

Annie Sawabini

May 10, 2019

Department of Ecology

Water Resources Program

PO Box 47600

Olympia, WA 98504-7600

Ms. Sawabini,

Please accept the following comments on the Preliminary Draft Rule Language for the Amendment to Chapter 173-501 WAC, Instream Resources Protection Program — Nooksack Water Resource Inventory Area (WRIA) 1.

Reporting Requirements

Tracking of building permits is one part of the equation, actual water use amounts are needed to determine impacts on streamflows and the offsets required.

Withdrawal Limits

I support a maximum withdrawal limit of 500 gallons a day total for indoor and outdoor use.

The lack of a limit on outdoor use is not supported. I agree with the removal of the annual average language.

Fees

The amount of \$500 will not cover County and State administrative costs nor will it cover any portion of the offset project costs. So the funding burden will be borne by all County residents, including those living in Bellingham and the other Whatcom County cities. Bellingham customers pay monthly for administration and maintenance of the water system, including meters.

Drought Emergency

Since indoor domestic water use and irrigation of subsistence gardening are exempt from a drought emergency order the purpose of this section is not apparent.

Metering

Without metering the only indicator of the need for more accurate water use data will be decreased stream flow in impacted streams. Since streamflow monitoring is not required subsection 5.K. has no criteria by which to make a decision to require metering and additional reporting.

Offset Projects

All projects to offset stream flow impacts from new exempt wells should provide the "offset water" in time and in place. That position, which seemed to be the primary requirement of projects in the legislative directive, is not represented in the current project list. It appears that most of the projects will not be ranked high for state streamflow restoration funding. Several aggregated sub-basins do not have offset projects within the sub-basin. Several of the projects are aspirational at best, and others in the main forks of the Nooksack will not provide water in the areas projected to grow. Effectiveness monitoring will be needed for all projects as will aggressive adaptive management.

Clare Fogelsong

2312 Walnut Street

Bellingham, WA 98225