

PRESIDENT'S NOTES

by Adam Gravley, President, AWRA Washington Section

To those who attended our 1997 Fall Conference - Welcome! - you are all members of the Washington AWRA. Articles inside this edition of the AWRA Newsletter revisit some of the key presentations at the conference, "Balancing Instream Needs With Out-Of-Stream Demands", held at the Seattle Art Museum in November. State Supreme Court Justice Phil Talmadge's insightful keynote address on the Court's approach to water rights issues is summarized. Richard Kelley's provocative proposal for improving water policy is reprinted in full. Terry Williams and Kimberly Ordon (who prepared a tasty recipe for water rights mitigation at the conference) of the Tulalip Tribes, recapitulate Terry's profound comments about our water resources predicament from the tribal perspective.

Many people resources to this successful conference. The hard work invested by Co-Chairs Chris Pitre of Pacific Groundwater Group and Fran Solomon of King County Department of Natural Resources paid dividends. In addition to AWRA Board members, Ed McCarthy, Sarah Ogier, and Ingrid Wertz did valuable work on the conference planning committee. Members of the AWRA Student Section cheerfully handled registration and logistics at the conference; student volunteers included Matthew Booker, Karen Comings, Rose Curran, Craig Doberstein, Todd Klinka, Marit Larson, Erin Nelson, Corey Parker, Doug Pflugh, and Dan Schultz.

Thanks also go to corporate sponsors CH2M HILL, Hokkaido Drilling & Development, Pacific Groundwater Group, Preston Gates & Ellis, Shapiro & Associates, Golder Associates, Robinson & Noble, SVR Design, and Harding Lawson Associates. Contributions help to hold down conference fees for all and to maintain our high level of support for students in water resources fields. See Erin Nelson's article in this newsletter for details on AWRA student fellowship winners.

We will soon begin to organize the 1998 conference planning committee. Please contact me or any board member if you would like to become involved -- we would welcome your participation! ~

Upcoming Events

Tuesday, January 27

5:30 p.m.

WA-AWRA Board Meeting

(see page 5)

Wednesday, February 18

Noon - 1 p.m.

1999 National AWRA Conference Planning Meeting

(see page 12)

Thursday, February 26

5:30 p.m. — 8:30 p.m.

February AWRA - WHS Joint Dinner Meeting

(see page 17)



(see page 14 to contribute articles and notices)

ANALYSES AND FEATURES INSIDE ...

- 1997 Fall Conference Summary,**
Rod Sakrison (Department of Ecology)..... p. 2
- Justice Talmadge IDs Key Water Rights Issues,**
Adam Gravley (Preston Gates & Ellis)..... p. 4
- Water Resources Management Policy,**
Terry Williams and Kimberly Ordon
(The Tulalip Tribes)..... p. 5
- A Proposal To Improve State Water Policy,**
Richard Kelley (King County)..... p. 6
- King Co. Court Decisions On Water Issues,**
Fred Rajala (Ecology)..... p. 8
- NPDES Phase II Stormwater Regulations,**
Rod Sakrison (Department of Ecology)..... p. 10

... AND MUCH MORE.

Guide to Acronyms in this Issue:

- APA Administrative Procedures Act
- AWRA American Water Resources Association
- CPR Connecting People to Rivers
- CWA Federal Clean Water Act
- ESA Federal Endangered Species Act
- ESHB Engrossed Senate & House Bill
- NPDES National Pollution Discharge Elimination System
- PCHB Pollution Control Hearings Board
- RCW Rivers Council of Washington
- TMDL Total Maximum Daily Loads
- UW University of Washington
- WSDOT WA State Department of Transportation

www.pgwg.com/waawra

1997 FALL CONFERENCE SUMMARY: "BALANCING INSTREAM NEEDS WITH OUT-OF-STREAM DEMANDS"

by Rod Sakrison, Ecology

The 1997 Fall Conference was by far the most successful conference ever put on by the Washington Section. In talking with the attendees it was clear that this success can be attributed to the keen focus of the topic and the quality of the speakers. This summary reflects notes taken throughout the day and appears in the Newsletter without extensive peer review. For more information on the content of the presentations or further clarification of intent or meaning please contact the speakers directly.

The Fall Conference began with an opening address from **Justice Phil Talmadge** (Washington Supreme Court) titled, "*Challenges in Water Rights Issues in Washington in the 21st Century.*" This marked the first time an AWRA Fall Conference has heard from the Judicial Branch. It was indeed an honor to have such a high ranking and thoughtful speaker as Justice Talmadge. (See *related article on page 4.*)

Session A: Defining Instream Needs: "What are instream needs and how can they be better satisfied?"

Katherine Ransel (American Rivers) lead off the first panel with a presentation titled "*New paradigms for stream management including the effects of rulings of the Endangered Species Act (ESA) and the Clean Water Act.*" Her main point was that there is growing evidence that the ESA "trumps state water rights." When ESA comes into play with water quality standards they are preemptive of instream flow, or in other words, consumptive water rights could be called upon to give up their water in times of scarcity.

Richard Kelley (King County) offered his views on "*Does the current regulatory framework for protecting/managing instream flows work?*" Dr. Kelley was critical of the current regulatory framework citing two related bad policies: the 5,000 gallon exemption, and the "longer straw policy" that allows subsequent rights to impact the resource and existing rights. A new vision of water management was presented that incorporates "market" factors, imposes fees on users, and makes water reuse a priority. In over-appropriated basins, purchase of existing rights will become key actions to mitigate new withdrawals. (See *related article on page 6.*)

Jim Karr (University of Washington) was the third speaker on the first panel. His talk was entitled "*What factors should regulators consider in providing for needs of stream biology.*" Dr. Karr reminded the audience of the immense value of instream resources and that many of the most important elements of the aquatic environment are unrecognized and undervalued. He cautioned that instream flow methodologies are far too dependent

on mathematical models and not enough emphasis is placed on conceptual models. Dr. Karr suggested that what is needed is an analytical framework that "evaluates water resources in a fairly specific local area."

Session B: Reconciling the Demands: "How do we decide who gets what - including the streams?"

The first speaker was **Ken Merry** (Tacoma Public Utilities). His presentation was on "*Perspectives on meeting future regional water demand.*" Merry presented rough regional water supply demands to give some dimension to future needs. Over the period of 1994 to 2020, King, Pierce and Snohomish counties will require an additional 130 million gallons per day (average annual). Tacoma has achieved 10 mgd in reuse and conservation savings and expects to save another 10 mgd in the future. Tacoma has entered into a significant agreement with the Muckleshoot Indian Tribe worth about \$32 million. About \$2.5 million will be spent to mitigate impacts from constructing a second water supply pipeline. Merry offered an interesting note that about 50% of the water supply realized from the new pipeline will go to instream flow (fish) needs.

Next, **Tom Fitzsimmons**, Director of the Department of Ecology, provided his views on "*Leadership, priorities, and desired outcomes.*" Water is Ecology's top environmental priority. His presentation concentrated on the state's Water Supply and Use Strategy. The strategy is an attempt to address the competing needs of fish and people in a manner that is sustainable and resolves conflict.

The first part of this strategy is Watershed Planning. Mr. Fitzsimmons offered that the state wants to work cooperatively with all interested parties to find enough water to meet the state's present and future needs. Many elements will have to be addressed in watershed planning: water availability, instream flows for fish, restoration, and TMDLs. The key issues in watershed planning are how it links up with ESA. The second part of the strategy is municipal water rights. Mr. Fitzsimmons observed that the needs of people cannot be met without providing adequate instream flows. He cautioned against taking "easy" solutions to difficult questions, such as merely eliminating the 5,000 gallon exemption. To him this is seen as being too disruptive and doesn't

(...continued)

FALL CONFERENCE SUMMARY (...continued)

provide any means of securing necessary water rights. Regarding hydraulic continuity, the third part of the water supply and use strategy, Fitzsimmons believes that this is fundamentally a scientific question and further analysis is needed.

