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SENATE BILL 5832

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State of Washington

54th Legislature

1995 Regular Session

By Senator Fraser

Read first time 02/08/95. Referred to Committee on Natural Resources.

1 AN ACT Relating to salmon protection districts; and adding a new  
2 chapter to Title 75 RCW.

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

4 NEW SECTION. **Sec. 1.** The legislative authority of each county  
5 containing a salmon fishery within its boundaries is authorized to  
6 establish a salmon protection district to include areas in which  
7 nonpoint pollution or loss of habitat threatens the water quality upon  
8 which the continuation or restoration of the salmon fishery is  
9 dependent. The legislative authority shall constitute the governing  
10 body of the district and shall adopt a salmon protection program to be  
11 effective within the district. The legislative authority may appoint  
12 a local advisory council to advise the legislative authority in  
13 preparation and implementation of salmon protection programs. This  
14 program shall include any elements deemed appropriate to deal with the  
15 nonpoint pollution threatening water quality, including, but not  
16 limited to, requiring the elimination or decrease of contaminants in  
17 storm water runoff, establishing monitoring, inspection, and repair  
18 elements to ensure that on-site sewage systems are adequately  
19 maintained and working properly, assuring that animal grazing and

1 manure management practices are consistent with best management  
2 practices, providing for habitat protection or restoration programs,  
3 and establishing educational and public involvement programs to inform  
4 citizens on the causes of the threatening nonpoint pollution or habitat  
5 loss and what they can do to decrease the amount of such pollution or  
6 loss of habitat. An element may be omitted if another program is  
7 effectively addressing those sources of nonpoint water pollution or  
8 habitat loss. Within the limits of sections 2 and 5 of this act, the  
9 county legislative authority shall have full jurisdiction and authority  
10 to manage, regulate, and control its programs and to fix, alter,  
11 regulate, and control the fees for services provided and charges or  
12 rates as provided under those programs. Programs established under  
13 this chapter, may, but are not required to, be part of a system of  
14 sewerage as defined in RCW 36.94.010.

15 NEW SECTION. **Sec. 2.** (1) The county legislative authority may  
16 create a salmon protection district on its own motion or by submitting  
17 the question to the voters of the proposed district and obtaining the  
18 approval of a majority of those voting. The boundaries of the district  
19 shall be determined by the legislative authority. The legislative  
20 authority may create more than one district. A district may include  
21 any area or areas within the county, whether incorporated or  
22 unincorporated. Counties shall coordinate and cooperate with cities,  
23 towns, and water-related special districts within their boundaries in  
24 establishing salmon protection districts and carrying out salmon  
25 protection programs. If a portion of the proposed district lies within  
26 an incorporated area, the county shall develop procedures for the  
27 participation of the city or town in the determination of the  
28 boundaries of the district and the administration of the district,  
29 including funding of the district's programs. The legislative  
30 authority of more than one county may by agreement provide for the  
31 creation of a district including areas within each of the counties.  
32 County legislative authorities are encouraged to coordinate their plans  
33 and programs to protect salmon growing, spawning, and fishing areas,  
34 especially where salmon growing, spawning, and fishing areas are  
35 located within the boundaries of more than one county. The legislative  
36 authority or authorities creating a district may abolish a salmon  
37 protection district on its or their own motion or by submitting the

1 question to the voters of the district and obtaining the approval of a  
2 majority of those voting.

3 (2) If the county legislative authority creates a salmon protection  
4 district by its own motion, any registered voter residing within the  
5 boundaries of the salmon protection district may file a referendum  
6 petition to repeal the ordinance that created the district. Any  
7 referendum petition to repeal the ordinance creating the salmon  
8 protection district must be filed with the county auditor within seven  
9 days of passage of the ordinance. Within ten days of the filing of a  
10 petition, the county auditor shall confer with the petitioner  
11 concerning form and style of the petition, issue an identification  
12 number for the petition, and write a ballot title for the measure. The  
13 ballot title shall be posed as a question so that an affirmative answer  
14 to the question and an affirmative vote on the measure results in  
15 creation of the salmon protection district and a negative answer to the  
16 question and a negative vote on the measure results in the salmon  
17 protection district not being created. The petitioner shall be  
18 notified of the identification number and ballot title within this ten-  
19 day period.

20 After this notification, the petitioner shall have thirty days in  
21 which to secure on petition forms the signatures of not less than  
22 twenty-five percent of the registered voters residing within the  
23 boundaries of the salmon protection district and file the signed  
24 petitions with the county auditor. Each petition form shall contain  
25 the ballot title and full text of the measure to be referred. The  
26 county auditor shall verify the sufficiency of the signatures on the  
27 petitions. If sufficient valid signatures are properly submitted, the  
28 county auditor shall submit the referendum measure to the registered  
29 voters residing in the salmon protection district in a special election  
30 no later than one hundred twenty days after the signed petition has  
31 been filed with the county auditor. The special election may be  
32 conducted by mail ballot as provided for in chapter 29.36 RCW.

33 NEW SECTION. **Sec. 3.** Whenever a governmental entity makes a  
34 decision that addresses a matter in which there is a conflict between  
35 (1) on the one hand, a proposed development, proposed change in land  
36 use controls, or proposed change in the provision of utility services;  
37 and (2) on the other hand, the long-term use of an area for a salmon  
38 fishery, which area is within the boundaries of a salmon protection

1 district, then the governmental entity making the decision must observe  
2 the requirements of chapter 43.21C RCW and county ordinances or  
3 resolutions integrating the state environmental policy act of 1971 into  
4 the various programs under county jurisdiction.

5 NEW SECTION. **Sec. 4.** Within available funding and as specified in  
6 the salmon protection program, counties creating salmon protection  
7 districts shall contract with conservation districts to draft plans  
8 with landowners to control pollution effects of animal waste.

9 NEW SECTION. **Sec. 5.** The county legislative authority  
10 establishing a salmon protection district may finance the protection  
11 program through (1) county tax revenues, (2) reasonable inspection fees  
12 and similar fees for services provided, (3) reasonable charges or rates  
13 specified in its protection program, or (4) federal, state, or private  
14 grants. Confined animal feeding operations subject to the national  
15 pollutant discharge elimination system and implementing regulations  
16 shall not be subject to fees, rates, or charges by a salmon protection  
17 district. Facilities permitted and assessed fees for wastewater  
18 discharge under the national pollutant discharge elimination system  
19 shall not be subject to fees, rates, or charges for wastewater  
20 discharge by a salmon protection district. Lands classified as forest  
21 land under chapter 84.33 RCW and timber land under chapter 84.34 RCW  
22 shall not be subject to fees, rates, or charges by a salmon protection  
23 district. Counties may collect charges or rates in the manner  
24 determined by the county legislative authority.

25 NEW SECTION. **Sec. 6.** Counties that have formed salmon protection  
26 districts shall receive high priority for state water quality financial  
27 assistance to implement salmon protection programs, including grants  
28 and loans provided under chapters 43.99F, 70.146, and 90.50A RCW.

29 NEW SECTION. **Sec. 7.** This chapter shall not be considered as  
30 diminishing or affecting the authority of a county to adopt and enforce  
31 programs or controls, within all or a portion of the county, to deal  
32 with nonpoint pollution.

1        NEW SECTION.    **Sec. 8.**    Sections 1 through 7 of this act shall  
2    constitute a new chapter in Title 75 RCW.

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