

2 **ESHB 1309 - H AMD 000730 ADOPTED 4-27-93**

3 By Representatives King and Fuhrman

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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that many wild stocks
8 of salmonids in the state of Washington are in a state of decline.
9 Stocks of salmon on the Columbia and Snake rivers have been listed
10 under the federal endangered species act, and the bull trout has been
11 petitioned for listing. Some scientists believe that numerous other
12 stocks of salmonids in the Pacific Northwest are in decline or possibly
13 extinct. The legislature declares that to lose wild stocks is
14 detrimental to the genetic diversity of the fisheries resource and the
15 economy, and will represent the loss of a vital component of
16 Washington's aquatic ecosystems. The legislature further finds that
17 there is a continuing loss of habitat for fish and wildlife. The
18 legislature declares that steps must be taken in the areas of wildlife
19 and fish habitat management, water conservation, wild salmonid stock
20 protection, and education to prevent further losses of Washington's
21 fish and wildlife heritage from a number of causes including urban and
22 rural subdivisions, shopping centers, industrial park, and other land
23 use activities.

24 The legislature finds that the maintenance and restoration of
25 Washington's rangelands and shrub-steppe vegetation is vital to the
26 long-term benefit of the people of the state. The legislature finds
27 that approximately one-fourth of the state is open range or open-
28 canopied grazable woodland. The legislature finds that these lands
29 provide forage for livestock, habitat for wildlife, and innumerable
30 recreational opportunities including hunting, hiking, and fishing.

31 The legislature finds that the development of coordinated resource
32 management plans, that take into consideration the needs of wildlife,
33 fish, livestock, timber production, water quality protection, and
34 rangeland conservation on all state-owned grazing lands will improve
35 the stewardship of these lands and allow for the increased development

1 and maintenance of fish and wildlife habitat and other multipurpose
2 benefits the public derives from these lands.

3 The legislature finds that the state currently provides
4 insufficient technical support for coordinated resource management
5 plans to be developed for all state-owned lands and for many of the
6 private lands desiring to develop such plans. As a consequence of this
7 lack of technical assistance, our state grazing lands, including fish
8 and wildlife habitat and other resources provided by these lands, are
9 not achieving their potential. The legislature also finds that with
10 many state lands being intermixed with private grazing lands,
11 development of coordinated resource management plans on state-owned and
12 managed lands provides an opportunity to improve the management and
13 enhance the conditions of adjacent private lands.

14 A purpose of this act is to establish state grazing lands as the
15 model in the state for the development and implementation of standards
16 that can be used in coordinated resource management plans and to
17 thereby assist the timely development of coordinated resource
18 management plans for all state-owned grazing lands. Every lessee of
19 state lands who wishes to participate in the development and
20 implementation of a coordinated resource management plan shall have the
21 opportunity to do so.

22 NEW SECTION. **Sec. 2.** By July 1, 1994, the departments of
23 fisheries and wildlife jointly with the appropriate Indian tribes,
24 shall each establish a wild salmonid policy. The policy shall ensure
25 that department actions and programs are consistent with the goals of
26 rebuilding wild stock populations to levels that permit commercial and
27 recreational fishing opportunities.

28 NEW SECTION. **Sec. 3.** By July 1, 1994, the department of fisheries
29 and the department of wildlife shall jointly, with input from the
30 Indian tribes and after coordination with California, Oregon, Idaho,
31 Montana, Alaska, British Columbia, and appropriate federal agencies,
32 report to the appropriate legislative committees on the feasibility of
33 implementing selective marking techniques that can be used to minimize
34 impacts of fishing on wild or natural stocks of salmonids. The report
35 shall address costs, benefits, and risks associated with marking.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 75.28 RCW
2 to read as follows:

3 The department of fisheries shall evaluate and recommend, in
4 consultation with the Indian tribes, salmon fishery management
5 strategies and gear types, as well as a schedule for implementation,
6 that will minimize the impact of commercial and recreational fishing in
7 the mixed stock fishery on critical and depressed wild stocks of
8 salmonids. As part of this evaluation, the department, in conjunction
9 with the commercial and recreational fishing industries, shall evaluate
10 commercial and recreational salmon fishing gear types developed by
11 these industries. The department of fisheries shall present status
12 reports to the appropriate committees of the legislature by December 31
13 of each year in 1993, 1994, and 1995, and shall present the final
14 evaluation and recommendations by December 31, 1996.

