

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5610

Chapter 309, Laws of 2005

59th Legislature
2005 Regular Session

SALMON RECOVERY

EFFECTIVE DATE: 7/24/05

Passed by the Senate April 23, 2005
YEAS 40 NAYS 3

BRAD OWEN

President of the Senate

Passed by the House April 22, 2005
YEAS 94 NAYS 4

FRANK CHOPP

Speaker of the House of Representatives

Approved May 6, 2005.

CHRISTINE GREGOIRE

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 **SUBSTITUTE SENATE BILL 5610** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 6, 2005 - 3:33 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5610

AS AMENDED BY THE HOUSE

Passed Legislature - 2005 Regular Session

State of Washington **59th Legislature** **2005 Regular Session**

By Senate Committee on Natural Resources, Ocean & Recreation
(originally sponsored by Senator Jacobsen)

READ FIRST TIME 03/02/05.

1 AN ACT Relating to salmon recovery and watershed health; amending
2 RCW 77.85.005, 77.85.010, 77.85.020, 77.85.030, 77.85.040, 77.85.050,
3 77.85.090, and 77.85.150; reenacting and amending RCW 77.85.130;
4 repealing RCW 77.85.070 and 77.85.210; and providing an expiration
5 date.

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

7 **Sec. 1.** RCW 77.85.005 and 1999 sp.s. c 13 s 1 are each amended to
8 read as follows:

9 The legislature finds that repeated attempts to improve salmonid
10 fish runs throughout the state of Washington have failed to avert
11 listings of salmon and steelhead runs as threatened or endangered under
12 the federal endangered species act (16 U.S.C. Sec. 1531 et seq.).
13 These listings threaten the sport, commercial, and tribal fishing
14 industries as well as the economic well-being and vitality of vast
15 areas of the state. It is the intent of the legislature to begin
16 activities required for the recovery of salmon stocks as soon as
17 possible, although the legislature understands that successful recovery
18 efforts may not be realized for many years because of the life cycle of

1 salmon and the complex array of natural and human-caused problems they
2 face.

3 The legislature finds that it is in the interest of the citizens of
4 the state of Washington for the state to retain primary responsibility
5 for managing the natural resources of the state, rather than abdicate
6 those responsibilities to the federal government, and that the state
7 may best accomplish this objective by integrating local and regional
8 recovery activities into a statewide (~~plan~~) strategy that can make
9 the most effective use of provisions of federal laws allowing for a
10 state lead in salmon recovery, delivered through implementation
11 activities consistent with regional and watershed recovery plans. The
12 legislature also finds that a statewide salmon recovery (~~plan~~)
13 strategy must be developed and implemented through an active public
14 involvement process in order to ensure public participation in, and
15 support for, salmon recovery. The legislature also finds that there is
16 a substantial link between the provisions of the federal endangered
17 species act and the federal clean water act (33 U.S.C. Sec. 1251 et
18 seq.). The legislature further finds that habitat restoration is a
19 vital component of salmon recovery efforts. Therefore, it is the
20 intent of the legislature to specifically address salmon habitat
21 restoration in a coordinated manner and to develop a structure that
22 allows for the coordinated delivery of federal, state, and local
23 assistance to communities for habitat projects that will assist in the
24 recovery and enhancement of salmon stocks. A strong watershed-based
25 locally implemented plan is essential for local, regional, and
26 statewide salmon recovery.

27 The legislature also finds that credible scientific review and
28 oversight is essential for any salmon recovery effort to be successful.

29 The legislature further finds that it is important to monitor the
30 overall health of the salmon resource to determine if recovery efforts
31 are providing expected returns. It is important to monitor salmon
32 habitat projects and salmon recovery activities to determine their
33 effectiveness in order to secure federal acceptance of the state's
34 approach to salmon recovery. Adaptive management cannot exist without
35 monitoring. For these reasons, the legislature believes that a
36 coordinated and integrated monitoring (~~process~~) system should be
37 developed and implemented.

1 The legislature therefore finds that a coordinated framework for
2 responding to the salmon crisis is needed immediately. To that end,
3 the salmon recovery office should be created within the governor's
4 office to provide overall coordination of the state's response; an
5 independent science panel is needed to provide scientific review and
6 oversight; a coordinated state funding process should be established
7 through a salmon recovery funding board; the appropriate local or
8 tribal government should provide local leadership in identifying and
9 sequencing habitat projects to be funded by state agencies; habitat
10 projects should be implemented without delay; and a strong locally
11 based effort to restore salmon habitat should be established by
12 providing a framework to allow citizen volunteers to work effectively.

