
HOUSE BILL 3062

State of Washington

58th Legislature

2004 Regular Session

By Representatives Newhouse, Chandler and Hinkle

Read first time 01/27/2004. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to approving certain watershed plan modifications;
2 and amending RCW 90.82.130.

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

4 **Sec. 1.** RCW 90.82.130 and 2003 1st sp.s. c 4 s 5 are each amended
5 to read as follows:

6 (1)(a) Upon completing its proposed watershed plan, the planning
7 unit may approve the proposal by consensus of all of the members of the
8 planning unit or by consensus among the members of the planning unit
9 appointed to represent units of government and a majority vote of the
10 nongovernmental members of the planning unit.

11 (b) If the proposal is approved by the planning unit, the unit
12 shall submit the proposal to the counties with territory within the
13 management area. If the planning unit has received funding beyond the
14 initial organizing grant under RCW 90.82.040, such a proposal approved
15 by the planning unit shall be submitted to the counties within four
16 years of the date that funds beyond the initial funding are first drawn
17 upon by the planning unit.

18 (c) If the watershed plan is not approved by the planning unit, the

1 planning unit may submit the components of the plan for which agreement
2 is achieved using the procedure under (a) of this subsection, or the
3 planning unit may terminate the planning process.

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

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

22 (c) A county legislative authority may choose to opt out of
23 watershed planning under this chapter and the public hearing processes
24 under (a) and (b) of this subsection if the county's affected territory
25 within a particular management area is: (i) Less than five percent of
26 the total territory within the management area; or (ii) five percent or
27 more of the total territory within the management area and all other
28 initiating governments within the management area consent. A county
29 meeting these conditions and choosing to opt out shall notify the
30 department and the other initiating governments of that choice prior to
31 commencement of plan adoption under the provisions of (a) of this
32 subsection. A county choosing to opt out under the provisions of this
33 section shall not be bound by obligations contained in the watershed
34 plan adopted for that management area under this chapter. Even if a
35 county chooses to opt out under the provisions of this section, the
36 other counties within a management area may adopt a proposed watershed
37 plan as provided in this chapter.

1 (3) The planning unit shall not add an element to its watershed
2 plan that creates an obligation unless each of the governments to be
3 obligated has at least one representative on the planning unit and the
4 respective members appointed to represent those governments agree to
5 adding the element that creates the obligation. A member's agreeing to
6 add an element shall be evidenced by a recorded vote of all members of
7 the planning unit in which the members record support for adding the
8 element. If the watershed plan is approved under subsections (1) and
9 (2) of this section and the plan creates obligations: (a) For agencies
10 of state government, the agencies shall adopt by rule the obligations
11 of both state and county governments and rules implementing the state
12 obligations, or, with the consent of the planning unit, may adopt
13 policies, procedures, or agreements related to the obligations or
14 implementation of the obligations in addition to or in lieu of rules.
15 The obligations on state agencies are binding upon adoption of the
16 obligations, and the agencies shall take other actions to fulfill their
17 obligations as soon as possible, and should annually review
18 implementation needs with respect to budget and staffing; (b) for
19 counties, the obligations are binding on the counties and the counties
20 shall adopt any necessary implementing ordinances and take other
21 actions to fulfill their obligations as soon as possible, and should
22 annually review implementation needs with respect to budget and
23 staffing; or (c) for an organization voluntarily accepting an
24 obligation, the organization must adopt policies, procedures,
25 agreements, rules, or ordinances to implement the plan, and should
26 annually review implementation needs with respect to budget and
27 staffing.

28 (4) After a plan is adopted in accordance with subsection (3) of
29 this section, and if the department participated in the planning
30 process, the plan shall be deemed to satisfy the watershed planning
31 authority of the department with respect to the components included
32 under the provisions of RCW 90.82.070 through 90.82.100 for the
33 watershed or watersheds included in the plan. The department shall use
34 the plan as the framework for making future water resource decisions
35 for the planned watershed or watersheds. Additionally, the department
36 shall rely upon the plan as a primary consideration in determining the
37 public interest related to such decisions.

1 (5) Once a WRIA plan has been approved under subsection (2) of this
2 section for a watershed, the department may develop and adopt
3 modifications to the plan or obligations imposed by the plan only
4 through a form of negotiated rule making that uses the same processes
5 that applied in that watershed for developing the plan. Before any
6 such modification may be adopted by the department, the modification
7 must be approved by the legislative authorities of each of the counties
8 that approved the original WRIA plan for the watershed under this
9 section.

10 (6) As used in this section, "obligation" means any action required
11 as a result of this chapter that imposes upon a tribal government,
12 county government, or state government, either: A fiscal impact; a
13 redeployment of resources; or a change of existing policy.

--- END ---