

WORKING TOGETHER ON INSTREAM FLOW RESERVATIONS

Panel Discussion Notes

Panel Participants: Dave Schade & Kim Sager (DNR), Joe Klein (ADFG), Chris Estes, Cathleen Flanagan (FWS), Alan Peck (BLM), and Roy Smith (Moderator)

Is there precedence for claiming/quantifying other uses for instream reservations besides fish and wildlife?

- Suggest having the federal agencies partner with a state agency – (e.g., work with State Parks to claim park/rec uses) to find common-ground examples (DNR)
- The federal agencies are nervous working with the state because of changes in politics and budget at the state level, but federal agencies also deal with those changes. Potential ways to address these uncertainties include:
 - Suggest having an MOU with the state concerning how instream flow reservations submitted by federal agencies will be handled.
 - Suggest talking to DFG and DNR to jointly agree upon processes to quantify other beneficial uses.
 - Quantifying for multiple uses is expensive, so focus on quantifying for the uses that can command the most water, because that could potentially cover other uses.

Is there precedence for claiming exceedance flows (for bankfull/channel maintenance)?

- Most streams in Alaska are not regulated, so there hasn't been a push to quantify and protect channel maintenance flows. In addition, it is politically sensitive to protect flows that could potentially flow on private lands. For that reason, the state's typical upper boundary for channel maintenance flows is the typical high water mark, not a mark that is out of the channel.

What practices can the state and federal agencies do to better insulate instream flow protection from the political process?

- Choose the "low-hanging grapefruit" rivers first.
- On the application, claim amounts on the "high" end.
- Do good work with good science
- DNR – encourages the agencies to file as many instream reservations as possible NOW.
- Collaborate with ADFG and file jointly – multiple goals, more defensible claims.
- Increase public education of the instream reservation process.
- Get the process "down": fish and wildlife habitat methodology is established, but agencies need to come up with better science in order to claim recreation and water quality uses and lake levels.

What is the benefit to checking off multiple “boxes” on the instream reservation application?

- It builds a stronger case for DNR to approve the application by asking for multiple uses.

What is the benefit of collaborating with others?

- We are all in this situation together – DNR cannot make a decision until it knows how large the “pie” is – work with the private sector and the corporations. Using NGO’s to assist in gathering technical data is challenging.

Should the agencies file for a water right on fish passage/fish ladder structures?

- DNR response: Yes, these structures could be the basis for an instream reservation application if the agency has sufficient data to support this.

Are there any international or transboundary issues associated with instream reservations?

- Yes, DNR is working with a Canadian mining company requesting more information because the application could affect instream reservations.

What are the next important steps to take?

- DNR: more one-on-one communications with the agencies.
- FWS: more open communication between the agencies and DNR.
- BLM: this water rights course is a good first step with DNR; we need to keep it up!
- DFG: one-on-one communications
- Chris: assist DNR in continuing to fund Kim Sager’s position to process federal agency reservation applications.