Policies Proposed for Revision

For Water Resource Planning Committee Discussion 5/13/2014

2012 SWP Policies Proposed for Revision

2B - FEDERALLY LISTED AND OTHER AQUATIC SPECIES

The state asserts primacy over the management of its fish and wildlife and water resources. Accordingly, any reintroduction or introduction of federally listed species or other aquatic species without state consultation and approval is against the policy of the State of Idaho because it would impair or impede the state's primacy over its water resources. Idaho Code § 67-818(5).

Comment [A1]: Changes proposed primarily by legislators. Substitutes the term "aquatic species" for the term "ESA-listed species and Species of Greatest Conservation Need"; eliminates references to activities not specific to aquatic species; narrows implementation strategies on collaboration to OSC and IDF&G.

Discussion:

The intersection between state water rights and the Endangered Species Act ("ESA") requires development of integrated solutions to water allocation conflicts. Pursuant to Idaho Code § 36-103, the Idaho Fish and Game Commission, through the IDFG, is responsible for the preservation, protection, perpetuation, and management of all wildlife, including aquatic species, within Idaho. ~~IDFG also maintains a list of Species of Greatest Conservation Need, species that are low in numbers, limited in distribution, or have suffered significant habitat losses.~~ The OSC is responsible for the coordination of all state activities affecting endangered, threatened, and candidate species, and species petitioned to be listed under the ESA, and rare and declining species. Idaho Code § 67-818. OSC coordinates state implementation and response to federal recovery plans and participates in regional efforts with state and federal agencies and tribes on issues related to such species. Idaho Code § 67-818. Pursuant to Chapter 19, Title 22, Idaho Code, the ISDA is responsible for the regulation of aquatic invasive species. All activities related to the introduction or reintroduction of aquatic species that would affect Idaho's fish and wildlife and water resources should be coordinated through these agencies, including species listed under the ESA. In addition, Idaho Code § 67-6302 states that no action may be taken by any federal agency to introduce or reintroduce any species into the state of Idaho without first securing the approval of the Idaho legislature.

Comment [A2]: Staff insertion to reference statutory language.

In enacting the ESA, Congress contemplated a state-federal alliance to advance the recovery of listed species and provided for the development of state-led recovery efforts. Congress has directed federal agencies to "cooperate with state and local agencies to resolve water resource issues in concert with conservation of endangered species." 16 U.S.C. § 1531(c)(2). Cooperative community-based conservation programs can be more effective in providing on-the-ground habitat benefits than enforcement actions. With site-specific information about water and land use practices and habitat requirements, targeted and effective conservation strategies can be developed and implemented that protect private property rights, maintain local economies, and assure state primacy over water resources while, at the same time, providing natural resource protection.

Comment [A3]: Staff insertion.

In 2005, ~~T~~the legislature ~~The Idaho Water Resource Board holds~~ established 205 minimum stream flow water rights for ~~205~~ river reaches important to ESA-listed species ~~and established~~ as part of the Snake River Water Rights Settlement Act of 2004 ("2004 Snake River Water Rights Agreement"). The minimum stream flow water rights are held by the Idaho Water Resource Board and, provide significant protection for ~~ESA-listed~~aquatic species in the Salmon and Clearwater River basins. The water rights for streams in watersheds with substantial private land ownership and private water use were established after consultation with local communities. Where the minimum stream flow

Comment [A4]: Staff insertion to clarify legislature established minimum stream flow water rights.

