

SENATE BILL REPORT

SB 6125

As of January 18, 2018

Title: An act relating to extending the expiration date of the department of ecology's authority to enter into voluntary regional agreements.

Brief Description: Extending the expiration date of the department of ecology's authority to enter into voluntary regional agreements.

Sponsors: Senator Honeyford.

Brief History:

Committee Activity: Agriculture, Water, Natural Resources & Parks: 1/16/18.

Brief Summary of Bill

- Extends the expiration date from June 30, 2018, to June 30, 2024, for the Department of Ecology's (Ecology) authority to enter into voluntary regional agreements for the purposes of providing new water for out-of-stream use in the Columbia River basin.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Staff: Karen Epps (786-7424)

Background: In 2006, the Legislature enacted the Columbia River Basin Water Supply Act (Act) relating to water resource management in the Columbia River Basin (Basin). A priority of this Act is the development 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. Water supplies that are developed and secured through projects funded from the Basin accounts must be used in specified ways. Two-thirds of this water must be dedicated to out-of-stream uses, while one-third must be used by the Ecology to enhance instream flows. The one-third/two-thirds allocation of water resources between instream and out-of-stream uses does not apply to applications for changes or transfers of existing water rights in the Basin.

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.

Ecology has the authority, which expires on June 30, 2018, to enter into voluntary regional agreements between Ecology and water users that provide for the appropriation of new water for out-of-stream use developed in the Columbia River Basin. Any voluntary regional agreement must protect instream flows. Specifically, any new water appropriated under a voluntary regional agreement must not have a negative impact on seasonal instream flows in the main stem of the Columbia and Snake rivers.

Ecology must follow specific notification and consultation procedures prior to entering into a voluntary regional agreement. This process includes a consultation with county legislative authorities, the Department of Fish and Wildlife, affected tribal governments, and the federal government.

The voluntary regional agreements entered into by Ecology prior to June 30, 2018, remain in effect after June 30, 2018. However, after that date, Ecology does not have the authority to enter into additional voluntary regional agreements.

Summary of Bill: Ecology's authority to enter into voluntary regional agreements for the purposes of providing new water for out-of-stream use in the Columbia River basin is extended from June 30, 2018, to June 30, 2024.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: The voluntary regional agreements came out of the Columbia River legislation. This is a valuable tool for Ecology to be able to make some regional agreements for the use of the water for out-of-stream uses. This bill extends the sunset date for Ecology to enter into voluntary regional agreements. Voluntary regional agreements are a water contracting tool to provide new out of stream uses for either new water or for bridging the gap between existing interruptible water rights or for drought relief. These legal agreements between water users and Ecology, sets up a framework for providing for the management of that water in a way that is consistent with the statute. New water rights can also be granted through a voluntary regional agreement through a streamlined consultation process with fishery interests in the Columbia and Snake River mainstems provided that instream flows in critical months are not impacted. The voluntary regional agreement tool has not been frequently used, but it has significant potential and it should be explored for the additional time frame.

Persons Testifying: PRO: Senator Jim Honeyford, Prime Sponsor; Tom Tebb, Director, Office of Columbia River, Washington Department of Ecology.

Persons Signed In To Testify But Not Testifying: No one.