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HOUSE BILL 2100

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State of Washington                      55th Legislature                      1997 Regular Session

By Representatives Buck and Hatfield

Read first time 02/20/97. Referred to Committee on Natural Resources.

1            AN ACT Relating to the regional fisheries enhancement program;  
2 amending RCW 75.50.080 and 75.50.100; adding new sections to chapter  
3 75.50 RCW; creating new sections; and declaring an emergency.

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

5            NEW SECTION.    **Sec. 1.** The legislature finds that:

6            (1) Currently, many of the salmon stocks on the Washington coast  
7 and in Puget Sound are severely depressed and may soon be listed under  
8 the federal endangered species act.

9            (2) Immediate action is needed to reverse the severe decline of the  
10 resource and ensure its very survival.

11            (3) The cooperation and participation of private landowners in  
12 efforts to restore and enhance anadromous fish populations is crucial  
13 to their success.

14            (4) The existing property rights of private landowners should not  
15 be adversely impacted at a later date, by the successful implementation  
16 of salmon restoration and enhancement projects on their property.

17            (5) Regional fisheries enhancement groups have been exceptionally  
18 successful in their efforts to work with private landowners to restore  
19 and enhance salmon habitat on private lands.

1 (6) Regional fisheries enhancement groups have provided the most  
2 cost-effective approach to affecting the recovery of anadromous  
3 fisheries in Washington state, with work undertaken by regional  
4 fisheries enhancement groups returning on average nine dollars in  
5 matching funds for every one dollar in expenditures from the regional  
6 enhancement account.

7 (7) As each of the groups mature and expand, funding becomes a  
8 significant limitation to maximizing their fisheries enhancement and  
9 habitat restoration efforts.

10 (8) Therefore, an ample stable funding source is essential to the  
11 success of the regional enhancement groups and their efforts to work  
12 cooperatively with private landowners to restore salmon resources.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 75.50 RCW  
14 to read as follows:

15 The regional fisheries enhancement salmonid recovery account is  
16 created in the state treasury. All receipts from federal funding  
17 sources and state funding sources so specified by statute shall be  
18 deposited into the account. Expenditures from the account shall be  
19 used for the sole purpose of fisheries enhancement and habitat  
20 restoration by regional fisheries enhancement groups. Any interest  
21 earned from the account shall be deposited back into the account. Only  
22 the commission or the commission's designee may authorize expenditures  
23 from the account. The account is subject to allotment procedures under  
24 chapter 43.88 RCW, but an appropriation is not required for  
25 expenditure.

26 NEW SECTION. **Sec. 3.** The regional fisheries enhancement group  
27 advisory board shall conduct a study of federal, state, and local  
28 permitting requirements for fisheries enhancement and habitat  
29 restoration projects. The study shall identify redundant, conflicting,  
30 or duplicative permitting requirements and rules, and shall make  
31 recommendations for streamlining and improving the permitting process.  
32 The results of the study shall be reported to the senate natural  
33 resources and parks committee and the house of representatives natural  
34 resources committee by November 1, 1997.

35 NEW SECTION. **Sec. 4.** A new section is added to chapter 75.50 RCW  
36 to read as follows:

1 The commission, in consultation with the regional fisheries  
2 enhancement advisory board, shall develop a cooperative habitat  
3 incentive program through which private landowners may enter into an  
4 agreement with the department to enhance habitat for salmonid fisheries  
5 on the landowners property. As part of the agreement, the department  
6 may, with the concurrence of other appropriate state agencies and the  
7 landowner, stipulate conditions that will be considered when evaluating  
8 a future application on the subject property for a hydraulic permit  
9 applied for under RCW 75.20.100 or 75.20.103, or other permit mandated  
10 by state law. Unless jointly agreed to by all parties, the future  
11 decisions pertaining to the issuance, denial, or conditioning of a  
12 hydraulic or other state agency permit shall be based on the conditions  
13 present on the landowner's property at the time of the agreement. The  
14 stipulations shall not be appurtenant to the land.

15 An agreement under this section shall contain a description of the  
16 property affected by the stipulation or stipulations, an expiration  
17 date, a description of the condition of the property, including  
18 existing salmon resources at the time of the agreement, and other  
19 information as needed by the department and the landowner for future  
20 reference and decisions.

21 **Sec. 5.** RCW 75.50.080 and 1993 sp.s. c 2 s 47 are each amended to  
22 read as follows:

23 Regional fisheries enhancement groups, consistent with the long-  
24 term regional policy statements developed under RCW 75.50.020, shall  
25 seek to:

- 26 (1) Enhance the salmon and steelhead resources of the state;
- 27 (2) Maximize volunteer efforts and private donations to improve the  
28 salmon and steelhead resources for all citizens;
- 29 (3) Assist the department in achieving the goal to double the  
30 state-wide salmon and steelhead catch by the year 2000 (~~under chapter~~  
31 ~~214, Laws of 1988~~); and
- 32 (4) Develop projects designed to supplement the fishery enhancement  
33 capability of the department.

34 **Sec. 6.** RCW 75.50.100 and 1995 1st sp.s. c 2 s 39 (Referendum Bill  
35 No. 45) are each amended to read as follows:

36 The dedicated regional fisheries enhancement group account is  
37 created in the custody of the state treasurer. Only the commission or

1 the commission's designee may authorize expenditures from the account.  
2 The account is subject to allotment procedures under chapter 43.88 RCW,  
3 but no appropriation is required for expenditures.

4 A surcharge of one dollar shall be collected on each recreational  
5 personal use food fish license and steelhead license sold in the state.  
6 A surcharge of one hundred dollars shall be collected on each  
7 commercial salmon fishery license, each salmon delivery license, and  
8 each salmon charter license sold in the state. A surcharge of one  
9 hundred dollars shall also be collected on each fishing guide license  
10 and each anadromous game fish buyers license sold in the state. The  
11 department shall study methods for collecting and making available, an  
12 annual list, including names and addresses, of all persons who obtain  
13 recreational and commercial salmon fishing licenses. This list may be  
14 used to assist formation of the regional fisheries enhancement groups  
15 and allow the broadest participation of license holders in enhancement  
16 efforts. The results of the study shall be reported to the house of  
17 representatives fisheries and wildlife committee and the senate  
18 environment and natural resources committee by October 1, 1990. All  
19 receipts shall be placed in the regional fisheries enhancement group  
20 account and shall be used exclusively for regional fisheries  
21 enhancement group projects for the purposes of RCW 75.50.110. Funds  
22 from the regional fisheries enhancement group account shall not serve  
23 as replacement funding for department operated salmon projects that  
24 exist on January 1, 1991.

25 All revenue from the department's sale of salmon carcasses and eggs  
26 that return to group facilities shall be deposited in the regional  
27 fisheries enhancement group account for use by the regional fisheries  
28 enhancement group that produced the surplus. The commission shall  
29 adopt rules to implement this section pursuant to chapter 34.05 RCW.

30 NEW SECTION. **Sec. 7.** If any provision of this act or its  
31 application to any person or circumstance is held invalid, the  
32 remainder of the act or the application of the provision to other  
33 persons or circumstances is not affected.

34 NEW SECTION. **Sec. 8.** This act is necessary for the immediate  
35 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect  
2 immediately.

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