

2 ESHB 2079 - S COMM AMD
3 By Committee on Ways & Means

4 NOT ADOPTED 4/16/99

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 75.46.005 and 1998 c 246 s 1 are each amended to read
8 as follows:

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

21 The legislature finds that it is in the interest of the citizens of
22 the state of Washington for the state to retain primary responsibility
23 for managing the natural resources of the state, rather than abdicate
24 those responsibilities to the federal government. The legislature also
25 finds that there is a substantial link between the provisions of the
26 federal endangered species act and the federal clean water act (33
27 U.S.C. Sec. 1251 et seq.). The legislature further finds that habitat
28 restoration is a vital component of salmon recovery efforts.
29 Therefore, it is the intent of the legislature to specifically address
30 salmon habitat restoration in a coordinated manner and to develop a
31 structure that allows for the coordinated delivery of federal, state,
32 and local assistance to communities for habitat projects that will
33 assist in the recovery and enhancement of salmon stocks.

34 The legislature also finds that credible scientific review and
35 oversight is essential for any salmon recovery effort to be successful.

1 The legislature therefore finds that a coordinated framework for
2 responding to the salmon crisis is needed immediately. To that end,
3 the salmon recovery office should be created within the governor's
4 office to provide overall coordination of the state's response; an
5 independent science team is needed to provide scientific review and
6 oversight; a consolidated state funding process should be established
7 through a salmon recovery funding board; the appropriate local or
8 tribal government should provide local leadership in identifying and
9 sequencing habitat restoration projects to be funded by state agencies;
10 habitat restoration projects should be implemented without delay; and
11 a strong locally based effort to restore salmon habitat should be
12 established by providing a framework to allow citizen volunteers to
13 work effectively.

14 **Sec. 2.** RCW 75.46.010 and 1998 c 246 s 2 are each amended to read
15 as follows:

16 The definitions in this section apply throughout this chapter
17 unless the context clearly requires otherwise.

18 (1) "Adaptive management" means reliance on scientific methods to
19 test the results of actions taken so that the management and related
20 policy can be changed promptly and appropriately.

21 (2) "Board" means the salmon recovery funding board created in
22 section 3 of this act.

23 (3) "Critical pathways methodology" means a project scheduling and
24 management process for examining interactions between habitat projects
25 and salmonid species, prioritizing habitat projects, and assuring
26 positive benefits from habitat projects.

27 (~~(3)~~) (4) "Habitat project list" is the list of projects
28 resulting from the critical pathways methodology under RCW
29 75.46.070(2). Each project on the list must have a written agreement
30 from the landowner on whose land the project will be implemented.
31 Projects include habitat restoration projects, habitat protection
32 projects, habitat projects that improve water quality, habitat projects
33 that protect water quality, habitat-related mitigation projects, and
34 habitat project maintenance and monitoring activities.

35 (~~(4)~~) (5) "Habitat work schedule" means those projects from the
36 habitat project list that will be implemented during the current
37 funding cycle. The schedule shall also include a list of the entities
38 and individuals implementing projects, the start date, duration,

1 estimated date of completion, estimated cost, and funding sources for
2 the projects.

3 ~~((+5))~~ (6) "Limiting factors" means conditions that limit the
4 ability of habitat to fully sustain populations of salmon. ~~((These
5 factors are primarily fish passage barriers and degraded estuarine
6 areas, riparian corridors, stream channels, and wetlands.~~

7 ~~(+6))~~ (7) "Listed stocks" means salmon and trout stocks that are
8 listed or proposed for listing as threatened or endangered under the
9 federal endangered species act, 16 U.S.C. Sec. 1531 et seq.

10 (8) "Project sponsor" is a county, city, special district, tribal
11 government, state agency, federal agency, a combination of such
12 governments through interlocal or interagency agreement~~((s provided
13 under chapter 39.34 RCW))~~, a nonprofit organization, or one or more
14 private citizens.

15 ~~((+7))~~ (9) "Salmon" includes all species of the family Salmonidae
16 which are capable of self-sustaining, natural production.

17 ~~((+8))~~ (10) "Salmon recovery plan" means a state plan developed in
18 response to a proposed or actual listing under the federal endangered
19 species act that addresses limiting factors including, but not limited
20 to harvest, hatchery, hydropower, habitat, and other factors of
21 decline.

22 ~~((+9))~~ (11) "Interagency team" or "team" means the interagency
23 review team created in RCW 75.46.080.

24 (12) "Tribe" or "tribes" means federally recognized Indian tribes.

25 ~~((+10))~~ (13) "WRIA" means a water resource inventory area
26 established in chapter 173-500 WAC as it existed on January 1, 1997.

27 ~~((+11))~~ (14) "Owner" means the person holding title to the land or
28 the person under contract with the owner to lease or manage the legal
29 owner's property.

