



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: Department of Ecology AO # 04-09

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 04-11-038 ; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____ ; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).	<input type="checkbox"/> Continuance of WSR _____

**Title of rule and other identifying information:**

The rule making will establish a state water management program for the Columbia River. It includes proposing Chapter 173-565 WAC Columbia River Mainstem water Management Program, and amending chapters 173-531A WAC The Water Resources Program for the John Day-McNary Pools Reach of the Columbia River and chapter 173-563 WAC The Instream Resources Protection Program for the Main Stem Columbia River in Washington State.

Hearing location(s): see attached page

**Submit written comments to:**

Name: Gerry O'Keefe  
Address: PO Box 47600, Olympia WA 98503

e-mail [goke461@ecy.wa.gov](mailto:goke461@ecy.wa.gov)  
fax (360) 407-6989 postmarked by (date) March 5, 2005

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**Assistance for persons with disabilities:** Contact

Water Resources Program reception by January 28

TTY (711) or 1-800-833-6388 or (360) 407-6600

**Date of intended adoption:** May 20, 2005

(Note: This is **NOT** the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The rule making will establish a state water management program for the Columbia River. It includes proposing Chapter 173-565 WAC Columbia River Mainstem water Management Program, and amending chapters 173-531A WAC The Water Resources Program for the John Day-McNary Pools Reach of the Columbia River and chapter 173-563 WAC The Instream Resources Protection Program for the Main Stem Columbia River in Washington State.

**Reasons supporting proposal:**

There are currently a large number of pending applications in Washington for new water rights from the Columbia River, and the demand for water is expected to grow over time as population and economic activity increase. At the same time, the endangered status of fish populations living in the river requires careful consideration of the effects off-stream water use. The department has twice been petitioned to initiate rule making for the Columbia River: first to close the river and its tributaries in Washington to further appropriation; and, subsequently, to require the department to process existing water right applications. In light of these conflicting petitions and recognizing that rule making is necessary to re-establish a stable footing for implementation of state policy, there is a compelling need for a rule governing a state water management program for the river. The proposed rule is intended to protect a healthy ecosystem while allowing for additional development to occur.

**Statutory authority for adoption:** RCW 90.03; RCW 90.22; RCW 90.54; RCW 43.21A; RCW 43.27A; and proposed policy bill: Management of water resources for the mainstem of the Columbia River.

**Statute being implemented:** RCW 90.03; RCW 90.22; RCW 90.54; RCW 43.21A; RCW 43.27A; and proposed policy bill: Management of water resources for the mainstem of the Columbia River.

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION: \_\_\_\_\_

**CODE REVISER USE ONLY**

CODE REVISER USE ONLY  
STATE OF WASHINGTON  
FILED

DEC 7

839

WSR 05-01-140

DATE 12/16/04

NAME  
Linda Hoffman

SIGNATURE *Linda Hoffman*

TITLE  
Director, Department of Ecology

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

The proposed rule is part of a package proposed by Governor Locke designed to institute a new mainstem water resources management program for the Columbia River. The rule language, as proposed, assumes the enactment of executive request legislation by the 2005 Session of the Legislature. It also assumes that funding is provided to implement the new program.

Given the importance of the issues under discussion, the department will not adopt the proposed rule prior to receiving direction from the next Governor and the Legislature regarding the state's policies guiding a management regime for the Columbia River.

**Name of proponent:**

Linda Hoffman, Director  
Department of Ecology

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting.....	Keith Phillips Gerry O'Keefe	Ecology Headquarters, Lacey	(360) 407-6610 (360) 407-6640
Implementation.....	Joe Stohr	Ecology Headquarters, Lacey	(360) 407-6602
Enforcement.....	Joe Stohr	Ecology Headquarters, Lacey	(360) 407-6602

**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:

Name: Cathy Carruthers  
Address: Department of Ecology – Rules Unit  
PO Box 47600  
Lacey, Washington 98502-7600

phone (360) 407-6564  
fax (360)407-6989  
e-mail caca461@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:  
Name: Shidong Zhang, PhD

Address: Department of Ecology – Rules Unit  
PO Box 47600  
Lacey, Washington 98504-7600

phone (360) 407-6774  
fax (360)407-6989  
e-mail szha461@ecy.wa.gov

No: Please explain:

A draft environmental impact statement related to this rulemaking is also available for public comment. A copy can be downloaded at the following website: <http://www.ecy.wa.gov/biblio/wr.html> or you can request a copy by calling Jean Witt at (360) 407- 7472.

**Comment Period Ends  
March 4, 2005**

**HEARINGS  
2005**

**Vancouver**

Feb. 7, 7:00 p.m.  
Water Resources Ed Center  
4600 S.E. Columbia Way

**Pasco**

Feb. 8, 7:00 p.m.  
TRAC  
Sports Hall of Fame Room  
6600 Burden Blvd.

**Moses Lake**

Feb. 9, 12:00 noon  
Fire Dept. Multi-Purpose Rm.  
701 E. Third Ave.

**Grand Coulee**

Feb. 9, 7:00 p.m.  
Grand Gallery Theater  
204 Main St.

**Wenatchee**

Feb. 10, 7:00 p.m.  
Chelan Co. PUD Auditorium  
327 N. Wenatchee Ave.

**Lacey**

Feb. 15, 7:00 p.m.  
Dept. of Ecology Auditorium  
300 Desmond Dr.

**Colville**

Feb. 17, 7:00 p.m.  
Community Colleges of Spokane, Colville Center  
985 S. Elm St.  
East Entrance, Dominion Rm.

