
SENATE BILL 5610

State of Washington

59th Legislature

2005 Regular Session

By Senator Jacobsen

Read first time 01/31/2005. Referred to Committee on Natural Resources, Ocean & Recreation.

1 AN ACT Relating to salmon recovery and watershed health; amending
2 RCW 77.85.005, 77.85.010, 77.85.020, 77.85.030, 77.85.040, 77.85.050,
3 77.85.090, and 77.85.150; reenacting and amending RCW 77.85.130; adding
4 a new section to chapter 77.85 RCW; creating a new section; repealing
5 RCW 77.85.070 and 77.85.210; and providing an expiration date.

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

7 **Sec. 1.** RCW 77.85.005 and 1999 sp.s. c 13 s 1 are each amended to
8 read as follows:

9 The legislature finds that repeated attempts to improve salmonid
10 fish runs throughout the state of Washington have failed to avert
11 listings of salmon and steelhead runs as threatened or endangered under
12 the federal endangered species act (16 U.S.C. Sec. 1531 et seq.).
13 These listings threaten the sport, commercial, and tribal fishing
14 industries as well as the economic well-being and vitality of vast
15 areas of the state. It is the intent of the legislature to begin
16 activities required for the recovery of salmon stocks as soon as
17 possible, although the legislature understands that successful recovery
18 efforts may not be realized for many years because of the life cycle of

1 salmon and the complex array of natural and human-caused problems they
2 face.

3 The legislature finds that it is in the interest of the citizens of
4 the state of Washington for the state to retain primary responsibility
5 for managing the natural resources of the state, rather than abdicate
6 those responsibilities to the federal government, and that the state
7 may best accomplish this objective by integrating local and regional
8 recovery activities into a statewide plan that can make the most
9 effective use of provisions of federal laws allowing for a state lead
10 in salmon recovery, delivered through implementation activities
11 consistent with regional and watershed recovery plans. The legislature
12 also finds that a statewide salmon recovery plan must be developed and
13 implemented through an active public involvement process in order to
14 ensure public participation in, and support for, salmon recovery. The
15 legislature also finds that there is a substantial link between the
16 provisions of the federal endangered species act and the federal clean
17 water act (33 U.S.C. Sec. 1251 et seq.). The legislature further finds
18 that habitat restoration is a vital component of salmon recovery
19 efforts. Therefore, it is the intent of the legislature to
20 specifically address salmon habitat restoration in a coordinated manner
21 and to develop a structure that allows for the coordinated delivery of
22 federal, state, and local assistance to communities for habitat
23 projects that will assist in the recovery and enhancement of salmon
24 stocks.

25 The legislature also finds that credible scientific review and
26 oversight is essential for any salmon recovery effort to be successful.

27 The legislature further finds that it is important to monitor the
28 overall health of the salmon resource to determine if recovery efforts
29 are providing expected returns. It is important to monitor salmon
30 habitat projects and salmon recovery activities to determine their
31 effectiveness in order to secure federal acceptance of the state's
32 approach to salmon recovery. Adaptive management cannot exist without
33 monitoring. For these reasons, the legislature believes that a
34 coordinated and integrated monitoring (~~process~~) system should be
35 developed and implemented.

36 The legislature therefore finds that a coordinated framework for
37 responding to the salmon crisis is needed immediately. To that end,
38 the salmon recovery office should be created within the governor's

1 office to provide overall coordination of the state's response;
2 regional recovery plans of a geographic scope commensurate with federal
3 endangered species recovery planning should be encouraged to establish
4 priorities for recovery projects and programs at the watershed level;
5 an independent science panel is needed to provide scientific review and
6 oversight; a coordinated state funding process should be established
7 through a salmon recovery funding board; the appropriate local or
8 tribal government should provide local leadership in identifying and
9 sequencing habitat projects to be funded by state agencies; habitat
10 projects should be implemented without delay; and a strong locally
11 based effort to restore salmon habitat should be established by
12 providing a framework to allow citizen volunteers to work effectively.

13 **Sec. 2.** RCW 77.85.010 and 2002 c 210 s 1 are each amended to read
14 as follows:

15 The definitions in this section apply throughout this chapter
16 unless the context clearly requires otherwise.

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

20 (2) "Critical pathways methodology" means a project scheduling and
21 management process for examining interactions between habitat projects
22 and salmonid species, prioritizing habitat projects, and assuring
23 positive benefits from habitat projects.

