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# Alaska Center for the Environment

519 West 8th Avenue, Suite 201 • Anchorage, Alaska 99501 • (907) 274-3621

March 4, 1992

Rep. Cliff Davidson  
Chair, House Resources Committee  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Re: House Bills 353, 354, 355

Dear Representative Davidson:

I am sorry that my trip out of state has prevented me from writing earlier to express our strong support for House Bills 353, 354, and 355, and sorry also that this letter will have to be so brief. Please do not think that we are not very interested in this issue.

These bills would provide for the collection of instream flow data, the efficient management of such data and, last but certainly not least, the protection of important Alaskan fish and wildlife habitats and populations through the reservation of necessary instream flows. Protecting adequate instream flows is essential if we are to maintain the fish and wildlife values that so many of us rely on or enjoy for a variety of direct economic and other equally important reasons.

It is unfortunate that we have yet to achieve these goals after several years of effort. Perhaps we think that our water resources are so abundant that there is no urgent need to enact legislation of this sort. If so, that is an unfortunate and ultimately destructive attitude. We have the chance in Alaska--and I'm sure many other states are extremely envious--to shut the barn door before rather than after the horses have escaped. Protecting resources before they're lost or threatened is not only far more effective but far cheaper as well.

It has been said in the past, to some effect unfortunately, that Alaska doesn't need these bills because it already has the best instream flow legislation in the country. The truth is that that says a great deal more about the sorry state of water resource protection elsewhere than about the real merits of Alaska's existing law.

While it's true that Alaska does have a procedure for the reservation of instream flows, it is cumbersome, expensive and inequitable. It takes so long, and costs so much, to successfully obtain an instream reservation that since 1980 only 11 such reservations have been granted out of 46 applications, all or nearly all of those successes having been achieved by the Department of Fish and Game as a result of a substantial

expenditure of time--and money. As a practical matter, the procedure is practically worthless for anyone outside of government and useful only very occasionally by the agency charged with protecting Alaska's fish and wildlife.


Meanwhile, since statehood approximately 4,500 out-of-stream water rights have been granted. And not only is it obviously far easier to obtain out-of-water rights than instream rights, but out-of-water users have the additional advantage of obtaining a priority right by merely filing an application, whether or not adequate justification for the application has been provided at the same time. On the other hand, instream flow applications do not create an immediate priority; no right obtains until the complete technical justification for the reservation has been submitted, which generally takes many months. The result is that if two separate applications are filed at the same time, one to protect the public's interest in fish and wildlife habitats and populations, the other to obtain a private, individual right to take water out of a stream for a private purpose, the single individual or company's application takes priority over the public application and could result in the taking of water that is necessary for fish and wildlife.

HB 355 would resolve these problems without requiring any state agency to embark on a massive program of reserving instream flows on all of Alaska's waterways. It very sensibly requires instead an incremental program of protection based on whether an out-of-water application has been made for a particular waterbody--that is, it becomes effective only on those waterbodies that are potentially threatened by an actual appropriation application.

We urge the committee, and the legislature, to address this problem now (and at a time, incidentally, when the granting of applications for massive water exports is for the first time a real possibility) rather than to wait until we are faced with certain losses and can only try to minimize, not prevent, adverse impacts to Alaska's most precious resources (incidentally, reserving instream flows for fish and wildlife provides substantial benefits for other values and uses as well, such as recreation, tourism and Alaska's incomparable scenic beauty).

Thank you.

Sincerely,



Cliff Eames  
Issues Director

**Sponsor statement**  
**House Bill 353 by Representative Davidson**

HB 353: "An Act making an appropriation to the Department of Natural Resources for completion of water appropriation data automation and update; and providing for an effective date."

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The purpose of this legislation is to enable the Department of Natural Resources, as the state's manager of our water resources, to complete automation and updating of its water appropriation data base identified as the STORET system. HB 353 would appropriate \$239,400 from the general fund to Department of Natural Resources for completion of this important project.

The STORET system was started in the early 1980's, but funding was later discontinued and the project was never completed. The project was 50% complete when funding ran out. In order to gain any benefit for funds already expended to date, the project should be finished.

