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**SUBSTITUTE SENATE BILL 5586**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** Senate Committee on Environment, Energy & Water (originally sponsored by Senators Fraser, Morton and Regala; by request of Department of Ecology)

READ FIRST TIME 02/22/01.

1 AN ACT Relating to water resource inventory area planning; amending  
2 RCW 90.82.040; and 90.82 130; and declaring an emergency.

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

4 **Sec. 1.** RCW 90.82.040 and 1998 c 247 s 1 are each amended to read  
5 as follows:

6 (1) Once a WRIA planning unit has been initiated under RCW  
7 90.82.060 and a lead agency has been designated, it shall notify the  
8 department and may apply to the department for funding assistance for  
9 conducting the planning. Funds shall be provided from and to the  
10 extent of appropriations made by the legislature to the department  
11 expressly for this purpose.

12 (2)(a) Each planning unit that has complied with subsection (1) of  
13 this section is eligible to receive watershed planning grants in the  
14 following amounts for three phases of watershed planning:

15 ((a)) (i) Initiating governments may apply for an initial  
16 organizing grant of up to fifty thousand dollars for a single WRIA or  
17 up to seventy-five thousand dollars for a multi-WRIA management area in  
18 accordance with RCW 90.82.060(4);

1       (~~(b)~~) (ii) A planning unit may apply for up to two hundred  
2 thousand dollars for each WRIA in the management area for conducting  
3 watershed assessments in accordance with RCW 90.82.070, except that a  
4 planning unit whose initiating governments choose to include an  
5 instream flow, water quality, or habitat component in accordance with  
6 RCW 90.82.080 through 90.82.100 may apply for additional funds of up to  
7 one hundred thousand dollars for each component included to conduct  
8 assessments directly related to that component; and

9       (~~(e)~~) (iii) A planning unit may apply for up to two hundred fifty  
10 thousand dollars for each WRIA in the management area for developing a  
11 watershed plan and making recommendations for actions by local, state,  
12 and federal agencies, tribes, private property owners, private  
13 organizations, and individual citizens, including a recommended list of  
14 strategies and projects that would further the purpose of the plan in  
15 accordance with RCW 90.82.060 through 90.82.100.

16       (b) A planning unit may request a different amount for phase two or  
17 phase three of watershed planning than is specified in (a) of this  
18 subsection, provided that the total amount of funds awarded do not  
19 exceed the maximum amount the planning unit is eligible for under (a)  
20 of this subsection. The department shall not approve an alternate  
21 allocation of funds unless the planning unit demonstrates that an  
22 alternate allocation will not impair the unit's ability to complete a  
23 plan in accordance with this chapter.

24       (3)(a) The department shall use the eligibility criteria in this  
25 subsection (3) instead of rules, policies, or guidelines when  
26 evaluating grant applications at each stage of the grants program.

27       (b) In reviewing grant applications under this subsection (3), the  
28 department shall evaluate whether:

29       (i) The planning unit meets all of the requirements of this  
30 chapter;

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

33       (iii) The application and supporting information evidences a  
34 readiness to proceed.

35       (c) In ranking grant applications submitted at each stage of the  
36 grants program, the department shall give preference to applications in  
37 the following order of priority:

38       (i) Applications from existing planning groups that have been in  
39 existence for at least one year;

1 (ii) Applications that address protection and enhancement of fish  
2 habitat in watersheds that have aquatic fish species listed or proposed  
3 to be listed as endangered or threatened under the federal endangered  
4 species act, 16 U.S.C. Sec. 1531 et seq. and for which there is  
5 evidence of an inability to supply adequate water for population and  
6 economic growth from:

7 (A) First, multi-WRIA planning; and

8 (B) Second, single WRIA planning;

9 (iii) Applications that address protection and enhancement of fish  
10 habitat in watersheds or for which there is evidence of an inability to  
11 supply adequate water for population and economic growth from:

12 (A) First, multi-WRIA planning; and

13 (B) Second, single WRIA planning.

14 (d) The department may not impose any local matching fund  
15 requirement as a condition for grant eligibility or as a preference for  
16 receiving a grant.

17 (4) The department may retain up to one percent of funds allocated  
18 under this section to defray administrative costs.

19 (5) Planning under this chapter should be completed as  
20 expeditiously as possible, with the focus being on local stakeholders  
21 cooperating to meet local needs.

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

25 **Sec. 2.** RCW 90.82.130 and 1998 c 247 s 9 are each amended to read  
26 as follows:

27 (1)(a) Upon completing its proposed watershed plan, the planning  
28 unit may approve the proposal by consensus of all of the members of the  
29 planning unit or by consensus among the members of the planning unit  
30 appointed to represent units of government and a majority vote of the  
31 nongovernmental members of the planning unit.

32 (b) If the proposal is approved by the planning unit, the unit  
33 shall submit the proposal to the counties with territory within the  
34 management area. If the planning unit has received funding beyond the  
35 initial fifty thousand dollars under RCW 90.82.040, such a proposal  
36 approved by the planning unit shall be submitted to the counties within  
37 four years of the date ~~((the))~~ that funds beyond the initial funding  
38 ~~((was))~~ are first ~~((received))~~ drawn upon by the planning unit.

1 (c) If the watershed plan is not approved by the planning unit, the  
2 planning unit may submit the components of the plan for which agreement  
3 is achieved using the procedure under (a) of this subsection, or the  
4 planning unit may terminate the planning process.

5 (2)(a) The legislative authority of each of the counties with  
6 territory in the management area shall provide public notice of and  
7 conduct at least one public hearing on the proposed watershed plan  
8 submitted under this section. After the public hearings, the  
9 legislative authorities of these counties shall convene in joint  
10 session to consider the proposal. The counties may approve or reject  
11 the proposed watershed plan for the management area, but may not amend  
12 it. Approval of such a proposal shall be made by a majority vote of  
13 the members of each of the counties with territory in the management  
14 area.

15 (b) If a proposed watershed plan is not approved, it shall be  
16 returned to the planning unit with recommendations for revisions.  
17 Approval of such a revised proposal by the planning unit and the  
18 counties shall be made in the same manner provided for the original  
19 watershed plan. If approval of the revised plan is not achieved, the  
20 process shall terminate.

21 (3) The planning unit shall not add an element to its watershed  
22 plan that creates an obligation unless each of the governments to be  
23 obligated has at least one representative on the planning unit and the  
24 respective members appointed to represent those governments agree to  
25 adding the element that creates the obligation. A member's agreeing to  
26 add an element shall be evidenced by a recorded vote of all members of  
27 the planning unit in which the members record support for adding the  
28 element. If the watershed plan is approved under subsections (1) and  
29 (2) of this section and the plan creates obligations: (a) For agencies  
30 of state government, the agencies shall adopt by rule the obligations  
31 of both state and county governments and rules implementing the state  
32 obligations, the obligations on state agencies are binding upon  
33 adoption of the obligations into rule, and the agencies shall take  
34 other actions to fulfill their obligations as soon as possible; or (b)  
35 for counties, the obligations are binding on the counties and the  
36 counties shall adopt any necessary implementing ordinances and take  
37 other actions to fulfill their obligations as soon as possible.

38 (4) As used in this section, "obligation" means any action required  
39 as a result of this chapter that imposes upon a tribal government,

1 county government, or state government, either: A fiscal impact; a  
2 redeployment of resources; or a change of existing policy.

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

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