water rights are higher than existing flows, the state works with water users on a voluntary basis to rent or otherwise acquire water to return to the streams. ~~The Water Supply Bank and Idaho Water Transactions Program are used to achieve these objectives.~~ In conjunction with the minimum stream flows, the state agreed to work with local stakeholders and communities to address habitat concerns on a limited number of streams with degraded habitat. ~~The work plans include measures to remove barriers to fish passage, revegetate stream banks, and restore wetlands to proper functioning.~~ These programs also assist in the implementation of the Columbia Basin Fish Accords in which the state, the Bonneville Power Administration, and the U.S. Army Corps of Engineers ("USACE") agreed to address issues associated with the direct and indirect effects of the Federal Columbia River Power System and U.S. Bureau of Reclamation's ("USBOR") Upper Snake River Project on the fish and wildlife resources in the Columbia River Basin. ~~As discussed in Policy 6B, these projects target flow related limiting factors in the Lemhi and Pashimeroi rivers.~~

The 2004 Snake River Water Rights Agreement also provides for the development of agreements to assist in the recovery of ESA-listed species, under Section 6 of the ESA. The plans are to be developed in collaboration with local landowners and water users, affected Indian tribes, and state and federal natural resource agencies. Section 6 agreements will provide incentives for conservation through the granting of incidental take coverage to participants in the program. Such agreements would provide participating water users with protection against uncertainty and regulatory delays while contributing to the recovery of listed species. Section 6 of the ESA may also provide opportunities for the implementation of voluntary conservation plans developed in collaboration with local water users and stakeholders in other regions of the state. The Board, in collaboration with other state agencies and local units of government, develops local and regional conservation strategies that contribute to the protection and recovery of aquatic species.~~recovery of ESA-listed species and Species of Greatest Conservation Need.~~

Implementation Strategies:

- Participate in the development and implementation of ~~habitat conservation plans pursuant to~~ Section 6 agreements.
- ~~Collaborate with OSC, IDFG, other state and federal agencies, affected Indian tribes, local units of government and local stakeholders to develop and implement conservation programs that preclude the need for listing of species and contribute to listed species' recovery.~~
- Coordinate with OSC, ~~and~~ IDFG and local stakeholders on species conservation issues.~~to integrate water resource programs with species protection and recovery, including the establishment of minimum stream flows and state designation of protected rivers.~~

Comment [A5]: Staff insertion.

Milestones:

- Number of Section 6 agreements implemented.
- ~~Number of voluntary conservation agreements and measures implemented.~~

- Number of strategies implemented in coordination with OSC, ~~and~~ IDFG, and local stakeholders that preclude the need for listing under the ESA and result in listed species' recovery.

2C – MINIMUM STREAM FLOWS

Comment [A6]: Changes proposed primarily by legislators. Revises language from maintaining or improving flows to "meeting" flow water rights; substitutes the term "minimum stream flow water rights" for the term "instream flow".

The Idaho Water Resource Board will ~~exercise its authority to~~ establish and ~~to~~ protect minimum stream flow water rights in accordance with Chapter 15, Title 42, Idaho Code, 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 satisfy~~maintainfor~~ 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 satisfy ~~maintain to improve instream flowsfor~~ minimum stream flow water rights through voluntary willing buyer willing seller transactions.~~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 satisfying ~~meeting~~ minimum stream flow water rights ~~instream flow needs~~ are adequate.

Comment [A7]: Staff insertion to clarify use of market based strategies.

Implementation Strategies:

- Monitor whether existing mechanisms for satisfying~~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~~in accordance with ~~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 satisfied~~met~~.

2E - RIPARIAN HABITAT AND WETLANDS

Voluntary efforts to protect and develop riparian habitat and wetlands within the state is in the public interest.

Comment [A8]: Legislators proposed elimination of this policy. Staff has revised both policy language and Discussion to focus on voluntary nature of the activities; adds reference to the legislative interest in development of voluntary pollutant trading programs.

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. Wetlands help to maintain and enhance water quality by filtering out sediments and associated non-point source pollutants from adjacent land uses. Wetland areas also store water and stabilize dry weather stream flows and flood hazards. Urban wetlands help to enhance water quality by removing pollutants from storm water and providing temporary storage of runoff water that can lessen the impacts of localized flooding.

