

Cody Duncan

TransAlta appreciates the opportunity to review and comment on Ecology's Draft Policy on Administration of the Statewide Trust Water Rights Program, and the Draft Request to Establish or Modify a Water Bank. As an entity that recently received water banking authority, we would appreciate consideration of our comments by Ecology.

Overall, we recommend Ecology consider seeking legislative clarity on these issues or adopting a rule in lieu of this policy. This policy implements new criteria on public interest, requirements to require portions of valid water rights to be dedicated instream as a condition of water banking, and requirements to leave portions of a valid right "in-basin" as a condition of water banking. These are significant new criteria that should be legislatively determined, or be accomplished through a robust public rulemaking process. Water banking is one of the only ways new projects can succeed and we are concerned that the policy, as written, will not have a sufficient public process to allow Ecology to thoughtfully consider the range of perspectives and priorities that are important.

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