

AGENCY BREAK-OUT SESSIONS – USFS 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.

Attendees

Attendees: John Lane (RO), William Crawford, Angela Coleman, Julianne Thompson, John Smith (lands), KK Prussian, Deyna Kuntzsch, Karen Anderson (TNF), Mel Slaten (RO), Dena Torres (Lands), Luca Adelfio, Adam Cross, Theresa Tanner

Water Rights Status for the Agency

No instream flow applications have been submitted to the state to date; ADFG has submitted some applications on USFS lands and some have been adjudicated. USFS supports the ADFG applications, but the USFS position is that the federal reserved water rights are not superseded.

Question about FERC licenses - instream flow/ water levels below dams. USFS hasn't claimed any water rights on these flows - should we? Whitman Creek-Herring Cove/instream reservation on lake level

What work has been done?

Historic USGS gages have some data; we haven't done a lot to protect FS waters yet through reservations.

Need to Compile Land status/: (maybe Mel has pulled together?) EVOS acquired lands? TNF missing?

- Lands status/GIS
- 2013 nationwide land status layer; updated weekly – need to work through Citrix
- Need to aggregate the water implied or explicit; and add proclamation purpose
- WRU (NRM database/Water Rights and Use) possible source of info? Alaska not a priority to populate date

Do we need to educate Line Officers/admin units about water rights?

- If a basin is adjudicated, it is a short time line (1 year). You need to be prepared with inventory and data (quantification)
- Implied fed reservation – never know what will come out of the court system. It is not automatic to get instream flow reservation
- “favorable condition of flow” –
- We have water rights for admin facilities – need to check on quantities (sufficient?) and/or if all facilities have water rights

- Do we need water rights to help ensure fish passage?
- Pathways Student

Need to locate the current Certificate of water rights: each forest & RO (John) to look and track down;
John will look into options to manage filing system

- USFS is listed several ways in the State database – USFS, CNF, TNF, district names, etc.
- Julianne will do download for TNF
- Angela has a list for CNF so we can start to look for the certificates; will send to Mel so she can look in the RO hard copy files for certificates
- Mel- have a cartographer on staff right now; pull water rights together and he can add to lands status layer/can ask state for GIS layer to migrate in and we can verify
- John will ask State for GIS data download after we pull our data together
 - maybe centralize in the RO in lands files
 - scan
 - record them/Mel

Delegation and Accomplishment of Water Rights Work

- CNF: Ron/Angela/Heather – coordinate responses to state notifications; Angela is subject matter expert, coordinates with Lands, give to Ron to shepherd forward for Terri's signature
- John L also sends out the notices to Forest (Heather/Angela)
- TNF: Julianne receives notification/ goes to district lands and aquatic folks for specific info/then worked with Heather. Line officers sometimes respond on their own, but don't get the comments correct. Need to educate them and/or remind them of process.
- Who should be responsible? John thinks Forest Hydrologist.
- Need to do clarification of process (look at CNF and see if applicable to TNF). John needs to be cc on letters. Think about consistency with including district rangers as cc on letters. Ron will send to John and Julianne the CNF process and see if can make a regional process.
- Mel suggested a separate email for receiving notifications and then set up a protocol for folks to check it and respond

Who is responsible for or ensuring water facilities in each management unit have the appropriate water rights?

- Probably district ranger to ensure the facilities have the water rights, but then work with Forest staff to obtain the water rights if needed. There is handbook direction that outlines these things.

Who is responsible for maintaining water rights files (in their entirety)?

- John has some files.
- Need to address. Need to maintain water rights/project files
- Maybe a regional sharepoint site? (need someplace to house, and the sharepoint site is the place to share it)
- Is Lands the appropriate place to file with them?
- Is it time to have a Lands person with a strong water rights background to handle this program and workload?

- Land acquisitions needs to be considering water rights through the acquisitions!!!!

Prioritization of Water Rights Work

- Need to identify roles and responsibilities for the current water rights. Then look at prioritizing possible projects/needed water rights on each Forest.
 - Then can look at allocating staff/time/\$
 - Threats
- Check with state to see where they are either thinking of submitting water applications or have already submitted.
 - Opportunities to partner &/or co-submit

Water Rights Guidance and Training

- Guidance in 2540 handbook – John going to refresh on what is current in handbooks. Maybe RF could send out letter with process to follow in region.
- Some feel 2540 is still not clear on water rights or FERC
- Could we have one position that deals with FERC & Water Rights?
- Training – maybe have a week-long regional aquatic meeting/trainings
- Educate Line Officers and get buy-off
- This is a property right; files need to be maintained properly. Should be important to Line Officers and Directors.
- Do a conference call prior to Angela's meeting with the Interagency group meeting.
- Develop a presentation to be presented to the 2 forests Leadership teams and to the RLT. Who will develop??
- From a regional strategic look, figure out skill sets needed and how to obtain, where should they be housed within the region?

Have a follow up meeting with aquatic/lands/water rights. John L will organize.