24 (3) "Habitat project list" is the list of projects resulting from
25 the critical pathways methodology under RCW 77.85.060(2). Each project
26 on the list must have a written agreement from the landowner on whose
27 land the project will be implemented. Projects include habitat
28 restoration projects, habitat protection projects, habitat projects
29 that improve water quality, habitat projects that protect water
30 quality, habitat-related mitigation projects, and habitat project
31 maintenance and monitoring activities.

32 (4) "Habitat work schedule" means those projects from the habitat
33 project list that will be implemented during the current funding cycle.
34 The schedule shall also include a list of the entities and individuals
35 implementing projects, the start date, duration, estimated date of
36 completion, estimated cost, and funding sources for the projects.

1 (5) "Limiting factors" means conditions that limit the ability of
2 habitat to fully sustain populations of salmon. These factors are
3 primarily fish passage barriers and degraded estuarine areas, riparian
4 corridors, stream channels, and wetlands.

5 (6) "Project sponsor" is a county, city, special district, tribal
6 government, state agency, a combination of such governments through
7 interlocal or interagency agreements, a nonprofit organization,
8 regional fisheries enhancement group, or one or more private citizens.
9 A project sponsored by a state agency may be funded by the board only
10 if it is included on the habitat project list submitted by the lead
11 entity for that area and the state agency has a local partner that
12 would otherwise qualify as a project sponsor.

13 (7) "Regional recovery organization" or "regional salmon recovery
14 organization" means an entity formed for the recovery of salmon,
15 steelhead, and trout stocks, which is recognized in statute or by the
16 salmon recovery office under RCW 77.85.200.

17 (8) "Salmon" includes all species of the family Salmonidae which
18 are capable of self-sustaining, natural production.

19 ((+8)) (9) "Salmon recovery plan" means a state or regional plan
20 developed in anticipation of or in response to a candidate, or proposed
21 or actual listing under the federal endangered species act that
22 addresses limiting factors including, but not limited to harvest,
23 hatchery, hydropower, habitat, and other factors of decline.

24 ((+9)) (10) "Salmon recovery region" means geographic areas of the
25 state identified in the statewide salmon recovery strategy that
26 encompass groups of watersheds in the state with common stocks of
27 salmon, steelhead, and trout identified for recovery activities, and
28 that generally are consistent with the geographic areas within the
29 state of evolutionarily significant units identified by the federal
30 fish services for activities under the federal endangered species act.
31 The southwest Washington salmon recovery region designated under RCW
32 77.85.090 is a salmon recovery region for all purposes of this chapter.

33 (11) "Tribe" or "tribes" means federally recognized Indian tribes.

34 ((+10)) (12) "WRIA" means a water resource inventory area
35 established in chapter 173-500 WAC as it existed on January 1, 1997.

36 ((+11)) (13) "Owner" means the person holding title to the land or
37 the person under contract with the owner to lease or manage the legal
38 owner's property.

1 **Sec. 3.** RCW 77.85.020 and 1998 c 246 s 4 are each amended to read
2 as follows:

3 (~~(Beginning in)~~) (1) By December ((2000)) 1, 2007, December 1,
4 2010, and December 1, 2014, the governor shall submit a ~~((biennial~~
5 ~~state of the salmon))~~ report to the legislature ~~((during the first week~~
6 ~~of December))~~ regarding the implementation of the state's salmon
7 recovery plan. The report may include the following:

8 (~~(1)~~) (a) A description of the amount of in-kind and financial
9 contributions, including volunteer, private, and state, federal, tribal
10 as available, and local government money directly spent on salmon
11 recovery in response to actual, proposed, or expected endangered
12 species act listings;

13 (~~(2)~~) (b) A summary of habitat projects including but not limited
14 to:

15 (~~(a)~~) (i) A summary of accomplishments in removing barriers to
16 salmon passage and an identification of existing barriers;

17 (~~(b)~~) (ii) A summary of salmon restoration efforts undertaken in
18 the past two years;

19 (~~(c)~~) (iii) A summary of the role which private volunteer
20 initiatives contribute in salmon habitat restoration efforts; and

21 (~~(d)~~) (iv) A summary of efforts taken to protect salmon habitat;

