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

7 "NEW SECTION. **Sec. 1.** INTENT. The legislature finds that (1) the
8 rivers of the state are a great economic, cultural, and recreational
9 resource; (2) these rivers are facing increasing pressure and conflicts
10 from growth and a multitude of uses and activities both within the
11 river and its drainage; and (3) the resolution of these pressures and
12 conflicts should be based upon a collaborative planning process rather
13 than adding to the regulatory burden of landowners. Therefore, it is
14 the intent of the legislature to establish a program that will
15 encourage a collaborative process bringing together users, landowners,
16 local governments, and state government to develop a long-range plan
17 for the management and preservation of the state's rivers and the
18 various uses made of those rivers. Furthermore, it is the intent of
19 the legislature that this program should provide to the greatest extent
20 possible for the development of plans and management of river systems
21 at the local level."

22 "NEW SECTION. **Sec. 2.** DEFINITIONS. Unless the context clearly
23 requires otherwise, the definitions in this section apply throughout
24 this chapter.

25 (1) "Commission" means the state parks and recreation commission
26 created under RCW 43.51.020.

1 (2) "Director" means the director of the commission appointed under
2 RCW 43.51.060.

3 (3) "Local governments" means municipal corporations, quasi-
4 municipal corporations, counties, and tribes.

5 (4) "Model rivers" means rivers or river areas designated under
6 section 8 of this act.

7 (5) "Protected rivers" means rivers or river areas designated under
8 section 5 or 6 of this act.

9 (6) "River area" means a river and land surrounding the river as
10 defined by a protected or model river management plan developed under
11 section 5, 6, or 8 of this act."

12 "NEW SECTION. **Sec. 3.** MODEL RIVERS PROGRAM. (1) There is created
13 within the parks and recreation commission the model rivers program.
14 The purpose of the program is to:

15 (a) Promote river management programs that enhance a river's
16 natural or inherent qualities;

17 (b) Enhance the economic, recreational, cultural, and natural uses
18 that rivers provide to the citizens of Washington state;

19 (c) Promote and manage programs that balance the various uses of
20 rivers;

21 (d) Protect the best interests of private landowners while
22 maintaining the health of the river;

23 (e) Encourage citizen and government stewardship of rivers to care
24 for and monitor river resources;

25 (f) Encourage the use and coordination of existing statutes and
26 agency programs rather than create new programs or rules;

27 (g) Assist local governments to preserve and enhance their river
28 areas; and

29 (h) Rehabilitate rivers that do not meet water quality standards.

1 (2) The commission shall:

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

4 (b) Provide assistance in development of management plans for
5 protected rivers and model rivers;

6 (c) Notify and work with local interests, local governments, and
7 appropriate state agencies to determine the appropriate management
8 plans for protected rivers; and

9 (d) Report to the legislature by January 1st of odd-numbered years
10 on the commission's activities under this chapter and the status of
11 rivers in the state."

12 "NEW SECTION. Sec. 4. PROTECTED RIVERS. (1) The commission shall
13 prepare a list of rivers eligible for designation as protected rivers.
14 Rivers eligible for such designation shall be limited to:

15 (a) Rivers designated as off-limits in the state hydroelectric
16 power resource protection plan; and

17 (b) The eighteen candidate rivers listed in the 1988 state parks
18 scenic rivers assessment.

19 (2) A river may be included on the list under subsection (1) of
20 this section only if the commission finds that the following conditions
21 exist:

22 (a) The river or the portion of the river to be designated is free
23 flowing;

24 (b) The river has exceptional natural, scenic, historic,
25 ecological, cultural, or recreational features;

26 (c) The river is without artificial diversions that hinder
27 recreational use;

28 (d) The river is relatively unmodified by riprapping and other
29 stream bank intrusions;

1 (e) There is water of sufficient quality and quantity to warrant
2 protected river designation;

3 (f) The river is in a relatively natural condition with adequate
4 open space; and

5 (g) The river has publicly owned land along its length.

6 (3) When a river is listed under subsection (1) of this section,
7 the director or the director's designee shall:

8 (a) Notify the appropriate local governments of the listing;

9 (b) Explain the significance of the eligibility for designation;
10 and

11 (c) Explain how to develop a protected river management plan under
12 sections 5 and 6 of this act."

13 "NEW SECTION. **Sec. 5.** PROTECTED RIVERS--LOCAL MANAGEMENT PLAN.

14 (1) A local government or a group of local governments may elect to
15 develop a local management plan for a river or a portion of a river
16 that is (a) within its jurisdiction and (b) listed under section 4(1)
17 of this act. The local government or group of local governments shall
18 appoint a river council under section 9 of this act to assist in the
19 development, implementation, and review of the management plan.
20 Management plans developed under this section shall satisfy the
21 requirements of section 7 of this act.

22 (2) Upon completion, the local management plan shall be submitted
23 to the commission for adoption or rejection. No plan may be adopted
24 unless the commission finds that the plan is consistent with the
25 requirements of section 7 of this act. If rejected, the commission
26 shall notify the local government or group of local governments of any
27 action required in order to gain approval. Upon approval of the plan,
28 the commission shall request that the legislature designate the river
29 as a locally managed protected river."

