

HOUSE BILL REPORT

ESHB 1832

As Passed House:

April 11, 2001

Title: An act relating to water resources management.

Brief Description: Modifying provisions concerning water management.

Sponsors: By House Committee on Appropriations (originally sponsored by Representatives Linville and G. Chandler; by request of Governor Locke).

Brief History:

Committee Activity:

Agriculture & Ecology: 2/13/01, 2/23/01[DP];

Appropriations: 3/20/01, 4/2/01 [DPS].

Floor Activity:

Passed House: 4/11/01, 83-14.

Brief Summary of Engrossed Substitute Bill

- Allows local watershed planning units to receive additional grant funding for certain planning components, and allows a more flexible funding schedule.
- Allows applications for modifying existing water rights to be processed separately from applications for new water rights and does not protect the latter applications from being impaired by decisions regarding the existing rights.
- Expressly allows water conservancy boards to process the same types of modifications of water rights as may be processed by the Department of Ecology (DOE), waives certain liability of such a board and its members and employees, establishes new conflict-of-interest requirements for board members, and requires the review of board decisions to deny applications.
- Increases the number of acres that may be irrigated under a family farm permit, and expressly allows changes in the purpose of use of an agricultural irrigation water right secured under a family farm permit under specified circumstances.
- Reduces public utility taxes regarding certain reclaimed water and water conservation services.
- Alters requirements for donating water rights to the trust water right systems for instream flows in areas where aquatic species have been listed under state or federal law.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: Do pass. Signed by 10 members: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; B. Chandler, Grant, Hunt, Kirby, Quall, Schoesler and Sump.

Minority Report: Without recommendation. Signed by 3 members: Representatives Delvin, Dunshee and Roach.

Staff: Kenneth Hirst (786-7105).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 25 members: Representatives Sehlin, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander, Boldt, Buck, Clements, Cody, Cox, Fromhold, Grant, Kenney, Kessler, Lambert, Linville, Mastin, Mulliken, Pearson, Pflug, Ruderman, D. Schmidt, Talcott and Tokuda.

Minority Report: Without recommendation. Signed by 6 members: Representatives Benson, Dunshee, Kagi, Keiser, McIntire and Schual-Berke.

Staff: Jeff Olsen (786-7157).

Background:

Watershed Planning. State law establishes procedures and policies for initiating watershed planning at the local level. If certain local governments choose to initiate the planning for one or more Water Resource Inventory Areas (WRIA's) or watersheds, they appoint a planning unit to do the planning. The planning unit must address water quantity issues in the WRIA. The initiating governments may choose to add other components to the planning process. These may include instream flows, water quality, and fish habitat. The maximum amount of money that may be granted by the Department of Ecology (DOE) to a planning unit for each of three phases of planning is: for Phase I (for organizing), up to \$50,000 for one WRIA or up to \$75,000 for multiple WRIA's; for Phase II (for watershed assessments), up to \$200,000/WRIA; and for Phase III (for developing a watershed plan and recommending actions), up to \$250,000/WRIA. If a planning unit receives more than the organizational grant monies from the DOE, it must submit its watershed plan for county approval within four years of the date the funding was first received by the planning unit.

Modifying Existing Water Rights. There are several fundamental elements of a water right. One is its priority (or seniority). Other elements include: the amount of water that may be withdrawn from a particular water source under the right, the time of year and point from which the water may be withdrawn, the type of water use authorized under the right (such as an agricultural or municipal use), and the place that the water may be used. Certain of these elements of a water right may be modified with the approval of the DOE if the modification would not impair other existing water rights. In a 1983 decision, the state's Supreme Court required the DOE to consider the rights represented by applications for new water permits that have not yet been granted or denied when it considers applications for modifying existing rights. This currently has the effect of tying together the DOE's consideration of the two types of applications.

