



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: May 27, 2020

TIME: 4:03 PM

WSR 20-12-041

**Agency:** Department of Ecology AO #19-03

**Effective date of rule:**

**Permanent Rules**

31 days after filing.

Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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

Yes  No If Yes, explain:

**Purpose:** RCW 90.94.020 established requirements for a WRIA 1 watershed management plan update to be adopted by Ecology by February 1, 2019. The statute directs Ecology to begin rulemaking to meet the requirements of RCW 90.94.020 if a locally-approved watershed plan update is not adopted by Ecology by the deadline, and to complete the rulemaking by August 1, 2020. A plan update was not submitted to Ecology for review and adoption, so Ecology performed the required rulemaking.

Ecology used the rulemaking process and supporting analysis to meet the requirements of the law (RCW 90.94.020) to:

- 1) Estimate 20 years of projected consumptive water use of new permit-exempt domestic withdrawals in WRIA 1;
- 2) Develop a set of projects and actions that will offset the estimated consumptive water use and result in a Net Ecological Benefit in the WRIA; and
- 3) Amend and add regulations necessary for implementing these projects and actions

**Citation of rules affected by this order:**

New:

Repealed:

Amended: Chapter 173-501 WAC

Suspended:

**Statutory authority for adoption:** Chapter 90.94 RCW – Streamflow Restoration; Chapter 90.22 RCW – Minimum Water Flows and Levels; Chapter 90.54 RCW – Water Resources Act of 1971; Chapter 90.03 RCW – Water Code; Chapter 90.44 RCW – Regulation of Public Groundwaters; Chapter 43.27A RCW – Water Resources; Chapter 43.21B RCW – Environmental and Land Use Hearings Office – Pollution Control Hearings Board; RCW 43.21A.080 – Department of Ecology; Chapter 18.104 RCW – Water Well Construction

**Other authority:** N/A

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 19-23-084 on 11/19/2019 (date).

Describe any changes other than editing from proposed to adopted version: N/A

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Annie Sawabini

Address: Department of Ecology, Water Resources Program, PO Box 47600, Olympia, WA 98504-7600 (US mail)

Or, Send parcel delivery services to: Department of Ecology, Water Resources Program; 300 Desmond Dr. SE, Lacey, WA 98503

Phone: (360) 407-6878

Fax: N/A

TTY: People with speech disability may call TTY at 877-833-6341. People with impaired hearing may call Washington Relay Service at 711)

Email: Annie.Sawabini@ecy.wa.gov

Other: N/A

**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	<u>1</u>	Amended	<u>1</u>	Repealed	___

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

New	___	Amended	___	Repealed	___
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**The number of sections adopted on the agency's own initiative:**

New	<u>1</u>	Amended	<u>1</u>	Repealed	___
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	___	Repealed	___
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**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:** May 27, 2020

**Name:** Laura Watson

**Title:** Director

**Signature:**

