

Dan Haller

This comment is for meeting 3 please. Under RCW 90.42.080, some trust donations do require a full extent and validity determination. That is required in RCW 90.42.080(11) if the originating right is municipal or hydropower. If there are other relinquishment exceptions in play, then you often still do a full extent and validity. If no relinquishment exceptions exist, then you do the 5-year look back only. So, my point is, some donations do receive a full extent and validity review and can be eligible for use as mitigation without the risks some have expressed. I think Ecology's table overly-simplifies this and a closer look at the donation statute as it exists today should remove some of the potential concerns over abuse or speculation. Moreover, Ecology has the power in its trust water agreements to ensure that the supply side right in trust matches the demand side rights being issued against those trust holdings to prevent every example of "risk" that came up. I think you have the tools you need. An update of the Trust Water Guidance document and some more dedicated trust staff supported by fees would help. I do not think that restrictions on donations are needed, and the tradeoffs you would see in increased relinquishment risk and decreased environmental benefits would be more harmful than what you get out of such changes. Thanks! Dan