From: David King
Sent: Wednesday, June 17, 2009 1:41 PM
To: laura@blackmoreconsulting.com
Cc: David Timmons; Bob LaCroix; Ian Jablonski
Subject:

Hi Laura,

Per her request a written version of my two minutes to forward to Ann at Ecology (longer, bit more polished. took out the "um"s):

First of all, we appreciate the provision in the Rule for allowing exempt wells for non-potable water within Port Townsend. This is a practical improvement for water availability within the City.

In a larger sense, however, what the City likes about the Rule, and what it dislikes about the Rule is the same thing: That it exists.

Establishing a water right for fish in the stream provides a much needed baseline for quantifying water availability in the watershed. We appreciate Ecology's practical and fact-based approach in its creation of the rule. The Instream Flow rule, along with recent reports like Bill Graham's assessment of the PUD's water resources for its current and future commitments, marks an improvement in WRIA-17's approach to the water quantity component for watershed planning per RCW 90.92.070. We recognize that there may be disagreements about where, when and how much water is available in the specific watersheds. But the rule clearly documents the overall scarcity of water in WRIA-17, appropriately sets aside an amount for fish habitat, and provides an important "bookend" to our future discussion of water resources.

At the same time the City is aware that we are the one system in the basin that has sufficient water for current and future uses. And we are concerned that an effect of the Rule will be for the rest of the community to look to the City for solutions to its water supply problems. The numerous and evolving constraints under which the City operates, and the likely high cost of either mitigation or obtaining additional supply from the OGWS will prevent the City from providing many solutions despite the perceived availability. We are concerned that the controversy generated by various perceptions of the situation will prevent WRIA from reaching the consensus necessary to provide real solutions to the community.

As far as practical suggestions are concerned, we would like to see more detail in the Rule alerting readers about the other regulatory and political jurisdictions that will influence future water uses within the basin. We would like a more thorough acknowledgment of the governing codes and regulations. We realize that Ecology does not want to regulate land use but the Rule should at least include mention of GMA, Health Department, Tribal and other constraints on the use of water resources that will confront the reader .

Specifically the City will be looking to what Ecology sets as standards for meeting the requirements under the rule. For instance, the commitment "in writing confirming that determinations of adequate potable water for building permits and

subdivision approvals" required in Section 150 - (2), should be implemented explicitly in conformance with the concurrency standard under GMA.

David King