

2 ESHB 2496 - S COMM AMD

3 By Committee on Natural Resources & Parks

4 NOT ADOPTED 3/6/98

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

7 "NEW SECTION. **Sec. 1.** The legislature finds that repeated
8 attempts to improve salmonid fish runs throughout the state of
9 Washington have failed to avert listings of salmon and steelhead runs
10 as threatened or endangered under the federal endangered species act
11 (16 U.S.C. Sec. 1531 et seq.). These listings threaten the sport,
12 commercial, and tribal fishing industries as well as the economic well-
13 being and vitality of vast areas of the state. It is the intent of the
14 legislature to recover the salmon stocks as soon as possible, although
15 the legislature understands that successful recovery efforts may not be
16 realized for many years because of the life cycle of salmon and the
17 complex array of natural and human-caused problems they face.

18 The legislature finds that it is in the interest of the citizens of
19 the state of Washington for the state to retain primary responsibility
20 for managing the natural resources of the state, rather than abdicate
21 those responsibilities to the federal government. The legislature also
22 finds that there is a substantial link between the provisions of the
23 federal endangered species act and the federal clean water act (33
24 U.S.C. Sec. 1251 et seq.). The legislature further finds that habitat
25 restoration is a vital component of salmon recovery efforts.
26 Therefore, it is the intent of the legislature to specifically address
27 salmon habitat restoration in a coordinated state-wide manner and to
28 develop a structure that allows for the coordinated delivery of
29 federal, state, and local assistance to communities for habitat
30 projects that will assist in the recovery and enhancement of salmon
31 stocks within the state while also addressing improvements to water
32 quality.

33 The legislature also recognizes that a science-based approach that
34 incorporates adaptive management strategies will be needed to help
35 salmon stocks recover, and that an effective monitoring system is
36 essential for implementing adaptive management. The legislature also

1 finds that credible scientific review and oversight is essential for
2 any salmon recovery effort to be successful.

3 The legislature therefore finds that a coordinated framework for
4 responding to the salmon crisis is needed immediately. To that end,
5 the salmon recovery office should be created within the governor's
6 office to provide overall coordination of the state's response; an
7 independent science team is needed to provide scientific review and
8 oversight; regional councils should be formed to provide a mechanism to
9 include local knowledge and decision making into salmon recovery
10 efforts; and a strong locally based effort to restore salmon habitat
11 should be established by providing a framework to allow citizen
12 volunteers to work effectively.

13 NEW SECTION. **Sec. 2.** The definitions in this section apply
14 throughout this chapter unless the context clearly requires otherwise.

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

18 (2) "Critical pathways methodology" means a project scheduling and
19 management process for examining interactions between habitat projects
20 and salmonid species, prioritizing habitat projects, and assuring
21 positive benefits from habitat projects under section 11 of this act.

22 (3) "Department" means the department of fish and wildlife.

23 (4) "Director" means the director of the department of fish and
24 wildlife.

25 (5) "Habitat project" includes habitat restoration projects,
26 habitat protection projects, habitat projects that improve water
27 quality, habitat projects that protect water quality, habitat-related
28 mitigation efforts, and habitat project maintenance and monitoring
29 activities.

30 (6) "Natural resources-related state agencies" includes the
31 department of natural resources, the department of fish and wildlife,
32 the department of transportation, the parks and recreation commission,
33 the Puget Sound water quality action team, the interagency committee
34 for outdoor recreation, the conservation commission, the department of
35 ecology, the department of agriculture, the department of health, and
36 the department of community, trade, and economic development.

1 (7) "Region" or "regional" means an area of the state that is
2 identified as being the boundaries of a regional fisheries enhancement
3 group.

4 (8) "Salmon" includes all species of the family Salmonidae which
5 are capable of self-sustaining, natural production.

6 (9) "Schedule" means a habitat work schedule adopted by a regional
7 council under section 7 of this act.

8 (10) "Tribe" or "tribes" means federally recognized Indian tribes.

9 (11) "Work plan" means a habitat work plan prepared by a regional
10 council under section 11 of this act.

11 NEW SECTION. **Sec. 3.** By December 31, 1998, the governor shall
12 submit a summary of the implementation of this act to the legislature,
13 and include recommendations to the legislature that would further the
14 success of salmon recovery. The recommendations may include: (1) The
15 need to expand or improve nonregulatory programs and activities; (2)
16 the need to expand or improve state and local laws and regulations; and
17 (3) the feasibility of forming a state-wide or regional community
18 foundation or any other funding alternatives to assist in financing
19 salmon recovery efforts.

20 NEW SECTION. **Sec. 4.** Beginning in 1999, the governor shall submit
21 a biennial state of the salmon report to the legislature during the
22 first week of December. The report may include the following:

23 (1) A region-by-region description of the amount of funds,
24 including volunteer, private, and state, federal, tribal as available,
25 and local government money directly spent on salmon recovery in
26 response to endangered species act listings;

27 (2) A summary of habitat projects including but not limited to:

28 (a) A summary of accomplishments in removing barriers to salmon
29 passage and an identification of existing barriers;

30 (b) A summary of salmon restoration efforts undertaken in the past
31 two years; and

32 (c) A summary of the role which private volunteer initiatives and
33 institutions of higher education contribute in salmon habitat
34 restoration efforts;

35 (3) A summary of collaborative efforts undertaken with adjoining
36 states or Canada;

1 (4) A summary of fish management activities affecting salmon
2 recovery;

3 (5) A summary of information regarding impediments to successful
4 salmon recovery efforts. The summary may include information on delays
5 in obtaining approval or assistance from federal agencies, gaps or
6 conflicts in state statutes, delays due to jurisdictional disputes,
7 land management practices or other activities that are contributing to
8 the degradation of salmon habitat, the lack of water or poor water
9 quality during certain times of the year for certain stream segments,
10 naturally based causes, international disputes, and any impediments to
11 the success of regional councils;

12 (6) Information on the estimated carrying capacity of new habitat
13 created pursuant to chapter . . . , Laws of 1998 (this act);

14 (7) A summary of the number and types of violations of existing
15 laws pertaining to: (a) Water quality; and (b) salmon. The summary
16 shall include information about sanctions imposed for these violations;
17 and

18 (8) Recommendations to the legislature that would further the
19 success of salmon recovery. The recommendations may include: (a) The
20 need to expand or improve nonregulatory programs and activities; and
21 (b) the need to expand or improve state and local laws and regulations.

22 NEW SECTION. **Sec. 5.** There is created the salmon recovery office
23 within the office of the governor for the purpose of having a
24 coordinated state strategy to allow for salmon recovery to healthy
25 sustainable population levels with productive commercial and
26 recreational fisheries. By April 1, 1998, the governor shall appoint
27 an executive director for the office. The executive director shall
28 serve at the pleasure of the governor. The salary of the executive
29 director shall be fixed by the governor, subject to RCW 43.03.040.

30 The salmon office may consist of up to eight total staff, including
31 the executive director. At least one of the permanent staff positions
32 shall be reserved for a person who is knowledgeable in tribal fishery
33 interests. At least two of the staff shall be employees of the
34 department. Other agencies including the department may transfer
35 existing staff as agreed to by the agencies and deemed necessary to
36 achieve the duties of the salmon recovery office.

1 The governor's salmon recovery office may undertake activities on
2 a state-wide or evolutionarily significant unit basis designed to
3 improve the health of salmon, which may include the following:

4 (1) Assist the fish and wildlife commission in the negotiation of
5 international and interstate compacts or treaties affecting salmon
6 recovery;

7 (2) Act as liaison to the state congressional delegation, United
8 States congress, federally recognized tribes, and the federal executive
9 branch for issues related to the state's endangered species act salmon
10 recovery plans;

11 (3) Coordinate the delivery of technical assistance to regional
12 councils for the development and implementation of habitat work
13 schedules and habitat work plans. State natural resources-related
14 agencies shall provide ongoing technical assistance to regional
15 councils;

16 (4) Review work plans with federal and tribal governments and state
17 agencies, for conflict with applicable laws and treaties;

18 (5) Any other services requested by a region that are reasonably
19 related to the development or implementation of a salmon habitat
20 restoration plan and agreed to by the executive director;

