

Sec. 1. RCW 19.27.097 and 2015 c 225 s 17 are each amended to read as follows:

(1) (a) Each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building. Evidence may be in the form of a water right permit from the department of ecology, a letter from an approved water purveyor stating the ability to provide water, or another form sufficient to verify the existence of an adequate water supply. ~~In addition to other authorities, the county or city may impose conditions on building permits requiring connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency.~~ An application for a water right shall not be sufficient proof of an adequate water supply.

(b) In areas where rules have been adopted under chapter 90.22 or 90.54 RCW that explicitly regulate permit-exempt groundwater withdrawals, evidence of an adequate water supply must be consistent with and may rely on the specific rule requirements.

(c) In areas where rules have been adopted under chapter 90.22 or 90.54 RCW that do not explicitly regulate permit-exempt groundwater withdrawals, evidence of an adequate water supply must be consistent with and may rely on the requirements established in section (5) of this act, unless an applicant provides other evidence of an adequate water supply that complies with chapters 90.03 and 90.44 RCW.

(d) In other areas of the state, physical and legal evidence of an adequate water supply may be demonstrated by submittal of water well report consistent with the requirements of chapter 18.104 RCW, except that additional

requirements may apply to demonstrate the physical and legal existence of an adequate water supply, as determined by the department of ecology, if the application is within:

(i) An area where water rights have been adjudicated in accordance with chapter 90.03 RCW and is subject to federal flow regulation, including the entire Yakima river basin (water resource inventory areas 37, 38, or 39);

(ii) An area where water rights have been adjudicated in a federal court action and is subject to federal flow regulation; or,

(iii) Water resource inventory areas 3 or 4, which were subject to the supreme court of Washington's October 3, 2013, opinion in *Swinomish Indian Tribal Community v. Washington State Department of Ecology*, 178 Wn.2d 571, 311 P.3d 6 (2013).

(2) In addition to other authorities, the county or city may impose additional requirements, including conditions on building permits requiring connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency.

~~(23)~~ Within counties not required or not choosing to plan pursuant to RCW 36.70A.040, the county and the state may mutually determine those areas in the county in which the requirements of subsection (1) of this section shall not apply. The departments of health and ecology shall coordinate on the implementation of this section. Should the county and the state fail to mutually determine those areas to be designated pursuant to this subsection, the county may petition the department of

enterprise services to mediate or, if necessary, make the determination.

(~~3~~4) Buildings that do not need potable water facilities are exempt from the provisions of this section. The department of ecology, after consultation with local governments, may adopt rules to implement this section, which may recognize differences between high-growth and low-growth counties.

Sec. 2. RCW 36.70A.070 and 2015 c 241 s 2 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. In providing for the protection of the quantity of groundwater used for public water supplies under

this chapter, a county or city must be consistent with and may rely on chapters 90.03, 90.22, 90.44, and 90.54 RCW and applicable rules adopted pursuant to those statutes. Plans must incorporate projections of water supply demands developed under Section 5 of this act. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community. In counties and cities subject to the review and evaluation requirements of RCW 36.70A.215, any revision to the housing element shall include consideration of prior review and evaluation reports and any reasonable measures identified.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital

facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW [36.70A.020](#) and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for

clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW [36.70A.060](#), and surface water and groundwater resources, which must be consistent with and may rely on applicable rules adopted pursuant to chapters 90.03, 90.22, 90.44, and 90.54 RCW; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW [36.70A.170](#).

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale

businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(16). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(16). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the office of financial management's ten-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW [35.77.010](#) for cities, RCW [36.81.121](#) for counties, and RCW [35.58.2795](#) for public transportation systems. The multiyear financing plan should be coordinated with the ten-year investment program developed by the office of financial management as required by RCW [47.05.030](#);

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW [36.70A.040](#), local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service,

ride-sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW [82.02.050](#)(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW [35.77.010](#) for cities, RCW [36.81.121](#) for counties, and RCW [35.58.2795](#) for public transportation systems, and the ten-year investment program required by RCW [47.05.030](#) for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW [36.70A.130](#). Requirements to incorporate any such new or amended elements shall be null and void until

funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

Sec. 3. RCW 58.17.110 and 1995 c 32 s 3 are each amended to read as follows:

(1) The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine: (a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) whether the public interest will be served by the subdivision and dedication.

