

2 **ESHB 2514** - S AMD - 913
3 By Senator Morton

4 WITHDRAWN 3/6/98

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 90.82.040 and 1997 c 442 s 105 are each amended to
8 read as follows:

9 (1) Once a WRIA planning unit has been ~~((organized))~~ initiated
10 under section 2 of this act and ~~((designated))~~ a lead agency has been
11 designated, it shall notify the department and may apply to the
12 department for funding assistance for conducting the planning. Funds
13 shall be provided from and to the extent of appropriations made by the
14 legislature to the department expressly for this purpose.

15 (2) Each planning unit that has complied with subsection (1) of
16 this section is eligible to receive ~~((fifty thousand dollars for each~~
17 ~~WRIA to initiate the planning process. The department shall allocate~~
18 ~~additional funds to WRIA planning units based on need demonstrated by~~
19 ~~a detailed proposed budget submitted by the planning unit for carrying~~
20 ~~out the duties of the planning unit. Each WRIA planning unit may~~
21 ~~receive up to two hundred fifty thousand dollars for each WRIA during~~
22 ~~the first two year period of planning, with a maximum allocation of~~
23 ~~five hundred thousand dollars for each WRIA. Funding provided under~~
24 ~~this section shall be considered a contractual obligation against the~~
25 ~~moneys appropriated for this purpose))~~ watershed planning grants in the
26 following amounts for three phases of watershed planning:

27 (a) Initiating governments may apply for an initial organizing
28 grant of up to fifty thousand dollars for a single WRIA or up to
29 seventy-five thousand dollars for a multi-WRIA management area in
30 accordance with section 2(4) of this act;

31 (b) A planning unit may apply for up to two hundred thousand
32 dollars for each WRIA in the management area for conducting watershed
33 assessments in accordance with section 3 of this act; and

34 (c) A planning unit may apply for up to two hundred fifty thousand
35 dollars for each WRIA in the management area for developing a watershed
36 plan and making recommendations for actions by local, state, and

1 federal agencies, tribes, private property owners, private
2 organizations, and individual citizens, including a recommended list of
3 strategies and projects that would further the purpose of the plan in
4 accordance with sections 2, 3, 4, 5, and 6 of this act.

5 ~~(3) ((Preference shall be given to planning units requesting~~
6 ~~funding for conducting multi-WRIA planning under section 108 of this~~
7 ~~act)) (a) The department shall use the eligibility criteria in this~~
8 subsection (3) instead of rules, policies, or guidelines when
9 evaluating grant applications at each stage of the grants program.

10 (b) In reviewing grant applications under this subsection (3), the
11 department shall evaluate whether:

12 (i) The planning unit meets all of the requirements of this
13 chapter;

14 (ii) The application demonstrates a need for state planning funds
15 to accomplish the objectives of the planning process; and

16 (iii) The application and supporting information evidences a
17 readiness to proceed.

18 (c) In ranking grant applications submitted at each stage of the
19 grants program, the department shall give preference to applications in
20 the following order of priority:

21 (i) Applications from existing planning groups that have been in
22 existence for at least one year;

23 (ii) Applications that address protection and enhancement of fish
24 habitat in watersheds that have aquatic fish species listed or proposed
25 to be listed as endangered or threatened under the federal endangered
26 species act, 16 U.S.C. Sec. 1531 et seq. and for which there is
27 evidence of an inability to supply adequate water for population and
28 economic growth from:

29 (A) First, multi-WRIA planning; and

30 (B) Second, single WRIA planning;

31 (iii) Applications that address protection and enhancement of fish
32 habitat in watersheds or for which there is evidence of an inability to
33 supply adequate water for population and economic growth from:

34 (A) First, multi-WRIA planning; and

35 (B) Second, single WRIA planning.

36 (d) The department may not impose any local matching fund
37 requirement as a condition for grant eligibility or as a preference for
38 receiving a grant.

1 (4) The department may retain up to one percent of funds allocated
2 under this section to defray administrative costs.

3 (5) Planning under this chapter should be completed as
4 expeditiously as possible, with the focus being on local stakeholders
5 cooperating to meet local needs.

6 (6) Funding provided under this section shall be considered a
7 contractual obligation against the moneys appropriated for this
8 purpose.

