

Mitigation under the Dungeness Rule

Effective January 2, 2013, the Dungeness watershed has a new water management rule (Chapter 173-518 WAC). The rule affects those who start new uses of water (including expansion of an existing water use) on or after the January 2013 effective date.

People looking for new water supplies are required to connect to a public water system, if available. If not, a new home builder needing a private well will still be able to get water, subject to the requirements in the rule (such as installing a meter).

Under the rule, new users are required to “mitigate,” or offset, the impact of their water use on area streams. This applies to a water use from a well that is exempt from the requirement to apply for a water right permit (RCW 90.44.050), as well as to uses that require a permit. Mitigation can be accomplished through a one-time payment to the newly-created Dungeness Water Exchange (Exchange) or by a Department of Ecology (Ecology)-approved mitigation plan proposed by a group or individual.

The Exchange will function like a bank. “Deposits” in the form of existing water rights, from willing water right holders, will be made available for “withdrawal” by those who need water for mitigation. The Exchange provides a formal structure for the purchase and redistribution of water rights, and tracking these transactions.

How will I get mitigation water?

For a typical new home, the process starts with an application to Clallam County for a building permit.

Clallam County and Ecology are working together to ensure the process for acquiring mitigation water is in place on January 2, 2013.

You will need proof that you have secured adequate mitigation water (a “mitigation certificate”) before you can get a building permit.

WHY IT MATTERS

Starting January 2, 2013, the Dungeness watershed has a new way of managing water. New water uses will have to be “mitigated,” that is, their impacts on area streams must be compensated for. Mitigation will make it possible to continue development while still protecting streams.

This publication provides general information to help people understand mitigation under the new rule. More detailed information will be available shortly.

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

Mitigation water for outdoor watering will be possible in most areas of the watershed. In areas where getting mitigation water for outdoor use may be difficult, requests will be reviewed on a case-by-case basis.

Help with the cost of mitigation credits

To ease the transition to a new water management framework, the County will be able to cover the new cost to mitigate domestic (household) water use until June 30, 2013 using funds from their Watershed Implementation grant, funded by Ecology. The County and Ecology are in the process of amending the grant to make sufficient funds available.

Ecology is requesting funds for the 2013-15 biennium for water supply projects that support mitigation, flow restoration and to offset the cost of mitigating new domestic water use. These decisions do not alter the rule's requirements, nor would they alter the responsibility of new water users in the future to bear the cost of mitigation for new domestic water use if the legislature decides not to fund it.

Permits and pending applications

The basic process of applying for new water right permits (which excludes permit-exempt uses) remains unchanged, except that mitigation will be required. Your application will go through Ecology's Southwest Regional Office.

There are approximately 45 pending water right applications in the Dungeness watershed. It is expected that mitigation will be required for all these applications.

For more information

Ecology's Dungeness web site:

<http://www.ecy.wa.gov/programs/wr/instream-flows/dungeness.html>