

IFC PTD Webinar Chat Comments 23 May 2022

from Christopher Estes to everyone: 11:56 AM

Jason I llb back n a few

from Dennis Riecke to everyone: 12:14 PM

We really appreciate all the time you spent on this project for us.

from Dennis Riecke to everyone: 12:18 PM

How to use the Public Trust Doctrine in our agencies and with our water permitting agencies would be very useful to everyone.

from Christopher Estes (privately): 12:23 PM

noted that closed captions works - dont know if it is captured in recording

from Christopher Estes to everyone: 12:34 PM

All -If you have any other guests participating that aren't identified please send me their names to add to the participants list

from Dan to everyone: 12:49 PM

thank you

from Christopher Estes to everyone: 12:52 PM

Reminder the NIFPA 96 PTD videos referenced by Richard are all posted on the IFC public web site under resources and the written transcripts of the same are also avail in OCR format

from Christopher Estes to everyone: 12:56 PM

As Richard also said in the 96 PTD series "it's a double edged sword"

from Dennis Riecke to everyone: 1:10 PM

I cannot understand why based on the PTD that states do not always have a water right to instream flow.

from Dennis Riecke to everyone: 1:11 PM

Recognizing that in the West all the water may be appropriated, perhaps state agencies could claim that the appropriation laws overlooked and not considered and this was wrong and should be corrected

from Christopher Estes to everyone: 1:14 PM

idid that

from Christopher Estes to everyone: 1:15 PM

ill call in

from Jim Burroughs to everyone: 1:19 PM

In Oklahoma, if you have a point of release (dam), we are required to have a storage permit that we must pay for (paying for the water and extremely expensive) and a 'use' permit from the Water Resource Board. The Water Resource Board can only consider if there is a need, is there existing water available and would the issuance of a new permit effect any current water holders permit. They will not consider ecological impacts. Water Resource board staff has said they see no case where water for a non consumptive use will ever be permitted if that water might someday be needed for consumptive.

from Christopher Estes to everyone: 1:22 PM

at 10 of we can go over the chat box to see if we missed anything. Also if you think of questions that you still have after please send to Andy and Christopher

from Dennis Riecke to everyone: 1:23 PM

If a state has a minimum flow standard that only satisfied the protection of water quality (7Q10) and in some cases that standard - 7Q10 is ZERO - could the fish and wildlife agency claim that the water permitting agency is not fulfilling it's Public Trust Doctrine responsibilities?

from Christopher Estes to everyone: 1:30 PM

well capture chat box too in the followup

from Dennis Riecke to everyone: 1:33 PM

I would assume that if a water user, through water use caused a fish kill, the water permitting agency could seek resitution for the value of fish killed by that water use. I will pose that question to the MDEQ

from Dennis Riecke to everyone: 1:37 PM

It is totally aburd and unrealized that with a 7Q10 - a 10% flow that surface water users could legally use water everyday to keep the stream at a drought flow in perpetuity and never violate Mississippi's default instream flow standard.

from Dennis Riecke to everyone: 1:39 PM

Is failure to measure water use a failure to fulfill the PTD responsibilities? You can't manage what you don't measure. If water quantity use is in a permit and water use isn't measured and reported,, I would contend that failure to measure is failure to adequately monitor compliance with the water use permit.

from Dennis Riecke to everyone: 1:39 PM

Will do. Think outside the box

from Gary Whelan to everyone: 1:40 PM

We have "successfully" used our fish poaching values that include all values of the fish in pollution cases in our state. The logic is that these individuals did not have a license to take these fish so were in direct violation of state law and are required to pay restitution.

from Dennis Riecke to everyone: 1:41 PM

You ask probing questions and see what answers you get and decide whether those answers are sufficient or not in your agencies opinion and state you want to work with the water permitting agency to change procedures.

from Jim Burroughs to everyone: 1:45 PM

Thanks Richard

from Dennis Riecke to everyone: 1:47 PM

You supply the science to the lawyers and the advocates and let them run with it.

from Gary Whelan to everyone: 1:47 PM

As usual, another fine and interesting discussion Richard which is most appreciated.

from Dennis Riecke to everyone: 1:48 PM

Get Proactive, ask probing questions, build relationships

from Rebecca Quinones to everyone: 1:48 PM

Great discussion, Richard. Thank you.

from Dennis Riecke to everyone: 1:48 PM

I believe this is one of the most useful things the IFC has done. Let's use the report in the future.

from Dennis Riecke to everyone: 1:51 PM

There are 42 states that have fish restituion values. Some are not based on the AFS fish kill guidelines. In MS we are arguing for thousands of dollars per paddlefish under thier SGNC status, the value of the illegally taken flesh, eggs and the loss of spawning potential.

from Dennis Riecke to everyone: 1:52 PM

We are using restitution values in LA and from the EPA

from Dennis Riecke to everyone: 1:54 PM

I can put everyone in touch with the Fish and Wildlife Coordination Act Committee chair of the AFWA committee that recently formed. We have a list serve

from Katie Birch to everyone: 1:54 PM

Very interesting. Thank you so much to Richard and the team for organizing.

from Dennis Riecke to everyone: 1:54 PM

Well done all. Great webinar. Thanks