

Ecology Update to:

# Policy 1050

## Extension of Time on Permits

WWUC Update  
March 26, 2021



# Background

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- POL 1050 governs *permit* extensions.
- Adopted in 1991; last updated in 2006.

**RCW 90.03.320:** Ecology shall extend the time for a permit if:

- The applicant has shown good cause;
  - The applicant has shown good faith in developing the project; and
  - Ecology considers the public interests affected.
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- Ecology published a draft policy revision earlier this month.



# Goals of the Revision

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1. Clarify the criteria on which we will evaluate requests for permit extensions and why we may deny a request.
2. Bring the policy in-line with current case law.
3. Encourage and facilitate consistent standards and procedure among regions.



# Key Policy Questions

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1. When evaluating a request for a permit extension: If the full quantity of water under the permit is not needed, should Ecology approve the extension but for a lesser quantity?
  - **Draft policy:** No. Ecology will approve the extension for the permitted rate and quantity.
2. If warranted, should Ecology approve an extension but for a shorter duration of time than was requested?
  - **Draft policy:** Yes, this is within Ecology authority.



# Key Policy Questions (cont.)

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3. What types of provisions are appropriate for Ecology to place on a permit when we issue an extension?
  - **Draft policy:** Ecology may add or remove administrative provisions on a permit extension.
    - P. 5: Ecology will not add provisions that operate to limit a permit holder's ability to exercise their lawful water use under the existing permit. For example, Ecology will not provision a permit to be interruptible to an instream flow adopted after the initial permit was issued."



# WWUC Suggestions

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- Remove the term “speculation.”
- Recognize that municipal suppliers need greater flexibility. For example, MWS may need to extend a development schedule based on factors outside of their control.
- Update evaluation of good faith & good cause to recognize modern permitting and planning requirements.
- Adopt a standard to offer long-term extensions to all MWS.



# Target Timeline

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TIMEFRAME	TASK
<i>April 12</i>	Discussion at WRAC
<i>April 18</i>	Public comments due to Ecology
<i>May</i>	Review and evaluation of comments
<i>Early Summer</i>	Adoption of the revised policy (if all goes well)