21 (6) Establish a uniform state-wide reporting system for regional
22 councils to collect information necessary to address topics that must
23 be included as part of the governor's state of the salmon report;

24 (7) Provide information to regional councils that has been
25 developed or collected by state and federal agencies;

26 (8) Develop electronic access to up-to-date information pertaining
27 to salmon;

28 (9) Develop a data system to track information pertaining to the
29 number and types of violations of existing laws pertaining to water
30 quality and salmon, including information about sanctions imposed for
31 these violations; and

32 (10) Coordinate and assist in the development of salmon recovery
33 plans for evolutionarily significant units, and submit those plans to
34 the appropriate federal agencies in response to the federal endangered
35 species act.

36 NEW SECTION. **Sec. 6.** (1) The department shall authorize the
37 creation of, and establish the boundaries for, up to four new regional
38 fisheries enhancement groups in the state. Up to three of the new

1 groups may be located in eastern Washington and one new group may be
2 located in western Washington.

3 (2) The boundaries served by a regional fisheries enhancement group
4 shall constitute the boundaries of a region for the purpose of
5 developing a habitat work plan. The department, after consultation
6 with affected parties, may by rule adjust the boundaries of a regional
7 fisheries enhancement group area.

8 (3) One or more regional councils may combine into a single area to
9 carry out the purposes of chapter . . . , Laws of 1998 (this act).

10 NEW SECTION. Sec. 7. (1) There are established regional councils
11 for the purpose of developing habitat work schedules and habitat work
12 plans as outlined in section 11 of this act.

13 (2)(a) The regional council shall consist of: (i) Qualified
14 representation of cities, counties, special purpose districts, state,
15 and tribal governments; (ii) conservation districts; and (iii) project
16 sponsors, regional fisheries enhancement groups, and other restoration
17 interests.

18 (b) The nongovernmental participants shall predominately be
19 residents of the regions and reflect a reasonably balanced
20 representation between economic and other interests representing
21 environmental, recreation, and other concerns.

22 (3) The department, in consultation with the appropriate local,
23 state, tribal, and federal governmental agencies shall convene a public
24 meeting to establish a regional council. The department shall assure
25 the time, place, and location of the convening meeting or meetings is
26 well advertised.

27 (4)(a) An existing group may serve as the regional council. To be
28 considered, the representation of governmental entities and interest
29 groups on such a planning group must be generally similar to the
30 representation identified in subsection (2) of this section. The
31 existing group chosen in this manner plus any new members as in
32 subsection (2) of this section will constitute the regional council for
33 developing salmon habitat work plans under this chapter.

34 (b) In the event that two or more groups are seeking recognition
35 from the department, the following criteria shall be used:

36 (i) A group that has been in existence shall be given preference;

1 (ii) A group that most closely resembles the representation
2 identified in subsection (2) of this section shall be given preference;
3 and

4 (iii) A group that has the broadest representation of the community
5 shall be given preference.

6 (c) The department shall endeavor to ensure that members of a group
7 not selected as a regional council are allowed to participate in
8 habitat restoration activities.

9 (5) The department, in consultation with the local government
10 entities in the region, shall formally recognize a regional council
11 when the criteria under subsection (2) of this section are met.

12 (6) A regional council may invite representatives of federal
13 agencies as appropriate to assist the regional council in the
14 development of a salmon habitat work plan.

15 (7) Council members who are also project sponsors shall not
16 participate in decision making on projects for which the member is the
17 project sponsor and for which the member will recognize a direct
18 financial benefit from the project.

19 NEW SECTION. **Sec. 8.** The regional council shall convene a
20 technical assistance group consisting of federal, state, tribal, local,
21 and private individuals with appropriate expertise to provide the
22 technical services identified in section 11 of this act. Where
23 appropriate, the conservation district within the region will take a
24 lead in developing and maintaining relationships between the technical
25 assistance groups and the private landowner project sponsors under
26 section 9 of this act.

27 NEW SECTION. **Sec. 9.** (1) "Project sponsors" may include regional
28 fisheries enhancement groups, private landowners, citizen groups,
29 tribes, governmental entities, or nongovernmental entities implementing
30 habitat projects. For a federal, state, or local governmental entity
31 to be considered a project sponsor, it must manage riparian and
32 littoral land in the region.