30 NEW SECTION. Sec. 3. A new section is added to chapter 75.46 RCW
31 to read as follows:

32 (1) The salmon recovery funding board is created.

33 (2) The board shall consist of three members appointed by the
34 governor, subject to confirmation by the senate. In making the
35 appointments, the governor shall seek a board membership with the
36 expertise necessary to provide strong fiscal oversight of salmon
37 recovery expenditures. Board members shall not have a financial or
38 regulatory interest in salmon recovery. The governor shall make the

1 appointments not later than ninety days after the effective date of
2 this section. The initial terms shall commence October 1st. Members
3 shall serve staggered four-year terms and, of the initial appointments,
4 one member shall serve a term of two years and one member shall serve
5 a term of three years. The governor shall appoint the chair of the
6 board.

7 (3) Staff support to the board shall be provided by the salmon
8 recovery office and by the interagency review team for those functions
9 assigned to the team by this chapter.

10 (4) Members of the board shall be compensated as provided by RCW
11 43.03.250 and shall be reimbursed for travel expenses as provided by
12 RCW 43.03.050 and 43.03.060.

13 NEW SECTION. **Sec. 4.** A new section is added to chapter 75.46 RCW
14 to read as follows:

15 The board is responsible for making grants and loans for salmon
16 recovery projects from the amounts appropriated to the board for this
17 purpose. To accomplish this purpose the board may:

18 (1) Provide assistance to grant applicants regarding the procedures
19 and criteria for grant and loan awards;

20 (2) Accept any gifts, grants, or loans of funds, property, or
21 financial or other aid in any form from any other source on any terms
22 that are not in conflict with this chapter;

23 (3) Adopt rules under chapter 34.05 RCW as necessary to carry out
24 the purposes of this chapter; and

25 (4) Do all acts and things necessary or convenient to carry out the
26 powers expressly granted or implied under this chapter.

27 NEW SECTION. **Sec. 5.** A new section is added to chapter 75.46 RCW
28 to read as follows:

29 (1) The board shall develop procedures and criteria for allocation
30 of funds for salmon recovery projects and activities on a state-wide
31 basis to address the highest priorities for salmon habitat protection
32 and restoration. To the extent practicable the board shall adopt an
33 annual allocation of funding. The allocation shall reflect the
34 following general objectives:

35 (a) Allocating funding to both protection and restoration of
36 habitat;

1 (b) Allocating most new funding for habitat protection and
2 restoration to higher priority salmon recovery needs, using scientific
3 principles and information addressing stock status, fish production
4 potential, genetic diversity values, habitat condition including
5 unlawful disposal of solid waste along streams, and near-term risk
6 factors; and

7 (c) Encouraging the commitment of nonstate funds and other
8 resources in projects or activities receiving a state grant or loan.

9 (2) The board shall seek the guidance and the assistance of the
10 interagency review team created by RCW 75.46.080 in developing the
11 allocation procedures and standards. The board may also seek the
12 recommendations of the independent science panel created by RCW
13 75.46.050 to incorporate scientific principles and information. Prior
14 to finalizing funding decisions under the provisions of this chapter,
15 the board shall consult with interests representing irrigated and non-
16 irrigated agriculture, sport and commercial fishing interests, large
17 and small scale timber interests, conservation districts, and county
18 and city governmental interests.

19 (3) The board may waive or modify portions of the allocation
20 procedures and standards adopted under this section in the award of
21 grants or loans to conform to legislative appropriations directing an
22 alternative award procedure or when the funds to be awarded are from
23 federal or other sources requiring other allocation procedures or
24 standards as a condition of the board's receipt of the funds.

25 (4) In developing allocation criteria and in the review of project
26 applications the board shall consider the recommendations which may be
27 provided by the government council on natural resources, formed by the
28 governor to promote cooperative intergovernmental relationships for
29 salmon recovery.

30 (5) The board shall track all funds allocated for salmon recovery
31 projects and activities, including both funds allocated by the board
32 and funds allocated by other state or federal agencies for salmon
33 recovery or water quality improvement. Beginning in December 2000, the
34 board shall provide a biennial report to the legislature on salmon
35 recovery expenditures. This report shall be coordinated with the state
36 of the salmon report required under RCW 75.46.030.

37 **Sec. 6.** RCW 75.46.080 and 1998 c 246 s 9 are each amended to read
38 as follows:

1 (1) Representatives from the conservation commission, the
2 department of transportation, the department of ecology, and the
3 department of fish and wildlife shall establish an interagency review
4 team. ~~((Except as provided in subsection (6) of this section, habitat
5 restoration project lists shall be submitted to the interagency review
6 team by January 1st and July 1st of each year beginning in 1999.))~~ The
7 purpose of the team is to assist the salmon recovery funding board in
8 developing procedures and standards for state-wide funding allocation,
9 and to assist the board in reviewing funding applications to identify
10 the highest priority projects and activities for funding.

