

# WALLA WALLA BASIN ADVISORY COMMITTEE (BAC)

## DISCUSSION GUIDE: DRAFT WA LEGISLATION

Wednesday, January 4, 2023

### Background: Why this legislation is important

This legislation will formalize Washington's commitment to the Walla Walla Water 2050 strategic plan and Ecology will not be able to fully implement the plan without this legislation. The plan charts a pathway to restoring instream flows in the Walla Walla while maintaining the viability of the local agricultural economy, recreation and local water supplies. For more than 20 years, basin stakeholders have been working to find a way to enable Washington and Oregon to manage the Walla Walla basin collaboratively and allow for the development and bi-state management of water supplies. Passage of this legislation would provide the mechanism to achieve this.

### Summary of the bill

*Section 1:* Section 1 amends existing law to clarify that Walla Walla applications for water rights will not be bound by the requirement that water resources be split 1/3 for instream and 2/3 for out-of-stream uses.

*Section 2:* Section 2 is all new law (highlights show changes from an earlier draft). This new section:

- (1) Requires coordination between WA, OR, federally recognized tribes, affected federal, state and local agencies, and agricultural, environmental, business and other community stakeholders in plan implementation.
- (2) Directs Ecology to employ an integrated strategy provide concurrent water supply benefits to both instream and out-of-stream uses, consistent with the WWW 2050 Strategic plan (this clarifies that the WWW 2050 Strategic plan is the guiding document rather than the existing requirement that is amended in section 1 of the bill)
- (3) Directs Ecology to include all water supply increases from plan implementation (after the effective date of the legislation) as new water supply.
- (4) Stipulates that Ecology will be advised by the BAC.
- (5) Requires Ecology, in consultation with federally recognized tribes, to develop a bi-state framework for water resource management.
- (6) Requires Ecology to submit a report to the legislature by June 30, 2025 with a recommendation for a bi-state legal framework.
- (7) Authorizes Ecology to fund projects in OR, provided that the projects benefit instream and out-of-stream water demands within WA.
- (8) Requires water supplies developed from plan implementation be apportioned consistent with written agreements between WA, OR and CTUIR
- (9) Authorizes Ecology to designate water supply developed through plan implementation for instream flows. Water designated for instream flows are unavailable to satisfy other existing water rights.
- (10) Requires water supplies developed to be managed consistent with the intent of the specific project being developed.
- (11) Authorizes up to fifty percent of funding to come from WA, with the remaining fifty percent to come from non-WA state funding (e.g., federal, Oregon, private, local, etc.)
- (12) Clarifies that this legislation does not affect existing water regulation in the basin.

## Key changes from earlier draft

Attached is the current draft of Ecology's request legislation<sup>1</sup>. Ecology anticipates receiving the Governor's Office approval to request this legislation before the start of the legislative session on January 9<sup>th</sup>.

The highlighted text in the attachment shows the changes made from the draft the BAC reviewed at its September meeting.

- The changes in Section 2(2) improve clarity with no effect on the bill.
- The changes in Section 2(3) state that only projects completed after the effective date of the bill (and that develop additional water supply) are to be managed consistent with the bill. This language is consistent with Ecology's intent that the authority to manage only additional developed project water under the provisions of the bill, but now is stated explicitly.
- The changes in Section 2(11) reflect language changes requested by the Office of Financial Management with no change to the effect on the bill, as well as addition of a provision at the request of CTUIR. The additional provision allows funds expended prior to the effective date of the bill to be part of the "non-state match" for at least half the cost of the overall implementation.

## Questions for the BAC

- What questions do you have about the current draft?
- Is there any reason you could not support this legislation?
- Would you be willing to testify and/or sign in showing your support during the committee hearings?
- Would a letter of support from the BAC be feasible?

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<sup>1</sup> The changes shown in this draft will **not** be in the version approved by the Governor's office, where an earlier draft is under consideration. The proposed changes in this current draft would be introduced as an amendment in committee.