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PUBLIC WORKS DEPARTMENT

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October 24, 2018

Rebecca Inman
Department of Ecology
Water Resource Program
PO Box 47600
Olympia, WA 98407-6000

RE: Comment on Preliminary Draft Rule Chapter 173-566 WAC Streamflow Restoration Funding

Ms. Inman,

The City of Sumner would like to submit the following comments in response to the Department of Ecology's preliminary Draft Rule Language for Chapter 173-566 entitled Streamflow Restoration Funding.

The City requests that the phrase "offset permit exempt domestic well impacts" along with variations of the same, be replaced with "offset domestic well impacts, including withdrawals exempt from permitting." This phrasing is found directly in ESSB 6091 Section 203 (3)(d) and (e).

Specific instances of this phrase in the proposed WAC include, but are not limited to: 173-566-010 (3), 173-566-030 Watershed plan definition, 173-566-150 (2)(a)(ii), 173-566-150 (2)(b)(i), 173-566-200 (3)(a), 173-566-210 (2)(b). Additionally, the Definitions section contained in 173-566-030 does include a definition for "New domestic permit-exempt wells" but fails to define "domestic well."

We reference the following sections of ESSB 6091 in support of the City's language revision request:

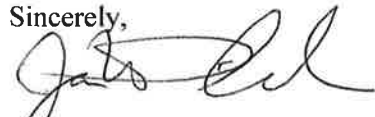
1. Section 304 of the act outlines the goal of the program to "restore and enhance stream flows by fulfilling obligations under this act." Using the phrase "offset domestic well impacts, including withdrawals exempt from permitting" more closely aligns with that stated goal since the actions described in Section 301 involve permitted water withdrawals. Given that the appropriation to achieve this goal is in the same part of the act as the actions in Section 301, funding for Section 301 should be prioritized rather than excluded.
2. Section 202 (4)(b) and Section 203 (3)(b) describe plans required to address, "At a minimum... impacts to instream flows associated with permit-exempt domestic water use." The qualification of "at a minimum" taken with the subsequent language implies that other domestic well use should be included. The following two sentences require "replacing the quantity of consumptive water use" without qualification as to permit exempt status.

3. Paragraph Section 202 (4)(c) and 203 (3)(c) require accounting for “new projected uses of water” without regard to permit exempt status.
4. Section 202 (6)(b) and (c) refer to offsetting consumptive use without any qualifier regarding permit exempt status.
5. Section 203 (3)(d) and (3)(e) require an accounting of “offsetting new domestic water uses..., including withdrawals exempt from permitting...” and “cumulative consumptive water use impacts..., including withdrawals exempt from permitting...” respectively.
6. Section 304 provides direction to “implement a program to restore and enhance stream flows by fulfilling obligations under this act” without reference to whether impacts were from permitted or permit exempt withdrawals.

As the City has outlined above, there are some inconsistencies between the text of ESSB 6091 and Preliminary Draft Rule language. By replacing the phrase “offset permit exempt domestic well impacts” with “offset domestic well impacts, including withdrawals exempt from permitting” the City believes the rule will provide more clarity, consistency and will more closely align with the stated goals of the program.

Thank you again for your consideration of this request and feel free to contact me at 253-299-5703 or jasonv@sumnerwa.gov should you have additional questions.

Sincerely,



Jason Van Gilder
Associate City Engineer
City of Sumner