

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2496

55th Legislature
1998 Regular Session

Passed by the House March 10, 1998
Yeas 98 Nays 0

Speaker of the
House of Representatives

Passed by the Senate March 6, 1998
Yeas 46 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2496** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

Secretary of State
State of Washington

ENGROSSED SUBSTITUTE HOUSE BILL 2496

AS AMENDED BY THE SENATE

Passed Legislature - 1998 Regular Session

State of Washington 55th Legislature 1998 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Buck, Doumit, Anderson, Sump, D. Sommers, Clements, Butler, Schoesler, Honeyford, Thompson, D. Schmidt, Linville, Chandler, Johnson, Regala, Hatfield, O'Brien, Dickerson, Ogden, Cooper, Kessler, Gardner, Conway and Eickmeyer)

Read first time . Referred to Committee on .

1 AN ACT Relating to salmon recovery planning; amending RCW
2 90.71.005, 90.71.020, and 90.71.050; adding a new chapter to Title 75
3 RCW; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** FINDINGS. The legislature finds that
6 repeated attempts to improve salmonid fish runs throughout the state of
7 Washington have failed to avert listings of salmon and steelhead runs
8 as threatened or endangered under the federal endangered species act
9 (16 U.S.C. Sec. 1531 et seq.). These listings threaten the sport,
10 commercial, and tribal fishing industries as well as the economic well-
11 being and vitality of vast areas of the state. It is the intent of the
12 legislature to begin activities required for the recovery of salmon
13 stocks as soon as possible, although the legislature understands that
14 successful recovery efforts may not be realized for many years because
15 of the life cycle of salmon and the complex array of natural and human-
16 caused problems they face.

17 The legislature finds that it is in the interest of the citizens of
18 the state of Washington for the state to retain primary responsibility
19 for managing the natural resources of the state, rather than abdicate

1 those responsibilities to the federal government. The legislature also
2 finds that there is a substantial link between the provisions of the
3 federal endangered species act and the federal clean water act (33
4 U.S.C. Sec. 1251 et seq.). The legislature further finds that habitat
5 restoration is a vital component of salmon recovery efforts.
6 Therefore, it is the intent of the legislature to specifically address
7 salmon habitat restoration in a coordinated manner and to develop a
8 structure that allows for the coordinated delivery of federal, state,
9 and local assistance to communities for habitat projects that will
10 assist in the recovery and enhancement of salmon stocks.

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

13 The legislature therefore finds that a coordinated framework for
14 responding to the salmon crisis is needed immediately. To that end,
15 the salmon recovery office should be created within the governor's
16 office to provide overall coordination of the state's response; an
17 independent science team is needed to provide scientific review and
18 oversight; the appropriate local or tribal government should provide
19 local leadership in identifying and sequencing habitat restoration
20 projects to be funded by state agencies; habitat restoration projects
21 should be implemented without delay; and a strong locally based effort
22 to restore salmon habitat should be established by providing a
23 framework to allow citizen volunteers to work effectively.

24 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this section
25 apply throughout this chapter unless the context clearly requires
26 otherwise.

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

30 (2) "Critical pathways methodology" means a project scheduling and
31 management process for examining interactions between habitat projects
32 and salmonid species, prioritizing habitat projects, and assuring
33 positive benefits from habitat projects.

34 (3) "Habitat project list" is the list of projects resulting from
35 the critical pathways methodology under section 8(2) of this act. Each
36 project on the list must have a written agreement from the landowner on
37 whose land the project will be implemented. Projects include habitat
38 restoration projects, habitat protection projects, habitat projects

1 that improve water quality, habitat projects that protect water
2 quality, habitat-related mitigation projects, and habitat project
3 maintenance and monitoring activities.

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

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

13 (6) "Project sponsor" is a county, city, special district, tribal
14 government, a combination of such governments through interlocal
15 agreements provided under chapter 39.34 RCW, a nonprofit organization,
16 or one or more private citizens.

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

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

23 (9) "Tribe" or "tribes" means federally recognized Indian tribes.

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

26 (11) "Owner" means the person holding title to the land or the
27 person under contract with the owner to lease or manage the legal
28 owners property.

29 NEW SECTION. **Sec. 3.** IMPLEMENTATION--SUMMARY--RECOMMENDATIONS.
30 By December 31, 1998, the governor shall submit a summary of the
31 implementation of this act to the legislature, and include
32 recommendations to the legislature that would further the success of
33 salmon recovery. The recommendations may include:

34 (1) The need to expand or improve nonregulatory programs and
35 activities;

36 (2) The need to expand or improve state and local laws and
37 regulations; and

1 (3) The feasibility of forming a state-wide or regional community
2 foundation or any other funding alternatives to assist in financing
3 salmon recovery efforts.

4 NEW SECTION. **Sec. 4.** STATE OF THE SALMON REPORT. Beginning in
5 December 2000, the governor shall submit a biennial state of the salmon
6 report to the legislature during the first week of December. The
7 report may include the following:

8 (1) 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) A summary of habitat projects including but not limited to:

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

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

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

20 (d) A summary of efforts taken to protect salmon habitat;

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

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

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

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

31 (7) Information on the estimated carrying capacity of new habitat
32 created pursuant to chapter . . . , Laws of 1998 (this act); and

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

35 (a) The need to expand or improve nonregulatory programs and
36 activities; and

37 (b) The need to expand or improve state and local laws and
38 regulations.

1 NEW SECTION. **Sec. 5.** GOVERNOR'S SALMON RECOVERY OFFICE. (1) The
2 salmon recovery office is created within the office of the governor to
3 coordinate state strategy to allow for salmon recovery to healthy
4 sustainable population levels with productive commercial and
5 recreational fisheries. The primary purpose of the office is to
6 coordinate and assist in the development of salmon recovery plans for
7 evolutionarily significant units, and submit those plans to the
8 appropriate tribal governments and federal agencies in response to the
9 federal endangered species act. The governor's salmon recovery office
10 may also:

11 (a) Act as liaison to local governments, the state congressional
12 delegation, the United States congress, federally recognized tribes,
13 and the federal executive branch agencies for issues related to the
14 state's endangered species act salmon recovery plans; and

15 (b) Provide the biennial state of the salmon report to the
16 legislature pursuant to section 4 of this act.

17 (2) This section expires June 30, 2006.

18 NEW SECTION. **Sec. 6.** SCIENCE PANEL. (1) The governor shall
19 request the national academy of sciences, the American fisheries
20 society, or a comparable institution to screen candidates to serve as
21 members on the independent science panel. The institution that
22 conducts the screening of the candidates shall submit a list of the
23 nine most qualified candidates to the governor, the speaker of the
24 house of representatives, and the majority leader of the senate. The
25 candidates shall reflect expertise in habitat requirements of salmon,
26 protection and restoration of salmon populations, artificial
27 propagation of salmon, hydrology, or geomorphology.

28 (2) The speaker of the house of representatives and the majority
29 leader in the senate shall each remove one name from the nomination
30 list. The governor shall consult with tribal representatives and the
31 governor shall appoint five scientists from the remaining names on the
32 nomination list.

33 (3) The members of the independent science panel shall serve four-
34 year terms. The independent science panel members shall elect the
35 chair of the panel among themselves every two years. The members of
36 the independent science panel shall be compensated as provided in RCW
37 43.03.250 and reimbursed for travel expenses in accordance with RCW
38 43.03.050 and 43.03.060.

1 (4) The independent science panel shall be governed by generally
2 accepted guidelines and practices governing the activities of
3 independent science boards such as the national academy of sciences.
4 The purpose of the independent science panel is to help ensure that
5 sound science is used in salmon recovery efforts. The governor's
6 salmon recovery office shall request review of salmon recovery plans by
7 the science review panel. The science review panel does not have the
8 authority to review individual projects or project lists developed
9 under sections 7, 8, and 9 of this act or to make policy decisions.

10 (5) The independent science panel shall submit its findings to the
11 legislature and the governor.

12 NEW SECTION. **Sec. 7.** HABITAT RESTORATION PROJECT LISTS. (1)(a)
13 Counties, cities, and tribal governments must jointly designate, by
14 official resolution, the area for which a habitat restoration project
15 list is to be developed and the lead entity that is to be responsible
16 for submitting the habitat restoration project list. No project
17 included on a habitat restoration project list shall be considered
18 mandatory in nature and no private landowner may be forced or coerced
19 into participation in any respect. The lead entity may be a county,
20 city, conservation district, special district, tribal government, or
21 other entity.

22 (b) The lead entity shall establish a committee that consists of
23 representative interests of counties, cities, conservation districts,
24 tribes, environmental groups, business interests, landowners, citizens,
25 volunteer groups, regional fish enhancement groups, and other
26 restoration interests. The purpose of the committee is to provide a
27 citizen-based evaluation of the projects proposed to promote salmon
28 habitat restoration. The interagency review team may provide the lead
29 entity with organizational models that may be used in establishing the
30 committees.

31 (c) The committee shall compile a list of habitat restoration
32 projects, establish priorities for individual projects, define the
33 sequence for project implementation, and submit these activities as the
34 habitat restoration project list. The committee shall also identify
35 potential federal, state, local, and private funding sources.

36 (2) The area covered by the habitat project list must be based, at
37 a minimum, on a WRIA, combination of WRIs, an evolutionarily
38 significant unit, or any other area as agreed to by the counties,

1 cities, and tribes meeting the requirements of this subsection.
2 Preference will be given to projects in an area that contain a salmon
3 species that is listed or proposed for listing under the federal
4 endangered species act.

5 NEW SECTION. **Sec. 8.** CRITICAL PATHWAYS METHODOLOGY. (1) Critical
6 pathways methodology shall be used to develop a habitat project list
7 and a habitat work schedule that ensures salmon restoration activities
8 will be prioritized and implemented in a logical sequential manner that
9 produces habitat capable of sustaining healthy populations of salmon.

10 (2) The critical pathways methodology shall:

11 (a) Include a limiting factors analysis for salmon in streams,
12 rivers, tributaries, estuaries, and subbasins in the region. The
13 technical advisory group shall have responsibility for the limiting
14 factors analysis;

15 (b) Identify local habitat projects that sponsors are willing to
16 undertake. The projects identified must have a written agreement from
17 the landowner on which the project is to be implemented. Project
18 sponsors shall have the lead responsibility for this task;

19 (c) Identify how projects will be monitored and evaluated. The
20 project sponsor, in consultation with the technical advisory group and
21 the appropriate landowner, shall have responsibility for this task; and

22 (d) Describe the adaptive management strategy that will be used.
23 The committee established under section 7 of this act shall have
24 responsibility for this task. If a committee has not been formed, the
25 technical advisory group shall have the responsibility for this task.

26 (3) The habitat work list shall include all projects developed
27 pursuant to subsection (2) of this section as well as any other salmon
28 habitat restoration project implemented in the region. The work list
29 shall also include the start date, duration, estimated date of
30 completion, estimated cost, and, if appropriate, the affected salmonid
31 species of each project. Each schedule shall be updated on an annual
32 basis to depict new activities.

33 NEW SECTION. **Sec. 9.** INTERAGENCY REVIEW TEAM PROJECT FUNDING.

34 (1) Representatives from the conservation commission, the department of
35 transportation, and the department of fish and wildlife shall establish
36 an interagency review team. Except as provided in subsection (6) of
37 this section, habitat restoration project lists shall be submitted to

1 the interagency review team by January 1st and July 1st of each year
2 beginning in 1999.

3 (2) If no lead entity has been formed under section 7 of this act,
4 the interagency review team shall rank, prioritize, and dispense funds
5 for habitat restoration projects by giving preference to the projects
6 that:

7 (a) Provide a greater benefit to salmon recovery;

8 (b) Will be implemented in a more critical area;

9 (c) Are the most cost-effective;

10 (d) Have the greatest matched, or in-kind funding; and

11 (e) Will be implemented by a sponsor with a successful record of
12 project implementation.

13 (3) If a lead entity established under section 7 of this act has
14 been formed, the interagency review team shall evaluate project lists
15 and may remove, but not add, projects from a habitat project list.

16 (4) The interagency review team shall provide a summary of funding
17 for habitat restoration project lists to the governor and to the
18 legislature by December 1st of each year.

19 (5) The interagency review team may annually establish a maximum
20 amount of funding available for any individual project, subject to
21 available funding. The interagency review team shall attempt to assure
22 a geographical balance in assigning priorities to projects.

23 (6) For fiscal year 1998, the department of fish and wildlife, the
24 conservation commission, and the department of transportation may
25 authorize, subject to appropriations, expenditures for projects that
26 have been developed to restore salmon habitat before completion of the
27 project lists required in section 7(2) of this act.

28 (7) Where a lead entity has been established pursuant to section 7
29 of this act, the interagency review team may provide block grants to
30 the lead entity, subject to available funding.

31 NEW SECTION. **Sec. 10.** TECHNICAL ADVISORY GROUPS. (1) The
32 conservation commission, in consultation with local government and the
33 tribes, shall invite private, federal, state, tribal, and local
34 government personnel with appropriate expertise to act as a technical
35 advisory group.

36 (2) For state personnel, involvement on the technical advisory
37 group shall be at the discretion of the particular agency. Unless
38 specifically provided for in the budget, technical assistance

1 participants shall be provided from existing full-time equivalent
2 employees.

3 (3) The technical advisory group shall identify the limiting
4 factors for salmonids to respond to the limiting factors relating to
5 habitat pursuant to section 8(2) of this act.

6 (4) Where appropriate, the conservation district within the area
7 implementing this chapter shall take the lead in developing and
8 maintaining relationships between the technical advisory group and the
9 private landowners under section 9 of this act. The conservation
10 districts may assist landowners to organize around river, tributary,
11 estuary, or subbasins of a watershed.

12 (5) Fishery enhancement groups and other volunteer organizations
13 may participate in the activities under this section.

14 NEW SECTION. **Sec. 11.** THE SEA GRANT PROGRAM. The sea grant
15 program at the University of Washington is authorized to provide
16 technical assistance to volunteer groups and other project sponsors in
17 designing and performing habitat restoration projects that address the
18 limiting factors analysis of regional habitat work plans. The cost for
19 such assistance may be covered on a fee-for-service basis.

20 NEW SECTION. **Sec. 12.** SOUTHWEST WASHINGTON SALMON RECOVERY. The
21 southwest Washington salmon recovery region, whose boundaries are
22 provided in chapter . . . , Laws of 1998 (Engrossed Second Substitute
23 House Bill No. 2836), is created. If Engrossed Second Substitute House
24 Bill No. 2836 is not enacted by July 1, 1998, this section is null and
25 void.

26 **Sec. 13.** RCW 90.71.005 and 1996 c 138 s 1 are each amended to read
27 as follows:

28 (1) The legislature finds that:

29 (a) Puget Sound and related inland marine waterways of Washington
30 state represent a unique and unparalleled resource. A rich and varied
31 range of marine organisms, comprising an interdependent, sensitive
32 communal ecosystem reside in these sheltered waters. Residents of this
33 region enjoy a way of life centered around the waters of Puget Sound,
34 featuring accessible recreational opportunities, world-class port
35 facilities and water transportation systems, harvest of marine food
36 resources, shoreline-oriented life styles, water-dependent industries,

1 tourism, irreplaceable aesthetics, and other activities, all of which
2 to some degree depend upon a clean and healthy marine resource;

3 (b) The Puget Sound water quality authority has done an excellent
4 job in developing a comprehensive plan to identify actions to restore
5 and protect the biological health and diversity of Puget Sound;

6 (c) The large number of governmental entities that now have
7 regulatory programs affecting the water quality of Puget Sound have
8 diverse interests and limited jurisdictions that cannot adequately
9 address the cumulative, wide-ranging impacts that contribute to the
10 degradation of Puget Sound; and

11 (d) Coordination of the regulatory programs, at the state and local
12 level, is best accomplished through the development of interagency
13 mechanisms that allow these entities to transcend their diverse
14 interests and limited jurisdictions.

15 (2) It is therefore the policy of the state of Washington to
16 coordinate the activities of state and local agencies by establishing
17 a biennial work plan that clearly delineates state and local actions
18 necessary to protect and restore the biological health and diversity of
19 Puget Sound. It is further the policy of the state to implement the
20 Puget Sound water quality management plan to the maximum extent
21 possible. To further the policy of the state, a recovery plan
22 developed under the federal endangered species act for a portion or all
23 of the Puget Sound shall be considered for inclusion into the Puget
24 Sound water quality management plan.

