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The Big Quilcene River

What is an instream flow rule?

- Ecology is authorized under state law (RCW 90.22, RCW 90.54 and RCW 90.82) to establish state water-management rules that protect and preserve:

- ✓ Fish
- ✓ Wildlife
- ✓ Recreation
- ✓ Navigation
- ✓ Aesthetics
- ✓ Water quality
- ✓ Livestock watering

- Water Resources Management Program Rule



The Lewis River

Authorizing Legislation

RCW 90.22 – *Minimum Water Flows and Levels*

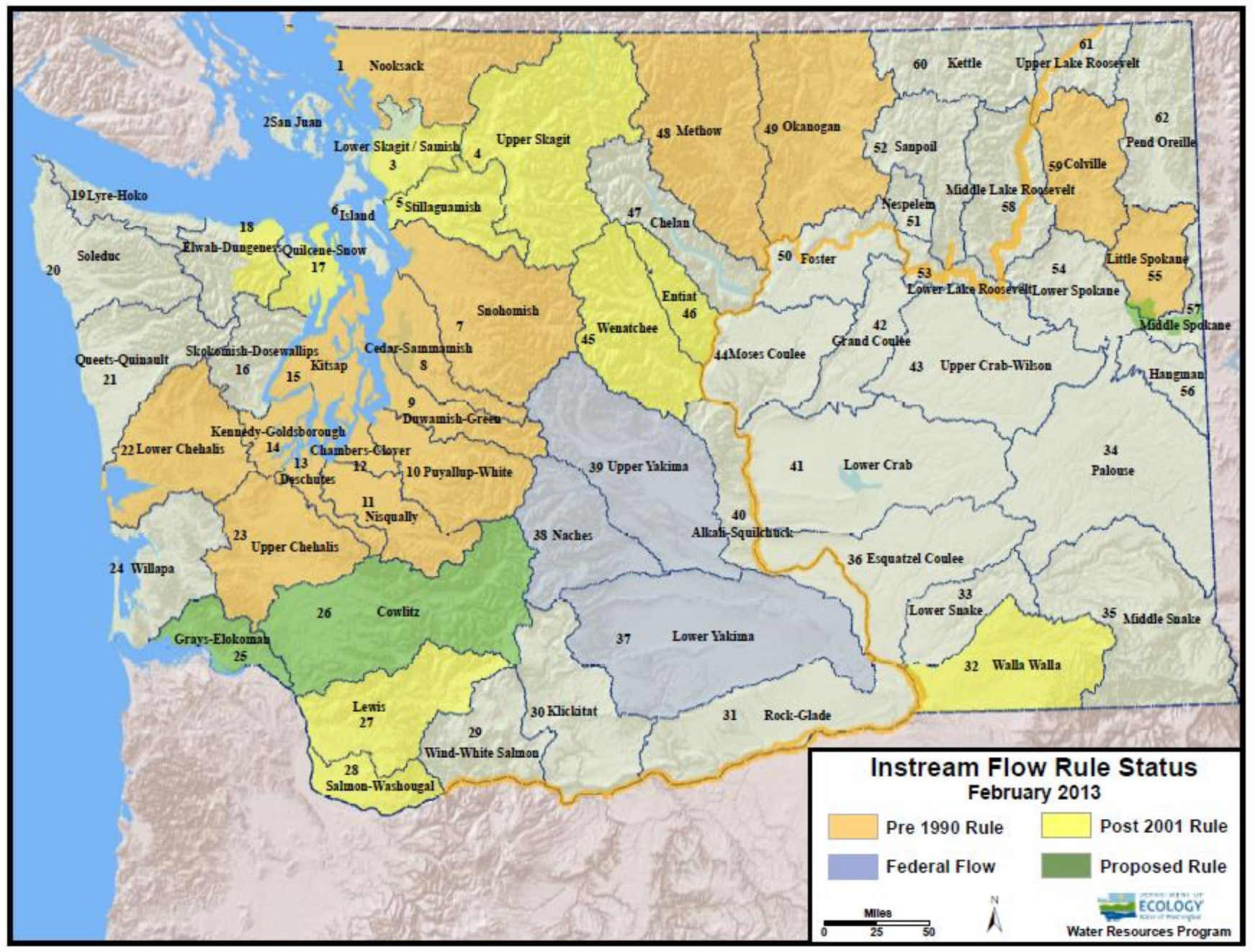
RCW 90.54 – *Water Resources Act of 1971*

RCW 90.82 – *Watershed Planning*

What is an instream flow rule?

