



CLEAN, FLOWING WATERS FOR WASHINGTON

The Center for
Environmental Law & Policy

August 28, 2015

Maia Bellon
Director, Washington Department of Ecology
PO Box 47600, Olympia, WA 98504

Dear Ms. Bellon,

The Center for Environmental Law & Policy (CELP) thanks you for the opportunity to participate in The Department of Ecology's Rural Water Supply (RWS) workgroup. CELP has actively participated in the RWS meetings, sending multiple staff and volunteers to every meeting since they began last summer, and submitting comments to the draft "Finding Rural Domestic Water Solutions While Protecting Instream Resources" report. We hope to continue this discussion over the next several months in an effort to find common ground with other stakeholders on these issues.

Having said that, CELP was very disappointed to learn at the July 30 RWS meeting that Ecology was proceeding with the study of out-of-kind mitigation as set forth in the Senate version of SB 5965. As you know, that bill failed to become law because of concerns from the House leadership, tribal interests, and environmental groups. The House version of that bill called for the Department to study a number of additional issues. It was our hope that a balance could be struck between the House and Senate versions of the study, and it was our understanding that a process would be undertaken to find that balance before Ecology moved forward with the study. We believe that the House version contained many important elements including:

- An analysis of the cumulative impacts of permit exempt wells on tributaries;
- Scientific analysis of the effectiveness of a range of mitigation techniques to determine how they fully mitigate for harm;
- An analysis of how mitigation techniques are funded, monitored, enforced, and modified as necessary;
- Examination of the concept of mitigation sequencing ;

- Survey of in-kind streamflow enhancement strategies that could be used for mitigation;
- Analysis of demand-management strategies including water conservation and metering;
- And analysis of additional supply side strategies, including rainwater collection, greywater use, and extension of water supply lines

Basing the study on a one-sided bill that was in fact opposed by many interested parties suggests that the study is designed not to fairly and openly evaluate possible effects of out-of-kind mitigation, but rather to validate the use of these mitigation methods as proposed by groups on one side of the rural water supply debate. All stakeholder groups have an interest in ensuring that the study ultimately conducted be scientifically valid and that its conclusions be accurate. That interest is best served by defining the contours of the study in an open manner which affords all groups the opportunity to provide input.

Since that was not done, and in the interest of scientific validity, CELP suggests that the study and its findings be peer-reviewed, and the results presented to the workgroup for discussion, before it is submitted to the Legislature.

Sincerely,

A handwritten signature in black ink that reads "Trish Rolfe". The signature is written in a cursive, flowing style.

Trish Rolfe
Executive Director