Ronda Larson Kramer

Thank you for the opportunity to submit written comments on the proposed rule implementing the Streamflow Restoration Act in WRIA 13 and other WRIAs.

Ecology has stated that this is a limited-scope rulemaking that maintains the status quo of no monitoring and that a pilot program is currently underway to explore metering. Respectfully, this approach raises serious concerns about Ecology's ability to demonstrate compliance with the Streamflow Restoration Act, particularly in light of documented groundwater impacts in the Deschutes Basin.

I. The Rule Changes the Status Quo in a Legally Meaningful Way

This rule changes the status quo in a legally meaningful way by authorizing additional permit-exempt groundwater withdrawals in the Deschutes watershed unless adverse effects are demonstrated. When new withdrawals are authorized, the relevant question is not whether monitoring existed in the past, but whether Ecology can demonstrate compliance with the Act going forward.

The Act requires that new water use be offset and that watershed plans achieve a net ecological benefit to instream resources. These are performance-based standards that require verification, not assumption.

II. Existing Science Shows Potentially Significant Groundwater Impacts

Published scientific literature already indicates that groundwater pumping in the Deschutes Basin can cause substantial declines in groundwater levels. A U.S. Geological Survey report evaluating groundwater conditions in the basin predicts groundwater level declines ranging from approximately 1 to 35 feet west of Trosper Road under modeled pumping scenarios. (Drost, B. W., Ely, D. M., & Lum, W. E., II. (1999). Conceptual model and numerical simulation of the ground-water-flow system in the unconsolidated sediments of Thurston County, Washington (Water-Resources Investigations Report 99-4165). U.S. Geological Survey. https://doi.org/10.3133/wri994165)

Declines of this magnitude are not trivial. They raise legitimate concerns about:

--Groundwater–surface water interaction and streamflow depletion;

--Land subsidence and infrastructure impacts, including road stability; and

--Impacts to groundwater-dependent ecosystems, including wetlands and peatland systems.

III. Risk to Peatlands, Laggs, and Aquatic Resources

The Deschutes Basin includes peatland and sphagnum bog systems that are highly sensitive to groundwater levels and hydrologic fluctuations. Washington Department of Natural Resources materials on peatland characterization indicate that small changes in water levels—on the order of

centimeters—can be critical to maintaining lagg zones and sphagnum-dominated systems, which in turn support specialized aquatic and ecological functions.

Authorizing groundwater withdrawals without monitoring ignores these documented sensitivities. Without groundwater and surface-water monitoring, Ecology has no way to determine whether pumping is altering water levels in laggs, degrading sphagnum bogs, or affecting associated aquatic species.

IV. Monitoring Is Essential to Demonstrating Compliance

Ecology proposes no monitoring requirements in this rule. Without monitoring tied to the authorization of additional withdrawals, Ecology cannot confirm whether:

--Offset projects are functioning as intended;

--Cumulative groundwater impacts are exceeding projections;

--Groundwater declines are affecting surface waters or sensitive ecosystems; or

--Net ecological benefit is actually being achieved over time.

In the absence of monitoring, compliance becomes assumed rather than demonstrated.

V. A Pilot Program Cannot Substitute for Enforceable Monitoring

Ecology has referenced a pilot program exploring metering. A pilot program is, by definition, exploratory and non-binding. It cannot substitute for enforceable monitoring requirements associated with new water use authorizations.

Ecology has up to two years under the statute to complete this rulemaking and has stated that it does not need the full two years. That choice matters. If the pilot program yields useful information regarding feasibility, cost, or effectiveness of metering and monitoring, Ecology would have the opportunity to incorporate that information if it used the full statutory timeline. Finalizing the rule now forecloses that opportunity and authorizes additional withdrawals without the benefit of emerging data.

VI. Limited Scope Does Not Relieve Statutory Obligations

A limited-scope rulemaking does not relieve Ecology of its obligation to ensure that the conditions necessary for statutory compliance actually exist. If monitoring is essential to determining net ecological benefit—and the available science indicates that it is—then authorizing additional permit-exempt wells without monitoring places this rule at odds with the Streamflow Restoration Act.

VII. Requested Action

At a minimum, Ecology should:

--Condition authorization of additional permit-exempt wells on an implemented and funded groundwater and streamflow monitoring framework;

--Ensure monitoring is sufficient to detect groundwater declines, surface-water impacts, and effects on groundwater-dependent ecosystems; and

--Include clear adaptive-management triggers if monitoring shows that impacts exceed projections or that net ecological benefit is not being achieved.

Absent these elements, Ecology lacks a defensible basis to conclude that the proposed rule complies with the Streamflow Restoration Act or protects the Deschutes Basin from foreseeable harm.

Thank you for considering these comments.

Respectfully submitted,
Ronda Larson Kramer, Olympia