

# Memorandum



To: Idaho Water Resource Board Water Resource Planning Committee  
From: Helen Harrington  
Re: Proposed Strategy and Schedule for Idaho State Water Plan Revision  
Date: December 4, 2013

The Water Resource Planning Committee is tasked with ongoing review and amendment of the Idaho State Water Plan adopted in 2012 and the development of a Sustainability policy as directed by Governor Otter.

Staff has reviewed the amendments proposed by some members of the 2013 Legislature and has identified 5 policies in the Conservation section of the Plan that can be timely reviewed, revised as necessary, and distributed for public comment prior to the 2015 legislative session. These Conservation policies are listed in the matrix below. Staff recommends development of a Sustainability policy, distribution for public comment, and submission to the Legislature during this same timeframe.

Staff is proposing a more comprehensive review and revision of Policies 6A and 6B in the Salmon-Clearwater Section of the Plan to ensure optimal input from community stakeholders for submission to the Legislature in 2015. Policy 2B, Federally Listed and Other Aquatic Species, would be revised and distributed for public comment during this timeframe as well.

Additional recommendations:

Optimal Use Policies 1I, Aquifer Recharge, and 1K, Comprehensive Aquifer Management Plans: Establish timeframe for review and revision following legislative review and action on proposed amendments to I.C. § 42-234 and 42-1762B.

Review Management Section Policies in 2015, identify policies to be revised, and establish timeframe for submission to the Legislature.

## **Proposed Schedule**

YEAR ONE		YEAR TWO		YEAR THREE	
Sustainability Policy					
SWP Conservation Section 2C Minimum Stream Flows 2D State Protected River System 2ERiparian Habitat & Wetlands 2FStream Channel Rehab. 2G Safety Measures Program					
		Salmon-Clearwater Section 6			
		Policy 2B Aquatic Species			
				Review Optimum Use and Management Policies and establish timeline for submission of amendments to the Legislature	
	TV CAMP				

Concurrently with the work shown above, projects will be continuing in the following areas:

1. Big Wood Basin model development
2. Treasure Valley technical assessment and transient model development (may influence timing of TV CAMP efforts)
3. ESPA modeling and monitoring
4. RP CAMP implementation

As this work progresses, revisions to SWP policies may need to be considered.

## 2C – MINIMUM STREAM FLOWS

**The Idaho Water Resource Board will exercise its authority to establish and to protect minimum stream flow water rights on those water bodies where it is in the public interest to protect and support instream uses.**

### **Discussion:**

Minimum stream flows protect and support many nonconsumptive beneficial uses of water such as fish and wildlife habitat, aquatic life, recreation and aesthetic values, transportation, navigation, hydropower generation, and water quality. These uses contribute to Idaho's economy and the well being of its citizens.

In 1925 and 1927, the legislature declared that the preservation of certain lakes for scenic beauty, health, and recreation was a beneficial use of water. In 1971, the legislature authorized the first formal appropriation of minimum stream flows by directing the Idaho Department of Parks and Recreation to appropriate a specific reach of Niagara Springs in the Malad Canyon area for instream flow purposes. The 1976 State Water Plan called for, and eventually legislation was enacted, creating a state-wide minimum stream flow program. Chapter 15, Title 42, Idaho Code, authorizes the Idaho Water Resource Board to appropriate the minimum flow of water required to protect designated uses if the appropriation is in the public interest and will not interfere with any vested water right, permit, or water right application with a senior priority. Idaho currently has 297 licensed or permitted water rights for minimum stream flow purposes, including six minimum

lake level water rights held by the state. At the legislature's direction, 205 of the minimum stream flow water rights were adopted pursuant to the 2004 Snake River Water Rights Agreement, ~~which, as discussed more fully in Policy 6B, provided a programmatic approach to addressing the needs of species listed under the ESA.~~ Similarly, the legislature has authorized the Board to appropriate minimum stream flow water rights in the Lemhi and Wood River basins where the rights are maintained through operation of a Water Supply Bank. These locally managed programs are used ~~to maintain for minimum stream flow water rights to maintain or enhance instream flow~~ in a manner that respects water use practices and addresses community concerns.

