
HOUSE BILL 2514

State of Washington

55th Legislature

1998 Regular Session

By Representatives Chandler, Linville, Mastin, Parlette, Koster, Anderson, Regala and Cooper

Read first time 01/14/98. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to watershed management; amending RCW 90.82.020 and
2 90.82.040; adding new sections to chapter 90.82 RCW; adding a new
3 section to chapter 90.03 RCW; creating new sections; and declaring an
4 emergency.

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

6 NEW SECTION. **Sec. 1.** FINDINGS. The legislature finds that the
7 state's vital interests are served by the wise management of the
8 state's water resources, by protecting existing water rights and
9 dependent economies, by protecting and enhancing flows and habitat for
10 water-related wildlife and fish, and by providing for the public health
11 and economic well-being of the state's citizenry and communities. The
12 legislature finds that many regions of the state are facing challenges
13 relating to water quantity, water quality, and habitat for water-
14 related wildlife and fish species. There are a number of bodies of
15 water in the state that do not meet federal and state water quality
16 standards. In several areas of the state, there has been a significant
17 decrease in the number of fish returning to state waters and there is
18 a growing sense of urgency to protect and enhance existing fishery
19 resources. The pressures of a growing population and expanding economy

1 have led some local communities to seek additional water supplies for
2 present and future needs and to seek certainty that the supplies will
3 be available for those needs.

4 The legislature finds that the challenges vary from region to
5 region. The legislature also finds that, in many cases, addressing one
6 water resource or fishery habitat issue can cause concerns and have
7 effects in other areas; as a result, comprehensive watershed planning
8 may be needed to address the variety of these challenges
9 simultaneously.

10 The legislature finds that addressing these challenges efficiently
11 and effectively requires the support and involvement of the local
12 citizenry. The local development of these plans serves vital local
13 interests by placing it in the hands of the people who have the
14 greatest knowledge of both the resources and the aspirations of those
15 who live and work in the watershed; and who have the greatest stake in
16 the proper, long-term management of the resources. The development of
17 such plans serves the state's vital interests by ensuring that the
18 state's water resources are used wisely, by protecting existing water
19 rights, by protecting instream flows for fish, by protecting or
20 enhancing water-related habitat and thus providing for the economic
21 well-being of the state's citizenry and communities.

22 The legislature further recognizes that considerable effort for
23 addressing many of the challenges is represented by the work, planning,
24 projects, and activities that have already been completed regarding
25 watershed management or have been initiated and are in various stages
26 of completion. The legislature finds that, if new, coordinated
27 watershed planning is to be initiated, it must begin with a thorough
28 review of these completed or ongoing efforts and should incorporate
29 their products as appropriate so as not to duplicate the work already
30 performed or underway.

31 Although these challenges may require approaches that are
32 integrated and comprehensive, the legislature finds that considerable
33 authority currently exists to address these issues but that such
34 authority is spread across an array of federal, state, and local
35 governments. Integration and coordination of such authorities in ways
36 that have support of state and local interests will be needed to
37 develop and implement multi-interest and comprehensive solutions. The
38 legislature further finds that new state and federal regulatory regimes
39 are by-and-large not necessary to develop good watershed management and

1 that local authorities in particular provide a broad array of
2 implementation tools to support good watershed management. However, it
3 finds that the key to meeting existing regulatory objectives is the
4 involvement and support of local citizens and local governments working
5 cooperatively with state, federal, and tribal governments.

6 NEW SECTION. **Sec. 2.** PURPOSE AND INTENT. It is the intent of
7 this act to provide locally based groups with the opportunity to:
8 Assess local water supplies and needs and develop strategies to provide
9 adequate water for economic prosperity and environmental protection
10 while protecting existing water rights; review water quality problems
11 and develop a strategy for achieving compliance with water quality
12 standards; formulate plans for protection and enhancement of water-
13 related wildlife and fish habitat.

14 Chapter . . . , Laws of 1998 (this act) is enacted to: Protect
15 existing water rights; improve the ability of local governments and
16 citizens to be involved in the design and implementation of solutions
17 to water quantity, water quality, and habitat needs for water-related
18 wildlife and fish species; give high priority to addressing watersheds
19 with multiple problems, but provide an opportunity for people in all
20 watersheds to be involved in watershed planning if they so desire;
21 provide a flexible mechanism for conducting locally initiated watershed
22 planning on either a single watershed basis or, if more appropriate, on
23 a multiple watershed basis; provide for the thorough review and
24 inclusion, as appropriate, of work done by existing planning groups and
25 agencies related to the scope of activities to be addressed by the
26 planning unit; retain prerogatives of state and local governments who
27 are directly accountable to local citizens to identify problems and
28 formulate acceptable solutions to state and local issues; and allow
29 local people to determine the scope of the watershed planning process
30 while encouraging them to consider comprehensive watershed planning
31 that includes addressing water quantity, water quality, and habitat for
32 water-related wildlife and fish species in concert with one another.

33 Thus it is the intent of the legislature for watershed management
34 to help produce: Adequate water quantity for the future, adequate
35 water quality to protect and promote beneficial uses, sufficient
36 protection and enhancement of habitat so that water-related wildlife
37 and fish resources thrive to be used and enjoyed by citizens of the
38 state.

1 It is also the intent of the legislature to encourage collaboration
2 and cooperation between the wide range of interests, and local, state,
3 federal, and tribal governments to develop solutions to watershed
4 problems. The state of Washington wishes to recognize and maintain
5 formal government-to-government relationships, but it also endeavors to
6 work cooperatively with all governmental entities and representatives
7 of citizen groups to foster effective and practical solutions that have
8 broad-based support. It is the intent of the legislature that all of
9 the citizens of the state of Washington work cooperatively to ensure
10 that the management of the state's economic destiny and environmental
11 heritage remains in the hands of Washington's citizens as much as
12 possible.

13 **Sec. 3.** RCW 90.82.020 and 1997 c 442 s 103 are each amended to
14 read as follows:

15 Unless the context clearly requires otherwise, the definitions in
16 this section apply throughout this chapter.

17 (1) "City" means an incorporated city, code city, or town.

18 (2) "Department" means the department of ecology.

19 ~~((+2))~~ (3) "Implementing rules" for ~~((a WRIA plan))~~ integrated
20 watershed management developed by a planning unit are the rules needed
21 to give force and effect to the parts of the ~~((plan))~~ integrated
22 watershed management that create rights or obligations for any party
23 including a state agency or that establish water management policy.

