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**HOUSE BILL 1653**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Representatives Lekanoff, Chapman, Ryu, Ramel, and Pollet

AN ACT Relating to improving statewide coordination in support of anadromous fish recovery; amending RCW 77.85.005, 77.85.030, 43.21A.020, 90.71.360, and 79A.25.005; adding a new section to chapter 77.85 RCW; adding a new section to chapter 43.23 RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 43.330 RCW; adding a new section to chapter 79A.05 RCW; adding a new section to chapter 77.12 RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 89.08 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that in recognition of the cultural, treaty, economic, recreational, and legal importance of salmon in Washington, many state government agencies' role is to implement policy and laws, and they devote significant program attention and resources to supporting the recovery, viability, and protection of anadromous fish. Further, the legislature recognizes the importance of a coordinated approach to statewide salmon recovery not just between state agencies, but also in partnership with the state's tribal comanagers. The legislature intends to ensure that all pertinent state agencies share in and support the mission of recovering and protecting salmon in Washington by incorporating that goal into each agency's mission, and by creating a venue through which state agencies and tribes can come together to review overall progress towards salmon recovery. However, the legislature does not intend to reallocate among state agencies any existing programs or responsibilities related to salmon recovery in Washington through this act.

**Sec.**  RCW 77.85.005 and 2009 c 345 s 9 are each amended to read as follows:

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

(2) The legislature finds that it is in the interest of the citizens of the state of Washington for the state to retain primary responsibility for managing the natural resources of the state, rather than abdicate those responsibilities to the federal government, and that the state may best accomplish this objective by integrating local and regional recovery activities into a statewide strategy that can make the most effective use of provisions of federal laws allowing for a state lead in salmon recovery, delivered through implementation activities consistent with regional and watershed recovery plans.

(3) The legislature also ((~~finds that a~~)) supports the statewide salmon recovery strategy ((~~must be developed and implemented through an~~)) and recognizes the state's active public involvement process in order to ensure public participation in, and support for, salmon recovery.

(4) The legislature also finds that there is a substantial link between the provisions of the federal endangered species act and the federal clean water act (33 U.S.C. Sec. 1251 et seq.).

(5) The legislature further finds that effective habitat protection and restoration is a vital component of salmon recovery efforts. With amplified climate change effects and human population growth, the legislature must protect what the state currently has and will have in the future, and thus must vastly increase the scope and scale of restoration, also including investments and inclusion of salmon recovery in the growth management act. Therefore, it is the intent of the legislature to specifically address salmon habitat protection and restoration for properly functioning watershed conditions for salmon in a coordinated manner and to develop a structure that allows for the coordinated delivery of federal, state, and local assistance to communities for habitat projects that will assist in the recovery and enhancement of salmon stocks. A strong watershed-based locally implemented plan is essential for local, regional, and statewide salmon recovery.

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

(7) The legislature further finds that it is important to monitor the overall health of the salmon resource to determine if recovery efforts are providing expected returns. It is important to monitor salmon habitat projects and salmon recovery activities to determine their effectiveness in order to secure federal acceptance of the state's approach to salmon recovery. Adaptive management ((~~cannot exist without monitoring~~)) will only exist with properly functioning watershed conditions for salmon. For these reasons, the legislature believes that a coordinated and integrated monitoring system should be developed and implemented.

(8) The legislature therefore finds that a coordinated framework for responding to the salmon crisis is needed immediately. To that end, the governor's salmon recovery office should ((~~be created to~~)) provide overall coordination of the state's response; an independent science panel ((~~is needed to~~)) shall provide scientific review and oversight; a coordinated state funding process should be ((~~established~~)) implemented through a salmon recovery funding board and the fish passage barrier removal board; the appropriate local or tribal government ((~~should~~)) provides local leadership in identifying and sequencing habitat restoration and acquisition projects to be funded by state agencies; habitat projects should be implemented without delay; and a strong partnership between state, tribal, and locally based efforts to restore salmon habitat should be established by providing a framework to allow citizen volunteers to work effectively.

(9) Furthermore, the legislature declares it to be the goal of the state to support the recovery and enhancement of salmon and steelhead stocks in order to support Washington's tribal treaty obligations, support nontribal commercial and recreational fisheries, and achieve the delisting and recovery of threatened or endangered salmon and steelhead runs under the federal endangered species act. State agencies should strive to apply the laws of the state of Washington, and the rules and policies of the agency, to advance the goal established in this section.

**Sec.**  RCW 77.85.030 and 2009 c 345 s 2 are each amended to read as follows:

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

(2) The governor's salmon recovery office is also responsible for maintaining the statewide salmon recovery strategy to reflect applicable provisions of regional recovery plans, habitat protection and restoration plans, water quality plans, and other private, local, regional, state agency and federal plans, projects, and activities that contribute to salmon recovery.

(3) The governor's salmon recovery office shall also work with regional salmon recovery organizations on salmon recovery issues in order to ensure a coordinated and consistent statewide approach to salmon recovery, which includes integrating statewide salmon recovery goals, methods, monitoring, and outcomes into each regional salmon recovery plan, and ensuring that salmon recovery plan elements are incorporated into growth management act and shoreline management act planning, and shall work with federal agencies to accomplish implementation of federal commitments in the recovery plans.

(4) The governor's salmon recovery office shall annually review and update each regional recovery plan to ensure each plan is achieving positive outcomes for salmon recovery and is in alignment with the statewide salmon recovery strategy.

(5) The governor's salmon recovery office shall oversee and, as appropriate, may provide technical and administrative support to any science panels that: Review and discuss emerging science; review watershed function monitoring; and report on progress towards properly functioning conditions at the watershed scale and natural origin salmon and steelhead population changes.

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

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

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

(c) Provide periodic reports pursuant to RCW 77.85.020;

(d) ((~~Provide, as appropriate, technical and administrative support to science panels on issues pertaining to salmon recovery;~~

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

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

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

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

((~~(5)~~)) (7) For administrative purposes, the governor's salmon recovery office is located within the ((~~recreation and conservation~~)) office of the governor. The governor's salmon recovery office must work in direct relationship with the governor's office of Indian affairs.

NEW SECTION. **Sec.**  A new section is added to chapter 77.85 RCW to read as follows:

(1) The salmon cabinet is established to foster statewide coordination and interagency relationships on salmon and steelhead recovery; receive updates on progress towards recovery goals; monitor progress on recovery initiatives; and make recommendations to the governor and legislature on agency actions, legislation, and budget priorities to enhance salmon and steelhead recovery.

(2) The salmon cabinet consists of the following members:

(a) The policy advisor to the governor whose responsibilities include advising the governor on issues related to salmon;

(b) One chair of a federally recognized Indian tribe located east of the crest of the Cascade mountains;

(c) One chair of a federally recognized Indian tribe located west of the crest of the Cascade mountains;

(d) The director of the department of fish and wildlife;

(e) The commissioner of public lands;

(f) The director of the department of ecology;

(g) The director of the recreation and conservation office;

(h) The director of the state conservation commission;

(i) The director of the department of commerce;

(j) The director of the office of financial management;

(k) The director of the department of transportation;

(l) The director of the department of agriculture;

(m) The director of the parks and recreation commission;

(n) The director of the Puget Sound partnership;

(o) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives; and

(p) One member from each of the two largest caucuses of the senate, appointed by the president of the senate.

(3) The director of the department of fish and wildlife; the governor's policy advisor whose responsibilities include advising the governor on issues related to salmon; one chair of a federally recognized Indian tribe located west of the crest of the Cascade mountains; and one chair of a federally recognized Indian tribe located east of the crest of the Cascade mountains shall serve as cochairs of the salmon cabinet.

(4) The governor's salmon recovery office shall provide staff support to the salmon cabinet.

(5) Legislative members of the salmon cabinet are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(6) The salmon cabinet shall provide a report in accordance with RCW 43.01.036 by June 1st and December 1st of each year on its activities including any recommendations on agency actions, potential legislation, and budget priorities to enhance salmon and steelhead recovery to the governor and the appropriate fiscal and policy committees of the legislature. The first report is due by June 1, 2022.

**Sec.**  RCW 43.21A.020 and 2020 c 20 s 1030 are each amended to read as follows:

In recognition of the responsibility of state government to carry out the policies set forth in RCW 43.21A.010, it is the purpose of this chapter to establish a single state agency with the authority to manage and develop our air and water resources in an orderly, efficient, and effective manner and to carry out a coordinated program of pollution control involving these and related land resources. To this end a department of ecology is created by this chapter to undertake, in an integrated manner, the various water regulation, management, planning and development programs now authorized to be performed by the department of water resources and the water pollution control commission, the air regulation and management program now performed by the state air pollution control board, the solid waste regulation and management program authorized to be performed by state government as provided by chapter 70A.205 RCW, and such other environmental, management protection and development programs as may be authorized by the legislature. The department must interpret its responsibilities described in this section, and its responsibilities in carrying out its various statutory duties and authorities established by the legislature, in a manner that is supportive of the state anadromous fish protection and recovery goal established in RCW 77.85.005(9).

NEW SECTION. **Sec.**  A new section is added to chapter 43.23 RCW to read as follows:

The department must interpret its applicable responsibilities described in this chapter, and its applicable responsibilities in carrying out its other various statutory duties and authorities established by the legislature, in a manner that is supportive of the state anadromous fish protection and recovery goal established in RCW 77.85.005(9).

NEW SECTION. **Sec.**  A new section is added to chapter 43.30 RCW to read as follows:

The department must interpret its applicable responsibilities described in this chapter, and its applicable responsibilities in carrying out its other various statutory duties and authorities established by the legislature, in a manner that is supportive of the state anadromous fish protection and recovery goal established in RCW 77.85.005(9).

NEW SECTION. **Sec.**  A new section is added to chapter 43.70 RCW to read as follows:

The department must interpret its applicable responsibilities described in this chapter, and its applicable responsibilities in carrying out its other various statutory duties and authorities established by the legislature, in a manner that is supportive of the state anadromous fish protection and recovery goal established in RCW 77.85.005(9).

NEW SECTION. **Sec.**  A new section is added to chapter 43.330 RCW to read as follows:

The department must interpret its applicable responsibilities described in this chapter, and its applicable responsibilities in carrying out its other various statutory duties and authorities established by the legislature, in a manner that is supportive of the state anadromous fish protection and recovery goal established in RCW 77.85.005(9).

NEW SECTION. **Sec.**  A new section is added to chapter 79A.05 RCW to read as follows:

The commission must interpret its applicable responsibilities described in this chapter, and its applicable responsibilities in carrying out its other various statutory duties and authorities established by the legislature, in a manner that is supportive of the state anadromous fish protection and recovery goal established in RCW 77.85.005(9).

NEW SECTION. **Sec.**  A new section is added to chapter 77.12 RCW to read as follows:

The department and commission must interpret their applicable responsibilities described in this chapter, and their applicable responsibilities in carrying out their other various statutory duties and authorities established by the legislature, in a manner that is supportive of the state anadromous fish protection and recovery goal established in RCW 77.85.005(9).

NEW SECTION. **Sec.**  A new section is added to chapter 47.01 RCW to read as follows:

The department must interpret its applicable responsibilities described in this chapter, and its applicable responsibilities in carrying out its other various statutory duties and authorities established by the legislature, in a manner that is supportive of the state anadromous fish protection and recovery goal established in RCW 77.85.005(9).

NEW SECTION. **Sec.**  A new section is added to chapter 89.08 RCW to read as follows:

The commission must interpret its applicable responsibilities described in this chapter, and its applicable responsibilities in carrying out its other various statutory duties and authorities established by the legislature, in a manner that is supportive of the state anadromous fish protection and recovery goal established in RCW 77.85.005(9).