The Water Supply Bank and local rental pools are tools that can be used ~~to maintain to improve instream flows for minimum stream flow water rights~~ through voluntary cooperation and to meet local needs. It is important to monitor existing mechanisms for establishing local rental pools to determine whether additional strategies are required to meet local needs. It is also important to monitor whether existing mechanisms for meeting ~~minimum stream flow water rights instream flow needs~~ are adequate.

#### Implementation Strategies:

- Monitor whether existing mechanisms for meeting ~~instream flow~~minimum stream flow water rights needs are adequate.
- Coordinate with state and federal agencies and stakeholders to identify potential minimum stream flow needs.
- Submit applications for minimum stream flow water rights ~~that are in the public interest~~pursuant to Chapter 15, Title 42, Idaho Code.
- Monitor existing mechanisms for establishing local rental pools to determine whether additional strategies are required to meet local needs.
- Establish local rental pools to meet ~~instream flow needs as requested~~minimum stream flow water rights.

#### Milestones:

- Annual inventories of minimum stream flow water rights completed.
- Minimum stream flow water rights established.
- ~~Instream flow needs~~Minimum stream flow water rights met.

## 2D - STATE PROTECTED RIVER SYSTEM

**The Idaho Water Resource Board will exercise its authority to protect the unique features of rivers where it is in the public interest to protect recreational, scenic, and natural values.**

#### Discussion:



Idaho Code § 42-1734A(1) authorizes the Board to protect highly valued waterways as state protected rivers subject to legislative approval. The authority to designate “protected rivers” derives from the state’s ownership of the beds of navigable streams and the state’s right to regulate all waters within the state. The Idaho Water Resource Board has consistently recognized the value of free-flowing waterways by designating specific streams and rivers as natural or recreational rivers.

Although rivers can be protected under the federal Wild and Scenic Rivers Act, the Board works with federal officials to seek protection of streams and rivers through the Comprehensive State Water Planning process. The state planning process ensures coordinated and efficient water planning for Idaho rivers and streams and avoids potential state/federal sovereignty conflicts.

#### **Implementation Strategies:**

- ~~• Coordinate with local governments and federal agencies to identify specific waterways for consideration as protected rivers.~~
- Develop priority list of potential rivers for consideration in comprehensive basin planning.
- Establish agency policy and procedures to ensure requirements of the protected rivers program are addressed when the Department reviews water right permit applications and stream channel alteration permits.
- ~~• Ensure that permits issued include provisions for the protection, restoration, or enhancement of designated river reaches.~~

#### **Milestones:**

- ~~• Ongoing review of state rivers and streams to determine whether they should be designated as part of the protected river system.~~
- ~~• Number of state/federal agreements to coordinate river planning implemented.~~
- Designation of streams or rivers determined to warrant protected status.

## **~~2E – RIPARIAN HABITAT AND WETLANDS~~**

**~~Protecting the ecological viability of riparian habitat and wetlands within the state is a critical component of watershed planning.~~**

#### **Discussion:**

~~Functional riparian zones and wetlands contribute to water quality protection, storm water control, and ground water protection and provide important habitat for fish and wildlife. Riparian and wetlands areas provide support to numerous species across much of the state. Riparian zones and wetlands should be protected to preserve their ecological values and functions. The Board supports voluntary efforts to restore riparian zones and wetlands.~~



The integration of water resource and land use planning activities that affect riparian zones and wetlands requires coordination among various local, regional, and state authorities. The Department regulates the alteration of stream channels and stream beds below the mean high watermark. Idaho Code §§ 42-3801–42-3812. Local governments are authorized to regulate land use and development. The DEQ administers the state's Nonpoint Source Management Program which is based upon strong working partnerships and collaboration with state, tribal, regional, and local entities, private sector groups, citizens' groups, and federal agencies and the recognition that a successful program must be driven by local wisdom and experience.

In 2008, the Idaho Wetlands Working Group developed a Draft Wetlands Conservation Strategy that sets out a framework for protecting, restoring, and enhancing wetlands through collaborative, voluntary approaches. The Board supports voluntary watershed-based conservation strategies for the protection of riparian and wetland areas above the mean high water mark developed and implemented through collaboration with water users, land managers, local governments, and state and federal agencies.

