

SENATE BILL REPORT

SB 6198

As of January 28, 2008

Title: AN ACT Relating to improving landowners' ability to prevent and fight fire using groundwater; amending RCW 90.44.050; and adding a new section to chapter 90.44 RCW.

Brief Description: Authorizing the withdrawal of groundwater for fire prevention purposes.

Sponsors: Senator Morton.

Brief History:

Committee Activity: Water, Energy & Telecommunications: 1/25/08.

SENATE COMMITTEE ON WATER, ENERGY & TELECOMMUNICATIONS

Staff: Karen Epps (786-7424)

Background: A person must apply for a permit from Department of Ecology (Ecology) to withdraw groundwater. However, there are a few exemptions for which a person does not have to obtain a permit in order to withdraw groundwater. These exemptions include: using the water for stock-watering purposes; for watering a lawn or a garden if the area is less than one-half acre; for single or group domestic use in an amount not exceeding 5,000 gallons a day; for domestic use in clustered residential developments in Whitman County; or for an industrial purpose in an amount not exceeding 5,000 gallons a day.

Summary of Bill: The groundwater permitting provisions are amended to include an additional exemption for fire prevention purposes in an amount not to exceed 5,000 gallons a day. Fire prevention purposes include: water applied or stored for emergency fire suppression activities; or for the application of water to trees or other vegetation to prevent or address hazardous fire conditions.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: Rural Washington needs to be able to maintain defensible spaces and establish small ponds from which to draw from to fight fires. There is a need to locate and scatter accessible water over landscapes to make it easier for fire fighters. This bill will help landowners take direct action in the prevention and fighting of fires. The

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maintenance of defensible spaces, usually between 30 and 100 feet from structures, results in less intense fires.

CON: Ecology has concerns about expanding the exempt well statues. Ecology receives complaints from senior water users that feel groundwater withdrawals from exempt wells are pulling their water. A person could use the lawn and garden exemption to maintain defensible spaces. This additional exemption could be easily abused. This bill contains broad and ambiguous terms. It creates a dangerous loophole. This bill would allow watering of lawns, pastures, or forests of any size. It does not limit the exemption to homes or businesses or other types of property. Additionally, the bill would allow large artificial lakes and ponds to be filled with groundwater. Finally, the bill does not limit the geographic use of the exemption.

Persons Testifying: PRO: Senator Morton, prime sponsor; Jack Field, Washington Cattleman's Association; John Stuhlmiller, Washington Farm Bureau; Vicki Christiansen, Department of Natural Resources.

CON: Ken Slattery, Ecology; Mo McBroom, Washington Environmental Council; Sue Gunn, Center for Environmental Law and Policy; Martin Durken, Muckleshoot Indian Tribe.