

2 **ESHB 2496** - S AMD (S5497.1) - 926
3 By Senators Swecker, Jacobsen and Spanel

4 ADOPTED AS AMENDED 3/6/98

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

7 "NEW SECTION. **Sec. 1.** FINDINGS. The legislature finds that
8 repeated attempts to improve salmonid fish runs throughout the state of
9 Washington have failed to avert listings of salmon and steelhead runs
10 as threatened or endangered under the federal endangered species act
11 (16 U.S.C. Sec. 1531 et seq.). These listings threaten the sport,
12 commercial, and tribal fishing industries as well as the economic well-
13 being and vitality of vast areas of the state. It is the intent of the
14 legislature to begin activities required for the recovery of salmon
15 stocks as soon as possible, although the legislature understands that
16 successful recovery efforts may not be realized for many years because
17 of the life cycle of salmon and the complex array of natural and human-
18 caused problems they face.

19 The legislature finds that it is in the interest of the citizens of
20 the state of Washington for the state to retain primary responsibility
21 for managing the natural resources of the state, rather than abdicate
22 those responsibilities to the federal government. The legislature also
23 finds that there is a substantial link between the provisions of the
24 federal endangered species act and the federal clean water act (33
25 U.S.C. Sec. 1251 et seq.). The legislature further finds that habitat
26 restoration is a vital component of salmon recovery efforts.
27 Therefore, it is the intent of the legislature to specifically address
28 salmon habitat restoration in a coordinated manner and to develop a
29 structure that allows for the coordinated delivery of federal, state,
30 and local assistance to communities for habitat projects that will
31 assist in the recovery and enhancement of salmon stocks.

32 The legislature also finds that credible scientific review and
33 oversight is essential for any salmon recovery effort to be successful.

34 The legislature therefore finds that a coordinated framework for
35 responding to the salmon crisis is needed immediately. To that end,
36 the salmon recovery office should be created within the governor's

1 office to provide overall coordination of the state's response; an
2 independent science team is needed to provide scientific review and
3 oversight; the appropriate local or tribal government should provide
4 local leadership in identifying and sequencing habitat restoration
5 projects to be funded by state agencies; habitat restoration projects
6 should be implemented without delay; and a strong locally based effort
7 to restore salmon habitat should be established by providing a
8 framework to allow citizen volunteers to work effectively.

9 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this section
10 apply throughout this chapter unless the context clearly requires
11 otherwise.

12 (1) "Adaptive management" means reliance on scientific methods to
13 test the results of actions taken so that the management and related
14 policy can be changed promptly and appropriately.

15 (2) "Critical pathways methodology" means a project scheduling and
16 management process for examining interactions between habitat projects
17 and salmonid species, prioritizing habitat projects, and assuring
18 positive benefits from habitat projects.

19 (3) "Habitat project list" is the list of projects resulting from
20 the critical pathways methodology under section 8(2) of this act. Each
21 project on the list must have a written agreement from the landowner on
22 whose land the project will be implemented. Projects include habitat
23 restoration projects, habitat protection projects, habitat projects
24 that improve water quality, habitat projects that protect water
25 quality, habitat-related mitigation projects, and habitat project
26 maintenance and monitoring activities.

27 (4) "Habitat work schedule" means those projects from the habitat
28 project list that will be implemented during the current funding cycle.
29 The schedule shall also include a list of the entities and individuals
30 implementing projects, the start date, duration, estimated date of
31 completion, estimated cost, and funding sources for the projects.

32 (5) "Limiting factors" means conditions that limit the ability of
33 habitat to fully sustain populations of salmon. These factors are
34 primarily fish passage barriers and degraded estuarine areas, riparian
35 corridors, stream channels, and wetlands.

36 (6) "Project sponsor" is a county, city, special district, tribal
37 government, a combination of such governments through interlocal

1 agreements provided under chapter 39.34 RCW, a nonprofit organization,
2 or one or more private citizens.

3 (7) "Salmon" includes all species of the family Salmonidae which
4 are capable of self-sustaining, natural production.

5 (8) "Salmon recovery plan" means a state plan developed in response
6 to a proposed or actual listing under the federal endangered species
7 act that addresses limiting factors including, but not limited to
8 harvest, hatchery, hydropower, habitat, and other factors of decline.

9 (9) "Tribe" or "tribes" means federally recognized Indian tribes.

10 (10) "WRIA" means a water resource inventory area established in
11 chapter 173-500 WAC as it existed on January 1, 1997.

