

CERTIFICATION OF ENROLLMENT  
**SECOND SUBSTITUTE SENATE BILL 5886**

Chapter 389, Laws of 1997

55th Legislature  
1997 Regular Session

FISHERIES ENHANCEMENT AND HABITAT RESTORATION

EFFECTIVE DATE: 7/27/97

Passed by the Senate April 26, 1997  
YEAS 44 NAYS 0

BRAD OWEN

\_\_\_\_\_  
**President of the Senate**

Passed by the House April 25, 1997  
YEAS 97 NAYS 0

CLYDE BALLARD

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**Speaker of the  
House of Representatives**

Approved May 15, 1997

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5886** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

\_\_\_\_\_  
**Secretary**

FILED

May 15, 1997 - 4:39 p.m.

GARY LOCKE

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**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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SECOND SUBSTITUTE SENATE BILL 5886

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AS RECOMMENDED BY CONFERENCE COMMITTEE

Passed Legislature - 1997 Regular Session

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 75.50.160; adding new sections 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.**    (1) The legislature finds that:

6            (a) 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            (b) Immediate action is needed to reverse the severe decline of  
10 this resource and ensure its very survival.

11            (c) The cooperation and participation of private landowners is  
12 crucial in efforts to restore and enhance salmon populations.

13            (d) Regional fisheries enhancement groups have been exceptionally  
14 successful in their efforts to work with private landowners to restore  
15 and enhance salmon habitat on private lands.

16            (e) State funding for regional fisheries enhancement groups has  
17 been declining and is a significant limitation to current fisheries  
18 enhancement and habitat restoration efforts.

1 (f) Therefore, a stable funding source is essential to the success  
2 of the regional enhancement groups and their efforts to work  
3 cooperatively with private landowners to restore salmon resources.

4 (2) The legislature further finds that:

5 (a) The increasing population and continued development throughout  
6 the state, and the transportation system needed to serve this growth,  
7 have exacerbated problems associated with culverts, creating barriers  
8 to fish passage.

9 (b) These barriers obstruct habitat and have resulted in reduced  
10 production and survival of anadromous and resident fish at a time when  
11 salmonid stocks continue to decline.

12 (c) Current state laws do not appropriately direct resources for  
13 the correction of fish passage obstructions related to transportation  
14 facilities.

15 (d) Current fish passage management efforts related to  
16 transportation projects lack necessary coordination on a watershed,  
17 regional, and state-wide basis, have inadequate funding, and fail to  
18 maximize use of available resources.

19 (e) Therefore, the legislature finds that the department of  
20 transportation and the department of fish and wildlife should work with  
21 state, tribal, local government, and volunteer entities to develop a  
22 coordinated, watershed-based fish passage barrier removal program.

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

25 The department may provide start-up funds to regional fisheries  
26 enhancement groups for costs associated with any enhancement project.  
27 The regional fisheries enhancement group advisory board and the  
28 department shall develop guidelines for providing funds to the regional  
29 fisheries enhancement groups.

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

32 The regional fisheries enhancement salmonid recovery account is  
33 created in the state treasury. All receipts from federal sources and  
34 moneys from state sources specified by law must be deposited into the  
35 account. Moneys in the account may be spent only after appropriation.  
36 Expenditures from the account may be used for the sole purpose of

1 fisheries enhancement and habitat restoration by regional fisheries  
2 enhancement groups.

3 NEW SECTION. **Sec. 4.** The regional fisheries enhancement group  
4 advisory board shall conduct a study of federal, state, and local  
5 permitting requirements for fisheries enhancement and habitat  
6 restoration projects. The study shall identify redundant, conflicting,  
7 or duplicative permitting requirements and rules, and shall make  
8 recommendations for streamlining and improving the permitting process.  
9 The results of the study shall be reported to the senate natural  
10 resources and parks committee and the house of representatives natural  
11 resources committee by November 1, 1997.

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

14 Regional fisheries enhancement groups, consistent with the long-  
15 term regional policy statements developed under RCW 75.50.020, shall  
16 seek to:

- 17 (1) Enhance the salmon and steelhead resources of the state;  
18 (2) Maximize volunteer efforts and private donations to improve the  
19 salmon and steelhead resources for all citizens;  
20 (3) Assist the department in achieving the goal to double the  
21 state-wide salmon and steelhead catch by the year 2000 (~~under chapter~~  
22 ~~214, Laws of 1988~~); and  
23 (4) Develop projects designed to supplement the fishery enhancement  
24 capability of the department.

25 **Sec. 6.** RCW 75.50.160 and 1995 c 367 s 2 are each amended to read  
26 as follows:

27 The (~~department's habitat division shall work with~~) department  
28 and the department of transportation shall convene a fish passage  
29 barrier removal task force. The task force shall consist of one  
30 representative each from the department, the department of  
31 transportation, the department of ecology, tribes, cities, counties,  
32 (~~and~~) a business organization, an environmental organization,  
33 regional fisheries enhancement groups, and other interested entities as  
34 deemed appropriate by the cochairs. The persons representing the  
35 department and the department of transportation shall serve as cochairs  
36 of the task force and shall appoint members to the task force. The

1 task force shall make recommendations to ((develop-a)) expand the  
2 program in RCW 75.50.170 to identify and expedite the removal of human-  
3 made or caused impediments to anadromous fish passage in the most  
4 efficient manner practical. Program recommendations shall include a  
5 funding mechanism and other necessary mechanisms to coordinate and  
6 prioritize state, tribal, local, and volunteer efforts within each  
7 water resource inventory area. A priority shall be given to projects  
8 that immediately increase access to available and improved spawning and  
9 rearing habitat for depressed, threatened, and endangered stocks. The  
10 department or the department of transportation may contract with cities  
11 and counties to assist in the identification and removal of impediments  
12 to anadromous fish passage.

13 A report on the ~~((progress of impediment identification and removal~~  
14 ~~and the need for))~~ recommendations to develop a program to identify and  
15 remove fish passage barriers and any additional legislative action  
16 needed to implement the program shall be submitted to the ((senate and  
17 ~~the house of representatives natural resources))~~ appropriate standing  
18 committees of the legislature no later than ((January 1, 1996))  
19 December 1, 1997.

Passed the Senate April 26, 1997.

Passed the House April 25, 1997.

Approved by the Governor May 15, 1997.

Filed in Office of Secretary of State May 15, 1997.