
SECOND SUBSTITUTE SENATE BILL 6363

State of Washington

55th Legislature

1998 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Swecker and Oke)

Read first time 02/10/98. Referred to Committee on .

1 AN ACT Relating to eliminating fish passage barriers; amending RCW
2 75.50.160; adding a new section to chapter 75.50 RCW; adding a new
3 section to chapter 79.38 RCW; creating new sections; and declaring an
4 emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature finds and declares that:

7 (1) There are over two thousand barriers to fish passage at road
8 crossings throughout the state, blocking fish access to as much as
9 three thousand linear miles of freshwater spawning and rearing habitat;

10 (2) Correcting barriers to fish passage can be a cost-effective way
11 of restoring habitat for threatened and endangered salmon and steelhead
12 populations; and

13 (3) There is a need to address known priority barriers immediately,
14 and over time, develop a comprehensive system to inventory and
15 prioritize barriers on a state-wide basis.

16 **Sec. 2.** RCW 75.50.160 and 1997 c 389 s 6 are each amended to read
17 as follows:

1 (1) The department and the department of transportation shall
2 convene a fish passage barrier removal task force. The task force
3 shall consist of one representative each from the department, the
4 department of transportation, the department of ecology, tribes,
5 cities, counties, a business organization, an environmental
6 organization, regional fisheries enhancement groups, and other
7 interested entities as deemed appropriate by the cochairs. The persons
8 representing the department and the department of transportation shall
9 serve as cochairs of the task force and shall appoint members to the
10 task force. The task force shall make recommendations to expand the
11 program in RCW 75.50.170 to identify and expedite the removal of human-
12 made or caused impediments to anadromous fish passage in the most
13 efficient manner practical. Program recommendations shall include a
14 funding mechanism and other necessary mechanisms to coordinate and
15 prioritize state, tribal, local, and volunteer efforts within each
16 water resource inventory area. A priority shall be given to projects
17 that immediately increase access to available and improved spawning and
18 rearing habitat for depressed, threatened, and endangered stocks. The
19 department or the department of transportation may contract with cities
20 and counties to assist in the identification and removal of impediments
21 to anadromous fish passage.

22 A report on the recommendations to develop a program to identify
23 and remove fish passage barriers and any additional legislative action
24 needed to implement the program shall be submitted to the appropriate
25 standing committees of the legislature no later than December 1, 1997.
26 After recommendations are reported to the legislature, implementation
27 of the recommendations shall commence under oversight of the task
28 force. For implementation, the task force shall also include one
29 representative each from the department of natural resources, the
30 department of community, trade, and economic development, the state
31 conservation commission, the county road administration board, and the
32 school of marine affairs of the University of Washington. In addition,
33 there shall be four legislative members, one appointed from each of the
34 two largest caucuses in the house of representatives and in the senate,
35 appointed by the speaker of the house of representatives and the
36 president of the senate, respectively.

37 (2) The task force shall oversee:

38 (a) Disseminating a standardized methodology for inventorying fish
39 passage barriers;

1 (b) Prioritization of fish passage projects, including
2 consideration of short-term priorities for barrier correction on a
3 state-wide basis in the absence of complete inventory information;

4 (c) Development of a comprehensive state-wide data base of fish
5 barriers;

6 (d) Development of criteria for ranking and evaluating fish passage
7 grant projects that apply for funding through the program authorized in
8 section 3 of this act; and

9 (e) Review and approval of grant applications for fish passage
10 projects that apply for funding through the program authorized in
11 section 3 of this act.

12 NEW SECTION. Sec. 3. A new section is added to chapter 75.50 RCW
13 to read as follows:

14 (1) The department of transportation, through its transaid service
15 center, is authorized to administer a grant program to assist state
16 agencies, local governments, private landowners, tribes, and volunteer
17 groups in identifying and removing impediments to anadromous fish
18 passage. The program shall be administered consistent with the
19 following:

20 (a) Eligible projects include corrective projects, inventory,
21 assessment, and prioritization efforts;

22 (b) Projects shall be subject to a competitive application process;

23 (c) Priority shall be given to projects that immediately increase
24 access to available and improved spawning and rearing habitat for
25 depressed, threatened, and endangered stocks. Priority shall also be
26 given to project applications that are coordinated with other efforts
27 within a watershed;

28 (d) All projects shall be reviewed and approved by the fish passage
29 barrier removal task force; and

30 (e) A match of at least twenty-five percent per project shall be
31 required. For local, private, and volunteer projects, in-kind
32 contributions may be counted toward the match requirement.

33 (2) The department of transportation shall proceed expeditiously in
34 implementing the grant program during the 1998 summer construction
35 season.

36 NEW SECTION. Sec. 4. By January 1, 1999, the fish passage barrier
37 removal task force shall report to the legislature on its progress in

1 implementing the provisions in sections 2 and 3 of this act. The
2 report shall also include recommendations on future governance and
3 administrative structures to coordinate local, state, and private fish
4 passage correction projects and to administer state fish passage
5 grants.

6 NEW SECTION. **Sec. 5.** A new section is added to chapter 79.38 RCW
7 to read as follows:

8 The department of natural resources shall begin comprehensive
9 inventory and assessment of fish passage barriers on department-managed
10 lands throughout the state commencing in June 1999. By December 1,
11 1998, the department shall report to the legislature on the scope of
12 the inventory project, estimated costs to complete the inventory, and
13 an estimate of how long it will take to complete the inventory and
14 prioritization. The report shall also include a proposed long-term
15 funding plan to support both inventory and fish passage correction work
16 on department-managed lands in the future.

17 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of the
19 state government and its existing public institutions, and takes effect
20 immediately.

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