
ENGROSSED SUBSTITUTE HOUSE BILL 2496

State of Washington

55th Legislature

1998 Regular Session

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)

Read first time . Referred to Committee on .

1 AN ACT Relating to salmon recovery planning; amending RCW
2 90.71.005, 90.71.020, 90.71.030, and 90.71.050; adding a new chapter to
3 Title 75 RCW; creating new sections; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

16 The legislature finds that it is in the interest of the citizens of
17 the state of Washington for the state to retain primary responsibility
18 for managing the natural resources of the state, rather than abdicate
19 those responsibilities to the federal government. The legislature also

1 finds that there is a substantial link between the provisions of the
2 federal endangered species act and the federal clean water act (33
3 U.S.C. Sec. 1251 et seq.). The legislature further finds that habitat
4 restoration is a vital component of salmon recovery efforts.
5 Therefore, it is the intent of the legislature to specifically address
6 salmon habitat restoration in a coordinated state-wide manner and to
7 develop a structure that allows for the coordinated delivery of
8 federal, state, and local assistance to communities for habitat
9 projects that will assist in the recovery and enhancement of salmon
10 stocks within the state while also addressing improvements to water
11 quality.

12 The legislature also recognizes that a science-based approach that
13 incorporates adaptive management strategies will be needed to help
14 salmon stocks recover, and that an effective monitoring system is
15 essential for implementing adaptive management. The legislature also
16 finds that credible scientific review and oversight is essential for
17 any salmon recovery effort to be successful.

18 The legislature therefore finds that a coordinated framework for
19 responding to the salmon crisis is needed immediately. To that end,
20 the salmon recovery office should be created within the governor's
21 office to provide overall coordination of the state's response; an
22 independent science team is needed to provide scientific review and
23 oversight; regional councils should be formed to provide a mechanism to
24 include local knowledge and decision making into salmon recovery
25 efforts; and a strong locally based effort to restore salmon habitat
26 should be established by providing a framework to allow citizen
27 volunteers to work effectively.

28 NEW SECTION. **Sec. 2.** The definitions in this section apply
29 throughout this chapter unless the context clearly requires otherwise.

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

33 (2) "Critical pathways methodology" means a project scheduling and
34 management process for examining interactions between habitat projects
35 and salmonid species, prioritizing habitat projects, and assuring
36 positive benefits from habitat projects under section 11 of this act.

37 (3) "Department" means the department of fish and wildlife.

1 (4) "Director" means the director of the department of fish and
2 wildlife.

3 (5) "Habitat project" includes habitat restoration projects,
4 habitat protection projects, habitat projects that improve water
5 quality, habitat projects that protect water quality, habitat-related
6 mitigation efforts, and habitat project maintenance and monitoring
7 activities.

8 (6) "Natural resources-related state agencies" includes the
9 department of natural resources, the department of fish and wildlife,
10 the department of transportation, the parks and recreation commission,
11 the Puget Sound water quality action team, the interagency committee
12 for outdoor recreation, the conservation commission, the department of
13 ecology, the department of agriculture, the department of health, and
14 the department of community, trade, and economic development.

15 (7) "Region" or "regional" means an area of the state that is
16 identified as being the boundaries of a regional fisheries enhancement
17 group.

18 (8) "Salmon" includes all species of the family Salmonidae which
19 are capable of self-sustaining, natural production.

20 (9) "Schedule" means a habitat work schedule adopted by a regional
21 council under section 7 of this act.

22 (10) "Tribe" or "tribes" means federally recognized Indian tribes.

23 (11) "Work plan" means a habitat work plan prepared by a regional
24 council under section 11 of this act.

25 NEW SECTION. **Sec. 3.** By December 31, 1998, the governor shall
26 submit a summary of the implementation of this act to the legislature,
27 and include recommendations to the legislature that would further the
28 success of salmon recovery. The recommendations may include: (1) The
29 need to expand or improve nonregulatory programs and activities; (2)
30 the need to expand or improve state and local laws and regulations; and
31 (3) the feasibility of forming a state-wide or regional community
32 foundation or any other funding alternatives to assist in financing
33 salmon recovery efforts.