**Sec.**  RCW 90.71.360 and 2007 c 341 s 18 are each amended to read as follows:

(1) The partnership shall not have regulatory authority nor authority to transfer the responsibility for, or implementation of, any state regulatory program, unless otherwise specifically authorized by the legislature.

(2) The action agenda may not create a legally enforceable duty to review or approve permits, or to adopt plans or regulations. The action agenda may not authorize the adoption of rules under chapter 34.05 RCW creating a legally enforceable duty applicable to the review or approval of permits or to the adoption of plans or regulations. No action of the partnership may alter the forest practices rules adopted pursuant to chapter 76.09 RCW, or any associated habitat conservation plan. Any changes in forest practices identified by the processes established in this chapter as necessary to fully recover the health of Puget Sound by 2020 may only be realized through the processes established in RCW 76.09.370 and other designated processes established in Title 76 RCW. Nothing in this subsection or subsection (1) of this section limits the accountability provisions of this chapter.

(3) Nothing in this chapter limits or alters the existing legal authority of local governments, nor does it create a legally enforceable duty upon local governments. When a local government proposes to take an action inconsistent with the action agenda, it shall inform the council and identify the reasons for taking the action. If a local government chooses to take an action inconsistent with the action agenda or chooses not to take action required by the action agenda, it will be subject to the accountability measures in this chapter which can be used at the discretion of the council.

(4) The partnership must interpret its applicable responsibilities described in this section, and its applicable responsibilities in carrying out its other various statutory duties and authorities established by the legislature, in a manner that is supportive of the state anadromous fish protection and recovery goal established in RCW 77.85.005(9).

**Sec.**  RCW 79A.25.005 and 2007 c 241 s 39 are each amended to read as follows:

(1) As Washington begins its second century of statehood, the legislature recognizes that renewed efforts are needed to preserve, conserve, and enhance the state's recreational resources. Rapid population growth and increased urbanization have caused a decline in suitable land for recreation and resulted in overcrowding and deterioration of existing facilities. Lack of adequate recreational resources directly affects the health and well-being of all citizens of the state, reduces the state's economic viability, and prevents Washington from maintaining and achieving the quality of life that it deserves.

(2) It is therefore the policy of the state and its agencies to preserve, conserve, and enhance recreational resources and open space. In carrying out this policy, the mission of the recreation and conservation funding board and its office is to: (a) ((~~create~~)) Create and work actively for the implementation of a unified statewide strategy for meeting the recreational needs of Washington's citizens((~~,~~)); (b) represent and promote the interests of the state on recreational issues in concert with other state and local agencies and the governor((~~,~~)); (c) encourage and provide interagency and regional coordination, and interaction between public and private organizations((~~,~~)); (d) administer recreational grant-in-aid programs and provide technical assistance((~~,~~)); and (e) serve as a repository for information, studies, research, and other data relating to recreation. The recreation and conservation funding board and its office must interpret their responsibilities described in this chapter, and its applicable responsibilities in carrying out its other various statutory duties and authorities established by the legislature, in a manner that is supportive of the state anadromous fish protection and recovery goal established in RCW 77.85.005(9).

((~~(2)~~)) (3) Washington is uniquely endowed with fresh and salt waters rich in scenic and recreational value. This outdoor heritage enriches the lives of citizens, attracts new residents and businesses to the state, and is a major support of its expanding tourist industry. Rising population, increased income and leisure time, and the rapid growth of boating and other water sports have greatly increased the demand for water related recreation, while waterfront land is rapidly rising in value and disappearing from public use. There is consequently an urgent need for the acquisition or improvement of waterfront land on fresh and salt water suitable for marine recreational use by Washington residents and visitors. To meet this need, it is necessary and proper that the portion of motor vehicle fuel taxes paid by boat owners and operators on fuel consumed in their watercraft and not reclaimed as presently provided by law should be expended for the acquisition or improvement of marine recreation land on the Pacific Ocean, Puget Sound, bays, lakes, rivers, reservoirs and other fresh and salt waters of the state.

**--- END ---**