

# SENATE BILL REPORT

## SB 6163

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As of January 23, 2012

**Title:** An act relating to directing the department of ecology to coordinate discussions with the province of British Columbia to study the feasibility of providing new water supplies and storage to benefit residents of western Washington.

**Brief Description:** Directing the department of ecology to coordinate discussions with the province of British Columbia to study the feasibility of providing new water supplies and storage to benefit residents of western Washington.

**Sponsors:** Senators Ericksen, Swecker, Hatfield and Chase.

**Brief History:**

**Committee Activity:** Agriculture, Water & Rural Economic Development: 1/19/12.

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### SENATE COMMITTEE ON AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT

**Staff:** Bob Lee (786-7404)

**Background:** The Department of Ecology (DOE) is the state's water resource management agency. The powers and duties of the DOE include the issuance of water rights from ground and surface waters, protecting existing water right holders from impairment, allocating available supplies for instream resource protection and human domestic needs, and conducting water rights adjudications. DOE conducts surface and ground water studies in various watersheds in the state.

**Summary of Bill:** DOE is directed, in coordination with the Ministry of Environment of British Columbia, to study the feasibility of providing new water supplies and storage from Harrison Lake and Ross Lake to benefit the residents of western Washington. The study is to look at potential benefits in the areas of water management, economic development, fishery resource management, and agricultural production. One aspect of the study must examine the potential of using the existing upper Skagit River water storage system for additional storage of water imported from Canada. DOE is encouraged to coordinate with various federal agencies.

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*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.*

By December 1, 2012, and within existing resources, DOE is to report its findings and recommendations to the Governor and the Legislature. The report is to include data and an analysis regarding the feasibility of, cost estimates for, and any barriers to:

- using the existing upper Skagit River water storage system for additional water imported from Canada; and
- acquiring water rights from Harrison Lake for the benefit of western Washington in the areas of water management, economic development, fishery resource management, and agricultural production.

This act expires on January 1, 2013.

**Appropriation:** None.

**Fiscal Note:** Requested January 17, 2012.

**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: The goal of the legislation is to bring awareness that there are significant water issues in northwest Washington. The Lummi and the Nooksack tribes are asking for a Boldt style water right adjudication of the Nooksack River. The tribes are asking for the courts to determine what percentage of the water is their's under their treaty rights and what is left over for other users.

There are a number of pipelines now crossing the U.S./Canada border. One is the natural gas pipeline that originates near Calgary and crosses near Sumas. So pipelines are technically feasible. This bill would add the feasibility of bringing water from Harrison Lake, which is very large, to the upper Skagit River where water could be stored in Ross Lake. This potentially would provide an additional water supply for the Nooksack River and the Skagit River.

CON: The main opposition is primarily about the fiscal impact on the Department of Ecology.

OTHER: There is currently an agreement between Seattle City Light and British Columbia that Ross Lake not be enlarged. This agreement was entered in 1984 and expires 2064. The agreement basically calls for the level of Ross Lake to remain static. The dam is used to produce electricity. The concern about this bill is that the agency will have to take staff currently assigned to other water resource issues and reassign them to work on this study.

**Persons Testifying:** PRO: Senator Ericksen, prime sponsor.

CON: Bruce Wishart, Center for Environmental Policy, Sierra Club.

OTHER: Maia Bellon, Department of Ecology.