- A regulatory instream flow is used to limit future water use when the actual stream flows drop below the flow described in the rule.
- An instream flow is a water right.
 - Priority date
 - Senior water rights not regulated
 - Junior water rights regulated
- Not intended to be “attained”





1 Nooksack
2 San Juan
3 Lower Skagit / Samish
4 Upper Skagit
5 Stillaguamish
6 Island
7 Snohomish
8 Cedar-Sammamish
9 Duwamish-Green
10 Puyallup-White
11 Nisqually
12 Chambers-Clover
13 Deschutes
14 Kennedy-Goldsborough
15 Kitsap
16 Skokomish-Dosewallips
17 Quilcene-Snow
18 Elwab-Dungeness
19 Lyre-Hoko
20 Soleduc
21 Queets-Quinault
22 Lower Chehalis
23 Upper Chehalis
24 Willapa
25 Grays-Elokoman
26 Cowlitz
27 Lewis
28 Salmon-Washougal
29 Wind-White Salmon
30 Klickitat
31 Rock-Glade
32 Walla Walla
33 Lower Snake
34 Palouse
35 Middle Snake
36 Esquatzel Coulee
37 Lower Yakima
38 Naches
39 Upper Yakima
40 Alkali-Squillchuck
41 Lower Crab
42 Grand Coulee
43 Upper Crab-Wilson
44 Moses Coulee
45 Wenatchee
46 Entiat
47 Chelan
48 Methow
49 Okanogan
50 Foster
51 Nespelem
52 Sanpoil
53 Lower Lake Roosevelt
54 Lower Spokane
55 Little Spokane
56 Hangman
57 Middle Spokane
58 Middle Lake Roosevelt
59 Colville
60 Kettle
61 Upper Lake Roosevelt
62 Pend Oreille

Instream Flow Rule Status

- 1976 to 1985: 18 rules covering 16 WRIAs and Columbia and Snake Rivers
- 2001 – first Skagit rule
- 2005 to 2012: a total of 9 rules adopted – 3 amendments (Skagit, Wenatchee, Walla Walla), 7 complete WRIAs covered and 3 partial WRIAs
- Rules lacking for 31 complete WRIAs and 3 partial WRIAs
- Rules in process – lower Columbia (Cowlitz and Grays/Elochoman), and Spokane



Little Quilcene River

What is working?

- 9 rules in 8 years
- Water right for instream resources
- Water availability determination
- Agreement on instream flow methods
- Watershed Planning



Instream Flow Rule Challenges:

Challenges Today

1. Resource intensive
3. Sustaining Fish and Wildlife
4. Water supply strategies

Emerging Challenges

1. Protecting flows and providing enough water in a Climate Change world
2. Rule implementation

Challenges Today – Rule Adoption is Resource Intensive

- Fish habitat, surface water and groundwater studies
- Stakeholder consultation
- Public outreach
- In addition to State agencies, resources also needed from local government, Tribes and interest groups
- Rules can take years to adopt

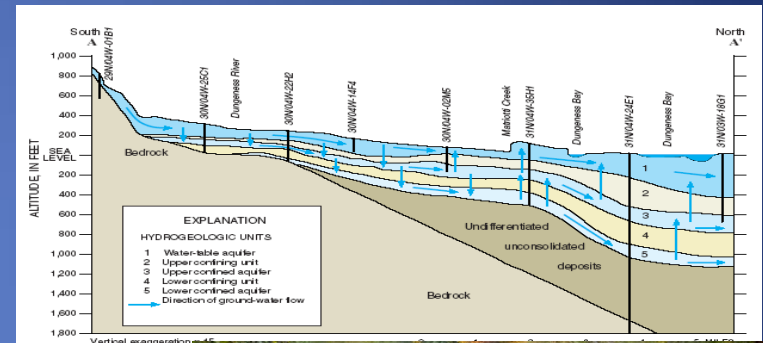
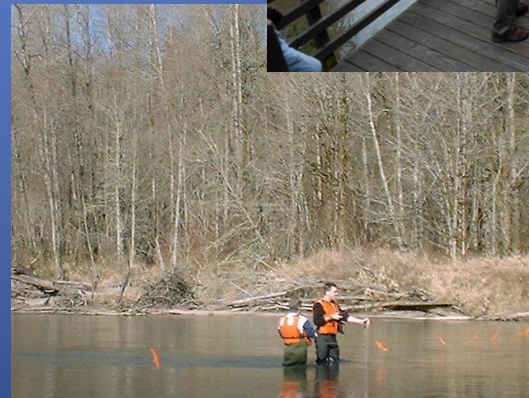


Figure 4 Hydrogeologic section peninsula, Clallam County, Wash (Modified from Drost, 1983) See 2



Challenges Today – Sustaining Fish & Wildlife



- In nearly every watershed in the state, salmon and trout species are listed under the Endangered Species Act
- Tribes have clearly expressed their concern that treaty-reserved rights are at risk
- The state has committed millions of dollars to recover these populations
- Flows need to be protected and restored to avoid extinction of salmon and trout populations