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. DEQ also provides certification pursuant to section 401 of the Clean Water Act for wetland fill projects authorized under section 404 of the Clean Water Act

Water quality trading is a voluntary market-based approach under which regulatory requirements can be met by obtaining pollutant reductions form another source. Pollutant reductions resulting from the protection and enhancement of riparian areas and wetland development may be used as a component of a water quality trading program.

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 the implementation of voluntary strategies to protect Idaho's wetlands and riparian areas.
- Support the implementation of water quality trading programs.

- Evaluate whether the effectiveness of the Stream Channel Protection Act, [Idaho Code §§ 42-3801 - 42-3812], adequately assists in the protection of wetlands and riparian areas.
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Milestones:

Voluntary projects implemented.

2F - 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.

Comment [A9]: All revisions proposed by legislators. Revisions eliminate "ecological goods and services" language in policy and discussion; eliminates implementation strategy for statewide inventory of altered or disturbed streams.

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 alteration of~~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.~~
- Voluntary ~~P~~projects implemented.

Comment [A10]: Staff insertion

2G - 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~~ Accidents sometimes occur in waterways at or near water distribution and storage facilities in Idaho because of the inherent dangers of ~~these facilities~~ water bodies. 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.

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Milestones:

- Cooperative research activities implemented.
- Completed research projects.
- Application of research results to planning and management.

Comment [A11]: Changes proposed by both legislators and staff. Revisions focus on the voluntary nature of program; revisions better describe the range of accidents (not just fatal) and broadens language to include all moving water.

3G - CLIMATE VARIABILITY

Comment [A12]: Legislators proposed elimination of this policy. Staff has revised both policy language and Discussion to focus on climate variability as it affects water management and water supply.

Flexible water management strategies should be developed to account for the impact of climate variability on the state's water supplies.

Climate parameters, including temperature and precipitation, vary on all time scales, from year to year, as well as from one decade or century to the next. The complex nature of this variability requires flexible management tools and planning strategies to ensure the sustainability of Idaho's water supplies into the future. For example, most areas of the state rely on snowpack in the mountains as a major component of their annual water supply. Traditionally, the snow melts gradually during the spring months, and runoff is then stored in man-made reservoirs and ground water basins for use by communities, farms, and businesses. The Department's review of snowpack accumulation, snowmelt, stream flow timing, and temperature trends over the past few decades indicates that since the 1950s, there has been an increase in the annual variability of temperature and precipitation resulting in changes in the timing and distribution of seasonal stream flows.

Effective water management requires (1) knowledge of future water supply and demand; (2) infrastructure to maximize available supplies; (3) flexible strategies to resolve water supply imbalances; and (4) planning for uncertainty. Increased monitoring and data collection will help managers develop adaptive approaches to changes in water supply patterns and conditions. Water management strategies may include increasing water supplies through ground water and surface water storage facilities; voluntary transactions resulting in demand reduction, conservation; improved operational efficiency, and weather modification. Water needs and water supply characteristics in different regions will determine which strategies are most effective. Water planning studies can help water users prepare for anticipated conflicts over supply and competing water needs.

Implementation Strategies

1. Increase data collection and technical analysis to improve understanding of variable water supply patterns and conditions.
2. Investigate feasibility of surface and ground water storage projects that optimize the existing water supply.
3. Evaluate voluntary strategies for increasing flexibility to adapt to changes in the water supply cycle.
4. Develop and update flood control rule curves and risk assessments.

Milestones

1. Construction or expansion of water supply projects.
2. Voluntary strategies for adapting to changes in the water supply cycle implemented.
3. Flood control rule curves updated and risk assessments completed.

6A – VOLUNTARY, COMMUNITY-BASED CONSERVATION PLANS AND STRATEGIES IN THE SALMON/CLEARWATER RIVER BASINS

Comment [A13]: Staff revisions to incorporate legislative concerns and refocus section on voluntary nature of conservation and importance of sustaining local communities, economies and private property rights.