12 (11) "Owner" means the person holding title to the land or the
13 person under contract with the owner to lease or manage the legal
14 owners property.

15 NEW SECTION. **Sec. 3.** IMPLEMENTATION--SUMMARY--RECOMMENDATIONS.

16 By December 31, 1998, the governor shall submit a summary of the
17 implementation of this act to the legislature, and include
18 recommendations to the legislature that would further the success of
19 salmon recovery. The recommendations may include:

20 (1) The need to expand or improve nonregulatory programs and
21 activities;

22 (2) The need to expand or improve state and local laws and
23 regulations; and

24 (3) The feasibility of forming a state-wide or regional community
25 foundation or any other funding alternatives to assist in financing
26 salmon recovery efforts.

27 NEW SECTION. **Sec. 4.** STATE OF THE SALMON REPORT. Beginning in

28 December 2000, the governor shall submit a biennial state of the salmon
29 report to the legislature during the first week of December. The
30 report may include the following:

31 (1) A description of the amount of in-kind and financial
32 contributions, including volunteer, private, and state, federal, tribal
33 as available, and local government money directly spent on salmon
34 recovery in response to actual, proposed, or expected endangered
35 species act listings;

36 (2) A summary of habitat projects including but not limited to:

1 (a) A summary of accomplishments in removing barriers to salmon
2 passage and an identification of existing barriers;

3 (b) A summary of salmon restoration efforts undertaken in the past
4 two years;

5 (c) A summary of the role which private volunteer initiatives
6 contribute in salmon habitat restoration efforts; and

7 (d) A summary of efforts taken to protect salmon habitat;

8 (3) A summary of collaborative efforts undertaken with adjoining
9 states or Canada;

10 (4) A summary of harvest and hatchery management activities
11 affecting salmon recovery;

12 (5) A summary of information regarding impediments to successful
13 salmon recovery efforts;

14 (6) A summary of the number and types of violations of existing
15 laws pertaining to: (a) Water quality; and (b) salmon. The summary
16 shall include information about the types of sanctions imposed for
17 these violations;

18 (7) Information on the estimated carrying capacity of new habitat
19 created pursuant to chapter . . . , Laws of 1998 (this act); and

20 (8) Recommendations to the legislature that would further the
21 success of salmon recovery. The recommendations may include:

22 (a) The need to expand or improve nonregulatory programs and
23 activities; and

24 (b) The need to expand or improve state and local laws and
25 regulations.

26 NEW SECTION. **Sec. 5.** GOVERNOR'S SALMON RECOVERY OFFICE. (1) The
27 salmon recovery office is created within the office of the governor to
28 coordinate state strategy to allow for salmon recovery to healthy
29 sustainable population levels with productive commercial and
30 recreational fisheries. The primary purpose of the office is to
31 coordinate and assist in the development of salmon recovery plans for
32 evolutionarily significant units, and submit those plans to the
33 appropriate tribal governments and federal agencies in response to the
34 federal endangered species act. The governor's salmon recovery office
35 may also:

36 (a) Act as liaison to local governments, the state congressional
37 delegation, the United States congress, federally recognized tribes,

1 and the federal executive branch agencies for issues related to the
2 state's endangered species act salmon recovery plans; and

3 (b) Provide the biennial state of the salmon report to the
4 legislature pursuant to section 4 of this act.

5 (2) This section expires June 30, 2006.

6 NEW SECTION. **Sec. 6.** SCIENCE PANEL. (1) The governor shall
7 request the national academy of sciences, the American fisheries
8 society, or a comparable institution to screen candidates to serve as
9 members on the independent science panel. The institution that
10 conducts the screening of the candidates shall submit a list of the
11 nine most qualified candidates to the governor, the speaker of the
12 house of representatives, and the majority leader of the senate. The
13 candidates shall reflect expertise in habitat requirements of salmon,
14 protection and restoration of salmon populations, artificial
15 propagation of salmon, hydrology, or geomorphology.

16 (2) The speaker of the house of representatives and the majority
17 leader in the senate shall each remove one name from the nomination
18 list. The governor shall consult with tribal representatives and the
19 governor shall appoint five scientists from the remaining names on the
20 nomination list.

21 (3) The members of the independent science panel shall serve four-
22 year terms. The independent science panel members shall elect the
23 chair of the panel among themselves every two years. The members of
24 the independent science panel shall be compensated as provided in RCW
25 43.03.250 and reimbursed for travel expenses in accordance with RCW
26 43.03.050 and 43.03.060.

