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**SUBSTITUTE HOUSE BILL 2836**

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**State of Washington**

**55th Legislature**

**1998 Regular Session**

**By** House Committee on Natural Resources (originally sponsored by Representatives Pennington, Mielke, Hatfield, Doumit, Buck, Boldt, Dunn, Alexander, Carlson, Kessler, McCune, Thompson and Conway)

Read first time 02/05/98. Referred to Committee on .

1 AN ACT Relating to a pilot program for the recovery of fish runs  
2 listed under the federal endangered species act; and creating new  
3 sections.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes the need to  
6 address listings that are made under the federal endangered species act  
7 (16 U.S.C. Sec. 1531 et seq.) in a way that will make the most  
8 efficient use of existing efforts. The legislature finds that the  
9 principle of adaptive management requires that different models should  
10 be tried so that the lessons learned from these models can be put to  
11 use throughout the state. It is the intent of the legislature to  
12 create a pilot program for southwestern Washington to address the  
13 recent steelhead listings and which takes full advantage of all state  
14 and local efforts at habitat restoration in that area to date.

15 NEW SECTION. **Sec. 2.** (1) A pilot program for steelhead recovery  
16 is established in Clark, Cowlitz, Lewis, Skamania, and Wahkiakum  
17 counties within the habitat area classified as evolutionarily  
18 significant unit 4 by the federal national marine fisheries service.

1 The management board created under subsection (2) of this section is  
2 responsible for implementing the habitat portion of the approved  
3 steelhead recovery initiative and is empowered to receive and disburse  
4 funds for the approved steelhead recovery initiative.

5 (2) A management board consisting of fifteen voting members is  
6 created within evolutionarily significant unit 4. The members shall  
7 consist of one county commissioner or designee from each of the five  
8 participating counties selected by each county legislative authority;  
9 one member representing the cities contained within evolutionarily  
10 significant unit 4 as a voting member selected by the cities in  
11 evolutionarily significant unit 4; a representative of the Cowlitz  
12 Tribe appointed by the tribe; one state legislator elected from one of  
13 the legislative districts contained within evolutionarily significant  
14 unit 4 selected by that group of state legislators representing the  
15 area; five representatives appointed by the five county commissioners  
16 or designees; one hydro utility representative nominated by hydro  
17 utilities and appointed by the five county commissioners or designees;  
18 and one representative nominated from the environmental community who  
19 resides in evolutionarily significant unit 4 appointed by the five  
20 county commissioners or designees. The board shall appoint and consult  
21 a technical advisory committee, which shall include four  
22 representatives of state agencies one each appointed by the directors  
23 of the departments of ecology, fish and wildlife, and transportation,  
24 and the commissioner of public lands. The board may also appoint  
25 additional persons to the technical advisory committee as needed. The  
26 chair of the board shall be selected from among the five county  
27 commissioners or designees and the legislator on the board. In making  
28 appointments under this subsection, the county commissioners shall  
29 consider recommendations of interested parties. Vacancies shall be  
30 filled in the same manner as the original appointments were selected.  
31 No action may be brought or maintained against any management board  
32 member, the management board, or any of its agents, officers, or  
33 employees for any noncontractual acts or omissions in carrying out the  
34 purposes of this section.

35 (3)(a) The management board shall participate in the development of  
36 a recovery plan to implement its responsibilities under (b) of this  
37 subsection. The management board shall consider local watershed  
38 efforts and activities as well as habitat conservation plans in the  
39 implementation of the recovery plan. Any of the participating counties

1 may continue its own efforts for restoring steelhead habitat. Nothing  
2 in this section limits the authority of units of local government to  
3 enter into interlocal agreements under chapter 39.34 RCW or any other  
4 provision of law.

5 (b) The management board is responsible for implementing the  
6 habitat portions of the local government responsibilities of the lower  
7 Columbia steelhead conservation initiative approved by the state and  
8 the national marine fisheries service. The management board may work  
9 in cooperation with the state and the national marine fisheries service  
10 to modify the initiative, or to address habitat for other aquatic  
11 species that may be subsequently listed under the federal endangered  
12 species act. The management board may not exercise authority over land  
13 or water within the individual counties or otherwise preempt the  
14 authority of any units of local government.

15 (c) The management board shall prioritize as appropriate and  
16 approve projects and programs related to the recovery of lower Columbia  
17 river steelhead runs, including the funding of those projects and  
18 programs, and coordinate local government efforts as prescribed in the  
19 recovery plan. The management board shall establish criteria for  
20 funding projects and programs based upon their likely value in  
21 steelhead recovery. The management board may consider local economic  
22 impact among the criteria, but jurisdictional boundaries and factors  
23 related to jurisdictional population may not be considered as part of  
24 the criteria.

25 (d) The management board shall assess the factors for decline along  
26 each prioritized stream as listed in the lower Columbia steelhead  
27 conservation initiative. The management board is encouraged to take a  
28 stream-by-stream approach in conducting the assessment which utilizes  
29 state and local expertise, including volunteer groups, interest groups,  
30 and affected units of local government.

31 (4) The management board has the authority to hire and fire staff,  
32 including an executive director, enter into contracts, accept grants  
33 and other moneys, disburse funds, make recommendations to cities and  
34 counties about potential code changes and the development of programs  
35 and incentives upon request, pay all necessary expenses, and may choose  
36 a fiduciary agent. The management board shall report on its progress  
37 on a quarterly basis to the legislative bodies of the five  
38 participating counties and the state natural resource-related agencies.

39 (5) The pilot program terminates on July 1, 2002.

1           (6) For purposes of this section, "evolutionarily significant unit"  
2 means the habitat area identified for an evolutionarily significant  
3 unit of an aquatic species listed or proposed for listing as a  
4 threatened or endangered species under the federal endangered species  
5 act (16 U.S.C. Sec. 1531 et seq.).

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