

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2157

Chapter 345, Laws of 2009

61st Legislature
2009 Regular Session

SALMON RECOVERY--CONSOLIDATION OF ACTIVITIES AND PROGRAMS

EFFECTIVE DATE: 07/26/09

Passed by the House April 20, 2009
Yeas 95 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 10, 2009
Yeas 47 Nays 0

BRAD OWEN

President of the Senate

Approved May 5, 2009, 2:29 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2157** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 8, 2009

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2157

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By House General Government Appropriations (originally sponsored by Representative Springer; by request of Governor Gregoire)

READ FIRST TIME 03/02/09.

1 AN ACT Relating to the consolidation of certain salmon recovery
2 activities and programs within the recreation and conservation office;
3 amending RCW 77.85.030, 77.85.050, 77.85.020, 77.85.250, 77.85.140,
4 77.85.005, 77.85.150, and 79A.25.240; reenacting and amending RCW
5 77.85.090 and 43.41.270; creating new sections; repealing RCW
6 77.85.100; and providing expiration dates.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that:

9 (1) Washington has made significant investments in watershed-based
10 activities, including the establishment of water resource inventory
11 area (WRIA) planning units and lead agencies, lead entities, and
12 regional salmon recovery organizations across the state. Washington
13 watersheds have developed subbasin plans under the Northwest power and
14 conservation council and national oceanic and atmospheric
15 administration-approved regional salmon recovery plans that include
16 locally prioritized salmon recovery projects;

17 (2) The governor's salmon recovery office was established to
18 support the development and implementation of regional salmon recovery

1 plans, to assist local governments in obtaining federal assurances, and
2 to issue a biennial state of the salmon report;

3 (3) The salmon recovery funding board provides grants for salmon
4 recovery and the forum on monitoring salmon recovery and watershed
5 health works to provide greater coordination on monitoring.
6 Administrative support for the board and the forum are provided by the
7 recreation and conservation office;

8 (4) Lead entity funding to support infrastructure and capacity
9 needs is provided through the recreation and conservation office, which
10 contracts with the department of fish and wildlife to implement the
11 program. Funding for WRIA planning units and lead agencies to develop
12 and implement watershed-based plans under RCW 90.82.040 is provided by
13 the department of ecology; and

14 (5) Currently, state watershed and salmon recovery-based programs
15 are split among several state agencies or offices. Efficient
16 implementation of these efforts will be enhanced by promoting
17 consolidation and integration of their activities and programs. In
18 addition, consolidation of reporting benefits the public and decision
19 makers regarding watershed health, which includes salmon recovery. It
20 is also the intent of the legislature, in cooperation with local and
21 regional officials, and respecting the ability of local citizens and
22 officials to organize in ways best suited to address local needs, to
23 encourage the development of incentives that consolidate existing
24 processes and promote more effective implementation of salmon recovery
25 plans and watershed planning and implementation.

26 **Sec. 2.** RCW 77.85.030 and 2007 c 444 s 3 are each amended to read
27 as follows:

28 (1) The governor's salmon recovery office (~~((is created within the~~
29 ~~office of the governor to))~~ shall coordinate state strategy to allow
30 for salmon recovery to healthy sustainable population levels with
31 productive commercial and recreational fisheries. (~~The~~) A primary
32 purpose of the office is to coordinate and assist in the development,
33 implementation, and revision of regional salmon recovery plans as an
34 integral part of a statewide strategy developed consistent with the
35 guiding principles and procedures under RCW 77.85.150.

36 (2) The governor's salmon recovery office is also responsible for
37 maintaining the statewide salmon recovery strategy to reflect

1 applicable provisions of regional recovery plans, habitat protection
2 and restoration plans, water quality plans, and other private, local,
3 regional, state agency and federal plans, projects, and activities that
4 contribute to salmon recovery.

5 ~~(3) ((The governor's salmon recovery office shall also gather~~
6 ~~regional recovery plans from regional recovery organizations and submit~~
7 ~~the plans to the federal fish services for adoption as federal recovery~~
8 ~~plans.))~~ The governor's salmon recovery office shall also work with
9 regional salmon recovery organizations on salmon recovery issues in
10 order to ensure a coordinated and consistent statewide approach to
11 salmon recovery(~~(. The governor's salmon recovery office))~~) and shall
12 work with federal agencies to accomplish implementation of federal
13 commitments in the recovery plans.

