H-0183.2

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**HOUSE BILL 2940**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Representatives Kretz and Dye

AN ACT Relating to restoring a wild Skagit river; amending RCW 90.16.090; and creating new sections.

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

NEW SECTION. **Sec.**  (1) The legislature finds that, of the many noble rivers to grace our state, few are possessed of such varied majesty as the mighty Skagit river. Five species of salmon - chinook, coho, sockeye, pink, and chum - call it home. The remarkable wildlife, fish, and scenic qualities of the Skagit river have earned more than one hundred miles of the Skagit river and its tributaries a wild and scenic designation under the federal wild and scenic rivers act. In its lower reaches, the farmland nurtured by the Skagit river is some of the most agriculturally diverse and productive in the world. Skagit valley soils are ranked in the top two percent of all soils, and more than eighty different crops, as well as livestock and dairy products, are produced within the bounds of the Skagit river's watershed. The river's middle reaches host one of the largest wintering bald eagle populations in the continental United States. In its upper reaches are found north Cascades national park and the majestic volcanoes of Mount Baker and Glacier Peak. The clear, cold snowmelt from these and their fellow peaks of the north Cascades has long been vital to the survival of the Skagit river's salmon, providing oxygen-rich water to salmon eggs and fry in the upper reaches, filling deep and cool pools during the summer, and fueling rich estuaries as a crucial food source for juvenile salmon. These Skagit salmon, once they leave freshwater and embark on the next stage of their life journey through Saratoga passage and out to the world beyond, represent a critical link in the complex food chain of Puget Sound and the north Pacific Ocean. In particular, these salmon, and especially the chinook salmon, are a vital food source for southern resident killer whales, whose population is now at its lowest level in more than three decades.

(2) The Skagit river's mighty elevations and immense flows have proven attractive to builders of dams, too. The first hydroelectric dam was built on the Skagit river nearly one hundred years ago. Now, the mainstem of the Skagit river is blocked by three dams: Diablo dam; Gorge dam; and Ross dam. These dams have stilled approximately thirty-five miles of what had once been a vibrant, free-flowing section of the Skagit river. The impacts these dams have had on the Skagit river have been significant. They have starved the river of the sediments needed to maintain healthy and productive estuaries at the mouth of the Skagit. They have altered the natural flow regime that the salmon of the Skagit river came to depend on over thousands of years. They have blocked miles of spawning habitat. The scarcity of water in the Skagit basin, and its effects on salmon and wildlife, on agriculture, and on homebuilding, have been well documented. But despite the direct and substantial impacts these dams have created for the Skagit river, the electricity produced by these three dams represents less than three percent of the total electricity delivered to Washington customers in 2016, the most recent year for which data are available. By contrast, in 2016 Washington's utilities served their customers with nearly twice that amount of electricity from clean, renewable energy sources like biomass, solar, and wind. In addition, as Washington continues to take a leadership role in diversifying its energy portfolio, the significance of these dams for the state's total energy supply will only continue to shrink.

(3) Where so much depends on a healthy, naturally flowing Skagit river, where the electricity produced by these three dams represents such a small portion of Washington's overall energy supply, and where this electricity production can be met elsewhere with further development of clean and renewable energy resources such as wind and solar, the legislature finds that the time has come to critically examine whether the operation of these dams continues to serve the best interests of the state.

**Sec.**  RCW 90.16.090 and 2007 c 286 s 2 are each amended to read as follows:

(1) All fees paid under provisions of this chapter, shall be credited by the state treasurer to the reclamation account created in RCW 89.16.020 and subject to legislative appropriation, be allocated and expended by the director of ecology for:

(a) Investigations and surveys of natural resources in cooperation with the federal government, or independently thereof, including stream gaging, hydrographic, topographic, river, underground water, mineral and geological surveys; and

(b) Expenses associated with staff at the departments of ecology and fish and wildlife working on federal energy regulatory commission relicensing and license implementation, except that, until June 30, 2021, for all fees paid under the provisions of this chapter in connection with the operation of Diablo dam, Gorge dam, and Ross dam, such fees must be expended by the departments of fish and wildlife and ecology for the sole purpose of conducting an investigation into the benefits, costs, and feasibility of the decommissioning and removal of Diablo dam, Gorge dam, and Ross dam. The investigation must include, at a minimum, a consideration of the impact that removal of the dams would have on:

(i) Providing the sediments necessary for a healthy estuarine ecosystem;

(ii) The availability and distribution of spawning habitat;

(iii) Groundwater recharge;

(iv) Water temperature;

(v) Oxygen levels;

(vi) Salmon populations;

(vii) Instream flows;

(viii) The availability of water within the Skagit basin for residential, agricultural, and municipal purposes; and

(ix) Southern resident killer whale populations.

(2) Unless otherwise required by the omnibus biennial appropriations acts, the expenditures for these purposes must be proportional to the revenues collected under RCW 90.16.050(1).

NEW SECTION. **Sec.**  By June 1, 2021, the department of fish and wildlife, in consultation with the department of ecology, shall provide a report to the legislature, consistent with RCW 43.01.036, that describes the results of the investigation undertaken pursuant to RCW 90.16.090(1)(b).

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