1 "NEW SECTION. **Sec. 6.** PROTECTED RIVERS--STATE MANAGEMENT PLAN.

2 (1) The commission may develop and adopt a state management plan for
3 any river or a portion of a river listed under section 4(1) of this act
4 for which (a) no local management plan has been developed under section
5 5 of this act or (b) a local management plan developed under section 5
6 of this act has been disapproved. If the commission elects to develop
7 a management plan, the commission shall appoint a river council under
8 section 9 of this act to assist in the development, implementation, and
9 review of the management plan. Management plans developed under this
10 section shall satisfy the requirements of section 7 of this act.

11 (2) Upon completion of the plan by the commission, the commission
12 shall request that the legislature designate the river as a state-
13 managed protected river."

14 "NEW SECTION. **Sec. 7.** PROTECTED RIVER MANAGEMENT PLANS. (1) A

15 protected river management plan shall consist of an initial assessment
16 and, based upon the results of the assessment, the development of
17 management goals and objectives. The initial assessment shall consist
18 of:

19 (a) An inventory of the river's natural resources including but not
20 limited to, fisheries, wildlife, forestry, recreation, historical, and
21 cultural resources; and

22 (b) An evaluation of existing and potential land uses, existing
23 plans that affect activity along the river, public use, and methods for
24 protection of private property rights.

25 (2) The commission shall establish the criteria and components of
26 protected river management plans developed under sections 5 and 6 of
27 this act. These criteria shall include, but not be limited to:

28 (a) Maintenance of stream flows that protect the outstanding
29 recreational, natural, and cultural values of the river;

1 (b) Protection of water quality;

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

4 (d) Maintenance of a relatively natural setting and adequate open
5 space on public lands within the area subject to the management plan;

6 (e) Prohibiting dams or impoundments that would degrade the river's
7 natural qualities;

8 (f) Protecting the interests of landowners while maintaining the
9 health of the river; and

10 (g) Identification of the river area that is subject to the
11 management plan."

12 "NEW SECTION. Sec. 8. MODEL RIVER DESIGNATION. (1) The goal of
13 the model river designation is to maintain or improve river quality on
14 multiple use rivers by evaluating and assessing existing and potential
15 uses along the river area, and developing a model river management plan
16 for the river. Uses of a model river may include hydropower,
17 agriculture, fishing, wildlife, recreation, culture, forestry, and
18 public safety.

19 (2) A local government or a group of local governments with
20 jurisdiction in the vicinity of the river may petition the commission
21 to have a river designated as a model river. Such a petition may
22 include a request for matching funds to finance the development of a
23 model river management plan under this section. A petitioner,
24 submitting a petition under this section, shall:

25 (a) Demonstrate a firm interest in developing a management plan;

26 (b) Agree to establish goals and objectives to achieve multiple use
27 protection of the river;

28 (c) Agree to appoint a river council that is broadly representative
29 as required under section 9 of this act; and

1 (d) Agree, if funding is being requested, to provide or secure a
2 minimum of fifty percent matching funds for the development of a
3 management plan.

4 (3) The commission shall review and prioritize petitions submitted
5 under subsection (2) of this section on the basis of the following
6 criteria:

7 (a) The extent to which the river possesses natural, cultural,
8 recreational, or economic value of regional or state-wide significance;

9 (b) The extent to which the river is in need of a management plan
10 to balance competing demands on the river;

11 (c) The extent to which there is a threat to the river environment
12 by overuse or uncontrolled growth;

13 (d) The extent to which the petitioners have considered and are
14 likely to achieve their goals; and

15 (e) The availability of funding.

16 The commission may award matching funds to the petitioner for the
17 development of a model river management plan based upon the priorities
18 established under this subsection. Funds may be awarded only if the
19 petitioner guarantees to provide a minimum of fifty percent matching
20 funds.

21 (4) The petitioner shall appoint a river council under section 9 of
22 this act to assist in the development, implementation, and review of
23 the management plan. The commission shall provide technical assistance
24 to the extent possible.

25 (5) The river council appointed under subsection (4) of this
26 section shall establish:

27 (a) The river area subject to the management plan; and

28 (b) The criteria and components of the river management plan
29 consistent with the purposes of this section.

1 (6) A model river management plan shall consist of an initial
2 assessment and, based upon the results of the assessment, management
3 goals, and objectives. The initial assessment shall consist of:

4 (a) An inventory of the river's natural resources including but not
5 limited to, fisheries, wildlife, forestry, recreation, historical, and
6 cultural resources; and

7 (b) An evaluation of existing and potential land uses, existing
8 plans that affect activity along the river, public use, and methods for
9 protection of private property rights.

10 (7) Upon completion, the model river management plan shall be
11 submitted to the commission for approval or rejection.

12 The commission may reject a plan only if it finds that the plan is
13 not consistent with the purposes of this chapter by maintaining or
14 improving the quality of the river while providing for coordinated,
15 multiple use of the river area.