22 (~~(3)~~) (c) A summary of collaborative efforts undertaken with
23 adjoining states or Canada;

24 (~~(4)~~) (d) A summary of harvest and hatchery management activities
25 affecting salmon recovery;

26 (~~(5)~~) (e) A summary of information regarding impediments to
27 successful salmon recovery efforts;

28 (~~(6)~~) (f) A summary of the number and types of violations of
29 existing laws pertaining to: ~~((a)) (i)~~ Water quality; and ~~((b))~~
30 (ii) salmon. The summary shall include information about the types of
31 sanctions imposed for these violations;

32 (~~(7)~~) (g) Information on the estimated carrying capacity of new
33 habitat created pursuant to chapter 246, Laws of 1998; and

34 (~~(8)~~) (h) Recommendations to the legislature that would further
35 the success of salmon recovery. The recommendations may include:

36 (~~(a)~~) (i) The need to expand or improve nonregulatory programs
37 and activities; ~~((and~~

1 ~~(b))~~ (ii) The need to expand or improve state and local laws and
2 regulations; and

3 (iii) Recommendations for state funding assistance to recovery
4 activities and projects.

5 (2) Beginning in 2009, the salmon recovery office shall prepare a
6 monitoring report by January 1st of each odd-numbered year that
7 summarizes the monitoring data coordinated by the monitoring forum
8 created in section 11 of this act. The monitoring report must include
9 but is not limited to summaries of data and analysis related to:

10 (a) Measures of progress in fish recovery;

11 (b) Measures of factors limiting recovery as well as trends in such
12 factors; and

13 (c) The status of implementation of projects and activities.

14 **Sec. 4.** RCW 77.85.030 and 2000 c 107 s 93 are each amended to read
15 as follows:

16 (1) The salmon recovery office is created within the office of the
17 governor to coordinate state strategy to allow for salmon recovery to
18 healthy sustainable population levels with productive commercial and
19 recreational fisheries. The primary purpose of the office is to
20 coordinate and assist in the development and implementation of regional
21 and watershed-based salmon recovery plans ~~((for evolutionarily~~
22 ~~significant units, and submit those plans to the appropriate tribal~~
23 ~~governments and federal agencies))~~ as an integral part of a statewide
24 strategy developed consistent with the guiding principles and
25 procedures under RCW 77.85.150. The governor's salmon recovery office
26 may also:

27 (a) Assist regional recovery organizations in submitting plans to
28 the federal fish services for adoption as federal recovery plans;

29 (b) Assist state agencies, local governments, landowners, and other
30 interested parties in obtaining federal assurances that plans,
31 programs, or activities are consistent with fish recovery under the
32 federal endangered species act;

33 (c) Act as liaison to local governments, the state congressional
34 delegation, the United States congress, federally recognized tribes,
35 and the federal executive branch agencies for issues related to the
36 state's ~~((endangered species act))~~ salmon recovery plans; and

1 ((b)) (d) Provide ((the biennial state of the salmon report to
2 the legislature)) periodic reports pursuant to RCW 77.85.020.

3 (2) This section expires June 30, ((2006)) 2015.

4 **Sec. 5.** RCW 77.85.040 and 2000 c 107 s 94 are each amended to read
5 as follows:

6 (1) The governor shall request the national academy of sciences,
7 the American fisheries society, or a comparable institution to screen
8 candidates to serve as members on the independent science panel. The
9 institution that conducts the screening of the candidates shall submit
10 a list of the nine most qualified candidates to the governor, the
11 speaker of the house of representatives, and the majority leader of the
12 senate. The candidates shall reflect expertise in habitat requirements
13 of salmon, protection and restoration of salmon populations, artificial
14 propagation of salmon, hydrology, or geomorphology.

15 (2) The speaker of the house of representatives and the majority
16 leader in the senate may each remove one name from the nomination list.
17 The governor shall consult with tribal representatives and the governor
18 shall appoint five scientists from the remaining names on the
19 nomination list.

20 (3) The members of the independent science panel shall serve four-
21 year terms. Vacant positions on the panel shall be filled in the same
22 manner as the original appointments. Members shall serve no more than
23 two full terms. The independent science panel members shall elect the
24 chair of the panel among themselves every two years. Based upon
25 available funding, the governor's salmon recovery office may contract
26 for services with members of the independent science panel for
27 compensation under chapter 39.29 RCW.

28 (4) The independent science panel shall be governed by generally
29 accepted guidelines and practices governing the activities of
30 independent science boards such as the national academy of sciences.
31 The purpose of the independent science panel is to help ensure that
32 sound science is used in salmon recovery efforts. The governor's
33 salmon recovery office ((shall)) may request review of salmon regional
34 recovery plans by the science review panel. The science panel does not
35 have the authority to review individual projects or habitat project
36 lists developed under RCW 77.85.050((7)) or 77.85.060((7) ~~and~~

1 75.46.080)) or to make policy decisions. The panel shall periodically
2 submit its findings and recommendations under this subsection to the
3 legislature and the governor.

4 ~~((5) The independent science panel, in conjunction with the
5 technical review team, shall recommend standardized monitoring
6 indicators and data quality guidelines for use by entities involved in
7 habitat projects and salmon recovery activities across the state.~~

8 ~~(6) The independent science panel, in conjunction with the
9 technical review team, shall also recommend criteria for the systematic
10 and periodic evaluation of monitoring data in order for the state to be
11 able to answer critical questions about the effectiveness of the
12 state's salmon recovery efforts.~~

13 ~~(7) The recommendations on monitoring as required in this section
14 shall be provided in a report to the governor and to the legislature by
15 the independent science panel, in conjunction with the salmon recovery
16 office, no later than December 31, 2000. The report shall also include
17 recommendations on the level of effort needed to sustain monitoring of
18 salmon projects and other recovery efforts, and any other
19 recommendations on monitoring deemed important by the independent
20 science panel and the technical review team. The report may be
21 included in the biennial state of the salmon report required under RCW
22 77.85.020.))~~

23 **Sec. 6.** RCW 77.85.050 and 1999 sp.s. c 13 s 11 are each amended to
24 read as follows:

25 (1)(a) Counties, cities, and tribal governments must jointly
26 designate, by resolution or by letters of support, the area for which
27 a habitat project list is to be developed and the lead entity that is
28 to be responsible for submitting the habitat project list. No project
29 included on a habitat project list shall be considered mandatory in
30 nature and no private landowner may be forced or coerced into
31 participation in any respect. The lead entity may be a county, city,
32 conservation district, special district, tribal government, regional
33 recovery organization, or other entity.

34 (b) The lead entity shall establish a committee that consists of
35 representative interests of counties, cities, conservation districts,
36 tribes, environmental groups, business interests, landowners, citizens,
37 volunteer groups, regional fish enhancement groups, and other habitat

1 interests. The purpose of the committee is to provide a citizen-based
2 evaluation of the projects proposed to promote salmon habitat. ((The
3 technical review team may provide the lead entity with organizational
4 models that may be used in establishing the committees.))

5 (c) The committee shall compile a list of habitat projects,
6 establish priorities for individual projects, define the sequence for
7 project implementation, and submit these activities as the habitat
8 project list. The committee shall also identify potential federal,
9 state, local, and private funding sources.

10 (2) The area covered by the habitat project list must be based, at
11 a minimum, on a WRIA, combination of WRIsAs, or any other area as agreed
12 to by the counties, cities, and tribes in resolutions or in letters of
13 support meeting the requirements of this subsection. Preference will
14 be given to projects in an area that contain a salmon species that is
15 listed or proposed for listing under the federal endangered species
16 act.

17 (3) The lead entity shall submit the habitat project list to the
18 ((technical review team in accordance with procedures adopted by the
19 board)) regional recovery organization or to the salmon recovery office
20 if a recognized regional organization does not exist for the geographic
21 area covered by the habitat project list. The regional recovery
22 organization or salmon recovery office shall compile all project lists
23 for the designated recovery region and make recommendations to the
24 salmon recovery funding board for priorities for state funding across
25 the recovery region for each funding cycle of the board.

26 **Sec. 7.** RCW 77.85.090 and 2000 c 107 s 99 are each amended to read
27 as follows:

28 (1) The southwest Washington salmon recovery region, whose
29 boundaries are provided in chapter 60, Laws of 1998, is created.

30 (2) The governor, with the assistance of the salmon recovery
31 office, shall designate additional salmon recovery regions that
32 generally are consistent with the areas within the state of
33 evolutionarily significant units designated by the federal fish
34 services for federal recovery planning. The designated regions must be
35 incorporated into the statewide salmon recovery strategy and must guide
36 state, regional, and watershed level recovery planning and activities.

1 (3) The governor, with the assistance of the salmon recovery
2 office, may recognize regional salmon recovery organizations for the
3 purpose of developing and implementing regional recovery plans.
4 Organizations seeking such recognition shall demonstrate to the
5 governor's satisfaction that the organization sponsors have invited the
6 participation of local governments, tribes, and other significant
7 governmental entities within the region, as well as representatives of
8 stakeholders with interests in fish recovery and water management,
9 including fishing and fish conservation organizations, landowners,
10 utilities, agriculture, and business. The sponsors shall also
11 demonstrate a willingness and capability to carry out the planning,
12 plan implementation, and project review functions assigned to a
13 regional recovery organization under this chapter.

14 **Sec. 8.** RCW 77.85.130 and 2000 c 107 s 102 and 2000 c 15 s 1 are
15 each reenacted and amended to read as follows:

16 (1) The salmon recovery funding board shall develop procedures and
17 criteria for allocation of funds for salmon habitat projects and salmon
18 recovery activities on a statewide basis to address the highest
19 priorities for salmon habitat protection and restoration. To the
20 extent practicable the board shall adopt an annual allocation of
21 funding. The allocation should address both protection and restoration
22 of habitat, and should recognize the varying needs in each area of the
23 state on an equitable basis. The board has the discretion to partially
24 fund, or to fund in phases, salmon habitat projects. The board may
25 annually establish a maximum amount of funding available for any
26 individual project, subject to available funding. No projects required
27 solely as a mitigation or a condition of permitting are eligible for
28 funding.

29 (2)(a) In evaluating, ranking, and awarding funds for projects and
30 activities the board shall give preference to projects that:

31 (i) Are based upon the limiting factors analysis identified under
32 RCW 77.85.060;

33 (ii) Provide a greater benefit to salmon recovery based upon the
34 stock status information contained in the department of fish and
35 wildlife salmonid stock inventory (SASSI), the salmon and steelhead
36 habitat inventory and assessment project (SSHIAP), and any comparable
37 science-based assessment when available;

1 (iii) Will benefit listed species and other fish species; ((and))
2 (iv) Will preserve high quality salmonid habitat; and
3 (v) Are included in a regional recovery plan that accords the
4 project a high priority for state funding.

5 (b) In evaluating, ranking, and awarding funds for projects and
6 activities the board shall also give consideration to projects that:

7 (i) Are the most cost-effective;
8 (ii) Have the greatest matched or in-kind funding; and
9 (iii) Will be implemented by a sponsor with a successful record of
10 project implementation.

11 (3) The board may reject, but not add, projects from a habitat
12 project list submitted by a lead entity for funding.

13 ~~(4) ((For fiscal year 2000, the board may authorize the interagency~~
14 ~~review team to evaluate, rank, and make funding decisions for~~
15 ~~categories of projects or activities or from funding sources provided~~
16 ~~for categories of projects or activities. In delegating such authority~~
17 ~~the board shall consider the review team's staff resources, procedures,~~
18 ~~and technical capacity to meet the purposes and objectives of this~~
19 ~~chapter. The board shall maintain general oversight of the team's~~
20 ~~exercise of such authority.~~

21 ~~(5) The board shall seek the guidance of the technical review team~~
22 ~~to ensure that scientific principles and information are incorporated~~
23 ~~into the allocation standards and into proposed projects and~~
24 ~~activities. If the technical review team determines that a habitat~~
25 ~~project list complies with the critical pathways methodology under RCW~~
26 ~~77.85.060, it shall provide substantial weight to the list's project~~
27 ~~priorities when making determinations among applications for funding of~~
28 ~~projects within the area covered by the list.~~

29 ~~(6))~~ The board shall establish criteria for determining when block
30 grants may be made to a lead entity or other recognized regional
31 recovery ~~((entity))~~ organization consistent with one or more habitat
32 project lists developed for that region. Where a lead entity has been
33 established pursuant to RCW 77.85.050 or a regional recovery
34 organization has been recognized by the salmon recovery office, the
35 board may provide grants to the lead entity or regional recovery
36 organization to assist in carrying out lead entity or regional recovery
37 functions under this chapter, subject to available funding. The board

1 shall determine an equitable minimum amount of funds for each recovery
2 region, and shall distribute the remainder of funds on a competitive
3 basis.

4 ~~((+7))~~ (5) The board may waive or modify portions of the
5 allocation procedures and standards adopted under this section in the
6 award of grants or loans to conform to legislative appropriations
7 directing an alternative award procedure or when the funds to be
8 awarded are from federal or other sources requiring other allocation
9 procedures or standards as a condition of the board's receipt of the
10 funds. The board shall develop an integrated process to manage the
11 allocation of funding from federal and state sources to minimize delays
12 in the award of funding while recognizing the differences in state and
13 legislative appropriation timing.

14 ~~((+8))~~ (6) The board may award a grant or loan for a salmon
15 recovery project on private or public land when the landowner has a
16 legal obligation under local, state, or federal law to perform the
17 project, when expedited action provides a clear benefit to salmon
18 recovery, and there will be harm to salmon recovery if the project is
19 delayed. For purposes of this subsection, a legal obligation does not
20 include a project required solely as a mitigation or a condition of
21 permitting.

22 ~~((+9))~~ (7) The board may condition a grant or loan to include the
23 requirement that property may only be transferred to a federal agency
24 if the agency that will acquire the property agrees to comply with all
25 terms of the grant or loan to which the project sponsor was obligated.
26 Property acquired or improved by a project sponsor may be conveyed to
27 a federal agency, but only if the agency agrees to comply with all
28 terms of the grant or loan to which the project sponsor was obligated.

29 **Sec. 9.** RCW 77.85.150 and 1999 sp.s. c 13 s 9 are each amended to
30 read as follows:

31 (1) ~~((By September 1, 1999,))~~ The governor, with the assistance of
32 the salmon recovery office, shall ~~((submit a statewide salmon recovery~~
33 ~~strategy to the appropriate federal agencies administering the federal~~
34 ~~endangered species act))~~ develop and maintain a statewide salmon
35 recovery strategy.

36 (2) The governor and the salmon recovery office shall be guided by

1 the following considerations in developing and maintaining the
2 strategy:

3 (a) The strategy should identify statewide initiatives and
4 responsibilities with regional recovery plans and local watershed
5 initiatives as the principal (~~mechanism~~) means for implementing the
6 strategy;

7 (b) The strategy should emphasize collaborative, incentive-based
8 approaches;

9 (c) The strategy should address all factors limiting the recovery
10 of Washington's listed or depressed salmon stocks, including habitat
11 and water quality degradation, harvest and hatchery management,
12 inadequate streamflows, and other barriers to fish passage. Where
13 other limiting factors are beyond the state's jurisdictional
14 authorities to respond to, such as some natural predators and high seas
15 fishing, the strategy shall include the state's requests for federal
16 action to effectively address these factors;

17 (d) The strategy should identify immediate actions necessary to
18 prevent extinction of a listed salmon stock, establish performance
19 measures to determine if restoration efforts are working, recommend
20 effective monitoring and data management, and recommend to the
21 legislature clear and certain measures to be implemented if performance
22 goals are not met;

23 (e) The strategy shall rely on the best scientific information
24 available and provide for incorporation of new information as it is
25 obtained;

26 (f) The strategy should seek a fair allocation of the burdens and
27 costs upon economic and social sectors of the state whose activities
28 may contribute to limiting the recovery of salmon; and

29 (g) The strategy should seek clear measures and procedures from the
30 appropriate federal agencies for removing Washington's salmon stocks
31 from listing under the federal act.

32 (3) Beginning on September 1, 2000, the strategy shall be updated
33 through an active public involvement process, including early and
34 meaningful opportunity for public comment. In obtaining public
35 comment, the salmon recovery office shall hold public meetings
36 throughout the state and shall encourage regional and local recovery
37 planning efforts to similarly ensure an active public involvement
38 process.

1 (4) This section shall apply prospectively only and not
2 retroactively. Nothing in this section shall be construed to
3 invalidate actions taken in recovery planning at the local, regional,
4 or state level prior to July 1, 1999.