Session C: Technical/Mitigation Concepts: "How and what is acceptable mitigation?"

Bob Tuck (Eco-Northwest) spoke to "*Acquisition of water for instream flows through water rights transfers and other means.*" First, Mr. Tuck spoke against the idea of "balancing" in favor of "restoration." He was uncomfortable with any objective that didn't put fish first and water supply second. The challenge for fish managers is how to obtain water for instream flows, either as mitigation for new projects or to ameliorate the impacts of ongoing projects, in the face of requirements of ESA, CWA, or other legislative or regulatory efforts. Tuck's solution was to go out and purchase water rights for fish.

Mark Utting (Pacific Groundwater Group) spoke on "*Management alternatives and proposed methodologies for the technical assessment of surface water-groundwater interaction.*" He cited experience gained working with a local municipality to establish an extensive program to assess the potential impacts of an expanded groundwater supply, and management alternatives to offset these impacts on regulated rivers. In many cases, a detailed computer model to assess impacts to the rivers is a valuable tool. Monitoring is necessary to verify a model and test management alternatives. Among the alternatives to be considered is pumping when flows are above the minimums set in regulations, storage in the aquifer for later recovery, and pumping and subsequent release to the river when needed.

The third speaker in this panel was **Terry Williams** (Tulalip Tribes). He spoke on "*What constitutes a good mitigation package.*" To this he offered that the Tribe is looking for mitigation that "returns to the balance of nature," and "neutralizes impacts." Nothing less will be required under the ESA. The rest of his message had a quite different theme. Mr. Williams has been on the forefront of Tribal-State negotiations and wondered what has happened to the goodwill between the state and tribes. Where once we had a Centennial Accord and the Chelan Process, where Tribes had a government-to-government relationship with the state and local government, we now have entered a phase (with the passage in the 1997 Legislature of ESHB 2054 Watershed Planning bill) where tribes were not even mentioned. (This might in part have led the Governor to veto most of the bill.) Mr. Williams

sent a strong message to Ecology Director Fitzsimmons that the tribes will have to be brought back into process before it is too late. The alternative for the tribes is to turn to the Federal Courts to restore environmental integrity. (See related article on page 5.)

Session D: Solution, Strategies & Applications: "What new approaches are providing acceptable stream flows?"

Diana Gale (Seattle Public Utilities) began the final panel of the Conference with "*Agreements-in-Principle: Green/Cedar interbasin transfers; and the Cedar Basin Habitat Conservation Plan.*" In addition to the Green/Cedar initiatives, Dr. Gale discussed some of the other actions Seattle Public Utilities is undertaking, including establishment of a Central Puget Sound Fish Institute, active participation in the Snohomish Work Group, and a three-county watershed planning proposal.

Kimberly Ordon (Tulalip Tribes) addressed "*Mitigation in selected water right cases in the Snohomish Basin.*" Instream needs have only recently been recognized as having the same status as consumptive water rights. The past failures to protect instream flows now mean that out-of-stream demands must show that there will be no impairment of instream flows. Ms. Ordon discussed the State-wide Appeals heard by the Pollution Control Hearings Board (PCHB). The Tribes, along with Ecology, prevailed against appellants seeking water withdrawals. In one of the most critical decisions, PCHB said that once hydraulic continuity was established with a closed river, any impairment was grounds for denial of a withdrawal. Ms. Ordon discussed several innovative settlement agreements that the Tulalip Tribe has been a party to where mitigation for any impacts to instream flows was negotiated.

The final speaker of the day was **Bob Anderson** (Golder Associates) who spoke on "*Streamflow augmentation concepts for the Snoqualmie Aquifer Regional Groundwater Supply Project.*" Potential impairment of streamflows set by regulation for the Snoqualmie River in 1979 is a major issue in securing a permit for the proposed groundwater withdrawal. Mitigation concepts are already being considered to offset potential impacts. Streamflow augmentation has been considered in several forms, including using stored surface water, discharge of groundwater ("pump and dump"), as well as indirect or direct streamflow augmentation using artificial recharge ("collect and inject").

To summarize, the 1997 Fall Conference had it all: high-level policy perspectives and judicial doctrines, intractable issues of the day, intriguing strategies and mitigation techniques, and telling forecasts of things to come. ♪

KEYNOTE SPEAKER JUSTICE TALMADGE IDENTIFIES KEY WATER RIGHTS ISSUES

by Adam Gravley, Preston, Gates & Ellis

Washington Supreme Court Justice Phil Talmadge opened the 1997 AWRA Annual Conference with a keynote speech entitled "*Challenges in Water Rights Issues in Washington in the 21st Century.*" Justice Talmadge set the stage for speakers throughout the day by identifying key legal and policy issues, describing how the courts approach water rights issues, and highlighting the urgent need for legislative action.

Justice Talmadge sees water as the "preeminent environmental topic" for the 21st century. Growing population, an economic boom, and increasing competition for water resources combine to place water "at the hub" of environmental issues that we face. Recent legislative inaction adds urgency to water issues. Unlike other environmental areas, for example, the State lacks adequate regulatory resources because the legislature has failed to provide a process for the regulated community to pay for the costs of permitting.

Justice Talmadge explained that the role of the high court is to enforce the water law provided by the legislature. The court considers water rights cases to be important, as shown by the court's tendency to grant "direct review" (*i.e.*, bypassing the intermediate court of appeals). However, Justice Talmadge stated that the court generally defers to the legislature's judgment on water issues and that it is not likely to find constitutional bases for overruling legislative action. Recent judicial decisions demonstrate that the legislature plays the lead role and that beneficial use continues to be the cornerstone of water rights law.

Justice Talmadge identified the following specific water rights issues that Washington will need to address as it enters the next century.

1) Does the "uneasy marriage" between riparianism and prior appropriation continue to make sense? Washington has historically drawn from these two legal doctrines in its water rights law. Can the challenge of articulating a workable instream flow policy be achieved if the state continues this tradition?

2) Watershed planning needs "teeth" to ensure that all necessary parties participate. Watershed planning proposals frequently rely on voluntary participation systems that allow obstinate parties to back out.

3) Science -- particularly hydrologic issues such as hydraulic continuity -- must be a fundamental component of legal and policy solutions.

4) The Department of Ecology needs adequate funding to take full advantage of scientific knowledge, do watershed planning, engage in dispute resolution, and process water rights permits. Justice Talmadge suggested borrowing a concept from the public works arena: the water right applicant selects a private consultant, from a roster maintained by Ecology, to review and analyze the application.

5) Water quality and NPDES issues remain important, particularly in light of the need to undertake more water recycling and reuse.

6) Public investment in water resources facilities and infrastructure.

In closing, Justice Talmadge noted that "the clock is ticking" on water issues in Washington and warned of "dire consequences" if the legislature fails to act.

≈

AWRA Washington Section Wins Honorable Mention for 1997 Outstanding State Section

The National American Water Resources Association awarded our State Section the runner-up position for the prestigious 1997 Outstanding State Section Award. The Florida Section took the top honors for the year; however, this is still a considerable honor, and everyone participating in the Section can take credit for making this a great organization. The award was based on our fulfillment of several criteria and the overall level of activity of the group. We were able to demonstrate an outstanding commitment to furthering the water resources profession through our strong and active membership, education and student support, regular dinner meetings and fall conference, publications, and inter-organizational cooperation. With the continued commitment of the Board of Directors and the enthusiastic support of the membership, 1998 could well be our year for the Outstanding State Section award!

