
SENATE BILL 6402

State of Washington 59th Legislature 2006 Regular Session

By Senators Doumit, Oke, Jacobsen, Regala, Spanel and Shin

Read first time 01/12/2006. Referred to Committee on Natural Resources, Ocean & Recreation.

1 AN ACT Relating to the Columbia river safety and coastal crab
2 mitigation work group; adding a new chapter to Title 77 RCW; and
3 providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** (1) The Columbia river safety and coastal
6 crab mitigation work group is established within the department of
7 ecology.

8 (2) The work group is composed of the following members:

9 (a) The director of the department of ecology, or the director's
10 designee;

11 (b) The director of the department of fish and wildlife, or the
12 director's designee;

13 (c) Three representatives of entities that are signatories to the
14 coastal communities of southwest Washington agreement, selected
15 collaboratively by the signatory entities;

16 (d) One representative each from the Columbia river crab
17 fisherman's association and the Washington Dungeness crab fishermen's
18 association;

1 (e) One representative of port districts within the lower Columbia
2 river watershed, selected by the Washington public ports association.

3 (3) The United States army corps of engineers and representatives
4 of Indian tribes with crab fishing rights in southwest Washington must
5 be invited by the work group to participate on the work group.

6 (4) Upon convening, the work group shall select a chair to preside
7 over committee meetings and a vice-chair to preside in the chair's
8 absence.

9 (5) Staff to the work group must be provided by the department of
10 ecology and the department of fish and wildlife.

11 NEW SECTION. **Sec. 2.** The Columbia river safety and coastal crab
12 mitigation work group shall:

13 (1) Evaluate the safety risks from wave amplification and the
14 impacts to the coastal crab resource of the state from the Columbia
15 river channel improvement project, including annual maintenance at the
16 mouth of the Columbia river and all ocean and in river disposal
17 activity;

18 (2)(a) Examine the United States army corps of engineers'
19 responsibilities for the monitoring and mitigation of the potential
20 impacts identified in subsection (1) of this section; and (b) evaluate
21 the sufficiency of the United States army corps of engineers'
22 monitoring and mitigation plans and activities in light of its
23 responsibilities; and

24 (3) Adopt recommended practices or guidelines for monitoring,
25 dredging, or disposal activities that would help avoid, minimize, or
26 compensate for the impacts set forth in subsection (1) of this section,
27 should the work group find such practices or guidelines to be
28 necessary. The practices or guidelines must be completed by December
29 31, 2006.

30 NEW SECTION. **Sec. 3.** The Columbia river safety and coastal crab
31 mitigation work group shall invite the United States army corps of
32 engineers to develop a mitigation and safety agreement incorporating
33 practices or guidelines consistent with the recommendations in section
34 2 of this act. The work group shall negotiate with the objective of
35 including enforceable measures in the agreement. The work group shall
36 also endeavor to secure agreement to the inclusion of numeric standards

1 for dredge deposition that vary by areal extent, height, and ocean
2 depth, with the overall objective of meeting a standard of inducing no
3 greater than ten percent wave amplification through dredge spoil
4 deposition. Each state agency and unit of local government proposed
5 for inclusion in the agreement retains independent authority to enter
6 the agreement.

7 NEW SECTION. **Sec. 4.** If the agreement referenced in section 3 of
8 this act is not developed and signed by the United States army corps of
9 engineers and by the department of ecology and department of fish and
10 wildlife by December 31, 2007, the department of ecology and department
11 of fish and wildlife shall review the practices or guidelines adopted
12 under section 2 of this act for consistency with conditions previously
13 imposed by the state of Washington under the authority of section 401
14 of the federal clean water act, 33 U.S.C. 1341, and of the federal
15 coastal zone management act, 16 U.S.C. 1451 et seq. Where the
16 conditions previously imposed are less protective of crab resources or
17 crab fisher safety, the departments shall use all available authorities
18 to revise such conditions and ensure that they are incorporated into
19 federal permits issued for the Columbia river channel improvement
20 project and maintenance activity. For any new or modified federal
21 permits requiring state certification, the departments shall include
22 conditions that incorporate the applicable practice or guideline
23 recommendations of the work group.

24 NEW SECTION. **Sec. 5.** In carrying out its duties under section 2
25 of this act, the Columbia river safety and coastal crab mitigation work
26 group may contract with individuals or entities for technical
27 assistance.

28 NEW SECTION. **Sec. 6.** The Columbia river safety and coastal crab
29 mitigation work group and its powers and duties terminate June 30,
30 2009.

31 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act expire June
32 30, 2009.

1 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute
2 a new chapter in Title 77 RCW.

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