5 NEW SECTION. **Sec. 10.** A new section is added to chapter 77.85 RCW
6 to read as follows:

7 (1) The legislature finds that pursuant to chapter 298, Laws of
8 2001 and acting upon recommendations of the state's independent science
9 panel, the monitoring oversight committee developed recommendations for
10 a comprehensive statewide strategy for monitoring watershed health,
11 with a focus upon salmon recovery, entitled *The Washington*
12 *Comprehensive Monitoring Strategy and Action Plan for Watershed Health*
13 *and Salmon Recovery*. The legislature further finds that funding to
14 begin implementing the strategy and action plan was provided in the
15 2003-2005 biennial budget, and that executive order 04-03 was issued to
16 coordinate state agency implementation activities. It is therefore the
17 purpose of this section to adopt the strategy and action plan and to
18 provide guidance to ensure that the coordination activities directed by
19 executive order 04-03 are effectively carried out.

20 (2) The forum on monitoring salmon recovery and watershed health is
21 created. The director of the governor's salmon recovery office and the
22 director of the department of fish and wildlife shall serve as cochairs
23 of the forum. The forum shall include representatives of the following
24 state agencies that have responsibilities related to monitoring of
25 salmon recovery and watershed health:

- 26 (a) Department of ecology;
- 27 (b) Salmon recovery funding board;
- 28 (c) Salmon recovery office;
- 29 (d) Department of fish and wildlife;
- 30 (e) Department of natural resources;
- 31 (f) Puget Sound action team;
- 32 (g) Conservation commission;
- 33 (h) Department of agriculture; and
- 34 (i) Department of transportation.

35 (3) The forum on monitoring salmon recovery and watershed health
36 shall provide a multiagency venue for coordinating technical and policy

1 issues and actions related to monitoring salmon recovery and watershed
2 health.

3 (4) The forum on monitoring salmon recovery and watershed health
4 shall develop a set of measures to convey results and progress on
5 salmon recovery and watershed health in ways that are easily understood
6 by the general public.

7 (5) The forum on monitoring salmon recovery and watershed health
8 shall invite the participation of federal, tribal, regional, and local
9 agencies and entities that carry out salmon recovery and watershed
10 health monitoring, and work toward coordination and standardization of
11 measures used.

12 (6) The forum on monitoring salmon recovery and watershed health
13 shall periodically report to the governor and the appropriate standing
14 committees of the senate and house of representatives on the forum's
15 activities and recommendations for improving monitoring programs by
16 state agencies.

17 NEW SECTION. **Sec. 11.** By December 31, 2005, the salmon recovery
18 office and the department of ecology shall jointly submit a report to
19 the appropriate committees of the senate and house of representatives
20 that reviews and provides recommendations on the following:

21 (1) Modifications to state programs and financial assistance to
22 encourage improved coordination among entities preparing salmon
23 recovery, water resources, or related plans within the same watershed
24 or group of watersheds;

25 (2) Improving state guidance and assistance to entities
26 implementing such plans once they are prepared;

27 (3) Reviewing the organizational structure and governance of the
28 variety of regional recovery organizations and watershed-level entities
29 that are currently preparing or implementing plans, and recommendations
30 regarding whether consistent procedures and criteria for forming
31 regional recovery organizations should be required;

32 (4) Reviewing the current habitat project planning under chapter
33 77.85 RCW and water resource planning under chapter 90.82 RCW, and
34 recommendations on ways to consolidate plan implementation and
35 establish state funding priorities for implementation activities
36 statewide across both planning programs;

1 (5) Improving the allocation of mitigation funding on a watershed
2 basis, consistent with the state's policies and programs of optimizing
3 mitigation projects; and

4 (6) Aligning the geographic areas of regional fisheries enhancement
5 groups with the salmon recovery regions of the statewide strategy and
6 coordinating the work of these groups with that of regional recovery
7 organizations.

8 NEW SECTION. **Sec. 12.** The following acts or parts of acts are
9 each repealed:

10 (1) RCW 77.85.070 (Technical advisory groups) and 2000 c 107 s 97
11 & 1998 c 246 s 10; and

12 (2) RCW 77.85.210 (Monitoring activities--Monitoring oversight
13 committee--Legislative steering committee--Report to the legislature--
14 Monitoring strategy and action plan) and 2001 c 298 s 3.

--- END ---