WATER RESOURCES MANAGEMENT POLICY

by Terry R. Williams and Kimberly Ordon, The Tulalip Tribes

Each December 31 everyone greets the promise of a new year with resolve to throw out the old and usher in the new. January 1 offers a clean slate. But by the time February rolls around, the stark reality that the future stands on the back of history is clear. Washington State history starts with Indian tribes who settled here long before any others. The land and waters of this state supported a number of tribes, many of whose descendants still reside in this place. These Indians lived off the abundant resources here and practiced management techniques aimed at sustaining the resources upon which they survived. But today, the future of those resources and the ability of the tribes to rely on them for their livelihoods, is in danger. Future generations will have to go to a museum to see what a salmon looks like.

In the 1850's the United States government negotiated treaties with the tribes. In these treaties, the tribes agreed to cede their aboriginal territories and remove to reservations set aside specifically for them. In exchange for this grant of land to the federal government, the tribes reserved to themselves the rights to fish, hunt, and gather in their aboriginal territories and usual and accustomed fishing grounds. Tribal water rights are attached to both the treaties and the reservation set asides. Tribes have water rights that predate any others. In some cases the priority date of a tribal water right is time immemorial. In others, the date of priority is the date upon which a reservation of land was set aside for the use of the tribe in question.

Throughout the years, the tribes have struggled to protect their water rights for both instream and out-of-stream uses. The Tulalip Tribes have participated in every cooperative effort to develop water resources management policy that has occurred in at least the last decade. More recently the tribe has turned to the courtroom due to the failure of the State to make cooperative processes successful. In evaluating every request for water use, Tulalip seeks to insure that instream flows for fish and fish habitat are protected.

In order to develop water resource management policy, the State of Washington has to look first to preserving natural functions instead of focusing on out of stream demands. In the face of Endangered Species Act (ESA) listings expected for Puget Sound and coastal salmon stocks in the next few months, the State needs to realign its management strategies to address these fisheries needs by adopting technically defensible policies. Water management policies must incorporate adaptive management so that strategies that fail can be overhauled. The State needs to incorporate functional thinking when assessing the ability of a given watershed to sustain more withdrawals. Instead of viewing natural functions, such as flooding, as problems, these functions need to be accepted as necessary to the long-term viability and diversity of habitat. Any withdrawals that are allowed must be mitigated fully in order to neutralize their impacts. Statewide policies on land use, water management, habitat protection, forest practices, and agriculture must work together in a comprehensive manner that achieves resource protection.

Last, management policies need to be developed with a partnership of the tribes, State, and local government. Efforts to develop state water policy without this type of partnership have dissolved into litigation over the last several years. As a consequence, there is a lack of trust in the State on the part of the tribes that will be difficult to overcome. Willingness of the State to delegate their water resources management responsibilities to local governments and water users will result in fragmented resource management plans that meet out of stream demands at the expense of instream resource protection. The end result will be continued declines in salmon stocks, more listings of species under the ESA, loss of the commercial fishery industry, and impacts to federally-protected tribal treaty rights. The State has the legal tools to make decisions in favor of the instream resources, and recent court decisions have confirmed the validity of their use. What is needed now is the willingness to make decisions in favor of the resource. ♪

WA-AWRA BOARD MEETING - January 27

The next meeting of the board of the Washington Section of the AWRA will be hosted by Andy Lukas at the offices of Brown and Caldwell's Seattle offices on Tuesday, January 27 @ 5:30 p.m. All are welcome, and please call Andy ahead of time at (206) 624-0100 if you plan to attend. The meeting agenda will be posted on the web site (www.pgwg.com/waawra) the day before the meeting. All are welcome. ♪

A PROPOSAL TO IMPROVE STATE WATER POLICY

by Richard C. Kelley

[Editor's note: The following article is based on the presentation of Richard C. Kelley at the AWRA Annual Conference held at the Seattle Art Museum on November 13, 1997. Mr. Kelley served as a Member of the Pollution Control Hearings Board (PCHB) from 1993 to 1997, and as Chair from 1995 to 1997. As part of the Environmental Hearings Office, the PCHB hears appeals of water right permit decisions made by the Department of Ecology. Mr. Kelley is currently Senior Policy Analyst for King County. At the beginning of his talk, Mr. Kelley reminded the audience that he was speaking only from his perspective as the past Chair of the PCHB, and not commenting on or speaking for his present employer, King County.]

The PCHB's Order on Motions for Summary Judgment in 1996 was not a new line of policy, but really only the logical end point of Washington's existing water rights policy. The State does not prioritize requests for water within a watershed. We treat a stream and associated groundwater as one entity, with a minimum in-stream flow regime. We grant applications until the stream can't support fish or other rights are impaired. After that point, we don't grant any further applications. This is a policy which was created to develop a frontier, and then tweaked in the 1970's to try to protect our remaining fish life. This is a policy which has failed to evolve in the past two decades as the needs of the state have changed. My talk today is intended to suggest some directions for evolution.

PRIORITY OF USES The principle of law that all beneficial uses of water are equal is one which we can no longer afford. The development of water treatment and recycling technology shifts the question of priority of uses by creating the option of allocating reused water instead of fresh water. The only thing which prevents its wide use now is relative cost. I will suggest that human consumption through municipal systems, and fish and animal habitat preservation, should have higher priority than irrigation and industrial uses for fresh water.

REORIENTATION OF THE WATER ENGINEERING AND DEVELOPMENT INDUSTRY The sensible industry response to existing state policy has been a "longer straw" approach. Any other approach would have been irrational, since the state was in the business of giving away its most precious resource free. This approach has recently led to many failed applications, expensive litigation, and major project delays, both for private developers and municipal purveyors. Proposals for reuse, recycling, recharge, etc. usually come forward only when the first effort, to get the resource at no cost, has failed.

I believe that recommending to clients that they invest time and money in pursuing free water is no longer a prudent course of action, simply as a matter of business judgment. Clients would be better served by an assumption that there is no free lunch, and any water a project needs is

going to have to be within the existing water budget of the watershed.

In specific terms, any proposal for new water use, in any basin which arguably is at or beyond its supportable appropriation, should be based on reuse of water currently being appropriated, or it exposes your client to new and rapidly increasing risks of failure. When I say that human consumption through municipal systems and fish and animal habitat should have

priority for fresh water, I intend to suggest two things: 1) industrial and agricultural uses should be steered to reused water; and, 2) non-permitted uses, particularly abusive use of the 5,000 gallon domestic exemption, should be stopped altogether, so that every use needs a permit.

POLICY EVOLUTION TOWARD MARKET EFFICIENCY IN WATER ALLOCATION I am not what anyone would call a free marketeer, but I have a healthy respect for the power of the market. I think that power could be enlisted to help us rationalize our water policies. The market value of water in the present policy structure is reflected in 3 principal ways: **1)** in the price of land to which the water right is attached; **2)** in the retail price which municipal and other purveyors charge their customers; and **3)** in the acquisition of rights as "mitigation" for a new withdrawal. This last case is very problematic, because it almost inevitably leads to purchase of paper rights, which are not currently needed or in use, and which should have been relinquished long ago. Thus the "mitigation" leads to an actual increase in the consumptive use of water in the basin.

