit from early Ecology involvement. The feasibility of these strategies in fact involves significant efforts by Ecology's Water Quality, Water Resources, and Shorelands and Environmental Assistance Programs well prior to Ecology approval or grants being sought. The strategies of this section should be considered recommendations. Ecology would commit to supporting these recommended strategies, if requested, and as staff and funding allow. If strategies are changed to recommended, then they should be assigned a priority ranking of 1 and a level of effort rating of A in the column for the State of Washington.

VIII.A.01.a: Ecology supports this strategy as a recommendation, and would appreciate being included. This strategy should be assigned a priority ranking of 0 and a level of effort rating of A in the column for the State of Washington.

VIII.A.01.b: Ecology supports this strategy, and would appreciate being included. This strategy should be assigned a priority ranking of 0 and a level of effort rating of A in the column for the State of Washington.

VIII.C.01.b: Ecology supports this strategy as a recommendation. This strategy should be assigned a priority ranking of 2 and a level of effort rating of A in the column for the State of Washington.

VIII.D.01.a: Ecology supports the recommended strategy. Other planning unit members will need to advocate this strategy to ensure implementation. This strategy should be assigned a priority ranking of 0 and a level of effort rating of A in the column for the State of Washington.

Keith Holliday



April 18, 2005

Mr. Rob Lindsay  
Water Resources Manager  
Spokane County Public Works  
1026 W. Broadway Ave.  
Spokane, WA 99260-0430

Dear Mr. Lindsay:

Re: Comments on the Watershed Management Plan for Water Resource Inventory Area (WRIA) 55 and 57, Draft 02, dated February 2005.

Thank you for the opportunity to review and comment on the second draft of the Watershed Management Plan for WRIA 55 and 57. This letter documents the comments of both the Washington Department of Ecology (Ecology) and the other state agencies signatory to the *Memorandum of Understanding for the Coordinated Implementation of Watershed Management and Salmon Recovery Planning* (1998).

Comments have been formatted to specify the page, section title, paragraph, sentence or alphanumeric identifier of the information, when applicable, to which the comment is addressed.

#### Comments

Page 24, first paragraph, third sentence, Ecology questions that “many irrigation rights are being used to the full extent of validity,” when the percent of allocation used in Table 2.I.H is about 9%. Please review and, if appropriate, change the statement.

Page 39, last paragraph, third and fourth bullet, Table 4.II.A on page 63 does not seem to support the general conclusions of habitat for juveniles and adult rainbow trout. Also, review of the results in the Hardin-Davis report (2004) does not describe the quality of the habitat as good with the identified flows but that the Weighted Useable Area (WUA) drops significantly below those flows. It may be more appropriate to state that instream flows below 200 and 500 cfs significantly reduce the WUA of juveniles and adults, respectively. Please consider rewording the bullets to reflect a change in WUA rather than quality of habitat.

Page 40, Middle Spokane River Instream Flow Needs for Uses other than Aquatic Biota Section, Spokane River Water Quality is not a use. Surface water quality standards such as Chapter 173-201A Washington Administrative Code (WAC) have been promulgated to protect uses including but not limited to aquatic life, such as domestic, recreation, aesthetics, commerce, navigation, agriculture, and industrial. The overall goal described in the Spokane River Water Quality Section on Page 40 should be to attain surface water quality standards in order to protect uses including but not limited to aquatic life in an economically feasible manner. Please revise this section and the goal to better align with Policy II.C, Issue II.C.01, and Recommendation II.C.01 on page 65. Page 95, Strategy III.B.02.a, as noted in Ecology’s previous comment letter dated December 21, 2004; Ecology will continue to enforce Chapter 173-555 WAC as staff and funding allow. Ecology expects participation in Strategy V.A.01.d would develop an approach that can overcome the potential need for significant resources and the practical issues anticipated with Strategy III.B.02.a.

Page 96, Strategy III.C.01.a, as noted in previous correspondence on December 21, 2004, Ecology and WDFW support this strategy as a recommendation provided it states the following:

When the lower Little Spokane River aquatic biota study and the Water Quality Management Plan/TMDL process are completed, integrate all of the recommended instream flows into one regime to evaluate the need for revisiting the instream flow rule for the whole watershed taking wildlife habitat and other uses into account.

It would seem that this approach would be in the best interest of the planning unit, not just Ecology and WDFW. Please change the recommendation to reflect this previous comment.

Page 100, Strategy V.A.01.d, Ecology agrees to be obligated to this strategy as staff and funding allow.

Page 108, Comments on the WRIA 55/57 Implementation Matrix, Ecology suggests placing all comment related correspondence in a separate appendix. Comments from the Washington State Agencies should not be treated differently than comments from other planning unit members. Also, since the planning unit approves the implementation matrix that documents the agreed upon recommendations and obligations, there should not be a need to present the comments of any planning unit members in the body of the watershed plan.

Please call me at (509) 329-3431 with any questions.

Sincerely,

Keith Holliday

Sent 4/22/2005

Reanette,

I endorse Jim's comments on reinstating the two columns on Table 3C back into the plan. His reasoning makes sense and I wholeheartedly encourage the Planning Unit to reinstate these items. Furthermore, the installation of a gage on the West Branch of the Little Spokane River makes a lot of sense for Pend Oreille County. We need to do what's necessary to monitor this main tributary as a way to assess existing and future water needs.

Don Comins

Pend Oreille Conservation District

District Administrator

(509) 447-4217

[don@pocd.org](mailto:don@pocd.org)

From Jim Marthaller: Sent 4/13/2005

Pend Oreille County will be attending the May 4 meeting. The Table 3C on page 52 needs to have the two columns that were removed reinstated. The columns are "Average Monthly Flow" and "MIKE SHE Model Results...". This is extremely important to Pend Oreille County because it shows that the average monthly flows meet the minimum instream flows and that the minimum daily flows do not meet the minimum instream flows. Therefore, enough water may exist in the watershed to meet the minimum instream flow needs on a year around basis with proper conservation, mitigation and planning. This is needed in order for Pend Oreille County to pursue funding and planning to develop measures to manage the water in the upper reaches of the watershed to meet the minimum instream flow requirements on a year around basis.

Also, Pend Oreille County would like to see the planning unit endorse the establishment of a gage on the West Branch Little Spokane River above or below Eloika Lake and prior to the confluence with the Little Spokane River since this river drains some of the most populated areas of the County.

Respectfully Submitted, Jim Marthaller, Planning Director

# MEMORANDUM

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Date: June 14, 2005  
To: Dean Cummings, Pend Oreille County Commissioner Dist. 1  
cc: Jim Marthaller, David Jensen  
From: Don Comins, Pend Oreille County Conservation Dist.  
Subject: **Comments On The WRIA 55/57 Watershed Plan**

Commissioner Cummings,

RE: Your telephone call of June 1

Dean, as requested, I've done a little research on the WRIA 55/57 Watershed Plan, the Sacheen Lake situation and your last question had to do with two proposed developments and the lack of water.

I have to say I don't have all the answers, but maybe the following info will prove helpful to you. As far as the Sacheen Lake water level situation, I had a long talk with Keith Holiday last Friday at his office in Spokane (he's their Mimi counterpart). I'm not sure what the homeowners can legally do. I'm wondering if they could install some kind of water control structure and attempt to regulate the outlet (see comments on plan below). I think Keith said they already had a control structure somewhere downstream. They also have a water quality issue that needs to be addressed and I think they're trying to install a waste treatment system which should help a lot. I've got some feelers out on this and I'll continue to investigate.

As far as the **WRIA 55/57 Watershed Plan** is concerned:

Page 69

**III.B. Add New Issue: III.B.02** How will pumping water from the Pend Oreille River in the vicinity of Newport into the headwaters of the Little Spokane River effect water availability during periods of low flow? I think Jim Marthaller actually mentioned it some time ago. I think there is some real potential here, however, it may limit the number of future water rights granted in WRIA 62 (along the Pend Oreille River). You might be using Pend Oreille Counties WRIA 62 water rights to solve Spokane's insatiable thirst for water. This is all dependent upon the amount of water available for allocation from the P.O. River.

**Recommendation:** Obtain funding during Phase IV to conduct a feasibility study on the impact of pumping water from the Pend Oreille River into the headwaters of the Little Spokane River in the vicinity of Newport during periods of low water flows.

**III.B.03. (pg 70) Recommendation:** Pend Oreille County continue to insist the gage at Elk be reactivated to monitor flows and insure that the upper watershed is treated separately and not come under the "blanket" water use restrictions previously used based on the gage at Dartford (I believe they're using the gage at Dartford to monitor the entire subbasin). In 1976 when the minimum instream flow was set (Chapter 173-555 WAC) it was set for Elk, Chattaroy, Dartford, and the confluence of the Middle Spokane. These numbers have been validated by Golder's recent evaluation of minimum instream flows. I believe they are trying to limit monitoring to the Dartford gage only (which is downstream near highway 395) and use it to make their instream

flow determinations. Having four monitoring sites and one minimum instream flow established for each site allows selective restrictions vs blanket restrictions. I'm mainly interested in the Elk to the headwaters reach which flows out of Pend Oreille County. **Recommendation:** Reactivate the Elk gaging site either year around or seasonly during the low flow periods.

**III.B.05.a (pg 71) Recommendation:** Agree with the installation of a gage on the W. Branch, but I'm not sure what it will give us (maybe a lot of data). A better option might be to reactivate the Chattaroy site which already has a minimum instream flow set and use it as our upper watershed checkpoint.

## **VII. Strategies for Ground Water Recharge Enhancement (pg 80)**

Recommend the WRIA 55 Implementation Group investigate the potential storage available in lakes found in the watershed. The potential exists for Sacheen, Diamond, Horseshoe, Eloika, etc. Lakes to store water for discharge during periods of low water in the Little Spokane River (ie. August, September). Considering Sacheen Lake problems, this might be a win-win situation for both Sacheen Lake residents and property owners and water rights holders along the Little Spokane River. Water control structures, however, will probably require fish passage features.

**Problem - Lack of available water for development along the Little Spokane River.** I've discussed the Water Rights issue on the Little Spokane with a couple of so called experts. I also referred to WAC 173-555-030 which *Establishes the Base Flows* for four locations along the Little Spokane River on 01/06/76. The locations upstream to downstream are Elk, Chattaroy, Dartford, and the Confluence (with Middle Spokane). Since these minimum instream flows are set in rule they can't be changed and as development takes place it becomes more difficult to obtain water for development. Ecology uses these minimum instream flows as action points where they provide notice to landowners to conserve water and can actually interrupt water to some water right holders (usually Junior rights).

### **Means available to obtain water in subbasin:**

- (1) Obviously owning a water right on your land
- (2) Digging an exempt well
- (3) Purchasing land that has a water right
- (4) Purchasing a water right outright (can be done but the seller and purchaser must ensure this is a "valid" water right). By this I mean, a water right the current landowner **can prove was used** during the past (I think it's five years) five years. This is covered under the "use-it or loose-it" provision in the current law. If you can't prove you used your water right in the last five years, the seller could loose it. In transfers like this Ecology will actually check records to insure the water right is valid.

So if you can find land that's being irrigated with a water right – buy it!

These are the only means I know of to obtain a water right in the Little Spokane River subbasin.

Sorry for taking so long but, there's not enough time in the day. These are a few of the issues I was able to research for you—hope it helps.

## **MEMORANDUM**

Date: June 16, 2005

To: Don Comins, POCD and Dean Cummings, Pend Oreille County Commissioner

From: Reanette Boese and Rob Lindsay, Spokane County Water Resources department, on behalf of the WRIA 55 & 57 Planning Unit

Subject: WRIA 55 & 57 Watershed Plan comments from Don Comins to Dean Cummings

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The WRIA 55 & 57 Planning Unit reviewed Don's memorandum of comments and suggestions concerning the WRIA 55 & 57 Watershed Plan dated June 1, 2005 during our June 15, 2005 meeting. The subject memo will be included in the appendix of the Watershed Plan, along with other comments previously received. The Planning Unit understands and appreciates Pend Oreille County's concerns and comments about water supply in the upper portions of the Little Spokane River Watershed.

Indeed, the Planning Unit is interested in identifying strategies to both store spring runoff water to increase summer time instream flow in all parts of the Little Spokane River and is open to consider projects and proposals to improve the Sacheen Lake water level situation.

