



As required by the Washington State Administrative Act, RCW 34.05.

IMPLEMENTATION PLAN FOR THE ADOPTION OF
Chapter 173-517 WAC, *Water Resources Management Program for the
Quilcene-Snow Water Resources Inventory Area*

11/14/09

Publication Number: 09-11-031

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IMPLEMENTATION PLAN FOR THE ADOPTION OF
CHAPTER 173-517 WAC, Water Resources Management Program for the Quilcene-
Snow Water Resources inventory Area (WRIA 17)

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Implementation Plan for Chapter 173-517 WAC, Water Resources Management Program for the Quilcene-Snow Water Resources inventory Area (WRIA 17)

1. Please describe how the Agency intends to implement and enforce the rule. Please include a description of the resources the Agency intends to use.

Implementation strategies will consist of:

- Education and outreach (see following section)
- Technical assistance
- Permitting
- Compliance and enforcement
- Data collection and management

Technical Assistance

Existing Ecology Southwest Regional Office (SWRO) staff will provide technical assistance for state and local agencies, and those affected by the rule. One existing regional staff member will assist with permitting issues, including changes and transfers, and information management issues.

One other regional staff member holds primary responsibility for compliance and enforcement action in the 12 county regions. This can also involve providing education and technical assistance to achieve voluntary compliance.

Permitting

New water rights can be obtained under the rule for:

- Ground water uses (including permit exempt uses) in reserve areas and coastal management areas.
- Uses shown by the applicant, through sound scientific studies to not affect close surface waters.
- Fully mitigated (water-for-water) uses.
- Uses qualifying for the reservations (including permit-exempt uses).
- Temporary use for environmental restoration projects.
- Seasonal interruptible uses from the Big Quilcene River and Chimacum Creek.

All new water right permitting (which excludes permit-exempt uses) requires processing by SWRO Water resources permitting staff. This includes working with the applicants and their representatives and evaluating the application and any mitigation plan or technical studies submitted by the applicant. This will be conducted by water right permitting staff at SWRO or through a cost recovery process funded by the applicant.

Staff of SWRO is developing guidance material to help implement the new mitigation requirements for new water rights and permit exempt wells. The guidance will address group or pooled mitigation options for future small users and options for expanded use of permit exempt wells.

There are approximately 40 pending water right applications in WRIA 17. Some of these applications will qualify for a reservation or are applying for water outside of closed areas. However some applications will not qualify for a reservation and would likely impact closed

surface water if developed. If the applicant wants a new appropriation in this situation they will need to develop a mitigation plan consistent with the mitigation guidance.

Compliance and Enforcement

Enforcement of this rule will follow the procedures outlined in Water Resources Program Enforcement Policy (2005). This policy is consistent with Section -040 of the new rule.

The Water Resources Program's goal is to work with individuals on voluntary compliance through education and technical assistance. When we are unable to obtain voluntary compliance, enforcement actions escalate as provided for in agency and program policy and RCW 90.03.605. Ecology will issue a notice of violation a formal administrative order under RCW 43.27A.190, or assess penalties under 90.03.600 as resources permit.

Ecology will take enforcement action immediately where risks to safety, public health, and environmental health are high. This may also occur when other resource protection agencies request we take action.

Data Collection and Information Management

The reservations will require ongoing monitoring and tracking to ensure we accurately account for use of the reservations. Staff of Jefferson County will tabulate building permit information on a spreadsheet and submit to Ecology on an annual basis. Staff of SWRO will then monitor how much water is available in each of the reserves. Ecology staff will initially debit the reserve based on estimated average consumptive use from new residences. Ecology staff will also work closely with the County to develop an exempt well agricultural use tracking system.

Ecology staff at SWRO will be responsible for ensuring that appropriate meters are installed properly for all new water right holders and exempt well users in the Watershed. Ecology may work with a local agent on this project, but ultimately the collection and management of metering data is Ecology's responsibility. Ecology has a new metering data base and metering data will be entered into the data base as staff time permits. Over time Ecology will move from estimating water use from residences to debit the reserve to using meter data to debit the reserve with actual use numbers.