There are two principal effects of the fact that water is, for most permitted users, free. First, there is no incentive for conservation. In fact, there is a perverse incentive to use water instead of other materials and (...continued)

A PROPOSAL TO IMPROVE STATE WATER POLICY

(...continued)

processes which cost money. Second, there is no revenue stream to support development of water facilities for flood prevention and retention for supply use, systematic groundwater retention, and transport of recycled water to potential users.

PROPOSED POLICY STRUCTURE

1. Prioritization of Beneficial Uses Priorities would be assigned to all users, within each watershed; the priorities would be the basis of permit approval, enforcement, and fees. First priority would go to municipal supply for human consumption and preservation of fish and animal life and habitat. Priority for other uses would be consistent with the land uses designated under the Growth Management Act; i.e., if an area is designated agricultural, then irrigation and stock watering would have priority over industrial uses. This would support the state's growth management efforts, rationally distinguish between urban, urbanizing and rural areas, and build in a consistent mechanism for local decision making.

2. An Annual Fee, By Volume Permitted, For All Users In The State To support the priority system, fees should be lower for high priority uses, with uses which are intended to preserve natural resources, such as water and land trusts, paying little or nothing. Fees should be variable, with the state setting, by rule, higher fees in watersheds with critical short supplies, and much lower fees for reused water. All revenues from fees would be designated for: 1) water supply, conservation, and reuse projects; 2) habitat conservation and enhancement; and 3) buying rights in over-appropriated watersheds.

3. Free Sale Of Water Rights With the above elements in place, the table would be set for a

system of freely salable water rights, subject to a short set of conditions to make sure that each sale supports, rather than undermines, the policy. Water rights could be exchanged under the following conditions: 1) a right could be sold for use within the same watershed; 2) a right could be sold for a use with the same or a higher priority; and, 3) in basins which are currently over appropriated, each right sold would be reduced by some small percentage, so as to improve the viability of all rights in the basin over time.

EFFECTS OF THE POLICY OVER TIME

With the above policy in place, the power of the market would be effectively harnessed to support the rational conservation and use of our most precious natural resource. The proposed policy would:

1) Encourage fish and habitat protection and enhancement.

2) Make it irrational, in most situations, to use water just to hang on to a water right; instead, it would make it sensible only to use the amount of water you need, and sell the rights to the rest to a high priority user or to the state.

3) Make it more expensive to use land and water contrary to a county's Growth Management Comprehensive Plan, and less expensive to use them in a way which is consistent with that plan.

4) Discourage the substitution of water for other, less critical, substances and processes in industry and agriculture.

5) Tend to make water use by industry and agriculture more efficient, both in terms of volume used and, over time, what uses within a given priority were willing to pay the most for water rights at a particular location.

6) Provide funding for the infrastructure necessary to make a shift toward reused water, particularly for industry, a realistic option. ♪

What this State Chapter is All About!

The WA State Chapter of the AWRA fosters educational and professional development. **Student support** is provided in the form of two annual student fellowships, sponsorship of a student chapter at the University of Washington, and underwriting of a special meeting in the early summer hosted by the student chapter and open only to student, faculty, and Section members. **Interorganizational support** is fostered with local, interstate and international organizations. A **bimonthly newsletter** is published containing in-depth analysis and editorials of current issues. **Brownbags** are organized on special issues as they arise. Several **dinner**

meetings are held throughout the year providing good food and good company followed by a presentation by featured guests. The annual climax is a **Fall Conference** in November which is the principal funding vehicle for many Section activities. A **dedicated board** of 15 members meet regularly to plan, organize and facilitate events. The Washington Chapter has been selected to host the **1999 National AWRA Conference**. If you wish to learn more about your Section and/or wish to participate more in Section activities, you will be warmly welcomed. Please contact any of the board members listed on page 14. ♪

KING COUNTY SUPERIOR COURT DECISION SUMMARY ON STATEWIDE WATER RIGHTS ISSUES

by Fred Rajala, Department of Ecology

On December 19, 1997, the King County Superior Court issued its Order RE: Statewide Issues in the appeal of the Pollution Control Hearings Board (PCHB) decisions regarding application decisions from Ecology's Northwest Regional Office. Of the 11 threshold statewide water rights issues before the PCHB, seven were appealed to King County Superior Court. The following summary is extracted from the PCHB's Order on Motions for Summary Judgment and the Court's Order RE: Statewide Issues. I've tried to quote the issues as framed by the PCHB, the basic PCHB decision, and then the basic King County ruling on the issue.

1. *Does the appeal in the matter of Hillis v. Ecology. (No. 63399-1), pending in the supreme Court, preclude the PCHB from hearing issue No. 2 in the Broads Pre-hearing order of May 3, 1996?*

PCHB: No.

King Co. Superior Court: Issue not appealed

2. *Was Ecology required to adopt rules under the Administrative Procedures Act (APA) prior to denying ground water applications based upon hydraulic continuity with surface water?*

PCHB: Ecology was not required to adopt a formal rule under the APA before denying ground water applications that fail to meet the four criteria of RCW 90.03.290.

King Co. Superior Court: PCHB ruling modified as follows: There is no mandate to propound a new rule so long as Ecology gives the applicant a meaningful opportunity to respond to its factual evidence in each and every application it processes.

3. *Does the Board have jurisdiction to determine facial challenges to rules adopted by Ecology? Does it have jurisdiction to determine "as applied challenges" to those rules?*

PCHB: The Board has jurisdiction to consider the consistency of Ecology rules with underlying statutes as applied in individual cases. The Board does not have authority to consider a facial challenge to the validity of an Ecology rule.

King Co. Superior Court: Issue not appealed.

4. *Where minimum flows have been established by regulation, may a ground water application be denied under the water code, if the source is found to be in continuity with those regulated waters?*

PCHB: Ecology may deny a ground water application if necessary to protect minimum in-stream flows in a surface water with which that ground water is in hydraulic continuity.

King Co. Superior Court: The PCHB ruling is modified as follows: continuity is not automatically sufficient to demonstrate impairment or conflict; continuity is but one factual sub-question to be addressed in deciding whether there is an impact effect or conflict. The Court neither prohibits nor endorses any form of evidence, whether modeling or measurement, inasmuch as the propriety and sufficiency of any proffered evidence shall in the first instance be decided by the trier of fact in each case.

5. *Is there a statewide legal standard for determining that a proposed ground water withdrawal is in "hydraulic continuity" with a surface water body; and if so, what is it?*

PCHB: Hydraulic continuity is a scientific fact which, once established in any degree, need not meet any further standard or test to be given full credit in Ecology's water allocation decisions.

King Co. Superior Court: The ruling of the PCHB is affirmed. Continuity is a factual question.

6. *Has Ecology effected de facto closure of any basin without following the formal rule making procedure of the APA?*

PCHB: There is no requirement that Ecology promulgate a new regulation to close any water to further appropriation where any additional appropriation would be contrary to law.

King Co. Superior Court: The PCHB ruling is modified as follows: A denial may be issued whenever justified on the facts of the case, as long as the evidence is sufficient under the pertinent statutes and code provisions. However, in the absence of a rule, Ecology may not seek to refuse all ground water applications in a given basin on the grounds of an assumed continuity and an assumed impairment or conflict. Ecology must be prepared to either prove those assertions factually as to each affected permit application, or comply with the APA in propounding a rule closing or otherwise modifying the basin or area or zone in question, or restricting any category of applicants, uses or appropriations.

(...continued)

KING CO. DECISION SUMMARY ON WATER RIGHTS *(...continued)*

7. *May the availability of water for an application for appropriation be established using the number of days on which minimum instream flows established by regulation have not been met?*

PCHB: Data on the number of days on which minimum instream flows established by regulation have not been met is relevant information to consider in determining the availability of water for the application for appropriation.

