
HOUSE BILL 1653

State of Washington

67th Legislature

2022 Regular Session

By Representatives Lekanoff, Chapman, Ryu, and Ramel

Prefiled 12/16/21.

1 AN ACT Relating to improving statewide coordination in support of
2 anadromous fish recovery; amending RCW 77.85.005, 77.85.030,
3 43.21A.020, 90.71.360, and 79A.25.005; adding a new section to
4 chapter 77.85 RCW; adding a new section to chapter 43.23 RCW; adding
5 a new section to chapter 43.30 RCW; adding a new section to chapter
6 43.70 RCW; adding a new section to chapter 43.330 RCW; adding a new
7 section to chapter 79A.05 RCW; adding a new section to chapter 77.12
8 RCW; adding a new section to chapter 47.01 RCW; adding a new section
9 to chapter 89.08 RCW; and creating a new section.

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

11 NEW SECTION. **Sec. 1.** The legislature finds that in recognition
12 of the cultural, treaty, economic, recreational, and legal importance
13 of salmon in Washington, many state government agencies' role is to
14 implement policy and laws, and they devote significant program
15 attention and resources to supporting the recovery, viability, and
16 protection of anadromous fish. Further, the legislature recognizes
17 the importance of a coordinated approach to statewide salmon recovery
18 not just between state agencies, but also in partnership with the
19 state's tribal comanagers. The legislature intends to ensure that all
20 pertinent state agencies share in and support the mission of
21 recovering and protecting salmon in Washington by incorporating that

1 goal into each agency's mission, and by creating a venue through
2 which state agencies and tribes can come together to review overall
3 progress towards salmon recovery. However, the legislature does not
4 intend to reallocate among state agencies any existing programs or
5 responsibilities related to salmon recovery in Washington through
6 this act.

7 **Sec. 2.** RCW 77.85.005 and 2009 c 345 s 9 are each amended to
8 read as follows:

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

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

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

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

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

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

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

29 (8) The legislature therefore finds that a coordinated framework
30 for responding to the salmon crisis is needed immediately. To that
31 end, the governor's salmon recovery office should (~~be created to~~)
32 provide overall coordination of the state's response; an independent
33 science panel (~~is needed to~~) shall provide scientific review and
34 oversight; a coordinated state funding process should be
35 (~~established~~) implemented through a salmon recovery funding board
36 and the fish passage barrier removal board; the appropriate local or
37 tribal government (~~should~~) provides local leadership in identifying
38 and sequencing habitat restoration and acquisition projects to be
39 funded by state agencies; habitat projects should be implemented
40 without delay; and a strong partnership between state, tribal, and

1 locally based efforts to restore salmon habitat should be established
2 by providing a framework to allow citizen volunteers to work
3 effectively.

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

13 **Sec. 3.** RCW 77.85.030 and 2009 c 345 s 2 are each amended to
14 read as follows:

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

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

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

38 (4) The governor's salmon recovery office shall annually review
39 and update each regional recovery plan to ensure each plan is

1 achieving positive outcomes for salmon recovery and is in alignment
2 with the statewide salmon recovery strategy.

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

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

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

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

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

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

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

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

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

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

36 ~~((5))~~ (7) For administrative purposes, the governor's salmon
37 recovery office is located within the ~~((recreation and conservation))~~
38 office of the governor. The governor's salmon recovery office must
39 work in direct relationship with the governor's office of Indian
40 affairs.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 77.85
2 RCW to read as follows:

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

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

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

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

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

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

17 (e) The commissioner of public lands;

18 (f) The director of the department of ecology;

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

20 (h) The director of the state conservation commission;

21 (i) The director of the department of commerce;

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

23 (k) The director of the department of transportation;

24 (l) The director of the department of agriculture;

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

26 (n) The director of the Puget Sound partnership;

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

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

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

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

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

7 (6) The salmon cabinet shall provide a report in accordance with
8 RCW 43.01.036 by June 1st and December 1st of each year on its
9 activities including any recommendations on agency actions, potential
10 legislation, and budget priorities to enhance salmon and steelhead
11 recovery to the governor and the appropriate fiscal and policy
12 committees of the legislature. The first report is due by June 1,
13 2022.

14 **Sec. 5.** RCW 43.21A.020 and 2020 c 20 s 1030 are each amended to
15 read as follows:

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

37 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.23
38 RCW to read as follows:

1 The department must interpret its applicable responsibilities
2 described in this chapter, and its applicable responsibilities in
3 carrying out its other various statutory duties and authorities
4 established by the legislature, in a manner that is supportive of the
5 state anadromous fish protection and recovery goal established in RCW
6 77.85.005(9).

