

# HOUSE BILL REPORT

## HB 1063

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### As Passed Legislature

**Title:** An act relating to the termination date for a salmon and steelhead recovery program.

**Brief Description:** Removing the termination date for the salmon and steelhead recovery program under RCW 77.85.200.

**Sponsors:** Representatives Takko, Simpson and Moeller.

#### Brief History:

##### Committee Activity:

Agriculture & Natural Resources: 1/23/09, 1/30/09 [DP].

##### Floor Activity

Passed House: 2/13/09, 70-25.

Passed Senate: 4/13/09, 34-12.

Passed Legislature.

#### Brief Summary of Bill

- Removes the termination date of July 1, 2010 for the salmon and steelhead recovery program in Clark, Cowlitz, Lewis, Skamania, and Wahkiakum counties, making the program permanent.

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### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 12 members: Representatives Blake, Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks, Kretz, Liias, McCoy, Nelson, Ormsby, Pearson, Van De Wege and Warnick.

**Staff:** Anna Jackson (786-7190)

#### Background:

Since 1998 a program for salmon and steelhead recovery has operated within the habitat areas classified as the "lower Columbia evolutionarily significant units" (the lower Columbia units) by the National Marine Fisheries Service (NMFS). An "evolutionarily significant unit" is the habitat area identified for an evolutionarily significant unit of an aquatic species

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listed or proposed for listing as a threatened or endangered species under the federal Endangered Species Act. Specifically, the salmon and steelhead recovery program operates within Clark, Cowlitz, Lewis, Skamania, and Wahkiakum counties.

#### Management Board Composition.

A management board (Board) consisting of 15 voting members is responsible for developing and overseeing the implementation of the habitat portion of the salmon and steelhead recovery plan. The voting members consist of one county commissioner or a designee from each of the five participating counties; one member representing the cities within the lower Columbia units; one member representing the Cowlitz tribe; one state legislator from a legislative district within the lower Columbia units; one member representing hydroelectric utilities within the lower Columbia units; one member representing the environmental community who resides in the lower Columbia units; and five additional members appointed by the five county commissioners or their designees, at least one of whom must represent private property interests.

The Board also is required to appoint and consult a technical advisory committee consisting of a representative of each of four state agencies appointed by the directors of the departments of Ecology, Fish and Wildlife, Transportation, and Natural Resources. The Board may appoint other people to the technical advisory committee as needed.

#### Management Board Responsibilities.

The Board is responsible for the development of a lower Columbia salmon and steelhead habitat recovery plan, as well as coordinating and monitoring the implementation of the plan. In developing the recovery plan, the Board is required to work with appropriate federal and state agencies, tribal governments, local governments, and the public to make sure hatchery, harvest, and hydropower components are considered along with habitat. In addition, the Board must consider local watershed efforts and activities and habitat conservation plans in the implementation of the recovery plan. All future plans and amendments to the plans must be submitted to the Governor's Salmon Recovery Office for the incorporation of hatchery, harvest, and hydropower components of the statewide salmon recovery strategy for all submissions to the NMFS. The Board may not exercise authority over land or water within the individual counties or otherwise preempt the authority of local governmental units.

The Board also is required to prioritize and approve projects and programs related to the recovery of lower Columbia River salmon and steelhead runs, including establishing criteria for funding such projects and to coordinate local government efforts as provided in the recovery plan. The Board may consider local economic impacts in developing criteria for funding the projects and programs, but may not consider jurisdictional boundaries or factors related to jurisdictional population. Finally, the Board must assess the factors for decline along each tributary basin in the lower Columbia and is encouraged to take a stream-by-stream approach that uses state and local expertise.

The Board has the authority to hire and fire staff, enter into contracts, accept grants and other monies, disburse funds, make recommendations to cities and counties about potential code

changes and the development of programs and incentives upon request, pay all necessary expenses, and choose a fiduciary agent.

The Board is required to report on its progress on a biennial basis to the legislative bodies of the five participating counties, as well as to the state natural resources-related agencies. At the conclusion of the program, the Board must prepare a final report describing its efforts and successes in developing and implementing the recovery plan.

Termination of Recovery Program.

Currently, the recovery program terminates on July 1, 2010.

**Summary of Bill:**

The requirement that the salmon and steelhead recovery program in Clark, Cowlitz, Lewis, Skamania, and Wahkiakum counties terminates on July 1, 2010 is removed, making the program permanent.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The only reason this pilot project includes a sunset date is because it was the first pilot project of its kind in the state. Other pilot projects for salmon and steelhead recovery do not have termination dates, so removing this one is consistent with current law. This program has achieved the goal of including local voices in salmon and steelhead recovery efforts, and it has been largely successful in securing local funding sources to assist in the recovery effort. The program should be made permanent like other programs of its kind throughout the state.

(Opposed) None.

**Persons Testifying:** Representative Takko, prime sponsor; and Jeff Breckel, Lower Columbia Fish Recovery Board.

**Persons Signed In To Testify But Not Testifying:** None.