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HOUSE BILL 1924

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State of Washington

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2013 Regular Session

By Representatives Tharinger, Van De Wege, Takko, Lytton, Fitzgibbon, Upthegrove, and Pollet

Read first time 02/18/13. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to watershed planning grants; and amending RCW  
2 90.82.040.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 90.82.040 and 2003 1st sp.s. c 4 s 2 are each amended  
5 to read as follows:

6 (1) Once a WRIA planning unit has been initiated under RCW  
7 90.82.060 and a lead agency has been designated, it shall notify the  
8 department and may apply to the department for funding assistance for  
9 conducting the planning and implementation. Funds shall be provided  
10 from and to the extent of appropriations made by the legislature to the  
11 department expressly for this purpose.

12 (2)(a) Each planning unit that has complied with subsection (1) of  
13 this section is eligible to receive watershed planning grants in the  
14 following amounts for the first three phases of watershed planning and  
15 phase four watershed plan implementation:

16 (i) Initiating governments may apply for an initial organizing  
17 grant of up to fifty thousand dollars for a single WRIA or up to  
18 seventy-five thousand dollars for a multi-WRIA management area in  
19 accordance with RCW 90.82.060(4);

1 (ii)(A) A planning unit may apply for up to two hundred thousand  
2 dollars for each WRIA in the management area for conducting watershed  
3 assessments in accordance with RCW 90.82.070, except that a planning  
4 unit that chooses to conduct a detailed assessment or studies under  
5 (a)(ii)(B) of this subsection or whose initiating governments choose or  
6 have chosen to include an instream flow or water quality component in  
7 accordance with RCW 90.82.080 or 90.82.090 may apply for up to one  
8 hundred thousand additional dollars for each instream flow and up to  
9 one hundred thousand additional dollars for each water quality  
10 component included for each WRIA to conduct an assessment on that  
11 optional component and for each WRIA in which the assessments or  
12 studies under (a)(ii)(B) of this subsection are conducted.

13 (B) A planning unit may elect to apply for up to one hundred  
14 thousand additional dollars to conduct a detailed assessment of  
15 multipurpose water storage opportunities or for studies of specific  
16 multipurpose storage projects which opportunities or projects are  
17 consistent with and support the other elements of the planning unit's  
18 watershed plan developed under this chapter; and

19 (iii) A planning unit may apply for up to two hundred fifty  
20 thousand dollars for each WRIA in the management area for developing a  
21 watershed plan and making recommendations for actions by local, state,  
22 and federal agencies, tribes, private property owners, private  
23 organizations, and individual citizens, including a recommended list of  
24 strategies and projects that would further the purpose of the plan in  
25 accordance with RCW 90.82.060 through 90.82.100.

26 (b) A planning unit may request a different amount for phase two or  
27 phase three of watershed planning than is specified in (a) of this  
28 subsection, provided that the total amount of funds awarded do not  
29 exceed the maximum amount the planning unit is eligible for under (a)  
30 of this subsection. The department shall approve such an alternative  
31 allocation of funds if the planning unit identifies how the proposed  
32 alternative will meet the goals of this chapter and provides a proposed  
33 timeline for the completion of planning. However, the up to one  
34 hundred thousand additional dollars in funding for instream flow and  
35 water quality components and for water storage assessments or studies  
36 that a planning unit may apply for under (a)(ii)(A) of this subsection  
37 may be used only for those instream flow, water quality, and water  
38 storage purposes.

1 (c) By December 1, 2001, or within one year of initiating phase one  
2 of watershed planning, whichever occurs later, the initiating  
3 governments for each planning unit must inform the department whether  
4 they intend to have the planning unit establish or amend instream flows  
5 as part of its planning process. If they elect to have the planning  
6 unit establish or amend instream flows, the planning unit is eligible  
7 to receive one hundred thousand dollars for that purpose in accordance  
8 with (a)(ii) of this subsection. If the initiating governments for a  
9 planning unit elect not to establish or amend instream flows as part of  
10 the unit's planning process, the department shall retain one hundred  
11 thousand dollars to carry out an assessment to support establishment of  
12 instream flows and to establish such flows in accordance with RCW  
13 90.54.020(3)(a) and chapter 90.22 RCW. The department shall not use  
14 these funds to amend an existing instream flow unless requested to do  
15 so by the initiating governments for a planning unit.