The WRIA 55 & 57 Planning Unit has been working closely with the Pend Oreille County Planning Department to make sure the WRIA 55 & 57 Watershed Plan does not close the door on the water supply issues addressed in the subject memo. The Watershed Plan is intended to be a dynamic, working document that allows for flexibility in addressing region-specific issues. Based on a review of the specific suggestions and recommendations contained in the subject memo, the WRIA 55 & 57 Planning Unit feels that the current set of recommendations in the existing Watershed Plan are sufficient to allow for consideration of the specific suggestions as we move forward into the implementation phase of this process.

The Planning Unit thanks you for your interest and looks forward to your continued participation in this very important watershed planning process. Please contact Reanette Boese or Rob Lindsay at 509-477-3604 if you have any questions.

CC: Dave Jensen, Pend Oreille County Planning Department

# **Appendix G : Spokane County SEPA Checklist and Addendum for Non-project Actions**

## ***Environmental Checklist***

### Purpose of Checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

### Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

### Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." In addition, complete the Supplemental Sheet for Nonproject Actions (Part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site," should be read as "proposal," "proposer," and "affected geographic area," respectively.



**A. BACKGROUND**

**1. Name of proposed project, if applicable:**

Watershed Management Plan - Water Resource Inventory Areas 55/57

Middle Spokane River, Little Spokane River

**2. Name of applicant:**

Water Resource Inventory Areas 55/57 Planning Unit

Spokane County – Lead Agency

**3. Address and phone number of applicant and contact person:**

Spokane County Public Works Department, Division of Utilities  
Attn: Robert Lindsay, LG, Water Resources Mgr.  
1026 West Broadway Avenue  
Spokane, WA 99260-0430

Phone Number: (509) 477-3604

**4. Date checklist prepared:**

May 4, 2005

**5. Agency requesting checklist:**

Spokane County Public Works Department, Division of Utilities

**6. Proposed timing or schedule (including phasing, if applicable):**

The draft WRIA 55/57 Watershed Management Plan (Plan) outlines a tentative schedule for implementation of water resource-related projects and initiatives (referred to as “recommended actions”) within Spokane, Pend Oreille, and Stevens Counties. The proposed scheduling of the “recommended actions” is specifically identified in the Plan. As part of the implementation phase of the watershed planning effort, an additional 1-year of project planning will be conducted, following Plan approval, before a revised implementation schedule is prepared. Approval of the Plan by Spokane, Pend Oreille, and Stevens Counties is expected to occur in July 2005. Implementation of the “recommended actions” is expected to occur over the next 3-10 years.

**7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain:**

As stated above, an additional 1-year of watershed project planning will be conducted, following Plan approval, before a revised implementation plan is prepared. Implementation of the “recommended actions” is expected to occur over the next 3-10 years. Activities identified for implementation by various participating agencies will be reviewed for SEPA compliance at the time of implementation planning specific to the “recommended action”.

- 8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**

Separate Environmental Checklists, with detailed environmental information, will be prepared for specific “recommended actions”, as required.

- 9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**

No applications are pending at this time.

- 10. List any government approvals or permits that will be needed for your proposal, if known.**

Per Washington State RCW 90.82, approval of the WRIA 55/57 Watershed Management Plan is achieved by a majority of the commissioners in Spokane, Pend Oreille, and Stevens Counties.

- 11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)**

The expectation of the WRIA 55/57 Planning Unit is to implement the various “recommended actions” of the Plan. The Plan has over 90 “recommended actions”. Specific projects have been envisioned in the Plan and strategies for implementation of those projects will be developed in the initial year following approval.

- 12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.**

The Plan pertains to the areas described as the Middle Spokane River watershed (WRIA 57) and the Little Spokane River watershed (WRIA 55) in Spokane, Pend Oreille, and Stevens Counties.

- 13. Does the proposed action lie within the Aquifer Sensitive Area (ASA)? The City of Spokane, Spokane Valley or Liberty Lake?**

Yes

- 14. The following questions supplement Part A.**

- a. Critical Aquifer Recharge Area (CARA) / Aquifer Sensitive Area (ASA).**

- (1) Describe any systems, other than those designed for the disposal of sanitary waste installed for the purpose of discharging fluids below the ground surface (includes systems such as those for the disposal of stormwater or drainage from floor drains). Describe the type of system, the amount of material to be disposed of through the system and the types of material likely to be disposed of (including materials which may enter the system inadvertently through spills or as a result of firefighting activities).

Does not apply.

