

E2SSB 6874 - H COMM AMD

By Committee on Agriculture & Natural Resources

NOT CONSIDERED 03/05/2008

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 90.90 RCW
4 to read as follows:

5 (1) In 2006, the legislature enacted chapter 6, Laws of 2006, an
6 act relating to water resource management in the Columbia river basin.
7 In its enactment, the legislature established that a key priority of
8 water resource management in the Columbia river basin is the
9 development of new water supplies to meet economic and community
10 development needs concurrent with instream flow needs.

11 (2) Consistent with this intent, the governor and the legislature
12 are in agreement with the Confederated Tribes of the Colville
13 Reservation and the Spokane Tribe of Indians to support additional
14 releases of water from Lake Roosevelt. Because the sovereign and
15 proprietary interests of these tribal governments are directly affected
16 by water levels in Lake Roosevelt, the state intends to share a portion
17 of the benefits derived from Lake Roosevelt water releases and to
18 mitigate for any impacts such releases may have upon the tribes.

19 (3) These new releases of Lake Roosevelt water of approximately
20 eighty-two thousand five hundred acre feet of water, increasing to no
21 more than one hundred thirty-two thousand five hundred acre feet of
22 water in drought years, will bolster the state economy and will meet
23 the following critical needs: New surface water supplies for farmers
24 to replace the use of diminishing groundwater in the Odessa aquifer;
25 new water supplies for municipalities with pending water right
26 applications; enhanced certainty for agricultural water users with
27 water rights that are interruptible during times of drought; and water
28 to increase flows in the river when salmon need it most.

29 (4) Nothing in chapter . . . , Laws of 2008 (this act) expands,

1 impairs, or otherwise affects the existing status and sovereignty of
2 the tribal governments involved in Lake Roosevelt water releases
3 pursuant to this section and section 2 of this act.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.90 RCW
5 to read as follows:

6 (1) The Columbia river water delivery account is created in the
7 state treasury. Moneys in the account may be spent only after
8 appropriation. The account consists of all moneys transferred or
9 appropriated to the account by law. The legislature may appropriate
10 moneys in the account:

11 (a) For distributions for purposes of section 1 of this act as
12 provided in this section; and

13 (b) To the department of ecology for other purposes relating to
14 implementation of sections 1 and 3 of this act.

15 (2) On July 1, 2008, and each July 1st thereafter for the duration
16 of the agreements described in section 1 of this act, the state
17 treasurer shall transfer moneys from the general fund into the Columbia
18 river water delivery account in the amounts described in subsection (3)
19 of this section.

20 (3) Subject to appropriations, on July 1, 2008, and each July 1st
21 thereafter, the state treasurer shall distribute moneys from the
22 Columbia river water delivery account as follows:

23 (a) To the Confederated Tribes of the Colville Reservation, on July
24 1, 2008, the sum of three million seven hundred seventy-five thousand
25 dollars; and on July 1, 2009, the sum of three million six hundred
26 twenty-five thousand dollars. Each July 1st thereafter for the
27 duration of the agreement, the treasurer shall distribute an amount
28 equal to the previous year's distribution adjusted for inflation. The
29 inflation adjustment shall be computed using the percentage change on
30 the implicit price deflator for personal consumption expenditures for
31 the United States for the previous calendar year, as compiled by the
32 bureau of economic analysis of the United States department of commerce
33 and reported in the most recent quarterly publication of the economic
34 and revenue forecast council or successor agency.

35 (b) To the Spokane Tribe of Indians, on July 1, 2008, the sum of
36 two million two hundred fifty thousand dollars. Each July 1st
37 thereafter for the duration of the agreement, the treasurer shall

1 distribute an amount equal to the previous year's distribution adjusted
2 for inflation. The inflation adjustment shall be computed using the
3 percentage change in the consumer price index for the Washington state
4 Seattle-Tacoma-Bremerton consolidated metropolitan statistical area for
5 the previous calendar year as compiled by the bureau of labor
6 statistics, United States department of labor, and reported in the most
7 recent quarterly publication of the economic and revenue forecast
8 council or successor agency.

9 (4) The state treasurer may not distribute moneys from the Columbia
10 river water delivery account to a tribe pursuant to this section unless
11 the director of ecology has certified in writing to the state treasurer
12 and the legislature that the agreement with the tribes is still in
13 effect.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.90 RCW
15 to read as follows:

16 (1) Because the potential impacts of water releases under
17 agreements reached under this chapter on affected counties are unknown,
18 the department of ecology shall, by November 15, 2009:

19 (a) Conduct an assessment of the potential impacts, including
20 recommendations for mitigation, and report to appropriate committees of
21 the legislature; and

22 (b) Establish a process for identifying and reporting on future
23 impacts on the affected counties, and for making recommendations for
24 mitigation.

25 (2) Within the framework of Columbia river basin water resources
26 management under this chapter, the department of ecology shall:

27 (a) Provide technical assistance to help affected counties identify
28 and develop competitive project applications to benefit both instream
29 and out-of-stream uses;

30 (b) Assist affected counties in exploring all feasible options,
31 including policy options, to protect and preserve local access to water
32 resources, including pursuing a memorandum of understanding with the
33 affected counties that is consistent with RCW 90.90.005 to effectuate
34 the purposes of this section. The memorandum of understanding shall be
35 available for public comment for a period of thirty days before being
36 signed by the department; and

1 (c) Consider regional equity when making funding decisions on water
2 supply applications.

3 (3) As used in this section, "affected counties" means those
4 counties east of the crest of the Cascade mountains with an
5 international border, or those counties east of the crest of the
6 Cascade mountains that border both a county with an international
7 border and a county with four hundred thousand or more residents.

8 NEW SECTION. **Sec. 4.** The sum of six million twenty-five thousand
9 dollars, or as much thereof as may be necessary, is appropriated for
10 the fiscal year ending June 30, 2009, from the Columbia river water
11 delivery account to the state treasurer solely for distribution as
12 provided in section 2 of this act.

13 NEW SECTION. **Sec. 5.** The sum of two million one hundred fifty
14 thousand dollars, or as much thereof as may be necessary, is
15 appropriated for the fiscal year ending June 30, 2009, from the general
16 fund to the Columbia river water delivery account for the purposes
17 established in section 6 of this act.

18 NEW SECTION. **Sec. 6.** (1) The sum of two million dollars is
19 appropriated for the fiscal year ending June 30, 2009, from the
20 Columbia river water delivery account to the department of ecology for
21 distribution to affected counties as defined in section 3 of this act
22 to mitigate for negative impacts caused by releases of Lake Roosevelt
23 water for the purposes described in section 1 of this act. The
24 criteria for allocating these funds shall be developed by the
25 department in consultation with affected local governments.

26 (2) The sum of one hundred fifty thousand dollars is appropriated
27 for the fiscal year ending June 30, 2009, from the Columbia river water
28 delivery account to the department of ecology to retain a contractor to
29 perform an independent analysis of options, including legislative
30 options, to protect rural communities in northeast Washington from
31 disproportionate economic, agricultural, and environmental impacts that
32 may occur when upstream water rights are purchased and transferred for
33 use, or idled and used as mitigation, in a downstream watershed or
34 county. Before retaining a contractor, the department shall consult
35 with affected counties as defined in section 3 of this act. The

1 contractor selected shall conduct the independent analysis and develop
2 a report describing options and recommended actions. The department of
3 ecology shall provide the report to the appropriate committees of the
4 legislature by December 1, 2008.

5 NEW SECTION. **Sec. 7.** This act takes effect July 1, 2008."

6 Correct the title.

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