

HOUSE BILL REPORT

HB 1836

*As Reported By House Committee on:
Natural Resources & Parks*

Title: An act relating to comprehensive river management.

Brief Description: Adopting the model rivers act.

Sponsor(s): Representatives Belcher, Beck, Scott, Jacobsen, Phillips, Ferguson, Rasmussen, Fraser, and Brumsickle.

Brief History:

Reported by House Committee on:
Natural Resources & Parks, February 26, 1991, DPS.

**HOUSE COMMITTEE ON
NATURAL RESOURCES & PARKS**

Majority Report: *That Substitute House Bill No. 1836 be substituted therefor, and the substitute bill do pass.*
Signed by 7 members: Representatives Belcher, Chair; Scott, Vice Chair; Dellwo; Fraser; Hargrove; Riley; and Sheldon.

Minority Report: *Without recommendation.* Signed by 4 members: Representatives Beck, Ranking Minority Member; Brumsickle, Assistant Ranking Minority Member; Morton; and Wynne.

Staff: Marilee Scarbrough (786-7196).

Background: The State of Washington has many beautiful free flowing rivers which provide economic as well as recreational benefits for the citizens of this State. There have been many legislative attempts to protect the quality of the state's river resources while at the same time, not limiting their recreational use or interfering with private property rights. The following is a summary of the three existing river management programs.

THE SCENIC RIVERS PROGRAM - THE SKYKOMISH RIVER

In 1977, the Legislature established a scenic river system for the State of Washington. The purpose of the legislation was to protect and preserve the natural character of the state's most scenic rivers.

The Committee of Participating Agencies is responsible for designating scenic rivers, developing coordinated management policies, program direction, and delineating scenic river corridor boundaries. Representatives of all local jurisdictions associated with a designated river participate as members of an expanded committee. This group, called the River Council, coordinates the management of all publicly-owned land along a designated river and the development of actions to be implemented locally. The commission provides technical assistance, information, training and support to communities.

NISQUALLY RIVER MANAGEMENT PLAN

In 1985, the Washington State Legislature approved Substitute House Bill 323 requiring the Department of Ecology to prepare:

"...an overall management plan for the Nisqually River...the purpose of the planning process being to emphasize...the natural and economic values of this river of statewide significance...for the enhancement of economic and recreational benefits...."

In response to the legislative directive, the Department of Ecology formed the Nisqually River Task Force in August 1985. Membership on the task force included individuals representing the interests of federal, state, and local government entities, agriculture, forestry, the Nisqually Indian Tribe, other property owners, and environmentalists.

This task force was then divided into two advisory committees, a policy advisory committee and a technical advisory committee composed of six technical subcommittees.

The final Nisqually River Management Plan represented over a year and a half of work by the Nisqually River Task Force and project staff. The result of the management plan was a list of 15 plan objectives.

In fulfillment of these broad goals, the Nisqually River Council was formed in November 1987 in addition to a separate Nisqually River Citizens' Advisory Committee. The council has several on-going projects including the Nisqually River Basin Land Trust, The Nisqually Basin Watch, Nisqually River Notes, the Nisqually Field Oriented Education Program for Kids, a sign project, monitoring of water quality, and actively researching available public access sites.

KETTLE RIVER MANAGEMENT PLAN

The 1990 session of the Washington State Legislature adopted ESB 6839 which requires the development of a Kettle River Management Program. The bill directed the commissioners of Ferry and Stevens Counties to adopt and implement a management program. The State Parks and Recreation Commission was directed to provide technical assistance. A deadline of January 1, 1991 was established for submittal of the program to State Parks for review and comment.

To date, the counties have contracted with Eastern Washington University Urban Planning Department to develop a river inventory and map base. The counties have conducted public orientation sessions at key locations along the river and met with Canadian officials regarding the management of the Kettle River as it flows through the Province of British Columbia.

Initial issues that were identified include: (1) maintaining the beauty of the river and its condition; (2) maintaining the fish and wildlife habitat; (3) facilities to meet the growing demands from recreationists; (4) limitation of trespassing on private property; (5) a river safety program which will provide both education and notification to users; (6) property owners want the right to participate in the decision about the river management; (7) total exclusion of dams on the river; (8) enforcement of pollution controls; (9) increased zoning to protect access to the river; and (10) Canadian and American cooperation in river management.

Plans for the future include creation of a Kettle River Task Force which would formulate the planning priorities. Development of the management plan would then follow the same development format that was used in development of the Skykomish management plan beginning with goal setting and then development of action plans.

Summary of Substitute Bill:

PROGRAM ADMINISTRATOR:

The Model Rivers program is created within the Parks and Recreation Commission. The commission will: (1) monitor the management of rivers in the State; (2) provide assistance in development of management plans for protected rivers and model rivers; and (3) work with local interests, local governments and appropriate state agencies to determine the appropriated management plans for protected rivers.

CATEGORIES\DESIGNATION PROCESS

PROTECTED RIVERS:

The commission shall compile a list of eligible rivers. The rivers selected shall come from the Hydropower Resource Protection Plan "off limits" list or from the list of 18 rivers in the 1988 state parks scenic rivers assessment. Rivers selected must meet the criteria provided in the legislation.