15 NEW SECTION. **Sec. 5.** A new section is added to chapter 79.01 RCW
16 to read as follows:

17 (1) By December 31, 1993, the department of wildlife and the
18 department of fisheries shall each develop goals for the wildlife and
19 fish that these agencies respectively manage, to preserve, protect, and
20 perpetuate wildlife and fish on shrub steppe habitat or on lands that
21 are presently agricultural lands, rangelands, or grazable woodlands.
22 These goals shall be consistent with the maintenance of a healthy
23 ecosystem.

24 (2) By July 31, 1993, the conservation commission shall appoint a
25 technical advisory committee to develop standards that achieve the
26 goals developed in subsection (1) of this section. The committee
27 members shall include but not be limited to technical experts
28 representing the following interests: Agriculture, academia, range
29 management, utilities, environmental groups, commercial and
30 recreational fishing interests, the Washington rangelands committee,
31 Indian tribes, the department of wildlife, the department of fisheries,
32 the department of natural resources, the department of ecology,
33 conservation districts, and the department of agriculture. A member of
34 the conservation commission shall chair the committee.

35 (3) By December 31, 1994, the committee shall develop standards to
36 meet the goals developed under subsection (1) of this section. These
37 standards shall not conflict with the recovery of wildlife or fish
38 species that are listed or proposed for listing under the federal

1 endangered species act. These standards shall be utilized to the
2 extent possible in development of coordinated resource management plans
3 to provide a level of management that sustains and perpetuates
4 renewable resources, including fish and wildlife, riparian areas, soil,
5 water, timber, and forage for livestock and wildlife. Furthermore, the
6 standards are recommended for application to model watersheds
7 designated by the Northwest power planning council in conjunction with
8 the conservation commission. The maintenance and restoration of
9 sufficient habitat to preserve, protect, and perpetuate wildlife and
10 fish shall be a major component included in the standards and
11 coordinated resource management plans. Application of standards to
12 privately owned lands is voluntary and may be dependent on funds to
13 provide technical assistance through conservation districts.

14 (4) The conservation commission shall approve the standards and
15 shall provide them to the departments of natural resources and
16 wildlife, each of the conservation districts, Washington State
17 University cooperative extension service, and the appropriate
18 committees of the legislature. The conservation districts shall make
19 these standards available to the public and for coordinated resource
20 management planning. Application to private lands is voluntary.

21 (5) The department of natural resources shall implement practices
22 necessary to meet the standards developed pursuant to this section on
23 department managed agricultural and grazing lands, consistent with the
24 trust mandate of the Washington state Constitution and Title 79 RCW.
25 The standards may be modified on a site-specific basis as needed to
26 achieve the fish and wildlife goals, and as determined by the
27 department of fisheries or wildlife, and the department of natural
28 resources. Existing lessees shall be provided an opportunity to
29 participate in any site-specific field review. Department agricultural
30 and grazing leases issued after December 31, 1994, shall be subject to
31 practices to achieve the standards that meet those developed pursuant
32 to this section.

33 NEW SECTION. **Sec. 6.** A new section is added to chapter 77.12 RCW
34 to read as follows:

35 The department of wildlife shall implement practices necessary to
36 meet the standards developed under section 5 of this act on agency-
37 owned and managed agricultural and grazing lands. The standards may be
38 modified on a site-specific basis as necessary and as determined by the

1 department of fisheries or wildlife, for species that these agencies
2 respectively manage, to achieve the goals established under section
3 5(1) of this act. Existing lessees shall be provided an opportunity to
4 participate in any site-specific field review. Department agricultural
5 and grazing leases issued after December 31, 1994, shall be subject to
6 practices to achieve the standards that meet those developed pursuant
7 to section 5 of this act.

8 This section shall in no way prevent the department of wildlife
9 from managing its lands to accomplish its statutory mandate pursuant to
10 RCW 77.12.010, nor shall it prevent the department from managing its
11 lands according to the provisions of RCW 77.12.210 or rules adopted
12 pursuant to this chapter.