14 (4) The governor's salmon recovery office may also:

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

19 (b) Act as liaison to local governments, the state congressional
20 delegation, the United States congress, federally recognized tribes,
21 and the federal executive branch agencies for issues related to the
22 state's salmon recovery plans;

23 (c) Provide periodic reports pursuant to RCW 77.85.020;

24 (d) Provide, as appropriate, technical and administrative support
25 to ~~((the independent))~~ science panels ~~((or other science related~~
26 ~~panels))~~ on issues pertaining to salmon recovery;

27 (e) In cooperation with the regional recovery organizations,
28 prepare a timeline and implementation plan that, together with a
29 schedule and recommended budget, identifies specific actions in
30 regional recovery plans for state agency actions and assistance
31 necessary to implement local and regional recovery plans; and

32 (f) As necessary, provide recommendations to the legislature that
33 would further the success of salmon recovery, including recommendations
34 for state agency actions in the succeeding biennium and state financial
35 and technical assistance for projects and activities to be undertaken
36 in local and regional salmon recovery plans. The recommendations may
37 include:

1 (i) The need to expand or improve nonregulatory programs and
2 activities; and

3 (ii) The need for state funding assistance to recovery activities
4 and projects.

5 (5) (~~This section expires June 30, 2015.~~) For administrative
6 purposes, the governor's salmon recovery office is located within the
7 recreation and conservation office.

8 **Sec. 3.** RCW 77.85.050 and 2005 c 309 s 6 are each amended to read
9 as follows:

10 (1)(a) Counties, cities, and tribal governments must jointly
11 designate, by resolution or by letters of support, the area for which
12 a habitat project list is to be developed and the lead entity that is
13 to be responsible for submitting the habitat project list. No project
14 included on a habitat project list shall be considered mandatory in
15 nature and no private landowner may be forced or coerced into
16 participation in any respect. The lead entity may be a county, city,
17 conservation district, special district, tribal government, regional
18 recovery organization, or other entity.

19 (b) The lead entity shall establish a committee that consists of
20 representative interests of counties, cities, conservation districts,
21 tribes, environmental groups, business interests, landowners, citizens,
22 volunteer groups, regional fish enhancement groups, and other habitat
23 interests. The purpose of the committee is to provide a citizen-based
24 evaluation of the projects proposed to promote salmon habitat.

25 (c) The committee shall compile a list of habitat projects,
26 establish priorities for individual projects, define the sequence for
27 project implementation, and submit these activities as the habitat
28 project list. The committee shall also identify potential federal,
29 state, local, and private funding sources.

30 (2) The area covered by the habitat project list must be based, at
31 a minimum, on a WRIA, combination of WRIAs, or any other area as agreed
32 to by the counties, cities, and tribes in resolutions or in letters of
33 support meeting the requirements of this subsection. Preference will
34 be given to projects in an area that contain a salmon species that is
35 listed or proposed for listing under the federal endangered species
36 act.

1 (3) The lead entity shall submit the habitat project list to the
2 (~~{salmon recovery funding}~~) salmon recovery funding board in
3 accordance with procedures adopted by the board.

4 (4) The recreation and conservation office shall administer funding
5 to support the functions of lead entities.

6 **Sec. 4.** RCW 77.85.020 and 2007 c 444 s 2 are each amended to read
7 as follows:

8 (1) (~~No later than January 31, 2009, and every odd-numbered year~~
9 ~~until and including 2015, the governor's salmon recovery office shall~~
10 ~~submit a biennial state of the salmon report to the legislature and the~~
11 ~~governor regarding the implementation of the state's salmon recovery~~
12 ~~strategy. The report must include the following:~~

13 ~~(a) A summary of habitat projects including but not limited to:~~

14 ~~(i) A summary of accomplishments in removing barriers to salmon~~
15 ~~passage and an identification of existing barriers;~~

16 ~~(ii) A summary of salmon restoration efforts undertaken in the past~~
17 ~~two years;~~

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

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

21 ~~(b) A summary of harvest and hatchery management activities~~
22 ~~affecting salmon recovery;~~

23 ~~(c) A summary of the number and types of violations of existing~~
24 ~~laws pertaining to salmon. The summary may include information about~~
25 ~~the types of sanctions imposed for these violations.~~

26 (2) ~~The report may include the following:~~

27 ~~(a) A description of the amount of in-kind financial contributions,~~
28 ~~including volunteer, private, state, federal, tribal, as available, and~~
29 ~~local government funds directly spent on salmon recovery in response to~~
30 ~~endangered species act listings; and~~

