



DEPARTMENT OF
ECOLOGY
State of Washington

Rule Implementation Plan

Chapter 173-557 WAC

Water Resources Management Program for the Spokane River and Spokane Valley Rathdrum Prairie (SVRP) Aquifer, and amendment to WAC 173-555-010

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Contact Information

This report is available on the Department of Ecology's website at <http://www.ecy.wa.gov/programs/wr/rules/557-docs.html>

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Purpose

The Washington State Department of Ecology (Ecology) provides the information in this implementation plan to meet agency and Administrative Procedure Act (RCW 34.05.328) requirements related to rule adoptions.

Introduction

On January 27, 2015, Ecology adopted Chapter 173-557 WAC Water Resources Management Program for the Spokane River and Spokane Valley Rathdrum Prairie (SVRP) Aquifer (AO # 13-11). At the same time Ecology amended WAC 173-555-010, General Provision, the applicability provision of Chapter 173-555 WAC, Water Resources Program in the Little Spokane River Basin, WRIA 55.

The effective date of the rule is February 27, 2015.

The purpose of this rule implementation plan is to inform those who must comply with Chapter 173-557 WAC about how Ecology intends to:

- Implement and enforce the rule.
- Inform and educate persons affected by the rule.
- Promote and assist voluntary compliance for the rule.
- Evaluate the rule.
- Train and inform Ecology staff about the new or amended rule.

Also included in this plan is information about:

- Supporting documents that may need to be written or revised because of the new rule or amended rule.
- Other resources where more information about the rule is available.
- Contact information for Ecology employees who can answer questions about the rule implementation.

Implementation and Enforcement

Implementation and enforcement will occur through Ecology's Eastern Regional Office.

Strategies consist of:

- Technical assistance
- Permitting
- Allowing new permit-exempt uses

- Compliance and enforcement
- Data collection and management
- Education and outreach (see next section).

Technical Assistance

Existing Ecology Eastern Regional Office (ERO) staff will provide technical assistance for state and local agencies, and those affected by the rule. Specifically:

Existing Water Resources Program ERO staff will help provide technical assistance to the Spokane and Stevens counties' SEPA and land development processes, and to water purveyors, water right applicants, and the public.

Designated Water Resources Program ERO compliance and enforcement staff, who currently serve the 13 counties of Ecology's Eastern region, will provide education and technical assistance to achieve voluntary compliance.

Permitting

- **New surface water or groundwater uses requiring a water right permit**

All new water right permitting (which excludes permit-exempt uses) requires processing by ERO Water Resources permitting staff. There are approximately 24 pending water right applications for water from the Spokane Valley Rathdrum Prairie Aquifer.

The work associated with water right application processing includes: communicating with the applicants and their representatives; conducting a site investigation; evaluating the application against the 4-Part Test specified in the water code; review of the mitigation plan (if the applicant proposes his/her own mitigation plan, that plan needs to be reviewed and approved based on criteria in the proposed rule); and consideration of any technical studies submitted by the applicant. Processing will be conducted by water right permitting staff at ERO or through a cost reimbursement agreement funded by the applicant.

- **Changes and Transfers of existing water rights**

ERO permitting and technical unit staff will process changes to and transfers of existing water rights within the rule area or will oversee consultant work funded through a cost reimbursement agreement by the applicant.

Processing a water right change and transfer application includes:

- communicating with the applicants and their representatives;
- conducting a site investigation; evaluating the application against the appropriate chapters of the water code;
- impairment assessment,

- review of any submitted mitigation plan (if the applicant proposes his/her own mitigation plan, that plan needs to be reviewed and approved based on criteria in the proposed rule); and
- evaluation and consideration of any technical studies submitted by the applicant.

New permit-exempt uses

Mitigation is required for new domestic or other small water users, without timely and reasonable access to a public water supply, and must rely on a permit-exempt groundwater withdrawal. Staff at ERO will work with Spokane and Stevens counties to coordinate implementation of this mitigation requirement with local permitting procedures.

Compliance and Enforcement

Enforcement of this rule will follow the same procedures used in other water management rules, as outlined in the Water Resources Program Enforcement Policy (<http://www.ecy.wa.gov/programs/wr/rules/images/pdf/pol2005.pdf>).

Data Collection and Information Management

Mitigation will require monitoring and tracking to ensure accurate accounting. ERO staff will coordinate with appropriate agencies of Spokane and Stevens Counties.

Informing and Educating Persons Affected by the Rule

The Water Resources Program's (WRP) Public Information Section staff at headquarters will work with the rule writer and ERO staff to prepare various focus sheets and other written materials. This information will be sent to interested parties on our local distribution lists, and will also be available from Ecology ERO and on Ecology's Website. Ecology expects to use the internet for on-going distribution of information on rule requirements and related water management issues.

We anticipate using 0.5 FTE from the HQ WRP Public Information Section staff for two months for outreach and communication following rule adoption.

Promoting and Assisting Voluntary Compliance

Ecology will focus efforts to achieve voluntary compliance with this rule through technical assistance, training, and complaint response. Our experience is that the vast majority of water users will come into compliance voluntarily when they know what they are required to do. We will provide training opportunities to well drillers, County staff, conservation district staff and other stakeholders.

Ecology will maintain informational material on the rules, related water management and current conservation practices, and current maps, at our ERO, as well as with Spokane County and other relevant agencies. This information will also be available on Ecology's Website.

Evaluating the Rule

The adoption of the Water Resource Management Rule for the Spokane River is intended to protect Spokane River flow levels and existing water rights.

United States Geological Survey and Ecology will continue monitoring stream flow levels in the Spokane River. We will consult with Washington Department of Fish and Wildlife as needed on the health of the river and fish habitat.

Training and Informing Agency Staff

WRP ERO Section Manager and the rulemaking team will inform program management and staff through direct communication at staff meetings, and through Ecology's Website, email notification, and interoffice visits as may be necessary. The primary goal is to educate and inform program staff dealing with applicants wanting to withdraw water from the Spokane River or Spokane Valley – Rathdrum Prairie Aquifer.

List of Supporting Documents that May Need to be Written or Revised

- Overview of the Spokane River and SVRP Aquifer Water Resources Management Rule.
- Brochures for distribution by the counties' building and planning departments.
- Web updates and information.

More Information

<http://www.ecy.wa.gov/programs/wr/rules/557-ov.html>

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