
SENATE BILL 5805

State of Washington 58th Legislature 2003 Regular Session

By Senators Swecker, Oke, Stevens, Spanel, Roach, Horn, Morton,
Doumit, Honeyford and Sheahan

Read first time 02/13/2003. Referred to Committee on Parks, Fish &
Wildlife.

1 AN ACT Relating to the Skagit watershed; and creating new sections.

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

3 NEW SECTION. **Sec. 1.** The legislature finds that the agricultural
4 lands of the Skagit valley provide a vibrant local economy, valuable
5 habitat for waterfowl, and agricultural products enjoyed throughout the
6 world. The legislature also finds that the Skagit estuary is an
7 important habitat for Puget Sound salmon, and that agriculture and
8 salmon protection are not mutually exclusive. The current efforts by
9 the Washington department of fish and wildlife to address fish passage
10 in the Skagit watershed through conditions on individual permits do not
11 take into account broader impacts to the Skagit community, and do not
12 allow for a watershed-wide approach to salmon recovery.

13 Therefore, the legislature intends to require the development of a
14 strategy to protect and recover salmon in the Skagit watershed, while
15 preserving agricultural lands and a viable agriculture industry.

16 NEW SECTION. **Sec. 2.** (1) The department of fish and wildlife, in
17 coordination with Skagit county, shall develop a strategy to address
18 the management, operation, and maintenance of tide gates in the Skagit

1 watershed. The strategy must be submitted to the appropriate standing
2 committees of the legislature by December 1, 2004. The strategy must
3 consist of the following elements:

4 (a) An inventory of existing tide gates in the Skagit watershed.
5 The inventory must include location, age, type, and maintenance history
6 of the tide gate, and other factors as determined by the department;

7 (b) An assessment of the role of tide gates in the Skagit
8 watershed. The department of fish and wildlife shall assess the role
9 of tidal sloughs in salmon life stages, the characteristics of properly
10 functioning sloughs, the effect of tide gates on tidal sloughs, the
11 economic impacts of tide gate removal, and alternatives to tide gate
12 removal; and

13 (c) A long-term proposal for tide gate management to meet the two
14 goals of salmon recovery and preservation of agricultural lands. The
15 department of fish and wildlife and Skagit county shall convene a work
16 group of interested parties, including local landowners, tribes, local
17 governments, federal fishery agencies, and representatives of the local
18 lead entity under RCW 77.85.050, to develop the proposal, based on the
19 inventory and assessment under (a) and (b) of this subsection. The
20 proposal should include methods to increase fish passage and enhance
21 habitat on public lands, voluntary methods to increase fish passage on
22 private lands, a priority list of fish passage projects, operation and
23 maintenance standards for tide gates where fish passage will not be
24 required, and recommendations for funding of high priority projects.

25 (2)(a) The department of fish and wildlife may not require fish
26 passage as a condition of hydraulic project approval for maintenance or
27 replacement of agricultural drainage systems under RCW 77.55.100 until
28 July 1, 2005, after the strategy developed under section 1 of this act
29 is reviewed by the legislature.

30 (b) Any condition requiring fish passage in an existing hydraulic
31 project approval issued under chapter 77.55 RCW is stayed until July 1,
32 2005.

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