

# HOUSE BILL REPORT

## SSB 5224

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### As Passed House - Amended:

April 9, 2007

**Title:** An act relating to the salmon recovery office.

**Brief Description:** Concerning the governor's salmon recovery office.

**Sponsors:** By Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Jacobsen, Rockefeller and Kilmer; by request of Office of Financial Management).

### Brief History:

#### Committee Activity:

Agriculture & Natural Resources: 3/28/07 [DPA];  
Appropriations: 3/31/07 [DPA(APP w/o AGNR)s].

#### Floor Activity:

Passed House - Amended: 4/9/07, 89-9.

### Brief Summary of Substitute Bill (As Amended by House)

- Extends the expiration date on the Governor's Salmon Recovery Office's enabling statute until the year 2015 and expands the primary purpose of the office.
- Changes the composition and duties of the Independent Science Panel.
- Changes the mandatory and discretionary contents of the State of the Salmon Report.
- Creates the Forum on Monitoring Salmon Recovery and Watershed Health.
- Adds a 2015 expiration date to the Forum on Monitoring Salmon Recovery and Watershed Health and to the State of the Salmon Report.

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## HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Majority Report:** Do pass as amended. Signed by 9 members: Representatives B. Sullivan, Chair; Blake, Vice Chair; Dickerson, Grant, Kagi, McCoy, Newhouse, Strow and VanDeWege.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Hailey and Orcutt.

**Staff:** Jason Callahan (786-7117).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass as amended by Committee on Appropriations and without amendment by Committee on Agriculture & Natural Resources. Signed by 33 members: Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson, Buri, Chandler, Cody, Conway, Darneille, Dunn, Ericks, Fromhold, Grant, Haigh, Hinkle, Hunt, Hunter, Kagi, Kenney, Kessler, Kretz, Linville, McDermott, McDonald, McIntire, Morrell, Pettigrew, Priest, Schual-Berke, Seaquist and P. Sullivan.

**Staff:** Kirk Schmidt (786-7118).

### **Background:**

#### Salmon Recovery Office

The Governor's Salmon Recovery Office (SRO) was created in the Governor's Office in 1998. The purpose of the SRO is to coordinate and assist the development of regional salmon recovery plans for evolutionary significant units (ESU), and to gather and submit those plans to federal agencies in response to the Endangered Species Act. The enabling statute for the SRO is scheduled to expire on June 30, 2007.

#### State of the Salmon Report

The State of the Salmon Report (SOS Report) is required to be updated periodically by the SRO. The only mandatory element of the SOS Report is a summary of data relating to monitoring salmon recovery. The discretionary elements of the report include, among many items, a summary of habitat projects, a description of in-kind financial contributions made by various entities, a summary of collaboration with neighboring states and Canada, a summary of harvest and hatchery management, and a summary of recent violations of water quality and salmon recovery laws.

#### Independent Science Panel

The Independent Science Panel (Panel) exists to help ensure that sound science is used in salmon recovery efforts. The SRO may request the Panel to review regional salmon recovery plans, but the Panel may not review individual projects or make policy decisions.

The Panel consists of five scientists appointed by the Governor. Nominations for the appointees come from the National Academy of Sciences or a comparable institution. Nine scientists are nominated, and the Speaker of the House of Representatives and the President of the Senate may remove one of the nine names from the nomination list prior to its delivery to the Governor.

### Regional Salmon Recovery Organizations

Five regional organizations have formed to address salmon recovery on an ESU scale. The Lower Columbia Fish Recovery Board is currently the only regional recovery organization created in statute. The other four regional entities include: the Puget Sound Shared Strategy, the Yakima Sub-basin Fish and Wildlife Planning Board, the Snake River Salmon Recovery Board, and the Upper Columbia Salmon Board. Regional recovery groups are in the process of completing salmon recovery plans and submitting those plans for federal approval.

### **Summary of Amended Bill:**

#### Salmon Recovery Office

The expiration date on the SRO's enabling statute is extended until the year 2015. Along with its continued existence, the primary purpose of the SRO is expanded. The primary purpose of the SRO will no longer just be to coordinate and assist with the *development* of regional salmon recovery plans. The SRO will also have as a primary purpose to assist and coordinate with the *implementation* and *revision* of local plans.

The mandatory duties of the SRO are expanded to include responsibility of reflecting applicable provisions of local, state, and federal plans into the statewide salmon strategy, and to work with regional salmon recovery organizations and the federal government to ensure a coordinated, statewide approach to salmon recovery and implementation of federal commitments to salmon recovery.

The discretionary duties of the SRO are also expanded. The new discretionary duties of the SRO include the following:

- providing technical and administrative support to salmon-related science panels;
- preparing a timeline and implementation plan that identifies specific actions in regional salmon recovery planning for state agencies to complete; and
- provide recommendations to the Legislature that would further the success of salmon recovery, including the expansion of non-regulatory programs and the need for state funding assistance.

#### State of the Salmon Report

The SRO is required to complete updates to the SOS Report every two years, beginning in 2009. Some elements of the SOS Report are made mandatory. These include the summary of habitat projects, the summary of harvest and hatchery management activities, and the summary of the instances that violated salmon recovery-related laws.

The remaining elements of the SOS Report are left as discretionary. However, the summaries of collaborative efforts with adjacent states and Canada and information relating to impediments to successful recovery are removed, as is the summary of violations of the state water quality laws.

The other state agencies with a nexus to salmon recovery are required to assist the SRO with the development of the SOS Report by providing any information requested by the SRO.

#### Independent Science Panel

The charge of the Panel is changed from reviewing regional salmon recovery plans to reviewing and investigating scientific questions relating to the state's salmon recovery efforts. Also changed is the nature of the Panel. The formation of the Panel is made discretionary, with the Governor having the authority to request that the Washington Academy of Sciences assemble the Panel. The specificity as to the number of scientists on the Panel, and their appointment and nomination procedures, are repealed.

#### The Forum on Monitoring Salmon Recovery and Watershed Health

The Forum on Monitoring Salmon Recovery and Watershed Health (Forum) is created, to be composed of representatives from various state and local entities, and led by a chair appointed by the Governor. The Forum is to serve as a multi-agency venue for coordinating technical and policy issues and actions related to salmon recovery and watershed health, and must invite the participation of federal, tribal, local, and regional agencies and entities.

The work product of the Forum is a set of measures for use by the SRO that conveys the results and progress made on salmon recovery and watershed health in easily understood ways. In the process of developing the measures, the Forum must review existing pilot monitoring programs.

The Forum must also report to the Governor and Legislature recommendations for improving monitoring programs and recommendations on integrating and prioritizing agency budget requests.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** (Agriculture & Natural Resources)

(In support) The bill makes many technical changes and codifies an executive order. Salmon recovery is a process that will occur over many generations. The Governor agrees with most of the bill, except that she feels the SRO should be administratively housed within the Interagency Committee for Outdoor Recreation.

(Opposed) None.

**Staff Summary of Public Testimony:** (Appropriations)

None.

**Persons Testifying:** (Agriculture & Natural Resources) Bob Nichols, Governor's Salmon Recovery Office.

**Persons Testifying:** (Appropriations) None.

**Persons Signed In To Testify But Not Testifying:** (Agriculture & Natural Resources) None.

**Persons Signed In To Testify But Not Testifying:** (Appropriations) None.