

## Water Quantity Opera – Break-out Session participants and notes

### **Participants – 22 people**

Jim Reid, Facilitator  
Steve Hirschey, Presenter  
Terry Williams )  
Josh Baldi ) Issue Experts  
Jim Miller )

David St. John, Water Quantity Sub-committee  
Margaret Duncan, Water Quantity Sub-committee

Bob Burkle  
CS Sodhi  
Mark Swartout  
Andy Brastad  
Cynthia Nelson  
Dave Seabrook  
Dan Bath  
Bob Duffy  
James Schroeder  
Merle Hayes  
Brian Winslow  
Norma Jean Sands  
Marcia Isenberg  
Bob Hunter, Kitsap PUD  
Mark Morgan, Kitsap PUD  
Paul Hickey  
Pam Bissonette  
Carl Samuelson  
Ed Connor  
Dan Bath  
Dan Wright  
Fran Wilshusen (came in a couple of times, sporadic)

## **Issue Experts' Preliminary Statements**

Jim Miller – There hasn't been much activity in the last 20 years. As a practical matter, we have to wrestle with setting instream flows – it's an ESA issue – setting at a level that can prevent extinction. From the utilities' point of view, we believe there should be a guiding principle to get to harvestable and healthy salmon runs. The debate is how much water it takes. We know we have flow problems. Let's identify where we have flow problems for fish and learn what caused it – whether is' man-induced –land use driven or withdrawal driven, or nature driven. If it is land use or withdrawal, there should be a way we can deal with it. The state has a policy to set flows but has never said exactly what we're supposed to accomplish. We know that there are low flow problems and believe that getting water back in will only occur through a cooperative approach because you're talking about a water right. We've got purchase issues, source exchange discussions – need to resolve this collaboratively so that we can accommodate needs of people as well as fish.

Josh Baldi – The most important question is how to provide assurances for fish that are at least on a par with other user's rights. Fish rights are currently secondary and can be overridden. We're looking at equal rights and equal assurances for fish that can't be trumped by other users.

The political and scientific complexities make it hard to move flow setting forward, but we can't maintain the status quo. Acquisition programs and conservation are good, but we also have 10,000 exempt wells and have to think about the water table. Fish won't progress with the status quo, so what do we do? ESA is a catalyst and a threat to the status quo. It's helping, but we need to go past using a threat; we need to afford stronger levels of protection and assurances for fish and then use adaptive management. Water is a limited resource; we cannot wait for a crisis.

Terry Williams

It is not possible to talk about water without walking about Tribes and treaties. Tribes retain certain rights to water, and Tribal water rights are senior. Salmon and water are property rights of the tribes. Both have diminished. We are willing to work out separate agreements outside the court and have demonstrated that willingness in the past. The Chelan Agreement was good in intent, but the difficulty came in getting it through the legislature. The Magnuson Act and US-Canada Treaty require that we manage fish for the optimum. There's not a differentiation for salmon and water – both should be optimum. Regarding the Shared Strategy process—as with Chelan, the Tribes said we would work with this process. There are some types of agreements we're starting to see under Shared Strategy that are more science- based and hence better than any we've seen before. At the same time, the Governor's office and other activities make it look as though the state is moving way from honoring Tribal treaty rights and the public trust. In terms of addressing water rights, the direction the legislature is moving is not good for salmon. In terms of the path we're on now – more conflict or less—we think that what we're seeing coming out of the legislature means more conflict. That is discouraging,

particularly because our climate is changing. Winters are warmer, there is less snow pack. Modeling results suggest that our glaciers are likely to melt within 25 years. This causes obvious and significant problems. Tribes see rules in one direction, nature in an unfavorable direction – and we know that litigation could take 25 years or more. Hence, we prefer settling our conflicts.

## Comments, Questions, Clarifications

### 1. How do we set flows that are adequate?

- We need x number of fish, how are we going to do that with habitat and BMPs and the way we live?
  - How do we create an authorizing environment that allows us to move forward?
  - A problem with the authorizing process is that the state has the final decision—it is important to have state and tribal agreement.
  - Need to address people’s fears and engage in trust-building. These fears are legitimate, but we need to set them aside to start solving problems.
  - Stakeholders each have their own formula that they want to use and they believe their formula is the right formula. Collectively, we don’t put enough time to understand the science. The Planning horizon too short - 10 years is insufficient - need to plan for longer time horizon. - FERC and HCP 50 year are longer term.
- 
- need more of a vision
  - need supportive authorizing environment
  - need to address people’s fears
  - need to utilize adaptive management to demonstrate “setting” instream flows is a starting point that can be moved with the support of BAS and monitoring
  - term “setting instream flows” scary -- should be called “conservation flows”
  - decision-makers don’t understand instream flows
  - need to simplify and clarify terms and language, put some common sense into what we are doing
  - need comfort to know what is going to happen
  - IFIM (instream flow incremental methodology) scares and confuses people, application is limited because of that; need public education
  - Science is a critical tool, but, it isn’t the answer
  - Public education, watershed groups and residents need to understand watershed processes, anthropogenic processes, stormwater, wastewater, IFIM etc
  - Need to understand water resources
  - Need more science on groundwater
  - Ecosystem flows more than minimum and maximum flows, 365 day process
  - What is the support mechanism (\$) to help us accomplish our salmon recovery goals? We don’t have it now. We could use more vision from leaders and suggestions from watershed groups what these mechanisms might be. Without this we won’t make the advances we hope to make.