(2) A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication. If it finds that the proposed subdivision and

dedication make such appropriate provisions and that the public use and interest will be served, then the legislative body shall approve the proposed subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under RCW 82.02.050 through 82.02.090 may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees imposed under RCW 82.02.050 through 82.02.090 shall be allowed that constitutes an unconstitutional taking of private property. The legislative body shall not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners.

(3) If the preliminary plat includes a dedication of a public park with an area of less than two acres and the donor has designated that the park be named in honor of a deceased individual of good character, the city, town, or county legislative body must adopt the designated name.

(4) A county or city must be consistent with and may rely on chapters 90.03, 90.22, 90.44, and 90.54 RCW and applicable rules adopted pursuant to those statutes in determining appropriate provisions for water supply for a subdivision, dedication, or short subdivision under this chapter.

Sec. 4. RCW 90.54.010 is amended as follows

(1) It is the intent of the legislature to protect and restore healthy stream flows for instream resources, which will aid in recovery of depleted salmonid populations, support properly functioning ecosystems, and provide for the general welfare of the citizens of the state. The legislature also intends to ensure that a legal and reliable domestic water supply is available for its citizens, which is essential to

support the vitality of our state, including rural communities.

(a) Healthy watersheds and stream flows ensure preservation of instream resources, which includes fish, wildlife, scenic, aesthetic, environmental, recreational, and navigational values. These resources are central to our state's identity, culture, and economy and shall be preserved and where possible enhanced for future generations.

(b) Inadequate stream flows adversely impact instream resources. Out-of-stream water use, loss of wetlands and floodplains, loss of vegetated cover, increase in impervious surfaces, loss of snowpack and other factors combined with naturally low flows which occur in late summer and fall contribute to stream flow limitations which are becoming an increasingly significant barrier to recovery of threatened and endangered species, especially salmonids.

(2) The legislature finds that:

(a) Proper utilization of the water resources of this state is necessary to the promotion of public health and the economic well-being of the state and the preservation of its natural resources and aesthetic values. Although water is a renewable resource, its supply and availability are becoming increasingly limited, particularly during summer and fall months and dry years when demand is greatest. Growth and prosperity have significantly increased the competition for this limited resource. Adequate water supplies are essential to meet the needs of the state's growing population and economy. At the same time instream resources and values must be preserved and protected so that future generations can continue to enjoy them.

(b) All citizens of Washington share an interest in the proper stewardship of our invaluable water resources. To ensure that available water supplies are managed to best meet both instream and ~~off~~out-of-stream needs a comprehensive watershed

restoration and enhancement program ~~planning process~~ is essential. The people of the state have the unique opportunity to work together to ~~plan and manage our water~~ restore and enhance instream resources. Through a comprehensive planning and watershed restoration process that includes the state, Indian tribes, local governments, and interested parties, it is possible to make better use of available water supplies and achieve better management of water resources. Through comprehensive planning and implementation of stream flow restoration and enhancement projects, conflicts among water users and interests can be reduced or resolved and instream resources can be improved. It is in the best interests of the state that comprehensive water resource planning and restoration be given a high priority so that water resources and associated values can be utilized and enjoyed today and protected for tomorrow.

(c) Diverse hydrologic, climatic, cultural, and socioeconomic conditions exist throughout the regions of the state. Water resource issues vary significantly across regions. Comprehensive water resource planning is best accomplished through a regional planning process sensitive to the unique characteristics and issues of each region.

(d) Comprehensive water resource planning must provide interested parties adequate opportunity to participate. Water resource issues are best addressed through cooperation and coordination among the state, Indian tribes, local governments, and interested parties.

(e) The long-term needs of the state require ongoing assessment of water availability, use, and demand. A thorough inventory of available resources is essential to water resource management. Current state water resource data and data management is inadequate to meet changing needs and respond to

competing water demands. Therefore, a state water resource data program is needed to support an effective water resource management program. Efforts should be made to coordinate and consolidate into one resource data system all relevant information developed by the department of ecology and other agencies relating to the use, protection, and management of the state's water resources.

