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HOUSE BILL 2815

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State of Washington

54th Legislature

1996 Regular Session

By Representatives Chandler, Mastin, Grant, Chappell, Schoesler,  
D. Sommers, Morris, Fuhrman, Elliot and Boldt

Read first time 01/22/96. Referred to Committee on Agriculture &  
Ecology.

1 AN ACT Relating to enhancing and better protecting state waters for  
2 the benefit of aquatic life in the Columbia and Snake rivers; adding a  
3 new section to chapter 90.48 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 90.48 RCW  
6 to read as follows:

7 The department shall not grant a waiver of the state water quality  
8 standards for total dissolved gas without providing at least thirty  
9 days prior notice and conducting an adjudicative proceeding under  
10 chapter 34.05 RCW and upon the department's finding, based upon clear  
11 and convincing evidence presented on the record, that the benefits of  
12 granting the waiver outweigh the costs.

13 NEW SECTION. **Sec. 2.** The department of ecology shall prepare a  
14 report to the legislature, within thirty days after the effective date  
15 of this act:

16 (1) Reviewing the best evidence concerning downstream passage of  
17 juvenile salmon in the Columbia and Snake rivers, and addressing  
18 whether waivers of the state water quality standards for dissolved gas

1 in order to promote passage by spill over dams will improve salmon  
2 survival more than transportation;

3 (2) Addressing whether granting the waivers to promote spill  
4 represents a cost-effective means of assisting salmon in light of  
5 alternatives such as transportation, harvest reform, and hatchery  
6 reform;

7 (3) Identifying specific benefits achieved by Order Nos. DE94-  
8 WQ218, DE94-WQ219, and similar orders issued during 1995 granting  
9 waivers of the total dissolved gas standards for purposes of promoting  
10 spill, and addressing how these orders may be consistent with the  
11 state's policy of securing the maximum net benefits for the people of  
12 the state set forth in RCW 90.54.020(2); and

13 (4) Addressing the adequacy of plans for monitoring gas levels and  
14 biological impacts of the waivers in effect during 1995 and planned for  
15 1996, if any.

16 The department shall engage independent scientific experts for  
17 purposes of preparing this report.

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