



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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August 10, 2009

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**RE: Establishment of the Walla Walla Water Management Board**

Gentlemen:

The State of Washington, Department of Ecology (Ecology), is in receipt of the July 24, 2009, collective petition and resolutions to establish a Water Management Board in the Walla Walla Water Resources Inventory Area (WRIA 32). The petition was submitted under Chapter 183, Laws of 2009, a new law established by Second Substitute House Bill 1580 (the Act) regarding establishment of water management boards under a 10-year pilot program in order to serve as a local comprehensive water management structure in eligible basins.

Ecology has reviewed the petition and finds that it satisfies the requirements outlined in Section 3(2)(a) of the Act. The petition provides supporting information demonstrating to Ecology that:

- There is community support for the development of a local watershed management plan for the Walla Walla planning area defined in Attachment A of the petition;
- The initiating entities and the affected community have been addressing a wide range of water challenges and are committed to continue to enhance stream flows for fish; and
- The comprehensive monitoring program set up by the basin partners, including Ecology, is adequate to monitor and evaluate surface and groundwater resources and fish conditions.

Further, under Section 3(2)(b) of the Act, Ecology has determined that:

- The instream flow rule for WRIA 32, Chapter 173-532 WAC, was adopted in August 2007;
- The planning area is located within one of the sixteen fish-critical basins designated in Ecology's "Washington Water Acquisition Program;"
- In June 2006, the Walla Walla watershed planning unit completed a watershed implementation plan under Chapter 90.82 RCW and a salmon recovery implementation plan under Chapter 77.85 RCW; and
- The surface water rights in the Walla Walla Basin were adjudicated in 1928.



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Therefore, Ecology finds that all of the requirements specified in Section 3 of the Act are satisfied and hereby approves the establishment of the Water Management Board (Board) for the Walla Walla planning area outlined in Attachment A of the petition.

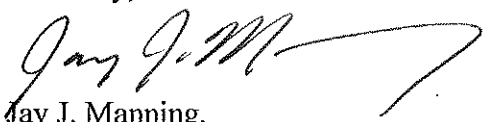
Ecology has determined that a board established pursuant to the Act is not a state agency, a subagency of Ecology, or a unit of local government. Rather, Ecology is of the opinion that such boards are local public agencies that are similar to a special purpose district or other local political subdivision. Our conclusion is supported by the lack of explicit language in the Act declaring the Board to be an agency of the state, the fact that boards operate independently within water basins and not on a statewide basis, and because boards assume the duties and responsibilities of a local watershed planning unit.

Accordingly, because the Board is a local public agency, we believe that it is subject to the Open Public Meetings Act, RCW 42.30, and the Public Records Act, RCW 42.56. Because the Board is not an agency of the state, it would not be subject to the Administrative Procedure Act, RCW 34.05. Finally, the Board would not be entitled to representation by the Attorney General. *See* RCW 43.10.045 (providing that the Attorney General represents only agencies, boards, and commissions of the state).

As stated in Section 5 of the Act, the Board is an independently-funded entity and may provide for its own funding to assume the responsibilities outlined in the Act. For fiscal years 2010 and 2011, the Legislature provided \$450,000 (\$215,000 for FY 2010 and \$235,000 for FY 2011) to assist the Board to carry out the authorities, duties, and responsibilities set forth in the Act. Ecology is working on the grant funding and anticipates approving such funding for the Board's use in the near future.

Thank you for stepping forward and assuming this challenging and rewarding responsibility, and my congratulations to all of you and to the new Board. I look forward to working with you on a wide range of pressing water issues in the Walla Walla Basin. Please contact Ms. Hedia Adelsman at [hade461@ecy.wa.gov](mailto:hade461@ecy.wa.gov) / (360) 407-6222 if you have any questions.

Sincerely,



Jay J. Manning,

Director

cc:	Hedia Adelsman	Ecology – Climate Policy Group
	Grant Pfeifer	Ecology, Eastern Regional Office Director
	Cathy Schaeffer	Walla Walla County Watershed Planning Director
	Evan Sheffels	Ecology, Special Assistant to the Director – Water Policy
	Ken Slattery	Ecology, Water Resources Program Manager
	Ted Sturdevant	Ecology, Director, Governmental Relations

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