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**SUBSTITUTE SENATE BILL 5352**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senate Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Walsh, Warnick, McCoy, Kuderer, Van De Wege, and Hasegawa)

READ FIRST TIME 02/15/19.

1 AN ACT Relating to the Walla Walla watershed management pilot  
2 program; amending RCW 90.92.010, 90.92.050, and 90.92.060; amending  
3 2009 c 183 s 20 (uncodified); providing an effective date; providing  
4 an expiration date; and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 90.92.010 and 2009 c 183 s 1 are each amended to  
7 read as follows:

8 The legislature finds that (~~the Walla Walla watershed community~~  
9 ~~faces substantial challenges in planning for future water use and~~  
10 ~~meeting the needs of fish, farms, and people. The legislature further~~  
11 ~~finds that the participants in the Walla Walla watershed planning~~  
12 ~~group have demonstrated exceptional cooperation in developing an~~  
13 ~~innovative water management concept that enhances flexibility in~~  
14 ~~water use while protecting ecological functions)) participants in the  
15 Walla Walla watershed pilot program have demonstrated exceptional  
16 cooperation in developing and implementing an innovative water  
17 management concept that enhances flexibility in water use since  
18 convening in 2009. The legislature further finds that the existing  
19 authorities and structure of the pilot program must evolve to meet  
20 the growing water resource demands in the Walla Walla watershed and  
21 to protect and enhance ecological functions. As the next step in the~~

1 process, the legislature intends to extend the Walla Walla pilot  
2 program through June 30, 2021, to allow the pilot to perform internal  
3 and external evaluations, build upon previous pilot program efforts,  
4 continue Walla Walla river flow enhancement technical work, and  
5 restructure this chapter to develop a thirty-year integrated water  
6 resource management strategic plan. The legislature (~~also~~)  
7 continues to recognize(~~s~~) the significant contribution of former  
8 state representative William Grant's leadership in the creation of a  
9 Walla Walla pilot design to authorize local water management  
10 activity.

11 **Sec. 2.** RCW 90.92.050 and 2009 c 183 s 5 are each amended to  
12 read as follows:

13 (1) The board has the following authority, duties, and  
14 responsibilities:

15 (a) Assume the duties, responsibilities, and all current  
16 activities of the watershed planning unit and the initiating  
17 governments authorized in RCW 90.82.040;

18 (b) Develop strategic actions for the planning area by building  
19 on the watershed plan;

20 (c) Adopt and revise criteria, guidance, and processes to  
21 effectuate the purpose of this chapter;

22 (d) Administer the local water plan process;

23 (e) Oversee local water plan implementation;

24 (f) Manage banked water as authorized under this chapter;

25 (g) Acquire water rights by donation, purchase, or lease;

26 (h) Participate in local, state, tribal, federal, and multistate  
27 basin water planning initiatives and programs; and

28 (i) Enter into agreements with water rights holders to not divert  
29 water that becomes available as a result of local water plans, water  
30 banking activities, or other programs and projects endorsed by the  
31 board and the department.

32 (2) During the transition period of July 1, 2019, to June 30,  
33 2021, the board shall:

34 (a) Participate with the department to complete, by June 30,  
35 2020, department-funded performance and financial audits to evaluate  
36 the Walla Walla pilot program since 2008 and to incorporate audit  
37 findings and recommendations into a thirty-year integrated water  
38 resource management strategy;

1 (b) Continue working with the department, the Confederated Tribes  
2 of the Umatilla Indian Reservation, and other participants to advance  
3 the Walla Walla basin flow enhancement study and its recommendation,  
4 including any necessary environmental reviews for near-term actions;

5 (c) Collaborate with the department in the development of a  
6 thirty-year integrated water resource management strategic plan,  
7 including a draft and final programmatic environmental impact  
8 statement, and explore interstate agreements to maximize integrated  
9 water resource management;

10 (d) By November 1, 2020, jointly develop with the department a  
11 report to the legislature recommending the scope and scale of an  
12 integrated water resource management strategic plan, including a  
13 funding approach and organization structure, to achieve the desired  
14 outcome of improved and sustainable flows for fish, adequate water  
15 supplies for agriculture, municipal, and domestic water users, and  
16 improved habitat and floodplain functionality in the Walla Walla  
17 watershed; and

18 (e) Coordinate with the department's office of Columbia river to  
19 request funding to complete tasks required during the transition  
20 period.

21 (3) The board may acquire, purchase, hold, lease, manage, occupy,  
22 and sell real and personal property, including water rights, or any  
23 interest in water rights, enter into and perform all necessary  
24 contracts, appoint and employ necessary agents and employees,  
25 including an executive director and fix their compensation, employ  
26 contractors including contracts for professional services, and do all  
27 lawful acts required and expedient to carry out the purposes of this  
28 chapter.

29 ~~((3))~~ (4) The board constitutes an independently funded entity,  
30 and may provide for its own funding as determined by the board. The  
31 board may solicit and accept grants, loans, and donations and may  
32 adopt fees for services it provides. The board may not impose taxes  
33 or acquire property, including water rights, by the exercise of  
34 eminent domain. The board may distribute available funds as grants or  
35 loans to local water plans or other water initiatives and projects  
36 that will further the goals of the board.

37 ~~((4))~~ (5) The ability of the board to fully meet its duties  
38 under this chapter is dependent on the level of funding available to  
39 the board. If sufficient funding is not available to the board to  
40 carry out its duties, the board may, in consultation with the

1 department, establish a plan that determines and sets priorities for  
2 implementation of the board's duties.

3 ~~((5))~~ (6) The board, and its members and staff, acting in their  
4 official capacities, are immune from liability and are not subject to  
5 any cause of action or claim for damages arising from acts or  
6 omissions engaged in under this chapter.

7 ~~((6))~~ (7) Upon the creation of the board, and for the duration  
8 of the board, the existing planning unit for the planning area,  
9 established under RCW 90.82.040, is dissolved and all assets, funds,  
10 files, planning documents, pending plans and grant applications, and  
11 other current activities of the planning unit are transferred to the  
12 board.

13 **Sec. 3.** RCW 90.92.060 and 2009 c 183 s 6 are each amended to  
14 read as follows:

15 The board, in collaboration with the department, must provide a  
16 written report to the legislature by ~~((December 1, 2012, December 1,~~  
17 ~~2015, and December 1, 2018. The report must summarize the actions,~~  
18 ~~funding, and accomplishments of the board in the previous three~~  
19 ~~years, and submit recommendations for improvement of the local water~~  
20 ~~plan process. The 2018 report must also contain recommendations on~~  
21 ~~the future of the board)) November 1, 2020, as described in RCW  
22 90.92.050.~~

23 **Sec. 4.** 2009 c 183 s 20 (uncodified) is amended to read as  
24 follows:

25 This act expires June 30, ~~((2019))~~ 2021.

26 NEW SECTION. **Sec. 5.** This act is necessary for the immediate  
27 preservation of the public peace, health, or safety, or support of  
28 the state government and its existing public institutions, and takes  
29 effect June 30, 2019.

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