27 (4) The independent science panel shall be governed by generally
28 accepted guidelines and practices governing the activities of
29 independent science boards such as the national academy of sciences.
30 The purpose of the independent science panel is to help ensure that
31 sound science is used in salmon recovery efforts. The governor's
32 salmon recovery office shall request review of salmon recovery plans by
33 the science review panel. The science review panel does not have the
34 authority to review individual projects or project lists developed
35 under sections 7, 8, and 9 of this act or to make policy decisions.

36 (5) The independent science panel shall submit its findings to the
37 legislature and the governor.

1 NEW SECTION. **Sec. 7.** HABITAT RESTORATION PROJECT LISTS. (1)(a)

2 Counties, cities, and tribal governments must jointly designate, by
3 official resolution, the area for which a habitat restoration project
4 list is to be developed and the lead entity that is to be responsible
5 for submitting the habitat restoration project list. No project
6 included on a habitat restoration project list shall be considered
7 mandatory in nature and no private landowner may be forced or coerced
8 into participation in any respect. The lead entity may be a county,
9 city, conservation district, special district, tribal government, or
10 other entity.

11 (b) The lead entity shall establish a committee that consists of
12 representative interests of counties, cities, conservation districts,
13 tribes, environmental groups, business interests, landowners, citizens,
14 volunteer groups, regional fish enhancement groups, and other
15 restoration interests. The purpose of the committee is to provide a
16 citizen-based evaluation of the projects proposed to promote salmon
17 habitat restoration. The interagency review team may provide the lead
18 entity with organizational models that may be used in establishing the
19 committees.

20 (c) The committee shall compile a list of habitat restoration
21 projects, establish priorities for individual projects, define the
22 sequence for project implementation, and submit these activities as the
23 habitat restoration project list. The committee shall also identify
24 potential federal, state, local, and private funding sources.

25 (2) The area covered by the habitat project list must be based, at
26 a minimum, on a WRIA, combination of WRIs, an evolutionarily
27 significant unit, or any other area as agreed to by the counties,
28 cities, and tribes meeting the requirements of this subsection.
29 Preference will be given to projects in an area that contain a salmon
30 species that is listed or proposed for listing under the federal
31 endangered species act.

32 NEW SECTION. **Sec. 8.** CRITICAL PATHWAYS METHODOLOGY. (1) Critical

33 pathways methodology shall be used to develop a habitat project list
34 and a habitat work schedule that ensures salmon restoration activities
35 will be prioritized and implemented in a logical sequential manner that
36 produces habitat capable of sustaining healthy populations of salmon.

37 (2) The critical pathways methodology shall:

1 (a) Include a limiting factors analysis for salmon in streams,
2 rivers, tributaries, estuaries, and subbasins in the region. The
3 technical advisory group shall have responsibility for the limiting
4 factors analysis;

5 (b) Identify local habitat projects that sponsors are willing to
6 undertake. The projects identified must have a written agreement from
7 the landowner on which the project is to be implemented. Project
8 sponsors shall have the lead responsibility for this task;

9 (c) Identify how projects will be monitored and evaluated. The
10 project sponsor, in consultation with the technical advisory group and
11 the appropriate landowner, shall have responsibility for this task; and

12 (d) Describe the adaptive management strategy that will be used.
13 The committee established under section 7 of this act shall have
14 responsibility for this task. If a committee has not been formed, the
15 technical advisory group shall have the responsibility for this task.

16 (3) The habitat work list shall include all projects developed
17 pursuant to subsection (2) of this section as well as any other salmon
18 habitat restoration project implemented in the region. The work list
19 shall also include the start date, duration, estimated date of
20 completion, estimated cost, and, if appropriate, the affected salmonid
21 species of each project. Each schedule shall be updated on an annual
22 basis to depict new activities.

23 NEW SECTION. **Sec. 9.** INTERAGENCY REVIEW TEAM PROJECT FUNDING.

24 (1) Representatives from the conservation commission, the department of
25 transportation, and the department of fish and wildlife shall establish
26 an interagency review team. Except as provided in subsection (6) of
27 this section, habitat restoration project lists shall be submitted to
28 the interagency review team by January 1st and July 1st of each year
29 beginning in 1999.

30 (2) If no lead entity has been formed under section 7 of this act,
31 the interagency review team shall rank, prioritize, and dispense funds
32 for habitat restoration projects by giving preference to the projects
33 that:

34 (a) Provide a greater benefit to salmon recovery;

35 (b) Will be implemented in a more critical area;

36 (c) Are the most cost-effective;

37 (d) Have the greatest matched, or in-kind funding; and

1 (e) Will be implemented by a sponsor with a successful record of
2 project implementation.

3 (3) If a lead entity established under section 7 of this act has
4 been formed, the interagency review team shall evaluate project lists
5 and may remove, but not add, projects from a habitat project list.

6 (4) The interagency review team shall provide a summary of funding
7 for habitat restoration project lists to the governor and to the
8 legislature by December 1st of each year.

9 (5) The interagency review team may annually establish a maximum
10 amount of funding available for any individual project, subject to
11 available funding. The interagency review team shall attempt to assure
12 a geographical balance in assigning priorities to projects.

13 (6) For fiscal year 1998, the department of fish and wildlife, the
14 conservation commission, and the department of transportation may
15 authorize, subject to appropriations, expenditures for projects that
16 have been developed to restore salmon habitat before completion of the
17 project lists required in section 7(2) of this act.

18 (7) Where a lead entity has been established pursuant to section 7
19 of this act, the interagency review team may provide block grants to
20 the lead entity, subject to available funding.

21 NEW SECTION. **Sec. 10.** TECHNICAL ADVISORY GROUPS. (1) The
22 conservation commission, in consultation with local government and the
23 tribes, shall invite private, federal, state, tribal, and local
24 government personnel with appropriate expertise to act as a technical
25 advisory group.

26 (2) For state personnel, involvement on the technical advisory
27 group shall be at the discretion of the particular agency. Unless
28 specifically provided for in the budget, technical assistance
29 participants shall be provided from existing full-time equivalent
30 employees.

31 (3) The technical advisory group shall identify the limiting
32 factors for salmonids to respond to the limiting factors relating to
33 habitat pursuant to section 8(2) of this act.

34 (4) Where appropriate, the conservation district within the area
35 implementing this chapter shall take the lead in developing and
36 maintaining relationships between the technical advisory group and the
37 private landowners under section 9 of this act. The conservation

1 districts may assist landowners to organize around river, tributary,
2 estuary, or subbasins of a watershed.

3 (5) Fishery enhancement groups and other volunteer organizations
4 may participate in the activities under this section.

5 NEW SECTION. **Sec. 11.** THE SEA GRANT PROGRAM. The sea grant
6 program at the University of Washington is authorized to provide
7 technical assistance to volunteer groups and other project sponsors in
8 designing and performing habitat restoration projects that address the
9 limiting factors analysis of regional habitat work plans. The cost for
10 such assistance may be covered on a fee-for-service basis.

11 NEW SECTION. **Sec. 12.** SOUTHWEST WASHINGTON SALMON RECOVERY. The
12 southwest Washington salmon recovery region, whose boundaries are
13 provided in chapter . . . , Laws of 1998 (Engrossed Second Substitute
14 House Bill No. 2836), is created. If Engrossed Second Substitute House
15 Bill No. 2836 is not enacted by July 1, 1998, this section is null and
16 void.

17 **Sec. 13.** RCW 90.71.005 and 1996 c 138 s 1 are each amended to read
18 as follows:

19 (1) The legislature finds that:

20 (a) Puget Sound and related inland marine waterways of Washington
21 state represent a unique and unparalleled resource. A rich and varied
22 range of marine organisms, comprising an interdependent, sensitive
23 communal ecosystem reside in these sheltered waters. Residents of this
24 region enjoy a way of life centered around the waters of Puget Sound,
25 featuring accessible recreational opportunities, world-class port
26 facilities and water transportation systems, harvest of marine food
27 resources, shoreline-oriented life styles, water-dependent industries,
28 tourism, irreplaceable aesthetics, and other activities, all of which
29 to some degree depend upon a clean and healthy marine resource;

30 (b) The Puget Sound water quality authority has done an excellent
31 job in developing a comprehensive plan to identify actions to restore
32 and protect the biological health and diversity of Puget Sound;

33 (c) The large number of governmental entities that now have
34 regulatory programs affecting the water quality of Puget Sound have
35 diverse interests and limited jurisdictions that cannot adequately

1 address the cumulative, wide-ranging impacts that contribute to the
2 degradation of Puget Sound; and

3 (d) Coordination of the regulatory programs, at the state and local
4 level, is best accomplished through the development of interagency
5 mechanisms that allow these entities to transcend their diverse
6 interests and limited jurisdictions.