- (2) Will any chemicals (especially organic solvents or petroleum fuels) be stored in aboveground or underground storage tanks? If so, what types and quantities of material will be stored?

Does not apply.

- (3) What protective measures will be taken to insure that leaks or spills of any chemicals stored or used on site will not be allowed to percolate to groundwater. This includes measures to keep chemicals out of disposal systems.

Does not apply.

- (4) Will any chemicals be stored, handled or used on the site in a location where a spill or leak will drain to surface or groundwater or to a stormwater disposal system discharging to surface groundwater?

Does not apply.

**b. Stormwater.**

- (1) What are the depths on the site or groundwater and to bedrock (if known)?

Does not apply.

- (2) Will stormwater be discharged into the ground? If so, describe any potential impacts.

Does not apply.

**B. ENVIRONMENTAL ELEMENTS**

**1. Earth**

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other

The area covered by the Plan is large and encompasses a wide range of terrains, slopes, soils, and bodies of surface water. Separate Environmental Checklists, with detailed environmental information, will be prepared for specific "recommended actions", as required.

- b. What is the steepest slope on the site (approximate percent slope)?

See 1.a.

- c. **What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.**

See 1.a.

- d. **Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

See 1.a.

- e. **Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.**

Does not apply..

- f. **Could erosion occur as a result of clearing, construction, or use? If so, generally describe.**

Does not apply.

- g. **About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**

Does not apply.

- h. **Proposed measures to reduce or control erosion, or other impacts to the earth, if any:**

Does not apply.

## **2. Air**

- a. **What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.**

Does not apply.

- b. **Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

Does not apply.

- c. **Proposed measures to reduce or control emissions or other impacts to air, if any:**

Does not apply.

## **3. Water**

**a. Surface:**

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

Yes, the area covered by the Plan is large and encompasses a wide range of terrains, slopes, soils, and bodies of surface water. Separate Environmental Checklists, with detailed environmental information, will be prepared for specific “recommended actions”, as required.

- 2) Will the project require any work over, in, adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

Potentially, see 3.a.1

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

See 3.a.1

- 4) Will the proposal require surface water withdrawals or diversions? Give general descriptions, purpose, and approximate quantities if known.**

See 3.a.1

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

See 3.a.1

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

Does not apply.

**b. Ground:**

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.**

Potentially. The Plan includes a wide range of options to augment stream flows and/or recharge the aquifers in the area. Separate Environmental Checklists, with detailed environmental information, will be prepared for specific “recommended actions”, as required.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following applicable), or the number of animals or humans the system(s) are expected to serve.

Does not apply.

**c. Water Runoff (including storm water):**

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Does not apply.

- 2) Could waste materials enter into ground or surface waters? If so, generally describe.

Does not apply.

**d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:**

Does not apply.

**4. Plants**

**a. Check or circle types of vegetation found on the site:**

- deciduous tree: alder, maple, aspen, other  
 evergreen tree: fir, cedar, pine, other  
 shrubs  
 grass  
 pasture  
 crop or grain  
 wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other  
 water plants: water lily, eelgrass, milfoil, other  
 other types of vegetation

**b. What kind and amount of vegetation will be removed or altered?**

Does not apply.

**c. List threatened or endangered species known to be on or near the site.**

Does not apply.

**d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:**

Does not apply.

## 5. Animals

- a. **Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:**

The project area includes all animals listed below.

birds: hawks, herons, eagles, songbirds, other

mammals: deer, elk, bear, beaver, moose, squirrel, other

fish: trout, whitefish, pike, carp, other

- b. **List any threatened or endangered species known to be on or near the site.**

The WRIA 55/57 watershed includes, but may not be limited to, the following endangered and threatened species: American White Pelican, Bald Eagle, Peregrine Falcon, Sandhill Crane, Upland Sandpiper.

- c. **Is the site part of a migration route? If so, explain.**

Portions of the Spokane River and Little Spokane River corridors may function as migration routes.

- d. **Proposed measures to preserve or enhance wildlife, if any:**

Implementation of various “recommended actions” in the Plan will create mechanisms to manage and conserve water resources in the region, thus creating additional habitat for fish and other aquatic biota, and enhancing habitat in existing wetlands and shoreline environments.

## 6. Energy and Natural Resources

- a. **What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

Does not apply.

