

AGENCY BREAK-OUT SESSIONS – BLM NOTES

Discussion Outline

AGENCY BREAK OUT SESSION - TWO HOURS

We suggest that your group consider the following topics for discussion, set priorities for the most important issues to discuss, allocate an amount of time for discussion of each item, and designate a facilitator. In previous training courses, we have discovered that unless discussion times are actively monitored, overly long discussions at the beginning of the session can preclude discussion of important items later in the agenda.

Important: Please have one person in the group take careful notes of the discussion, so that these notes/conclusions can be transmitted to all participants in the session.

Agency National Perspective

What is happening in the national arena for the agency regarding water and water rights issues (e.g., funding, national priorities, etc.)?

- Soil, Water and Air Program (SWA1010) has provided funding in support of obtaining water rights. Funding has been variable year to year through BPSS water rights theme, state discretionary project funds, and through “BASIC”/Base funds allocated to the districts.
- BLM Alaska is in a unique and enviable situation compared to many of the states falling under prior appropriation system because water has not yet been fully allocated.
- BLM Alaska needs to continue to communicate the water rights needs and work accomplished to the national BLM audience and those in the WO that can support it through funding. This includes programs such as SWA, Recreation, NLCS, Fisheries, Wildlife, etc.
- BLM Alaska is continuing efforts to address the challenge of having a reliable database for water data storage and analysis. BLM AK aquatic staff will meet to revisit a strategy to complete this effort. There are no BLM national databases for surface water and water rights; this is a state by state effort based on priorities and resources available.

Water Rights Status for the Agency

- Numerous reservations of water applications (instream flow beneficial use) have been filed with the State of Alaska (SOA) since the late 1980s. A BLM status list has been included with course reference materials. Beaver Creek (in 1989) is currently the only BLM reservation of water that the SOA has granted flows for. Adjudication of Gulkana River reaches (application filed in 1996) are in progress with the SOA.
- BLM is focused on Federal reserved rights identified in ANILCA’s CSUs – Wild & Scenic Rivers
- Secondary focus is with state based reservations of water associated with conservation area designations (such as ACECs, NRAs, NCAs) that do not have Federal Reserved water rights associated with those managed lands.

- Water rights for consumptive uses (facilities, campgrounds, visitor centers) should be applied for with SOA. Need FOs to evaluate current status or additional need.
- There have been technological advances in data collection and methodology; we need to be amending data collected based on technology.
- Think about what we apply for versus what we need. Request as much water as can be justified when applying for water rights and reservations of water with the SOA. Otherwise may need to file again for additional water in the future with a junior right.
- There is currently not a mechanism to address climate change impacts to instream flows within SOA water rights. Changes to flow conditions may be a future issue as flow reservations and timing are appropriated.
- Need to develop a BLM Alaska table/list for consumptive water rights (includes a current status of applications submitted and water rights held, plus identify/inventory additional water rights needed). Currently, BLM searches DNR systems for water rights, but this does not meet all BLM needs.

Delegation and Accomplishment of Water Rights Work

- The SWA Program Lead receives SOA Public Notices related to water rights from the ADNR Water Resources Section. Public notices that would be of particular interest to a BLM field office (FO) are forwarded to the applicable FO. Some FO specialists have also requested to receive these water rights public notices directly from DNR too.
- Protest responsibilities lie with the State Office (SO), working with the FO and Solicitor's Office.
- Field Managers and engineers should work together to ensure facilities have appropriate water rights.
- Water rights files should reside with the Lands folks but discrepancies exist. Hardcopies should be scanned electronically. Meeting notes, telephone call summaries, etc should be well detailed for future reference and available on computer servers. Maintain an Administrative Record! The current Gulkana River reservation of water adjudication process reinforces this need.
- Staff and funding for high-priority water rights work:
 - o Costly due to remote nature of BLM Alaska public lands
 - o Work should be funded through multiple subactivities/programs
 - o Examine "Programs of Work" and recognize the need across programs – in progress.
- The SWA SO Program Lead is the primary statewide point of contact with ADNR Water Resources Section and coordinates water rights utilizing available expertise and knowledge among the various FO's. ADNR has requested BLM limit the number of agency points of contact.

Prioritization of Water Rights Work

- Priorities are achieved through the multi-disciplinary process at the FO level, but it helps to identify water rights priorities at the RMP level.
- Priorities for existing applications should focus on those most advantageous to BLM.
- Also prioritize water work at the FO level – utilize tools, watershed models, threat assessments and other work to prioritize.

- Some threats/impacts concerning water rights to consider:
 1. TAPS
 2. Donlin
 3. Ambler
 4. AK LNG/ASAP
 5. Small-scale mining
 6. Large scale mining
 7. Pebble
 8. Constantine
 9. Climate change uncertainty
- Identification of water rights needs and threats within BLM Alaska start at the FO level and roll up to the SO.

Water Rights Guidance and Training

- There is not enough water rights guidance – encourage specialists to learn how water rights affect their programs.
- Existing guidance:
 - 7250 Water Rights Manual
 - Water Rights Fact Sheets
 - Water Resource BLM WO Strategy
- What equipment is out there and how to best use it?
- Need protocols for lake measurements (when applying for reservations of water for lakes)
- Keep track of lessons learned (i.e., the Gulkana River adjudication).