King Co. Superior Court: PCHB affirmed. The failure to meet minimum instream flows may be considered in determining availability, this fact alone does not necessarily prove the availability of ground waters in a particular aquifer.

8. *May cumulative impacts be considered in a water right application, and if so, what is the appropriate legal standard to apply to a decision?*

PCHB: Where the present application would result in impairment to senior rights, Ecology may look at the cumulative effect of similar applications as well, under the public interest criterion.

King Co. Superior Court: The PCHB is affirmed. Cumulative impacts may be addressed to determine whether a proposed use or category of use may prove detrimental to the public interest.

9. *In determining water availability, must the Board consider impacts on water quality?*

10. *In reviewing Ecology's permit decisions, must the Board consider impacts to critical habitat for fisheries?*

Rulings on No. 9 & 10:

PCHB: The Board and Ecology may consider issues of impact to water quality and to critical fisheries habitat in reviewing water right applications, but only if those issues are relevant and material to that application.

King Co. Superior Court: Issues not appealed.

11. *What legal standard governs decisions by Ecology (or the Board) to impair pre-existing senior water rights?*

PCHB: Ecology may not approve an application for ground water which would impair senior rights, including instream flow rights of the public. The only exception is the statutory provision allowing Ecology to approve a withdrawal which conflicts with base flows for overriding considerations of the public interest; this exception must be narrowly construed.

King Co. Superior Court: The ruling of the PCHB is affirmed. Administratively established flow levels are appropriately considered prior rights. There is no presumption in favor of new uses or appropriations. Each applicant must meet the four criteria imposed by RCW 90.03.290, on all of which the applicant bears the burden of proof.

The Court is prepared to issue an Order of Remand for cases as warranted. A case status conference is scheduled at 11 a. m. on Feb. 6. ☺

1997 WA-AWRA Fall Conference Sponsors

“Balancing Instream Needs with Out-of-stream Demands”

.....



Thank You!

NPDES PHASE II STORM WATER REGULATIONS - Will Compliance with State of Washington Stormwater Program Meet New Federal Requirements?

by Rod Sakrison, Ecology, incorporating information from Bill Derry, CH2M HILL

Draft Phase II storm water regulations were issued by the Environmental Protection Agency on December 16th, 1997. Phase II regulations extend federal permit requirements to jurisdictions with population between 10,000 and 100,000. The emphasis of the new requirements is on making measurable progress in the following six mandatory program elements:

- Public education and outreach on storm water impacts;
- Public involvement/participation;
- Illicit discharge detection and elimination;
- Construction site storm water runoff control;
- Post-construction storm water management in new development and redevelopment; and
- Pollution prevention/good housekeeping for municipal operations.

EPA is putting quite a lot of emphasis on checking progress toward measurable goals through annual reports. One of the first points of departure from the Phase I requirements is a less stringent requirement for monitoring. Among the areas where the NPDES program will be expanded is the Industrial Storm Water General Permit for Construction Activities. Coverage under the permit will now be required for sites, below the existing 5 acre threshold, down to 1 acre.

At this point, Washington State Department of Ecology has yet to specify application procedures for the new Phase II permits or to take a position on the role of monitoring. The new federal requirements raise questions over the relationship of local programs that are currently being developed under existing state stormwater programs. In Washington, local governments have already taken significant steps to develop stormwater management programs pursuant to the Puget Sound Water Quality Plan. Will complying with the state program bring you in compliance with NPDES Phase II? For the most part, the answer is yes: there are substantial areas of overlap, however, annual reporting and monitoring of any sort could be considered new federal mandates.

To review the current State of Washington stormwater management program it should be remembered that these requirements were initiated by the publication of the Stormwater Management Manual for the Puget Sound Basin (Ecology 91-75, February 1992). The first deadline for local government was January 1, 1995. This was known as the **Basic Program** and was required of all cities, towns and counties in the Puget Sound Basin. The intent of the Basic Program is preventative in that it ap-

plies to new development and redevelopment. The following elements are included in the Basic Program:

- Adopt ordinances to control and treat runoff;
- Adopt the Ecology Stormwater Manual or an equivalent manual approved by Ecology;
- Implement programs and adopt ordinances for operation and maintenance of drainage and treatment facilities; and
- Educate citizens and businesses about stormwater problems and solutions.

The Puget Sound Plan also requires implementation of a **Comprehensive Program** for cities and urbanized areas of counties (as defined by the US Bureau of the Census). The intent of the Comprehensive Program is to address chronic stormwater problems by setting local priorities for watershed protection and restoration. Under the Comprehensive Program cities are to develop elements of the Basic Program, plus the following additional elements:

- An ongoing assessment program to identify and rank significant pollution sources;
- Investigations of, and corrective actions for, problem storm drains;
- A response program for pollutant investigations, complaints, and spills;
- An adequate funding mechanism;
- Inspection, compliance, and enforcement measures; and
- Local coordination within watersheds.

So how do these federal and state requirements line up? Opinion seems to be that fully complying with the current state program probably puts a jurisdiction far beyond the current proposed federal requirements. For example, there is no federal requirement similar to the state requirement for an adequate funding mechanism (née, stormwater utility). More importantly, the few areas where EPA has substantive requirements for construction activity permits and post-construction runoff control and treatment are fully covered by the Ecology Stormwater Manual and the Basic Program requirements.

One of the more important objectives of the Ecology's Comprehensive Stormwater Program is to correct existing problems. The Phase II requirements for illicit discharge detection and elimination are probably far narrower. In terms of building a watershed protection program, **(continued...)**

NPDES PHASE II STORM WATER REGULATIONS (...continued)

Phase II may require no more than the development of a storm sewer system map and a program to detect and eliminate illicit discharges.

This looks like a very minimum program compared to Washington's requirement to identify and rank significant pollution sources, and investigate and

correct problem storm drains. Another area in question is the flow controls that would be placed on new development. EPA is thought to require no controls while specific standards for rate and location of release is paramount in the Ecology Manual. More detailed analysis of the federal and state programs is warranted. For the present, the accompanying table provides an initial comparison. ♯

Table 1: Comparison of Stormwater Program Regulatory Requirements

FEDERAL Phase II NPDES Municipal Permit	STATE Comprehensive Puget Sound Stormwater Program
Public Education and Outreach	Education Programs
Public Involvement, Participation	Public Outreach <ul style="list-style-type: none"> Required for prioritization process (see Identification and Ranking of Significant Pollutants)
Illicit Discharge Detection and Elimination <ul style="list-style-type: none"> Develop storm sewer system map Prohibit through ordinance illicit discharges and enforce 	Identification and Ranking of Significant Pollutant Sources <ul style="list-style-type: none"> Mapping of known storm sewer outfalls Problem stormwater drainages prioritized Investigate and Correct Problem Storm Drains <ul style="list-style-type: none"> Corrective actions taken Programs include appropriate treatment and source control measures from existing commercial and residential areas. Ecology Stormwater Manual Volume IV (Source Control) Illicit discharges prohibited by ordinance (see Minimum Requirements for New Development and Redevelopment)
Construction Site Storm Water Runoff Control	Ordinances, Minimum Requirements for New Development and Redevelopment <ul style="list-style-type: none"> Ecology Stormwater Manual Volume II (Erosion and Sedimentation Control)
Post-Construction Stormwater Management in New Development and Redevelopment, sites >1 acre	Ordinances, Minimum Requirements for New Development and Redevelopment <ul style="list-style-type: none"> Ecology Stormwater Manual Volume III (Runoff Controls)
Pollution Prevention/Good Housekeeping for Municipal Operations	Operation and Maintenance Programs and Ordinances
Evaluate Program Compliance and Progress (Annual Reports)	No Similar Requirements (Implementation Strategies & Program Submittals required by December 1999)
No Similar Requirements	Technical Manual Adoption
No Similar Requirements	Adequate Funding (Stormwater Utility)

SEATTLE 1999 NATIONAL AWRA CONFERENCE

Beginning the Conference Planning Process

by Rod Sakrison, Ecology

Since being awarded the privilege of hosting the 1999 National Conference of the American Water Resources Association, the reality has finally hit that we need to get the ball rolling. I represented the Washington Section at the 1997 National Conference in Long Beach where we affirmed our commitment to be hosts. I came away from the committee meetings with the weighty feeling that even though most of the administrative tasks are handled by the National organization, the state section is pretty much on its own to make the Conference a success. The theme for the conference is an important responsibility and entirely the prerogative of the state section.

