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**Agriculture & Natural  
Resources Committee**

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**2SSB 5027**

**Brief Description:** Providing for locally developed watershed planning.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Morton, Rasmussen and Hale).

**Brief Summary of Second Substitute Bill**

- Allows planning units to coordinate and oversee the implementation of watershed plans and authorizes a grant program for these activities.
- Identifies the role of an approved plan in making water resource decisions and determining the public interest.
- Allows the Department of Ecology (DOE) to modify an approved plan and obligations under an approved plan through negotiated rule-making conducted with affected residents and water right holders and members of the original planning unit.
- Allows counties to opt out of watershed planning.

**Hearing Date:** 3/28/03

**Staff:** Kenneth Hirst (786-7105).

**Background:**

State watershed planning laws allow watershed planning to be conducted through a locally initiated process. If planning is conducted under this process, it must include a component on current and future water availability and use. It may include components regarding instream flows, water quality, and habitat.

Watershed planning may be conducted for one watershed or water resource inventory area (WRIA) or it may be conducted for multiple WRIs. For this purpose, the local governments that initiate the process select or create a planning unit and designate a lead agency to provide staff support for the planning unit. Grants are available from the Department of Ecology (DOE) for organizing a planning unit and establishing work

schedules, for conducting assessments, studying storage opportunities, and setting instream flows, and for developing a watershed plan and making recommendations for actions to be taken. Once a plan is approved by the planning unit, the plan is submitted to each of the counties with territory in the watershed or watersheds for which planning was conducted. After publishing notice and conducting at least one public hearing per county, the legislative authorities of these counties are to approve or disapprove of the plan in a joint session. If approved by the counties, the plan is an approved watershed plan.

### **Summary of Bill:**

State phase IV grants for watershed plan coordination and oversight are authorized. A planning unit may receive up to: \$100,000 for each of the first three years; and \$50,000 per year for each of two extension years. If planning was conducted for more than one WRIA, an additional \$25,000 per year per additional WRIA may be available for first three years; and an additional \$12,500 per year per additional WRIA for the two extension years. A match of 10 percent is required for the funding. The match may include financial contributions or in-kind goods and services directly related to coordination and oversight functions. (Section 2.)

Plan Implementation and Amendment. Within one year of accepting funding, the planning unit must complete a detailed implementation plan which must clearly define: coordination and oversight responsibilities, needed interlocal agreements, rules, and ordinances; funding mechanisms; and time-lines. Submittal of such a detailed plan is required for receiving funding for subsequent years. The planning unit must consider coordinating plan implementation with salmon recovery efforts. (Section 4.)

With the consent of the planning unit, a state agency may adopt policies, procedures, or agreements related to its obligations under a plan in lieu of adopting rules for those obligations. Organizations voluntarily accepting obligations under a plan must establish implementing policies, procedures, rules, or ordinances. These organizations and state agencies should annually review implementation needs for budget and staffing. (Section 3(3).)

If a plan is approved by the county or counties in the WRIA and the DOE participated in the planning process, the plan is deemed as satisfying the watershed planning authority of the DOE regarding the components included in the plan. The DOE must rely on such a plan in making all future water resource decisions for the watershed or watersheds. The DOE must also rely upon the plan as a primary consideration in determining the public interest related to those decisions. (Section 3(4).)

Once a plan is approved by the county or counties, the DOE may modify the plan or the obligations imposed by the plan through a negotiated rule-making process conducted among water right holders and other affected residents in a watershed or watersheds, and must include the members of the original planning unit, to the greatest extent practicable. (Section 3(5).)

Approving WRIA Plans - Opting Out. The legislative authority of a county may choose to opt out of watershed planning and the public hearing approval processes with regard to the

county's territory in a particular planning area. The county must notify the DOE and the other initiating governments of that choice before the process for approving a plan by the counties is begun. A county choosing to opt out is not bound by obligations contained in the watershed plan adopted for the area. (Section 3(2)(c).)

**Appropriation:** None

**Fiscal Note:** Not Requested.

**Effective Date:** If specific funding for the purposes of this act is not provided by June 30, 2003, in the omnibus appropriations act, the act is null and void.