Conservancy Boards. Historically, applications for modifying existing water rights were filed with and processed by the DOE and its predecessor agencies. An alternative processing system was established with the enactment of legislation in 1997 authorizing

water conservancy boards. These boards may be created by a county legislative authority with the approval of the DOE. A board has three members, called commissioners. A water right holder who claims that his or her existing water right will be detrimentally affected or injured by an application being considered by the board may intervene. If the board approves an application, the director of the DOE has 45 days in which to review the board's action to affirm, reverse, or modify it. With the consent of the parties, this review period may be extended an additional 30 days. If the director fails to act within this time period, the action taken by the board is considered to be final, although it is subject to appeal in the same manner as other water right decisions of the director. A board member who has an ownership interest in a water right that is the subject of an application before the board cannot participate in the board's review or decision on the application. A board member who is on the governing board of or is an employee of a municipally owned water system cannot participate in the board's review of an application regarding a water right in which the system has an ownership interest.

In rules adopted by the DOE, the types of modifications of water rights that may be approved by a board are defined broadly: the board may consider the same types of modifications as may the DOE. In a Thurston County Superior Court case, the court found the authority of the boards to be much more limited: they may review applications to modify the place of use or the point of diversion or withdrawal of a water right, but they may not review applications involving other modifications. The DOE has appealed the court's ruling. The laws authorizing these boards also waive the liability of the county and the DOE regarding claims of damages arising from the water right modifications approved by such a board.

Issuing Water Right Certificates. If a water right permit is issued by the DOE, the permit holder may develop water use under the terms of the permit. Upon showing that the appropriation of water has been "perfected" as required by the Surface Water Code or a showing of certain evidence of completed construction under the Ground Water Code, the DOE is to issue the permit holder a water right certificate. For an application to modify an existing water right, the DOE is to issue a water right certificate when it approves the application.

Family Farm Permits. Family farm permits are water right permits issued under the Family Farm Water Act, which was adopted by the voters through the approval of Initiative Measure No. 59 in 1977. Under the act, the principal permit for using water to irrigate privately owned agricultural lands is the family farm permit. A family farm permit must limit the use of water withdrawn for irrigating agricultural lands to land qualifying as a family farm, i.e., not more than 2000 contiguous or noncontiguous acres of irrigated agricultural lands. The right to withdraw water for use for irrigating agricultural lands under authority of a family farm permit is subject to the irrigated land's complying with the definition of a family farm as defined at the time the permit is issued. If a person's acquisition of land and water rights would otherwise cause land being irrigated under a family farm permit to lose its status as a family farm, all lands held or

acquired must again be in compliance with the definition of a family farm within certain specified periods of time. The DOE interprets these requirements as prohibiting the water right from being modified so that it may be used for any purpose other than irrigating agricultural lands.

Reclaimed Water. The Department of Health may issue a reclaimed water permit for industrial and commercial uses of reclaimed water to the generator of the reclaimed water. The generator of the reclaimed water may then distribute the water according to the terms of the permit. The permit governs the location, rate, water quality, and purpose of use of the reclaimed water. A permit is required from the DOE for any land application of reclaimed water.

Trust Water Rights. A water right may be donated to or acquired by the state for management as a trust water right. The laws governing the state's trust water right system are divided into two parts: one for the Yakima River Basin; and the other for the rest of the state. The DOE may acquire water rights for the trust water right systems by purchase, gift, or other appropriate means other than condemnation. Water rights may be acquired for either system on a temporary or permanent basis. Among the uses expressly authorized for such trust water rights are instream uses.

Relinquishment. In general, if a person abandons his or her water right or voluntarily fails to use the right for five successive years, the person relinquishes the right or the portion of the right abandoned or not used. However, exemptions from this requirement are provided. For example, these relinquishment requirements do not apply to trust water rights or to the non-use of water resulting from federal laws imposing land or water use restrictions either directly or through the landowner's enrollment in certain federal programs.

Summary of Engrossed Substitute Bill:

Watershed Planning. For Phase II planning, a planning unit that is doing an instream flow or water quality component in its watershed planning or that conducts certain studies for multi-purpose water storage may apply for up to \$100,000 in additional funds for each component included or for the studies. Priority in funding is given for instream flows. The DOE is authorized to retain monies a planning unit is eligible to receive for setting instream flows if the unit will not be setting the flows or, if requested by a unit's initiating governments, for amending existing instream flows. A planning unit may also request a different amount of funding than the amounts specified by law for Phase II and Phase III under certain circumstances. The date by which a watershed plan must be submitted for county approval is now four years after the date funds beyond the initial funding are drawn upon by the planning unit. By October 1, 2001, the OFM must report on its assessment of: watershed planning and its progress, including the performance of planning units and state agencies; and progress by planning units and the DOE in setting instream flows.

