

SCARP

**Skagit Citizens Alliance
for Rural Preservation**

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April 6, 2014

Washington State Department of Ecology
Water Resources Division
Attention: Jacque Klug
Northwest Regional Office
3190 160th Av SE
Bellevue WA 98008

re: Fisher Creek Mitigation Proposal

After studying the technical report provided by Associated Earth Sciences we have found nothing to convince us that the proposed groundwater recharge project, as described by Joe Mentor and the Upper Skagit Tribe, will succeed. That said, we are looking forward to more public participation in the coming weeks and months.

Our concerns include, but are not limited to, the issues listed below. Meanwhile, we are discussing the feasibility of the project with a local hydrogeologist in an attempt to get a better sense of how the Associated Earth Sciences "concept" will benefit the Fisher Creek ecosystem and citizens who reside in the general area.

[] **FAST-TRACK AGENDA:** By expressing an urgency to proceed without further delay, the project's proponents have generated suspicion among local residents who see this proposal as experimental in nature. Based on information provided in the USGS report of 2010, we are concerned that some of the suggested mitigation techniques – while successful in other regions – may not be suitable for the Fisher Creek watershed. Moreover, we believe the public is justified to expect reasonable explanations regarding possible impacts on riparian habitat and their own personal property prior to starting the project.

[] **TAX BURDEN:** Spending tax dollars on pie-in-the-sky schemes promoted by inexperienced opportunists causes people to lose faith in their government. We have not seen any evidence of a guarantee that this project will solve the perceived water shortage in the Fisher Creek basin, or prevent seasoned litigants from challenging the eventual outcome. It should be noted that the authors of the Associated Earth Sciences report clearly state that they have made "*no warranty, express or implied.*" While state legislators continue to cut public services, project proponents apparently have their sights set on the public's bank account. We recall former Senator Mary Margaret Haugen expressing her great concern in 2012 over the cost of water resource management during a time of extreme revenue shortages. Nevertheless, she supported the bill which provided Ecology with \$2.225 million for that very purpose. We hope the Department of Ecology will not waste these funds.

[] **GRANT AGREEMENTS:** Given local citizens' fears of losing water rights following the recent State Supreme Court decision, we feel that all agreements related to this project deserve professional scrutiny. It would be in the public's best interest if this proposal and all current and future contracts associated with its development were reviewed by the State's Auditor and Attorney General.

[] PRIVATE INFLUENCE: There is genuine concern among Skagit County citizens as to the propriety of corporate and/or tribal control – however limited – over publicly funded programs. Any project which proposes to change the flow of the Skagit River or any of its tributaries is particularly worrisome. RCW 90.03.010 clearly states that “all waters within the state belong to the public.” The public has a right, therefore, to expect that "all waters" are adequately protected by their elected representatives and managed by government agencies dedicated to serving ALL citizens in a fair and just manner.

[] COST RECOVERY PLAN: We feel much more time is needed to investigate financial risk to well owners in the Carpenter/Fisher Creek reservation who are already suffering as a result of the watershed’s mismanagement. Forcing them to purchase "credits" as a means of accessing public water, which is basically free to most other citizens, is discriminatory in our estimation. Moreover, creation of a "fee-based" scheme to recover costs of an unproven mitigation plan should not be condoned by any branch of government ... least of all the Department of Ecology.

[] SCIENCE-BASED DATA & RELIABLE PARTNERS: No experiment should proceed without reasonable assurances that it will improve a problematic situation without doing additional harm. We are concerned that some of the individuals involved in the development of this project are not fully qualified and/or have previously demonstrated a bias toward rural well owners. We hope Ecology will take extra precautions to ensure that this project, if approved, will not lead to additional problems or litigation in the future.

[] CITIZEN OVERSIGHT COMMITTEE: We are requesting establishment of a citizen oversight committee to review all aspects of the proposal and submit appropriate changes or recommendations prior to any motion by the Interagency Review Team to accept or reject the project. We suggest the citizen committee include, at minimum:

- ◆ Fisher Creek residents with personal knowledge of the area's hydrological functions;
- ◆ A local well driller with hands-on knowledge of groundwater availability;
- ◆ A qualified hydrogeologist familiar with the success/failure ratio of peat-bog water storage under ecological conditions similar to those in the Fisher Creek watershed;
- ◆ A local accountant;
- ◆ A local tax attorney;
- ◆ A local land-use attorney;
- ◆ A local property rights advocate;
- ◆ A local citizen familiar with the Skagit River Instream Flow Rule's history.

Respectfully submitted

Diane Freethy

Diane Freethy, President

p.s. Jacque, we welcome your response if you feel so inclined.

cc: Numerous interested citizens and elected officials