The director shall notify the local jurisdictions of the listing and explain the significance of the listing. The local jurisdictions shall also be notified that they may develop a plan through a local or a state process.

LOCALLY MANAGED:

Local governments may choose to develop local management plans. The local government must appoint a river council to assist in the development, implementation, and review of the management plan. The local management plans must meet the criteria established for Protected Rivers. Upon completion of their plan the locals submit their plan to the commission for adoption. After adoption the commission shall request that the legislature designate the river as a locally managed protected river.

STATE MANAGED:

The commission may develop and adopt a state management plan for any river or a portion of a river not selected for a local management plan. If the commission elects to develop a management plan, the commission shall appoint a river council. The local management plans must meet criteria established for Protected Rivers. Upon completion of the plan the commission will request that the legislature designate the river as a state managed protected river.

Management plans will consist of an initial assessment and development of management goals and objectives. Components of the initial assessment and management criteria are listed. The commission will establish additional criteria and components of a protected river management plan.

MODEL RIVER:

Local governments petition the commission for model river designation. The petition may include a request for matching funding to complete the management plan. The commission reviews and prioritizes petitions based on criteria provided in the legislation. If a petitioner satisfies the selection criteria the commission may award matching funds for development of a model river management plan.

The petitioner must agree to appoint a river council to assist in the development, implementation, and review of the management plan. The river council will determine: (1) the river area subject to the management plan; and (2) the criteria and components of the river management plan.

Upon completion of the management plan, the local government shall submit the plan to the commission for approval or rejection. If rejected, the commission shall notify the petitioner of action necessary for approval. If approved, the commission shall adopt the management plan and designate the river as a model river.

RIVER COUNCILS:

Only one river council may be appointed in association with any single management plan for protected or model rivers. River councils will represent all interest groups, as well as local governments and state agencies. River councils will assist in the development, implementation, and review of the management plan.

RIVERS ASSISTANCE COMPONENT:

Local jurisdictions with a single issue along their river may request technical assistance from the commission. The commission may forward the request to an agency or request technical assistance from the rivers assistance team. The commission may keep a registry of public and private sector volunteer professionals who are capable of providing technical assistance.

DEGRADED RIVERS:

The Department of Ecology shall submit a biennial report to the Parks and Recreation Commission which identifies rivers in danger of becoming degraded and make recommendations to the commission on preventing degradation.

SCENIC RIVERS:

Rivers currently designated as scenic rivers are designated as Protected Rivers under the act. The scenic rivers statute is repealed.

Management plans developed in accordance with the act shall not supersede existing water rights or grant additional regulatory authority to local or state agencies. The power of eminent domain shall not be used in carry out any provision of this chapter.

Substitute Bill Compared to Original Bill: The river area which is subjected to a management plan will be defined in the protected or model river management plan. A local government will appoint a river council for a locally managed protected river. The commission will appoint a river council for the state managed protected rivers. The minimum requirements for a river assessment are outlined. The commission will establish criteria and components of a river management plan for protected rivers.

For model rivers the local government will appoint a river council. The river council will determine criteria and components of the river management plan. The commission after adoption of a model river plan may designate the river as a model river.

The substitute bill clarifies that only one river council may be appointed for any single management plan and that a management plan should represent all interest groups. The substitute clarifies that management plans are not intended to impair existing water rights or add additional regulatory authority to local or state agencies. The substitute bill states that the power of eminent domain may not be used to carry out the provisions of this chapter.

Fiscal Note: Requested on February 21, 1991.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: This is a comprehensive approach to river management. The approach allows for various types of rivers. The approach considers rivers with one issue, rivers with multiple issues, rivers of great significance to the State and rivers that do not meet water quality standards. The process is tailored to local needs.

Washington state has many class triple A rivers in this State. We have a unique opportunity to protect those rivers that are the envy of many other states. Rivers need management plans to develop cooperation along the river. An essential element in cooperation is giving locals control over their management plan. The program's emphasis on local planning and state and local agency coordination can present a real benefit to river management in our State.

Testimony Against: The legislation should clearly state that condemnation will not be used to acquire property. A new regulatory duty should not be created. The Department of Natural Resources has a unique relationship with its trust lands, which should be recognized in river management plans. Forest practices should be mentioned as a multiple

use. Existing water rights should not be effected by management plans which are developed. (Issues were addressed in the substitute.)

Witnesses: Cleve Pinnix, State Parks and Recreation Commission (in favor); Steven Starling, State Parks and Recreation Commission (in favor); John Douglas, Northwest Rivers Council (in favor); Tom Dershner, Northwest Rivers Council and Washington Kayak Club (in favor); Dick Ryan, Weyerhaeuser (in favor, with technical amendments); John Kirner, Washington Water Utility Council, (supports concepts); Ted Cowan, Washington Rivers Coalition, (in favor); Ingrid Hanson, Friends of the Green River, (in favor); and Lawrence Gaydeski, Callam County Commissioner (supports concepts).