



## **Passage of Hirst Legislation – Whatcom County Highlights**

*January 19, 2018 – For Immediate Release*

The Washington State Legislature successfully passed a bill last night that includes a Hirst agreement. It is important to keep in mind the complexity of water issues and that this bill has been accomplished after months of negotiation and compromise in Olympia. The bill provides a solution for landowners that allow for building permits to be issued using new permit-exempt wells, allows for Counties to rely on Ecology rules for water resources, and includes appropriation of millions of dollars for watershed projects to enhance stream flows and fish habitat. All of these items are similar to the requests that we, as a County, have been asking the Legislature to take action on since the Supreme Court decision in October of 2016.

Here are some of the Hirst Agreement highlights for Whatcom County;

- Allows for new exempt wells to use up to 3,000 gallons per day
- Requires a \$500 fee for new exempt wells
- Declares that existing exempt wells are not impacted
- Allows counties to rely on Ecology rules for water resources
- Does not require metering but creates two pilot projects on measuring water use in other areas of the State
- Assumes a portion of the \$300 Million for watershed projects in the WRIA 1 (Nooksack) basin
- Requires that Department of Ecology work with County and other government members of the Watershed Management Board and planning unit to update the watershed plan for projects and plans to measure, protect, and enhance instream resources and improve watershed functions that support recovery of threatened and endangered salmonids
- Requires that the updated watershed plan is locally adopted in WRIA 1 (Nooksack) by February 1, 2019, or Ecology must adopt no later than August 1, 2020.

More information is available at the following link, <http://app.leg.wa.gov/billsummary?BillNumber=6091&Year=2018>. Now that the legislature has passed the bill Governor Inslee has indicated that he intends to sign this important piece of legislation in short order.

Overall, this legislation creates certainty for property owners to move forward using exempt wells for building permits in rural areas. However, the bill also prescribes a challenging planning process, including a very short timeline (Feb. 2019) to reach local consensus on an updated plan for long-term watershed projects necessary to improve instream flows and enhance salmon habitat. We as a community, and the interested parties, will need to diligently work together with specific focus to the legislation requirements to be able to accomplish this work within that timeframe.

County staff, directed by the Executive will be working rapidly to review the bill in its entirety, in order to start accepting permits as allowed by the legislation. This work will be a priority, along with the other obligations that will need to be accomplished in the next year, as outlined in the bill.

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