13 **Sec. 2.** RCW 77.85.010 and 2002 c 210 s 1 are each amended to read
14 as follows:

15 The definitions in this section apply throughout this chapter
16 unless the context clearly requires otherwise.

17 (1) "Adaptive management" means reliance on scientific methods to
18 test the results of actions taken so that the management and related
19 policy can be changed promptly and appropriately.

20 (2) "Critical pathways methodology" means a project scheduling and
21 management process for examining interactions between habitat projects
22 and salmonid species, prioritizing habitat projects, and assuring
23 positive benefits from habitat projects.

24 (3) "Habitat project list" is the list of projects resulting from
25 the critical pathways methodology under RCW 77.85.060(2). Each project
26 on the list must have a written agreement from the landowner on whose
27 land the project will be implemented. Projects include habitat
28 restoration projects, habitat protection projects, habitat projects
29 that improve water quality, habitat projects that protect water
30 quality, habitat-related mitigation projects, and habitat project
31 maintenance and monitoring activities.

32 (4) "Habitat work schedule" means those projects from the habitat
33 project list that will be implemented during the current funding cycle.
34 The schedule shall also include a list of the entities and individuals
35 implementing projects, the start date, duration, estimated date of
36 completion, estimated cost, and funding sources for the projects.

1 (5) "Limiting factors" means conditions that limit the ability of
2 habitat to fully sustain populations of salmon. These factors are
3 primarily fish passage barriers and degraded estuarine areas, riparian
4 corridors, stream channels, and wetlands.

5 (6) "Project sponsor" is a county, city, special district, tribal
6 government, state agency, a combination of such governments through
7 interlocal or interagency agreements, a nonprofit organization,
8 regional fisheries enhancement group, or one or more private citizens.
9 A project sponsored by a state agency may be funded by the board only
10 if it is included on the habitat project list submitted by the lead
11 entity for that area and the state agency has a local partner that
12 would otherwise qualify as a project sponsor.

13 (7) "Regional recovery organization" or "regional salmon recovery
14 organization" means an entity formed under RCW 77.85.090 for the
15 purpose of recovering salmon, which is recognized in statute or by the
16 salmon recovery office.

17 (8) "Salmon" includes all species of the family Salmonidae which
18 are capable of self-sustaining, natural production.

19 ((+8)) (9) "Salmon recovery plan" means a state or regional plan
20 developed in response to a proposed or actual listing under the federal
21 endangered species act that addresses limiting factors including, but
22 not limited to harvest, hatchery, hydropower, habitat, and other
23 factors of decline.

24 ((+9)) (10) "Salmon recovery region" means geographic areas of the
25 state identified or formed under RCW 77.85.090 that encompass groups of
26 watersheds in the state with common stocks of salmon identified for
27 recovery activities, and that generally are consistent with the
28 geographic areas within the state identified by the national oceanic
29 and atmospheric administration or the United States fish and wildlife
30 service for activities under the federal endangered species act.

31 (11) "Salmon recovery strategy" means the strategy adopted under
32 RCW 77.85.150 and includes the compilation of all subbasin and regional
33 salmon recovery plans developed in response to a proposed or actual
34 listing under the federal endangered species act with state hatchery,
35 harvest, and hydropower plans compiled in accordance with RCW
36 77.85.150.

37 (12) "Tribe" or "tribes" means federally recognized Indian tribes.

1 ~~((10))~~ (13) "WRIA" means a water resource inventory area
2 established in chapter 173-500 WAC as it existed on January 1, 1997.

3 ~~((11))~~ (14) "Owner" means the person holding title to the land or
4 the person under contract with the owner to lease or manage the legal
5 owner's property.

6 **Sec. 3.** RCW 77.85.020 and 1998 c 246 s 4 are each amended to read
7 as follows:

8 ~~((Beginning in))~~ (1) By December ~~((2000))~~ 1, 2006, the governor
9 shall submit a ~~((biennial state of the salmon))~~ report to the
10 legislature ~~((during the first week of December))~~ regarding the
11 implementation of the state's salmon recovery strategy. The report may
12 include the following:

13 ~~((1))~~ (a) A description of the amount of in-kind and financial
14 contributions, including volunteer, private, and state, federal, tribal
15 as available, and local government money directly spent on salmon
16 recovery in response to actual, proposed, or expected endangered
17 species act listings;