HB 353 would appropriate these long needed funds. The Water Resources Board (the citizens' advisory board appointed by the Governor to advise him on water policy issues) has passed resolutions requesting funding for several years. In addition, completion of this project is of high public value and important to all users of water data information.

Currently, the Department has a computer filing system, the Land Administration System (LAS), to store information from water rights casefiles. However, water rights information can only be retrieved for single points on rivers or streams on the LAS, not for a stretch of river. The STORET system will allow information to be stored for segments of rivers. It will enable DNR, who is responsible for administering, monitoring, and adjudicating water use in Alaska, to monitor the cumulative effects of multiple appropriations on the same stream system and will facilitate the identification and availability of unappropriated water.

I ask your support in funding the automation and update of of this water appropriation data base, which every state in the Union now maintains except Alaska. The use of water is indispensable to all industry in Alaska, and its management crucial to viability of Alaska's health, welfare and economy.

ALASKA WATER RESOURCES BOARD

Resolution 91-15

STORET Program

- WHEREAS: During the years 1981 to 1984 the Department of Natural Resources, with assistance from a grant from the Environmental Protection Agency, began numbering river miles for stream reaches in the STORET system; and
- WHEREAS: When the funds for this project were discontinued work on the STORET system ceased; and
- WHEREAS: The STORET program identifies stream reaches on a mile-by-mile basis, making the computer storage and retrieval of the information more readily available; and
- WHEREAS: The identification of river miles on streams is important for many reasons; such as instream flow designations, placer mining requirements, river corridor planning, and fish habitat management, to name a few; and
- WHEREAS: Not having the STORET system slows the permitting processes and increases costs of managing our surface water resources.

NOW THEREFORE BE IT RESOLVED:

The STORET program be funded and reactivated to complete the identification of river miles on USGS maps, enter this information into DNR's LAS computer system, and integrate this system with DNR's other water management computer systems.

Adopted this 20th day of March, 1991  
Alaska Water Resources Board



Peg Tileston, Chairwoman  
Alaska Water Resources Board

DEPARTMENT OF FISH AND GAME  
POSITION PAPER

BILL NO: HB353

SPONSOR: Representative Davidson

DIVISION: Habitat & Sport Fish

Department Position:

The Department of Fish and Game supports passage of HB353.

The purpose of HB353 is to enable DNR to complete its project to develop an automated water rights data base. The completion of this project should improve the management of water resources by DNR. Presently, DNR must retrieve and review water rights that have been issued on a case-by-case basis. This is a cumbersome and time-consuming process that does not easily allow for monitoring the cumulative effects of multiple appropriations on the same stream system. Consequently, damage to fish and wildlife habitat and resources can occur from over-appropriation and lack of oversight. An automated system such as STORET should enable DNR to retrieve the status of water rights, the quantities appropriated, and other pertinent information required to properly monitor water rights by stream reach. This should make DNR's water program more accurate and allow for improved consideration and protection of aquatic resource values.

Because the STORET system was developed over a decade ago and improved computer software may be available to accomplish this task, this bill should be amended to allow flexibility for DNR to update and maintain an alternate system if they determine that such a system would equal or exceed the capabilities of STORET.

COMMISSIONER'S SIGNATURE

*For Somerset J.* DATE 12/12/91

**INSTREAM FLOW DATA MANAGEMENT**  
**Division of Land and Water Management (DLWM)**

This bill will require that DNR be able to track water that is withdrawn from appropriation for protection of fish habitat. The department presently has a computer filing system, the Land Administration System (LAS), to store information from casefiles. Water rights data from applications, permits, and certificates are stored in this system. However, this information is for single-point uses of water. This bill will require keeping track of information for withdrawn flows in segments of streams and rivers.

In the early 1980s DNR started a program to identify and record river miles on all streams in the state so that information can be stored for segments of streams in addition to single points. This system is the STORET system, which was developed by EPA. The procedures for mapping the river miles and physical work to identify, record, and index the river miles on USGS maps was begun. The project was approximately 50 percent complete when funding ran out.

The STORET system was identified as the best system for this type of tracking of stream flows in stream segments. This project and the mapping of the river mile index must be completed. The procedure manuals and original completed maps presently exist in DNR.

