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**SUBSTITUTE HOUSE BILL 1095**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Rockefeller, Sump, Linville, Orcutt, Schoesler, Pearson, Holmquist, Haigh and Kristiansen; by request of Commissioner of Public Lands)

READ FIRST TIME 02/24/03.

1       AN ACT Relating to assisting small forest landowners with the  
2 forest road maintenance and abandonment plan elements of the forest  
3 practices rules; amending RCW 76.09.020, 76.09.055, and 76.09.390;  
4 adding new sections to chapter 76.09 RCW; adding a new section to  
5 chapter 76.13 RCW; adding a new section to chapter 77.12 RCW; creating  
6 a new section; and declaring an emergency.

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

8       NEW SECTION. **Sec. 1.** (1) The legislature finds that chapter 4,  
9 Laws of 1999 sp. sess. strongly encouraged the forest practices board  
10 to adopt administrative rules that were substantially similar to the  
11 recommendations presented to the legislature in the form of the forests  
12 and fish report. The rules adopted pursuant to the 1999 legislation  
13 require all forest landowners to complete a road maintenance and  
14 abandonment plan, and those rules cannot be changed by the forest  
15 practices board without either a final order from a court, direct  
16 instructions from the legislature, or a recommendation from the  
17 adaptive management process. In the time since the enactment of  
18 chapter 4, Laws of 1999 sp. sess., it has become clear that both the

1 planning aspect and the implementation aspect of the road maintenance  
2 and abandonment plan requirement may cause an unforeseen and unintended  
3 disproportionate financial hardship on small forest landowners.

4 (2) The legislature further finds that the commissioner of public  
5 lands and the governor have explored solutions that minimize the  
6 hardship caused to small forest landowners by the forest road  
7 maintenance and abandonment requirements of the forests and fish law,  
8 while maintaining protection for public resources. This act represents  
9 the bulk of the recommendations stemming from that process.

10 (3) The legislature further finds that it is in the state's  
11 interest to help small forest landowners comply with the requirements  
12 of the forests and fish report in a way that does not require the  
13 landowner to spend unreasonably high and unpredictable amounts of money  
14 to complete road maintenance and abandonment plan preparation and  
15 implementation. Small forest landowners provide significant wildlife  
16 habitat and serve as important buffers between urban development and  
17 Washington's public forest land holdings. As such, the legislature  
18 intends to implement the following principles so that small forest  
19 landowners can feel confident that participation in the forests and  
20 fish agreement will not mean the end of the small forest landowners'  
21 way of life:

22 (a) The state may not require a small forest landowner to invest in  
23 upgrades, replacements, or other engineering of a forest road, and any  
24 culverts that are a part of the road, that do not threaten public  
25 resources or create a barrier to the passage of fish.

26 (b) Participation in the forests and fish agreement provides a  
27 benefit to both the landowner in terms of federal assurances, and the  
28 public in terms of aquatic habitat preservation and water quality  
29 enhancement; therefore, if conditions do threaten public resources or  
30 create a barrier to the passage of fish, the road maintenance and  
31 abandonment planning process may not require a small forest landowner  
32 to take a positive action that will result in high cost without a  
33 significant portion of that cost being shared by the public.

34 (c) Some fish barriers are more of a threat to public resources  
35 than others; therefore, no small forest landowner should be required to  
36 repair a fish barrier until higher priority fish barriers on other  
37 lands in the watershed have been repaired.

1 (d) An existing culvert on land owned by a small forest landowner  
2 may not be required to be replaced before the end of the culvert's  
3 functional life if the culvert is functioning with little risk to  
4 public resources, or if it was installed under an approved forest  
5 practices application or notification, as long as the culvert has been  
6 properly maintained and is capable of passing fish, unless public  
7 funding is available from the small forest landowners office to pay one  
8 hundred percent of the removal and replacement costs.

9 (e) The preparation of a road maintenance and abandonment plan can  
10 require technical expertise that may require large expenditures before  
11 the time that the landowner plans to conduct any revenue-generating  
12 operations on his or her land; therefore, small forest landowners  
13 should be allowed to complete a simplified road maintenance and  
14 abandonment plan checklist, that does not require professional  
15 engineering or forestry expertise to complete, and that does not need  
16 to be submitted until the time that the landowner plans to conduct a  
17 revenue-generating forest management activity. This act is intended to  
18 provide an alternate way for small forest landowners to comply with the  
19 road maintenance and abandonment plan goals identified in the forests  
20 and fish report.