(23) It is the purpose of this chapter to set forth fundamentals of water resource policy for the state to ~~±~~ensure that waters of the state are protected and fully utilized for the greatest benefit to the people of the state of Washington and, in relation thereto, to provide direction to the department of ecology, other state agencies and officials, and local government in carrying out water and related resources programs. It is the intent of the legislature to work closely with the executive branch, Indian tribes, local government, and interested parties to ~~±~~ensure that water resources of the state are wisely managed.

(4) To achieve the goals of this act, significant legislative action is needed to address both the impact of new development on stream flows and to restore and enhance properly functioning watersheds to preserve and enhance instream resources. The department is directed to implement a program to restore and enhance stream flows by establishing watershed restoration and enhancement committees, as specified in Section 5 of this act, to develop and implement plans for stream flow restoration to support vibrant fish and wildlife, including restoring threatened and endangered salmonids.

NEW SECTION. **Sec. 5.** A new section is added to chapter 90.54 RCW to read as follows:

(1) Unless requirements are otherwise specified in the

applicable rules adopted under this chapter or chapter 90.22 RCW, potential impacts on a closed water body and potential impairment to an instream flow are authorized for a new domestic or commercial groundwater withdrawal exempt from permitting under RCW 90.44.050 through compliance with the requirements established in this act.

(2)(a) The department shall establish watershed restoration and enhancement committees in each watershed with an instream flow rule adopted or amended prior to 2000 under this chapter or chapter 90.22 RCW.

(b) The department shall chair the watershed restoration and enhancement committee and invite the following entities to participate:

(i) A representative from each federally recognized Indian tribe that has reservation land within the water resource inventory area;

(ii) A representative from each federally recognized Indian tribe that has a usual and accustomed harvest area within the water resource inventory area;

(iii) A representative from the department of fish and wildlife, appointed by the director of the department of fish and wildlife;

(iv) A representative designated by each county within the water resource inventory area; and

(v) A representative designated by each city within the water resource inventory area.

(3) The department shall, no later than June 30, 2023, prepare and adopt a watershed restoration and enhancement plan for each water resource inventory area listed in this subsection, in collaboration with the watershed restoration and enhancement committee. Except as described in (3)(h) of this

section, all members of a watershed restoration and enhancement committee must approve the plan prior to adoption.

(a) The watershed restoration and enhancement plan should include recommendations for projects and actions which will measure, protect and enhance instream resources and improve watershed functions that support the recovery of threatened and endangered salmonids. Plan recommendations may include, but are not limited to, acquiring senior water rights, water conservation, water reuse, stream gaging, groundwater monitoring, and developing natural and constructed infrastructure, which includes such projects as surface water impoundment, floodplain restoration, off-channel storage, and aquifer recharge. Qualifying projects must be specifically designed to enhance stream flows and not result in negative impacts to ecological functions or critical habitat. Plans may also include projects that improve watershed functions and instream resources without specifically replacing the consumptive quantity from projected future water users.

(b) At a minimum, the plan must include those actions that the committee determines to be necessary to offset potential impacts to instream flows associated with permit-exempt domestic and commercial water use. The highest priority recommendations must include replacing the quantity of consumptive water use during the same time periods as the impact and in the same basin or tributary. Lower priority projects include projects not in the same basin or tributary, projects that replace consumptive water supply impact only during critical flow periods, and projects that protect or improve instream resources without replacing the consumptive quantity of water.

(c) Prior to adoption of the watershed restoration and enhancement plan, the department shall make a determination that

actions identified in the plan, after accounting for new projected uses of water over the subsequent twenty years, will result in a net ecological benefit to instream resources within the water resource inventory area.

(d) The watershed restoration and enhancement plan must include an evaluation or estimation of the cost of offsetting new domestic and commercial water uses over the subsequent twenty years, including withdrawals exempt from permitting under RCW 90.44.050.

(e) The watershed restoration and enhancement plan must include estimates of the cumulative consumptive water use impacts over the subsequent twenty years, including withdrawals exempt from permitting under RCW 90.44.050.

(f) The watershed restoration and enhancement plan may include:

(i) Recommendations for modification to fees established under this subsection;

(ii) Standards for water use quantities which are less than authorized under RCW 90.44.050 for withdrawals exempt from permitting;

(iii) Specific conservation requirements for new water users to be adopted by local or state permitting authorities; or,

(iv) Other approaches to manage water resources for a water resource inventory area or a portion thereof.