Initial programming to integrate the STORET system into the LAS system and link it to the water rights case file information system was completed in the early 1980s. It has not been used because the river mile index mapping was never completed. It will be necessary to evaluate the STORET system within LAS and make modifications if needed. Also, the river miles recorded on maps must be entered in the system.

Completion of the mapping, necessary programming, and data entry can be completed in one year. No new employees are requested. Funds will be required in subsequent years to pay programmer costs to maintain the STORET system in LAS.

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<b>300 LAS Modification</b>	
1 Project Manager, 1/3 time	17.0
1 Programmer, 1/3 time	41.6
3 Drafting Techs, full time	102.0
2 Data Entry Clerks, full time	56.0
<b>Expenses</b>	
Cartographic Materials	2.0
Mapping Equipment	0.6
USGS Maps (1200 at \$2.00)	2.4

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**300 Contractual Services**

LAS modification will be contracted to the appropriate consultant or agency. This one-time expense is needed to evaluate the STORET system within LAS and make all necessary modifications. The contractor will also enter into this system all river miles recorded on maps.

United States  
Environmental Protection  
Agency

Region 10  
1200 Sixth Avenue  
Seattle WA 98101

Alaska  
Idaho  
Oregon  
Washington



March 4, 1992

Reply to  
Attn of: WD-131

Representative Cliff Davidson  
Chairman, House Resources Committee  
State of Alaska  
House of Representatives  
Box V  
Juneau, Alaska 99811

Dear Representative Davidson:

Steve Torok, of our Juneau Operations Office, forwarded to me your request for Environmental Protection Agency's (EPA) comments on legislation to improve the management of Alaska's water resources, namely House Bill 353, House Bill 354 and House Bill 355.

House Bill 353 focuses on completing the state's water appropriation database. The approach being used focuses on storing information on a stream reach basis. This approach provides a foundation for integrating other types of information besides streamflow and appropriation data. Other information includes fisheries data, water quality monitoring information, spill data, water supply locations, point source discharges, etc. EPA has been using a "Reach File" approach to serve as the integrating mechanism to pull this data together and to provide more complete assessments of water resource information. This, in turn, leads to more effective water resource management.

Thank you for this opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Charles E. Findley".

Charles E. Findley  
Director, Water Division



United States Department of the Interior

FISH AND WILDLIFE SERVICE  
NATIONAL ECOLOGY RESEARCH CENTER  
4512 McMurry Avenue  
Fort Collins, Colorado 80525-3400



In Reply Refer To:  
FWS/Region 8/NERC

March 4, 1992

RWEB: 705.02

Representative, Cliff Davidson  
State of Alaska  
House of Representatives  
Box V  
Juneau, AK 99811

Dear Mr. Davidson:

I have reviewed the copy of House Bill 355 sent to me by your staff. I am pleased to see that you and the citizens of Alaska are still attempting to bring certainty to the water allocation process. This is essential while you still have an abundance of natural resources in terms of flowing water, fisheries, and wildlife. As I understand the present situation in Alaska, you have perhaps the most progressive legislation for recognition and protection of instream flows for fishes of any State in the nation. This bill as proposed would firmly establish a priority date for instream reservations for fish and wildlife protection and further clarifies that the quantitative analysis must be carried out no later than the time an appropriation request for consumptive use is permitted. This guarantees that some attention is paid to the Fish and Wildlife habitat needs for flowing water before a consumptive use permit is issued. This should in no way impact existing water users and, furthermore, is clearly subordinate to future needs for domestic water supply. Subordinating instream flow rights to future demands for domestic supply is a feature of some other state regulations and statutes.

I can see no threat to carrying out this legislation and would encourage the citizens of Alaska to enact it in order to make very clear to future appropriators that a certain amount of water is reserved for Fish and Wildlife benefits in specified streams around the State. It would be very rare for one single consumptive applicant to make a request that would require all of the water flowing in a stream, however, this is a possibility. This legislation would put on record to future consumptive users that the entire water supply is not available to them and that the amount available will be determined at the time of their application. Just as you have struggled over the last several years searching for a "formula" approach to quantifying the statewide instream flow needs, many of the other States have debated whether or not it is appropriate for the legislature to establish instream flow reservations by formula within the statutes or by a clearly defined process. The latter seems to be the preferred route.

