

HOUSE BILL REPORT

SB 5595

As Passed House:

May 18, 1999

Title: An act relating to salmon recovery funding.

Brief Description: Establishing the salmon recovery funding board.

Sponsors: Senators Jacobsen and Fraser.

Brief History:

Floor Activity:

Passed House: 5/18/99, 91-5.

Brief Summary of Bill

- Creates a Salmon Recovery Funding Board.
- Creates a technical review team to serve as a science screen for habitat projects.
- Requires the Interagency Committee for Outdoor Recreation to track salmon recovery expenditures.
- Critical pathways methodology used in salmon recovery must include a review of monitoring data.
- Directs the independent science panel to work with the technical review team in develop recommended criteria for systematic evaluation of monitoring data.

Staff: Bill Lynch (786-7092).

Background:

The Legislature enacted salmon recovery legislation during the 1998 legislative session which, among other provisions, created a critical pathways methodology to ensure salmon restoration activities would be prioritized and implemented in a sequential manner, created an independent science panel to assist in salmon recovery

efforts, and created an interagency review team to rank and dispense funds for habitat restoration projects.

State funding is provided in the form of grants for salmon restoration projects to lead entities, or directly to project sponsors if no lead entities exist. The interagency review team (IRT), currently comprised of the Conservation Commission, the Department of Transportation, and the Department of Fish and Wildlife, is charged with distributing those grants in compliance with certain criteria. The IRT is also required to provide a summary of funding for restoration project lists to the Governor and Legislature by December 1 of each year.

On January 1, 1999, the state received nearly \$20 million in federal funding for salmon and steelhead recovery throughout the state. The allocation of funds was made by Congress. There is no mechanism for tracking funds appropriated or made available for salmon recovery in the state.

Although an adaptive management strategy must be used as part of the critical pathways methodology, and the critical pathways methodology requires an identification of how projects will be monitored and evaluated, the critical pathways methodology does not specify that there must be a review of the monitoring data and an evaluation of the project performance. Habitat protection projections funded through conservancy programs are not specifically included as part of a habitat work schedule. There is no statutory direction concerning how data obtained from habitat projects should be stored.

The Salmon Recovery Office is responsible for assisting in the development of salmon recovery plans for evolutionarily significant units (ESU's), and for submitting these plans to the appropriate tribal governments and federal agencies, but the statutes do not address the development of a state-wide salmon strategy.

Summary of Bill:

A Salmon Recovery Funding Board (board) is created consisting of ten members. Five of the members represent the general public and are appointed by the Governor and confirmed by the Senate. One of these members is the Governor's representative to the board, and is provided cabinet-level status. The general public members are voting members of the board, and serve staggered four-year terms. The Governor must appoint at least three of the initial general public members no later than 90 days after this legislation becomes effective. The Governor appoints one of the general public members as the chair of the board. General public board members are compensated as members of a Class 4 board, which is at a rate not to exceed \$100 per day. General public board members may be removed by the Governor for good cause. In addition to the five general public board members, five state agencies are

represented on the board as non-voting members. The state agency members are : the director of the Department of Fish and Wildlife, the executive director of the Conservation Commission, the secretary of Transportation, the director of the Department of Ecology, and the Commissioner of Public Lands. Each of these state officials may designate a representative to serve on the board on their behalf. Staff support to the board is provided by the Interagency Committee for Outdoor Recreation.

The board makes grants and loans for salmon habitat projects and salmon recovery activities pursuant to legislative appropriation. The Interagency Committee for Outdoor Recreation provides grant and loan administration assistance to the board. The board must develop procedures and criteria for allocating funds on a state-wide basis to address the highest priorities for salmon habitat protection and restoration. The board must seek the guidance of the salmon recovery technical review team to ensure that scientific principles and information are incorporated into the allocation standards and the proposed projects and activities. The board may waive or modify portions of the allocation procedures and standards to conform with legislative appropriations or awards of funds from the federal government or other entities.

The allocation adopted by the board should address both habitat protection and restoration, and recognize the varying needs in each area of the state on an equitable basis. The board may partially fund, or fund in phases, salmon habitat projects. No projects required solely as a mitigation or a condition of permitting are eligible for funding.

The board must establish criteria for determining when block grants may be made to a lead entity or a regional recovery entity consistent with habitat project lists developed for the region. The board is required to determine an equitable minimum amount of funds for each region of the state, and distributes the remainder of funds on a competitive basis.

Habitat project lists must be submitted to the board for funding twice each year, beginning in 2000. The board must evaluate and rank projects and activities in accordance with specified criteria. For fiscal year 2000, the board may authorize the interagency review team to rank and make funding decisions for categories of projects or activities, but must maintain oversight of the interagency review team's exercise of authority. The Interagency Committee for Outdoor Recreation is directed to track all funds for salmon habitat projects and salmon recovery activities on behalf of the board, including funds allocated by the board and funds allocated by other state and federal agencies for salmon recovery or water quality improvement.

The interagency review team (IRT) reviews, ranks, and approves projects submitted on habitat project lists until January 1, 2000. Representatives of the Department of Natural Resources and the Department of Ecology are added to the IRT. The IRT

provides support to the board in developing procedures and standards for state-wide funding allocation, and to assist the board in reviewing funding applications. The IRT also advises the board as to whether the habitat project list for a particular area complies with the list development procedures and with the critical pathways methodology. Authorization for the IRT expires on July 1, 2000.

