

From: krys gordon [REDACTED]
Sent: Sunday, July 08, 2012 6:01 PM
To: [REDACTED] Wessel, Ann (ECY)
Subject: Re: Formal comments WIRA 18

scott good response hope someone reads it dad

----- Original Message -----

From: [REDACTED]
To: [REDACTED]
Sent: Saturday, July 07, 2012 1:16 PM
Subject: Formal comments WIRA 18

Dear Anne & the Department of Ecology, County Commissioners,

these are the formal remarks of

Scott Gordon
[REDACTED]

Thank you all for you work on protecting the environment and our way of life. Please add an additional comment period after you have revised the WIRA 18 based on feedback from the community.

- 1, Within the purpose of the rule, allowing water storage projects is mentioned, please begin work on a reservoir, it takes ten to twenty five years to complete, lets get started.
- 2, "Change of use" is not defined within the glossary. This is totally unbelievable, and allows anyone within ecology to set and use a subjective vague and changing standard of use and change of use. PLEASE define change of use.

Leaving change of use undefined allows any change or alteration of use, loss of family member, births, change of landscaping, change of livestock to poultry, leaving a house vacant for a year or more, to fall within the definition of change of use. It also encourages a ridiculous level of monitoring by the state. Several times employees from the department of ecology have mentioned monitoring electric usage, and checking historical use from satellite photographs, but only when a complaint comes in? The whole idea is completely to Orwellian to be believed.

Here is a livable definition. -

Those uses allowed by county zoning , at the time original building permit was applied for should be allowed under the rule.

Example; So if I have a home on 1.5 acres and want to add a guest house, and it was allowed by the County and planning department rules when I applied for the building permit for my existing home, then adding a guest house should not be a change in use. It is the use that the property was intended for and does not substantially increase water utilization, and adds no increase in outdoor water use.

3, Department of ecology employees stated that violation of the rule could result in fines of up to \$5,000 per day. Please have a specific standard for fines, based on volume and time. Fines are also supposed to be affordable and not cost someone their home. Most people in this community could not afford a \$5,000 fine.

4, Venue - all fines, must be payable within the county where the violation took place. All hearings or challenges to fines and notices of violation must be heard within the county where the violation took place. Residents cannot afford to fight the department of ecology if they have to traveling to Olympia.

5, water rights transfer - please place a fixed rate on the cost of the water right transfer, Ecology, the water bank, nor the irrigators know how much water will cost or how much the transfer fee will be. Based on what the department of ecology / water Bank has already paid for the 25 CFS for the river, the mitigation fee should be less than \$1,000 per house hold well. Please fix a reasonable transfer fee. I would suggest a cap of \$500 for the transfer fee.

time - we have no idea how long it will take for a person to apply for mitigation and have it approved. Please fix the response time. This should be a reasonable time, not more than 60 days. We all know that the County, state and federal agencies have a tendency to use all the time they have to respond, even if they could respond sooner, keep the time short.

6, Domestic water use - your definition specifically precludes gardening and lawns! At every meeting department of ecology employees state that existing house holds with wells, and new mitigated house holds with wells, will be able to irrigate a portion of their property and have a garden. YOU MUST include gardening and lawns are part of domestic use. You can and should define how large an area can be water. But to state the domestic water use precludes gardening and lawns is to deny how people have lived for thousands of years. Domestic pertains to house holds and non commercial activities.

7, Defining utilization - It would be easier to define volumes of water utilization allowed and forget about how people use their water ? This makes allot of sense, as some people will be collecting rain water, using irrigation systems etc, which could confuse where water if coming from. If your are metering utilization, then that should meet the level control you desire, as it meets the goals for reduction and monitoring. This also allows individuals to change their water use within allocation without needed permits or ecology or nosey neighbors from intruding on a peaceful existence.

8, on Page 5 of Chapter 173-518 WAC (OTS-3228.9 Under New Section (5) new uses are subject to interruption - does this apply to new wells, if so how do you intend to stop people from using their water. How far bellow the minimum flows, and how long, does the river have to drop before you impose an emergency closure? Will this closure be imposed on only new wells?

9, New section WAC 173-518-070 Future ground water appropriations. Page 7-8

Section - 2, While requiring someone to connect to existing water supplies is fine. Forcing someone to prove that a water connection to water system does not exist is impossible. Please revise or remove that section of the rule, or make it the responsibility of the county Environmental Health Department to provide the letter to ecology within a reasonable period of time like 7 business days.

Section (5) Requiring that owners allow department of ecology employees on the property when ecology is not doing the metering is not reasonable. Land owners have a reasonable right to privacy, and should not have to grant an easement that is so ill defined in order to get water. If there are specific reasons why ecology should have access to private property please define the reasons. Otherwise you should ask permission of the landowner, who should be able to allow or deny access without recourse. This provision could be construed as extortion. The City of Port Angeles tried something similar, when the city was trying to force the Public Utility district (PUD of Clallam County) into making new users agree to be part of the city of Port Angeles if they wanted a water connection. People here remember and appreciate PUD's defense of our civil rights. The department of ecology should respect those rights. The only apparent reason could be to shut off someone's well.

10, New Section WAC 173-518-075 Mitigation plan Pages 8-9

a, New end users should not have to submit a mitigation plan. You already have empowered the water bank, make them responsible for submitting the plan.

b, Section 3 Financial assurance - Do away with this section, no new user in this area should have to provide Ecology and their employees access to their bank accounts, provide a letter of credit, cash deposit, give you a negotiable security or surety bond. If you want to apply this section to the water bank or exchange group fine, but not to end users. Why do you need additional financial assurance?

c, Ecology must respond to all applications within a reasonable period of time, like 60 days, or the application shall be granted by default.

d, make the application process easy to understand and fill out. There is no reason why the water bank should be only people trained in how to effect the exchange.

WAC 173-518-080 Reserves of water -

would best serve the community by allocating state funds to procure enough water to allow all build out within WIRA 18 scope. New users could be charged a simple fee to offset the cost, paid to the county building department or the County department of environmental health. This would reduce the cost of the entire system and still allow monitoring and exchange of water for mitigation.

Lastly I feel that you must revise the rule based on community input, then allow for an additional comment period on the revised rule. Please do not put the rule into effect until such time as the Dungeness water bank is functional.

Thank you for your time and consideration of my remarks

Sincerely

Scott Gordon