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HOUSE BILL 3107

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State of Washington

58th Legislature

2004 Regular Session

By Representatives Cox, Grant, Schoesler and McMorris

Read first time 01/28/2004. Referred to Committee on Fisheries,  
Ecology & Parks.

1 AN ACT Relating to regional programs for the recovery of fish runs  
2 listed under the federal endangered species act; and adding a new  
3 chapter to Title 77 RCW.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes the need to  
6 address listings that are made under the federal endangered species act  
7 (16 U.S.C. Sec. 1531 et seq.) in a way that will make the most  
8 efficient uses of existing regional efforts. The legislature finds  
9 that the southwest Washington pilot program created by the legislature  
10 in 1998 for regional fish recovery in Clark, Cowlitz, Lewis, Skamania,  
11 and Wahkiakum counties is a successful model that should be used for  
12 other regional fish recovery programs. It is the intent of the  
13 legislature to address statewide fish listings in a manner that takes  
14 advantage of all state and local efforts, and in a manner consistent  
15 with the lessons learned in the southwest Washington pilot program.

16 NEW SECTION. **Sec. 2.** A program for local or regional fish  
17 recovery is established for Asotin, Columbia, Garfield, Walla Walla,  
18 and Whitman counties. The management board created under section 3 of

1 this act is responsible for the operation, funding, support, and  
2 jurisdiction for the development of: (1) Salmon and steelhead recovery  
3 plans; (2) implementation of the recovery plan; and (3) other programs  
4 and projects as deemed necessary for the recovery of fish.

5 NEW SECTION. **Sec. 3.** (1) The management board is created. The  
6 management board shall consist of representatives of the local or  
7 regional interests. The number of members, qualifications, terms, and  
8 responsibilities of the management board shall be specified in an  
9 interlocal agreement under chapter 39.34 RCW or resolution of a local  
10 government. The interlocal agreement or resolution may be changed from  
11 time to time to reflect changing circumstances.

12 (2) The management board shall, at a minimum, have the following  
13 powers and duties:

14 (a) The management board is responsible for the development of a  
15 salmon and steelhead recovery plan and the implementation of any  
16 projects or efforts conceived under the recovery plan. While  
17 developing the recovery plan, the management board shall work in  
18 cooperation with the state and national marine fisheries service or the  
19 United States fish and wildlife service to address habitat for aquatic  
20 species that may be listed, or subsequently listed, under the federal  
21 endangered species act.

22 (b) The management board may not exercise authority over land or  
23 water within the individual counties or otherwise preempt the authority  
24 of other units of local government.

25 (c) The management board must prioritize and approve projects and  
26 programs as it deems appropriate and related to salmon and steelhead  
27 recovery within the region, including the funding of those projects and  
28 programs, and must coordinate local government efforts as prescribed in  
29 the recovery plan.

30 (d) The management board must establish criteria for funding  
31 projects and programs based on the project's or program's likely value  
32 in salmon and steelhead recovery. The management board may consider  
33 local economic impact among the criteria, but jurisdictional boundaries  
34 and factors related to jurisdictional population may not be considered  
35 as part of the criteria.

36 (e) The management board shall assess the factors for decline along  
37 each prioritized stream as identified in the recovery plan. The

1 management board is encouraged to take a stream-by-stream approach in  
2 conducting the assessment that utilizes state and local expertise,  
3 including volunteer groups, interest groups, and affected units of  
4 local government.

5 (f) The management board shall ensure that watershed management and  
6 fish recovery plans are consistent and compatible with each other.

7 (g) The management board shall work with state and local  
8 governments to develop and implement coordinated regional public  
9 education and involvement efforts. These efforts shall help inform the  
10 public of fish recovery efforts, solicit public participation in the  
11 development of recovery plans, projects, and programs, and promote  
12 volunteer participation in recovery and restoration activities.

13 (h) The management board has authority to: Hire and fire staff,  
14 including an executive director; enter into contracts; accept grants  
15 and other moneys; disburse funds; and make recommendations to cities  
16 and counties regarding potential code changes and the development of  
17 programs and incentives. The management board must pay all necessary  
18 expenses, and choose a fiduciary agent.

19 (i) The management board shall report on its progress on a  
20 quarterly basis to the legislative bodies that are signatories to the  
21 interlocal agreement or resolution of a local government.

22 (j) Any additional authorities and responsibilities of the  
23 management board must be described in an interlocal agreement or  
24 resolution of a local government.

25 NEW SECTION. **Sec. 4.** The management board shall appoint and  
26 consult with a technical advisory committee. The technical advisory  
27 committee includes four representatives of the following state  
28 agencies: The commissioner of public lands; and the directors of the  
29 departments of ecology, fish and wildlife, and transportation. The  
30 agencies may recommend one member each to the technical advisory  
31 committee. The management board may appoint the representatives from  
32 the state agencies and any additional members to the technical advisory  
33 committee.

34 NEW SECTION. **Sec. 5.** No action may be brought or maintained  
35 against any management board member, the management board, or any of

1 its agents, officers, or employees for any noncontractual acts or  
2 omissions in carrying out the purposes of this chapter.

3 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute  
4 a new chapter in Title 77 RCW.

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