

WASHINGTON STATE DEPARTMENT OF ECOLOGY

Re:)
)
WATER RESOURCE MANAGEMENT)
PROGRAMS, WRIA 25 & 26)
_____)

BE IT REMEMBERED that on the 26th day of May,
2010, commencing at 7:00 p.m. of said day, the above-entitled
matter came on for public hearing at the Cowlitz County
Training Center, 1942 First Avenue, Longview, Washington.

HEARING MAY 26, 2010

PROCEEDINGS

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4 MS. BEITEL: Let the record show that it is now 8:21
5 p.m. on May 26th, and this hearing is being held at the
6 Cowlitz County Training Center.

7 This hearing is on proposed water resource
8 management program for the Grays, Elochoman and Cowlitz
9 watersheds re Water Resource Inventory Areas 25 and 26.
10 Notice of this hearing was published in the State Register on
11 May fifth. Legal notice of this hearing was published in the
12 following newspapers on May 12th and May 19th, 2010: The
13 Longview Daily News, the Yakima Herald, the Willapa Harbor
14 Herald, Lewis County Chronicle, Wahkiakum County Eagle, the
15 News Tribune, Skamania County Pioneer. And in addition, the
16 rule proposal notice was mailed or e-mailed to over 600
17 interested parties.

18 Any testimony received at this hearing tonight along
19 with any written comments we receive by the end of the comment
20 period will become a part of the official hearing record for
21 this issue. The comment period ends on June fourth. Those
22 providing comments will receive a copy of the concise
23 explanatory statement prepared by Ecology in response to the
24 public comments. If you would like to send written comments,
25 please mail them to Travis Burns, Department of Ecology, P. O.

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1 Box 47600, Olympia, Washington. 98504-7600. You can e-mail
2 them to tbur461@ecy.wa.gov. They need to be received by
3 five o'clock on June fourth. And if you would like to provide
4 written comments to me tonight, go ahead and write them on a
5 piece of paper and just hand them to me tonight if you don't
6 want to come up here and speak.

7 All verbal comments provided at the hearing tonight
8 receive the same consideration as the comments received via
9 postal mail, e-mail, fax or given to me directly tonight. I
10 have 20 people that have indicated that they would like to
11 provide comments tonight. In order for us to get through all
12 of these comments and hopefully all of us leave at a decent
13 hour tonight, I would ask you to summarize your comments and
14 then provide the lengthy comments via e-mail or write them out
15 and give them to me tonight.

16 I will call the names in order in the order that I
17 received their cards. Please state your name and the agency
18 or the organization that you are representing. If your
19 comments are on a specific basin, please specify that you're
20 commenting on that basin, either WRIA 25 or either WRIA 26.
21 During the public comments you may ask questions for the
22 record, but we cannot enter into any discussions. If you have
23 questions that you do not want to be a part of the official
24 hearing record, then you can stay after the comment period and
25 ask them of our staff tonight.

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1 So the first person that I have on my list is Norm
2 McKnight. And I would ask you to come up. Here is our court
3 reporter right here. I would ask you to come up, sit here so
4 she can get a clear reading of your comment tonight, and the
5 audience can hear. You Norm? Is Norm McKnight here? No?
6 Let's go on to the next one.

7 MR. McKNIGHT: Yeah. I'm Norm McKnight. And given
8 the restraint of time here and what I've heard, I'll choose to
9 go ahead and pass it in.

10 MS. BEITEL: Thank you.

11 MR. McKNIGHT: And I expect an answer.

12 MS. BEITEL: Okay. You will get an official
13 response. Thank you. Okay. How about Trent?

14 MR. TRENT MCGHEE: I'd like to comment later also.

15 MS. BEITEL: Thank you. Zula Bryan? You can sit
16 right here and face the court reporter.

17 MS. BRYAN: I am Zula Bryan representing -- well,
18 I'm talking about WRIA 26, representing Pleasant Hill Grange.
19 Most of my questions have been answered. But my main concern
20 is the fact that the Department of Ecology can put a meter on
21 wells, and they tried to do it before with some government
22 talk about not only metering the wells, but charging you for
23 the water consumption that you took out. And that is with
24 what they've said here tonight, they have no intention of
25 charging for the water consumption. And I want to go on

1 record as stating that that is exactly what we want. Thank
2 you.

3 MS. BEITEL: Thank you. Next one is Ted Bryan.
4 Here.

5 MR. BRYAN: I'm Ted Bryan. My comments are very
6 few. I want to know why we have to change something that's
7 not broke. And if they can change this stuff, does it require
8 additional personnel to enforce it or whatever? And if it
9 ain't broke, I'd like to leave it just the way it is.