34 NEW SECTION. **Sec. 4.** Beginning in 1999, the governor shall submit
35 a biennial state of the salmon report to the legislature during the
36 first week of December. The report may include the following:

1 (1) A region-by-region description of the amount of funds,
2 including volunteer, private, and state, federal, tribal as available,
3 and local government money directly spent on salmon recovery in
4 response to endangered species act listings;

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

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

8 (b) A summary of salmon restoration efforts undertaken in the past
9 two years; and

10 (c) A summary of the role which private volunteer initiatives and
11 institutions of higher education contribute in salmon habitat
12 restoration efforts;

13 (3) A summary of collaborative efforts undertaken with adjoining
14 states or Canada;

15 (4) A summary of fish management activities affecting salmon
16 recovery;

17 (5) A summary of information regarding impediments to successful
18 salmon recovery efforts. The summary may include information on delays
19 in obtaining approval or assistance from federal agencies, gaps or
20 conflicts in state statutes, delays due to jurisdictional disputes,
21 land management practices or other activities that are contributing to
22 the degradation of salmon habitat, the lack of water or poor water
23 quality during certain times of the year for certain stream segments,
24 naturally based causes, international disputes, and any impediments to
25 the success of regional councils;

26 (6) Information on the estimated carrying capacity of new habitat
27 created pursuant to chapter . . . , Laws of 1998 (this act);

28 (7) A summary of the number and types of violations of existing
29 laws pertaining to: (a) Water quality; and (b) salmon. The summary
30 shall include information about sanctions imposed for these violations;
31 and

32 (8) Recommendations to the legislature that would further the
33 success of salmon recovery. The recommendations may include: (a) The
34 need to expand or improve nonregulatory programs and activities; and
35 (b) the need to expand or improve state and local laws and regulations.

36 NEW SECTION. **Sec. 5.** There is created the salmon recovery office
37 within the office of the governor for the purpose of having a
38 coordinated state strategy to allow for salmon recovery to healthy

1 sustainable population levels with productive commercial and
2 recreational fisheries. By April 1, 1998, the governor shall appoint
3 an executive director for the office. The executive director shall
4 serve at the pleasure of the governor. The salary of the executive
5 director shall be fixed by the governor, subject to RCW 43.03.040.

6 The salmon office may consist of up to eight total staff, including
7 the executive director. At least one of the permanent staff positions
8 shall be reserved for a person who is knowledgeable in tribal fishery
9 interests. At least two of the staff shall be employees of the
10 department. Other agencies including the department may transfer
11 existing staff as agreed to by the agencies and deemed necessary to
12 achieve the duties of the salmon recovery office.

13 The governor's salmon recovery office may undertake activities on
14 a state-wide or evolutionarily significant unit basis designed to
15 improve the health of salmon, which may include the following:

16 (1) Assist the fish and wildlife commission in the negotiation of
17 international and interstate compacts or treaties affecting salmon
18 recovery;

19 (2) Act as liaison to the state congressional delegation, United
20 States congress, federally recognized tribes, and the federal executive
21 branch for issues related to the state's endangered species act salmon
22 recovery plans;

23 (3) Coordinate the delivery of technical assistance to regional
24 councils for the development and implementation of habitat work
25 schedules and habitat work plans. State natural resources-related
26 agencies shall provide ongoing technical assistance to regional
27 councils;

28 (4) Review work plans with federal and tribal governments and state
29 agencies, for conflict with applicable laws and treaties;

30 (5) Any other services requested by a region that are reasonably
31 related to the development or implementation of a salmon habitat
32 restoration plan and agreed to by the executive director;

33 (6) Establish a uniform state-wide reporting system for regional
34 councils to collect information necessary to address topics that must
35 be included as part of the governor's state of the salmon report;

36 (7) Provide information to regional councils that has been
37 developed or collected by state and federal agencies;

38 (8) Develop electronic access to up-to-date information pertaining
39 to salmon;

1 (9) Develop a data system to track information pertaining to the
2 number and types of violations of existing laws pertaining to water
3 quality and salmon, including information about sanctions imposed for
4 these violations; and

5 (10) Coordinate and assist in the development of salmon recovery
6 plans for evolutionarily significant units, and submit those plans to
7 the appropriate federal agencies in response to the federal endangered
8 species act.

9 NEW SECTION. **Sec. 6.** (1) The department shall authorize the
10 creation of, and establish the boundaries for, up to four new regional
11 fisheries enhancement groups in the state. Up to three of the new
12 groups may be located in eastern Washington and one new group may be
13 located in western Washington.

14 (2) The boundaries served by a regional fisheries enhancement group
15 shall constitute the boundaries of a region for the purpose of
16 developing a habitat work plan. The department, after consultation
17 with affected parties, may by rule adjust the boundaries of a regional
18 fisheries enhancement group area.

