
HOUSE BILL 2940

State of Washington

66th Legislature

2020 Regular Session

By Representative Kretz

1 AN ACT Relating to restoring a wild Skagit river; amending RCW
2 90.16.090; and creating new sections.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that, of the
5 many noble rivers to grace our state, few are possessed of such
6 varied majesty as the mighty Skagit river. Five species of salmon -
7 chinook, coho, sockeye, pink, and chum - call it home. The remarkable
8 wildlife, fish, and scenic qualities of the Skagit river have earned
9 more than one hundred miles of the Skagit river and its tributaries a
10 wild and scenic designation under the federal wild and scenic rivers
11 act. In its lower reaches, the farmland nurtured by the Skagit river
12 is some of the most agriculturally diverse and productive in the
13 world. Skagit valley soils are ranked in the top two percent of all
14 soils, and more than eighty different crops, as well as livestock and
15 dairy products, are produced within the bounds of the Skagit river's
16 watershed. The river's middle reaches host one of the largest
17 wintering bald eagle populations in the continental United States. In
18 its upper reaches are found north Cascades national park and the
19 majestic volcanoes of Mount Baker and Glacier Peak. The clear, cold
20 snowmelt from these and their fellow peaks of the north Cascades has
21 long been vital to the survival of the Skagit river's salmon,

1 providing oxygen-rich water to salmon eggs and fry in the upper
2 reaches, filling deep and cool pools during the summer, and fueling
3 rich estuaries as a crucial food source for juvenile salmon. These
4 Skagit salmon, once they leave freshwater and embark on the next
5 stage of their life journey through Saratoga passage and out to the
6 world beyond, represent a critical link in the complex food chain of
7 Puget Sound and the north Pacific Ocean. In particular, these salmon,
8 and especially the chinook salmon, are a vital food source for
9 southern resident killer whales, whose population is now at its
10 lowest level in more than three decades.

11 (2) The Skagit river's mighty elevations and immense flows have
12 proven attractive to builders of dams, too. The first hydroelectric
13 dam was built on the Skagit river nearly one hundred years ago. Now,
14 the mainstem of the Skagit river is blocked by three dams: Diablo
15 dam; Gorge dam; and Ross dam. These dams have stilled approximately
16 thirty-five miles of what had once been a vibrant, free-flowing
17 section of the Skagit river. The impacts these dams have had on the
18 Skagit river have been significant. They have starved the river of
19 the sediments needed to maintain healthy and productive estuaries at
20 the mouth of the Skagit. They have altered the natural flow regime
21 that the salmon of the Skagit river came to depend on over thousands
22 of years. They have blocked miles of spawning habitat. The scarcity
23 of water in the Skagit basin, and its effects on salmon and wildlife,
24 on agriculture, and on homebuilding, have been well documented. But
25 despite the direct and substantial impacts these dams have created
26 for the Skagit river, the electricity produced by these three dams
27 represents less than three percent of the total electricity delivered
28 to Washington customers in 2016, the most recent year for which data
29 are available. By contrast, in 2016 Washington's utilities served
30 their customers with nearly twice that amount of electricity from
31 clean, renewable energy sources like biomass, solar, and wind. In
32 addition, as Washington continues to take a leadership role in
33 diversifying its energy portfolio, the significance of these dams for
34 the state's total energy supply will only continue to shrink.

35 (3) Where so much depends on a healthy, naturally flowing Skagit
36 river, where the electricity produced by these three dams represents
37 such a small portion of Washington's overall energy supply, and where
38 this electricity production can be met elsewhere with further
39 development of clean and renewable energy resources such as wind and
40 solar, the legislature finds that the time has come to critically

1 examine whether the operation of these dams continues to serve the
2 best interests of the state.

3 **Sec. 2.** RCW 90.16.090 and 2007 c 286 s 2 are each amended to
4 read as follows:

5 (1) All fees paid under provisions of this chapter, shall be
6 credited by the state treasurer to the reclamation account created in
7 RCW 89.16.020 and subject to legislative appropriation, be allocated
8 and expended by the director of ecology for:

9 (a) Investigations and surveys of natural resources in
10 cooperation with the federal government, or independently thereof,
11 including stream gaging, hydrographic, topographic, river,
12 underground water, mineral and geological surveys; and

13 (b) Expenses associated with staff at the departments of ecology
14 and fish and wildlife working on federal energy regulatory commission
15 relicensing and license implementation, except that, until June 30,
16 2021, for all fees paid under the provisions of this chapter in
17 connection with the operation of Diablo dam, Gorge dam, and Ross dam,
18 such fees must be expended by the departments of fish and wildlife
19 and ecology for the sole purpose of conducting an investigation into
20 the benefits, costs, and feasibility of the decommissioning and
21 removal of Diablo dam, Gorge dam, and Ross dam. The investigation
22 must include, at a minimum, a consideration of the impact that
23 removal of the dams would have on:

24 (i) Providing the sediments necessary for a healthy estuarine
25 ecosystem;

26 (ii) The availability and distribution of spawning habitat;

27 (iii) Groundwater recharge;

28 (iv) Water temperature;

29 (v) Oxygen levels;

30 (vi) Salmon populations;

31 (vii) Instream flows;

32 (viii) The availability of water within the Skagit basin for
33 residential, agricultural, and municipal purposes; and

34 (ix) Southern resident killer whale populations.

35 (2) Unless otherwise required by the omnibus biennial
36 appropriations acts, the expenditures for these purposes must be
37 proportional to the revenues collected under RCW 90.16.050(1).

1 NEW SECTION. **Sec. 3.** By June 1, 2021, the department of fish
2 and wildlife, in consultation with the department of ecology, shall
3 provide a report to the legislature, consistent with RCW 43.01.036,
4 that describes the results of the investigation undertaken pursuant
5 to RCW 90.16.090(1)(b).

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