10 MS. BEITEL: Thank you. Mike? Do we have a --

11 MR. KRAUTKRAMER: If you're looking for how to
12 pronounce Krautkramer, that's me.

13 MS. BEITEL: I wasn't going to attempt it.

14 MR. KRAUTKRAMER: Mike Krautkramer,
15 K--R--A--U--T--K--R--A--M--E--R. I'm here tonight because I'm
16 a consulting hydrogeologist, and I have a lot of clients in
17 the area that are going to be affected by this. I don't
18 intend to try to tell you whether you should have this rule or
19 not. I don't want to second-guess the planning commission, so
20 I'm saying this as things that I know as a hydrogeologist.
21 There's been reference both in the supporting literature for
22 these rules and in statements made tonight that talks about
23 you could drill to a deeper aquifer that's not in continuity
24 with the river. I can tell you from 15 years of being in
25 court arguing and hearing what the judges are saying, there is

1 virtually no well that could be drilled in these basins that
2 would not be considered to some degree in continuity with
3 these rivers. So there isn't a lot of water you can have
4 outside this rule. And that's why I raised the question
5 earlier about how many people are going to be allowed to live
6 in a given subbasin under exempt wells, because it seems
7 fairly restrictive to me. Beyond public water, the exempt
8 well is really the only available source. There was mention
9 made that you could purchase a water right. There are several
10 conditions on purchasing a water right that make it quite
11 spendy, and in many cases it's not possible to find a water
12 right that's further upstream than your intended use. So it's
13 not as easy as it sounds.

14 So what you decide to do with this rule is going to
15 constrain who is going to get to grow, who is going to build
16 on what properties. There are likely some places where the
17 numbers are acceptable, and it's not my job to tell you what's
18 acceptable to your communities.

19 So the other aspect that I really am concerned about
20 is people have talked about the set asides. But nobody has
21 done much to describe where the numbers for the in stream
22 flows come from. And there are several ways that in stream
23 flows are set. One is you use historical data and say this is
24 what normally happened in the stream before buildout happened.
25 Another is an outfit -- I mean, a method called the IFIM.

1 Stands for in stream flow incremental method. And at the risk
2 of insulting my biology cohorts here, that really is a wish
3 number that a biologist assigns to the stream saying, if I
4 could get this gravel under water, it would be a really good
5 place for fish. It's not particularly conducive to streams
6 that have high flows. In the winter you get flood flows that
7 put in a gravel bar. For all of you fly fishermen, you know
8 that the gravel bars in low flow periods are above water. In
9 some cases biologists say, I'd like to have that gravel bar be
10 under water in the summertime or in the time when the fish are
11 reproducing, when they have to have redds.

12 You have to know how these in stream flows were set
13 in order to know whether they're realistic or not. You have
14 talked about in stream flows for other places in the state.
15 In stream flows have been set as far back as 1979. And in
16 some cases we're finding that the flows that are supposed to
17 happen in the stream never happen in the stream except perhaps
18 at glacial periods. So you have to have realistic in stream
19 flows. And where these flows are coming from that are going
20 to regulate your streams, it's worth your looking at that and
21 seeing what method was used and when.

22 Somebody mentioned that there are a lot of people
23 living on Germany Creek that could tell you what the history
24 of that creek is that could tell you how it used to flow, how
25 it is now and whether or not it is depleted. Some of that's

1 better than the scientific methods when you don't have any
2 data about the stream flow. So pay attention to what's
3 happening in the area that you're living in. Talk to the old
4 people, cause a lot of us old people know stuff. And be aware
5 of the rules that are going on, why they're being set. And in
6 deference to this process, you can't just keep taking water
7 out of the river, whether you're doing it through wells
8 indirectly or through pipes in the river. You can't do that
9 forever and still have a river. We all know that there's a
10 limit. The question is: Are you at the limit on the streams
11 that they're closing? Are you near the limit on the streams
12 where they're putting in stream flows in? And how do you want
13 to allocate the water that's left to best satisfy the
14 communities? Thank you.

15 AUDIENCE MEMBER: I have a quick question.

16 MS. BEITEL: No, no, no. We'll take them
17 afterwards. Thank you. Frank Schubert. No Frank? Let's
18 move on. Wayne. Is that Wayne? Is he here? Okay. How
19 about Roy Hall?

20 MR. HALL: I've got a different situation entirely.

21 MS. BEITEL: Can you turn around?

22 MR. HALL: I had put in. Roy Hall. For myself. I
23 put in an application to appropriate a water diversion 15
24 years ago. And I've gotten no response. I went through all
25 the steps and everything else. Spent the money. And every

