Emergency Drought Relief Preliminary Draft Language

Danielle Gallatin, Rule Lead &

Caroline Mellor, State Drought Lead

January 27 & 29, 2026

Table of Contents

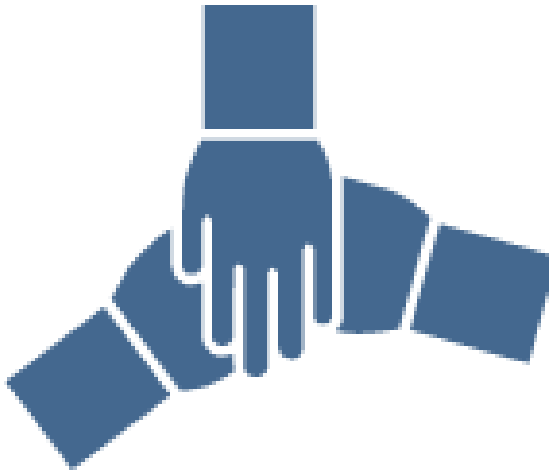
1. Goals of rulemaking & meeting
2. Background & recent statute updates (2020 & 2023)
3. Opportunities for edits to rule language
4. Rule sections & preliminary draft language updates
5. Timeline and next steps
6. Q&A and feedback

Goals of Rule Amendment
WAC 173-166

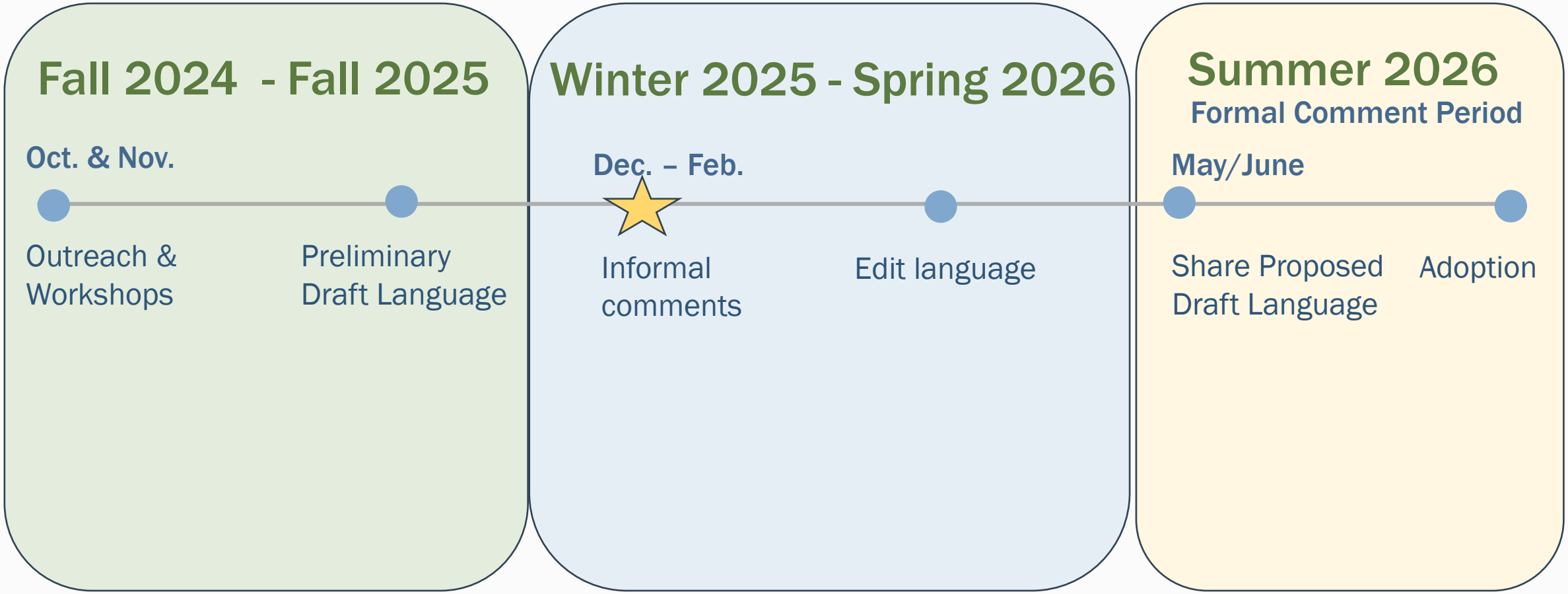
- Clarify and simplify existing rule language
- Add language on implementation of 2020 and 2023 statute updates
- Streamline administration of emergency drought funding

Goals of this meeting

- Provide context for language amendments
- Summarize proposed drafts amendments
- Answer questions about language or rulemaking process
- Welcome feedback and comments!



Rulemaking Timeline



Background – Drought in WA

Drought conditions - two requirements in state law:

1. **Hydrologic threshold** – An area is receiving, or is projected to receive, less than seventy-five percent of normal water supply.

2. **Hardship threshold** – Water users and the environment are or are expected to experience undue hardship.

See statute: RCW 43.83B.405

Background – Drought in WA

- 1989 Legislature gave drought relief authority to Ecology under RCW 43.83B “Drought Conditions”
- Upon issuing an order of drought emergency:
  - Authorizes temporary water withdrawal or diversions, and
  - Emergency water right changes and transfers
  - Triggers funding assistance to support Tribes & public entities to address drought impacts
- Several updates have been made to RCW 43.83B in recent years

Recent Statute Updates

RCW 43.83B

2020 Statute Updates

- Acknowledges importance of preparedness
- Drought advisory language
- Clarification on roles and responsibilities in making drought determination
- Emergency drought grant funding

2023 Statute Updates

- Dedicated funding for emergency drought response account
- Drought preparedness account info

Where We Have Opportunity, and Where We Don't

Clarification or Explanation is needed (how to implement statute?)

