

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2836

55th Legislature
1998 Regular Session

Passed by the House March 9, 1998
Yeas 95 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate March 3, 1998
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2836** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2836

AS AMENDED BY THE SENATE

Passed Legislature - 1998 Regular Session

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; creating new sections;
3 and declaring an emergency.

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. The management
5 board created pursuant to this section shall constitute the regional
6 council for this area responsible for fulfilling the requirements and
7 exercising the powers of a regional council under chapter . . . , Laws
8 of 1998 (Substitute House Bill No. 2496).

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

1 (3)(a) The management board shall participate in the development of
2 a recovery plan to implement its responsibilities under (b) of this
3 subsection. The management board shall consider local watershed
4 efforts and activities as well as habitat conservation plans in the
5 implementation of the recovery plan. Any of the participating counties
6 may continue its own efforts for restoring steelhead habitat. Nothing
7 in this section limits the authority of units of local government to
8 enter into interlocal agreements under chapter 39.34 RCW or any other
9 provision of law.

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

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

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

36 (4) The management board has the authority to hire and fire staff,
37 including an executive director, enter into contracts, accept grants
38 and other moneys, disburse funds, make recommendations to cities and
39 counties about potential code changes and the development of programs

1 and incentives upon request, pay all necessary expenses, and may choose
2 a fiduciary agent. The management board shall report on its progress
3 on a quarterly basis to the legislative bodies of the five
4 participating counties and the state natural resource-related agencies.

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

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

11 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
12 preservation of the public peace, health, or safety, or support of the
13 state government and its existing public institutions, and takes effect
14 immediately.

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