(g) After adoption of a watershed restoration and enhancement plan, the department shall evaluate the plan recommendations and initiate rulemaking, if necessary, to incorporate recommendations into rules adopted under this chapter or under chapter 90.22 RCW.

(h) If the watershed restoration and enhancement committee

fails to approve a plan by June 30, 2023, the director shall submit the final draft plan to the salmon recovery funding board established under RCW 77.85.110 and request the board provide technical review and give recommendations to the director to amend the final draft plan, if necessary, so that actions identified in the plan, after accounting for new projected uses of water over the subsequent twenty years, will result in a net ecological benefit to instream resources within the water resource inventory area. The director shall consider the recommendations, and may amend the plan without committee approval prior to adoption. After plan adoption, the director shall initiate rule-making within six months to incorporate recommendations into rules adopted under this chapter, and shall adopt amended rules within two years of initiation.

(4) To rely on the provisions of this act, a city or county issuing a building permit under 19.27.07 RCW, or approving a subdivision under chapter 58.17 RCW shall:

(a) Record relevant restrictions or limitations associated with water supply with the property title;

(b) Collect applicable fees, as described under this section;

(c) Keep account of the number of building permits issued under chapter 19.27 RCW or subdivision approvals issued under chapter 58.17 RCW subject to the provisions of this act;

(d) Annually remit to the department all fees collected;

(e) Annually remit accounting of building permits and subdivision approvals subject to the provisions of this act; and,

(f) Until rules have been adopted that specify otherwise, require the following measures for each new domestic and commercial use which rely on a withdrawal exempt from permitting

under RCW 90.44.050:

(i) An applicant shall pay a fee of one thousand five hundred dollars to the permitting authority;

(ii) An applicant may obtain approval for a single domestic or commercial indoor use only, with a maximum annual average withdrawal of three hundred fifty gallons per day;

(iii) An applicant shall manage stormwater runoff onsite to the extent practicable by maximizing infiltration using green infrastructure including low impact development techniques, or pursuant to stormwater management requirements adopted by the local permitting authority, if locally adopted requirements are more stringent.

(5) The department shall initiate rulemaking under this chapter in at least one water resource inventory area every four years in a basin in which instream flow rules do not exist, and for prioritization of which areas to address, will consider:

(a) Population growth rates over the past ten years;

(b) Presence of threatened or endangered species;

(c) Vulnerability of instream resources to impacts from low flows; and

(d) If the water resource inventory area is identified as a salmon critical basin by the department.

(6) Rules adopted under this chapter may:

(a) Rely on watershed restoration and enhancement plan recommendations and procedures established in this act to authorize new withdrawals exempt from permitting under RCW 90.44.050 that would potentially impact a closed waterbody or a minimum flow or level;

(b) Rely on projects identified in the watershed restoration and enhancement plan to offset consumptive water use; and,

(c) Include updates to fees based on the watershed restoration and enhancement committee's determination of the costs for offsetting consumptive water use.

(7) The department shall submit a report to the legislature by December 31, 2022 and December 31, 2027, in compliance with RCW 43.01.036, that includes the following elements:

(a) Progress in completing and adopting a watershed restoration and enhancement plans;

(b) A description of program projects and expenditures;

(c) An assessment of the streamflow restoration and enhancement benefits from program projects;

(d) A listing of other efforts or actions taken associated with streamflow restoration and enhancement, projects to benefit instream resources, and other directly related watershed improvements conducted in coordination with the restoration and enhancement planning process;

(e) The total number of new withdrawals exempt from permitting under RCW 90.44.050 authorized in each water resource inventory area under provisions of this act, and estimates of consumptive water use impacts associated with the new withdrawals; and,

(f) A description of potential or planned projects, including projected costs and anticipated streamflow, water supply and watershed health benefits.

NEW SECTION. **Sec. 6.** A new section is added to chapter 90.54 to read as follows:

(1) The department shall initiate a pilot project to measure water use from all new groundwater withdrawals, including withdrawals exempt from permitting under RCW 90.44.050. The pilot project will be conducted to determine the overall feasibility of measuring water use for all new

groundwater withdrawals. The pilot shall be conducted in a priority water resource inventory area, as determined by the director. At a minimum, the pilot shall address the following:

(a) Initial and on-going costs, including costs to individual property owners, local government and the department;

(b) Technical, practical and legal considerations that must be addressed;

(c) The costs and benefits of a water use measurement program relying on individual meters versus a water management program that estimates permit-exempt groundwater withdrawals; and,

(d) Measures to protect the privacy of individual property owners and ensure accurate data collection.

