



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology AO# 08-03

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 08-09-146 ; 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: (Describe Subject)
Chapter 173-528 WAC, Water Resources Management Program for the Salmon-Washougal Basin, WRIA 28

Hearing location(s):

August 26 – 7:00 pm
Educational Services District
Clark & Pacific Rooms
2500 NE 65th Ave.
Vancouver, WA

August 27 – 7:00 pm
Cowlitz Expo and Conference Center
1900 7th Ave.
Longview, WA

August 28 – 7:00 pm
Stevenson Community Library
Library Gallery
120 N.W. Vancouver Ave.
Stevenson, WA

Submit written comments to:

Department of Ecology Water Resources webpage at http://www.ecy.wa.gov/programs/wr/instream-flows/lewis_salmon_washougal.html

Name: Travis Burns
Address: Department of Ecology, Water Resources Program
PO Box 47600, Olympia WA 98504-7600
(360) 407-7207
e-mail tbur461@ecy.wa.gov
fax (360) 407-6574 by (date) September 10, 2008

Assistance for persons with disabilities: Contact
Judy Beitel by August 16, 2008
TTY (800) 833-6388 or (360) 407-6878

Date of intended adoption: September 23, 2008
(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: In order to better manage water resources in WRIA 28, the local Watershed Planning Unit recommended that Ecology adopt, in rule, a water resource management strategy for the Basin. Recommendations were approved by Clark, Cowlitz and Skamania county commissioners in July 2006. The new rule will cause portions of water reserved under WAC 173-592 to be transferred to the management scheme in WAC 173-528. Under the proposal, WAC 173-592 will be subsequently repealed in its entirety.

- The key rule elements include:
- Setting instream flow levels in the watersheds to protect aquatic resources, including habitat for threatened and endangered salmonids;
 - Closing sub-basins to future withdrawals with the exception of seasonal water use from the region's larger streams;
 - Designating "regional supply areas" for future water supply;
 - Establishing limited reservations of water for future use; and
 - Specifying conditions for accessing the water reserves to benefit instream resources and better manage limited supply.

Reasons supporting proposal: RCW 90.82.130(4) states when a watershed plan is approved by a watershed planning unit and the county legislative authority, Ecology, as a participating member of the planning unit, is obligated to use the plan for making future water resource decisions for the watershed. The proposal also furthers Ecology's water management goals and statutory obligations.

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

Statute being implemented: RCW 90.03, 90.44, 90.54, 90.22 and 90.82

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:

DATE: 7/22/08

NAME (type/or print): Polly Zehm

SIGNATURE: *Polly Zehm*

TITLE: Deputy Director Department of Ecology

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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..... Travis Burns	Headquarters, Department of Ecology	(360) 407-7207
Implementation.... Thomas Loranger	Southwest Regional Office, Department of Ecology	(360) 407-6058
Enforcement..... Thomas 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 Resources webpage at

http://www.ecy.wa.gov/programs/wr/instream-flows/lewis_salmon_washougal.html

or:

Name: Lanessa Inman

Address: Department of Ecology

300 Desmond Dr. SE

Lacey, WA 98504

phone (360) 407-6862

fax (360) 407-7162

e-mail 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 Resources webpage at

http://www.ecy.wa.gov/programs/wr/instream-flows/lewis_salmon_washougal.html

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No: Please explain: