PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: October 21, 2026
TIME: 8:38 AM

WSR 26-21-094

Agency: Department of Ecology AO # 26-12

Subject of possible rule making: The Department of Ecology (Ecology) is beginning rulemaking to amend chapter 173-175 WAC, Dam Safety. This rulemaking will consider and adjust fees collected by Ecology for dam safety operations, including fees related to dam construction and periodic inspections as described in chapter 173-175 WAC; part three: Construction Permit Fees, and part seven: Periodic Inspection Fees.

Ecology will also consider amendments that will establish a methodology for adjusting the fee schedule in the future. This may include a formula or the fiscal growth factor.

This rulemaking may consider additional amendments to chapter 173-175 WAC as needed.

Statutes authorizing the agency to adopt rules on this subject: [Statutory Authority: RCW 43.21A.064 - Powers and duties—Water resources; RCW 43.21A.080 - Rule-making authority; RCW 90.03.470 - Schedule of fees

Reasons why rules on this subject may be needed and what they might accomplish: Fees will be amended to cover the dam safety office's cost of operation and to fully recover all eligible expenses, to support program operations that protect against the risks of loss of life and property, and to provide good customer service.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: N/A

Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study
- ☒ Other (describe) Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (Chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

Name: Harrison Lee
Address: 300 Desmond Drive SE, Lacey, WA 98503
Phone: 360-529-6449
Fax: 360-407-6989
TTY: Dial 711 to call through the Washington Telecommunications Relay for services like text telephone (TTY). Visit Ecology.wa.gov/ADA for more accessibility information.
Email: wrrulemaking@ecy.wa.gov
Web site: https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-175

(If necessary)
Name: Lola Flores
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Other: N/A	Other: N/A
Additional comments: Interested parties can stay informed about the rulemaking and public involvement opportunities as described above. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development. Ecology will conduct an Environmental Justice Assessment in accordance with RCW 70A.02.060 as a part of this rulemaking.	
Date: October 21, 2026	**Signature:**
Name: Ria Berns	
Title: Water Resources Program Manager	