9 NEW SECTION. Sec. 2. INITIATION OF WATERSHED PLANNING. (1)
10 Planning conducted under this chapter must provide for a process to
11 allow the local citizens within a WRIA or multi-WRIA area to join
12 together in an effort to: (a) Assess the status of the water resources
13 of their WRIA or multi-WRIA area; and (b) determine how best to manage
14 the water resources of the WRIA or multi-WRIA area to balance the
15 competing resource demands for that area within the parameters under
16 section 8 of this act.

17 (2) Watershed planning under this chapter may be initiated for a
18 WRIA only with the concurrence of: (a) All counties within the WRIA;
19 (b) the largest city or town within the WRIA unless the WRIA does not
20 contain a city or town; and (c) the water supply utility obtaining the
21 largest quantity of water from the WRIA. To apply for a grant for
22 organizing the planning unit as provided for under RCW 90.82.040(2)(a),
23 these entities shall designate the entity that will serve as the lead
24 agency for the planning effort and indicate how the planning unit will
25 be staffed.

26 (3) Watershed planning under this chapter may be initiated for a
27 multi-WRIA area only with the concurrence of: (a) All counties within
28 the multi-WRIA area; (b) the largest city or town in each WRIA unless
29 the WRIA does not contain a city or town; and (c) the water supply
30 utility obtaining the largest quantity of water in each WRIA.

31 (4) If entities in subsection (2) or (3) of this section decide
32 jointly and unanimously to proceed, they shall invite any affected
33 tribes within the management area.

34 (5) The entities in subsection (2) or (3) of this section,
35 including the tribes if they affirmatively accept the invitation,
36 constitute the initiating governments for the purposes of this section.

37 (6) The organizing grant shall be used to organize the planning
38 unit and to determine the scope of the planning to be conducted. In

1 determining the scope of the planning activities, consideration shall
2 be given to all existing plans and related planning activities. The
3 scope of planning must include water quantity elements as provided in
4 section 3 of this act, and may include water quality elements as
5 contained in section 5 of this act, habitat elements as contained in
6 section 6 of this act, and instream flow elements as contained in
7 section 4 of this act. The initiating governments shall work with
8 other local governments, state government, and tribal governments in
9 developing a planning process. The initiating governments may hold
10 public meetings as deemed necessary to develop a proposed scope of work
11 and a proposed composition of the planning unit. In developing a
12 proposed composition of the planning unit, the initiating governments
13 shall provide for representation of a wide range of water resource
14 interests.

15 (7) Each state agency with regulatory or other interests in the
16 WRIA or multi-WRIA area to be planned shall assist the local citizens
17 in the planning effort to the greatest extent practicable, recognizing
18 any fiscal limitations. In providing such technical assistance and to
19 facilitate representation on the planning unit, state agencies may
20 organize and agree upon their representation on the planning unit.
21 Such technical assistance must only be at the request of and to the
22 extent desired by the planning unit conducting such planning. The
23 number of state agency representatives on the planning unit shall be
24 determined by the initiating governments in consultation with the
25 governor's office.

26 (8) As used in this section, "lead agency" means the entity that
27 coordinates staff support of its own or of other local governments and
28 receives grants for developing a watershed plan.

29 NEW SECTION. **Sec. 3. WATER QUANTITY.** Watershed planning under
30 this chapter shall address water quantity in the management area by
31 undertaking an assessment of water supply and use in the management
32 area and developing strategies for future use.

33 (1) The assessment shall include:

34 (a) An estimate of the surface and ground water present in the
35 management area;

36 (b) An estimate of the surface and ground water available in the
37 management area, taking into account seasonal and other variations;

1 (c) An estimate of the water in the management area represented by
2 claims in the water rights claims registry, water use permits,
3 certificated rights, existing minimum instream flow rules, federally
4 reserved rights, and any other rights to water;

5 (d) An estimate of the surface and ground water actually being used
6 in the management area;

7 (e) An estimate of the water needed in the future for use in the
8 management area;

9 (f) An identification of the location of areas where aquifers are
10 known to recharge surface bodies of water and areas known to provide
11 for the recharge of aquifers from the surface; and

12 (g) An estimate of the surface and ground water available for
13 further appropriation, taking into account the minimum instream flows
14 adopted by rule or to be adopted by rule under this chapter for streams
15 in the management area including the data necessary to evaluate
16 necessary flows for fish.