24 ~~((+3))~~ (4) "Lead agency" means the entity identified under section
25 9 of this act that provides administrative staff support for and
26 receives grants for a planning unit developing integrated watershed
27 management under this chapter.

28 (5) "Management area" means the WRIA or the multiple WRIA area for
29 which integrated watershed management is developed by a planning unit
30 under this chapter.

31 (6) "Minimum instream flows" means ~~((a minimum))~~ flows that meet
32 the requirements of minimum flows under chapter 90.03 or 90.22 RCW ~~((or~~
33 a)) and base flows under chapter 90.54 RCW.

34 ~~((+4))~~ (7) "WRIA" means a water resource inventory area
35 established in chapter 173-500 WAC as it existed on January 1, 1997.

36 ~~((+5))~~ (8) "Water supply utility" means a water, combined water-
37 sewer, irrigation, reclamation, or public utility district that
38 provides water to persons or other water users within the district or

1 a division or unit responsible for administering a publicly governed
2 water supply system on behalf of a county.

3 ((+6)) (9) "~~(WRIA plan" or "plan)~~ Integrated watershed
4 management" means the product of the planning unit including any rules
5 and local ordinances adopted in conjunction with the product of the
6 planning unit.

7 NEW SECTION. **Sec. 4.** ELEMENTS OF MANAGEMENT--PRIORITY PROJECTS.

8 (1) Local governments may, at their option, provide for the development
9 of integrated watershed management for watersheds under this chapter.
10 Such management may be developed for any one or any combination of the
11 following: For water quantity aspects of water resource management
12 under section 5 of this act, for water quality aspects of water
13 resource management under section 7 of this act, and for the protection
14 or enhancement of water-related wildlife and fish habitat under section
15 8 of this act. However, if any of these three elements of integrated
16 watershed management are initiated under this chapter, minimum instream
17 flows shall be established for streams in the management area as
18 provided in section 6 of this act. It is anticipated that a planning
19 unit will not await the development of proposals for minimum instream
20 flows under section 6 of this act to begin developing other aspects of
21 its integrated watershed management for a management area; rather, work
22 on these developments will be undertaken concurrently.

23 (2) Under this chapter, integrated watershed management may be
24 developed by a planning unit for one or more WRIAs, but may not be
25 developed for less than one WRIA except for those watersheds planned as
26 pilot projects in the Methow and Dungeness/Quilcene areas before the
27 effective date of this section.

28 (3) Integrated watershed management developed and approved under
29 this chapter shall not contain provisions that (a) are in conflict with
30 state statute, federal law, or tribal treaty rights; (b) impair or
31 diminish in any manner a water right existing before the approval of
32 the management under section 11 of this act, taking into consideration
33 that rights to the use of water from a body of water issued after the
34 establishment of a minimum instream flow for the water body may be
35 junior or subordinate to such a flow; or (c) require a modification in
36 the basic operations of a federal reclamation project with a water
37 right the priority date of which is before the effective date of this
38 section or alter in any manner whatsoever the quantity of water

1 available under the water right for the reclamation project, whether
2 the project has or has not been completed before the effective date of
3 this section.

4 (4) Once a planning unit has begun developing integrated watershed
5 management under this chapter, the unit shall, as a matter of high
6 priority:

7 (a) Review the planning, projects, and activities that have already
8 been completed regarding watershed management in the management area
9 and the products or status of those that have been initiated but not
10 completed for such management in the management area; and

11 (b) Identify projects and activities in the management area that
12 the unit believes will likely serve short-term or long-term management
13 goals and that warrant immediate financial assistance from state,
14 federal, or local government. The planning unit shall prioritize these
15 projects and activities in a manner that reflects the degree to which
16 they serve the unit's goals and the costs and the benefits of
17 undertaking them. The unit shall submit its prioritized list to the
18 local governments with jurisdiction and, through the lead state
19 representative on the planning unit designated under section 10(5)(i)
20 of this act, to the legislature and the appropriate state agencies.

21 NEW SECTION. **Sec. 5. WATER QUANTITY.** (1) Integrated watershed
22 management established for water quantity aspects of water resource
23 management in the management area shall include an assessment of water
24 supply and use in the management area, including:

25 (a) An estimation of the amount of surface and ground water present
26 in the management area;

27 (b) An estimation of the amount of surface and ground water
28 available in the management area, taking into account seasonal and
29 other variations;

30 (c) An estimation of the amount of water in the management area
31 represented by claims in the water rights claims registry, water use
32 permits, certificated rights, existing minimum instream flow rules, and
33 any other quantified rights to water;

34 (d) An estimation of the amount of surface and ground water
35 actually being used in the management area;

36 (e) A quantitative description of water estimated to be needed in
37 the future for use in the management area;

1 (f) An identification of areas where aquifers are known to recharge
2 surface bodies of water and areas known to provide for the recharge of
3 aquifers from the surface;

4 (g) A quantitative description of the surface and ground water
5 available for further appropriation, if applicable, taking into account
6 the minimum instream flows to be adopted for streams in the management
7 area; and

8 (h) Strategies for increasing water supplies in the management
9 area, including but not limited to increasing water supplies through
10 water conservation, water reuse, the use of reclaimed water, voluntary
11 water transfers, and water storage enhancements. The objective of
12 these strategies is to supply water in sufficient quantities to satisfy
13 the minimum instream flows and to provide water for further
14 appropriation to satisfy other future needs for water identified in (e)
15 of this subsection.

16 (2) As part of the integrated watershed management, the planning
17 unit may establish a water allocation strategy for water available for
18 further appropriation once existing rights and minimum instream flows
19 have been satisfied.

20 NEW SECTION. **Sec. 6.** INSTREAM FLOWS. (1)(a) Except as provided
21 in subsections (4) and (5) of this section, minimum instream flows
22 shall be established by rule for the principal stream or streams in the
23 WRIA or multiple WRIA area for which integrated watershed management is
24 developed by a planning unit under this chapter. At the time a
25 planning unit is chosen or created under section 10 of this act or
26 initial appointments are made by cities and counties under section 10
27 of this act, the cities and counties in a management area may decide,
28 as described in section 9(5) of this act, that the planning unit will
29 not participate in identifying such flows in the management area, in
30 which case they shall request the department to adopt rules
31 establishing the minimum instream flows for the principal stream or
32 streams in the management area.

