

**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.