1 time I call up there, they say, well, they're not in Cowlitz
2 County. They act like they ain't heard of Cowlitz County.
3 Anyway, I want to know if this is going to stop the situation
4 where I'm not going to receive any amount of water diversion
5 at all. I got three creeks on the property and a trout pond.
6 The creeks are year-round. They all meet on my property and
7 form one big one that goes into the Cowlitz River. And the
8 Fish and Wildlife personnel had been up at my place when I was
9 developing it 17 years ago, and on my case about the creeks.
10 They would drive out on my lawn and everything else and think
11 nothing of it, and look at the creeks and that, see if I was
12 screwing with them. Well, I never have. But everyone below
13 me has. The creeks used to be loaded with trout, cutthroat,
14 steelhead. There ain't a single fish in them now. Nothing.
15 And it's not because of me. It's for everybody below me
16 building swimming holes, damming the creeks up, diverting the
17 creek, making big ponds for the ducks and geese can come in
18 and they can shoot them. You know, I've enhanced wildlife.
19 I've had no help from nobody. Alls I've gotten through the
20 years is hassle. Just a big hassle. And all I have been
21 asking for is a little bit of water diversion. Minuscule.
22 These creeks, I had to build a berm around a trout pond to
23 keep the creeks from flooding into it because in the winter,
24 you know, when it rains, they're rivers. They're not creeks.
25 And that's all I have to say. I want to know what is being

1 done about an appropriation for this water diversion. I'm not
2 stealing the water from the creeks. I'm just rerouting it, a
3 little bit of it. Less than 400 cubic feet per minute. Just
4 minuscule. That's it.

5 MS. BEITEL: Thank you. Okay. We have Jerry
6 McGhee.

7 MR. JERRY MCGHEE: I'll comment e-mail.

8 MS. BEITEL: Okay. Thank you. How about Lloyd?
9 Hedglin? Lloyd? Okay.

10 MR. HEDGLIN: Okay. My first question is: Will we
11 all be able to get copies of today's input? Next, I don't
12 know what toe width is. I see it in here. I understand
13 ordinary high water. Toe width, which neither one is very
14 clear in a lot of state law. Okay. On the status of proposal
15 is still up there, there was some comments I thought I heard
16 people say that a year from now or two years from now it
17 wouldn't make any difference. Read what it says. It says
18 anticipated date of adoption, summer-fall 2010, between July
19 and November. Rule goes in effect 31 days after adoption.
20 That wasn't what I heard said. Now, the timing on this is too
21 short as far as having between now and June fourth before you
22 can get input. When the people in this room go out and talk
23 to their neighbors and stuff, there's going to be a lot of
24 people interested. If you have a second meeting, you'd better
25 have a lot bigger room because you're going to need it. Has a

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1 large environmental staff been reduced to help with the state
2 budget? Or will we save all the dollars needed by reducing
3 our number of teachers? That's enough.

4 MS. BEITEL: Thank you.

5 MR. HEDGLIN: I will submit more in writing.

6 MS. BEITEL: Okay. The next one on the list. Gene
7 -- am I saying that right? Gendron?

8 MR. GENDRON: That's correct. I'll make -- I'll
9 forward in my comments.

10 MS. BEITEL: Great. Thank you. How about Lauren
11 Gomes?

12 MS. GOMES: My name is Lauren Gomes, and I live in
13 Skamokawa, Washington. And I live near Skamokawa Creek. A
14 lot that I'm hearing today, and I'm not understanding this,
15 and I will be writing a letter and I will be faxing some
16 information and trying to obtain some more information.

17 From what I'm hearing, a lot of you folks are from
18 this area. Cowlitz, Castle Rock, Kelso, and probably I think
19 there was maybe two or three gentlemen that were from
20 Cathlamet area. So if I say East Valley Road, those people
21 will probably know exactly where I'm talking about. I'm
22 trying to wrap my head around this. All these people -- do
23 you even know where Skamokawa is or East Valley Road? The
24 ecologists and the team that's put together? Do you have
25 family, relatives that live in this area? Because my family

1 has been in the Skamokawa area for three generations.
2 Granted, yeah, I had left for 20 years, and my husband and I
3 decided to come back and make our home where I was raised.
4 Now I've been fortunate enough to have my daughter and her
5 daughter in this area with us. So now we're talking almost
6 five generations in this area. And all I'm hearing is the
7 best data that we can get. The best data that we can -- I'm
8 the only one that kept on hearing this best data? From the
9 time I was six years old to the time I was thirteen, in the
10 little valley canyon that I lived in, there was 13 homes. I
11 don't think one of those homes had less than four children in
12 it. You go into that area now, there's seven, if you're
13 lucky.

14 So I'm trying to figure out this projection of 20
15 years, because I noticed that allocation of reservations for
16 Skamokawa Creek permit exempt ground water wells. I actually
17 inherited my home and my property that my husband and I
18 currently live. And we have our family there now. With that
19 came water rights. And for an entire month, for -- well,
20 yeah. A month, every week, my husband and I were going to
21 Olympia and doing everything that the Department of Ecology
22 said that we were supposed to do to protect the water rights
23 that went with that property that was established in 1901,
24 that my husband and I went up there and refiled and refiled
25 and refiled. So when I turn in and I fax my letter, one of

1 the things that I'm going to ask about is all the trips that
2 we made to Olympia to file our water rights with our property
3 -- is that still going to be valid?

