

Appendix I: Examples of Administrative Documents

The following administrative documents have been bundled as a separate file, for the purpose of providing examples and templates to refer to in future drought actions.

[Drought Contingency Plan Summary Page](#)

Example Agenda for Water Supply Availability Committee indicating topics assigned to specific participants (February 24, 2017)	I-3
May 11, 2015, email and May 13, 2015, agenda for the Executive Water Emergency Committee to evaluate WSAC recommendations and discuss potential for hardship	I-4
Position Description form and required skills and competencies for entry-level temporary drought hire at region office.....	1-6
Statement issued after April 13, 2015 from certain members of the Joint Legislative Committee on Water Supply during Drought communicating recommendations and request to the Executive Water Emergency Committee	1-11
Statement issued after April 13, 2015 from the Chair of the Joint Legislative Committee on Water Supply during Drought communicating recommendations and request to the Executive Water Emergency Committee.....	1-12
July 13, 2015 Letter from Maia Bellon, Director, to Chairperson Secena of the Chehalis Confederated Tribes communicating adoption of emergency drought funding rule	I-13
March 31, 2015 Letter from the City of White Salmon to Governor Jay Inslee, requesting consideration for inclusion in the geographic area of emergency drought declaration so that the City would have access to emergency drought permitting and funding	1-14
March 14, 2015 letter from the Chelan County Board of Commissioners requesting that the Lake Chelan and Stemilt-Squilchuck Watersheds be included in the geographic area of drought declaration	I-15
May 15, 2015 message from Maia Bellon, Director to the Tribal Chairs communicating that the drought declaration has been made statewide and status of potential drought funding. A table of contact addresses also is included	I-18
March 15, 2015 Order and Determination of Emergency Drought Conditions.....	I-22
April 22, 2015 Order and Determination of Emergency Drought Conditions	I-25
May 21, 2015 Order and Determination of Emergency Drought Conditions.....	I-28
Communications Plan 2015 Emergency Drought Funding Rule dated 07/07/2015.....	I-30
ECOLOGY-WAC_TRACK ListServ message regarding filing of emergency drought funding rule	I-35

CR-103E Rule Making Order Form filed July 10, 2015 adopting Chapter 173-167 WAC, the emergency drought funding rule	I-36
Emergency Rules Development Timeline	I-38
Rule Adoption Approval CR-103 Rule Adoption Packet.....	I-39
May 14, 2015 Rule Authorization Document (RAD) to present the Senior Management Team about the program’s strategic decision to initiate rule-making	1-40
July 8, 2015 Rule Development Plan, including evaluation of need to conduct and economic evaluation	I-45
July 8, 2015 Memo to File re: Applicability of State Environmental Policy Act to Adoption of the Emergency Drought Funding Rule.....	I-54
Spring 2015 Drought Declaration formatted for publication in Newspaper as official notice	I-55
Geographic Description of Drought – Sample Language for Drought Declaration Order	I-56
July 2015 Memo from Jennifer Holderman to Maia Bellon regarding Adoption of Chapter 173-167 Emergency Drought Funding Rule.....	I-58
July 2015 Rule Adoption Notice Focus Sheet.....	I-60
Citation List for Adoption of Chapter 173-167 WAC.....	I-62
July 2015 Final Rule Implementation Plan, Emergency Drought Funding Chapter 173-167 WAC.....	I-66
Unsigned Interagency Agreement between the Departments of Ecology and Fish and Wildlife for the purpose of providing funding to WDFW, describing a statement of work, budget and related provisions	I-73
Unsigned Interagency Agreement between the Department of Ecology and the State Conservation Commission for the purpose of providing funding to WDFW, describing a statement of work, budget and related provisions.....	I-82
A copy of a Drought Relief Grant Application used during the 2015 Drought. This form was used to determine general eligibility for funding from the Drought Relief Program	I-88

Example WSAC Meeting Agenda

Water Supply Availability Committee Meeting Agenda February 24, 2017 10:00 a.m. – 11:10 a.m.

Time	Subject	Responsible	Representing
10:00 – 10:10	Welcome	Jeff Marti	Ecology
10:10-10:20	Regional Climate	Karin Bumbaco/Nick Bond	OWSC
10:20-10:30	Mountain Snowpack	Scott Pattee	NRCS
10:30-10:40	River Forecasts	Brent Bower/Katherine Rowden	NWS
10:40-10:50	Streamflow Conditions	Mark Mastin	USGS
10:50 -10:55	Ecology Water Supply Webpage Housekeeping	Chris Anderson	Ecology
10:55-11:10	Reports from water managers/general info sharing	All	

Example email to EWEC

Sent from Ecology Director's Office.

From: North, Teri (ECY)
Sent: Monday, May 11, 2015 3:40 PM
To: Duff, Robert (GOV) <robert.duff@gov.wa.gov>; Unsworth, James W (DFW) <Jim.Unsworth@dfw.wa.gov>; Bonlender, Brian (COM) <Brian.Bonlender@commerce.wa.gov>; Peinecke, Dale (ESD) <DPeinecke@ESD.WA.GOV>; GOLDMARK, PETER (DNR) <Peter.Goldmark@dnr.wa.gov>; Ezelle, Robert (MIL) <Robert.Ezelle@mil.wa.gov>; Schumacher, David (OFM) <David.Schumacher@ofm.wa.gov>; Guichard, Maryanne (DOH) <Maryanne.Guichard@DOH.WA.GOV>; Austin, JT (GOV) <jt.austin@gov.wa.gov>; Clark, Mark (SCC) <MClark@scc.wa.gov>
Cc: Isiordia, Alberto (ESD) <Alsiordia@ESD.WA.GOV>; Mathews, Carole (ESD) <CMathews@ESD.WA.GOV>; Anderson, Mark (COM) <mark.anderson@commerce.wa.gov>; Antolin, Peter (MIL) <peter.antolin@mil.wa.gov>; YOUNG, LENNY (DNR) <LEONARD.YOUNG@dnr.wa.gov>; Stohr, Joseph S (DFW) <Joe.Stohr@dfw.wa.gov>; Hancock, Jaclyn (AGR) <JHancock@agr.wa.gov>; Castro, Hector (AGR) <HCastro@agr.wa.gov>; Robinson, Kirk (AGR) <KRobinson@agr.wa.gov>; Peck, Sandi (ECY) <spec461@ECY.WA.GOV>; Anderson, Chris (ECY) <CAND461@ECY.WA.GOV>; Christensen, Dave (ECY) <davc461@ECY.WA.GOV>; Bellon, Maia (ECY) <maib461@ECY.WA.GOV>; Terpening, Dustin (ECY) <DTer461@ECY.WA.GOV>; Clifford, Denise (ECY) <decl461@ECY.WA.GOV>; Sherwood, Karisa (COM) <karisa.sherwood@commerce.wa.gov>; Goldenberger, Irene M (DFW) <Irene.Goldenberger@dfw.wa.gov>; Partridge, Dan (ECY) <dpar461@ECY.WA.GOV>; Marti, Jeff (ECY) <jema461@ECY.WA.GOV>; Loranger, Thomas (ECY) <tlor461@ECY.WA.GOV>; Bergener, Terry (DOH) <Terry.Bergener@DOH.WA.GOV>; Mattos, Liz (OFM) <Liz.Mattos@OFM.WA.GOV>; Streuli, Nick (ESD) <NStreuli@ESD.WA.GOV>
Subject: Agenda - May 13 EWEC

Attached is the agenda for the next Executive Water Emergency Committee meeting, scheduled for Wednesday, May 13 from 10:00 a.m. to 12:00 p.m.

Also attached are four letters that Director Bellon mentioned at the last EWEC meeting. The letters are relating to drought declaration areas and determining hardship in this year's drought.

Teri North, Assistant to the Director
Department of Ecology
(360) 407-7009
teri.north@ecy.wa.gov

Emergency Water Executive Committee Meeting

AGENDA

May 13, 2015

10:00 AM – 12:00 PM

Senate Rules Room

10:00 AM Introductions and Opening Remarks

Director Maia Bellon, Department of Ecology

10:10 AM Current Water Supply Conditions

Jeff Marti, Drought Coordinator, Department of Ecology

10:30 AM Discussion of Hardship Occurring or Expected

Agriculture

Fish and Wildlife

Health

Commerce

Natural Resources

Emergency Management and Military

11:00 AM Discuss Expanding Drought Declaration

All

11:30 AM Next Steps

Rob Duff, Governor's Office

Maia Bellon and Sandi Peck, Department of Ecology



DEPARTMENT OF
ECOLOGY
State of Washington

**Department of Ecology
Washington General Service (WGS)
POSITION DESCRIPTION**

Pressing F11 will move you through the input fields on this form

1. Position Action (Create or Maintain Position) <input type="checkbox"/> Establish <input type="checkbox"/> Reallocate <input type="checkbox"/> Update Data (Indicate Change)			
2. Position Staffing Status <input checked="" type="checkbox"/> Vacancy - Open <input type="checkbox"/> Vacancy - Occupied <input type="checkbox"/> Vacancy - On Hold		3. Date Last Reviewed (If Established Position)	
4. Object Abbreviation (Position #)	5. Current Class Title		6. Proposed Class Title Environmental Specialist 1
7. Job - Working Title		8. Assignment Pay (Capture In Essential Functions) <input type="checkbox"/> Dual Language <input type="checkbox"/> Other	
9. Pay Scale Type 01 Classified Gov		10. Pay Scale Area (Non-Rep or Collective Bargaining Unit) WFSE	11. Salary Range 38
12. Incumbent's Name (If Filled Position)		13. Business Area (Agency) Ecology, CRO-Union Gap	14. Org Unit (Program/Section/Unit) Permitting & Operations Unit
15. Address Where Position Is Located 1250 W Alder Street, Union Gap, WA 98903			
16. Personnel Sub-Area WFSE	17. Employee Group Non-permanent	18. Indicate work schedule <input type="checkbox"/> Part Time <input checked="" type="checkbox"/> Full Time	19. Overtime Eligible <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
20. Supervisor's Object Abbreviation (Position #) 0762	21. Supervisor's Name Thomas Perkow		22. Supervisor's Phone 509-454-4261
Position Objective			
23. Describe in a few sentences what the position is required to accomplish. Summarize the scope of impact, responsibilities, and how the position supports/contributes to the mission of the organization. Include an organizational chart. Serves as entry-level environmental specialist. Under close supervision of the Section Manager and Operations and Permitting Unit Supervisor, performs the following tasks related to the Central Regional Office, Water Resources 2015 drought response. Provides technical assistance by phone and to walk in customers regarding drought conditions. Researches information regarding existing water rights. Assists senior staff with conducting investigations of complaints, monitors water use related to existing permits and certificates, brings issues to the attention of higher level environmental staff, assists with the regulation of existing water rights and the enforcement of illegal water use. Assists in the review of water right and change applications related to drought, including researching existing water rights. Measures stream flows and performs rating curve analyses.			
Supervisory or Lead Worker Relationships			
24 (a). Is this a lead position? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Is this a supervisory position? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If supervisory , list the subordinate employees by job classification and if full time or part time.			
Job Classification (Name Optional)		Full Time or Part Time	

24 (b). Check the boxes that apply to this position

- ☐ Assigns Work ☐ Instructs and Checks the Work of Others ☐ Evaluates ☐ Corrects
* ☐ Disciplines * ☐ Hires * ☐ Terminates Others (* Has the authority to effectively recommend these actions.)

Summarize the following information in narrative format.

- How is work assigned?
- With whom does the position interact to accomplish work?

Add any additional information that clarifies this position's lead or supervisory responsibilities.

Work is assigned by the Section Manager and/or Unit Supervisors.

Essential Functions

Ecology Guidance on essential functions: <http://aww.ecology/services/es/EssentialFunctions.htm>

25. List the essential functions of this position. Functions listed in this section are primary duties and are fundamental to why the position exists. (Do not assign percentage of time in this section.)

See attached [Essential Functions Analysis Form](#) (if new position or essential functions have changed)

Accountability – Stays focused on tasks in spite of distractions and interruptions. Makes the best use of available time and resources. Focuses on results and desired outcomes and how to best achieve them.

Service Focus – Build and maintain internal and external satisfaction with the services offered by the agency. Provide timely service and response to the general public requesting information about water rights and related issues. Have the ability and knowledge to use various databases, digital data, maps, aerial photographs, and data systems to efficiently collect, analyze, and input water right information.

Trust and Integrity – Present unpleasant information relating to water rights in an appropriate manner, both internally and externally. Keep promises and commitments made to the public and co-workers.

Relationships – Build positive relationships with co-workers and the public. Seek assistance from senior staff to ensure accurate information is provided.

Communication – Work effectively in a stressful environment and with clients that may be upset or mad. Maintain professional demeanor, calm, composed and respectful in all situations.

Adaptability and Flexibility – Work comfortably with people of widely differing styles, temperaments, and preferences. Ability to assess a client's knowledge of water resources rules and regulations and provide explanations geared to the client's level of knowledge. Deals maturely with anger, frustration and disappointment.

Working Conditions

26. Describe working environment and anticipated variation in working hours. Some or all of these conditions may be noted under the essential functions section.

Position is expected to accommodate frequent travel, including overnight travel, and perform field investigations. Normal movement within an open office space environment. Must be able to travel both by vehicle and on foot for extended periods of time over rough and uneven terrain during field investigations. Must be able to use a personal computer for extended periods of time.

Key and Other Work Activities

Spreadsheet for calculating percentages on the Department of Personnel web site: [DOP Forms - calculating percentages](#)

27 (a). List and note percentage of time assigned to key work activities of the position and identify tasks performed in support of key activities.

55% Assists senior professional staff in conducting on site field investigations related to the regulation of junior water right holders. Field investigations may include: navigation and map reading to locate sites, observation, written documentation, photography, recording GPS readings, measurement of water levels in wells, measurement of stream flows, walking over uneven terrain in hot weather and driving on farm roads that require 4-wheel drive. Field verifies compliance with regulatory orders, including installation verification and meter readings, on water sources requiring regulation due to low flow and drought conditions. Assists in the investigation of illegal water users both in the field and office. Office research involves normal office environment duties, including file review, microfiche examination, and computer work on a GIS among other programs and databases.

10% Provides technical assistance to private individuals, corporations, local government entities and other parties related to the filing of applications for new water rights and changes to existing water rights and in response to requests for information on water law, rules and policies. Receives and assists with investigations of illegal water use, and coordinates complaint responses with the Environmental Resource Tracking System (ERTS) coordinator and Section Manager.

15% Conducts technical research of existing water rights to determine actions to be taken in the event of regulation in the response to drought. Sets up databases as required inputting data on regulated ground and surface water sources. Prepares field investigation packets, including preparation of maps and summaries of water rights including WRTS searches (Water Rights Tracking System).

15% Measure stream flows and performs rating curve analyses to determine responses to be taken in the event low flow conditions require regulatory action. Measures water levels in wells to evaluate aquifer conditions and responses to drought.

27 (b). List and note percentage of time assigned to other work activities.

5% Other assigned duties as required.

Placeholder for user to incorporate the in-training plan if appropriate for position

General Qualifications

Link to DOP Guidance on Competencies and Qualifications:

<http://www.dop.wa.gov/strategichr/WorkforcePlanning/Competencies/Pages/default.aspx>

Link to Ecology Core Competencies: <http://aww.ecology/services/es/CoreCompetencies.htm>

28 (a). Required Education, Experience, Skills and Abilities/Competencies

A Bachelor's degree involving major study in environmental, physical, or one of the natural sciences, environmental planning or other allied field and two years of professional level experience in environmental analysis or control or environmental planning.

Experience at or above the Environmental Technician level or equivalent will substitute, year for year, for education. Experience at the Environmental Technician level includes performing technical duties in support of professional environmental staff in the following areas:

- 1) Reviewing and processing applications for environmental permits or certification such as water rights, hazardous waste, public water supply, hydraulic projects, etc. Explaining and interpreting pertinent regulations and procedures to applicants and others;**
- 2) Conducting literature research and evaluating researched documents to determine inclusion and value to an environmental program library or to support environmental activities such as developing required quarterly reports or various Environmental Protection Agency cooperative agreements; and**
- 3) Assisting professional staff by conducting field inspections or field investigations by collecting, analyzing and organizing environmental documents and/or environmental data.**

28 (b). Preferred/Desired Education, Training, Skills and Abilities/Competencies for Recruiting Purposes

Knowledge of: field investigative techniques and data gathering and basic research; practices and methods of environmental problem solving; water measuring methods and techniques; principles, practices, and methods of environmental science, natural resource management, applicable state, federal, and local environmental regulations.

Ability to: use sound judgment in performing assigned tasks; understand and apply environmental regulations and related laws; write clearly and concisely and prepare maps, plans, charts and graphs, using Geographic Information System (GIS) and other appropriate methods; communicate effectively with agency staff, other agencies, industry and the general public.

Special Requirements/Conditions of Employment

29. List any licensing, certification, or other special requirements and/or conditions of employment which are beyond general qualifications.

Washington State Driver's License

The job duties as defined above are an accurate reflection of the work to be performed by this position.

Date	Supervisor's Phone No. 509-454-4261	Supervisor's Title Operations & Permitting Unit Supervisor	Supervisor's Signature
Date	Department Head or Approving Authority's Signature		

As the incumbent in this position, I have received a copy of this position description.

Date	Employee's Signature
------	----------------------

Position details and related action have been taken by Human Resources as reflected below.

For Human Resource/Payroll Office Use Only												
Effective Date		End Date		Position Short Description			Position Long Description					
EEO Category ▼		Employee Sub-Group ▼			Position Retirement Eligible <input type="checkbox"/> Yes <input type="checkbox"/> No			Position is <input type="checkbox"/> Funded <input type="checkbox"/> Non-funded				
Workers Comp. Code ▼		County Code ▼		Business Area ▼				Personnel Area (FEIN) ▼				
Cost Center Codes												
FUND	MSTR-IX	APP-IX	PGM-IX	ORG-IX	PROJECT	OBJECT	W-C	ALLOC	BUDGET UNIT	CNTY	CITY	PRORATION %
Date		HR Designee's Name				HR Designee's Title			HR Designee's Signature			
Date		Budget Designee's Name				Budget Designee's Title			Budget Designee's Signature			

The Public Records Act, Chapter 42.56 RCW, requires disclosure of public records unless they are exempt. If requested, non-exempt public records in the possession of the Department will be released. Exempt records will be withheld from public disclosure or exempt portions of records will be redacted from records prior to release.