33 (b) In all other management areas, identifying the flow regimes
34 that make up the minimum instream flows shall be a collaborative effort
35 between the department and the members of the planning unit developing
36 the integrated watershed management. As these minimum flows are
37 developed, it shall be the duty of the department to attempt to achieve
38 consensus among all of the members of the planning unit regarding the

1 minimum flows to be adopted by rule by the department. If consensus on
2 the minimum instream flows to be adopted is achieved among the members
3 of the planning unit, the department shall promptly adopt these minimum
4 instream flows by rule under subsection (2) of this section. Such
5 consensus is achieved if:

6 (i) Each of the members of the planning unit present for a recorded
7 vote on the proposed minimum instream flows who has been appointed to
8 represent the state, to represent tribal government, to represent
9 directly counties, or to represent directly cities records his or her
10 support for the proposed minimum instream flows as part of the recorded
11 vote or abstains from voting on the proposal; and

12 (ii) A majority of the members of the planning unit, other than
13 those who have been appointed to represent the entities identified in
14 (b)(i) of this subsection, who are present for a recorded vote on
15 proposed minimum instream flows, records support for the proposed
16 minimum instream flows as part of the recorded vote on the proposal.

17 That such a recorded vote will be taken on proposed minimum
18 instream flows shall be announced at the official meeting of the
19 planning unit immediately preceding the official meeting of the unit at
20 which the vote is recorded and a notice regarding voting on proposed
21 minimum instream flows shall be sent to each member appointed to the
22 planning unit as soon as possible following the meeting at which such
23 an announcement is made.

24 (2) If consensus among the members of the planning unit is achieved
25 on minimum instream flows proposed for a management area under
26 subsection (1) of this section, the department shall establish those
27 flows by rule and the consensus process used under subsection (1) of
28 this section constitutes negotiated rule making for the rules under
29 chapter 34.05 RCW.

30 (3) If consensus is not achieved under subsection (1) of this
31 section within two years of the date the planning unit first receives
32 funding from the department under RCW 90.82.040 or, if such funding has
33 been received by the planning unit before the effective date of this
34 section, within two years of the effective date of this section, the
35 department shall promptly initiate rule making under chapter 34.05 RCW
36 to establish minimum instream flows for these streams as soon as
37 possible.

1 (4) With regard to a management area in which minimum instream
2 flows have been established by rule for streams in the management area
3 before the establishment of the planning unit:

4 (a) If the planning unit determines that establishing new minimum
5 instream flows for one or more of the streams is not one of its
6 objectives or by consensus under subsection (1) of this section chooses
7 not to change those flows, the department need not initiate additional
8 rule making for setting instream flows for those streams under
9 subsection (2) or (3) of this section; or

10 (b) If, within two years of the date the planning unit first
11 receives funding from the department under RCW 90.82.040, consensus is
12 not achieved under subsection (1) of this section among the members of
13 the planning unit appointed to represent units of general government
14 and the department, after considering in detail the assessment provided
15 under subsection (1) of this section, decides that the minimum instream
16 flows for one or more of the streams do not need to be altered, the
17 department need not initiate additional rule making for setting minimum
18 instream flows for those streams under subsection (3) of this section.

19 (5) Minimum instream flows shall not be proposed or adopted for the
20 main stem of the Columbia river or the main stem of the Snake river
21 under this chapter.

22 (6) A planning unit may consider adopting flows that are greater
23 than the minimum necessary for the protection of fish. It may also
24 consider identifying how minimum instream flows could be modified in
25 response to the successful implementation of other elements of the
26 integrated watershed management.

27 (7) As used in this section, the "principal stream or streams" are,
28 in a management area for which the department is requested by cities
29 and counties to adopt minimum instream flows under subsection (1)(a) of
30 this section, the streams determined by the department to be the
31 principal stream or streams. In any other management area, the
32 "principal stream or streams" are the main stem of the stream with the
33 largest annual average flow in each WRIA in the management area; and
34 any tributary to such a main stem or any other streams in the
35 management area that are determined to be principal streams by the
36 planning unit by a . . . vote of the planning unit.

1 NEW SECTION. **Sec. 7.** WATER QUALITY. Integrated watershed
2 management established for water quality aspects of water resource
3 management in the management area shall include the following elements:

4 (1) An examination of the degree to which water quality standards
5 are being met in the management area;

6 (2) An analysis of the causes of water quality violations in the
7 management area, including an examination of information regarding
8 pollutants, point and nonpoint sources of pollution, and pollution-
9 carrying capacities of water bodies in the management area. The
10 analysis shall take into account seasonal stream flow or level
11 variations, natural events, and pollution from natural sources that
12 occurs independent of human activities;

13 (3) An examination of the uses of each of the bodies of water in
14 the management area and an identification of the beneficial uses of
15 each for water quality classification purposes;

16 (4) An identification of bodies of water for which basin-specific
17 water quality standards may be adopted by rule by the department and
18 recommendations for the water quality standards to be adopted for those
19 bodies of water;

20 (5) A detailed strategy for achieving compliance with water quality
21 standards for the bodies of water in the management area; and

22 (6) Means of monitoring whether actions taken to implement the
23 strategy bring about improvements in water quality that are sufficient
24 to achieve compliance with water quality standards.

25 NEW SECTION. **Sec. 8.** HABITAT. Integrated watershed management
26 may be developed to protect or enhance water-related wildlife and fish
27 habitat in the management area. Integrated watershed management
28 developed for such purposes shall include:

29 (1) An analysis of the potential for protecting or enhancing water-
30 related wildlife and fish habitat in the management area;

31 (2) An identification of water-related habitat protection or
32 enhancement activities and projects and voluntary transactions
33 providing for the purchase of water-related habitat or water-related
34 habitat easements that would provide the greatest benefit to such
35 habitat in the management area, and a prioritization of the activities,
36 projects, and transactions based on their potential for providing such
37 benefits;

1 (3) Means of ensuring that the activities, projects, and
2 transactions identified under subsection (2) of this section will be
3 undertaken; and

4 (4) Means of monitoring the effect of undertaking the activities,
5 projects, and transactions identified under subsection (2) of this
6 section on protecting or enhancing water-related wildlife and fish
7 habitat in the management area.

8 NEW SECTION. **Sec. 9.** INITIATING INTEGRATED WATERSHED MANAGEMENT.

9 The following is the procedure by which the development of integrated
10 watershed management may be initiated under this chapter. For the
11 purposes of this section, the "initiating governments" are the county
12 with the largest area within the boundaries of a single WRIA or
13 multiple WRIA proposed management area, the city within the proposed
14 management area using the largest amount of water from the proposed
15 management area, the city cumulatively diverting and withdrawing the
16 largest amount of water from within the proposed management area, and
17 the water supply utility that provides the largest quantity of water in
18 the management area.

