

Comments on WRIA 1 Rulemaking, January 2020

1. Legislation ESSB 6091 named 3,000 gpd

- Ecology arbitrarily chose 500 gpd, and gave no reason for the reduction from the legislation. Verbal comments by Ecology personnel when they met with WRIA 1 Planning Unit suggested they were using numbers from other WRIsAs (also without explanation), and that a lower gpd means they have less need for which to offset.

- The new amount is not only arbitrary, it is unfair. The City of Bellingham shows on their website that average summer use can be as high as 15 million gallons per day:

<https://www.cob.org/services/environment/conservation/pages/outdoor-water-conservation.aspx>

It is estimated that 91,000 people live in Bellingham (highest estimate found using a web search), which means that peak use is 260 gpd per person. In an average household of 2.56 persons, this is MORE than 500 gpd. While this likely includes all uses, including indoor and outdoor, these uses fit the 'domestic' use that Ecology wants to use for the WRIA 1 rule making.

- Multi-generational housing is a feature of many families in our area. This Rule is destructive to their family model.

2. The amount of use by private well owners, at 3,000 gpd per connection, is small.

The population of Whatcom County is roughly 227,000. About 131,000 live in the incorporated cities, leaving 96,000 people in water associations, water districts, and private wells.

If household size is 2.56 persons, then there are 37,584 households. If each of these households is withdrawing 3000 gallons per day (this is enough to water ½ acre in a year when there is NO rainfall), this amount is 15 million cubic feet per day, or 174 cubic feet per second.

September 14 is historically the Nooksack's lowest flow day of the year. At an average of 1,510 cubic feet per second, all households drawing from groundwater (water associations, water districts, private wells) compare to 12% of Nooksack flow on this day.

- Unlike city water users that process sewage and either return it to the river or put it into Bellingham Bay, rural homes on septic systems recycle nearly all of the water used back into the ground. Let's assume it is 90% 'recycled' (where else does it go, besides a septic system?). Now that comparison is 1.2% for the flow of the Nooksack on its lowest flow day of the year, for ALL homes using groundwater, including water associations, water districts, private wells.

- The Nooksack flow cannot be measured within 1.2% accuracy.**

3. Groundwater is not stream water. Wells do not withdraw from a stream. It has never been shown that groundwater withdrawals, especially the small amount drawn by private wells, depletes water in a stream.

- The Bertrand Creek project draws water from the ground and puts it directly into the stream. It increases stream flow.

- Agriculture and those that draw from the ground for irrigation put it back onto the ground where it either filters back to the ground or to a stream. No studies have been done, but summer irrigation may actually help increase summer stream flow. Indeed, 50 years ago Whatcom County had more acreage under tillage and (less efficient) irrigation, and more water and fish in the streams. This connection needs to be explored.

4. Remove the term 'subsistence garden', and separate outdoor use from indoor use.

- The definition of 'subsistence garden' provided in the proposed rule cannot be upheld in a court of law. If a 1/12th acre garden doesn't provide for all of a family's fruit and vegetable

needs then it is less than 'subsistence'. If there is an abundance of one vegetable but a crop failure of another, then how is the garden defined?

•The legislation creating this watershed update provides that outdoor watering is a separate use from indoor domestic well use.

5. The Rule making proposed by Ecology includes offsets for the next 20 years of nearly 10 times the required amount for 500 gpd for each of the anticipated homes built. So leave the withdrawal amount at 3,000 gpd!

6. The Planning Unit consists of people who live and work in the watershed. On November 8, 2018, the Planning Unit voted to approve a withdrawal limit of 3,000 gallons per day. Here are lines 72 - 79 of the draft meeting summary from that meeting. The draft was approved at the November 28 Planning Unit Meeting:

Conclusion: Leave the withdrawal limit at 3,000 gallons per day.

- 72 **Motion** (Motion #5) by Dan Eisses and seconded by Steve Jilk to keep the 3000 gpd annual
73 average that is in the legislation and work in a voluntary metering program as part of Adaptive
74 Management, and the Planning Unit is comfortable with RH2 estimates for consumptive use.
75 Vote:
76 • 9 in favor (Agriculture, Environmental, Forestry, Land Development, Non-Government
77 Water Systems, Port of Bellingham, Private Well Owners, PUD #1, Water Districts)
78 • 2 abstain (Whatcom County, State Government)
79 • 1 opposed (Fishers)