
SUBSTITUTE HOUSE BILL 1013

State of Washington

66th Legislature

2019 Regular Session

By House Appropriations (originally sponsored by Representatives Jenkin, Blake, Dent, Fitzgibbon, Mosbrucker, Doglio, and Rude)

READ FIRST TIME 02/28/19.

1 AN ACT Relating to the Walla Walla watershed management pilot
2 program; amending RCW 90.92.010, 90.92.050, and 90.92.060; amending
3 2009 c 183 s 20 (uncodified); creating a new section; providing an
4 effective date; providing an expiration date; and declaring an
5 emergency.

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

7 **Sec. 1.** RCW 90.92.010 and 2009 c 183 s 1 are each amended to
8 read as follows:

9 The legislature finds that (~~the Walla Walla watershed community~~
10 ~~faces substantial challenges in planning for future water use and~~
11 ~~meeting the needs of fish, farms, and people. The legislature further~~
12 ~~finds that the participants in the Walla Walla watershed planning~~
13 ~~group have demonstrated exceptional cooperation in developing an~~
14 ~~innovative water management concept that enhances flexibility in~~
15 ~~water use while protecting ecological functions)) participants in the
16 Walla Walla watershed pilot program have demonstrated exceptional
17 cooperation in developing and implementing an innovative water
18 management concept that enhances flexibility in water use since
19 convening in 2009. The legislature further finds that the existing
20 authorities and structure of the pilot program must evolve to meet
21 the growing water resource demands in the Walla Walla watershed and~~

1 to protect and enhance ecological functions. As the next step in the
2 process, the legislature intends to extend the Walla Walla pilot
3 program through June 30, 2021, to allow the pilot to perform internal
4 and external evaluations, build upon previous pilot program efforts,
5 continue Walla Walla river flow enhancement technical work, and
6 restructure this chapter to develop a thirty-year integrated water
7 resource management strategic plan. The legislature ((also))
8 continues to recognize((s)) the significant contribution of former
9 state representative William Grant's leadership in the creation of a
10 Walla Walla pilot design to authorize local water management
11 activity.

12 **Sec. 2.** RCW 90.92.050 and 2009 c 183 s 5 are each amended to
13 read as follows:

14 (1) The board has the following authority, duties, and
15 responsibilities:

16 (a) Assume the duties, responsibilities, and all current
17 activities of the watershed planning unit and the initiating
18 governments authorized in RCW 90.82.040;

19 (b) Develop strategic actions for the planning area by building
20 on the watershed plan;

21 (c) Adopt and revise criteria, guidance, and processes to
22 effectuate the purpose of this chapter;

23 (d) Administer the local water plan process;

24 (e) Oversee local water plan implementation;

25 (f) Manage banked water as authorized under this chapter;

26 (g) Acquire water rights by donation, purchase, or lease;

27 (h) Participate in local, state, tribal, federal, and multistate
28 basin water planning initiatives and programs; and

29 (i) Enter into agreements with water rights holders to not divert
30 water that becomes available as a result of local water plans, water
31 banking activities, or other programs and projects endorsed by the
32 board and the department.

33 (2) During the transition period of July 1, 2019, to June 30,
34 2021, the board shall:

35 (a) Participate with the department and the state auditor's
36 office to complete a performance audit and a financial audit to
37 evaluate the Walla Walla pilot program since 2008. The state
38 auditor's office must conduct the performance audit and must do so
39 within existing resources. The department must conduct the financial

1 audit and must do so within existing resources. Both audits must be
2 completed by June 30, 2020. The board and the department must report
3 to the appropriate committees of the legislature by December 1, 2020,
4 on their efforts to incorporate the findings and recommendations of
5 the audits into a thirty-year integrated water resource management
6 strategy;

7 (b) Continue working with the department, the Confederated Tribes
8 of the Umatilla Indian Reservation, and other participants to advance
9 the Walla Walla basin flow enhancement study and its recommendation,
10 including any necessary environmental reviews for near-term actions;

11 (c) Collaborate with the department in the development of a
12 thirty-year integrated water resource management strategic plan,
13 including a draft and final programmatic environmental impact
14 statement, and explore interstate agreements to maximize integrated
15 water resource management;

16 (d) By November 1, 2020, jointly develop with the department a
17 report to the legislature recommending the scope and scale of an
18 integrated water resource management strategic plan, including a
19 funding approach and organization structure, to achieve the desired
20 outcome of improved and sustainable flows for fish, adequate water
21 supplies for agriculture municipal and domestic water users, and
22 improved habitat and floodplain functionality in the Walla Walla
23 watershed; and

24 (e) Coordinate with the department's office of Columbia river to
25 request funding to complete tasks required during the transition
26 period.

27 (3) The board may acquire, purchase, hold, lease, manage, occupy,
28 and sell real and personal property, including water rights, or any
29 interest in water rights, enter into and perform all necessary
30 contracts, appoint and employ necessary agents and employees,
31 including an executive director and fix their compensation, employ
32 contractors including contracts for professional services, and do all
33 lawful acts required and expedient to carry out the purposes of this
34 chapter.

35 ((~~3~~)) (4) The board constitutes an independently funded entity,
36 and may provide for its own funding as determined by the board. The
37 board may solicit and accept grants, loans, and donations and may
38 adopt fees for services it provides. The board may not impose taxes
39 or acquire property, including water rights, by the exercise of
40 eminent domain. The board may distribute available funds as grants or

1 loans to local water plans or other water initiatives and projects
2 that will further the goals of the board.

3 ~~((4))~~ (5) The ability of the board to fully meet its duties
4 under this chapter is dependent on the level of funding available to
5 the board. If sufficient funding is not available to the board to
6 carry out its duties, the board may, in consultation with the
7 department, establish a plan that determines and sets priorities for
8 implementation of the board's duties.

9 ~~((5))~~ (6) The board, and its members and staff, acting in their
10 official capacities, are immune from liability and are not subject to
11 any cause of action or claim for damages arising from acts or
12 omissions engaged in under this chapter.

13 ~~((6))~~ (7) Upon the creation of the board, and for the duration
14 of the board, the existing planning unit for the planning area,
15 established under RCW 90.82.040, is dissolved and all assets, funds,
16 files, planning documents, pending plans and grant applications, and
17 other current activities of the planning unit are transferred to the
18 board.

19 **Sec. 3.** RCW 90.92.060 and 2009 c 183 s 6 are each amended to
20 read as follows:

21 The board, in collaboration with the department, must provide a
22 written report to the legislature by ~~((December 1, 2012, December 1,~~
23 ~~2015, and December 1, 2018. The report must summarize the actions,~~
24 ~~funding, and accomplishments of the board in the previous three~~
25 ~~years, and submit recommendations for improvement of the local water~~
26 ~~plan process. The 2018 report must also contain recommendations on~~
27 ~~the future of the board)) November 1, 2020, as described in RCW
28 90.92.050.~~

29 **Sec. 4.** 2009 c 183 s 20 (uncodified) is amended to read as
30 follows:

31 This act expires June 30, ~~((2019))~~ 2021.

32 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
33 preservation of the public peace, health, or safety, or support of
34 the state government and its existing public institutions, and takes
35 effect June 30, 2019.

1 NEW SECTION. **Sec. 6.** If specific funding for the purposes of
2 this act, referencing this act by bill or chapter number, is not
3 provided by June 30, 2019, in the omnibus appropriations act, this
4 act is null and void.

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