

WAC 173-166-060 Orders declaring drought conditions. (1) If the department of ecology determines that a geographical area is suffering from drought conditions, it may, upon the advice of the WSAC, with the concurrence of the EWEC, and the written approval of the governor, issue an order to that effect.

(2) The order declaring drought conditions for a geographical area must contain the following elements:

(a) A description of the geographical area which is being so designated.

(b) The facts leading to the issuance of the order.

(c) The statutory authority upon which the order is being issued.

(d) The commencement date and termination date of the order. The termination date may be no later than one calendar year from the date the order is issued.

(e) Brief descriptions of the emergency actions which are possible under the order.

(f) Provisions for the termination of withdrawals if essential minimum flows are jeopardized.

(3) Ecology must publish the order declaring a geographical area to be suffering from drought conditions in a newspaper of general circulation in the area affected by the order.

(4) Persons may file written protest as to the contents of the order with ecology. Ecology will have fifteen calendar days from the date of receipt of the protest in which to consult with members of WSAC, EWEC, and the governor and to make a determination as to its validity.

(5) A person who believes that an area should be declared to be suffering from drought conditions may petition ecology for such a declaration. Upon the receipt of such a petition, ecology will have fifteen calendar days from the date of receipt of the petition in which to make a determination as to its validity, using the procedure specified in WAC 173-166-050, and provide a decision to the applicant. The petition should contain the following information:

(a) A description of the geographical area which is being requested for designation.

(b) The nature of the relief sought in requesting such a designation.

(c) The facts upon which the petition is based.

(6) Orders declaring areas to be suffering from drought conditions may, with the written approval of the governor, be amended one or more times to change the termination date, provided that the termination date of the order, as amended, is no more than two calendar years from the date the order is first issued.

(7) Orders declaring areas to be suffering from drought conditions may be issued for different areas of the state and sequentially for the same area if drought conditions persist.

[Statutory Authority: RCW 43.83B.420. WSR 18-09-031 (Order 17-01), § 173-166-060, filed 4/11/18, effective 5/12/18; WSR 91-03-081 (Order 90-53), § 173-166-060, filed 1/17/91, effective 2/17/91. Statutory Authority: 1977 c 339 § 75. WSR 78-04-019 (Order 78-3), § 173-166-060, filed 3/10/78.]