19 (3) One or more regional councils may combine into a single area to
20 carry out the purposes of chapter . . . , Laws of 1998 (this act).

21 NEW SECTION. **Sec. 7.** (1) There are established regional councils
22 for the purpose of developing habitat work schedules and habitat work
23 plans as outlined in section 11 of this act.

24 (2)(a) The regional council shall consist of: (i) Qualified
25 representation of cities, counties, special purpose districts, state,
26 and tribal governments; (ii) conservation districts; and (iii) project
27 sponsors, regional fisheries enhancement groups, and other restoration
28 interests.

29 (b) The nongovernmental participants shall predominately be
30 residents of the regions and reflect a reasonably balanced
31 representation between economic and other interests representing
32 environmental, recreation, and other concerns.

33 (3) The department, in consultation with the appropriate local,
34 state, tribal, and federal governmental agencies shall convene a public
35 meeting to establish a regional council. The department shall assure
36 the time, place, and location of the convening meeting or meetings is
37 well advertised.

1 (4)(a) An existing group may serve as the regional council. To be
2 considered, the representation of governmental entities and interest
3 groups on such a planning group must be generally similar to the
4 representation identified in subsection (2) of this section. The
5 existing group chosen in this manner plus any new members as in
6 subsection (2) of this section will constitute the regional council for
7 developing salmon habitat work plans under this chapter.

8 (b) In the event that two or more groups are seeking recognition
9 from the department, the following criteria shall be used:

10 (i) A group that has been in existence shall be given preference;

11 (ii) A group that most closely resembles the representation
12 identified in subsection (2) of this section shall be given preference;
13 and

14 (iii) A group that has the broadest representation of the community
15 shall be given preference.

16 (c) The department shall endeavor to ensure that members of a group
17 not selected as a regional council are allowed to participate in
18 habitat restoration activities.

19 (5) The department, in consultation with the local government
20 entities in the region, shall formally recognize a regional council
21 when the criteria under subsection (2) of this section are met.

22 (6) A regional council may invite representatives of federal
23 agencies as appropriate to assist the regional council in the
24 development of a salmon habitat work plan.

25 (7) Council members who are also project sponsors shall not
26 participate in decision making on projects for which the member is the
27 project sponsor and for which the member will recognize a direct
28 financial benefit from the project.

29 NEW SECTION. **Sec. 8.** The regional council shall convene a
30 technical assistance group consisting of federal, state, tribal, local,
31 and private individuals with appropriate expertise to provide the
32 technical services identified in section 11 of this act. Where
33 appropriate, the conservation district within the region will take a
34 lead in developing and maintaining relationships between the technical
35 assistance groups and the private landowner project sponsors under
36 section 9 of this act.

1 NEW SECTION. **Sec. 9.** (1) "Project sponsors" may include regional
2 fisheries enhancement groups, private landowners, citizen groups,
3 tribes, governmental entities, or nongovernmental entities implementing
4 habitat projects. For a federal, state, or local governmental entity
5 to be considered a project sponsor, it must manage riparian and
6 littoral land in the region.

7 (2) Within a region, a group of project sponsors may be organized
8 around a river, tributary, estuary, or subbasin of a watershed.

9 (3) Project sponsors undertake projects which have been prioritized
10 by regional councils pursuant to section 11 of this act.

11 NEW SECTION. **Sec. 10.** (1) The regional council shall:

12 (a) Prioritize the habitat projects identified by a technical
13 assistance group and project sponsors. The purpose of the
14 prioritization is to rank projects in a manner that maximizes the
15 habitat capable of establishing healthy populations of salmon;

16 (b) Develop and submit a habitat work plan as required under
17 section 11 of this act; and

18 (c) Hold open, public meetings.

19 (2) The regional council may:

20 (a) Select an administrator and an administrative assistant and
21 establish their responsibilities;

22 (b) Administer any available funds to project implementers for
23 salmon restoration efforts;

24 (c) Establish a name for the regional council; and

25 (d) Contract for habitat projects.

26 NEW SECTION. **Sec. 11.** (1) Critical pathways methodology shall be
27 used to develop a habitat work schedule and a habitat work plan that
28 ensures salmon restoration activities within each region will be
29 prioritized and implemented in a logical sequential manner that
30 produces habitat capable of carrying healthy populations of salmon.
31 The development of a habitat work schedule and a habitat work plan
32 shall rely, to the extent possible, on existing information.

33 (2)(a) The regional council shall develop a habitat work schedule
34 to prioritize and determine the order in which habitat projects within
35 the region will be accomplished.

