



## Oklahoma Instream Flow Advisory Group Orientation Workshop Notes – March 1, 2013

### **Attendees:**

ISF Advisory Group – Jim Barnett, Barry Bolton, Shannon Brewer, Angie Burckhalter, Tom Creider, Mark Derichsweiler, Tom Elkins, Mike Fuhr, James Gammill, Bud Ground, Charlette Hearne, Arnella Karges, Mike Mathis, David Ocamb, Diane Pedicord, Marla Peek, Tyler Powell, Marsha Slaughter, Kevin Stubbs, Jeff Tompkins, Brooks Tramell, and Brian Woodard

Consultants – John Rehring, Bryan Mitchell and Anna Childers

OWRB – JD Strong, Terri Sparks, and Derek Smithee

USACE – Bryan Taylor

Others -- Mike Thralls, Kimberly Elkin, Mel Vargas, Christina Akly, Curtis Hoskins, Tom Adams, Jeff Converse, Rupert Nowlin

### **ISF Advisory Group Meeting Purpose:**

As part of the 2012 Update of the Oklahoma Comprehensive Water Plan (“OCWP”), an Instream Flow (“ISF”) report provided six recommendations associated with further consideration of an ISF program in Oklahoma. The Instream Flow Advisory Group was reconvened to further define whether and how an instream flow program might be implemented in Oklahoma. The first facilitated workshop was intended to solicit input and advice from the ISF Advisory Group to determine the suitability of a potential ISF program for Oklahoma.

### **Summary:**

- JD provided opening remarks.
  - Some of the ISF Advisory Group members are new and some of them were engaged during the OCWP development process.
  - During the OCWP, ISFs in Oklahoma were discussed with the previous group. That effort resulted in a report on ISF.
  - The first workshop/meeting is intended to further the discussions regarding the 6 recommendations of the OCWP on ISF. One of the 6 recommendations was to continue deliberation and coordination through the Advisory Group.
  - No decision has been made regarding whether there will be an ISF program for Oklahoma.
  - The goal for the first Advisory Group meeting is to collaboratively discuss the ISF Program Q&A responses of the ISF Advisory Group members. Based on the feedback from the Q&A and the meeting discussions, the content/theme for the second workshop should be identified.
  - There will be three additional workshops scheduled in the future. The meeting will be scheduled for 2 to 3 months from now, depending on the types and amount of information that is needed to support that discussion.

- After brief introductions of the workgroup participants, audience, OWRB staff and contractors, John Rehring summarized the different viewpoints of the Q&A feedback that were received from the Advisory Group prior to the meeting. John emphasized that the viewpoints do not represent consensus and are not to be used as votes, but as discussion guides for the workshop.
- The facilitated discussion triggered some main themes as summarized below.
- The next meeting themes/content were identified as outcome from the facilitated discussions. These are included below.

### Discussion Themes:

- Why is Oklahoma pursuing an ISF? And, why now?
  - All streams?
  - All water bodies?
  - Site specific?
  - Cost?
  - What's the process?
- Unclear definitions: non-consumptive and environmental flows
  - For example, are fish and wildlife considered part of environmental flows, while recreation is part of non-consumptive water use?
  - Or are the terms basically the same?
- Define surplus and deficit
- Mechanisms:
  - Domestic use set aside: estimate how "much".
  - Scenic Rivers:
    - Laws
    - Scope: all or segment
  - Interstate Compacts
  - Other states' (entities') programs/approaches
  - Prioritization criteria
  - Mandatory conservation measures
- Address the impacts on water rights/allocations:
  - Future
  - Existing:
    - Downstream and upstream
    - Are we over-allocating?
    - More water leaves Oklahoma than comes in (compacts)
  - Stream fluctuations
  - Drought
  - Applied management
  - Storage allocations: over or under-allocated? Per basin-basis.
  - Reservoir dependable yield
  - Mandatory conservation measures
  - Significant, though not unanimous support for existing rights having seniority over any future ISFs
  - Interest in considering effects on existing and future rights as part of the same discussion
- Industry impacts:
  - Benefits:
    - Industry siting and planning: future available water is important
    - Available permits

- Easier permitting process
    - Secure water storage in reservoirs
  - Detriments:
    - Takes water off the market for consumptive use
    - Going from water surplus to water deficit
    - Future water rights
    - Economic impacts
- Pilot study:
  - Benefits
    - Helps identify what data needs to be collected to understand stream flows:
      - hydrologic foundation of stream flows
      - Flow-ecology relationships
      - River type classification
    - Can help guide the program
    - Can help guide conceptual plan (policy)
  - Detriments:
    - Too soon; process out of sequence; not time to implement
    - Scope drives cost
- Other states' programs
  - Lessons learned
  - Which western states have instream flow programs in place
  - Are all programs supported by law?
- Different types of streams in Oklahoma:
  - Conditions
  - Flowrates:
    - Historic
    - Natural
    - What is baseflow?
    - Frequency
    - Duration
    - Magnitude
    - Rate of change
  - Classifications
  - Climate and ecoregions
  - Ecology
    - Aquatic habitat and communities
    - Water quality
    - Fishless vs. fish-bearing
    - Riparian systems
  - Available water
    - Sediment pool storage
    - Water use allocations
    - Reservoir supply
    - Reservoir dependable yield
  - Impacts of water withdrawals and diversions
  - Uses:
    - Recreation
    - Agricultural irrigation
  - Man-made interference:
    - Impoundments
    - Channel modifications

## Recommendations

- At next workshop:
  - Provide summary of existing methods OWRB uses when considering surface water permits
  - Summarize permit availability /definitions from OCWP
  - Summarize excess and surplus water information from OCWP
  - Provide summary of another state's ISF program with respect to water rights seniority and "use it or lose it" applicability to ISFs
- Provide further information regarding existing legal authority for an ISF program and existing mechanisms to address the ISFs in Oklahoma. Address both the legal and policy aspects as well as quantify the availability of water based on the existing data (advisory members will provide further delineation of legal and policy questions):
  - Domestic use set asides
  - Scenic rivers
  - Water allocations under Oklahoma's "use it or lose it" statutory framework; 7-year default and schedule of use
  - Reservoir dependable yield
- Measurement of how existing programs' contributions to ISFs should be measured against identified needs on a specific watershed
- Arrange the meeting date for the early part of the week (Monday or Tuesday), not end of the week; solicit Advisory Group members' availability for several date options
- Provide microphones for better audio