
SUBSTITUTE SENATE BILL 5637

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Natural Resources, Parks & Shorelines
(originally sponsored by Senators Jacobsen, Regala, Costa and Oke)

READ FIRST TIME 02/21/01.

1 AN ACT Relating to watershed health monitoring and assessments;
2 amending RCW 77.85.050, 77.85.060, 77.85.160, and 90.71.060; adding new
3 sections to chapter 90.82 RCW; adding a new section to chapter 77.85
4 RCW; adding a new section to chapter 76.09 RCW; adding a new section to
5 chapter 90.48 RCW; adding a new section to chapter 90.54 RCW; adding a
6 new section to chapter 89.08 RCW; and creating a new section.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that a comprehensive
9 program of monitoring and assessments is fundamental to making sound
10 public policy and programmatic decisions regarding salmon recovery and
11 watershed health. Monitoring provides accountability for results of
12 management actions and provides the data upon which an adaptive
13 management framework can lead to improvement of strategies and
14 programs. While numerous agencies and citizen organizations are
15 engaged in monitoring a wide range of watershed parameters, there is a
16 greater need for coordination of monitoring efforts, for using limited
17 monitoring resources to obtain information most useful for achieving
18 relevant local, state, and federal requirements regarding watershed
19 health, and for making the information more accessible to those

1 agencies and organizations implementing watershed health programs and
2 projects. Regarding salmon recovery monitoring, the state independent
3 science panel has concluded that many programs already monitor
4 indicators relevant to salmonids, but the efforts are largely
5 uncoordinated or unlinked among programs, have different objectives,
6 use different indicators, lack support for sharing data, and lack
7 shared statistical designs to address specific issues raised by listing
8 of salmonid species under the federal endangered species act.

9 Therefore it is the purpose of this act to establish a framework
10 for greater coordination of existing monitoring activities, to
11 encourage monitoring and assessment activities most relevant to adopted
12 local, state, and federal watershed health objectives, and to
13 facilitate availability of monitoring and assessment information to
14 agencies and organizations carrying out watershed health, salmon
15 recovery, and water resources management planning and programs.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.82 RCW
17 to read as follows:

18 State and local agencies responsible for implementing, funding, or
19 directing watershed-related monitoring activities shall give full
20 consideration to furthering the following objectives in designing and
21 implementing monitoring activities:

22 (1) The goals, objectives, and questions that need to be addressed
23 must be clearly articulated.

24 (2) Statistical designs need to be appropriate to the objectives.

25 (3) Meaningful performance measures need to be defined by
26 objectives and address the appropriate geographical, temporal, and
27 biological scales.

28 (4) Monitoring protocols need to be standardized to allow
29 comparison among locations, times, entities, or programs.

30 (5) Procedures need to be developed to ensure quality assurance and
31 quality control of all data.

32 (6) Data management systems need to allow easy access, sharing, and
33 coordination among different collectors and users.

34 (7) Funding should be stable and adequate.

35 (8) Decision support systems need to help integrate monitoring
36 information into decision making.

37 For the purposes of this section, "watershed-related monitoring
38 activities" means monitoring and data analysis relating to the

1 management, protection, and restoration of the state's water resources,
2 water quality, riparian habitat, and fish and wildlife species with
3 life cycles principally located in state waters and adjacent riparian
4 areas.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.85 RCW
6 to read as follows:

7 (1) The monitoring oversight committee is hereby established. The
8 committee shall be comprised of the directors or their designated
9 representatives of:

- 10 (a) The salmon recovery office;
- 11 (b) The department of ecology;
- 12 (c) The department of fish and wildlife;
- 13 (d) The conservation commission;
- 14 (e) The Puget Sound action team;
- 15 (f) The department of natural resources;
- 16 (g) The independent science panel;
- 17 (h) The salmon recovery funding board; and
- 18 (i) Treaty Indian tribes.

19 The director of the salmon recovery office shall chair the
20 committee.

21 (2) The chair shall convene the committee from time to time to
22 review the progress of state and local agencies with watershed-related
23 monitoring responsibilities in achieving a comprehensive and
24 coordinated monitoring program and in furthering the characteristics of
25 monitoring activities under section 2 of this act. The committee shall
26 invite participation by other state and local agencies and other
27 entities when the committee reviews monitoring activities and
28 responsibilities of those agencies and entities. The committee shall
29 consider the recommendations of the state independent science panel and
30 other technical or policy committees that have responsibility for
31 reviewing or implementing monitoring programs related to watershed
32 health.

33 (3) The committee may make recommendations to individual agencies
34 to improve coordination among monitoring activities and to further the
35 characteristics of monitoring described in section 2 of this act. At
36 the request of the office of financial management, the committee may
37 evaluate and make recommendations upon budget proposals for monitoring.

