

2 **ESHB 1309** - S COMM AMD
3 By Committee on Natural Resources

4

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

7 "NEW SECTION. **Sec. 1.** The legislature finds that many wild stocks
8 of salmonids in the state of Washington are in a state of decline.
9 Stocks of salmon on the Columbia and Snake rivers have been listed
10 under the federal endangered species act, and the bull trout has been
11 petitioned for listing. Some scientists believe that numerous other
12 stocks of salmonids in the Pacific Northwest are in decline or possibly
13 extinct. The legislature declares that to lose wild stocks is
14 detrimental to the genetic diversity of the fisheries resource and the
15 economy, and will represent the loss of a vital component of
16 Washington's aquatic ecosystems. The legislature further finds that
17 there is a continuing loss of habitat for fish and wildlife. The
18 legislature declares that steps must be taken in the areas of wildlife
19 and fish habitat management, water conservation, wild salmonid stock
20 protection, and education to prevent further losses of Washington's
21 fish and wildlife heritage.

22 NEW SECTION. **Sec. 2.** By July 1, 1994, the departments of
23 fisheries and wildlife jointly with the appropriate Indian tribes,
24 shall each establish a wild salmonid policy. The policy shall ensure
25 that department actions and programs are consistent with the goals of
26 rebuilding wild stock populations to levels that permit commercial and
27 recreational fishing opportunities.

28 NEW SECTION. **Sec. 3.** By July 1, 1994, the department of fisheries
29 and the department of wildlife shall jointly, with input from the
30 Indian tribes and after coordination with California, Oregon, Idaho,
31 Montana, Alaska, British Columbia, and appropriate federal agencies,
32 report to the appropriate legislative committees on the feasibility of
33 implementing selective marking techniques that can be used to minimize

1 impacts of fishing on wild or natural stocks of salmonids. The report
2 shall address costs, benefits, and risks associated with marking.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 75.28 RCW
4 to read as follows:

5 The department of fisheries shall evaluate and recommend, in
6 consultation with the Indian tribes, salmon fishery management
7 strategies and gear types, as well as a schedule for implementation,
8 that will minimize the impact of commercial and recreational fishing in
9 the mixed stock fishery on critical and depressed wild stocks of
10 salmonids. As part of this evaluation, the department, in conjunction
11 with the commercial and recreational fishing industries, shall evaluate
12 commercial and recreational salmon fishing gear types developed by
13 these industries. The department of fisheries shall present status
14 reports to the appropriate committees of the legislature by December 31
15 of each year in 1993, 1994, and 1995, and shall present the final
16 evaluation and recommendations by December 31, 1996.

17 NEW SECTION. **Sec. 5.** A new section is added to chapter 79.01 RCW
18 to read as follows:

19 (1) By December 31, 1993, the department of wildlife and the
20 department of fisheries, in conjunction with the technical advisory
21 committee appointed in subsection (2) of this section shall each
22 develop goals for the wildlife and fish that these agencies
23 respectively manage, to preserve, protect, and perpetuate wildlife and
24 fish on shrub steppe habitat or on lands that are presently
25 agricultural lands, rangelands, or grazable woodlands. These goals
26 shall be consistent with the maintenance of a healthy ecosystem.

27 (2) By July 31, 1993, the conservation commission shall appoint a
28 technical advisory committee to develop standards that achieve the
29 goals developed in subsection (1) of this section. The committee
30 members shall include but not be limited to technical experts
31 representing the following interests: Agriculture, academia, range
32 management, utilities, environmental groups, commercial and
33 recreational fishing interests, the Washington rangelands committee,
34 Indian tribes, the department of wildlife, the department of fisheries,
35 the department of natural resources, the department of ecology,
36 conservation districts, and the department of agriculture. A member of
37 the conservation commission shall chair the committee.

1 (3) By December 31, 1994, the committee shall develop standards to
2 meet the goals developed under subsection (1) of this section. These
3 standards shall not conflict with the recovery of wildlife or fish
4 species that are listed or proposed for listing under the federal
5 endangered species act.

6 (4) The conservation commission shall approve the standards and
7 shall provide them to the departments of natural resources and
8 wildlife, each of the conservation districts, Washington State
9 University cooperative extension service, and the appropriate
10 committees of the legislature. The conservation districts shall make
11 these standards available to the public and for coordinated resource
12 management planning. Application to private lands is voluntary.

13 (5) The department of natural resources shall implement practices
14 necessary to meet the standards developed pursuant to this section on
15 department managed agricultural and grazing lands, consistent with the
16 trust mandate of the Washington state Constitution and Title 79 RCW.
17 The standards may be modified on a site-specific basis as needed to
18 achieve the fish and wildlife goals, and as determined by the
19 department of fisheries or wildlife, and the department of natural
20 resources. Existing lessees shall be provided an opportunity to
21 participate in any site-specific field review. Department agricultural
22 and grazing leases issued after December 31, 1994, shall be subject to
23 practices to achieve the standards that meet those developed pursuant
24 to this section.