2. Please describe how the Agency intends to inform and educate affected persons about the rule.

Ecology believes that public access to current information is necessary to implement this rule. Ecology and the local watershed planning unit have done extensive outreach as the rule developed. This included several workshops to share information on the rules, as well as news articles, web postings and written material given to the public. Staff of the SWRO will continue to conduct outreach and communication on the rules with Jefferson County, the cities and water utilities, well drillers, existing water right holders, property owners, and interest groups.

Staff of the Public Information Section at headquarters, with the aid of the rule writer and staff of SWRO will prepare various focus sheets and other written materials. This information will be available from Ecology, Jefferson County, on Ecology's website, and sent to our local distribution lists.

Ecology expects to make use of the internet for on-going distribution of information on the rule requirements and related water management issues. As well as the Web pages specific to this rule, Ecology will continue to provide a more comprehensive watershed Web page. It provides links and data associated with other water management activities in the basin.

We anticipate using 0.5 FTSs for six months following rule adoption for outreach and communication.

3. Please describe how the Agency intends to promote and assist voluntary compliance for this rule.

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

It is important to make the affected public aware of the limits under the rules at the earliest possible time. Prospective applicants will be given information and technical assistance when they first apply for a plat approval or building permit. Ecology and County staff will work with the applicant to ensure they understand what they can or must do to access water supplies for their proposal.

Ecology will maintain informational material on the rules and related water management and current conservation practices, and current maps, at the SWRO as well as with Jefferson County, Jefferson Public Utility #1, and other relevant agencies. This information will also be available on Ecology's Web site.

4. Please describe how the Agency intends to evaluate whether the rule achieves the purpose for which it was adopted, including to the maximum extent practicable, the use of interim milestones to assess progress and the use of objectively measurable outcome.

The adoption of the Water Resource Management Rule for the Quilcene-Snow Watershed is intended to protect in-stream values and existing water rights, while allowing for economic development in the community.

Ecology will maintain ongoing monitoring of stream flow levels in basin streams. We will consult with Washington Department of Fish and Wildlife regularly on the effectiveness of mitigation plans and the health of the streams and surrounding ecosystems.

Ecology will also continue communicating and cooperating with County staff on use of the reservations for exempt wells and other appropriations. We will monitor how well the metering program is working and how well the reserve debiting system is working. The reserve debiting system developed by the Ecology will also be valuable in helping the local jurisdictions identify and develop new water supplies for the future. Ecology will be notifying the County and the public through press releases when fifty, seventy five, and one hundred percent of the reservation has been appropriated.

5. Please describe how the Agency intends to train and inform Ecology staff regarding new rule or rule amendment.

The Permitting Unit in Ecology's SWRO Water Resources Section has been closely tied into the rule development process. They will be responsible for evaluating applications for water rights and related mitigation plans and special studies. They write the records of examination and make decisions on issuing or denying future water rights or water right changes. Enforcement staff of SWRO is responsible for helping with technical assistance to promote voluntary compliance as well as more punitive enforcement actions,

For this rule development project there was very good participation of both headquarters and SWRO staff. We will continue to keep staff well integrated on implementing this rule through training which will be held at SWRO. Permitting staff as well as well construction staff and watershed leads will need to attend this training. We will also conduct outreach to staff of the agencies that have participated in the rule development process and that have an ongoing interest in implementation of this rule.

6. Please identify supporting documents that may need to be revised because of the rule amendment. Or Identify new supporting documents that need to be developed because of a new rule.

- Overview of the Quilcene-Snow Watershed Flow Rule
- Brochures for distribution by the County's building and planning departments
- Update sub-basin maps
- Press releases
- Web updates and information
- Metering specification sheet
- Mitigation guidance document