18 ~~((2))~~ (b) A summary of habitat projects including but not limited
19 to:

20 ~~((a))~~ (i) A summary of accomplishments in removing barriers to
21 salmon passage and an identification of existing barriers;

22 ~~((b))~~ (ii) A summary of salmon restoration efforts undertaken in
23 the past two years;

24 ~~((c))~~ (iii) A summary of the role which private volunteer
25 initiatives contribute in salmon habitat restoration efforts; and

26 ~~((d))~~ (iv) A summary of efforts taken to protect salmon habitat;

27 ~~((3))~~ (c) A summary of collaborative efforts undertaken with
28 adjoining states or Canada;

29 ~~((4))~~ (d) A summary of harvest and hatchery management activities
30 affecting salmon recovery;

31 ~~((5))~~ (e) A summary of information regarding impediments to
32 successful salmon recovery efforts;

33 ~~((6))~~ (f) A summary of the number and types of violations of
34 existing laws pertaining to: ~~((a))~~ (i) Water quality; and ~~((b))~~
35 (ii) salmon. The summary shall include information about the types of
36 sanctions imposed for these violations;

1 ~~((7))~~ (g) Information on the estimated carrying capacity of new
2 habitat created pursuant to chapter 246, Laws of 1998; and

3 ~~((8))~~ (h) Recommendations to the legislature that would further
4 the success of salmon recovery. The recommendations may include:

5 ~~((a))~~ (i) The need to expand or improve nonregulatory programs
6 and activities; ~~and~~

7 ~~(b))~~ (ii) The need to expand or improve state and local laws and
8 regulations; and

9 (iii) Recommendations for state funding assistance to recovery
10 activities and projects.

11 (2) The report shall summarize the monitoring data coordinated by
12 the monitoring forum. The summary must include but is not limited to
13 data and analysis related to:

14 (a) Measures of progress in fish recovery;

15 (b) Measures of factors limiting recovery as well as trends in such
16 factors; and

17 (c) The status of implementation of projects and activities.

18 **Sec. 4.** RCW 77.85.030 and 2000 c 107 s 93 are each amended to read
19 as follows:

20 (1) The salmon recovery office is created within the office of the
21 governor to coordinate state strategy to allow for salmon recovery to
22 healthy sustainable population levels with productive commercial and
23 recreational fisheries. The primary purpose of the office is to
24 coordinate and assist in the development of regional salmon recovery
25 plans ~~((for evolutionarily significant units, and submit those plans to~~
26 ~~the appropriate tribal governments and federal agencies))~~ as an
27 integral part of a statewide strategy developed consistent with the
28 guiding principles and procedures under RCW 77.85.150. The governor's
29 salmon recovery office ~~((may also:~~

30 ~~(a))~~ shall gather regional recovery plans from regional recovery
31 organizations and submit the plans to the federal fish services for
32 adoption as federal recovery plans. The governor's salmon recovery
33 office may also:

34 (a) Assist state agencies, local governments, landowners, and other
35 interested parties in obtaining federal assurances that plans,
36 programs, or activities are consistent with fish recovery under the
37 federal endangered species act;

1 **(b)** Act as liaison to local governments, the state congressional
2 delegation, the United States congress, federally recognized tribes,
3 and the federal executive branch agencies for issues related to the
4 state's (~~endangered species act~~) salmon recovery plans; and

5 (~~(b)~~) **(c)** Provide (~~the biennial state of the salmon report to~~
6 ~~the legislature~~) periodic reports pursuant to RCW 77.85.020.

7 (2) This section expires June 30, (~~2006~~) 2007.

8 **Sec. 5.** RCW 77.85.040 and 2000 c 107 s 94 are each amended to read
9 as follows:

10 (1) The governor shall request the national academy of sciences,
11 the American fisheries society, or a comparable institution to screen
12 candidates to serve as members on the independent science panel. The
13 institution that conducts the screening of the candidates shall submit
14 a list of the nine most qualified candidates to the governor, the
15 speaker of the house of representatives, and the majority leader of the
16 senate. The candidates shall reflect expertise in habitat requirements
17 of salmon, protection and restoration of salmon populations, artificial
18 propagation of salmon, hydrology, or geomorphology.

19 (2) The speaker of the house of representatives and the majority
20 leader in the senate may each remove one name from the nomination list.
21 The governor shall consult with tribal representatives and the governor
22 shall appoint five scientists from the remaining names on the
23 nomination list.

