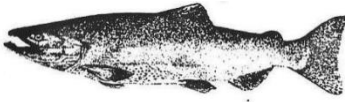


Jan. 15, 2020

Puget Sound Gillnet Fishermen

2405 Broadway St. Bellingham, WA. 98225-(360) 671-0077



Annie Sawabini
Dept. of Ecology
Water Resource
PO Box 47600
Olympia, WA 98504-76,

**Re: Amendment to Chapter 173-501 WAC
Nooksack Water Resource Inventory Area (WRIA) 1**

Dear Ms. Sawabini,

Thank you for your work struggling to find good solutions to our water problems here in Whatcom County.

I am writing to provide comments on behalf of our commercial fishermen's association, *The Puget Sound Gillnet Fishermen*.

The *Puget Sound Gillnet Fishermen* are a trade association of fishers located in Bellingham, Washington. Our association is represented by fishing families in North Puget Sound and the San Juan Islands.

Presently, the limiting factor to our salmon fisheries in Puget Sound, are early arriving Chinook salmon that spawn in the Nooksack river particular to the South Fork and the North fork systems. Both Commercial and sport fishers are restricted during the early migration in river, and in marine areas 7,7A & 7B.

Further, the National Marine Fishers Service has determined that current instream flows are inadequate to support the salmon and steelhead uses. In carrying out its duties under the *Endangered Species Act*, the National Marine Fisheries Service has stated that poor habitat productivity, not harvest, is the primary factor preventing chinook rebuilding in the Nooksack. NMFS' review of implementation of its Chinook Recovery Plan indicated that salmon habitat has continued to decline. More recently, the Lummi Nation and Nooksack Tribe have identified inadequate instream flows as a factor limiting salmon production in the Nooksack basin. Ecology's RSD also acknowledges that minimum instream flow levels are often not met. For example, minimum instream flows are not met more than 50% of the time in July and more than 60% of the time in August and September. None of the afore mentioned information is new information, but needs to be included as the Department makes a decision of the *Amendments to the New Rules*. Climate change will exacerbate poor instream flow conditions and high stream temperatures. In short, even absent further development and consumptive use of water, salmon habitat conditions in the Nooksack basin are in poor condition and growing worse. There is no more room for additional stressors to this race of salmon and their habitat. Ecology's Proposed Rule for the Nooksack fails to reflect a reasonable consideration of the risks that face salmon as well as basin residents with senior water rights. Extinction is not an option.

Below are additional comments:

1. **Withdrawal Limits:** The reduction to 500 gallons per day and 1/12 acre irrigated lawn or garden is an improvement and the step in the right direction toward conservation as we look for higher levels that protect instream flows during the summer months. Instream resources are most important to the fishers in Whatcom County.
2. **Crop irrigation (CIR):** The Department needs to rework the calculations on this subject. The pasture /turf calculation could be much higher. I'll use Deer Creek (01-0165, lower reach) for example. Surface water irrigation of pasture with water gun. In this case, 25% of the water shot from this device did not hit the ground, but evaporated during the heat of summer. In another case, I'll use 10 Mile Creek (01-0163, middle reach) for example. Pasture irrigation from this water gun was off target on a regular basis, landing on the hot highway surface, evaporating during the summer heat.
3. **Safety Factor:** Erroring on the side of conservation, safety factors are needed. Some metering is needed in sub-basin that experience low flows, putting instream resources at risk. Additional stream gauges should be considered as a safety factor. Perhaps, "water use efficiency methods" would fit well in this section.
Some of the original stream gauge stations used to collect flow data have been moved. Has this skewed data collection?
4. **Interruptible outdoor Water Use:** In the case of drought declaration, this is a tool the Department can use to curtail non-subsistence use. In addition, where streams are not meeting flow requirements, this tool can be used. Additional stream gages may be necessary. There is no discussion on how the Department will implement or enforce this rule.
5. **Critical Flow period:** minimum instream flows are not met more than 50% of the time in July and more than 60% of the time in August and September. The listed Spring Salmon enter Nooksack River in late April and May. Depending on water temps and flow, these Chinook begin migration. At which time, they hold and ripen-up in their spawning reach in the Forks during the month of June and July, Spawning in August and September. Low stream flows and elevated water temperature produce poor spawning parents.

I thank you for your time and consideration,

Shannon Moore
Puget Sound Gillnet Fishermen

*CC: Dave Erickson
Kristian Warfel
Bob Franks
David Nash
Terry Betts
Brendon Flynn*

