

SENATE BILL REPORT

ESB 5097

As Passed Senate, March 3, 2017

Title: An act relating to clarifying procedures for appointment to the Chehalis board created by chapter 194, Laws of 2016.

Brief Description: Clarifying procedures for appointment to the Chehalis board created by chapter 194, Laws of 2016.

Sponsors: Senators Braun and Takko; by request of Department of Ecology.

Brief History:

Committee Activity: Energy, Environment & Telecommunications: 1/19/17, 2/01/17 [DP].

Floor Activity:

Passed Senate: 3/03/17, 44-0.

<p style="text-align: center;">Brief Summary of Engrossed Bill</p> <ul style="list-style-type: none">• Clarifies board appointment procedures for tribal members.• Clarifies board members' initial term lengths.• Declares an emergency.
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SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

Majority Report: Do pass.

Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Brown, Hobbs, Honeyford, Ranker, Short and Wellman.

Staff: Kelsey Morfitt (786-7407)

Background: The Department of Ecology. Ecology is the lead state agency for floodplain management. In 2016, Ecology established the Office of Chehalis Basin to implement an integrated strategy and administer funding for long-term flood damage reduction and aquatic species restoration in the Chehalis River Basin.

Chehalis River Basin Floods and Strategy. There is a long history of flooding in this basin and flood levels continue to rise. In the past 30 years, flooding caused 44 to 78 percent of

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salmon habitat in the basin to decline, depending on the salmon species, among other property and habitat damage. In December 2007, the President declared a major disaster in Grays Harbor, Kitsap, Lewis, Mason, Pacific, and Thurston County. Federal funding was available following this declaration. In 2012, the Governor created the Chehalis Basin Work Group (Work Group) to present recommendations to the Governor and the Legislature. The Work Group presented the Chehalis Basin Flood Hazard Mitigation Alternatives and the Chehalis Basin Strategy 2014 Recommendations Report (Report). The Report recommends an integrated program of long-term flood damage reduction and aquatic species restoration in the Chehalis Basin. The Chehalis Basin Strategy was created to improve and restore river habitat and reduce flood damage.

Chehalis Board (Board). The Board was created to oversee the Chehalis Basin Strategy, and it consists of seven voting members. The Governor appoints four members who are confirmed by the Senate. Two of these four members are designees from the Confederated Tribes of the Chehalis Reservation and the Quinault Indian Nation and they must be confirmed by the Senate. The Chehalis Basin Flood Authority appoints three voting members. The Board also includes five nonvoting ex officio members: the Department of Fish and Wildlife Director, the State Conservation Commission Executive Director, the Ecology Director, the Commissioner of Public Lands, and the Department of Transportation Secretary.

Board members' appointments are for four years, except for initial appointments. Initially, two appointees each serve two years; three appointees each serve three years.

Summary of Engrossed Bill: The designation of Chehalis board members is revised. The Governor must appoint two members who must be confirmed by the Senate. The Governor must invite the Confederated Tribes of the Chehalis Reservation and the Quinault Indian Nation to each designate a voting member. These tribal designees are not subject to confirmation by the Senate.

Board members' initial appointments are clarified. Initially, one gubernatorial and one flood authority appointee must each serve two years; one gubernatorial and two flood authority appointees must each serve three years.

A state of emergency is declared.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony on Original Bill: PRO: Ecology supports this bill. This bill is important to ensure a high-functioning Board and a smooth transition between the Work Group and the Board. A smooth transition helps implement the Strategy. The Quinault Indian Nation (QIN) supports this bill. QIN tribal members on the Board should not be

subject to confirmation by the Senate. Senate confirmation is inconsistent with QIN's sovereignty and independence.

Persons Testifying: PRO: Chrissy Bailey, WA Department of Ecology/Project Manager; Junior Goodell, Quinault Indian Nation/Board member.

Persons Signed In To Testify But Not Testifying: No one.