17 (2) Strategies for increasing water supplies in the management
18 area, which may include, but are not limited to, increasing water
19 supplies through water conservation, water reuse, the use of reclaimed
20 water, voluntary water transfers, aquifer recharge and recovery,
21 additional water allocations, or additional water storage and water
22 storage enhancements. The objective of these strategies is to supply
23 water in sufficient quantities to satisfy the minimum instream flows
24 for fish and to provide water for future out-of-stream uses for water
25 identified in subsection (1)(e) and (g) of this section and to ensure
26 that adequate water supplies are available for agriculture, energy
27 production, and population and economic growth under the requirements
28 of the state's growth management act, chapter 36.70A RCW. These
29 strategies, in and of themselves, shall not be construed to confer new
30 water rights. The watershed plan must address the strategies required
31 under this subsection.

32 NEW SECTION. **Sec. 4.** INSTREAM FLOWS. (1) If the initiating
33 governments choose, by majority vote, to include an instream flow
34 component, it shall be accomplished in the following manner:

35 (a) If minimum instream flows have already been adopted by rule for
36 a stream within the management area, unless the members of the local
37 governments and tribes on the planning unit by a recorded unanimous
38 vote request the department to modify those flows, the minimum instream

1 flows shall not be modified under this chapter. If the members of
2 local governments and tribes request the planning unit to modify
3 instream flows and unanimous approval of the decision to modify such
4 flow is not achieved, then the instream flows shall not be modified
5 under this section;

6 (b) If minimum stream flows have not been adopted by rule for a
7 stream within the management area, setting the minimum instream flows
8 shall be a collaborative effort between the department and members of
9 the planning unit. The department must attempt to achieve consensus
10 and approval among the members of the planning unit regarding the
11 minimum flows to be adopted by the department. Approval is achieved if
12 all government members and tribes that have been invited and accepted
13 on the planning unit present for a recorded vote unanimously vote to
14 support the proposed minimum instream flow, and all nongovernmental
15 members of the planning unit present for the recorded vote, by a
16 majority, vote to support the proposed minimum instream flow. The
17 department shall undertake rule making to adopt such flow. If approval
18 is not achieved within four years of the date the planning unit first
19 receives funds from the department for conducting watershed assessments
20 under RCW 90.82.040, the department may promptly initiate rule making
21 under chapter 34.05 RCW to establish flows for those streams and shall
22 have two additional years to establish the instream flows for those
23 streams for which approval is not achieved.

24 (2)(a) Notwithstanding RCW 90.03.345, minimum instream flows set
25 under this section for rivers or streams that do not have existing
26 minimum instream flow levels set by rule of the department shall have
27 a priority date of two years after funding is first received from the
28 department under RCW 90.82.040, unless determined otherwise by a
29 unanimous vote of the members of the planning unit but in no instance
30 may it be later than the effective date of the rule adopting such flow.

31 (b) Any increase to an existing minimum instream flow set by rule
32 of the department shall have a priority date of two years after funding
33 is first received for planning in the WRIA or multi-WRIA area from the
34 department under RCW 90.82.040 and the priority date of the portion of
35 the minimum instream flow previously established by rule shall retain
36 its priority date as established under RCW 90.03.345.

37 (c) Any existing minimum instream flow set by rule of the
38 department that is reduced shall retain its original date of priority

1 as established by RCW 90.03.345 for the revised amount of the minimum
2 instream flow level.

3 (3) Before setting minimum instream flows under this section, the
4 department shall engage in government-to-government consultation with
5 affected tribes in the management area regarding the setting of such
6 flows.

7 (4) Nothing in this chapter either: (a) Affects the department's
8 authority to establish flow requirements or other conditions under RCW
9 90.48.260 or the federal clean water act (33 U.S.C. Sec. 1251 et seq.)
10 for the licensing or relicensing of a hydroelectric power project under
11 the federal power act (16 U.S.C. Sec. 791 et seq.); or (b) affects or
12 impairs existing instream flow requirements and other conditions in a
13 current license for a hydroelectric power project licensed under the
14 federal power act.