36 (b) The work schedule shall:

1 (i) Identify limiting factors for salmon in streams, rivers,
2 tributaries, estuaries, and subbasins in the region. The technical
3 assistance group convened under section 8 of this act has lead
4 responsibility for this task;

5 (ii) Identify and prioritize categories of projects, and prioritize
6 between these categories, to respond to the limiting factors related to
7 habitat identified by the technical assistance group. The technical
8 assistance group convened under section 8 of this act has lead
9 responsibility for this task;

10 (iii) Identify local habitat projects that sponsors are willing to
11 undertake. Project sponsors have lead responsibility for this task;

12 (iv) Prioritize individual habitat projects to assure maximum
13 benefit to salmon recovery. The regional council is responsible for
14 this task, and shall consider salmon recovery efforts which are already
15 being conducted in the region when developing the list of prioritized
16 projects;

17 (v) Identify appropriate funding sources. The regional council has
18 the lead responsibility for this task;

19 (vi) Issue requests for project proposals. The department of fish
20 and wildlife, the department of transportation, and the conservation
21 commission have lead responsibility for this task;

22 (vii) Review, evaluate, and rank project proposals. The department
23 of fish and wildlife, the department of transportation, and the
24 conservation commission shall jointly review and evaluate project
25 proposals in order to fund projects which will be beneficial to
26 improving habitat for fish which are listed under the federal
27 endangered species act or are considered to be weak stock;

28 (viii) Fund high priority projects, subject to available funding,
29 and any constraints on that funding. The department of fish and
30 wildlife, the department of transportation, the conservation
31 commission, and any other funding entity have lead responsibility for
32 this task. If the agencies find that one or more high priority
33 projects for the region do not have a capable project sponsor, the
34 agencies must gain support from a willing project sponsor prior to
35 funding the project; and

36 (ix) Identify how projects will be monitored and evaluated. The
37 regional council, in consultation with the technical assistance group
38 and project sponsors, has lead responsibility for coordinating this
39 task.

1 (c) The habitat work plan consists of the habitat work schedule as
2 well as the following information:

3 (i) A list of the limiting factors for salmon in the region
4 identified by the technical assistance group or by any watershed
5 assessment in the region;

6 (ii) A list of the entity or entities performing the habitat
7 projects;

8 (iii) A description of the adaptive management process that will be
9 used to develop subsequent work plans;

10 (iv) The start date, duration, estimated date of completion,
11 estimated cost, and, if appropriate, the affected salmonid species, of
12 each project; and

13 (v) An assessment of all available private, local, tribal, state,
14 and federal government resources available for projects identified in
15 the schedule.

16 (3) The regional council shall submit a copy of the work plan to
17 the salmon recovery office and to the independent science panel for
18 review. The regional council may also implement those projects for
19 which it has been able to obtain funding. Individual habitat work
20 schedules may be prepared for a river, tributary, estuary, or subbasin
21 of a watershed in a manner that allows the schedules to be combined to
22 create a report which shows the recovery effort within a region, the
23 state, or for specific runs of fish.

24 (4) The habitat work plans shall be updated on an annual basis to
25 depict new activities, report progress on projects, show completion of
26 scheduled activities, determine which recovery efforts were successful,
27 and show where adaptive management is required to address those
28 recovery efforts that failed.

29 NEW SECTION. **Sec. 12.** (1)(a) An independent science panel is
30 hereby created consisting of five scientists appointed by the governor.
31 The governor shall appoint the members of the independent science panel
32 to a term of four years. The independent science panel members shall
33 elect the chair of the panel among themselves every two years.

34 (b) The governor shall request the national academy of sciences,
35 the American fisheries society, or a comparable institution to screen
36 candidates to serve as members on the independent science panel. The
37 institution that conducts the screening of the candidates shall submit
38 a list of the nine most qualified candidates to the governor, the chair

1 of the house of representatives natural resources committee, and the
2 chair of the senate natural resources and parks committee. The chair
3 of the senate committee and the chair of the house of representatives
4 committee may each remove one person from the list of recommended
5 candidates submitted by the institution conducting the screening. The
6 governor may remove two persons from the list of recommended
7 candidates. The governor shall appoint the remaining five recommended
8 candidates on the list as the members of the independent science panel.

9 (2) Membership of the independent science panel shall reflect
10 expertise in habitat requirements of salmon, protection and restoration
11 of salmon populations, artificial propagation of salmon, hydrology, and
12 requirements for fully functioning ecosystems on a watershed basis.

