



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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April 7, 2011

Perry Huston
Okanogan County Planning
123 Fifth Avenue North, Suite 130
Okanogan, WA 98840

RE: Addendum A – Okanogan County Comprehensive Plan Revisions

Dear Mr. Huston:

Thank you for the opportunity to comment on the revisions proposed in Addendum A – Okanogan County Comprehensive Plan, dated February 11, 2011. Ecology appreciates the opportunity and cooperative effort that Okanogan County is providing the public, government agencies, and interested stakeholders to review and comment on the Comprehensive Plan. The public review process is essential to assure quality environmental protection is considered and valued in the proposed revisions to the Comprehensive Plan.

Ecology recommends that clarification be provided concerning the association between the current review and the SEPA environmental review process. The use of the term Addendum may confuse reviewers on the method of review for the Comprehensive Plan revisions, Shorelines Master Program, Critical Areas Ordinance, Okanogan County Code 17 – Zone, and Okanogan County Code 16-Subdivisions. Ecology advises the use of the term Expanded Scoping be used for this process leading up to the issuance of the Draft EIS.

We have reviewed the document(s) and have the following comments:

A. WATER QUALITY

Ground Water

1. Minimum Requirement District that will be Rural-High Density (1 acre minimum), please describe how potential impacts to ground water from this density of on-site septic systems will be assessed to insure that groundwater quality will not be affected.
2. Within the high density zones, please describe how areas of higher risk to ground water contamination from on-site septic systems will be identified, based on geology, soil types, water table characteristics, proximity to water bodies, groundwater monitoring, etc., be



identified. Please explain how local ordinances will be developed to mitigate the risk by specifying required system type, location, etc.

3. Please describe the need for mitigating (if any) affects of on-site septic systems on ground water quality will be identified. Please explain how appropriate requirements will be identified.

Surface Water

1. Within the high density zone designations, please describe how areas of higher risk to surface water contamination from development activities and/or installation of on-site septic systems will be identified, based on geology, soil types, water table characteristics, proximity to water bodies, etc. Please explain how ordinances will be developed to mitigate the risk by specifying stormwater construction requirements or best management practices, required septic system type or technology, location, etc.
2. Please describe how the need for mitigating the affects of on-site septic systems on surface water quality will be identified. Please explain how appropriate requirements will be identified.

If you have any questions or would like to respond to these Water Quality comments, please contact Charlie McKinney at (509) 457-7107.

B. WATER RESOURCES

Environmental review of zone designations should analyze the likely impacts of the development allowed within that zone. Water use is an environmental impact which varies based on water availability and is essential for development. The information contained in Addendum A – Okanogan County Comprehensive Plan does not provide sufficient information to evaluate water availability or the adequacy of water rights if necessary.

It must be noted this Comprehensive Plan Revision action involves areas that may be subject to the Instream Resources Protection Plan for the Methow River basin (WAC 173-548), Okanogan River basin (WAC 173-549) and Columbia River (WAC 173-563).

Addendum A to the Environmental Impact Statement (EIS) states the resulting Comprehensive Plan will provide an overall decrease in density. Based on the information provided, Ecology is unable to determine if the result intended will have more or less of an impact to water resources in areas subject to revision from this process. However, Ecology is concerned about impacts to senior water rights and instream flows resulting from any density.

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Ecology regularly sends out Administrative Orders under RCW 90.03 alerting water right holders they will be curtailed in favor of instream flows for the Methow and Okanogan Rivers. This has been a common occurrence in Okanogan County where users were curtailed or shut off four out of the last five years on the Methow and three out of the last five years on the Okanogan during times of low flow.

Therefore, development projects resulting from this action will require new water use, being within the proximity of the Methow, Okanogan, and Columbia Rivers, and could be subject to instream flows (WAC 173-548 Methow River, WAC 173-548 Okanogan River, and WAC 173-563 Columbia River). In addition, if Ecology determines there is significant hydraulic continuity between surface water and the proposed ground water source, any permit exempt ground water use or ground water right shall be subject to the same instream flow conditions as affected surface waters.

Zone changes are proposed within the Methow Closed Basin. The Methow Rule (WAC 173-548-030) currently limits the reservation for exempt ground water use in the Methow Basin to single domestic use, and stock water. The reservation does not include new industrial uses nor group or multiple domestic uses that are required for subdivisions. In *Ecology v. Campbell & Gwinn*, 146 Wn2d 1 (2002), the Supreme Court held that lots of a subdivision that are jointly planned to use the exemption are group uses limited to a single group domestic exemption of 5,000 gallons per day (gpd). Because group domestic use is not covered under the reservation in the existing rule, WAC 173-548, group domestic uses begun after the rule would be subject to permitting requirements, instream flows and interruption. Once reserves provided under WAC 173-548 are exhausted, then all uses will be subject to permitting requirements.