The DOE must complete a final non-project EIS that evaluates stream flows to meet each of the following goals: maintaining, preserving, and enhancing instream resources. A planning unit or state agency may establish flows in a manner that differs from the EIS if consistent with the applicable instream flow laws.

"Two Lines." Pending applications for new water rights are not entitled to protection from impairment when an application relating to an existing surface or ground water right is considered. Applications relating to the existing water rights may be processed and decisions on them may be rendered independently of the applications for new water rights from the same source of supply. An application relating to an existing water right may be set aside for insufficient information if the applicant is sent a written notice and explanation. The application does not lose its priority date. If the applicant supplies the information within 60 days, the application must then be processed. Until January 1, 2004, the DOE must report annually to the Legislature on the results of processing applications under these new authorities.

Transfers, Generally. The calculation of the annual consumptive quantity of water that may be transferred is now averaged over the two years of greatest use in the last five years (rather than the average of use over those five years). No applicant for a modification of an existing water right may be required to give up any part of the right to a state agency, the trust water right system, or to other persons as a condition for processing the application.

Water Conservancy Boards. A water conservancy board may now be established to serve multiple counties or one or more WRIA's. The boards may process the same types of the modifications of existing water rights as may the DOE. However, federal Indian reservations and tribal lands held in trust by the federal government are not within the jurisdictions of the boards. If the board processes an application to transfer water out of a WRIA, it must consult with the DOE. A board may act upon an application to transfer an historic right represented by a water right claim filed with the DOE by making a tentative determination as to the validity and extent of the right in the claim.

A county may appoint two additional commissioners to a board. At least one, rather than two, of the members of a board must be a water right holder. One member cannot be a water right holder. Alterations in membership to accommodate membership requirements do not have to be made until the first vacancy on the board occurs.

Conclusions of conservancy boards regarding applications are referred to as records of decisions and filing applications for modifying existing water rights with such boards rather than the DOE is expressly the option of the applicant. A person with an application on file with the DOE may request that the application be conveyed to a board for processing. A board may choose not to process an application and return it to the applicant. A board must provided notice regarding applications being processed by the board to Indian tribes with reservations in the area served by the board and to any other

Indian tribe requesting the notice. A board's record of decision to deny an application is subject to review by the DOE.

Among the existing rights that a board must expressly consider regarding possible impairment are rights established for instream flows. Any person may submit to a board comments and other information regarding an application and the comments must be considered. Any person may, within 30 days of the date the DOE receives a board's record of decision, file with the DOE a letter of concerns or support regarding a conclusion reached by a board. When the DOE receives a board's record of decision, the department must promptly post the text of the transmittal form for it on DOE's internet site. The period during which the DOE may review the record of decision of a board may be extended by 30 days by the DOE or at the request of the board or applicant.

The conflict of interest provisions regarding board members are altered. A member may not engage in any act that is conflict with the proper discharge of the official duties of a commissioner. It is a conflict of interest for the member to have an ownership interest in a water right subject to an application before the board, to receive or have financial interest in an application or its resulting project, or to solicit, accept or seek anything of economic value as gift or favor from a person involved in an application. A person may request a board member to disqualify himself or herself from the consideration of an application for such a conflict of interest and, if the member refuses to do so, time-lines are established for challenging that refusal. The DOE must now remand a board's record of decision back to the board for such a conflict. The DOE's decision to remand is appealable at the time available for appealing the record of decision made by the board subsequent to the remand. Boards must provide information for the DOE's biennial reports regarding the boards. The DOE may petition the county or counties served by the board requesting that the board be dissolved for repeated statutory violations or a demonstrated inability to perform its functions.

A decision by the director to deny (not just approve) an action by a county to create a board is appealable to the Pollution Control Hearings Board. A county's board may be dissolved by the adoption of a resolution by the county's legislative authority. A board must maintain minutes of its meetings and the minutes are open to public inspection. A board is subject to the state's public disclosure laws and must maintain records of its proceedings and determinations which must be available for public inspection and copying.

