
HOUSE BILL 1836

State of Washington

52nd Legislature

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By Representatives Belcher, Beck, Scott, Jacobsen, Phillips, Ferguson, Rasmussen, Fraser, Brumsickle, Sprenkle, Rust, Spanel, Leonard, Holland, Dorn, Forner, Franklin, Roland, R. Johnson, R. Fisher, H. Myers, R. King, Wang, Winsley, Nelson, Brough and Anderson.

Read first time February 12, 1991. Referred to Committee on Natural Resources & Parks\Appropriations.

1 AN ACT Relating to comprehensive river management; adding a new
2 chapter to Title 43 RCW; repealing RCW 79.72.010, 79.72.020, 79.72.030,
3 79.72.040, 79.72.050, 79.72.060, 79.72.070, 79.72.080, 79.72.090,
4 79.72.100, and 79.72.900; and making an appropriation.

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

6 NEW SECTION. **Sec. 1.** INTENT. It is the intent of the legislature
7 to create within the state parks and recreation commission a program
8 to:

9 (1) Promote a comprehensive state river management program;

10 (2) Promote river management programs that enhance a river's
11 natural or inherent qualities;

12 (3) Promote the economic, recreational, cultural, and natural uses
13 that rivers provide to the citizens of Washington state;

14 (4) Promote and manage programs that balance the various uses of
15 rivers;

1 (5) Protect the best interests of private landowners along with the
2 health of the river;

3 (6) Encourage citizen and government stewardship of rivers to care
4 for and monitor river resources;

5 (7) Promote the use and coordination of existing agency programs
6 that manage river resources;

7 (8) Promote and assist local governments to preserve and enhance
8 their river corridors; and

9 (9) Promote the rehabilitation of rivers that do not meet water
10 quality standards.

11 NEW SECTION. **Sec. 2.** DEFINITIONS. Unless the context clearly
12 requires otherwise, the definitions in this section apply throughout
13 this chapter.

14 (1) "Commission" means the state parks and recreation commission.

15 (2) "Degraded rivers" means rivers that do not meet state surface
16 water quality standards and are identified by the department of ecology
17 as water quality limited under section 13 of this act.

18 (3) "Director" means the director of the commission.

19 (4) "Locals" means recognized municipal governments, counties,
20 regional councils, tribes, and citizen groups.

21 (5) "Model rivers" means river corridors designated model rivers by
22 the legislature under section 9(3)(d) of this act.

23 (6) "Protected rivers" means rivers with outstanding natural,
24 cultural, recreational, or aesthetic values of significance to the
25 state that are designated protected rivers under section 6, 7, or 8 of
26 this act.

27 (7) "River corridor" means the river channel plus two hundred feet
28 on either side of the river.

1 (8) "River reaches" means from the mouth of the river to the first
2 confluence and from confluence to confluence.

3 (9) "Zone of influence" means areas beyond the river corridor and
4 within the drainage that are subject to the river management plans, as
5 determined by the river council and the issues along the river.

6 NEW SECTION. **Sec. 3.** DUTIES OF THE COMMISSION. (1) The
7 commission shall report to the legislature by January 1st of odd-
8 numbered years on the status of rivers in the state.

9 (2) The commission shall:

10 (a) Monitor the management of protected rivers, model rivers,
11 degraded rivers, and rivers that receive technical assistance;

12 (b) Provide assistance to locals to develop management plans for
13 the state-managed protected rivers and model rivers;

14 (c) Notify and work with local jurisdictions along the river in
15 determining the appropriate management program for protected rivers;

16 (d) Approve the management plans for locally managed protected
17 rivers;

18 (e) Develop management plans for state-managed protected rivers;
19 and

20 (f) Monitor management activities of river planning processes.

21 NEW SECTION. **Sec. 4.** CREATION OF TECHNICAL COMMITTEES. (1) The
22 commission may establish technical committees to assist in
23 implementation of this chapter.

24 (2) When establishing technical committees the commission shall
25 ensure that appropriate state and local interests are represented.

26 (3) The technical committees shall meet at the times and places
27 determined by the director.

1 NEW SECTION. **Sec. 5.** RIVER COUNCILS--CREATION--DUTIES. (1) If
2 the state or locals establish the need for a river assessment, either
3 through a local or state planning process for protected or model
4 rivers, then the state or locals shall create a river council.

5 (2) The duties of a river council include:

6 (a) Assisting in development of the management plan;

7 (b) Providing final endorsement of the management plan before it is
8 sent to the commission for approval; and

9 (c) Assisting in implementation and review of the management plan.