- Need scientific studies on pharmaceuticals in wastewater.
- Need a mechanism for Tribes and state to work out water management
- What should the flows be? Having the issue bumped up into salmon recovery planning helps

## 2. How can the science help better define the water needs of fish

- The quest for the perfect can ruin the good
- Its not about the science, the numbers are available based on BAS, need to get to what we are trying to accomplish, what to tell Ecology and Tribes, and what in the next 10 years should happen regarding the question of what is needed for fish.
- We need to move forward to set flows that benefit fish.
- Science needs to be translated into language and concepts that people can understand.
- Need to have an agreement on to what the goal is. If you can get the community to coalesce around a goal, then the will to work it out will be strong
- When the watershed planning process does not set instream flows, the state needs to set flows.
- Stormwater runoff, treatment, etc. needs more scientific study
- Need to identify places in streams where flows are good and protect them
- Need to identify places in streams where flows can be fixed and restore them
- How does the water get back into the river? Forestry, farms, urban areas-- What is our objective if we are going to have sufficient water for fish and people? If we are going to meet the growing population trends and needs, we need to protect aquifer recharge areas.
- Instream flows models should be brought to the public.
- We don't quite get that happens with groundwater. We need to know more.
- State has groundwater monitoring program. It is not adequate for setting instream flows, but we are learning from it.
- City of Renton has a good groundwater monitoring system.
- Not enough infrastructure

## 2. How can we foster significant actions to improve present conditions where water is a limiting factor for fish?

- What are good strategies to get water back in the river? What will be needed to implement these strategies?
- Need to understand our hydrology better.
- A lot of resources are needed to accomplish goal
- In the future can we have contained water systems in each subbasin?
- Need incentives, research, and innovative approaches to stormwater treatment, wastewater treatment and reuse and biofiltration, putting water back on the site, not dumping it into Puget Sound
- Public education is important but should not be seen as the panacea – did not work for mercury.
- 2514 is where instream flows should be addressed
- Failure in 1980's to fund plans-- hope that does not happen again

- Regional collaboration for cross-watershed water use
- Weakness -- where state retains final decision-making, this prevents Tribes from taking ownership
- When tribes are on board, setting instream flows has been successful
- Need tools and resources to do instream flows research and planning
- Need mechanism to negotiate water rights and needs between state and tribes
- State needs to do its job in terms of to setting instream flow requirements and enforcing their implementation
- The locals are the ones using the water, they need to be involved in solutions
- Stormwater takes more water than diversions
- How will watershed groups use science to make decisions?
- Need a continued effort to engage the public in understanding the issues so they can support public officials make informed natural resource decisions

## Highlights

Lack of trust among stakeholders is a big problem. We need more vision, specific goals and performance measures, and need to get over fear and appreciate all stakeholders' views – which means listening to one another – and using adaptive management. We shouldn't look for perfect and permanent – we should stress that message.

Need to address the need for certainty while at the same time balancing the need for flexibility.

Find a better way to communicate the science to citizens and decision-makers.  
How do we get the flexibility for adaptive management in a water right world?

Be creative

Commitment by breakout participants to set effective instream flows.

Recognition of tribal rights and willingness to work cooperatively to address problems

Instream flows can be set and enforced through salmon recovery process

We need to soften the blow to those who will need to make changes.

What is good for the tribes is good for all citizens of the Pacific Northwest

---

*Below you will find a summary of additional comments submitted by people in **Summit Comments & Evaluation forms**; (these comments were submitted post-breakout, and may reflect the views and opinions of individuals who did not participate in the breakout session dialogue.)*

In-stream flows, habitat, & fish numbers are all related; the goals for each should be tied together.

Salmon have evolved under highly variable flow regimes—min and max flows that remain fixed all year focus on short term responses to fish survival, not long-term

ecological health. We shouldn't link flows to recovery targets, as we know we can tweak flows to provide artificial boosts to short term survival / productivity, but don't know what long term ecological impacts will be. Flow management should be directed to restoring natural flow regimes.

Promote/enforce water conservation measures on a much broader scale. Educate the public through schools and local media.