

**From:** Sue Forde [REDACTED]  
**Sent:** Monday, July 02, 2012 8:55 PM  
**To:** Wessel, Ann (ECY)  
**Subject:** Comment on WRIA 18 Rule

June 30, 2012

Please find following my comments for the record on the proposed Water Resources Management Program for the Dungeness portion of the Elwha-Dungeness Water Resource Inventory Area (WRIA) 18, Chapter 173-518 WAC.

The Rule proposed by the Washington State Dept. of Ecology (DOE) is flawed, will cost the people far more money than any benefit obtained, and should not be adopted.

For many years, the DOE has come forward with a proposed “well metering” scheme, and each time, has backed off because of public’s outrage and lack of scientific evidence that wells are causing any kind of problem for salmon. (History shows -according to local newspapers over the years- that salmon populations have fallen, then returned – it’s a natural cycle, some of which is caused by oceanic conditions, according to oceanographers.)

Now the DOE is back again, this time pushing even harder, with the metering idea to “measure” how much water is being used – and which will eventually cause a charge for the use of the water in addition to the burden of expenses on the owner of the land for the digging and maintaining of the well, and the cost to place a meter. The further “pile on” against the taxpayer/landowner is the idea of a mitigation fee for any “change” in use of the water – ie a garden, a greenhouse, etc.

And for what? For a minimal amount of water to be “saved” for fish? (About 0.77 cfs out of minimum instream flow of 180 cfs). It’s what the DOE’s recently removed economist calls “2/10 of 1% of the river over a 100 year build out”. This is all over an extremely small and immeasurable amount of water. Further the “studies” – which in fact use modeling rather than empirical science (and modeling can be skewed as we know – garbage in, garbage out), are over 20 years old and haven’t been updated. Some of the minimum flows Ecology requires historically have been met only 10% of the time, and some never. Rather than protecting the water actually in the rivers, the rule attempts to restore the rivers to flow levels never actually achieved.

RCW 34.5.328(1)(d) states that any “rule” is illegal if its benefits do not exceed its costs. According to Tryg Hoff, the Ecology in-house economist, the “rule” does not meet the legal requirements of the RCW. As quoted in the Sequim Gazette, “Tryg Hoff, the agency economist first assigned to create the rule’s cost-benefit analysis, argued repeatedly that the costs of the rule would far outweigh the benefits. Under Washington law the benefits of any new rule must be greater than the costs.” (Sequim Gazette, June 6, 2012). It’s no wonder Hoff was removed from the DOE rule-making team shortly after his statement, after not falling in line with the “predetermined outcomes”.

I have concluded that this Rule has nothing to do with fish – especially based on the above – and that it is a power grab of the people’s right to use their own property. The DOE is an agency out of control, should be reduced tremendously in size (currently over 1600 employees) and required to stay within the confines of the Washington State Constitution.

Sue Forde  
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Cc: Senator Jim Hargrove, [REDACTED]

Representative Kevin Van de Wege, [REDACTED]

Representative Steve Tharinger, [REDACTED]

Commissioner Jim McEntire, [REDACTED]

Commissioner Mike Chapman, [REDACTED]

Commissioner Mike Doherty, [REDACTED]