



RULE-MAKING ORDER PERMANENT RULE ONLY

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

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: June 25, 2019

TIME: 12:16 PM

WSR 19-14-033

Agency: Department of Ecology AO # 18-05

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: Chapter 173-566 WAC – Streamflow Restoration Funding is a new rule for the implementation of Chapter 1, Laws of 2018 (ESSB 6091) and Chapter 90.94 RCW. The Streamflow Restoration Funding program will finance watershed planning projects under RCW 90.94.020, watershed restoration and enhancement projects under RCW 90.94.030, and the collection of data and completion of studies necessary to develop, implement, and evaluate watershed restoration and enhancement projects under Chapter 1, Laws of 2018, statewide.

Citation of rules affected by this order:

New: Chapter 173-566 WAC
 Repealed:
 Amended:
 Suspended:

Statutory authority for adoption: RCW 90.54.040 – Water Resources Act of 1971, RCW 43.21A.080 – Department of Ecology, and Chapter 90.94 RCW – Streamflow Restoration Act.

Other authority: N/A

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 19-03-03-124 on 1/17/2019 (date).

Describe any changes other than editing from proposed to adopted version: Clarified purpose to highlight the intent to fund all types of projects identified in a RCW 90.94 plan or rulemaking. Pared down the detail on cultural resource review as the process can vary. Modified the definition of “consumptive use” to more closely match the Wikipedia definition. Removed definition of new domestic permit-exempt wells. Defined “planning WRIA” to clarify that the basins directed to plan by chapter 90.94 RCW retained priority after planning ended. Added “watershed function” to riparian and fish habitat improvement section to allow funding of upland projects that still benefit instream resources. Revised definition of a retroactive cost to one incurred before the grant agreement effective date, rather than the signature date, to match agency grant and loan standard practice. Revised appeal process.

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

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 Water Resources Program
 US Mail: PO Box 47600, Olympia, WA 98504-7600
 Phone: 360-407-6450
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TTY: People with speech disability may call TTY at 877-833-6341. People with impaired hearing may call Washington Relay Service at 711)

Email: rebecca.inman@ecy.wa.gov

Web site: https://fortress.wa.gov/ecy/publications/Summary_pages/1911074.html

Other:

**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>22</u>	Amended	___	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>22</u>	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>22</u>	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: June 25, 2019

Name: Maia D. Bellon

Title: Director

Signature:

