RCW 90.82.040  WRIA planning units—Watershed planning grants—Eligibility criteria—Administrative costs. (1) Once a WRIA planning unit has been initiated under RCW 90.82.060 and a lead agency has been designated, it shall notify the department and may apply to the department for funding assistance for conducting the planning and implementation. Funds shall be provided from and to the extent of appropriations made by the legislature to the department expressly for this purpose.

(2)(a) Each planning unit that has complied with subsection (1) of this section is eligible to receive watershed planning grants in the following amounts for the first three phases of watershed planning and phase four watershed plan implementation:

(i) Initiating governments may apply for an initial organizing grant of up to fifty thousand dollars for a single WRIA or up to seventy-five thousand dollars for a multi-WRIA management area in accordance with RCW 90.82.060(4);

(ii)(A) A planning unit may apply for up to two hundred thousand dollars for each WRIA in the management area for conducting watershed assessments in accordance with RCW 90.82.070, except that a planning unit that chooses to conduct a detailed assessment or studies under (a)(ii)(B) of this subsection or whose initiating governments choose or have chosen to include an instream flow or water quality component in accordance with RCW 90.82.080 or 90.82.090 may apply for up to one hundred thousand additional dollars for each instream flow and up to one hundred thousand additional dollars for each water quality component included for each WRIA to conduct an assessment on that optional component and for each WRIA in which the assessments or studies under (a)(ii)(B) of this subsection are conducted.

(B) A planning unit may elect to apply for up to one hundred thousand additional dollars to conduct a detailed assessment of multipurpose water storage opportunities or for studies of specific multipurpose storage projects which opportunities or projects are consistent with and support the other elements of the planning unit’s watershed plan developed under this chapter; and

(iii) A planning unit may apply for up to two hundred fifty thousand dollars for each WRIA in the management area for developing a watershed plan and making recommendations for actions by local, state, and federal agencies, tribes, private property owners, private organizations, and individual citizens, including a recommended list of strategies and projects that would further the purpose of the plan in accordance with RCW 90.82.060 through 90.82.100.

(b) A planning unit may request a different amount for phase two or phase three of watershed planning than is specified in (a) of this subsection, provided that the total amount of funds awarded do not exceed the maximum amount the planning unit is eligible for under (a) of this subsection. The department shall approve such an alternative allocation of funds if the planning unit identifies how the proposed alternative will meet the goals of this chapter and provides a proposed timeline for the completion of planning. However, the up to one hundred thousand additional dollars in funding for instream flow and water quality components and for water storage assessments or studies that a planning unit may apply for under (a)(ii)(A) of this subsection may be used only for those instream flow, water quality, and water storage purposes.

(c) By December 1, 2001, or within one year of initiating phase one of watershed planning, whichever occurs later, the initiating
governments for each planning unit must inform the department whether
they intend to have the planning unit establish or amend instream
flows as part of its planning process. If they elect to have the
planning unit establish or amend instream flows, the planning unit is
eligible to receive one hundred thousand dollars for that purpose in
accordance with (a)(ii) of this subsection. If the initiating
governments for a planning unit elect not to establish or amend
instream flows as part of the unit's planning process, the department
shall retain one hundred thousand dollars to carry out an assessment
to support establishment of instream flows and to establish such flows
in accordance with RCW 90.54.020(3)(a) and chapter 90.22 RCW. The
department shall not use these funds to amend an existing instream
flow unless requested to do so by the initiating governments for a
planning unit.

(d) In administering funds appropriated for supplemental funding
for optional plan components under (a)(ii) of this subsection, the
department shall give priority in granting the available funds to
proposals for setting or amending instream flows.

(e) A planning unit may apply for a matching grant for phase four
watershed plan implementation following approval under the provisions
of RCW 90.82.130. A match of ten percent is required and may include
financial contributions or in-kind goods and services directly related
to coordination and oversight functions. The match can be provided by
the planning unit or by the combined commitments from federal
governments, tribal governments, local governments, special districts, or
other local organizations. The phase four grant may be up to one
hundred thousand dollars for each planning unit for each of the first
three years of implementation. At the end of the three-year period, a
two-year extension may be available for up to fifty thousand dollars
each year. For planning units that cover more than one WRIA,
additional matching funds of up to twenty-five thousand dollars may be
available for each additional WRIA per year for the first three years
of implementation, and up to twelve thousand five hundred dollars per
WRIA per year for each of the fourth and fifth years.