16 If rejected, the commission shall notify the petitioner of any
17 action required in order to gain approval. Upon approval of the
18 management plan, the commission shall request that the legislature
19 designate the river as a model river."

20 "NEW SECTION. **Sec. 9.** RIVER COUNCILS. (1) There may be only one
21 river council appointed in association with any single management plan
22 developed under section 5, 6, or 8 of this act.

23 (2) A river council shall be broadly representative of all
24 interests associated with the river including, but not limited to:
25 Landowners, recreational and environmental interest groups, business,
26 local governments, and state agencies. The duties of a river council
27 shall include assisting in the development, implementation, and review
28 of the management plan."

1 "NEW SECTION. **Sec. 10.** TECHNICAL COMMITTEES. The commission may
2 appoint technical committees to assist in implementation of this
3 chapter. When establishing technical committees the commission shall
4 ensure that appropriate public and private interests are represented.
5 The technical committees shall meet at the times and places determined
6 by the director."

7 "NEW SECTION. **Sec. 11.** RIVERS ASSISTANCE COMPONENT. Local
8 governments with a single critical issue or multiple issues along the
9 river that do not require model river management plans may petition the
10 commission for assistance. If, after a preliminary evaluation of the
11 issue or issues, the commission determines that a management plan is
12 not required, then the commission may provide assistance by referring
13 the request to the state agency capable of providing assistance or
14 requesting participants in the rivers assistance team to make an on-
15 site evaluation and provide the local government with a recommendation
16 for resolving the issue or issues."

17 "NEW SECTION. **Sec. 12.** RIVERS ASSISTANCE TEAM. (1) Upon request
18 for technical assistance from local persons or interests or a local
19 government the commission may identify volunteer experts from the
20 public and private sector select who are willing to serve on a rivers
21 assistance team.

22 (2) The rivers assistance team shall provide technical assistance,
23 consultations, and on-site evaluations. The rivers assistance team may
24 issue a report of findings if deemed appropriate by members of the
25 team.

26 (3) Participants in on-site evaluations shall receive compensation
27 in accordance with RCW 43.03.220 and be reimbursed for travel expenses
28 as provided for in RCW 43.03.050 and 43.03.060."

1 "NEW SECTION. **Sec. 13.** A new section is added to chapter 43.21A
2 RCW to read as follows:

3 DEGRADED RIVERS. (1) The department shall submit a biennial report
4 to the parks and recreation commission on rivers in the state monitored
5 for water quality standards by the department under chapter 90.48 RCW.
6 The report shall include: Identification of degraded rivers;
7 identification of rivers in danger of becoming degraded;
8 recommendations to the commission on preventing degradation of rivers;
9 and plans or programs implemented to improve water quality.

10 (2) For the purposes of this section, "degraded rivers" are rivers
11 that do not meet state surface water quality standards and are
12 identified by the department as water quality limited."

13 "NEW SECTION. **Sec. 14.** WATER RIGHTS--EMINENT DOMAIN. This
14 chapter shall not (1) affect or impair any water right or permit
15 existing on the effective date of this section; (2) be construed to
16 impose any special limitations on the issuance and development of water
17 rights relating to a critical public water supply; (3) prohibit the
18 state, any state government agency, or local government from carrying
19 out its duty to protect the public health and welfare by preventing or
20 minimizing flood damage as defined in RCW 86.16.120; or (4) be
21 construed to grant additional regulatory authority to local or state
22 agencies. The power of eminent domain may not be used in carrying out
23 any provision of this chapter. The property rights of landowners shall
24 be protected from arbitrary and discriminatory action."

25 "NEW SECTION. **Sec. 15.** STATE TRUST LANDS. This chapter shall not
26 prohibit the department of natural resources from exercising its full
27 responsibilities and obligations for the management of state trust
28 lands."

1 "NEW SECTION. **Sec. 16.** REDESIGNATION OF SCENIC RIVERS. On the
2 effective date of this section, all rivers or river segments designated
3 in the scenic rivers program, chapter 79.72 RCW, shall be designated as
4 protected rivers under section 6 of this act."

5 "NEW SECTION. **Sec. 17.** CAPTIONS NOT LAW. Section headings as
6 used in this act do not constitute any part of the law."

7 "NEW SECTION. **Sec. 18.** SHORT TITLE. This chapter shall be known
8 and cited as the model rivers act."

9 "NEW SECTION. **Sec. 19.** The following acts or parts of acts are
10 each repealed:

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

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

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

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

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

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

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

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

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

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

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

23 "NEW SECTION. **Sec. 20.** Sections 1 through 12 and 14 through 18
24 of this act shall constitute a new chapter in Title 43 RCW."

1 **SHB 1836** - H COMM AMD
2 By Committee on Appropriations

3
4 On page 1, line 1 of the title, after "management;" strike the
5 remainder of the title and insert "adding a new section to chapter
6 43.21A RCW; adding a new chapter to Title 43 RCW; and repealing RCW
7 79.72.010, 79.72.020, 79.72.030, 79.72.040, 79.72.050, 79.72.060,
8 79.72.070, 79.72.080, 79.72.090, 79.72.100, and 79.72.900."