Demands of new water use reduce water legally available for existing, senior water rights including instream flows. Where hydraulic continuity is shown with surface water, new domestic uses established under RCW 90.44.050 are subject to curtailment to meet the needs of more senior water rights in water short years. If water supply becomes limited, water use could be curtailed by those with senior water rights, which includes instream flows established in Chapters 173-548, 173-549 and 173-563 WAC.

Department of Health does not consider interruptible water rights an adequate and reliable water source consistent with WAC 246-290-420. For these reasons, future water source plans will likely not be a reliable supply for year round residential use and may be subject to interruption due to conflict with instream flows. As such, it will be questionable whether a plan would provide an appropriate provision for potable water supply under RCW 58.17.

Ecology understands the proposed Comprehensive Plan amendments will result in a large transformation of land through zone changes. The proposed plan will create a significant increase in development through, for example, creating a "Rural High Density" (RHD) zone.

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Ecology has concerns with the immense expansion of one acre minimum zoning, such as the proposed RHD zone. The proposed RHD zone will result in a considerable increase of development in a localized area and therefore an increased need for water that may result in localized impacts to groundwater levels impacting existing users. Similar projects in areas of limited water supply across Ecology's Central Region have proposed to augment water supply by bringing senior water rights to the project to reduce or fully mitigate water resource impacts.

Addendum A does not address water use, water rights, and water availability. We respectfully request that the County address these environmental impacts as part of the Comprehensive Plan revisions. Ecology's Water Resources program is concerned for senior water right holders/users, which includes existing groundwater exempt uses. In addition to possible impairment to instream flows, senior water right holders and existing exempt uses, Ecology fears the potential misuse of the groundwater exemption resulting from future developments as a consequence of the zone changes. Ecology has cautioned the County a number of times through SEPA comments regarding the misuse of groundwater exemption.

Water is a finite resource. Particularly, with the effects of climate change resulting in more frequent droughts as we have experienced in north Central Washington. Without water, communities cannot grow and thrive. Because water users are already regularly being curtailed in the Methow and Okanogan River basins, it is critical the County carefully consider how to evaluate water availability and legal water supply sources to support and sustain growth in the Okanogan County.

If you have any questions or would like to respond to these Water Resources comments, please contact Breean Zimmerman at (509) 454-7647.

C. SHORELANDS & ENVIRONMENTAL ASSISTANCE

Addendum A frequently includes the statement "The proposed policies and land use designation in the Comprehensive Plan will result in a net decrease in overall density from the existing comprehensive plan". No Documentation was given or cited to support this statement.

Rural Resource High and Rural Resource Low Density should be assigned with the draft Shoreline Master Program and the available Channel Migration Zones (CMs) in mind. Allowing smaller subdivisions without the consideration of the existence of the CMZs could give a false impression of safe developable land, especially concerning areas surrounding dynamic river systems such as the Methow, Twisp, Chewuch and Stimilkimeen. Flooding considerations should be applied when assigning these High/Low designations on the Okanogan River.

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If you have any questions or would be to respond to the Shorelands & Environmental Assistance comments, please contact Clynda Case at (509) 457-7125.

D. AIR QUALITY

We encourage Okanogan County to evaluate the long term impacts to breathing air quality of the plan that is being proposed, and to assure that the development will not place the County in a non-attainment status with respect to federal air quality standards. Non-attainment status places a heavy financial burden on affected communities, and makes it more difficult for business and industry to locate in the area. Okanogan County airsheds are particularly susceptible to PM2.5 air pollution (fine particles) buildup, especially during times of air stagnation in the fall and winter. The primary sources of PM2.5 are outdoor burning, indoor burning, and other combustion sources such as diesel generators and industrial processes. With the known health effects of PM2.5 and the upcoming tightening of the PM2.5 standard by the federal government, this is an excellent time for Okanogan County to review its future trajectory and map a course that preserves healthy breathing air for future generations.

If you have any questions about the Air Quality comments please contact Sue Billings at (509)575-2486.

Thank you for the opportunity to provide comments on the Addendum A-Revisions to the Okanogan County Comprehensive Plan.

Sincerely,



Gwen Clear
Environmental Review Coordinator
Central Region Office
(509) 575-2012

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