
SENATE BILL 5131

State of Washington

64th Legislature

2015 Regular Session

By Senators Pearson and Honeyford

Read first time 01/14/15. Referred to Committee on Agriculture,
Water & Rural Economic Development.

1 AN ACT Relating to the Skagit instream flow rule; adding a new
2 section to chapter 90.54 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that the water
5 resources act of 1971, chapter 90.54 RCW, was enacted to create a
6 statewide comprehensive water resource plan securing sufficient water
7 to meet the needs of people, farms, and fish. The legislature
8 intended the department of ecology to implement water management
9 plans to balance and satisfy the needs attendant to community and
10 economic growth and ecological preservation.

11 The legislature further finds that Skagit river basin communities
12 have experienced significant growth during the last fifteen years.
13 Community populations have increased by ten to twenty percent during
14 the last decade. Industry employment has grown by more than two
15 percent each year. Community and economic development continues at a
16 steady pace.

17 The legislature finds, however, that the Skagit river basin
18 instream resources protection rule, chapter 173-503 WAC, adopted by
19 the department of ecology in 2001, does not take into account the
20 growing needs of the Skagit river basin population and industry. The
21 legislature finds that these changes in circumstances are so

1 substantial as to render the rule invalid as falling well outside the
2 legislature's intent. Moreover, the legislature finds that, in 2006,
3 the department of ecology concluded limited reservations to foster
4 growth would not substantially harm fish populations. These
5 unbalanced interests compel the legislature to find that the rule no
6 longer represents an adequate water management plan providing
7 sufficient water for residential, commercial, and industrial needs;
8 productive fish populations; and productive agriculture within the
9 Skagit river basin.

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

12 The Skagit river basin instream resources protection rule,
13 chapter 173-503 WAC, is inconsistent with the water resource policy
14 intended by chapter 225, Laws of 1971 ex.s., the water resources act
15 of 1971, and contrary to legislative intent. Therefore, the
16 legislature directs the department of ecology, in consultation with
17 appropriate state agencies, Indian tribes, local government, and
18 interested parties, to adopt a new water management plan or instream
19 resources protection program for the lower and upper Skagit water
20 resource inventory area (WRIA 3 and 4). The new program must reflect
21 an appropriate balance between the needs of people, industry, and
22 fish. The department of ecology must adopt the new rules by December
23 31, 2016, and must comport with all policy and consultation
24 requirements in this chapter and chapter 90.22 RCW.

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