



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology AO # 05-04

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 05-06-114 ; 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 173-526 WAC, Water Resources Management Program for the Cowlitz Watershed (WRIA 26)

Hearing location(s):

May 26, 2010 – 7:00 PM Longview , WA Cowlitz County Training Center 1900 "1 st " Avenue	May 27, 2010 – 7:00 PM Morton, WA Morton School District Lecture Room 152 Westlake Avenue
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Submit written comments (preferably via email) to:
 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: June 4, 2010

Assistance for persons with disabilities: Contact
 Judy Beitel by May 21, 2010
 TTY (800) 833-6388 or (360) 407-6878
 Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

Date of intended adoption: July 15, 2010
(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 25, the local Watershed Planning Unit recommended that Ecology adopt, in rule, a water resource management strategy for the Basin. Recommendations were approved by Wahkiakum, Lewis, Cowlitz and Skamania county commissioners in July 2006.

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;
- 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, 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:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 19, 2010

TIME: 1:20 PM

WSR 10-09-072

DATE
4/19/10

NAME (type or print)
Polly Zehm

SIGNATURE *Polly Zehm*

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..... 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/ge_cowlitz.html
or:
Name: Barbara Anderson
Address: Department of Ecology
300 Desmond Dr. SE
Lacey, WA 98504

phone (360) 407-6607
fax (360) 407-7162
e-mail btov461@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/ge_cowlitz.html
or:
Name: Barbara Anderson
Address: Department of Ecology
300 Desmond Dr. SE
Lacey, WA 98504

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e-mail btov461@ecy.wa.gov

No: Please explain: