PROPOSED RULE MAKING

CR-102 (June 2024)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: November 18, 2025
TIME: 7:35 AM

WSR 25-23-063

Agency: WA Department of Ecology, AO #24-09

☒ **Original Notice**
☐ **Supplemental Notice to WSR**
☐ **Continuance of WSR** _____

☒ **Preproposal Statement of Inquiry was filed as WSR** 25-13-073 **; or**
☐ **Expedited Rule Making--Proposed notice was filed as WSR** _____**; or**
☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**
☐ **Proposal is exempt under RCW** _____**.**

Title of rule and other identifying information: (describe subject) Chapter 173-507 WAC Instream Resource Protection Program – Snohomish River Basin, Water Resource Inventory Area (WRIA) 7, Chapter 173-508 WAC Instream Resource Protection Program – Cedar-Sammamish Basin, Water Resource Inventory Area (WRIA) 8, Chapter 173-513 WAC Instream Resource Protection Program – Deschutes River Basin, Water Resource Inventory Area (WRIA) 13, Chapter 173-514 WAC Instream Resource Protection Program – Kennedy-Goldsborough Water Resource Inventory Area (WRIA) 14, Chapter 173-515 WAC Instream Resource Protection Program – Kitsap Water Resource Inventory Area (WRIA) 15. For more information about this rulemaking, visit: WAC 173-507-508-513-514-515-Watershed Restoration - Washington State Department of Ecology

Hearing location(s):

Date:	**Time:**	**Location:** (be specific)	**Comment:**
January 6, 2026	10:00am	Zoom: https://waecy-wa-gov.zoom.us/meeting/register/NWHnbhvGQSK2aeBYeKMYcw	To participate via phone: US: +16699006833,,89163517967#,,,,*606601# or +16694449171,,89163517967#,,,,*606601# Formal comments accepted November 18, 12:00am through January 18, 11:59pm: Link here: https://wr.ecology.commentinput.com?id=hmx2PCDFTH

Date of intended adoption: March 12, 2026 (Note: This is **NOT** the **effective** date)

Submit written comments to:
Name Danielle Gallatin
Address P.O. Box 47600, Olympia WA 98504
Email danielle.gallatin@ecy.wa.gov
Fax
Other Submit comments via url: https://wr.ecology.commentinput.com?id=hmx2PCDFTH
Beginning (date and time) November 18, 2025, 12:00am
By (date and time) January 18, 2026 11:59pm

Assistance for persons with disabilities:
Contact Danielle Gallatin
Phone Danielle; 425-516-3012 or ADA Coordinator; 360-407-6872, 711 (relay service)
Fax
TTY 877-833-6341
Email Danielle.gallatin@ecy.wa.gov or, ecyadacoordinator@ecy.wa.gov
Other More about our accessibility services please see https://ecology.wa.gov/About-us/Accountability-transparency/Accessibility
By (date) January 3, 2026

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Ecology is proposing amendments to five Instream Resource Protection Program Chapters to incorporate specific requirements from the

Streamflow Restoration statute (RCW 90.94.030(4)) and clarify language. RCW 90.94.030(h) requires Ecology to initiate rulemaking after the adoption of watershed restoration plans, which occurred on December 17, 2024.

Reasons supporting proposal: Ecology is required by statute to conduct rulemaking once watershed restoration plans are adopted by Ecology, which occurred on Dec 17, 2024. The proposed rulemaking is to incorporate requirements found in the Streamflow Restoration statute into each Chapter so that these important requirements don't sunset.

These requirements have been in place in statute since 2018. By codifying these requirements into rule, Ecology will be able to continue monitoring the permit exempt wells installed in these watersheds.

Statutory authority for adoption: RCW 90.94.030(3)(h)

Statute being implemented: RCW 90.94.030(4)

Is rule necessary because of a:

Federal Law?	☐ Yes	☐ No
Federal Court Decision?	☐ Yes	☐ No
State Court Decision?	☐ Yes	☐ No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: N/A

Name of proponent: (person or organization) Washington State Department of Ecology
Type of proponent: ☐ Private. ☐ Public. ☒ Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Danielle Gallatin	P.O. Box 47600, Olympia WA 98504	425-516-3012
Implementation	Danielle Gallatin	P.O. Box 47600, Olympia WA 98504	425-516-3012
Enforcement	Danielle Gallatin	P.O. Box 47600, Olympia WA 98504]	425-516-3012

Is a school district fiscal impact statement required under RCW 28A.305.135? ☐ Yes ☒ No
If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:
Name
Address
Phone
Fax
TTY
Email
Other

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes: A preliminary cost-benefit analysis may be obtained by contacting:
Name
Address
Phone
Fax
TTY
Email
Other

☒ No: This rule is exempt under RCW 34.05.328(5)(b)(iii). This rulemaking is proposing incorporating by reference, without material change, Washington state statute into rule.

Regulatory Fairness Act and Small Business Economic Impact Statement
Note: The Governor's Office for Regulatory Innovation and Assistance (ORIA) provides support in completing this part.

(1) Identification of exemptions:
This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). For additional information on exemptions, consult the exemption guide published by ORIA. Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.
Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

☒ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- ☐ RCW 34.05.310 (4)(b) (Internal government operations)
- ☒ RCW 34.05.310 (4)(c) (Incorporation by reference)
- ☐ RCW 34.05.310 (4)(d) (Correct or clarify language)
- ☒ RCW 34.05.310 (4)(e) (Dictated by statute)
- ☐ RCW 34.05.310 (4)(f) (Set or adjust fees)
- ☐ RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(4). (Does not affect small businesses).

☐ This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

☒ The rule proposal: Is fully exempt. *(Skip section 3.)* Exemptions identified above apply to all portions of the rule proposal.

☐ The rule proposal: Is partially exempt. *(Complete section 3.)* The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using this template from ORIA):

☐ The rule proposal: Is not exempt. *(Complete section 3.)* No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☐ No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

Date: November 18, 2025	**Signature:**
Name: Heather Bartlett	
Title: Deputy Director	