

# HOUSE BILL REPORT

## HB 2504

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### As Reported By House Committee On:

Natural Resources

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

**Brief Description:** Recovering salmon.

**Sponsors:** Representatives Regala, Buck, Doumit, Linville, Anderson, Cooper, Chandler, Romero, Veloria, Dickerson, Constantine, Ogden, Kessler, Gardner, Carrell, Wolfe, Butler, Costa, Wood, Conway and Eickmeyer.

### **Brief History:**

#### **Committee Activity:**

Natural Resources: 1/21/98, 2/6/98 [DPS].

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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 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).

**Background:** The long-term depletion of salmonid stocks in the state has resulted in several listings of fish runs under the federal Endangered Species Act. Washington state will be required to develop a state plan for the National Marine Fisheries Service that will lead to the recovery of these species.

### **Summary of Substitute Bill:**

#### **A. State of the Salmon Report**

The Governor is required to submit an annual state of the salmon report to the Legislature during the first week of the regular legislative session beginning in 1999. The report must include a summary of habitat restoration projects, including: accomplishments in removing barriers to salmon passage and an identification of existing barriers; a description of salmon restoration efforts undertaken in the past year, including

a listing of the location and length of streams or water bodies affected; and a summary of the role which private initiatives and higher education institutions contribute to salmon habitat restoration efforts.

In addition, the state of the salmon report must include identification of impediments to successful salmon recovery, including gaps or conflicts in state statutes, delays in obtaining approval or assistance from federal agencies, delays due to jurisdictional disputes, land management practices which contribute to the degradation of salmon habitat, the lack of water or poor water quality during certain times of the year for certain stream segments, and impediments to the success of regional councils. The report must also provide a region by region description of the amount of funds directly spent on salmon recovery by fund source; a summary of collaborative efforts undertaken with adjoining states or Canada; a summary of fish management activities; information regarding volunteer participation; and suggestions for legislative action that would further the success of salmonid recovery.

## **B. Salmon Recovery Office**

A Salmon Recovery Office is created in the Governor's Office. The Governor must appoint an executive director to serve at the pleasure of the Governor by April 1, 1998. The office consists of four permanent and up to eight total staff, and at least two of the staff must be employees of the Department of Fish and Wildlife. At least one of the permanent positions must be filled by a person knowledgeable of tribal fishery interests, and the executive director must solicit a list of suitable candidates for this position from federally recognized Indian tribes. Other agencies may transfer staff to the office as agreed to by the agencies.

The Salmon Recovery Office is responsible for several duties, including establishing a uniform state-wide reporting system to collect necessary information regarding salmon, acting as a liaison with Congress and the federal executive branch for issues related to the state's salmon recovery plans, developing a data system to track information pertaining to violations of existing laws pertaining to water quality and to protection of salmon, and coordinating technical assistance to regional councils. State natural resource-related agencies must provide ongoing technical assistance to regional councils. The office is required to recommend to the Legislature the feasibility of forming a statewide or regional community foundation to assist in financing salmon recovery efforts.

## **C. Regional Councils**

The Department of Fish and Wildlife, in consultation with local, tribal, state, and federal governmental agencies must convene a public meeting to determine the process for creating regional councils. An existing group may be chosen to act as the regional

council, but it must have a membership which reflects a reasonably balanced representation of interests.

The boundaries for a regional council are the same as the boundaries of a regional fisheries enhancement group. The Governor may create up to four new regional fisheries enhancement groups in the state - three in Eastern Washington, and one in Western Washington.

Regional councils are responsible for developing both habitat work schedules and habitat work plans. Regional councils may contract for habitat restoration projects, and may administer available funds for the implementation of these projects with regional fisheries enhancement groups, nongovernmental entities, governmental entities, private landowners, and citizen groups.

A group of these project implementers can be organized around a river, tributary, or subbasin of a watershed within a region.

The department must formally recognize a group as the regional council after consulting with local government entities in the region. Regional councils must hold open public meetings.

#### **D. Habitat Work Schedules**

A habitat work schedule is developed for habitat restoration projects within a region. The schedule must rely to the extent possible on existing information and use a critical pathways methodology.

The habitat work schedule must identify limiting factors, identify and prioritize categories of projects to respond to limiting factors in the region, issue requests for project proposals, review and evaluate project proposals, prioritize and rank projects, fund high priority projects, and monitor and evaluate the projects funded.