Watersheds with one or more
threatened or endangered fish species

Challenges Today – Watershed – specific water supply strategies

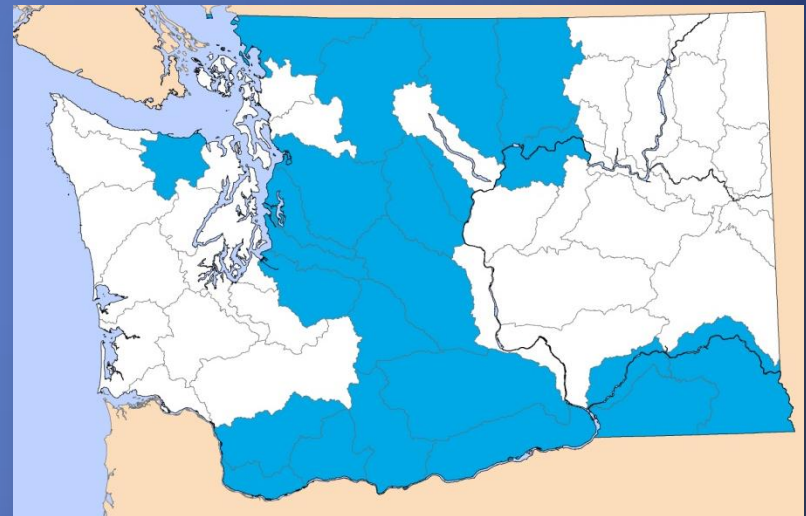
- Rural water supply, particularly new uses under the groundwater permit exemption most difficult to resolve
- Who bears the cost of rural water supply is a growing public policy issue
- Public perceptions about water law and property rights




Emerging Challenges – Protecting Flows and Providing Enough Water in a Climate Change World



- Climate change will dramatically affect our current water availability in many areas of the state
- Adverse effects include:
 - Loss of snowpack
 - Reduced summer streamflows
 - Higher stream temperatures
 - Higher winter flows



 Projected “High Impact” to watersheds
due to climate change

Emerging Challenges – Rule Implementation

- Coordinating with local government permitting processes
- Tracking new water uses to ensure adequate mitigation or to debit reserves
- Metering
- Developing water supply options – looking beyond reserves
- Ensuring adequate mitigation
- Responding to rule challenges

The collage features several items:

- SEATTLE News** article: "Fish vs. Farms on the Skagit Delta". Headline: "Aggressive assertions of tribal water rights are threatening to imperil the crops of a fertile region." By Dick Clever Tue, Aug 14 2012 at 12:00AM. Sub-headline: "Here is Dave Hedlin's recipe for the side-by-side survival of Skagit Valley farmers and Native American fisheries: 'Salmon fettuccine,' he says, a smile writhing his broad face, pink-tinged from summer days spent in his vegetable fields near La Conner." "You take Skagit..."
- Sequim's Hometown Newspaper SEQUIM GAZETTE** article: "New group to challenge water rule". Published on Wed, Feb 20, 2013. Read More News. Includes social media icons for Like (30), Tweet (0), and Share (4).
- WATER - OUR FUTURE, OUR RIGHT** poster: "Are you considering any of the following?" The poster includes a map of the Dungeness Watershed and lists activities: "Building your dream home or adding on to an existing home in law abiding manner?", "Planting some soybeans?", "Raising farm animals?", and "Planting a lawn or garden?". It also states: "DON'T LET THE GOVERNMENT DRY UP YOUR DREAMS! Visit OlympicResourcePC.org to view a larger map & see why it matters to you."
- SEATTLE News** article snippet: "h pasta made organic butter... and you... three... hope... River... can...".
- SEATTLE News** article snippet: "By 17, the Swinomish tribe celebrated the... Blessing of the Fleet...".

Meeting the Challenges – Adopting Water Resource Management rules

- Ecology will continue to set instream flows in rules across the state
- Upcoming rules:
 - Cowlitz and Grays-Elochoman
 - Spokane
- Implement watershed plans
- Continue involving local governments and citizens in finding locally-supported solutions



Meeting the Challenges – Water Supply Strategies – Recent Rules

- Reserves – Skagit, Stillaguamish, Entiat, Wenatchee, Quilcene-Snow
- Reserves with conditions of use – Lewis and Salmon-Washougal
- Mitigation – Walla Walla
- Mitigation with reserves - Dungeness



Meeting the Challenges – Water Supply Strategies

- Address water supply up front
- Focus on durable solutions
- We have learned we need to be smarter about providing flexibility for creative water supply solutions within the constraints of water availability
- Explore solutions that focus effort on largest impacts to stream flows
- Continue building local partnerships to meet implementation challenges

Meeting the Challenges – Instream Flow Protection and Enhancement

- Consider integrating business practices where rules are being adopted
 - Pending applications
 - Technical assistance
 - Enforcement
- Look into performance-based approaches





Questions?

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