21 **Sec. 2.** RCW 76.09.020 and 2002 c 17 s 1 are each amended to read  
22 as follows:

23 ~~((For purposes of this chapter:))~~ The definitions in this section  
24 apply throughout this chapter unless the context clearly requires  
25 otherwise.

26 (1) "Adaptive management" means reliance on scientific methods to  
27 test the results of actions taken so that the management and related  
28 policy can be changed promptly and appropriately.

29 (2) "Appeals board" means the forest practices appeals board  
30 created by RCW 76.09.210.

31 (3) "Aquatic resources" includes water quality, salmon, other  
32 species of the vertebrate classes Cephalaspidomorphi and Osteichthyes  
33 identified in the forests and fish report, the Columbia torrent  
34 salamander (*Rhyacotriton kezeri*), the Cascade torrent salamander  
35 (*Rhyacotriton cascadae*), the Olympic torrent salamander (*Rhyacotriton*  
36 *olympian*), the Dunn's salamander (*Plethodon dunnii*), the Van Dyke's

1 salamander (*Plethodon vandyke*), the tailed frog (*Ascaphus truei*), and  
2 their respective habitats.

3 (4) "Commissioner" means the commissioner of public lands.

4 (5) "Contiguous" means land adjoining or touching by common corner  
5 or otherwise. Land having common ownership divided by a road or other  
6 right of way shall be considered contiguous.

7 (6) "Conversion to a use other than commercial timber operation"  
8 means a bona fide conversion to an active use which is incompatible  
9 with timber growing and as may be defined by forest practices rules.

10 (7) "Department" means the department of natural resources.

11 (8) "Forest land" means all land which is capable of supporting a  
12 merchantable stand of timber and is not being actively used for a use  
13 which is incompatible with timber growing. Forest land does not  
14 include agricultural land that is or was enrolled in the conservation  
15 reserve enhancement program by contract if such agricultural land was  
16 historically used for agricultural purposes and the landowner intends  
17 to continue to use the land for agricultural purposes in the future.  
18 As it applies to the operation of the road maintenance and abandonment  
19 plan element of the forests and fish report on small forest landowners,  
20 the term "forest land" excludes:

21 (a) Primary residential home sites, which may include up to two and  
22 one-half acres; and

23 (b) All land that is primarily used for agricultural purposes,  
24 regardless of size, including but not limited to pastures, orchards,  
25 and grazing lands, and the land on which appurtenances necessary to the  
26 production, preparation, or sale of agricultural products exist in  
27 conjunction with the lands producing the products.

28 (9) "Forest landowner" means any person in actual control of forest  
29 land, whether such control is based either on legal or equitable title,  
30 or on any other interest entitling the holder to sell or otherwise  
31 dispose of any or all of the timber on such land in any manner(~~+~~  
32 ~~PROVIDED, That~~). However, any lessee or other person in possession of  
33 forest land without legal or equitable title to such land shall be  
34 excluded from the definition of "forest landowner" unless such lessee  
35 or other person has the right to sell or otherwise dispose of any or  
36 all of the timber located on such forest land.

37 (10) "Forest practice" means any activity conducted on or directly

1 pertaining to forest land and relating to growing, harvesting, or  
2 processing timber, including but not limited to:

- 3 (a) Road and trail construction;
- 4 (b) Harvesting, final and intermediate;
- 5 (c) Precommercial thinning;
- 6 (d) Reforestation;
- 7 (e) Fertilization;
- 8 (f) Prevention and suppression of diseases and insects;
- 9 (g) Salvage of trees; and
- 10 (h) Brush control.

11 "Forest practice" shall not include preparatory work such as tree  
12 marking, surveying and road flagging, and removal or harvesting of  
13 incidental vegetation from forest lands such as berries, ferns,  
14 greenery, mistletoe, herbs, mushrooms, and other products which cannot  
15 normally be expected to result in damage to forest soils, timber, or  
16 public resources.

17 (11) "Forest practices rules" means any rules adopted pursuant to  
18 RCW 76.09.040.

19 (12) "Forest road," as it applies to the operation of the road  
20 maintenance and abandonment plan element of the forests and fish report  
21 on small forest landowners, means a road or road segment that crosses  
22 land that meets the definition of forest land, but excludes residential  
23 driveways.