13 NEW SECTION. **Sec. 7.** Washington State University shall report to
14 the appropriate legislative committees by December 31, 1993, on how to
15 best integrate fish and wildlife considerations with the existing
16 curriculum in the university's agriculture department and with the
17 university cooperative extension service. The university shall also
18 report on the feasibility and cost of creating a rotational assignment
19 with the department of wildlife to accomplish cross-training in
20 wildlife and fish habitat management and farm and grazing management.

21 NEW SECTION. **Sec. 8.** By July 1, 1993, the departments of
22 fisheries and wildlife shall provide information on salmonid stock
23 status, by individual stock, to the department of ecology, the
24 Washington association of cities, the Washington state association of
25 counties, and water purveyors.

26 **Sec. 9.** RCW 43.20.230 and 1989 c 348 s 12 are each amended to read
27 as follows:

28 Consistent with the water resource planning process of the
29 department of ecology, the department of ~~((social and))~~ health
30 ~~((services))~~ shall ~~((, contingent on the availability of funds))~~:

31 (1) Develop procedures and guidelines relating to water use
32 efficiency, as defined in section 4(3) ~~((of this act))~~, chapter 348,
33 Laws of 1989, to be included in the development and approval of cost-
34 efficient water system plans required under RCW 43.20.050;

35 (2) Develop criteria, with input from technical experts, with the
36 objective of encouraging the cost-effective reuse of greywater and

1 other water recycling practices, consistent with protection of public
2 health and water quality; ((and))

3 (3) Provide advice and technical assistance upon request in the
4 development of water use efficiency plans; and

5 (4) Provide advice and technical assistance on request for
6 development of model ((rate-setting-formulas)) conservation rate
7 structures for public water systems. Subsections (1), (2), and (3) of
8 this section are subject to the availability of funding.

9 NEW SECTION. Sec. 10. A new section is added to chapter 43.20 RCW
10 to read as follows:

11 Water purveyors required to develop a water system plan pursuant to
12 RCW 43.20.230 shall evaluate the feasibility of adopting and
13 implementing water delivery rate structures that encourage water
14 conservation. This information shall be included in water system plans
15 submitted to the department of health for approval after July 1, 1993.
16 The department shall evaluate the following:

17 (1) Rate structures currently used by public water systems in
18 Washington; and

19 (2) Economic and institutional constraints to implementing
20 conservation rate structures.

21 The department shall provide its findings to the appropriate committees
22 of the legislature no later than December 31, 1995.

23 NEW SECTION. Sec. 11. A new section is added to chapter 90.54 RCW
24 to read as follows:

25 The department, in cooperation with the Washington state water
26 resources association, shall accomplish the following:

27 (1) Determine and evaluate rate structures currently used by
28 irrigation districts in the state of Washington;

29 (2) Identify economic and institutional constraints to implementing
30 conservation rate structures; and

31 (3) Develop model conservation rate structures for consideration by
32 irrigation districts.

33 The department shall provide its findings to the appropriate committees
34 of the legislature no later than December 31, 1993.

35 **Sec. 12.** RCW 90.03.360 and 1989 c 348 s 6 are each amended to read
36 as follows:

1 (1) The owner or owners of any (~~ditch or canal~~) water diversion
2 shall maintain, to the satisfaction of the department of ecology,
3 substantial controlling works(~~(-)~~) and a measuring device (~~(at the~~
4 ~~point where the water is diverted, and these shall be so)~~) constructed
5 and maintained (~~(as)~~) to permit accurate measurement and practical
6 regulation of the flow of water diverted (~~(into said ditch or canal)~~).
7 Every owner or manager of a reservoir for the storage of water shall
8 construct and maintain, when required by the department, any measuring
9 device necessary to ascertain the natural flow into and out of said
10 reservoir.

11 Metering of diversions or measurement by other approved methods
12 shall be required as a condition for all new surface water right
13 permits, and except as provided in subsection (2) of this section, may
14 be required as a condition for all ((new)) previously existing surface
15 water ((right permits)) rights. The department may also require, as a
16 condition for (~~(such permits)~~) all water rights, metering of
17 diversions, and reports regarding such metered diversions as to the
18 amount of water being diverted. Such reports shall be in a form
19 prescribed by the department.

20 (2) Where water diversions are from waters in which the salmonid
21 stock status is depressed or critical, as determined by the departments
22 of fisheries and wildlife, or where the volume of water being diverted
23 exceeds one cubic foot per second, the department shall require
24 metering or measurement by other approved methods as a condition for
25 all new and previously existing water rights or claims. The department
26 shall attempt to integrate the requirements of this subsection into its
27 existing compliance workload priorities, but shall prioritize the
28 requirements of this subsection ahead of the existing compliance
29 workload where a delay may cause the decline of wild salmonids. The
30 department shall notify the departments of fisheries and wildlife of
31 the status of fish screens associated with these diversions.

32 This subsection (2) shall not apply to diversions for public or
33 private hatcheries or fish rearing facilities if the diverted water is
34 returned directly to the waters from which it was diverted.

35 NEW SECTION. Sec. 13. A new section is added to chapter 90.22 RCW
36 to read as follows:

37 By December 31, 1993, the department of ecology shall, in
38 cooperation with the Indian tribes, and the departments of fisheries

1 and wildlife, establish a state-wide list of priorities for evaluation
2 of instream flows. In establishing these priorities, the department
3 shall consider the achievement of wild salmonid production as its
4 primary goal.

5 The priority list shall be presented to the appropriate legislative
6 committees and to the water resources forum by December 31, 1993.

7 **Sec. 14.** RCW 90.42.010 and 1991 c 347 s 5 are each amended to read
8 as follows:

9 (1) The legislature finds that a need exists to develop and test a
10 means to facilitate the voluntary transfer of water and water rights,
11 including conserved water, to provide water for presently unmet needs
12 and emerging needs. Further, the legislature finds that water
13 conservation activities have the potential of affecting the quantity of
14 return flow waters to which existing water right holders have a right
15 to and rely upon. It is the intent of the legislature that persons
16 holding rights to water, including return flows, not be adversely
17 affected in the implementation of the provisions of this chapter.

18 The purpose of this chapter is to provide the mechanism for
19 accomplishing this in a manner that will not impair existing rights to
20 water and to test the mechanism in two pilot planning areas designated
21 pursuant to RCW 90.54.045(2) and in the water resource inventory areas
22 designated under subsection (2) of this section.

23 (2) The department may designate up to four water resource
24 inventory areas west of the crest of the Cascade mountains and up to
25 four water resource inventory areas east of the crest of the Cascade
26 mountains, as identified pursuant to chapter 90.54 RCW. The areas
27 designated shall contain critical water supply problems and shall
28 provide an opportunity to test and evaluate a variety of applications
29 of RCW 90.42.010 through 90.42.090, including application to municipal,
30 industrial, and agricultural use. The department shall seek advice
31 from appropriate state agencies, Indian tribes, local governments,
32 representatives of water right holders, and interested parties before
33 identifying such water resource inventory areas.

34 (3) The department shall provide to the appropriate legislative
35 committees by December 31, 1993, a written evaluation of the
36 implementation of RCW 90.42.010 through 90.42.090 and recommendations
37 for future application. Recommendations shall include methods of
38 applying RCW 90.42.010 through 90.42.090 to the rivers that are

1 designated as high priority by the department of ecology under section
2 13 of this act in order to use net water savings to enhance stream
3 flows.

4 NEW SECTION. **Sec. 15.** The governor's council on environmental
5 education created in 1990 by executive order 90-06, shall accomplish
6 the following:

7 (1) Raise and distribute public and private funds for the purpose
8 of providing environmental education programs and projects in fish and
9 wildlife preservation and management to public and private elementary
10 and secondary schools, emphasizing the importance of species
11 conservation and fish and wildlife as indicators of ecosystem health;
12 and

13 (2) Support interdisciplinary programs that integrate fish and
14 wildlife preservation and management with other areas of environmental
15 education.

16 NEW SECTION. **Sec. 16.** Section 15 of this act shall constitute a
17 new chapter in Title 28A RCW.

18 NEW SECTION. **Sec. 17.** (1) If specific funding for sections 1
19 through 6 and 8 through 15 of this act, referencing this act by bill
20 and section numbers, is not provided by June 30, 1993, in the omnibus
21 appropriations act, sections 1 through 6 and 8 through 15 of this act
22 are null and void.

23 (2) If specific funding for section 7 of this act, referencing this
24 act by bill and section number, is not provided by June 30, 1993, in
25 the omnibus appropriations act, section 7 of this act is null and
26 void."

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