

# HOUSE BILL REPORT

## ESHB 2836

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### As Passed Legislature

**Title:** An act relating to a pilot program for the recovery of fish runs listed under the federal endangered species act.

**Brief Description:** Creating a pilot program for the recovery of fish runs.

**Sponsors:** By House Committee on Natural Resources (H) (originally sponsored by Representatives Pennington, Mielke, Hatfield, Doumit, Buck, Boldt, Dunn, Alexander, Carlson, Kessler, McCune, Thompson and Conway).

#### **Brief History:**

##### **Committee Activity:**

Natural Resources: 2/3/98, 2/5/98 [DPS];

Appropriations: 2/9/98 [DPS(NR)].

##### **Floor Activity:**

Passed House: 2/13/98, 98-0.

Passed Legislature.

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### HOUSE COMMITTEE ON NATURAL RESOURCES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Buck, Chairman; Sump, Vice Chairman; Thompson, Vice Chairman; Regala, Ranking Minority Member; Butler, Assistant Ranking Minority Member; Alexander; Anderson; Hatfield and Pennington.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Chandler.

**Staff:** Bill Lynch (786-7092).

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### HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The substitute bill by Committee on Natural Resources be substituted therefor and the substitute bill do pass. Signed by 27 members: Representatives Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman; H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Benson; Carlson; Chopp; Cody; Cooke; Crouse; Dyer; Grant; Keiser; Kenney; Kessler;

Lambert; Linville; Lisk; Mastin; McMorris; Parlette; Poulsen; Regala; D. Schmidt; Sehlin and Sheahan.

**Staff:** Jeff Olsen (786-7157).

**Background:** The National Marine Fisheries Service has listed some salmon and steelhead runs in the state of Washington as being threatened or endangered under the federal Endangered Species Act. A number of future listings are also being considered in the state. Southwestern Washington is an area of the state where steelhead runs have become depleted. A Lower Columbia Steelhead Conservation Initiative has been undertaken to try to restore the steelhead runs in that area.

**Summary of Bill:** A pilot program is created in Southwest Washington within the habitat area classified as evolutionarily significant unit 4 (ESU 4) by the National Marine Fisheries Service (NMFS) to address steelhead recovery. The pilot program will operate within Clark, Cowlitz, Lewis, Skamania, and Wahkiakum counties.

#### *Management Board Composition*

A management board consisting of 15 voting members is created for ESU 4. The voting members consist of one county commissioner or a designee from each of the five participating counties selected by the county legislative authority; one member representing the cities within ESU 4 selected by those cities; one member representing the Cowlitz tribe appointed by the tribe; one state legislator elected from a legislative district contained within ESU 4, selected by the state legislators representing that area; one member representing hydro utilities, nominated by hydro utilities within ESU 4 and appointed by the five county commissioners or their designees; one member representing the environmental community who resides in ESU 4, nominated by the environmental community and appointed by the five county commissioners or their designees; and five members appointed by the five county commissioners or their designees. At least one of the five members appointed by the county commissioners or their designees must represent private property interest.

The chair of the management board is chosen by the five county commissioners, or their designees, and the legislator serving on the board. The county commissioners must consider recommendations from interested parties when making appointments.

The management board is required to appoint a technical advisory committee which includes a representative of each of the departments of Ecology, Fish and Wildlife, Transportation, and Natural Resources appointed by the directors of those agencies. The management board may appoint other people to the technical advisory committee as needed.

#### *Management Board Responsibilities*

A management board is created within ESU 4 to implement the habitat portion of the Lower Columbia Steelhead Conservation Initiative (Initiative) approved by the state and NMFS. The management board may receive and disburse funds for the approved Initiative. The management board is required to: participate in the development of a recovery plan to implement its responsibilities for implementing the habitat portions of the Initiative; prioritize and approve, as appropriate, projects and programs related to the recovery of the these steelhead runs, including the funding of the projects and programs; establish criteria for funding projects and programs based upon their likely value in steelhead recovery; coordinate local government efforts prescribed in the recovery plan; and assess the factors for decline along each prioritized stream listed in the Initiative.

In developing criteria for the funding of programs and projects, the management board may consider local economic impacts, but may not consider jurisdictional boundaries or factors related to jurisdictional population. The management board is encouraged to utilize state and local expertise, including that of volunteer groups, interest groups, and units of local government in assessing the factors for decline along the prioritized streams. The management board must consider local watershed efforts and activities and habitat conservation plans in the implementation of the recovery plan.

The management board may not exercise authority over land or water within the individual counties or preempt the authority of units of local government. Any of the participating counties may continue its own efforts for restoring steelhead habitat. The ability to enter into interlocal agreements is unaffected.

The management board may work in cooperation with the state and NMFS to modify the Initiative, or to address habitat for other aquatic species that are subsequently listed under the Endangered Species Act.

The management board may hire and fire staff, including an executive director; enter into contract; accept grants and other moneys; disburse funds; pay all necessary expenses; choose a fiduciary agent; and make recommendations to cities and counties regarding potential code changes and the development of programs and incentives upon request.

No action may be brought against a management board member, the management board, or any of its agents, officers, or employees for noncontractual acts or omissions in carrying out its responsibilities.

The management board must report on a quarterly basis to the legislative bodies of the five participating counties and the state natural-resources-related agencies on its progress. The pilot program terminates on July 1, 2002.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** (Natural Resources) This is a bottom-up approach to solving the problem. This approach allows for development of a recovery plan in initial stages focused on the needs of fish. This approach is bipartisan, emphasizes local input, and is responsive to local input. Balance of representation is important to have buy-in from people. The Lower Columbia is an excellent place to start a recovery program. Much work has already been done. This structure will work for southwest Washington.

(Appropriations) The pilot project fits in with the overall salmon recovery plan and allows southwest Washington local control. The proposal is the result of six months of work involving negotiations with five counties and affected user groups.

**Testimony Against:** (Natural Resources) None.

(Appropriations) None.

**Testified:** (Natural Resources) Chan Noerenberg, Washington Farm Forestry Association; John Kelly, King County Outdoor Sports Council; Brian Edie, Washington Department of Fish and Wildlife; Betty Sue Morris, Joel Rupley, Glenn Aldrich, Wade Boyd, Bill Dyorrt, Gary Loomis, Dick Pryland, Chuck Williams, Neil Amondson (panel); John Rosapeppe, Sierra Club; Judy Turpin, Washington Environmental Council; Robert Thade, Lewis County Conservation District; Karla Kay Fullerton, Washington Cattlemen's Association; and Dave Williams, Association of Washington Cities (All in support).

(Appropriations) Representative Pennington, prime sponsor; and Chuck Williams, Clark County.