19 (1) The initiating governments in a single or multiple WRIA
20 management area may initiate the development of integrated watershed
21 management under this chapter for the area by jointly and unanimously
22 choosing to do so. If they choose to initiate the development of
23 integrated watershed management, the county with the largest area
24 within the boundaries of the proposed management area shall convene a
25 public meeting in the affected area to discuss the appointment of a
26 planning unit for developing integrated watershed management under this
27 chapter. Notices of the meeting shall be sent to:

28 (a) County governments with territory in the proposed management
29 area;

30 (b) Cities located in and cities that receive water from the
31 proposed management area;

32 (c) Tribal governments of federal Indian reservations located in
33 whole or in part within the boundaries of the proposed management area;

34 (d) Water supply utilities located in and water supply utilities
35 that receive water from the proposed management area;

36 (e) Conservation districts with territory in the proposed
37 management area;

1 (f) Groups and entities that have been or are currently engaged in
2 public planning processes within the proposed management area that
3 involve water quantity, water quality, or fishery restoration
4 activities. In providing this notice, the county shall make a
5 reasonable attempt to identify and notify groups and entities that
6 within the last five years have been or are currently engaged in such
7 planning; and

8 (g) The department, which shall notify other appropriate state
9 agencies and appropriate federal agencies.

10 The notice shall contain the purpose, time, and location of the
11 meeting. The notice shall also be published at least once a week for
12 two consecutive weeks in a newspaper of general circulation in the
13 proposed management area.

14 (2) The purpose of the public meeting is to obtain comments
15 regarding initiating the development of integrated watershed management
16 under this chapter, the coordination of that process with ongoing
17 planning processes and activities in the watershed, and the selection
18 of the elements of resource management to be included in the integrated
19 watershed management developed under the process.

20 (3) For developing integrated watershed management under this
21 chapter, the county with the largest area within the boundaries of the
22 proposed management area is the lead agency for the development of the
23 integrated watershed management, unless the cities and counties
24 described in subsection (5) of this section approve the designation of
25 another governmental agency as the lead agency. Such a governmental
26 agency shall act as the lead agency for this purpose if it agrees in
27 writing to accept the designation.

28 (4) At or following the public meeting, the county that convened
29 the meeting shall call for a vote of the cities and counties described
30 in subsection (5) of this section as to whether to proceed with the
31 development of integrated watershed management under this chapter in
32 the proposed management area. If these cities and counties approve
33 proceeding with the development of such management, the lead agency may
34 make application to the department for funding to develop integrated
35 watershed management under this chapter.

36 (5) The cities and counties that may make decisions under
37 subsections (3) and (4) of this section may choose the type of planning
38 unit to be used for developing integrated watershed management under
39 this chapter in the proposed management area under section 10(2) or (3)

1 of this act, may expand the membership of a planning unit under section
2 10(8) of this act, and may request the department to set minimum
3 instream flows for a management area under section 6(1) of this act are
4 the counties with territory in the proposed management area, and the
5 cities located in whole or in part within the proposed management area
6 and cities receiving water delivered from the proposed management area.
7 To approve an action for these purposes, the cities must approve the
8 action by majority vote, with each city having one vote, and the
9 counties must approve the action by unanimous vote, with each county
10 having one vote. The vote of each city and each county shall be the
11 vote assigned directly, in person or in writing, by the elected
12 officials of the city and directly, in person or in writing, by the
13 members of the legislative authority of the county. For this purpose,
14 the "elected officials" of a city are the members of the city's
15 legislative authority and, if applicable, its elected mayor.

16 NEW SECTION. **Sec. 10.** OPTIONS FOR APPOINTING A PLANNING UNIT.

17 (1) If the cities and counties approve proceeding with the development
18 of integrated watershed management for a management area as described
19 in section 9(4) of this act, the development of such management will be
20 conducted under this chapter in the single WRIA or multiple WRIA
21 management area by one planning unit. As provided in subsections (2)
22 and (3) of this section, the cities and counties may choose an existing
23 planning group as the basis for local representation on the planning
24 unit or they may identify the composition of a new group as the basis
25 for local representation on the planning unit. Such a choice shall be
26 made as described in section 9(5) of this act. If the cities and
27 counties do not choose such an existing or new group in this manner,
28 the planning unit to be used for developing the integrated watershed
29 management for the management area is the planning unit specified in
30 subsection (5) of this section.

31 (2) If the cities and counties choose an existing planning group as
32 the basis for local representation on a planning unit, the planning
33 group shall have been in existence for at least one year before being
34 so chosen. To be considered, the representation of governmental
35 entities and interest groups on such a planning group must be generally
36 similar to the representation identified in subsections (5)(a) through
37 (g) and (6) of this section, or the planning group shall have a
38 statutorily specified membership. If the cities and counties find that

1 the existing group has the required composition and find that the scope
2 of the group's work is or has been appropriate considering the tasks to
3 be given the planning unit under this chapter, the cities and counties
4 may designate the group as the basis for local participation on the
5 planning unit. The existing group chosen in this manner plus the
6 membership specified in subsection (5)(i) of this section and any
7 membership provided under subsection (5)(h) of this section, which
8 provide for representation by state and tribal governments, constitute
9 the planning unit for developing integrated watershed management under
10 this chapter in the management area.

11 (3) The cities and counties may choose as the basis for local
12 participation on the planning unit under this chapter a new planning
13 group tailored to the specific geographic area for which integrated
14 watershed management will be developed. The cities and counties shall
15 take care to ensure that the members of the planning unit represent
16 diverse interests, and shall include the interests represented by a
17 planning unit that would be appointed under subsections (5)(a) through
18 (g) and (6) of this section. If the cities and counties designate a
19 new planning group as the basis for local participation on the planning
20 unit, the new group plus the membership specified in subsection (5)(i)
21 of this section and any membership provided under subsection (5)(h) of
22 this section, which provide for representation by state and tribal
23 governments, constitute the planning unit for developing integrated
24 watershed management under this chapter in the management area.

