
SUBSTITUTE HOUSE BILL 2504

State of Washington

55th Legislature

1998 Regular Session

By House Committee on Natural Resources (originally sponsored by Representatives Regala, Buck, Doumit, Linville, Anderson, Cooper, Chandler, Romero, Voloria, Dickerson, Constantine, Ogden, Kessler, Gardner, Carrell, Wolfe, Butler, Costa, Wood, Conway and Eickmeyer)

Read first time 02/06/98. Referred to Committee on .

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

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

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

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

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

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

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

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

26 (1) "Department" means the department of fish and wildlife.

27 (2) "Director" means the director of the department of fish and
28 wildlife.

29 (3) "Natural resources-related state agencies" includes the
30 department of natural resources, the department of fish and wildlife,
31 the department of transportation, the parks and recreation commission,
32 the Puget Sound water quality action team, the interagency committee
33 for outdoor recreation, the conservation commission, the department of
34 ecology, the department of agriculture, the department of health, and
35 the department of community, trade, and economic development.

36 (4) "Plan" means a habitat restoration plan prepared by a regional
37 council under section 6 of this act.

1 (5) "Region" or "regional" means an area of the state that is
2 identified as being the boundaries of a regional fisheries enhancement
3 group.

4 (6) "Salmon" includes all species of the family Salmonidae.

5 (7) "Schedule" means a habitat work schedule adopted by a regional
6 council under section 6 of this act.

7 NEW SECTION. **Sec. 3.** Beginning in 1999, the governor shall submit
8 an annual state of the salmon report to the legislature during the
9 first week of the regular legislative session. The report shall
10 include but not be limited to the following:

11 (1) A region-by-region description of the amount of funds,
12 including volunteer, private, and state, federal, and local government
13 money directly spent on salmon recovery by fund source;

14 (2) Information regarding impediments to successful salmon recovery
15 efforts, including delays in obtaining approval or assistance from
16 federal agencies, gaps or conflicts in state statutes, delays due to
17 jurisdictional disputes, land management practices or other activities
18 that are contributing to the degradation of salmon habitat, and the
19 lack of water or poor water quality during certain times of the year
20 for certain stream segments and any impediments to the success of
21 regional councils;

22 (3) A summary of collaborative efforts undertaken with adjoining
23 states or Canada;

24 (4) A summary of fish management activities;

25 (5) A summary of habitat restoration projects including but not
26 limited to:

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

29 (b) A description of salmon restoration efforts undertaken in the
30 past year, including a listing of the location and length of streams or
31 water bodies affected by the restoration efforts; and

32 (c) A summary of the role which private initiatives and
33 institutions of higher education contribute in salmon habitat
34 restoration efforts;

35 (6) Volunteer participation and member affiliation, including an
36 inventory of volunteer hours dedicated to the program; and

37 (7) Suggestions for legislative action that would further the
38 success of salmonid recovery.

1 NEW SECTION. **Sec. 4.** (1) There is created the salmon recovery
2 office within the office of the governor for the purpose of having a
3 coordinated state strategy to allow for salmon recovery to healthy
4 sustainable population levels with productive commercial and
5 recreational fisheries. By April 1, 1998, the governor shall appoint
6 an executive director for the office. The executive director shall
7 serve at the pleasure of the governor. The salary of the executive
8 director shall be fixed by the governor, subject to RCW 43.03.040.

9 The salmon office shall consist of four permanent and up to eight
10 total staff, including the executive director. At least one of the
11 permanent staff positions shall be reserved for a person who is
12 knowledgeable in tribal fishery interests. The executive director
13 shall solicit a list of suitable candidates from federally recognized
14 Indian tribes. At least two of the staff shall be employees of the
15 department. In addition, other agencies including the department may
16 transfer existing staff as agreed to by the agencies and deemed
17 necessary to achieve the duties of the salmon recovery office.

18 The governor's salmon recovery office will undertake activities on
19 a state-wide or evolutionarily significant unit basis designed to
20 improve the health of salmon as follows:

21 (1) Assist the fish and wildlife commission in the negotiation of
22 international and interstate compacts or treaties affecting salmon
23 recovery;

24 (2) Act as liaison for the state congressional delegation, United
25 States congress, and the federal executive branch for issues related to
26 the state's endangered species act salmon recovery plans;

27 (3) Coordinate the delivery of technical assistance to regional
28 councils for the development and implementation of habitat work
29 schedules and habitat restoration plans. State natural resources-
30 related agencies shall provide ongoing technical assistance to regional
31 councils;

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

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

37 (6) Establish a uniform state-wide reporting system to collect
38 information necessary to address topics that must be included as part
39 of the governor's state of the salmon report;

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

3 (8) Develop electronic access to up-to-date information pertaining
4 to salmon;

5 (9) Develop a data system to track information pertaining to the
6 number and types of violations of existing laws pertaining to water
7 quality and to protection of salmon, including information about
8 sanctions imposed for these violations;

9 (10) Serve as a liaison between federal agencies, Canada, other
10 states, tribal comanagers, state agencies, state institutions of higher
11 education, local governments, and regional councils; and

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

15 NEW SECTION. **Sec. 5.** (1) The department shall authorize the
16 creation of, and establish the boundaries for, up to four new regional
17 fisheries enhancement groups in the state. Up to three of the new
18 groups may be located in eastern Washington and one new group may be
19 located in western Washington.

20 (2) The boundaries served by a regional fisheries enhancement group
21 shall constitute the boundaries of a region for the purpose of
22 developing a habitat restoration plan.

23 (3) With department approval, one or more regional councils may
24 combine into a single area to carry out the purposes of chapter . . . ,
25 Laws of 1998 (this act).

26 NEW SECTION. **Sec. 6.** (1)(a) The regional council shall consist
27 of: (i) Qualified representation of cities, counties, state, and
28 tribal governments; (ii) conservation districts; and (iii) regional
29 fisheries enhancement groups and other restoration interests.

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

34 (2) The department, in consultation with the appropriate local,
35 state, tribal, and federal governmental agencies shall convene a public
36 meeting to determine the process by which a regional council is

1 established. The department shall assure the time, place, and location
2 of the convening meeting or meetings is well advertised.

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

11 (4) A regional council may invite representatives of federal
12 agencies as appropriate to assist the regional council in the
13 development of a salmon habitat restoration plan.

14 (5)(a) The department, in consultation with the local government
15 entities in the region, shall formally recognize a regional council
16 when the criteria under subsection (1) of this section are met.

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

19 (i) A group that has been in existence shall be given preference;
20 and

21 (ii) A group that has the broadest representation of the community
22 shall be given preference.

23 (c) The department shall endeavor to ensure that members of a group
24 not selected as a regional council are allowed to participate in the
25 council.

26 NEW SECTION. **Sec. 7.** The department and any tribe with usual and
27 accustomed treaty rights in the region shall, in consultation with the
28 governor's executive director and the conservation commission, convene
29 a group of federal, state, tribal, local, and private individuals with
30 scientific expertise to provide the technical services identified in
31 section 11 of this act. Where appropriate, the conservation district
32 within the region will take a lead in developing and maintaining
33 relationships between the technical assistance groups and the project
34 implementers pursuant to section 8 of this act.

35 NEW SECTION. **Sec. 8.** (1) Project implementers may include
36 regional fisheries enhancement groups, private landowners, citizen
37 groups, governmental entities, or nongovernmental entities implementing

1 habitat restoration projects. For a governmental entity to be
2 considered a project implementer, it must manage riparian land in the
3 region.

4 (2) Within a region, a group of project implementers may be
5 organized around a river, tributary, or subbasin of a watershed.

6 NEW SECTION. **Sec. 9.** (1) The department, the department of
7 transportation, and the conservation commission shall jointly review
8 and evaluate projects. The purpose of the joint review is to recommend
9 to the regional council projects that effectively respond to limiting
10 factors.

11 (2) The regional council shall prioritize the projects identified
12 in a work plan received from a technical assistance group. The purpose
13 of the prioritization is to rank projects in a manner that maximizes
14 the cost-effectiveness of establishing healthy populations of salmon.

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

16 (a) Develop and submit a work plan as required under section 11(3)
17 of this act;

18 (b) Assist in the evaluation and prioritization of the projects;
19 and

20 (c) Hold open, public meetings.

21 (2) The regional council may:

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

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

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

27 (d) Contract for restoration projects.

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

34 (2)(a) The regional council shall develop a proposed habitat work
35 schedule for projects within each region.

36 (b) The work schedule shall:

1 (i) Identify limiting factors in the region. The technical
2 assistance group formed under section 7 of this act shall have lead
3 responsibility for this task;

4 (ii) Identify and prioritize categories of projects to respond to
5 the limiting factors. The technical assistance group formed under
6 section 7 of this act, in conjunction with project proponents
7 identified in (b)(iii) of this subsection, shall have lead
8 responsibility for this task;

9 (iii) Identify projects offered by a proponent. Project
10 implementers shall have the lead responsibility for this task;

11 (iv) Issue requests for project proposals. The funding entity
12 shall have the lead responsibility for this task;

13 (v) Review and evaluate project proposals. The funding entity
14 shall have the lead responsibility for this task;

15 (vi) Prioritize and rank projects identified by a funding entity.
16 The regional council shall have lead responsibility for this task;

17 (vii) Fund high priority projects, subject to available funding,
18 and any constraints on that funding. The funding entity shall have
19 lead responsibility for this task; and

20 (viii) Monitor and evaluate funded projects. The regional council,
21 in consultation with the technical assistance group, shall have lead
22 responsibility for coordinating this task.

23 (c) The prioritized list of projects, in addition to the following
24 information, shall constitute the work plan:

25 (i) A list of the entity or entities performing the restoration
26 project. Restoration efforts may include habitat projects, water
27 quality improvement projects, maintenance activities, watershed
28 assessment activities, and fish-related mitigation efforts;

29 (ii) A description of the adaptive management strategy that will be
30 used to develop subsequent work plans;

31 (iii) The start date, duration, estimated date of completion,
32 estimated cost, and, if appropriate, the affected salmonid species, of
33 each project; and

34 (iv) An assessment of all available private, local, tribal, state,
35 and federal government resources available for projects identified in
36 the schedule.

37 (3) The regional council shall submit a copy of the work plan to
38 the salmon recovery office, and may also implement those projects for
39 which it has been able to obtain funding. Individual habitat work

1 schedules may be prepared in a manner that allows them to be combined
2 to create a report which shows the recovery effort within a region, the
3 state, or for specific runs of fish.

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

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

14 (b) The governor shall request the national academy of sciences,
15 the American fisheries society, or a comparable institution to screen
16 candidates to serve as members on the independent science panel. The
17 institution that conducts the screening of the candidates shall submit
18 a list of the nine most qualified candidates to the governor, the chair
19 of the house of representatives natural resources committee, and the
20 chair of the senate natural resources and parks committee. The chair
21 of the senate committee and the chair of the house of representatives
22 committee may each remove one person from the list of recommended
23 candidates submitted by the institution conducting the screening. The
24 governor may remove two persons from the list of recommended
25 candidates. The governor shall appoint the remaining five recommended
26 candidates on the list as the members of the independent science panel.

27 (2) Membership of the independent science panel shall reflect
28 expertise in habitat requirements of salmonids, protection and
29 restoration of salmonid populations, artificial propagation of
30 salmonids, hydrology, forest practices, agricultural practices, soil
31 science, and requirements for fully functioning ecosystems on a
32 watershed basis.

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

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

1 (5) The independent science panel shall be governed by generally
2 accepted guidelines and practices governing the activities of
3 independent science boards such as the national academy of sciences.
4 The purpose of the independent science panel is to help ensure that
5 good science is used in salmon recovery efforts, and not to make policy
6 decisions which are the responsibility of decision makers.

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

9 (1) Consulting with natural resources-related state agencies as
10 those agencies develop key criteria that represents acceptable
11 scientific standards which must be met as part of a state-wide strategy
12 to facilitate protection and restoration of wild salmonids and to
13 restore healthy salmon, steelhead, and trout populations by improving
14 their habitats;

15 (2) Serving as an independent scientific review panel for the
16 regionally developed salmon recovery plans. Habitat restoration plans
17 that have already undergone independent scientific peer review before
18 the effective date of this act are not subject to peer review by the
19 independent science panel under this subsection;

20 (3) Developing model monitoring programs for water quality and
21 salmon habitat that may be used in regional salmon restoration efforts
22 to track quantifiable performance measures. The Puget Sound action
23 team, created in RCW 90.71.020, shall provide staff support to the
24 independent science panel in the development of the model monitoring
25 programs; and

26 (4) Reporting to the governor and the legislature on adaptive
27 management recommendations after reviewing the implementation of
28 habitat restoration plans.

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

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

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

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

1 (iv) This level of involvement will be achieved only if the program
2 is voluntary, nongovernmental, and widely advertised.

3 (b) The legislature therefore declares it is in the public interest
4 to utilize existing regional fishery enhancement groups and other
5 private nonprofit volunteer groups for the habitat volunteer
6 restoration initiative as provided in this chapter.

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

10 (2) The volunteer habitat restoration account is created in the
11 state treasury to be administered by the department. The department
12 may expend funds from this account only for volunteer restoration
13 projects under subsection (3) of this section, for technical assistance
14 to the projects, and for the administration of these projects. Moneys
15 may be spent only after appropriation.

16 (3) A volunteer habitat restoration initiative is created when a
17 contract is signed by the director, an administrator for a regional
18 council, and a nonprofit entity or a collaborative group of nonprofit
19 entities. The contract shall specify the responsibilities of each
20 party to include but not be limited to the following:

21 (a) The regional council in cooperation with the volunteer group
22 shall identify:

23 (i) The types of projects that are a high priority for salmon
24 restoration and that are appropriate for volunteers to undertake;

25 (ii) Priority river or stream segments in which projects should
26 occur;

27 (iii) The standard, performance measure, or objective that each
28 project is to achieve;

29 (iv) The type of monitoring that should occur for each project;

30 (v) The duration of the initiative; and

31 (vi) The amount of total funds needed and the amount provided by
32 the department.

33 (b) The lead entity representing appropriate local government shall
34 identify:

35 (i) A mechanism to streamline local government permit requirements
36 for projects that will implement a salmon habitat restoration plan or
37 have been identified by the department as having a high priority for
38 salmon restoration;

1 (ii) Staff resources available to provide training or technical
2 assistance to the project; and

3 (iii) The fund sources and total funding, both direct and in-kind,
4 that will be provided to the pilot initiative.

5 (c) The nonprofit entity shall:

6 (i) Recruit volunteers;

7 (ii) Provide training appropriate to the project undertaken;

8 (iii) Deploy volunteers with sufficient resources to meet the
9 specified standards, performance measures, or objectives established
10 for the project;

11 (iv) Seek additional funds from private sponsors;

12 (v) Work with private landowners and governmental entities to
13 identify project opportunities;

14 (vi) Work with the appropriate local and state government personnel
15 to identify technical assistance opportunities and permitting
16 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. It is further the policy of the state to include any
14 recovery plan developed under the federal endangered species act into
15 the Puget Sound water quality management plan.

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

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

35 (2) The action team shall:

36 (a) Prepare a Puget Sound work plan and budget for inclusion in the
37 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 NEW SECTION. Sec. 19. (1) The departments of transportation, fish
16 and wildlife, and ecology shall convene a work group to develop a
17 process to evaluate mitigation proposals. The work group shall seek
18 technical assistance to ensure that federal, state, treaty-right, and
19 local environmental laws and ordinances are met.

20 (2) The framework shall include:

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

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

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

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

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

1 NEW SECTION. **Sec. 21.** The sum of dollars, or as much
2 thereof as may be necessary, is appropriated for the biennium ending
3 June 30, 1999, from the fund to the department of fish and
4 wildlife, the department of transportation, the conservation
5 commission, and the jobs for the environment program to carry out the
6 purposes of this act.

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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