



Confederated Tribes and Bands
of the Yakama Nation

Established by the
Treaty of June 9, 1855

February 19, 2026

Danielle Gallatin
Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

Subject: Comment - Emergency Drought Relief Rule Update

Dear Danielle Gallatin:

I write on behalf of the Yakama Nation Department of Natural Resources to share comments regarding the preliminary draft amendments to Chapter 173 166 WAC. Overall, the draft closely reflects RCW 43.83B, and while much of the content is appropriate, there are several areas where additional clarity and improvement would strengthen the drought relief framework.

One of our primary concerns relates to the draft definition of “undue hardship” in WAC 173 166 040(3)(a). The listed impacts are important, but they do not fully reflect the range of hardships communities experience during drought. Notably, the language omits impacts on cultural and Tribal resources, which can be substantial when drought affects first foods and treaty-reserved resources. These impacts represent real hardship and should be explicitly recognized in the rule. Similarly, wildfire risk—one of the most direct and damaging consequences of severe droughts is excluded from the draft language. Additionally, wildfire threatens fish and wildlife habitat, water quality, critical infrastructure, irrigation systems, and access to water supplies.

In addition, WAC 173 166 040(3)(b), which describes the process for evaluating undue hardship, identifies several entities the Ecology will consult but noticeably omits fisheries and wildlife biologists. Because drought often has significant ecological effects—including reduced streamflows, elevated water temperatures, and direct harm to aquatic species—input from state and Tribal fish and wildlife specialists is essential. Their absence on the consultation list is striking, and we recommend that technical experts in fisheries and wildlife be explicitly included.

More broadly, we remain concerned that the draft rule does not address one of the most persistent challenges with drought response in Washington: the timing of drought declarations. When declarations are issued in April or later, communities experiencing hardship have often already begun implementing solutions without access to emergency funding. Agricultural decisions such as cropping, planting, and fallowing typically occur in February and March. If drought funding were available

earlier, farmers could fallow land in ways that open opportunities for leasing consumptive water to benefit fish or other irrigation districts. Likewise, efforts to protect fish—such as thermal refuge enhancement, habitat protection, or emergency fish passage improvements—are most effective when implemented early in the season. The absence of mechanisms for earlier drought declarations or pre-declaration funding makes it difficult to develop timely and effective responses.

Finally, we would like to emphasize the need for a streamlined grant and contracting process. Many of the entities responding to drought—particularly smaller organizations, irrigation districts, and Tribal programs—do not have staff capacity to navigate lengthy contracts and administrative requirements. Grant funding must be easier to access, with simpler applications and expedited review timelines; without these improvements, the ability of affected entities to respond effectively to drought will remain limited.

In closing, we appreciate the Ecology's work and the opportunity to comment on the preliminary draft rule. By recognizing cultural impacts and wildfire-related hardship, incorporating fisheries and wildlife expertise, enabling earlier drought declarations and funding availability, and streamlining grant administration, the rule would more effectively support drought response for farms, fish, municipalities, and Tribal communities. Thank you for considering our input, and we look forward to continued engagement throughout the rulemaking process.

Sincerely,



Philip Rigdon, Superintendent
Yakama Nation Department of Natural Resources