
**Rural Development, Agriculture, &
Natural Resources Committee**

HB 1622

Brief Description: Concerning drought preparedness and response.

Sponsors: Representatives Blake, Kretz, Springer, Chandler, Chapman, Dent and Shewmake; by request of Department of Ecology.

Brief Summary of Bill

- Authorizes the Department of Ecology (Ecology) to issue a drought advisory when it appears that drought conditions may develop.
- Makes multiple changes to Ecology's responsibilities when an emergency drought order has been issued.
- Authorizes Ecology to develop and update a drought contingency plan in collaboration with other affected federal, state, and local governments.
- Directs Ecology to initiate a pilot program to explore the cost, feasibility, and benefits of entering into long-term water right lease agreements to alleviate water supply conditions that may occur as a result of drought conditions.

Hearing Date: 2/8/19

Staff: Robert Hatfield (786-7117).

Background:

The Department of Ecology's Role Regarding Drought.

The Department of Ecology (Ecology) is authorized to declare drought emergencies by administrative order. Before it may declare a drought emergency, Ecology must determine that an area is experiencing or is expected to experience less than 75 percent of normal water supply and is expected to suffer undue hardships as a result of the dry conditions. Normal water supply is calculated as the average amount of water available on an annual basis based on precipitation,

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streamflow, snowpack, and other factors. Prior to issuing an order, Ecology must first consult with federal and state agencies and must receive the approval of the Governor.

The Department of Ecology may, upon the issuance of a drought emergency order, take certain actions. This includes the authorization of emergency withdrawals of public surface and ground waters, as long as the withdrawals are put to beneficial uses and will not reduce flows below the essential minimum for fisheries and other state and federal interests. The issuance of a drought order also allows Ecology to approve temporary changes in the use of a water right, to employ additional people, to acquire emergency equipment, and to revise any drought contingency plans. Any temporary changes in the use of a water right authorized under a drought order are exempt from review under the State Environmental Policy Act (SEPA) and from any requirements for newspaper notification.

The drought order also allows Ecology to make loans or grants from emergency water supply funds when necessary to help alleviate drought conditions. These expenditures are made from the bond-supported State Emergency Water Projects Revolving Account. In addition to that account, Ecology manages the appropriation-supported State Drought Preparedness Account (Preparedness Account). Funds in the Preparedness Account may be used by Ecology only for drought preparedness.

Joint Legislative Committee on Water Supply During Drought.

The Joint Legislative Committee on Water Supply During Drought (Drought Committee) is a committee composed entirely of legislators that is authorized to meet when a drought order is in effect. The Drought Committee includes eight legislative members. The Drought Committee must include the chairs of the water resources committees of each legislative chamber.

When activated, the Drought Committee may request and review information relating to the state's water supply conditions and to the actual or anticipated economic, environmental, and other impacts of decreased water supply. The Drought Committee is authorized to make recommendations to the Legislature on budgetary and legislative actions to improve the state's drought response programs and planning. When a drought conditions order is in effect, Ecology must provide the Drought Committee with at least monthly reports describing drought response activities of Ecology and other state and federal agencies. The report must include information regarding applications for, and approvals and denials of, emergency water withdrawals and temporary changes or transfers of water rights.

Summary of Bill:

The Department of Ecology (Ecology) is authorized to issue a drought advisory when it appears that drought conditions may develop. The drought advisory should seek to increase the awareness and readiness of affected water users. The drought advisory may recommend voluntary actions to alleviate the impacts of drought.

The Department of Ecology's obligations with regard to the issuance of a drought emergency order are changed in the following ways:

- the requirement that Ecology publish drought emergency orders in a newspaper of general circulation is changed to a requirement that Ecology notify the public of the order in a manner consistent with rules adopted by Ecology;

- the Department of Ecology is required to consult with affected federally recognized tribes prior to the issuance of a drought emergency order; and
- a person may petition Ecology to declare a drought emergency.

The Department of Ecology's obligations and authorizations once a drought emergency order has been issued are changed in the following ways:

- the Department of Ecology is authorized to prioritize the approval of emergency withdrawal authorizations for domestic use over emergency withdrawals for other purposes;
- the list of stakeholders that Ecology must consult before issuing an emergency withdrawal authorization is expanded to include affected federally recognized tribes;
- the list of temporary changes to a water right that Ecology may authorize is expanded to include a change in the point of withdrawal;
- the Department of Ecology is authorized to enter into agreements with applicants receiving emergency withdrawals to recover all or a portion of the costs of certain forms of mitigation for emergency withdrawal authorizations; and
- the Department of Ecology is authorized to enter into interagency agreements with other state and federal entities to partner in emergency drought response.

The Department of Ecology's authority to issue grants to eligible public entities in order to alleviate emergency drought conditions is changed in the following ways:

- no single entity may receive more than 25 percent of the total funds available;
- projects must show substantial benefit from securing water supply, availability, or reliability relative to project costs;
- except for projects for public water systems serving economically disadvantaged communities, Ecology may fund only up to 50 percent of the cost of a project;
- the scope of public entities eligible to receive grants is defined to include, among others, counties, cities, towns, irrigation districts, public utility districts, federally recognized Indian tribes, and watershed management partnerships; and
- the scope of projects for which grants may be used is defined to include, among others, creation of additional water storage, development of emergency water supplies, and projects designed to mitigate for the impacts of water supply shortages on fish and wildlife.

The State Drought Preparedness Account is renamed as the State Drought Preparedness and Response Account. Expenditures from the account may be used for drought preparedness and response activities.

The Department of Ecology is authorized to develop and update a drought contingency plan in collaboration with other affected federal, state, and local governments.

The Department of Ecology is directed to initiate a pilot program to explore the cost, feasibility, and benefits of entering into long-term water right lease agreements. The purpose of the agreements is to alleviate water supply conditions that may affect public health and safety, drinking water supplies, agricultural activities, or fish and wildlife survival. The Department of Ecology must submit a report to the Legislature on the results of the pilot program by December 31, 2024.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.