15 (5) If the planning unit is unable to obtain unanimity under
16 subsection (1) of this section, the department may adopt rules setting
17 such flows.

18 NEW SECTION. **Sec. 5. WATER QUALITY.** If the initiating
19 governments choose to include a water quality component, the watershed
20 plan shall include the following elements:

21 (1) An examination based on existing studies conducted by federal,
22 state, and local agencies of the degree to which legally established
23 water quality standards are being met in the management area;

24 (2) An examination based on existing studies conducted by federal,
25 state, and local agencies of the causes of water quality violations in
26 the management area, including an examination of information regarding
27 pollutants, point and nonpoint sources of pollution, and pollution-
28 carrying capacities of water bodies in the management area. The
29 analysis shall take into account seasonal stream flow or level
30 variations, natural events, and pollution from natural sources that
31 occurs independent of human activities;

32 (3) An examination of the legally established characteristic uses
33 of each of the nonmarine bodies of water in the management area;

34 (4) An examination of any total maximum daily load established for
35 nonmarine bodies of water in the management area, unless a total
36 maximum daily load process has begun in the management area as of the
37 date the watershed planning process is initiated under section 2 of
38 this act.

1 (5) An examination of existing data related to the impact of fresh
2 water on marine water quality;

3 (6) A recommended approach for implementing the total maximum daily
4 load established for achieving compliance with water quality standards
5 for the nonmarine bodies of water in the management area, unless a
6 total maximum daily load process has begun in the management area as of
7 the date the watershed planning process is initiated under section 2 of
8 this act; and

9 (7) Recommended means of monitoring by appropriate government
10 agencies whether actions taken to implement the approach to bring about
11 improvements in water quality are sufficient to achieve compliance with
12 water quality standards.

13 This chapter does not obligate the state to undertake analysis or
14 to develop strategies required under the federal clean water act (33
15 U.S.C. Sec. 1251 et seq.). This chapter does not authorize any
16 planning unit, lead agency, or local government to adopt water quality
17 standards or total maximum daily loads under the federal clean water
18 act.

19 NEW SECTION. **Sec. 6. HABITAT.** If the initiating governments
20 choose to include a habitat component, the watershed plan shall be
21 coordinated or developed to protect or enhance fish habitat in the
22 management area. Such planning must rely on existing laws, rules, or
23 ordinances created for the purpose of protecting, restoring, or
24 enhancing fish habitat, including the shoreline management act, chapter
25 90.58 RCW, the growth management act, chapter 36.70A RCW, and the
26 forest practices act, chapter 76.09 RCW. Planning established under
27 this section shall be integrated with strategies developed under other
28 processes to respond to potential and actual listings of salmon and
29 other fish species as being threatened or endangered under the federal
30 endangered species act, 16 U.S.C. Sec. 1531 et seq. Where habitat
31 restoration activities are being developed under chapter . . . , Laws of
32 1998 (Engrossed Substitute House Bill No. 2496), such activities shall
33 be relied on as the primary nonregulatory habitat component for fish
34 habitat under this chapter.

35 NEW SECTION. **Sec. 7. IDENTIFICATION OF PROJECTS AND ACTIVITIES.**
36 The planning unit shall review historical data such as fish runs,
37 weather patterns, land use patterns, seasonal flows, and geographic

1 characteristics of the management area, and also review the planning,
2 projects, and activities that have already been completed regarding
3 natural resource management or enhancement in the management area and
4 the products or status of those that have been initiated but not
5 completed for such management in the management area, and incorporate
6 their products as appropriate so as not to duplicate the work already
7 performed or underway.

8 The planning group is encouraged to identify projects and
9 activities that are likely to serve both short-term and long-term
10 management goals and that warrant immediate financial assistance from
11 the state, federal, or local government. If there are multiple
12 projects, the planning group shall give consideration to ranking
13 projects that have the greatest benefit and schedule those projects
14 that should be implemented first.