4 And not all of us have a degree in ecology or
5 wildlife and fishery, you know, that type of thing. Is there
6 any way that we can probably try and get this broke down in
7 just a little bit more layman terms? Because I'm just a
8 retailer. And some of these words, I can't even wrap my head
9 around. So I'm hoping that if I take the time to write to
10 Travis Burns, that eventually, you know, if you get my letter,
11 maybe you can take some time and help me understand this.

12 I just want to protect what my father and his family
13 and his father and past generations have built that followed
14 the law to protect the rights to their property, so eventually
15 my husband and I can actually do the same for our children,
16 and, like the gentleman that I was sitting next to and the
17 gentleman behind me and a few seats down, to actually pass
18 your property and those rights to your children. Because this
19 20-year projection and, yeah, can you build seven or 20 homes,
20 if you went into that area, no. There's seven homes. When I
21 was younger, there was 13. There's not that many now. So I
22 just don't understand the whole allocation type of thing. So
23 I will be writing a letter and faxing both. So, Ken, if
24 you're ready, let's go on home.

25 MS. BEITEL: Thank you. We have Doane Herriges? Do

1 we have --

2 MR. HERRIGES: Hi. I'm Doane Herriges. First thing
3 I want to say is your numbers got to be really skewed.
4 Coweeman basin that you're allowing 27 more homes in the next
5 20 years has grown by 300 homes in the last ten years.
6 Somebody's not either -- either you're trying to restrict
7 growth and telling me what I can do with my property, using my
8 tax money to do it, or somebody's way off on their numbers.
9 You say you've left plenty of reserves. You better refigure
10 those numbers.

11 MS. BEITEL: Thank you. M. J. Beckman?

12 MR. BECKMAN: I'll pass.

13 MS. BEITEL: Thank you. How about Ted Rautio?

14 MR. RAUTIO: I'll make it quick, and I do have some
15 reservations about this whole thing.

16 MS. BEITEL: Sir, I'm sorry, but we need to get --
17 our court reporter wants to get your accurate comment tonight.
18 So thank you.

19 MR. RAUTIO: My name is Ted Rautio. I don't live
20 around here. Live up in Winlock. But I have some
21 reservations about the whole thing, and I'll just read it
22 briefly. There will be what are called reopeners with this
23 program. I understand these exceptions can change the effect
24 of these proposals at your discretion. So comments are likely
25 worthless. That's my feeling about the whole thing.

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1 MS. BEITEL: Thank you. Next one is Tara Hagee.

2 AUDIENCE MEMBER: She just stepped out in the hall.

3 MS. BEITEL: We'll come back to her. Tara?

4 MS. HAGEE: Yeah.

5 MS. BEITEL: Are you wishing to comment tonight?

6 MS. HAGEE: You know, if other people wanted to go
7 first --

8 MS. BEITEL: We only have one other card, so it's
9 your turn.

10 MS. HAGEE: I'm with the Department of Fish and
11 Wildlife. And we've actually worked with this group all along
12 through the whole process. And so this is my comment.
13 Department of Fish and Wildlife is pleased to provide formal
14 comment on the proposed WRIA 25-26 in stream flow.

15 AUDIENCE MEMBER: We can't hear you.

16 MS. HAGEE: See, I'm sitting down like you said, but
17 you can't hear. And luckily, I have a copy. We're pleased to
18 provide formal comment on the proposed in stream flow rules.
19 We commend Ecology and the local governments for their
20 concerted efforts toward developing this rule, and prior to
21 that adopting the watershed plan. We also commend the Lower
22 Columbia Fish Recovery Board for its progressive efforts
23 during rule development. Overall WDFW feel that the rule if
24 implemented and enforced will result in a positive benefit for
25 fish and fish habitat, and we support adoption of these two

1 rules. The actual effectiveness of the rule in protecting
2 fish habitat and other in stream flow values depends on
3 implementation, and we owe it to future generations to follow
4 the spirit and word of the rules to protect in stream values
5 into the future. The rule sets forth specific closure
6 periods. WDFW will review proposed projects for interruptible
7 use during these time periods for site specific conditions and
8 impacts to fish and habitat, including rate, timing, amount
9 and duration of water withdrawal. Because of the
10 uncertainties involved and the high importance of fish stocks
11 in these basins, we will try to minimize the risk to fish.
12 Again, we appreciate the opportunity to comment on these two
13 proposed rules. Look forward to working closely with Ecology.

14 MS. BEITEL: Thank you. The next one I have is Lee
15 Grose.

16 MR. GROSE: My name is Lee Grose. I'm the county
17 commissioner for Lewis County, and I represent the eastern
18 part of Lewis County and the southern part of Lewis County.
19 In fact, most of Lewis County that's not in Chehalis and
20 Centralia. So you know where I'm from, I live in Packwood,
21 which is on the extreme east end of the county.

