RULE-MAKING ORDER
EMERGENCY RULE ONLY

CR-103E (December 2017)
(Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 05, 2025
TIME: 7:42 AM

WSR 26-01-019

Agency: Department of Ecology AO# 25-03

Effective date of rule:

Emergency Rules

☒ Immediately upon filing.

☐ Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☒ Yes ☐ No If Yes, explain: Issuance of a formal Emergency Drought Declaration, directed by the Governor and signed by Ecology Director

Purpose:

The Department of Ecology is adopting a new emergency rule Chapter 173-167 WAC, Emergency Drought Funding. This emergency rule describes the applicant and project eligibility criteria for grant funds to alleviate hardship resulting from the currently declared drought in the Yakima Basin watersheds of Upper Yakima, Lower Yakima, and Naches, which include portions of Yakima, Kittitas, and Benton Counties, as well as all of Whatcom and Skagit counties, and portions of Snohomish, King, Pierce, Lewis, Thurston, Okanogan, Chelan, Clallam, Jefferson, and Ferry counties.

This emergency drought funding rule is being adopted again to keep the Drought Response Grant continually open, which will allow eligible public entities to continue to apply for grant funds to alleviate hardship resulting from direct drought impact. If needed, Ecology may adopt subsequent emergency rules.

Under the authority of RCW 70A.02.120(2), the director of Ecology determined the initial emergency rule filing was exempt from the requirements of RCW 70A.02.060, including the requirement to complete an environmental justice assessment. This additional rule filing has been given the same determination from the director as it is part of the same emergency. The director determined that any delay in adopting this emergency rule would be likely to cause serious harm to the public interest.

Please visit our website for information and supporting documents: https://www.ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-167-2025

Citation of rules affected by this order:

New: Chapter 173-167 (2025)
Repealed: N/A
Amended: N/A
Suspended: N/A

Statutory authority for adoption: Chapter 43.83B RCW, Drought Conditions

Other authority: N/A

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

☒ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: An emergency rule is necessary to protect public health and safety and promote timelines that are in the interest of the public. With the rule in place, Ecology may distribute funds to alleviate hardship caused by drought. To address these impacts, drought funding needs to be administered in a timely manner.

Note: If any category is left blank, it will be calculated as zero. No descriptive text.

Count by whole WAC sections only, from the WAC number through the history note. A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	____	Amended	____	Repealed	____
Federal rules or standards:	New	____	Amended	____	Repealed	____
Recently enacted state statutes:	New	13	Amended	____	Repealed	____

The number of sections adopted at the request of a nongovernmental entity:

	New	____	Amended	____	Repealed	____

The number of sections adopted on the agency's own initiative:

	New	____	Amended	____	Repealed	____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New	13	Amended	____	Repealed	____

The number of sections adopted using:

Negotiated rule making:	New	____	Amended	____	Repealed	____
Pilot rule making:	New	____	Amended	____	Repealed	____
Other alternative rule making:	New	____	Amended	____	Repealed	____

Date Adopted: December 5, 2025	**Signature:**
Name: Casey D. Sixkiller	
Title: Director	