24 (3) The members of the independent science panel shall serve four-
25 year terms. Vacant positions on the panel shall be filled in the same
26 manner as the original appointments. Members shall serve no more than
27 two full terms. The independent science panel members shall elect the
28 chair of the panel among themselves every two years. Based upon
29 available funding, the governor's salmon recovery office may contract
30 for services with members of the independent science panel for
31 compensation under chapter 39.29 RCW.

32 (4) The independent science panel shall be governed by generally
33 accepted guidelines and practices governing the activities of
34 independent science boards such as the national academy of sciences.
35 The purpose of the independent science panel is to help ensure that
36 sound science is used in salmon recovery efforts. The governor's
37 salmon recovery office (~~shall~~) may request review of regional salmon

1 recovery plans by the science review panel. The science panel does not
2 have the authority to review individual projects or habitat project
3 lists developed under RCW 77.85.050(~~(7)~~) or 77.85.060(~~(7~~—and
4 ~~75.46.080)~~) or to make policy decisions. The panel shall periodically
5 submit its findings and recommendations under this subsection to the
6 legislature and the governor.

7 ~~((5) The independent science panel, in conjunction with the
8 technical review team, shall recommend standardized monitoring
9 indicators and data quality guidelines for use by entities involved in
10 habitat projects and salmon recovery activities across the state.~~

11 ~~(6) The independent science panel, in conjunction with the
12 technical review team, shall also recommend criteria for the systematic
13 and periodic evaluation of monitoring data in order for the state to be
14 able to answer critical questions about the effectiveness of the
15 state's salmon recovery efforts.~~

16 ~~(7) The recommendations on monitoring as required in this section
17 shall be provided in a report to the governor and to the legislature by
18 the independent science panel, in conjunction with the salmon recovery
19 office, no later than December 31, 2000. The report shall also include
20 recommendations on the level of effort needed to sustain monitoring of
21 salmon projects and other recovery efforts, and any other
22 recommendations on monitoring deemed important by the independent
23 science panel and the technical review team. The report may be
24 included in the biennial state of the salmon report required under RCW
25 77.85.020.))~~

26 **Sec. 6.** RCW 77.85.050 and 1999 sp.s. c 13 s 11 are each amended to
27 read as follows:

28 (1)(a) Counties, cities, and tribal governments must jointly
29 designate, by resolution or by letters of support, the area for which
30 a habitat project list is to be developed and the lead entity that is
31 to be responsible for submitting the habitat project list. No project
32 included on a habitat project list shall be considered mandatory in
33 nature and no private landowner may be forced or coerced into
34 participation in any respect. The lead entity may be a county, city,
35 conservation district, special district, tribal government, regional
36 recovery organization, or other entity.

1 (b) The lead entity shall establish a committee that consists of
2 representative interests of counties, cities, conservation districts,
3 tribes, environmental groups, business interests, landowners, citizens,
4 volunteer groups, regional fish enhancement groups, and other habitat
5 interests. The purpose of the committee is to provide a citizen-based
6 evaluation of the projects proposed to promote salmon habitat. (~~The
7 technical review team may provide the lead entity with organizational
8 models that may be used in establishing the committees.~~)

9 (c) The committee shall compile a list of habitat projects,
10 establish priorities for individual projects, define the sequence for
11 project implementation, and submit these activities as the habitat
12 project list. The committee shall also identify potential federal,
13 state, local, and private funding sources.

14 (2) The area covered by the habitat project list must be based, at
15 a minimum, on a WRIA, combination of WRIs, or any other area as agreed
16 to by the counties, cities, and tribes in resolutions or in letters of
17 support meeting the requirements of this subsection. Preference will
18 be given to projects in an area that contain a salmon species that is
19 listed or proposed for listing under the federal endangered species
20 act.

21 (3) The lead entity shall submit the habitat project list to the
22 (~~technical review team~~) board in accordance with procedures adopted
23 by the board.

24 **Sec. 7.** RCW 77.85.090 and 2000 c 107 s 99 are each amended to read
25 as follows:

26 (1) The southwest Washington salmon recovery region, whose
27 boundaries are provided in chapter 60, Laws of 1998, is created.

28 (2) Lead entities within a salmon recovery region that agree to
29 form a regional salmon recovery organization may be recognized by the
30 salmon recovery office as a regional recovery organization. The
31 regional recovery organization may plan, coordinate, and monitor the
32 implementation of a regional recovery plan in accordance with RCW
33 77.85.150. Regional recovery organizations existing as of the
34 effective date of this act that have developed draft recovery plans
35 approved by the governor's salmon recovery office by July 1, 2005, may
36 continue to plan, coordinate, and monitor the implementation of
37 regional recovery plans.

