

CERTIFICATION OF ENROLLMENT

**ENGROSSED SENATE BILL 5355**

59th Legislature  
2005 Regular Session

Passed by the Senate April 16, 2005  
YEAS 38 NAYS 0

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**President of the Senate**

Passed by the House April 7, 2005  
YEAS 96 NAYS 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5355** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED SENATE BILL 5355

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AS AMENDED BY THE HOUSE

Passed Legislature - 2005 Regular Session

State of Washington                      59th Legislature                      2005 Regular Session

By Senators Doumit, Zarelli and Jacobsen

Read first time 01/21/2005.                      Referred to Committee on Natural Resources, Ocean & Recreation.

1            AN ACT Relating to salmon and steelhead recovery; and amending RCW  
2            77.85.200.

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

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

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

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

35           (3)(a) The management board shall participate in the development of  
36 a habitat recovery plan to implement its responsibilities under (b) of  
37 this subsection. The management board shall consider local watershed  
38 efforts and activities as well as habitat conservation plans in the

1 development and implementation of the recovery plan. Any of the  
2 participating counties may continue its own efforts for restoring  
3 steelhead habitat. Nothing in this section limits the authority of  
4 units of local government to enter into interlocal agreements under  
5 chapter 39.34 RCW or any other provision of law.

6 (b) The management board is responsible for (~~implementing the~~  
7 ~~habitat portions of the local government responsibilities of the lower~~  
8 ~~Columbia steelhead conservation initiative approved by the state and~~  
9 ~~the national marine fisheries service~~) the development of a lower  
10 Columbia salmon and steelhead habitat recovery plan and for  
11 coordinating and monitoring the implementation of the plan. The  
12 management board will submit all future plans and amendments to plans  
13 to the governor's salmon recovery office for the incorporation of  
14 hatchery, harvest, and hydropower components of the statewide salmon  
15 recovery strategy for all submissions to the national marine fisheries  
16 service. In developing and implementing the habitat recovery plan, the  
17 management board will work with appropriate federal and state agencies,  
18 tribal governments, local governments, and the public to make sure  
19 hatchery, harvest, and hydropower components receive consideration in  
20 context with the habitat component. The management board may work in  
21 cooperation with the state and the national marine fisheries service to  
22 modify the (~~initiative~~) plan, or to address habitat for other aquatic  
23 species that may be subsequently listed under the federal endangered  
24 species act. The management board may not exercise authority over land  
25 or water within the individual counties or otherwise preempt the  
26 authority of any units of local government.

27 (c) The management board shall prioritize as appropriate and  
28 approve projects and programs related to the recovery of lower Columbia  
29 river salmon and steelhead runs, including the funding of those  
30 projects and programs, and coordinate local government efforts as  
31 prescribed in the recovery plan. The management board shall establish  
32 criteria for funding projects and programs based upon their likely  
33 value in salmon and steelhead recovery. The management board may  
34 consider local economic impact among the criteria, but jurisdictional  
35 boundaries and factors related to jurisdictional population may not be  
36 considered as part of the criteria.

37 (d) The management board shall assess the factors for decline along  
38 each (~~prioritized stream as listed~~) tributary basin in the lower

1 Columbia (~~steelhead conservation initiative~~). The management board  
2 is encouraged to take a stream-by-stream approach in conducting the  
3 assessment which utilizes state and local expertise, including  
4 volunteer groups, interest groups, and affected units of local  
5 government.

6 (4) The management board has the authority to hire and fire staff,  
7 including an executive director, enter into contracts, accept grants  
8 and other moneys, disburse funds, make recommendations to cities and  
9 counties about potential code changes and the development of programs  
10 and incentives upon request, pay all necessary expenses, and may choose  
11 a fiduciary agent. The management board shall report on its progress  
12 on a (~~quarterly~~) biennial basis to the legislative bodies of the five  
13 participating counties and the state natural resource-related agencies.  
14 The management board shall prepare a final report at the conclusion of  
15 the program describing its efforts and successes in developing and  
16 implementing the (~~habitat portion of the~~) lower Columbia salmon and  
17 steelhead (~~conservation initiative~~) recovery plan. The final report  
18 shall be transmitted to the appropriate committees of the legislature,  
19 the legislative bodies of the participating counties, and the state  
20 natural resource-related agencies.

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

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

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