31 ~~(b) Information on the estimated carrying capacity of new habitat~~
32 ~~created pursuant to chapter 246, Laws of 1998.~~

33 (3) ~~The report shall summarize the monitoring data coordinated by~~
34 ~~the forum on monitoring salmon recovery and watershed health. The~~
35 ~~summary may include but is not limited to data and analysis related to:~~

36 ~~(a) Measures of progress in fish recovery;~~

1 ~~(b) Measures of factors limiting recovery as well as trends in such~~
2 ~~factors; and~~

3 ~~(c) The status of implementation of projects and activities.~~

4 ~~(4)) Beginning December 2010, the recreation and conservation~~
5 ~~office shall produce a biennial report on the statewide status of~~
6 ~~salmon recovery and watershed health, summarize projects and programs~~
7 ~~funded by the salmon recovery funding board, and summarize progress as~~
8 ~~measured by high-level indicators and state agency compliance with~~
9 ~~applicable protocols established by the forum for monitoring salmon~~
10 ~~recovery and watershed health. The report must be a consolidation of~~
11 ~~the current reporting activities, including the salmon recovery funding~~
12 ~~board and the forum on monitoring salmon recovery and watershed health,~~
13 ~~on the status of salmon recovery and watershed health in Washington~~
14 ~~state, in accordance with RCW 77.85.250(8). The report shall also~~
15 ~~include a high-level status report on watershed planning efforts under~~
16 ~~chapter 90.82 RCW as summarized by the department of ecology and on~~
17 ~~salmon recovery and watershed planning as summarized by the Puget Sound~~
18 ~~partnership. The report's introduction must include a list of high-~~
19 ~~level questions related to the status of watershed health and salmon~~
20 ~~recovery to help decision makers and the public respond to salmon~~
21 ~~recovery and watershed health management needs.~~

22 ~~(2) The department, the department of ecology, the department of~~
23 ~~natural resources, and the state conservation commission(~~(, and the~~~~
24 ~~forum on monitoring salmon recovery and watershed health)) shall~~
25 ~~provide to the ((governor's salmon recovery)) recreation and~~
26 ~~conservation office information requested by the office necessary to~~
27 ~~prepare the ((state of the salmon report and other reports produced by~~
28 ~~the office)) consolidated report on salmon recovery and watershed~~
29 ~~health.~~

30 **Sec. 5.** RCW 77.85.250 and 2007 c 444 s 8 are each amended to read
31 as follows:

32 ~~(1) ((The legislature finds that pursuant to chapter 298, Laws of~~
33 ~~2001, and acting upon recommendations of the state's independent~~
34 ~~science panel, the monitoring oversight committee developed~~
35 ~~recommendations for a comprehensive statewide strategy for monitoring~~
36 ~~watershed health, with a focus upon salmon recovery, entitled *The*~~
37 ~~*Washington Comprehensive Monitoring Strategy and Action Plan for*~~

1 ~~Watershed Health and Salmon Recovery.~~ The legislature further finds
2 that funding to begin implementing the strategy and action plan was
3 provided in the 2003-2005 biennial budget, and that executive order 04-
4 03 was issued to coordinate state agency implementation activities. It
5 is therefore the purpose of this section to adopt the strategy and
6 action plan and to provide guidance to ensure that the coordination
7 activities directed by executive order 04-03 are effectively carried
8 out.

9 (2)) The forum on monitoring salmon recovery and watershed health
10 is created to implement the Washington Comprehensive Monitoring
11 Strategy and Action Plan for Watershed Health and Salmon Recovery. For
12 administrative purposes, the forum is located within the recreation and
13 conservation office. The governor shall appoint a person with
14 experience and expertise in natural resources and environmental quality
15 monitoring to chair the forum. The chair shall serve four-year terms
16 and may serve successive terms. The forum shall include
17 representatives of the following state agencies and regional entities
18 that have responsibilities related to monitoring of salmon recovery and
19 watershed health:

- 20 (a) Department of ecology;
- 21 (b) Salmon recovery funding board;
- 22 (c) Governor's salmon recovery office;
- 23 (d) Department of fish and wildlife;
- 24 (e) Department of natural resources;
- 25 (f) Puget Sound ~~((action team, or a successor state agency))~~
26 partnership;
- 27 (g) Conservation commission;
- 28 (h) Department of agriculture;
- 29 (i) Department of transportation; and
- 30 (j) Each of the regional salmon recovery organizations.