Where do we stand today? We have a number of board members that have pledged to be active in the conference planning process. I also took business cards from a half-dozen or so people that came up to me at the Fall Conference and expressed interest in participating. I hope this number will grow over the next couple of months as we get going. Permanent chairs have not been identified for any of the committees at this time, and I am filling the Program and Technical Chair positions on an interim basis.

What arrangements have been made? We were visited by the Executive V.P. of National AWRA in December. He has received feasible bids from two hotels in Bellevue and two in downtown Seattle. All were acceptable to the State Section. We haven't heard the final selection yet. The conference will most likely be held in early December 1999. One thing the host does provide are ideas for special occasions and field trips, although this doesn't need to be addressed right at the beginning.

What do we need to do next? We need to identify a core theme or themes for the conference and begin to draft the Call for Papers. This needs to be carefully crafted. Among the themes that have been discussed as truly identifiable with the state of Washington is "Salmon Recovery and Stream Restoration". This is probably a good place to start. If you have ideas for themes for sessions, panel discussions or topics you feel should be included, please come forward with these ideas.

When do we need to have the themes fully articulated? The Call for Papers will not go out any earlier than approximately 12 months in advance, and may even be delayed until 9 months before the Conference. National AWRA is moving toward less time for the Call for Papers to ensure contemporary topics and that the authors are eager to present. This means we probably have well into Fall 1998 to get ready.

How should we start the preparation process? First, I will post this information on the Washington Section AWRA web-site and use that as a means of keeping the process up-to-date. Second, I propose that we have an initial meeting of the planning committee on Wednesday, February 18, 1998 at noon to 1:00 p.m. at the Department of Ecology Northwest Regional Office in Bellevue. Remember, everyone is welcome to come onto the committee and play a valuable and formative role. If you cannot make it to the meeting and still want to contribute, please contact me.

Who should I contact? Please call Rod Sakrison at (425) 649-7140, or email RSAK461@ecy.wa.gov or visit our web-site at www.pgwg.com/waawra. ☞

SEATTLE 1999 CONFERENCE PLANNING COMMITTEE MEETING

Department of Ecology Northwest Regional Office
3190 160th Ave SE, Bellevue, WA 98008-5452
Noon -1:00 p.m. Wednesday, February 18th

UW STUDENT CHAPTER ENTERS SECOND YEAR

by Erin Nelson, University of Washington Student Chapter President

The AWRA student chapter at the University of Washington began its second year with a general meeting held in October. New officers were elected and action items for the 1997-1998 school year were discussed. Current chapter membership includes 27 students from the schools of Urban Design and Planning, Landscape Architecture, Civil Engineering, Fisheries, and History. The variety of departments represented in the chapter reflects its

interdisciplinary character. Derek Booth, director of the Center for Urban Water Resources at the University of Washington, is serving as the faculty advisor for the student chapter. Additionally, Rod Sakrison will continue in his role as liaison between the student and state chapters and serve as an off-campus advisor. *(continued...)*

UW STUDENT CHAPTER ENTERS SECOND YEAR (...continued)

Among the many contributions provided to students by the state section are the fellowships in the amount of \$1,500 that were awarded to two outstanding graduate students for the 1997-1998 academic year. Sarah Ogier, a founding member of the AWRA student chapter at University of Washington, was one of the recipients of the fellowships. Sarah is completing an advanced degree in Urban Design and Planning at the University of Washington. Her research is centered on preserving and enhancing instream flows for ecological benefit. The Teanaway River Basin is the focus of her study. Suzanne Shull, a Master's candidate in Environmental Science at Western Washington University was also the recipient of a fellowship. Suzanne's thesis project involves the development of methods for habitat inventory of aquatic lands using a Compact Airborne Spectrographic Imager (CASI) digital image which she will then apply to map habitat of the Padilla Bay National Estuarine Research Reserve aquatic lands located in Skagit County, Washington.

Several student members were able to attend and/or volunteer at the fall conference held in November. It was a great opportunity to meet members of the state section and hear some excellent talks.

Some of the goals for the 1997-98 academic year include (1) building a web site on the University of Washington homepage, (2) completing a water-related environmental project, (3) continuing the internship program, and (4) holding a joint social with the state section in the spring. Additional student chapter activities include the compilation of a list of interdisciplinary courses for students interested in water resources. The list should be very helpful to students as it is often difficult to learn about good classes that are offered in other departments. The list also may be of use to working professionals who have an interest in continuing education at the University of Washington.

The winter quarter meeting is currently being organized and will probably be held in mid-February. A speaker for the meeting has not yet been identified. If anyone has an interest in presenting a talk at the meeting, please contact Erin at (206) 543-6272 / (206) 522-6327. ♪

Water Right Claims Registry Reopening Garner's a Lot of Interest

by Paula Smith, Ecology

The 1997 Washington State Legislature opened a new filing period for the Water Right Claims Registry. The registry is designed to capture water rights established before the state began issuing water right permits. This would include the use of surface water before 1917 or ground water before 1945. These historic water rights are called vested rights.

The current filing period runs from September 1, 1997 through June 30, 1998. You are eligible to file a Statement of Claim during the 1997 opening if you, or a previous property owner:

- began using surface water before 1917, or ground water before 1945, AND continue to do so, AND have not previously filed a claim or other water right document; or
- claim to have used water which is riparian to the natural water course (water use on lands abutting a stream, lake, or watercourse) AND you can prove that the lands upon which water use is claimed were taken out of federal ownership prior to 1917 AND the water was put to beneficial use before 1932, AND you have not previously filed a claim or other water right document.

The current registry opening contains a large public outreach component. Ads have run in 21 papers

since August of last year, reaching approximately 750,000 people statewide. A toll-free number was also set up to allow people to request informational packets. As of January 1, we have talked to over 8,600 people either by phone or in person; 4,300 informational packets have been mailed out; we have researched 1,300 water rights; 147 Statement of Claim forms have been received; and of those, 61 new qualifying claims have been registered.

"The public's response has been all that we'd hoped for," said Keith Phillips, program manager of Ecology's Water Resources Program. "This has provided us an opportunity to talk to folks about water resources in general. Many people are unsure about the status of their water right and what needs to be done to protect it. The fact that we have had so many calls shows how interested people are about water resource issues."