7 (2) It is therefore the policy of the state of Washington to
8 coordinate the activities of state and local agencies by establishing
9 a biennial work plan that clearly delineates state and local actions
10 necessary to protect and restore the biological health and diversity of
11 Puget Sound. It is further the policy of the state to implement the
12 Puget Sound water quality management plan to the maximum extent
13 possible. To further the policy of the state, a recovery plan
14 developed under the federal endangered species act for a portion or all
15 of the Puget Sound shall be considered for inclusion into the Puget
16 Sound water quality management plan.

17 **Sec. 14.** RCW 90.71.020 and 1996 c 138 s 3 are each amended to read
18 as follows:

19 (1) The Puget Sound action team is created. The action team shall
20 consist of: The directors of the departments of ecology; agriculture;
21 natural resources; fish and wildlife; and community, trade, and
22 economic development; the secretaries of the departments of health and
23 transportation; the director of the parks and recreation commission;
24 the director of the interagency committee for outdoor recreation; the
25 administrative officer of the conservation commission designated in RCW
26 89.08.050; one person representing cities, appointed by the governor;
27 one person representing counties, appointed by the governor; one person
28 representing federally recognized tribes, appointed by the governor;
29 and the chair of the action team. The action team shall also include
30 the following ex officio nonvoting members: The regional director of
31 the United States environmental protection agency; the regional
32 administrator of the national marine fisheries service; and the
33 regional supervisor of the United States fish and wildlife service.
34 The members representing cities and counties shall each be reimbursed
35 for travel expenses as provided in RCW 43.03.050 and 43.03.060.

36 (2) The action team shall:

37 (a) Prepare a Puget Sound work plan and budget for inclusion in the
38 governor's biennial budget;

- 1 (b) Coordinate monitoring and research programs as provided in RCW
2 90.71.060;
- 3 (c) Work under the direction of the action team chair as provided
4 in RCW 90.71.040;
- 5 (d) Coordinate permitting requirements as necessary to expedite
6 permit issuance for any local watershed plan developed pursuant to
7 rules adopted under this chapter;
- 8 (e) Identify and resolve any policy or rule conflicts that may
9 exist between one or more agencies represented on the action team;
- 10 (f) Periodically amend the Puget Sound management plan;
- 11 (g) Enter into, amend, and terminate contracts with individuals,
12 corporations, or research institutions for the purposes of this
13 chapter;
- 14 (h) Receive such gifts, grants, and endowments, in trust or
15 otherwise, for the use and benefit of the purposes of the action team.
16 The action team may expend the same or any income therefrom according
17 to the terms of the gifts, grants, or endowments;
- 18 (i) Promote extensive public participation, and otherwise seek to
19 broadly disseminate information concerning Puget Sound;
- 20 (j) Receive and expend funding from other public agencies;
- 21 (k) To reduce costs and improve efficiency, review by December 1,
22 1996, all requirements for reports and documentation from state
23 agencies and local governments specified in the plan for the purpose of
24 eliminating and consolidating reporting requirements; and
- 25 (l) Beginning in December 1998, and every two years thereafter,
26 submit a report to the appropriate policy and fiscal committees of the
27 legislature that describes and evaluates the successes and shortcomings
28 of the current work plan relative to the priority problems identified
29 for each geographic area of Puget Sound.
- 30 (3) By July 1, 1996, the action team shall begin developing its
31 initial work plan, which shall include the coordination of necessary
32 support staff.
- 33 (4) The action team shall incorporate, to the maximum extent
34 possible, the recommendations of the council regarding amendments to
35 the Puget Sound (~~(management)~~) management plan and the work plan.
- 36 (5) All proceedings of the action team are subject to the open
37 public meetings act under chapter 42.30 RCW.

1 **Sec. 15.** RCW 90.71.050 and 1996 c 138 s 6 are each amended to read
2 as follows:

3 (1)(a) Each biennium, the action team shall prepare a Puget Sound
4 work plan and budget for inclusion in the governor's biennial budget.
5 The work plan shall prescribe the necessary federal, state, and local
6 actions to maintain and enhance Puget Sound water quality, including
7 but not limited to, enhancement of recreational opportunities, and
8 restoration of a balanced population of indigenous shellfish, fish, and
9 wildlife. The work plan and budget shall include specific actions and
10 projects pertaining to salmon recovery plans.

11 (b) In developing a work plan, the action team shall meet the
12 following objectives:

13 (i) Use the plan elements of the Puget Sound management plan to
14 prioritize local and state actions necessary to restore and protect the
15 biological health and diversity of Puget Sound;

16 (ii) Consider the problems and priorities identified in local
17 plans; and

18 (iii) Coordinate the work plan activities with other relevant
19 activities, including but not limited to, agencies' activities that
20 have not been funded through the plan, local plans, and governmental
21 and nongovernmental watershed restoration activities.

