

SENATE BILL REPORT

ESHB 1110

As Reported By Senate Committee On:
Agriculture & Environment, April 3, 1997

Title: An act relating to water resources.

Brief Description: Altering a moratorium on new appropriations of Columbia river waters.

Sponsors: House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler, Mastin, McMorris, Koster, Delvin, Mulliken, Schoesler and Honeyford).

Brief History:

Committee Activity: Agriculture & Environment: 3/20/97, 4/3/97 [DPA, DNP].

SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

Majority Report: Do pass as amended.

Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse, Oke and Rasmussen.

Minority Report: Do not pass.

Signed by Senators Fraser and McAuliffe.

Staff: Bob Lee (786-7404)

Background: Through the adoption of rules, the Department of Ecology has placed applications for water right permits to withdraw water from the main stems of the Columbia and Snake rivers on hold. The rules do not apply to applications that were filed with the department before December 20, 1991, which is the date the National Marine Fisheries Service listed Snake River sockeye salmon as endangered under the federal Endangered Species Act. The rules, WAC 173-563-015 and 173-564-040, are now scheduled to expire on July 1, 1999, unless a new instream resources protection program is adopted by the department before that date.

The rules establishing this "moratorium" policy apply to applications for the use of surface water and to applications for the use of groundwater that is in direct hydraulic continuity with the main stem of either river. As exceptions to the moratorium, the rules allow the department to issue water withdrawal permits for applications for nonrecurring temporary projects for up to six months' duration, with a possible extension of no more than six additional months; certain nonconsumptive uses; and uses necessary for emergency public health and safety needs, when all other reasonable methods of obtaining water have been exhausted. The rules establishing the moratoria cite the 1991 federal listing of Snake River sockeye salmon as endangered and the 1992 listing of Snake River spring/summer and fall chinook salmon as threatened.

Summary of Amended Bill: The administrative rule that established a moratorium on processing water right applications for the withdrawal of waters from the Columbia River is voided. The moratorium on processing water right applications from the Snake River continues.

Amended Bill Compared to Substitute Bill: The striking amendments lifts the moratorium on processing water right permits on the Columbia River from Bonneville Dam to the Canadian border. The House version lifted the moratorium from Tri-Cities to the Canadian border, contained limits on the allowable size of withdrawals, and applied to permit applications filed prior to September 1993.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The Columbia River is the largest river in the western United States and there is ample water available for appropriation. The listing of salmon were the Snake River stocks. Towns located next to the Columbia River have had moratoriums on new buildings including retirement homes, farmworker housing and additional housing for a growing population. Because the towns are unable to provide additional water service due to the moratorium, growth has occurred in rural areas by utilizing exempt wells as their source of water.

Testimony Against: The action to tightly restrict the issuance of future water rights from the Columbia and Snake Rivers was a multi-state action. Lifting the moratorium could trigger concerns by the National Marine Fisheries Service who is charged with the primary responsibility to protect fish listed as being endangered or threatened.

Testified: Hunter Horvath, Northwest Power Corp. (pro); Linda Crerar, Ken Slattery, Dept. of Ecology (con); Craig Stewart, Rivers Council of WA (con); Judy Turpin, Washington Environment Council (con); Laura Hitchcock, Sierra Club (con); Dick Ducharme, Yakima Growers and Shippers (pro).