1 (4) By June 30, 2002, the committee shall provide an action plan to
2 the governor, the senate, and the house of representatives for
3 achieving a comprehensive watershed-related monitoring program. The
4 plan shall identify key existing monitoring activities that support all
5 levels of monitoring, including confirming that management decisions
6 were implemented, making accurate status assessments of the resource to
7 determine whether management objectives are being achieved, and
8 confirming that management actions have the desired result through
9 improved understanding of the functioning of hydrological, biological,
10 and ecosystem functions. The plan shall describe measures needed for
11 individual monitoring activities to further the objectives described in
12 section 2 of this act. The plan shall make recommendations for
13 increasing public access to relevant monitoring information and
14 analysis to support the many watershed-related programs and activities
15 that are ongoing. The plan shall make recommendations based upon a
16 goal of completing enhanced coordination and modification of existing
17 programs by June 30, 2007.

18 **Sec. 4.** RCW 77.85.050 and 1999 sp.s. c 13 s 11 are each amended to
19 read as follows:

20 (1)(a) Counties, cities, and tribal governments must jointly
21 designate, by resolution or by letters of support, the area for which
22 a habitat project list is to be developed and the lead entity that is
23 to be responsible for submitting the habitat project list. No project
24 included on a habitat project list shall be considered mandatory in
25 nature and no private landowner may be forced or coerced into
26 participation in any respect. The lead entity may be a county, city,
27 conservation district, special district, tribal government, or other
28 entity.

29 (b) The lead entity shall establish a committee that consists of
30 representative interests of counties, cities, conservation districts,
31 tribes, environmental groups, business interests, landowners, citizens,
32 volunteer groups, regional fish enhancement groups, and other habitat
33 interests. The purpose of the committee is to provide a citizen-based
34 evaluation of the projects proposed to promote salmon habitat. The
35 technical review team may provide the lead entity with organizational
36 models that may be used in establishing the committees.

37 (c) The committee shall compile a list of habitat projects,
38 establish priorities for individual projects, define the sequence for

1 project implementation, and submit these activities as the habitat
2 project list. The committee shall also identify potential federal,
3 state, local, and private funding sources.

4 (2) The area covered by the habitat project list must be based, at
5 a minimum, on a WRIA, combination of WRIsAs, or any other area as agreed
6 to by the counties, cities, and tribes in resolutions or in letters of
7 support meeting the requirements of this subsection. Preference will
8 be given to projects in an area that contain a salmon species that is
9 listed or proposed for listing under the federal endangered species
10 act.

11 (3) The lead entity shall submit the habitat project list to the
12 technical review team in accordance with procedures adopted by the
13 board.

14 (4) In reviewing and developing the monitoring elements of projects
15 to be included on the habitat project list, the committee shall
16 consider the objectives in section 2 of this act.

17 (5) Where watershed planning under chapter 90.82 RCW has been
18 initiated within the area covered by the habitat project list, and the
19 watershed planning unit is addressing a habitat component under RCW
20 90.82.100, the committee shall share technical support and assessment
21 information with the planning unit.

22 **Sec. 5.** RCW 77.85.060 and 2000 c 107 s 95 are each amended to read
23 as follows:

24 (1) Critical pathways methodology shall be used to develop a
25 habitat project list and a habitat work schedule that ensures salmon
26 habitat projects will be prioritized and implemented in a logical
27 sequential manner that produces habitat capable of sustaining healthy
28 populations of salmon.

29 (2) The critical pathways methodology shall:

30 (a) Include a limiting factors analysis for salmon in streams,
31 rivers, tributaries, estuaries, and subbasins in the region. The
32 technical advisory group shall have responsibility for the limiting
33 factors analysis;

34 (b) Identify local habitat projects that sponsors are willing to
35 undertake. The projects identified must have a written agreement from
36 the landowner on which the project is to be implemented. Project
37 sponsors shall have the lead responsibility for this task;

1 (c) Identify how projects will be monitored and evaluated. The
2 project sponsor, in consultation with the technical advisory group and
3 the appropriate landowner, shall have responsibility for this task;

4 (d) Include a review of monitoring data, evaluate project
5 performance, and make recommendations to the committee established
6 under RCW 77.85.050 and to the technical review team. The technical
7 advisory group has responsibility for this task; and

8 (e) Describe the adaptive management strategy that will be used.
9 The committee established under RCW 77.85.050 shall have responsibility
10 for this task. If a committee has not been formed, the technical
11 advisory group shall have the responsibility for this task.