22 (c) In developing a budget, the action team shall identify:

23 (i) The total funds to implement local projects originating from
24 the planning process developed for nonpoint pollution; and

25 (ii) The total funds to implement any other projects designed
26 primarily to restore salmon habitat.

27 (2) In addition to the requirements identified under RCW
28 90.71.020(2)(a), the work plan and budget shall:

29 (a) Identify and prioritize the local and state actions necessary
30 to address the water quality problems in the following locations:

31 (i) Area 1: Island and San Juan counties;

32 (ii) Area 2: Skagit and Whatcom counties;

33 (iii) Area 3: Clallam and Jefferson counties;

34 (iv) Area 4: Snohomish, King, and Pierce counties; and

35 (v) Area 5: Kitsap, Mason, and Thurston counties;

36 (b) Provide sufficient funding to characterize local watersheds,
37 provide technical assistance, and implement state responsibilities
38 identified in the work plan. The number and qualifications of staff

1 assigned to each region shall be determined by the types of problems
2 identified pursuant to (a) of this subsection;

3 (c) Provide sufficient funding to implement and coordinate the
4 Puget Sound ambient monitoring plan pursuant to RCW 90.71.060;

5 (d) Provide funds to assist local jurisdictions to implement
6 elements of the work plan assigned to local governments and to develop
7 and implement local plans;

8 (e) Provide sufficient funding to provide support staff for the
9 action team; and

10 (f) Describe any proposed amendments to the Puget Sound
11 (~~management~~) management plan.

12 (3) The work plan shall be submitted to the appropriate policy and
13 fiscal committees of the legislature by December 20th of each even-
14 numbered year.

15 (4) The work plan shall be implemented consistent with the
16 legislative provisos of the biennial appropriation acts.

17 NEW SECTION. **Sec. 16.** WORK GROUP. (1) The departments of
18 transportation, fish and wildlife, and ecology, and tribes shall
19 convene a work group to develop policy guidance to evaluate mitigation
20 alternatives. The policy guidance shall be designed to enable
21 committees established under section 7 of this act to develop and
22 implement habitat project lists that maximize environmental benefits
23 from project mitigation while reducing project design and permitting
24 costs. The work group shall seek technical assistance to ensure that
25 federal, state, treaty right, and local environmental laws and
26 ordinances are met. The purpose of this section is not to increase
27 regulatory requirements or expand departmental authority.

28 (2) The work group shall develop guidance for determining
29 alternative mitigation opportunities. Such guidance shall include
30 criteria and procedures for identifying and evaluating mitigation
31 opportunities within a watershed. Such guidance shall create
32 procedures that provide alternative mitigation that has a low risk to
33 the environment, yet has high net environmental, social, and economic
34 benefits compared to status quo options.

35 (3) The evaluation shall include:

36 (a) All elements of mitigation, including but not limited to data
37 requirements, decision making, state and tribal agency coordination,
38 and permitting; and

1 (b) Criteria and procedures for identifying and evaluating
2 mitigation opportunities, including but not limited to the criteria in
3 chapter 90.74 RCW.

4 (4) Committees established under section 7 of this act shall
5 coordinate voluntary collaborative efforts between habitat project
6 proponents and mitigation project proponents. Mitigation funds may be
7 used to implement projects identified by a work plan to mitigate for
8 the impacts of a transportation or other development proposal or
9 project.

10 (5) For the purposes of this section, "mitigation" has the same
11 meaning as provided in RCW 90.74.010.

12 NEW SECTION. **Sec. 17.** Only those funds appropriated for the
13 habitat restoration projects under this chapter are subject to the
14 requirements of section 9 of this act.

15 NEW SECTION. **Sec. 18.** CAPTIONS NOT LAW. Captions used in this
16 chapter are not any part of the law.

17 NEW SECTION. **Sec. 19.** Sections 1 through 12 and 16 through 18 of
18 this act constitute a new chapter in Title 75 RCW."

19 **ESHB 2496** - S AMD - 926
20 By Senators Swecker, Jacobsen and Spanel

21 ADOPTED 3/6/98

22 On page 1, line 1 of the title, after "planning;" strike the
23 remainder of the title and insert "amending RCW 90.71.005, 90.71.020,
24 and 90.71.050; adding a new chapter to Title 75 RCW; and providing an
25 expiration date."

--- END ---