- b. **Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**

Does not apply.

- c. **What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:**

Does not apply.

## 7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

Does not apply.

- 1) Describe special emergency services that might be required.
- 2) Proposed measures to reduce or control environmental health hazards, if any:

### b. Noise

Does not apply.

- 1) What types of noise exist in the area which may affect your project (for example, traffic, equipment, operation, other)?
- 2) What types and levels of noise would be created by or associated with the project on a short-term or long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
- 3) Proposed measures to reduce or control noise impacts, if any:

## 8. Land and Shoreline Use

The project area includes all land in the Spokane River and Little Spokane River watersheds. The Plan includes a wide range of options that may impact zoning and land use in the watersheds, including shorelines. Separate Environmental Checklists, with detailed environmental information, will be prepared for specific “recommended actions”, as required.

1. What is the current use of the site and adjacent properties?

Does not apply.

2. Has the site been used for agriculture? If so, describe.

Does not apply.

### c. Describe any structures on the site.

Does not apply.

### d. Will any structures be demolished? If so, what?

Does not apply.



**e. What is the current zoning classification of the site?**

Does not apply.

**f. What is the current comprehensive plan designation of the site?**

Does not apply.

**g. If applicable, what is the current shoreline master program designation of the site?**

Does not apply.

**h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.**

The Spokane Valley / Rathdrum Prairie Aquifer is designated as a sole-source aquifer to the region. Within Spokane County, significant portions of the WRIA 55 and 57 watersheds area identified as Critical Aquifer Recharge Areas.

**i. Approximately how many people would reside or work in the completed project?**

Does not apply.

**j. Approximately how many people would the completed project displace?**

Does not apply.

**k. Proposed measures to avoid or reduce displacement impacts, if any:**

Does not apply.

**l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:**

Does not apply.

**9. Housing**

**a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

Does not apply.

**b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**

Does not apply.

**c. Proposed measures to reduce or control housing impacts, if any:**

Does not apply.

**10. Aesthetics**

**a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

Does not apply.

**b. What views in the immediate vicinity would be altered or obstructed?**

Does not apply.

**Proposed measures to reduce or control aesthetic impacts, if any:**

Does not apply.

**11. Light and Glare**

**a. What type of light or glare will the proposal produce? What time of day would it mainly occur?**

Does not apply.

**b. Could light or glare from the finished project be a safety hazard or interfere with views?**

Does not apply.

**c. What existing off-site sources of light or glare may affect your proposal?**

Does not apply.

**d. Proposed measures to reduce or control light and glare impacts, if any:**

Does not apply.

**12. Recreation**

The Spokane River and Little Spokane River watersheds provide a wide variety of recreational opportunities including fishing, boating, swimming, and hiking. The Plan is not likely to significantly impact those activities. Separate Environmental Checklists, with detailed environmental information, will be prepared for specific “recommended actions”, as required.

**a. What designated and informal recreational opportunities are in the immediate vicinity?**

Does not apply.

- b. Would the proposed project displace any existing recreational uses? If so, describe.**

Does not apply.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:**

Does not apply.

**13. Historic and Cultural Preservation**

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.**

None known. Separate Environmental Checklists, with detailed information, will be prepared for specific “recommended actions”, as required.

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.**

None known. Separate Environmental Checklists, with detailed information, will be prepared for specific “recommended actions”, as required.

- c. Proposed measures to reduce or control impacts, if any:**

Does not apply.

**14. Transportation**

No impacts to transportation networks are anticipated. Separate Environmental Checklists, with detailed information, will be prepared for specific “recommended actions”, as required.

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.**

Does not apply.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?**

Does not apply.

- c. How many parking spaces would the completed project have? How many would the project eliminate?**

Does not apply.

- d. **Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).**

Does not apply.

- e. **Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

Does not apply.

- f. **How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.**

Does not apply.

- g. **Proposed measures to reduce or control transportation impacts, if any:**

Does not apply.

#### 15. **Public Services**

- a. **Would the project result in an increased need for public services (for example, fire protection, police protection, health care, schools, other)? If so, generally describe.**

When implemented, recommended actions in the Plan could affect the need for public services. Some elements of the Plan could result in additional staff needed for water conservation/education programs. Conversely, other elements of the Plan could result in a reduction of need for public services (automation of sprinkler systems in parks, for instance). Separate Environmental Checklists, with detailed information, will be prepared for specific “recommended actions”, as required.