(2) The department shall report on the pilot project results in the report to the legislature submitted under section 5 of this act. The department shall include recommendations to the legislature, including estimated program costs for expanding the pilot project to other basins.

NEW SECTION. **Sec. 7.** A new section is added to chapter 90.54 RCW to read as follows:

Nothing in this chapter affects the ability of any person to pursue a cause of action for the protection of any water right that is not a base flow, minimum flow, minimum level, or other similar standard or policy, established by the department under this chapter or chapter 90.22 RCW.

NEW SECTION. **Sec. 8.** A new section is added to chapter 90.54 RCW to read as follows:

The watershed restoration and enhancement account is created in the custody of the state treasurer. All receipts from fees

paid pursuant to section 5 of this act must be deposited into the account. The account may also receive such moneys as may be appropriated by the legislature for the purpose of funding restoration and enhancement projects as identified in section 5 of this act. Expenditures from the account may be used only for the costs of administering this act, including implementing watershed restoration and enhancement projects under section 5 of this act, and collecting data and completing studies necessary to develop, implement, and evaluate watershed restoration and enhancement projects under this act. Only the director or the director's designee may authorize expenditures from the account. Fee revenues collected under section 5 of this act must be used exclusively within the water resource inventory area in which the fee originated. This restriction does not apply to moneys in the watershed restoration and enhancement account that do not originate from fees collected under section 5 of this act.

NEW SECTION. **Sec. 9** (1) The watershed restoration and enhancement taxable bond account is created in the state treasury. All receipts from direct appropriations from the legislature, or moneys directed to the account from any other sources must be deposited in the account. Moneys in the account may be spent only after appropriation. The account is intended to fund projects using taxable bonds. Expenditures from the account may be used only as provided in this section.

(2) (a) Expenditures from the watershed restoration and enhancement taxable bond account may be used to assess, plan, and develop projects that include acquiring senior water rights, water conservation, water reuse, stream gaging, groundwater monitoring, and developing natural and constructed infrastructure, which includes such projects as surface water impoundment, floodplain

restoration, off-channel storage, and aquifer recharge, or other actions designed to provide access to new water supplies within watersheds developing plans as directed by section 5 of this Act.

NEW SECTION. **Sec. 10** (1) The watershed restoration and enhancement bond account is created in the state treasury. All receipts from direct appropriations from the legislature, or moneys directed to the account from any other sources must be deposited in the account. Moneys in the account may be spent only after appropriation. The account is intended to fund projects using taxable bonds. Expenditures from the account may be used only as provided in this section.

(2) (a) Expenditures from the watershed restoration and enhancement bond account may be used to assess, plan, and develop projects that include acquiring senior water rights, water conservation, water reuse, stream gaging, groundwater monitoring, and developing natural and constructed infrastructure, which includes such projects as surface water impoundment, floodplain restoration, off-channel storage, and aquifer recharge, or other actions designed to provide access to new water supplies within watersheds developing plans as directed by section 5 of this Act.

NEW SECTION. **Sec. 11.** (1) A joint legislative task force on water resource mitigation is established to make recommendations to the legislature on the necessary authority in RCW Title 90 for the department to authorize mitigation for impacts to instream flows, fish or aquatic habitat from appropriations of water in areas where instream flows have been adopted by rule. These recommendations must address the authority of the department to authorize water resource mitigation in the following sequence:

(a) avoiding impacts by (i) complying with applicable mitigation requirements established in the rule setting forth minimum flows, levels, or closures; or (ii) making the water diversion or withdrawal subject to the applicable minimum flows or levels;

(b) where avoidance is not reasonably attainable, minimizing impacts by providing replacement water supply resulting in no net annual increase in the quantity of water diverted or withdrawn from the stream or surface water body and no net detrimental impacts to fish and related aquatic resources; and

(c) where avoidance and minimization are not reasonably attainable, compensating for impacts by providing net ecological benefits to fish and related aquatic resources in the water resource inventory area through out-of-kind mitigation, which may include instream or out of stream measures that improve or enhance existing water quality, riparian habitat, and other stream conditions, or any other measures that improve the function and productivity of affected fish populations and related aquatic habitat;

