
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

1 further finds that there is a substantial link between the provisions
2 of the federal endangered species act and the federal clean water act
3 (33 U.S.C. Sec. 1251 et seq.). Therefore, it is the intent of the
4 legislature to develop a structure that allows for the coordinated
5 delivery of federal, state, and local assistance to communities for the
6 recovery and enhancement of salmon stocks within the state while also
7 addressing improvements to water quality.

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

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

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

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

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

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

36 (4) "Director" means the director of the department of fish and
37 wildlife.

1 (5) "Natural resources-related state agencies" includes the
2 department of natural resources, the department of fish and wildlife,
3 the department of transportation, the parks and recreation commission,
4 the Puget Sound water quality action team, the interagency committee
5 for outdoor recreation, the conservation commission, the department of
6 ecology, the department of agriculture, the department of health, and
7 the department of community, trade, and economic development.

8 (6) "Region" or "regional" means an area of the state that is
9 identified as being the boundaries of a regional fisheries enhancement
10 group.

11 (7) "Salmon" includes all species of the family Salmonidae which
12 are capable of self-sustaining, natural production.

13 (8) "Salmon restoration project" includes habitat restoration
14 projects, habitat protection projects, water quality improvement
15 projects, maintenance activities, and salmon-related mitigation
16 efforts.

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

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

21 NEW SECTION. **Sec. 3.** By December 1, 1998, the governor shall
22 submit a summary of the implementation of this act to the legislature,
23 and include recommendations to the legislature that would further the
24 success of salmon recovery. The recommendations may include: (1) The
25 need to expand or improve nonregulatory programs and activities; and
26 (2) the need to expand or improve state and local laws and regulations.

27 NEW SECTION. **Sec. 4.** Beginning in 1999, the governor shall submit
28 a biennial state of the salmon report to the legislature during the
29 first week of December. The report shall include but not be limited to
30 the following:

31 (1) A region-by-region description of the amount of funds,
32 including volunteer, private, and state, federal, tribal as available,
33 and local government money directly spent on salmon recovery;

34 (2) A summary of salmon restoration projects including but not
35 limited to:

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

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

3 (c) A summary of the role which private volunteer initiatives and
4 institutions of higher education contribute in salmon habitat
5 restoration efforts;

6 (3) A summary of collaborative efforts undertaken with adjoining
7 states or Canada;

8 (4) A summary of fish management activities affecting salmon
9 recovery;

10 (5) Information regarding impediments to successful salmon recovery
11 efforts, including but not limited to, delays in obtaining approval or
12 assistance from federal agencies, gaps or conflicts in state statutes,
13 delays due to jurisdictional disputes, land management practices or
14 other activities that are contributing to the degradation of salmon
15 habitat, the lack of water or poor water quality during certain times
16 of the year for certain stream segments, naturally based causes,
17 international disputes, and any impediments to the success of regional
18 councils;

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

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

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

29 NEW SECTION. **Sec. 5.** There is created the salmon recovery office
30 within the office of the governor for the purpose of having a
31 coordinated state strategy to allow for salmon recovery to healthy
32 sustainable population levels with productive commercial and
33 recreational fisheries. By April 1, 1998, the governor shall appoint
34 an executive director for the office. The executive director shall
35 serve at the pleasure of the governor. The salary of the executive
36 director shall be fixed by the governor, subject to RCW 43.03.040.

37 The salmon office shall consist of four permanent and up to eight
38 total staff, including the executive director. At least one of the

1 permanent staff positions shall be reserved for a person who is
2 knowledgeable in tribal fishery interests. The executive director
3 shall solicit a list of suitable candidates from federally recognized
4 Indian tribes. At least two of the staff shall be employees of the
5 department. In addition, other agencies including the department may
6 transfer existing staff as agreed to by the agencies and deemed
7 necessary to achieve the duties of the salmon recovery office.

8 The governor's salmon recovery office may undertake activities on
9 a state-wide or evolutionarily significant unit basis designed to
10 improve the health of salmon, which include but are not limited to the
11 following:

12 (1) Assist the fish and wildlife commission in the negotiation of
13 international and interstate compacts or treaties affecting salmon
14 recovery;

15 (2) Act as liaison to the state congressional delegation, United
16 States congress, tribal comanagers, and the federal executive branch
17 for issues related to the state's endangered species act salmon
18 recovery plans;

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

24 (4) Review work plans with federal and tribal governments and state
25 agencies, for consistency with applicable laws and treaties;

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

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

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

34 (8) Develop electronic access to up-to-date information pertaining
35 to salmon;

36 (9) Develop a data system to track information pertaining to the
37 number and types of violations of existing laws pertaining to water
38 quality and salmon, including information about sanctions imposed for
39 these violations;

1 (10) Submit state salmon recovery plans for evolutionarily
2 significant units to federal agencies to show the state response to
3 listings under the federal endangered species act, including the
4 state's efforts at achieving water quality standards, improving salmon
5 habitat, and allowing for the recovery of healthy salmon populations;

6 (11) Develop a system for tracking federal moneys, in consultation
7 with the Northwest power planning council, to ensure compliance with
8 applicable federal audit requirements; and

9 (12) Recommend to the legislature the feasibility of forming a
10 state-wide or regional community foundation or any other funding
11 alternatives to assist in financing salmon recovery efforts.

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

17 (2) The boundaries served by a regional fisheries enhancement group
18 shall constitute the boundaries of a region for the purpose of
19 developing a habitat work plan.

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

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

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

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

34 (3) The department, in consultation with the appropriate local,
35 state, tribal, and federal governmental agencies shall convene a public
36 meeting to establish a regional council. The department shall assure

1 the time, place, and location of the convening meeting or meetings is
2 well advertised.

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

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

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

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

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

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

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

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

27 (7) Members of a council shall not participate in decision making
28 on projects where they are acting as the project sponsor or recognize
29 a direct financial benefit from the project.

30 NEW SECTION. **Sec. 8.** The regional council shall convene a
31 technical assistance group consisting of federal, state, tribal, local,
32 and private individuals with appropriate expertise to provide the
33 technical services identified in section 11 of this act. Where
34 appropriate, the conservation district within the region will take a
35 lead in developing and maintaining relationships between the technical
36 assistance groups and the private landowner project sponsors under
37 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 salmon restoration projects. For a federal, state, or local
5 governmental entity to be considered a project sponsor, it must manage
6 riparian and 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 salmon restoration projects identified in a
13 habitat work schedule received from a technical assistance group and
14 project sponsors. The purpose of the prioritization is to rank
15 projects in a manner that maximizes the cost-effectiveness of
16 establishing healthy populations of salmon;

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

19 (c) Hold open, public meetings.

20 (2) The regional council may:

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

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

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

26 (d) Contract for habitat restoration projects.

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

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

37 (b) The work schedule shall:

1 (i) Identify limiting factors for salmon in the region. The
2 technical assistance group convened under section 8 of this act has
3 lead responsibility for this task;

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

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

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

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

19 (vi) Coordinate with local project sponsors to identify appropriate
20 funding sources. Project implementers have lead responsibility for
21 this task;

22 (vii) Issue requests for project proposals. The department of fish
23 and wildlife, the department of transportation, and the conservation
24 commission have lead responsibility for this task;

25 (viii) Review, evaluate, and rank project proposals. The
26 department of fish and wildlife, the department of transportation, and
27 the conservation commission shall jointly review and evaluate project
28 proposals in order to fund projects which will produce the greatest
29 number of fish which are listed under the federal endangered species
30 act or are considered to be weak stock;

31 (ix) Fund high priority projects, subject to available funding, and
32 any constraints on that funding. The department of fish and wildlife,
33 the department of transportation, the conservation commission, and any
34 other funding entity have lead responsibility for this task. If the
35 agencies find that one or more high priority projects for the region do
36 not have a capable project sponsor, the agencies may fund the project
37 if there is a willing project sponsor; and

1 (x) Monitor and evaluate funded projects. The regional council, in
2 consultation with the technical assistance group and project sponsors,
3 has lead responsibility for coordinating this task.

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

6 (i) A list of the entity or entities performing the salmon
7 restoration project or any watershed assessment in the region;

8 (ii) A list of the limiting factors for salmon in the region
9 identified by the technical assistance group;

10 (iii) A description of the adaptive management strategy that will
11 be used to develop subsequent work plans;

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

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

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

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

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

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

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

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

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

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

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

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

28 (1) Reviewing and evaluating the policies and performance measures
29 and standards in the joint wild salmonid policy and other comparable
30 products;

31 (2) Reviewing and evaluating regionally developed habitat work
32 plans. Comparable habitat restoration plans that have already
33 undergone independent scientific review before the effective date of
34 this act are not subject to review by the independent science panel
35 under this subsection;

36 (3) Developing model monitoring programs for water quality and
37 salmon habitat protection and restoration that may be used in regional
38 salmon restoration efforts to track quantifiable performance measures.

1 The Puget Sound action team, created in RCW 90.71.020, shall provide
2 staff support to the independent science panel in the development of
3 the model monitoring programs; and

4 (4) Reporting to the governor and the legislature on adaptive
5 management recommendations after reviewing the implementation of
6 habitat work plans.

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

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

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

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

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

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

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

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

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

36 (a) The regional council in cooperation with the volunteer group
37 shall identify:

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

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

25 (1) The legislature finds that:

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

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

1 (c) The large number of governmental entities that now have
2 regulatory programs affecting the water quality and the aquatic and
3 upland habitats of Puget Sound have diverse interests and limited
4 jurisdictions that cannot adequately address the cumulative, wide-
5 ranging impacts that contribute to the degradation of Puget Sound; and

6 (d) Coordination of the regulatory programs, at the state and local
7 level, is best accomplished through the development of interagency
8 mechanisms that allow these entities to transcend their diverse
9 interests and limited jurisdictions.

10 (2) It is therefore the policy of the state of Washington to
11 coordinate the activities of state and local agencies by establishing
12 a biennial work plan that clearly delineates state and local actions
13 necessary to protect and restore the biological health and diversity of
14 Puget Sound. It is further the policy of the state to implement the
15 Puget Sound water quality management plan to the maximum extent
16 possible. To further the policy of the state, a recovery plan
17 developed under the federal endangered species act for a portion or all
18 of the Puget Sound may be included into the Puget Sound water quality
19 management plan.

20 **Sec. 16.** RCW 90.71.020 and 1996 c 138 s 3 are each amended to read
21 as follows:

22 (1) The Puget Sound action team is created. The action team shall
23 consist of: The directors of the departments of ecology; agriculture;
24 natural resources; fish and wildlife; and community, trade, and
25 economic development; the secretaries of the departments of health and
26 transportation; the director of the parks and recreation commission;
27 the director of the interagency committee for outdoor recreation; the
28 administrative officer of the conservation commission designated in RCW
29 89.08.050; one person representing cities, appointed by the governor;
30 one person representing counties, appointed by the governor; one person
31 representing tribal comanagers, appointed by the governor; and the
32 chair of the action team. The action team shall also include the
33 following ex officio nonvoting members: The regional director of the
34 United States environmental protection agency; the regional supervisor
35 of the national marine fisheries service; and the regional supervisor
36 of the United States fish and wildlife service. The members
37 representing cities and counties shall each be reimbursed for travel
38 expenses as provided in RCW 43.03.050 and 43.03.060.

1 (2) The action team shall:

2 (a) Prepare a Puget Sound work plan and budget for inclusion in the
3 governor's biennial budget;

4 (b) Coordinate monitoring and research programs as provided in RCW
5 90.71.060;

6 (c) Work under the direction of the action team chair as provided
7 in RCW 90.71.040;

8 (d) Coordinate permitting requirements as necessary to expedite
9 permit issuance for any local watershed plan developed pursuant to
10 rules adopted under this chapter;

11 (e) Identify and resolve any policy or rule conflicts that may
12 exist between one or more agencies represented on the action team;

13 (f) Periodically amend the Puget Sound management plan;

14 (g) Enter into, amend, and terminate contracts with individuals,
15 corporations, or research institutions for the purposes of this
16 chapter;

17 (h) Receive such gifts, grants, and endowments, in trust or
18 otherwise, for the use and benefit of the purposes of the action team.
19 The action team may expend the same or any income therefrom according
20 to the terms of the gifts, grants, or endowments;

21 (i) Promote extensive public participation, and otherwise seek to
22 broadly disseminate information concerning Puget Sound;

23 (j) Receive and expend funding from other public agencies;

24 (k) To reduce costs and improve efficiency, review by December 1,
25 1996, all requirements for reports and documentation from state
26 agencies and local governments specified in the plan for the purpose of
27 eliminating and consolidating reporting requirements; and

28 (l) Beginning in December 1998, and every two years thereafter,
29 submit a report to the appropriate policy and fiscal committees of the
30 legislature that describes and evaluates the successes and shortcomings
31 of the current work plan relative to the priority problems identified
32 for each geographic area of Puget Sound.

33 (3) By July 1, 1996, the action team shall begin developing its
34 initial work plan, which shall include the coordination of necessary
35 support staff.

36 (4) The action team shall incorporate, to the maximum extent
37 possible, the recommendations of the council regarding amendments to
38 the Puget Sound (~~(management)~~) management plan and the work plan.

1 (5) All proceedings of the action team are subject to the open
2 public meetings act under chapter 42.30 RCW.

3 **Sec. 17.** RCW 90.71.030 and 1996 c 138 s 4 are each amended to read
4 as follows:

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

25 (2) The council shall:

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

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

33 (c) Recommend to the action team proposed amendments to the Puget
34 Sound management plan.

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

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

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

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

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

16 (ii) Consider the problems and priorities identified in local
17 plans; and

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

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

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

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

28 (2) In addition to the requirements identified under RCW
29 90.71.020(2)(a), the work plan and budget shall:

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

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

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

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

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

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

37 (b) Provide sufficient funding to characterize local watersheds,
38 provide technical assistance, and implement state responsibilities
39 identified in the work plan. The number and qualifications of staff

1 assigned to each region shall be determined by the types of problems
2 identified pursuant to (a) of this subsection;

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

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

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

10 (f) Describe any proposed amendments to the Puget Sound
11 (~~management~~) management plan.

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

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

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

22 (2) The framework shall include:

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

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

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

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

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

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

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

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