25 (4) If an existing or new group is designated under subsection (2)
26 or (3) of this section as the basis for local participation on the
27 planning unit, the group and therefore the planning unit it is a part
28 of: Shall have membership positions that directly represent cities in
29 whole or in part in the management area and these positions shall be
30 clearly identified as such; and shall have membership positions that
31 directly represent counties with territory in the WRIAs that make up
32 the management area and these positions shall be clearly identified as
33 such. The cities and counties designating a new group as the basis for
34 local participation on the planning unit may identify a subcommittee
35 structure for the planning unit, but the authorities granted to a
36 planning unit by this chapter may only be exercised by the full
37 planning unit.

38 (5) Unless a planning unit is created as provided in subsection (2)
39 or (3) of this section, the planning unit that develops integrated

1 watershed management in a single WRIA or a multiple WRIA management
2 area under this chapter shall be composed of the following:

3 (a) One member representing each county with territory in the
4 management area appointed by the county;

5 (b) One member representing cities for each county with territory
6 in the management area appointed by the cities within that county;

7 (c) One member representing water supply utilities for each county
8 with territory within the management area, appointed jointly by the
9 three water supply utilities providing the largest quantity of water in
10 the county;

11 (d) One member representing all conservation districts with
12 territory within a single WRIA management area appointed jointly by
13 those districts or, for a multiple WRIA management area, up to two
14 members, as that number is determined by the districts, representing
15 all conservation districts with territory within the multiple WRIA
16 management area and appointed jointly by those districts;

17 (e) Three members representing various major interests in the
18 management area appointed jointly by the cities with territory within
19 the management area; and six members representing various major
20 interests in the management area appointed jointly by the counties with
21 territory within the management area;

22 (f) One member representing the general citizenry appointed jointly
23 by the cities with territory within the management area;

24 (g) Three members representing the general citizenry appointed
25 jointly by the counties with territory in the management area, of which
26 at least one shall be a holder of a water right certificate and at
27 least one shall be a holder of a water right for which a statement of
28 claim was in the state's water rights claims registry before January 1,
29 1997;

30 (h) If one or more federal Indian reservations are located in whole
31 or in part within the boundaries of the management area, or if one or
32 more tribes located in this state have federally recognized ceded land
33 within the management area or fishing rights recognized under federal
34 case law on lands within the management area, the planning unit shall
35 promptly extend an invitation to the tribal government of each such
36 reservation to appoint one member representing that tribal government
37 and to the tribal government of each such tribe to appoint one member
38 representing that tribe; and

1 (i) Up to three members representing state agencies as that
2 representation is determined by the governor. Of these, the governor
3 shall appoint one lead state representative whose duty it is to ensure
4 that state government ultimately speaks with one voice in developing
5 integrated watershed management under this chapter, to coordinate the
6 state's participation on the planning unit, and to secure and
7 coordinate under section 14 of this act the technical assistance
8 provided by the state to the planning unit.

9 (6) In appointing persons to a planning unit representing major
10 interests in the management area, the cities and counties shall ensure
11 that economic interests in the management area are represented and
12 shall take care to provide a reasonably balanced representation of in-
13 stream and out-of-stream interests in water. In doing so, the cities
14 and counties shall consult with each other regarding the representation
15 each is providing and may consider industrial water users, general
16 businesses, hydroelectric and thermal power producers, and irrigated
17 agriculture, nonirrigated agriculture, forestry, recreation,
18 environmental, and recreational and commercial fisheries interest
19 groups, and other groups with interests in the management area.

20 (7) All appointments of members of the planning unit as the
21 planning unit is initially constituted, except those provided under
22 subsection (5)(h) of this section, shall be made within sixty days of
23 the date the cities and counties choose the basis of local
24 participation on a planning unit under subsection (2) or (3) of this
25 section or, if such a choice is not made and the membership provided in
26 subsection (5) of this section is to be used, within sixty days of the
27 date the cities and counties choose under section 9 of this act to
28 proceed with the development of integrated watershed management for the
29 management area. If an appointment is not made in a timely manner, the
30 appointment shall be made by the counties with territory in the
31 management area in the same manner the counties make other
32 appointments. Each original appointment to be made under subsection
33 (5)(h) of this section shall be made within sixty days of the date the
34 invitation to make the appointment is extended to the tribal government
35 by the planning unit. If an appointment is not made under subsection
36 (5)(h) of this section in a timely manner, the position on the planning
37 unit shall not be filled by the counties; it shall remain vacant.

38 (8) Within thirty days of the convening of the planning unit, the
39 counties and cities designated in section 9(5) of this act may

1 increase the number of members of the planning unit appointed under
2 subsection (5)(e), (f), and (g) of this section by up to five members.
3 The counties and cities may do so as described in section 9(5) of this
4 act. Appointment of additional members to the planning unit shall be
5 made within thirty days from the date application is first made to the
6 department for funding for the planning unit.

7 (9) Each planning unit may invite representatives of federal
8 agencies with jurisdiction over the subject matter for which integrated
9 watershed management is being developed by the unit and the managers of
10 major federal lands located within the management area to assist the
11 planning unit by participating in the development of integrated
12 watershed management by the unit under this chapter. Such
13 representatives shall not be considered to be members of the planning
14 unit for voting purposes; that is, they shall not have voting
15 authority.

16 NEW SECTION. **Sec. 11.** DECISIONS--HEARINGS--APPROVAL. (1) The
17 planning unit shall attempt to achieve consensus among the members of
18 the planning unit in developing the components of its proposed
19 integrated watershed management under section 5, 7, or 8 of this act.
20 At a minimum, the planning unit shall not add a component to its
21 integrated watershed management that creates an obligation for state
22 government unless the members of the planning unit appointed to
23 represent state government agree to adding the component; it shall not
24 add a component that creates an obligation for a tribal government
25 unless the member or members of the planning unit appointed to
26 represent that tribal government agree to adding the component; it
27 shall not add a component creating obligations for counties unless the
28 member or members of the planning unit appointed to represent directly
29 the counties agree to adding the component; and it shall not add a
30 component that creates an obligation for cities unless the member or
31 members of the planning unit appointed to represent directly the cities
32 agree to adding the component. A member's agreeing to add a component
33 shall be evidenced by a recorded vote of all members of the planning
34 unit in which the member records support for adding the component.

35 (2) Decisions regarding setting minimum instream flows shall be
36 made as described in section 6 of this act. Whether the minimum
37 instream flows set for streams in the management area are or are not
38 added as an express component of the planning unit's integrated

1 watershed management for the management area may be determined by the
2 planning unit, but adding or not adding the component does not affect
3 the decisions made under section 6 of this act regarding minimum
4 instream flows.

