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HOUSE BILL 2628

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State of Washington

52nd Legislature

1992 Regular Session

By Representatives R. King, Orr, G. Cole, Rust, Belcher, Fraser, Horn, Morris, R. Meyers, Basich, Leonard, Valle and Jacobsen

Read first time 01/22/92. Referred to Committee on Fisheries & Wildlife.

1 AN ACT Relating to fish and wildlife habitat protection on grazing  
2 and agricultural lands; amending RCW 28B.30.150; adding a new section  
3 to chapter 79.01 RCW; adding a new section to chapter 77.12 RCW; adding  
4 a new section to chapter 28B.30 RCW; and creating new sections.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that fish and  
7 wildlife resources are affected by changes in habitat. The northern  
8 spotted owl has been listed as threatened due to habitat decline, and  
9 more recently, certain wild stocks of salmonids have warranted listing  
10 under the endangered species act. One cause of salmonid decline is  
11 habitat loss due to agricultural and grazing practices. Unlike forest  
12 practices, agricultural and grazing practices have not been subject to  
13 regulation for the purposes of protection of fish and wildlife. The  
14 department of natural resources and the department of wildlife manage

1 and lease large acreages of public lands for agriculture and grazing  
2 purposes. It is the intent of the legislature that state agencies  
3 conduct agricultural and grazing practices that do not prevent the  
4 departments of fisheries and wildlife from meeting their mandate to  
5 preserve, protect, and perpetuate fish and wildlife. It is the further  
6 intent of the legislature that all farm and livestock managers should  
7 have access to consistent information on fish, wildlife, and habitat  
8 management practices that can be used by the agricultural sector.

9 NEW SECTION. **Sec. 2.** The departments of fisheries and  
10 wildlife shall develop best habitat management practices for  
11 application to land management activities in agriculture and range  
12 management. These practices shall be designed to maintain sufficient  
13 habitat to preserve, protect, and perpetuate wildlife or fish under the  
14 respective jurisdictions of the departments. The departments shall  
15 appoint a technical advisory committee to assist in developing these  
16 best habitat management practices. The departments shall complete  
17 these standards by December 31, 1992, and shall report to the  
18 appropriate legislative committees by that date. The departments shall  
19 transmit copies of their finished standards to the Washington state  
20 conservation commission, the Washington state conservation districts,  
21 the Washington State University agricultural extension service, the  
22 department of natural resources, and other interested parties.

23 NEW SECTION. **Sec. 3.** A new section is added to chapter 79.01 RCW  
24 to read as follows:

25 The commissioner of public lands shall manage agricultural and  
26 grazing lands in a manner that does not damage riparian-associated  
27 wildlife or salmonid habitat. The commissioner shall place conditions  
28 that protect riparian-associated wildlife and salmonid habitat on new

1 or renewed agricultural and grazing leases. The commissioner shall  
2 participate in the development of the best habitat management practices  
3 under section 2 of this act. These practices shall be used as  
4 standards in the management of the department's agricultural and  
5 grazing lands. The department shall meet these standards.

6 Renewal of leases that expire before December 31, 1996, shall be  
7 subject to a contingency clause that conditions continuance of the  
8 lease after three years from the effective date of the lease on  
9 compliance with conditions for fish and wildlife protection.

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 77.12 RCW  
11 to read as follows:

12 The director shall manage agricultural or grazing lands held,  
13 owned, or leased by the department to protect salmonid habitat and  
14 riparian-associated wildlife. The director shall place conditions on  
15 grazing or agricultural leases to protect salmonid habitat and  
16 riparian-associated wildlife.

17 **Sec. 5.** RCW 28B.30.150 and 1985 c 370 s 93 are each amended to  
18 read as follows:

19 The regents of Washington State University, in addition to other  
20 duties prescribed by law, shall:

21 (1) Have full control of the university and its property of various  
22 kinds, except as otherwise provided by law.

23 (2) Employ the president of the university, his assistants, members  
24 of the faculty, and employees of the university, who, except as  
25 otherwise provided by law, shall hold their positions during the  
26 pleasure of said board of regents.

27 (3) Establish entrance requirements for students seeking admission  
28 to the university which meet or exceed the standards specified under

1 RCW 28B.80.350(2). Completion of examinations satisfactory to the  
2 university may be a prerequisite for entrance by any applicant, at the  
3 university's discretion. Evidence of completion of public high schools  
4 and other educational institutions whose courses of study meet the  
5 approval of the university may be acceptable for entrance.

6 (4) Establish such colleges, schools or departments necessary to  
7 carry out the purpose of the university and not otherwise proscribed by  
8 law.

9 (5) Subject to the approval of the higher education coordinating  
10 board pursuant to RCW 28B.80.340, offer new degree programs, offer off-  
11 campus programs, participate in consortia or centers, contract for off-  
12 campus educational programs, and purchase or lease major off-campus  
13 facilities.

14 (6) With the assistance of the faculty of the university, prescribe  
15 the courses of instruction in the various colleges, schools and  
16 departments of the institution and publish the necessary catalogues  
17 thereof.

18 (7) Collect such information as the board deems desirable as to the  
19 schemes of technical instruction adopted in other parts of the United  
20 States and foreign countries.

21 (8) Provide for holding agricultural institutes including farm  
22 marketing forums.

23 (9) Provide that instruction given in the university, as far as  
24 practicable, be conveyed by means of laboratory work and provide in  
25 connection with the university one or more physical, chemical, and  
26 biological laboratories, and suitably furnish and equip the same.

27 (10) Provide training in military tactics for those students  
28 electing to participate therein.

29 (11) Establish a department of elementary science and in connection  
30 therewith provide instruction in elementary mathematics, including

1 elementary trigonometry, elementary mechanics, elementary and  
2 mechanical drawing and land surveying.

3 (12) Establish a department of agriculture and in connection  
4 therewith provide instruction in physics with special application of  
5 its principles to agriculture, chemistry with special application of  
6 its principles to agriculture, morphology and physiology of plants with  
7 special reference to common grown crops and fungus enemies, morphology  
8 and physiology of the lower forms of animal life, with special  
9 reference to insect pests, morphology and physiology of the higher  
10 forms of animal life and in particular of the horse, cow, sheep and  
11 swine, agriculture with special reference to the breeding and feeding  
12 of livestock and the best mode of cultivation of farm produce, methods  
13 of farm and livestock management that are ecologically sound and  
14 protect fish and wildlife, and mining and metallurgy, appointing  
15 demonstrators in each of these subjects to superintend the equipment of  
16 a laboratory and to give practical instruction therein.

17 (13) Establish agricultural experiment stations in connection with  
18 the department of agriculture, including at least one in the western  
19 portion of the state, and appoint the officers and prescribe  
20 regulations for their management.

21 (14) Grant to students such certificates or degrees, as recommended  
22 for such students by the faculty.

23 (15) Confer honorary degrees upon persons other than graduates of  
24 the university in recognition of their learning or devotion to  
25 literature, art or science when recommended thereto by the faculty:  
26 PROVIDED, That no degree shall ever be conferred in consideration of  
27 the payment of money or the giving of property of whatsoever kind.

28 (16) Adopt plans and specifications for university buildings and  
29 facilities or improvements thereto and employ skilled architects and  
30 engineers to prepare such plans and specifications and supervise the

1 construction of buildings or facilities which the board is authorized  
2 to erect, and fix the compensation for such services. The board shall  
3 enter into contracts with one or more contractors for such suitable  
4 buildings, facilities or improvements as the available funds will  
5 warrant, upon the most advantageous terms offered at a public  
6 competitive letting, pursuant to public notice under regulations  
7 established by the board. The board shall require of all persons with  
8 whom they contract for construction and improvements a good and  
9 sufficient bond for the faithful performance of the work and full  
10 protection against all liens.

