



# PREPROPOSAL STATEMENT OF INQUIRY

## CR-101 (October 2017) (Implements RCW 34.05.310)

Do NOT use for expedited rule making

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DATE: November 01, 2023

TIME: 7:49 AM

WSR 23-22-123

**Agency:** Department of Ecology AO 23-06

**Subject of possible rule making:** Ecology is beginning a rulemaking to amend chapter 173-166 WAC Emergency Drought Relief.

Ecology currently has an emergency drought rule in effect, chapter 173-167 WAC Emergency Drought Funding, which is effective through November 20, 2023. Ecology may adopt subsequent emergency rules until the permanent rule is adopted.

Through rulemaking, Ecology plans to integrate information related to how Ecology manages its emergency drought funding program into the permanent rule governing emergency drought relief. This rulemaking plans to streamline administration of emergency drought funding and to add clarity and definition to processes and terms related to emergency drought relief.

This update also intends to integrate equity considerations into funding distribution, including considerations identified under the Healthy Environment for All Act. Additionally, this rulemaking seeks to clarify appeals processes for emergency drought funding decisions, as well as the petition process for drought declaration.

As droughts become more common with a changing climate, an updated drought rule will provide increased efficiency and transparency around emergency drought relief.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 43.83B.

**Reasons why rules on this subject may be needed and what they might accomplish:**

Ecology is amending this rule to integrate information related to Ecology's drought response funding program into the permanent drought rule. This avoids the need for emergency rulemaking each year an emergency drought declaration is made.

With permanent drought response funding secured through recent legislation, Ecology seeks to provide clear and transparent information regarding the distribution of emergency drought funds.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** No other federal or state agencies regulate emergency droughts in Washington; however other state agencies are involved in the process to declare a drought. Ecology will coordinate with these state agencies and solicit their feedback in all public stages of this rule development. These include the Department of Health, Department of Fish and Wildlife, Department of Agriculture, and the State Conservation Commission.

**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: Caroline Mellor  
Address: P.O. Box 47600, Olympia, WA 98504-7600  
Phone: 360.628.4666  
Fax: N/A

(If necessary)  
Name:  
Address:  
Phone:  
Fax:

TTY: For Washington Relay Service or TTY call 711 or 877- TTY:  
833-6341.

Email: Caroline.Mellor@ecy.wa.gov

Email:

Web site: In progress

Web site:

Other: N/A

Other:

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:** 10/31/2023

**Signature:**

**Name:** Ria Berns

A handwritten signature in black ink, appearing to read 'R. Berns' with a stylized flourish at the end.

**Title:** Water Resources Program Manager