

SSB 5224 - H COMM AMD
By Committee on Appropriations

ADOPTED AND ENGROSSED 04/17/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 77.85.010 and 2005 c 309 s 2 are each amended to read
4 as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

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

10 (2) "Critical pathways methodology" means a project scheduling and
11 management process for examining interactions between habitat projects
12 and salmonid species, prioritizing habitat projects, and assuring
13 positive benefits from habitat projects.

14 (3) "Habitat project list" is the list of projects resulting from
15 the critical pathways methodology under RCW 77.85.060(2). Each project
16 on the list must have a written agreement from the landowner on whose
17 land the project will be implemented. Projects include habitat
18 restoration projects, habitat protection projects, habitat projects
19 that improve water quality, habitat projects that protect water
20 quality, habitat-related mitigation projects, and habitat project
21 maintenance and monitoring activities.

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

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

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

9 (7) "Regional recovery organization" or "regional salmon recovery
10 organization" means an entity formed under RCW 77.85.090 for the
11 purpose of recovering salmon, which is recognized in statute or by the
12 governor's salmon recovery office created in RCW 77.85.030.

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

15 (9) "Salmon recovery plan" means a state or regional plan developed
16 in response to a proposed or actual listing under the federal
17 endangered species act that addresses limiting factors including, but
18 not limited to harvest, hatchery, hydropower, habitat, and other
19 factors of decline.

20 (10) "Salmon recovery region" means geographic areas of the state
21 identified or formed under RCW 77.85.090 that encompass groups of
22 watersheds in the state with common stocks of salmon identified for
23 recovery activities, and that generally are consistent with the
24 geographic areas within the state identified by the national oceanic
25 and atmospheric administration or the United States fish and wildlife
26 service for activities under the federal endangered species act.

27 (11) "Salmon recovery strategy" means the strategy adopted under
28 RCW 77.85.150 and includes the compilation of all subbasin and regional
29 salmon recovery plans developed in response to a proposed or actual
30 listing under the federal endangered species act with state hatchery,
31 harvest, and hydropower plans compiled in accordance with RCW
32 77.85.150.

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

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

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

1 **Sec. 2.** RCW 77.85.020 and 2005 c 309 s 3 are each amended to read
2 as follows:

3 (1) (~~By December 1, 2006~~) No later than January 31, 2009, and
4 every odd-numbered year until and including 2015, the governor's salmon
5 recovery office shall submit a biennial state of the salmon report to
6 the legislature and the governor regarding the implementation of the
7 state's salmon recovery strategy. The report (~~may~~) must include the
8 following:

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~(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) The report may include the following:

6 (a) A description of the amount of in-kind financial contributions,
7 including volunteer, private, state, federal, tribal, as available, and
8 local government funds directly spent on salmon recovery in response to
9 endangered species act listings; and

10 (b) Information on the estimated carrying capacity of new habitat
11 created pursuant to chapter 246, Laws of 1998.

12 (3) The report shall summarize the monitoring data coordinated by
13 the (~~monitoring~~) forum on monitoring salmon recovery and watershed
14 health. The summary (~~must~~) may include but is not limited to data
15 and analysis related to:

16 (a) Measures of progress in fish recovery;

17 (b) Measures of factors limiting recovery as well as trends in such
18 factors; and

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

20 (4) The department, the department of ecology, the department of
21 natural resources, the state conservation commission, and the forum on
22 monitoring salmon recovery and watershed health shall provide to the
23 governor's salmon recovery office information requested by the office
24 necessary to prepare the state of the salmon report and other reports
25 produced by the office.

26 **Sec. 3.** RCW 77.85.030 and 2005 c 309 s 4 are each amended to read
27 as follows:

28 (1) The governor's salmon recovery office is created within the
29 office of the governor to coordinate state strategy to allow for salmon
30 recovery to healthy sustainable population levels with productive
31 commercial and recreational fisheries. The primary purpose of the
32 office is to coordinate and assist in the development, implementation,
33 and revision of regional salmon recovery plans as an integral part of
34 a statewide strategy developed consistent with the guiding principles
35 and procedures under RCW 77.85.150.

36 (2) The governor's salmon recovery office is responsible for
37 maintaining the statewide salmon recovery strategy to reflect

1 applicable provisions of regional recovery plans, habitat protection
2 and restoration plans, water quality plans, and other private, local,
3 regional, state agency and federal plans, projects, and activities that
4 contribute to salmon recovery.

5 (3) The governor's salmon recovery office shall also gather
6 regional recovery plans from regional recovery organizations and submit
7 the plans to the federal fish services for adoption as federal recovery
8 plans. The governor's salmon recovery office shall also work with
9 regional salmon recovery organizations on salmon recovery issues in
10 order to ensure a coordinated and consistent statewide approach to
11 salmon recovery. The governor's salmon recovery office shall work with
12 federal agencies to accomplish implementation of federal commitments in
13 the recovery plans.

14 (4) The governor's salmon recovery office may also:

15 (a) Assist state agencies, local governments, landowners, and other
16 interested parties in obtaining federal assurances that plans,
17 programs, or activities are consistent with fish recovery under the
18 federal endangered species act;

19 (b) Act as liaison to local governments, the state congressional
20 delegation, the United States congress, federally recognized tribes,
21 and the federal executive branch agencies for issues related to the
22 state's salmon recovery plans; ~~((and))~~

23 (c) Provide periodic reports pursuant to RCW 77.85.020;

24 (d) Provide, as appropriate, technical and administrative support
25 to the independent science panel or other science-related panels on
26 issues pertaining to salmon recovery;

27 (e) In cooperation with the regional recovery organizations,
28 prepare a timeline and implementation plan that, together with a
29 schedule and recommended budget, identifies specific actions in
30 regional recovery plans for state agency actions and assistance
31 necessary to implement local and regional recovery plans; and

32 (f) As necessary, provide recommendations to the legislature that
33 would further the success of salmon recovery, including recommendations
34 for state agency actions in the succeeding biennium and state financial
35 and technical assistance for projects and activities to be undertaken
36 in local and regional salmon recovery plans. The recommendations may
37 include:

1 (i) The need to expand or improve nonregulatory programs and
2 activities; and

3 (ii) The need for state funding assistance to recovery activities
4 and projects.

5 ~~((+2))~~ (5) This section expires June 30, ~~((2007))~~ 2015.

6 **Sec. 4.** RCW 77.85.040 and 2005 c 309 s 5 are each amended to read
7 as follows:

8 (1) The governor ~~((shall))~~ may request the ~~((national))~~ Washington
9 academy of sciences, ~~((the American fisheries society, or a comparable~~
10 ~~institution to screen candidates to serve as members on the))~~ when
11 organized pursuant to chapter 305, Laws of 2005, to impanel an
12 independent science panel on salmon recovery to respond to requests for
13 review pursuant to subsection (2) of this section. ~~((The institution~~
14 ~~that conducts the screening of the candidates shall submit a list of~~
15 ~~the nine most qualified candidates to the governor, the speaker of the~~
16 ~~house of representatives, and the majority leader of the senate.))~~ The
17 ~~((candidates))~~ panel shall reflect expertise in habitat requirements of
18 salmon, protection and restoration of salmon populations, artificial
19 propagation of salmon, hydrology, or geomorphology.

20 ~~((2) The speaker of the house of representatives and the majority~~
21 ~~leader in the senate may each remove one name from the nomination list.~~
22 ~~The governor shall consult with tribal representatives and the governor~~
23 ~~shall appoint five scientists from the remaining names on the~~
24 ~~nomination list.~~

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

33 ~~((4))~~ (2) The independent science panel shall be governed by
34 ~~((generally accepted))~~ guidelines and practices governing the
35 activities of ~~((independent science boards such as))~~ the ~~((national))~~
36 Washington academy of sciences. The purpose of the independent science
37 panel is to help ensure that sound science is used in salmon recovery

1 efforts. The governor's salmon recovery office may, during the time it
2 is constituted, request (~~(review of regional salmon recovery plans by~~
3 ~~the science review panel)~~) that the panel review, investigate, and
4 provide its findings on scientific questions relating to the state's
5 salmon recovery efforts. The science panel does not have the authority
6 to review individual projects or habitat project lists developed under
7 RCW 77.85.050 or 77.85.060 or to make policy decisions. The panel
8 shall (~~periodically~~) submit its findings and recommendations under
9 this subsection to the legislature and the governor.

10 **Sec. 5.** RCW 77.85.090 and 2005 c 309 s 7 are each amended to read
11 as follows:

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

14 (2) Lead entities within a salmon recovery region that agree to
15 form a regional salmon recovery organization may be recognized by the
16 governor's salmon recovery office created in RCW 77.85.030, during the
17 time it is constituted, as a regional recovery organization. The
18 regional recovery organization may plan, coordinate, and monitor the
19 implementation of a regional recovery plan in accordance with RCW
20 77.85.150. Regional recovery organizations existing as of July 24,
21 2005, that have developed draft recovery plans approved by the
22 governor's salmon recovery office by July 1, 2005, may continue to
23 plan, coordinate, and monitor the implementation of regional recovery
24 plans.

25 **Sec. 6.** RCW 77.85.150 and 2005 c 309 s 9 are each amended to read
26 as follows:

27 (1) The governor shall, with the assistance of the governor's
28 salmon recovery office, (~~shall~~) during the time it is constituted,
29 maintain and revise, as appropriate, a statewide salmon recovery
30 strategy.

31 (2) The governor and the salmon recovery office shall be guided by
32 the following considerations in maintaining and revising the strategy:

33 (a) The strategy should identify statewide initiatives and
34 responsibilities with regional recovery plans and local watershed
35 initiatives as the principal means for implementing the strategy;

1 (b) The strategy should emphasize collaborative, incentive-based
2 approaches;

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

11 (d) The strategy should identify immediate actions necessary to
12 prevent extinction of a listed salmon stock, establish performance
13 measures to determine if restoration efforts are working, recommend
14 effective monitoring and data management, and recommend to the
15 legislature clear and certain measures to be implemented if performance
16 goals are not met;

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

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

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

26 (3) (~~Beginning on September 1, 2000,~~) If the strategy (~~shall~~
27 ~~be~~) is updated (~~through~~), an active and thorough public involvement
28 process, including early and meaningful opportunity for public comment,
29 must be utilized. In obtaining public comment, the governor's salmon
30 recovery office shall (~~hold public meetings~~) work with regional
31 salmon recovery organizations throughout the state and shall encourage
32 regional and local recovery planning efforts to (~~similarly~~) ensure an
33 active public involvement process.

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

1 **Sec. 7.** RCW 43.41.270 and 2001 c 227 s 2 are each amended to read
2 as follows:

3 (1) The office of financial management shall assist natural
4 resource-related agencies in developing outcome-focused performance
5 measures for administering natural resource-related and environmentally
6 based grant and loan programs. These performance measures are to be
7 used in determining grant eligibility, for program management and
8 performance assessment.

9 (2) The office of financial management and the governor's salmon
10 recovery office, during the time it is constituted, shall assist
11 natural resource-related agencies in developing recommendations for a
12 monitoring program to measure outcome-focused performance measures
13 required by this section. The recommendations must be consistent with
14 the framework and coordinated monitoring strategy developed by the
15 monitoring oversight committee established in RCW 77.85.210.

16 (3) Natural resource agencies shall consult with grant or loan
17 recipients including local governments, tribes, nongovernmental
18 organizations, and other interested parties, and report to the office
19 of financial management on the implementation of this section. (~~The
20 office of financial management shall report to the appropriate
21 legislative committees of the legislature on the agencies'
22 implementation of this section, including any necessary changes in
23 current law, and funding requirements by July 31, 2002. Natural
24 resource agencies shall assist the office of financial management in
25 preparing the report, including complying with time frames for
26 submitting information established by the office of financial
27 management.~~)

28 (4) For purposes of this section, "natural resource-related
29 agencies" include the department of ecology, the department of natural
30 resources, the department of fish and wildlife, the state conservation
31 commission, the interagency committee for outdoor recreation, the
32 salmon recovery funding board, and the public works board within the
33 department of community, trade, and economic development.

34 (5) For purposes of this section, "natural resource-related
35 environmentally based grant and loan programs" includes the
36 conservation reserve enhancement program; dairy nutrient management
37 grants under chapter 90.64 RCW; state conservation commission water
38 quality grants under chapter 89.08 RCW; coordinated prevention grants,

1 public participation grants, and remedial action grants under RCW
2 70.105D.070; water pollution control facilities financing under chapter
3 70.146 RCW; aquatic lands enhancement grants under RCW (~~79.24.580~~)
4 79.105.150; habitat grants under the Washington wildlife and recreation
5 program under RCW 79A.15.040; salmon recovery grants under chapter
6 77.85 RCW; and the public (~~work[s]~~) works trust fund program under
7 chapter 43.155 RCW. The term also includes programs administered by
8 the department of fish and wildlife related to protection or recovery
9 of fish stocks which are funded with moneys from the capital budget.

10 NEW SECTION. **Sec. 8.** A new section is added to chapter 77.85 RCW
11 to read as follows:

12 (1) The legislature finds that pursuant to chapter 298, Laws of
13 2001, and acting upon recommendations of the state's independent
14 science panel, the monitoring oversight committee developed
15 recommendations for a comprehensive statewide strategy for monitoring
16 watershed health, with a focus upon salmon recovery, entitled *The*
17 *Washington Comprehensive Monitoring Strategy and Action Plan for*
18 *Watershed Health and Salmon Recovery*. The legislature further finds
19 that funding to begin implementing the strategy and action plan was
20 provided in the 2003-2005 biennial budget, and that executive order 04-
21 03 was issued to coordinate state agency implementation activities. It
22 is therefore the purpose of this section to adopt the strategy and
23 action plan and to provide guidance to ensure that the coordination
24 activities directed by executive order 04-03 are effectively carried
25 out.

26 (2) The forum on monitoring salmon recovery and watershed health is
27 created. The governor shall appoint a person with experience and
28 expertise in natural resources and environmental quality monitoring to
29 chair the forum. The chair shall serve four-year terms and may serve
30 successive terms. The forum shall include representatives of the
31 following state agencies and regional entities that have
32 responsibilities related to monitoring of salmon recovery and watershed
33 health:

- 34 (a) Department of ecology;
- 35 (b) Salmon recovery funding board;
- 36 (c) Salmon recovery office;
- 37 (d) Department of fish and wildlife;

- 1 (e) Department of natural resources;
- 2 (f) Puget Sound action team, or a successor state agency;
- 3 (g) Conservation commission;
- 4 (h) Department of agriculture;
- 5 (i) Department of transportation; and
- 6 (j) Each of the regional salmon recovery organizations.

7 (3) The forum on monitoring salmon recovery and watershed health
8 shall provide a multiagency venue for coordinating technical and policy
9 issues and actions related to monitoring salmon recovery and watershed
10 health.

11 (4) The forum on monitoring salmon recovery and watershed health
12 shall recommend a set of measures for use by the governor's salmon
13 recovery office in the state of the salmon report to convey results and
14 progress on salmon recovery and watershed health in ways that are
15 easily understood by the general public.

16 (5) The forum on monitoring salmon recovery and watershed health
17 shall invite the participation of federal, tribal, regional, and local
18 agencies and entities that carry out salmon recovery and watershed
19 health monitoring, and work toward coordination and standardization of
20 measures used.

21 (6) The forum on monitoring salmon recovery and watershed health
22 shall periodically report to the governor and the appropriate standing
23 committees of the senate and house of representatives on the forum's
24 activities and recommendations for improving monitoring programs by
25 state agencies, coordinating with the governor's salmon recovery office
26 biennial report as required by RCW 77.85.020.

27 (7) The forum shall review pilot monitoring programs including
28 those that integrate (a) data collection, management, and access; and
29 (b) information regarding habitat projects and project management.

30 (8) The forum on monitoring salmon recovery and watershed health
31 shall review and make recommendations to the office of financial
32 management and the appropriate legislative committees on agency budget
33 requests related to monitoring salmon recovery and watershed health.
34 These recommendations must be made no later than September 15th of each
35 year. The goal of this review is to prioritize and integrate budget
36 requests across agencies.

37 (9) This section expires June 30, 2015.

1 NEW SECTION. **Sec. 9.** Section 3 of this act is necessary for the
2 immediate preservation of the public peace, health, or safety, or
3 support of the state government and its existing public institutions,
4 and takes effect June 30, 2007."

5 Correct the title.

--- END ---