If you would like to request information about filing a claim, or to request information about previously filed claims or existing water right permits and certificates, please call **1-800-468-0261** and leave your name, mailing address, and telephone number. If you need to speak to someone in Ecology's Headquarters office, call (360) 407-6738. ♪

**WASHINGTON SECTION
AWRA BOARD MEMBERS**

President: Adam Gravley
(206) 623-7580

Vice President: Teresa J. Platin
(425) 453-5005, ext. 5235

Treasurer: Mike Wert
(206) 624-9190

Secretary: Peter Sturtevant
(425) 453-5545

Editor: Chris V. Pitre
(206) 329-0141

Past-President: Rod Sakrison
(425)-649-7140

Director: Phil Beilin
(425) 388-3935

Director: Steve Foster
(206) 764-3600

Director: Steve Hirschey
(425) 649-7066

Director: Andy Lukas
(206) 749-2281

Director: Gwenn Maxfield
(425) 483-9104, ext. 402

Director: Stan Miller
(509) 456-6024

Director: Rachael Pascal
(206) 223-8454

Director: Fran Solomon
(206) 296-1024

Faculty Advisor: Derek Booth
(206) 543-7923

This newsletter is a publication of the Washington Section of the American Water Resources Association. It is published bi-monthly. This is a forum for members to share ideas and opinions; as such, opinions expressed in the AWRA Newsletter are those of the authors and do not necessarily represent the official position of the Washington Section of AWRA.

Submissions are welcome for the next newsletter, to be issued in March/April. The editor reserves the right to make changes for reasons of length, grammar, legality or clarity. The submittal due date is March 6, 1998. Contact Chris Pitre at (206) 329-0141, or send submittals directly via:

FAX: 206-329-6968

or

Internet Mail: chris@pgwg.com

(most document/graphic formats are acceptable)

NEW AWRA BOARD OF DIRECTORS

On November 13, 1997, the Washington Section of the American Water Resources Association elected a new Board of Directors for 1998. Your board has already been hard at work, planning for events in the coming year, and setting up committees for the smooth operation of the organization. Short biographical sketches are provided here for you to get to know your AWRA Board of Directors. If you wish attend a Board meeting and see the group in action, keep your eye on the Upcoming Events announcement block in each newsletter.

President: Adam Gravley

Adam practices environmental and municipal law, with a concentration on water law, in the Seattle office of Preston Gates and Ellis. He represents business, local government, and individual clients on all types of water rights matters. Adam lives in Seattle with his wife and two daughters and enjoys hiking, skiing and playing basketball.

Vice President: Teresa J. Platin

Teresa is a water resources engineer with CH2M HILL in Bellevue. Her primary interests in surface water hydrology, stormwater conveyance and treatment and wetland systems carry over to her volunteer efforts in environmental education and stream restoration. Living in Renton, Teresa, her husband and daughter enjoy hiking and traveling throughout the country.

Treasurer: Mike Wert

Mike is Vice President and Manager of the Water Resources and Utilities Division at Shapiro and Associates, Inc. of Seattle. His career has involved the planning of water supply, stormwater, wastewater, hydroelectric, and transportation facilities. Mike and his family reside in Kirkland.

Secretary: Pete Sturtevant

Pete heads the Municipal Group at Harding Lawson Associates in Bellevue. Working primarily on drainage and stream restoration projects, his experience in the fields of water resources and environmental impact assessment includes water supply studies, point/nonpoint water quality assessments, flood control, wastewater and water reuse projects. A proud Husky Alumni, Pete enjoys hiking, canoeing, sailing, and other water-related activities in the Great Northwest.

Editor: Chris Pitre

Chris is a hydrogeologist with Pacific Groundwater Group. He works primarily in groundwater resource management, including characterization, development, and protection, as well as environmental work. In his spare time, Chris can be found working on community projects and home improvements.

Past-President and Student Liaison: Rod Sakrison

Rod is an environmental planner in the Water Quality Program at the Washington Department of Ecology's Northwest Regional Office in Bellevue. Born and raised in Seattle, he is a serious amateur musician who has also found time to recently complete his Ph.D. in Urban Design and Planning at the University of Washington. Rod and his family live in Seattle.

... *continued*

NEW BOARD OF DIRECTORS (...continued)

Director: Phil Beilin

Phil is a Senior GIS Analyst at the Snohomish County's Geographic Information Division. He coordinates and manages the development of GIS applications for County environmental/engineering projects, and actively participates in joint state GIS hydrography projects. Phil, who enjoys outdoor activities such as tennis, fly fishing and hiking, has a new baby daughter, Dora.

Director: Steven Foster

Steve, Chief of Planning for the Seattle District Army Corps of Engineers, is responsible for the planning and execution of the division's water resources civil works programs. His primary focus is water resource studies and project management for navigation, flood control, hydropower, erosion control, water supply and environmental restoration. Steve and his wife have two children, and enjoys biking, hiking, boating, fishing, and skiing.

Director: Steve Hirschey

Stephen Hirschey works with the Washington Department of Ecology's Water Resources Program. Steve earned his B.S. in natural Sciences from St. John's University, and his M.S. in Environmental Studies from the Evergreen State College in Olympia. He has experience working with instream flow studies, water right administration, and most recently, state water policy, rules and regulation development. Steve is married and the father of five year old Olivia, and three year old David. Steve enjoys snow-skiing, hiking, and camping.

Director: Andy Lukas

Andy, senior engineer with Brown and Caldwell, manages hydrologic and hydraulic analysis projects, as well as wastewater treatment plant and stormwater outfall mixing zone permit applications. He is involved in GIS projects, infiltration/inflow removal projects, and developing custom computer applications for clients. Andy, his wife, and their 8-month old son live in Everett. He is an avid Mariner fan and looks forward to the new stadium!

Director: Gwenn Maxfield

Gwenn Maxfield is a commissioner at Woodinville Water District and watershed educator within the Northshore School District. For the past two years, she has served as chair of the Cascade Water Alliance, a water governance group in King County. Gwenn and her husband have one son, and she enjoys skiing, rowing, canoeing and hiking.

Director: Stan Miller

Stan is Program Manager for Spokane's regional aquifer protection program, managed through the Spokane County Public Works Department, Utility Division. Stan enjoys canoeing, backpacking, running, and working on the restoration of a turn-of-the-century home.

Director: Rachael Pascal

Rachael Paschal has been the executive director of the Seattle-based Center for Environmental Law & Policy since its inception in 1993. The Center is a nonprofit organization dedicated to protecting Washington's water resources and promoting public interest in state water law. Before joining the Center, Ms. Paschal served as legal counsel for the Yakama Indian Nation and the Samish Tribe, and taught water law at the UW. Her time outside of the office also often revolves around natural resources - she enjoys hiking, skiing and gardening.

Director West: Fran Solomon

Fran is Senior Ecologist at the King County Department of Natural Resources, where she leads and participates on interdisciplinary teams that implement wetland and stream restoration and habitat enhancement projects. Fran and her husband live in Seattle and enjoy traveling, bicycling, backpacking, live theatre, and music.

Faculty Advisor: Derek Booth

Derek Booth is a professor at the UW and director of the Center for Urban Water Resources Management, a research center investigating the effects of land-use changes on the Pacific Northwest's water resources. He was a geologist in the King County Basin Planning Program since its inception in 1986 until 1995, and for the U.S. Geological Survey since 1978 as an author or co-author of 12 geologic maps spanning west-central Washington from the northern edge of Mt. Rainier National Park to the Canadian Border.

[Editor's note: One of WA-AWRA's goals this year is to achieve more interaction with other compatible organizations. To this end, we are co-sponsoring the next dinner meeting with the Washington Hydrologic Society. Announcements of other organizations are also included here. To include your announcement, contact chris@pgwg.com. Links to these organizations are provided through our web page: www.pgwg.com/waawra

Association of Engineering Geologists (AEG)

Feb. 19 Tom Badger of WSDOT will start his talk with a brief intro to WSDOT's landslide evaluation program. He will then launch into his main topic, that being a discussion of rock slopes and rock falls in WA state. Double Tree Inn in Bellevue.