33 (2) Within a region, a group of project sponsors may be organized
34 around a river, tributary, estuary, or subbasin of a watershed.

35 (3) Project sponsors undertake projects which have been prioritized
36 by regional councils pursuant to section 11 of this act.

1 NEW SECTION. **Sec. 10.** (1) The regional council shall:

2 (a) Prioritize the habitat projects identified by a technical
3 assistance group and project sponsors. The purpose of the
4 prioritization is to rank projects in a manner that maximizes the
5 habitat capable of establishing healthy populations of salmon;

6 (b) Develop and submit a habitat work plan as required under
7 section 11 of this act; and

8 (c) Hold open, public meetings.

9 (2) The regional council may:

10 (a) Select an administrator and an administrative assistant and
11 establish their responsibilities;

12 (b) Administer any available funds to project implementers for
13 salmon restoration efforts;

14 (c) Establish a name for the regional council; and

15 (d) Contract for habitat projects.

16 NEW SECTION. **Sec. 11.** (1) Critical pathways methodology shall be
17 used to develop a habitat work schedule and a habitat work plan that
18 ensures salmon restoration activities within each region will be
19 prioritized and implemented in a logical sequential manner that
20 produces habitat capable of carrying healthy populations of salmon.
21 The development of a habitat work schedule and a habitat work plan
22 shall rely, to the extent possible, on existing information.

23 (2)(a) The regional council shall develop a habitat work schedule
24 to prioritize and determine the order in which habitat projects within
25 the region will be accomplished.

26 (b) The work schedule shall:

27 (i) Identify limiting factors for salmon in streams, rivers,
28 tributaries, estuaries, and subbasins in the region. The technical
29 assistance group convened under section 8 of this act has lead
30 responsibility for this task;

31 (ii) Identify and prioritize categories of projects, and prioritize
32 between these categories, to respond to the limiting factors related to
33 habitat identified by the technical assistance group. The technical
34 assistance group convened under section 8 of this act has lead
35 responsibility for this task;

36 (iii) Identify local habitat projects that sponsors are willing to
37 undertake. Project sponsors have lead responsibility for this task;

1 (iv) Prioritize individual habitat projects to assure maximum
2 benefit to salmon recovery. The regional council is responsible for
3 this task, and shall consider salmon recovery efforts which are already
4 being conducted in the region when developing the list of prioritized
5 projects;

6 (v) Identify appropriate funding sources. The regional council has
7 the lead responsibility for this task;

8 (vi) Issue requests for project proposals. The department of fish
9 and wildlife, the department of transportation, and the conservation
10 commission have lead responsibility for this task;

11 (vii) Review, evaluate, and rank project proposals. The department
12 of fish and wildlife, the department of transportation, and the
13 conservation commission shall jointly review and evaluate project
14 proposals in order to fund projects which will be beneficial to
15 improving habitat for fish which are listed under the federal
16 endangered species act or are considered to be weak stock;

17 (viii) Fund high priority projects, subject to available funding,
18 and any constraints on that funding. The department of fish and
19 wildlife, the department of transportation, the conservation
20 commission, and any other funding entity have lead responsibility for
21 this task. If the agencies find that one or more high priority
22 projects for the region do not have a capable project sponsor, the
23 agencies must gain support from a willing project sponsor prior to
24 funding the project; and

25 (ix) Identify how projects will be monitored and evaluated. The
26 regional council, in consultation with the technical assistance group
27 and project sponsors, has lead responsibility for coordinating this
28 task.

29 (c) The habitat work plan consists of the habitat work schedule as
30 well as the following information:

31 (i) A list of the limiting factors for salmon in the region
32 identified by the technical assistance group or by any watershed
33 assessment in the region;

34 (ii) A list of the entity or entities performing the habitat
35 projects;

36 (iii) A description of the adaptive management process that will be
37 used to develop subsequent work plans;

1 (iv) The start date, duration, estimated date of completion,
2 estimated cost, and, if appropriate, the affected salmonid species, of
3 each project; and

4 (v) An assessment of all available private, local, tribal, state,
5 and federal government resources available for projects identified in
6 the schedule.

7 (3) The regional council shall submit a copy of the work plan to
8 the salmon recovery office and to the independent science panel for
9 review. The regional council may also implement those projects for
10 which it has been able to obtain funding. Individual habitat work
11 schedules may be prepared for a river, tributary, estuary, or subbasin
12 of a watershed in a manner that allows the schedules to be combined to
13 create a report which shows the recovery effort within a region, the
14 state, or for specific runs of fish.

15 (4) The habitat work plans shall be updated on an annual basis to
16 depict new activities, report progress on projects, show completion of
17 scheduled activities, determine which recovery efforts were successful,
18 and show where adaptive management is required to address those
19 recovery efforts that failed.

20 NEW SECTION. **Sec. 12.** (1)(a) An independent science panel is
21 hereby created consisting of five scientists appointed by the governor.
22 The governor shall appoint the members of the independent science panel
23 to a term of four years. The independent science panel members shall
24 elect the chair of the panel among themselves every two years.

25 (b) The governor shall request the national academy of sciences,
26 the American fisheries society, or a comparable institution to screen
27 candidates to serve as members on the independent science panel. The
28 institution that conducts the screening of the candidates shall submit
29 a list of the nine most qualified candidates to the governor, the chair
30 of the house of representatives natural resources committee, and the
31 chair of the senate natural resources and parks committee. The chair
32 of the senate committee and the chair of the house of representatives
33 committee may each remove one person from the list of recommended
34 candidates submitted by the institution conducting the screening. The
35 governor may remove two persons from the list of recommended
36 candidates. The governor shall appoint the remaining five recommended
37 candidates on the list as the members of the independent science panel.

1 (2) Membership of the independent science panel shall reflect
2 expertise in habitat requirements of salmon, protection and restoration
3 of salmon populations, artificial propagation of salmon, hydrology, and
4 requirements for fully functioning ecosystems on a watershed basis.

5 (3) Members of the independent science panel shall be compensated
6 as provided in RCW 43.03.250 and reimbursed for travel expenses as
7 pursuant to RCW 43.03.050 and 43.03.060.

8 (4) Except as provided in section 13(3) of this act, the governor's
9 office shall provide all necessary administrative support to the
10 independent science panel.

11 (5) The independent science panel shall be governed by generally
12 accepted guidelines and practices governing the activities of
13 independent science boards such as the national academy of sciences.
14 The purpose of the independent science panel is to help ensure that
15 sound science is used in salmon recovery efforts, and not to make
16 policy decisions which are the responsibility of decision makers.

17 NEW SECTION. **Sec. 13.** The independent science panel shall have
18 the following responsibilities:

19 (1) Reviewing and evaluating the intended outcomes and performance
20 measures of regionally developed habitat work plans. Comparable
21 habitat restoration plans that have already undergone independent
22 scientific review before the effective date of this section are not
23 subject to review by the independent science panel under this
24 subsection;

25 (2) Developing, in cooperation with the Puget Sound ambient
26 monitoring program, model monitoring programs for water quality and
27 salmon habitat protection and restoration that may be used in regional
28 salmon restoration efforts to track quantifiable performance measures.
29 The Puget Sound action team, created in RCW 90.71.020, shall provide
30 staff support to the independent science panel in the development of
31 the model monitoring programs; and

32 (3) Reporting to the governor and the legislature on adaptive
33 management recommendations, performance measures, and intended outcomes
34 for habitat work plans.

35 **Sec. 14.** RCW 90.71.005 and 1996 c 138 s 1 are each amended to read
36 as follows:

37 (1) The legislature finds that:

1 (a) Puget Sound and related inland marine waterways of Washington
2 state represent a unique and unparalleled resource. A rich and varied
3 range of marine organisms, comprising an interdependent, sensitive
4 communal ecosystem reside in these sheltered waters. Residents of this
5 region enjoy a way of life centered around the waters of Puget Sound,
6 featuring accessible recreational opportunities, world-class port
7 facilities and water transportation systems, harvest of marine food
8 resources, shoreline-oriented life styles, water-dependent industries,
9 tourism, irreplaceable aesthetics, and other activities, all of which
10 to some degree depend upon a clean and healthy marine resource;

