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**HOUSE BILL 2902**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Representatives Wilcox, Blake, Chandler, Barkis, Griffey, DeBolt, Tharinger, Walsh, Chapman, Orcutt, and Stokesbary

AN ACT Relating to ensuring that Washington aggressively acts to open fish habitat by removing barriers under all forms of ownership; amending RCW 77.95.160 and 43.88.090; adding a new section to chapter 77.95 RCW; creating a new section; and making an appropriation.

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

NEW SECTION. **Sec.**  (1) The legislature finds that the deep estuaries and connected rivers of the Salish Sea and the Columbia river systems once teemed with salmon and other species that provided the subsistence and foundations for rich human cultures to flourish since time immemorial. As the population of the area grew, and development moved forward, decisions were made that, in retrospect, seem short-sighted. The very rivers and streams that once provided the vital habitat to Washington's native aquatic species were slowly, one by one, blocked to fish passage.

(2) The legislature also finds that, in the last decade, Washington has begun a long-overdue process of identifying and removing these barriers to fish passage that block access to habitat and threaten the vitality of our salmon runs. Some of these investments have made an immediate impact by opening new river miles long blocked to salmonids, whose ancient memories allowed them to reestablish long-lost spawning grounds. Other efforts, such as the over three hundred million dollars invested by forest landowners to remove over six thousand barriers, remain, in many instances, unrealized salmon recovery potential as legacy downstream blockages throughout the watersheds continue to block the fish's transit through these waiting stream segments.

(3) The legislature also finds that it should be a priority of the state to avoid undoing, within a few generations, a state of sustainable balance between humans and the natural environment that has provided more than sufficient bounty for hundreds of generations to thrive here.

(4) Therefore, it is the intent of the legislature to redouble its commitment to removing barriers to fish passage under the management of all forms of ownership that are the state's responsibility to remedy: Those of local governments, those enrolled in the family forest fish passage program, and those owned by the state itself. In doing so, it is the intent of the legislature to commit no less than fifty million dollars of general fund support per year, and at least ten percent of any revenues to the general fund accruing in amounts exceeding 2017 revenues, towards the funding of fish passage barrier removal projects annually. These commitments are in addition to any moneys obligated to fish passage barrier removal projects from other sources of funding.

NEW SECTION. **Sec.**  A new section is added to chapter 77.95 RCW to read as follows:

(1) The fish passage barrier removal board created pursuant to RCW 77.95.160 must, using the funds appropriated consistent with section 4 of this act and similar amounts on an ongoing basis each year thereafter, provide funding for fish barrier removal projects. Priority must be given to transportation projects consistent with RCW 77.95.180, with other state projects, local projects, and projects included in the family forest fish passage program created pursuant to RCW 76.13.150, also eligible for funding consistent with the prioritization recommendations of the fish passage barrier removal board.

(2) For investments in the Puget Sound watersheds, the fish passage barrier removal board should coordinate with the Puget Sound partnership to capture the priorities embodied in their action agenda and set forth by any relevant citizen salmon recovery advisory bodies formed for purposes of the recovery of federally listed endangered species.

(3) By December 1st of each year, the fish passage barrier removal board must document in a report to the appropriate committees of the legislature its progress towards the goal of more quickly, efficiently, and expansively opening fish habitat than has been achieved through the inadequately funded efforts occurring prior to the effective date of this section.

**Sec.**  RCW 77.95.160 and 2014 c 120 s 4 are each amended to read as follows:

(1) The department shall maintain a fish passage barrier removal board. The board must be composed of a representative from the department, the department of transportation, cities, counties, the governor's salmon recovery office, tribal governments, and the department of natural resources. The representative of the department must serve as chair of the board and may expand the membership of the board to representatives of other governments, stakeholders, and interested entities.