We, the undersigned members of the Joint Legislative Committee on Water Supply during Drought, in light of the meeting held on April 13th, 2015, offer the following recommendations and requests to the Executive Water Emergency Committee, that the Department of Ecology:

- Follow the Yakima Basin Integrated Plan principles for managing water to ensure protection of both senior water rights and instream resources, including threatened and endangered species; and
- Support the goal in the Yakima Basin Integrated Plan during times of drought to provide 70 percent of normal water supply to irrigators; and
- Not permit use of drought wells that do not have approved mitigation to protect senior water rights; and
- Consider pursuing cost-share by water users for the costs of acquiring mitigation to leverage public financial resources to assist more people in need; and
- Use existing funds that are available for drought response in a responsible manner to provide protection of senior water rights, instream resources and relief for irrigators suffering hardship; and finally that
- Seek supplemental funding to pay for costs of permitting, completing, and mitigating for the use of emergency drought wells.



Derek Stanford, Vice Chair
State Representative
1st Legislative District



John McCoy
State Senator
38th Legislative District



Brian Blake
State Representative
19th Legislative District



431 John A. Cherberg Building
PO Box 40466
Olympia, WA 98504-0466
(360) 786-7410

Washington State Legislature

270 John L. O'Brien Building
PO Box 40600
Olympia, WA 98504-0600
(360) 786-7117

We, the undersigned members of the Joint Legislative Committee on Water Supply during Drought, in light of the meeting held on April 13th, 2015, offer the following recommendations and requests to the Executive Water Emergency Committee:

That the Department of Ecology prioritize as immediate, the need to expedite both opening existing wells that are authorized for emergency use during a declaration of drought; and

Permitting new drought emergency wells; and

That any mitigation necessary for the use of the water from these drought emergency wells, receive the same immediate priority; and finally,

Acknowledging the Department's ability to use existing funds to begin the process of permitting the use of existing drought emergency wells, that the Department seek supplemental funding to pay for the costs of permitting, completing, and mitigating for the use of existing and future drought emergency wells.

Respectfully submitted,

Senator Jim Honeyford, Chair



City of White Salmon Office of City Hall

March 31, 2015

To: Governor Jay Inslee

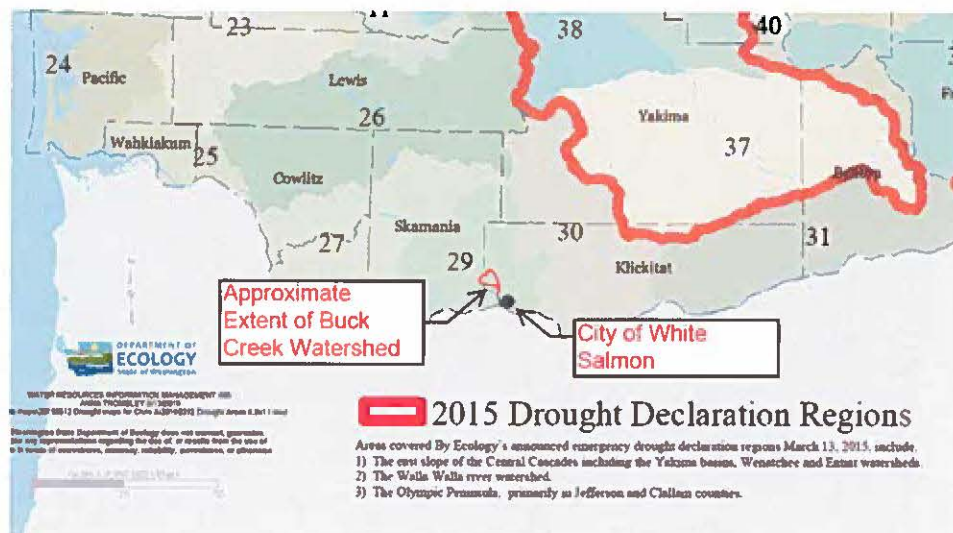
cc: Norm Johnson, District 14 Representative
Gina McCabe, District 14 Representative
Dorothy Tibbetts, Regional Manager, Department of Health
Sage Park, Section Manager, Ecology Central Region Office

From: David Poucher, Mayor of White Salmon

Re: 2015 Drought Emergency Consideration

Dear Governor Inslee,

On behalf of the City of White Salmon (White Salmon), I am writing to request consideration for inclusion in the 2015 Drought Declaration. We ask that the White Salmon area, and in particular, the Buck Creek watershed be added to the Drought Declaration. White Salmon's municipal water supply is heavily dependent on surface water from Buck Creek, from which we receive almost 60% of our water. The remaining 40% of White Salmon's water supply comes from groundwater, which has been in decline for the past decade. White Salmon is in the midst of implementing an Aquifer Storage and Recovery (ASR) project in conjunction with Ecology's Office of the Columbia River, but it's still in a pilot phase and is not fully permitted for use at this time. The City of White Salmon and the Buck Creek Basin are shown below for your reference.



PO Box 2139
142 E. Jewett Blvd.
White Salmon, WA 98672

Office: (509) 493-1133
Fax: (509) 493-1231
Web Site: white-salmon.net

White Salmon is currently projecting drought in Water Year 2015 (WY2015) that will be worse than prior droughts in both WY2001, and WY2005. Snowpack in those years was 69% of average (WY2001) and 38% of average (WY2005). Based on the peak snowpack in our region for WY2015, we've received only 28% of average. Since that peak (December 30th, 2014), conditions have only worsened, and this year is set to be the earliest bare-ground spring based on analysis of local SNOTEL site data - approximately 53 days earlier than average, and still 36 days earlier than the WY2005 drought. Flow from Buck Creek is already diminished relative to prior years, and appears to be less than 60% of normal base-flow.

We are seeking access to drought funding to assist in the development of short-term source reliability options, which may include water right transfers, rehabilitation of existing water supply wells, or other emergency supplies. In addition to our own water supply, White Salmon has an interlocal agreement with the City of Bingen and the Port of Klickitat to supply a portion of our well field production. Funds used to rehabilitate our wells would also help support our partner entities. Additional options may include working with the City of Bingen to shift some portion of the water supply to their own well field and efforts to promote conservation.

Without access to drought relief, we expect to face diminished water supply, and potentially a shortage that will affect the cities of White Salmon and Bingen, as well as the Port of Klickitat.

In closing, please consider our request to declare a drought for the City of White Salmon, and the Buck Creek Watershed.

Respectfully,

A handwritten signature in blue ink, appearing to read "David Poucher", with a large, stylized loop at the end.

David Poucher
Mayor of White Salmon



BOARD OF COMMISSIONERS
CHELAN COUNTY

STATE OF WASHINGTON
 COUNTY ADMINISTRATION BUILDING
 400 DOUGLAS STREET, SUITE #201
 WENATCHEE, WA 98801
 PHONE (509) 667-6215 FAX (509) 667-6599

CATHY MULHALL
 County Administrator
cathy.mulhall@co.chelan.wa.us

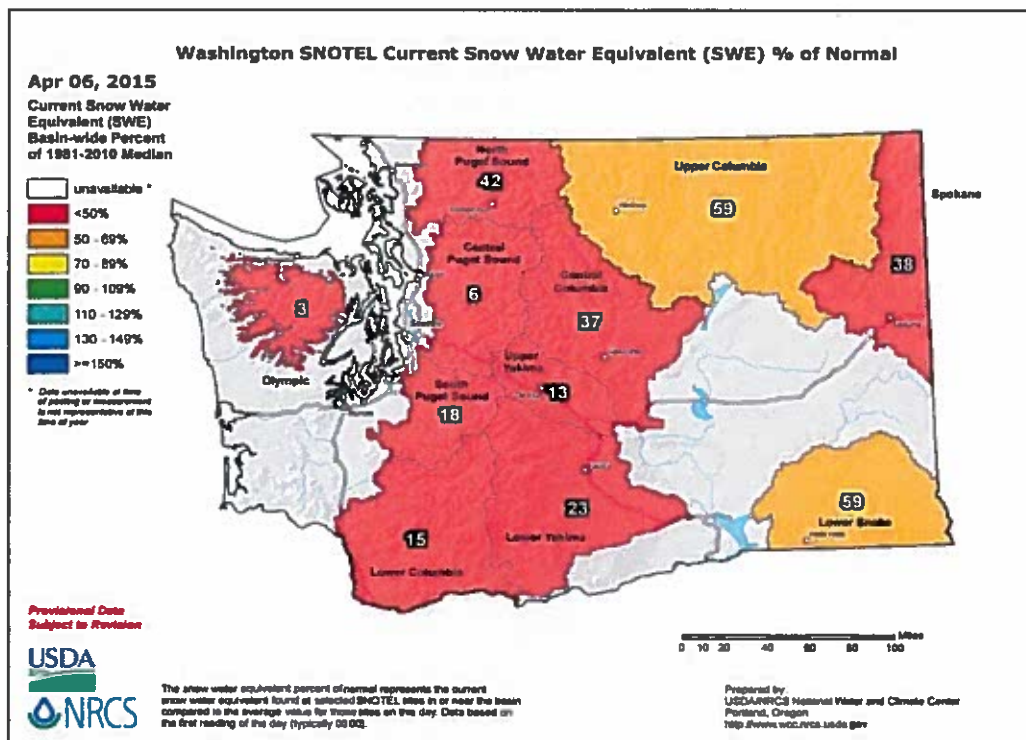
CARLYE BAITY
 Clerk of the Board
Carlye.baity@co.chelan.wa.us

April 14, 2015

Governor Jay Inslee
 Office of the Governor
 P.O. Box 40002
 Olympia, WA 98504

Dear Governor Inslee,

Chelan County requests the inclusion of the Lake Chelan (WRIA 47) and Stemilt-Squilchuck (WRIA 40A) watersheds under your March 17, 2015 drought declaration. We believe that these watersheds meet the statutory requirements that specify that (1) an area has to be experiencing or projected to experience a water supply that is below 75 percent of normal (see below), and (2) water users within those areas will likely incur undue hardships as a result of the shortage. As of April 6, snow water equivalent in both of these areas was less than 50% of normal.



We expect that residents, growers, cities and other water users will face diminished supply in these watersheds as a result of the historically low snowpack conditions. Additionally, fish populations in the tributaries will likely be adversely affected. In both of these watersheds, detailed watershed plans have been developed that show limited water resources for in-stream and out-of-stream uses under normal circumstances. While there are water supply development projects under way in these areas, including additional storage in WRIA 40A and identification of water conservation and supply opportunities in WRIA 47, they will not be complete in time for this summer's critical period. We are particularly concerned for tree fruit agriculture in these areas which can not withstand interruption in water supply.

We are seeking access to drought funding to assist in the development of short-term source reliability options, which may include water right transfers, rehabilitation of existing water supply well, or other emergency supplies. Without access to these funds, we are concerned that our communities will not be able to adequately address water shortages this year and that the future viability of agriculture may be affected.

We appreciate your consideration of our request.

Sincerely,

Chelan County Commissioners



Ron Walter



Keith W. Goshorn



D. England

CC: Senator Linda Evans Parlette
Representative Cary Condotta
Representative Brad Hawkins
Maia Bellon, Director, WA Department of Ecology
Tom Tebb, Regional Director, WA Department of Ecology

From: [Laurie, Tom \(ECY\)](#)
To: [Adam Osbekoff](#); [Foster, Alix \(non-ATG\)](#); [Amy Seiders](#); [Andy Whitener \(awhitener@squaxin.us\)](#); [Anne Savery \(asavery@tulaliptribes-nsn.gov\)](#); [BJ Kieffer \(bjk@spokanetribe.com\)](#); [Bruce Jones \(bjones@nwifc.org\)](#); [Byron Rot](#); [Carla Carlson \(Carla@muckleshoot.nsn.us\)](#); [Chris Woodward \(cwoodward@samishtribe.nsn.us\)](#); [Crane, Stuart](#); [Darla Boyer](#); [Darren Williams \(Darrenw@nezperce.org\)](#); [Daryl Williams](#); [Dave Bingaman \(dbingaman@quinault.org\)](#); [David Troutt \(troutt.david@nisqually-nsn.gov\)](#); [Dawn Vyvyan](#); [dherrera@skokomish.org](#); [Lekanof, Debra](#); [dr@ucut-nsn.org](#); [dwilliams@suquamish.nsn.us](#); [Ed Knight \(eknight@swinomish.nsn.us\)](#); [ehutchinson@swinomish.nsn.us](#); [Fran Wilshusen NWIFC](#); [Fuller, Dave](#); [grayum@nwifc.org](#); [Hare, Jon \(jonhare@comcast.net\)](#); [hgeastman@tulaliptribes-nsn.gov](#); [Hollowed, John](#); [Isabel Tinoco@muckleshoot.nsn.us](#); [James W. Weber](#); [Jeff Dickison \(jdickison@squaxin.us\)](#); [Jennifer Hagen \(jennifer.hagen@quileutenation.org\)](#); [Jeremy Freimund \(jeremyf@lummi-nsn.gov\)](#); [John O'Leary \(joleary@suquamish.nsn.us\)](#); [John Sirois \(john@ucut-nsn.org\)](#); [jparker@nwifc.org](#); [JPavel@skokomish.org](#); [Karen Allston \(kallston@quinault.org\)](#); [kimberly ordon](#); [kris@Yakama.com](#); [Krueger, Katie \(katie.krueger@quileutenation.org\)](#); [Larry Wasserman](#); [Lauren Rich](#); [leroyd@lummi-nsn.gov](#); [Lisa Ganuelas](#); [lois.trevino@colvilletribes.com](#); [Lori E. Nies \(lnies@skokomish.org\)](#); [Lorraine Loomis](#); [mallen@suquamish.nsn.us](#); [Marc Gauthier \(marc@ucut-nsn.org\)](#); [Matt Baerwalde \(mattb@snoqualmtribe.us\)](#); [Mel Moon \(mel.moon@quileutenation.org\)](#); [Meyer, Tony](#); [Miguel Perez-Gibson](#); [mwhite@chehalistribe.org](#); [Nancy Rapin \(Nancy.Rapin@muckleshoot.nsn.us\)](#); [naomistacy@ctuir.org](#); [nreynolds@cowlitz.org](#); [Passmore, Gary](#); [Patti Bailey \(Patti.Bailey@colvilletribes.com\)](#); [Paul Lumley \(plumley@critfc.org\)](#); [Paul McCollum \(paulm@pgst.nsn.us\)](#); [Rankis, Andy](#); [Rich Brooks](#); [ROSE LONGORIA \(rose@yakamafish-nsn.gov\)](#); [Rudy Peone \(rudy@spokanetribe.com\)](#); [Schuster, Jeff \(jeffschuster@att.net\)](#); [Scott Chitwood \(schitwood@jamestowntribe.org\)](#); [Yanity, Shawn](#); [slecuyer@swinomish.nsn.us](#); [smorris@sauk-suiattle.com](#); [sschuyler@upperskagit.com](#); [Suagee, Steve \(non-ATG\)](#); [Steve Robinson \(Water4fish@comcast.net\)](#); [Steven Mullen-Moses \(steve@snoqualmtribe.us\)](#); [Stevenson, Pat \(pstevenson@stillaguamish.com\)](#); [Taylor Aalvik](#); [Terry Williams \(terrywilliams@tulaliptribes-nsn.gov\)](#); [tmitchell@swinomish.nsn.us](#); [Todd Bolster](#); [Tom Ring \(ringt@yakama.com\)](#); [tostrom@suquamish.nsn.us](#)
Subject: FW: Statewide Drought Declaration & Emergency Rule for Drought Relief Funding
Date: Friday, May 15, 2015 10:10:00 AM

FYI, This is a copy of a letter from Director Maia Bellon to tribal chairs this morning.

Sorry for duplications, please forward to anyone in your organization who may have an interest.

- Tom

C. Thomas Laurie | Senior Advisor for Tribal & Environmental Affairs | Washington State Dept. of Ecology
PO Box 47600, Olympia, WA 98504-7600 <http://www.ecy.wa.gov/>
email: tom.laurie@ecy.wa.gov phone: 360/407-7017 cell: 360/790-4110

From: North, Teri (ECY) **On Behalf Of** Bellon, Maia (ECY)
Sent: Friday, May 15, 2015 9:53 AM
To: [chairman@chehalistribe.org](#); [jim.boyd@colvilletribes.com](#); [wiyall@cowlitz.org](#); [marial@hohtribe-nsn.org](#); [rpierre@kalispeltribe.com](#); [frances.charles@elwha.nsn.us](#); [timothyb@lummi-nsn.gov](#); [tj.greene@makah.com](#); [virginia.cross@muckleshoot.nsn.us](#); [mccloud.farron@nisqually-nsn.gov](#); [Kelly, Bob](#); [jeromys@pgst.nsn.us](#); [bill.sterud@puyalluptribe.com](#); [naomi.jacobson@quileutenation.org](#); [fsharp@quinault.org](#); [Wooten, Tom](#); [njoseph@sauk-suiattle.com](#); [ddavis@shoalwaterbay-nsn.gov](#); [gmiller@skokomish.org](#); [carolyn@snoqualmtribe.us](#); [rudy@spokanetribe.com](#); [dlopeman@squaxin.us](#); [Yanity, Shawn](#); [lforsman@suquamish.nsn.us](#); [bcladoosby@swinomish.nsn.us](#); [melsheldon@tulaliptribes-nsn.gov](#); [Jenniferw@upperskagit.com](#); [JoDe@yakama.com](#); [NPTEC@nezperce.org](#); [garyburke@ctuir.org](#); [Allen, Ron](#)
Cc: Laurie, Tom (ECY); [Jeff Dickison](#); [quincye@nezperce.org](#); [darrenw@nezperce.org](#)
Subject: Statewide Drought Declaration & Emergency Rule for Drought Relief Funding

Dear Tribal Chair:

I have spoken with many tribal leaders over the past few weeks as our drought declarations have included more and more watersheds. Today, Governor Inslee expanded the drought declaration to be a statewide declaration.