I see House Bill 355 as an excellent compromise while still bringing certainty to the allocation process. By deferring the quantification of the instream flow reservation until such time as an application is made for consumptive use, you spread out the work load over a considerable period of time but future appropriators are forewarned well in advance that all of the water is not going to be available for consumptive use. As you further develop regulations and procedures for quantifying the instream flow reservation, the

future applicants will have a better idea of the amount of water that may be available to them.

Given the probability of the State establishing a water use fee as proposed in House Bill No. 550, it is essential that the stream reaches to be protected for future fishery production be identified with certainty. When so identified and given a priority date of reservations, future generations of Alaskans can be assured that they will not have to spend billions of dollars in purchasing water rights and physically rebuilding fish rearing habitat because the streams have become overappropriated. Tens of millions of taxpayers dollars are now being spent annually in the Colorado, Mississippi, and Missouri river basins trying to restore large river fisheries. This is in addition to the 100's of millions of dollars spent in the Columbia system.

As I stated when reviewing your 1989 bill, I again hope that the Alaska state legislature will enact this bill because it will provide an example and precedent for some of the eastern and southeastern states. These legislatures are now struggling with exactly the same concern as they are approaching real conflicts among instream and desired out-of-stream uses.

Sincerely,



Clair B Stalnaker  
Chief, Riverine and Wetlands  
Ecosystems Branch

# KODIAK REGIONAL AQUACULTURE ASSOCIATION

BOX 3407 KODIAK, ALASKA 99615

(907) 488-6555



March 4, 1992

Representative Cliff Davidson  
Alaska State Legislature, House Dist.  
Box V  
Juneau, AK 99811

Dear Cliff:

In reference to the legislation you have introduced this session which pertains to improving the management of Alaska's Water Resources, namely HB 353, HB 354, and HB 355, the Kodiak Regional Aquaculture Association (KRAA) strongly supports these three bills.

KRAA's activities and goals are directed toward stabilizing salmon production in the Kodiak area. These efforts, in order to be successful, require adequate amounts of high quality fresh water. Our association, and others like us in the state, continues to rely on these features of our water resources to be successful at helping to maintain statewide salmon production at or above average levels.

All of our efforts, both the state's and private group's such as ours, which have successfully rebuilt depleted salmon runs and built new artificial salmon runs, is due in large part to the pristine nature of Alaska's water resources. We've been able to succeed where other western states have not. Consequently, legislation such as that contained in these three bills represents a sound legacy of statutory planning which will be needed to further ensure that Alaska does not repeat the costly mistakes experienced by other states when dealing with their water resources and fishing issues. This legislation seems to encompass the necessary data base development which will be needed to deal with future demands and allocation problems encountered as our state grows.

We in Alaska often times assume our water resources will continue to retain the pristine qualities and be of unlimited quantities forever, because of the vastness of our state. However, if you render water management scenarios down to localized community levels where watershed alteration activities and water resource demands are more obvious, then it quickly becomes apparent that water allocation issues will become more frequent and frenzied as this state grows.

For instance, in the Kodiak Salmon Management Area, there are at least 390 documented salmon streams which annually support viable populations of salmon. A significant number of these are critical for the production of subsistence caught salmon. Even more of these streams are important for the production of fish for the recreational sport fisherman who either reside on or visit the Kodiak Area. All of these streams are important to the commercial fishermen who rely on these systems to produce harvestable surpluses of salmon. Additionally, the millions of dollars worth of salmon being produced by our area's two hatcheries rely on the life line of adequate quantities of quality water to a greater degree than do the other 390 natural salmon streams. While many of our streams will continue to flow in a pristine manner, many other streams within our area are potentially being

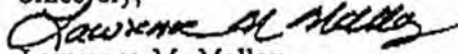
Representative Cliff Davidson

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exposed to water-bed alteration activities for the first time, which could effect traditional use patterns. Management of water resources in these instances is going to require a broad data base to ensure that when water allocation issues arise, the interaction of watershed development and fish production can be clearly addressed.

Again, we feel that these three bills are very timely and that they will provide for the development of a sound statewide water management strategy for all users of our water resources.

Sincerely,



Lawrence M. Malloy  
Executive Director