

# HOUSE BILL REPORT

## ESHB 2496

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### As Passed Legislature

**Title:** An act relating to salmon recovery planning.

**Brief Description:** Developing the critical path schedule for salmon recovery.

**Sponsors:** By House Committee on Appropriations (originally sponsored by Representatives Buck, Doumit, Anderson, Sump, D. Sommers, Clements, Butler, Schoesler, Honeyford, Thompson, D. Schmidt, Linville, Chandler, Johnson, Regala, Hatfield, O'Brien, Dickerson, Ogden, Cooper, Kessler, Gardner, Conway and Eickmeyer).

#### **Brief History:**

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

Natural Resources: 1/20/98, 1/27/98 [DPA];  
Appropriations: 2/9/98 [DPS(APP)].

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

Passed House: 2/16/98, 98-0.  
Senate Amended.  
House Concurred.  
Passed Legislature.

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### HOUSE COMMITTEE ON NATURAL RESOURCES

**Majority Report:** Do pass as amended. Signed by 11 members: Representatives Buck, Chairman; Sump, Vice Chairman; Thompson, Vice Chairman; Regala, Ranking Minority Member; Butler, Assistant Ranking Minority Member; Alexander; Anderson; Chandler; Eickmeyer; Hatfield and Pennington.

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

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### HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The substitute bill by Committee on Appropriations be substituted therefor and the substitute bill do pass. Signed by 29 members: Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman; H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Gombosky, Assistant Ranking Minority Member; Benson; Carlson;

Chopp; Cody; Cooke; Crouse; Grant; Keiser; Kenney; Kessler; Lambert; Lisk; Mastin; McMorris; Parlette; Poulsen; Regala; D. Schmidt; Sehlin; Sheahan; Talcott and Tokuda.

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

**Background:** The National Marine and Fisheries Service (NMFS) has listed some salmon and steelhead runs in the state as threatened or endangered under the federal Endangered Species Act. Other fish runs within Washington are likely to be listed in the near future. Washington will be required to develop a state plan for NMFS that will lead to the recovery of these species.

### **Summary of Bill:**

#### **State of the Salmon Report**

Beginning in 2000, the Governor is required to submit a biennial state of the salmon report to the Legislature during the first week of December. The report may include a description of the amount of funds spent on salmon recovery in response to listings under the federal Endangered Species Act (ESA); and a summary of habitat projects including accomplishments in identifying and removing salmon passage barriers, the role of volunteer initiatives in salmon habitat restoration efforts, and salmon restoration efforts undertaken in the past two years.

The report may also include a summary of: collaborative efforts with other states and Canada; harvest and hatchery management activities affecting salmon recovery, information regarding impediments to successful salmon recovery, information on the estimated carrying capacity of new habitat, and the number and types of violations of existing laws pertaining to water quality and salmon.

#### **Salmon Recovery Office**

A Salmon Recovery Office is created in the Governor's Office. The primary purpose of the office is to coordinate and assist in the development of salmon recovery plans for evolutionary significant units, and submit those plans to tribal governments and federal agencies in response to the ESA.

The Salmon Recovery Office may also act as a liaison with Congress, federally recognized Indian tribes, local governments, and the federal executive branch for issues related to the state's salmon recovery plans.

The Salmon Recovery Office expires on June 30, 2006.

#### **Habitat Restoration Project Lists and Funding**

Counties, cities, and tribal governments must jointly designate, by official resolution, the area for which a habitat restoration project list is to be developed, and the lead entity responsible for submitting the list. The lead entity may be a county, city, conservation district, special district, tribal government, or other entity. The area covered by the habitat project list must be based at a minimum on a WRIA, combination of WRIsAs, an evolutionarily significant unit (ESU), or any other area agreed to by the counties, cities, and tribes. A definition is provided for a habitat project list, which includes among other types of projects, habitat restoration projects.

The lead entity must establish a committee that includes representatives of counties, cities, conservation districts, tribes, environmental groups, business interests, landowners, citizens, volunteer groups, regional fish enhancement groups, and other restoration interests. The lead entity must compile a list of habitat restoration projects, establish priorities for individual projects, define the sequence for project implementation, identify potential funding sources, and submit the habitat restoration project list to the interagency team for funding. Habitat projects must have a written agreement from the landowner on which the project is to be implemented. Habitat restoration project lists must be submitted to the interagency team by January 1<sup>st</sup> and July 1<sup>st</sup> of each year, beginning in 1999.

Critical pathways methodology must still be used for development of the habitat project list and habitat work schedule. The critical pathways methodology must include a limiting factors analysis for salmon in the region, identify local habitat projects that sponsors are willing to undertake, identify how the projects will be monitored and evaluated, and describe the adaptive management strategy that will be used.

