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HOUSE BILL 1541

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State of Washington

58th Legislature

2003 Regular Session

By Representatives Delvin, Chandler, Clements, Newhouse, Talcott and Skinner

Read first time 01/29/2003. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to watershed planning; adding new sections to  
2 chapter 90.82 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature declares and reaffirms that  
5 a core principle embodied in chapter 90.82 RCW is that state agencies  
6 must work cooperatively with local citizens in a process of planning  
7 for future uses of water by giving local citizens and the governments  
8 closest to them the utmost opportunity in determining the future  
9 allocation and management of water in the WRIA or WRIs being planned.

10 The legislature further finds that this process of local planning  
11 must have all the tools necessary to accomplish this task and that it  
12 is essential for the legislature to provide a clear statutory process  
13 for implementation so that the locally developed plan will be the  
14 adopted and implemented plan to the greatest extent possible.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.82 RCW  
16 to read as follows:

17 (1) For rule making required by a state agency that becomes  
18 obligated under the provisions of RCW 90.82.130, the state agency must

1 consult with and give deference to the majority opinion of the planning  
2 unit, except for matters that are determined to be in opposition to  
3 state or federal law. The state agency must provide a written  
4 explanation of why the suggestion or suggestions are in opposition to  
5 state or federal law.

6 (2) A rule adopted under RCW 90.82.130 must use a negotiated rule-  
7 making process conducted among water right holders and other affected  
8 residents in the WRIA or WRIsAs being planned, and must include the  
9 members of the original planning unit, to the greatest extent  
10 practicable.

11 (3) Immediately prior to final adoption of a plan by the  
12 appropriate county legislative authority or authorities, the state  
13 agency responsible for rule making must present a draft proposed rule  
14 for each major portion of a proposed plan that creates an obligation  
15 for that state agency to the appropriate county legislative authority  
16 or authorities for approval or disapproval. Agreement between the  
17 state agency and county legislative authority or authorities on the  
18 draft rule language must be reached in order for planning to continue.  
19 A majority vote by the county legislative authority or authorities must  
20 be achieved for a plan to be considered adopted. If the county  
21 legislative authority or authorities object to any portion of the draft  
22 rules, the proposal must be redrafted by the state agency and then  
23 resubmitted to the county legislative authority or authorities.

24 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.82 RCW  
25 to read as follows:

26 (1) Once a plan is adopted under the provisions of RCW 90.82.130,  
27 the department may only modify the plan or obligations imposed by the  
28 plan through a negotiated rule-making process conducted among water  
29 right holders and other affected residents in a watershed or group of  
30 watersheds, and must include the members of the original planning unit,  
31 to the greatest extent practicable.

32 (2) If any of the initiating governments determines that the  
33 department has modified the plan or obligations imposed by the plan  
34 without undergoing the process required in subsection (1) of this  
35 section, the initiating government must notify the department of such  
36 a finding within thirty days. Upon receipt of such a notice, the  
37 department must initiate the rule-making process required under

1 subsection (1) of this section and no rules relating to the watershed  
2 or watersheds may take effect except through the negotiated rule-making  
3 process.

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