#### **E. Habitat Work Plans**

Habitat work plans consist of the list of prioritized projects from the habitat work schedules, along with the list of entities performing the restoration projects, a description of the adaptive management strategy which will be used, the time lines for the project and estimated cost, and an assessment of the available resources. The work plan must be submitted to the Salmon Recovery Office and must be updated on an annual basis.

#### **F. 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 submits a list of the nine most qualified candidates to the Governor, the chair of the Senate Natural Resources and Parks Committee, and the chair of the House Natural Resources Committee. Each of the chairs may remove one of the persons from the list, and the Governor may remove two names from the list. The remaining persons on the list 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 protection of salmonids. 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 consulting with natural resources-related state agencies as those agencies develop key criteria that represent acceptable scientific standards which must be met to restore healthy salmon runs; reviewing the regionally developed salmon recovery plans; developing model monitoring programs for water quality and salmon habitat for regional use in salmon restoration efforts; and reporting to the Governor on adaptive management recommendations after reviewing the implementation of habitat restoration plans.

The Governor's Office provides the necessary administrative support for the science panel, except that the Puget Sound Action Team provides staff support to the science panel for the development of the model monitoring programs.

### **G. Volunteer Initiative**

A volunteer habitat restoration account is created in the state treasury. The Department of Fish and Wildlife may expend funds, after appropriation, for volunteer restoration projects, and for technical assistance and administration associated with these projects. A volunteer habitat restoration initiative is created when a contract is signed by the director of Department of Fish and Wildlife, an administrator for a regional council, and a nonprofit entity or a collaboration of nonprofit entities.

The contract must specify the responsibilities of each party. The regional council must, with the cooperation of the volunteer group, identify the types of projects that are a high priority and appropriate for the volunteers to undertake, the objective of the project, the duration of the initiative, the type of monitoring for the project, and the funding needed.

The local government must identify available staffing to provide technical assistance to the project, a mechanism to streamline permitting requirements, and the funding it will provide.

The nonprofit entity must recruit volunteers, provide training for the project, seek additional funds, work with private landowners and governmental entities to identify project opportunities, work with local and state government personnel to identify

technical assistance opportunities and permitting obstacles, and work with the media to develop a high profile for the efforts.

## **H. Mitigation Proposals**

The Department of Transportation, the Department of Fish and Wildlife, and the Department of Ecology must convene a work group to develop a process for evaluating mitigation proposals, including identifying mitigation opportunities within a region.

## **I. Puget Sound Action Team and Puget Sound Council**

Representatives of commercial fishers and recreational fishers are added to the Puget Sound Council. A person representing tribal co-managers is added to the Puget Sound Action Team. Federal agency representatives are added to the Puget Sound Action Team as nonvoting members.

Recovery plans under the Endangered Species Act must be included as part of 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.

**Substitute Bill Compared to Original Bill:** The original bill created an Office of Salmon Ombudsman, required an annual state of the salmon report from the Governor, and requested the Governor to propose legislation in 1999 which created a structure to help restore salmon populations. The substitute bill modifies the first two components of the original bill, deletes the provision pertaining to proposed legislation and replaces it with a regional council structure, adds an independent science panel and volunteer initiative, and makes changes related to the Puget Sound Action Team, the Puget Sound Council, and other changes.

**Appropriation:** A "blank line" appropriation for the biennium ending June 30, 1999.

**Fiscal Note:** Requested.

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

**Testimony For (original bill):** The state needs to retain control over salmon recovery. State salmon efforts need to be coordinated. Getting necessary information out is key to effective efforts. The outputs required by this legislation are important for salmon recovery. The bill strikes a good balance and is not overly prescriptive. The Endangered Species Act and Clean Water Act linkage is appropriately recognized.

**Testimony Against:** None.

**Testified:** Representative Regala, prime sponsor; Bruce Crawford, Department of Fish and Wildlife; Josh Baldi, WA Environmental Council; Steve Robinson, Northwest Indian Fisheries Commission; Ed Owens, Commercial Fishers; Bruce Wishert, People for Puget Sound; Patty Sumption, Friends of the Green River; Paul Parker, WA Association of Counties; and Scott Hazelgrove, Association of WA Business.