

2 **ESHB 2496** - S AMD - 926

3 By Senators Swecker, Jacobsen and Spanel

4 ADOPTED 3/6/98

5 Strike everything after the enacting clause and insert the
6 following:

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

19 The legislature finds that it is in the interest of the citizens of
20 the state of Washington for the state to retain primary responsibility
21 for managing the natural resources of the state, rather than abdicate
22 those responsibilities to the federal government. The legislature also
23 finds that there is a substantial link between the provisions of the
24 federal endangered species act and the federal clean water act (33
25 U.S.C. Sec. 1251 et seq.). The legislature further finds that habitat
26 restoration is a vital component of salmon recovery efforts.
27 Therefore, it is the intent of the legislature to specifically address
28 salmon habitat restoration in a coordinated manner and to develop a
29 structure that allows for the coordinated delivery of federal, state,
30 and local assistance to communities for habitat projects that will
31 assist in the recovery and enhancement of salmon stocks.

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

34 The legislature therefore finds that a coordinated framework for
35 responding to the salmon crisis is needed immediately. To that end,
36 the salmon recovery office should be created within the governor's

1 office to provide overall coordination of the state's response; an
2 independent science team is needed to provide scientific review and
3 oversight; the appropriate local or tribal government should provide
4 local leadership in identifying and sequencing habitat restoration
5 projects to be funded by state agencies; habitat restoration projects
6 should be implemented without delay; and a strong locally based effort
7 to restore salmon habitat should be established by providing a
8 framework to allow citizen volunteers to work effectively.

9 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this section
10 apply throughout this chapter unless the context clearly requires
11 otherwise.

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

15 (2) "Critical pathways methodology" means a project scheduling and
16 management process for examining interactions between habitat projects
17 and salmonid species, prioritizing habitat projects, and assuring
18 positive benefits from habitat projects.

19 (3) "Habitat project list" is the list of projects resulting from
20 the critical pathways methodology under section 8(2) of this act. Each
21 project on the list must have a written agreement from the landowner on
22 whose land the project will be implemented. Projects include habitat
23 restoration projects, habitat protection projects, habitat projects
24 that improve water quality, habitat projects that protect water
25 quality, habitat-related mitigation projects, and habitat project
26 maintenance and monitoring activities.

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

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

36 (6) "Project sponsor" is a county, city, special district, tribal
37 government, a combination of such governments through interlocal

1 agreements provided under chapter 39.34 RCW, a nonprofit organization,
2 or one or more private citizens.

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

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

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

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

12 NEW SECTION. **Sec. 3.** IMPLEMENTATION--SUMMARY--RECOMMENDATIONS.

13 By December 31, 1998, the governor shall submit a summary of the
14 implementation of this act to the legislature, and include
15 recommendations to the legislature that would further the success of
16 salmon recovery. The recommendations may include:

17 (1) The need to expand or improve nonregulatory programs and
18 activities;

19 (2) The need to expand or improve state and local laws and
20 regulations; and

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

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

28 (1) A description of the amount of in-kind and financial
29 contributions, including volunteer, private, and state, federal, tribal
30 as available, and local government money directly spent on salmon
31 recovery in response to actual, proposed, or expected endangered
32 species act listings;

33 (2) A summary of habitat projects including but not limited to:

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

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

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

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

4 (3) A summary of collaborative efforts undertaken with adjoining
5 states or Canada;

6 (4) A summary of harvest and hatchery management activities
7 affecting salmon recovery;

8 (5) A summary of information regarding impediments to successful
9 salmon recovery efforts;

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

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

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

18 (a) The need to expand or improve nonregulatory programs and
19 activities; and

20 (b) The need to expand or improve state and local laws and
21 regulations.

22 NEW SECTION. **Sec. 5.** GOVERNOR'S SALMON RECOVERY OFFICE. (1) The
23 salmon recovery office is created within the office of the governor to
24 coordinate state strategy to allow for salmon recovery to healthy
25 sustainable population levels with productive commercial and
26 recreational fisheries. The primary purpose of the office is to
27 coordinate and assist in the development of salmon recovery plans for
28 evolutionarily significant units, and submit those plans to the
29 appropriate tribal governments and federal agencies in response to the
30 federal endangered species act. The governor's salmon recovery office
31 may also:

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

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

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

1 NEW SECTION. **Sec. 6.** SCIENCE PANEL. (1) The governor shall
2 request the national academy of sciences, the American fisheries
3 society, or a comparable institution to screen candidates to serve as
4 members on the independent science panel. The institution that
5 conducts the screening of the candidates shall submit a list of the
6 nine most qualified candidates to the governor, the speaker of the
7 house of representatives, and the majority leader of the senate. The
8 candidates shall reflect expertise in habitat requirements of salmon,
9 protection and restoration of salmon populations, artificial
10 propagation of salmon, hydrology, or geomorphology.

11 (2) The speaker of the house of representatives and the majority
12 leader in the senate shall each remove one name from the nomination
13 list. The governor shall consult with tribal representatives and the
14 governor shall appoint five scientists from the remaining names on the
15 nomination list.

16 (3) The members of the independent science panel shall serve four-
17 year terms. The independent science panel members shall elect the
18 chair of the panel among themselves every two years. The members of
19 the independent science panel shall be compensated as provided in RCW
20 43.03.250 and reimbursed for travel expenses in accordance with RCW
21 43.03.050 and 43.03.060.

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

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

33 NEW SECTION. **Sec. 7.** HABITAT RESTORATION PROJECT LISTS. (1)(a)
34 Counties, cities, and tribal governments must jointly designate, by
35 official resolution, the area for which a habitat restoration project
36 list is to be developed and the lead entity that is to be responsible
37 for submitting the habitat restoration project list. No project
38 included on a habitat restoration project list shall be considered

1 mandatory in nature and no private landowner may be forced or coerced
2 into participation in any respect. The lead entity may be a county,
3 city, conservation district, special district, tribal government, or
4 other entity.

5 (b) The lead entity shall establish a committee that consists of
6 representative interests of counties, cities, conservation districts,
7 tribes, environmental groups, business interests, landowners, citizens,
8 volunteer groups, regional fish enhancement groups, and other
9 restoration interests. The purpose of the committee is to provide a
10 citizen-based evaluation of the projects proposed to promote salmon
11 habitat restoration. The interagency review team may provide the lead
12 entity with organizational models that may be used in establishing the
13 committees.

14 (c) The committee shall compile a list of habitat restoration
15 projects, establish priorities for individual projects, define the
16 sequence for project implementation, and submit these activities as the
17 habitat restoration project list. The committee shall also identify
18 potential federal, state, local, and private funding sources.

19 (2) The area covered by the habitat project list must be based, at
20 a minimum, on a WRIA, combination of WRIAs, an evolutionarily
21 significant unit, or any other area as agreed to by the counties,
22 cities, and tribes meeting the requirements of this subsection.
23 Preference will be given to projects in an area that contain a salmon
24 species that is listed or proposed for listing under the federal
25 endangered species act.

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

31 (2) The critical pathways methodology shall:

32 (a) Include a limiting factors analysis for salmon in streams,
33 rivers, tributaries, estuaries, and subbasins in the region. The
34 technical advisory group shall have responsibility for the limiting
35 factors analysis;

36 (b) Identify local habitat projects that sponsors are willing to
37 undertake. The projects identified must have a written agreement from

1 the landowner on which the project is to be implemented. Project
2 sponsors shall have the lead responsibility for this task;

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

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

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

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

18 (1) Representatives from the conservation commission, the department of
19 transportation, and the department of fish and wildlife shall establish
20 an interagency review team. Except as provided in subsection (6) of
21 this section, habitat restoration project lists shall be submitted to
22 the interagency review team by January 1st and July 1st of each year
23 beginning in 1999.

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

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

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

30 (c) Are the most cost-effective;

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

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

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

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

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

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

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

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

21 (2) For state personnel, involvement on the technical advisory
22 group shall be at the discretion of the particular agency. Unless
23 specifically provided for in the budget, technical assistance
24 participants shall be provided from existing full-time equivalent
25 employees.

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

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

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

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

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

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

15 (1) The legislature finds that:

16 (a) Puget Sound and related inland marine waterways of Washington
17 state represent a unique and unparalleled resource. A rich and varied
18 range of marine organisms, comprising an interdependent, sensitive
19 communal ecosystem reside in these sheltered waters. Residents of this
20 region enjoy a way of life centered around the waters of Puget Sound,
21 featuring accessible recreational opportunities, world-class port
22 facilities and water transportation systems, harvest of marine food
23 resources, shoreline-oriented life styles, water-dependent industries,
24 tourism, irreplaceable aesthetics, and other activities, all of which
25 to some degree depend upon a clean and healthy marine resource;

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

29 (c) The large number of governmental entities that now have
30 regulatory programs affecting the water quality of Puget Sound have
31 diverse interests and limited jurisdictions that cannot adequately
32 address the cumulative, wide-ranging impacts that contribute to the
33 degradation of Puget Sound; and

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

1 (2) It is therefore the policy of the state of Washington to
2 coordinate the activities of state and local agencies by establishing
3 a biennial work plan that clearly delineates state and local actions
4 necessary to protect and restore the biological health and diversity of
5 Puget Sound. It is further the policy of the state to implement the
6 Puget Sound water quality management plan to the maximum extent
7 possible. To further the policy of the state, a recovery plan
8 developed under the federal endangered species act for a portion or all
9 of the Puget Sound shall be considered for inclusion into the Puget
10 Sound water quality management plan.

