WSR 26-17-039
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 26-09—Filed August 12, 2026, 7:51 a.m.]

Subject of Possible Rule Making: The Washington state department of ecology (ecology) is considering revisions to chapter 173-201A WAC, Water quality standards for surface waters of the state of Washington. In response to nominations, we are considering designating outstanding resource waters (ORW) under WAC 173-201A-332. This is the highest level of protection for areas with exceptional water quality, ecological or recreational value, or unique attributes.

The nominated areas are:

- Ruby, Granite, and Canyon creeks and all their named and unnamed tributaries, wetlands, and intermittent and perennial streams within HUC10 watershed 1711000505, extending from the headwaters to the western edge of the watershed at the maximum elevation of Ross Reservoir, which can reach 1,610.5 feet during major flood events (Skagit and Whatcom counties).
- Upper Sultan River, including Williamson Creek, the South Fork Sultan River, and all other streams flowing into Spada Lake Reservoir, from their headwaters to their confluences with Spada Lake Reservoir at the 1450-foot full pool elevation, along with all named and unnamed tributaries, wetlands, and intermittent and perennial streams in and adjacent to these reaches (Snohomish County).
- Upper headwaters of the Lewis River, along with all named and unnamed tributaries, wetlands, and intermittent and perennial streams, starting at its source on Mount Adams (in the Mount Adams Wilderness) and ending where the river meets the boundary of the Gifford Pinchot National Forest (Skamania County).
- Tributaries to the Methow River, including Lost River from its headwaters to the south line of Section 32, Township 37 North, Range 19 East, just above its confluence with the Methow River; the headwaters of Early Winters Creek to its confluence with Cedar Creek; the upper Methow River from its headwaters to its confluence with the Lost River; and the upper Chewuch River from its headwaters to its confluence with Eightmile Creek; as well as all named and unnamed tributaries, wetlands, and intermittent and perennial streams in and adjacent to these reaches (Okanogan County).

We may amend other sections of chapter 173-201A WAC as necessary to support any revisions to the section noted above.

We will review each nomination as described in WAC 173-201A-330 (3)(b), which states that, "In determining whether or not to designate an outstanding resource water, the department will consider factors relating to the difficulty of maintaining the current quality of the water body. Outstanding resource waters should not be designated where substantial and imminent social or economic impact to the local community will occur, unless local public support is overwhelmingly in favor of the designation. The department will carefully weigh the level of support from the public and affected governments in assessing whether or not to designate the water as an outstanding resource water."

After considering public comments and weighing public support for each nomination, we will make a final decision on whether all or part

of a nominated waterbody should be adopted as an ORW, and whether that waterbody should be given Tier III(A) or Tier III(B) protection. Tier III(A) means that future actions can't result in permanent lowering of water quality within the designated boundary. Tier III(B) allows only minor degradation below measurable amounts if the source of pollution can't be completely removed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.48.035 Water pollution control—Rule-making authority; and 40 C.F.R. 131.20 (water quality standards) State review and revision of water quality standards, requires states and tribes (with primacy for clean water actions) to periodically review and update the water quality standards.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On February 24, 2026, we received nominations to designate ORWs from The Pew Charitable Trusts, American Rivers, American Whitewater, Cascade Forest Conservancy, Methow Valley Citizens Council, Trout Unlimited, Washington Wild, and Wild Salmon Center.

We reviewed each nomination to determine if it met one or more of the eligibility requirements under WAC 173-201A-330(1). During this review, which must be completed within 60 days of when we receive the nomination, we contacted local jurisdictions and elected officials, tribes, and other interested parties near each nominated waterbody to notify them of the nominations. We determined that each waterbody nominated met one or more of the eligibility criteria.

The next step in this review process is to gather more information about each nominated waterbody, conduct additional outreach to interested parties and tribes, and hold a formal public review of each nomination before we consider adopting an ORW designation.

ORW designations provide the highest level of protection for eligible waterbodies under the surface water quality standards antidegradation rules. Eligible waterbodies include those that are relatively pristine and in existing protected areas, highly valued for recreation, have unique habitat, exceptional ecological significance, or provide cold water refuge for fish.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: We will coordinate with the United States Environmental Protection Agency through rule development and adoption.

Process for Developing New Rule: 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 Marla Koberstein, Department of Ecology, Water Quality Program, P.O. Box 47696, Olympia, WA 98504-7696, phone 360-789-3610, dial 711 to call through the Washington telecommunications relay for services like text telephone or visit Ecology.wa.gov/ADA for more accessibility information, email marla.koberstein@ecy.wa.gov, website https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-201a-outstanding-resource-waters. Sign up to receive email notices at https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_61.

Additional comments: Interested parties can stay informed about the rule making and public involvement opportunities as described above. Ecology will extend an offer for government-to-government con-

sultation 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 rule making.

July 22, 2026
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