Examples:

- Clarify grant match eligibility
- Clarify economically disadvantaged communities

Requirements specified in statute = limitations for rule amendment

Emergency drought order process

Emergency grant eligible entities

Rule Sections & Preliminary Draft Updates

Tips for providing feedback

Do you have any thoughts or information about potential impacts related to this rulemaking?

How can we improve readability?

Do these requirements make sense as written?

Authority and Purpose

Section 173-166-010 *New section

- Clarifies Ecology's authority to provide relief during drought
  - Emergency water withdrawals and transfers
  - Providing emergency funding assistance

Definitions

Section 173-166-020

- Added “water year”
- Cleaned up definitions in current rule

Drought Advisory

Section 173-166-030 *New section

- What an advisory *is* and *isn't*
- Acknowledges statute updates

Emergency Drought Order and Procedures

Section 173-166-040

- Clarify drought declaration process:
  - Determining drought hydrologic thresholds
  - Process for evaluating undue hardship threshold
  - Roles of Water Supply Availability Committee (WSAC) and Executive Water Emergency Committee (EWEC)

Petition for Emergency Drought Order

Section 173-166-050 *New section

- Updated process for determining petition response
  - Hydrologic determination as first step

Emergency Drought Grant Funding

Section 173-166-050 *New section

- Describes the emergency drought funding criteria
- Describes project eligibility for emergency funds
- Currently found in Emergency Drought Funding rule (WAC 173-167)

Drought Preparedness

Section 173-166-070 *New section

- Add language to support preparedness activities if funding becomes available
- Includes language on funding structure for “state drought preparedness account”

Drought Grant Administration

Section 173-166-080 *New section

- Describes criteria for drought grant funding administration
  - Emergency Drought Response account
  - State Drought Preparedness account
- Describes “economically disadvantaged community”
- Describes option to allow “in-kind” match

Emergency Water Withdrawals and Changes

Section 173-166-090

- Combines “emergency drought permits” & “temporary transfer of water rights”
- Clarified differences and similarities between emergency withdrawals and change applications
- Simplifies language for existing requirements

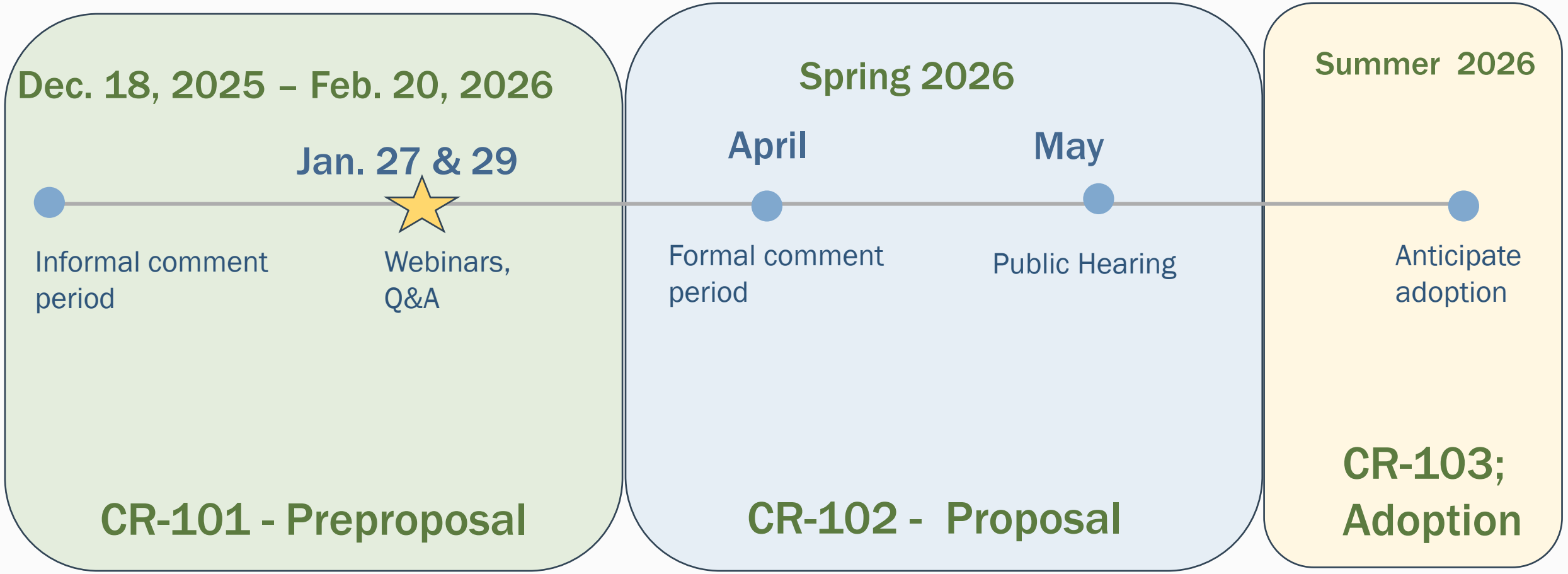
Tips for providing feedback

Do you have any thoughts or information about potential impacts related to this rulemaking?

How can we improve readability?

Do these requirements make sense as written?

Timeline for rulemaking



Question and Feedback?

Take Aways and Reminders

- Draft language open for informal comments through Feb. 20, 2026, at 11:59 p.m.
  - Link: Chapter 173-166 WAC-preliminary - Washington State Department of Ecology
- Formal comment period will be announced via email and proposed draft shared on our webpage.
- Sign up for email list!

Thank you

Danielle Gallatin

Danielle.Gallatin@ecy.wa.gov

425-516-3012