10 NEW SECTION. **Sec. 6.** PROTECTED RIVERS. Rivers shall be
11 recommended to the legislature by the commission for protected status
12 based on their outstanding natural, cultural, recreational, or
13 aesthetic values of significance to Washington.

14 (1) The commission may select rivers or river reaches for the
15 protected rivers status from:

16 (a) Rivers designated as "off-limits" in the state hydroelectric
17 power resource protection plan; or

18 (b) Priority rivers listed in the 1988 state parks scenic rivers
19 assessment.

20 (2) For selection of protected rivers the commission shall consider
21 whether:

22 (a) The river or the portion of the river to be designated is free
23 flowing with an average of one thousand cubic feet per second or more
24 of water;

25 (b) The river has exceptional natural, cultural, or recreational
26 features;

27 (c) The river has exceptional scenic quality;

28 (d) The river is without man made diversions that hinder
29 recreational use;

1 (e) The river has a streamway that is relatively unmodified by
2 riprapping and other stream bank protection;

3 (f) There is water of sufficient quality and quantity to warrant
4 protected river designation;

5 (g) The river is in a relatively natural condition with adequate
6 open space; and

7 (h) The river has publicly owned land along its length.

8 (3) The commission shall prepare a list of rivers eligible for
9 protected status. The director or the director's designee shall:

10 (a) Notify the local jurisdictions of the listing;

11 (b) Explain the significance of the listing; and

12 (c) Explain how to develop protected river management programs
13 through a local or state process.

14 NEW SECTION. **Sec. 7.** PROTECTED RIVERS--LOCALLY MANAGED. (1)
15 After a river is listed by the commission as a candidate for protected
16 status, locals may request to develop their own management plan. Such
17 local plans must satisfy the management criteria for protected rivers,
18 which include:

19 (a) Maintaining stream flows that protect the outstanding
20 recreational, natural, and cultural values of the river;

21 (b) Nondegradation of water quality;

22 (c) Management of the river by selective use of riprapping and
23 other stream bank protection to protect existing structures;

24 (d) Maintaining a relatively natural setting and adequate open
25 space on public lands within a river area; and

26 (e) Prohibiting dams or impoundments that would degrade the river's
27 natural qualities.

28 (2) Upon completion of a local management plan, locals shall submit
29 the plan to the commission for approval. Upon approval of the plan,

1 the commission shall request the legislature designate the river as a
2 locally managed protected river. After legislative designation as a
3 locally managed protected river, the legislature shall require all
4 agencies with management responsibilities within or along the river to
5 comply with the protected river management plan.

6 NEW SECTION. **Sec. 8.** PROTECTED RIVERS--STATE MANAGEMENT. Rivers
7 listed by the commission for protected status but not selected for
8 local management planning shall be submitted by the commission to the
9 legislature for designation as protected rivers. For rivers that are
10 designated by the legislature as protected rivers, the director or the
11 director's designee shall:

12 (1) Cooperate with locals to develop an assessment of the river's
13 resources and create a management plan;

14 (2) Submit the management plan to the legislature for approval; and

15 (3) Request that the legislature direct all agencies with
16 management responsibilities within or along the river to comply with
17 the protected river management plan.

18 NEW SECTION. **Sec. 9.** MODEL RIVER DESIGNATION. (1) The goal of
19 the model rivers management plan is to coordinate multiple uses along
20 a river corridor while maintaining the river quality. Uses of a model
21 river may include hydropower, agriculture, fishing, recreational,
22 cultural, and urban uses. Locals may petition the commission to have
23 a river designated as a model river and request matching funding for
24 the river assessment. Locals shall provide a fifty percent match to
25 assessment funds distributed by the commission.

26 (2) In selecting model rivers, the commission shall consider
27 whether:

1 (a) The river possesses natural, cultural, recreational, or
2 economic value of significance to Washington;

3 (b) The river is in need of a management plan to balance competing
4 demands on the river;

5 (c) There is a threat to the river environment by overuse or
6 uncontrolled growth; and

7 (d) There is a substantial public interest in a cooperative river
8 management program between state and local river users.