31 ~~((3))~~ (2) The forum on monitoring salmon recovery and watershed
32 health shall provide a multiagency venue for coordinating technical and
33 policy issues and actions related to monitoring salmon recovery and
34 watershed health.

35 ~~((4))~~ (3) The forum on monitoring salmon recovery and watershed
36 health shall recommend a set of ~~((measures))~~ high-level indicators for
37 use ~~((by the governor's salmon recovery office))~~ in the ~~((state of the~~
38 ~~salmon report))~~ consolidated report on salmon recovery and watershed

1 health required by RCW 77.85.020 to convey results and progress on
2 salmon recovery and watershed health in ways that are easily understood
3 by the general public.

4 ~~((+5))~~ (4) The forum on monitoring salmon recovery and watershed
5 health shall invite the participation of federal, tribal, regional, and
6 local agencies and entities that carry out salmon recovery and
7 watershed health monitoring, and work toward coordination and
8 standardization of measures used.

9 ~~((+6))~~ (5) The forum on monitoring salmon recovery and watershed
10 health shall periodically report to the governor and the appropriate
11 standing committees of the senate and house of representatives on the
12 forum's activities and recommendations for improving monitoring
13 programs by state agencies(~~(, coordinating with the governor's salmon~~
14 ~~recovery office biennial report as)). This information must be
15 included within the consolidated report on salmon recovery and
16 watershed health required by RCW 77.85.020.~~

17 ~~((+7))~~ (6) The forum on monitoring salmon recovery and watershed
18 health shall review pilot monitoring programs including those that
19 integrate (a) data collection, management, and access; and (b)
20 information regarding habitat projects and project management.

21 ~~((+8))~~ (7) The forum on monitoring salmon recovery and watershed
22 health shall review and make recommendations to the office of financial
23 management and the appropriate legislative committees on agency budget
24 requests related to monitoring salmon recovery and watershed health.
25 These recommendations must be made no later than September 15th of each
26 year. The goal of this review is to prioritize and integrate budget
27 requests across agencies.

28 ~~((+9))~~ (8)(a) The forum on monitoring salmon recovery and
29 watershed health shall adopt general high-level indicators for salmon
30 recovery and watershed health in Washington by December 1, 2009. By
31 July 1, 2010, the forum shall also adopt the protocols for monitoring
32 these high-level indicators that will enable state-conducted or state-
33 funded monitoring efforts to be capable of reporting results that will
34 ensure reporting consistency and agency compliance under the
35 consolidated reporting requirement of RCW 77.85.020. The forum on
36 monitoring salmon recovery and watershed health shall indicate how the
37 general high-level indicators are consistent with, and complement, the

1 more detailed regional and local metrics used to measure watershed
2 health and salmon recovery.

3 (b) High-level indicators shall inform a nontechnical summary of
4 key metrics that indicate the state of salmon recovery and provide an
5 index of watershed health in Washington.

6 (9) This section expires June 30, (~~(2015)~~) 2011.

7 NEW SECTION. Sec. 6. (1) By December 1, 2009, the recreation and
8 conservation office, in consultation with the department of ecology,
9 the department of fish and wildlife, regional fisheries enhancement
10 groups, lead entities, planning units and lead agencies, and regional
11 salmon recovery organizations shall provide an assessment to the
12 governor on additional coordination and incentive opportunities with
13 lead entities, regional salmon recovery organizations, lead agencies,
14 and WRIA planning units, and shall include any additional coordination
15 and incentive opportunities for those organizations that exist and
16 operate within a shared watershed boundary or portions of a shared
17 watershed boundary.

18 (2) By December 1, 2009, the recreation and conservation office and
19 the office of regulatory assistance, working in coordination with the
20 departments of ecology and fish and wildlife, must identify and
21 recommend one pilot project outside of Puget Sound that will
22 effectively integrate salmon recovery and watershed planning missions
23 and objectives. The pilot project's purpose is to demonstrate ways to
24 achieve efficient permitting processes to implement projects identified
25 in local or regional salmon recovery or WRIA-based watershed plans.

26 (3) This section expires December 31, 2009.

27 NEW SECTION. Sec. 7. (1) By December 1, 2009, the department of
28 ecology must provide recommendations to the legislature on grant
29 programs related to restoration and protection of water quality and for
30 increases, augmentation, or conservation of water quantity supplies
31 that may be more effectively and efficiently funded through the salmon
32 recovery funding board. The recommendations should include ways to
33 integrate salmon recovery data into reporting of watershed health.

34 (2) This section expires December 31, 2009.