25 **Sec. 14.** RCW 90.71.020 and 1996 c 138 s 3 are each amended to read
26 as follows:

27 (1) The Puget Sound action team is created. The action team shall
28 consist of: The directors of the departments of ecology; agriculture;
29 natural resources; fish and wildlife; and community, trade, and
30 economic development; the secretaries of the departments of health and
31 transportation; the director of the parks and recreation commission;
32 the director of the interagency committee for outdoor recreation; the
33 administrative officer of the conservation commission designated in RCW
34 89.08.050; one person representing cities, appointed by the governor;
35 one person representing counties, appointed by the governor; one person
36 representing federally recognized tribes, appointed by the governor;
37 and the chair of the action team. The action team shall also include
38 the following ex officio nonvoting members: The regional director of

1 the United States environmental protection agency; the regional
2 administrator of the national marine fisheries service; and the
3 regional supervisor of the United States fish and wildlife service.
4 The members representing cities and counties shall each be reimbursed
5 for travel expenses as provided in RCW 43.03.050 and 43.03.060.

6 (2) The action team shall:

7 (a) Prepare a Puget Sound work plan and budget for inclusion in the
8 governor's biennial budget;

9 (b) Coordinate monitoring and research programs as provided in RCW
10 90.71.060;

11 (c) Work under the direction of the action team chair as provided
12 in RCW 90.71.040;

13 (d) Coordinate permitting requirements as necessary to expedite
14 permit issuance for any local watershed plan developed pursuant to
15 rules adopted under this chapter;

16 (e) Identify and resolve any policy or rule conflicts that may
17 exist between one or more agencies represented on the action team;

18 (f) Periodically amend the Puget Sound management plan;

19 (g) Enter into, amend, and terminate contracts with individuals,
20 corporations, or research institutions for the purposes of this
21 chapter;

22 (h) Receive such gifts, grants, and endowments, in trust or
23 otherwise, for the use and benefit of the purposes of the action team.
24 The action team may expend the same or any income therefrom according
25 to the terms of the gifts, grants, or endowments;

26 (i) Promote extensive public participation, and otherwise seek to
27 broadly disseminate information concerning Puget Sound;

28 (j) Receive and expend funding from other public agencies;

29 (k) To reduce costs and improve efficiency, review by December 1,
30 1996, all requirements for reports and documentation from state
31 agencies and local governments specified in the plan for the purpose of
32 eliminating and consolidating reporting requirements; and

33 (l) Beginning in December 1998, and every two years thereafter,
34 submit a report to the appropriate policy and fiscal committees of the
35 legislature that describes and evaluates the successes and shortcomings
36 of the current work plan relative to the priority problems identified
37 for each geographic area of Puget Sound.

1 (3) By July 1, 1996, the action team shall begin developing its
2 initial work plan, which shall include the coordination of necessary
3 support staff.

4 (4) The action team shall incorporate, to the maximum extent
5 possible, the recommendations of the council regarding amendments to
6 the Puget Sound (~~(management)~~) management plan and the work plan.

7 (5) All proceedings of the action team are subject to the open
8 public meetings act under chapter 42.30 RCW.

9 **Sec. 15.** RCW 90.71.050 and 1996 c 138 s 6 are each amended to read
10 as follows:

11 (1)(a) Each biennium, the action team shall prepare a Puget Sound
12 work plan and budget for inclusion in the governor's biennial budget.
13 The work plan shall prescribe the necessary federal, state, and local
14 actions to maintain and enhance Puget Sound water quality, including
15 but not limited to, enhancement of recreational opportunities, and
16 restoration of a balanced population of indigenous shellfish, fish, and
17 wildlife. The work plan and budget shall include specific actions and
18 projects pertaining to salmon recovery plans.

19 (b) In developing a work plan, the action team shall meet the
20 following objectives:

21 (i) Use the plan elements of the Puget Sound management plan to
22 prioritize local and state actions necessary to restore and protect the
23 biological health and diversity of Puget Sound;

24 (ii) Consider the problems and priorities identified in local
25 plans; and

26 (iii) Coordinate the work plan activities with other relevant
27 activities, including but not limited to, agencies' activities that
28 have not been funded through the plan, local plans, and governmental
29 and nongovernmental watershed restoration activities.

