2012 Update of the Oklahoma Comprehensive Water Plan

Instream/Environmental Flows

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An instream flow program should be established to preserve water quality, protect ecological diversity, and sustain and promote economic development, including benefits associated with tourism, recreation, fishing, and spiritual and cultural heritage. The process developed by the OCWP Instream Flow Workgroup should be implemented and followed to ascertain the suitability and structure of such a program for Oklahoma. The Oklahoma Scenic Rivers Act—as codified in Title 82, Section 1452, of Oklahoma Statutes—already provides for protection of the free-flowing conditions of designated state scenic rivers. The OWRB should seek express authority from the State Legislature prior to promulgating rules to accommodate and protect instream flows elsewhere in the state.
Instream/Environmental Flows
Recognizing Nonconsumptive Water Needs and Supporting Recreational & Local Economic Interests

The process developed by the OCWP Instream Flow Workgroup should be implemented and followed to ascertain the suitability and structure of an instream flow program for Oklahoma, with such process commencing in 2012 and concluding by 2015, as outlined by the Workgroup.
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Why Address Instream Flows?:

- Significant interest in value of non-consumptive uses of water, especially related to recreation & tourism (Oklahoma’s 3rd biggest industry):
  - Tourism industry generates more than $6.1 billion/year.
  - Fish/wildlife-related recreationists spend $1.3 billion/year
- Associated factors related to ecological integrity, endangered species, interstate compact compliance, etc.
- Consistent with holistic water planning principles and in calculating excess/surplus water.
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“Instream Flow” Definitions:

• OCWP/Workgroup:
  – The amount of water set aside in a stream or river to ensure downstream environmental, social and economic benefits are met.

• Senate Bill 2 (Texas):
  – Flow conditions necessary for supporting a sound ecological environment in the river basin.
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Existing Policy:

- Current OWRB rule seeks to protect domestic uses through a set-aside of 6 acre-feet of water/year per 160 acres of land
- OWRB has established a 50 cfs minimum flow requirement in a portion of Barren Fork Creek (established through OSU study)
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OCWP Instream Flow Advisory Group:

- 5 meetings between February-December 2010
- Technical analysis of various instream flow methods
- Analysis of regulation and potential implementation
- Review of successful and unsuccessful programs in other states/countries

Members from variety of interests:

OK Water Resources Board
OK Department of Environmental Quality
OK Conservation Commission
OK Department of Agriculture, Food & Forestry
Office of the Secretary of Environment
Bureau of Reclamation
U.S. Army Corps of Engineers
OK Department of Wildlife Conservation
U.S. Geological Survey
U.S. Fish & Wildlife Service

Oklahoma Independent Petroleum Association
Oklahoma Cattlemen's Association
Cherokee Nation
Oklahoma Rural Water Association
Oklahoma Municipal League
Environmental Federation of Oklahoma
Oklahoma Farm Bureau
The Nature Conservancy
Chesapeake Energy Corporation
State Chamber of Commerce
Oklahoma State Parks
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Supported by OCWP Technical Analyses:

• Generally recognized the importance of nonconsumptive water uses (recreation, tourism, etc.) to state and local economies.
• Instream and environmental flows specifically investigated by OCWP workgroup.
• Developed water use models that can be used on the local level to incorporate nonconsumptive demands and adjust management schemes accordingly.
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Implementation Costs = $1.5 million over 4 years

**Recommended Timeline**

Rec 1: Legal and policy questions
Rec 2: Other flow protection methods
Rec 3: Draft methodology
Rec 4a: Cost of studies
Rec 4b: Economic impacts
Rec 5: Pilot study
Rec 6: Advisory Group activities

- Policy investigation
- Technical investigation
- Reporting requirement