

## Cortney Ingle

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**Sent:** Thursday, September 19, 2019 10:37 AM  
**To:** Cortney Ingle  
**Subject:** Comment to Planning Commissioners on Draft Comprehensive Plan/EIS

9/19/19

### To the Planning Commissioners

Thank you for this opportunity to provide comment on the Draft Comprehensive Plan and EIS.

I would like to reiterate recent testimony, from August 19th, 2019, given before the Planning Commission, as well as offer further comment below.

Our focus is on the issue of water, especially in the sub basins east of the Okanogan River. These sub basins (including Tunk, Bonaparte, Antoine, and Tonasket ) are distinct from the rest of the county, in terms of water scarcity and the comprehensive plan needs to recognize the specificity of these areas to protect quantity and quality of public water supply.

In 1976, The Department of Ecology recognized the specificity of these sub basins, in its Instream Flow Rule for the Okanogan River, when it closed these basins, EAST of the Okanogan River, to any junior water rights for six months out of the year, EVERY YEAR. For all intents and purposes there are NO JUNIOR WATER RIGHTS east of the Okanogan River.

By contrast, Junior water rights WEST of the Okanogan River, are merely interruptible, depending on streamflow in the Okanogan River, in any particular year.

The Instream Flow Rule further specified that if exempt wells impacted streamflow, that domestic use, in these sub basins should be limited to indoor use. This is another red flag regarding water scarcity in sub basins east of the Okanogan River.

As described below, Tunk Valley, in 2015, was ground zero for the biggest wildfire in State history. Given that there is no fire district in the Valley and inadequate ingress/egress, people use large quantities of water to create green spaces around their homes. These quantities can easily exceed the 5,000 gallon limit, during the the summers.

This is an example of how wildfire-risk and water scarcity are linked, and should inform the comprehensive plan.

I recently learned that in Ellensburg, which gets significantly more snow pack than the sub basins east of the Okanogan River, new wells are limited to around 250 gallons per day and that the wells are metered and monitored by satellite. Okanogan County's land use planing should be based in science, in order to protects senior water rights. There is a great deal of data in the WRIA 49 Watershed Report, which has never been incorporated in land use planning, but needs to be, going forward.

According to the WRIA 49 Watershed Report, the Tunk Valley Watershed, receives an average annual precipitation of 13.34 inches . Of that, 96% is lost to evapotranspiration, and 4% is lost to run-off. This leaves very little for aquifer recharge. It is not surprising then, that two major senior water rights have already been impaired by recent increase in wells in the Valley.

At the same time, the rate of growth in the Tunk Valley far exceeds the rate of growth county wide. This is another reason to give these basins extra attention and protection.

We recommend that the County, in its land use planning, provide a much greater range of zoning densities, including very low density zones, in order to protect the land, the water, the environment, wildlife and habitat, agriculture and people from adverse environmental impact. Identify and zone according to areas at risk to wildfire.

#### QUANTITY AND QUALITY OF WATER:

The EIS needs to address impacts of proposed land use, to quantity and quality of water, senior water rights and impact to wildlife habitat, including riparian habitat.

*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).*

The zoning incorporated in the Alternatives 1, 2 and 3 do not incorporate information from the 2009 WRIA 49 Watershed Report that identify areas of water scarcity and over-appropriated streams and tributaries, including the Tunk Valley. There are wide disparities in water availability in the County and this is in no way indicated by Alternatives 1, 2 or 3.

. Senior water rights have been impaired by exempt wells in the Tunk Valley. This should be recognized and addressed in an EIS. The mean low streamflow is .22 cfs. Yet in the Alternatives Tunk Valley is zoned the same as places with more water. Impacts to senior stock water rights should also be identified and addressed.

AGRICULTURE: The NRCS Soil Maps identify Tunk Valley has consisting of a majority of Agricultural lands of historical significance. The EIS should identify adverse environmental impacts to this uniquely large area of AG land. It should be maintained in open space for many reasons including customs and customs of the county, wildlife corridor, critical habitat and water scarcity.

#### WILDFIRE:

In 2015, the Tunk Valley was ground zero for the largest wildfire in Washington State History.. It was a nightmare. The county did not provide protection from looters. Locals advised: "shoot, shovel and shut-up". The valley went into vigilante-mode virtually overnight. There was no communication, no sheriff in town, no land-line or cell-phone service for an extended period. There was no electricity. Homeowners were essentially left to their own devices respond to the fire. That was our experience. Many homes were lost.

There is no fire-district in Tunk Valley. Fire crews arrived from West of the Cascades with little or no local knowledge. We were asked where they could get water for their fire trucks. Streamflow was extremely low. There was/is no water to fight fires in Tunk Valley.

Years before this fire, the All Hazards Mitigation Report for Okanogan County cited that there is inadequate ingress/egress to Tunk Valley. The one road, Tunk Valley Rd, that leads into Tunk Valley from Highway 97, dead-ends in National Forest...which was on fire in the 2015 wildfire. The only other road "out" is the JH Green Rd, which was also on fire. It is a VERY primitive bumpy dirt road that leads to McGlaughlin Canyon. This road would have been a death trap if people had tried to take that route, as it ran right through the middle of the hottest and fastest moving part of the inferno/wildfire. Luckily no one was living there, on the north half of the Tunk Valley. That land is entirely in grazing. It should stay in that land use.

However, this land, which has been in agriculture and open space for 100 years, is zoned residential, in the Alternatives as though it had ingress and egress in case of wildfire. Zoning should incorporate considerations of public safety not the criteria of maximum buildable lots.