30 (c) In developing a budget, the action team shall identify:

31 (i) The total funds to implement local projects originating from
32 the planning process developed for nonpoint pollution; and

33 (ii) The total funds to implement any other projects designed
34 primarily to restore salmon habitat.

35 (2) In addition to the requirements identified under RCW
36 90.71.020(2)(a), the work plan and budget shall:

37 (a) Identify and prioritize the local and state actions necessary
38 to address the water quality problems in the following locations:

- 1 (i) Area 1: Island and San Juan counties;
2 (ii) Area 2: Skagit and Whatcom counties;
3 (iii) Area 3: Clallam and Jefferson counties;
4 (iv) Area 4: Snohomish, King, and Pierce counties; and
5 (v) Area 5: Kitsap, Mason, and Thurston counties;
6 (b) Provide sufficient funding to characterize local watersheds,
7 provide technical assistance, and implement state responsibilities
8 identified in the work plan. The number and qualifications of staff
9 assigned to each region shall be determined by the types of problems
10 identified pursuant to (a) of this subsection;
11 (c) Provide sufficient funding to implement and coordinate the
12 Puget Sound ambient monitoring plan pursuant to RCW 90.71.060;
13 (d) Provide funds to assist local jurisdictions to implement
14 elements of the work plan assigned to local governments and to develop
15 and implement local plans;
16 (e) Provide sufficient funding to provide support staff for the
17 action team; and
18 (f) Describe any proposed amendments to the Puget Sound
19 (~~management~~) management plan.
20 (3) The work plan shall be submitted to the appropriate policy and
21 fiscal committees of the legislature by December 20th of each even-
22 numbered year.
23 (4) The work plan shall be implemented consistent with the
24 legislative provisos of the biennial appropriation acts.

25 NEW SECTION. **Sec. 16.** WORK GROUP. (1) The departments of
26 transportation, fish and wildlife, and ecology, and tribes shall
27 convene a work group to develop policy guidance to evaluate mitigation
28 alternatives. The policy guidance shall be designed to enable
29 committees established under section 7 of this act to develop and
30 implement habitat project lists that maximize environmental benefits
31 from project mitigation while reducing project design and permitting
32 costs. The work group shall seek technical assistance to ensure that
33 federal, state, treaty right, and local environmental laws and
34 ordinances are met. The purpose of this section is not to increase
35 regulatory requirements or expand departmental authority.

36 (2) The work group shall develop guidance for determining
37 alternative mitigation opportunities. Such guidance shall include
38 criteria and procedures for identifying and evaluating mitigation

1 opportunities within a watershed. Such guidance shall create
2 procedures that provide alternative mitigation that has a low risk to
3 the environment, yet has high net environmental, social, and economic
4 benefits compared to status quo options.

5 (3) The evaluation shall include:

6 (a) All elements of mitigation, including but not limited to data
7 requirements, decision making, state and tribal agency coordination,
8 and permitting; and

9 (b) Criteria and procedures for identifying and evaluating
10 mitigation opportunities, including but not limited to the criteria in
11 chapter 90.74 RCW.

12 (4) Committees established under section 7 of this act shall
13 coordinate voluntary collaborative efforts between habitat project
14 proponents and mitigation project proponents. Mitigation funds may be
15 used to implement projects identified by a work plan to mitigate for
16 the impacts of a transportation or other development proposal or
17 project.

18 (5) For the purposes of this section, "mitigation" has the same
19 meaning as provided in RCW 90.74.010.

20 NEW SECTION. **Sec. 17.** Only those funds appropriated for the
21 habitat restoration projects under this chapter are subject to the
22 requirements of section 9 of this act.

23 NEW SECTION. **Sec. 18.** CAPTIONS NOT LAW. Captions used in this
24 chapter are not any part of the law.

25 NEW SECTION. **Sec. 19.** Sections 1 through 12 and 16 through 18 of
26 this act constitute a new chapter in Title 75 RCW.

--- END ---