9 (3) Based upon the number of requests received and the availability
10 of funds, the commission shall determine which rivers are eligible for
11 model river assessment funding. Completed model river assessments
12 shall be submitted to the commission. The commission shall establish
13 schedules for submitting the resource and management assessments. The
14 commission shall:

15 (a) Review resource and management assessments;

16 (b) Approve assessments that meet the goals in subsection (1) of
17 this section and the criteria in subsection (2) of this section for a
18 model river;

19 (c) Resubmit those assessments to locals that are found to be
20 deficient;

21 (d) Upon final approval of resource and management assessments,
22 submit the assessments to the legislature for designation of the river
23 as a model river; and

24 (e) Recommend that the legislature request all agencies with
25 management responsibilities within or along the river to comply with
26 the model river management plan.

27 NEW SECTION. **Sec. 10.** RIVERS ASSISTANCE COMPONENT. Local
28 governments with a single critical issue along the river or multiple
29 issues that do not require model river resource and management

1 assessments may petition the commission for assistance. After a
2 preliminary evaluation of the nature of the issue, the commission shall
3 provide assistance by:

4 (1) Referring the request to the state agency capable of providing
5 assistance; or

6 (2) Requesting participants in the rivers assistance team to make
7 an on-site evaluation and provide the local government with a
8 recommendation for resolving the issue or issues.

9 NEW SECTION. **Sec. 11.** RIVERS ASSISTANCE TEAM. (1) The commission
10 shall maintain a registry of professionals from the public and private
11 sector who are capable of providing technical assistance. Upon request
12 from the local government and demonstration of need, the commission
13 shall select participants for an ad hoc rivers assistance team.

14 (2) The rivers assistance team shall provide technical assistance
15 to local communities, including but not limited to:

16 (a) On-site evaluations;

17 (b) Consulting with local officials; and

18 (c) Preparing a report of findings.

19 (3) Participants in on-site evaluations shall receive compensation
20 in accordance with RCW 43.03.220 and be reimbursed for travel expenses
21 as provided for in RCW 43.03.050 and 43.03.060.

22 NEW SECTION. **Sec. 12.** DEGRADED RIVERS. The commission shall
23 receive annual reports from the department of ecology on rivers in the
24 state monitored for water quality standards by the department of
25 ecology under chapter 90.70 RCW. The report shall include:

26 (1) Identification of rivers in danger of becoming degraded;

27 (2) Recommendations to the commission on preventing degradation of
28 rivers; and

1 (3) Plans or programs implemented to improve water quality.

2 NEW SECTION. **Sec. 13.** REDESIGNATION OF SCENIC RIVERS. On the
3 effective date of this section, all rivers or river segments designated
4 in the scenic rivers program, chapter 79.72 RCW, shall be designated as
5 protected rivers under section 8 of this act.

6 NEW SECTION. **Sec. 14.** CAPTIONS NOT LAW. Section headings as used
7 in this chapter do not constitute any part of the law.

8 NEW SECTION. **Sec. 15.** SHORT TITLE. This chapter shall be known
9 and cited as the model rivers act.

10 NEW SECTION. **Sec. 16.** The following acts or parts of acts are
11 each repealed:

12 (1) RCW 79.72.010 and 1977 ex.s. c 161 s 1;

13 (2) RCW 79.72.020 and 1988 c 36 s 57, 1987 c 57 s 1, 1984 c 7 s
14 371, & 1977 ex.s. c 161 s 2;

15 (3) RCW 79.72.030 and 1977 ex.s. c 161 s 3;

16 (4) RCW 79.72.040 and 1989 c 175 s 169 & 1977 ex.s. c 161 s 4;

17 (5) RCW 79.72.050 and 1977 ex.s. c 161 s 5;

18 (6) RCW 79.72.060 and 1977 ex.s. c 161 s 6;

19 (7) RCW 79.72.070 and 1988 c 36 s 58 & 1977 ex.s. c 161 s 7;

20 (8) RCW 79.72.080 and 1977 ex.s. c 161 s 8;

21 (9) RCW 79.72.090 and 1977 ex.s. c 161 s 9;

22 (10) RCW 79.72.100 and 1988 c 36 s 59 & 1977 ex.s. c 161 s 10; and

23 (11) RCW 79.72.900 and 1977 ex.s. c 161 s 12.

24 NEW SECTION. **Sec. 17.** The sum of two hundred twenty-five thousand
25 dollars, or as much thereof as may be necessary, is appropriated for

1 the biennium ending June 30, 1993, from the general fund to the state
2 parks and recreation commission for the purposes of this act.

3 NEW SECTION. **Sec. 18.** Sections 1 through 15 of this act shall
4 constitute a new chapter in Title 43 RCW.