

December 23, 2019

Annie Sawabini  
Department of Ecology  
Water Resources Program  
PO Box 47600  
Olympia WA 98504-7600

Attention: Proposed Amendments to chapter 173-501 WAC (WRIA 1) Comments

The Building Industry Association of Washington (BIAW) appreciates the opportunity to comment on Ecology's proposed amendment to chapter 173-501 WAC of the Nooksack rule. BIAW represents over 8,000 Washington businesses engaged in all aspects of home construction and is the champion of attainable housing in Washington State.

First and foremost, Ecology should follow the law known as the Hirst fix. The legislation is clear, rulemaking in the Nooksack needs to "meet the requirements" of RCW. 90.94.020. Part of what attracts people to build in rural areas is the ability to have yards and grow gardens. Domestic use in statute and rule was meant to include both noncommercial lawns and gardens. Within RCW 90.94.020, it refers to chapter 90.44.050 which defines exempt domestic withdrawal uses. That language clearly allows for noncommercial lawn and gardens to be included in the definition of exempt domestic withdrawal. BIAW asks that the rule include outdoor use in the domestic definition as the law was written.

It is outside the scope of the statute for Ecology to limit use for drought curtailment. There is no reference to drought in RCW 90.94.020. In other parts of the statute, the legislature listed basins that could limit water use in a drought, but the Nooksack was not listed as one of those basins.

BIAW asks that Ecology measures water use on a maximum average basis per year, which would allow for a higher per day use and allow for more flexibility. Ecology's preliminary language for the proposed rule drastically limits water use to 500 gallons a day and this limitation will have a huge impact on new residential construction and the way of life for landowners who want to build homes for themselves and their families.

To summarize, rural landowners and communities are amongst the strongest proponents of protecting water and habitat. There should be a balance between protecting water resources and allowing for landowners to live on and use of their own property. Please follow RCW 90.94.020 as it was written and allow for noncommercial lawns and gardens to be included in the domestic use definition as the legislature intended, the drought curtailment should not be in the Nooksack rule, and utilize the maximum average basis for water use as stated in statute. Please correct these problems and include it in the final rule.

Sincerely,



Jan Himebaugh  
Government Affairs Director  
Building Industry Association of Washington