



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: August 07, 2025

TIME: 7:57 AM

WSR 25-17-005

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 Drought Funding rule Chapter 173-167 WAC.

This emergency rule provides eligibility criteria for grant funds to alleviate hardship resulting from a drought emergency. Because an emergency rule remains in effect for 120 days (unless withdrawn earlier), Ecology is adopting this subsequent emergency drought funding rule on August 7 to keep the Drought Response Grant opportunity open to eligible applicants in Yakima, Kittitas, Benton, Whatcom, Skagit, Snohomish, King, Pierce, Lewis, Thurston, Okanogan, Chelan, Clallam, Jefferson, and Ferry counties. This emergency rule expires December 5, 2025.

On April 8, 2025, 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. The director determined that any delay in adopting this emergency rule would be likely to cause serious harm to the public interest. This determination applies to this subsequent emergency rule adoption which is in response to the same emergency drought order issued in April.

Please visit our website for information and supporting documents: [WAC 173-167 \(2025\) - Washington State Department of Ecology](#)

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Repealed: N/A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 best interest of the public. With the rule in place, Ecology may distribute funds to alleviate hardship. Drought can cause immediate impacts to public welfare. 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	<u>13</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	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>13</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: August 7, 2025

Name: Casey D Sixkiller

Title: Director

Signature:

