

SWEEPING NEW WATER CASE EFFECTIVELY ENDS NEW PERMIT-EXEMPT WELLS

Last week, the State Supreme Court issued a far-reaching decision in *Whatcom County v. Western Washington Growth Management Hearings Board* (also known as the *Hirst* case). It is a clear loss for landowners who have planned to develop property using the state's exempt well statute, and it will affect real estate markets and land use planning in many areas.

The core of the decision is that the GMA requires local governments to protect water resources and water quality. The ruling prohibits the use of permit-exempt wells in rural areas because this potentially impacts the instream flows and other senior water rights. It is now the responsibility of the county to ensure that water is legally available. In addition, the court stated that a local government cannot rely on an Ecology instream flow rule that allows continued use of exempt wells through an exemption to the flow rule.

The decision states that all exempt well permit applications need to

prove they do not affect existing senior water rights. As a result, GMA counties now will require a demonstration that any new exempt well won't impair senior water rights, including numeric minimum flows set by Ecology in an instream flow rule. As a practical matter, no one knows how this will occur.

The majority opinion directly ties water resource issues and land use planning together. The Court states "GMA places an independent responsibility to ensure water availability on counties, not on Ecology. This case will stop counties from granting building permits that rely on permit-exempt wells. The decision also creates different standards between GMA and non-GMA planning counties."

The Court's decision leaves many unanswered questions. One thing that is clear is that any land with existing water rights or served by municipal supplies just got more valuable.

PORT SPOTLIGHT

COOPERATIVE TOURISM PROMOTION IN NORTH PUGET SOUND

This Fall a group of Northern Puget Sound ports are wrapping up a success story of cooperation. Four years ago the Ports of Anacortes, Port Townsend, Friday Harbor and Poulsbo – soon joined by Port Angeles – kicked off a marketing and planning effort with American Cruise Lines to deploy the 100 foot *American Spirit* on a cruising route.



Photo courtesy of Port of Anacortes

The cruise line decided to deploy the vessel in the Spring and Fall 'shoulder' seasons, before and after its summer Alaskan deployment. It has proven to be a huge success – bringing mostly out-of-state tourists to these communities 150 at a time. The economic benefits to these downtowns is significant.

"It was a lot of fun to kick off" said Jim Pivarnik, current Port of Kingston Director but then with the Port of Port Townsend and one

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FROM ERIC JOHNSON

FAST BALLS, CURVE BALLS & CHANGE UPS



It will surprise none of you that I carefully study election results on election night. The major media cover all of the big elections, but the political junkies like me spend time on various county websites looking at the legislative and other local races that affect so much of our lives.

But it might surprise you that on November 8th what I am really going to watch is not any particular candidate. Rather, I am going to be watching a regional election in King, Snohomish and Pierce Counties on the "Sound Transit 3" funding proposal. This is a ballot proposal to spend about \$54 billion dollars on a regional transit/light rail expansion.

The reason to watch it is not about transportation – it is about the source of the funding. It would raise the sales tax in those counties by half a percent, increase motor vehicle excise taxes by 0.8 percent and most importantly raise property taxes by 25 cents per thousand of assessed valuation.

If that proposal passes, I think it greatly reduces the state's political options to fund its education mandate.

Technically, there will still be enough property tax capacity to fund both, but as a political matter – I am skeptical. Two thirds of the state's property value will have already voted to tax itself for transportation; adding more for education will be a stretch.

And to make things even more interesting, there is a carbon-tax initiative on the ballot that if passed will reduce sales tax by one percent and eliminate the B&O tax on manufacturing. That initiative has broad opposition, oddly, from environmental and labor groups and it probably will not pass – but this is a dangerous year to make election predictions. If both of these proposals pass, we will be in a tax crisis that the state has not experienced since 1933.

What would that mean for ports? Well, for one thing any proposal relating to property taxes gets my attention quickly. But if there are discussions about our fundamental state tax policies in January there will be plenty of fast balls for us to pay attention to.

So in addition to all of the other things to watch on election night, I would encourage you to watch those results come in. If they both pass – Olympia will be soon be trying to hit a nearly unhittable curve-ball.

UPCOMING EVENTS

Small Ports Seminar

October 20-21, 2016
Enzian Inn, Leavenworth

The small ports seminar is held yearly in October. Topics are geared to helping our smaller ports reach their goals. Associate Members are welcome to sponsor portions of this event, please contact the WPPA office regarding sponsorship opportunities.

PORT SPOTLIGHT

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of the founders of the idea. "The partnerships with our downtown communities and businesses were really strengthened."

The vessel's route begins in Seattle on Lake Union, and then visits Anacortes, Friday Harbor, Port Angeles (including links to Vancouver Island), Port Townsend, Poulsbo and back to Seattle. The success of the tours led the company to lengthen this Fall's cruising season.

EMPLOYMENT OPPORTUNITIES

Business Technology Analyst

Port of Seattle

Senior Real Estate Manager

Port of Tacoma

Contract Administration Manager

Port of Seattle

Assistant Director, Facilities

Port of Tacoma

Marina Office Assistant

Port of Bremerton

Executive Director

Port of Chelan County

Veteran Fellowship Opportunities

Port of Seattle

Records Officer/ Administrative Assistant

Port of Longview

Chief Operating Officer

Port of Longview

Communications Associate

Port of Longview

Financial Reporting and Controls Analyst

Port of Seattle

Director

Washington Maritime Federation

Port Attorney

Port of Walla Walla

ERO TCP Section Manager

Department of Ecology – Spokane

Director, Engineering

Port of Tacoma

If you would like information on any of these positions, visit www.washingtonports.org/employmentopportunities