15 NEW SECTION. **Sec. 8.** PLAN PARAMETERS. (1) Watershed planning
16 developed and approved under this chapter shall not contain provisions
17 that: (a) Are in conflict with existing state statutes, federal laws,
18 or tribal treaty rights; (b) impair or diminish in any manner an
19 existing water right evidenced by a claim filed in the water rights
20 claims registry established under chapter 90.14 RCW or a water right
21 certificate or permit; (c) require a modification in the basic
22 operations of a federal reclamation project with a water right the
23 priority date of which is before the effective date of this section or
24 alter in any manner whatsoever the quantity of water available under
25 the water right for the reclamation project, whether the project has or
26 has not been completed before the effective date of this section; (d)
27 affect or interfere with an ongoing general adjudication of water
28 rights; (e) modify or require the modification of any waste discharge
29 permit issued under chapter 90.48 RCW; (f) modify or require the
30 modification of activities or actions taken or intended to be taken
31 under a habitat restoration work schedule developed under chapter
32 . . . , Laws of 1998 (Engrossed Substitute House Bill No. 2496); or (g)
33 modify or require the modification of activities or actions taken to
34 protect or enhance fish habitat if the activities or actions are: (i)
35 Part of an approved habitat conservation plan and an incidental take
36 permit, an incidental take statement, a management or recovery plan, or
37 other cooperative or conservation agreement entered into with a federal
38 or state fish and wildlife protection agency under its statutory

1 authority for fish and wildlife protection that addresses the affected
2 habitat; or (ii) part of a water quality program adopted by an
3 irrigation district under chapter 87.03 RCW or a board of joint control
4 under chapter 87.80 RCW. This subsection (1)(g) applies as long as the
5 activities or actions continue to be taken in accordance with the plan,
6 agreement, permit, or statement. Any assessment conducted under
7 section 3, 5, or 6 of this act shall take into consideration such
8 activities and actions and those taken under the forest practices
9 rules, including watershed analysis adopted under the forest practices
10 act, chapter 76.09 RCW.

11 (2) Watershed planning developed and approved under this chapter
12 shall not change existing local ordinances or existing state rules or
13 permits, but may contain recommendations for changing such ordinances
14 or rules.

15 (3) Notwithstanding any other provision of this chapter, watershed
16 planning shall take into account forest practices rules under the
17 forest practices act, chapter 76.09 RCW, and shall not create any
18 obligations or restrictions on forest practices additional to or
19 inconsistent with the forest practices act and its implementing rules,
20 whether watershed planning is approved by the counties or the
21 department.

22 NEW SECTION. **Sec. 9.** DECISIONS--HEARINGS--APPROVAL. (1)(a) Upon
23 completing its proposed watershed plan, the planning unit may approve
24 the proposal by consensus of all of the members of the planning unit or
25 by consensus among the members of the planning unit appointed to
26 represent units of government and a majority vote of the
27 nongovernmental members of the planning unit.

28 (b) If the proposal is approved by the planning unit, the unit
29 shall submit the proposal to the counties with territory within the
30 management area. If the planning unit has received funding beyond the
31 initial fifty thousand dollars under RCW 90.82.040, such a proposal
32 approved by the planning unit shall be submitted to the counties within
33 four years of the date the funding was first received by the planning
34 unit.

35 (c) If the watershed plan is not approved by the planning unit, the
36 planning unit may submit the components of the plan for which agreement
37 is achieved using the procedure under (a) of this subsection, or the
38 planning unit may terminate the planning process.

1 (2)(a) The legislative authority of each of the counties with
2 territory in the management area shall provide public notice of and
3 conduct at least one public hearing on the proposed watershed plan
4 submitted under this section. After the public hearings, the
5 legislative authorities of these counties shall convene in joint
6 session to consider the proposal. The counties may approve or reject
7 the proposed watershed plan for the management area, but may not amend
8 it. Approval of such a proposal shall be made by a majority vote of
9 the members of each of the counties with territory in the management
10 area.

11 (b) If a proposed watershed plan is not approved, it shall be
12 returned to the planning unit with recommendations for revisions.
13 Approval of such a revised proposal by the planning unit and the
14 counties shall be made in the same manner provided for the original
15 watershed plan. If approval of the revised plan is not achieved, the
16 process shall terminate.