12 (3) The habitat work schedule shall include all projects developed
13 pursuant to subsection (2) of this section, and shall identify and
14 coordinate with any other salmon habitat project implemented in the
15 region, including habitat preservation projects funded through the
16 Washington wildlife and recreation program, the conservation reserve
17 enhancement program, and other conservancy programs. The habitat work
18 schedule shall also include the start date, duration, estimated date of
19 completion, estimated cost, and, if appropriate, the affected salmonid
20 species of each project. Each schedule shall be updated on an annual
21 basis to depict new activities.

22 (4) In developing the monitoring components of limiting factors
23 analysis and habitat work schedules, the committee established under
24 RCW 77.85.050 and the technical advisory group shall consider the
25 objectives in section 2 of this act.

26 (5) Where watershed planning under chapter 90.82 RCW has been
27 initiated within the area covered by the habitat work schedule, and the
28 watershed planning unit is addressing a habitat component under RCW
29 90.82.100, the committee shall share the habitat work schedule and
30 limiting factors analysis information with the planning unit.

31 NEW SECTION. Sec. 6. A new section is added to chapter 90.82 RCW
32 to read as follows:

33 In conducting assessments and other studies that include monitoring
34 components or recommendations, the department and planning units shall
35 consider the monitoring objectives in section 2 of this act.

36 **Sec. 7.** RCW 77.85.160 and 1999 sp.s. c 13 s 13 are each amended to
37 read as follows:

1 (1) State salmon monitoring data provided by lead entities,
2 regional fisheries enhancement groups, and others shall be included in
3 the data base of ((~~SASSI [salmon and steelhead stock inventory]~~ and
4 ~~SSHIAP [salmon and steelhead habitat inventory assessment project]~~))
5 the salmon and steelhead stock inventory and the salmon and steelhead
6 habitat inventory assessment project. Information pertaining to
7 habitat preservation projects funded through the Washington wildlife
8 and recreation program, the conservation reserve enhancement program,
9 and other conservancy programs related to salmon habitat shall be
10 included in the SSHIAP data base.

11 (2) In designing, funding, and implementing monitoring activities,
12 lead entities, regional fisheries enhancement groups, the department of
13 fish and wildlife, the salmon recovery funding board, and others shall
14 give consideration to the objectives in section 2 of this act.

15 NEW SECTION. Sec. 8. A new section is added to chapter 76.09 RCW
16 to read as follows:

17 In developing and implementing monitoring activities regarding
18 practices regulated under this chapter as well as those authorized
19 under the forest and fish agreement, the department, the forest
20 practices board, and advisory groups shall consider the monitoring
21 objectives in section 2 of this act.

22 NEW SECTION. Sec. 9. A new section is added to chapter 90.48 RCW
23 to read as follows:

24 In developing, funding, and implementing water quality monitoring
25 activities authorized under this chapter, the department shall consider
26 the monitoring objectives in section 2 of this act.

27 NEW SECTION. Sec. 10. A new section is added to chapter 90.54 RCW
28 to read as follows:

29 In developing, funding, and implementing water resources monitoring
30 activities authorized under this chapter, the department shall consider
31 the monitoring objectives in section 2 of this act.

32 **Sec. 11.** RCW 90.71.060 and 1996 c 138 s 7 are each amended to read
33 as follows:

34 In addition to other powers and duties specified in this chapter,
35 the action team shall ensure implementation and coordination of the

1 Puget Sound ambient monitoring program established in the Puget Sound
2 management plan. The program shall include, at a minimum:

3 (1) A research program, including but not limited to methods to
4 provide current research information to managers and scientists, and to
5 establish priorities based on the needs of the action team;

6 (2) A monitoring program, including baselines, protocols,
7 guidelines, and quantifiable performance measures. In consultation
8 with state agencies, local and tribal governments, and other public and
9 private interests, the action team shall develop and track quantifiable
10 performance measures that can be used by the governor and the
11 legislature to assess the effectiveness over time of programs and
12 actions initiated under the plan to improve and protect Puget Sound
13 water quality and biological resources. The performance measures shall
14 be developed by June 30, 1997. The performance measures shall include,
15 but not be limited to a methodology to track the progress of: Fish and
16 wildlife habitat; sites with sediment contamination; wetlands;
17 shellfish beds; and other key indicators of Puget Sound health. State
18 agencies shall assist the action team in the development and tracking
19 of these performance measures. The performance measures may be limited
20 to a selected geographic area. In developing and implementing the
21 monitoring program, state agencies shall consider the monitoring
22 objectives in section 2 of this act.

23 NEW SECTION. Sec. 12. A new section is added to chapter 89.08 RCW
24 to read as follows:

25 In developing, funding, and implementing monitoring activities
26 related to watershed health, the conservation commission and
27 conservation districts shall consider the monitoring objectives in
28 section 2 of this act.

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