

Rhonda Larson-Kramer

Thank you, my name is Rhonda Larson-Kramer. Ecology has explained that this is a limited-scope rulemaking that does not include monitoring. That it maintains the status quo of no monitoring, and that a pilot program is currently underway to explore metering. I want to respectfully explain why that rationale is not sufficient under the streamflow Restoration Act.

This rule does change the status quo in a legally meaningful way by authorizing additional permit-exempt wells.

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 the watershed plans achieve a net ecological benefit. Those are performance-based standards. A pilot program, by definition, is exploratory and non-binding. It cannot substitute for enforceable monitoring tied to the authorization of additional withdrawals.

Ecology also has up to 2 years to complete this rulemaking, and has stated that it does not need the full 2 years. That choice matters here. If the pilot program yields useful information about metering feasibility and costs or effectiveness, Ecology would have an opportunity to incorporate that information if it is used, the full statutory timeline of the rulemaking.

Finalizing the rule now forecloses that opportunity to use the pilot program information. Without monitoring requirements connected to this rule, ecology has no way to confirm whether offsets are working, whether cumulative impacts are exceeding projections, or whether in-stream flows are being protected over time.

Compliance becomes assumed rather than demonstrated. 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 it is, then authorizing additional permit-exempt wells without it puts this rule at odds with the Act.

At a minimum, additional permit-exempt wells should be conditioned on and implemented and funded monitoring network. with clear triggers. for adaptive management if stream flow impacts exceed projections.

Thank you.