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HOUSE BILL 1802

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State of Washington

56th Legislature

1999 Regular Session

By Representative Ericksen

Read first time 02/05/1999. Referred to Committee on Natural Resources.

1 AN ACT Relating to a pilot program for the recovery of salmon 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 in a northern Puget Sound basin that has been  
13 ranked as a high priority by the state department of fish and wildlife  
14 for habitat restoration in light of the proposed listing of Puget Sound  
15 chinook.

16 NEW SECTION. **Sec. 2.** (1) A pilot program for salmon recovery is  
17 established in Whatcom county within water resource inventory area 1  
18 established by rule by the department of ecology.

1 The management board created under subsection (2) of this section  
2 shall constitute the lead entity for this area responsible for  
3 fulfilling the requirements and exercising the powers of a lead entity  
4 under chapter 75.46 RCW.

5 (2) A management board consisting of nine voting members is created  
6 within water resource inventory area 1. The members shall consist of  
7 one person appointed by the county executive of the county with the  
8 largest land mass in water resource inventory area 1 in consultation  
9 with the county's council, one person representing the cities contained  
10 within water resource inventory area 1 selected by the cities in water  
11 resource inventory area 1, one person representing the Lummi Tribe  
12 appointed by the tribe, one person representing the Nooksack Tribe  
13 appointed by the tribe, one state legislator elected from one of the  
14 legislative districts contained within water resource inventory area 1  
15 selected by that group of state legislators representing the area, and  
16 five at large representatives who must reside in water resource  
17 inventory area 1. The at large positions shall be appointed by the  
18 board members who are appointed by the county executive, the cities,  
19 and the state legislator. Of the five at large positions, at least one  
20 person shall represent private property interests, at least one shall  
21 represent agricultural interests, and at least one shall represent  
22 environmental interests. The board shall appoint and consult a  
23 technical advisory committee, that shall include four representatives  
24 of state agencies, one each appointed by the directors of the  
25 departments of ecology, fish and wildlife, and transportation, and the  
26 commissioner of public lands. The board may also appoint additional  
27 persons to the technical advisory committee as needed. The chair of  
28 the board shall be selected from among the county representative, the  
29 city representative, and the state legislator. In making appointments  
30 under this subsection, the county representative, city representative,  
31 and state legislator shall consider recommendations of interested  
32 parties. Vacancies shall be filled in the same manner as the original  
33 appointments were selected. No action may be brought or maintained  
34 against any management board member, the management board, or any of  
35 its agents, officers, or employees for any noncontractual acts or  
36 omissions in carrying out the purposes of this section.

37 (3) The management board shall consider local watershed efforts and  
38 activities as well as habitat conservation plans in the implementation  
39 of the recovery plan. Any of the participating counties may continue

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

4 (4) The management board has the authority to hire and fire staff,  
5 including an executive director, enter into contracts, accept grants  
6 and other moneys, disburse funds, make recommendations to cities and  
7 counties about potential code changes and the development of programs  
8 and incentives upon request, pay all necessary expenses, and may choose  
9 a fiduciary agent. The management board shall report on its progress  
10 on a quarterly basis to the legislative body of the participating  
11 county and the state natural resource-related agencies.

12 (5) The pilot program terminates July 1, 2004.

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

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