

HOUSE BILL REPORT

HB 2496

As Reported By House Committee On:

Natural Resources
Appropriations

Title: An act relating to salmon recovery planning.

Brief Description: Developing the critical path schedule for salmon recovery.

Sponsors: 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.

Brief History:

Committee Activity:

Natural Resources: 1/20/98, 1/27/98 [DPA];

Appropriations: 2/9/98 [DPS(APP)].

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: Do pass as amended. Signed by 11 members: Representatives Buck, Chairman; Sump, Vice Chairman; Thompson, Vice Chairman; Regala, Ranking Minority Member; Butler, Assistant Ranking Minority Member; Alexander; Anderson; Chandler; Eickmeyer; Hatfield and Pennington.

Staff: Bill Lynch (786-7092).

Background: The Fish and Wildlife Commission is responsible for developing a statewide salmon enhancement plan, including proposed enhancement projects. Criteria that must be considered by the commission in formulating the project proposals include, among others, preservation of native salmon runs, likely increase in resource productivity, and compatibility with regional plans. The commission is required to monitor the success of projects funded by the salmon enhancement plan. In addition, the commission is required to develop long-term regional policy statements which include an examination of existing resource needs and the potential for creating new resources.

Regional fisheries enhancement groups are authorized to develop projects to assist the Department of Fish and Wildlife in improving the salmon resources of the state. The projects must be consistent with the long-term policy regional policy statements

developed by the commission. A Regional Fisheries Enhancement Group Advisory Board provides information to and assists in obtaining technical assistance for the regional fisheries enhancement groups.

Salmon and steel head runs in the state have been listed as threatened or endangered under the federal Endangered Species Act. Critical path scheduling information is not required as part of the state salmon recovery efforts.

Summary of Amended Bill: Critical path scheduling information must be incorporated into salmon recovery efforts by the Fish and Wildlife Commission, the Department of Fish and Wildlife, and regional fisheries enhancement groups.

The critical path schedule sets forth the time frames in which restoration activities may occur in the watershed. The schedule prioritizes recovery projects and sets the scope of the recovery projects. The department is required to provide information to facilitate the scheduling process regarding all hatchery brood stock and release activities, all wild run equilibrium brood stock and hatch activities, the predicted return times for all runs, and the identification of the species and weak stock water resource inventory areas (WRIAs) within the evolutionary significant unit (ESU) region.

The critical path schedule must portray all recovery efforts in the watershed and show the progress on the projects. Existing information in the watershed is to be used to the extent possible in developing the schedule. The schedule must set out, at a minimum, the restoration efforts of federal, state, local, and tribal governments as well as efforts of private organizations that address limiting factors that affect each watershed with endangered species and weak stock. Monitoring efforts and adaptive management activities must also be set forth in the schedule.

Each restoration effort, project, and activity must include a start date, duration, estimated date of completion, estimated cost, available resources, and if appropriate, the affected salmonid species, number of eggs required, and estimated run return forecast.

The critical path schedule for each WRIA must be updated on an annual basis in order to add new activities, report progress, show completion of scheduled activities, determine which recovery efforts were successful, and to address those recovery efforts which failed where adaptive management is required.

Individual critical path schedules should be prepared so that they can be combined with other schedules to create a report that shows the recovery effort within an ESU, the state, or for a specific run of fish.

The Fish and Wildlife Commission and the Regional Fisheries Enhancement Group Advisory Board must report to the Legislature on initial efforts for developing the critical path schedule by January 1, 1999.

Amended Bill Compared to Original Bill: Technical amendments are added.

Appropriation: None.

Fiscal Note: Requested on January 14, 1998.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Efforts need to be coordinated so money and resources aren't wasted. A recovery effort on one creek resulted in 130,000 coho fry being destroyed. Restoration efforts need to be planned up front in order to utilize time effectively. Projects need to be prioritized so that we can get the fastest recovery possible. This is an important piece for salmon recovery, it helps ensure that the necessary tools are in place so efforts aren't misplaced with volunteers. Milestones which are important to adaptive management are included. This provides a high degree of accountability. Adding 25-30 miles of habitat restoration a year can make a major impact towards healthy salmon runs.

Testimony Against: None.

Testified: Representative Jim Buck, prime sponsor; Bruce Crawford, Department of Fish and Wildlife; Bill Wilkerson, Washington Forest Protection Association; Ed Owens, Coalition of Coastal Fisheries; Steve Robinson, Northwest Indian Fisheries Commission; Bruce Wishart, People for Puget Sound; John Kelly, King County Outdoor Sports Council; Doug Fricke, Washington Trollers; Josh Baldi, Washington Environmental Council; Joy Huber, Rivers Council of WA; and Paul Parker, WA State Association of Counties.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Appropriations be substituted therefor and the substitute bill do pass. Signed by 29 members: Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman; H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Gombosky, Assistant Ranking Minority Member; Benson; Carlson; Chopp; Cody; Cooke; Crouse; Grant; Keiser; Kenney; Kessler; Lambert; Lisk; Mastin; McMorris; Parlette; Poulsen; Regala; D. Schmidt; Sehlin; Sheahan; Talcott and Tokuda.

Staff: Jeff Olsen (786-7157).

Additional Background: The long-term depletion of salmonid stocks in the state has resulted in several listings of fish runs under the federal Endangered Species Act. The

state or the federal government will be required to develop an acceptable plan that will lead to the recovery of these species.

The Puget Sound Water Quality Action Team includes; the directors of the departments of Agriculture; Community, Trade and Economic Development; Ecology; Fish and Wildlife; and Natural Resources; the secretaries of the departments of Health and Transportation; the directors of the State Parks and Recreation Commission and the Interagency Committee for Outdoor Recreation; the executive director of the Conservation Commission, a representative of cities and counties, and the chair of the action team. The action team is responsible for preparing, adopting, and implementing a biennial work plan to protect water quality in Puget Sound.

The Puget Sound Council recommends to the action team projects and activities for inclusion in the biennial work plan. The council includes nine members, seven appointed by the Governor. These seven represent agriculture, business, the environmental community, the shellfish industry, cities, counties, and tribal governments. In addition, one member of the Senate and one member of the House of Representatives serve as non-voting members of the council.

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Natural Resources: The Governor is required to submit a summary of the implementation of the bill by December 1, 1998, including recommendations to the Legislature that would further the success of salmon recovery.

State of the Salmon Report

Beginning in 1999, the Governor is required to submit a biennial state of the salmon report to the Legislature during the first week of December. The report must include a region-by-region description of the amount of funds spent on salmon recovery.

The report must also include: a summary of salmon restoration projects; accomplishments in identifying and removing fish passage barriers; the role of volunteer initiatives; collaborative efforts with other states and Canada; fish management activities; identification of impediments to successful salmon recovery; information on the estimated carrying capacity of new habitat; the number and types of violations of existing laws pertaining to water quality and salmon; and recommendations for legislative action.

Salmon Recovery Office

A Salmon Recovery Office is created in the Governor's Office. The Governor must appoint an executive director to serve at the pleasure of the Governor by April 1, 1998. The office consists of four permanent and up to eight total staff, and at least two of the staff must be employees of the Department of Fish and Wildlife. At least one of the permanent positions must be filled by a person knowledgeable in tribal fishery interests,

and the executive director must solicit a list of suitable candidates for this position from federally recognized Indian tribes. Other agencies may transfer staff to the office as agreed to by the agencies.

The Salmon Recovery Office has several responsibilities, including: assisting the Fish and Wildlife Commission in negotiating treaties; establishing a uniform state-wide reporting system to collect necessary information regarding salmon; acting as a liaison with Congress and the federal executive branch for issues related to the state's salmon recovery plans; tracking information about violations of existing laws pertaining to water quality and to protection of salmon; submitting state salmon recovery plans for evolutionary significant units to federal agencies to show the state response to listings under the federal Endangered Species Act; and coordinating technical assistance to regional councils. The office is required to recommend to the Legislature the feasibility of forming a statewide or regional community foundation to assist in financing salmon recovery efforts.

Regional Councils

The Department of Fish and Wildlife, in consultation with local, tribal, state, and federal governmental agencies must convene a public meeting to determine the process for creating regional councils. An existing group may be chosen to act as the regional council, but it must have a membership which reflects a reasonably balanced representation of interests.

The department must formally recognize a group as the regional council after consulting with local government entities in the region. Regional councils must hold open public meetings.

The boundaries for a regional council are the same as the boundaries of a regional fisheries enhancement group. The Governor may create up to four new regional fisheries enhancement groups in the state - three in eastern Washington, and one in western Washington.

Regional councils are responsible for developing and prioritizing both habitat work schedules and habitat work plans. Regional councils may select an administrator and an administrative assistant, contract for habitat restoration projects, and administer available funds for the implementation of these projects with regional fisheries enhancement groups, nongovernmental entities, governmental entities, private landowners, and citizen groups. The regional council shall convene a technical assistance group consisting of federal, state, tribal, local, and private individuals to provide technical services.