It is in the State's interest to support and promote voluntary, community-based conservation plans and strategies that benefit aquatic species, protect private property rights, and sustain local economies.

Discussion:

The Salmon and Clearwater River basins support a thriving agricultural industry and significant recreation and tourism. These basins also support a number of fish species listed as threatened or endangered under the ESA. The State, local water users and landowners, and other stakeholders have been active participants in the implementation of conservation strategies that improve fish habitat, protect private property rights, and sustain the agricultural economies of the region. These strategies assist water users in addressing the challenges of economic, environmental, and regulatory change. The Idaho Water Resource Board administers and participates in a variety of programs to address aquatic species concerns throughout the Salmon and Clearwater basins. These programs implement a suite of water supply acquisition tools all of which are market-based and voluntary.

State Program Development, Oversight, and Agreements

Upper Salmon Basin Model Watershed Program:

In 1992, the Northwest Power and Conservation Council (NPCC), an interstate compact agency of Idaho, Montana, Oregon, and Washington adopted a *Strategy for Salmon* which sought to facilitate watershed-level planning efforts between private landowners, government agencies, tribes, and other stakeholders to recover Columbia River Basin salmon and steelhead. The NPCC directs the Bonneville Power Administration's (BPA) funding under its fish and wildlife program. In 1993, the State entered into a funding agreement with the BPA to establish the Idaho Model Watershed Project, now known as the Upper Salmon Basin Watershed Program (USBWP) which is administered by OSC. In 1995, the USBWP published the Model Watershed Plan, which identified a range of fish conservation actions for the Lemhi, Pashimeroi, and East Fork Salmon River watersheds. The plan consisted of an assessment of fish habitat conditions within the basin and habitat goals, and prioritized a list of projects to achieve those goals. The central feature of the plan was development of local solutions tailored to fish habitat needs. Based on the plan, numerous conservation projects have been and continue to be implemented by local landowners and governmental agencies focusing on fish passage issues, fish screen improvements, protection of riparian habitat, and consolidation or modification of irrigation diversion works that increase production efficiencies while providing benefits for aquatic species. These activities are possible because federal and state agencies partner with landowners and water users to craft local solutions that respect

private property rights and the local economy. Over 500 habitat improvement projects have resulted in reopening 70 miles of priority streams for salmon migration, restoration of over 350 miles of streamside habitat, enhancement of over 490 miles of fish habitat, installation of 245 fish screens on irrigation diversions, and restoration of 60 cfs of water to streams inhabited by salmon and steelhead.

In the course of implementing these measures, the USBWP Advisory Group and local irrigators recognized that changes in Idaho water law were needed to implement strategies related to low flow conditions in the Lemhi River. Through their efforts and the efforts of local legislators, House Bill No. 358 was enacted in 2001. This legislation authorized the Board to appropriate a minimum stream flow water right of 35 cfs in the Lemhi River and to appoint a local rental committee to arrange for the rental of water to satisfy the minimum stream flow water right. Pursuant to the legislation, the committee has the authority to rent natural flow rights on a willing buyer and willing seller basis. Idaho Code § 42-1506. This approach allows water users to participate in the program in a way that supports and often enhances their production plans while providing additional flow for fish migration consistent with Idaho law.

Clearwater Focus Program

The Clearwater Focus Program was established in 1996 under the BPA's fish and wildlife program. Governor Phil Batt requested the Clearwater Focus Program be co-coordinated by the State of Idaho and the Nez Perce Tribe. The Idaho component of the program is managed through OSC. The State of Idaho and Nez Perce Tribe completed the Clearwater Subbasin Management Plan in 2003 with policy oversight by an advisory committee consisting of private landowners, resource management agencies, local governments, and other stakeholders. Like the USBWP, a key component of the program is local participation and sustaining agricultural-based economies. The vision for the Clearwater Subbasin is "a healthy ecosystem with abundant, productive, and diverse aquatic and terrestrial species, which will support sustainable resource-based activities." In addition to goals addressing aquatic and terrestrial habitat improvement, the plan is designed in a way that respects the legal rights and authorities of the parties and promotes local participation in problem solving.

