

2 **ESHB 2836** - S COMM AMD

3 By Committee on Natural Resources & Parks

4 ADOPTED 3/3/98

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

7 NEW SECTION. **Sec. 1.** The legislature recognizes the need to
8 address listings that are made under the federal endangered species act
9 (16 U.S.C. Sec. 1531 et seq.) in a way that will make the most
10 efficient use of existing efforts. The legislature finds that the
11 principle of adaptive management requires that different models should
12 be tried so that the lessons learned from these models can be put to
13 use throughout the state. It is the intent of the legislature to
14 create a pilot program for southwestern Washington to address the
15 recent steelhead listings and which takes full advantage of all state
16 and local efforts at habitat restoration in that area to date.

17 NEW SECTION. **Sec. 2.** (1) A pilot program for steelhead recovery
18 is established in Clark, Cowlitz, Lewis, Skamania, and Wahkiakum
19 counties within the habitat area classified as evolutionarily
20 significant unit 4 by the federal national marine fisheries service.
21 The management board created under subsection (2) of this section is
22 responsible for implementing the habitat portion of the approved
23 steelhead recovery initiative and is empowered to receive and disburse
24 funds for the approved steelhead recovery initiative. The management
25 board created pursuant to this section shall constitute the regional
26 council for this area responsible for fulfilling the requirements and
27 exercising the powers of a regional council under chapter . . . , Laws
28 of 1998 (Substitute House Bill No. 2496).

29 (2) A management board consisting of fifteen voting members is
30 created within evolutionarily significant unit 4. The members shall
31 consist of one county commissioner or designee from each of the five
32 participating counties selected by each county legislative authority;
33 one member representing the cities contained within evolutionarily
34 significant unit 4 as a voting member selected by the cities in
35 evolutionarily significant unit 4; a representative of the Cowlitz

1 Tribe appointed by the tribe; one state legislator elected from one of
2 the legislative districts contained within evolutionarily significant
3 unit 4 selected by that group of state legislators representing the
4 area; five representatives to include at least one member who
5 represents private property interests appointed by the five county
6 commissioners or designees; one hydro utility representative nominated
7 by hydro utilities and appointed by the five county commissioners or
8 designees; and one representative nominated from the environmental
9 community who resides in evolutionarily significant unit 4 appointed by
10 the five county commissioners or designees. The board shall appoint
11 and consult a technical advisory committee, which shall include four
12 representatives of state agencies one each appointed by the directors
13 of the departments of ecology, fish and wildlife, and transportation,
14 and the commissioner of public lands. The board may also appoint
15 additional persons to the technical advisory committee as needed. The
16 chair of the board shall be selected from among the five county
17 commissioners or designees and the legislator on the board. In making
18 appointments under this subsection, the county commissioners shall
19 consider recommendations of interested parties. Vacancies shall be
20 filled in the same manner as the original appointments were selected.
21 No action may be brought or maintained against any management board
22 member, the management board, or any of its agents, officers, or
23 employees for any noncontractual acts or omissions in carrying out the
24 purposes of this section.

25 (3)(a) The management board shall participate in the development of
26 a recovery plan to implement its responsibilities under (b) of this
27 subsection. The management board shall consider local watershed
28 efforts and activities as well as habitat conservation plans in the
29 implementation of the recovery plan. Any of the participating counties
30 may continue its own efforts for restoring steelhead habitat. Nothing
31 in this section limits the authority of units of local government to
32 enter into interlocal agreements under chapter 39.34 RCW or any other
33 provision of law.

34 (b) The management board is responsible for implementing the
35 habitat portions of the local government responsibilities of the lower
36 Columbia steelhead conservation initiative approved by the state and
37 the national marine fisheries service. The management board may work
38 in cooperation with the state and the national marine fisheries service
39 to modify the initiative, or to address habitat for other aquatic

1 species that may be subsequently listed under the federal endangered
2 species act. The management board may not exercise authority over land
3 or water within the individual counties or otherwise preempt the
4 authority of any units of local government.

5 (c) The management board shall prioritize as appropriate and
6 approve projects and programs related to the recovery of lower Columbia
7 river steelhead runs, including the funding of those projects and
8 programs, and coordinate local government efforts as prescribed in the
9 recovery plan. The management board shall establish criteria for
10 funding projects and programs based upon their likely value in
11 steelhead recovery. The management board may consider local economic
12 impact among the criteria, but jurisdictional boundaries and factors
13 related to jurisdictional population may not be considered as part of
14 the criteria.

15 (d) The management board shall assess the factors for decline along
16 each prioritized stream as listed in the lower Columbia steelhead
17 conservation initiative. The management board is encouraged to take a
18 stream-by-stream approach in conducting the assessment which utilizes
19 state and local expertise, including volunteer groups, interest groups,
20 and affected units of local government.

21 (4) The management board has the authority to hire and fire staff,
22 including an executive director, enter into contracts, accept grants
23 and other moneys, disburse funds, make recommendations to cities and
24 counties about potential code changes and the development of programs
25 and incentives upon request, pay all necessary expenses, and may choose
26 a fiduciary agent. The management board shall report on its progress
27 on a quarterly basis to the legislative bodies of the five
28 participating counties and the state natural resource-related agencies.

29 (5) The pilot program terminates on July 1, 2002.

30 (6) For purposes of this section, "evolutionarily significant unit"
31 means the habitat area identified for an evolutionarily significant
32 unit of an aquatic species listed or proposed for listing as a
33 threatened or endangered species under the federal endangered species
34 act (16 U.S.C. Sec. 1531 et seq.).

35 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
36 preservation of the public peace, health, or safety, or support of the
37 state government and its existing public institutions, and takes effect
38 immediately."

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4 On page 1, line 2 of the title, after "act;" strike the remainder
5 of the title and insert "creating new sections; and declaring an
6 emergency."

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