In the past month, the already poor water supply conditions have gotten significantly worse. Overall, state snowpack dropped from 24 percent of normal to 17 percent of normal, and is the lowest ever recorded in about three-quarters of the sites that are measured. Stream flows are already at record lows in many watersheds, with projections of a warm, dry spring and summer created the expectation of likely problems later this summer throughout the state. Excluding the Columbia main stem, run-off from the diminished snowpack for this spring and summer is projected to be the lowest on record in the past 64 years.

The declaration will provide authority for state agencies to assist with hardship. The Governor's Office of Financial Management submitted a budget request of \$9.5 million to the legislature for this fiscal year for drought funding assistance.

If the legislature approves drought funding, I will immediately adopt an emergency rule to set up the process for getting the funding to where is needed most. The rule will define the funding criteria for projects to alleviate drought hardships. The initial legislative policy direction is to require cost-share match from local entities, except in cases of financial hardship.

If the legislature approves drought relief funding, we will be able to assist public entities for projects addressing drinking water, agricultural or fish and wildlife survival, such as:

- Communities that have vulnerable public water supplies, especially smaller water systems that rely on surface water or shallow wells.
- The Department of Fish and Wildlife to mitigate the impacts of reduced stream flows on fisheries resources, including fish passage barriers and hatchery operations.
- Irrigation districts to transfer water from lower value annual crops like hay, to higher value crops such as fruit and hops, which cannot forgo irrigation without long term significant losses.

Many municipal water systems have indicated that they do not anticipate problems from this year's "snowpack drought." Some larger utilities, such as Seattle, Tacoma and Everett have sufficient water stored in their reservoirs to meet both their customers' needs and release enough water to meet instream flow agreements downstream from their facilities. Other large utilities use groundwater that may be unaffected by the poor snowpack conditions.

I look forward to working with you and your team as we address drought response needs in these areas. If you or your staff have any questions, please contact us.

More detailed information about the drought, including actions we are taking in response, is on our web page at: <http://www.ecy.wa.gov/drought/>.

Sincerely,
Maia D. Bellon
Director, Department of Ecology

Tribe	Chair First Name	Chair Last Name	Phone	Email	Street/Box	City/State/Zip	Fax #
Chehalis Confederated Tribes	Don	Secena	(360) 273-5911	chairman@chehalistribe.org	420 Howanut Road	Oakville, WA 98568	360-273-5914
Colville Confederated Tribes	Jim	Boyd	(509) 634-2219	jim.boyd@colvilletribes.com	P.O. Box 150	Nespelem, WA 99155	509-634-4116
Cowlitz Indian Tribe	William	Iyall	(360) 577-8140	wiyall@cowlitz.org	1055 9th Avenue Suite B	Longview, WA 98632	360-577-7432
Hoh Tribe	Maria	Lopez	(360) 780-0533	marial@hohtribe-nsn.org	P.O Box 2196	Forks, WA 98331	360-374-6549
Jamestown S'Klallam Tribe	Ron	Allen	(360) 683-1109	rallen@jamestowntribe.org	1033 Old Blyn Highway	Sequim, WA 98382	360-681-4643
Kalispel Tribe	Glen	Nenema	(509) 445-1147	rpierre@kalispeltribe.com	P.O. Box 39	Usk, WA 99180	509-445-1705
Lower Elwha Klallam Tribe	Frances	Charles	(360) 452-8471	frances.charles@elwha.nsn.us	2851 Lower Elwha Road	Port Angeles, WA 98363	360-452-3428
Lummi Nation	Timothy	Ballew II	(360) 312-2000	timothyb@lummi-nsn.gov	2665 Kwina Road	Bellingham, WA 98226	360-380-1850
Makah Tribe	Timothy J.	Greene, Sr.	(360) 645-3231	tj.greene@makah.com	P.O. Box 115	Neah Bay, WA 98357	360-645-2788
Muckleshoot Tribe	Virginia	Cross	(253) 939-3311	virginia.cross@muckleshoot.nsn.us	39015 172nd Avenue SE	Auburn, WA 98092	253-931-8570
Nisqually Tribe	Cynthia	Iyall	(360) 456-5221	iyall.cynthia@nisqually-nsn.gov	4820 She-Nah-Num Drive SE	Olympia, WA 98513	360-486-9553
Nooksack Tribe	Bob	Kelly	(360) 592-5164	bkelly@nooksack-nsn.gov	P.O. Box 157	Deming, WA 98244	360-592-4506
Port Gamble S'Klallam Tribe	Jeromy	Sullivan	(360) 297-2646	jeromys@pgst.nsn.us	31912 Little Boston Road NE	Kingston, WA 98346	360-297-7097
Puyallup Tribe	Bill	Sterud	(253) 573-7815	bill.sterud@puyalluptribe.com	3009 East Portland Avenue	Tacoma, WA 98404	253-680-5996
Quileute Nation	Naomi	Jacobson	(360) 374-2218	naomi.jacobson@quileutenation.org	P.O. Box 279	La Push, WA 98350	360-374-6311
Quinault Nation	Fawn	Sharp	(360) 276-8211	fsharp@quinault.org	P.O. Box 189	Taholah, WA 98587	360-276-4191
Samish Nation	Tom	Wooten	(360) 293-6404	tomwooten@samishtribe.nsn.us	P.O. Box 217	Anacortes, WA 98221	360-299-0790
Sauk-Suiattle Tribe	Norma	Joseph	(360) 436-0131	njoseph@sauk-suiattle.com	5318 Chief Brown Lane	Darrington, WA 98241	360-436-1511
Shoalwater Bay Tribe	Doug	Davis	(360) 267-6766	ddavis@shoalwaterbay-nsn.gov	P.O. Box 130	Tokeland, WA 98590	360-267-6778
Skokomish Tribe	Charles "Guy"	Miller	(360) 426-4232	gmler@skokomish.org	North 80 Tribal Center Road	Skokomish Nation, WA 98584	360-877-5943
Snoqualmie Tribe	Carolyn	Lubenau	(425) 888-6551	carolyn@snoqualmietribe.us	P.O. Box 969	Snoqualmie, WA 98065	425-888-6727
Spokane Tribe	Rudy	Peone	(509) 458-6500	rudys@spokanetribe.com	P.O. Box 100	Wellpinit, WA 99040	509-458-6575
Squaxin Island Tribe	Dave	Lopeman	(360) 426-9781	dlopeman@squaxin.us	10 SE Squaxin Lane	Shelton, WA 98584	360-426-6577
Stillaguamish Tribe	Shawn	Yanity	(360) 652-7362	syanity@stillaguamish.com	P.O. Box 277	Arlington, WA 98223-0277	360-659-3113
Suquamish Tribe	Leonard	Forsman	(360) 598-3311	lforsman@suquamish.nsn.us	P.O. Box 498	Suquamish, WA 98392-0498	360-598-3135
Swinomish Tribe	Brian	Cladoosby	(360) 466-7205	bcladoosby@swinomish.nsn.us	11404 Moorage Way	La Conner, WA 98257	360-466-7363
Tulalip Tribes	Melvin	Sheldon, Jr.	(360) 716-4000	melsheldon@tulaliptribes-nsn.gov	6406 Marine Drive	Tulalip, WA 98271	360-716-0209
Upper Skagit Tribe	Jennifer	Washington	(360) 854-7000	Jenniferw@upperskagit.com	25944 Community Plaza	Sedro-Woolley, WA 98284	360-854-7004
Yakama Nation	JoDe L.	Goudy	(509) 865-5121	JoDe@yakama.com	P.O. Box 151	Toppenish, WA 98948	509-865-5528

OUT OF STATE TRIBES

Coeur d'Alene Tribe	Chief J.	Allan	(208) 686-5803	chairman@cdatribe-nsn.gov	850 A Street; P.O. Box 408	Plummer, ID 83851	208-686-1182
Grand Ronde Confederated Tribes	Reynold L.	Leno	(503) 879-5211	reyn.leno@grandronde.org	9615 Grand Ronde Road	Grand Ronde, OR 97347	503-879-5964
Kootenai Tribe of Idaho	Gary	Aitken, Jr.	(208) 267-3519		P.O. Box 1269	Bonnars Ferry, ID 83805	208-267-2960
Nez Perce Tribe	Silas C.	Whitman	(208) 843-2253	NPTEC@nezperce.org	P.O. Box 305	Lapwai, ID 83540	208-843-2253
Umatilla Confederated Tribes	Gary	Burke	(541) 429-7030	garyburke@ctuir.org	46411 Timine Way	Pendleton, OR 97801	541-276-3095
Warm Springs Confederated Tribes	Eugene "Austin"	Greene, Jr.	(541) 553-3257	austin.greene@wstribe.org	PO Box 1299	Warm Springs, OR 97761	541-553-1268



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

ORDER AND DETERMINATION BY THE DIRECTOR

Washington has experienced record-warm temperatures this winter and, as a result, extremely low snowpack statewide. While precipitation has been largely normal statewide, consistently warm weather and high freezing levels have caused most precipitation to fall as rain rather than snow. With many sites in the mountains already completely void of snow, what little snowpack remains will likely melt several weeks ahead of normal. Washington could face serious water shortages this spring and summer.

Traditionally, many communities across the state have relied on a healthy snowpack to slowly feed rivers, farms and communities through the drier spring and summer months. The Natural Resources Conservation Service and the Northwest River Forecast Center project water supplies for snowpack-dependent watersheds to be well below normal April through September. And the state Water Supply Availability Committee identified 34 watersheds out of 62 that will likely receive less than 75 percent of their normal water supply (a statutory drought threshold) because of the diminished snowpack.

For perspective, snowpack in the Olympic Mountains is fluctuating around 10 percent of normal right now. A few days ago it was down to just 4 percent; yesterday it briefly spiked to 14 percent; and today it's down to 11 percent. With long-range weather forecasts calling for a warmer, drier spring, snowpack is expected to remain in a dire state.

The shortage in water supplies creates the strong possibility of undue hardships for water users in the following watersheds:

- **Yakima River Basin:** The Bureau of Reclamation announced that pro-rationed water users will see their water deliveries reduced to a level less than 75 percent of their normal supply. Orchards cannot withstand interruption in water supply and low stream flows in tributaries can hamper salmon migration and survival.
- **Wenatchee and Entiat Basins:** The water supply forecast calls for much less than 75 percent of normal water supply; orchards cannot withstand interruption in water supply.
- **Walla Walla Basin:** Even during a normal year, there is not enough water available to supply the demands of all users. Insufficient stream flows can block salmon and trout migration in this basin.

- **Olympic Peninsula:** The forecasted water runoff from April through September for the Dungeness River is expected to be the lowest in the past 45 years. This will threaten the reliability of community water systems. Streamflow conditions are expected to become significantly adverse for fish habitat, with the potential for migratory barriers and fish stranding. Salmon runs are especially important to Tribal communities on the peninsula.

The National Oceanic and Atmospheric Administration Climate Prediction Center predicts warmer and drier conditions this spring. Given these projections, there is a strong likelihood that water supply forecasts will be revised downward in the coming weeks.

The water supply shortfall poses a serious threat to irrigated crops, public water supplies, and fisheries in the following Water Resources Inventory Areas:

- | | |
|---------------------|------------------|
| 17. Quilcene-Snow | 32. Walla Walla |
| 18. Elwah-Dungeness | 37. Upper Yakima |
| 19. Lyre-Hoko | 38. Lower Yakima |
| 20. Soleduck-Hoh | 39. Naches |
| 21. Queets-Quinault | 45. Wenatchee |
| | 46. Entiat |

Therefore, in accordance with the provisions of RCW 43.83B.405, IT IS ORDERED that the above listed Water Resource Inventory Areas are hereby under a drought emergency. This order is effective immediately and shall remain in effect through December 31, 2015, unless terminated prior to that date.

In accordance with the provisions of WAC 173-166-060, Department of Ecology may, under the terms of this order, take the following emergency actions:

1. Issue emergency permits for water.
2. Approve temporary transfers of water rights.
3. Provide funding assistance to public agencies to alleviate drought conditions.
4. Take other actions depending on future developments in drought conditions.

Other state and local agencies with authority to issue permits or authorizations related to the drought emergency actions must provide a decision to an applicant within fifteen (15) calendar days of the date of application.

In accordance with the proclamation of the Washington Governor, dated January 3, 1989, (Centennial Accord), nothing herein shall impair or infringe upon the treaty reserved rights or governmental authority of any federally recognized Indian tribe nor shall this order be deemed an assertion of state authority over Indian reservation lands. The Department of Ecology intends to work cooperatively, on a government-to-government basis, with all affected tribes.

Further details about this order or the actions available under it, may be obtained by contacting:

Jeff Marti
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600
360-407-6627
Jeff.marti@ecy.wa.gov

Applications for emergency water permits or temporary transfers of water rights are available by contacting one of the Department of Ecology's regional offices:

Northwest Regional Office Bellevue, WA Office: 425-649-7020 Email: arha@ecy.wa.gov	Central Region Office Yakima, WA Office: 509-575-2597 Email: sueb461@ecy.wa.gov
Southwest Regional office Lacey, WA Office: 360-407-6859 Email: oday461@ecy.wa.gov	Eastern Regional Office Spokane, WA Office: 509-329-3541 Email: awat461@ecy.wa.gov

DATED this 17th Day of March, 2015.



Maia D. Bellon, Director
Department of Ecology



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

ORDER AND DETERMINATION BY THE DIRECTOR

Washington State is experiencing record-low snow pack conditions. Many of our major rivers are forecasted to have April through September runoff volumes that will be the lowest in the past 64 years. This shortfall is a serious threat to municipal and domestic water supplies, irrigated agriculture, and fisheries.

With the concurrence of Governor Inslee and following consultation with affected Indian Tribes, I hereby expand the geographic coverage of Washington State's drought emergency to include thirteen additional Water Resource Inventory Areas (WAC 173-500). These areas are at risk of experiencing less than 75 percent of normal water supply and associated hardship. The Watershed Resource Inventory Areas added to the Washington State drought declaration are as follows:

Western Washington Water Resource Inventory Areas:

- Nooksack (1)
- Lower Skagit-Samish (3)
- Upper Skagit (4)
- Stillaguamish (5)
- Puyallup-White (10)
- Skokomish-Dosewallips (16)
- Cowlitz (26)
- Lewis (27)
- Salmon-Washougal (28)

Central Washington Water Resource Inventory Areas:

- Wind-White Salmon (29)
- Klickitat (30)
- Alkali-Squilchuck (40)
- Okanogan (49)

Snowpack conditions across the state have continued to decline since the initial regional drought was first declared on March 13, 2015. In fact, the statewide average snowpack conditions have further deteriorated since that date. The statewide average is at 20 percent, far below the 40 percent of average that was present in 2005 when Washington State last experienced a statewide drought. As of today, more than 70 percent of Washington State snow monitoring stations are at record-lows.

Western Washington

In watersheds originating on the western slopes of the Cascade Mountains, there is a high risk that fish populations will experience extreme low-flow conditions this year. Low flows mean that hatcheries will face a high likelihood of operational challenges ranging from warm water, disease management, and interruption of water supplies. Tributaries and smaller streams may drop to levels where stream channels become impassible to fish. Pools of water will become disconnected from other pools, isolating fish from other fish and increasing the risks of predation and harassment.

Reduced snowpack in these watersheds also create risks to municipal and domestic water supplies. The Department of Health has identified numerous water systems that draw water from shallow alluvial aquifers, which themselves are dependent on groundwater recharge from snowmelt.

Central Washington

The Alkali-Squilchuck and Okanogan watersheds contain large areas with high value crops (e.g. apples, cherries, and pears) that rely on irrigation from surface water. The Klickitat watershed has communities that have faced water supply challenges in previous drought years, and fisheries are expected to face serious challenges from reduced water supplies. With snowpack in the White Salmon watershed at historic lows, the City of White Salmon has petitioned the state to declare its area in a drought emergency.

Therefore, in accordance with the provisions of RCW 43.83B.405, IT IS ORDERED that the above-listed Water Resource Inventory Areas are hereby under a drought emergency. This order is effective immediately and shall remain in effect through December 31, 2015, unless terminated prior to that date. This Order supplements my March 17, 2015, Order and Determination in which eleven Water Resource Inventory Areas were declared to be under a drought emergency.

In accordance with the provisions of WAC 173-166-060, the Department of Ecology may, under the terms of this order, take the following emergency actions:

1. Issue emergency permits for water.
2. Approve temporary transfers of water rights.
3. Provide funding assistance to public agencies to alleviate drought conditions.
4. Take other actions depending on future developments.

Other state and local agencies with authority to issue permits or authorizations related to the drought emergency actions must provide a decision to an applicant within fifteen (15) calendar days of the date of application.

In accordance with the proclamation of the Washington Governor, dated January 3, 1989, (Centennial Accord), nothing herein shall impair or infringe upon the treaty reserved rights or governmental authority of any federally recognized Indian tribe nor shall this order be deemed an

assertion of state authority over Indian reservation lands. The Department of Ecology intends to work cooperatively, on a government-to-government basis, with all affected tribes.

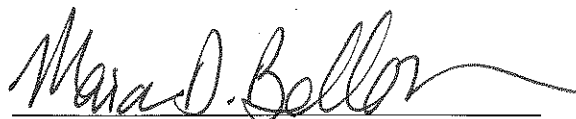
Further details about this order or the actions available under it, may be obtained by contacting:

Jeff Marti
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600
360-407-6627
Jeff.marti@ecy.wa.gov

Applications for emergency water permits or temporary transfers of water rights are available by contacting one of the Department of Ecology's regional offices:

Northwest Regional Office Bellevue, WA Office: 425-649-7020 Email: arha461@ecy.wa.gov	Central Region Office Yakima, WA Office: 509-575-2597 Email: sueb461@ecy.wa.gov
Southwest Regional office Lacey, WA Office: 360-407-6859 Email: oday461@ecy.wa.gov	Eastern Regional Office Spokane, WA Office: 509-329-3541 Email: awat461@ecy.wa.gov

DATED this 22nd day of April 2015.