13 (3) Members of the independent science panel shall be compensated
14 as provided in RCW 43.03.250 and reimbursed for travel expenses as
15 pursuant to RCW 43.03.050 and 43.03.060.

16 (4) Except as provided in section 13(3) of this act, the governor's
17 office shall provide all necessary administrative support to the
18 independent science panel.

19 (5) The independent science panel shall be governed by generally
20 accepted guidelines and practices governing the activities of
21 independent science boards such as the national academy of sciences.
22 The purpose of the independent science panel is to help ensure that
23 sound science is used in salmon recovery efforts, and not to make
24 policy decisions which are the responsibility of decision makers.

25 NEW SECTION. **Sec. 13.** The independent science panel shall have
26 the following responsibilities:

27 (1) Reviewing and evaluating the intended outcomes and performance
28 measures of regionally developed habitat work plans. Comparable
29 habitat restoration plans that have already undergone independent
30 scientific review before the effective date of this act are not subject
31 to review by the independent science panel under this subsection;

32 (2) Developing, in cooperation with the Puget Sound ambient
33 monitoring program, model monitoring programs for water quality and
34 salmon habitat protection and restoration that may be used in regional
35 salmon restoration efforts to track quantifiable performance measures.
36 The Puget Sound action team, created in RCW 90.71.020, shall provide
37 staff support to the independent science panel in the development of
38 the model monitoring programs; and

1 (3) Reporting to the governor and the legislature on adaptive
2 management recommendations, performance measures, and intended outcomes
3 for habitat work plans.

4 NEW SECTION. **Sec. 14.** (1)(a) The legislature finds that:

5 (i) The health of many salmon stocks around the state have declined
6 significantly and are currently in a critical or depressed condition;

7 (ii) Citizen involvement will be essential if the general decline
8 in salmon health is to be reversed;

9 (iii) Citizens can and will show a remarkable level of involvement
10 and commitment to restoring salmon and the healthy rivers and streams
11 that salmon depend on; and

12 (iv) This level of involvement can be achieved if the program is
13 voluntary, nongovernmental, and widely advertised.

14 (b) The legislature therefore declares it is in the public interest
15 for regional councils to utilize existing regional fishery enhancement
16 groups and other private nonprofit volunteer groups for the habitat
17 volunteer restoration initiative as provided in this chapter.

18 (c) The initiative shall be designed to create a very high level of
19 public awareness of salmon issues and how citizens can be involved in
20 positive solutions.

21 (2) The volunteer habitat restoration account is created in the
22 state treasury to be administered by the department. The department
23 may expend funds from this account only for volunteer restoration
24 initiatives under subsection (3) of this section, for technical
25 assistance to the projects, and for the administration of these
26 projects. Moneys may be spent only after appropriation.

27 (3) A volunteer habitat restoration initiative is created when a
28 memorandum of understanding is signed by the director, an administrator
29 for a regional council, and a nonprofit entity or a collaborative group
30 of nonprofit entities. The terms of the agreement shall specify the
31 responsibilities of each party to include but not be limited to the
32 following:

33 (a) The regional council in cooperation with the volunteer group
34 shall identify:

35 (i) The types of projects that are appropriate for volunteers to
36 undertake;

37 (ii) The outcome that each project is to achieve; and

38 (iii) The duration of the initiative.

- 1 (b) The department shall identify:
- 2 (i) A mechanism to streamline permit requirements for projects that
3 are identified in a work plan;
- 4 (ii) Staff resources available to provide training or technical
5 assistance to the project; and
- 6 (iii) The amount of funds that will be provided by the department.
- 7 (c) The nonprofit entity or nonprofit entities shall:
- 8 (i) Recruit volunteers;
- 9 (ii) Provide training appropriate to the project undertaken;
- 10 (iii) Deploy volunteers with sufficient resources to meet the
11 outcomes established for the project;
- 12 (iv) Seek additional funds from private and other sponsors;
- 13 (v) Work with private landowners, the technical assistance group,
14 and governmental entities to identify project opportunities;
- 15 (vi) Work with the appropriate local and state government personnel
16 to identify technical assistance needs and permitting obstacles; and
- 17 (vii) Work with the media to develop a high level of public
18 awareness about the initiative.