11 (b) The Puget Sound water quality authority has done an excellent
12 job in developing a comprehensive plan to identify actions to restore
13 and protect the biological health and diversity of Puget Sound;

14 (c) The large number of governmental entities that now have
15 regulatory programs affecting the water quality and the aquatic and
16 upland habitats of Puget Sound have diverse interests and limited
17 jurisdictions that cannot adequately address the cumulative, wide-
18 ranging impacts that contribute to the degradation of Puget Sound; and

19 (d) Coordination of the regulatory programs, at the state and local
20 level, is best accomplished through the development of interagency
21 mechanisms that allow these entities to transcend their diverse
22 interests and limited jurisdictions.

23 (2) It is therefore the policy of the state of Washington to
24 coordinate the activities of state and local agencies by establishing
25 a biennial work plan that clearly delineates state and local actions
26 necessary to protect and restore the biological health and diversity of
27 Puget Sound. It is further the policy of the state to implement the
28 Puget Sound water quality management plan to the maximum extent
29 possible. To further the policy of the state, a recovery plan
30 developed under the federal endangered species act for a portion or all
31 of the Puget Sound shall be considered for inclusion into the Puget
32 Sound water quality management plan.

33 **Sec. 15.** RCW 90.71.020 and 1996 c 138 s 3 are each amended to read
34 as follows:

35 (1) The Puget Sound action team is created. The action team shall
36 consist of: The directors of the departments of ecology; agriculture;
37 natural resources; fish and wildlife; and community, trade, and
38 economic development; the secretaries of the departments of health and

1 transportation; the director of the parks and recreation commission;
2 the director of the interagency committee for outdoor recreation; the
3 administrative officer of the conservation commission designated in RCW
4 89.08.050; one person representing cities, appointed by the governor;
5 one person representing counties, appointed by the governor; one person
6 representing federally recognized tribes, appointed by the governor;
7 and the chair of the action team. The action team shall also include
8 the following ex officio nonvoting members: The regional director of
9 the United States environmental protection agency; the regional
10 supervisor of the national marine fisheries service; and the regional
11 supervisor of the United States fish and wildlife service. The members
12 representing cities and counties shall each be reimbursed for travel
13 expenses as provided in RCW 43.03.050 and 43.03.060.

14 (2) The action team shall:

15 (a) Prepare a Puget Sound work plan and budget for inclusion in the
16 governor's biennial budget;

17 (b) Coordinate monitoring and research programs as provided in RCW
18 90.71.060;

19 (c) Work under the direction of the action team chair as provided
20 in RCW 90.71.040;

21 (d) Coordinate permitting requirements as necessary to expedite
22 permit issuance for any local watershed plan developed pursuant to
23 rules adopted under this chapter;

24 (e) Identify and resolve any policy or rule conflicts that may
25 exist between one or more agencies represented on the action team;

26 (f) Periodically amend the Puget Sound management plan;

27 (g) Enter into, amend, and terminate contracts with individuals,
28 corporations, or research institutions for the purposes of this
29 chapter;

30 (h) Receive such gifts, grants, and endowments, in trust or
31 otherwise, for the use and benefit of the purposes of the action team.
32 The action team may expend the same or any income therefrom according
33 to the terms of the gifts, grants, or endowments;

34 (i) Promote extensive public participation, and otherwise seek to
35 broadly disseminate information concerning Puget Sound;

36 (j) Receive and expend funding from other public agencies;

37 (k) To reduce costs and improve efficiency, review by December 1,
38 1996, all requirements for reports and documentation from state

1 agencies and local governments specified in the plan for the purpose of
2 eliminating and consolidating reporting requirements; and

3 (1) Beginning in December 1998, and every two years thereafter,
4 submit a report to the appropriate policy and fiscal committees of the
5 legislature that describes and evaluates the successes and shortcomings
6 of the current work plan relative to the priority problems identified
7 for each geographic area of Puget Sound.

8 (3) By July 1, 1996, the action team shall begin developing its
9 initial work plan, which shall include the coordination of necessary
10 support staff.

