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SENATE BILL 5355

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State of Washington

59th Legislature

2005 Regular Session

By Senators Doumit, Zarelli and Jacobsen

Read first time 01/21/2005. Referred to Committee on Natural Resources, Ocean & Recreation.

1 AN ACT Relating to salmon and steelhead recovery; and amending RCW  
2 77.85.200.

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

4 **Sec. 1.** RCW 77.85.200 and 2001 c 135 s 1 are each amended to read  
5 as follows:

6 (1) A program for salmon and steelhead recovery is established in  
7 Clark, Cowlitz, Lewis, Skamania, and Wahkiakum counties within the  
8 habitat areas classified as the lower Columbia evolutionarily  
9 significant (~~((unit 4))~~) units by the federal national marine fisheries  
10 service. The management board created under subsection (2) of this  
11 section is responsible for (~~((implementing the habitat portion of the~~  
12 ~~approved))~~) developing and overseeing the implementation of a salmon and  
13 steelhead recovery (~~((initiative))~~) plan and is empowered to receive and  
14 disburse funds for the (~~approved~~) salmon and steelhead recovery  
15 initiatives. The management board created pursuant to this section  
16 shall constitute the lead entity and the committee established under  
17 RCW 77.85.050 responsible for fulfilling the requirements and  
18 exercising powers under this chapter.

1           (2) A management board consisting of fifteen voting members is  
2 created within the lower Columbia evolutionarily significant ((~~unit~~4))  
3 units. The members shall consist of one county commissioner or  
4 designee from each of the five participating counties selected by each  
5 county legislative authority; one member representing the cities  
6 contained within the lower Columbia evolutionarily significant ((~~unit~~  
7 4)) units as a voting member selected by the cities in the lower  
8 Columbia evolutionarily significant ((~~unit~~4)) units; a representative  
9 of the Cowlitz Tribe appointed by the tribe; one state legislator  
10 elected from one of the legislative districts contained within the  
11 lower Columbia evolutionarily significant ((~~unit~~4)) units selected by  
12 that group of state legislators representing the area; five  
13 representatives to include at least one member who represents private  
14 property interests appointed by the five county commissioners or  
15 designees; one hydro utility representative nominated by hydro  
16 utilities and appointed by the five county commissioners or designees;  
17 and one representative nominated from the environmental community who  
18 resides in the lower Columbia evolutionarily significant ((~~unit~~4))  
19 units appointed by the five county commissioners or designees. The  
20 board shall appoint and consult a technical advisory committee, which  
21 shall include four representatives of state agencies one each appointed  
22 by the directors of the departments of ecology, fish and wildlife, and  
23 transportation, and the commissioner of public lands. The board may  
24 also appoint additional persons to the technical advisory committee as  
25 needed. The chair of the board shall be selected from among the  
26 members of the management board by the five county commissioners or  
27 designees and the legislator on the board. In making appointments  
28 under this subsection, the county commissioners shall consider  
29 recommendations of interested parties. Vacancies shall be filled in  
30 the same manner as the original appointments were selected. No action  
31 may be brought or maintained against any management board member, the  
32 management board, or any of its agents, officers, or employees for any  
33 noncontractual acts or omissions in carrying out the purposes of this  
34 section.

35           (3)(a) The management board shall participate in the development of  
36 a recovery plan to implement its responsibilities under (b) of this  
37 subsection. The management board shall consider local watershed  
38 efforts and activities as well as habitat conservation plans in the

1 development and implementation of the recovery plan. Any of the  
2 participating counties may continue its own efforts for restoring  
3 steelhead habitat. Nothing in this section limits the authority of  
4 units of local government to enter into interlocal agreements under  
5 chapter 39.34 RCW or any other provision of law.

6 (b) The management board is responsible for (~~implementing the~~  
7 ~~habitat portions of the local government responsibilities of the lower~~  
8 ~~Columbia steelhead conservation initiative~~) the development of a lower  
9 Columbia salmon and steelhead recovery plan and for coordinating and  
10 monitoring the implementation of the plan approved by the state and the  
11 national marine fisheries service. In developing and implementing the  
12 plan, the management board will work with appropriate federal and state  
13 agencies, tribal governments, local governments, and the public. The  
14 management board may work in cooperation with the state and the  
15 national marine fisheries service to modify the (~~initiative~~) plan, or  
16 to address habitat for other aquatic species that may be subsequently  
17 listed under the federal endangered species act. The management board  
18 may not exercise authority over land or water within the individual  
19 counties or otherwise preempt the authority of any units of local  
20 government.

21 (c) The management board shall prioritize as appropriate and  
22 approve projects and programs related to the recovery of lower Columbia  
23 river salmon and steelhead runs, including the funding of those  
24 projects and programs, and coordinate local government efforts as  
25 prescribed in the recovery plan. The management board shall establish  
26 criteria for funding projects and programs based upon their likely  
27 value in salmon and steelhead recovery. The management board may  
28 consider local economic impact among the criteria, but jurisdictional  
29 boundaries and factors related to jurisdictional population may not be  
30 considered as part of the criteria.

31 (d) The management board shall assess the factors for decline along  
32 each (~~prioritized stream as listed~~) tributary basin in the lower  
33 Columbia (~~steelhead conservation initiative~~). The management board  
34 is encouraged to take a stream-by-stream approach in conducting the  
35 assessment which utilizes state and local expertise, including  
36 volunteer groups, interest groups, and affected units of local  
37 government.

1           (4) The management board has the authority to hire and fire staff,  
2 including an executive director, enter into contracts, accept grants  
3 and other moneys, disburse funds, make recommendations to cities and  
4 counties about potential code changes and the development of programs  
5 and incentives upon request, pay all necessary expenses, and may choose  
6 a fiduciary agent. The management board shall report on its progress  
7 on a (~~quarterly~~) biennial basis to the legislative bodies of the five  
8 participating counties and the state natural resource-related agencies.  
9 The management board shall prepare a final report at the conclusion of  
10 the program describing its efforts and successes in developing and  
11 implementing the (~~habitat portion of the~~) lower Columbia salmon and  
12 steelhead (~~conservation initiative~~) recovery plan. The final report  
13 shall be transmitted to the appropriate committees of the legislature,  
14 the legislative bodies of the participating counties, and the state  
15 natural resource-related agencies.

16           (5) (~~The program terminates on July 1, 2006.~~  
17 ~~+6~~) For purposes of this section, "evolutionarily significant  
18 unit" means the habitat area identified for an evolutionarily  
19 significant unit of an aquatic species listed or proposed for listing  
20 as a threatened or endangered species under the federal endangered  
21 species act (16 U.S.C. Sec. 1531 et seq.).

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