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Department of Ecology  
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Submitted Via Online Portal

**RE: Chapter 173-566 WAC, Streamflow Restoration Funding, Preliminary Draft Rule Language**

October 26, 2018

Dear Ms. Inman:

Thank you for the opportunity to comment on the Preliminary Draft Rule Language for Chapter 173-566 WAC Streamflow Restoration Funding.

RE Sources for Sustainable Communities (RE Sources) is a local organization in northwest Washington, founded in 1982. RE Sources works to build sustainable communities and protect the health of northwest Washington's people and ecosystems through the application of science, education, advocacy, and action. Our North Sound Baykeeper program is dedicated to protecting and enhancing the marine and nearshore habitats of northern Puget Sound and the Georgia Strait. Our chief focus is on preventing pollution from entering the North Sound and Strait, while helping our local citizenry better understand the complex connections between prosperity, society, environmental health, and individual wellbeing. Our North Sound Baykeeper is the 43<sup>rd</sup> member of the Waterkeeper Alliance, with over 300 organizations in 34 countries around the world that promote fishable, swimmable, drinkable water. RE Sources has over 20,000 members in Whatcom, Skagit, and San Juan counties, and we submit these comments on their behalf.

We appreciate the hard work and dedication of the Department of Ecology (Ecology) for implementing Engrossed Substitute Senate Bill 6091 or Chapter 90.94 RCW known as the Streamflow Restoration Act under constrained timelines. Despite the constrained timelines, we want to stress the importance of carefully crafting administrative rules and guidance to protect our finite water resources and avoid unintended environmental consequences.

**WAC 173-566-150 - Funding Priorities**

Specifically, our question falls under (2)(a)(i). Are projects that are not identified in a watershed plan (or watershed plan update in the case of WRIA 1) yet "Improve streamflow conditions" considered to be high priority?

We ask this question because WRIA 1's 2005 Watershed Management Plan (2005 WMP) has many unfunded or partially funded projects that if executed would improve streamflow conditions. The 2005 WMP did not specifically include projects or policies to mitigate the impacts of permit exempt domestic wells (PEDWs). The future impacts of PEDWs are one piece of our water quantity and streamflow issues in WRIA 1 and we hope funding through the Streamflow Restoration Act could be used to go toward improving streamflows in WRIA 1 regardless of whether the streamflow issues originated from PEDWs. Funding sources for implementing projects or tasks outlined in the 2005 WMP has become uncertain after funds dried up for the Watershed Planning Act. We hope the Streamflow Restoration Act could support some of these larger water resource problems impairing streamflows.

### **Water Conservation and Water Use Efficiency Projects**

Water conservation and water use efficiency (WUE) were not called out as specific types of projects other than under the larger term of "altered water management or infrastructure" as noted under WAC 173-566-220.

We suggest adding the following revision to WAC 173-566-150 Funding Priorities (2)(a) to read as follows:

"(2) Priority of project type.

(a) Highest priority projects include water right acquisitions under 173-566-200, water storage projects under 173-566-210, and altered water management or infrastructure such as water conservation and efficiency under 173-566-220, which:..."

Water right acquisitions, water storage projects, and some altered water management or infrastructure projects like streamflow augmentation are expensive, require extensive monitoring programs, and include operations and maintenance costs. Water conservation projects are inexpensive and can range from behavior change like watering schedules or efficient infrastructure. Additionally, water conservation and efficiency requires little-to-no permitting unlike other capital projects. We hope Ecology will seriously elevate the importance of water conservation projects in the funding guidance.

### **Importance of Multi-benefit Projects**

In Water Resource Inventory Area 1 (WRIA 1), streamflows are rarely met during the summer and early fall months. Agriculture is the largest water user during this time.<sup>1</sup> Many irrigators do not have formal water rights due to agreements made with Ecology in the mid-1990s and they draw water from surface water diversions from the Nooksack River and its tributaries.<sup>2</sup> The passage of the streamflow restoration act was geared toward

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<sup>1</sup> C. Bandaragoda et al., Chapter 12 "Existing Condition Water Budget Scenario", Lower Nooksack Water Budget Project, December 2012.

<sup>2</sup> D. Honcoop., "Henry Bierlink explains Whatcom farmers' ongoing concerns over access to water", Whatcom Farm Show, September 2018,

<https://soundcloud.com/savefamilyfarming/henry-bierlink-explains-whatcom-farmers-ongoing-concerns-over-access-to-water>

permit exempt wells; however, many in WRIA 1 want to work on finding water certainty for agriculture while improving streamflows and offsetting the consumptive use of PEDWs.

We hope Ecology will allow for flexibility in rulemaking to allow multi-benefit projects that address the above three issues. An example of a multi-benefit project could be to shift surface water withdrawals for agriculture to groundwater withdrawals, water conservation and efficiency practices for agriculture and current and existing water users, and the creation of a water bank for water savings resulting from water conservation while a portion of the savings are reserved only for streamflow.

Again, we thank you for your time and consideration of our questions and comments. We look forward to working together toward water certainty not just in WRIA 1 but state-wide.

Sincerely,

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