(3)(a) The department shall use the eligibility criteria in this
subsection (3) instead of rules, policies, or guidelines when
evaluating grant applications at each stage of the grants program.

(b) In reviewing grant applications under this subsection (3),
the department shall evaluate whether:

(i) The planning unit meets all of the requirements of this
chapter;

(ii) The application demonstrates a need for state planning funds
to accomplish the objectives of the planning process; and

(iii) The application and supporting information evidences a
readiness to proceed.

(c) In ranking grant applications submitted at each stage of the
grants program, the department shall give preference to applications
in the following order of priority:

(i) Applications from existing planning groups that have been in
existence for at least one year;

(ii) Applications that address protection and enhancement of fish
habitat in watersheds that have aquatic fish species listed or
proposed to be listed as endangered or threatened under the federal
endangered species act, 16 U.S.C. Sec. 1531 et seq. and for which
there is evidence of an inability to supply adequate water for
population and economic growth from:

(A) First, multi-WRIA planning; and
(B) Second, single WRIA planning;
(iii) Applications that address protection and enhancement of fish habitat in watersheds or for which there is evidence of an inability to supply adequate water for population and economic growth from:
(A) First, multi-WRIA planning; and
(B) Second, single WRIA planning.
(d) Except for phase four watershed plan implementation, the department may not impose any local matching fund requirement as a condition for grant eligibility or as a preference for receiving a grant.
(4) The department may retain up to one percent of funds allocated under this section to defray administrative costs.
(5) Planning under this chapter should be completed as expeditiously as possible, with the focus being on local stakeholders cooperating to meet local needs.
(6) Funding provided under this section shall be considered a contractual obligation against the moneys appropriated for this purpose. [2003 1st sp.s. c 4 § 2; 2001 c 237 § 2; 1998 c 247 § 1; 1997 c 442 § 105.]

Findings—2003 1st sp.s. c 4: "The legislature declares and reaffirms that a core principle embodied in chapter 90.82 RCW is that state agencies must work cooperatively with local citizens in a process of planning for future uses of water by giving local citizens and the governments closest to them the ability to determine the management of water in the WRIA or WRIAs being planned. The legislature further finds that this process of local planning must have all the tools necessary to accomplish this task and that it is essential for the legislature to provide a clear statutory process for implementation so that the locally developed plan will be the adopted and implemented plan to the greatest extent possible." [2003 1st sp.s. c 4 § 1.]

Finding—Intent—2001 c 237: "The legislature is committed to meeting the needs of a growing population and a healthy economy statewide; to meeting the needs of fish and healthy watersheds statewide; and to advancing these two principles together, in increments over time.
The legislature finds that improved management of the state's water resources, clarifying the authorities, requirements, and timelines for establishing instream flows, providing timely decisions on water transfers, clarifying the authority of water conservancy boards, and enhancing the flexibility of our water management system to meet both environmental and economic goals are important steps to providing a better future for our state.
The need for these improvements is particularly urgent as we are faced with drought conditions. The failure to act now will only increase the potential negative effects on both the economy and the environment, including fisheries resources.
Deliberative action over several legislative sessions and interim periods between sessions will be required to address the long-term goal of improving the responsiveness of the state water code to meet the diverse water needs of the state's citizenry. It is the intent of the legislature to begin this work now by providing tools to enable the state to respond to imminent drought conditions and other
immediate problems relating to water resources management. It is also
the legislature's intent to lay the groundwork for future legislation
for addressing the state's long-term water problems." [2001 c 237 §
1.]

**Severability**—2001 c 237: "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." [2001 c 237 § 33.]

**Effective date**—2001 c 237: "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 [May 10, 2001]." [2001 c 237 § 34.]

**Intent**—2001 c 237: See note following RCW 90.66.065.