

<p>Michael Weir PO Box 55 Quilcene, WA 98376</p> <hr/>	<p>It is apparent to me that restricting water usage now in the Quilcene-Snow Creek watershed in order to allow the drilling of more but monitored wells, i.e. more housing development, is, in the end, still putting off the issue of salmon habitat salvation. More wells for more homes will not, by any logic, be beneficial for future salmon enhancement projects. The fact is, allowing more growth in undeveloped areas, either commercial or private residence, is counter to the restoration or protection of salmon or any other type of wildlife. The real question will be put forth with the proposal that says "no more growth" and forces local governments to learn to find ways to increase their tax revenues within the confines of areas already developed. It can be done. It is obvious from who the Department of Ecology takes orders from, and it is not from those who support or defend the ecology. The politics here are, again, greed and the lack of common sense.</p> <p>6/28/2009 1:31:39 PM</p>
<p>Jim Conway 503 S Edwards Rd Port Townsend, WA 98368</p> <hr/>	<p>Comments and questions for the Water Resources Management Program for WRIA 17. My name is Jim Conway. I have a degree in Agricultural Soil Chemistry and a Masters degree in Soil Physics. I have spent a lifetime in agriculture and other related and unrelated fields. I come to Jefferson County with many years of experience in the production of nuts, fruits and vegetables, hay crops and livestock. I mention this so that you may know that I am not an idle landowner bent on objecting to the actions of the Department of Ecology (Ecology) just for the sake of objecting. I am both a property owner in Jefferson County and a member of the Olympic Stewardship Foundation. I bought my property, located at the end of S Edwards Rd. in 2004. I have been living on the property since 2007, but do not as yet have a permitted dwelling structure nor a certificate of occupancy. In spite of that, I do live and work on the property. I have been developing the 15 acres that I own into the production of vegetables, fruit trees, grass hay and livestock. I am currently harvesting a hay crop, watering livestock; and am in the process of preparing the acreage for a fruit orchard and vegetables. Vegetables, fruit and hay are commercial products used and sold off the farm. Important to the plans that I have for this land is the use of the water from two wells, existing from 2004 and 2007 and currently in use, in quantities sufficient to the successful production of said crops. Those quantities are occasionally up to the maximum allowable under the current exempt well statute RCW 90.44.050. Question: How will this Rule effect my situation where I am currently using these wells for domestic and irrigation purposes prior to the Rule taking effect? Question: I have heard that Ecology is requiring exempt users to be occupying a permitted dwelling with a certificate of occupancy. Where I am currently living on the property but have not</p>

started construction of a permitted dwelling structure, how is this to affect me? Question: What is the definition of a permitted dwelling structure? Statement: I claim to be living on the property in question and using the water from my well for domestic and irrigation purposes, and request that I be certified as an existing water user under the existing provisions of RCW 90.44.050. Unnamed Stream I have seen the detail maps showing my property relative to a so called unnamed stream that is claimed to be a valuable salmonoid habitat. Said stream runs through my property from a source North of me. I am intimately knowledgeable with my property, its pastures, its forests, its wetlands and its topography. Unless Ecology has recently found a way to suspend the Laws of Physics, there is not any way that a stream can run the length of my property in a southerly direction. The North half of my property all slopes to a wetland in the NE corner of my land. Any water flowing from the North of my property would flow into that wetlands and stop, as there is a significant rise in elevation South of the wetlands that would prevent and further flow. If there is a stream, it would only be possible to exist in the Southern half of the property where the topography begins to slope to the South. Even then, it would only be designated as the headwaters of a stream. The fact that there is no stream bed also presents a problem to Ecology's assertion that a stream exists. Question: How is it possible for Ecology to claim a stream bed through an area that the placement of said stream would have water running uphill? Question: If Ecology proceeds with their baseless claim of a stream in an area that does not physically support the flow of water, would Ecology attempt to dredge, form, excavate or otherwise "rehabilitate" the unnamed stream to fit their theory. Question: If so, to what extent would Ecology alter my property to force the existence of a stream? Question: If a stream bed is constructed and no water ever flowed in the "created" stream, what would be my recourse in the future to force Ecology to return my land to its original and natural state? I have only recently become aware of the Rule that Ecology is proposing to put into effect and cannot speak to the bulk of the analysis, theories and proposals. I can, however, speak with great authority as to the non-existence of said "unnamed stream", since it is purported to exist on my property in an area whose topography would not support the notions of Ecology as to its flow pattern. I can only conclude if their assertion, which is not supported by fact or anything believable, that the "science" used by Ecology is deeply deficient and makes me suspicious of the rest of the data presented by Ecology to support their positions. Statement: If policy and regulations are based on faulty and erroneous theories and science, then it can only be inferred that Ecology is attempting to create a state of governance which is neither correct nor beneficial to the residents of Jefferson County. It is my opinion that Ecology is over reaching practical and logical bounds by submitting, as fact, assertions that are not supported by empirical, peer-reviewed science. Sec WAC 173-517-060 states that Ecology (only) has the right to review, change or modify the rule. It would be in the best interest of the

