



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do NOT use for expedited rule making

Agency: Department of Ecology

Subject of possible rule making: This rule-making will create Chapter 173-528, WAC Water Resources Management Program for the Salmon-Washougal Basin. Instream flows will be proposed for the Washougal River, and Salmon, Burnt Bridge, and Lacamas creeks. Instream flows may also be proposed for a number of other tributaries within the watershed where habitat studies exist. Where appropriate, closures to future appropriation will also be established in rule. The rule language will provide for water supply reservations and will set up requirements to accessing the reservation in order to promote protection of future supply and instream values. Clark County portions of the reserve will be transferred from WAC Chapter 173-592 (Reservation of future public water supply for Clark County) in the amount recommended by Watershed Plan for specific subbasins. After transfer, WAC Chapter 173-592 will be repealed in its entirety.

Statutes authorizing the agency to adopt rules on this subject:
RCW chapters 90.82, 90.22, 90.54, 90.03, 90.44, 18.104, 90.42, and 77.55.

Reasons why rules on this subject may be needed and what they might accomplish: Water Resources Inventory Area (WRIA) 28 is located in southwest Washington State and comprises portions of Clark and Skamania counties. A variety of needs must be met by surface and ground waters in this region of the state. Just as water supply for people is growing in demand, instream flows throughout the watershed are vital for fish and wildlife species. Local streams provide habitat for fish species that have recently been listed under the federal Endangered Species Act (ESA).

ESA Status of Listed Fish Species in WRIA 28: Spring and Fall Chinook, "Threatened" - March 24, 1999; Coho, "Candidate" - July 14, 1997; Summer and Winter Steelhead, "Threatened" - March 19, 1998; Chum, "Threatened" - March 25, 1999; Bull Trout, "Threatened" - June 10, 1998.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:
The department will consult with the affected tribes in the Lewis Watershed, other state departments (including Washington Department of Fish and Wildlife), and appropriate federal agencies.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

During rulemaking, draft language will be shared with the local Watershed Planning Unit; WA Departments of Fish and Wildlife, Community, Trade & Economic Development, and Agriculture; tribes; and other interested parties. Ecology will hold at least one open house prior to filing the CR-102 and proposed rule language. A focus sheet, web page, and public notice will be developed to explain the elements of the proposed rule and announce the date(s) of the open house(s). A press release, mailing and email will be used to distribute the information.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:
(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

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DATE
April 21, 2008

NAME (TYPE OR PRINT)
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TITLE
Program Manager

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