11 (4) The action team shall incorporate, to the maximum extent
12 possible, the recommendations of the council regarding amendments to
13 the Puget Sound (~~(management)~~) management plan and the work plan.

14 (5) All proceedings of the action team are subject to the open
15 public meetings act under chapter 42.30 RCW.

16 **Sec. 16.** RCW 90.71.030 and 1996 c 138 s 4 are each amended to read
17 as follows:

18 (1) There is established the Puget Sound council composed of
19 (~~nine~~) eleven members. (~~Seven~~) Nine members shall be appointed by
20 the governor. In making these appointments, the governor shall include
21 representation from business, the environmental community, agriculture,
22 the shellfish industry, commercial fishers, recreational fishers,
23 counties, cities, and the tribes. One member shall be a member of the
24 senate selected by the president of the senate and one member shall be
25 a member of the house of representatives selected by the speaker of the
26 house of representatives. The legislative members shall be nonvoting
27 members of the council. Appointments to the council shall reflect
28 geographical balance and the diversity of population within the Puget
29 Sound basin. Members shall serve four-year terms. Of the initial
30 members appointed to the council, two shall serve for two years, two
31 shall serve for three years, and two shall serve for four years.
32 Thereafter members shall be appointed to four-year terms. Vacancies
33 shall be filled by appointment in the same manner as the original
34 appointment for the remainder of the unexpired term of the position
35 being vacated. Nonlegislative members shall be reimbursed for travel
36 expenses as provided in RCW 43.03.050 and 43.03.060. Legislative
37 members shall be reimbursed as provided in RCW 44.04.120.

38 (2) The council shall:

1 (a) Recommend to the action team projects and activities for
2 inclusion in the biennial work plan;

3 (b) Recommend to the action team coordination of work plan
4 activities with other relevant activities, including but not limited
5 to, agencies' activities other than those funded through the plan,
6 local plan initiatives, and governmental and nongovernmental watershed
7 restoration and protection activities; and

8 (c) Recommend to the action team proposed amendments to the Puget
9 Sound management plan.

10 (3) The chair of the action team shall convene the council at least
11 four times per year and shall jointly convene the council and the
12 action team at least two times per year.

13 NEW SECTION. **Sec. 17.** (1) The departments of transportation, fish
14 and wildlife, and ecology, and tribes shall convene a work group to
15 develop a process to evaluate mitigation proposals. The work group
16 shall seek technical assistance to ensure that federal, state, treaty-
17 right, and local environmental laws and ordinances are met.

18 (2) The framework shall include:

19 (a) All elements of mitigation, including but not limited to data
20 requirements, decision making, state and tribal agency coordination,
21 and permitting; and

22 (b) Criteria and procedures for identifying and evaluating
23 mitigation opportunities, including but not limited to the criteria in
24 chapter 90.74 RCW.

25 (3) The appropriate agency or affected interests should collaborate
26 with project proponents and the regional council to identify projects
27 that offer mitigation opportunities. Mitigation funds may be used to
28 implement projects identified by a regional council in a regional
29 council's work plan to mitigate for the impacts of a transportation or
30 other development proposal or project.

31 (4) For the purposes of this section, "mitigation" has the same
32 meaning as provided in RCW 90.74.010.

33 NEW SECTION. **Sec. 18.** Sections 1 through 13 of this act
34 constitute a new chapter in Title 75 RCW.

35 NEW SECTION. **Sec. 19.** If specific funding for the purposes of
36 this act, referencing this act by bill or chapter number, is not

1 provided by June 30, 1998, in the omnibus appropriations act, this act
2 is null and void.

3 NEW SECTION. **Sec. 20.** This act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of the
5 state government and its existing public institutions, and takes effect
6 immediately."

7 **ESHB 2496** - S COMM AMD
8 By Committee on Natural Resources & Parks

9 NOT ADOPTED 3/6/98

10 On page 1, line 1 of the title, after "planning;" strike the
11 remainder of the title and insert "amending RCW 90.71.005, 90.71.020,
12 and 90.71.030; adding a new chapter to Title 75 RCW; creating new
13 sections; and declaring an emergency."

--- END ---