

2 **ESHB 2079** - S COMM AMD

3 By Committee on Natural Resources, Parks & Recreation

4 NOT ADOPTED 4/16/99

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

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 75.46 RCW  
8 to read as follows:

9 The legislature finds that it is important to monitor the overall  
10 health of the salmon resource to determine if recovery efforts are  
11 providing expected returns. It is also important to monitor the  
12 effectiveness of the state's overall salmon recovery efforts to secure  
13 federal acceptance of the state's approach to salmon recovery. In  
14 addition, it is important to monitor salmon restoration projects to  
15 determine their effectiveness. Adaptive management cannot exist  
16 without monitoring. For these reasons, the legislature believes that  
17 a coordinated and integrated monitoring process should be developed in  
18 the salmon recovery office for use by local recovery efforts. The role  
19 of the salmon recovery office should be to develop and provide to  
20 entities involved in salmon recovery data quality objectives, a range  
21 of acceptable parameters to monitor, acceptable data formats, data  
22 calibration and coordination, a method of storing and retrieving data,  
23 and analysis and interpretation of data. The role of local recovery  
24 efforts should be to collect monitoring data in compliance with the  
25 recommended data quality objectives, parameters, and formats, and to  
26 provide such data to the state salmon recovery office for storage.

27 **Sec. 2.** RCW 75.46.010 and 1998 c 246 s 2 are each amended to read  
28 as follows:

29 The definitions in this section apply throughout this chapter  
30 unless the context clearly requires otherwise.

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

34 (2) "Critical pathways methodology" means a project scheduling and  
35 management process for examining interactions between habitat projects

1 and salmonid species, prioritizing habitat projects, and assuring  
2 positive benefits from habitat projects.

3 (3) "Habitat project list" is the list of projects resulting from  
4 the critical pathways methodology under RCW 75.46.070(2). Each project  
5 on the list must have a written agreement from the landowner on whose  
6 land the project will be implemented. Projects include habitat  
7 restoration projects, habitat protection projects, habitat projects  
8 that improve water quality, habitat projects that protect water  
9 quality, habitat-related mitigation projects, fish passage projects,  
10 fish screening projects, and habitat project corrective maintenance and  
11 monitoring activities.

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

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

21 (6) "Project sponsor" is a county, city, special district, tribal  
22 government, a combination of such governments through interlocal  
23 agreements provided under chapter 39.34 RCW, a nonprofit organization,  
24 or one or more private citizens.

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

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

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

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

34 (11) "Owner" means the person holding title to the land or the  
35 person under contract with the owner to lease or manage the legal  
36 owner's property.

37 **Sec. 3.** RCW 75.46.050 and 1998 c 246 s 6 are each amended to read  
38 as follows:

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

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

15 (3) The members of the independent science panel shall serve four-  
16 year terms. Vacant positions on the panel shall be filled in the same  
17 manner as the original appointments. Members shall serve no more than  
18 two full terms. The independent science panel members shall elect the  
19 chair of the panel among themselves every two years. The members of  
20 the independent science panel shall be compensated as provided in RCW  
21 43.03.250 and reimbursed for travel expenses in accordance with RCW  
22 43.03.050 and 43.03.060.

23 (4) The independent science panel shall be governed by generally  
24 accepted guidelines and practices governing the activities of  
25 independent science boards such as the national academy of sciences.  
26 The purpose of the independent science panel is to help ensure that  
27 sound science is used in salmon recovery efforts. The governor's  
28 salmon recovery office shall request review of salmon recovery plans by  
29 the science review panel. The science review panel does not have the  
30 authority to review individual projects or project lists developed  
31 under RCW 75.46.060, 75.46.070, and 75.46.080 or to make policy  
32 decisions.

33 (5) The independent science panel, in conjunction with the salmon  
34 recovery office, shall recommend standardized monitoring indicators and  
35 data quality guidelines for use by entities involved in salmon recovery  
36 activities across the state. The panel shall also recommend electronic  
37 formats that will allow data to be provided to the state salmon  
38 recovery office for storage and to be shared across the state in a  
39 salmon monitoring network.

1       (6) State salmon monitoring data provided by lead entities,  
2 regional fisheries enhancement groups, and others, shall be included in  
3 the salmon and steelhead inventory and assessment project.

4       (7) The independent science panel, in conjunction with the salmon  
5 recovery office, shall also recommend criteria for the systematic and  
6 periodic evaluation of monitoring data in order for the state to be  
7 able to answer critical questions about the effectiveness of the  
8 state's salmon recovery efforts.

9       (8) The recommendations on monitoring as required in this section  
10 shall be provided in a report to the governor and to the legislature by  
11 the independent science panel, in conjunction with the salmon recovery  
12 office, no later than December 31, 2000. The report shall also include  
13 recommendations on the level of effort needed to sustain monitoring of  
14 salmon projects and other recovery efforts, and any other  
15 recommendations on monitoring deemed important by the independent  
16 science panel, in conjunction with the salmon recovery office.

17       (9) The independent science panel shall submit its findings to the  
18 legislature and the governor.

19       **Sec. 4.** RCW 75.46.060 and 1998 c 246 s 7 are each amended to read  
20 as follows:

21       (1)(a) Counties, cities, and tribal governments must jointly  
22 designate, by ~~((official))~~ resolution or by letters of support, the  
23 area for which a habitat ~~((restoration))~~ project list is to be  
24 developed and the lead entity that is to be responsible for submitting  
25 the habitat ~~((restoration))~~ project list. No project included on a  
26 habitat ~~((restoration))~~ project list shall be considered mandatory in  
27 nature and no private landowner may be forced or coerced into  
28 participation in any respect. The lead entity may be a county, city,  
29 conservation district, special district, tribal government, or other  
30 entity.

31       (b) The lead entity shall establish a committee that consists of  
32 representative interests of counties, cities, conservation districts,  
33 tribes, environmental groups, business interests, landowners, citizens,  
34 volunteer groups, regional fish enhancement groups, and other  
35 ~~((restoration))~~ habitat interests. The purpose of the committee is to  
36 provide a citizen-based evaluation of the projects proposed to promote  
37 salmon habitat ~~((restoration))~~. The interagency review team may

1 provide the lead entity with organizational models that may be used in  
2 establishing the committees.

3 (c) The committee shall compile a list of habitat (~~(restoration)~~)  
4 projects, establish priorities for individual projects, define the  
5 sequence for project implementation, and submit these activities as the  
6 habitat (~~(restoration)~~) project list. The committee shall also  
7 identify potential federal, state, local, and private funding sources.

8 (2) The area covered by the habitat project list must be based, at  
9 a minimum, on a WRIA, combination of WRIsAs, (~~(an evolutionarily~~  
10 ~~significant unit,~~) or any other area as agreed to by the counties,  
11 cities, and tribes in resolutions or in letters of support meeting the  
12 requirements of this subsection. Preference will be given to projects  
13 in an area that contain a salmon species that is listed or proposed for  
14 listing under the federal endangered species act.

15 **Sec. 5.** RCW 75.46.070 and 1998 c 246 s 8 are each amended to read  
16 as follows:

17 (1) Critical pathways methodology shall be used to develop a  
18 habitat project list and a habitat work schedule that ensures salmon  
19 (~~(restoration)~~) recovery activities will be prioritized and implemented  
20 in a logical sequential manner that produces habitat capable of  
21 sustaining healthy populations of salmon.

22 (2) The critical pathways methodology shall:

23 (a) Include a limiting factors analysis for salmon in streams,  
24 rivers, tributaries, estuaries, and subbasins in the region. The  
25 technical advisory group shall have responsibility for the limiting  
26 factors analysis;

27 (b) Identify local habitat projects that sponsors are willing to  
28 undertake. The projects identified must have a written agreement from  
29 the landowner on which the project is to be implemented. Project  
30 sponsors shall have the lead responsibility for this task;

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

35 (d) Include a review of monitoring data, evaluate project  
36 performance, and make recommendations to the committee established  
37 under RCW 75.46.060 and to the interagency review team. The technical  
38 advisory group has responsibility for this task; and

1       (e) Describe the adaptive management strategy that will be used.  
2 The committee established under RCW 75.46.060 shall have responsibility  
3 for this task. If a committee has not been formed, the technical  
4 advisory group shall have the responsibility for this task.

5       (3) The habitat work (~~(list)~~) schedule shall include all projects  
6 developed pursuant to subsection (2) of this section as well as any  
7 other salmon habitat (~~(restoration)~~) project implemented in the region,  
8 including habitat preservation projects funded through the Washington  
9 wildlife and recreation program, the conservation reserve enhancement  
10 program, and other conservancy programs. The habitat work (~~(list)~~)  
11 schedule shall also include the start date, duration, estimated date of  
12 completion, estimated cost, and, if appropriate, the affected salmonid  
13 species of each project. Each schedule shall be updated on an annual  
14 basis to depict new activities.