22 So we have an issue with water, and I've shared
23 this, and I've been a part of this process, if you will, since
24 I took over as commissioner in 2007. I have repeatedly voiced
25 some objections during this process, and most of my concerns

1 were answered, but you folks have raised some interesting
2 questions tonight, and I was not aware of some of the things
3 that you've mentioned. The .01 CFS thing that Mike clarified
4 I think is a good point, and I think we need to take a good,
5 hard look at. That doesn't allow for much development in
6 rural areas.

7 I do have a written statement that I want to read,
8 and just so you know, I'm not blindsiding these people with
9 this, cause I shared it with them earlier today, so they know
10 what I'm going to say. And -- but I think that the people of
11 Cowlitz County need to know where the people of Lewis County
12 stand on this issue also. So I'm going to read this verbatim,
13 and I will also give a copy.

14 Since I've been involved in this rule making process
15 under review, I feel compelled to address my concerns from my
16 perspective as a citizen and as an elected official.

17 Yesterday we received a letter, and Travis included,
18 to the Kittitas County issues. I want to bring that out,
19 because the letter we got yesterday was from the Kittitas
20 County Commissioners asking us to intervene with them with the
21 Department of Ecology and with the governor's office to try to
22 get some sense made out of their water rights issues over
23 there. So this is the reference to that. For those in the
24 public who don't know, Kittitas County has had an ongoing
25 dispute with the Department of Ecology in regard to exempt

1 wells in the upper part of the county and their interpretation
2 of RCW 90.44.50 that Travis referenced earlier. This
3 legislation allows for the permitting of exempt wells in a
4 closed watershed, which is what the Cowlitz River will be with
5 the adoption and implementation of the rules being presented
6 here tonight. While the conditions differ greatly between
7 Lewis and Kittitas County, there are some underlying
8 principles which I still feel need to be addressed.

9 From the beginning of my involvement in this whole
10 process, I have been outspoken with my opinion that the
11 Department of Ecology be held more accountable in upholding
12 the intent of these rules. In our case, this would mean that
13 future development and water rights applications would be
14 honored if and when certain conditions were met. And these
15 are part of the proposals in the rules that you're reading
16 tonight. It has largely been my insistence on this that led
17 to some minor changes in language, some "mays" which have been
18 changed to "shalls" and "wills". But I'm still concerned that
19 the new rules do not go far enough in assuring the public that
20 the Department of Ecology will support the county in efforts
21 to secure future water rights and water use from the
22 reservations established by these rules.

23 Using Kittitas County as an example, it would appear
24 that my fears are well-founded. The Department of Ecology has
25 openly defied the county commissioners of Kittitas County and

1 the Attorney General's opinion on the county's interpretation
2 of the law. Appeals by the county to the governor to lift the
3 moratorium placed on the county by Ecology have fallen on deaf
4 ears and been summarily rejected.

5 Throughout the WRIA rule making process, much of
6 which I attended -- I regret that I didn't attend more. I
7 wasn't able to. Meeting schedules didn't meet. I received
8 verbal assurances of the intent of the rules and their effect
9 on the county. Unfortunately, I have not been assured that
10 the Department of Ecology would come to the support of Lewis
11 County in future applications, as mentioned above, or if they
12 would automatically take sides with a small number of
13 applicants without peer review or scientific evidence.

14 We in Lewis County have just gone through a very
15 difficult time removing barriers to future development brought
16 on by the Growth Management Act. You in Cowlitz County don't
17 have that yet. It's coming, folks. The issues which caused
18 and continue to cause problems were instigated by a very small
19 percentage of the population, as they were in Kittitas County.
20 Yet the ensuing legislation and legal appeals cost Lewis
21 County residents literally millions of tax dollars, not to
22 mention the economic engines it deprived us of that may have
23 been provided.

24 As you can see, the memories are still very fresh in
25 my mind, and it appears that the Kittitas County example

1 provides us with more of the same. As I discussed in my
2 conversation with Travis yesterday, we wanted some assurance
3 that the Department of Ecology is going to fight for us and
4 not against us. That assurance is not in this piece of
5 legislation.

6 My understanding -- and I taught U.S. Constitution
7 in high school for eleven years, so I do have a little bit of
8 understanding of the Constitution -- is that the powers not
9 specifically given to the federal government are reserved to
10 the states and to the people. Since I represent those people,
11 I cannot in good conscience accept this document as presented
12 without some further assurance that the people's property
13 rights are better protected. And I signed that Lee Grose,
14 Lewis County Commissioner. And I will present this again
15 tomorrow night up in Morton.

16 I do have a couple more comments. And this whole
17 issue of this exempt well and this permitting exempt well
18 status -- and this is something that I read this document 50
19 times at least, and I didn't pick up on what that was actually
20 saying until tonight. I thank you folks for that. I'm going
21 to let it go at that. I'm open for -- I'll be around for a
22 while.