24 (13) "Forest trees" does not include hardwood trees cultivated by  
25 agricultural methods in growing cycles shorter than fifteen years if  
26 the trees were planted on land that was not in forest use immediately  
27 before the trees were planted and before the land was prepared for  
28 planting the trees. "Forest trees" includes Christmas trees, but does  
29 not include Christmas trees that are cultivated by agricultural  
30 methods, as that term is defined in RCW 84.33.035.

31 ((+13+)) (14) "Forests and fish report" means the forests and fish  
32 report to the board dated April 29, 1999.

33 ((+14+)) (15) "Grazing lands" means land that is primarily used for  
34 animal foraging on naturally occurring or planted vegetation, but does  
35 not include land that is used by free-ranging livestock.

36 (16) "Application" means the application required pursuant to RCW  
37 76.09.050.

1       (~~(15)~~) (17) "Operator" means any person engaging in forest  
2 practices except an employee with wages as his or her sole  
3 compensation.

4       (~~(16)~~) (18) "Person" means any individual, partnership, private,  
5 public, or municipal corporation, county, the department or other state  
6 or local governmental entity, or association of individuals of whatever  
7 nature.

8       (~~(17)~~) (19) "Public resources" means water, fish and wildlife,  
9 and in addition shall mean capital improvements of the state or its  
10 political subdivisions.

11       (~~(18)~~) (20) "Small forest landowner" means an owner of forest  
12 land who, at the time of submission of required documentation to the  
13 department, has harvested from his or her own lands in this state no  
14 more than an average timber volume of two million board feet per year  
15 during the three years prior to submitting documentation to the  
16 department and who certifies that he or she does not expect to harvest  
17 from his or her own lands in the state more than an average timber  
18 volume of two million board feet per year during the ten years  
19 following the submission of documentation to the department. However,  
20 any landowner who exceeded the two million board feet annual average  
21 timber harvest threshold from their land in the three years prior to  
22 submitting documentation to the department, or who expects to exceed  
23 the threshold during any of the following ten years, shall still be  
24 deemed a "small forest landowner" if he or she establishes to the  
25 department's reasonable satisfaction that the harvest limits were, or  
26 will be, exceeded in order to raise funds to pay estate taxes or for an  
27 equally compelling and unexpected obligation, such as for a court-  
28 ordered judgment or for extraordinary medical expenses.

29       (21) "Timber" means forest trees, standing or down, of a commercial  
30 species, including Christmas trees. However, "timber" does not include  
31 Christmas trees that are cultivated by agricultural methods, as that  
32 term is defined in RCW 84.33.035.

33       (~~(19)~~) (22) "Timber owner" means any person having all or any  
34 part of the legal interest in timber. Where such timber is subject to  
35 a contract of sale, "timber owner" shall mean the contract purchaser.

36       (~~(20)~~) (23) "Board" means the forest practices board created in  
37 RCW 76.09.030.

1       (~~(21)~~) (24) "Unconfined avulsing channel migration zone" means  
2 the area within which the active channel of an unconfined avulsing  
3 stream is prone to move and where the movement would result in a  
4 potential near-term loss of riparian forest adjacent to the stream.  
5 Sizeable islands with productive timber may exist within the zone.

6       (~~(22)~~) (25) "Unconfined avulsing stream" means generally fifth  
7 order or larger waters that experience abrupt shifts in channel  
8 location, creating a complex flood plain characterized by extensive  
9 gravel bars, disturbance species of vegetation of variable age,  
10 numerous side channels, wall-based channels, oxbow lakes, and wetland  
11 complexes. Many of these streams have dikes and levees that may  
12 temporarily or permanently restrict channel movement.

13       NEW SECTION.   **Sec. 3.** A new section is added to chapter 76.09 RCW  
14 to read as follows:

15       (1) The board must adopt rules relating to road maintenance and  
16 abandonment plans that are substantially consistent with the  
17 recommendations contained in the forests and fish report, except for  
18 the following differences:

19       (a) A forest landowner who owns a total of eighty acres or less of  
20 forest land in Washington is not required to submit a road maintenance  
21 and abandonment plan for any block of forest land that is twenty  
22 contiguous acres or less in area;

23       (b) A landowner who satisfies the definition of a small forest  
24 landowner, but who does not qualify under (a) of this subsection, is  
25 only required to submit a checklist road maintenance and abandonment  
26 plan with the abbreviated content requirements provided for in  
27 subsection (3) of this section, and is not required to comply with  
28 annual reporting and review requirements; and

29       (c) Existing forest roads must be maintained only to the extent  
30 necessary to prevent damage to public resources.

