
Environment Committee

HB 2616

Brief Description: Concerning watershed management actions by watershed improvement districts.

Sponsors: Representatives Buys, Blake, Van Werven, Chandler and Wilcox.

Brief Summary of Bill

- Creates a definition for the term "watershed management action" when performed by a watershed improvement district.
- Allows a watershed improvement district to demand funding from a county's lands assessment fund for the purpose of implementing watershed management actions.
- Removes the existing cap of 10 percent of water-related revenues that is authorized to be spent in watershed plan implementation for all watershed improvement districts.
- Creates a statutory exemption for watershed management action from the Growth Management Act, the Shorelines Management Act, and the State Environmental Policy Act.
- Directs an expedited permitting review under the Hydraulics Project Act and the Clean Water Act.

Hearing Date: 1/25/16

Staff: Jason Callahan (786-7117).

Background:

Watershed management partnerships.

Two or more non-federal agencies, including cities, counties, and many special purpose districts, may enter into an intergovernmental agreement to form a watershed management partnership (WMP). A WMP is a partnership entered into for the purpose of implementing a watershed management plan (watershed plan). A WMP is responsible for the coordination and

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implementation of a watershed plan. A watershed plan can be a plan developed under a number of different legal authorities, including the Watershed Planning Act, salmon recovery planning, shoreline master planning, the Growth Management Act, and coordinated water system planning.

A WMP is a separate legal entity from its composite public agencies. A WMP has the power to raise revenue through both general obligation and revenue bonds, and some WMPs have the power of eminent domain.

A city, county, and most special purpose districts (such as irrigation districts, reclamation districts, port districts, and flood control districts), by themselves or as part of a WMP, have the authority to use up to 10 percent of its water-related revenues to implement watershed plans and projects identified in a watershed plan. The 10 percent cap does not apply to public utility districts.

Irrigation Districts.

Irrigation districts provide for the construction, improvement, maintenance, and operation of irrigation systems, and may provide drainage, domestic water supply, and electric power facilities. Irrigation districts are established through a landowner petition process and subsequent voter approval, and a board of three, five, or seven elected directors (Board) is responsible for the management of each district. Irrigation districts may finance their operations and actions through fees, charges, and assessments, but irrigation districts do not have the authority to impose property taxes.

An irrigation district may also participate in and expend revenue on cooperative watershed management actions, including participation in a WMP or other intergovernmental agreements for purposes of water supply, water quality, and water resource and habitat protection and management.

County Lands Assessment Fund.

A county legislative authority may levy an annual tax upon all taxable property in the county for the purpose of creating a special fund known as a county lands assessment fund. Revenue collected into a county lands assessment fund may be used to pay any assessment of drainage improvement districts, diking improvement districts, or districts formed for road improvements due against lands owned by the county.

The amount of the levy supporting a county lands assessment fund may not exceed the estimated amount needed to pay the aggregate amount of assessments that are due in the ensuing year. At a maximum, the levy may not exceed 12.5 cents per thousand dollars of assessed property value.

Summary of Bill:

A definition of "watershed management action" is provided as it relates to irrigation districts that are organized into watershed improvement districts. This definition includes ditch maintenance and sediment management regardless of whether the work is preformed through a WMP.

Watershed improvement districts are authorized to receive funds for watershed management actions from any state or federal financial assistance program. Funding for these action may also be received from a county's lands assessment fund. A watershed improvement district may request funds from a county's lands assessment fund for the purposes of performing watershed management actions and the county must release the funds upon request. However, a county may not increase the local levy supporting the fund or exceed the maximum levy rate.

Watershed improvement districts, when performing watershed management actions, are provided a complete exemption from the provisions of the Growth Management Act, the Shorelines Management Act, and the State Environmental Policy Act. They are also entitled to receive an expedited hydraulic project approval (HPA) permit from the Washington Department of Wildlife (WDFW) and an expedited clean water certification review from the Department of Ecology (DOE). The WDFW must issue a HPA for a watershed improvement district within 15 days of receiving a completed written application. The DOE must issue a decision relating to clean water certification within 15 days of receiving a completed application.

The existing cap of 10 percent of water-related revenues that is authorized to be spent in watershed plan implementation is waived for all watershed improvement districts. As a result, watershed improvement districts receive the same treatment as public utility districts and have no limitation on how much of their water-related revenues can be used for the implementation of a watershed plan.

Appropriation: None.

Fiscal Note: Requested on 1/20/16.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.