A salmon recovery technical review team is created, and is composed of at least five members. The director of the Department of Fish and Wildlife selects the members, and must ensure that lead scientists representing state, tribal federal, local government, and private interests are included in the membership. Administrative support for the technical review team is provided by the Department of Fish and Wildlife. The chair of the technical review team is chosen by the members of the team. Assignments and direction to team members is provided by the chair of the team.

The technical review team receives the habitat project lists submitted by lead entities for screening and ranking the projects on the list. The team also determines whether the critical pathways methodology has been complied with in developing and ranking projects. The team is required to make an active effort to communicate the criteria for reviewing and ranking projects with the lead entities, including indicating deficiencies in projects that result in their low rankings.

The independent science panel, in conjunction with the salmon recovery technical review team, must recommend standardized monitoring indicators and data quality guidelines for salmon recovery efforts, and recommend criteria for the systematic and periodic evaluation of monitoring data in order to answer critical questions about the effectiveness of the state's salmon recovery efforts. The science panel and the Salmon Recovery Office must provide a report to the Legislature and Governor that contains recommendations regarding monitoring by December 31, 2000.

State salmon monitoring data provided by lead entities, regional fisheries enhancement groups, and others must be included in the data base of the Salmon and Steelhead Habitat Inventory and Assessment Project (SSHIAP), and the data base of the Salmon and Steelhead Stock Inventory Report (SASSI). Information pertaining to habitat preservation projects funded through the Washington Wildlife and Recreation Program, the Conservation Reserve Enhancement Program, and other conservancy programs related to salmon habitat must also be included in the SSHIAP data base.

Vacancies on the independent science panel are filled in the same manner in which the original appointments were filled. The Salmon Recovery Office may enter into a personal services contract with members of the independent science panel for compensation based upon available funding. References to compensating members of the independent science panel in accordance with the rate established for members of class four boards and commissions are deleted.

The critical pathways methodology must include a review of monitoring data, an evaluation of project performance, and recommendations to the committee which compiled the list of habitat projects for the area as well as to the salmon recovery technical review team. The technical advisory team for the area is responsible for this task.

Habitat work schedules must include habitat preservation projects funded through the Washington wildlife and recreation program, the conservation reserve enhancement program, and other conservancy programs. A lead entity may be designated either through letters of support or by official resolution by counties, cities, and tribal governments. State agencies may be project sponsors.

References to salmon habitat restoration projects are changed to salmon habitat projects to allow the funding of habitat protection projects, habitat projects that improve water quality, habitat projects that protect water quality, habitat-related mitigation projects, fish passage projects, fish screening projects, habitat project corrective maintenance, and monitoring activities. Projects that include the use of side channels, off-stream rearing enhancement, improvements in overwintering habitat, or use of acclimation ponds must receive consideration for funding.

By September 1, 1999, the Governor must submit a state-wide salmon recovery strategy to the appropriate federal agencies. In developing the strategy, the Governor must follow certain considerations, including relying on the best scientific information available, and seeking a fair allocation of burdens and costs upon economic and social sectors of the state whose activities contribute to limiting salmon recovery. Beginning on September 1, 2000, the strategy must be updated through an active public involvement process.

A salmon recovery account is created in the custody of the State Treasurer. Moneys in the account may only be spent after appropriation, and may only be used for salmon recovery.

"Salmon recovery activities" are defined as activities that include but are not limited to habitat protection or restoration activities by local governments, tribes, or public or private entities. The activities must have as a principal purpose the protection and restoration of salmonid populations. The activities may include preparation of stream corridor guidelines, programmatic permitting, and preparation of geographic information system protocols. Updates related to the Growth Management Act do not qualify as salmon recovery activities.

Appropriation

Appropriations of state and federal money are made to implement the Salmon Recovery Funding Board and to provide grants for salmon recovery projects and

activities. The 1999-01 state operating budget is amended to transfer \$125,000 from the Office of the Governor and \$175,000 from the Office of Financial Management to the Interagency Committee for Outdoor Recreation for costs related to the implementation of the Salmon Recovery Funding Board.

\$119.9 million is appropriated to the Interagency Committee for Outdoor Recreation for salmon recovery projects and activities approved by the Salmon Recovery Funding Board. By June 30, each year, The Board must submit a list of projects funded with this money to the Office of Financial Management and the legislature. The amount in the appropriation is allocated to the following purposes:

Funding Allocations in 2E2SSB 5595
(Dollars in 000's)

<u>Program</u>	<u>State</u>	<u>Federal</u>	<u>Total</u>
FY 99 Grants		19,650	19,650
Habitat Projects	20,580	55,238	75,818
<i>Fish barriers and screens</i>			(24%)
<i>Habitat Projects</i>			(38%)
<i>Riparian Easements</i>			(38%)
Critical Area Protection	2,100		2,100
SW WA Salmon Region	500		500
People for Salmon	1,500		1,500
Conservation Dist.			
Puget Sound Plan	830		830
Monitoring projects	1,000		1,000
Technical Assistance to			
land owners	400		400
Stream Corridor Guidelines	800		800
Engineering Services	1,100		1,100
Salmonid Screening, Habitat			
Enhancement, and			
Restoration program	1,700		1,700
Selective Harvesting			
Techniques	50		50
Reduce By-Catch	150		150
Jobs for the Environment	6,300		6,300
Commercial License			
Buyback	<u> </u>	<u>8,000</u>	<u>8,000</u>
Total	37,040	82,888	\$119,928

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: None.

Testimony Against: None.

Testified: None.