1 **Sec. 8.** RCW 77.85.130 and 2000 c 107 s 102 and 2000 c 15 s 1 are
2 each reenacted and amended to read as follows:

3 (1) The salmon recovery funding board shall develop procedures and
4 criteria for allocation of funds for salmon habitat projects and salmon
5 recovery activities on a statewide basis to address the highest
6 priorities for salmon habitat protection and restoration. To the
7 extent practicable the board shall adopt an annual allocation of
8 funding. The allocation should address both protection and restoration
9 of habitat, and should recognize the varying needs in each area of the
10 state on an equitable basis. The board has the discretion to partially
11 fund, or to fund in phases, salmon habitat projects. The board may
12 annually establish a maximum amount of funding available for any
13 individual project, subject to available funding. No projects required
14 solely as a mitigation or a condition of permitting are eligible for
15 funding.

16 (2)(a) In evaluating, ranking, and awarding funds for projects and
17 activities the board shall give preference to projects that:

18 (i) Are based upon the limiting factors analysis identified under
19 RCW 77.85.060;

20 (ii) Provide a greater benefit to salmon recovery based upon the
21 stock status information contained in the department of fish and
22 wildlife salmonid stock inventory (SASSI), the salmon and steelhead
23 habitat inventory and assessment project (SSHIAP), and any comparable
24 science-based assessment when available;

25 (iii) Will benefit listed species and other fish species; (~~and~~)

26 (iv) Will preserve high quality salmonid habitat; and

27 (v) Are included in a regional or watershed-based salmon recovery
28 plan that accords the project, action, or area a high priority for
29 funding.

30 (b) In evaluating, ranking, and awarding funds for projects and
31 activities the board shall also give consideration to projects that:

32 (i) Are the most cost-effective;

33 (ii) Have the greatest matched or in-kind funding; (~~and~~)

34 (iii) Will be implemented by a sponsor with a successful record of
35 project implementation; and

36 (iv) Are part of a regionwide list developed by lead entities.

37 (3) The board may reject, but not add, projects from a habitat
38 project list submitted by a lead entity for funding.

1 (4) ~~((For fiscal year 2000, the board may authorize the interagency~~
2 ~~review team to evaluate, rank, and make funding decisions for~~
3 ~~categories of projects or activities or from funding sources provided~~
4 ~~for categories of projects or activities. In delegating such authority~~
5 ~~the board shall consider the review team's staff resources, procedures,~~
6 ~~and technical capacity to meet the purposes and objectives of this~~
7 ~~chapter. The board shall maintain general oversight of the team's~~
8 ~~exercise of such authority.~~

9 ~~(5) The board shall seek the guidance of the technical review team~~
10 ~~to ensure that scientific principles and information are incorporated~~
11 ~~into the allocation standards and into proposed projects and~~
12 ~~activities. If the technical review team determines that a habitat~~
13 ~~project list complies with the critical pathways methodology under RCW~~
14 ~~77.85.060, it shall provide substantial weight to the list's project~~
15 ~~priorities when making determinations among applications for funding of~~
16 ~~projects within the area covered by the list.~~

17 ~~(6))~~ The board shall establish criteria for determining when block
18 grants may be made to a lead entity ~~((or other recognized regional~~
19 ~~recovery entity consistent with one or more habitat project lists~~
20 ~~developed for that region. Where a lead entity has been established~~
21 ~~pursuant to RCW 77.85.050,)).~~ The board may provide block grants to
22 the lead entity to ~~((assist in carrying out lead entity functions under~~
23 ~~this chapter,))~~ implement habitat project lists developed under RCW
24 77.85.050, subject to available funding. The board shall determine an
25 equitable minimum amount of project funds for each recovery region, and
26 shall distribute the remainder of funds on a competitive basis. The
27 board may also provide block grants to the lead entity or regional
28 recovery organization to assist in carrying out functions described
29 under this chapter. Block grants must be expended consistent with the
30 priorities established for the board in subsection (2) of this section.
31 Lead entities or regional recovery organizations receiving block grants
32 under this subsection shall provide an annual report to the board
33 summarizing how funds were expended for activities consistent with this
34 chapter, including the types of projects funded, project outcomes,
35 monitoring results, and administrative costs.