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

13 (1) The Puget Sound action team is created. The action team shall
14 consist of: The directors of the departments of ecology; agriculture;
15 natural resources; fish and wildlife; and community, trade, and
16 economic development; the secretaries of the departments of health and
17 transportation; the director of the parks and recreation commission;
18 the director of the interagency committee for outdoor recreation; the
19 administrative officer of the conservation commission designated in RCW
20 89.08.050; one person representing cities, appointed by the governor;
21 one person representing counties, appointed by the governor; one person
22 representing federally recognized tribes, appointed by the governor;
23 and the chair of the action team. The action team shall also include
24 the following ex officio nonvoting members: The regional director of
25 the United States environmental protection agency; the regional
26 administrator of the national marine fisheries service; and the
27 regional supervisor of the United States fish and wildlife service.
28 The members representing cities and counties shall each be reimbursed
29 for travel expenses as provided in RCW 43.03.050 and 43.03.060.

30 (2) The action team shall:

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

33 (b) Coordinate monitoring and research programs as provided in RCW
34 90.71.060;

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

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

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

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

7 (g) Enter into, amend, and terminate contracts with individuals,
8 corporations, or research institutions for the purposes of this
9 chapter;

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

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

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

17 (k) To reduce costs and improve efficiency, review by December 1,
18 1996, all requirements for reports and documentation from state
19 agencies and local governments specified in the plan for the purpose of
20 eliminating and consolidating reporting requirements; and

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

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

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

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

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

36 (1)(a) Each biennium, the action team shall prepare a Puget Sound
37 work plan and budget for inclusion in the governor's biennial budget.
38 The work plan shall prescribe the necessary federal, state, and local

1 actions to maintain and enhance Puget Sound water quality, including
2 but not limited to, enhancement of recreational opportunities, and
3 restoration of a balanced population of indigenous shellfish, fish, and
4 wildlife. The work plan and budget shall include specific actions and
5 projects pertaining to salmon recovery plans.

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

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

11 (ii) Consider the problems and priorities identified in local
12 plans; and

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

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

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

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

22 (2) In addition to the requirements identified under RCW
23 90.71.020(2)(a), the work plan and budget shall:

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

26 (i) Area 1: Island and San Juan counties;

27 (ii) Area 2: Skagit and Whatcom counties;

28 (iii) Area 3: Clallam and Jefferson counties;

29 (iv) Area 4: Snohomish, King, and Pierce counties; and

30 (v) Area 5: Kitsap, Mason, and Thurston counties;

31 (b) Provide sufficient funding to characterize local watersheds,
32 provide technical assistance, and implement state responsibilities
33 identified in the work plan. The number and qualifications of staff
34 assigned to each region shall be determined by the types of problems
35 identified pursuant to (a) of this subsection;

36 (c) Provide sufficient funding to implement and coordinate the
37 Puget Sound ambient monitoring plan pursuant to RCW 90.71.060;

1 (d) Provide funds to assist local jurisdictions to implement
2 elements of the work plan assigned to local governments and to develop
3 and implement local plans;

4 (e) Provide sufficient funding to provide support staff for the
5 action team; and

6 (f) Describe any proposed amendments to the Puget Sound
7 (~~management~~) management plan.

8 (3) The work plan shall be submitted to the appropriate policy and
9 fiscal committees of the legislature by December 20th of each even-
10 numbered year.

11 (4) The work plan shall be implemented consistent with the
12 legislative provisos of the biennial appropriation acts.

13 NEW SECTION. **Sec. 16.** WORK GROUP. (1) The departments of
14 transportation, fish and wildlife, and ecology, and tribes shall
15 convene a work group to develop policy guidance to evaluate mitigation
16 alternatives. The policy guidance shall be designed to enable
17 committees established under section 7 of this act to develop and
18 implement habitat project lists that maximize environmental benefits
19 from project mitigation while reducing project design and permitting
20 costs. The work group shall seek technical assistance to ensure that
21 federal, state, treaty right, and local environmental laws and
22 ordinances are met. The purpose of this section is not to increase
23 regulatory requirements or expand departmental authority.

24 (2) The work group shall develop guidance for determining
25 alternative mitigation opportunities. Such guidance shall include
26 criteria and procedures for identifying and evaluating mitigation
27 opportunities within a watershed. Such guidance shall create
28 procedures that provide alternative mitigation that has a low risk to
29 the environment, yet has high net environmental, social, and economic
30 benefits compared to status quo options.

31 (3) The evaluation shall include:

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

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

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

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

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

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

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

16 **ESHB 2496** - S AMD - 926
17 By Senators Swecker, Jacobsen and Spanel

18 ADOPTED 3/6/98

19 On page 1, line 1 of the title, after "planning;" strike the
20 remainder of the title and insert "amending RCW 90.71.005, 90.71.020,
21 and 90.71.050; adding a new chapter to Title 75 RCW; and providing an
22 expiration date."

--- END ---