(2)(a) The duty of the board is to identify ((~~and~~)), expedite, and fund, consistent with section 2 of this act, the removal of human-made or caused impediments to anadromous fish passage in the most efficient manner practical through the development of a coordinated approach and schedule that identifies and prioritizes the projects necessary to eliminate fish passage barriers caused by state and local roads and highways and barriers owned by private parties.

(b) The coordinated approach must address fish passage barrier removals in all areas of the state in a manner that is consistent with a recognition that scheduling and prioritization is necessary.

(c) The board must coordinate and mutually share information, when appropriate, with:

(i) Other fish passage correction programs, including local salmon recovery plan implementation efforts through the governor's salmon recovery office;

(ii) The applicable conservation districts when developing schedules and priorities within set geographic areas or counties; and

(iii) The recreation and conservation office to ensure that barrier removal methodologies are consistent with, and maximizing the value of, other salmon recovery efforts and habitat improvements that are not primarily based on the removal of barriers.

(d) Recommendations must include proposed funding mechanisms and other necessary mechanisms and methodologies to coordinate state, tribal, local, and volunteer barrier removal efforts within each water resource inventory area and satisfy the principles of RCW 77.95.180. To the degree practicable, the board must utilize the database created in RCW 77.95.170 and information on fish barriers developed by conservation districts to guide methodology development. The board may consider recommendations by interested entities from the private sector and regional fisheries enhancement groups.

(e) When developing a prioritization methodology under this section, the board shall consider:

(i) Projects benefiting depressed, threatened, and endangered stocks;

(ii) Projects providing access to available and high quality spawning and rearing habitat;

(iii) Correcting the lowest barriers within the stream first;

(iv) Whether an existing culvert is a full or partial barrier;

(v) Projects that are coordinated with other adjacent barrier removal projects; and

(vi) Projects that address replacement of infrastructure associated with flooding, erosion, or other environmental damage. (f) The board may not make decisions on fish passage standards or categorize as impassible culverts or other infrastructure developments that have been deemed passable by the department.

NEW SECTION. **Sec.**  The sum of fifty million dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2019, from the state general fund to the department of fish and wildlife for fish passage barrier removal projects consistent with section 2 of this act.

**Sec.**  RCW 43.88.090 and 2015 3rd sp.s. c 1 s 409 are each amended to read as follows:

(1)(a)(i) For purposes of developing budget proposals to the legislature, the governor shall have the power, and it shall be the governor's duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as the governor shall direct. The governor shall communicate statewide priorities to agencies for use in developing biennial budget recommendations for their agency and shall seek public involvement and input on these priorities.

(ii) As part of the budget development for the department of fish and wildlife, the governor must require the director of the department of fish and wildlife to provide an estimated amount equal to ten percent of any revenues to the general fund accruing in amounts exceeding 2017 revenues, and at least ten percent of any budget surpluses identified by the economic and revenue forecast council created under RCW 82.33.010, to be committed to fulfilling the responsibilities of section 2 of this act.

(b) The following must be transmitted to the governor and must be included in the budget without revision: The estimates for the legislature and the judiciary ((~~shall be transmitted to the governor and shall be included in the budget without revision~~)) and the estimates provided by the department of fish and wildlife under (a) of this subsection for fulfilling the responsibilities of section 2 of this act.

(c)(i) The estimates for state pension contributions shall be based on the rates provided in chapter 41.45 RCW. Copies of all such estimates shall be transmitted to the standing committees on ways and means of the house and senate at the same time as they are filed with the governor and the office of financial management.

(ii) The estimates shall include statements or tables which indicate, by agency, the state funds which are required for the receipt of federal matching revenues. The estimates shall be revised as necessary to reflect legislative enactments and adopted appropriations and shall be included with the initial biennial allotment submitted under RCW 43.88.110. The estimates must reflect that the agency considered any alternatives to reduce costs or improve service delivery identified in the findings of a performance audit of the agency by the joint legislative audit and review committee. Nothing in this subsection requires performance audit findings to be published as part of the budget.