Mar. 19 Derek Booth of UW who will present a talk titled "Stream Channel Changes in Urbanizing Watersheds of Western Washington." Latitude 47 Restaurant, Seattle.

April 16th David Montgomery (UW) discussing results of his recently published (Seattle Times) research on plotting of landslide areas in Seattle. Meeting will likely be at the Double Tree Inn in Bellevue.

May 21 feature Kathy Troost of Shannon & Wilson, with possibly co-speaker Derek Booth, discussing the newest "Geology of Pierce and Kitsap Counties, Washington". Joint meeting with the NWGS.

NorthWest Geological Society (NWGS)

Feb. 10. "What we know and 'more importantly' don't know about eruptive hazards at Glacier Peak". Larry Mastin of the USGS

Mar. 10. Specifics for this meeting are still being worked out. However, we plan a free visit to the Burke Museum. A additional back-door tour at the Burke also is in negotiations at the moment. Hosted by Elizabeth Nessbit of the Burke Museum of Natural History and Culture

Washington Hydrologic Society (WHS)

Feb. 26 Watershed planning and river CPR: Jerry Alb of WSDOT, and Joy Huber of the Rivers Council of Washington. Joint meeting with AWRA, WA Section (see opposite page).

Mar. 18 Update on Water Resources Legislation enacted in the 1998 Washington Legislative Session. Presented by: Judy Turpin (lobbyist).

Puget Sound Research '98: From Basic Science to Resource Management

Sponsored by the Puget Sound Water Quality Action Team, March 12 & 13, 1998, Seattle, WA

Puget Sound Research '98 offers you two days with sessions reporting research on topics critical to the future of the Puget Sound and Georgia Basin region. There will also be sessions on how to communicate scientific studies to a variety of audiences. Whether you are a researcher with information to share, or a resource manager, student or citizen interested in the latest information about the health of the Sound and the Basin, you will find this conference informative and thought provoking.

1998 Conference on Agriculture and Water Quality in the Pacific Northwest: Understanding Each Other and Working Together for a Better Future

Sponsored by the USGS October 20 - 21, 1998 Yakima, WA

Conference Mission: To provide a forum for agricultural interests, government, and environmentalists to come together in one place to discuss issues relevant to Agriculture and Water Quality. The intent is to present the different perspectives in a non-confrontational forum and to help each other see and understand the others' perspectives and points of view.

WATERSHED PLANNING AND RIVER CPR

JERRY ALB of WSDOT, and JOY HUBER of RCW

by Teresa J. Platin, CH2M HILL

On Thursday, February 26 at 5:30 p.m., AWRA will hold a joint dinner meeting with the WHS at Latitude 47 in Seattle. **Jerry Alb**, Director of Environmental Services at the Washington State Department of Transportation (WSDOT), and **Joy Huber**, Executive Director of the Rivers Council of Washington (RCW), are the featured speakers. They will provide unique yet compatible perspectives on their organizations' watershed planning efforts.

About the Meeting Topic...The WSDOT Environmental Program is responsible for environmental review and mitigation for transportation projects. Jerry's group is exploring the potential to increase the effectiveness of mitigation by taking a watershed-based approach to identifying priorities for environmental investments. They have selected the Snohomish Watershed as a pilot project. Federal and local legislation is an important driver behind the Environmental Program's watershed planning initiatives. Jerry will discuss this legislation, his insights, and WSDOT's role in projects across the state.

The RCW has led a non-partisan effort to protect rivers in Washington. At the local level, they provide a network of resources, technical expertise and encouragement for more than 700 groups. They are active in state and national watershed legislation, such as getting House Bill 2054 introduced (authorizing watershed planning units and the supporting budget). RCW has helped form approximately 40 watershed councils across the state, and Joy will discuss their continuing efforts and the organization's plans to connect people with the rivers (River CPR).

About the Speakers...Jerry received the Governor's Distinguished Management Leadership

Award, for applying effective new approaches to solve long-standing problems and streamline processes. As the ranking WSDOT environmental official, he is responsible for the management and administration of environmental programs. Jerry has over 18 years of federal, state and local government experience, and has worked as a private consultant.

Joy has spent 25 years in non-profit administration, public relations, and fund raising in St. Louis, Chicago, New York and Seattle. She has worked with voluntary task forces, boards of directors, steering committees, and campaign teams, all instrumental in the development of her public and policy expertise and the refinement of her commitment to make a difference.

About Registration...Join us at 5:30 for socializing and no-host bar service. Dinner at 6:15, will be followed by the featured presentation.

Pre-registration for the meeting is requested (\$20). Walk-ins may be accepted at the door (\$25). Capacity is limited to 40 people. **Make checks payable to AWRA, c/o Teresa Platin, CH2M HILL, PO Box 91500, Bellevue, Washington 98009-2050.** (Call 425-453-5005, ext. 5235 with questions). Please indicate whether you would like sautéed vegetables over steamed rice, or chicken parmesan (both include a salad).

Latitude 47 Restaurant is on the west shore of Lake Union at 1232 Westlake Ave. N., Seattle. Take the Mercer Exit from I-5. Turn north at the Westlake Ave. traffic light. The restaurant is on the right, ~½ mile after the turn.

BILL TO PROVIDE WATER FOR PEOPLE & FISH

OLYMPIA, January 14, 1998 -- Bipartisan legislation was introduced today in the state House of Representatives to provide sufficient water for people, fish and wildlife in Washington. House Bill 2514 is the result of Republican and Democratic environmental-committee leaders in the state Legislature: Rep. Gary Chandler (R-Moses Lake); Sen. Karen Fraser (D-Lacey); Rep. Kelli Linville (D-Bellingham), and Sen. Bob Morton (R-Orient).

HB 2514 would establish an optional framework and four-year timeline for local communities to follow if they choose to create watershed-management plans. "Watershed planning units"

would be appointed to develop a plan for a geographically defined "management area." Members would include local cities, counties, water utilities and conservation districts within the management area; state-agency representatives; certain Indian tribes; general citizens; and balanced representation of major economic interests.

As a first priority, the watershed planning units would determine in-stream flows in their management areas. Next, the planning units could develop management plans for water quality, water quantity and/or water-related habitat. State funding would

be provided to help local governments pay for these efforts for the first four years. ∞

1998 Membership Application / Change of Address Form

(∞ please circle, as appropriate ∞)

Annual membership in the state chapter costs \$25.

(If you attended the 1997 Fall Conference, you are already a member for 1998 – Welcome!)

Name _____ Position _____ Affiliation _____

Street Address _____ City _____ State _____ Zip _____

Phone(_____) _____ Fax(_____) _____ E-mail _____ @ _____

Check if you would like to be actively involved on a committee during 1998.
You will be contacted to determine what committee involvement you would like.

1998 Membership Dues (through October 1998): \$25.00. **Checks only.** Please make check payable to **AWRA Washington Section.**

Mail to: AWRA, Washington Section
c/o Mike Wert, Shapiro & Associates
101 Yesler Way, Ste. 400
Seattle, WA 98104

The American Water Resources Association is a scientific and educational non-profit organization established to encourage and foster interdisciplinary communication among persons of diverse backgrounds working on any aspect of water resources disciplines. Individuals interested in water resources are encouraged to participate in the activities of the Washington Section.

Special thanks to Pacific Groundwater Group, for word processing and graphics support on this newsletter.

American Water Resources Association, Washington Section
101 Yesler Way, Ste. 400
Seattle, WA 98104

Non Profit
U.S. Postage PAID
Seattle, WA
Permit #1399

A Membership Benefit

Please Post & Circulate