23 MS. BEITEL: Is there anyone else who would like to
24 come forward and testify tonight? Go ahead. Come on up.
25 Please state your name and any agency, though, you're

1 representing tonight.

2 MS. GUNTER: My name's Heidi Gunter. I'm just a
3 local yokel, and I'm representing my family. We all live out
4 on Germany Creek. I'm going to try to address everything so
5 my father doesn't come up here and rip your ears off with cuss
6 words. First of all, I'd like to say that I think you guys
7 paid a little too much for your education, because we could
8 give you way more of an education out there where we live than
9 you'll ever get in books. My family's been out there. We
10 have an original homestead. We're in four generations. We're
11 connected to family who has been out there since 1904, who was
12 connected to the family who originally homesteaded out there
13 in 1887. So we've got some strong connections out there. And
14 we've tried. I believe this gentleman said to come work with
15 us. We've tried. We've tried on the phone. We've tried in
16 person. And we have not gotten anywhere because you refuse to
17 listen. You are set in your ways, as we are. But we know
18 what's going on out there. Germany Creek is not losing water.
19 The ground has raised from the storms that have come in.
20 Simply, the ground is higher than the water is spreading out.
21 We've lost land. Farmers have lost land for their cattle. We
22 lost part of our hay field last year. We lost electric
23 fences. It's cost our family lots of money. It's cost
24 families that are very close to us thousands and thousands of
25 dollars. We've asked for help. We've not -- nobody's gotten

1 it. The fish haven't returned because the creeks are blocked.
2 There's log jams. We've offered our own time, our own money,
3 our own equipment to go in and clear this. And you refuse to
4 let us do it because you want to protect the fish. Yet for
5 the last 20 years it's just gotten worse because you wouldn't
6 let us go in there and do it in the first place. I think that
7 if you put the channel back where it was and as deep as it
8 was, we got another what, 20, 50 years before we have to do it
9 again.

10 Big deal if you ruin a plant. I'm sorry. I'm not a
11 tree hugger. I'm about my family. I'm about the people that
12 live out there. Your numbers that you have put in this paper
13 have said, if I added it all up right, and let me make this
14 clear, you said Abernathy, Mill Creek, Germany Creek were all
15 together? Is that correct?

16 MR. MCKINNEY: That's what I said. I could be
17 wrong.

18 MS. GUNTER: That would mean that almost 900 homes
19 could go out there on the water. I guarantee you there is not
20 going to be 900 people building out there, cause if you come
21 out in this area -- I don't know if anybody knows that area.
22 It's coming out to stay to retire and to hand it down to your
23 kids. It's not a developed area. So I don't understand why
24 you think you have to close it. Why don't you just fix it?
25 Why don't you just put the creeks back where they were? You

1 know, two years ago we had horrible, horrible storms, and for
2 the first time in 90 -- at least 90 years, I can guarantee you
3 at least 90 years, we have a small tributary, and it moved.
4 It's eight feet wide, maybe. It spread out over 120 feet
5 wide. Almost flooded my parents' house. Tore out part of our
6 driveway. I mean, you guys -- you refuse to help us. But you
7 want us to let you on our land. And it's not going -- it's
8 not going to happen. I know a gentleman said that if you come
9 on his land, you're going to get shot. Well, without
10 repeating that, our family feels very close to the same way.
11 We've actually kicked your department off of our land for
12 trespassing.

13 And the last thing I want to say is again, why don't
14 you talk to some of us that live out there and ask us what's
15 going on? And let us put some input and really listen to us,
16 though. Not just for save the fish or, you know, what about
17 the people have been out there since the 1800s? That means a
18 lot. And I'm sorry, but I think that means more than a stupid
19 fish.

20 Last thing I want to say, cause I want to put this
21 on public record for my father, is I want to publicly say stay
22 off our land. Period. Thank you.

23 MS. BEITEL: Ma'am, would you fill this out?

24 MS. GUNTER: Yeah.

25 MS. BEITEL: Thank you. And I'm sorry. Did you

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1 have a comment back here? Go ahead and come on up.

2 MS. TINNEY: That's okay. I just want to know.
3 There are literally hundreds of springs in this county. Have
4 you taken any of that into effect? I've got three on my
5 place. I mean, there's so much water there, it's like I hate
6 it. That was a question.

7 THE REPORTER: Your name?

8 MS. TINNEY: My name's Valerie Tinney.

9 MS. BEITEL: Is there anyone else who would like to
10 make an official comment tonight?

11 MS. TINNEY: Can I get an answer?

12 MS. BEITEL: After we're done with this hearing. Go
13 ahead. Come on up.

14 MS. JONES: My name is Christine Jones. And with
15 all due respect -- thank you. With all due respect, I called
16 the state of Washington Department of Ecology on a totally
17 separate issue. I understand it wasn't a water issue. It was
18 an air issue. I got -- after six phone calls to them, I was
19 told repeatedly that six times that they had no jurisdiction
20 over indoor air. All the while I was being poisoned. This
21 was terminology from Labor and Industries. I was being
22 poisoned by a neighbor next door and that it was specifically
23 a Department of Ecology issue and to contact them. I did this
24 repeatedly through a period of three months. And although I
25 understand you folks are not air people, you are water people,

1 that has left me very little faith in this particular
2 organization and how well you are working for the people and
3 not yourselves. We've heard limitations on subbasins.
4 Limitation on growth and subbasins. And you bring up these
5 nonexistent numbers other than this big fat book that you
6 brought that's not made available tonight as far as the
7 projected growth for the next ten or twenty years. You
8 printed or you took down a small forest to print out all of
9 this, but you failed to give us a vital portion of information
10 that you say is in that book as far as the growth. So you're
11 limiting it in one space which is really vital to a lot of
12 these people, but you've projected evidently very huge growth
13 in other spaces. And I think that needed to be brought to
14 this meeting. It needed to be public. At least some
15 estimated figures or something. Those needed to be made
16 public tonight. So with that being said, again, I don't have
17 a lot of faith in the Department of Ecology. The air people
18 let me down. I'm hoping that you people aren't going to do
19 the same.

20 MS. BEITEL: Thank you. Is there anyone else who
21 would like to make an official comment tonight? Go ahead.
22 Come on up. And I would ask the last two ladies to please
23 fill out those cards and give them to me. Thank you.

24 MR. VIK: David Vik. And I'll speak as just on my
25 own. I'm not representing anybody but myself. I come from a

1 family of fishermen. None of us fish any more because we
2 can't make a living at it. We've -- fish is what -- salmon is
3 what brought my family to this community. Salmon fed me as a
4 child, put a roof over my head, paid for me to go to college.
5 And none of us, like I said, none of us can make a living
6 doing that. Somebody took that away from us. And if business
7 as usual has got us where we are, business as usual is not
8 going to get us out of it. So all of us are going to have to
9 give something. Not going to be able to do things the way
10 we've always done it. That's my comment.

11 MS. BEITEL: Thank you. Anyone else tonight? Go
12 ahead. Please state your name for the record.

13 MS. OGDEN: Phyllis Ogden, Castle Rock. My sort of
14 a question and my question is: Is anybody here from the Daily
15 News? I didn't think so.

16 MS. BEITEL: Okay. Thank you. Any other comments
17 tonight for the official record? If you would like to add,
18 come on up. Just please state your name again for the record.

19 MR. HEDGLIN: My name is Lloyd Hedglin.
20 H--E--D--G--L--I--N. Okay. Since Fish and Wildlife had to
21 get in on this, I have to add some stuff about Fish and
22 Wildlife. A lot of these rules are based on Fish and
23 Wildlife. And temperature in the North Toutle hatchery and
24 Green River, which is rated as a class A fish rating stream,
25 is one of the highest temperature streams around. Yet they

1 put limits on many people like myself that has small tree
2 farms because the temperature isn't anywhere near what that
3 is. As far as the Kalama River hatchery, it was started in
4 1895. They didn't mark any fish at all until 1977. And then
5 they didn't mark very many. And about the mid 1990s, they
6 started doing some mechanized marking, and they still don't
7 mark them all. Either there is no wild fish or the fish have
8 very high moral standards for the last hundred years. Now,
9 I'm going to give you a copy of this, which is Habitat Science
10 from the Washington Department of Fish and Wildlife. And I
11 guess it goes in with the faith we have in what some of the
12 things that we hear from various places from the state. And
13 what this is is it was a temperature workshop in 2001. And
14 they hired, I think it was, twelve recognized scientific
15 leaders to find out what was required to protect a stream from
16 warming up as far as us tree farmers leaving his timber. And
17 you need to try and get a copy of this, and anybody who wants
18 to, I'll give you the place later when we're done talking.
19 But those people said beyond 50 feet they couldn't find
20 anything at all. And then they wasn't even sure there was
21 anything measurable as far as temperature, and that it had
22 mainly to do with open water. Okay? State tells us we can't
23 control beavers. What do they do? They go there and build
24 dams and they get big water areas, and they say that's where
25 most of the temperature change in streams comes from is that.

1 And then the dams break and they wash everything downstream,
2 so you get a lot of -- whole lot of silt going down on all
3 your salmon redds and stuff. And they also wash down all the
4 large woody debris that's not only been put there, but that's
5 trees that the beaver have killed. All the area that's
6 flooded will die. I've got a lot of cedar in my area that
7 they've girdled completely, and the forestry wants you to go
8 back in and put cedar in, and it's almost impossible to get
9 anything going like that. So it don't make any sense. It
10 just don't make any sense. And if you're real good with your
11 pencil, if you want, I will read off this website on this.

12 It's

13 <http://wdfw.wa.gov/hab/science/paperstemperature/index.tm>.

14 MS. BEITEL: Thank you. Is there anyone else
15 tonight who would like to provide an official comment for the
16 record?

17 AUDIENCE MEMBER: I don't have a comment. I'd like
18 a question.

19 MS. BEITEL: Okay. As soon as we close, then we'll
20 be -- the staff will be here for questions.

21 MR. GENDRON: If you don't mind, I do.

22 MS. BEITEL: Sure. Go ahead. Come on up. Please
23 state your name.

24 MR. GENDRON: I will. Let me get here first.

25 MS. BEITEL: Okay.

1 MR. GENDRON: My name's Gene Gendron. I live in
2 Castle Rock. Now, as Lloyd has pointed out, you have very
3 short period here for the comments and to receive them. My
4 question is: How are we all going to be able to access them
5 and access that information? And then if there's any other
6 further response that needs to be made, that's a very short
7 period of time. We're talking eight days. That's a little
8 ridiculous. You can't even get a home loan in eight days.
9 And you're going to change everybody's life in eight days,
10 especially anybody has that has property like these people
11 back here in all up and down Rose Valley. You've just put
12 basically, whether you like it, what you've done is you put a
13 moratorium on all building in this whole area. Whether you
14 like it or not, that's exactly what you've done. Now, others
15 may feel differently, but when you start -- when you go poll
16 your (inaudible), you go back on your system, either one of
17 those systems, you restrict amount of growth. You closed
18 those places off so they can't grow. What are you actually
19 doing in this area? You're actually making it very depressed.
20 I went through this back in Minnesota. Okay? Let's see.
21 That would be 1981. Went through the same thing. Went
22 through high unemployment. Unemployment went overnight, 35
23 percent. Does that ring a bell? What are we going through
24 now? And you want to do some more? You want to keep it
25 further repressed? You expect anything to grow, anything to

1 get better? You think this will help the salmon at this
2 point? As she's pointed out and as others have pointed out,
3 the ground swells. They went through and they -- back in my
4 place, I live on the back side of the Cowlitz River. Back
5 side of the dredge spoils. They went through and they
6 dredged. When they got done dredging -- and I've got a creek
7 that starts on my property and runs all the way to the river.
8 I've had salmon, steelhead and smelt all spawn in that creek.
9 They did every year until they dredged, until that time. So
10 for the last ten years I've not had one salmon, one steelhead
11 or one smelt come up that creek and spawn. So maybe what you
12 people need to do is back up and listen to what these people
13 have to say. This time period is way too short trying to get
14 the comments in, have them heard and distribute them back to
15 the people, cause it ain't going to happen. Not in eight
16 days, it ain't. Somebody's got a real fond way of trying to
17 do a snow job. Cause what you done so far, in my opinion, is
18 you're just stating what you're going to be doing whether you
19 like it or not. Whether anybody else has a comment, it's a
20 like it or not. So you can make a proposal and you wanted
21 comments. There has to be a time element for everyone to be
22 able to respond and be able to understand what is being said
23 and what's going on. This is way too short of a time period.
24 Thank you.

25 MS. BEITEL: And is there anyone else who would like

1 to comment at this time?

2 MR. GENDRON: Everybody here should write to the
3 Daily News and tell them how they feel about them not being in
4 this meeting.

5 MS. BEITEL: If you would like to make an official
6 comment, I would encourage you to come up and speak to the
7 recorder, this lady tonight.

8 Are we done with the official comments? Okay. All
9 comments provided tonight at this hearing and all written
10 comments received by five o'clock June fourth, 2010 will be
11 part of the official hearing record for these proposals.
12 Everyone who commented tonight and filled out one of these
13 cards will be responded to in a concise explanatory statement.
14 And if you did fill out one of these cards, your responses
15 will be in that concise explanatory statement and you will
16 receive one. So be sure that I have your card tonight if you
17 have commented.

18 The next step is adoption. The agency director or
19 his designee will look at all the public comments, the
20 responsiveness summary and the staff recommendation and will
21 make a decision about adopting the proposed rules. Adoption
22 is currently scheduled, as we've stated here, for fall, summer
23 or fall 2010. The proposal will become effective 31 days
24 later and filed with the Office of the Code Reviser. If we
25 can be of further assistance to you, please don't hesitate to

1 ask. Travis Burns is your agency assistant contact. You can
2 also find out information on our website, which is listed
3 here.

4 On behalf of the Department of Ecology, thank you
5 for coming tonight. Staff will be available to answer
6 questions after we formally close. I appreciate your
7 cooperation. Let the record show that this hearing was
8 adjourned at 9:13 p.m. And thank you for coming.

9 - - - - -

CERTIFICATE

As Court Reporter, I hereby certify that the foregoing transcript is true and accurate and contains all the facts, matters and proceedings of the hearing held on May 26, 2010.

Tami Kern