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**SENATE BILL 5131**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Pearson and Honeyford

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

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

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

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

The legislature finds, however, that the Skagit river basin instream resources protection rule, chapter 173-503 WAC, adopted by the department of ecology in 2001, does not take into account the growing needs of the Skagit river basin population and industry. The legislature finds that these changes in circumstances are so substantial as to render the rule invalid as falling well outside the legislature's intent. Moreover, the legislature finds that, in 2006, the department of ecology concluded limited reservations to foster growth would not substantially harm fish populations. These unbalanced interests compel the legislature to find that the rule no longer represents an adequate water management plan providing sufficient water for residential, commercial, and industrial needs; productive fish populations; and productive agriculture within the Skagit river basin.

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

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

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