19 **Sec. 15.** RCW 90.71.005 and 1996 c 138 s 1 are each amended to read
20 as follows:

21 (1) The legislature finds that:

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

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

35 (c) The large number of governmental entities that now have
36 regulatory programs affecting the water quality and the aquatic and
37 upland habitats of Puget Sound have diverse interests and limited

1 jurisdictions that cannot adequately address the cumulative, wide-
2 ranging impacts that contribute to the 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. 16.** 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 supervisor of the national marine fisheries service; and the regional
33 supervisor of the United States fish and wildlife service. The members
34 representing cities and counties shall each be reimbursed for travel
35 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. 17.** RCW 90.71.030 and 1996 c 138 s 4 are each amended to read
2 as follows:

3 (1) There is established the Puget Sound council composed of
4 ~~((nine))~~ eleven members. ~~((Seven))~~ Nine members shall be appointed by
5 the governor. In making these appointments, the governor shall include
6 representation from business, the environmental community, agriculture,
7 the shellfish industry, commercial fishers, recreational fishers,
8 counties, cities, and the tribes. One member shall be a member of the
9 senate selected by the president of the senate and one member shall be
10 a member of the house of representatives selected by the speaker of the
11 house of representatives. The legislative members shall be nonvoting
12 members of the council. Appointments to the council shall reflect
13 geographical balance and the diversity of population within the Puget
14 Sound basin. Members shall serve four-year terms. Of the initial
15 members appointed to the council, two shall serve for two years, two
16 shall serve for three years, and two shall serve for four years.
17 Thereafter members shall be appointed to four-year terms. Vacancies
18 shall be filled by appointment in the same manner as the original
19 appointment for the remainder of the unexpired term of the position
20 being vacated. Nonlegislative members shall be reimbursed for travel
21 expenses as provided in RCW 43.03.050 and 43.03.060. Legislative
22 members shall be reimbursed as provided in RCW 44.04.120.

23 (2) The council shall:

24 (a) Recommend to the action team projects and activities for
25 inclusion in the biennial work plan;

26 (b) Recommend to the action team coordination of work plan
27 activities with other relevant activities, including but not limited
28 to, agencies' activities other than those funded through the plan,
29 local plan initiatives, and governmental and nongovernmental watershed
30 restoration and protection activities; and

31 (c) Recommend to the action team proposed amendments to the Puget
32 Sound management plan.

33 (3) The chair of the action team shall convene the council at least
34 four times per year and shall jointly convene the council and the
35 action team at least two times per year.

36 **Sec. 18.** RCW 90.71.050 and 1996 c 138 s 6 are each amended to read
37 as follows:

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

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

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

14 (ii) Consider the problems and priorities identified in local
15 plans; and

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

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

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

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

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

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

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

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

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

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

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

35 (b) Provide sufficient funding to characterize local watersheds,
36 provide technical assistance, and implement state responsibilities
37 identified in the work plan. The number and qualifications of staff
38 assigned to each region shall be determined by the types of problems
39 identified pursuant to (a) of this subsection;

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

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

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

8 (f) Describe any proposed amendments to the Puget Sound
9 (~~management~~) management plan.

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

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

15 (5) In the event that any Puget Sound salmon species are proposed
16 for listing under the federal endangered species act, the chair of the
17 action team shall submit the current work plan to the appropriate
18 federal administrator and shall request that the work plan be evaluated
19 for its ability to protect and recover the species for which the
20 listing is proposed.

21 NEW SECTION. Sec. 19. (1) The departments of transportation, fish
22 and wildlife, and ecology, and tribes shall convene a work group to
23 develop a process to evaluate mitigation proposals. The work group
24 shall seek technical assistance to ensure that federal, state, treaty-
25 right, and local environmental laws and ordinances are met.

26 (2) The framework shall include:

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

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

33 (3) The appropriate agency or affected interests should collaborate
34 with project proponents and the regional council to identify projects
35 that offer mitigation opportunities. Mitigation funds may be used to
36 implement projects identified by a regional council in a regional
37 council's work plan to mitigate for the impacts of a transportation or
38 other development proposal or project.

1 (4) For the purposes of this section, "mitigation" has the same
2 meaning as provided in RCW 90.74.010.

3 NEW SECTION. **Sec. 20.** Sections 1 through 14 of this act
4 constitute a new chapter in Title 75 RCW.

5 NEW SECTION. **Sec. 21.** If specific funding for the purposes of
6 this act, referencing this act by bill or chapter number, is not
7 provided by June 30, 1998, in the omnibus appropriations act, this act
8 is null and void.

9 NEW SECTION. **Sec. 22.** This act is necessary for the immediate
10 preservation of the public peace, health, or safety, or support of the
11 state government and its existing public institutions, and takes effect
12 immediately.

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