

WAC 173-500-080 Critical water resource situation response process. In areas subject to the department of ecology's jurisdiction, where there may be current or anticipated critical water resource or related water quality concerns, the local government(s), the state or the affected federally recognized tribe(s) may request that representatives from all three governmental entities and, as needed, appropriate federal agencies agree to the designation of the area as a critical water resource situation. All represented parties must agree to the designation. Upon designation, an intergovernmental group will be convened.

The purpose of the intergovernmental group is to cooperatively design a consultation strategy to address the problem(s) which triggered this critical situation response process.

The legal rights and remedies available to the three governmental entities shall not be compromised or abridged by participation in the critical situation response process. However, all of the parties agree to undertake a good faith effort to resolve the critical water resource situation without first resorting to legal action.

When the intergovernmental group determines that a critical water resource situation exists or requires further evaluation or data collection, the parties will consider applying those tools necessary to protect the resources. These tools must be exercised within 12 months or as otherwise agreed to by the parties, and include, but are not limited to: Targeted conservation, efficiency, reuse; compliance and enforcement; dispute resolution assistance, memoranda of understanding and other agreements; local government restrictions on permit issuance or moratoria; basin withdrawal by adoption of administrative regulations under RCW 90.54.050 or limited state permit issuance.

[Statutory Authority: Chapters 34.05 and 90.54 RCW. WSR 91-18-011 (Order 91-25), § 173-500-080, filed 8/23/91, effective 9/23/91.]