36 ~~((7))~~ (5) The board may waive or modify portions of the
37 allocation procedures and standards adopted under this section in the
38 award of grants or loans to conform to legislative appropriations

1 directing an alternative award procedure or when the funds to be
2 awarded are from federal or other sources requiring other allocation
3 procedures or standards as a condition of the board's receipt of the
4 funds. The board shall develop an integrated process to manage the
5 allocation of funding from federal and state sources to minimize delays
6 in the award of funding while recognizing the differences in state and
7 legislative appropriation timing.

8 ~~((+8))~~ (6) The board may award a grant or loan for a salmon
9 recovery project on private or public land when the landowner has a
10 legal obligation under local, state, or federal law to perform the
11 project, when expedited action provides a clear benefit to salmon
12 recovery, and there will be harm to salmon recovery if the project is
13 delayed. For purposes of this subsection, a legal obligation does not
14 include a project required solely as a mitigation or a condition of
15 permitting.

16 ~~((+9))~~ (7) The board may condition a grant or loan to include the
17 requirement that property may only be transferred to a federal agency
18 if the agency that will acquire the property agrees to comply with all
19 terms of the grant or loan to which the project sponsor was obligated.
20 Property acquired or improved by a project sponsor may be conveyed to
21 a federal agency, but only if the agency agrees to comply with all
22 terms of the grant or loan to which the project sponsor was obligated.

23 **Sec. 9.** RCW 77.85.150 and 1999 sp.s. c 13 s 9 are each amended to
24 read as follows:

25 (1) ~~((By September 1, 1999,))~~ The governor, with the assistance of
26 the salmon recovery office, shall ~~((submit a statewide salmon recovery
27 strategy to the appropriate federal agencies administering the federal
28 endangered species act))~~ maintain and revise a statewide salmon
29 recovery strategy.

30 (2) The governor and the salmon recovery office shall be guided by
31 the following considerations in ~~((developing))~~ maintaining and revising
32 the strategy:

33 (a) The strategy should identify statewide initiatives and
34 responsibilities with regional recovery plans and local watershed
35 initiatives as the principal ~~((mechanism))~~ means for implementing the
36 strategy;

1 (b) The strategy should emphasize collaborative, incentive-based
2 approaches;

3 (c) The strategy should address all factors limiting the recovery
4 of Washington's listed salmon stocks, including habitat and water
5 quality degradation, harvest and hatchery management, inadequate
6 streamflows, and other barriers to fish passage. Where other limiting
7 factors are beyond the state's jurisdictional authorities to respond
8 to, such as some natural predators and high seas fishing, the strategy
9 shall include the state's requests for federal action to effectively
10 address these factors;

11 (d) The strategy should identify immediate actions necessary to
12 prevent extinction of a listed salmon stock, establish performance
13 measures to determine if restoration efforts are working, recommend
14 effective monitoring and data management, and recommend to the
15 legislature clear and certain measures to be implemented if performance
16 goals are not met;

17 (e) The strategy shall rely on the best scientific information
18 available and provide for incorporation of new information as it is
19 obtained;

20 (f) The strategy should seek a fair allocation of the burdens and
21 costs upon economic and social sectors of the state whose activities
22 may contribute to limiting the recovery of salmon; and

23 (g) The strategy should seek clear measures and procedures from the
24 appropriate federal agencies for removing Washington's salmon stocks
25 from listing under the federal act.

26 (3) Beginning on September 1, 2000, the strategy shall be updated
27 through an active public involvement process, including early and
28 meaningful opportunity for public comment. In obtaining public
29 comment, the salmon recovery office shall hold public meetings
30 throughout the state and shall encourage regional and local recovery
31 planning efforts to similarly ensure an active public involvement
32 process.

33 (4) This section shall apply prospectively only and not
34 retroactively. Nothing in this section shall be construed to
35 invalidate actions taken in recovery planning at the local, regional,
36 or state level prior to July 1, 1999.

1 NEW SECTION. **Sec. 10.** The following acts or parts of acts are
2 each repealed:

3 (1) RCW 77.85.070 (Technical advisory groups) and 2000 c 107 s 97
4 & 1998 c 246 s 10; and

5 (2) RCW 77.85.210 (Monitoring activities--Monitoring oversight
6 committee--Legislative steering committee--Report to the legislature--
7 Monitoring strategy and action plan) and 2001 c 298 s 3.

 Passed by the Senate April 23, 2005.

 Passed by the House April 22, 2005.

 Approved by the Governor May 6, 2005.

 Filed in Office of Secretary of State May 6, 2005.