- b. **Proposed measures to reduce or control direct impacts on public services, if any.**

Does not apply.

#### 16. **Utilities**

- a. **Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other, all.**

Does not apply. This is a non-project action.

- b. **Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity, which might be needed.**

Does not apply.

**C. SIGNATURE**

I, the undersigned, swear under the penalty of perjury that the above responses are made truthfully and to the best of my knowledge. I also understand that, should there be any willful misrepresentation or willful lack of full disclosure on my part, the agency may withdraw any determination of nonsignificance that it might issue in reliance upon this checklist.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Proponent:    Name            \_\_\_\_\_  
                  Address        \_\_\_\_\_  
                  Phone            \_\_\_\_\_

## SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(Do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

**1. How would the proposal be likely to increase discharge to water, emission to air, production, storage, or release of toxic or hazardous substances; or production of noise?**

Implementation of the Plan is not likely to increase noise or increase discharges of toxic or hazardous substances to the environment.

**Proposed measures to avoid or reduce such increases are:**

Does not apply.

**2. How would the proposal be likely to affect plants, animals, fish, or marine life?**

Implementation of various “recommended actions” in the Plan will create mechanisms to manage and conserve water resources in the region, thus creating additional habitat for fish and other aquatic biota, and enhancing existing habitat in wetlands and shoreline environments.

**Proposed measures to protect or conserve plants, animals, fish, or marine life are:**

Implementation of various “recommended actions” in the Plan will create mechanisms to manage and conserve water resources in the region, thus creating additional habitat for fish and other aquatic biota, and enhancing habitat in existing wetlands and shoreline environments.

**3. How would the proposal be likely to deplete energy or natural resources?**

Implementation of various “recommended actions” in the Plan will have the potential to increase the availability of water resources in the region. Implementation of instream flow recommendations in the Spokane River watershed could impact the ability of AVISTA to generate hydropower in the Spokane Falls hydroelectric project.

**Proposed measures to protect or conserve energy and natural resources are:**

The Plan identifies numerous “recommended actions” to be evaluated for the conservation of water resources in the region.

**4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

Implementation of various “recommended actions” in the Plan will create mechanisms to manage and conserve water resources in the watersheds, including the environmentally sensitive sole-source aquifer that supplies drinking water to the Spokane/Coeur d’Alene region.

**Proposed measures to protect such resources or to avoid or reduce impacts are:**

The Plan identifies numerous “recommended actions” to be evaluated for the protection and enhancement of wetlands and other environmentally sensitive areas related to the watersheds.

**5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

Implementation of various “recommended actions” will provide information with which to make appropriate land use and zoning policy decisions regarding developments outside of existing public water service areas, and could result in changes to existing plans and ordinances.

**Proposed measures to avoid or reduce shoreline and land use impacts are:**

The Plan identifies numerous “recommended actions” to be evaluated for the protection and enhancement of wetlands and other environmentally sensitive areas related to the watersheds.

**6. How would the proposal be likely to increase demands on transportation or public services and utilities?**

No impacts to transportation networks are anticipated. When implemented, “recommended actions” in the Plan could affect the need for public services. Some elements of the Plan could result in additional public services staff needed for water conservation/education programs. Conversely, other elements of the Plan could result in a reduction of need for public services (automation of sprinkler systems in parks, for instance).

**Proposed measures to reduce or respond to such demands(s) are:**

See above.

**7. Identify, if possible, whether the proposal may conflict with local, State, or Federal laws or requirements for the protection of the environment.**

In accordance with RCW Chapter 90.82, watershed management plans (Plan) may not conflict with local, State, or Federal laws or requirements for the protection of the environment.



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**FOR STAFF USE ONLY**

Staff Member(s) Reviewing Checklist: \_\_\_\_\_

Based on this staff review of the environmental checklist and other pertinent information, the staff:

- Concludes that there are no probable significant adverse impacts and recommends a Determination of Nonsignificance.
- Concludes that probable significant adverse environmental impacts do exist for the current proposal and recommends a Mitigated Determination of Nonsignificance with conditions.
- Concludes that there are probable significant adverse environmental impacts and recommends a Determination of Significance.