11 (2) ~~((If no lead entity has been formed under RCW 75.46.060, the
12 interagency review team shall rank, prioritize, and dispense funds for
13 habitat restoration projects by giving preference to the projects that:~~

- 14 ~~(a) Provide a greater benefit to salmon recovery;~~
- 15 ~~(b) Will be implemented in a more critical area;~~
- 16 ~~(c) Are the most cost-effective;~~
- 17 ~~(d) Have the greatest matched, or in-kind funding; and~~
- 18 ~~(e) Will be implemented by a sponsor with a successful record of~~
19 ~~project implementation.~~

20 ~~(3))~~ If a lead entity established under RCW 75.46.060 has been
21 formed, the interagency review team shall evaluate project lists ~~((and
22 may remove, but not add, projects from a habitat project list))~~
23 submitted by the lead entity and advise the board on whether the list
24 for the area complies with the list development procedures and critical
25 path methodology provided by RCW 75.46.060 and 75.46.070. When the
26 board determines the list to comply with those requirements it shall
27 accord substantial weight to the list's project priorities when making
28 determinations among applications for funding of projects and
29 activities within the area covered by the list.

30 ~~((4))~~ (3) The ~~((interagency review team))~~ board shall provide a
31 summary of funding for ~~((habitat restoration project lists))~~ salmon
32 recovery projects to the governor and to the legislature by December
33 1st of each year.

34 ~~((5))~~ (4) The ~~((interagency review team))~~ board may annually
35 establish a maximum amount of funding available for any individual
36 project, subject to available funding. ~~((The interagency review team
37 shall attempt to assure a geographical balance in assigning priorities
38 to projects.~~

1 ~~(6) For fiscal year 1998, the department of fish and wildlife, the~~
2 ~~conservation commission, and the department of transportation may~~
3 ~~authorize, subject to appropriations, expenditures for projects that~~
4 ~~have been developed to restore salmon habitat before completion of the~~
5 ~~project lists required in RCW 75.46.060(2).~~

6 ~~(7))~~ (5) Where a lead entity has been established pursuant to RCW
7 75.46.060, the ~~((interagency review team))~~ board may provide ~~((block))~~
8 grants to the lead entity to assist in carrying out lead entity
9 functions under this chapter, subject to available funding.

10 NEW SECTION. **Sec. 7.** A new section is added to chapter 75.46 RCW
11 to read as follows:

12 The salmon recovery account is created in the state treasury. To
13 the account shall be deposited such funds as the legislature directs or
14 appropriates to the account. Moneys in the account may be spent only
15 after appropriation. Expenditures from the account may be used for
16 salmon recovery financial assistance provided through the salmon
17 recovery funding board created in section 3 of this act.

18 **Sec. 8.** RCW 76.12.110 and 1998 c 347 s 55 are each amended to read
19 as follows:

20 There is created a forest development account in the state
21 treasury. The state treasurer shall keep an account of all sums
22 deposited therein and expended or withdrawn therefrom. Any sums placed
23 in the account shall be pledged for the purpose of paying interest and
24 principal on the bonds issued by the department, and for the purchase
25 of land for growing timber. Any bonds issued shall constitute a first
26 and prior claim and lien against the account for the payment of
27 principal and interest. No sums for the above purposes shall be
28 withdrawn or paid out of the account except upon approval of the
29 department.

30 Appropriations may be made by the legislature from the forest
31 development account to the department for the purpose of carrying on
32 the activities of the department on state forest lands, lands managed
33 on a sustained yield basis as provided for in RCW 79.68.040, and for
34 reimbursement of expenditures that have been made or may be made from
35 the resource management cost account in the management of state forest
36 lands. ~~((For the 1997-99 fiscal biennium, moneys from the account~~
37 ~~shall be distributed as directed in the omnibus appropriations act to~~

1 ~~the beneficiaries of the revenues derived from state forest lands.~~
2 ~~Funds that accrue to the state from such a distribution shall be~~
3 ~~deposited into the salmon recovery account, hereby created in the state~~
4 ~~treasury. Funds appropriated from the salmon recovery account shall be~~
5 ~~used for efforts to restore endangered anadromous fish stocks.))~~

6 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of the
8 state government and its existing public institutions, and takes effect
9 July 1, 1999."

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12 NOT ADOPTED 4/16/99

13 On page 1, line 1 of the title, after "recovery;" strike the
14 remainder of the title and insert "amending RCW 75.46.005, 75.46.010,
15 75.46.080, and 76.12.110; adding new sections to chapter 75.46 RCW;
16 providing an effective date; and declaring an emergency."

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