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Ms. Sawabini:

Others have commented at length about the Preliminary Draft Rule Language, so I will refrain from re-plowing that ground.

You've adopted the policy position of the tribes and the City of Bellingham, entities with little direct interest in the issue, as the basis for your amendments to WAC 173-501, which mostly affect rural property owners. You've attempted to support your pre-ordained position with a flimsy artifice of math-y verbiage and science-y charts and tables, much of it unpersuasive and inappropriate when applied to the potential impact to streamflow in WRIA 1 for your policy conclusion. You have ignored the limitations in RCW 90.44.050 (8).

The use of Reeves 2008 is particularly odious.

The Associated Earth Sciences Memorandum from Charles Lindsay to Gary Stoyka dated June 19, 2017 includes a description of a trial calibration of the LENS numerical groundwater model in which 100 wells, each drawing 5000 gpd, were added in one square mile of the Bertrand creek drainage, an area with high data density.

It states, in part, "The exaggerated maximum worst-case potential impact to flow in Bertrand Creek from the 100 wells would be around 0.38 afd (3.8 % of late summer flow) and the more realistic impact estimate, based on 350 gpd of use, is around 0.027 afd, or only 0.3 of late summer flow."

"Even in areas of the proposed numerical model with high data density, and good calibration data (Bertrand Creek drainage), the extremely conservative estimate of maximum potential impact to surface water from the use of 100 permit-exempt wells will be significantly less than the lowest possible streamflow measurement error that will be used to calibrate the model. The more realistic potential impact of 0.027 afd is less than 6% of the potential error associated with the streamflow measurement data. Therefore, any simulated predicted impact to the stream based on this scenario would be statistically insignificant and not defensible."

I look forward to your production of a significantly-amended rule.

Sincerely,

David Onkels