#### **Implementation Strategies:**

- Support collaborative watershed planning and the implementation of voluntary strategies to protect Idaho's wetlands and riparian areas.
- Support the development of guidelines and strategies to assist in the implementation of projects that protect, restore, and enhance wetlands and riparian areas.
- Evaluate whether the Stream Channel Protection Act, [Idaho Code §§ 42-3801–42-3812], adequately assists in the protection of wetlands and riparian areas and propose statutory changes as appropriate.
- Assist state and federal agencies and stakeholders in the acquisition of funding for project implementation.

#### **Milestones:**

- Project and funding proposals submitted.
- Projects implemented.

## **2EF - STREAM CHANNEL REHABILITATION**

**The Idaho Water Resource Board will support cost-effective stream channel rehabilitation where past activities adversely affect or could affect the ecological goods and services of the state's watersheds.**

#### **Discussion:**

Functional stream channels provide ecological goods and services desired by the public. Ecological goods are those qualities that have economic value, such as timber resources, habitat that supports fishing and hunting, and aesthetic qualities of landscapes that would



~~attract tourists. Ecological services include systems that best manage water resources, such as the regulation of runoff and flood waters, or the stabilization of landscapes to prevent erosion.~~ Damage and destruction of stream channels can result from natural and human-caused changes and disturbances. Where current practices, legacy effects of past activities, or natural disturbances threaten public safety, private property, or the overall quality and quantity of water produced in the affected watershed, it is in the state's interest to take remedial action in a cost-effective manner. In many instances, historical targets for restoration are not practical and therefore restoration efforts should be designed to be sustainable in a rapidly-changing environment. Preventing damage to a stream channel and adjacent property is more cost effective than restoration. In addition, it is in the state's interest to ensure that the stream channels of the state and their environments are protected and restored through the implementation of voluntary restoration projects. The Department also regulates the stream channels and stream beds below the mean high watermark. Idaho Code § 42-3801 – 42-3819(a).

#### Implementation Strategies:

- ~~• Conduct a statewide inventory of streams where natural events or human activities have altered channels and the disturbances threaten the public safety, private property, or other water resource values.~~
- Conduct cost/benefit analyses for rehabilitation of affected streams.
- Prioritize projects.
- ~~• Obtain funding for restoration of prioritized streams.~~

#### Milestones:

- ~~• Inventory conducted.~~
- Cost/benefit analyses conducted and priorities established.
- ~~• Funding obtained.~~
- Projects implemented.

## 2FG - SAFETY MEASURES PROGRAM

**Owners of water distribution and storage facilities are encouraged to establish or continue voluntary safety initiatives including construction and maintenance of safety features and development of public awareness programs to educate residents about hazards associated with these facilities.**

#### Discussion:

Fatal accidents sometimes occur in waterways at or near water distribution and storage facilities in Idaho because of the inherent dangers of these facilities. With the increasing urbanization of rural areas, there has been a greater effort to provide public awareness programs and, where feasible, implement measures designed to prevent-reduce such occurrences. The Idaho Water Resource Board supports these voluntary initiatives.

**Implementation Strategies:**

- ~~Secure and provide funding for the~~ Encourage the continued construction and maintenance of safety features at water distribution and storage facilities.
- Encourage the implementation of public safety awareness programs.

**Milestones:**

- Reduced number of accidents associated with water distribution and storage facilities.



To: IWRB Water Resource Planning Committee

From: Neeley Miller

Date: December 9, 2013

Re: Treasure Valley CAMP



At the November 2012 IWRB meeting concerns were raised by some Board members regarding the final draft version of the Treasure Valley Comprehensive Aquifer Management Plan (TV CAMP). With these concerns in mind, the Board remanded the plan back to the Water Resource Planning Committee to determine how to proceed forward. The Water Resource Planning Committee met in December 2012 and recommended the Board hold the plan and not submit it to the Legislature in 2013. The Committee directed staff to review and compile the comments received regarding the draft TV CAMP and bring recommendations for changes to the committee. As directed by the committee, the process will continue to move forward, but has lower priority than other IWRB projects.

Staff proposes the following timeline:

