
SENATE BILL 6311

State of Washington

62nd Legislature

2012 Regular Session

By Senators Haugen, Hobbs, Honeyford, Hatfield, and Hargrove

Read first time 01/17/12. Referred to Committee on Agriculture, Water & Rural Economic Development.

1 AN ACT Relating to requiring proof of concept for water resource
2 mitigation alternatives for human domestic needs in rural areas; adding
3 a new section to chapter 90.54 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the 1971 water
6 resources act provides that allocation of water among potential uses
7 and users must be based generally on securing of the maximum net
8 benefits for the people of the state. Maximum net benefits constitutes
9 total benefits, less costs, including opportunities lost. The
10 legislature finds that in allocating water under chapter 90.54 RCW that
11 adequate supplies of water are to be preserved and protected to satisfy
12 human domestic needs and that mitigation is not statutorily authorized
13 when making these allocations.

14 The legislature finds that homeowners not served by a public water
15 system may desire to access additional quantities of water to
16 supplement existing water allocations for human domestic uses for a
17 broad range of potential uses on their land. The department of ecology
18 has advanced conceptual alternatives that may provide homeowners the

1 ability to secure additional water resources based on the water-budget
2 neutral concept.

3 The purpose of this act is to direct the department of ecology to
4 collaboratively work with representatives of state agencies, local
5 governments, local health departments, tribes, landowners, the home
6 construction industry, homeowners, engineers, and other interested
7 people to examine and develop workable mechanisms that are practical,
8 economical, and safe for homeowners and the home construction industry
9 to implement.

10 It is the intent of the legislature that the construction of homes,
11 and the related jobs resulting from home construction, not be held up
12 in any way while these innovative alternatives are being explored and
13 more fully developed.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.54 RCW
15 to read as follows:

16 (1) The department of ecology shall work collaboratively to examine
17 potential alternatives for increasing the amount of water otherwise
18 allocated to rural homeowners and businesses under this chapter. Among
19 the alternatives the department shall explore are:

20 (a) Improvements to water systems serving a certain minimum number
21 of homes, businesses, or both;

22 (b) The collection, retention, and use or release of rainwater;

23 (c) The use of deep wells to augment stream flows;

24 (d) Water-sharing agreements with nearby well owners;

25 (e) Constructing ponds or other water impoundments;

26 (f) Conserving water in the watershed and banking that conserved
27 water for transfer to other users;

28 (g) Pumping water from other legally available water sources for
29 release into the watershed to offset the increased withdrawal that is
30 sought;

31 (h) Improving the efficiency of municipal irrigation or other water
32 distribution systems in the watershed; and

33 (i) Other alternatives that may have merit as suggested by the
34 department or interested parties.

35 (2) For alternatives that are determined to be viable, the
36 department shall: (a) Develop the criteria and mechanisms to provide
37 clear and practical guidance to homeowners and builders; (b) anticipate

1 the variety of conditions in the state and provide an array of options
2 suitable to meet the types of conditions that homeowners would likely
3 encounter; and (c) develop true-to-life examples of how it would work
4 in subbasins where limitations on water for essential human domestic
5 uses are in effect. The examples must show how mitigation credits
6 would be assigned, how the size of projects would be determined, the
7 season or conditions under which mitigation credits would be useable,
8 a cost estimate for each example, whether permits would be required,
9 and whether additional agency staff would be needed.

10 (3) The department of health, the department of fish and wildlife,
11 and the state building code council shall assist the department in
12 developing viable alternatives that clearly address the needs of
13 homeowners and the home building industry to make these options
14 practical, economical, and safe.

15 (4) For those alternatives that are determined to have a high
16 degree of viability, the department shall cooperatively work with
17 involved groups to conduct demonstration projects for each alternative
18 to test the practical usability, effectiveness, cost, and safety and
19 determine whether there are unintended consequences.

20 (5) When the department, after consultation with the involved
21 groups, determines what alternatives have been successfully
22 demonstrated to be viable, the department may submit proposed
23 legislation to provide the legal framework necessary to utilize these
24 mitigation alternatives.

25 (6) The department shall provide a report to the appropriate
26 committees of the legislature by December 10, 2012, on the progress of
27 this activity.

28 (7) The activities of the involved state agencies must be conducted
29 from within the existing funds available to the agency.

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