

VETO MESSAGE ON HB 2514-S

April 1, 1998

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 10 through 14, Engrossed Substitute House Bill No. 2514 entitled:
"AN ACT Relating to watershed management;"

ESHB 2514 establishes a watershed management process to develop in-stream flow levels, water quality and habitat plans. A primary purpose of the watershed management planning under this bill is to address listed and soon-to-be listed salmon stocks under the federal Endangered Species Act, as well as finding ways to meet the needs of those who rely upon out-of-stream uses of water.

This bill has the potential to resolve the long-standing stalemate over setting in-stream flow levels in Washington and to resolve other important issues dealing with water quality and fish habitat. I commend the Legislature for its leadership in this regard.

ESHB 2514 makes a strong choice to rely on watershed planning processes to resolve these issues. Primary responsibility lies with the planning units authorized by this bill to meet the requirements of state and federal law. Given the status of our water and fisheries resources, we cannot afford to approach these problems without a sense of urgency and determination. If progress is not being made in this area, I am prepared to utilize existing authority to protect our water and fish habitat, and will be prepared to propose further legislative changes next year.

ESHB 2514 has one problem in that tribal governments are relegated to a secondary role throughout the planning process, despite treaty rights and fishery co-management responsibilities. To address that problem, I am directing the Department of Ecology to consult with affected tribes, including those with usual and accustomed territory or ceded lands, before committing to obligate the state on any particular in-stream flow levels or other issues that affect tribal treaty rights and co-management responsibilities.

Section 10 of this bill would prohibit the Department from establishing a moratorium on water right processing while planning is underway. In some select instances, the Department of Ecology may need to impose a moratorium on water right processing in order to preserve options for future water allocations by the watershed planning unit.

Sections 11 through 14 would require that plans developed under this bill preempt water-related planning processes established under other statutes. This language would remove any flexibility of the state to use other authorities to correct any deficiencies that emerge from plans adopted under the process provided in this bill. If such plans turn out to be inadequate due to new information and situations, the state would be prohibited by these sections from correcting the problems.

For these reasons, I have vetoed sections 10 through 14 of Engrossed Substitute House Bill No. 2514.

With the exception of sections 10 through 14, Engrossed

Substitute House Bill No. 2514 is approved.

Respectfully submitted,
Gary Locke
Governor