
**Fisheries, Ecology & Parks
Committee**

HB 3107

Brief Description: Allowing for regional programs to provide for the recovery of fish runs.

Sponsors: Representatives Cox, Grant, Schoesler and McMorris.

Brief Summary of Bill

- Establishes a regional fish recovery program for Asotin, Columbia, Garfield, Walla Walla, and Whitman Counties.
- Directs the management board to develop and implement a salmon and steelhead recovery plan and other programs and projects necessary for the recovery of fish.

Hearing Date: 2/6/04

Staff: Jeff Olsen (786-7157).

Background:

Federal Endangered Species Act Listings

Seventy-five percent of the geographic area of Washington is affected by the listing of 15 species of salmon as threatened or endangered under the federal Endangered Species Act (ESA). In listing threatened or endangered salmon, the National Marine Fisheries Service (NMFS) and the United State Fish and Wildlife Service(USFWS) have identified seven regions in the state with distinct populations of salmon. The ESA requires recovery plans for listed species that contain: objective, measurable goals for delisting; a comprehensive list of the actions necessary to achieve the delisting goals; and an estimate of the cost and time required to carry out those actions.

Lead Entities and the Salmon Recovery Funding Board

The Salmon Recovery Act of 1998 created a voluntary and locally-based program for salmon habitat restoration. Lead entities designated jointly by cities, counties, and tribes within a watershed develop a prioritized list of habitat projects. The habitat project list is then submitted to the Salmon Recovery Funding Board (SRFB) for potential funding. The SRFB has developed policies and processes for evaluating projects submitted from lead entities.

Regional Salmon Recovery Organizations

In 1998 the Legislature created a pilot program, the Lower Columbia Fish Recovery Board, for steelhead recovery in southwestern Washington. This pilot program established a management

board for the area designated as evolutionarily significant unit 4 by the NMFS, covering Clark, Cowlitz, Lewis, Skamania, and Wahkiakum counties.

The management board is responsible for assisting in the development of a recovery plan and for implementing the habitat portions of the Lower Columbia Steelhead Conservation Initiative. The management board is also authorized to address other aquatic species listed under the ESA. The management board acts as both a lead entity and a committee for purposes of applying for salmon habitat grants from the SRFB.

Other regional salmon recovery groups have formed to develop regional salmon recovery plans, for example the Puget Sound Shared Strategy. However, these regional salmon recovery efforts are voluntarily and are not established by state law.

Watershed Planning

State watershed planning laws provide a process for conducting watershed planning through a locally initiated process. If planning is conducted under this process, it must include a component on current and future water availability and use. It may include components regarding instream flows, water quality, and habitat.

Interlocal Cooperation Act

The Interlocal Cooperation Act allows public agencies to enter into agreements with one another for joint or cooperative action. Any powers, privileges, or authority held by a public agency may be exercised jointly with any other public agency having the power, privilege, or authority. The issues to be addressed in interlocal agreements, the process for creating such agreements, and costs and payments are specified by statute. A "public agency" includes any agency, political subdivision, or unit of local government. The term includes municipal corporations, special purpose districts, local service districts, state agencies, federal agencies, recognized Indian tribes, and other states' political subdivisions.

Summary of Bill:

A regional program for salmon and steelhead recovery is established for Asotin, Columbia, Garfield, Walla Walla, and Whitman counties. The management board consists of local and regional representatives and the responsibilities will be specified in an interlocal agreement. The management board is responsible for the operation and funding of salmon and steelhead recovery plans and other programs and projects necessary for the recovery of fish. At a minimum, the management board shall develop and implement a salmon and steelhead recovery plan in cooperation with the NMFS, the USFWS, and the state. The recovery plan must address habitat for aquatic species that are listed under the federal ESA.

The management board must also: assess the factors for decline of salmon populations; establish criteria for funding projects and programs; and, work with state and local governments to implement a regional public education and involvement effort. The management board may also hire and fire staff, enter into contracts and accept funds. In addition, the management board must report quarterly to the legislative bodies participating in the interlocal agreement.

The management board may not exercise authority over land or water within the area covered by the plan or otherwise preempt the authority of local governments. No action may be brought against the management board or any member of the board for noncontractual acts or omissions in carrying out its duties.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.