



DEPARTMENT OF
ECOLOGY
State of Washington

Rule Implementation Plan

Chapter 173-566 WAC

Streamflow Restoration Funding

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Publication and Contact Information

This report is available on the Department of Ecology's website at <https://fortress.wa.gov/ecy/publications/SummaryPages/1911077.html>

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Implementation Plan

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Water Resources Program
Washington State Department of Ecology
Olympia, Washington

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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 June 25, 2019, Ecology adopted Chapter 173-566 WAC - Streamflow Restoration Funding (AO #18-05). The purpose of this rule implementation plan is to inform those who must comply with Chapter 173-566 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.
- 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

The rule was written to provide a sound regulatory framework for the program while maintaining a degree of flexibility to address evolving needs and priorities. A key element of this strategy is combining the rule with grant guidance to determine the weighting of various project elements.

Ecology plans to create a new grant guidance document over the next several months, using existing staff and consulting with Washington Department of Fish and Wildlife (WDFW). It is expected to be published several months prior to our opening the next grant round for applications, allowing those entities who will be applying for funding through this program an opportunity to determine a general likelihood for their project to be funded and how best to present it in their application. Staff will be available for consultations prior to and during the application period. Grant applicants must comply with the application requirements or their proposal will not be considered for funding.

Agency technical staff will review project applications and may do field visits. A separate application evaluation group will review the technical evaluations, together with materials submitted by the applicant. WDFW may take part in the technical review phase, within the separate application evaluation group, or both. Project scores will be compiled, taking into account project quality and prioritization as described in the rule and guidance.

Program management may do a final review and determine the ultimate ranking of all eligible project applications. Once applicants are notified of the funding decisions, program fiscal staff will begin negotiating grant agreements with those selected. The additional workload of managing the grants is expected to require additional staffing.

Project managers will do field checks for some or all of the proposals to verify compliance with grant agreements. If grant recipients fail to meet the requirements laid out in their grant agreement, they risk not receiving their final payment or having the agreement cancelled.

In subsequent grant rounds, the guidance may be used unchanged or revised to meet changing needs and to allow us to improve the program based on previous experiences.

Informing and Educating Persons Affected by the Rule

Only those entities that wish to apply for and receive funding under the rule must comply with the rule. Once or twice each biennium, Ecology will announce an opportunity to apply for funding to implement a project under the Streamflow Restoration Act, chapter 90.94 RCW. At minimum, the announcement will be posted on our agency website and sent to agency ListServs. The announcement and web posting will also include a link to the most current version of the Streamflow Restoration Grant Guidance, which will provide potential applicants with the information they need to apply for a grant and comply with the rule.

Promoting and Assisting Voluntary Compliance

Staff will be available for consultations prior to and during the application period. We will provide clear communication within the grant guidance and later with the grant agreement on our expectations and requirements. Our grant managers will work with grant recipients on developing the grant agreement and with any problems that arise. If grant recipients fail to meet the requirements laid out in their grant agreement, they risk not receiving their final payment or having the agreement cancelled.

Evaluating the Rule

Ecology will monitor the success of the rule and funding program by determining if:

- The right projects were funded (did the projects effectively carry out the intent of the bill);
- Our decisions were defensible; and
- Staff, applicants, and grant recipients were able to understand, communicate about, and comply with the requirements set in rule.

Training and Informing Ecology Staff

The rule team included many of the staff that will be involved in implementing the rule. In addition, program management has received several presentations on the rule and had the opportunity to review both the rule language and the comments we received during the rulemaking process. The rule lead is a member of the grant guidance development group, which also contains grant implementation staff. The grant guidance will be key in informing both internal and external entities of the rule's requirements.

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

- Streamflow Restoration Grant Guidance

More Information

- Visit the [Streamflow Restoration webpage](https://ecology.wa.gov/Water-Shorelines/Water-supply/Streamflow-restoration)
<https://ecology.wa.gov/Water-Shorelines/Water-supply/Streamflow-restoration>
- Visit the [Rulemaking webpage](https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-566)
<https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-566>
- View [submitted comments](http://ws.ecology.commentinput.com/?id=bJBti)
<http://ws.ecology.commentinput.com/?id=bJBti>

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