The Director of the DOE must assign a DOE representative to provide technical assistance to each board. If requested by the board, the representative must work with the board as it processes applications and develops records of decisions. A board may also receive assistance and support from the county government of the county in which it operates. The Office of Financial Management (OFM) must review and report to the Legislature annually until December 31, 2004, on whether the DOE has adequate funding for fulfilling its responsibilities for processing applications through water conservancy

boards. The DOE must report to the Legislature annually until December 31, 2004, on the results of processing applications through such boards.

Family Farm Water Permits. A "family farm" under the Family Farm Act may be up to 6000 (rather than 2000) irrigated acres. A transfer of a water right under the Family Farm Water Act is defined broadly to include transfers, changes, and amendments of surface and ground water rights. All such modifications of a water right for irrigation use are subject to the limitations of the Act for irrigated acreage. If a portion of the water governed by a water right established under a family farm permit is made surplus to the beneficial uses exercised under the right, the right to use the surplus water may be transferred to any purpose of use that is a beneficial use of water. For this purpose, a water right or portion of a water right may be made surplus through the implementation of practices or technologies, including conveyance practices or technologies, that are more water-use efficient than those under which the right was perfected. This authority cannot be used to transfer the portion of a water right that is necessary for the production of crops historically grown under the right nor to transfer a water right or a portion of a water right that has not been perfected through beneficial use before the transfer. A water right under family farm permit may be transferred under a lease agreement to any beneficial use. A right to use water under a family farm permit may be transferred to any beneficial use if the place of use before the transfer is within the boundaries of an urban growth area designated under the Growth Management Act or, for a non-growth management planning county, within the boundaries of a city or town or in an area designated for urban growth in its comprehensive plan. A public water system receiving a water right transferred from a family farm permit must meet the conservation requirements of its state approved water system plan or its small water system management program. All water transferred from a family farm permit must remain within the WRIA or within the urban growth area or contiguous urban growth areas if these extend beyond one WRIA.

Reclaimed Water Tax Exemption and Water Conservation Tax Credit. The public utility tax does not apply to 75 percent of the amounts received for water services supplied by an entity with a reclaimed water permit for industrial and commercial uses of water when the water supplied is reclaimed water. In computing the public utility tax, 75 percent of the amounts expended to improve consumers' efficiency of water use or otherwise to reduce the use of water by consumers are deductible from the utility's gross income. These latter expenditures are deductible if they implement elements of the conservation plan within a state-approved water system plan or small system management program. The tax credit provisions expire on June 30, 2003. A Water Rights Trust Account is created. The Legislature intends to appropriate amounts that are based on these tax reductions into the account for use by the DOE, after appropriation, to purchase or lease water rights to augment flows in ESA listed streams. The OFM must report to the Legislature by December 31, 2001 on its evaluation of the revenue impacts, costs and benefits of the tax deductions and credits and of other potential water conservation tax incentives.

Trust Water Rights. The DOE may accept a donation of water rights to either the Yakima River or the statewide trust water right system under the following circumstances: (1) an aquatic species is listed as threatened, endangered, or depressed under state or federal law; and (2) the holder of a right to water from the body of water chooses to donate all or a portion of the person's water right to the trust water system to assist in providing instream flows on a temporary or permanent basis. Neither the right donated nor the sum of the portion of a right remaining with the person plus the portion donated may exceed the extent to which the right was exercised during the last five years. Once accepted, such rights are trust water rights within the conditions prescribed by the donor that are relevant and material to protecting the donor's interest in the water right and that satisfy the requirements of the trust water laws. The acceptance of the right as trust water right is not evidence of the validity or quantity of the right. Similar provisions are established for leases by the DOE of water rights in areas covered by drought orders. The requirement that the DOE examine a water right for potential impairment of existing water rights before a trust water right may be exercised is waived for such a donated right. It is also waived for or a drought-lease of five or less years. However, if the DOE subsequently finds that the donated or drought-leased right impairs existing water rights, the resulting trust right must be altered to eliminate the impairment. Current requirements that notice be published before a trust water right is exercised apply only for the first time such a donation or drought lease right is exercised as a trust water right.