16 (d) In administering funds appropriated for supplemental funding  
17 for optional plan components under (a)(ii) of this subsection, the  
18 department shall give priority in granting the available funds to  
19 proposals for setting or amending instream flows.

20 (e)(i) A (~~(planning unit)~~) lead agency may apply for a matching  
21 grant for phase four watershed plan implementation following approval  
22 under the provisions of RCW 90.82.130. (~~(A match of ten percent is~~  
23 ~~required and)~~) For the first five years of a phase four grant, a ten  
24 percent funding match is required, which may include financial  
25 contributions or in-kind goods and services directly related to  
26 coordination, plan, or project implementation and oversight functions.  
27 The match can be provided by the (~~(planning unit)~~) lead agency, members  
28 of the plan implementation group, or by the combined commitments from  
29 federal agencies, tribal governments, local governments, special  
30 districts, or other local organizations. The phase four grant may be  
31 up to one hundred thousand dollars for each planning unit for each of  
32 the first three years of implementation. At the end of the three-year  
33 period, (~~(a two-year)~~) extensions may be available for up to fifty  
34 thousand dollars each year, subject to legislative appropriation. For  
35 planning units that cover more than one WRIA, additional matching funds  
36 of up to twenty-five thousand dollars may be available for each  
37 additional WRIA per year for the first three years of implementation,

1 and up to twelve thousand five hundred dollars per WRIA per year ((for  
2 each of the fourth and fifth years)) thereafter.

3 (ii) At the end of the initial five-year period, grants of up to  
4 fifty thousand dollars may be made available consistent with this  
5 section for lead agencies and plan implementation groups that commit to  
6 a review every five years, beginning in year six, of the adopted  
7 watershed plan and the detailed implementation plan to ensure that the  
8 highest priority water resource management issues in the watersheds are  
9 being addressed by all plan implementation partners, including the  
10 identification of a ranked ordering of water supply innovations and  
11 projects designed to address the basin's highest priority water  
12 management issues. A funding match is not required for grants after  
13 the fifth year.

14 (3)(a) The department shall use the eligibility criteria in this  
15 subsection (3) instead of rules, policies, or guidelines when  
16 evaluating grant applications at each stage of the grants program.

17 (b) In reviewing grant applications under this subsection (3), the  
18 department shall evaluate whether:

19 (i) The planning unit meets all of the requirements of this  
20 chapter;

21 (ii) The application demonstrates a need for state planning funds  
22 to accomplish the objectives of the planning process; and

23 (iii) The application and supporting information evidences a  
24 readiness to proceed.

25 (c) In ranking grant applications submitted at each stage of the  
26 grants program, the department shall give preference to applications in  
27 the following order of priority:

28 (i) Applications from existing planning groups that have been in  
29 existence for at least one year;

30 (ii) Applications that, if not funded, would result in the  
31 dissolution of a planning unit that has been meeting regularly and  
32 pursuing the goals of subsection (2) of this section;

33 (iii) Applications that address protection and enhancement of fish  
34 habitat in watersheds that have aquatic fish species listed or proposed  
35 to be listed as endangered or threatened under the federal endangered  
36 species act, 16 U.S.C. Sec. 1531 et seq. and for which there is  
37 evidence of an inability to supply adequate water for population and  
38 economic growth from:

1 (A) First, multi-WRIA planning; and  
2 (B) Second, single WRIA planning;  
3 (~~(iii)~~) (iv) Applications that address protection and enhancement  
4 of fish habitat in watersheds or for which there is evidence of an  
5 inability to supply adequate water for population and economic growth  
6 from:

7 (A) First, multi-WRIA planning; and  
8 (B) Second, single WRIA planning.

9 (d) Except for phase four watershed plan implementation, the  
10 department may not impose any local matching fund requirement as a  
11 condition for grant eligibility or as a preference for receiving a  
12 grant.

13 (4) The department may retain up to one percent of funds allocated  
14 under this section to defray administrative costs.

15 (5) Planning under this chapter should be completed as  
16 expeditiously as possible, with the focus being on local stakeholders  
17 cooperating to meet local needs.

18 (6) Funding provided under this section shall be considered a  
19 contractual obligation against the moneys appropriated for this  
20 purpose.

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