

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1063**

61st Legislature  
2009 Regular Session

Passed by the House February 13, 2009  
Yeas 70 Nays 25

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**Speaker of the House of Representatives**

Passed by the Senate April 13, 2009  
Yeas 34 Nays 12

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1063** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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HOUSE BILL 1063

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Passed Legislature - 2009 Regular Session

State of Washington                      61st Legislature                      2009 Regular Session

By Representatives Takko, Simpson, and Moeller

Prefiled 01/02/09. Read first time 01/12/09. Referred to Committee on Agriculture & Natural Resources.

1            AN ACT Relating to the termination date for a salmon and steelhead  
2 recovery program; and amending RCW 77.85.200.

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

4            **Sec. 1.** RCW 77.85.200 and 2005 c 308 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 units by the federal national marine fisheries service.  
10 The management board created under subsection (2) of this section is  
11 responsible for developing and overseeing the implementation of the  
12 habitat portion of the salmon and steelhead recovery plan and is  
13 empowered to receive and disburse funds for the salmon and steelhead  
14 recovery initiatives. The management board created pursuant to this  
15 section shall constitute the lead entity and the committee established  
16 under RCW 77.85.050 responsible for fulfilling the requirements and  
17 exercising powers under this chapter.

18            (2) A management board consisting of fifteen voting members is  
19 created within the lower Columbia evolutionarily significant units.

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

32 (3)(a) The management board shall participate in the development of  
33 a habitat recovery plan to implement its responsibilities under (b) of  
34 this subsection. The management board shall consider local watershed  
35 efforts and activities as well as habitat conservation plans in the  
36 development and implementation of the recovery plan. Any of the  
37 participating counties may continue its own efforts for restoring

1 steelhead habitat. Nothing in this section limits the authority of  
2 units of local government to enter into interlocal agreements under  
3 chapter 39.34 RCW or any other provision of law.

4 (b) The management board is responsible for the development of a  
5 lower Columbia salmon and steelhead habitat recovery plan and for  
6 coordinating and monitoring the implementation of the plan. The  
7 management board will submit all future plans and amendments to plans  
8 to the governor's salmon recovery office for the incorporation of  
9 hatchery, harvest, and hydropower components of the statewide salmon  
10 recovery strategy for all submissions to the national marine fisheries  
11 service. In developing and implementing the habitat recovery plan, the  
12 management board will work with appropriate federal and state agencies,  
13 tribal governments, local governments, and the public to make sure  
14 hatchery, harvest, and hydropower components receive consideration in  
15 context with the habitat component. The management board may work in  
16 cooperation with the state and the national marine fisheries service to  
17 modify the plan, or to address habitat for other aquatic species that  
18 may be subsequently listed under the federal endangered species act.  
19 The management board may not exercise authority over land or water  
20 within the individual counties or otherwise preempt the authority of  
21 any units of local government.

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

32 (d) The management board shall assess the factors for decline along  
33 each tributary basin in the lower Columbia. The management board is  
34 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 biennial basis to the legislative bodies of the five participating  
8 counties and the state natural resource-related agencies. The  
9 management board shall prepare a final report at the conclusion of the  
10 program describing its efforts and successes in developing and  
11 implementing the lower Columbia salmon and steelhead recovery plan.  
12 The final report shall be transmitted to the appropriate committees of  
13 the legislature, the legislative bodies of the participating counties,  
14 and the state natural resource-related agencies.

15 (5) (~~The program terminates on July 1, 2010.~~

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

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