Trust water rights acquired in an area with an approved watershed plan must be consistent with the plan if it calls for such acquisitions, to the extent practicable and subject to legislative appropriations. The full quantity of water diverted or withdrawn to exercise a right donated to or acquired by the trust water rights program on a temporary basis reverts to the donor or person from whom the right was acquired when the trust period ends.

If a water right acquired by the state for the state's trust water right systems is expressly conditioned to be for instream use, it must be managed in that manner. If it is a gift and is conditioned to be for instream use, it must be managed for public purposes to ensure that the gift qualifies as a deduction for federal income tax purposes for the person who gave it. The DOE is expressly given the authority to lease water rights for the Yakima River trust water rights system and trust water rights in the Yakima system may expressly be exercised for beneficial uses other than instream flows or irrigation.

Other. The DOE must report to the Legislature on its experience with implementing this act by December 31, 2004. In revising or adding provisions to certain statutes, the legislature does not intend to imply legislative approval or disapproval of any existing administrative policy regarding, or any existing administrative or judicial interpretation of, the provisions of those statutes that are not expressly added or revised.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: (Agriculture & Ecology) (1) The Governor's water team has a multi-year water strategy that is performance based, not activity based. For this session, its objective is to provide tools to make the current water rights system work and to reduce the backlog of applications. The bill would provide those tools. (2) This bill deals with process. Its provisions for watershed planning, "two lines," and trust water rights are small but important fish-friendly steps. (3) Some of the provisions of the bill are important in some regions of the state and others in other regions. (4) The state may be facing the worst drought of the last half-century. (5) More time and money should be spent on developing watershed plans. (6) The bill expands use of the trust water rights systems.

Testimony For: (Appropriations) Conservancy boards should have the same ability to process water right changes as the DOE. Financial incentives for water conservation are an important part of the bill. Funding for water storage projects is an important part of the bill. The DOE should receive more staff to process water rights changes and support the activities of the conservancy boards. Clarifying the role of conservancy boards is very important to agriculture. Rural economic development requires good water policy and the ability to transfer water from willing sellers to willing buyers. The Governor supports conservancy boards, they should have a role in water management, and engage locals in water resource management. We support establishing two lines for processing water rights.

(With concerns) The needs of fish must be provided for by law, and the bill does not focus on fish. There needs to be flexibility regarding the acceptance of trust water rights. Funding for instream flows should be a priority over water quality, habitat, water storage, and water rights processing. While processing water right changes is a priority, the DOE must still process applications for new water rights. Municipal issues are not included in the bill.

Testimony Against: (Agriculture & Ecology) (1) The bill does not resolve the problems it addresses; it exacerbates them. (2) Timely decisions cannot be made on permits if there is a moratorium on issuing permits except those for health and safety or for fish flows. The DOE will wait until after watershed planning is done in areas doing such planning before it processes permits. (3) The bill contains nothing to address the problems of growing communities. Its provisions on proving-up use for water right certificates should be applied prospectively only. Human beings should be placed on an equal footing with fish. Cities have an obligation to provide water for people under the Growth Management Act. (4) There is no assurance that the bill will provide water for fish. Instead, water conservation performance standards should be established and increased funding should be provided for enforcement activities, as called for in the

Governor's salmon strategy. (5) The criteria for standing before a water conservancy board should not be broader than criteria for standing before the DOE when it makes the same type of decision. The boards have more public process than does the DOE for processing such applications. The boards just do the DOE's field work for them and make recommendations to the DOE. (6) The authority of the boards should not be expanded. They are a cost ineffective means of doing transfers. Defacto approvals by the DOE should be eliminated if the boards just make recommendations. (7) The DOE does not have the resources to set up and administer an examiners' program. The program is not needed. (8) The bill would discourage the consolidation of smaller water systems because they would lose their inchoate rights, yet the DOH encourages consolidation. (9) It is against the law to slice up a water right for the benefit of the public interest once it has become a right. (10) The Legislature has received reports regarding the activities of conservancy boards. It knows much more about their activities than the transfer and change activities of the DOE. (11) Commissioners must already represent the public interest. The bill would make the boards dysfunctional. The conflict-of-interest prohibitions go well beyond any tangible interest. The bill will create gridlock. (12) Conservancy boards are opposed because they represent local regulation of interests that impact federally reserved rights. (13) "Two lines" authority should not be granted to the DOE until the powers of the conservancy boards have been restored. (14) Voluntary donations of water rights to streams should not be coerced from applicants as a condition for processing their applications. (15) Watershed planning units should receive an additional \$100,000/ WRIA without other restrictions. (16) Relinquishment and the five-year calculation used to determine what water can be transferred should be addressed in the bill. (17) The bill is a piecemeal approach that is detrimental to fish. (18) Members of the conservancy boards do not have a scientific or technical background. Rather than support them, the Legislature should provide the DOE more resources to do transfers and changes. (19) Water conservation should be mandatory. The B&O tax credit for conservation should be expanded. (20) The application line for new water permits should be moved as well. (21) The provisions of the bill regarding family permits do not go far enough. The transfers allowed for agriculture-to-agriculture uses should be broader. (22) The approaches to this bill's subjects found in competing bills are preferred. (23) A donor to the trust water right systems should be empowered to set reasonable terms for the donations that must be accepted by the DOE. (24) Proceed with caution; the Governor's veto message for the last municipal water rights provisions (though he commented on current law, not just the matter in the bill) made matters worse for the municipalities.

