



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology AO # 04-02

Preproposal Statement of Inquiry was filed as WSR 04-07-185 ; or  
 Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or  
 Proposal is exempt under RCW 34.05.310(4).

Original Notice  
 Supplemental Notice to WSR \_\_\_\_\_  
 Continuance of WSR \_\_\_\_\_

Title of rule and other identifying information: (Describe Subject)

Chapter 173-517 WAC, Water Resources Management Program for the Quilcene-Snow Water Resources Inventory Area (WRIA 17)

**Hearing location(s):**

Fort Worden Commons  
210 Battery Way  
Port Townsend, WA

**Submit written comments to:**

Department of Ecology Water Resources webpage at:

<http://www.ecy.wa.gov/programs/wr/instream-flows/quilsnowbasin.html>

Name: Ann Wessel

Address: Department of Ecology, Water Resources Program  
P.O. Box 47600, Olympia, WA 98504-7600

e-mail [awes461@ecy.wa.gov](mailto:awes461@ecy.wa.gov)

fax (360) 407-6574 by (date) 5:00 pm, July 10, 2009

Date: June 25, 2009 Time: 6:30 PM

Date of intended adoption: August 28, 2009

(Note: This is NOT the effective date)

**Assistance for persons with disabilities:** Contact

Judy Beitel by June 16, 2009

Persons with hearing loss, call 711 for Washington Relay Service.

Persons with a speech disability, call 877-833-6341.

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The primary purpose of the rule is to adopt instream flows and protect instream resources in the Quilcene Snow watershed (WRIA 17). The local Watershed Planning Unit recommended continuing efforts to gather information and reach consensus on instream flows. Jefferson County Commissioners approved recommendations in the watershed plan on January 10, 2005. The Planning Unit achieved consensus on instream flow values for 7 streams (Big Quilcene, Little Quilcene, Tarboo, Thorndyke, Snow, Salmon, and Chimacum) on January 25, 2005. The key rule elements include:

- Setting instream flow levels on 13 streams in the watershed to protect aquatic resources, including habitat for threatened and endangered salmonids;
- Closing sub-basins to future surface water and unmitigated groundwater withdrawals with the exception of seasonal water use from Chimacum Creek and the Big Quilcene river (and use of the reserves, below);
- Establishing limited reserves of water for future use and specifying conditions of use for the reserves;
- Establishing a conservation standard for new permit-exempt well use to benefit in-stream resources and better manage limited supply; and
- Allowing the collection and use of rooftop rainwater.

**Reasons supporting proposal:** The proposal furthers the State of Washington's water management goals and statutory obligations, contains many elements recommended by the local watershed planning group and ensures that water will be available for exempt well use well into the future.

**Statutory authority for adoption:** RCW chapters 90.54, 90.22, 90.82, 90.03, and 90.44.

**Statute being implemented:** RCW chapters 90.03, 90.22, 90.44, 90.54, 90.82

**Is rule necessary because of a:**

Federal Law?  Yes  No  
 Federal Court Decision?  Yes  No  
 State Court Decision?  Yes  No  
 If yes, CITATION:

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: May 18, 2009

TIME: 5:05 PM

**WSR 09-11-095**

DATE 5/15/09

NAME (type or print)

Polly Zehm

SIGNATURE

TITLE

Deputy Director Department of Ecology

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

NA

**Name of proponent:** (person or organization) Department of Ecology

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Ann Wessel	Headquarters, Department of Ecology	(360) 407-6785
Implementation.... Tom Loranger	Southwest Regional Office, Department of Ecology	(360) 407-6058
Enforcement..... Tom Loranger	Southwest Regional Office, Department of Ecology	(360) 407-6058

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:  
Department of Ecology Water Resource webpage at:

<http://www.ecy.wa.gov/programs/wr/instream-flows/quilsnowbasin.html>

or:

Name: Lanessa Inman  
Address: Department of Ecology  
P.O. Box 4-7600  
Lacey, WA 98504-7600

phone (360) 407-6862  
fax (360)407-7162  
e-mail [linm461@ecy.wa.gov](mailto:linm461@ecy.wa.gov)

No. Explain why no statement was prepared.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:  
Department of Ecology Water Resource webpage at:

<http://www.ecy.wa.gov/programs/wr/instream-flows/quilsnowbasin.html>

or:

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No: Please explain: