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HOUSE BILL 2504

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State of Washington

55th Legislature

1998 Regular Session

By Representatives Regala, Buck, Doumit, Linville, Anderson, Cooper and Chandler

Read first time . Referred to Committee on .

1 AN ACT Relating to salmon recovery; adding a new chapter to Title  
2 43 RCW; and declaring an emergency.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that it is in the  
5 interest of the citizens of the state of Washington for the state to  
6 retain primary responsibility for managing the natural resources of the  
7 state, rather than abdicate those responsibilities to the federal  
8 government. The legislature further finds that there is a substantial  
9 link between the provisions of the federal endangered species act (16  
10 U.S.C. Sec. 1531 et seq.) and the federal clean water act (33 U.S.C.  
11 Sec. 1251 et seq.). Therefore, it is the intent of the legislature to  
12 develop a structure which allows for the coordinated delivery of state  
13 and federal assistance to local communities for the recovery and  
14 enhancement of salmon stocks within the state while also addressing  
15 improvements to water quality. The legislature also recognizes that  
16 adaptive management is the best way to help salmon stocks recover, and  
17 that adaptive management only works if there is effective monitoring  
18 and sharing of results of local efforts. The legislature therefore  
19 finds that an office should be created within the governor's office to

1 allow important information to be shared among interested parties, and  
2 to allow federal agencies and the general public to see what the state  
3 is doing to restore salmon to healthy sustainable populations with  
4 productive and recreational fisheries.

5 NEW SECTION. **Sec. 2.** (1)(a) The governor, after consulting with  
6 the directors of the state natural resources related agencies, the  
7 Washington members of the northwest power planning council,  
8 legislators, representatives of local and tribal governments, and  
9 representatives of affected interest groups, shall recommend proposed  
10 legislation to the 1999 legislature that creates a structure that will  
11 help restore salmon to healthy, sustainable populations with productive  
12 commercial and recreational fisheries.

13 (b) The proposed legislation developed pursuant to subsection (a)  
14 of this subsection must identify ways for the state to deliver  
15 technical assistance to local communities for habitat restoration,  
16 allow for the development and use of the best available science for  
17 habitat restoration by local communities, allow for cumulative effects  
18 of activities on salmon habitat within a region to be measured and  
19 addressed to achieve the purposes of this chapter, provide for better  
20 enforcement of existing environmental laws, and provide a mechanism for  
21 dispute resolution between jurisdictions.

22 (2) Beginning in 1999, the governor shall submit an annual state of  
23 the salmon report to the legislature during the first week of the  
24 regular legislative session. This report shall include:

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

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

30 (c) A description of the amount of state and federal money directly  
31 spent on salmon recovery by fund source;

32 (d) An assessment of the health of the salmon runs in the state as  
33 measured by harvest and returning adults to spawn;

34 (e) Identification of impediments to successful salmon recovery  
35 efforts, including delays in obtaining approval or assistance from  
36 federal agencies, gaps or conflicts in state statutes, delays due to  
37 jurisdictional disputes, land management practices or other activities  
38 that are contributing to the degradation of salmon habitat, and the

1 lack of water or poor water quality during certain times of the year  
2 for certain stream segments;

3 (f) An assessment of the effectiveness of the wild salmonid policy  
4 adopted by the fish and wildlife commission;

5 (g) A summary of collaborative efforts undertaken with adjoining  
6 states or Canada;

7 (h) A summary of the role which private initiatives and  
8 institutions of higher education contribute in salmon habitat  
9 restoration efforts;

10 (i) An overview of the general public's compliance with existing  
11 laws pertaining to water quality and protection of aquatic species  
12 listed under the federal endangered species act, and recommendations to  
13 increase compliance with these laws;

14 (j) An evaluation of the effectiveness of the state hatchery  
15 program; and

16 (k) An assessment of the harvest levels and practices needed to  
17 restore salmon to sustainable levels.

18 NEW SECTION. **Sec. 3.** (1) There is created the office of the state  
19 salmon ombudsman within the office of the governor for the purpose of  
20 having a coordinated state strategy to allow for salmon recovery to  
21 healthy sustainable population levels with productive commercial and  
22 recreational fisheries. The office of salmon ombudsman shall have the  
23 following powers and duties:

24 (a) Compiling information on salmon recovery efforts within the  
25 state by state agencies, institutions of higher education, units of  
26 local government, tribes, private entities, and volunteers to submit to  
27 federal agencies to show state efforts at achieving water quality  
28 standards; improving salmon habitat; and allowing for the recovery of  
29 healthy salmon populations;

30 (b) Serving as a liaison between federal agencies, Canada, other  
31 states, tribal governments, state agencies, and state institutions of  
32 higher education in order to facilitate communications, coordinate  
33 salmon restoration efforts, leverage federal and private funds, and  
34 prioritize the use of federal and state funds on a regional basis;

35 (c) Establishing a uniform state-wide reporting system to analyze  
36 results of land management practices on a cumulative basis within each  
37 region as they affect water quality standards and salmon habitat;

1 (d) Developing model monitoring programs for water quality and  
2 salmon habitat that may be used in local watershed management to track  
3 quantifiable performance measures;

4 (e) Providing information to units of local government that has  
5 been developed or collected by state and federal agencies, including  
6 criteria that represents acceptable performance for key elements for  
7 salmon recovery within each region;

8 (f) Developing electronic access to up-to-date information  
9 pertaining to salmon restoration for interested individuals and groups  
10 to utilize in local restoration efforts;

11 (g) Collecting information pertaining to the number and types of  
12 violations of existing laws pertaining to water quality and protection  
13 of aquatic species listed under the federal endangered species act,  
14 including information about sanctions imposed for these violations; and

15 (h) Assisting the governor in the preparation and distribution of  
16 the state of the salmon annual report.

17 (2) For purposes of this section, "region" or "regional" means each  
18 area of the state that is identified as habitat for an evolutionary  
19 significant unit of an aquatic species listed or proposed for listing  
20 as a threatened or endangered species pursuant to the federal  
21 endangered species act (16 U.S.C. Sec. 1531 et seq.). Each area  
22 identified as habitat for an evolutionary significant unit shall  
23 constitute a separate region for purposes of this section. If habitat  
24 areas for evolutionary significant units overlap, the salmon ombudsman  
25 shall determine the appropriate boundaries for each region.

26 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act shall  
27 constitute a new chapter in Title 43 RCW.

28 NEW SECTION. **Sec. 5.** This act is necessary for the immediate  
29 preservation of the public peace, health, or safety, or support of the  
30 state government and its existing public institutions, and takes effect  
31 immediately.

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