

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1035

Chapter 135, Laws of 2001

57th Legislature
2001 Regular Legislative Session

STEELHEAD RECOVERY PROGRAM

EFFECTIVE DATE: 8/1/01

Passed by the House February 22, 2001
Yeas 98 Nays 0

FRANK CHOPP
**Speaker of the House of
Representatives**

CLYDE BALLARD
**Speaker of the House of
Representatives**

Passed by the Senate April 11, 2001
Yeas 45 Nays 0

BRAD OWEN
President of the Senate

Approved May 2, 2001

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1035** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER
Chief Clerk

TIMOTHY A. MARTIN
Chief Clerk

FILED

May 2, 2001 - 10:26 a.m.

**Secretary of State
State of Washington**

HOUSE BILL 1035

Passed Legislature - 2001 Regular Session

State of Washington

57th Legislature

2001 Regular Session

By Representative Pennington

Read first time 01/11/2001. Referred to Committee on Natural Resources.

1 AN ACT Relating to the management board created to implement the
2 habitat portion of the lower Columbia steelhead conservation
3 initiative; amending RCW 77.85.200; amending 1998 c 60 s 1
4 (uncodified); and providing an effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 77.85.200 and 2000 c 107 s 121 are each amended to
7 read as follows:

8 (1) A (~~pilot~~) program for steelhead recovery is established in
9 Clark, Cowlitz, Lewis, Skamania, and Wahkiakum counties within the
10 habitat area classified as evolutionarily significant unit 4 by the
11 federal national marine fisheries service. The management board
12 created under subsection (2) of this section is responsible for
13 implementing the habitat portion of the approved steelhead recovery
14 initiative and is empowered to receive and disburse funds for the
15 approved steelhead recovery initiative. The management board created
16 pursuant to this section shall constitute the lead entity and the
17 committee established under RCW 77.85.050 responsible for fulfilling
18 the requirements and exercising powers under this chapter.

1 (2) A management board consisting of fifteen voting members is
2 created within evolutionarily significant unit 4. The members shall
3 consist of one county commissioner or designee from each of the five
4 participating counties selected by each county legislative authority;
5 one member representing the cities contained within evolutionarily
6 significant unit 4 as a voting member selected by the cities in
7 evolutionarily significant unit 4; a representative of the Cowlitz
8 Tribe appointed by the tribe; one state legislator elected from one of
9 the legislative districts contained within evolutionarily significant
10 unit 4 selected by that group of state legislators representing the
11 area; five representatives to include at least one member who
12 represents private property interests appointed by the five county
13 commissioners or designees; one hydro utility representative nominated
14 by hydro utilities and appointed by the five county commissioners or
15 designees; and one representative nominated from the environmental
16 community who resides in evolutionarily significant unit 4 appointed by
17 the five county commissioners or designees. The board shall appoint
18 and consult a technical advisory committee, which shall include four
19 representatives of state agencies one each appointed by the directors
20 of the departments of ecology, fish and wildlife, and transportation,
21 and the commissioner of public lands. The board may also appoint
22 additional persons to the technical advisory committee as needed. The
23 chair of the board shall be selected from among the five county
24 commissioners or designees and the legislator on the board. In making
25 appointments under this subsection, the county commissioners shall
26 consider recommendations of interested parties. Vacancies shall be
27 filled in the same manner as the original appointments were selected.
28 No action may be brought or maintained against any management board
29 member, the management board, or any of its agents, officers, or
30 employees for any noncontractual acts or omissions in carrying out the
31 purposes of this section.

32 (3)(a) The management board shall participate in the development of
33 a recovery plan to implement its responsibilities under (b) of this
34 subsection. The management board shall consider local watershed
35 efforts and activities as well as habitat conservation plans in the
36 implementation of the recovery plan. Any of the participating counties
37 may continue its own efforts for restoring steelhead habitat. Nothing
38 in this section limits the authority of units of local government to

1 enter into interlocal agreements under chapter 39.34 RCW or any other
2 provision of law.

3 (b) The management board is responsible for implementing the
4 habitat portions of the local government responsibilities of the lower
5 Columbia steelhead conservation initiative approved by the state and
6 the national marine fisheries service. The management board may work
7 in cooperation with the state and the national marine fisheries service
8 to modify the initiative, or to address habitat for other aquatic
9 species that may be subsequently listed under the federal endangered
10 species act. The management board may not exercise authority over land
11 or water within the individual counties or otherwise preempt the
12 authority of any units of local government.

13 (c) The management board shall prioritize as appropriate and
14 approve projects and programs related to the recovery of lower Columbia
15 river steelhead runs, including the funding of those projects and
16 programs, and coordinate local government efforts as prescribed in the
17 recovery plan. The management board shall establish criteria for
18 funding projects and programs based upon their likely value in
19 steelhead recovery. The management board may consider local economic
20 impact among the criteria, but jurisdictional boundaries and factors
21 related to jurisdictional population may not be considered as part of
22 the criteria.

23 (d) The management board shall assess the factors for decline along
24 each prioritized stream as listed in the lower Columbia steelhead
25 conservation initiative. The management board is encouraged to take a
26 stream-by-stream approach in conducting the assessment which utilizes
27 state and local expertise, including volunteer groups, interest groups,
28 and affected units of local government.

29 (4) The management board has the authority to hire and fire staff,
30 including an executive director, enter into contracts, accept grants
31 and other moneys, disburse funds, make recommendations to cities and
32 counties about potential code changes and the development of programs
33 and incentives upon request, pay all necessary expenses, and may choose
34 a fiduciary agent. The management board shall report on its progress
35 on a quarterly basis to the legislative bodies of the five
36 participating counties and the state natural resource-related agencies.
37 The management board shall prepare a final report at the conclusion of
38 the ((pilot)) program describing its efforts and successes in
39 implementing the habitat portion of the lower Columbia steelhead

1 conservation initiative. The final report shall be transmitted to the
2 appropriate committees of the legislature, the legislative bodies of
3 the participating counties, and the state natural resource-related
4 agencies.

5 (5) The (~~(((pilot)))~~) program terminates on July 1, (~~(((2002)))~~) 2006.

6 (6) For purposes of this section, "evolutionarily significant unit"
7 means the habitat area identified for an evolutionarily significant
8 unit of an aquatic species listed or proposed for listing as a
9 threatened or endangered species under the federal endangered species
10 act (16 U.S.C. Sec. 1531 et seq.).

11 **Sec. 2.** 1998 c 60 s 1 (uncodified) is amended to read as follows:

12 The legislature recognizes the need to address listings that are
13 made under the federal endangered species act (16 U.S.C. Sec. 1531 et
14 seq.) in a way that will make the most efficient use of existing
15 efforts. The legislature finds that the principle of adaptive
16 management requires that different models should be tried so that the
17 lessons learned from these models can be put to use throughout the
18 state. It is the intent of the legislature to create a (~~(((pilot)))~~)
19 program for southwestern Washington to address the recent steelhead
20 listings and which takes full advantage of all state and local efforts
21 at habitat restoration in that area to date.

22 NEW SECTION. **Sec. 3.** This act takes effect August 1, 2001.

Passed the House February 22, 2001.

Passed the Senate April 11, 2001.

Approved by the Governor May 2, 2001.

Filed in Office of Secretary of State May 2, 2001.