Members of a regional council are prohibited from participating in decision-making on projects where they are acting as the project sponsor.

Habitat Work Schedules

A habitat work schedule is developed for habitat restoration projects within a region. The schedule must rely to the extent possible on existing information and use a critical pathways methodology.

The habitat work schedule must identify limiting factors, identify and prioritize categories of projects to respond to limiting factors in the region, issue requests for project proposals, review and evaluate project proposals, prioritize and rank projects, fund high priority projects, and monitor and evaluate the projects funded.

Habitat Work Plans

Habitat work plans consist of habitat work schedules, the list of entities performing the restoration projects, a description of the adaptive management strategy which will be used, the time lines for the project and estimated cost, and an assessment of the available resources. The work plan must be submitted to the Salmon Recovery Office and must be updated on an annual basis.

Independent Science Panel

An independent science panel is created consisting of five scientists appointed by the Governor. The Governor is directed to request an institution such as the National Academy of Sciences to screen candidates for the panel. The institution submits a list of the nine most qualified candidates to the Governor, the chair of the Senate Natural Resources and Parks Committee, and the chair of the House Natural Resources Committee. Each of the chairs may remove one of the persons from the list, and the Governor may remove two names from the list. The remaining persons on the list constitute the science panel. The panel members are appointed for four-year terms. The membership of the panel must reflect certain types of expertise, including habitat protection of salmonids. The panel is governed by generally accepted guidelines and practices governing independent science boards such as the National Academy of Sciences.

The science panel is responsible for reviewing the policies in the wild salmonid policy and other comparable products; reviewing the regionally developed salmon recovery plans; developing model monitoring programs for water quality and salmon habitat for regional use in salmon restoration efforts; and reporting to the Governor on adaptive management recommendations after reviewing the implementation of habitat restoration plans.

The Governor's Office provides the necessary administrative support for the science panel, except that the Puget Sound Action Team provides staff support to the science panel for the development of the model monitoring programs.

Volunteer Initiative

A volunteer habitat restoration account is created in the state treasury. The Department of Fish and Wildlife may expend funds, after appropriation, for volunteer restoration projects, technical assistance, and administration associated with these projects. A volunteer habitat restoration initiative is created when a memorandum of understanding is signed by the director of the Department of Fish and Wildlife, an administrator for a regional council, and a nonprofit entity or a collaborative group of nonprofit entities.

The agreement must specify the responsibilities of each party. The regional council must, with the cooperation of the volunteer group, identify the types of projects that are appropriate for the volunteers to undertake, the outcome of the project, and the duration of the initiative. The Department of Fish and Wildlife shall identify a mechanism to streamline permitting requirements, identify staff resources available to provide training or technical assistance to the project, and determine the amount of funds that will be provided by the department.

The nonprofit entity must recruit volunteers, provide training for the project, deploy volunteers, seek additional funds from other sources, work with private landowners and governmental entities to identify project opportunities, work with local and state government personnel to identify technical assistance opportunities and permitting obstacles, and work with the media to develop a high level of public awareness about the initiative.

Puget Sound Action Team and Puget Sound Council

Representatives of commercial fishers and recreational fishers are added to the Puget Sound Council. A person representing tribal co-managers is added to the Puget Sound Action Team. Federal agency representatives are added to the Puget Sound Action Team as nonvoting members.

Recovery plans under the Endangered Species Act must be included as part of the Puget Sound Water Quality Management Plan. The Puget Sound work plan and budget must include specific actions and projects pertaining to salmon recovery plans.

Mitigation Proposals

The Department of Transportation, the Department of Fish and Wildlife, and the Department of Ecology must convene a work group to develop a process for evaluating mitigation proposals, including identifying mitigation opportunities within a region.

The appropriation is stricken, and a null and void clause is added, making the bill null and void unless funded in the budget.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately. However, the bill is null and void unless funded in the budget.

Testimony For: The bill creates an accountable structure that is highly visible and tracks resources and costs effectively. Projects will be prioritized in regions where federal Endangered Species Act listings are being proposed. The proposal represents input from all stakeholders, including tribes, commercial fishers, sport fishers, and environmental groups. Funding for technical assistance is necessary to help local communities in their salmon recovery efforts.

Testimony Against: None.

Testified: (On proposed substitute) Representative Jim Buck, prime sponsor; Terry Wright, NW Indian Fisheries Commission; Ed Owens, Commercial Fisherman; Diane Nelson, Colville Tribe (pro); and Ron Schultz, National Audubon Society (pro with concerns).