

HOUSE BILL REPORT

HB 2589

As Reported By House Committee On:
Natural Resources

Title: An act relating to clarifying what projects are eligible for funding by the salmon recovery funding board.

Brief Description: Clarifying what projects are eligible for funding by the salmon recovery funding board.

Sponsors: Representatives Buck, Regala, Stensen, Anderson, Sump, G. Chandler, Pennington, Ericksen, Clements, Eickmeyer, Doumit, Alexander, Rockefeller and Dunn.

Brief History:

Committee Activity:

Natural Resources: 1/25/00, 2/2/00 [DPS].

Brief Summary of Substitute Bill

- Specifies criteria under which the Salmon Recovery Funding Board may fund legal obligations of a landowner.
- Authorizes the board to condition grants or loans to ensure all terms of the grant or loan are fulfilled by a federal agency in case of property transfer.

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; Clements; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Staff: Bill Lynch (786-7092).

Background:

The Salmon Recovery Funding Board was created by the Legislature during the 1999 legislative session. The board is required to consider several factors specified in statute in evaluating, ranking and awarding funds for salmon recovery projects. The board is also prohibited from funding projects required solely as a mitigation or a condition of a permit. The statutes do not address whether other types of projects that may be required of a landowner under law, such as installing a fish screen next to a water diversion, are eligible for funding by the board.

Summary of Substitute Bill:

The Salmon Recovery Funding Board may award a grant or loan for a salmon recovery project on public or private land to a landowner who has an obligation under federal, state, or local law to fund a salmon recovery project when expedited action provides a clear benefit to salmon recovery. The board must consider the resources of the private landowner and the potential harm to salmon if the project is delayed in making its determination. Project sponsors and lead entities must identify and provide justification for any projects submitted for funding that must be performed under a legal obligation. A legal obligation does not include a project required solely as a mitigation or condition of permitting.

The board may condition a grant or loan to prohibit the transfer of property to a federal agency unless the agency agrees to comply with all terms of the grant or loan. Property that was improved because of a grant or loan by the board may be conveyed to a federal agency, but only if the agency agrees to comply with all conditions of the grant or loan.

Substitute Bill Compared to Original Bill: Allows both public and private land to be eligible for funding when a legal obligation to perform a project exists. Clarifies that a project required solely as a mitigation or a condition of permitting is not eligible for funding. Allows the Salmon Recovery Funding Board to condition grants or loans to ensure that a federal agency is subject to all the terms of the grant or loan if the agency is transferred property benefitted by the grant or loan.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: (Original bill) The Salmon Recovery Funding Board is unclear about its authority in this area. This will help fish because many fish screening and fish passage projects are very expensive and would otherwise be delayed. Public landowners

and private landowners should be treated equally. It makes sense under some circumstances for a federal agency to manage property, such as an area with a wild and scenic river.

(With concerns) Language needs to be tightened to make sure that projects required solely as a mitigation or a condition of permitting aren't eligible for funding.

Testimony Against: None.

Testified: Laura Johnson, Interagency Committee for Outdoor Recreation; Tim Smith, Department of Fish and Wildlife; Len Barson, Nature Conservancy of Washington; and Doug Levy, city of Everett.

(With concerns) Bruce Wishert, People for Puget Sound; and Ron Shultz, Audubon Society.