Maia D. Bellon, Director
Department of Ecology



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

ORDER AND DETERMINATION BY THE DIRECTOR

Washington State is experiencing a drought emergency. We have record-low snowpack in the mountains, and snowmelt through the spring and summer is what traditionally keeps rivers flowing, crops watered, and fish alive. We are starting to feel the pain from this snowpack drought. Impacts are already severe in several areas of the state.

More than 70 percent of the state's snow monitoring stations have record-low snowpack. As a result, many of our major rivers are forecasted to have record-low flows – the lowest in the past 64 years – between April and September. This shortfall is a serious threat to municipal and domestic water supplies, irrigated agriculture, and fisheries throughout Washington.

With the concurrence of Governor Inslee and following consultation with affected Indian Tribes, I hereby expand the drought emergency to include all of Washington State.

Snowpack conditions across the state have continued to decline since the initial regional drought declaration on March 13, 2015. Dozens of major rivers are at record-low flows for this date. The longer-term weather forecast is for warmer and drier-than-normal conditions for this spring and summer. Conditions are likely to get worse.

Reduced snowpack creates risks to municipal and domestic water supplies. The Department of Health has identified numerous water systems throughout the state that draw water from shallow alluvial aquifers, which are dependent on groundwater recharge from snowmelt.

Agriculture faces a risk of crop loss throughout the state. Farmers in the Yakima and the Walla Walla basins are being curtailed, which could have devastating impacts on orchards and vineyards. Curtailment is likely to occur in the Little Spokane, Nooksack, and Chehalis basins, and could occur for the first time ever in the Colville Basin. Loss to perennial crops in these regions would be a significant hardship to individual farmers and agricultural communities.

Throughout the state, there is a high risk that fish populations will experience hardship from extremely low flowing rivers this year. Hatcheries will face warmer water, increased risk of disease, and potential loss of water supply. Tributaries and smaller streams may drop to levels where stream channels become impassible to fish. Pools of water will become disconnected from other pools, isolating fish and increasing the risks of predation and harassment.

Therefore, in accordance with the provisions of RCW 43.83B.405, IT IS ORDERED that all of Washington state is hereby under a drought emergency. This order is effective immediately and shall remain in effect through December 31, 2015, unless terminated prior to that date.

In accordance with the provisions of WAC 173-166-060, the Department of Ecology may, under the terms of this order, take the following emergency actions:

1. Issue emergency permits for water.
2. Approve temporary transfers of water rights.
3. Provide funding assistance to public agencies to alleviate drought conditions.
4. Take other actions depending on future developments.

Other state and local agencies with authority to issue permits or authorizations related to the drought emergency actions must provide a decision to an applicant within fifteen (15) calendar days of the date of application.

In accordance with the proclamation of the Washington Governor, dated January 3, 1989, (Centennial Accord), nothing herein shall impair or infringe upon the treaty reserved rights or governmental authority of any federally recognized Indian tribe nor shall this order be deemed an assertion of state authority over Indian reservation lands. The Department of Ecology intends to work cooperatively, on a government-to-government basis, with all affected tribes.


Further details about this order or the actions available under it, may be obtained by contacting:

Jeff Marti, Department of Ecology
PO Box 47600
Olympia, WA 98504-7600
360-407-6627
Jeff.marti@ecy.wa.gov

Applications for emergency water permits or temporary transfers of water rights are available by contacting one of the Department of Ecology's regional offices:

Northwest Regional Office Bellevue, WA Office: 425-649-7020 Email: arha461@ecy.wa.gov	Central Region Office Yakima, WA Office: 509-575-2597 Email: sueb461@ecy.wa.gov
Southwest Regional Office Lacey, WA Office: 360-407-6859 Email: oday461@ecy.wa.gov	Eastern Regional Office Spokane, WA Office: 509-329-3541 Email: awat461@ecy.wa.gov

DATED this 21st day of May, 2015.


Maia D. Bellon, Director
Department of Ecology

Situation

Gov. Jay Inslee declared a statewide drought on May 15, 2015 when the state met the drought emergency criteria of reduced water supplies resulting in undue hardship as defined in RCW 43.83B.405. Since then, worsening drought conditions have increased the need for emergency drought funding which was authorized by the Legislature on June 30, 2015.

A total of \$16 million was approved by the Washington state Legislature to be used over two years to help ensure reliable public water supplies, augment water supplies for farmers, and provide water to support stream flows for fish.

On July 10, 2015, Ecology Director Maia Bellon signed an emergency drought funding rule setting the criteria for disbursing a portion of the drought relief funding -- \$5.9 million -- for public projects to alleviate health, welfare, economic, or environmental hardships arising from the 2015 drought.

For 2015 an expenditure of \$9.5 million in drought relief funding is planned in these categories:

- \$5.9 million for 2015 Drought Emergency Grant Program that will provide:
 - \$3.9 million for public agricultural irrigation projects water leasing and/or acquisition
 - \$2 million to municipal water utilities for emergency drought funding
- \$1.18 million for salmon and trout protection
- \$2.21 million for Yakima emergency well pumping mitigation
- \$187,000 to hire temporary staff
- \$100,000 for stream flow monitoring
- \$25,000 for conservation education

Ecology will provide grants to cities, public utility and irrigation districts, and other public water suppliers for the following uses:

- Modifying an existing water source or deepening an existing well.
- Developing an emergency or alternate water source.
- Purchasing or leasing water or water rights to be used during the drought.
- Constructing an emergency intertie or connection to another approved public water supply.
- Building transmission pipelines, diversion structures, storage devices and acquiring pumps and accessories for moving water.
- Detecting and repairing leaks and lining water canals.
- Emergency regional water conservation programs and education programs to alleviate hardships from water shortages.

Grants will require 50 percent matching funds from applicants with one exception. No matching funds are required of drinking water supply projects serving a population of less than 25,000 with water users having a mean household income of 80 percent or less of the state average.

Key messages:

- **Drought conditions have gotten worse since the governor declared a statewide drought May 15, 2015.**
- **Hardships from water shortages are expected to increase through the summer and fall.**
 - Streams and rivers have dropped to below normal or record low flows because of the lack of snowmelt and run-off that normally feeds our rivers and streams.
 - Farmers have been curtailed in their water use in central and eastern Washington.
 - Reports are increasing of low flows creating barriers to fish migration, canceling fishing seasons in some areas and contributing to higher water temperatures which can be deadly to fish.
 - Small water systems that rely solely on well water are at increasing risk of declines in groundwater connected to surface water.

Communication tactics and schedule for announcing and implementing the 2015 Drought Emergency Grant Program

Date	Tool	Channel	Who -content manager -reviewers
July 10	Maia signs Emergency Drought Funding rule	No news release Friday afternoon	
July 13	News release announcing grant program Posting of new <u>2015 Drought Emergency Grant Program Web Page</u> with link to grant application forms	Twitter & Facebook posts on news release Notifications for these Listservs: 1. Drought, 2. Water Resources and 3. Water Resources	Partridge: News release, social media posts, Listserv notifications Chris Anderson/ Partridge: Web page updates and review Dave Christensen: Notification of city and public utility associations of grant availability

		Advisory Committee	
July-September	Tracking of grants awarded	Monthly posting on Web page: 1. Descriptions of projects 2. Amounts awarded 3. Progress on projects	Chris Anderson/ Rebecca Inman: Web page text and posting

Ecology's overall drought response

The drought response work that Ecology began on March 13 with the governor's first drought declaration continues with the drought relief funding approved by the Washington Legislature. This work entails:

- Identifying hardships for people, farms and fish that may result from water shortages.
- Providing drought relief as needed in the form of technical assistance and financial aid for:
 - **Reliable public water supplies:** Drilling new wells, deepening existing ones, constructing necessary infrastructure (intakes, pumps, piping) and providing interties for emergency water supply.
 - **Agriculture:** Facilitating the leasing of water rights from lower economic value crops, such as hay, to higher economic value crops such as fruit.
 - **Protecting fish and fisheries resources:** Leasing water from irrigators to boost stream flows and reduce harm to fish from low flows. Coordinating with state Department of Fish and Wildlife, state and federal biologists to identify stream reaches where fish passage would be affected and where possible construct new channels and remove barriers so that fish can continue to migrate upstream.
 - **Assisting local conservation efforts:** Providing funds to local conservation districts to educate landowners and provide technical assistance on water conservation and irrigation management.
 - **Hydropower:** Working in cooperation with the FERC-licensed hydropower suppliers to ensure adequate instream flows are maintained during the drought.

Opportunities

- With announcement of the drought relief funding and the public projects grant program, we will increase public confidence in Ecology's ability to quickly respond to hardships and provide drought relief assistance.
- We have received funding for two years from the Legislature so we are better prepared to provide drought relief beyond 2015.

- Media and the public are looking to Ecology’s Website as a clearinghouse of information on the work of all state agencies that have a role in drought response and for up-to-date, accurate and helpful information on the use of drought relief funds.
- Media are picking up our success stories on saving crops, boosting stream flows, protecting public water supplies, helping fight wildfires.
- Ecology will partner with local jurisdictions on water conservation campaigns as communities come together to find solutions to water shortages. Ecology is developing a series of water conservation videos.

Challenges

- Explain the worsening statewide drought conditions in a way that doesn’t create concern among water users about the reliability of their water supplies. Utilities in the Puget Sound region, for example, (where most people in the state live) have reservoirs that hold adequate supplies.
- Our spending of the drought relief funds will be closely scrutinized by local government, legislators and the general public. We need to be transparent in how drought relief funds are used. This includes the application process for public projects grant program, which will have to be both transparent and easy to understand, or we will be held up as an example of government inefficiency.
- Develop water conservation messages in cooperation with landscapers and other businesses who need to assure their customers that for the most part, the drought will not affect water supplies for homes and gardens.
- Coordinate messages and public education and outreach with all agencies involved in drought response or risk creating a perception that the state’s drought response is disorganized and state agencies are ill-prepared to respond to a natural disaster.

Goal

Our implementation of the drought relief public projects grant program reflects the goals of the 2015 Drought Plan and our communications strategy is designed to provide details to the public and Legislature on our drought response work in every region of the state.

Objectives

- Continue to monitor water supply conditions and prepare to quickly alleviate hardships from water shortages wherever possible.
- Keep the governor, Ecology’s director and the Legislature informed about our agency’s work providing drought relief.
- Keep our partner state and federal agencies informed and involved in our work ensuring clean and adequate water supplies for people, farms and fish in drought hardship areas.
- Provide a clearinghouse of information on drought response, relief funding and how those suffering hardships can access drought relief help and financial assistance.
- Ensure that expenditures of drought relief funds are transparent and cost-effective.

Audiences

- Media
- Legislators
- Governor's office
- Attorney General's office
- Residents
- Businesses
- Environmental groups: CELP, Sierra Club, Trout Unlimited, Washington Water Trust
- All members of WRAC, our stakeholder group.
- Drought Listserv members
- Internal staff and executives
- City/county officials
- Ecology's partners in water supply monitoring and drought response: U. S. Geological Survey, National Weather Service, Natural Resources Conservation Service, U.S. Bureau of Reclamation, Army Corps of Engineers, Bonneville Power Administration, Office of State Climatologist, the Washington Conservation Commission and the state departments of Emergency Management, Agriculture, Fish & Wildlife, Health and Commerce.

Contacts

- Jeff Marti, Water Resources drought response coordinator, 360-407-6627
- Tom Loranger, Water Resources program manager, 360-407-6672
- Dave Christensen, manager, Program Development and Operations Support Section, 360-407-6647
- Dan Partridge, drought communications lead, 360-407-7139
- Joye Redfield Wilder, CRO communications manager, 360-575-2610
- Chase Gallagher, SWRO communications manager, 360-407-6239
- Larry Altose, NWRO communications manager, 425-649-7009
- Brook Beeler, ERO communications manager, 509-329-3478
- Rebecca Inman, drought emergency grant coordinator, 360-407-6450
- Add other key members of the drought response team.

Rossiter, Tony (ECY)

From: Dumar, Laurie (ECY)
Sent: Monday, July 13, 2015 12:59 PM
To: ECOLOGY-WAC-TRACK@LISTSERV.WA.GOV
Subject: Ecology filed the following: Chapter 173-167 WAC - Emergency Drought Funding

The Washington State Department of Ecology has filed the following:

July 10, 2015

Chapter 173-167 WAC, Emergency Drought Funding – Emergency Rulemaking Order

<http://www.ecy.wa.gov/programs/wr/rules/167-docs.html>

Thank you for using WACTrack.

Have a good day!

To join or leave ECOLOGY-WAC-TRACK click here:

<http://listserv.wa.gov/cgi-bin/wa?A0=ECOLOGY-WAC-TRACK>



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: Department of Ecology

AO #15-05

Emergency Rule Only

Effective date of rule:

Emergency Rules

☒ Immediately upon filing.

☐ Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes

☒ No

If Yes, explain:

Purpose:

The rule making adopts rules in Chapter 173-167 WAC.

Citation of existing rules affected by this order:

Repealed: n/a

Amended: n/a

Suspended: n/a

Statutory authority for adoption: EHB 1115, section 3084, Laws of 2015, 3rd special session

Other authority :

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- ☒ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- ☐ That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding:

An emergency rule is necessary to protect public health and safety and promote timelines that are in the best interest of the public. Once the rule is in place, Ecology may distribute funds to alleviate hardship. Drought can cause immediate impacts to public bodies. To address these impacts, drought funds need to be administered in a timely fashion.

Date adopted: July 10, 2015

NAME (TYPE OR PRINT)

Maia D. Bellon

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 10, 2015

TIME: 11:38 AM

WSR 15-15-062

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>10</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
-----	----------	---------	----------	----------	----------

The number of sections adopted in the agency's own initiative:

New	<u>10</u>	Amended	<u>0</u>	Repealed	<u>0</u>
-----	-----------	---------	----------	----------	----------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>10</u>	Amended	<u>0</u>	Repealed	<u>0</u>
-----	-----------	---------	----------	----------	----------

The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

Emergency Rules Development Timeline

WAC # 173-167 Title: Emergency drought funding

Action	Target Date
Planning Phase	
RAD-SMT Briefing	5/8/2015
Adoption Phase	
PIO-Pre CR-103 meeting (Once your RAD has been approved)	5/8/2015
Final Rule Language to OTS (if time allows)	7/1/2015
Adoption Date	7/10/2015
CR-103 Filed	7/10/2015
Effective Date	7/10/2015
Emergency Rule Expiration Date (120 days after filing)	11/7/2015
Implementation Phase	
Submit rule file to the Rules Unit (2 weeks after filing)	7/24/2015

Department of Ecology
Rule Adoption Approval - CR-103 – Emergency Rule
Director Briefing Scheduled: July 10, 2015

Instructions:

- Answer the four questions below and use the router to get approval for your rule filing packet.
- After the Director signs your CR-103 form you must:
 - Return your filing packet to the Rules and Accountability Unit.
 - Send electronic files to rulemaking@ecy.wa.gov and attach the:
 - CR-103 form – without signature or date (MS Word).
 - Final rule language - OTS copy (PDF).

Chapter 173-167 WAC Emergency Drought Funding

1. Is this a significant legislative rule? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Does the filing of this CR-103 form require another agency to file their CR-103 form at the same time? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Agency _____ Contact Name _____ Contact Phone _____	3. Has the program AAG reviewed and provide consultation on this rule adoption packet? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
4. The Agency Rules Coordinator will confirm that the following is in your CR-103 packet: For emergency rule making: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Cover memo to the Director <input checked="" type="checkbox"/> CR-103 Form <input checked="" type="checkbox"/> OTS copy of rule language (print the PDF from OTS) <input checked="" type="checkbox"/> Rule Development Plan <input checked="" type="checkbox"/> Rule Implementation Plan <input checked="" type="checkbox"/> Draft Rule Adoption Notice (finalize date after adoption) <input checked="" type="checkbox"/> SEPA documentation (EIS, DNS, etc.) (if applicable) WAC exempt-memo to file <input checked="" type="checkbox"/> Citation List (if appropriate) <input type="checkbox"/> Letter to Tribes <i>draft</i> 	

TITLE	SIGNATURE	NAME	DATE
Unit Supervisor			
Section Head	<i>Daniel Christensen</i>	Dave Christensen	7/8/15
Agency Rules Coordinator	<i>Bari Schreiner</i>	Bari Schreiner	7/8/15
Program Manager	<i>Tom Loranger</i>	Tom Loranger	7-8-15
Director	<i>Maia D. Bellon</i>	Maia D. Bellon	7-10-15

Return the signed packet to the Rules & Accountability Section for filing in the WA State Register.

DEPARTMENT OF ECOLOGY

Rule Authorization Document (RAD)

The purpose of the RAD is to inform the Senior Management Team (SMT) about your program's strategic decision to initiate rule making and to get approval from SMT to officially initiate rule making. See an example of a signed RAD.

INSTRUCTIONS

Step 1: Fill out the RAD

Answers should be clear and concise. Delete the yellow highlighted text. Use bulleted lists and tables when appropriate.

Step 2: Schedule SMT briefing

SMT meet every Friday. Contact Teri North about two weeks before you want to brief SMT. Teri will work with you to get time on the SMT agenda. Make sure your Program Manager can attend.

Step 3: Distribute your RAD

Send your RAD to Teri North, as an e-mail attachment, at least 3 working days before your scheduled SMT briefing. Teri will distribute the RAD to SMT members for you.

Step 4: Brief SMT

Use the RAD you sent to Teri to deliver your briefing to SMT. Be prepared to answer questions. Bring a copy that an SMT member can sign. This copy will also have your program manager's signature on it.

Step 5: Let the Agency Rules Coordinator know that you have an approved RAD.