1 **Sec. 8.** RCW 77.85.140 and 2007 c 241 s 22 are each amended to read
2 as follows:

3 (1) Habitat project lists shall be submitted to the salmon recovery
4 funding board for funding at least once a year on a schedule
5 established by the board. The board shall provide the legislature with
6 a list of the proposed projects and a list of the projects funded by
7 October 1st of each year for informational purposes. Project sponsors
8 who complete salmon habitat projects approved for funding from habitat
9 project lists and have met grant application deadlines will be paid by
10 the salmon recovery funding board within thirty days of project
11 completion.

12 (2) The recreation and conservation office shall track all funds
13 allocated for salmon habitat projects and salmon recovery activities on
14 behalf of the board, including both funds allocated by the board and
15 funds allocated by other state or federal agencies for salmon recovery
16 or water quality improvement.

17 ~~((3) Beginning in December 2000, the board shall provide a
18 biennial report to the governor and the legislature on salmon recovery
19 expenditures. This report shall be coordinated with the state of the
20 salmon report required under RCW 77.85.020.))~~

21 **Sec. 9.** RCW 77.85.005 and 2005 c 309 s 1 are each amended to read
22 as follows:

23 The legislature finds that repeated attempts to improve salmonid
24 fish runs throughout the state of Washington have failed to avert
25 listings of salmon and steelhead runs as threatened or endangered under
26 the federal endangered species act (16 U.S.C. Sec. 1531 et seq.).
27 These listings threaten the sport, commercial, and tribal fishing
28 industries as well as the economic well-being and vitality of vast
29 areas of the state. It is the intent of the legislature to begin
30 activities required for the recovery of salmon stocks as soon as
31 possible, although the legislature understands that successful recovery
32 efforts may not be realized for many years because of the life cycle of
33 salmon and the complex array of natural and human-caused problems they
34 face.

35 The legislature finds that it is in the interest of the citizens of
36 the state of Washington for the state to retain primary responsibility
37 for managing the natural resources of the state, rather than abdicate

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

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

23 The legislature further finds that it is important to monitor the
24 overall health of the salmon resource to determine if recovery efforts
25 are providing expected returns. It is important to monitor salmon
26 habitat projects and salmon recovery activities to determine their
27 effectiveness in order to secure federal acceptance of the state's
28 approach to salmon recovery. Adaptive management cannot exist without
29 monitoring. For these reasons, the legislature believes that a
30 coordinated and integrated monitoring system should be developed and
31 implemented.

32 The legislature therefore finds that a coordinated framework for
33 responding to the salmon crisis is needed immediately. To that end,
34 the governor's salmon recovery office should be created (~~((within the~~
35 ~~governor's office))~~) to provide overall coordination of the state's
36 response; an independent science panel is needed to provide scientific
37 review and oversight; a coordinated state funding process should be
38 established through a salmon recovery funding board; the appropriate

1 local or tribal government should provide local leadership in
2 identifying and sequencing habitat projects to be funded by state
3 agencies; habitat projects should be implemented without delay; and a
4 strong locally based effort to restore salmon habitat should be
5 established by providing a framework to allow citizen volunteers to
6 work effectively.

7 **Sec. 10.** RCW 77.85.090 and 2007 c 444 s 5 and 2007 c 341 s 49 are
8 each reenacted and amended to read as follows:

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

11 (2) Lead entities within a salmon recovery region that agree to
12 form a regional salmon recovery organization may be recognized by the
13 governor's salmon recovery office created in RCW 77.85.030(~~(, during~~
14 ~~the time it is constituted,)~~) as a regional recovery organization. The
15 regional recovery organization may plan, coordinate, and monitor the
16 implementation of a regional recovery plan in accordance with RCW
17 77.85.150. Regional recovery organizations existing as of July 24,
18 2005, that have developed draft recovery plans approved by the
19 governor's salmon recovery office by July 1, 2005, may continue to
20 plan, coordinate, and monitor the implementation of regional recovery
21 plans.

22 (3) Beginning January 1, 2008, the leadership council, created
23 under chapter 90.71 RCW, shall serve as the regional salmon recovery
24 organization for Puget Sound salmon species, except for the program
25 known as the Hood Canal summer chum evolutionarily significant unit
26 area, which the Hood Canal coordinating council shall continue to
27 administer under chapter 90.88 RCW.

