



CLEAN, FLOWING WATERS FOR WASHINGTON

The Center for Environmental Law & Policy

April Legislative Update

By Maggie Franquemont

At the beginning of the 2023 Legislative Session our legislative priorities focused on supporting two bills focused on building water resiliency into our current system and on killing any potential bill that emerged from the Joint Taskforce on Water Resource Mitigation (the Foster Taskforce).

The first of two bills we started the session supporting was the [Drought Preparedness Bill \(HB 1138\)](#). The second bill that we began the session supporting is the [Drinking Water Resiliency Bill \(SB 5094\)](#). Both of these bills are similar to bills that we supported that did not pass during the 2022 Legislative Session for various reasons. We support both bills because they are both aimed at improving conservation and improving both municipal and agricultural water users resiliency as water becomes more scarce. These improvements will have direct impacts on the type and number of threats facing instream flows and groundwater availability. HB 1138 passed through the House and the policy committee in the Senate, it is currently scheduled for hearing in the Ways & Means committee. We expect this bill to pass. SB 5094 passed through the Senate and the policy committee in the House, it is currently referred to the Appropriations committee. We expect this bill to pass.

Other bills that we supported but weren't expecting prior to the session included a bill regarding the [Walla Walla plan \(HB 1322\)](#), a bill tightening restrictions on PCB pollution (SB 5369), and a more general climate resiliency bill focused on updating the state's integrated [climate response strategy \(HB 1170\)](#). With our partners for Washington's Clean and Abundant Waters Lobby Week we also supported a bill [reducing plastic pollution \(HB 1085\)](#) and a bill modifying the timelines for the [Nooksack and Middle Columbia water rights adjudication processes \(HB 1792\)](#). All of these bills have passed through their house of origin and are moving through the process in the second chamber.

Our main goal at the start of this Legislative Session was to kill any damaging legislation that came from the recommendations from the [Joint Taskforce of Water Resource Mitigation](https://leg.wa.gov/JointCommittees/WRM/Pages/default.aspx). <https://leg.wa.gov/JointCommittees/WRM/Pages/default.aspx> This taskforce was created to address the issues that many municipal water suppliers had with the outcome of the Foster case and was due to make recommendations to the legislature this year following several years of work. [Senate Bill 5517](#) was introduced as a bill stemming from the recommendations of the taskforce but it actually included both the majority and minority recommendations including a section that would allow for out-of-kind mitigation. This bill would have a dramatic impact on instream flows. We

employed several tactics to kill this bill. It was one of the bills that both our volunteers and our partner's volunteers focused on while talking to their elected officials during Washington's Clean and Abundant Waters Lobby Week.

We also continued to work with our coalition of allies from the Foster taskforce to get tribes, non-profits, and the Department of Fish and Wildlife to openly oppose the bill. We traveled to Olympia and testified in person when this bill was heard in committee and we rallied more than 200 people to sign in as opposed to the bill during that same committee meeting. We also had instrumental meetings with several representatives on the committee prior to the committee's vote on the bill. With all this effort we were able to kill the bill in committee. This was an extremely important bill to kill and CLEP played a key role in several different coalitions to bring forth opposition.

We also opposed several other bills that would have had damaging effects on our water resources including a bill that sought to undermine the court case where we recently filed an amicus brief ([SB 5622](#)). None of these bills passed their house of origin ([SB 5628](#), [HB 1285](#), and [SB 5157](#)).

As of this newsletter, we are pleased with the current state of the 2023 Legislative Session. We are continuing to monitor both our interests in the budget and the bills we support to ensure that they continue to move smoothly through the process to full passage.