31       (2) The department must provide a landowner who is either exempted  
32 from submitting a road maintenance and abandonment plan under  
33 subsection (1)(a) of this section, or who qualifies for a checklist  
34 road maintenance and abandonment plan under subsection (1)(b) of this  
35 section, with an educational brochure outlining road maintenance  
36 standards and requirements. In addition, the department must develop

1 a series of nonmandatory educational workshops on the rules associated  
2 with road construction and maintenance.

3 (3)(a) A landowner who qualifies for a checklist road maintenance  
4 and abandonment plan under subsection (1)(b) of this section is only  
5 required to submit a checklist, designed by the department in  
6 consultation with the small forest landowner advisory committee created  
7 in RCW 76.13.110, that confirms that the landowner has read the  
8 educational brochure provided under subsection (2) of this section and  
9 is applying it to the management of the landowner's forest roads. When  
10 developing the checklist road maintenance and abandonment plan, the  
11 department shall ensure that the document is limited to an  
12 identification of forest roads that do not provide for the passage of  
13 fish and the passage of some woody debris, does not allow for the  
14 meeting of water quality standards, does not control sediment delivery,  
15 does not protect streambank stability, and does not divert most run-off  
16 to the forest floor.

17 (b) A landowner who qualifies for the checklist road maintenance  
18 and abandonment plan is not required to submit the checklist before the  
19 time that he or she submits a forest practices application for forest  
20 lands covered by the checklist. The department may encourage and  
21 accept checklists prior to the time that they are due.

22 (4) The department must monitor the extent of checklist road  
23 maintenance and abandonment plan submissions and rates of compliance  
24 with rules relating to forest roads, and report its findings to the  
25 appropriate committees of the legislature by December 31, 2008, and  
26 December 31, 2013. The legislative reports must measure the success of  
27 the checklist road maintenance and abandonment plan approach and make  
28 any suggestions for adjustments that are necessary to accomplish the  
29 road maintenance and abandonment goals identified in the forests and  
30 fish report. Reports conducted under this section should be linked to  
31 the program evaluations conducted under section 6(8) of this act.

32 (5) The board shall adopt emergency rules under RCW 34.05.090 by  
33 October 31, 2003, to implement this section. The emergency rules shall  
34 remain in effect until permanent rules can be adopted. The forest  
35 practices rules that relate to road maintenance and abandonment plans  
36 shall remain in effect as they existed on the effective date of this  
37 section until emergency rules have been adopted under this section.



1 (6) This section is only intended to relate to the board's duties  
2 as they relate to the road maintenance and abandonment plan element of  
3 the forests and fish report. Nothing in this section alters any forest  
4 landowner's duties and responsibilities under any other section of the  
5 forest practices rules, or any other state law or rule.

6 **Sec. 4.** RCW 76.09.055 and 2000 c 11 s 4 are each amended to read  
7 as follows:

8 (1) The legislature finds that the declines of fish stocks  
9 throughout much of the state require immediate action to be taken to  
10 help restore these fish runs where possible. The legislature also  
11 recognizes that federal and state agencies, tribes, county  
12 representatives, and private timberland owners have spent considerable  
13 effort and time to develop the forests and fish report. Given the  
14 agreement of the parties, the legislature believes that the immediate  
15 adoption of emergency rules is appropriate in this particular instance.  
16 These rules can implement many provisions of the forests and fish  
17 report to protect the economic well-being of the state, and to minimize  
18 the risk to the state and landowners to legal challenges. This  
19 authority is not designed to set any precedents for the forest  
20 practices board in future rule making or set any precedents for other  
21 rule-making bodies of the state.

22 (2) The forest practices board is authorized to adopt emergency  
23 rules amending the forest practices rules with respect to the  
24 protection of aquatic resources, in accordance with RCW 34.05.350,  
25 except: (a)(i) That the rules adopted under this section may remain in  
26 effect until permanent rules are adopted, or until June 30, 2001,  
27 whichever is sooner; (ii) that the rules adopted under section 3(5) of  
28 this act must remain in effect until permanent rules are adopted; (b)  
29 notice of the proposed rules must be published in the Washington State  
30 Register as provided in RCW 34.05.320; (c) at least one public hearing  
31 must be conducted with an opportunity to provide oral and written  
32 comments; and (d) a rule-making file must be maintained as required by  
33 RCW 34.05.370. In adopting (~~the~~) emergency rules consistent with  
34 this section, the board is not required to prepare a small business  
35 economic impact statement under chapter 19.85 RCW, prepare a statement  
36 indicating whether the rules constitute a significant legislative rule  
37 under RCW 34.05.328, prepare a significant legislative rule analysis

1 under RCW 34.05.328, or follow the procedural requirements of the state  
2 environmental policy act, chapter 43.21C RCW. Except as provided in  
3 section 3 of this act, the forest practices board may only adopt  
4 recommendations contained in the forests and fish report as emergency  
5 rules under this section.

