

Roxanna King

From: Nancy Soriano <nansoriano@yahoo.com>
Sent: Friday, October 13, 2017 4:00 PM
To: Nancy Soriano; Roxanna King
Cc: Chris Branch; Andy Hover; Jim DeTro
Subject: Fw: comp plan draft comment
Attachments: sir20095143.pdf

10/13/17

To Perry Huston, Okanogan Planning Dept.

Honorable Commissioners Jim DeTro, Andy Hover, and Chris Branch

sent via email to rking@co.okanogan.wa.us

Subject: Comment on Comprehensive Plan

In 1900, the Tunk Valley was opened to homesteaders. It was the original land rush in Tunk Valley. The Valley, at 73 square miles was completely homesteaded within 20 years.

By 1930, virtually all the residents of Tunk Valley abandoned their land. This was a result of drought. The Tunk Creek went dry. The wells went dry. The springs went dry.

Tunk Valley is more vulnerable to drought than other areas within Okanogan County. The Okanogan Comprehensive Plan should reflect this fact.

For nearly one hundred years since the flight of the homesteaders, the land has been in grazing and timber resource. As recently as the 1980's, there were less than 40 wells in the entire valley, which is approximately 53,000 acres. That residential density was one house to 1,300 acres, as recent as 30 years ago. The number of exempt wells in the Valley have increased dramatically, in the last 20 years. This needs to stop, if the County is to meet it's obligation under the Planning and Enabling Act, to protect the quantity and quality of the public's water.

The most recent Comprehensive Plan, adopted in 2014, has been legally challenged for its failure to protect quantity and quality of the public's water resources in its' land use planning. The Comprehensive Plan does not factor the scarcity of water in Tunk Creek, in it's equation. Neither does the Comprehensive Plan designate the Tunk Valley as consisting almost entirely of agricultural and timber resource lands of historical significance. In fact the County does not designate a single acre of agricultural land in the entire valley. The county is not in Compliance with the GMA when it fails to designate Ag and Timber resource lands of historical significance, specifically, in Tunk Valley.

Grazing and timber are appropriate land uses in Tunk Valley given the water scarcity there. Residential development is an incompatible and inappropriate land use for this sub-basin and tributary to the Okanogan River. This fact should be reflected in the Comprehensive Plan.

In 2009, a study of water rights in Tunk Valley, commissioned by the Colville Tribe and conducted by Fred Rajala, was completed. The purpose of the study was to discover if water rights were available for acquisition, which would keep water in the Tunk Creek, for federally listed threatened steelhead species. The conclusion was that there were none available. This would also indicate that it is unlikely that there would be water in the Tunk Valley that would be available for mitigation for additional exempt wells.

In this study Rajala states that, "A sampling of water well reports indicate that most wells within the drainage penetrate about 20- 100 feet of soil and unconsolidated material then enters decomposed and solid granite to the finished depth. Yields are low, generally from 3-30 gallons per minute pg 48)." In other words the aquifer is shallow and wells tend to yield small amounts of water. The USGS study concluded that the aquifer is shallow and the only source of replenishment is precipitation. It is also suggested that the entire valley is an Aquifer Recharge Area. Given the shallowness of the aquifer and the unconsolidated soils, the water supply is especially vulnerable to contamination from septic tanks.

The fact that the Tunk Creek, springs, and wells dried up in the drought of the early 1900's, must be understood as a manifestation of the scarcity of water in the aquifer. Tunk Valley is now experiencing a trend of less snow pack and warmer temperatures and this results in even less water in the aquifer and the Tunk Creek and the springs. In 2015, during an especially hot and dry year, the Valley exploded in wildfire, and much of the Valley was vaporized in the biggest wildfire in the Washington State History. It is worth mentioning that there is a lack of ingress and egress to the Valley. The Tunk Valley rd. dead ends in the National Forest. During the wildfire of 2015, the one road out of the valley was closed.

Under these conditions of global warming, the aquifer is being depleted faster than it is being replenished.

The Hirst

decision has confirmed that Washington's counties must protect water resources and determine whether water is physically and legally available before authorizing land uses that propose to rely on permit-exempt wells for water supply. As an initial matter, it is good to keep in mind that permit-exempt water rights are just like permitted rights, and therefore subject to strictures requiring that new uses of water be of beneficial use, do not impair other rights, pose no detriment to the public interest, integrate ground and surface water management, and contribute to maintenance of safe, sustaining yields of groundwater. *Dept. of Ecology v. Campbell & Gwinn*, 142 Wn.2d 1, 13, n.8 (2002).

Legal water availability requires consideration of the impacts of a proposed new use on other water rights, including senior water rights (permitted and exempt) granted under the water codes, and instream flow rights established by rule. In Okanogan County, tribal water rights are also important rights to be considered and protected from impairment.

Water availability analysis also requires consideration of allocations or commitments of water under laws such as the Endangered Species Act, the Clean Water Act, the Federal Power Act, and international treaties. The Tunk Valley provides important riparian and open space requirements for sharp-tailed grouse which are listed as a threatened species (Columbian Sharp-tailed Grouse Recovery Plan. wdfw.wa.gov/publications/00882/wdfw00882.pdf). The waters of the Tunk Creek provide spawning habitat for federally listed endangered steelhead species.

When evaluating legal water availability, in addition to considering specific water rights, instream flows, and federal withdrawals and permits, state law requires the protection of instream flows. Specifically, "perennial

rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values.” RCW 90.54.020(2)(a). This general statutory mandate is binding on all governments that take actions that could affect water resources, including counties.

Legally available water is not available for new and additional groundwater withdrawals in Tunk Valley. The Entrix study determined that Tunk Creek is over-appropriated by 1,300 percent. The USGS completed a study of the Tunk Valley sub basin and determined that surface and groundwater are in hydraulic continuity.

Additionally, the instream flow rule for the Okanogan River watershed, WAC Chapter 173-549, establishes instream flows for the mainstem Okanogan and Similkameen Rivers that are frequently unmet in summer months. The rule partially closes (May-October) , EVERY YEAR, all other perennial streams in the basin, including Tunk Creek.

These instream flow regulations relate to permitting decisions. Because hydraulic continuity between surface water and groundwater has been established in Tunk Valley, any permit or certificate issued is subject to the same conditions as affects surface waters, specifically interruption for 6 months of the year, every May through October. In other words, any new water right in Tunk Valley, and this would include exempt wells, would be interrupted for half of the year, every year.

It is the policy of Ecology and the Dept of Health, and has been discussed or implied in Atty General Opinion 1992 No. 17 and DOH rule, WAC 246-291-125 (3)(1), that domestic supply must be reliable, ie, not interruptible.

There is no legally available water for new groundwater withdrawals in Tunk Valley. The Entrix study determined that Tunk Creek is over-appropriated by 1,300 percent. Some places are not appropriate for additional residential development. Based on water scarcity and the Tunk Aquifer's vulnerability to contamination from septic systems, the Comprehensive Plan must acknowledge that Tunk Valley is suited very nicely for grazing and timber harvest but not for residential development.

Sincerely,

Jim and Nancy Soriano

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