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The Center for
Environmental Law & Policy

THE WENATCHEE RIVER (WRIA 45) RULE TALKING POINTS

In 2006, the Wenatchee (WRIA 45) Watershed Planning Unit issued a final watershed plan for the basin (see link below). The purpose of the plan is to create a water budget, assess existing water uses, plan for future needs, and establish instream flows for protection of the Wenatchee River and its tributaries, including Nason, Icicle, Peshastin, and Mission Creeks.

The Department of Ecology has drafted a rule based on the Wenatchee watershed plan, and is now asking for public comment. On **August 7**, a public hearing on the draft rule will be held in Leavenworth and written comments must be submitted by **August 24**. See links below for info regarding the draft rule. Comments should be submitted to Dave Holland at dholl461@ecy.wa.gov or by mail to 15 W. Yakima Ave., Suite 200, Yakima, WA 98902.

CELP encourages our members and the conservation-minded public to comment on behalf of the Wenatchee River and its tributaries. The Wenatchee watershed planning group has made great strides in planning for water supply and demand. But the draft Wenatchee rule falls short. We urge the Department of Ecology and the Wenatchee watershed group to address basic issues of water scarcity that face the basin, and adopt a rule that will truly be effective in providing water for both human and ecological needs.

Talking Points regarding Draft Wenatchee Rule

- **The Purpose.** The purpose of the Wenatchee rule is to retain streams, rivers, and lakes with instream flows necessary to protect water quality, fish, wildlife and other values and to meet certain future out of stream uses. Great goals, but as written, the rule will not be able to accomplish these purposes.
- **Good definitions.** The rule gives proper meaning to defined terms such as consumptive use, which includes diminishment of water quality as well as quantity.
- **River Management Points.** The rule has 8 management points, which should provide adequate instream flow data and assist in management and implementation.
- **Low Priority for Instream Flows.** The rule sets new stream flows in the basin, which appear to be scientifically sound and protective of fish habitat. Unfortunately these flows are **junior** to all the other water rights in the basin including any new water rights issued after adoption of the rule for out-of-stream uses (such as domestic use, residential irrigation, municipal, commercial, and industrial purposes, and stock water).
- **Reserves for People.** Watershed planning is intended to provide for future water supply. Rather than look at belt-tightening water conservation, water re-use, and other methods to squeeze more out of existing uses, the Wenatchee rule establishes reserves that will take more water out of already-stressed rivers and aquifers.
- **But No Reserves for the River.** The rule lacks an implementation plan for meeting instream flows. Experience shows that the lack of an implementation plan means that junior instream flows will not be achieved. The rule should be returned to the watershed planning group unit to create a plan for meeting flows in the River.

- **No Conservation Standards.** The rule does not establish water conservation standards for water users, nor call for use of conservation as a mechanism to meet future supply needs.
- **Habitat Loss.** The rule allows for 1-2% habitat loss due to water withdrawals, despite the presence of threatened and endangered salmon. The rule should re-prioritize the importance of fish, including avoiding violation of the Endangered Species Act.
- **No Climate Change Provisions.** The rule does not discuss or provide for future loss of natural water supply caused by rising temperatures, which in turn will lead to reduced winter snowpack and summertime streamflows.
- **Universal Metering Needed.** Metering is required for all new permitted diversions and withdrawals in the basin (good) but **not** for exempt wells (bad). Growth in the basin will increasingly rely on exempt wells and greater controls, including mitigation, are needed. Remember, just because you are writing small checks from your checking account doesn't mean it's not affecting the balance.

About Watershed Planning

In the 1970s, the Department of Ecology divided Washington into 62 Water Resource Inventory Areas or WRIAs (pronounced "why-rah's") – administrative units based on watershed boundaries. Starting in 1977, the state adopted 18 watershed rules, but a legislative moratorium in 1983 halted the process.

In 1998, the Washington state legislature enacted and funded watershed planning (HB 2514), a new program through which local stakeholders determine their water budget, water needs and water ecology. The watershed plan leads to adoption of a formal rule (or amendments to the pre-existing rule) that establishes instream flows for the basin, along with water management requirements.

This "local control" model of watershed planning has pros and cons. One big question is whether watershed planning groups are capable of protecting rivers while planning for future water needs. State law dictates that instream flows are junior to all pre-existing water rights, hence it is critical that watershed plans and rules contain action plans to protect and restore river flows.

The draft Wenatchee rule, like its predecessors, does not do that. Instead, it creates "reserves," an approach that takes more water from already-stressed streams and aquifers to meet future demand. As an alternative, WRIA rules should establish conservation goals, promote re-use of water, and adopt other belt-tightening mechanisms to provide for future water needs. Water supply predictions for the Cascade Mountain watersheds are dire due to climate change. Only by re-thinking our approach to water management can we expect to adapt to warmer and drier future.

Links & Information:

[CELP's watershed page](http://www.celp.org/water/celpprograms/Watershed%20planning.html): www.celp.org/water/celpprograms/Watershed%20planning.html

[Wenatchee River Watershed Plan](http://www.co.chelan.wa.us/nr/nr_wen_watershed.htm): www.co.chelan.wa.us/nr/nr_wen_watershed.htm

[Wenatchee River Rulemaking Info](http://www.ecy.wa.gov/apps/watersheds/planning/45.html): www.ecy.wa.gov/apps/watersheds/planning/45.html



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The Center for Environmental Law & Policy is a public interest membership organization that takes action to promote sustainable and equitable use of the freshwater resources of western Washington and the Columbia River watershed. Care about water? Please join us! More info at www.celp.org.