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Sent: Friday, July 10, 2009 1:21 PM
To: Wessel, Ann (ECY)
Subject: Comments on WRIA17 Water Rule

By adopted resolution, the Chimacum Grange is generally opposed to the entire new water rule proposed for WRIA17. The primary factor behind our opposition is that the rule is written with the express purpose of regulating a perceived shortcoming rather than seeking to identify true conditions and pursue solutions to any problems that may be found.

Although existing state law directs DoE to establish instream flow rules to protect fish, the overall mission of the department is to protect ecological conditions throughout the state. We consider the proposed water rule to have potentially adverse effects on farms, people and wildlife, and probably fish.

Question: Did any of this rule's authors, or others, including higher management levels in the Department of Ecology, approach the legislature within the past ten years to ask for a clarification of the instream flow rule mandates to allow for the consideration of harmful effects to farms, fish, people and other wildlife? If so, what were the results of those discussions? If not, why not?

We simply cannot trust the data offered as justification for the proposed rule. It appears that the rule has been written with consideration given only to questionable data concerning instream flows. We can only support a rule which is based on sound, locally-applicable science, geologic, conductivity, connectivity, transmissivity and actual stream flow data.

Question: If there truly has been insufficient water in some of the streams, why hasn't DoE imposed a moratorium on all new water use until additional sources of water can be established?

We seriously doubt that water drawn from new and existing non-exempt wells in the Chimacum basin will have significant adverse effects on stream flows. To prohibit new residences from any and all outdoor watering would seem to be treading close to violating the civil rights of those residents.

Question: Has the Department of Ecology asked for a legal opinion on the constitutionality of depriving citizens of the ability to grow their own food, both plant and animal? If so, what was the opinion? If not, why not?

Relying on past building history, in this case 1990 through 2006, is historically an inaccurate predictor of future use, especially when an area has experienced abnormally high growth during the sampling time frame. Extending these growth factors to the year 2025 has resulted in a skewed prediction that is too high.

New construction or water use in the basins affected by the rule will generally be on larger parcels. The few new people who would otherwise be prone to use water quantities previously allowed with non-exempt wells, up to 5,000 gallons per day, would be part of much needed economic development in the county through the operation of specialty agriculture operations.

Ground water that could otherwise be used to support such operations during a few summer months would not significantly impact stream flows in that same time period.

Ecology's data provided in the SBEIS needs independent vetting. Simply through common sense it appears ludicrous to expect the creation of 819 new jobs as a result of the rule to be reasonable. There are too many qualifying words, such as "likely," "might see," "could," and so forth. This entire study appears to have been contrived to justify the proposed rule.

As has been the position of the Chimacum Grange throughout this latest rule-making process, we must ask that implementation be postponed until solutions are proposed by the Department of Ecology that will improve stream flows to benefit fish while not harming people, farms or other wildlife, if, in fact, to do nothing would result in harm to fish.

For Chimacum Grange,

Dick Bergeron
President