5 In addition to the aspects of integrated watershed management
6 required for planning conducted under sections 5, 7, and 8 of this act,
7 the planning unit shall identify within the management: The actions
8 and activities that are necessary to implement the provisions of the
9 integrated watershed management, to monitor the effectiveness of the
10 implementation, and to provide any needed adaptive management; and the
11 entities responsible for conducting these actions and activities. It
12 shall also identify any entity responsible for the coordinated
13 oversight of these responsibilities.

14 (3) As part of its integrated watershed management, the planning
15 unit may choose to develop drafts of state administrative rules and
16 local ordinances that would be needed to give force and effect to the
17 parts of its integrated watershed management that would create rights
18 or obligations for any party. If it so chooses, it may also request
19 the appropriate state agencies, units of tribal government, and units
20 of local government to assist it in drafting the rules and ordinances.
21 If the planning unit requests a state agency to provide such
22 assistance, the state agency shall provide the assistance. If such a
23 draft is prepared, it may be approved as a component of the proposed
24 integrated watershed management as provided in this section for similar
25 components of the proposal.

26 (4)(a) Upon completing its proposed integrated watershed management
27 for the management area, the planning unit shall publish notice of and
28 conduct at least one public hearing in the management area on the
29 proposal. As a minimum, the notice shall be published in one or more
30 newspapers of general circulation in the management area. After
31 considering the public comments and making any changes in its proposal,
32 the planning unit may approve the proposal by consensus of all of the
33 members of the planning unit or by consensus among the members of the
34 planning unit appointed to represent units of general government and a
35 majority vote of members of the planning unit representing major
36 interests in the management area and general citizenry components of
37 the planning unit.

38 (b) Consensus among the members of the planning unit appointed to
39 represent units of general government is achieved if each of the

1 members of the planning unit present for a recorded vote on the
2 proposal appointed to represent the state, to represent tribal
3 government, to represent directly counties, and to represent directly
4 cities records his or her support for the proposed integrated watershed
5 management as part of a recorded vote on the proposal. However, if a
6 representative of tribal government has not been appointed to the
7 planning unit under this chapter or one or more of the members of the
8 planning unit appointed to represent tribal government vote to oppose
9 the proposed integrated watershed management as part of such a recorded
10 vote, such general government consensus is achieved if each of the
11 members of the planning unit present for a recorded vote on the
12 proposal who has been appointed to represent the state, to represent
13 directly counties, and to represent directly cities records his or her
14 support for the proposed integrated watershed management as part of a
15 recorded vote on the proposal. If a member of the planning unit
16 appointed to represent tribal government votes to oppose the proposed
17 integrated watershed management in such a recorded vote on the
18 proposal, the state shall immediately initiate consultation with the
19 represented tribal government regarding the portions of the integrated
20 watershed management affecting the tribal government that are opposed
21 by the tribal government.

22 (c) Consensus among the members of the planning unit appointed to
23 represent major interests in the management area and general citizenry
24 components of the planning unit is achieved if a majority of the
25 members of the planning unit, other than those described in (b) of this
26 subsection, present at the recorded vote on the proposal records
27 support the integrated watershed management as a part of the recorded
28 vote.

29 (d) If the proposal is approved by the planning unit, the unit
30 shall submit the proposal to the counties with territory within the
31 management area. If the planning unit has received funding beyond the
32 initial fifty thousand dollars under RCW 90.82.040, such a proposal
33 approved by the planning unit shall be submitted to the counties within
34 four years of the date the funding was first received by the planning
35 unit or the state shall develop and adopt integrated watershed
36 management for the management area for those aspects of activities
37 under section 5, 7, or 8 of this act for which the planning unit
38 received funding under RCW 90.82.040.

1 (5) If proposed integrated watershed management is approved by a
2 planning unit as provided in subsection (4) of this section, copies of
3 the proposal shall be made available to the public upon request. The
4 members of the planning unit representing state government shall ensure
5 that copies of the proposal are transmitted for their review to: The
6 tribal governments of each federal Indian reservation located in whole
7 or in part in the management area; the tribal government of each
8 federally recognized tribe that has ceded lands within the management
9 area; and appropriate units of government in any state or province that
10 is adjacent to the management area and inform these governments
11 regarding hearings held under subsection (6) of this section.

12 (6) The legislative authority of each of the counties with
13 territory in the management area shall provide public notice of and
14 conduct at least one public hearing on the proposed integrated
15 watershed management submitted under subsection (3) of this section.
16 At a minimum, the notice shall be published in one or more newspapers
17 of general circulation in the management area. After the public
18 hearings, the legislative authorities of these counties shall convene
19 in joint session to consider the proposal. The counties may approve or
20 reject the proposed integrated watershed management for the management
21 area, but may not amend it. Approval of such a proposal, or of their
22 recommendations for changing the proposal, shall be made by a majority
23 vote of the members of the various legislative authorities of the
24 counties with territory in the management area, as such voting is
25 specified in section 12 of this act. It is appropriate for any entity,
26 including but not limited to a tribal government or a unit of
27 government in a state or province that is adjacent to the management
28 area, to provide comments on the proposal at the hearing and, if it
29 wishes, to endorse the proposal formally at the hearing.

30 If a proposed integrated watershed management is not approved, it
31 shall be returned to the planning unit with recommendations for
32 revisions. Approval of such a revised proposal shall be made in the
33 same manner provided for the original integrated watershed management.

34 (7) If integrated watershed management is approved by the planning
35 unit and the counties for a management area under this section and that
36 management creates obligations for agencies of state government, the
37 obligations are binding on the state agencies and the agencies shall
38 adopt implementing rules and take other actions to fulfill their
39 obligations as soon as possible. If integrated watershed management is

1 approved by the planning unit and the counties for a management area
2 under this section and that management creates obligations for a unit
3 of local government in the management area or with territory in the
4 management area, the obligations are binding on the unit of local
5 government and it shall adopt implementing ordinances and take other
6 actions to fulfill the obligations as soon as possible.

7 NEW SECTION. **Sec. 12.** MEMBERSHIP--OTHER RULES. (1) Whenever
8 voting is used by a planning unit for making decisions, each member
9 appointed to the planning unit shall have one vote.

10 (2) A vacancy on a planning unit shall be filled by appointment in
11 the same manner prescribed for appointing the position that has become
12 vacant. The planning unit shall not interrupt its work to await
13 additional original appointments or appointments to fill any vacancies
14 that may occur in its membership.

15 (3) No person who is a member of a planning unit for a management
16 area under this chapter may designate another to act on behalf of the
17 person as a member or to attend as a member a meeting of the unit on
18 behalf of the person. If a member of such a planning unit is absent
19 from more than five meetings of the planning unit that constitute
20 twenty percent or more of the meetings that have been conducted by the
21 planning unit while the person is a member of the unit and these
22 absences have not been excused as provided by this section, the
23 member's position on the planning unit is to be considered vacant. A
24 person's absence from a meeting may be excused: By the chair of the
25 planning unit if a written request to do so is received by the chair
26 before the meeting from which the member is to be absent; or by a
27 majority vote of the members of the planning unit at the meeting during
28 which the member is absent.

29 (4) For the purposes of this chapter, a county or conservation
30 district is considered to have territory within a management area only
31 if the territory of the county or district located in one of the WRIA's
32 in the management area constitutes at least fifteen percent of the area
33 of the WRIA.

34 (5) Integrated watershed management is approved under section 11 of
35 this act if the legislative authority of each county with territory
36 within the management area votes to approve the integrated watershed
37 management. In voting to appoint members of a planning unit: Each
38 city with territory within the WRIA shall have one vote and

1 appointments shall be made by majority vote of such cities; each water
2 supply utility other than those of a city or town with territory within
3 the WRIA shall have one vote and appointments shall be made by majority
4 vote of such districts; and each conservation district with territory
5 within the WRIA shall have one vote and appointments shall be made by
6 majority vote of such districts.

7 **Sec. 13.** RCW 90.82.040 and 1997 c 442 s 105 are each amended to
8 read as follows:

9 (1) (~~Once a WRIA planning unit has been organized and designated
10 a lead agency, it shall notify the department and may apply to the
11 department for funding assistance for conducting the planning. Funds
12 shall be provided from and to the extent of appropriations made by the
13 legislature to the department expressly for this purpose.~~

14 (2) ~~Each planning unit that has complied with subsection (1) of
15 this section is eligible to receive fifty thousand dollars for each
16 WRIA to initiate the planning process. The department shall allocate
17 additional funds to WRIA planning units based on need demonstrated by
18 a detailed proposed budget submitted by the planning unit for carrying
19 out the duties of the planning unit. Each WRIA planning unit may
20 receive up to two hundred fifty thousand dollars for each WRIA during
21 the first two year period of planning, with a maximum allocation of
22 five hundred thousand dollars for each WRIA.)~~ The department shall
23 develop and administer a grant program to provide direct financial
24 assistance to WRIA planning units for the preparation of integrated
25 watershed management under this chapter. Three separate grants may be
26 awarded pursuant to this section. These grants are initial organizing
27 grants, grants for watershed assessments and establishment of instream
28 flows, and grants for the development of integrated watershed
29 management and implementation. The total amount of the grants may not
30 exceed five hundred thousand dollars for each WRIA. The department may
31 not impose any local matching fund requirement as a condition for grant
32 eligibility or as a preference for receiving a grant.

33 (2) An initial organizing grant of up to fifty thousand dollars for
34 each WRIA may be awarded to a lead agency that applies to the
35 department and indicates that integrated watershed management is to be
36 developed under this chapter. Organizing grants may be expended for
37 any purpose authorized by the department, including but not limited to
38 determining the scope of work to be addressed by the integrated

1 watershed management for the management area; collecting and reviewing
2 relevant studies and plans that already exist for the watershed,
3 including growth management related plans in which critical areas have
4 been designated pursuant to chapter 36.70A RCW; determining how the
5 integrated watershed management for a management area can be
6 coordinated with existing studies and plans; and baseline monitoring of
7 water within the watershed.

8 (3)(a) A watershed assessment and instream flow establishment grant
9 of up to two hundred thousand dollars for each WRIA may be awarded to
10 a planning unit that certifies to the department that it adequately
11 represents a broad range of interests within the watershed, and that it
12 is willing to undertake at least one or more of the following as part
13 of its integrated watershed management for its management area:
14 Integrated watershed management for the protection or enhancement of
15 water-related wildlife and fish habitat, integrated watershed
16 management for water quantity, integrated watershed management for
17 water quality, or the establishment of minimum instream flows for the
18 principal stream or streams in the area. The planning unit must submit
19 a detailed proposed budget that demonstrates the need for the grant.

20 (b) Grants awarded pursuant to this subsection (3) shall be awarded
21 for a two-year period. The two-year time period shall begin to run
22 when the lead agency for the planning unit first received the initial
23 organizing grant under subsection (2) of this section. For a planning
24 unit that did not submit an application for an initial organizing
25 grant, the two-year time period shall begin to run when the planning
26 unit receives a grant under this subsection (3).

27 (4) A management development and implementation grant in an amount
28 of up to two hundred fifty thousand dollars for each WRIA may be
29 awarded to a planning unit that submits evidence that a minimum
30 instream flow has been determined for the principal stream or streams
31 within the area under this chapter; and an assessment of the watershed
32 has been adequately prepared in sufficient detail for the purposes for
33 which the watershed assessment and instream flow establishment grant
34 was awarded; the integrated watershed management that will be developed
35 for the management area will not be in conflict with federal laws,
36 state statutes, or tribal treaty rights; and its development will be
37 coordinated with adjacent jurisdictions for purposes of minimum
38 instream flows and water quality, if water quality was addressed as
39 part of the watershed assessment. The planning unit must submit a

1 detailed proposed budget that demonstrates the need for the grant. Any
2 moneys made available for implementation in a management area under
3 this section are available only for implementation that commences after
4 integrated watershed management has been adopted for the area under
5 section 11 of this act.

6 (5)(a) The department shall use the following eligibility criteria
7 instead of rules when evaluating grant applications at each stage of
8 the grants program:

9 (i) The application has documented that the planning unit meets all
10 of the requirements of this chapter;

11 (ii) The application demonstrates a need for state planning funds
12 to accomplish the objectives of the planning process; and

13 (iii) The application and supporting information evidences a
14 readiness to proceed.

