RULE MAKING "R" US

Or

Everything you always wanted to know about writing an instream flow rule but were afraid to ask!

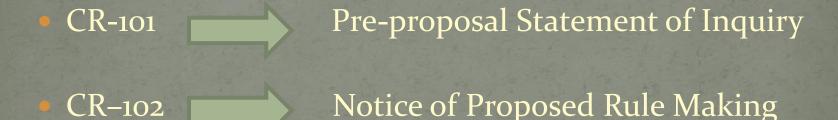
Mimi Wainwright
11 Dec 2008

- Complete Instream Flow Recommendations in Basin:
 - Minimum Instream Flows/Closures*
 - Allocations
 - Ground Water

*Including: Deadman, Almota, Alpowa, George, Charlie, Tenmile, Couse, Meadow, Pataha, Joseph, Grand Ronde Others? Mill, Cummings, Tumulum etc.

Big Picture Process

Administrative Procedures Act – Chapter 34.05 RCW



• CR-103 Notice of Rule Adoption

Forms required by code reviser, published in State Register

• File CR-101 with State Code Reviser

- Pre-proposal State of Inquiry Form
- Notifies public about <u>intent</u> to adopt a new rule
- Why Rule is needed & what it accomplishes

CR-101 – Ecology Procedures

- Rule Authorization Document
 - Senior Management Team Briefing
 - Program Manager & Senior Management Team Sign

CR-101 - Ecology Procedures

- Rule Development Plan
 - Program Manager & Rules Coordinator Sign
- Communications Strategy
- SEPA

- Start Work on Draft Rule Language
 - Components:
 - Purpose
 - Definitions
 - Stream Management Units

- Components Continued:
 - Instream flows
 - Groundwater
 - Allocations
 - Compliance and Enforcement

Early Outreach!

- Work with Rule Writer & Coordinator
 - Format

Content

• Schedule

- Ecology HQ Policy Review
 - Plain Talk Review
 - WDFW Review

- Legal Review
 - State AG
 - County
 - City

MORE OUTREACH!

- Local Government
- Tribes
- Legislators
- General Public
- Environmental Groups
- Others

- File CR-102 with Code Reviser
 - Proposed Rule Making Form includes:
 - Draft Rule Language
 - Economic Documents
 - Public Hearing Notice
 - Proposed Adoption Date
 - Public Comment deadline & process

CR-102 – Ecology Procedures

- Submit final draft rule language to Rules Unit 6 weeks before filing CR-102
- Economic analysis is prepared during this time
- Briefing with Deputy Director
- Prepare CR -102 filing packet

- Formal Public Outreach
 - Public Hearing(s) required
 - Hearing Notice Newspaper ad 7 days before hearing
 - Consider other outreach strategies

• File CR-103

Notice of Rule Adoption

- Must adopt w/in 180 days of CR-102
- Adoption date
- Effective date
- Concise Explanatory Statement

CR-103 – Ecology Procedures

- Submit Final Rule language to Rules Unit 4 weeks prior to filing CR-103
- Revisions to Economic documents are made at this time
- Schedule briefing with Director

Other Stuff

- Ecology's Rule Unit
 - Checklists
 - Forms
 - Templates
 - Economists

Take Home Message #1

- Takes longer than you think
- Always the temptation to revise rule language up to the day the rule is filed
- Stuff happens that no one can predict
- Stuff happens that you can predict but cannot help

Take Home Message #2

- Lot's of hoops, but we can do it!
- It takes:
 - Careful Planning
 - Determination and Persistence
 - Hard Work
 - Lots of Help