(2) Each state agency shall define its mission and establish measurable goals for achieving desirable results for those who receive its services and the taxpayers who pay for those services. Each agency shall also develop clear strategies and timelines to achieve its goals. This section does not require an agency to develop a new mission or goals in place of identifiable missions or goals that meet the intent of this section. The mission and goals of each agency must conform to statutory direction and limitations.

(3) For the purpose of assessing activity performance, each state agency shall establish quality and productivity objectives for each major activity in its budget. The objectives must be consistent with the missions and goals developed under this section. The objectives must be expressed to the extent practicable in outcome-based, objective, and measurable form unless an exception to adopt a different standard is granted by the office of financial management and approved by the legislative committee on performance review. Objectives must specifically address the statutory purpose or intent of the program or activity and focus on data that measure whether the agency is achieving or making progress toward the purpose of the activity and toward statewide priorities. The office of financial management shall provide necessary professional and technical assistance to assist state agencies in the development of strategic plans that include the mission of the agency and its programs, measurable goals, strategies, and performance measurement systems.

(4) Each state agency shall adopt procedures for and perform continuous self-assessment of each activity, using the mission, goals, objectives, and measurements required under subsections (2) and (3) of this section. The assessment of the activity must also include an evaluation of major information technology systems or projects that may assist the agency in achieving or making progress toward the activity purpose and statewide priorities. The evaluation of proposed major information technology systems or projects shall be in accordance with the standards and policies established by the technology services board. Agencies' progress toward the mission, goals, objectives, and measurements required by subsections (2) and (3) of this section is subject to review as set forth in this subsection.

(a) The office of financial management shall regularly conduct reviews of selected activities to analyze whether the objectives and measurements submitted by agencies demonstrate progress toward statewide results.

(b) The office of financial management shall consult with: (i) The four-year institutions of higher education in those reviews that involve four-year institutions of higher education; and (ii) the state board for community and technical colleges in those reviews that involve two-year institutions of higher education.

(c) The goal is for all major activities to receive at least one review each year.

(d) The consolidated technology services agency shall review major information technology systems in use by state agencies periodically.

(5) It is the policy of the legislature that each agency's budget recommendations must be directly linked to the agency's stated mission and program, quality, and productivity goals and objectives. Consistent with this policy, agency budget proposals must include integration of performance measures that allow objective determination of an activity's success in achieving its goals. When a review under subsection (4) of this section or other analysis determines that the agency's objectives demonstrate that the agency is making insufficient progress toward the goals of any particular program or is otherwise underachieving or inefficient, the agency's budget request shall contain proposals to remedy or improve the selected programs. The office of financial management shall develop a plan to merge the budget development process with agency performance assessment procedures. The plan must include a schedule to integrate agency strategic plans and performance measures into agency budget requests and the governor's budget proposal over three fiscal biennia. The plan must identify those agencies that will implement the revised budget process in the 1997-1999 biennium, the 1999-2001 biennium, and the 2001-2003 biennium. In consultation with the legislative fiscal committees, the office of financial management shall recommend statutory and procedural modifications to the state's budget, accounting, and reporting systems to facilitate the performance assessment procedures and the merger of those procedures with the state budget process. The plan and recommended statutory and procedural modifications must be submitted to the legislative fiscal committees by September 30, 1996.

(6) In reviewing agency budget requests in order to prepare the governor's biennial budget request, the office of financial management shall consider the extent to which the agency's activities demonstrate progress toward the statewide budgeting priorities, along with any specific review conducted under subsection (4) of this section.

(7) In the year of the gubernatorial election, the governor shall invite the governor-elect or the governor-elect's designee to attend all hearings provided in RCW 43.88.100; and the governor shall furnish the governor-elect or the governor-elect's designee with such information as will enable the governor-elect or the governor-elect's designee to gain an understanding of the state's budget requirements. The governor-elect or the governor-elect's designee may ask such questions during the hearings and require such information as the governor-elect or the governor-elect's designee deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted to the standing committees on ways and means of the house and senate.

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