When SMT approves your rule an SMT member will sign your RAD. If Bari wasn't at the SMT meeting, send an email to Bari Schreiner to let her know the RAD was approved.

SMT DECISION PROCESS

There are four possible decision making scenarios that can come out of your SMT briefing.

Decision 1: SMT will approve your rule at the time of the SMT briefing.

If they approve your rule, you can initiate rulemaking.

Decision 2: SMT will deny your rule at the time of the SMT briefing.

If they deny your rule, you can not proceed with any rule-making activities until you get approval from SMT.

Decision 3: SMT will approve your rule with conditions.

Conditions include follow-up tasks that SMT expects you to complete during rule making.

Decision 4: SMT will ask you to return with more information.

You can not proceed with any rule making activities until you go back to SMT with more information to get approval.



RULE-AUTHORIZATION DOCUMENT (RAD)

Emergency Drought Funding Chapter 173-167 WAC

1) Subject of possible rule making.

The Water Resources Program is requesting permission to start a new emergency rulemaking. This rulemaking will propose a new chapter re-using WAC number 173-167. It will spell out how Ecology will allocate funds among qualifying entities suffering undue hardship as a result of the current drought emergency.

2) Select which type of rule-making process your program anticipates using:

- ☐ Standard rule making
- ☐ Expedited rule making
- ☒ Emergency rule making

3) Please indicate which are the one or two main reasons why your program is recommending moving forward with this rule making at this time?

The rule adoption/amendment/update:

- ☐ Is required by a federal/state law, court order, or to maintain federally delegated/authorized program.
- ☒ Is necessary for budget reasons.
- ☒ Is necessary to protect public health or the environment.
- ☐ Is requested by the regulated community or other interested parties.
- ☒ Would benefit the regulated community or other interested parties.
- ☐ Could potentially create or expand economic opportunities, including but not limited to new jobs, business opportunities, cost-savings or efficiencies, or community resources.
- ☒ Would assist economic recovery and/or job creation.
- ☐ Would streamline the rule or include other efficiencies (provide more detail in question 5.)
- ☐ Other reasons.

4) Provide description of reasons why rules on this subject may be needed and what they might accomplish.

This rulemaking is necessary in order to allocate funds to qualifying entities suffering undue hardship as a result of the current drought emergency. Funds will be used to implement projects to address drought related shortages to drinking water supply, agricultural projects and stream flows. Addressing hardship through the allocation of funds will provide support for

local entities responsible for protecting public health. Getting relief on the ground will help protect the environment.

- 5) **Would this rule streamline any existing requirements, improve rule clarity, or improve consistency (with other requirements in this chapter or with other state/federal laws and rules)? If yes, explain.**

No

- 6) **What are the consequences if Ecology doesn't do this rule making now?**

The governor has declared a drought emergency. Distributing funds in accordance with this declaration requires emergency rulemaking. Without immediate rule making, impacts to public health and the environment are likely imminent.

- 7) **Provide the specific statutory authority that allows Ecology to adopt this rule. Is it sufficient to adopt this rule?**

2015 drought funding allocation is authorized under RCW 43.83.020 and the state building construction account. This account shall be used exclusively for the purposes of carrying out the provisions of the capital appropriation acts.

- 8) **Have you consulted with your AAG on this rule making?**

☒ Yes

☐ No

- 9) **How does this rule making fit into the agency's strategic focus? (Get input from your program manager to answer this question.)**

Effective water management requires attentiveness to the water needs of instream and out-of-stream uses. When drought is declared and economic hardship is suffered, this balance becomes more challenging. The current dialogue concerning climate change impacts says we may experience similar water supply concerns in the future. Preparing for drought will in turn prepare the program for addressing these prospective changes to the landscape.

- 10) **How would you rank this rule making?**

1 = Low controversy, 2 = medium controversy, and 3 = High controversy (enter the number and phrase below with a brief explanation)

1; There is general agreement that Ecology should provide funds to qualifying entities to take appropriate action to protect public health and the environment.

- 11) Anticipated Timeline. When do you expect to file a CR 101, CR-102, and CR-103 (CR-105 if appropriate)? How does this timing relate to other activities in your program (permits, other rule making, etc.)?**

We anticipate filing the CR-103e on May 22, 2015.

- 12) Do you anticipate the need for cross program coordination/communication? Should this be done through the Environmental Program Management Team (EPMT)? What about other federal or state agencies? Provide a brief explanation.**

Through EPMT, SMT and other informal channels, the Water Resources program will provide briefing to these interests and keep them informed on the services we're providing to the regulated public. Additionally the program will work with the Bureau of Reclamation to implement projects in the Yakima Basin. We anticipate the need for coordination with state agencies such as DFW relating to fish survival, DOH for public health issues, Agriculture for irrigation issues, DNR on fire issues, Commerce on impacts to business, and the state office of emergency management on how to manage the drought emergency.

- 13) What interested parties, stakeholders, etc. does this rule making most heavily impact? Why are they interested or concerned?**

Interested parties include water purveyors, municipalities, irrigation districts, environmental groups, Tribes. These groups may suffer undue hardship that could be alleviated with these funds.

- 14) How do you intend to *involve* regulated entities, interested parties, and tribes in the rule-making process?**

The nature of an emergency rule precludes the involvement of the regulated community, interested parties and tribes from the rulemaking process.

These interests are aware of the rulemaking and intend to apply once funds are available and the rule is in place.

An email to tribal chairs will be sent out in advance of the rule being adopted.

- 15) How do you intend to communicate with small businesses and/or local governments on how the impact of the rule can be mitigated? (include other groups you will be consulting with, if applicable)**

Funding made available through this rule will be available for public bodies which include local governments. During the grant program roll-out, we'll sponsor a webinar explaining the application process with a focus on developing projects most suitable to address the need to alleviate undue hardship. This rule making doesn't require cost benefit and small business impact analysis.

The grant roll-out will be announced via the Water Resources Listserv, the Drought Listserv, the agency web site, and a news release.

16) Does this rule raise taxes or impose or increase fees as defined in RCW 43.135.055 (Initiatives 960 and 1053)?

☐ Yes

☒ No

If the answer is yes,

Have you consulted with your Assistant Attorney General about the effect on your rule?

☐ Yes

☐ No

Does the fee have legislative approval if so when?

☐ Yes, when was the legislative approval granted (reference and date granted):


☐ No

Is there a deadline by when the agency must adopt the fee?

☐ Yes, when: _____

☐ No

17) Program Manager's Approval



Program Manager Signature

5-8-15

Date

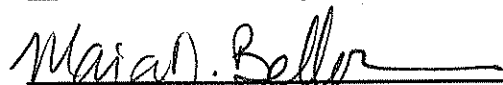
SMT Decision and Signature

☒ Authorized to proceed.

☐ Not authorized to proceed.

☐ Return with additional information, see notes below.

☐ Authorization to proceed with conditions, see notes below.

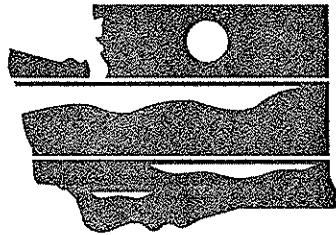


Signature of member of SMT

5/14/15

Date

Notes to rule writer:



DEPARTMENT OF
ECOLOGY
State of Washington

RULE DEVELOPMENT PLAN

Chapter 173-167 WAC Emergency Drought Funding

AO #15-05

Signature Approval

The following signatures are required to approve this Rule Development Plan. You must have a signed copy of your RDP to file a CR-101.

RDP approved by:	Signature:	Date:
Rule Writer	<i>[Signature]</i>	7-8-15
Agency Rules Coordinator	<i>Bapi Schneier</i>	7-8-15
Program Manager	<i>[Signature]</i>	7-8-15

RULE DEVELOPMENT PLAN

SECTION A: AUTHORIZATION

Attach a scanned version of the signed Rule Authorization Document (RAD).

SECTION B: TIMELINE

Attach a detailed timeline. Download the proper template at
<http://partnerweb/sites/GR/rules/ruleFiles/Template%20Library/Timeline.docx>

SECTION C: ISSUES AND CONCERNS

Describe the issues and/or concerns related to this rule making.

The main issue for this rule making is timeliness. In order to curtail the potential hardship associated with this drought emergency it is important to disburse funding to qualifying entities in a timely manner.

Additionally the appropriation may not be sufficient to address all drought hardship. Ensuring that the rule balance priorities with needs to fund projects that can be implemented in a timely fashion to address drought related hardship are an imperative.

SECTION D: FINANCIAL AND LEGAL SUPPORT

It is important to make sure your program's current budget can support this rule making. Rule making can create extra costs for things like meeting facilitation, technical assistance, economic analysis, SEPA, etc. You also need to contact your Assistant Attorney General (AAG) early to get them involved in the rule making process.

D.1 Provide details about the extra resources and costs related to this rule making.

Our current program budget has the capacity to support this rule making.

D.2 Provide contact information for the AAG assigned to this rule making.

Name: David Stearns Phone: 360.586.6749 E-mail: david.stearns@atg.wa.gov

SECTION E: OTHER REQUIREMENTS

E.1 Provide contact information for the Economist assigned to your rule making.

Name: Tryg Hoff Phone: 360.407.6631 E-mail: tryg.hoff@ecy.wa.gov

E.2 Does this rule making need to comply with SEPA (State Environmental Policy Act)?

For help with this decision call Ecology's SEPA unit at (360) 407-6922.

☐ Yes ☒ No

SECTION F: COMMUNICATION STRATEGY

Insert a scanned version of the signed Communication Strategy. Communication strategies will vary depending on the rule. Download the template for a basic communication strategy at http://partnerweb/sites/GR/rules/ruleFiles/Template%20Library/Comm_strat.doc

**Chapter 173-167 WAC
EMERGENCY DROUGHT FUNDING**

**PART I
DROUGHT FUNDING—GENERAL CRITERIA**

NEW SECTION

WAC 173-167-010 Funding available to public bodies. The department of ecology (ecology) is authorized to provide funding to public bodies for projects designed to alleviate hardship arising from drought conditions which may affect public health and safety or cause significant economic or environmental impacts including, but not limited to:

- (1) Municipal drinking water supplies;
- (2) Agricultural activities;
- (3) Maintaining instream flows to protect fish and wildlife habitat.

NEW SECTION

WAC 173-167-020 Purpose and authority. This emergency rule establishes criteria by which ecology may disburse funds appropriated for drought relief within an area with a state declared drought as defined in WAC 173-166-030(2). This rule is supplemental to chapter 173-166 WAC. In the event that there is any conflict between this rule and chapter 173-166 WAC, the provisions of this chapter control.

Ecology is authorized to expend drought relief funds in 2015 under EHB 1115, section 3084, Laws of 2015 3rd special session.

NEW SECTION

WAC 173-167-030 Qualifying public bodies. These include any federal, state, local agency, political subdivision, taxing district, or municipal corporation thereof, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants from the state of Washington.

NEW SECTION

WAC 173-167-040 Funding limitations. (1) Ecology will administer grants in accordance with the "*Administrative Requirements for Recipients of Ecology Grants and Loans*." (Publication No. 91-18). Revised September 2005.

(2) Except for state agency applicants and as provided for in subsection (3) of this section, applicants must provide cash match totaling fifty percent of the total eligible cost of the project. Funds used as match may not originate from other state funds.

(3) If an applicant proposes a drinking water supply project to address the immediate hardship arising from drought conditions and it serves a population of less than twenty-five thousand individuals with a mean household income of eighty percent or less of the state average, these applicants qualify for an exemption from the cash match requirement provided the project demonstrates a cost effective approach.

(4) The highest level of funding the department may provide to an applicant is five hundred thousand dollars.

NEW SECTION

WAC 173-167-050 Eligibility for funding. To be eligible for funding, the proposed project must meet the following criteria:

(1) The applicant must be a public body, as defined under WAC 173-167-030.

(2) The reduction in water supply must be presently causing, or likely to cause, undue hardship for the applicant.

(3) The proposed project must be for the purpose of supplying water to a previously established activity that is authorized under an existing water right.

(4) The proposed project must be able to timely assist in alleviating the current water shortage caused by drought conditions. The applicant must obtain all required permits and approvals for the proposed project before payment is authorized.

(5) The proposed project must be completed during the current drought declaration and the capacity to complete the project in a timely fashion must be demonstrated to ecology.

NEW SECTION

WAC 173-167-060 Applications and assistance. Applications for funding assistance under this section or any questions about funding assistance under this section should be directed to:

Rebecca Inman
Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
360-407-6450
rebecca.inman@ecy.wa.gov

NEW SECTION

WAC 173-167-070 Related permits to be processed expeditiously. Under RCW 43.83B.410 (1)(b):

(1) All state and local agencies, including ecology, will issue permits or other authorizations for the proposed project within fifteen calendar days; and

(2) Drought relief projects funded through this program are exempted from any statutory requirements of public notice, competitive bidding, and chapter 43.21C RCW, State Environmental Policy Act.

NEW SECTION

WAC 173-167-080 Examples of eligible water supply projects. (1) Projects eligible for funding include, but are not limited to, water conservation, acquiring alternate water sources, or temporarily changing or transferring water rights. Eligible projects must represent an additional cost to the applicant as the result of drought conditions, and not normal water supply costs. Measures to implement water conservation projects eligible for funding include, but are not limited to:

(a) Irrigation scheduling programs and activities;

(b) Water use reduction programs and activities;

(c) Emergency regional water conservation programs, with preference given to applications submitted by multiple public entities; and

(d) Education programs designed to alleviate water shortage and hardship emergency.

(2) Examples of water supply projects eligible for funding include, but are not limited to:

(a) Modifying an existing source or deepening an existing well;

(b) Developing an emergency or alternate water source;

(c) Purchasing or leasing water or water rights to be used during the drought period;

(d) Constructing an emergency intertie to another approved public water supply;

(e) Building transmission pipelines, diversion structures, storage devices, discharge lines, and/or pumps and accessories;

(f) Installing source meters and measuring devices;

(g) Improving canals and laterals with control structures;

(h) Detecting and repairing leaks and lining leaky canals; and

(i) Regulating reservoirs;

(3) Costs of providing personnel necessary to implement the activities in subsection (1) of this section, and for construction, operation, and maintenance associated with subsection (2) of this section are also eligible for funding under this program.

NEW SECTION

WAC 173-167-090 Priority for funding. (1) Priority will be given to proposed projects which incorporate elements that most effectively conserve water, represent the more efficient use of available

water supplies, and that will address shortages that pose the greatest hardship arising from drought conditions which may affect public health and safety or cause significant economic or environmental impacts.

(2) Priority will also be given to applicants demonstrating the clearest need for alternate emergency water supplies to avoid undue hardship where the proposed project will address the need before the current drought declaration expires. Need will be measured by:

(a) The short-term and long-term effects the water shortage would have on agricultural crops, livestock operations, or a municipality or utility's ability to provide drinking water in its service area, in the absence of drought relief.

(b) The capability and reliability of the proposed project to provide an emergency water supply to the applicant.

(c) The percent of water shortage experienced or forecast for the applicant.

NEW SECTION

WAC 173-167-100 Preferences. Where there are two or more eligible projects of equal or similar priority but funding limitations preclude funding both, applications that fulfill the following criteria will be preferred:

(1) Demonstrating that reasonable efforts to address their water supply shortage by implementing measures such as water conservation plans, water system efficiency improvements, water shortage response plans, or other drought contingency actions, have already been completed.

(2) Providing cash match from other local or federal sources in addition to the minimum cash match requirements set out in WAC 173-167-040.

(3) Demonstrating the cost benefit of the proposed project through a calculation of the cost per unit of water developed under this funding. Water supply developed in a more cost effective manner will be preferred.

(4) For municipal drinking water projects, applicants who have developed and are following a water shortage response plan.

From: [Christensen, Dave \(ECY\)](#)
To: [Hoff, Tryg \(ECY\)](#); [Holderman, Jennifer \(ECY\)](#)
Cc: [Marti, Jeff \(ECY\)](#); [Rossiter, Tony \(ECY\)](#)
Subject: RE:
Date: Thursday, May 14, 2015 9:26:43 AM

Nice concise summary, Tryg. Thank you!

From: Hoff, Tryg (ECY)
Sent: Thursday, May 14, 2015 9:10 AM
To: Holderman, Jennifer (ECY)
Cc: Marti, Jeff (ECY); Rossiter, Tony (ECY); Christensen, Dave (ECY)
Subject:

Hi Jennifer,

For the purposes of the Drought Emergency Rule, no economic evaluations for the public are formally required under the Administrative Procedures Act or the Regulatory Fairness Act

You may use this statement for the rule filing.

SBEIS:

[RCW 19.85](#)

Regulatory Fairness Act

Application of chapter - Limited

19.85.025(3) This chapter does not apply to the adoption of a rule described in RCW [34.05.310](#)(4).

[RCW 34.05.310](#)

Administrative Procedure Act

Prenotice inquiry – Negotiated and pilot rules

(3)(b) An agency must include a written justification in the rule-making file if an opportunity for interested parties to participate in the rule-making process prior to publication of the proposed rule has not been provided.

(4) This section does not apply to:

(a) Emergency rules adopted under RCW [34.05.350](#);

CBA:

[RCW 34.05.328](#)

Significant legislative rules, other selected rules

(5)(b) This section does **not** apply to:

(i) Emergency rules adopted under RCW [34.05.350](#);

Tryg Hoff
Economic and Regulatory Research, Water Resources
Department of Ecology
P. O. Box 47600

Olympia, WA 98504-7600
Phone (360) 407-6631
Email thof461@ecy.wa.gov

July 8, 2015

Memo to File

Applicability of the State Environmental Policy Act RCW 43.21C to the adoption of Chapter 173-167 WAC-Emergency Drought Funding:

WAC 197-11-880

Emergencies.

Actions that must be undertaken immediately or within a time too short to allow full compliance with this chapter, to avoid an imminent threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation, shall be exempt. Agencies may specify these emergency actions in their procedures.