17 (3) The planning unit shall not add an element to its watershed
18 plan that creates an obligation unless each of the governments to be
19 obligated has at least one representative on the planning unit and the
20 respective members appointed to represent those governments agree to
21 adding the element that creates the obligation. A member's agreeing to
22 add an element shall be evidenced by a recorded vote of all members of
23 the planning unit in which the members record support for adding the
24 element. If the watershed plan is approved under subsections (1) and
25 (2) of this section and the plan creates obligations: (a) For agencies
26 of state government, the obligations are binding on the state agencies
27 and the agencies shall adopt implementing rules and take other actions
28 to fulfill their obligations as soon as possible; or (b) for counties,
29 the obligations are binding on the counties and the counties shall
30 adopt any necessary implementing ordinances and take other actions to
31 fulfill their obligations as soon as possible.

32 (4) As used in this section, "obligation" means any action required
33 as a result of this chapter that imposes upon a tribal government,
34 county government, or state government, either: A fiscal impact; a
35 redeployment of resources; or a change of existing policy.

36 NEW SECTION. Sec. 10. PERMIT PROCESSING. Nothing in this chapter
37 may be interpreted as authorizing or directing the department to
38 establish a moratorium on the investigation of and decisions on

1 applications for permits for the withdrawal of surface water or ground
2 water, or changes or transfers of water rights under existing permits.

3 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.27A
4 RCW to read as follows:

5 If planning is being conducted under chapter 90.82 RCW or a plan
6 has been adopted under section 9 of this act, the department shall not
7 conduct planning under this chapter that conflicts with the planning
8 being conducted under chapter 90.82 RCW or a plan that has been adopted
9 under section 9 of this act.

10 NEW SECTION. **Sec. 12.** A new section is added to chapter 90.54 RCW
11 to read as follows:

12 If planning is being conducted under chapter 90.82 RCW or a plan
13 has been adopted under section 9 of this act, the department shall not
14 conduct planning under this chapter that conflicts with the planning
15 being conducted under chapter 90.82 RCW or a plan that has been adopted
16 under section 9 of this act.

17 **Sec. 13.** RCW 43.27A.090 and 1988 c 127 s 25 are each amended to
18 read as follows:

19 The department shall be empowered as follows:

20 (1) To represent the state at, and fully participate in, the
21 activities of any basin or regional commission, interagency committee,
22 or any other joint interstate or federal-state agency, committee or
23 commission, or publicly financed entity engaged in the planning,
24 development, administration, management, conservation or preservation
25 of the water resources of the state.

26 (2) To prepare the views and recommendations of the state of
27 Washington on any project, plan or program relating to the planning,
28 development, administration, management, conservation and preservation
29 of any waters located in or affecting the state of Washington,
30 including any federal permit or license proposal, and appear on behalf
31 of, and present views and recommendations of the state at any
32 proceeding, negotiation or hearing conducted by the federal government,
33 interstate agency, state or other agency.

34 (3) To cooperate with, assist, advise and coordinate plans with the
35 federal government and its officers and agencies, and serve as a state
36 liaison agency with the federal government in matters relating to the

1 use, conservation, preservation, quality, disposal or control of water
2 and activities related thereto.

3 (4) To cooperate with appropriate agencies of the federal
4 government and/or agencies of other states, to enter into contracts,
5 and to make appropriate contributions to federal or interstate projects
6 and programs and governmental bodies to carry out the provisions of
7 this chapter.

8 (5) To apply for, accept, administer and expend grants, gifts and
9 loans from the federal government or any other entity to carry out the
10 purposes of this chapter and make contracts and do such other acts as
11 are necessary insofar as they are not inconsistent with other
12 provisions hereof.

13 (6) To develop and maintain a coordinated and comprehensive state
14 water and water resources related development plan, and adopt, with
15 regard to such plan, such policies as are necessary to insure that the
16 waters of the state are used, conserved and preserved for the best
17 interest of the state. There shall be included in the state plan a
18 description of developmental objectives and a statement of the
19 recommended means of accomplishing these objectives. To the extent the
20 director deems desirable, the plan shall integrate into the state plan,
21 the plans, programs, reports, research and studies of other state
22 agencies. A plan adopted under chapter 90.82 RCW satisfies the
23 requirements of planning under this section.