11 (17) Except as otherwise provided by law, direct the disposition of  
12 all money appropriated to or belonging to the state university.

13 (18) Receive and expend the money appropriated under the act of  
14 congress approved May 8, 1914, entitled "An Act to provide for  
15 cooperative agricultural extension work between the agricultural  
16 colleges in the several States receiving the benefits of the Act of  
17 Congress approved July 2, 1862, and Acts supplemental thereto and the  
18 United States Department of Agriculture" and organize and conduct  
19 agricultural extension work in connection with the state university in  
20 accordance with the terms and conditions expressed in the acts of  
21 congress.

22 (19) Except as otherwise provided by law, to enter into such  
23 contracts as the regents deem essential to university purposes.

24 (20) Acquire by lease, gift, or otherwise, lands necessary to  
25 further the work of the university or for experimental or  
26 demonstrational purposes.

27 (21) Establish and maintain at least one agricultural experiment  
28 station in an irrigation district to conduct investigational work upon  
29 the principles and practices of irrigational agriculture including the  
30 utilization of water and its relation to soil types, crops, climatic

1 conditions, ditch and drain construction, fertility investigations,  
2 plant disease, insect pests, marketing, farm management, utilization of  
3 fruit byproducts, the importance of water conservation particularly  
4 with reference to maintaining fish populations, and general development  
5 of agriculture under irrigation conditions.

6 (22) Supervise and control the agricultural experiment station at  
7 Puyallup.

8 (23) Establish and maintain at Wenatchee an agricultural experiment  
9 substation for the purpose of conducting investigational work upon the  
10 principles and practices of orchard culture, spraying, fertilization,  
11 pollenization, new fruit varieties, fruit diseases and pests,  
12 byproducts, marketing, management and general horticultural problems.

13 (24) Accept such gifts, grants, conveyances, devises and bequests,  
14 whether real or personal property, in trust or otherwise, for the use  
15 or benefit of the university, its colleges, schools or departments; and  
16 sell, lease or exchange, invest or expend the same or the proceeds,  
17 rents, profits and income thereof except as limited by the terms of  
18 said gifts, grants, conveyances, bequests and devises; adopt proper  
19 rules to govern and protect the receipt and expenditure of the proceeds  
20 of all fees, and the proceeds, rents, profits and income of all gifts,  
21 grants, conveyances, bequests and devises, and make full report thereof  
22 in a biennial report to the governor and members of the legislature.

23 (25) Construct when the board so determines a new foundry and a  
24 mining, physical, technological building and fabrication shop at the  
25 university, or add to the present foundry and other buildings, in order  
26 that both instruction and research be expanded to include permanent  
27 molding and die casting with a section for new fabricating techniques,  
28 especially for light metals, including magnesium and aluminum; purchase  
29 equipment for the shops and laboratories in mechanical, electrical, and  
30 civil engineering; establish a pilot plant for the extraction of

1 alumina from native clays and other possible light metal research;  
2 purchase equipment for a research laboratory for technological research  
3 generally; and purchase equipment for research in electronics,  
4 instrumentation, energy sources, plastics, food technology, mechanics  
5 of materials, hydraulics and similar fields.

6 (26) Make and transmit to the governor and members of the  
7 legislature upon request such reports as will be helpful in providing  
8 for the institution.

9 NEW SECTION. **Sec. 6.** A new section is added to chapter 28B.30 RCW  
10 to read as follows:

11 The director of the extension service of Washington State  
12 University shall ensure that agricultural extension services make  
13 available to agricultural and range managers information on fish and  
14 wildlife habitat protection options and techniques in livestock and  
15 farm management. The director shall use information provided by the  
16 state departments of fisheries and wildlife on best habitat management  
17 practices for agriculture and range management.

18 NEW SECTION. **Sec. 7.** By December 31, 1992, the director of  
19 the Washington State University extension service shall create a  
20 rotational assignment with the department of wildlife, to accomplish  
21 cross training in wildlife and fish habitat management and farm and  
22 grazing management.