[Statutory Authority: RCW 43.21C.110. WSR 84-05-020 (Order DE 83-39), § 197-11-880, filed 2/10/84, effective 4/4/84.]

In addition:

- RCW 43.83B.410 exempts drought authorizations for withdrawals and diversions and all related permits and authorizations.
- RCW 43.21C.210 exempts certain actions during a state of emergency declared by the governor under RCW 43.06.210.



ORDER AND DETERMINATION BY THE DIRECTOR

Washington has experienced record-warm temperatures this winter and, as a result, extremely low snowpack statewide. While precipitation has been largely normal statewide, consistently warm weather and high freezing levels have caused most precipitation to fall as rain rather than snow. With many sites in the mountains already completely void of snow, what little snowpack remains will likely melt several weeks ahead of normal. Washington could face serious water shortages this spring and summer.

Traditionally, many communities across the state have relied on a healthy snowpack to slowly feed rivers, farms and communities through the drier spring and summer months. The Natural Resources Conservation Service and the Northwest River Forecast Center project water supplies for snowpack-dependent watersheds to be well below normal April through September. And the state Water Supply Availability Committee identified 34 watersheds out of 62 that will likely receive less than 75 percent of their normal water supply (a statutory drought threshold) because of the diminished snowpack.

For perspective, snowpack in the Olympic Mountains is fluctuating around 10 percent of normal right now. A few days ago it was down to just 4 percent; yesterday it briefly spiked to 14 percent; and today it's down to 11 percent. With long-range weather forecasts calling for a warmer, drier spring, snowpack is expected to remain in a dire state.

The shortage in water supplies creates the strong possibility of undue hardships for water users in the following watersheds:

- **Yakima River Basin:** The Bureau of Reclamation announced that pro-rated water users will see their water deliveries reduced to a level less than 75 percent of their normal supply. Orchards cannot withstand interruption in water supply and low stream flows in tributaries can hamper salmon migration and survival.
- **Wenatchee and Entiat Basins:** The water supply forecast calls for much less than 75 percent of normal water supply; orchards cannot withstand interruption in water supply.
- **Walla Walla Basin:** Even during a normal year, there is not enough water available to supply the demands of all users. Insufficient stream flows can block salmon and trout migration in this basin.
- **Olympic Peninsula:** The forecasted water runoff from April through September for the Dungeness River is expected to be the lowest in the past 45 years. This will threaten the reliability of community water systems. Streamflow conditions are expected to become significantly adverse for fish habitat, with the potential for migratory barriers and fish stranding. Salmon runs are especially important to Tribal communities on the peninsula.

The National Oceanic and Atmospheric Administration Climate Prediction Center predicts warmer and drier conditions this spring. Given these projections, there is a strong likelihood that water supply forecasts will be revised downward in the coming weeks.

The water supply shortfall poses a serious threat to irrigated crops, public water supplies, and fisheries in the following Water Resources Inventory Areas:

17: *Quilcene-Snow*; 18: *Elwah-Dungeness*; 19: *Lyre-Hoko*; 20: *Soleduck-Hoh*; 21: *Queets-Quinault*; 32: *Walla Walla*; 37: *Upper Yakima*; 38: *Lower Yakima*; 39: *Naches*; 45: *Wenatchee*; 46: *Entiat*.

Therefore, in accordance with the provisions of RCW 43.83B.405, IT IS ORDERED that the above listed Water Resource Inventory Areas are hereby under a drought emergency. This order is effective immediately and shall remain in effect through December 31, 2015, unless terminated prior to that date.

In accordance with the provisions of WAC 173-166-060, Department of Ecology may, under the terms of this order, take the following emergency actions:

1. Issue emergency permits for water.
2. Approve temporary transfers of water rights.
3. Provide funding assistance to public agencies to alleviate drought conditions.
4. Take other actions depending on future developments in drought conditions.

Other state and local agencies with authority to issue permits or authorizations related to the drought emergency actions must provide a decision to an applicant within fifteen (15) calendar days of the date of application.

In accordance with the proclamation of the Washington Governor, dated January 3, 1989, (Centennial Accord), nothing herein shall impair or infringe upon the treaty reserved rights or governmental authority of any federally recognized Indian tribe nor shall this order be deemed an assertion of state authority over Indian reservation lands. The Department of Ecology intends to work cooperatively, on a government-to-government basis, with all affected tribes.

Further details about this order or the actions available under it, may be obtained by contacting: *Jeff Marti*, Ecology; PO Box 47600; Olympia, WA 98504-7600; 360-407-6627; Email: Jeff.marti@ecy.wa.gov

Applications for emergency water permits or temporary transfers of water rights are available by contacting one of the Department of Ecology's regional offices:

- *Northwest Regional Office*; Bellevue, WA; 425-649-7020; Email: arha@ecy.wa.gov
- *Central Region Office*; Yakima, WA; 509-575-2597; Email: sueb461@ecy.wa.gov
- *Southwest Regional Office*; Lacey, WA; 360-407-6859; Email: oday461@ecy.wa.gov
- *Eastern Regional Office*; Spokane, WA; 509-329-3541; Email: awat461@ecy.wa.gov

DATED this 17th Day of March, 2015.

1-55 
Maia D. Bellor, Director, Department of Ecology

Geographic Description of Drought For Washington State Drought Contingency Plan

(DRAFT – Aug. 17, 2016)

Three levels of information provided when announcing a stage of drought:

1. Affected counties (partly or wholly)
2. Affected watersheds within those counties (generally by WRIA or sub-WRIA)
3. Likely types of users affected and not affected within those watersheds.

EXAMPLE 1: Hydrologic conditions indicate drought in northwest corner of state

A Stage X drought is declared for parts of Whatcom, Skagit, and Snohomish Counties. This stage means: _____.

River basins affected within those counties are the Nooksack, Lower Skagit/Samish, Upper Skagit, and Stillaguamish basins (WRIAs 1, 3, 4, and 5).

Affected Areas:

The affected water users and natural resources may include farms relying on natural rainfall for a large portion of their water needs; communities drawing from surface water sources; communities and homeowners drawing from shallow wells in unconfined aquifers; and fish in each of the affected basins, especially in smaller creeks.

Customers of other public water systems in the affected area should look for communications from their local water utility to determine whether shortages are expected.

Unaffected Areas:

The City of Bellingham lies in the affected area but is not expected to experience shortages this year if current weather trends continue.

The City of Everett and communities receiving water from Everett's regional water supply system lie outside the affected area of Snohomish County, and are not currently expected to experience shortages this year. This unaffected area includes Arlington, Lynnwood, Marysville, the Alderwood Water and Wastewater District, and other communities in the southern half of Snohomish County.

EXAMPLE 2: Hydrologic conditions indicate drought in central Washington

A Stage X drought is declared for parts of Chelan, Douglas, Grant, Kittitas, Yakima and Benton Counties. This stage means: _____.

River basins affected within those counties are the Wenatchee, Entiat, Chelan, Lower Yakima, Upper Yakima, Naches and Alkali-Squilchuck. (WRIAs 27, 38, 39, 40, 45, 46, 47).

Affected areas:

The affected water users and natural resources may include farms that rely on surface water sources; communities drawing from surface water sources; communities and homeowners drawing from shallow wells in unconfined aquifers; and fish in each of the affected basins including tributary streams.

Farms in the Yakima River Basin that receive water from the Bureau of Reclamation should consult with their irrigation district managers. As of the current date, Reclamation has indicated Total Water Supply Available of ____ percent. The TWSA forecast will be confirmed or updated by Reclamation, at least monthly.

Customers of public water systems in the affected area should look for communications from their local water utility to determine whether shortages are expected.

Unaffected Areas:

Farms and communities receiving water from the Columbia River and Lake Roosevelt are not expected to experience shortages this year if current weather trends continue.

DEPARTMENT OF ECOLOGY

July 10, 2015

TO: Maia D. Bellon
Director

FROM: Jennifer Holderman
Water Resources Program

SUBJECT: Adoption of Chapter 173-167, WAC Emergency Drought Funding

Attached is the filing package to adopt the above referenced rule. Your signature is requested on July 10, 2015, the proposed adoption date. The rule becomes effective immediately after filing.

Is this a ☒ new or ☐ a change to existing WAC?

What is the purpose of this rule making?

This rule making will propose a new WAC number 173-167. It will spell out how Ecology will allocate funds among qualifying entities suffering undue hardship as a result of the current drought emergency.

What are the issues involved in developing this rule?

To qualify for funding, an applicant must be a public body residing in an area covered by the drought declaration that has or may experience undue hardship due to drought conditions. Applicants will be required to clearly demonstrate this hardship and propose projects to address it. To ensure adequate response to these hardships, the agency will need to distribute funds in a timely fashion as well as direct funding towards projects that are feasible and address the need. Applicants will also need to provide cash match. The rule provides exceptions from the match requirement for disadvantaged communities. As we balance these considerations through the administration of funding, issues of public perception concerning consistency and equity may arise.

If the rule has a small business impact or an impact to local government, describe how we consulted with small businesses and/or governments on how the impacts of the rule can be mitigated (Executive Order 11-03 OFM guidance memo).

Funding made available through this rule will be available for public bodies which include local governments. During the grant program roll-out, we'll sponsor a webinar explaining the application process with a focus on developing projects most suitable to address the need to alleviate undue hardship. This rule making doesn't require cost benefit and small business impact analysis.

If appropriate, what online resources and technology are you planning to use related to the rule adoption, to maximize efficiency of the rule-making process for stakeholders. (Executive Order 11-03 OFM guidance memo).

After rule adoption there will be a news release to the media, social media posts (Twitter and Facebook), Listserv notifications (Drought list and Water Resources list, Water Resources Advisory Committee list), notification of city and public utility associations, and postings to the web site.

Ecology will also post monthly web site updates of descriptions of projects, amounts awarded and progress on projects.

Describe any remaining opposition to the rule.

Public bodies will likely experience impacts from drought at various times throughout the course of the year as well as beyond the current declaration. We want to ensure that funds will be available during the full duration of potential impact. Balancing the immediate need with long term planning is critical.

To approve this rule adoption please:

1. Sign the attached Code Reviser Form CR-103E,
2. Add your signature to the attached router, and
3. Forward the package to Bari Schreiner, Agency Rules Coordinator, for filing.

Attachments (if appropriate):

- CR-103 Form
- Official OTS Rule Text
- SEPA documentation
- Citation List
- Rule Implementation Plan
- Draft Rule Adoption Notice
- Letter to Tribes

Emergency Drought Funding, WAC 173-167

Ecology adopted an emergency drought rule on July 10 for the entire state that describes how Ecology will allocate relief funding to qualifying public entities. Projects eligible for funding must alleviate hardships arising from current drought conditions. Eligible projects must alleviate hardship affecting public health and safety, economic and environmental impacts.

What is Chapter 173-167 WAC?

This emergency rule establishes a process the Department of Ecology will use to disburse funds appropriated for drought relief. The emergency rule establishes three general categories for funding: municipal water supply, agricultural activities and maintaining instream flows to protect fish and wildlife habitat.

Whom does this rule affect?

Applicants for drought emergency funding must be a public entity, as defined by WAC 173-167-030, which includes:

- Federal, state, or local agencies, political subdivisions, taxing districts, or municipal corporations thereof, and
- Indian tribes, recognized as such by the federal government for participation in the federal land and water conservation program, and which may constitutionally receive grants or loans from the state of Washington.

Qualifying entities must demonstrate undue hardship caused by drought. Funds are available for proposals that timely alleviate the impacts of drought. The rule provides further guidance on how the agency will make funding decisions.

More information For more information visit the Washington Drought 2015 web site. It is updated frequently with the latest drought information: <http://www.ecy.wa.gov/drought/index.html>

To get updates on Ecology's rule-making activities, sign-up for the WACTrack e-mail list at www.ecy.wa.gov/maillist.html.

WHY IT MATTERS MORE INFORMATION

The Department of Ecology will distribute emergency drought funding to qualifying entities (Federal, state, and local agencies, political subdivisions, taxing districts, municipal corporations, and Indian tribes) to alleviate hardships caused by drought conditions that affect water availability in Washington state.

Important dates:

Effective July 10, 2015
Expires November 7, 2015

Contact information:

Rebecca Inman, Emergency Drought Funding Coordinator
(360) 407-6450
Rebecca.inman@ecy.wa.gov

Special accommodations:

If you need this document in format for the visually impaired, call the Water Resources program at (360) 407-6872.

Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

Appeal procedures

This adoption can be appealed under procedures described in the Administrative Procedure Act (RCW 34.05.330). For more information about appealing this rule adoption, please contact Bari Schreiner, Agency Rules Coordinator, at (360) 407-6998 or bari.schreiner@ecy.wa.gov.

Citation List Instructions

- ADMIN, AQ, EAP, SPILLS, HWTR, NW, TCP, WR, W2R use the template on page 2.
- SEA and WQ must use the template on page 3.

If you have questions, contact Bari.Schreiner@ecy.wa.gov; 360-407-6998

Citation List

Chapter 173 – 167 WAC

Drought emergency 2015

AO # 15-05

This citation list contains references for data, factual information, studies, or reports on which the agency relied in the adoption for this rule making (RCW 34.05.370(f)).

1. Chapter 173-167 WAC Emergency Drought Funding. <http://www.ecy.wa.gov/laws-rules/archive/wac173167.html>
2. Chapter 173-166 WAC Emergency Drought Relief. <http://apps.leg.wa.gov/wac/default.aspx?cite=173-166>
3. 2005 Drought Response, Report to the Legislature. Publication Number 06-11-001, February 2006.
4. EHB 1115, section 3084, Laws of 2015, 3rd special session

Citation List Template For SEA and WQ programs only.

Instructions:

1. Include the Citation List as an appendix in your Concise Explanatory Statement (CES)
Under RCW 34.05.272(2)(c) citation list “must categorize the sources of information as belonging to one or more of the categories listed below.
2. Delete instructions before publishing in CES.

Appendix [enter letter]: Citation List [make this match the heading format in you CES]

Chapter [XXX] – [XXX] WAC

[Title]

AO # [XX] – [XX]

This citation list contains references for data, factual information, studies, or reports on which the agency relied in the adoption for this rule making (RCW 34.05.370(f)).

At the end of each citation is a number in brackets identifying which of the citation categories below the sources of information belongs. (RCW 34.05.272).

Citation Categories	
1	Peer review is overseen by an independent third party.
2	Review is by staff internal to Department of Ecology.
3	Review is by persons that are external to and selected by the Department of Ecology.
4	Documented open public review process that is not limited to invited organizations or individuals.
5	Federal and state statutes.
6	Court and hearings board decisions.
7	Federal and state administrative rules and regulations.
8	Policy and regulatory documents adopted by local governments.
9	Data from primary research, monitoring activities, or other sources, but that has not been incorporated as part of documents reviewed under other processes.
10	Records of best professional judgment of Department of Ecology employees or other individuals.
11	Sources of information that do not fit into one of the other categories listed.

1. Enter first citation here. [#]

2. Enter citation here. [#]

3. Enter additional citations if appropriate.



DEPARTMENT OF
ECOLOGY
State of Washington

Rule Implementation Plan

Emergency Drought Funding

Chapter 173-167 WAC

July 2015
Publication no. 15-11-009

Publication and Contact Information

This report is available on the Department of Ecology's website at
<https://fortress.wa.gov/ecy/publications/SummaryPages/1511009.html>

For more information contact:

Publications Coordinator
Water Resources Program
P.O. Box 47600
Olympia, WA 98504-7600

E-mail: Briana.Phillips@ecy.wa.gov
Phone: 360-407-6624

Washington State Department of Ecology - www.ecy.wa.gov

Headquarters, Olympia	360-407-6000
Northwest Regional Office, Bellevue	425-649-7000
Southwest Regional Office, Olympia	360-407-6300
Central Regional Office, Yakima	509-575-2490
Eastern Regional Office, Spokane	509-329-3400

Ecology publishes this document to meet the requirements of the Washington State Administrative Procedure Act (RCW 34.05.325)

If you need this document in a version for the visually impaired, call the Water Resources Program at 360 407-6624.

Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

Table of Contents

Purpose.....	1
Introduction.....	1
Implementation and enforcement	1
Informing and educating persons affected by the rule.....	1
Promoting and assisting voluntary compliance	2
Evaluating the rule	2
Training and informing Ecology staff.....	2
List of supporting documents that may need to be written or revised	2
More information	2
Contact information	3

~This page is intentionally left blank.~

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 July 10, 2015, Ecology adopted Chapter 173-167 WAC Emergency Drought Funding (AO # 15-05). Ecology is adopting this rule to establish criteria for disbursing funds appropriated by the Legislature for drought relief. Establishing these criteria will promote the development of projects that address hardship caused by drought and the implementation of these projects in a timely fashion.

The purpose of this rule implementation plan is to inform those who must comply with Chapter 173-167 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

This rule will be implemented by Ecology's Water Resources' Program Development and Operational Support staff and appropriate Regional Offices staff. Qualifying entities will apply for funding in a competitive application process. Ecology staff will make funding decisions based on the eligibility criteria and priorities listed in the rule.

This rule does not include enforcement measures.

Informing and Educating Persons Affected by the Rule

Upon rule adoption there will be a news release to the media, social media posts (Twitter and Facebook), Listserv notifications (Drought list and Water Resources list, Water Resources

Advisory Committee list), notification of city and public utility associations, and postings to the web site.

Ecology will also post monthly web site updates of descriptions of projects, amounts awarded and progress on projects.

A webinar on the emergency drought funding program will be made available via the agency web site. Ecology has produced focus sheets and step-by-step instructions on applying and competing for a grant. Staff will also be available to provide technical assistance for applicants throughout the application for development and implementation of their grant project.

Promoting and Assisting Voluntary Compliance

This rule does not create a compliance obligation for the regulated public. Those that wish to apply for funding through the Emergency Drought Grant Program are required to meet eligibility requirements set in rule. The rule, the grant web site, the application, and the instructions provide additional guidance on how proposals will be evaluated, supporting applicants in developing sound proposals.

Ecology and local partners will promote voluntary water conservation using methods and messaging that have worked well in the past.