15       **Sec. 6.** RCW 75.46.080 and 1998 c 246 s 9 are each amended to read  
16 as follows:

17       (1) Representatives from the conservation commission, the  
18 department of transportation, the interagency committee on outdoor  
19 recreation, the department of ecology, the department of natural  
20 resources, and the department of fish and wildlife shall establish an  
21 interagency review team. Except as provided in subsection (~~(6)~~) (7)  
22 of this section, habitat (~~(restoration)~~) project lists shall be  
23 submitted to the interagency review team by January 1st (~~(and July~~  
24 ~~1st)~~) of each year beginning in 1999.

25       (2) If no lead entity has been formed under RCW 75.46.060, the  
26 interagency review team shall rank, prioritize, and dispense funds for  
27 habitat (~~(restoration)~~) projects by giving preference to the projects  
28 that:

29       (a) Are based upon the limiting factors analysis identified under  
30 RCW 75.46.070;

31       (b) Provide a greater benefit to salmon recovery based upon the  
32 information contained in the department of fish and wildlife salmonid  
33 stock inventory and any comparable science-based assessment;

34       (~~(b)~~) (c) Will be implemented in a more critical area based upon  
35 the stock status information contained in the department of fish and  
36 wildlife salmonid stock inventory and any comparable science-based  
37 assessment;

38       (~~(c)~~) (d) Are the most cost-effective;

1       ~~((d))~~ (e) Have the greatest matched, or in-kind funding; and  
2       ~~((e))~~ (f) Will be implemented by a sponsor with a successful  
3 record of project implementation.

4       (3) If a lead entity established under RCW 75.46.060 has been  
5 formed, the interagency review team shall evaluate the habitat project  
6 list~~((s—and))~~ for funding based upon the criteria contained in  
7 subsection (2) of this section. The interagency review team may  
8 remove, but not add, projects from a habitat project list. The  
9 interagency review team shall give preference to projects that are on  
10 a project list submitted by a lead entity. The interagency review team  
11 may also provide block grants to the lead entity subject to available  
12 funding.

13       (4) The interagency review team shall apply the criteria  
14 established in subsection (2) of this section in a manner that results  
15 in the highest priority being given to critical fish stocks. The  
16 criteria shall be applied in this manner in areas where there is a lead  
17 entity established and in areas where no lead entity has been  
18 established.

19       (5) The interagency review team shall provide a summary of funding  
20 for ~~((habitat))~~ restoration project lists to the governor and to the  
21 legislature by December 1st of each year.

22       ~~((+5))~~ (6) The interagency review team may annually establish a  
23 maximum amount of funding available for any individual project, subject  
24 to available funding. The interagency review team shall attempt to  
25 assure a geographical balance in assigning priorities to projects.

26       ~~((+6))~~ (7) For fiscal year 1998, the department of fish and  
27 wildlife, the conservation commission, and the department of  
28 transportation may authorize, subject to appropriations, expenditures  
29 for projects that have been developed to restore salmon habitat before  
30 completion of the project lists required in RCW 75.46.060(2).

31       ~~((+7) Where a lead entity has been established pursuant to RCW~~  
32 ~~75.46.060, the interagency review team may provide block grants to the~~  
33 ~~lead entity, subject to available funding.))~~

34       **Sec. 7.** RCW 75.46.100 and 1998 c 246 s 11 are each amended to read  
35 as follows:

36       The sea grant program at the University of Washington is authorized  
37 to provide technical assistance to volunteer groups and other project  
38 sponsors in designing and ~~((performing))~~ implementing habitat

1 ((~~restoration~~)) projects that address the limiting factors analysis  
2 ((~~of regional habitat work plans~~)) required under RCW 75.46.070. The  
3 cost for such assistance may be covered on a fee-for-service basis.

4 **Sec. 8.** RCW 75.46.130 and 1998 c 246 s 17 are each amended to read  
5 as follows:

6 Only those funds appropriated for the habitat ((~~restoration~~))  
7 projects under this chapter are subject to the requirements of RCW  
8 75.46.080."

9 **ESHB 2079** - S COMM AMD  
10 By Committee on Natural Resources, Parks & Recreation

11 NOT ADOPTED 4/16/99

12 On page 1, line 1 of the title, after "recovery;" strike the  
13 remainder of the title and insert "amending RCW 75.46.010, 75.46.050,  
14 75.46.060, 75.46.070, 75.46.080, 75.46.100, and 75.46.130; and adding  
15 a new section to chapter 75.46 RCW."

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