

ESB 5355 - H AMD 419

By Representative Buck

ADOPTED 04/07/2005

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 77.85.200 and 2001 c 135 s 1 are each amended to read
4 as follows:

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

18 (2) A management board consisting of fifteen voting members is
19 created within the lower Columbia evolutionarily significant ((~~unit 4~~))
20 units. The members shall consist of one county commissioner or
21 designee from each of the five participating counties selected by each
22 county legislative authority; one member representing the cities
23 contained within the lower Columbia evolutionarily significant ((~~unit~~
24 ~~4~~)) units as a voting member selected by the cities in the lower
25 Columbia evolutionarily significant ((~~unit 4~~)) units; a representative
26 of the Cowlitz Tribe appointed by the tribe; one state legislator
27 elected from one of the legislative districts contained within the
28 lower Columbia evolutionarily significant ((~~unit 4~~)) units selected by
29 that group of state legislators representing the area; five
30 representatives to include at least one member who represents private

1 property interests appointed by the five county commissioners or
2 designees; one hydro utility representative nominated by hydro
3 utilities and appointed by the five county commissioners or designees;
4 and one representative nominated from the environmental community who
5 resides in the lower Columbia evolutionarily significant ((unit-4))
6 units appointed by the five county commissioners or designees. The
7 board shall appoint and consult a technical advisory committee, which
8 shall include four representatives of state agencies one each appointed
9 by the directors of the departments of ecology, fish and wildlife, and
10 transportation, and the commissioner of public lands. The board may
11 also appoint additional persons to the technical advisory committee as
12 needed. The chair of the board shall be selected from among the
13 members of the management board by the five county commissioners or
14 designees and the legislator on the board. In making appointments
15 under this subsection, the county commissioners shall consider
16 recommendations of interested parties. Vacancies shall be filled in
17 the same manner as the original appointments were selected. No action
18 may be brought or maintained against any management board member, the
19 management board, or any of its agents, officers, or employees for any
20 noncontractual acts or omissions in carrying out the purposes of this
21 section.

22 (3)(a) The management board shall participate in the development of
23 a habitat recovery plan to implement its responsibilities under (b) of
24 this subsection. The management board shall consider local watershed
25 efforts and activities as well as habitat conservation plans in the
26 development and implementation of the recovery plan. Any of the
27 participating counties may continue its own efforts for restoring
28 steelhead habitat. Nothing in this section limits the authority of
29 units of local government to enter into interlocal agreements under
30 chapter 39.34 RCW or any other provision of law.

31 (b) The management board is responsible for ((implementing the
32 ~~habitat portions of the local government responsibilities of the lower~~
33 ~~Columbia steelhead conservation initiative approved by the state and~~
34 ~~the national marine fisheries service)) the development of a lower
35 Columbia salmon and steelhead habitat recovery plan and for
36 coordinating and monitoring the implementation of the plan. The
37 management board will submit all future plans and amendments to plans
38 to the governor's salmon recovery office for the incorporation of~~

1 hatchery, harvest, and hydropower components of the statewide salmon
2 recovery strategy for all submissions to the national marine fisheries
3 service. In developing and implementing the habitat recovery plan, the
4 management board will work with appropriate federal and state agencies,
5 tribal governments, local governments, and the public to make sure
6 hatchery, harvest, and hydropower components receive consideration in
7 context with the habitat component. The management board may work in
8 cooperation with the state and the national marine fisheries service to
9 modify the ~~((initiative))~~ plan, or to address habitat for other aquatic
10 species that may be subsequently listed under the federal endangered
11 species act. The management board may not exercise authority over land
12 or water within the individual counties or otherwise preempt the
13 authority of any units of local government.

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

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

31 (4) The management board has the authority to hire and fire staff,
32 including an executive director, enter into contracts, accept grants
33 and other moneys, disburse funds, make recommendations to cities and
34 counties about potential code changes and the development of programs
35 and incentives upon request, pay all necessary expenses, and may choose
36 a fiduciary agent. The management board shall report on its progress
37 on a ~~((quarterly))~~ biennial basis to the legislative bodies of the five
38 participating counties and the state natural resource-related agencies.

1 The management board shall prepare a final report at the conclusion of
2 the program describing its efforts and successes in developing and
3 implementing the ((habitat portion of the)) lower Columbia salmon and
4 steelhead ((conservation initiative)) recovery plan. The final report
5 shall be transmitted to the appropriate committees of the legislature,
6 the legislative bodies of the participating counties, and the state
7 natural resource-related agencies.

8 (5) The program terminates on July 1, ((2006)) 2010.

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

EFFECT: Clarifies that the Lower Columbia Management Board is responsible for overseeing the habitat portion of the salmon and steelhead recovery plan. Directs the Management Board to submit the plan to the Governor's Salmon Recovery Office for incorporation of hatchery, harvest, and hydropower components prior to submission to the National Marine Fisheries Service.

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