An interagency review team composed of representatives of the Conservation Commission, the Department of Transportation, and the Department of Fish and Wildlife dispenses funds for habitat restoration projects. If a lead entity is established for an area the interagency review team may remove, but may not add, projects from a habitat project list. If there is no lead entity for an area, the interagency review team must rank and prioritize habitat restoration projects for the area, giving priority to projects that provide a greater benefit to salmon recovery, will be implemented in a more critical area, are the most cost-effective, have the greatest amount of match or in-kind funding, and will be implemented by a sponsor with a successful record of project implementation.

The interagency review team may annually establish a maximum amount of funding available for any individual project, subject to available funding. The review team must attempt to assure a geographical balance in assigning priorities to projects. The review team may provide block grants to the lead entity subject to available funding. For fiscal year 1998, the agencies represented on the review team may authorize, subject to appropriation, expenditures for projects to restore salmon habitat before completion of the project lists.

## **Independent Science Panel**

An independent science panel is created consisting of five scientists appointed by the Governor. The Governor is directed to request an institution such as the National Academy of Sciences to screen candidates for the panel. The institution must submit a list of the nine most qualified candidates to the Governor, the Speaker of the House of Representatives, and the Majority Leader of the Senate. Each of the legislators must remove one of the names from the list. The Governor must consult with tribal representatives and appoint five persons remaining on the nomination list to constitute the science panel. The panel members are appointed for four-year terms. The membership of the panel must reflect certain types of expertise, including habitat requirements of salmon. The panel is governed by generally accepted guidelines and practices governing independent science boards such as the National Academy of Sciences. The science panel is responsible for reviewing salmon recovery plans at the request of the Salmon Recovery Office.

## **Puget Sound Action Team and Puget Sound Water Quality Management Plan**

A person representing federally recognized Indian tribes is added to the Puget Sound Action Team. Federal agency representatives are added to the Puget Sound Action Team as nonvoting members.

Recovery plans developed under the federal Endangered Species Act must be considered for inclusion into the Puget Sound Water Quality Management Plan. The Puget Sound work plan and budget must include specific actions and projects pertaining to salmon recovery plans.

## **Mitigation Proposals**

The Department of Transportation, the Department of Fish and Wildlife, the Department of Ecology, and tribes must convene a work group to develop policy guidance for determining alternative mitigation opportunities within a watershed, and to evaluate mitigation alternatives for the development of habitat project lists.

## **Implementation**

The Governor is required to submit a summary to the Legislature of the implementation of this legislation by December 31, 1998, including recommendations that would further the success of salmon recovery.

## **Technical Assistance**

The Conservation Commission, in consultation with local governments and tribes, invites government and private personnel with appropriate expertise to act as a technical

assistance advisory group. The technical assistance advisory group is responsible for identifying the limiting factors for salmonids in the region . Technical assistance may only be provided by state agency personnel from existing full-time equivalent employees unless specifically funded in the budget. The Sea Grant Program at the University of Washington may provide technical assistance on a fee-for-service basis.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** (Natural Resources) The bill creates an accountable structure that is highly visible and tracks resources and costs effectively. Projects will be prioritized in regions where federal Endangered Species Act listings are being proposed. The proposal represents input from all stakeholders, including tribes, commercial fishers, sport fishers, and environmental groups. Funding for technical assistance is necessary to help local communities in their salmon recovery efforts.

(Appropriations) Efforts need to be coordinated so money and resources aren't wasted. A recovery effort on one creek resulted in 130,000 coho fry being destroyed. Restoration efforts need to be planned up front in order to utilize time effectively. Projects need to be prioritized so that we can get the fastest recovery possible. This is an important piece for salmon recovery, it helps ensure that the necessary tools are in place so efforts aren't misplaced with volunteers. Milestones which are important to adaptive management are included. This provides a high degree of accountability. Adding 25-30 miles of habitat restoration a year can make a major impact towards healthy salmon runs.

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

(Appropriations) None.

**Testified:** (Natural Resources) (On proposed substitute) Representative Jim Buck, prime sponsor; Terry Wright, NW Indian Fisheries Commission; Ed Owens, Commercial Fisherman; Diane Nelson, Colville Tribe (pro); and Ron Schultz, National Audubon Society (pro with concerns).

(Appropriations) Representative Jim Buck, prime sponsor; Bruce Crawford, Department of Fish and Wildlife; Bill Wilkerson, Washington Forest Protection Association; Ed Owens, Coalition of Coastal Fisheries; Steve Robinson, Northwest Indian Fisheries Commission; Bruce Wishart, People for Puget Sound; John Kelly, King County Outdoor Sports Council; Doug Fricke, Washington Trollers; Josh Baldi, Washington

Environmental Council; Joy Huber, Rivers Council of WA; and Paul Parker, WA State Association of Counties.