25 NEW SECTION. **Sec. 6.** A new section is added to chapter 77.12 RCW
26 to read as follows:

27 The department of wildlife shall implement practices necessary to
28 meet the standards developed under section 5 of this act on agency-
29 owned and managed agricultural and grazing lands. The standards may be
30 modified on a site-specific basis as necessary and as determined by the
31 department of fisheries or wildlife, for species that these agencies
32 respectively manage, to achieve the goals established under section
33 5(1) of this act. Existing lessees shall be provided an opportunity to
34 participate in any site-specific field review. Department agricultural
35 and grazing leases issued after December 31, 1994, shall be subject to
36 practices to achieve the standards that meet those developed pursuant
37 to section 5 of this act.

1 NEW SECTION. **Sec. 7.** Washington State University shall report to
2 the appropriate legislative committees by December 31, 1993, on how to
3 best integrate fish and wildlife considerations with the existing
4 curriculum in the university's agriculture department and with the
5 university cooperative extension service. The university shall also
6 report on the feasibility and cost of creating a rotational assignment
7 with the department of wildlife to accomplish cross-training in
8 wildlife and fish habitat management and farm and grazing management.
9 If specific funding for this section, referencing this act by bill and
10 section number, is not provided by June 30, 1993, in the omnibus
11 appropriations act, this section is null and void.

12 NEW SECTION. **Sec. 8.** By July 1, 1993, the departments of
13 fisheries and wildlife shall provide information on salmonid stock
14 status, by individual stock, to the department of ecology, the
15 Washington association of cities, the Washington state association of
16 counties, and water purveyors.

17 **Sec. 9.** RCW 43.20.230 and 1989 c 348 s 12 are each amended to read
18 as follows:

19 Consistent with the water resource planning process of the
20 department of ecology, the department of ~~((social and))~~ health
21 ~~((services))~~ shall ~~((contingent on the availability of funds))~~:

22 (1) Develop procedures and guidelines relating to water use
23 efficiency, as defined in section 4(3) ~~((of this act))~~, chapter 348,
24 Laws of 1989, to be included in the development and approval of cost-
25 efficient water system plans required under RCW 43.20.050;

26 (2) Develop criteria, with input from technical experts, with the
27 objective of encouraging the cost-effective reuse of greywater and
28 other water recycling practices, consistent with protection of public
29 health and water quality; ~~((and))~~

30 (3) Provide advice and technical assistance upon request in the
31 development of water use efficiency plans; and

32 (4) Provide advice and technical assistance on request for
33 development of model ((rate setting formulas)) conservation rate
34 structures for public water systems. Subsections (1), (2), and (3) of
35 this section are subject to the availability of funding.

1 NEW SECTION. **Sec. 10.** A new section is added to chapter 43.20 RCW
2 to read as follows:

3 Water purveyors required to develop a water system plan pursuant to
4 RCW 43.20.230 shall evaluate the feasibility of adopting and
5 implementing water delivery rate structures that encourage water
6 conservation. This information shall be included in water system plans
7 submitted to the department of health for approval after July 1, 1993.
8 The department shall evaluate the following:

9 (1) Rate structures currently used by public water systems in
10 Washington; and

11 (2) Economic and institutional constraints to implementing
12 conservation rate structures.

13 The department shall provide its findings to the appropriate committees
14 of the legislature no later than December 31, 1995.

15 NEW SECTION. **Sec. 11.** A new section is added to chapter 90.54 RCW
16 to read as follows:

17 The department, in cooperation with the Washington state water
18 resources association, shall accomplish the following:

19 (1) Determine and evaluate rate structures currently used by
20 irrigation districts in the state of Washington;

21 (2) Identify economic and institutional constraints to implementing
22 conservation rate structures; and

23 (3) Develop model conservation rate structures for consideration by
24 irrigation districts.

25 The department shall provide its findings to the appropriate committees
26 of the legislature no later than December 31, 1993.

27 **Sec. 12.** RCW 90.03.360 and 1989 c 348 s 6 are each amended to read
28 as follows:

29 (1) The owner or owners of any (~~ditch or canal~~) water diversion
30 shall maintain, to the satisfaction of the department of ecology,
31 substantial controlling works, and a measuring device (~~at the point~~
32 ~~where the water is diverted, and these shall be~~) so constructed and
33 maintained as to permit accurate measurement and practical regulation
34 of the flow of water diverted (~~into said ditch or canal~~). Every
35 owner or manager of a reservoir for the storage of water shall
36 construct and maintain, when required by the department, any measuring

1 device necessary to ascertain the natural flow into and out of said
2 reservoir.

3 Metering of diversions or measurement by other approved methods
4 shall be required as a condition for all new surface water right
5 permits, and except as provided in subsection (2) of this section, may
6 be required as a condition for all ((new)) previously existing surface
7 water ((right permits)) rights. The department may also require, as a
8 condition for ((such permits)) all water rights, metering of
9 diversions, and reports regarding such metered diversions as to the
10 amount of water being diverted. Such reports shall be in a form
11 prescribed by the department.

12 (2) Where water diversions are from waters in which the salmonid
13 stock status is depressed or critical, as determined by the departments
14 of fisheries and wildlife, or where the volume of water being diverted
15 exceeds one cubic foot per second, the department shall require
16 metering or measurement by other approved methods as a condition for
17 all new and previously existing water rights or claims. The department
18 shall attempt to integrate the requirements of this subsection into its
19 existing compliance workload priorities, but shall prioritize the
20 requirements of this subsection ahead of the existing compliance
21 workload where a delay may cause the decline of wild salmonids. The
22 department shall notify the departments of fisheries and wildlife of
23 the status of fish screens associated with these diversions.

24 This subsection (2) shall not apply to diversions for public or
25 private hatcheries or fish rearing facilities if the diverted water is
26 returned directly to the waters from which it was diverted.

27 NEW SECTION. Sec. 13. A new section is added to chapter 90.22 RCW
28 to read as follows:

29 By December 31, 1993, the department of ecology shall, in
30 cooperation with the Indian tribes, and the departments of fisheries
31 and wildlife, establish a state-wide list of priorities for evaluation
32 of instream flows. In establishing these priorities, the department
33 shall consider the achievement of wild salmonid production as its
34 primary goal.

35 The priority list shall be presented to the appropriate legislative
36 committees and to the water resources forum by December 31, 1993.

1 **Sec. 14.** RCW 90.42.010 and 1991 c 347 s 5 are each amended to read
2 as follows:

3 (1) The legislature finds that a need exists to develop and test a
4 means to facilitate the voluntary transfer of water and water rights,
5 including conserved water, to provide water for presently unmet needs
6 and emerging needs. Further, the legislature finds that water
7 conservation activities have the potential of affecting the quantity of
8 return flow waters to which existing water right holders have a right
9 to and rely upon. It is the intent of the legislature that persons
10 holding rights to water, including return flows, not be adversely
11 affected in the implementation of the provisions of this chapter.

12 The purpose of this chapter is to provide the mechanism for
13 accomplishing this in a manner that will not impair existing rights to
14 water and to test the mechanism in two pilot planning areas designated
15 pursuant to RCW 90.54.045(2) and in the water resource inventory areas
16 designated under subsection (2) of this section.

17 (2) The department may designate up to four water resource
18 inventory areas west of the crest of the Cascade mountains and up to
19 four water resource inventory areas east of the crest of the Cascade
20 mountains, as identified pursuant to chapter 90.54 RCW. The areas
21 designated shall contain critical water supply problems and shall
22 provide an opportunity to test and evaluate a variety of applications
23 of RCW 90.42.010 through 90.42.090, including application to municipal,
24 industrial, and agricultural use. The department shall seek advice
25 from appropriate state agencies, Indian tribes, local governments,
26 representatives of water right holders, and interested parties before
27 identifying such water resource inventory areas.

28 (3) The department shall provide to the appropriate legislative
29 committees by December 31, 1993, a written evaluation of the
30 implementation of RCW 90.42.010 through 90.42.090 and recommendations
31 for future application. Recommendations shall include methods of
32 applying RCW 90.42.010 through 90.42.090 to the rivers that are
33 designated as high priority by the department of ecology under section
34 13 of this act in order to use net water savings to enhance stream
35 flows.

36 NEW SECTION. **Sec. 15.** The governor's council on environmental
37 education created in 1990 by executive order 90-06, shall accomplish
38 the following:

1 (1) Raise and distribute public and private funds for the purpose
2 of providing environmental education programs and projects in fish and
3 wildlife preservation and management to public and private elementary
4 and secondary schools, emphasizing the importance of species
5 conservation and fish and wildlife as indicators of ecosystem health;
6 and

7 (2) Support interdisciplinary programs that integrate fish and
8 wildlife preservation and management with other areas of environmental
9 education.

10 NEW SECTION. **Sec. 16.** Section 15 of this act shall constitute a
11 new chapter in Title 28A RCW.

12 NEW SECTION. **Sec. 17.** If specific funding for this act,
13 referencing this act by bill number, is not provided by June 30, 1993,
14 in the omnibus appropriations act, this act is null and void."

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18 On page 1, line 1 of the title, after "management;" strike the
19 remainder of the title and insert "amending RCW 43.20.230, 90.03.360,
20 and 90.42.010; adding a new section to chapter 75.28 RCW; adding a new
21 section to chapter 79.01 RCW; adding a new section to chapter 77.12
22 RCW; adding a new section to chapter 43.20 RCW; adding a new section to
23 chapter 90.54 RCW; adding a new section to chapter 90.22 RCW; adding a
24 new chapter to Title 28A RCW; and creating new sections."

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