Evaluating the Rule

Public bodies will likely experience impacts from drought at various times throughout the current drought declaration. We want to ensure that funds will be available when a need arises. Balancing the immediate need with long term planning is critical. In balancing these interests, it is essential that projects are chosen based on their effectiveness to alleviate hardship and will be implemented in a timely fashion. Fulfilling these criteria will in turn help us determine effectiveness of rule implementation.

Training and Informing Agency Staff

Ecology will use staff meetings, agency web site and e-mail to train and inform agency staff about the drought emergency grant program. The agency drought funding coordinator and regional representatives will collaborate to implement the rule.

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

All documents related to this grant program have been updated.

More Information

For more information: <http://www.ecy.wa.gov/drought/index.html>

Contact Information

Headquarters

Rebecca Inman 360.407.6450 rebecca.inman@ecy.wa.gov
PO Box 47600, Olympia, WA 98504-7600

Southwest Regional Office

Mike Gallagher 360.407.6058 mike.gallagher@ecy.wa.gov
PO Box 47775, Olympia, WA 98504-7775

Central Regional Office

Sage Park 509.454.7647 sage.park@ecy.wa.gov
1250 West Alder Street, Union Gap, WA 98903-0009

Eastern Regional Office

Keith Stoffel 509.329.3464 keith.stoffel@ecy.wa.gov
4601 N Monroe, Spokane, WA 99205-1295

Northwest Regional Office

Tom Buroker 425.649.7270 thbu461@ecy.wa.gov
3190 160th Ave SE, Bellevue, WA 98008-5452



IAA No.

INTERAGENCY AGREEMENT (IAA)

BETWEEN

THE STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY

AND

THE STATE OF WASHINGTON DEPARTMENT OF FISH AND WILDLIFE

THIS INTERAGENCY AGREEMENT ("Agreement" or "IAA") is made and entered into by and between the state of Washington, Department of Ecology, hereinafter referred to as "ECOLOGY," and the the state of Washington Department of Fish and Wildlife hereinafter referred to as the "RECIPIENT," pursuant to the authority granted by Chapter 39.34 RCW.

THE PURPOSE OF THIS AGREEMENT is to provide emergency drought funding to the RECIPIENT in order to respond to the statewide drought declaration of May 15, 2015. The water shortage and low-flow conditions statewide severely impacting fish and wildlife species.

WHEREAS, *a statewide drought declaration was signed by the Governor on May 15, 2015;*

WHEREAS, *funding for drought response was not availble to Ecology until the State Capital Budget was signed by the Governor;*

WHEREAS, *an enacted State Capital Budget was not signed and effective until July 10, 2015;*

THEREFORE, IT IS MUTUALLY AGREED THAT:

1) STATEMENT OF WORK

RECIPIENT shall furnish the necessary personnel, equipment, material and/or service(s) and otherwise do all things necessary for or incidental to the performance of the work set forth in Appendix A, attached hereto and incorporated herein.

2) PERIOD OF PERFORMANCE

Subject to its other provisions, the period of performance of this IAA shall commence on **July 1, 2015**, or date of final signature, whichever comes later, and be completed by **June 30, 2016**, unless terminated sooner as provided herein. Amendments extending the period of performance, if any, shall be at the sole discretion of ECOLOGY.

3) COMPENSATION

Compensation for the work provided in accordance with this IAA has been established under the terms of RCW 39.34.130, and in accordance with Governor's Executive Order 10-07 and RCW 39.26.180(3). This is a performance-based contract, in which payment is based on the successful completion of expected deliverables. The parties have determined that the cost of accomplishing the work herein will not exceed \$XXXXX. Payment for satisfactory performance of the work shall not exceed this amount unless the parties mutually agree to a higher amount. Compensation for services shall be based on the terms set forth in accordance with the tasks listed in Appendix A, Statement of Work and Budget, which is attached hereto and incorporated herein. ECOLOGY will not make payment until it has reviewed and accepted the completed work.

4) BILLING PROCEDURE

RECIPIENT shall submit state form, Invoice Voucher A19-1A for payment requests. Payment will be made within thirty (30) days of a properly completed invoice, form A19-1A, with supportive documentation. Each invoice shall reference this Agreement (IAA) number and clearly identify the items related to performance under this Agreement. All expenses invoiced shall be supported with copies of invoices paid. Upon expiration of this Agreement, any claim for payment not already made shall be submitted within 30 days after the expiration date or the end of the fiscal year, whichever is earlier.

Invoices are to be sent to:

Department of Ecology Attn: Jim Skalski P.O. Box 47600 Olympia, WA 98504-7600
--

Invoices may be submitted on a monthly basis or at the completion of the work.

Payment for approved and completed work will be issued through Washington State's Department of Enterprise Services Statewide Payee Desk. To receive payment you must be registered as a state-wide vendor. To register submit a state-wide vendor registration form and an IRS W-9 form at website, <http://www.des.wa.gov/services/ContractingPurchasing/Business/VendorPay/Pages/default.aspx>. If you have questions about the vendor registration process you can contact DES at the Payee Help Desk at (360) 407-8180 or email payeehelpdesk@des.wa.gov.

5) ALTERATIONS AND AMENDMENTS

This Agreement may be amended by mutual agreement of the parties. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the parties.

6) SUBCONTRACTORS

RECIPIENT agrees to take complete responsibility for all actions of any Subcontractor used under this Agreement for the performance. When federal funding is involved there will be additional subcontractor requirements and reporting.

RECIPIENT shall identify subcontractor(s) who will perform services in fulfillment of Agreement requirements, including their name, the nature of services to be performed, address, telephone, WA State Department of Revenue Registration Tax number (UBI), federal tax identification number (TIN), and anticipated dollar value of each subcontract.

7) ASSIGNMENT

The work to be provided under this Agreement, and any claim arising thereunder, is not assignable or delegable by either party in whole or in part, without the express prior written consent of the other party, which consent shall not be unreasonably withheld.

8) DISPUTES

Parties to this Agreement shall employ every effort to resolve a dispute themselves without resorting to litigation. In the event that a dispute arises under this Agreement that cannot be resolved among the parties, it shall be determined by a Dispute Board in the following manner. Each party to this Agreement shall appoint one member to the Dispute Board. The members so appointed shall jointly appoint an additional member to the Dispute Board. The Dispute Board shall review the facts, agreement terms, and applicable statutes and rules, and then make a determination of the dispute. The determination of the Dispute Board shall be final and binding on the parties hereto, unless restricted by law. The cost of resolution will be borne by each party paying its own cost. As an alternative to this process, if state agencies, either of the parties may request intervention by the Governor, as provided by RCW 43.17.330, in which event the Governor's process will control. The parties may mutually agree to a different dispute resolution process.

9) FUNDING AVAILABILITY

ECOLOGY's ability to make payments is contingent on availability of funding. In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date and prior to completion or expiration date of this Agreement, ECOLOGY, at its sole discretion, may elect to terminate the agreement, in whole or part, for convenience or to renegotiate the agreement subject to new funding limitations and conditions. ECOLOGY may also elect to suspend performance of the agreement until ECOLOGY determines the funding insufficiency is resolved. ECOLOGY may exercise any of these options with no notification restrictions.

10) GOVERNING LAW AND VENUE

This Agreement is entered into pursuant to and under the authority granted by the laws of the state of Washington and any applicable federal laws. The provisions of this Agreement shall be construed to conform to those laws. This Agreement shall be construed and interpreted in accordance with the laws of the state of Washington, and the venue of any action brought hereunder shall be in the Superior Court for Thurston County.

11) INDEPENDENT CAPACITY

The employees or agents of each party who are engaged in the performance of this Agreement shall continue to be employees or agents of that party and shall not be considered for any purpose to be employees or agents of the other party.

12) ORDER OF PRECEDENCE

In the event of an inconsistency in the terms of this Agreement, or between its terms and any applicable statute or rule, the inconsistency shall be resolved by giving precedence in the following order:

- a. Applicable federal and state of Washington statutes, regulations, and rules.
- b. Mutually agreed written amendments to this Agreement.
- c. This Agreement.
- d. Statement of Work and Budget.
- e. Any other provisions of this Agreement, including materials incorporated by reference.

13) RECORDS MAINTENANCE

The parties to this Agreement shall each maintain books, records, documents and other evidence that sufficiently and properly reflect all direct and indirect costs expended by either party in the performance of the service(s) described herein. These records shall be subject to inspection, review or audit by personnel of both parties, other personnel duly authorized by either party, the Office of the State Auditor, and federal officials so authorized by law. All books, records, documents, and other material relevant to this Agreement will be retained for six years after expiration and the Office of the State Auditor, federal auditors, and any persons duly authorized by the parties shall have full access and the right to examine any of these materials during this period.

Records and other documents, in any medium, furnished by one party to this Agreement to the other party, will remain the property of the furnishing party, unless otherwise agreed. The receiving party will not disclose or make available this material to any third parties without first giving notice to the furnishing party and giving it a reasonable opportunity to respond. Each party will utilize reasonable security procedures and protections to assure that records and documents provided by the other party are not erroneously disclosed to third parties.

14) RIGHTS IN DATA

Unless otherwise provided, data which originates from this Agreement shall be "works for hire" as defined by the U.S. Copyright Act of 1976 and shall be owned by ECOLOGY. Data shall include, but not be limited to, reports, documents, pamphlets, advertisements, books magazines, surveys, studies, computer programs, films, tapes, and/or sound reproductions. Ownership includes the right to copyright, patent, register, and the ability to transfer these rights.

15) SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this agreement, and to this end the provisions of this Agreement are declared to be severable.

16) TERMINATION FOR CAUSE

If for any cause, either party does not fulfill in a timely and proper manner its obligations under this Agreement, or if either party violates any of these terms and conditions, the aggrieved party will give the other party written notice of such failure or violation. The responsible party will be given the opportunity to correct the violation or failure within 15 working days. If failure or violation is not corrected, this Agreement may be terminated immediately by written notice of the aggrieved party to the other.

17) TERMINATION FOR CONVENIENCE

Either party may terminate this Agreement upon thirty (30) days' prior written notification to the other party. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

18) ASSURANCES

Parties to this Agreement agree that all activity pursuant to this contract will be in accordance with all the applicable current federal, state and local laws, rules, and regulations.

19) CONFORMANCE

If any provision of this contract violates any statute or rule of law of the state of Washington, it is considered modified to conform to that statute or rule of law.

20) WAIVER

A failure by either party to exercise its rights under this Agreement shall not preclude that party from subsequent exercise of such rights and shall not constitute a waiver of any other rights under this Agreement unless stated to be such in a writing signed by an authorized representative of the party and attached to the original Agreement.

21) AGREEMENT MANAGEMENT

The representative for each of the parties shall be responsible for and shall be the contact person for all communications and billings regarding the performance of this Agreement.

The ECOLOGY Representative is:	The RECIPIENT Representative is:
Name: Dave Christensen Address: P.O. BOX 47600 Olympia, WA 98504 Phone: 360-407-6647 Email: davc461@ecy.wa.gov	Name: Address: Phone: Email:

22) ALL WRITINGS CONTAINED HEREIN

This Agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.

The signatories to this Agreement represent that they have the authority to bind their respective organizations to this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement.

State of Washington
Department of Ecology
By

State of Washington
Department of Fish & Wildlife
By

Signature Date

Signature Date

Tom Loranger

Print Name:

Water Resources Program Manager

Title:

Approved as to form:
Attorney General's Office

APPENDIX A STATEMENT OF WORK

Ecology will provide up to \$XXX to Washington Department of Fish and Wildlife (WDFW) for the period July 1, 2015 through June 30, 2016 to support emergency-drought-related activities.

Task 1: Drought Response Coordination

WDFW will execute a coordinated approach to both internal and external actions and activities relating to evaluation, planning, development, and implementation of WDFW's statewide emergency drought response, including:

- Coordinate internally within WDFW to ensure cross-program and cross-region drought responses are executed in a synchronized manner;
- Interagency coordination, liaison, and meetings; including with the Department of Ecology, the Governor's Office and other state, federal, and tribal agencies, as required.
- Manage drought contracts and funds;
- Develop WDFW drought impact remediation programs and projects for 2015;
- Coordinate prioritization and implementation of projects;
- Work with Ecology and/or local entities to achieve improvements to stream flows for the 2015 season;
- Prepare materials and messages for outreach on drought impacts to fish and wildlife;
- Prepare reports on WDFW drought-related activities, as requested and required.

Task 2: WDFW Hatcheries Drought Preparations & Responses

WDFW staff and partners will implement activities to respond to drought conditions at WDFW hatchery facilities, such as:

- Purchase and apply medications and other treatments to protect fish from or help fish overcome diseases experienced at higher water temperatures;
- Extra effort, supplies, and labor involved in relocating fish among facilities in order to reduce drought-related stress;
- Develop and implement emergency modifications of existing water supply structures or operations to support fish rearing, provide for fish passage (into and out of the hatchery and around diversion structures), and/or provide for attraction, collection, and holding of returning adults;
- Purchase devices and monitor dissolved oxygen in hatchery facilities;

- Purchase and operate aerators, recirculation pumps, or other approaches to distribute supplemental water supply, to maintain oxygen levels, re-use water, or manage water temperature;
- Pay additional energy costs associated with increased reliance on pumps and aeration equipment;
- Provide supplemental water supplies and the infrastructure to deliver those supplies;
- Modify fish return structures at some hatcheries, or implement trap-and-haul operations to facilitate passage and collection of adult fish for broodstock;
- Increase enforcement activities necessary to protect fish that are delayed from migrating and may be concentrated in low-flow and high-water-temperature areas or otherwise vulnerable to harassment and/or illegal harvest.

Task 3 – WDFW Lands and Water Access Drought Responses

Implement drought responses on agency-owned and/or agency-managed lands, such as:

- Review and prepare water right change applications that facilitate use of agency water rights to contribute to stream flows;
- Actions to maintain public water access or safety during low drought flows or water levels (e.g., extension of boat ramps, safety signage);
- Land management actions such as those necessary to implement fire and other safety restrictions or closures;
- Wildlife crop predation mitigation actions (e.g., hazing, supplemental feeding) and to compensate for crop losses related to drought-deprived wildlife;
- Winter wildlife feeding programs made necessary by drought-caused lack of forage.

Task 4: Drought Response Technical Assistance – Fish Salvage & Habitat Actions

WDFW staff and partners may implement habitat-related drought responses, such as:

- Participate in emergency drought-related decisions about flow releases and other water management provisions pursuant to FERC licenses, HCPs, water purveyor operations, and settlement agreements;
- Identify water leases, acquisitions, pulse flows, or source exchanges to provide adequate flows and reduced temperatures in critical streams;
- Assess, develop and implement emergency fish salvage projects (channel modifications for upstream and downstream passage of juvenile and adult salmon and other fish, trap-and-haul projects to move fish around blockages, fish relocation, etc.);

- Salvage stranded salmonids and other fish due to low flow in streams and side channels, and at fishways and water diversion structures;
- Prepare and issue hydraulic project approvals on an emergency basis for drought-funding-related water supply, fish protection, or WDFW facility projects;
- Reconnaissance and remediation work necessary to address illegal hydraulic activities, including recreational dams that impede fish migration. Work can include monitoring streams for presence of recreational rock dams and remove or modify those structures to allow for fish movements.

Task 5 – External assistance for drought response

WDFW might need to contract with external partners or entities in order to receive assistance in implementing elements and activities falling under Tasks 1 through 4. Examples of

- Reconnaissance and remediation work necessary to address recreational dams that impede fish migration. Work can include monitoring streams for presence of recreational rock dams and remove or modify those structures to allow for fish movements;
- Water temperature and fish presence monitoring;
- Assistance implementing fish salvage activities;
- Vegetation removal;
- Emergency Response communications center;
- Targeted outreach on drought-impacts and remediation;
- Other new work to remediate previously-unanticipated drought effects.

Task 6 – Contingency

WDFW may need additional funding for tasks 1 through 5 as the ability to specifically estimate costs during emergency operations requires flexibility.

- Other new work to remediate previously-unanticipated drought effects.

Deliverables

WDFW will provide weekly reports via conference call to Ecology Drought Coordinator Jeff Marti regarding progress on WDFW's drought response, and a final report summarizing drought preparations, response, and lessons learned.

Budget

Between July 1, 2015 and June 30, 2016, WDFW anticipates expenditures as shown in Table 1.

Changes in expenditures among tasks may occur as necessary to respond to emergent needs and priority changes during the period through June 30, 2016.

Table 1 – WDFW Anticipated 2015 Drought Expenditures

Task	Cost Category	Direct	Indirect -exempt	Indirect	Total
Task 1	Coordination	\$75,000	\$0	\$21,908	\$96,908
	Drought "Let 'em Pass" signs	\$1,000	\$0	\$292	\$1,292
	Water right transfer assistance	\$20,000	\$0	\$5,842	\$25,842
Task 2	Hatchery impacts	\$856,100	\$389,500	\$136,294	\$992,394
Task 3	Maintain water access	\$80,000	\$80,000	\$0	\$80,000
	Drought hazard signs	\$1,000	\$0	\$292	\$1,292
Task 4	Fish Salvage	\$50,000	\$0	\$14,605	\$64,605
Task 5	Additional contracted assistance	\$400,000	\$0	\$58,420	\$258,420
Task 6	Contingency	175,000			
	Totals	\$1,283,100		\$237,653	\$1,520,753

Note: Cost categories are provided for comparison to February 2015 estimates only, and are not intended to represent separate tasks or allotments.

* All figures include indirect at the current WDFW rate of .2921. Changes in costs attributable to changes in WDFW's indirect rate will necessitate an amendment to this agreement.



IAA No.

INTERAGENCY AGREEMENT (IAA)

BETWEEN

THE STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY

AND

WASHINGTON STATE CONSERVATION COMMISSION

THIS INTERAGENCY AGREEMENT ("Agreement" or "IAA") is made and entered into by and between the state of Washington, Department of Ecology, hereinafter referred to as "ECOLOGY," and the Washington State Conservation Commission hereinafter referred to as the "COMMISSION," pursuant to the authority granted by Chapter 39.34 RCW.