The State of Idaho has entered into a funding agreement with the BPA to implement voluntary conservation strategies that address aquatic species concerns in the basin such as improving fish passage, riparian function, and habitat diversity. Voluntary projects have been implemented in numerous watersheds including: Lolo Creek, Lapwai Creek, Newsome Creek, Potlatch River, Red River, Selway River, Lochsa, lower South Fork Clearwater, American River, and Crooked River. The OSC coordinates project implementation with local landowners, IDFG, local soil and water conservation districts, and other stakeholders. The OSC's coordination effort also provides opportunities for securing additional funding through other OSC-administered programs. The Clearwater Focus Program also facilitates and assists as requested with project development in the lower Salmon River and South Fork Salmon River, including the Rapid River and Squaw Creek watersheds.

Columbia Basin Water Transactions Program

The Columbia Basin Water Transactions Program was initiated in 2002 to support innovative, voluntary, grassroots strategies to improve flows in the Columbia River Basin's streams and rivers. The majority of funding is provided by the BPA in cooperation with the NPPC. The Board implements the Idaho Water Transactions Program working closely with OSC, IDFG, local water users and landowners, and other stakeholders through voluntary, market-based transactions. The Idaho Water Transactions Program philosophy is simple:

- Improve fish and wildlife habitat
- Respect private property rights
- Respect the values of irrigated agriculture
- Work locally using market-based strategies
- Take a balanced approach

Snake River Water Rights Agreements

In the Snake River Basin Adjudication, the state entered into two agreements that provide for water management within the Salmon and Clearwater basins that supports agricultural-based communities, while encouraging the voluntary implementation of flow-related conservation measures. The agreements address instream uses through state minimum stream flow water rights and other provisions of state law.

- **2004 Snake River Water Rights Agreement**

The 2004 Snake River Water Rights Agreement (2004 Agreement) resolved all of the issues related to the Nez Perce Tribe's water right claims in the SRBA. In the Salmon and Clearwater basins, a goal of the settlement agreement provisions is to address aquatic species concerns. There are three cornerstones to such efforts: the establishment of state minimum stream flow water rights, the establishment of a voluntary forestry program with standards to improve fish habitat, and the development of voluntary conservation plans under Section 6 of the ESA.

The minimum stream flow water rights provide significant protection for steelhead, salmon, and bull trout. Most of the streams flow through federal public lands and have minimal use. Twenty-four streams, however, are in basins with substantial private ownership and significant private water use. The flows for those streams were established after consultation with local communities. Where the minimum stream flow water rights are higher than existing flows, the Board works with water users on a voluntary basis to rent or otherwise acquire water to return to streams, in accordance with state law.

The 2004 Agreement provides that the State will develop conservation programs in the Salmon and Clearwater basins to be funded in part by the State's share of a Habitat Trust Fund account authorized by Congress. Funds from other sources as they become available are also used for implementation of habitat actions and Section 6 cooperative agreements. The State agreed to work with local technical teams, advisory groups, and

other stakeholders to prioritize and implement habitat actions in these basins to address limiting factors for ESA-listed and other aquatic species. In addition, a more comprehensive Lemhi Framework was developed setting out goals, objectives, and conservation strategies. The Framework builds upon the many habitat actions implemented by local water users, landowners, tribes, state and federal agencies, and other stakeholders and identifies remaining concerns and potential strategies that address those concerns. These conservation strategies are implemented on a willing buyer willing seller basis and include providing migration conditions for various aquatic species through water transactions, protecting riparian vegetation, preventing entrainment in surface water diversions through voluntary agreements with landowners and water users, and reconnecting tributaries to the mainstem Lemhi River to provide access to historical spawning and rearing habitat.

