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HOUSE BILL 2217

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State of Washington

55th Legislature

1997 Regular Session

By Representatives K. Schmidt, Doumit, Buck, Blalock, Hatfield and Kessler

Read first time 02/27/97. Referred to Committee on Transportation Policy & Budget.

1 AN ACT Relating to fish passage barrier removal; adding new  
2 sections to chapter 75.50 RCW; and creating new sections.

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

4 NEW SECTION. **Sec. 1.** The legislature finds:

5 (1) The increasing population and continued development throughout  
6 the state, and the transportation system needed to serve this growth,  
7 have exacerbated problems associated with culverts, creating barriers  
8 to fish passage. These barriers obstruct habitat and have resulted in  
9 reduced production and survival of anadromous and resident fish at a  
10 time when salmonid stocks continue to decline. There is a growing need  
11 to remove fish passage barriers related to transportation facilities.  
12 Further, there is a definite link between fish passage problems and  
13 storm water and flooding problems;

14 (2) Current state laws do not appropriately direct resources for  
15 the correction of fish passage obstructions related to transportation  
16 facilities. The department of fish and wildlife has historically  
17 worked with a number of cities, counties, and private organizations in  
18 successful but limited correction of specific fish passage problems.  
19 However, current fish passage management efforts related to

1 transportation projects lack necessary coordination on a watershed,  
2 regional, and state-wide basis; have inadequate funding; and fail to  
3 maximize use of available resources;

4 (3) The department of transportation has expended funds on fish  
5 passage research and has a barrier removal program in place that is  
6 managed jointly with the department of fish and wildlife. To develop  
7 a coordinated program throughout the state, there is a need to  
8 supplement the department of transportation's current fish passage  
9 barrier removal program by expanding it to include cities and counties,  
10 and increasing funding and coordination to cover that expanded program.  
11 Past appropriations made by the legislature for the removal of fish  
12 passage barriers were intended to address applicable federal and state  
13 mandates on habitat protection.

14 NEW SECTION. **Sec. 2.** It is the intent of the legislature that:

15 (1) This act encourage new opportunities for cities, counties,  
16 Indian tribes, and the state to participate in the removal of  
17 transportation-related fish passage barriers. It is recognized that  
18 Indian tribes, as comanagers of fisheries throughout much of Washington  
19 state, can make significant contributions to the program based on  
20 inventories they have conducted;

21 (2) Potential threatened and endangered species listings, and loss  
22 of commercial and recreational opportunities, justify the need for more  
23 effective fish passage barrier removal. The costs estimated to remove  
24 all identified barriers far exceed available revenue;

25 (3) This act establish a program to develop a state-wide  
26 coordination mechanism for funding the removal of transportation-  
27 related fish passage barriers in the most ecologically beneficial and  
28 cost-effective manner;

29 (4) These programs be fully coordinated with storm water programs  
30 to maximize the effectiveness of both programs. Transportation  
31 facilities include, but are not limited to, state and local roads and  
32 highways, railroads, and private roads and driveways.

33 NEW SECTION. **Sec. 3.** The department of transportation and the  
34 department of fish and wildlife shall develop a coordinated funding,  
35 grant, and implementation program to address fish passage problems  
36 associated with transportation facilities.

1        NEW SECTION.    **Sec. 4.**    The fish passage barrier removal committee  
2 consisting of representatives from the department of transportation,  
3 acting as chair, the department of fish and wildlife, the department of  
4 ecology, the department of natural resources, cities, counties, Indian  
5 tribes, an environmental organization, and a business organization,  
6 shall oversee the program. The committee may add representatives of  
7 other agencies, organizations, or interest groups to serve as members  
8 or in an advisory capacity.

9        NEW SECTION.    **Sec. 5.**    The fish passage barrier removal program  
10 must address, but is not limited to, the following objectives: (1)  
11 Greater state-wide coordination in the construction of fish passage  
12 facilities; (2) encouraging multijurisdictional projects; (3)  
13 developing priorities and approaches for implementing activities on a  
14 watershed basis; (4) developing criteria for a grant program; (5)  
15 identifying and prioritizing fish passage retrofit projects for grant  
16 funding; (6) evaluating methods to determine cost-saving and ecological  
17 benefits of proposed projects; (7) identifying ways to facilitate the  
18 sharing of technical resources; (8) developing methods for monitoring  
19 and evaluating activities carried out under the program; (9) making  
20 recommendations for ongoing funding of the program after evaluating  
21 potential sources including, but not limited to, the federal  
22 transportation program, the motor vehicle fund, the transportation  
23 fund, natural resource-based funding sources, local and private  
24 contributions, user fees, and other grant sources; (10) inventorying  
25 and mapping; (11) research; and (12) tying the program to permit  
26 streamlining for implementation.

27        The department of transportation shall coordinate fish passage  
28 committee activities and administer grants to facilitate construction  
29 of the highest priority state and local fish passage projects based on  
30 ecological and cost-saving benefits.

31        NEW SECTION.    **Sec. 6.**    Funds may be provided to cities, towns,  
32 counties, port districts, municipal corporations, special purpose  
33 districts, conservation districts, Indian tribes, the department of  
34 natural resources, the department of fish and wildlife, and the  
35 department of transportation. Funding appropriation may include  
36 inventory and survey work. In developing project criteria, the fish  
37 passage barrier removal committee shall identify the most urgent

1 transportation-related fish passage problems; develop methods for  
2 applying priorities across watersheds; and give added weight to  
3 projects in which contributions, investments in surveys, and other  
4 involvement are multijurisdictional. Criteria will also include  
5 economics and cost-effectiveness; impact of the fish passage barrier on  
6 endangered species; and potential impact to the state from impending  
7 endangered species listings. Consideration will be given for projects  
8 within a local watershed plan.

9 NEW SECTION. **Sec. 7.** By January 1, 1999, the department of  
10 transportation and the department of fish and wildlife shall jointly  
11 submit to the appropriate committees of the senate and house of  
12 representatives a report on implementation of the fish passage barrier  
13 removal funding and implementation program. The report will include  
14 proposed criteria for project selection, procedures for managing the  
15 program, and recommendations for achieving program objectives  
16 identified in section 5 of this act.

17 NEW SECTION. **Sec. 8.** Sections 3 through 6 of this act are each  
18 added to chapter 75.50 RCW.

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