	<p>people of Jefferson County if they, the citizens, or specifically those individuals affected by any ruling be given the right and ability to challenge Ecology and their rulings through a third party mediation. Although Ecology states there could be a very minor negative impact on businesses and individuals; history has shown that projected impacts of governmental bodies to be much larger and much more negative than proposed or claimed. It, therefore, becomes paramount that the citizens of Jefferson County be given a system for challenge with an outside third party mediation that will protect the rights of the individual from overzealous regulators given or granting themselves arbitrary and capricious decision making authority as it affects the lives and well being of those individuals. Question: Will the Rule set in place a method or process whereby the citizens of Jefferson County can challenge Ecology and their rulings through third party mediation?</p> <p>7/7/2009 5:56:00 PM</p>
<p>David Fuller Port Gamble S'Klallam Tri 31912 Little Boston Road NE Kingston, WA 98346</p> <hr/>	<p>The Port Gamble S'Klallam Tribe is one of several Tribes with senior Federally Reserved Rights and treaty-derived instream flow rights in WRIA 17. While properly stating the State's legal limitations on these rights, this rule does functionally impact Tribe's superior rights. The Port Gamble S'Klallam Tribe (again five years removed) approves the negotiated flow values set forth in the above Chapter 173-517 WAC. The emphasis should be placed on the word negotiated, as the rule will not restore, increase or enhance the flows, but only attempt to prevent further impact to flows and habitat. It should be further noted that the flow values are based on the validation of the same science based values determined five years ago. The science has not changed, however the water resource has endured additional water withdrawals (at least 60 new wells) during the ensuing time period. If there are to be any further delays in the rule, then it should be incumbent on the Department of Ecology to close WRIA 17 to all new well drilling and water rights evaluations, until the rule is adopted and implemented, to prevent yet another increment of time for further unregulated impacts. Water reserve values were a concession by the Tribes and others to assist with moving the ISF forward. However, the estimates of how those quantities of water could be distributed, in terms of the number of houses or farms that could be supported by the respective reserve quantities, are only advisory examples. The number of houses, farms, or other uses is a local land-use zoning issue, subject to the available water in the sub-basin as set forth in the reserves. The ISF and reserves are the boundary conditions for those zoning decisions, nothing more. It is not the Department of Ecology's responsibility to fix a local government's inappropriate or bad land-use decisions or zoning.</p> <p>Concerns</p> <ol style="list-style-type: none"> 1. How will the rule be overseen and enforced? Is it merely a "trust us" or the local government's good will? 2. What are the re-opener triggers when the rule is violated? 3. What would be a re-opener and response if large scale sand and gravel mining in the Tarboo Creek and/or Thorndyke Creeks sub-basin are authorized

	by the County or State? 4. How will the "reserves" be tracked and who will be the liable party to oversee the adherence to the rule?
Kevin Elliff <hr/>	<p>We support protecting salmon. We support protecting habitat. We also support common sense. We are in the midst of building a very modest home in the Chimacum sub-basin (429 Windridge Rd). We have an existing shared-well agreement, and the well is in use and has been for more than 10 years. We have an approved building permit, which according to the text on the permit, indicates that our project complies with all regulations, environmental guidelines, and is consistent with the Comprehensive Plan in place for this region. It was with these official assurances that we felt confident starting construction. However, correspondence with Ecology makes it clear that: a. The State is using this rule to claim that they do not honor, respect, or acknowledge the water rights associated with a legally-binding shared well agreement; b. A legal and binding building permit, is in fact, perhaps legal, but not binding. We have been told that our building permit does not give us any water rights. Instead, the State "prefers" an Occupancy Permit. This despite the fact that review of the water situation (quality, well tests, review of agreements) on our parcel was an important part of acquiring the Building Permit. Neither of Ecology's positions is consistent with historic water law, or, frankly, with common sense. We are aware of other comments that will address the science in question here (for instance attempting to achieve in-stream flows that have only been recorded twice in the modern era). We do not have the knowledge to weigh in on these issues. However, on a more prosaic level, we would like to encourage Ecology to respect the law, as well as the citizens of the Chimacum subbasin who have followed the rules, paid their fees, passed through the reviews necessary to build modest homes. To be told after-the-fact that the agreements and permits we paid for, and were required to get, don't actually mean anything is beyond the pale. Ecology's stance here means that...literally..no one with any common sense would attempt to build a home, start a business, or attempt to create a life in the Chimacum subbasin. There simply wouldn't be sufficient certainty that Ecology would grant water rights until after an Occupancy Permit is obtained. No one would take the risk to build anything. The result, is a Valley that will slowly (and perhaps not THAT slowly) die. Now we like wilderness areas, but Chimacum should not be relegated to wilderness. Thank you for the opportunity to comment. Keven Elliff 7/10/2009 3:56:44 PM</p>