6 **Sec. 5.** RCW 76.09.390 and 1999 sp.s. c 4 s 707 are each amended to  
7 read as follows:

8 (1) Except as provided in subsection (2) of this section, prior to  
9 the sale or transfer of land or perpetual timber rights subject to  
10 continuing forest land obligations under the forest practices rules  
11 adopted under RCW 76.09.370, as specifically identified in the forests  
12 and fish report the seller shall notify the buyer of the existence and  
13 nature of such a continuing obligation and the buyer shall sign a  
14 notice of continuing forest land obligation indicating the buyer's  
15 knowledge thereof. The notice shall be on a form prepared by the  
16 department and shall be sent to the department by the seller at the  
17 time of sale or transfer of the land or perpetual timber rights and  
18 retained by the department. If the seller fails to notify the buyer  
19 about the continuing forest land obligation, the seller shall pay the  
20 buyer's costs related to such continuing forest land obligation,  
21 including all legal costs and reasonable attorneys' fees, incurred by  
22 the buyer in enforcing the continuing forest land obligation against  
23 the seller. Failure by the seller to send the required notice to the  
24 department at the time of sale shall be prima facie evidence, in an  
25 action by the buyer against the seller for costs related to the  
26 continuing forest land obligation, that the seller did not notify the  
27 buyer of the continuing forest land obligation prior to sale.

28 (2) Subsection (1) of this section does not apply to checklist road  
29 maintenance and abandonment plans.

30 NEW SECTION. **Sec. 6.** A new section is added to chapter 76.13 RCW  
31 to read as follows:

32 (1) The legislature finds that many small forest landowners are not  
33 in the financial position to adequately fund all of the fish barrier  
34 removal projects that are both critical to achieving the goals set  
35 forth in chapter 76.09 RCW, and required by the forest practices rules  
36 issued under the forests and fish report. The legislature further

1 finds that a state-led cost-sharing program is necessary to assist  
2 small forest landowners with removing and replacing culverts and other  
3 man-made fish barriers that were added to their land prior to the  
4 effective date of this section, to help achieve the goals of the  
5 forests and fish report, and to assist small forest landowners in  
6 complying with the state's fish passage requirements.

7 (2) The small forest landowner office must, in cooperation with the  
8 department of fish and wildlife, establish a program designed to assist  
9 small forest landowners with repairing or removing fish barriers and  
10 assist lead entities in acquiring the data necessary to fill any gaps  
11 in fish barrier information. The small forest landowner office and the  
12 department of fish and wildlife must work closely with lead entities or  
13 other local watershed groups to make maximum use of current information  
14 regarding the location and priority of current fish barriers. Where  
15 additional barrier inventories are necessary, funding will be sought  
16 for the collection of this information. Methods, protocols, and  
17 formulas for data gathering and prioritizing must be developed in  
18 consultation with the department of fish and wildlife. The department  
19 of fish and wildlife must assist in the training and management of  
20 barrier location data collection.

21 (3) The small forest landowner office must actively seek out  
22 funding for the program authorized in this section. The small forest  
23 landowner office must work with consenting landowners to identify and  
24 secure funding from local, state, federal, tribal, or nonprofit habitat  
25 restoration organizations and other private sources, including the  
26 salmon recovery funding board, the United States department of  
27 agriculture, the United States department of transportation, the  
28 Washington state department of transportation, the United States  
29 department of commerce, and the federal highway administration.

30 (4)(a) Except as otherwise provided in this subsection, the small  
31 forest landowner office, in implementing the program established in  
32 this section, must provide the highest proportion of public funding  
33 available for the removal of any fish barrier or culvert replacement.

34 (b) In no case may a small forest landowner be required to pay more  
35 than the lesser of either: (i) Twenty-five percent of any costs  
36 associated with the removal of a particular fish barrier or the  
37 replacement of a particular culvert; or (ii) five thousand dollars for

1 the removal of a particular fish barrier or the replacement of a  
2 particular culvert.

