
SENATE BILL 5613

State of Washington

56th Legislature

1999 Regular Session

By Senators Jacobsen and Fraser

Read first time 01/29/1999. Referred to Committee on Natural Resources, Parks & Recreation.

1 AN ACT Relating to salmon recovery measures and planning; amending
2 RCW 75.46.005 and 75.46.040; adding new sections to chapter 75.46 RCW;
3 and declaring an emergency.

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

5 **Sec. 1.** RCW 75.46.005 and 1998 c 246 s 1 are each amended to read
6 as follows:

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

1 The legislature finds that it is in the interest of the citizens of
2 the state of Washington for the state to retain primary responsibility
3 for managing the natural resources of the state, rather than abdicate
4 those responsibilities to the federal government, and that the state
5 may best accomplish this objective by integrating local and regional
6 recovery activities into a state-wide strategy that can make the most
7 effective use of provisions of federal laws allowing for a state lead
8 in salmon recovery. The legislature also finds that there is a
9 substantial link between the provisions of the federal endangered
10 species act and the federal clean water act (33 U.S.C. Sec. 1251 et
11 seq.). The legislature further finds that habitat restoration is a
12 vital component of salmon recovery efforts. Therefore, it is the
13 intent of the legislature to specifically address salmon habitat
14 restoration in a coordinated manner and to develop a structure that
15 allows for the coordinated delivery of federal, state, and local
16 assistance to communities for habitat projects that will assist in the
17 recovery and enhancement of salmon stocks.

18 The legislature also finds that credible scientific review and
19 oversight is essential for any salmon recovery effort to be successful.

20 The legislature therefore finds that a coordinated framework for
21 responding to the salmon crisis is needed immediately. To that end,
22 the salmon recovery office should be created within the governor's
23 office to provide overall coordination of the state's response; an
24 independent science team is needed to provide scientific review and
25 oversight; the appropriate local or tribal government should provide
26 local leadership in identifying and sequencing habitat restoration
27 projects to be funded by state agencies; habitat restoration projects
28 should be implemented without delay; and a strong locally based effort
29 to restore salmon habitat should be established by providing a
30 framework to allow citizen volunteers to work effectively.

31 **Sec. 2.** RCW 75.46.040 and 1998 c 246 s 5 are each amended to read
32 as follows:

33 (1) The salmon recovery office is created within the office of the
34 governor to coordinate state strategy to allow for salmon recovery to
35 healthy sustainable population levels with productive commercial and
36 recreational fisheries. The primary purpose of the office is to
37 coordinate and assist in the development of salmon recovery plans for
38 evolutionarily significant units, and to submit those plans to the

1 appropriate tribal governments and federal agencies (~~(in response to~~
2 ~~the federal endangered species act)~~) as an integral part of a state-
3 wide strategy developed consistent with the guiding principles and
4 procedures under section 3 of this act. The governor's salmon recovery
5 office may also:

6 (a) Act as liaison to local governments, the state congressional
7 delegation, the United States congress, federally recognized tribes,
8 and the federal executive branch agencies for issues related to the
9 state's endangered species act salmon recovery plans; and

10 (b) Provide the biennial state of the salmon report to the
11 legislature pursuant to RCW 75.46.030.

12 (2) This section expires June 30, 2006.

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 75.46 RCW
14 to read as follows:

15 (1) By September 1, 1999, the governor, with the assistance of the
16 salmon recovery office, shall submit a state-wide salmon recovery
17 strategy to the appropriate federal agencies administering the federal
18 endangered species act.

19 (2) The governor and the salmon recovery office shall be guided by
20 the following considerations in developing the strategy:

21 (a) The strategy should identify state-wide initiatives and
22 responsibilities with regional and local watershed initiatives as the
23 principal mechanism for implementing the strategy;

24 (b) The strategy should emphasize collaborative, incentive-based
25 approaches, which build upon a foundation of clear, enforceable
26 standards;

27 (c) The strategy should address all factors limiting the recovery
28 of Washington's listed salmon stocks, including habitat and water
29 quality degradation, harvest and hatchery management, inadequate
30 streamflows, and other barriers to fish passage. Where other limiting
31 factors are beyond the state's jurisdictional authorities to respond
32 to, such as some natural predators and high seas fishing, the strategy
33 shall include the state's requests for federal action to effectively
34 address these factors;

35 (d) The strategy should identify immediate actions necessary to
36 prevent extinction of a listed salmon stock, establish performance
37 measures to determine if restoration efforts are working, require

1 effective monitoring and data management, and establish clear and
2 certain measures to be implemented if performance goals are not met;

3 (e) The strategy shall be developed through an active public
4 involvement process, including early and meaningful opportunity for
5 public comment. In obtaining public comment, the salmon recovery
6 office shall hold public meetings throughout the state and shall
7 encourage regional and local recovery planning efforts to similarly
8 ensure an active public involvement process;

9 (f) The strategy shall rely on the best scientific information
10 available and provide for incorporation of new information as it is
11 obtained;

12 (g) The strategy should seek a fair allocation of the burdens and
13 costs upon economic and social sectors of the state whose activities
14 may contribute to limiting the recovery of salmon; and

15 (h) The strategy should include an element addressing phased
16 relaxation of restrictions as salmon populations recover, and seek
17 clear measures and procedures from the appropriate federal agencies for
18 removing Washington's salmon stocks from listing under the federal act.

19 NEW SECTION. **Sec. 4.** A new section is added to chapter 75.46 RCW
20 to read as follows:

21 RCW 75.46.040 and section 3 of this act apply prospectively only
22 and not retroactively. Nothing in this section shall be construed to
23 invalidate actions taken in recovery planning at the local, regional,
24 or state level prior to the effective date of this act.

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

--- END ---