The SEPA review claims that the Comprehensive Plan is organized to discourage development in remote areas. This is not true.

Most of the land in the Tunk Valley is miles from a county or private road and much of it does not have electricity. Land which is located miles from electricity or a county road is zoned the same as land right out of Riverside and close to Highway 97. The

SEPA review claims that the comprehensive plan discourages development in remote areas. This is totally and completely a false claim. The EIS should identify areas, including Tunk Valley that are at risk to wildfire. Zoning in all three Alternatives fall very short of doing that.

#### CRITICAL AREAS AND THREATENED AND ENDANGERED WILDLIFE:

The entire Tunk Valley has been identified by WDFW as habitat for state listed, Endangered species sharp tailed Grouse.

Tunk Valley is also the largest block of unfragmented shrub stepp (sharp-tailed grouse habitat) remaining in the County.

The three alternatives offered in the “updated” comp plan do not incorporate overlays identifying critical habitat in the entire Tunk Valley. The EIS should specifically identify adverse environmental impacts to this species and habitat.. STG require 20,000 acres of un-fragmented habitat and healthy riparian habitat. Habitat for the Endangered species, Sharp tailed grouse in the Tunk Valley, which has the largest contiguous block of shrub steppe in the county , would be chopped up in proposed zoning. Fragmentation of habitat must be identified as an adverse environmental impact of growth and development in the Tunk Valley. Zoning in Tunk Valley should reflect the requirement of the County that the land not be fragmented. Another adverse impact to Endangered species, the sharp-tailed grouse, would be development that impacted riparian habitat by allowing surface and groundwater withdrawals, in a valley that is already over-appropriated, as evidenced by impairment of senior water rights. and a mean low streamflow of .22 cfs.

Below, is an excerpt from the MVCC comment on the DEIS from 5 years ago. It is just as relevant today as it was 5 years ago. Threatened and Endangered species and their habitat must be protected from adverse impact and this should be addressed in the EIS.

#### ***Draft Environmental Impact Statement (DEIS) Revisions to the Comprehensive Plan, May 16, 2013***

*“RCW 36.70A.170 (1)(d) requires the County to designate critical areas and RCW 36.70.060 (2) specifically requires the development of policies to protect these areas, stating, “Each county and city shall adopt development regulations that protect critical areas that are required to be designated under RCW 36.70A.170”. If the County adopts a new comprehensive plan with policies that subvert these requirements the county will be in violation of the GMA. See also Pilchuck v. Snohomish County, CPSGMHB Case No. 95-3-0047 (FDO, December 6, 1995) (Holding that the Legislature places a “higher order of directiveness” or a “higher order of urgency” in regards to critical areas.”*

*“The GMA duty to “protect” critical areas is not served by a comprehensive plan that would damage, in some cases destroy vital critical areas.....The current draft does not provide adequate protection for critical aquifer recharge areas (a GMA “critical area”) nor does the plan adequately protect habitat of the state and federally threatened species. Every county in the state is required to protect threatened species and their habitats.”*

In excerpts from most recent SEPA Environmental Checklist) the SEPA official dodges questions about threatened species. These questions about impacts to threatened and endangered species and their habitat must be addressed, not dodged, in the County’s EIS.

#### ***b. List any threatened and endangered species known to be on or near the site.***

*The County Comprehensive plan is a general legislative action applicable in all areas of Okanogan County. The comprehensive plan does not propose any specific activity that will affect any endangered species at any specific site.*

Our response: The county’s zoning is a specific activity that would fragment habitat of sharp-tailed grouse. It is also true of the Comprehensive Plan of 2014, and with this “update” that the CAO does nothing to protect salmonoids, critical aquifer recharge areas and SHARP TAIL GROUSE AND THE SHRUB STEPPE AND RIPARIAN HABITAT THAT THIS SPECIES DEPENDS UPON.

#### ***c. Is the site part of a migration route? If so, explain.***

*The County Comprehensive plan is a general legislative action applicable in all areas of Okanogan County. The comprehensive plan does not propose any specific activity that will affect any specific migration route.*

In truth, this is a very dodgy response to the question: All three of the Alternatives and the zoning described, would fragment habitat and adversely impact Migration Routes. Impacts to migration routes should be addressed in the EIS.

#### ***d. Proposed measures to preserve or enhance wildlife, if any:***

*The County Comprehensive plan is a general legislative action applicable in all areas of Okanogan County. The comprehensive plan does not propose any specific activity that will affect any wildlife species at any specific site.*

*The county's response:*

*While not a project specific proposal the comprehensive plan does contain policies that recognizes the importance of habitat to the well being of wildlife. These policies focus mainly on habitat that is critical to the recovery and sustainability of listed salmonids and other endangered species however all wildlife is benefitted to a greater or lesser degree. These policies inform other regulation such as the subdivision regulation and critical areas ordinance which does impact endangered species through the regulation of critical habitat.*

Our response:

We see no evidence in the draft Comprehensive Plan or the Alternatives that substantiate the county's claim that any threatened or endangered species or their habitat will be protected from adverse environmental impact.

It is most important and required by law that Adverse environmental impacts to threatened or endangered species or their habitat will be identified in the County's EIS , as well as adverse impacts including water quantity and quality, and agricultural, identified in this and Futurewise comments. The EIS should be site specific and this should lead the county away from one-size- fits-all land use planning.

Sincerely,

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