3 (c) A small forest landowner shall not be required to remove or  
4 replace a culvert before the end of its functional life if the culvert  
5 is functioning with little risk to public resources, or if it was  
6 installed under an approved forest practices application or  
7 notification, as long as the culvert has been properly maintained and  
8 is capable of passing fish, unless one hundred percent of the removal  
9 and replacement cost is provided by the cost-share program established  
10 in this section.

11 (5) If a small forest landowner is required to contribute a portion  
12 of the funding under the cost-share program established in this  
13 section, that landowner may satisfy his or her required proportion by  
14 providing either direct monetary contributions or in-kind services to  
15 the project. In-kind services may include labor, equipment, materials,  
16 and other landowner-provided services determined by the department to  
17 have an appropriate value to the removal of a particular fish barrier  
18 or the replacement of a particular culvert.

19 (6)(a) The department, using culvert assessments and ranked  
20 inventory information provided by the department of fish and wildlife  
21 and the appropriate lead entity as delineated in section 8 of this act,  
22 must establish a prioritized list for the funding of fish barrier  
23 removals on property owned by small forest landowners that ensures that  
24 funding is provided first to the known fish barriers existing on forest  
25 land owned by small forest landowners that cause the greatest harm to  
26 public resources.

27 (b) As the department collects information about the presence of  
28 fish barriers from submitted road maintenance and abandonment plans, it  
29 must share this information with the department of fish and wildlife  
30 and the technical advisory groups established in RCW 77.85.070. If the  
31 addition of the information collected in the road maintenance and  
32 abandonment plans, or any other changes to the scientific instruments  
33 described in section 8 of this act, alters the analysis conducted under  
34 section 8 of this act, the department must alter the funding order  
35 appropriately to reflect the new information.

36 (7) The department may accept commitments from small forest  
37 landowners that they will participate in the program to remove fish

1 barriers from their land at any time, regardless of the funding order  
2 given to the barriers on a particular landowner's property.

3 (8) The program established in this section must be evaluated by  
4 the department and the department of fish and wildlife by December 31,  
5 2008, and December 31, 2013. The evaluations must measure the success  
6 of the program, identify any adjustments to the program that may be  
7 necessary, and provide any information that is available concerning the  
8 location and road conditions of the small forest landowners who are  
9 exempt from filing a road maintenance and abandonment plan under  
10 section 3 of this act. Evaluations conducted under this section should  
11 be linked to compliance monitoring under section 3(4) of this act. The  
12 results of the evaluations must be submitted to the appropriate  
13 committees of the legislature.

14 NEW SECTION. **Sec. 7.** A new section is added to chapter 76.09 RCW  
15 to read as follows:

16 The department shall not disapprove a forest practices application  
17 filed by a small forest landowner on the basis that fish barriers have  
18 not been removed or replaced if the small forest landowner filing the  
19 application has committed to participate in the program established in  
20 section 6 of this act for all fish barriers existing on the block of  
21 forest land covered by the forest practices application, and the fish  
22 barriers existing on the block of forest land covered by the forest  
23 practices application are lower on the funding order list established  
24 for the program than the current projects that are capable of being  
25 funded by the program.

26 NEW SECTION. **Sec. 8.** A new section is added to chapter 77.12 RCW  
27 to read as follows:

28 In coordination with the department of natural resources and lead  
29 entity groups, the department must establish a ranked inventory of fish  
30 barriers on land owned by small forest landowners based on the  
31 principle that culverts blocking the most fish habitat or causing  
32 actual damages to public resources would be replaced first. The  
33 department shall first gather and synthesize all available existing  
34 information about the locations and impacts of fish barriers in  
35 Washington. This information must include, but not be limited to, the  
36 most recently available limiting factors analysis conducted pursuant to

1 RCW 77.85.060(2), the stock status information contained in the  
2 department of fish and wildlife salmonid stock inventory (SASSI), the  
3 salmon and steelhead habitat inventory and assessment project (SSHIAP),  
4 and any comparable science-based assessment when available. Where  
5 accurate culvert inventory or assessment or fish distribution  
6 information is absent, the department may collect, or contract with  
7 other organizations to collect, the appropriate data. The inventory of  
8 fish barriers must be kept current and at a minimum be updated by the  
9 beginning of each calendar year.

10 NEW SECTION. **Sec. 9.** This act is necessary for the immediate  
11 preservation of the public peace, health, or safety, or support of the  
12 state government and its existing public institutions, and takes effect  
13 immediately.

--- END ---