- **Wild and Scenic Rivers Agreement**

The Wild and Scenic Rivers Agreement resolved issues related to federal reserved water right claims filed by the federal government under the Wild and Scenic Rivers Act. The agreement provided for the quantification of the wild and scenic federal reserved water rights and state administration of those rights. To protect existing rights and allow for some future development, the United States agreed to subordinate the federal rights to existing and certain future water right uses.

Columbia Basin Fish Accords

In 2008, the State entered into an agreement with the BPA, the U.S. Army Corps of Engineers, and the U.S. Bureau of Reclamation (the Columbia Basin Fish Accords) to address legal mandates for the Federal Columbia River Power System (FCRPS), and the Bureau of Reclamation's Upper Snake River Projects under applicable environmental laws. The agreement addresses mutual concerns for certainty and stability in the funding and implementation of projects for the benefit of fish and wildlife affected directly or indirectly by the federal projects. The agreement includes BPA funding for a suite of projects and activities to improve habitat conditions for ESA-listed fish and other aquatic species.

Pacific Coastal Salmon Restoration Fund

The Pacific Coast Salmon Recovery Fund (PCSRF), administered by OSC, was established by Congress in 2000 to provide grants to the states and tribes for the purpose of assisting state, tribal, and local salmon recovery efforts. The Memorandum of Agreement between the State and federal government provides for implementation of conservation activities that are scientifically based, cost effective, conducted on private land only with the consent of the landowner, and contribute to the conservation and recovery of salmon. In 2009, Idaho's congressional delegation in concert with other western states was successful in preserving ongoing funding for the program. In a letter forwarded to the administration, the delegation noted that the majority of the projects were developed using a "bottom up" approach with significant citizen involvement resulting in direct on-the-ground restoration projects for the benefit of aquatic species.

The Board works closely with OSC, IDFG, water users and landowners, and other stakeholders to use PCSRF monies for implementation of voluntary conservation measures in the Salmon and Clearwater basins.

Implementation Strategies:

- Continue implementation of voluntary, market-based programs to address aquatic species concerns in the Salmon and Clearwater River basins that respect private property rights and support local economies.
- Ensure that the water right application and transfer review process considers basin conservation plans and projects.
- Ensure that the stream channel alteration permit process considers basin conservation plans and projects.

Milestones:

- Number of aquatic species conservation plans and projects implemented.
- Projects contribute to the conservation and recovery of ~~salmon~~aquatic species.
- Projects respect private property rights and support or enhance participants' production plans.
- Approved water right applications and transfers address conservation plans and projects.
- Stream channel alteration permits address conservation plans and projects.

Draft 2014 05 06

VISION FOR SUSTAINABILITY OF IDAHO'S WATER RESOURCES

Water is the foundation of Idaho's economy and culture; the lives and livelihoods of Idahoans depend on a reliable supply of water. Sustainable water management strategies that meet current and future needs must be based on adequate knowledge regarding available supplies, existing use, competing economic and social demands, and future needs. Planning and management actions that promote water sustainability will provide certainty that existing water rights are protected and the economic vitality of Idaho is optimized.

The policies and actions set out in the Idaho State Water Plan address a range of current and future water supply needs. The implementation strategies are designed to meet multiple water supply management goals. Their effectiveness in achieving water sustainability will be evaluated on an ongoing basis. An inclusive process with stakeholders statewide is fundamental to meeting the ever-increasing challenges associated with sustainable water management in Idaho.

Fundamental Strategies for a Sustainable Water Future

- Ensure that all actions taken toward a sustainable water future protect and respect private property rights.
- Inventory Idaho's water supply, current uses, and future water supply needs.
- Identify management alternatives and projects that optimize existing and future water supplies.
- Prioritize and implement management alternatives and projects where competing demands and future needs are most critical.
- Use adaptive management processes to anticipate future uncertainties and design projects that can be adapted to changing conditions.