7 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.30
8 RCW to read as follows:

9 The department must interpret its applicable responsibilities
10 described in this chapter, and its applicable responsibilities in
11 carrying out its other various statutory duties and authorities
12 established by the legislature, in a manner that is supportive of the
13 state anadromous fish protection and recovery goal established in RCW
14 77.85.005(9).

15 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.70
16 RCW to read as follows:

17 The department must interpret its applicable responsibilities
18 described in this chapter, and its applicable responsibilities in
19 carrying out its other various statutory duties and authorities
20 established by the legislature, in a manner that is supportive of the
21 state anadromous fish protection and recovery goal established in RCW
22 77.85.005(9).

23 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.330
24 RCW to read as follows:

25 The department must interpret its applicable responsibilities
26 described in this chapter, and its applicable responsibilities in
27 carrying out its other various statutory duties and authorities
28 established by the legislature, in a manner that is supportive of the
29 state anadromous fish protection and recovery goal established in RCW
30 77.85.005(9).

31 NEW SECTION. **Sec. 10.** A new section is added to chapter 79A.05
32 RCW to read as follows:

33 The commission must interpret its applicable responsibilities
34 described in this chapter, and its applicable responsibilities in
35 carrying out its other various statutory duties and authorities
36 established by the legislature, in a manner that is supportive of the

1 state anadromous fish protection and recovery goal established in RCW
2 77.85.005(9).

3 NEW SECTION. **Sec. 11.** A new section is added to chapter 77.12
4 RCW to read as follows:

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

11 NEW SECTION. **Sec. 12.** A new section is added to chapter 47.01
12 RCW to read as follows:

13 The department must interpret its applicable responsibilities
14 described in this chapter, and its applicable responsibilities in
15 carrying out its other various statutory duties and authorities
16 established by the legislature, in a manner that is supportive of the
17 state anadromous fish protection and recovery goal established in RCW
18 77.85.005(9).

19 NEW SECTION. **Sec. 13.** A new section is added to chapter 89.08
20 RCW to read as follows:

21 The commission must interpret its applicable responsibilities
22 described in this chapter, and its applicable responsibilities in
23 carrying out its other various statutory duties and authorities
24 established by the legislature, in a manner that is supportive of the
25 state anadromous fish protection and recovery goal established in RCW
26 77.85.005(9).

27 **Sec. 14.** RCW 90.71.360 and 2007 c 341 s 18 are each amended to
28 read as follows:

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

33 (2) The action agenda may not create a legally enforceable duty
34 to review or approve permits, or to adopt plans or regulations. The
35 action agenda may not authorize the adoption of rules under chapter
36 34.05 RCW creating a legally enforceable duty applicable to the

1 review or approval of permits or to the adoption of plans or
2 regulations. No action of the partnership may alter the forest
3 practices rules adopted pursuant to chapter 76.09 RCW, or any
4 associated habitat conservation plan. Any changes in forest practices
5 identified by the processes established in this chapter as necessary
6 to fully recover the health of Puget Sound by 2020 may only be
7 realized through the processes established in RCW 76.09.370 and other
8 designated processes established in Title 76 RCW. Nothing in this
9 subsection or subsection (1) of this section limits the
10 accountability provisions of this chapter.

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

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

26 **Sec. 15.** RCW 79A.25.005 and 2007 c 241 s 39 are each amended to
27 read as follows:

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

38 (2) It is therefore the policy of the state and its agencies to
39 preserve, conserve, and enhance recreational resources and open

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

18 ~~((+2))~~ (3) Washington is uniquely endowed with fresh and salt
19 waters rich in scenic and recreational value. This outdoor heritage
20 enriches the lives of citizens, attracts new residents and businesses
21 to the state, and is a major support of its expanding tourist
22 industry. Rising population, increased income and leisure time, and
23 the rapid growth of boating and other water sports have greatly
24 increased the demand for water related recreation, while waterfront
25 land is rapidly rising in value and disappearing from public use.
26 There is consequently an urgent need for the acquisition or
27 improvement of waterfront land on fresh and salt water suitable for
28 marine recreational use by Washington residents and visitors. To meet
29 this need, it is necessary and proper that the portion of motor
30 vehicle fuel taxes paid by boat owners and operators on fuel consumed
31 in their watercraft and not reclaimed as presently provided by law
32 should be expended for the acquisition or improvement of marine
33 recreation land on the Pacific Ocean, Puget Sound, bays, lakes,
34 rivers, reservoirs and other fresh and salt waters of the state.

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