

**From:** Dennis Schultz [<mailto:dschultz@waypoint.com>]  
**Sent:** Sunday, July 08, 2012 3:14 PM  
**To:** Wessel, Ann (ECY); Wessel, Ann (ECY)  
**Subject:** WRIA18 Rule Comments 173-518

As President of the Olympic Stewardship Foundation, I represent over 400 families that reside or have property on the North Olympic Peninsula.

Once again the Department of Ecology is trying to impose a water rule on the citizens of a watershed that they don't want or need. They are misusing their power to enact a Rule that is flawed, in the same way they did in WRIA17 (WAC 173-517).

The Cost Benefits and Least Burdensome analysis and Small Business Economic Impact Statement are flawed, incomplete and incorrect. The DOE employees who wrote this proposed law and accompanying 'justification' reports, have ignored many of the actual costs of the rule and exaggerated the benefits to economically justify passing the rule. These employees have shown a complete disregard for professional honesty and integrity. Consideration should be given to the future of their employment in a state agency. These analyses are flawed just like the analyses prepared for the WRIA17 Rule 173-517. Attached are our (Olympic Stewardship Foundation) comments on WAC 173-517 (WAC 173-5-7 DAS), analyses of the documents (SBEIS Analysis DAS, Benefit Analysis DAS), and DOE's response to our petition to DOE to repeal the WRIA17 Rule (DOE Response WRIA17). Also attached is our petition to the Legislative JARRC Committee to review the rule and the Committee's reply (WA Petition SBEIS 12-30-9 and JARRC Reply 6030-100001). We agree with the letter to DOE by Dick Pilling, Port Angeles Business Association, and the comments presented by Kaj Ahlburg at the public comment meeting 6/28/12.

The problems with the proposed stream flow levels in WAC Rule 173-518 are the same as those raised in the Letter about WAC 173-518 from Bill Riley, President, Washington Realtors, to Cynthia Nelson, DOE, dated January 10, 2010. (See attached 'Comments on Dungeness Instream Flow Rule.')

RCW 90.54.020 (1) states that "*Uses of water for domestic, stock watering, ... irrigation, ... are declared to be beneficial.*" Ecology's attempt to discriminate against outdoor water uses in the future is directly inconsistent with this statement. The definition of 'domestic use' as the only beneficial use of a well is in direct contradiction with the RCW. Again a repeat of the error in WAC 173-517. We disagree with DOE rewriting the State Water laws - see the attached copy of the State Attorney General's Opinion (2009\_AOG Permit Exempt Opinion) with regard to DOE restricting the use of the legal 'Permit Exempt Well' water allowances.

In "Findings – Purpose 1997 c 360 § 1" in connection with RCW 90.03.255 the legislature found that "*It is the goal of this act to strengthen the state's economy while maintaining and improving the overall quality of the state's environment.*" The draconian restrictions on water use your draft rule in WRIA17 have reduced land values,

caused lost jobs, restricted agricultural growth and construction. Now you are planning on imposing similiar restrictions on the Dungeness Watershed.

Section 90.82.005 of the RCW states that *“The purpose of this chapter is to ... provide local citizens with the maximum possible input concerning their goals and objectives for water resource management and development.”* And Section 90.82.010 states that *“The local development of these plans serves vital local interests by placing it in the hands of people who have the greatest knowledge of both the resources and the aspirations of those who live and work in the watershed; and who have the greatest stake in the proper, long-term management of the resources.”* And finally, in “Findings -- 2003 1st sp.s. c 4 § 1” in connection with this RCW 90.82.040 the legislature stated that *“The legislature declares and reaffirms that a core principle embodied in chapter 90.82 RCW is that state agencies must work cooperatively with local citizens in a process of planning for future uses of water by giving local citizens and the governments closest to them the ability to determine the management of water in the WRIA or WRIs being planned.”* In 2005 the residents of WRIA17 stopped DOE from implementing a terrible water rule. At that time Joe Stohr, representing the Director of DOE promised WRIA17 that DOE would work closely with the community in writing a new rule. DOE was repeatedly asked in the WRIA17 Watershed Planning Group meetings, "When would DOE work with the community?" DOE repeated ignored these requests and wrote the rule without any community input. Now they have ignored the requirement in formulating WAC 173-518.

Please cancel this proposed WAC and rewrite it, jointly with the community it affects.

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