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**SENATE BILL 5637**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** Senators Jacobsen, Regala, Costa and Oke

Read first time 01/29/2001. Referred to Committee on Natural Resources, Parks & Shorelines.

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, 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; and
- 14 (e) The Puget Sound action team.

15 The director of the salmon recovery office shall chair the  
16 committee.

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

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

34 (4) By June 30, 2002, the committee shall provide an action plan to  
35 the governor, the senate, and the house of representatives for  
36 achieving a comprehensive watershed-related monitoring program. The  
37 plan shall identify key existing monitoring activities that support all  
38 levels of monitoring, including confirming that management decisions

1 were implemented, making accurate status assessments of the resource to  
2 determine whether management objectives are being achieved, and  
3 confirming that management actions have the desired result through  
4 improved understanding of the functioning of hydrological, biological,  
5 and ecosystem functions. The plan shall describe measures needed for  
6 individual monitoring activities to further the objectives described in  
7 section 2 of this act. The plan shall make recommendations for  
8 increasing public access to relevant monitoring information and  
9 analysis to support the many watershed-related programs and activities  
10 that are ongoing. The plan shall make recommendations based upon a  
11 goal of completing enhanced coordination and modification of existing  
12 programs by June 30, 2007.

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

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

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

32 (c) The committee shall compile a list of habitat projects,  
33 establish priorities for individual projects, define the sequence for  
34 project implementation, and submit these activities as the habitat  
35 project list. The committee shall also identify potential federal,  
36 state, local, and private funding sources.

37 (2) The area covered by the habitat project list must be based, at  
38 a minimum, on a WRIA, combination of WRIs, or any other area as agreed

1 to by the counties, cities, and tribes in resolutions or in letters of  
2 support meeting the requirements of this subsection. Preference will  
3 be given to projects in an area that contain a salmon species that is  
4 listed or proposed for listing under the federal endangered species  
5 act.

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

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

12 (5) Where watershed planning under chapter 90.82 RCW has been  
13 initiated within the area covered by the habitat project list, and the  
14 watershed planning unit is addressing a habitat component under RCW  
15 90.82.100, the committee shall share technical support and assessment  
16 information with the planning unit.

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

19 (1) Critical pathways methodology shall be used to develop a  
20 habitat project list and a habitat work schedule that ensures salmon  
21 habitat projects will be prioritized and implemented in a logical  
22 sequential manner that produces habitat capable of sustaining healthy  
23 populations of salmon.

24 (2) The critical pathways methodology shall:

25 (a) Include a limiting factors analysis for salmon in streams,  
26 rivers, tributaries, estuaries, and subbasins in the region. The  
27 technical advisory group shall have responsibility for the limiting  
28 factors analysis;

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

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

36 (d) Include a review of monitoring data, evaluate project  
37 performance, and make recommendations to the committee established

1 under RCW 77.85.050 and to the technical review team. The technical  
2 advisory group has responsibility for this task; and

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

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

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

21 (5) Where watershed planning under chapter 90.82 RCW has been  
22 initiated within the area covered by the habitat work schedule, and the  
23 watershed planning unit is addressing a habitat component under RCW  
24 90.82.100, the committee shall share the habitat work schedule and  
25 limiting factors analysis information with the planning unit.

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

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

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

33 (1) State salmon monitoring data provided by lead entities,  
34 regional fisheries enhancement groups, and others shall be included in  
35 the data base of ((~~SASSI [salmon and steelhead stock inventory]~~ and  
36 ~~SSHIAP [salmon and steelhead habitat inventory assessment project]~~))  
37 the salmon and steelhead stock inventory and the salmon and steelhead

1 habitat inventory assessment project. Information pertaining to  
2 habitat preservation projects funded through the Washington wildlife  
3 and recreation program, the conservation reserve enhancement program,  
4 and other conservancy programs related to salmon habitat shall be  
5 included in the SSHIAP data base.

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

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

12 In developing and implementing monitoring activities regarding  
13 practices regulated under this chapter as well as those authorized  
14 under the forest and fish agreement, the department, the forest  
15 practices board, and advisory groups shall consider the monitoring  
16 objectives in section 2 of this act.

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

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

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

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

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

29 In addition to other powers and duties specified in this chapter,  
30 the action team shall ensure implementation and coordination of the  
31 Puget Sound ambient monitoring program established in the Puget Sound  
32 management plan. The program shall include, at a minimum:

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

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

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

20 In developing, funding, and implementing monitoring activities  
21 related to watershed health, the conservation commission and  
22 conservation districts shall consider the monitoring objectives in  
23 section 2 of this act.

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