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**SUBSTITUTE HOUSE BILL 1653**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** House State Government & Tribal Relations (originally sponsored by Representatives Lekanoff, Chapman, Ryu, Ramel, and Pollet)

1 AN ACT Relating to improving statewide coordination in support of  
2 anadromous fish recovery; amending RCW 77.85.005; adding a new  
3 section to chapter 77.85 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that in recognition  
6 of the cultural, treaty, economic, recreational, and legal importance  
7 of salmon in Washington, many state agencies' role is to implement  
8 policy and laws, and they devote significant program attention and  
9 resources to supporting the recovery, viability, and protection of  
10 anadromous fish. Further, the legislature recognizes the importance  
11 of a coordinated approach to statewide salmon recovery not just  
12 between state agencies, but also in partnership with the state's  
13 tribal comanagers. The legislature intends to ensure that all  
14 pertinent state agencies share in and support the mission of  
15 recovering and protecting salmon in Washington by creating a venue  
16 through which state agencies and tribes can come together to review  
17 overall progress towards salmon recovery. However, the legislature  
18 does not intend to reallocate among state agencies any existing  
19 programs or responsibilities related to salmon recovery in Washington  
20 through this act.

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

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

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

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

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

34       (5) The legislature further finds that effective habitat  
35 protection and restoration is a vital component of salmon recovery  
36 efforts. With amplified climate change effects and human population  
37 growth, the legislature must protect what the state currently has and  
38 will have in the future, and thus must vastly increase the scope and  
39 scale of restoration, also including investments and inclusion of  
40 salmon recovery in the growth management act. Therefore, it is the

1 intent of the legislature to specifically address salmon habitat  
2 protection and restoration for properly functioning watershed  
3 conditions for salmon in a coordinated manner and to develop a  
4 structure that allows for the coordinated delivery of federal, state,  
5 and local assistance to communities for habitat projects that will  
6 assist in the recovery and enhancement of salmon stocks. A strong  
7 watershed-based locally implemented plan is essential for local,  
8 regional, and statewide salmon recovery.

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

12 (7) The legislature further finds that it is important to monitor  
13 the overall health of the salmon resource to determine if recovery  
14 efforts are providing expected returns. It is important to monitor  
15 salmon habitat projects and salmon recovery activities in a  
16 coordinated manner to determine their effectiveness in order to  
17 ~~((secure))~~ maintain federal acceptance of the state's approach to  
18 salmon recovery. Adaptive management ~~((cannot exist without~~  
19 ~~monitoring))~~ can only occur when the state has identified a baseline,  
20 from which it can then monitor the benefits of its actions and how  
21 the salmon and steelhead are responding to improved watershed  
22 functions. For these reasons, the legislature believes that a  
23 coordinated and integrated monitoring system should be ~~((developed~~  
24 ~~and implemented))~~ expanded.

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

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

10 NEW SECTION. Sec. 3. A new section is added to chapter 77.85  
11 RCW to read as follows:

12 (1) The salmon advisory cabinet is established to improve the  
13 coordination and understanding of the habitat, harvest, hydro,  
14 hatcheries, predation, and other factors that influence salmon and  
15 steelhead recovery. The cabinet also shall consider existing efforts  
16 and needs in all areas that influence salmon and steelhead recovery,  
17 in order to identify gaps; receive and discuss monitoring adaptive  
18 management needs; and develop recommendations to be submitted to the  
19 governor and the legislature regarding agency actions, legislation,  
20 and budget priorities to enhance salmon and steelhead recovery.

21 (2) The salmon advisory cabinet includes the following members:

22 (a) The director of the governor's office of Indian affairs, or  
23 the director's designee;

24 (b) Tribal leaders with interests and treaty rights in  
25 Washington;

26 (c) The director, or the director's designee, of the following  
27 agencies:

28 (i) The department of fish and wildlife;

29 (ii) The department of natural resources;

30 (iii) The department of ecology;

31 (iv) The Puget Sound partnership;

32 (v) The department of transportation;

33 (vi) The department of archaeology and historic preservation;

34 (vii) The recreation and conservation office;

35 (viii) The state conservation commission;

36 (ix) The department of agriculture;

37 (x) The parks and recreation commission; and

38 (xi) The department of health;

1 (d) One member from each of the two largest caucuses of the house  
2 of representatives, appointed by the speaker of the house of  
3 representatives;

4 (e) One member from each of the two largest caucuses of the  
5 senate, appointed by the president of the senate; and

6 (f) Two representatives of cities and counties, appointed by the  
7 governor.

8 (3) The salmon advisory cabinet must be chaired by the  
9 representative of the governor's office of Indian affairs.

10 (4) The salmon advisory cabinet shall convene at least twice per  
11 year.

12 (5) The governor's office of Indian affairs shall provide staff  
13 support to the salmon advisory cabinet.

14 (6) Legislative members of the salmon advisory cabinet are  
15 reimbursed for travel expenses in accordance with RCW 44.04.120.  
16 Nonlegislative members are not entitled to be reimbursed for travel  
17 expenses if they are elected officials or are participating on behalf  
18 of an employer, governmental entity, or other organization. Any  
19 reimbursement for other nonlegislative members is subject to chapter  
20 43.03 RCW.

21 (7) The salmon advisory cabinet shall provide semiannual reports  
22 in accordance with RCW 43.01.036 on its activities including any  
23 recommendations on agency actions, potential legislation, and budget  
24 priorities to enhance salmon and steelhead recovery to the governor  
25 and the appropriate fiscal and policy committees of the legislature.  
26 The first report is due by October 1, 2022, and subsequent reports  
27 are due by June 1st and December 1st of each year.

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