

HOUSE BILL REPORT

2SSB 5352

As Passed House:
April 11, 2019

Title: An act relating to the Walla Walla watershed management pilot program.

Brief Description: Concerning the Walla Walla watershed management pilot program.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Walsh, Warnick, McCoy, Kuderer, Van De Wege and Hasegawa).

Brief History:

Committee Activity:

Rural Development, Agriculture, & Natural Resources: 3/19/19, 4/2/19 [DP];
Appropriations: 4/6/19, 4/8/19 [DP].

Floor Activity:

Passed House: 4/11/19, 96-0.

Brief Summary of Second Substitute Bill

- Extends the expiration date for the Walla Walla pilot local water management program from 2019 to 2021.
- Directs the Walla Walla Water Management Board (Board) to collaborate with the Department of Ecology to develop a 30-year integrated water resource management strategic plan.
- Directs the Board to submit a report to the Legislature by November 1, 2020.

HOUSE COMMITTEE ON RURAL DEVELOPMENT, AGRICULTURE, & NATURAL RESOURCES

Majority Report: Do pass. Signed by 14 members: Representatives Blake, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Chapman, Dye, Fitzgibbon, Kretz, Lekanoff, Orcutt, Pettigrew, Ramos, Schmick, Springer and Walsh.

Staff: Robert Hatfield (786-7117).

HOUSE COMMITTEE ON APPROPRIATIONS

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.

Majority Report: Do pass. Signed by 32 members: Representatives Ormsby, Chair; Bergquist, 2nd Vice Chair; Robinson, 1st Vice Chair; Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Cody, Dolan, Dye, Fitzgibbon, Hansen, Hoff, Hudgins, Jinkins, Kraft, Macri, Mosbrucker, Pettigrew, Pollet, Ryu, Schmick, Senn, Springer, Stanford, Steele, Sullivan, Sutherland, Tarleton, Tharinger and Ybarra.

Staff: Dan Jones (786-7118).

Background:

Watershed Planning.

The Watershed Planning Act establishes a process through which local groups can develop and implement plans for managing and protecting local water resources and rights. The local groups authorized to develop watershed plans are organized by Water Resource Inventory Areas (WRIAs). A WRIA is, generally speaking, an area determined to be a distinct watershed. There are 64 WRIAs identified by the Department of Ecology. Each WRIA is identified by a number and may contain a local watershed planning group with an identified lead entity.

Walla Walla Pilot Program—Creation.

The Walla Walla pilot local water management program was created through legislation passed in 2009. As part of the legislation, a local water management board was created, with representatives drawn from city and county government, federally recognized Indian tribes, conservation districts, and water rights holders. The Walla Walla Water Management Board (Board) is authorized, among other duties, to assume the role of the local watershed planning unit, to administer the local water plan process, to manage banked water, to acquire water rights, and to enter into agreements with water rights holders to not divert water that becomes available as a result of local water plans and water banking activities. The Board is required to submit reports to the Legislature in 2012, 2015, and 2018. The 2018 report must also contain recommendations on the future of the Board.

Walla Walla Pilot Program—Water Banking.

The pilot program legislation authorized the Board to establish a water bank in which surface water and groundwater right holders may deposit their water rights on a permanent or temporary basis. The Board may manage those water rights in order to mitigate for impairment to instream flows and other existing water rights.

Walla Walla Pilot Program—Water Plan.

The Board is required to produce a water plan for the Walla Walla watershed. The water plan may be effective for a term of one to 10 years. The plan must address, among other things, a determination of the baseline water use for all water rights in the basin, options for reducing total water use from the baseline, a set of practices that provide for flexibility in water use, and an estimate of the amount of water that would remain instream for fish.

Walla Walla Pilot Program—Expiration.

By the terms of the 2009 legislation, the Walla Walla pilot local water management program expires on June 30, 2019.

Summary of Bill:

The expiration date for the Walla Walla pilot local water management program is extended from June 30, 2019, to June 30, 2021.

During the transition period between July 1, 2019, and June 30, 2021, the Walla Walla Water Management Board (Board) must accomplish the following tasks:

- participate with the Department of Ecology (Ecology) to complete, by June 30, 2020, a performance audit conducted by the State Auditor's Office within existing resources, and a financial audit funded with existing Ecology resources, to evaluate the Walla Walla pilot program since 2008 and to incorporate audit findings and recommendations into a 30-year integrated water resource management strategy;
- continue to work with Ecology, with the Confederated Tribes of the Umatilla Indian Reservation, and with other participants to advance the Walla Walla basin flow-enhancement study;
- collaborate with Ecology to prepare a 30-year integrated water resource management strategic plan, including a draft and final Environmental Impact Statement, and explore interstate agreements to maximize integrated water resource management;
- by November 1, 2020, develop with Ecology a report to the Legislature recommending the scope and scale of an integrated water resource management strategic plan, including a funding approach and organization structure, to achieve the desired outcome of improved and sustainable flows for fish, adequate water supplies for agriculture, municipal, and domestic water users, and improved habitat and floodplain functionality in the Walla Walla watershed; and
- coordinate with the Office of the Columbia River to request funding to complete tasks required during the transition period.

The Board, in collaboration with Ecology, must provide its report on the above tasks to the Legislature by November 1, 2020.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect on June 30, 2019.

Staff Summary of Public Testimony (Rural Development, Agriculture, & Natural Resources):

(In support) The learning that has come out of the Walla Walla pilot local water management program (Walla Walla pilot program) has been good for the local watershed stakeholders, and has also set a good example for the state.

(Opposed) None.

(Other) Many stakeholders have worked to develop a long-term water plan for the Walla Walla watershed. In order to continue, the Walla Walla pilot project will need funding, which has been included in the Governor's capital budget request. The fiscal audit called for in the

bill is in the Department of Ecology's budget and the performance audit is included in the State Auditor's budget.

The Walla Walla watershed is especially complex because it involves two states.

Staff Summary of Public Testimony (Appropriations):

(In support) None.

(Opposed) None.

Persons Testifying (Rural Development, Agriculture, & Natural Resources): (In support) Senator Walsh, prime sponsor; and Marie Sullivan, Confederated Tribes of the Umatilla Indian Reservation.

(Other) Mary Verner, Department of Ecology.

Persons Testifying (Appropriations): None.

Persons Signed In To Testify But Not Testifying (Rural Development, Agriculture, & Natural Resources): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.