15 (b) In ranking grant applications submitted at each stage of the
16 grants program except for the initial organizing grant under subsection
17 (2) of this section, the department shall give preference to
18 applications in the following order of priority:

19 (i) Applications that are comprehensive in the scope of integrated
20 watershed management by proposing to address the following issues:

21 (A) Protection and enhancement of water-related fish and wildlife
22 habitat;

23 (B) Water quality protection and enhancement; and

24 (C) Water supply to meet the needs of growing population and in
25 watersheds where additional water supply is critical to continued
26 economic health;

27 (ii) Applications that address a WRIA or multiple WRIs to enable
28 a planning unit to develop integrated watershed management for an
29 entire watershed, an entire tributary system to the Columbia or Snake
30 rivers, or an entire evolutionarily significant unit under the federal
31 endangered species act;

32 (iii) Applications that propose to address protection and
33 enhancement of water-related fish and wildlife habitat in watersheds
34 that have aquatic species listed as endangered or threatened under the
35 federal endangered species act, 16 U.S.C. Sec. 1531 et seq.;

36 (iv) Applications that propose to address protection and
37 enhancement of water quality in watersheds with impaired water quality;
38 and

1 (v) Applications that address water supply needs in watersheds with
2 growing populations and in watersheds where additional water supply is
3 critical to continued economic health.

4 (6) Funding provided under this section shall be considered a
5 contractual obligation against the moneys appropriated for this
6 purpose.

7 ~~((3) Preference shall be given to planning units requesting~~
8 ~~funding for conducting multi-WRIA planning under section 108 of this~~
9 ~~act.~~

10 ~~(4))~~ (7) The department may retain up to one percent of funds
11 allocated under this section to defray administrative costs.

12 (8) The department may adopt its implementing rules that have been
13 approved by counties as part of integrated watershed management and may
14 adopt rules when necessary to implement this section or section 6(2) of
15 this act either by the regular rules adoption process provided in
16 chapter 34.05 RCW, the expedited rules adoption process as set forth in
17 RCW 34.05.230, or through a rules adoption process that uses the public
18 hearings and notice provided by the planning unit and the county
19 legislative authority as a substitute for the rules adoption
20 requirements of chapter 34.05 RCW. If the planning unit and county
21 legislative authority hearings and notice are used as a substitute for
22 the regular rules adoption process, the rules do not take effect until
23 they are published in the Washington state register. Such rules do not
24 constitute significant legislative rules as defined in RCW 34.05.328,
25 and do not require the preparation of small business economic impact
26 statements.

27 **NEW SECTION. Sec. 14. TECHNICAL ASSISTANCE.** (1) The lead state
28 representative on a planning unit designated under section 10(5)(i) of
29 this act shall establish a program to provide technical assistance to
30 planning units and local governments to encourage and facilitate the
31 adoption and implementation of integrated watershed management for
32 management areas developed under this chapter. The program shall not
33 establish requirements or standards that must be satisfied by the
34 integrated watershed management developed under this chapter and no
35 part of the program may have the effect of a rule adopted under chapter
36 34.05 RCW.

37 (2) The program shall use any staff assigned by the governor for
38 this task, the staff of state agencies, and staff from institutions of

1 higher education to assist in the development of integrated watershed
2 management under this chapter, including but not limited to assistance
3 in determining and explaining how best available science will be
4 incorporated into integrated watershed management for a management
5 area, developing methods for effectively monitoring performance,
6 providing the criteria that represents acceptable performance for key
7 elements of the integrated watershed management for a management area,
8 and the method of reporting performance to the public, local
9 communities, and the state. In providing assistance under this
10 section, the lead state representative shall recognize regional and
11 local variations that exist in different parts of the state.

12 (3) The lead state representative on a planning unit shall assist
13 planning units in ensuring that integrated watershed management
14 developed under this chapter is coordinated with, and consistent with,
15 the integrated watershed management of other planning units that share
16 common borders or major stream basins. The state shall provide
17 mediation services to resolve disputes between planning units.

18 (4) The department may contract out technical assistance if the
19 lead state representative finds that it is cost-effective and will
20 assist in implementing the intent of this chapter.

21 (5) The department shall conduct an annual workshop for planning
22 units to share successful approaches, as well as difficulties, in
23 addressing specific problems within watersheds.

24 (6) All state agencies with rule-making authority for programs that
25 affect the development and implementation of integrated watershed
26 management developed under this chapter shall review those rules and
27 programs for consistency with this chapter and make recommendations to
28 the legislature for any necessary statutory changes.

29 NEW SECTION. **Sec. 15. EXEMPTIONS.** Activities or actions taken to
30 protect or enhance water-related wildlife and fish habitat cannot be
31 required to be modified by any integrated watershed management adopted
32 under this chapter or any state rules or local ordinances adopted to
33 implement this chapter if the activities or actions are: (1) Part of
34 a habitat conservation plan and permit, an incidental take statement,
35 a management or recovery plan, or other cooperative or conservation
36 agreement entered into with a federal or state fish and wildlife
37 protection agency under its statutory authority for fish and wildlife
38 protection that addresses the affected habitat; or (2) part of an

1 agreement regulating forest practices, which is approved by the
2 department of natural resources and other appropriate state agencies
3 under the forest practices act, chapter 76.09 RCW, for the affected
4 habitat. The exemption from regulation provided by this section
5 applies as long as the activities or actions continue to be taken in
6 accordance with the plan, agreement, permit, or statement. Any
7 assessment conducted under section 5, 7, or 8 of this act shall take
8 into consideration such activities and actions.

9 NEW SECTION. **Sec. 16.** EXISTING WATER RIGHTS PROTECTED. Nothing
10 in this chapter may be construed as affecting or impairing in any
11 manner whatsoever water rights existing before the effective date of
12 this section.

13 NEW SECTION. **Sec. 17.** A new section is added to chapter 90.03 RCW
14 to read as follows:

15 LIMITATIONS ON NEW WITHDRAWALS. If the management area for which
16 integrated watershed management is being developed under section 5, 7,
17 or 8 of this act includes the evolutionary significant unit of an
18 aquatic species listed or proposed for listing as endangered or
19 threatened under the federal endangered species act, 16 U.S.C. Sec.
20 1531 et seq., and minimum instream flows have not been established for
21 each of the principal streams in the management area, the department
22 shall consider limiting or restricting the issuance of permits
23 withdrawing water from the bodies of water in the management area until
24 minimum instream flows have been established for the principal streams
25 in the management area. The limitation or restriction may take the
26 form of withdrawing the area from further appropriation by rule,
27 closing the area to further appropriation, or postponing decisions on
28 applications for the permits until the minimum instream flows have been
29 established.

30 NEW SECTION. **Sec. 18.** Captions used in this act are not part of
31 the law.

32 NEW SECTION. **Sec. 19.** Sections 2, 4 through 12, and 14 through 16
33 of this act are each added to chapter 90.82 RCW.

1 NEW SECTION. **Sec. 20.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 immediately.

--- END ---