

SENATE BILL REPORT

SB 6698

As Reported By Senate Committee On:
Ecology & Parks, February 2, 1996

Title: An act relating to locally conducted basin assessments and planning for watersheds.

Brief Description: Establishing locally conducted basin assessments and planning for watersheds.

Sponsors: Senators Swecker, Newhouse, Haugen and Rasmussen.

Brief History:

Committee Activity: Ecology & Parks: 1/31/96, 2/2/96 [DPS-WM].

SENATE COMMITTEE ON ECOLOGY & PARKS

Majority Report: That Substitute Senate Bill No. 6698 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Fraser, Chair; Fairley, Vice Chair; McAuliffe and Spanel.

Staff: Gary Wilburn (786-7453)

Background: Water resource planning is conducted under a variety of state and local authorities. The principal authority for basin water resource plans is provided in statute to the state Department of Ecology, wherein the department is to develop a comprehensive state water resources program. The department has developed the state program through addressing specific watersheds in regional, or "basin," plans. It has divided the state by rule into 62 "water resource inventory areas," commonly known as "WRIAs", and has adopted a comprehensive plan for a majority of these basins. In 1991 the Legislature authorized a pilot process of regionally developed basin plans with the participation of all interests at the regional level. Under this authority, plans have been developed in the Methow and Dungeness/Quilcene basins.

There are numerous other planning efforts around the state addressed to specific water resource issues or to specific watersheds. Many of these have been generated at the local level with minimal state guidance or financial assistance, such as the Yakima Watershed Council and the Central Puget Sound water supply planning group. Other activities are conducted with state financial and technical assistance and are directed to narrower water resource management and supply issues, such as planning authorized under legislation pertaining to Ground Water Management Areas, Coordinated Water Supply Planning, and watershed action planning under the Puget Sound Water Quality Management Plan. Still other water-related planning may be conducted by local government as part of their comprehensive land use planning under the Growth Management Act. Conservation districts also develop plans for riparian habitat and stream improvements for more limited stream segments. Numerous other agencies, property owners, community organizations, and local

governments are engaged in planning for improvements to rivers, streams, lakes and other water bodies.

It has been suggested that such local and regional planning efforts can be better coordinated, and the public's interests in all matters of water resource stewardship better served, by state legislation providing a framework for comprehensive water resource planning.

Summary of Substitute Bill: A findings and intent section are provided regarding the state's interest in funding, supporting and facilitating basin assessments and the development of basin plans in a cooperative manner by all interests.

1. Basin assessments. The purposes of basin assessments are specified, and include timely permit decision-making, the conditions for permit issuance, supporting data collection and management needs, and to assist in planning and policy decisions. The assessments are to be prepared by the Department of Ecology, and may be with the assistance of other governmental entities in the basin. The department must develop a standardized intergovernmental agreement for such assistance.

A two-stage process for basin assessment preparation is specified. The first stage includes data collection, identification of data gaps and environmental trends, and recommendations regarding priority areas, issues, data and resource issues for further study. The second stage may be such further analysis, guided by the recommendations in the level I analysis. The department is to develop uniform procedures for basin assessment data management and accessibility. The timeline for preparation is to be established at the beginning of the process.

2. Basin planning. Locally based basin planning is declared an essential component of developing the state's water management approaches. Planning is to be conducted in two phases. In Phase I, or "prescoping" phase, a notice of intent to plan is initiated by the signature of at least two local water-supply or -management governments, or one such government and a tribe. The contents of the notice are specified.

Within 60 days of the notice, the initiating entities are to call a meeting of all general purpose local governments, water special districts, state and federal agencies with water or natural resource management responsibilities, and tribes for the purpose of forming an initial basin planning unit. A lead agency or agencies are to be designated to administer the prescoping and full planning phases. The planning unit's tasks are specified, including identifying all stakeholder interests, the potential range of issues, data collection needs, and developing a scope of work. The planning unit is to establish its own decision-making process.

Phase II is the full planning stage, which is commenced by a meeting of all stakeholder interests. Within 60 days of the meeting an expanded basin planning unit is to be formed with representatives as follows: three from state government, three from local government, three from participating tribes, one each from specified interest categories, and several representing the general public. The selection methods for different categories of representatives are specified. A public involvement advisory committee is to be created. At least two public hearings are to be held on the scope of work prior to its adoption.

The timeline for plan preparation is to be established at the onset of the process. Consensus is the preferred decision-making method for the expanded planning unit. The basin plan may include recommended changes to adopted instream flow rules and recommended levels for streams without adopted rules.

The minimum elements of a basin plan are specified. At least two public hearings are to be held before adopting a draft plan. Procedures for review and comment by all local governments on a draft plan are specified, which include a remand to the planning unit if the plan is found inconsistent with adopted land use plans and shoreline policies. The plan is submitted to the Department of Ecology, which may remand the plan for identified inconsistencies with state or federal law. The method of adoption by various governmental jurisdictions of the plan are described. The Department of Ecology is to adopt a rule reflecting state approval and make necessary changes in existing state rules that would otherwise preclude implementation.

The Department of Ecology must adopt guidelines to implement the basin planning procedures of the legislation. A local government implementing a basin plan may adopt an ordinance that limits the purposes, quantity, or time period of uses of ground water exempt from the state ground water withdrawal permit.

Substitute Bill Compared to Original Bill: The purpose of basin assessments is expanded to include assisting in basin planning and increasing public understanding of water use characteristics. Fishery resource references are replaced by the term water-dependent natural resources. Instead of the state deferring to local entities in preparing basin assessments, such entities may assist in preparing basin assessments. Greater public review and involvement are incorporated into level I and II assessment procedures. The timeline is set at the beginning of an assessment instead of an 18-month deadline.

Regarding basin planning, the planning unit is to include several representatives of the general public, selected by the general purpose local governments. The roles of the initial planning unit and expanded planning unit are clarified. The formula in the original bill for voting in the event consensus fails is deleted. Instead of a two-year deadline, timelines are to be set at the onset of the planning. A provision regarding local ordinances to modify the statutory groundwater permit exemption within basins with an adopted basin plan is added.

Appropriation: None.

Fiscal Note: Requested on January 29, 1996.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: While there are numerous locally driven initiatives for watershed planning underway around the state, these efforts would benefit by greater statutory direction and more certainty as to the means of implementing plans once they are adopted.

Testimony Against: None.

Testified: Dave Arbaugh, WA PUD Assn. (pro); Mike Grady, CTED (pro).