AMERICAN WHITEWATER

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Department of Ecology Bellingham Field Office
Attn: Ann Wessel
1440 10th Street, Suite 102
Bellingham, WA 98225-7028

RE: Chapter 173-557 WAC, Water Resources Management Program for the Spokane River and the SVRP Aquifer and Establishment of Instream Flows for the Spokane River.

Dear Ms Wessel:

American Whitewater appreciates having the opportunity to provide comment on the Department of Ecology's ("DOE") proposed instream flow rule for the Spokane River (WAC 173-555-010). We are very concerned that the rule was developed without a quantitative evaluation of the flow levels that are necessary to protect the recreational and navigation values of the Spokane River. The proposed rule amendment outlines instream flow levels of 850 cfs in the summer and 6,500 cfs in the spring; these flows are inadequate to support the recreation and navigation values of the Spokane River. We request that the DOE conduct a recreation flow study before taking further action on the proposed rule amendment.

American Whitewater is a national non-profit 501(c)(3) river conservation organization founded in 1954. We have approximately 5,800 individual members and 100 local-based affiliate clubs, representing thousands of whitewater paddlers across the nation. American Whitewater's mission is to conserve and restore America's whitewater resources and to enhance opportunities to enjoy them safely. As a conservation-oriented paddling organization, American Whitewater has an interest in the Spokane River. A significant percentage of American Whitewater members reside in the greater Spokane area—a short driving distance from this river for recreation.

The proposed rule amendment needs to recognize instream resources and values of recreation and navigation of the Spokane River. In order to do this, a proper evaluation of the flows that support these values needs to be conducted. Instream flow is a fundamental determinant of recreational quality for this river; it determines whether the river is navigable for different types of boats as well as the quality of the overall experience, including the challenge of the whitewater.[1] Among the steps outlined by DOE's own methodology is a need to "conduct studies to determine what stream flows are needed to protect instream resources and to evaluate past, current and the

[1] Brown, T. C., Taylor, J. G., & Shelby, B. 1992. Assessing the direct effects of streamflow on recreation: A literature review. *Water Resources Bulletin, 27*(6), 979–989.

potential future hydrology in the basin," and then "review and evaluate study results to determine the stream flows needed to protect and preserve the identified instream resources and values."[2] The studies and approach to quantitatively evaluate instream flow needs for river-based recreation are generally accepted by the scientific community and have been peer reviewed. We are concerned that this approach has not been applied in this process to establish an instream flow for the Spokane River.[3]

Instream flow needs for recreation and navigation have been evaluated for the Spokane River in the past. In 2003, American Whitewater worked with Avista to evaluate the impacts of its hydropower project operations on instream flows in the Spokane River.[4] As part of that process, we conducted a recreational flow study using standard methodology.[5] This study found that whitewater boating opportunities on the Spokane River occur year round and that river running opportunities exist at flows of approximately 1,500 cfs and greater. Of 21 participants in this study, 11 considered 1,500 the minimum flow, and the majority preferred higher flows (median 4,000 cfs). Study participants estimated the lowest navigable flow at approximately 1,350 cfs. While some hard-shell kayakers indicated that they could navigate the reach at lower flows, they also indicated that these flows were less than optimal for recreation. Study participants generally preferred the 2,500 cfs study flow for play paddling and safety, but indicated that boatable flows extend well above the study flows. In light of this, it is clear that an instream flow of 850 cfs for the period of June 16th to September 30th, as proposed for WAC 173-557-050, is inadequate.

In November of 2014, American Whitewater conducted an online survey of boaters who kayak, canoe, and raft the Spokane River.[6] In the 5 days that we collected data for this survey, 70 individuals responded. Of those, 59% recreate more than 20 days a year on the Spokane River and 56% have more than 10 years of experience paddling on the Spokane River. The preliminary results show that acceptable flows ranged from 1,500 cfs to 15,000 cfs, with 5,000 cfs as the optimal flow. Note, however, that these are averages for *all* water craft and we expect that a more detailed analysis by the DOE would reveal that rafts require additional flow.

While additional analysis of our data would be required along with some field work and focus group discussions, we can unequivocally state that 850 cfs is well below an

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[2] Washington Department of Ecology and Department of Fish and Wildlife. 2003. A Guide to Instream Flow Setting in Washington State. Publication No. 03-11-007. March 2003.

[3] See: Whittaker, D., and Shelby, B. 2002. Evaluating instream flows for recreation: Applying the structural norm approach to biophysical conditions. Leisure Sciences 24(2-3): 363-374.

[4] The Louis Berger Group, Inc. 2004. Whitewater Paddling Instream Flow Assessment, Study Report, Spokane River Project, FERC No. 2545. February 2004.

[5] Whittaker, Doug, Bo Shelby, William Jackson. 1993. Instream flows for recreation: a handbook on concepts and research methods. U.S. Department of Interior, National Park Service Rivers and Trails Conservation Program, Oregon State University, and National Park Service Water Resources Division. January 1993.

[6] http://www.americanwhitewater.org/content/Article/view/articleid/32087/

acceptable flow for recreation and navigation and does not adequately protect these beneficial uses. In addition, the proposed instream flow of 6,500 cfs for the period April 1st to June 15th does not adequately protect high-flow opportunities that are enjoyed by our community.

We also have concerns with the conclusions of the Small Business Economic Impact Statement, which states, "essentially this proposed rule has little or no impact on small or any other business."[7] Many of our local members are owners or employees of businesses that provide commercial outfitting services for those who recreate on the Spokane River. An instream flow of 850 cfs would have a devastating impact on these small businesses.

In summary, we request that you revisit the proposal for 850 cfs instream flows in summer and 6,500 cfs in spring. Specifically, we request that you apply methodology generally accepted by the scientific community and widely used in regulatory proceedings to determine instream flows for recreation and navigation on the Spokane River.[8] We have extensive experience working with agencies to determine instream flow needs for recreation that are scientifically and legally justified and would welcome the opportunity to assist you in this effort.

Sincerely,

Thomas O'Keefe, PhD
Pacific Northwest Stewardship Director

[7] Hoff, T. 2014. Small Business Economic Impact Statement Chapter 173-557 WAC Water Resources Program for the Spokane River and Spokane Valley Rathdrum Prairie Aquifer and amendment to WAC 173-555-010. Water Resources Program Washington State Department of Ecology Olympia, Washington. Publication no. 14-11-005. September 2014.

[8] Whittaker, D., Shelby, B., and Gangemi, J. 2005. Flows and Recreation: A guide to studies for river professionals. Hydrology Reform Coalition and National Park Service.