

CERTIFICATION OF ENROLLMENT

SENATE BILL 5029

Chapter 32, Laws of 1997

55th Legislature
1997 Regular Session

ELIMINATING OBSOLETE PROVISIONS IN THE WATER CODE

EFFECTIVE DATE: 7/27/97

Passed by the Senate February 12, 1997

YEAS 47 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 8, 1997

YEAS 92 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved April 16, 1997

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5029** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

Secretary

FILED

April 16, 1997 - 6:06 p.m.

GARY LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

SENATE BILL 5029

Passed Legislature - 1997 Regular Session

State of Washington

55th Legislature

1997 Regular Session

By Senator Morton

Read first time 01/13/97. Referred to Committee on Agriculture & Environment.

1 AN ACT Relating to obsolete provisions in the water code; amending
2 RCW 90.54.030, 90.54.040, 90.54.050, 90.22.010, and 90.54.100; and
3 repealing RCW 43.21A.460, 90.54.190, and 90.54.200.

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

5 **Sec. 1.** RCW 90.54.030 and 1990 c 295 s 2 are each amended to read
6 as follows:

7 For the purpose of ensuring that the department is fully advised in
8 relation to the performance of the water resources program provided in
9 RCW 90.54.040, (~~and to provide information and support to the joint~~
10 ~~select committee established in RCW 90.54.024,~~) the department is
11 directed to become informed with regard to all phases of water and
12 related resources of the state. To accomplish this objective the
13 department shall:

14 (1) Develop a comprehensive water resource data program that
15 provides the information necessary for effective planning and
16 management on a regional and state-wide basis. The data program shall
17 include an information management plan describing the data requirements
18 for effective water resource planning, and a system for collecting and
19 providing access to water resource data on a regional and state-wide

1 basis(~~(. The water resource data program shall also include a resource~~
2 ~~inventory and needs assessment pursuant to subsection (5) of this~~
3 ~~section));~~

4 (2) Collect, organize and catalog existing information and studies
5 available to it from all sources, both public and private, pertaining
6 to water and related resources of the state;

7 (3) Develop such additional data and studies pertaining to water
8 and related resources as are necessary to accomplish the objectives of
9 this chapter; and

10 (4) Develop alternate courses of action to solve existing and
11 foreseeable problems of water and related resources and include
12 therein, to the extent feasible, the economic and social consequences
13 of each such course, and the impact on the natural environment(;

14 ~~(5) Establish a water resources data management task force to~~
15 ~~evaluate data management needs, advise the joint select committee on~~
16 ~~water resource policy, the legislature, and the department in~~
17 ~~developing an information management plan, and conduct a water resource~~
18 ~~inventory and needs assessment. The task force shall include~~
19 ~~representatives of appropriate state agencies, Indian tribes, local~~
20 ~~governments, and interested parties. The task force shall include~~
21 ~~expertise in both water resources and resource data management. The~~
22 ~~task force shall make recommendations to the department on developing~~
23 ~~a data base for water resource planning throughout the state. In~~
24 ~~conducting the water resource inventory and needs assessment, the task~~
25 ~~force shall oversee the inventory of existing data and determine what~~
26 ~~additional data is needed for effective water resource planning and~~
27 ~~management. The task force shall otherwise provide continuing guidance~~
28 ~~to the joint select committee on water resource policy, the~~
29 ~~legislature, and the department in developing and maintaining an~~
30 ~~effective information management plan. The department shall coordinate~~
31 ~~the water resource data program to provide water resource information~~
32 ~~that meets the needs of the comprehensive water resources program and~~
33 ~~planning process provided for in RCW 90.54.040;~~

34 ~~(6) Prior to September 1, 1990, provide a report to the chairs of~~
35 ~~the appropriate legislative committees based on the preliminary~~
36 ~~findings and recommendations of the water resources data management~~
37 ~~task force. The report shall document the current information flows~~
38 ~~and data collection processes for state water resources data, and shall~~
39 ~~include an analysis of task force recommendations for developing~~

1 additional information to meet water resource data needs. The report
2 shall further include an estimate of funding requirements to implement
3 the water resources data program for consideration in future biennial
4 budget decisions;

5 (7) ~~Prior to implementation of any preliminary findings and~~
6 ~~recommendations pursuant to subsection (6) of this section, and~~
7 ~~contingent on legislative appropriation, develop a five-year plan for~~
8 ~~data collection and information management approved by the department~~
9 ~~of information services. Commencing July 1, 1991, the department shall~~
10 ~~provide annual reports to the chairs of the appropriate legislative~~
11 ~~committees on the development and implementation of the five-year plan~~
12 ~~and progress toward completion of the water resource inventory and~~
13 ~~needs assessment; and~~

14 (8) ~~Establish pursuant to task force recommendations a process to~~
15 ~~resolve technical issues in the development and implementation of the~~
16 ~~water resource inventory and needs assessment)).~~

17 All the foregoing shall be included in a "water resources
18 information system" established and maintained by the department. The
19 department shall develop a system of cataloging, storing and retrieving
20 the information and studies of the information system so that they may
21 be made readily available to and effectively used not only by the
22 department but by the public generally.

23 **Sec. 2.** RCW 90.54.040 and 1988 c 47 s 5 are each amended to read
24 as follows:

25 (1) The department, through the adoption of appropriate rules, is
26 directed, as a matter of high priority to insure that the waters of the
27 state are utilized for the best interests of the people, to develop and
28 implement in accordance with the policies of this chapter a
29 comprehensive state water resources program which will provide a
30 process for making decisions on future water resource allocation and
31 use. The department may develop the program in segments so that
32 immediate attention may be given to waters of a given physioeconomic
33 region of the state or to specific critical problems of water
34 allocation and use.