(2) The task force must consist of the following members:

(a) Two members from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) Two members from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) A representative from the department of ecology, appointed by the director of the department of ecology;

(d) A representative from the department of fish and wildlife, appointed by the director of the department of fish

and wildlife;

(e) A representative from the department of agriculture, appointed by the director of the department of agriculture;

(f) One representative from each of the following groups, appointed by the consensus of the cochairs of the task force:

(i) An organization representing the farming industry in Washington;

(ii) An organization representing Washington cities;

(iii) Two representatives from an environmental advocacy organization or organizations,

(iv) An organization representing municipal water purveyors;

(v) An organization representing business interests;

(vi) Representatives of two federally recognized Indian tribes, one invited by recommendation of the northwest Indian fisheries commission, and one invited by recommendation of the Columbia river intertribal fish commission.

(2) One cochair of the task force must be a member of the largest caucus of the house of representatives, and one cochair must be a member of the largest caucus of the senate, as those caucuses existed as of the effective date of this section.

(3) The first meeting of the task force must occur by June 30, 2018.

(4) Staff support for the task force must be provided by the office of program research and senate committee services. The department of ecology and the department of fish and wildlife shall cooperate with the task force and provide information as the cochairs reasonably request.

(5) Within existing appropriations, the expenses of the operations of the task force, including the expenses associated with the task force's meetings, must be paid jointly and in equal amounts by the senate and the house of representatives. Task force expenditures are subject to approval by the house executive rules committee and the senate facility and operations committee. Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(6) (a) By November 15, 2019, the joint legislative task force must make recommendations to the legislature.

(b) Recommendations of the joint legislative task force must be made by a three-fourths majority of the members of the committee. The representatives of the departments of fish and wildlife, ecology, and agriculture are not eligible to vote on the recommendations. Minority recommendations that achieve the support of at least five of the named voting members of the task force may also be submitted to the legislature.

(7) The joint legislative task force expires December 31, 2019.

(8) This section expires January 1, 2020.

NEW SECTION. **Sec. 12.** Two hundred million dollars are authorized for projects to achieve the goals of this act until January 1, 2028. The department is directed to implement a program to restore and enhance stream flows by fulfilling

obligations under this act to develop and implement plans to restore stream flows to levels necessary to support robust, healthy and sustainable salmon populations.

If specific authority to issue general obligation bonds of at least two hundred million dollars for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2018 in a bond authorization act, this act is null and void.

NEW SECTION. **Sec. 13.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 14.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

BOND BILL AUTHORIZATION

NEW SECTION. **Sec. 001** For the purpose of providing funds for the watershed restoration and enhancement program, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of two hundred million dollars, or as much thereof as may be required, to finance the projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. **Sec. 002** It is the intent of the legislature that the proceeds of the new bonds authorized in section 001 of this act will be appropriated in phases over five biennia, beginning with the 2017-2019 biennium. This is not intended to limit the legislature's ability to appropriate bond proceeds if the full amount authorized in section 001 of this act has not been appropriated after five biennia. The authorization to issue bonds contained in section 001 of this act does not expire until the full authorization has been appropriated and issued.

NEW SECTION. **Sec. 003** The proceeds from the sale of the bonds authorized in section 201 of this act shall be deposited in the watershed restoration and enhancement bond account created in chapter ... (House or Senate Bill No. XXX), Laws of XXX. If the state finance committee deems it necessary to issue the bonds authorized in section 201 of this act as taxable bonds in order to comply with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond

proceeds, the proceeds of such taxable bonds shall be deposited into the watershed restoration and enhancement taxable bond account created in chapter ... (House or Senate Bill No. XXX), Laws of XXX. The state treasurer shall submit written notice to the director of financial management if it is determined that any such transfer to the state taxable building construction account is necessary. Moneys in the account may be spent only after appropriation. The proceeds shall be used exclusively for the purposes specified in section 001 of this act and for the payment of expenses incurred in the issuance and sale of the bonds. These proceeds shall be administered by the office of financial management, subject to legislative appropriation.

NEW SECTION. **Sec. 004** The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in section 201 of this act. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. On each date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date. Bonds issued under section 001 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee

for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. **Sec. 005** The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 001 of this act, and section 004 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION. **Sec. 006** The bonds authorized in section 001 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

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