24 (7) To assemble and correlate information relating to water supply,
25 power development, irrigation, watersheds, water use, future
26 possibilities of water use and prospective demands for all purposes
27 served through or affected by water resources development.

28 (8) To assemble and correlate state, local and federal laws,
29 regulations, plans, programs and policies affecting the beneficial use,
30 disposal, pollution, control or conservation of water, river basin
31 development, flood prevention, parks, reservations, forests, wildlife
32 refuges, drainage and sanitary systems, waste disposal, water works,
33 watershed protection and development, soil conservation, power
34 facilities and area and municipal water supply needs, and recommend
35 suitable legislation or other action to the legislature, the congress
36 of the United States, or any city, municipality, or to responsible
37 state, local or federal executive departments or agencies.

38 (9) To cooperate with federal, state, regional, interstate and
39 local public and private agencies in the making of plans for drainage,

1 flood control, use, conservation, allocation and distribution of
2 existing water supplies and the development of new water resource
3 projects.

4 (10) To encourage, assist and advise regional, and city and
5 municipal agencies, officials or bodies responsible for planning in
6 relation to water aspects of their programs, and coordinate local water
7 resources activities, programs, and plans.

8 (11) To promulgate such rules and regulations as are necessary to
9 carry out the purposes of this chapter.

10 (12) To hold public hearings, and make such investigations, studies
11 and surveys as are necessary to carry out the purposes of the chapter.

12 (13) To subpoena witnesses, compel their attendance, administer
13 oaths, take the testimony of any person under oath and require the
14 production of any books or papers when the department deems such
15 measures necessary in the exercise of its rule-making power or in
16 determining whether or not any license, certificate, or permit shall be
17 granted or extended.

18 **Sec. 14.** RCW 90.54.040 and 1997 c 32 s 2 are each amended to read
19 as follows:

20 (1) The department, through the adoption of appropriate rules, is
21 directed, as a matter of high priority to insure that the waters of the
22 state are utilized for the best interests of the people, to develop and
23 implement in accordance with the policies of this chapter a
24 comprehensive state water resources program which will provide a
25 process for making decisions on future water resource allocation and
26 use. The department may develop the program in segments so that
27 immediate attention may be given to waters of a given physioeconomic
28 region of the state or to specific critical problems of water
29 allocation and use. A plan adopted under chapter 90.82 RCW satisfies
30 the requirements of planning under this section.

31 (2) In relation to the management and regulatory programs relating
32 to water resources vested in it, the department is further directed to
33 modify existing regulations and adopt new regulations, when needed and
34 possible, to insure that existing regulatory programs are in accord
35 with the water resource policy of this chapter and the program
36 established in subsection (1) of this section.

37 (3) The department is directed to review all statutes relating to
38 water resources which it is responsible for implementing. When any of

1 the same appear to the department to be ambiguous, unclear, unworkable,
2 unnecessary, or otherwise deficient, it shall make recommendations to
3 the legislature including appropriate proposals for statutory
4 modifications or additions. Whenever it appears that the policies of
5 any such statutes are in conflict with the policies of this chapter,
6 and the department is unable to fully perform as provided in subsection
7 (2) of this section, the department is directed to submit statutory
8 modifications to the legislature which, if enacted, would allow the
9 department to carry out such statutes in harmony with this chapter.

10 NEW SECTION. **Sec. 15.** CAPTIONS. As used in this act, captions
11 constitute no part of the law.

12 NEW SECTION. **Sec. 16.** Sections 2 through 10 of this act are each
13 added to chapter 90.82 RCW.

14 NEW SECTION. **Sec. 17.** If specific funding for the purposes of
15 this act, referencing this act by bill or chapter number, is not
16 provided by June 30, 1998, in the omnibus appropriations act, this act
17 is null and void."

18 **ESHB 2514** - S AMD - 913
19 By Senator Morton

20 WITHDRAWN 3/6/98

21 On page 1, line 1 of the title, after "management;" strike the
22 remainder of the title and insert "amending RCW 90.82.040, 43.27A.090,
23 and 90.54.040; adding new sections to chapter 90.82 RCW; adding a new
24 section to chapter 43.27A RCW; adding a new section to chapter 90.54
25 RCW; and creating new sections."

--- END ---