28 **Sec. 11.** RCW 77.85.150 and 2007 c 444 s 6 are each amended to read
29 as follows:

30 (1) The governor shall, with the assistance of the governor's
31 salmon recovery office, (~~(during the time it is constituted,)~~) maintain
32 and revise, as appropriate, a statewide salmon recovery strategy.

33 (2) The governor and the governor's salmon recovery office shall be
34 guided by the following considerations in maintaining and revising the
35 strategy:

1 (a) The strategy should identify statewide initiatives and
2 responsibilities with regional recovery plans and local watershed
3 initiatives as the principal means for implementing the strategy;

4 (b) The strategy should emphasize collaborative, incentive-based
5 approaches;

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

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

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

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

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

29 (3) If the strategy is updated, an active and thorough public
30 involvement process, including early and meaningful opportunity for
31 public comment, must be utilized. In obtaining public comment, the
32 governor's salmon recovery office shall work with regional salmon
33 recovery organizations throughout the state and shall encourage
34 regional and local recovery planning efforts to ensure an active public
35 involvement process.

36 (4) This section shall apply prospectively only and not
37 retroactively. Nothing in this section shall be construed to

1 invalidate actions taken in recovery planning at the local, regional,
2 or state level prior to July 1, 1999.

3 **Sec. 12.** RCW 43.41.270 and 2007 c 444 s 7 and 2007 c 241 s 5 are
4 each reenacted and amended to read as follows:

5 (1) The office of financial management shall assist natural
6 resource-related agencies in developing outcome-focused performance
7 measures for administering natural resource-related and environmentally
8 based grant and loan programs. These performance measures are to be
9 used in determining grant eligibility, for program management and
10 performance assessment.

11 (2) The office of financial management and the (~~governor's salmon~~
12 ~~recovery~~) recreation and conservation office(~~(, during the time it is~~
13 ~~constituted,~~) shall assist natural resource-related agencies in
14 developing recommendations for a monitoring program to measure outcome-
15 focused performance measures required by this section. The
16 recommendations must be consistent with the framework and coordinated
17 monitoring strategy developed by the monitoring oversight committee
18 established in RCW 77.85.210.

19 (3) Natural resource agencies shall consult with grant or loan
20 recipients including local governments, tribes, nongovernmental
21 organizations, and other interested parties, and report to the office
22 of financial management on the implementation of this section.

23 (4) For purposes of this section, "natural resource-related
24 agencies" include the department of ecology, the department of natural
25 resources, the department of fish and wildlife, the state conservation
26 commission, the recreation and conservation funding board, the salmon
27 recovery funding board, and the public works board within the
28 department of community, trade, and economic development.

29 (5) For purposes of this section, "natural resource-related
30 environmentally based grant and loan programs" includes the
31 conservation reserve enhancement program; dairy nutrient management
32 grants under chapter 90.64 RCW; state conservation commission water
33 quality grants under chapter 89.08 RCW; coordinated prevention grants,
34 public participation grants, and remedial action grants under RCW
35 70.105D.070; water pollution control facilities financing under chapter
36 70.146 RCW; aquatic lands enhancement grants under RCW 79.105.150;
37 habitat grants under the Washington wildlife and recreation program

1 under RCW 79A.15.040; salmon recovery grants under chapter 77.85 RCW;
2 and the public works trust fund program under chapter 43.155 RCW. The
3 term also includes programs administered by the department of fish and
4 wildlife related to protection or recovery of fish stocks which are
5 funded with moneys from the capital budget.

6 **Sec. 13.** RCW 79A.25.240 and 2007 c 241 s 57 are each amended to
7 read as follows:

8 The recreation and conservation office shall provide necessary
9 grants and loan administration support to the salmon recovery funding
10 board as provided in RCW 77.85.120. The office shall also be
11 responsible for tracking salmon recovery expenditures under RCW
12 77.85.140. The office shall provide all necessary administrative
13 support to the salmon recovery funding board, and the salmon recovery
14 funding board shall be located with the office. ((The office shall
15 ~~provide necessary coordination with the salmon recovery office.~~))

16 NEW SECTION. **Sec. 14.** Nothing in this act is intended to amend
17 chapter 90.71 RCW.

18 NEW SECTION. **Sec. 15.** RCW 77.85.100 (Work group--Evaluation of
19 mitigation alternatives) and 2000 c 107 s 100 & 1998 c 246 s 16 are
20 each repealed.

Passed by the House April 20, 2009.

Passed by the Senate April 10, 2009.

Approved by the Governor May 5, 2009.

Filed in Office of Secretary of State May 8, 2009.