



RULE-MAKING ORDER

CR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Department of Ecology AO # 06-04

- Permanent Rule
 Emergency Rule

Effective date of rule:

Permanent Rules

- 31 days after filing
 Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

- Immediately upon filing
 Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

▪ **Purpose: See Attachment.**

Citation of existing rules affected by this order:

Repealed: None
 Amended: Chapter 173-201A
 Suspended: None

Statutory authority for adoption: Chapter 90.48.035 RCW

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 06.13.104 on June 21, 2006

Describe any changes other than editing from proposed to adopted version: Only corrections, editing, and clarification changes have been made. No changes have been made that alter the substance of the proposed regulation.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest
 That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted:

11/20/06

NAME (TYPE OR PRINT)

Jay J. Manning

SIGNATURE

TITLE

Director, Department of Ecology

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

NOV 20 2006

TIME

WSR

2:08

06-23-117

AM

PM

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	<u>3</u>	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	<u>1</u>	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>1</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	<u>1</u>	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

**Attachment to Rule Making Order AO #06-04
Revisions to Chapter 173-201A WAC**

Purpose of Rulemaking:

This rule:

- Changes the designated uses for many rivers from "spawning and noncore rearing" to "core summer salmonid habitat" and changes rule text to support the basis for these changes. This results in many rivers going from a 7-day average temperature of 17.5°C to a 7-day average daily maximum of 16°C and the dissolved oxygen criteria will go from 8.0 mg/l to 9.5 mg/l
- Changes a small number of rivers to the "char spawning and rearing" designated use type and change rule text to support the basis for these changes. This will result in some rivers going to a 7-day average daily maximum of 12°C from the old daily 7-day average of 16°C or 17.5°C.
- Adds spawning locations and timing windows where explicit spawning/incubation temperature criteria would apply for salmonids. These changes apply a 7-day average daily maximum criterion of 13°C to protect spawning and incubation of salmon and trout (9°C for the spawning of bull trout.)
- Correct miscellaneous minor (typographic) errors introduced during the 2003 rule making.

