

Via Ecology's Online Comment Portal

MEMORANDUM

TO: Mr. Austin Melcher
Water Resources Program
Department of Ecology

FROM: Bruce Gardiner
Commissioner, Northshore Utility District
President, Snohomish River Regional Water Authority

DATE: June 21, 2024

RE: Ecology POL-2030 Update, Second Public Review Draft (April 2024)

On behalf of the Snohomish River Regional Water Authority (SRRWA), I offer these comments on the second draft of Ecology's Policy 2030 Update.

As I explained in our 2023 comments on the first draft POL-2030 update, SRRWA holds a water right for municipal water supply purposes that it has donated to the Trust Water Rights ("TWR") Program until 2035 to support instream flows. In 2023, SRRWA notified Ecology of its members' concerns over vaguely worded statements about public interest considerations potentially precluding use of municipal rights donated to the TWR Program. We reiterate and stand by our 2023 comments.

The second draft POL-2030 update uses slightly more concise wording but continues to suggest that changes in "environmental, social, economic, and other conditions" can preclude use of municipal water rights for mitigation due to "the public interest standard" under the TWR statute. We remain concerned that Ecology is misapplying TWR public interest requirements here, undermining the security of municipal water rights and creating confusion and uncertainty for municipal water suppliers that are or wish to be participants in the TWR program.

SRRWA members support and endorse the comments submitted September 14, 2024 by the Washington Water Utilities Council (WWUC) on Ecology's second public review draft.

cc: Kathy Curry, Woodinville Water District
Souheil Nasr, City of Everett
Beryl Fredrickson, WWUC
John Weidenfeller, WWUC

SNOHOMISH RIVER REGIONAL WATER AUTHORITY

MEMORANDUM

To: Austin Melcher
Department of Ecology

From: Bruce Gardiner
President, SRRWA
Commissioner, Northshore Utility District

Date: September 29, 2023

Re: Snohomish River Regional Water Authority Comments on Draft POL-2030

I am submitting these comments on Ecology's draft POL-2030 Update on behalf of the Snohomish River Regional Water Authority (SRRWA). SRRWA is comprised of three municipal water suppliers: City of Everett, Northshore Utility District, and Woodinville Water District. SRRWA holds a water right for municipal water supply purposes that it has donated to the Trust Water Rights Program until 2035 to support instream flows.

SRRWA members are concerned by Ecology's vaguely worded statement at pages 13-14 of the draft policy that public interest considerations may restrict future uses of municipal trust water rights "after an extended period of nonuse where environmental, social, economic, and other conditions may have changed." That suggestion is contrary to the legislative intent behind the Municipal Water Law and the Trust Water Right statute. It is also deeply at odds with Ecology's long-standing encouragement and assurances to water right holders about the security of water rights temporarily donated to the Trust Water Rights Program.

SRRWA members support and endorse the comments submitted by the Washington Water Utilities Council (WWUC) on Ecology's draft Policy 2030 update. We hope Ecology will give serious consideration to the WWUC's concerns.

cc: Judi Gladstone, WWUC
John Weidenfeller, WWUC
Kathy Curry, Woodinville Water District
Souheil Nasr, City of Everett