

2023 Possible Agency Legislative Requests

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AGENDA

Possible Agency Requests – on for briefing, decision in August

Update - Land Use and Riparian – informational only

FYI – 2022 budget follow ups – on for acquiescence, unless delayed to August



Possible Agency Requests

1. Streamlining maintenance at hatchery facilities.
2. Requiring recreational licenses for several unregulated species.
3. Authority for Chronic Wasting Disease sampling.
4. Options for a Shoreline Revolving Fund to address hard armoring.



1. Hatchery Maintenance

A new section is added to [RCW 90.58.356](#) or (.355):

The following department of fish and wildlife maintenance activities, necessary to maintain the operation of state managed fish hatcheries, including water intakes and discharges, fish ladders, water and power conveyances, weirs, and racks and traps used for fish collection.

- (i) Maintenance, repair, or replacement of equipment and components that support the larger hatchery facility and occur within the existing footprint of fish hatchery facilities;
- (ii) Construction or installation of safety structures and equipment;
- (iii) Maintenance occurring within existing water intake and outflow sites; or
- (iv) Construction undertaken in response to unforeseen, extraordinary circumstances that are necessary to prevent a decline, lapse, or cessation of operation of a state fish hatchery facility.

The department of fish and wildlife must ensure compliance with the substantive requirements of this chapter for projects under this section. Projects undertaken under this section must not adversely affect public access or shoreline ecological functions.

The department of fish and wildlife must provide written notification of projects authorized under this section before repair and maintenance occur to the local government with jurisdiction, and to the department of ecology.



2. Smelt, carp, and crawfish licensing – goal of education and voluntary compliance with resource protection restrictions.

RCW 77.32.010

Recreational license required—Activities—Pass or permit for parking.

(1) Except as otherwise provided in this chapter or department rule, a recreational license issued by the director is required to hunt, fish, or take wildlife or seaweed. ~~A recreational fishing or shellfish license is not required for carp, freshwater smelt, and crawfish, and a hunting license is not required for bullfrogs....~~



3. Using checkpoints to monitor chronic wasting disease.

Amendments to 77.12.620 and 77.15.470, along the lines of:

- (1) A person is guilty of unlawfully avoiding wildlife check stations or field inspections if the person fails to:
 - (a) Obey check station signs;
 - (b) Stop and report at a check station if directed to do so by a uniformed fish and wildlife employee officer ~~or if directed by an ex officio fish and wildlife officer~~ participating in a department-authorized check station; or
 - (c) Produce for inspection and/or biological sampling upon request by a uniformed fish and wildlife ~~officer or ex officio fish and wildlife officer~~ employee: (i) Hunting or fishing equipment; (ii) seaweed, fish, shellfish, or wildlife; or (iii) licenses, permits, tags, stamps, or catch record cards required by this title.
- (2) Unlawfully avoiding wildlife check stations or field inspections is a gross misdemeanor.
- ~~(3) Wildlife check stations may not be established upon interstate highways or state routes.~~



4. Creating a Shoreline Restoration Revolving Fund

This proposal creates a new account from which loans could be issued to residential property owners for the purposes of incentivizing hard armor removal, shoreline restoration, and/or erosion remediation.

- **OPTION A** places the program within WDFW and requires amendments to WDFW Powers and Duties. It allows for future expansion of the loan program to other habitat restoration priorities on private residential property, that may not consistently intersect with water quality priorities (such as fish passage).
- **OPTION B** would use existing authorities and loan experience of Department of Ecology and requires an ongoing MOU for management of the account and the program operation, drawing on similarities to ESRP-RCO MOU and funds management.



Update - Land Use and Riparian

- Language addressing riparian areas. (1838)
- Language addressing climate resiliency. (1099)
- Language addressing net ecological gain. (1117)

None of these passed during the 2022 session.



Several actions are occurring this year that will influence 2023

1. The Governor's Office is holding a facilitated process to address funding and law changes to enhance riparian habitat.
2. OFM is going to assess efficacy of voluntary programs and existing regulatory programs for riparian and land use habitat protection and restoration.
3. WDFW is assessing current riparian ecosystems and gaps in vegetated cover relative to water temperature, fish passage barriers and salmon status.
4. WDFW will review WSAS reports on defining net ecological gain and options to implement it under land use laws.



Information to the Commission

1. Updates to the FWC on each of these reports as they issue.
2. Weekly updates of legislation during session – with links to internal bill analysis.
3. Opportunities to provide input to inform agency positions.



FYI – 2022 budget follow ups

A. Moving Duckabush funding into account.

B. Salmon Team enhancement resources vetoed for unrelated issue.

C. Centralized costs unsupported by revenue



A. Duckabush Funding

- Request that the current General Fund-State \$25M in the RCO budget be moved into the Salmon Recovery Account (Second Supplemental).
- This will retain the funds over fiscal year endings, until the total is arranged for by both the state and the ACOE.



B. Salmon Team funding

- Salmon team funding that would enhance and speed up fisheries modelling (specifically during NOF)
- The proviso containing this funding was vetoed in 2022, but the veto message expressly supported the funding as a separate ask. (Second Supplemental)



C. Authority without revenue

- OFM allocates centralized costs across agency revenue accounts.
- This creates a shortfall if a revenue account does not have unappropriated balance to cover these costs.
- WDFW does not have authority to raise fees to cover this shortfall.
- WDFW should submit a budget decision package that requests General Fund-State coverage for maintenance level appropriations such as central service agency rate changes, and global personnel policies that adjust state salaries, health care, and pension benefits. (2023-25 Operating Budget)
- This is anticipated to be an annual submitted budget package.



Questions?