THE PURPOSE OF THIS AGREEMENT is to provide the COMMISSION with funds from ECOLOGY to mitigate hardship due to the drought.

THEREFORE, IT IS MUTUALLY AGREED THAT:

1) STATEMENT OF WORK

COMMISSION shall furnish the necessary personnel, equipment, material and/or service(s) and otherwise do all things necessary for or incidental to the performance of the work set forth in Appendix A, attached hereto and incorporated herein.

2) PERIOD OF PERFORMANCE

Subject to its other provisions, the period of performance of this IAA shall commence on **July 1, 2015**, or date of final signature, whichever comes later, and be completed by **December 31, 2015**, unless terminated sooner as provided herein. Amendments extending the period of performance, if any, shall be at the sole discretion of ECOLOGY.

3) COMPENSATION

Compensation for the work provided in accordance with this IAA has been established under the terms of RCW 39.34.130, and in accordance with Governor's Executive Order 10-07 and RCW 39.26.180(3). This is a performance-based contract, in which payment is based on the successful completion of expected deliverables. The parties have determined that the cost of accomplishing the work herein will not exceed \$51,350.00. Payment for satisfactory performance of the work shall not exceed this amount unless the parties mutually agree to a higher amount. Compensation for services shall be based on the terms set forth in accordance with the tasks listed in Appendix A, Statement of Work and Budget, which is attached hereto and

incorporated herein. ECOLOGY will not make payment until it has reviewed and accepted the completed work.

4) BILLING PROCEDURE

COMMISSION shall submit state form, Invoice Voucher A19-1A for payment requests. Payment will be made within thirty (30) days of a properly completed invoice, form A19-1A, with supportive documentation. Each invoice shall reference this Agreement (IAA) number and clearly identify the items related to performance under this Agreement. All expenses invoiced shall be supported with copies of invoices paid. Upon expiration of this Agreement, any claim for payment not already made shall be submitted within 30 days after the expiration date or the end of the fiscal year, whichever is earlier.

Invoices are to be sent to:

State of Washington Department of Ecology Attn: Rose Bennett P.O. Box 47600 Olympia, WA 98504-7600
--

Invoices may be submitted on a monthly basis or at the completion of the work.

Payment for approved and completed work will be issued through Washington State's Department of Enterprise Services Statewide Payee Desk. To receive payment you must be registered as a state-wide vendor. To register submit a state-wide vendor registration form and an IRS W-9 form at website, <http://www.des.wa.gov/services/ContractingPurchasing/Business/VendorPay/Pages/default.aspx>. If you have questions about the vendor registration process you can contact DES at the Payee Help Desk at (360) 407-8180 or email payeehelpdesk@des.wa.gov.

5) ALTERATIONS AND AMENDMENTS

This Agreement may be amended by mutual agreement of the parties. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the parties.

6) SUBCONTRACTORS

COMMISSION agrees to take complete responsibility for all actions of any Subcontractor used under this Agreement for the performance. When federal funding is involved there will be additional subcontractor requirements and reporting.

Prior to performance, COMMISSION shall identify subcontractor(s) who will perform services in fulfillment of Agreement requirements, including their name, the nature of services to be performed, address, telephone, WA State Department of Revenue Registration Tax number (UBI), federal tax identification number (TIN), and anticipated dollar value of each subcontract.

7) ASSIGNMENT

The work to be provided under this Agreement, and any claim arising thereunder, is not assignable or delegable by either party in whole or in part, without the express prior written consent of the other party, which consent shall not be unreasonably withheld.

8) DISPUTES

Parties to this Agreement shall employ every effort to resolve a dispute themselves without resorting to litigation. In the event that a dispute arises under this Agreement that cannot be resolved among the parties, it shall be determined by a Dispute Board in the following manner. Each party to this Agreement shall appoint one member to the Dispute Board. The members so appointed shall jointly appoint an additional member to the Dispute Board. The Dispute Board shall review the facts, agreement terms, and applicable statutes and rules, and then make a determination of the dispute. The determination of the Dispute Board shall be final and binding on the parties hereto, unless restricted by law. The cost of resolution will be borne by each party paying its own cost. As an alternative to this process, if state agencies, either of the parties may request intervention by the Governor, as provided by RCW 43.17.330, in which event the Governor's process will control. The parties may mutually agree to a different dispute resolution process.

9) FUNDING AVAILABILITY

ECOLOGY's ability to make payments is contingent on availability of funding. In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date and prior to completion or expiration date of this Agreement, ECOLOGY, at its sole discretion, may elect to terminate the agreement, in whole or part, for convenience or to renegotiate the agreement subject to new funding limitations and conditions. ECOLOGY may also elect to suspend performance of the agreement until ECOLOGY determines the funding insufficiency is resolved. ECOLOGY may exercise any of these options with no notification restrictions.

10) GOVERNING LAW AND VENUE

This Agreement is entered into pursuant to and under the authority granted by the laws of the state of Washington and any applicable federal laws. The provisions of this Agreement shall be construed to conform to those laws. This Agreement shall be construed and interpreted in accordance with the laws of the state of Washington, and the venue of any action brought hereunder shall be in the Superior Court for Thurston County.

11) INDEPENDENT CAPACITY

The employees or agents of each party who are engaged in the performance of this Agreement shall continue to be employees or agents of that party and shall not be considered for any purpose to be employees or agents of the other party.

12) ORDER OF PRECEDENCE

In the event of an inconsistency in the terms of this Agreement, or between its terms and any applicable statute or rule, the inconsistency shall be resolved by giving precedence in the following order:

- a. Applicable federal and state of Washington statutes, regulations, and rules.
- b. Mutually agreed written amendments to this Agreement.
- c. This Agreement.
- d. Statement of Work and Budget.
- e. Any other provisions of this Agreement, including materials incorporated by reference.

13) RECORDS MAINTENANCE

The parties to this Agreement shall each maintain books, records, documents and other evidence that sufficiently and properly reflect all direct and indirect costs expended by either party in the performance of the service(s) described herein. These records shall be subject to inspection, review or audit by personnel of both parties, other personnel duly authorized by either party, the Office of the State Auditor, and federal officials so

authorized by law. All books, records, documents, and other material relevant to this Agreement will be retained for six years after expiration and the Office of the State Auditor, federal auditors, and any persons duly authorized by the parties shall have full access and the right to examine any of these materials during this period.

Records and other documents, in any medium, furnished by one party to this Agreement to the other party, will remain the property of the furnishing party, unless otherwise agreed. The receiving party will not disclose or make available this material to any third parties without first giving notice to the furnishing party and giving it a reasonable opportunity to respond. Each party will utilize reasonable security procedures and protections to assure that records and documents provided by the other party are not erroneously disclosed to third parties.

14) RIGHTS IN DATA

Unless otherwise provided, data which originates from this Agreement shall be "works for hire" as defined by the U.S. Copyright Act of 1976 and shall be owned equally. Data shall include, but not be limited to, reports, documents, pamphlets, advertisements, books magazines, surveys, studies, computer programs, films, tapes, and/or sound reproductions. Ownership includes the right to copyright, patent, register, and the ability to transfer these rights.

15) SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this agreement, and to this end the provisions of this Agreement are declared to be severable.

16) TERMINATION FOR CAUSE

If for any cause, either party does not fulfill in a timely and proper manner its obligations under this Agreement, or if either party violates any of these terms and conditions, the aggrieved party will give the other party written notice of such failure or violation. The responsible party will be given the opportunity to correct the violation or failure within 15 working days. If failure or violation is not corrected, this Agreement may be terminated immediately by written notice of the aggrieved party to the other.

17) TERMINATION FOR CONVENIENCE

Either party may terminate this Agreement upon thirty (30) days' prior written notification to the other party. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

18) ASSURANCES

Parties to this Agreement agree that all activity pursuant to this contract will be in accordance with all the applicable current federal, state and local laws, rules, and regulations.

19) CONFORMANCE

If any provision of this contract violates any statute or rule of law of the state of Washington, it is considered modified to conform to that statute or rule of law.

20) WAIVER

A failure by either party to exercise its rights under this Agreement shall not preclude that party from subsequent exercise of such rights and shall not constitute a waiver of any other rights under this Agreement unless stated to be such in a writing signed by an authorized representative of the party and attached to the original Agreement.

21) AGREEMENT MANAGEMENT

The representative for each of the parties shall be responsible for and shall be the contact person for all communications and billings regarding the performance of this Agreement.

The ECOLOGY Representative is:	The COMMISSION Representative is:
Name: Jim Skalski Address: PO Box 47600 Olympia, WA 98504-7600 Phone: (360) 407-6617 Email: jim.skalski@ecy.wa.gov	Name: Jon Culp Address: 921 Murray Street Okanogan, WA 98840 Phone: (509) 385-7509 Email: jculp@scc.wa.gov

22) ALL WRITINGS CONTAINED HEREIN

This Agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.

The signatories to this Agreement represent that they have the authority to bind their respective organizations to this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement.

State of Washington
Department of Ecology
By

State of Washington
(Agency Name)
By

Signature Date

Signature Date

Print Name:

Print Name:

Title:

Title:

Approved as to form:
Attorney General's Office

APPENDIX A

STATEMENT OF WORK

ECOLOGY will provide funds to the CONSERVATION COMMISSION for Drought Technical Assistance to conservation districts. Funding for the grant program will consist of;

1. Funds for the CONSERVATION COMMISSION for administering the grant program.
2. Technical assistance to qualified conservation districts. The grants will be awarded based on demonstrated need and environmental benefit criteria as coordinated with the Washington Department of Fish and Wildlife.

BUDGET

Contract Object	Total
Technical Assistance	\$ 44,652
Contract Administration	\$ 6,698
Total	\$ 51,350

INVOICE IDENTIFICATION & INFORMATION

Each invoice voucher submitted to ECOLOGY by the CONSERVATION COMMISSION will clearly reference ECOLOGY Contract Number #_____.

DROUGHT RELIEF GRANT APPLICATION

Application Number						
D2015						
Date						

The information provided in this application will be used to determine general eligibility for funding from the Drought Relief Program, and the priority or ranking of the proposal amongst other competing proposals.

Separate application must be made for any needed emergency drought authorization. Before final approval of grant funding, the applicant must submit copies of all required permits and other authorizations needed for the proposal to Ecology for our review.

1. APPLICANT NAME (PUBLIC BODY) AND ADDRESS

(a) Authority (State Law) _____

(b) Date Organized _____

2. CONTACT PERSON, TITLE, ADDRESS, EMAIL, AND PHONE NUMBER

3. PROJECT(S) DESCRIPTION

Provide a description of the proposed project(s) and a detailed scope of work. Attach additional sheet(s) if necessary. Attach a map (U.S.G.S. Quad or comparable) showing the geographic location of the proposed project(s).

4. DESCRIPTION OF NEED

Describe what would occur without the benefit of the proposed project(s), including: the nature of the actual hardship, both short-term and long-term impacts, the expected loss of normal water supply by percentage, and the estimated potential financial losses. Explain why these circumstances constitute a water supply emergency resulting from natural-caused drought conditions, rather than a pre-existing condition during a normal water year.

5. EXPECTED OUTCOME(S)

Describe how the projects would reduce or avoid harm or hardships and any measures planned to assure the capability and reliability of the proposed project(s) to provide an emergency water supply to the applicant.

6. WATER SHORTAGE RESPONSE ACTIONS ALREADY TAKEN

Describe the measures taken by the applicant to plan for or mitigate the effects of drought (e.g., conservation, irrigation efficiency measures, leakage, elimination of non-essential uses).

7. WATER RIGHTS

- (a) Describe whether you have or will be submitting an application for an emergency drought authorization and or have other pending water right applications

- (b) List the applicant's legal water rights to divert or withdraw water for use on land within the applicant's legal boundaries, and attach copies.

8. INTERGOVERNMENTAL COORDINATION

Provide a summary of how the applicant has and/or will consult with affected agencies and/or Indian Tribes prior to and during implementation of the proposed project(s). Include a list of the affected agencies and Indian Tribes and a summary of impacts/approvals if known. (Attach an additional sheet if necessary.)

9. PROJECT(S) SCHEDULE/DURATION

- (a) When do you expect to have all the required permitting, approvals, and funding?

- (b) Approximately how long will the proposed project(s) take to complete?

- (c) Expected project(s) schedule, including start date, completion date, and significant intermediary steps:

10. PROJECT COMPONENTS

Check appropriate box or boxes and complete estimated cost for proposed activities under this grant.

- (a) ☐ Engineering design and report \$ _____
- (b) ☐ Project(s) plans and specifications \$ _____
- (c) ☐ Purchase of land, rights-of-way, easements \$ _____
- (d) ☐ Construction \$ _____
- (e) ☐ Construction engineering \$ _____
- (f) ☐ Education and outreach \$ _____
- (g) Other \$ _____

11. FUND SOURCES

- (a) Total estimated project(s) cost
- (b) Total estimated eligible project(s) cost
- (c) Ecology grant share
- (d) Match fund source(s): (specify)

☐ Applicant may be exempt under WAC 173-167-040(3) from the fund match requirement

Estimated total project cost

100 % \$ _____
____ % \$ _____
____ % \$ _____
____ % \$ _____
____ % \$ _____
____ % \$ _____
____ % \$ _____

Estimated eligible project cost

100 % \$ _____
____ % \$ _____
____ % \$ _____
____ % \$ _____
____ % \$ _____
____ % \$ _____
____ % \$ _____

12. CERTIFICATION

I certify to the best of my knowledge that the information in this application is true, complete, and correct and that I am legally authorized to sign and submit this information on behalf of the applicant.

PRINTED NAME

SIGNATURE

TITLE

DATE

13. Send original, including attached sheets, maps, copies of water rights, and other supporting documents, to:

**Department of Ecology
Water Resources Program
PO Box 47600
Olympia, WA 98504-7600
ATTN: Rebecca Inman**

If you require this document in an alternate format, please contact the Water Resources Program at (360) 407-6600 or TTY (for the speech or hearing impaired) at 711 or 1-800-833-6388.

Instructions

General Instructions

Applicants are encouraged to submit applications for grant funding as *early as possible*, once a proposal is identified that would reduce or avoid hardships that would otherwise result from the current drought emergency. Take care to *provide accurate and complete answers* to each question in the application, to the best of your ability. Incomplete applications will be returned.

The answers supplied in this application will be used to determine:

- The eligibility of the applicant and the proposal for funding under the Drought Relief Grant Program.
- The priority and ranking of the proposal in regard to competing proposals.

Once a proposal is selected for potential funding, further information and clarification may be requested.

Questions

1. Applicants must be public bodies, as defined in WAC 173-167-030. Provide the name and mailing address of the public body that is applying for funding. Identify the type of organization (if, not evident from the name), the date of formation, and the authority it was organized under.

Examples:

City or Town	RCW 35.02
Irrigation District	RCW 87.03
Public Utility District	RCW 54.08
Utility Local Improvement Dist	RCW 88.32
Water – Sewer District	RCW 57.04

2. Provide the name and contact information for the applicant's representative for questions or actions related to the grant application.
3. Describe the proposal as completely as possible, including the specifics from questions 9 (timeline) and 10 (project components). Attach an area map that shows the project site location. If available, also provide the layout of the proposal.
4. Describe how the drought has or is expected to harm or cause hardship for the applicant and its constituents:
 - What portion (percentage) of the normal water supply is not available?
 - What is the potential impact that will be reduced or avoided by the proposal?
 - Are the potential losses short-term (loss of an annual crop, bottled water deliveries necessary), or long-term (loss of mature fruit trees, permanent damage to diversion or delivery systems, loss of breeding stock)?
 - If possible, provide an estimate of the potential financial loss to the applicant and their constituents should the impacts of the drought go unabated.
 - Explain why these circumstances are drought related, rather than an ongoing problem during normal water years.

5. Describe how the proposal would reduce or avoid the harm or hardships described in 4 (above). Include information on factors that ensure the capability and reliability of the proposal to alleviate the impacts of the drought. (Examples include: Adaptive management plan, contingencies, consultation with experts in the field, staff expertise, maintenance plan, etc.)
6. Describe any other measures taken by the applicant to reduce or eliminate drought impacts *beyond* the scope of the current proposal, such as drought planning, tiered utility rates, programs that promote or enforce conservation, piping ditches, repairing or replacing leaking piping, irrigation efficiency measures.
7. Emergency drought authorizations grant temporary access to alternative water supplies when drought has reduced supplies available under existing legal water rights. Ecology processes these requests within a short time-frame, but may only grant authorization if other existing rights will not be impaired. When approved, the emergency water right expires at the conclusion of the declared emergency and a new application must be filed to renew the use even in subsequent drought emergencies.
8. Affected agencies include those with permitting, funding, or other jurisdictional approval. Affected tribes may not be restricted to those having a local reservation. The [Federally Recognized Tribes of Washington State map](#) can help you determine which tribes to contact.
9. Emergency drought relief projects funded under this grant program must be given expedited permit processing (two weeks). Priority is given to those projects that provide the most benefit during the current declared drought. The proposal must be completed before January 1, 2016 when the current drought emergency declaration expires.
10. Enter the estimated costs associated with each activity that is necessary to complete your proposal. Do not include the costs of activities that are already complete.
11. Use the responses in #10 above to determine the total estimated project cost. Refer to the “[Yellow Book](#)” for guidance on “eligible project costs.” WAC 173-167-040 (3) exempts drinking water suppliers that serve a population under 25,000, where the mean household income is less than 80 percent of the state average. Contact Rebecca Inman at (360) 407-6450 if you have questions on how to verify eligibility for the exemption.
12. An authorized representative of the applicant must sign the application indicating that the information provided is true, complete, and correct.
13. Send the original signed application and supporting documents to:

Dept of Ecology
Water Resources Program
PO BOX 47600
Olympia WA 98504
Attn: Rebecca Inman

If you have questions or any problems completing this application, please contact Rebecca Inman at (306) 407-6450 or Rebecca.Inman@ecy.wa.gov.