
SECOND SUBSTITUTE SENATE BILL 5886

State of Washington

55th Legislature

1997 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Strannigan, Swecker, Jacobsen and Oke)

Read first time 03/10/97.

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

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.** The regional fisheries enhancement group
14 advisory board shall conduct a study of federal, state, and local
15 permitting requirements for fisheries enhancement and habitat
16 restoration projects. The study shall identify redundant, conflicting,
17 or duplicative permitting requirements and rules, and shall make
18 recommendations for streamlining and improving the permitting process.
19 The results of the study shall be reported to the senate natural
20 resources and parks committee and the house of representatives natural
21 resources committee by November 1, 1997.

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 75.50 RCW
23 to read as follows:

24 The commission, in consultation with the regional fisheries
25 enhancement advisory board, shall develop a cooperative habitat
26 incentive program through which private landowners may enter into an
27 agreement with the department to enhance habitat for salmonid fisheries
28 on the landowners property. As part of the agreement, the department
29 may, with the concurrence of other appropriate state agencies and the
30 landowner, stipulate conditions that will be considered when evaluating
31 a future application on the subject property for a hydraulic permit
32 applied for under RCW 75.20.100 or 75.20.103, or other permit mandated
33 by state law. Unless jointly agreed to by all parties, the future
34 decisions pertaining to the issuance, denial, or conditioning of a
35 hydraulic or other state agency permit shall be based on the conditions
36 present on the landowner's property at the time of the agreement. The
37 stipulations shall not be appurtenant to the land.

1 An agreement under this section shall contain a description of the
2 property affected by the stipulation or stipulations, an expiration
3 date, a description of the condition of the property, including
4 existing salmon resources at the time of the agreement, and other
5 information as needed by the department and the landowner for future
6 reference and decisions.

7 **Sec. 4.** RCW 75.50.080 and 1993 sp.s. c 2 s 47 are each amended to
8 read as follows:

9 Regional fisheries enhancement groups, consistent with the long-
10 term regional policy statements developed under RCW 75.50.020, shall
11 seek to:

12 (1) Enhance the salmon and steelhead resources of the state;

13 (2) Maximize volunteer efforts and private donations to improve the
14 salmon and steelhead resources for all citizens;

15 (3) Assist the department in achieving the goal to double the
16 state-wide salmon and steelhead catch by the year 2000 (~~under chapter~~
17 ~~214, Laws of 1988~~); and

18 (4) Develop projects designed to supplement the fishery enhancement
19 capability of the department.

20 **Sec. 5.** RCW 75.50.100 and 1995 1st sp.s. c 2 s 39 (Referendum Bill
21 No. 45) are each amended to read as follows:

22 The dedicated regional fisheries enhancement group account is
23 created in the custody of the state treasurer. Only the commission or
24 the commission's designee may authorize expenditures from the account.
25 The account is subject to allotment procedures under chapter 43.88 RCW,
26 but no appropriation is required for expenditures.

27 A surcharge of one dollar shall be collected on each recreational
28 personal use food fish license and steelhead license sold in the state.
29 A surcharge of one hundred dollars shall be collected on each
30 commercial salmon fishery license, each salmon delivery license, and
31 each salmon charter license sold in the state. A surcharge of twenty-
32 five dollars shall also be collected on each fishing guide license and
33 each anadromous game fish buyers license sold in the state. The
34 department shall study methods for collecting and making available, an
35 annual list, including names and addresses, of all persons who obtain
36 recreational and commercial salmon fishing licenses. This list may be
37 used to assist formation of the regional fisheries enhancement groups

1 and allow the broadest participation of license holders in enhancement
2 efforts. The results of the study shall be reported to the house of
3 representatives fisheries and wildlife committee and the senate
4 environment and natural resources committee by October 1, 1990. All
5 receipts shall be placed in the regional fisheries enhancement group
6 account and shall be used exclusively for regional fisheries
7 enhancement group projects for the purposes of RCW 75.50.110. The
8 regional fisheries enhancement account may receive federal funds
9 designated for fisheries enhancement and habitat restoration projects
10 conducted by regional fisheries enhancement groups. Funds from the
11 regional fisheries enhancement group account shall not serve as
12 replacement funding for department operated salmon projects that exist
13 on January 1, 1991.

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

19 NEW SECTION. **Sec. 6.** If any provision of this act or its
20 application to any person or circumstance is held invalid, the
21 remainder of the act or the application of the provision to other
22 persons or circumstances is not affected.

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