

HOUSE BILL REPORT

E2SSB 6874

As Reported by House Committee On:
Agriculture & Natural Resources
Appropriations

Title: An act relating to Columbia river water delivery.

Brief Description: Regarding Columbia river water delivery.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Brown, Rockefeller, Kauffman and Rasmussen; by request of Governor Gregoire).

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/20/08, 2/21/08 [DPA];
Appropriations: 2/27/08, 2/28/08 [DPA(APP w/o AGNR)].

Brief Summary of Engrossed Second Substitute Bill
(As Amended by House Committee)

- Creates the Columbia River Water Delivery Account in fulfillment of agreements between Washington State and the Confederated Tribes of the Colville Nation and between Washington State and the Spokane Tribe of Indians for the incremental release of water from Lake Roosevelt.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass as amended. Signed by 13 members: Representatives Blake, Chair; Van De Wege, Vice Chair; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Eickmeyer, Grant, Kristiansen, Lantz, Loomis, McCoy, Nelson, Newhouse and Orcutt.

Staff: Colleen Kerr (786-7168).

Background:

In 2006 the Legislature enacted the Columbia River Basin Water Supply Act relating to water resource management in the Columbia River Basin. A priority of this act is the development

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

of new water supplies that includes storage and conservation for the economic and community development needs of people, as well as the instream flow needs of fish.

Lake Roosevelt is the reservoir covering 130 square miles, created by the impoundment of the Columbia River by Grand Coulee Dam. The reservations of the Confederated Tribes of the Colville Nation (Colville Nation) and the Spokane Tribe of Indians include large portions of Lake Roosevelt. Grand Coulee Dam is within the Colville Reservation.

Summary of Amended Bill:

Agreements Between Washington State and the Tribes

The Governor and the Legislature are in agreement with the Confederated Tribes of the Colville Nation and the Spokane Tribe of Indians to jointly support the additional releases of water from Lake Roosevelt by the Bureau of Reclamation. Because the tribes have a sovereign and proprietary interest in Lake Roosevelt water levels, the state intends to share a portion of the benefits derived from the water releases with the tribes to mitigate for any impacts caused by the releases. The water releases will be of approximately 82,500 acre feet of water and increase to no more than 132,000 feet of water in drought years.

The new releases of water from Lake Roosevelt will provide:

- new surface water supplies for farmers to replace diminishing ground water supplies in the Odessa aquifer;
- new water for municipalities with pending water right applications;
- enhanced certainty for agricultural water users with interruptible water rights during times of drought; and
- increased instream flows for fish.

Columbia River Water Delivery Account

The Columbia River Water Delivery Account (Account) is created in the State Treasury. Funds appropriated from the Account are provided pursuant to the agreement between the State of Washington and the Colville Nation and the Spokane Tribe of Indians to support additional releases of water from Lake Roosevelt. The State Treasurer shall transfer funds from the General Fund on July 1, 2008, and on each July 1 thereafter in amounts to satisfy the following provisions:

- On July 1, 2008, \$3,775,000 shall be distributed to the Colville Nation. On July 1, 2009, \$3,625,000 shall be distributed to the Colville Nation. Each July 1 thereafter for the duration of the agreement, an amount equal to the previous year's distribution as adjusted for inflation shall be distributed to the Colville Nation.
- On July 1, 2008, \$2,250,000 shall be distributed to the Spokane Tribe of Indians. Each July 1 thereafter for the duration of the agreement, an amount equal to the previous year's distribution as adjusted for inflation shall be distributed to the Spokane Tribe of Indians.

Amounts may not be distributed from the Account unless the Director of Ecology (DOE) has certified in writing to the State Treasurer that the agreement is still in effect.

Provisions Regarding Affected Counties

Because the potential impacts of these water releases to affected counties are unknown, the DOE is directed to:

- conduct an assessment of the potential impacts, including recommendations for mitigation, and report to appropriate committees of the Legislature by November 15, 2009;
- establish processes for identifying and reporting on future impacts on the affected counties, and for making recommendations for mitigation; and
- aggressively pursue the development of new water supplies in affected counties to benefit both instream and out-of-stream uses.

"Affected counties" means those counties east of the crest of the Cascade mountains with an international border, or those counties east of the crest of the Cascade mountains that border both a county with an international border and a county with 400,000 or more residents.

Amended Bill Compared to Engrossed Second Substitute Bill:

Sections 2 and 3 are switched so that provisions related to the tribes, the intent section, and the Columbia River Water Delivery Account, remain together statutorily. As requested by the Office of the State Treasurer, changes are made in new section 2 (previously section 3) to improve the specificity of the references and time period for inflation adjustments. In the new section 3 (previously section 2) relating to the affected counties, references are added to the Memorandum of Understanding being negotiated between the DOE and the affected counties, as well as cross-references to directives to the DOE within chapter 90.90 RCW. Technical corrections are also made.

Appropriation:

The sum of \$2,000,000 to the Department of Ecology for local governments.

The sum of \$150,000 to the Department of Ecology for independent analysis.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect July 1, 2008. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) These agreements and this bill are important to interests in eastern Washington and come at the request of the Governor and the DOE in support of three-way agreements between the state, the tribes, and the Bureau of Reclamation. These agreements establish a long-term relationship between the state and the tribes. This bill creates an ongoing mechanism for funding, but does not bind future Legislatures and is constitutionally sound. These agreements will provide water for Odessa, cities and towns both upriver and downriver, and irrigators. The monies to the tribes are designed to mitigate the direct effects of water withdrawals from Lake Roosevelt, and to share the economic benefits with the tribes. This

water will allow for the issuance of permanent water rights. The drawdown will affect cultural resources of the tribes, and will affect the use of Lake Roosevelt for recreation. Growing cities will get new water rights allowing them to prosper. These agreements recognize a well-balanced approach for people, farms, and fish. With the water from Lake Roosevelt, the pressure to move water north to south through water rights transfers will be reduced.

(Opposed) None.

Persons Testifying: Senator Rockefeller, prime sponsor; Mike Schwisow, Columbia Basin Development League; Teresa Scott, Washington Department of Fish and Wildlife; Gene Joseph, Colville Business Council; Evan Sheffels, Washington Department of Ecology; Mo McBroom, Washington Environmental Council; John Stuhlmiller, Washington Farm Bureau; and Miguel Perez-Gibson, Confederated Tribes of the Colville Reservation.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Appropriations and without Committee on Agriculture and Natural Resources. Signed by 30 members: Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson, Cody, Conway, Darneille, Ericks, Fromhold, Grant, Green, Haigh, Hinkle, Hunt, Hunter, Kagi, Kenney, Kessler, Kretz, Linville, McDonald, Morrell, Pettigrew, Priest, Schmick, Schual-Berke, Seaquist and Sullivan.

Minority Report: Do not pass. Signed by 2 members: Representatives Chandler and Ross.

Staff: Alicia Dunkin (786-7178).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Agriculture & Natural Resources:

All appropriations are removed from the bill. A null and void clause is added, making the bill null and void unless funded in the budget.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect on July 1, 2008. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) This bill is key to implementing the Columbia River policy that was brought by the Governor and the Department of Ecology. The Confederated Tribes of the Colville Nation support both this bill and the companion bill that has some technical changes.

(Opposed) None.

Persons Testifying: John Stuhlmiller, Washington Farm Bureau; Miguel Perez-Gibson, Confederated Tribes of the Colville Reservation; and Gerry O'Keefe, Department of Ecology and Office of the Governor.

Persons Signed In To Testify But Not Testifying: None.