Testimony Against: (Appropriations) Conservancy boards are a redundant layer of bureaucracy, and the DOE should process applications for water rights. Family farms are in jeopardy. Conservancy Boards have conflicts of interest and lack the knowledge to make decisions regarding water law. Conservancy boards make poor recommendations that will result in litigation. Industrial farming is polluting the Yakima River.

Testified: (Agriculture & Ecology) (In support) Jim Waldo, Governor's Water Team;

and Jeff Koenings, Department of Fish and Wildlife.

(In support with concerns) Chris Cheney, Washington Dairy Federation, Washington Fryers Commission, and Lewis County Conservancy Board; Steve Lindstrom, Snohomish-King County Water District Coalition; Jim Miller, City of Everett; Dave Williams, Association of Washington Cities; Bob Mack, cities of Seattle, Tacoma, and Bellevue; Josh Baldi, Washington Environmental Council; Kathleen Collins, Washington Water Policy Alliance; Mike Moran, Muckleshoot Indian Tribe; Scott Hazelgrove, Washington Association of Water and Sewer Districts; and William Hahn, Kitsap Public Utility District.

(Opposed) Darryll Olsen, Benton County Conservancy Board; Leo Bowman, Benton County Commissioner; Tim Boyd, Columbia Snake River Irrigator's Association; Jim Halstrom, Washington State Horticultural Association; Jim Zimmerman, Cattleman's Association; Dawn Vyuyan, Yakama Indian Nation; Charlie Brown, Washington State Potato Commission; and Paul Parker, Washington State Association of Counties.

Testified: (Appropriations) (In favor) Darryll Olsen, Benton County Water Conservancy Board; Matt Berg, Columbia River/Snake River Irrigators Association; David Monthie, King County Department of Natural Resources; Charlie Brown, Washington State Potato Commission; Jim Halstrom and Kathleen Collins, Washington Water Policy Alliance, Horticulture Association, and Master Builders; Jim Zimmerman, Washington State Grange; Chris Cheney, Dairy Industry and Hop Growers of Washington; Eric Johnson, Washington Public Ports Association; Dave Arbaugh, Kitsap County PUD; Tom Fitzsimmons, Department of Ecology; Bob Mack Association of Washington Cities; Scott Hazlegrove, Washington Association of Sewer and Water Districts; and Hertha Lund, Washington Farm Bureau.

(With concerns) Terry Tilton, Rebound; Mike Moran, Muckleshoot Tribe; Yolanda Wulff, Washington Water Trust; Dawn Vyuyan, Yakima Nation; Steve Robinson, NW Indian Fisheries Commission; and Rob Caldwell, Center for Environmental Law and Policy.

(Opposed) Jerry Jones; Pete Optekar, Don Clark, Washington Farm Association; Tad Cantrell; Patricia Sumption; Mary Brune, Wenas Citizens Association; Helen Reddout, Care and Restoration of the Environment; Ron Shultz, National Audubon Society; Josh Baldi, Washington Environment Council; Paul Parker, Washington State Association of Counties; Dave Williams, Association of Washington Cities; and Doug Levey, City of Everett.