

RCW 43.83B.405 Drought advisories—Orders of drought emergency—

Procedure. (1) Whenever it appears to the department, based on the definitions of drought condition and normal water supply set forth in RCW 43.83B.011, that drought conditions may develop, the department may issue a drought advisory. The drought advisory should seek to increase the awareness and readiness of affected water users and may recommend voluntary actions to alleviate drought impacts.

(2) (a) Whenever it appears to the department, based on the definitions of drought condition and normal water supply set forth in RCW 43.83B.011, that a drought condition either exists or is forecast to occur within the state or portions thereof, the department is authorized to issue orders of drought emergency, pursuant to adopted rules, to implement the powers as set forth in RCW 43.83B.410 through 43.83B.420.

(b) Prior to the issuance of an order of drought emergency, the department shall:

(i) Consult with the federal and state government entities identified in the drought contingency plan periodically revised by the department pursuant to RCW 43.83B.440 and consult with affected federally recognized tribes;

(ii) Consider input from local water users, including nursery and landscape professionals, in the determination of undue hardship under RCW 43.83B.011(2); and

(iii) Obtain the written approval of the governor.

(c) Upon issuance of an order of drought emergency, the department shall notify the public of the order consistent with rules adopted by the department.

(d) Orders of drought emergency issued under (a) of this subsection shall be deemed orders for the purposes of chapter 34.05 RCW.

(e) A person may petition the department to declare a drought emergency for the state or portions of the state. The department may review a petition, but any order of drought emergency issued after receipt of a petition must be based on the definitions of drought condition and normal water supply set forth in RCW 43.83B.011, and must be issued according to the procedure set forth in this section. The department must not rely exclusively on information presented in a petition when determining whether to issue an order of drought emergency.

(3) (a) Any order issued under subsection (2) of this section shall contain a termination date for the order. The termination date shall be not later than one calendar year from the date the order is issued. Although the department may, with the written approval of the governor, change the termination date by amending the order, no such amendment or series of amendments may have the effect of extending its termination to a date which is later than two calendar years after the issuance of the order.

(b) The provisions of this section do not preclude the issuance of more than one order under subsection (2) of this section for different areas of the state, or sequentially for the same area, as the need arises. [2020 c 168 § 3; 1989 c 171 § 2.]

Severability—1989 c 171: See note following RCW 43.83B.400.