35 ((~~The current guidelines, standards, or criteria governing the~~
36 ~~elements of the water resource program established pursuant to this~~
37 ~~subsection shall not be altered or amended after March 15, 1988, in~~
38 ~~accordance with RCW 90.54.022(5).)~~)

1 (2) In relation to the management and regulatory programs relating
2 to water resources vested in it, the department is further directed to
3 modify existing regulations and adopt new regulations, when needed and
4 possible, to insure that existing regulatory programs are in accord
5 with the water resource policy of this chapter and the program
6 established in subsection (1) of this section. ((The current
7 guidelines, standards, or criteria governing the department's
8 implementation of this subsection shall not be altered or amended after
9 March 15, 1988, in accordance with subsection (1) of this section.))

10 (3) The department is directed to review all statutes relating to
11 water resources which it is responsible for implementing. When any of
12 the same appear to the department to be ambiguous, unclear, unworkable,
13 unnecessary, or otherwise deficient, it shall make recommendations to
14 the legislature including appropriate proposals for statutory
15 modifications or additions. Whenever it appears that the policies of
16 any such statutes are in conflict with the policies of this chapter,
17 and the department is unable to fully perform as provided in subsection
18 (2) of this section, the department is directed to submit statutory
19 modifications to the legislature which, if enacted, would allow the
20 department to carry out such statutes in harmony with this chapter.

21 **Sec. 3.** RCW 90.54.050 and 1988 c 47 s 7 are each amended to read
22 as follows:

23 In conjunction with the programs provided for in RCW 90.54.040(1),
24 whenever it appears necessary to the director in carrying out the
25 policy of this chapter, the department may by rule adopted pursuant to
26 chapter 34.05 RCW:

27 (1) Reserve and set aside waters for beneficial utilization in the
28 future, and

29 (2) When sufficient information and data are lacking to allow for
30 the making of sound decisions, withdraw various waters of the state
31 from additional appropriations until such data and information are
32 available.

33 Prior to the adoption of a rule under this section, the department
34 shall conduct a public hearing in each county in which waters relating
35 to the rule are located. The public hearing shall be preceded by a
36 notice placed in a newspaper of general circulation published within
37 each of said counties. Rules adopted hereunder shall be subject to

1 review in accordance with the provisions of RCW (~~(34.05.538 or)~~)
2 34.05.240.

3 (~~(No new rules or changes to existing rules to reserve or set aside~~
4 ~~water may be adopted pursuant to this section, as provided in RCW~~
5 ~~90.54.022(5).)~~)

6 **Sec. 4.** RCW 90.22.010 and 1994 c 264 s 86 are each amended to read
7 as follows:

8 The department of ecology may establish minimum water flows or
9 levels for streams, lakes or other public waters for the purposes of
10 protecting fish, game, birds or other wildlife resources, or
11 recreational or aesthetic values of said public waters whenever it
12 appears to be in the public interest to establish the same. In
13 addition, the department of ecology shall, when requested by the
14 department of fish and wildlife to protect fish, game or other wildlife
15 resources under the jurisdiction of the requesting state agency, or if
16 the department of ecology finds it necessary to preserve water quality,
17 establish such minimum flows or levels as are required to protect the
18 resource or preserve the water quality described in the request or
19 determination. Any request submitted by the department of fish and
20 wildlife shall include a statement setting forth the need for
21 establishing a minimum flow or level. When the department acts to
22 preserve water quality, it shall include a similar statement with the
23 proposed rule filed with the code reviser. This section shall not
24 apply to waters artificially stored in reservoirs, provided that in the
25 granting of storage permits by the department of ecology in the future,
26 full recognition shall be given to downstream minimum flows, if any
27 there may be, which have theretofore been established hereunder.

28 (~~(The current guidelines, standards, or criteria governing the~~
29 ~~instream flow programs established pursuant to this chapter shall not~~
30 ~~be altered or amended after March 15, 1988, in accordance with RCW~~
31 ~~90.54.022(5).)~~)

32 **Sec. 5.** RCW 90.54.100 and 1971 ex.s. c 225 s 11 are each amended
33 to read as follows:

34 The department of ecology shall as a matter of high priority
35 evaluate the needs for water resource development projects and the
36 alternative methods of financing of the same by public and private
37 agencies, including financing by federal, state and local governments

1 and combinations thereof. Such evaluations shall be broadly based and
2 be included as a part of the comprehensive state water resources
3 program relating to uses and management as defined in RCW 90.54.030.
4 (~~A report of the department relating to such evaluations, including~~
5 ~~any recommendations, shall be submitted to the legislature in~~
6 ~~accordance with RCW 90.54.070.~~)

7 NEW SECTION. **Sec. 6.** The following acts or parts of acts are each
8 repealed:

- 9 (1) RCW 43.21A.460 and 1983 1st ex.s. c 18 s 1;
10 (2) RCW 90.54.190 and 1994 sp.s. c 9 s 856 & 1989 c 348 s 11; and
11 (3) RCW 90.54.200 and 1993 sp.s. c 4 s 11.

Passed the Senate February 12, 1997.

Passed the House April 8, 1997.

Approved by the Governor April 16, 1997.

Filed in Office of Secretary of State April 16, 1997.