

DEVELOPING AGENCY-WIDE WATER RIGHTS STRATEGIES

Agency Responses

What do you think are the most important water use threats that the federal agencies should be addressing as part of their water rights and land management work?

BLM

- Consistency across the agency in dealing with DNR.
- Identifying the types of water rights held by the agency and making sure all facilities are filed on.

FWS

- The agency has a GIS-mapping database that can help identify threats. There are cumulative effects of small water rights (such as for mining) and temporary water use authorizations. The mapping database can help identify the quantities and aggregate uses of these small rights.
- New challenge – navigability and its effect on agency instream flow reservations.
- FWS strategy is to work within the state system before asserting federal reserved water rights; let's see where we are protected.

NPS

- As an agency, we are just getting started on water rights work in Alaska.
- Most park units contain headwaters.
- A few park units (i.e., Lake Clark) have mining uses with TWUAs.
- Applying on our first instream reservation on the Chuitna River in partnership with ADFG and one of the tribes.
- Have private inholdings which tap waters within park units that need ROWs to access waters they file on.
- No conflicts at present but need to file for water rights on wells for our facilities, especially those outside of park boundaries.
- Proposed Pebble Mine is near Lake Clark National Park & Preserve; concerned about cones of depression that may affect our rivers. Need to do more feasibility studies on other nearby active mines.

USFS

- The two National Forests are the largest landowner in Southeastern Alaska and manage the headwaters of many streams.
- Have checker-boarded ownership of streams where agency owns land above and below (native selections); most FS lands have inholdings due to ANILCA.
- Have completed numerous land exchanges and disposals with native corporations; agency can maintain rights-of-way (ROW), access and set backs on riparian areas as part of these exchanges. An example is an exchange with a native corporation on Little Tom Creek. Natives wanted to log their portion of the river; FS kept a ROW along the river corridor with set-backs for logging.

- We need expertise in the agency – need the skill level to do monitoring to apply for water rights; unclear regarding our consumptive uses – lots of camps, offices and other facilities – need to check to see if they have water rights.

Do you have any recent water rights successes that other agencies should consider emulating? Collaboration with other agencies?

BLM

- Success working on the Gulkana River with DNR, using other agencies' successes as a roadmap (i.e, FWS's success on the Uganik River).
- Collaboration with USGS with their extensive stream gaging system; BLM hydros are running gages and collecting data.

FWS

- Greatest success has been our relationship with DNR working on the IFR for the Uganik River.
- Collaboration with the tribes to get data to file on instream reservations; partnerships with the National Weather Service and NPS on long-term gages (for ice breakup) and working with fish partnerships.

NPS

- Success – cooperating with other federal agencies has been a good resource for us as there is only one hydrologist in our agency.
- Partnerships with the Nature Conservancy and tribes to keep gages running on park lands.

USFS

- No recent successes but we are here having water rights training – this is success!
- The Chugach NF partners with an ecotrust organization on the East Copper River.
- We have gages and old USGS data but no new gages; haven't applied for an instream reservation yet and don't know exactly how many filings have been made on national forest lands.

What is the biggest challenge/constraint your agency faces in completing water rights work? Do you have any ideas for addressing that challenge?

FWS

- Biggest challenge is the state's lack of action on our instream reservation applications.
- Time is a constraint as we have only one water rights specialist.

NPS

- Haven't submitted many applications and have had no problems with the state yet.

- Don't have the finances to put in new stream gages; existing inventory and monitoring networks do some gaging but not enough.

USFS

- Constraints are lack of skill level and getting managers to stress the importance of filing for water rights (if not an immediate risk, managers won't push to file). How do we make managers see that water rights are important?
- Challenge – large trans-boundary mining issue – three large drainage areas with mines and water quality issues.

BLM

- Biggest problem is the state's lack of adjudication of our instream reservation applications; we have filed numerous applications but only one has been adjudicated (certificated) after 20 years. Old applications have 1988 data but there are new methodologies and processes since then and we have to update our data now (ex. Is the Gulkana River).
- Organization challenge – we used to have a water rights coordinator but haven't had one for 5+ years; our coordinator could keep up with current policy, methodologies, etc. and provide consistency in our applications.
- Lots of priorities – but how proactive can we be with so little staff and too many things to do?