

SENATE BILL REPORT

ESB 5073

As Passed Senate, March 17, 2003

Title: An act relating to watershed management.

Brief Description: Adopting provisions for cooperative watershed management plans.

Sponsors: Senators Fraser, Honeyford, Hale and Kohl-Welles.

Brief History:

Committee Activity: Natural Resources, Energy & Water: 1/22/03, 2/6/03 [DP].
Passed Senate: 3/17/03, 49-0.

SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

Majority Report: Do pass.

Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford, Oke and Regala.

Staff: Evan Sheffels (786-7486)

Background: Chapter 90.82 RCW establishes procedures and policies for initiating voluntary watershed planning at the local level. Planning is conducted according to the Water Resource Inventory Area (WRIA), with each WRIA corresponding to a watershed or river basin. Planning is conducted in three phases: (1) organization of a planning unit and determination of the scope of planning. If certain major local government entities choose to initiate planning, an appointed planning unit must address water quantity issues in the WRIA or multi-WRIA area. Planning units may, but are not required to, address other issues such as water quality, instream flows, or habitat protection; (2) water quantity assessment, development of strategies for future use, and recommendations for each issue area the unit chooses to address; and (3) development of a watershed plan and recommendations for action.

Upon application, the Department of Ecology (DOE) is authorized to provide up to \$50,000 for phase one in single WRIA planning units, and up to \$75,000 in multi-WRIA units; up to \$200,000 for phase two; and up to \$250,000 for phase three. If a planning unit receives funding beyond the first phase, it must submit for approval its proposed plan to the counties that have territory in the WRIA. The planning unit must submit the proposed plan within four years of the date funds were first received.

Summary of Bill: Statutory and fiscal authority is provided so that numerous local government entities with water-related services and functions can more fully cooperate and coordinate efforts as watershed plans are created and implemented. In addition to cities and counties, the following special district entities are expressly authorized to expend water-related revenues, raise water-related funds, and participate in cooperative watershed management activities: water and sewer, public utility, port, diking, drainage, flood control,

aquifer, shellfish, lake management, irrigation, reclamation, conservation, and other similar special purpose districts.

Eligible implementation activities are broadly defined to include oversight of plan implementation, technical support, monitoring, projects in the areas of water supply, water quality, and habitat protection. The range of management plans entities may work toward implementing can include plans for watersheds, salmon recovery, growth management, shoreline management, and Puget Sound Water Quality, as well as other comprehensive, WRIA-based management plans. Public agencies are expressly allowed to form separate legal entities, to be called watershed management partnerships, under the Interlocal Cooperation Act (ICA) (chapter 39.34 RCW). These partnerships, acting as separate legal entities, may coordinate plan implementation. They are also authorized to submit revenue proposals at general or special elections, to contract indebtedness, and to issue and sell general obligation and revenue bonds. Watershed partnerships must designate a treasurer for handling the partnership's funds, and the treasurer must be a county treasurer or a city treasurer.

These local government entities are authorized to expend up to 10 percent of their existing water-related revenues and water-related funds on the implementation of watershed plans. This 10 percent limit applies only to the new activities coming out of the plan, not existing, ongoing and traditional water service activities. This limit does not apply to the new revenues that may be authorized by voter approval. Revenues dedicated to repayment of debt instruments are not to be used.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: A similar bill has had bi-partisan support in past sessions. The tools and mechanisms provided in the bill would address important funding needs. The bill would make it easier to facilitate cooperative implementation between and among district and governmental entities with water-related services and functions.

Testimony Against: It may be more prudent to wait to see what happens this year. Five watershed plans may come to fruition this year, and those planning units are already struggling with how to implement watershed planning. Concerns exist regarding Section-6, issuance of debt.

Testified: PRO: Darryll Olsen, Rep. Columbia-Snake River; Dave Monthie, King County (w/comments); Naki Stevens, Audubon Washington; Mike Schwisow, Washington State Water Resources Association (w/comments); Josh Baldi, WEC; Denise D Smith, LWV Washington. Mike Vlorcen, CELP (concerns); Jim Waldo (comments).

House Amendment(s): Provisions specifying a 10 percent limitation on expenditure of water-related revenues for implementation of watershed management plan projects or activities are removed. The revenue proposal for a watershed management partnership must ensure that persons or property are not taxed or assessed by more than one agency for a specific watershed management plan project, program, or activity.

