

Bradley Hanks

Rulemaking Lead Sawabini,

Please consider my comment on the proposed Nooksack River (WRIA 1) watershed permit-exempt well rule. Based on the information below, I believe that the proposed rule unfairly restricts indoor water use by rural households and that the restriction on outdoor water to an area less than that authorized by statute is not only wrong, but also erodes the rural lifestyle that is the essence of Whatcom County.

The rule restricts indoor water use to 500 gallons per day. While this amount of water might be appropriate for households in urban areas, rural households tend to be larger in number of residents and require more water for household use. 500 gallons per day is the accepted use of a family of four in an urban setting, but NOT FOR larger rural families leading a rural agricultural lifestyle.

During the hearings, Ecology staff raised the point that many comments have been made recommending a reduction in the proposed rule of 500 gpd withdrawal limit. I would submit that those advocating a reduction from that level have little to no knowledge of rural living and would hazard a guess that the majority espousing such a miserly approach are probably urban dwellers.

Ecology's rule making staff has repeatedly stated a comparative approach was used in determining withdrawal limits for WRIA 1, though there is no indication that the WRIA's used for comparison are remotely similar to the Nooksack Basin. I feel the 500 gallon limit is an arbitrary number imposed by Ecology to severely restrict water use in Whatcom County, and believe the influence applied by major stakeholders in WRIA 1 upon Ecology has shaped the rule more than accurate scientific data. I urge the rule making staff to reconsider the withdrawal limits per the Planning Unit's recommendation of 3,000 gpd.

There is also the issue of enforcement. While I certainly do not support metering of permit-exempt wells in the rural areas of the county, it does raise the question of how indoor domestic use will be monitored and, if necessary, enforced when a household exceeds the indoor use limit. Enforcement would be easier for outdoor use, but enforcement of an arbitrary and unrealistic indoor use limit seems to be ineffective.

I also disagree with the artificial restriction on outdoor uses proposed for single connection permit-exempt wells. Rev. Code Wash. § 90.44.050(2019) explicitly allows the use of a permit-exempt well to water one-half acre of noncommercial lawn or garden. Ecology now seeks to limit that use to only 1/12 of an acre through some undisclosed mathematical formula. While the restriction can be understood when more than one household is connected to a permit-exempt well, restrictions on a single connection are unnecessary and unwarranted. This portion of the rule is the most confusing to understand, and the rationale and methodology used to arrive at this interpretation are puzzling at best.

Finally, I would note that we are in this situation as a direct result of the Whatcom County Council's abdication of their responsibility to the citizenry of Whatcom County for their failure to act on the Planning Unit's recommendations. By "kicking the can down the road" on this issue, they have successfully painted Ecology as the "bad guy," thereby absolving the council of any responsibility for this government taking. The council's inaction in this matter is a profound dereliction of duty, and the punishment for their failure to act should be meted out at the ballot box.

Thank you for considering my comments. I anticipate seeing a rule that better balances the needs of rural households against our desire to efficiently use our water resources. Bradley Hanks