
HOUSE BILL 2977

State of Washington

57th Legislature

2002 Regular Session

By Representatives Doumit, Sump, Sommers, Buck, Kessler, Alexander, Eickmeyer, Grant, Schoesler, Hatfield, Jackley, Mielke, Ahern and Edwards

Read first time 02/20/2002. Referred to Committee on Natural Resources.

1 AN ACT Relating to increasing oversight of the management of fish
2 and wildlife resources; amending RCW 77.85.005, 77.04.055, and
3 77.04.080; creating a new section; decodifying RCW 77.85.150; and
4 repealing RCW 77.85.030.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the primary
7 purpose of the salmon recovery office was the development of the
8 statewide salmon recovery strategy for submittal to the appropriate
9 federal agencies. The legislature further finds that since the
10 development and submittal of this strategy has been accomplished, the
11 remaining tasks of the salmon recovery office can be accomplished
12 through existing state agencies. The legislature believes that by
13 relying upon existing state agencies to accomplish salmon recovery,
14 there will be less duplication of effort within the executive branch
15 and a corresponding savings of resources.

16 The legislature also finds that the fish and wildlife commission is
17 completely dependent upon the department of fish and wildlife for staff
18 support. This dependence upon the department for staffing hampers the
19 commission's ability to independently oversee activities of the

1 department, as well as to meet its other statutory responsibilities.
2 The lack of independent staff also impacts how the general public
3 perceives the effectiveness of the commission. Therefore, it is the
4 intent of the legislature to direct some of the savings realized from
5 the repeal of the salmon recovery office towards the fish and wildlife
6 commission in order to provide them with independent staff support.

7 Finally, the legislature recognizes that the general public holds
8 the governor, as the highest elected official in the state, accountable
9 for decisions that affect fish and wildlife resources. The governor,
10 however, does not have the authority to hire and fire the director of
11 the department of fish and wildlife. The legislature believes that the
12 governor should have this authority to choose the director of the
13 department because of the importance that decisions made by the
14 director have upon fish and wildlife resources and upon communities.

15 **Sec. 2.** RCW 77.85.005 and 1999 sp.s. c 13 s 1 are each amended to
16 read as follows:

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

29 The legislature finds that it is in the interest of the citizens of
30 the state of Washington for the state to retain primary responsibility
31 for managing the natural resources of the state, rather than abdicate
32 those responsibilities to the federal government, and that the state
33 may best accomplish this objective by integrating local and regional
34 recovery activities into a statewide plan that can make the most
35 effective use of provisions of federal laws allowing for a state lead
36 in salmon recovery. The legislature also finds that a statewide salmon
37 recovery plan must be developed and implemented through an active
38 public involvement process in order to ensure public participation in,

1 and support for, salmon recovery. The legislature also finds that
2 there is a substantial link between the provisions of the federal
3 endangered species act and the federal clean water act (33 U.S.C. Sec.
4 1251 et seq.). The legislature further finds that habitat restoration
5 is a vital component of salmon recovery efforts. Therefore, it is the
6 intent of the legislature to specifically address salmon habitat
7 restoration in a coordinated manner and to develop a structure that
8 allows for the coordinated delivery of federal, state, and local
9 assistance to communities for habitat projects that will assist in the
10 recovery and enhancement of salmon stocks.

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

13 The legislature further finds that it is important to monitor the
14 overall health of the salmon resource to determine if recovery efforts
15 are providing expected returns. It is important to monitor salmon
16 habitat projects and salmon recovery activities to determine their
17 effectiveness in order to secure federal acceptance of the state's
18 approach to salmon recovery. Adaptive management cannot exist without
19 monitoring. For these reasons, the legislature believes that a
20 coordinated and integrated monitoring process should be developed.

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

33 **Sec. 3.** RCW 77.04.055 and 2000 c 107 s 204 are each amended to
34 read as follows:

35 (1) In establishing policies to preserve, protect, and perpetuate
36 wildlife, fish, and wildlife and fish habitat, the commission shall
37 meet annually with the governor to:

1 (a) Review and prescribe basic goals and objectives related to
2 those policies; and

3 (b) Review the performance of the department in implementing fish
4 and wildlife policies.

5 The commission shall maximize fishing, hunting, and outdoor
6 recreational opportunities compatible with healthy and diverse fish and
7 wildlife populations.

8 (2) The commission shall establish hunting, trapping, and fishing
9 seasons and prescribe the time, place, manner, and methods that may be
10 used to harvest or enjoy game fish and wildlife.

11 (3) The commission shall establish provisions regulating food fish
12 and shellfish as provided in RCW 77.12.047.

13 (4) The commission shall have final approval authority for tribal,
14 interstate, international, and any other department agreements relating
15 to fish and wildlife.

16 (5) The commission shall adopt rules to implement the state's fish
17 and wildlife laws.

18 (6) The commission shall ~~((have final approval authority for))~~
19 provide the department with its input regarding the department's budget
20 proposals.

21 (7) The commission shall select its own staff ~~((and shall appoint
22 the director of the department. The director and commission staff
23 shall))~~ who serve at the pleasure of the commission.

24 **Sec. 4.** RCW 77.04.080 and 2000 c 107 s 205 are each amended to
25 read as follows:

26 Persons eligible for appointment as director shall have practical
27 knowledge of the habits and distribution of fish and wildlife. The
28 director shall supervise the administration and operation of the
29 department and perform the duties prescribed by law and delegated by
30 the commission. The director shall carry out the basic goals and
31 objectives prescribed under RCW 77.04.055. The director may appoint
32 and employ necessary personnel. The director may delegate, in writing,
33 to department personnel the duties and powers necessary for efficient
34 operation and administration of the department.

35 Only persons having general knowledge of the fisheries and wildlife
36 resources and of the commercial and recreational fishing industry in
37 this state are eligible for appointment as director. The director
38 shall not have a financial interest in the fishing industry or a

1 directly related industry. The director is appointed by the governor.
2 The director shall receive the salary fixed by the governor under RCW
3 43.03.040.

4 The director is the ex officio secretary of the commission and
5 shall attend its meetings and keep a record of its business.

6 NEW SECTION. Sec. 5. RCW 77.85.150 (Statewide salmon recovery
7 strategy--Prospective application) is decodified.

8 NEW SECTION. Sec. 6. RCW 77.85.030 (Governor's salmon recovery
9 office--Creation--Purpose) and 2000 c 107 s 93, 1999 sp.s. c 13 s 8, &
10 1998 c 246 s 5 are each repealed.

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