

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5914

Chapter 271, Laws of 2005

59th Legislature
2005 Regular Session

SALMON RECOVERY FUNDING BOARD

EFFECTIVE DATE: 7/24/05

Passed by the Senate April 19, 2005
YEAS 40 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 7, 2005
YEAS 95 NAYS 1

FRANK CHOPP

Speaker of the House of Representatives

Approved May 4, 2005.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5914** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 4, 2005 - 3:23 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5914

AS AMENDED BY THE HOUSE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By Senate Committee on Natural Resources, Ocean & Recreation
(originally sponsored by Senators Parlette and Jacobsen)

READ FIRST TIME 03/02/05.

1 AN ACT Relating to the salmon recovery funding board; and
2 reenacting and amending RCW 77.85.130.

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

4 **Sec. 1.** RCW 77.85.130 and 2000 c 107 s 102 and 2000 c 15 s 1 are
5 each reenacted and amended to read as follows:

6 (1) The salmon recovery funding board shall develop procedures and
7 criteria for allocation of funds for salmon habitat projects and salmon
8 recovery activities on a statewide basis to address the highest
9 priorities for salmon habitat protection and restoration. To the
10 extent practicable the board shall adopt an annual allocation of
11 funding. The allocation should address both protection and restoration
12 of habitat, and should recognize the varying needs in each area of the
13 state on an equitable basis. The board has the discretion to partially
14 fund, or to fund in phases, salmon habitat projects. The board may
15 annually establish a maximum amount of funding available for any
16 individual project, subject to available funding. No projects required
17 solely as a mitigation or a condition of permitting are eligible for
18 funding.

1 (2)(a) In evaluating, ranking, and awarding funds for projects and
2 activities the board shall give preference to projects that:

3 (i) Are based upon the limiting factors analysis identified under
4 RCW 77.85.060;

5 (ii) Provide a greater benefit to salmon recovery based upon the
6 stock status information contained in the department of fish and
7 wildlife salmonid stock inventory (SASSI), the salmon and steelhead
8 habitat inventory and assessment project (SSHIAP), and any comparable
9 science-based assessment when available;

10 (iii) Will benefit listed species and other fish species; and

11 (iv) Will preserve high quality salmonid habitat.

12 (b) In evaluating, ranking, and awarding funds for projects and
13 activities the board shall also give consideration to projects that:

14 (i) Are the most cost-effective;

15 (ii) Have the greatest matched or in-kind funding; and

16 (iii) Will be implemented by a sponsor with a successful record of
17 project implementation.

18 (3) The board may reject, but not add, projects from a habitat
19 project list submitted by a lead entity for funding.

20 (4) For fiscal year 2000, the board may authorize the interagency
21 review team to evaluate, rank, and make funding decisions for
22 categories of projects or activities or from funding sources provided
23 for categories of projects or activities. In delegating such authority
24 the board shall consider the review team's staff resources, procedures,
25 and technical capacity to meet the purposes and objectives of this
26 chapter. The board shall maintain general oversight of the team's
27 exercise of such authority.

28 (5) The board shall seek the guidance of the technical review team
29 to ensure that scientific principles and information are incorporated
30 into the allocation standards and into proposed projects and
31 activities. If the technical review team determines that a habitat
32 project list complies with the critical pathways methodology under RCW
33 77.85.060, it shall provide substantial weight to the list's project
34 priorities when making determinations among applications for funding of
35 projects within the area covered by the list.

36 (6) The board shall establish criteria for determining when block
37 grants may be made to a lead entity or other recognized regional
38 recovery entity consistent with one or more habitat project lists

1 developed for that region. Where a lead entity has been established
2 pursuant to RCW 77.85.050, the board may provide grants to the lead
3 entity to assist in carrying out lead entity functions under this
4 chapter, subject to available funding. The board shall determine an
5 equitable minimum amount of funds for each region, and shall distribute
6 the remainder of funds on a competitive basis.

7 (7) The board may waive or modify portions of the allocation
8 procedures and standards adopted under this section in the award of
9 grants or loans to conform to legislative appropriations directing an
10 alternative award procedure or when the funds to be awarded are from
11 federal or other sources requiring other allocation procedures or
12 standards as a condition of the board's receipt of the funds. The
13 board shall develop an integrated process to manage the allocation of
14 funding from federal and state sources to minimize delays in the award
15 of funding while recognizing the differences in state and legislative
16 appropriation timing.

17 (8) The board may award a grant or loan for a salmon recovery
18 project on private or public land when the landowner has a legal
19 obligation under local, state, or federal law to perform the project,
20 when expedited action provides a clear benefit to salmon recovery, and
21 there will be harm to salmon recovery if the project is delayed. For
22 purposes of this subsection, a legal obligation does not include a
23 project required solely as a mitigation or a condition of permitting.

24 ~~((The board may condition a grant or loan to include the
25 requirement that property may only be transferred to a federal agency
26 if the agency that will acquire the property agrees to comply with all
27 terms of the grant or loan to which the project sponsor was
28 obligated.))~~ Property acquired or improved by a project sponsor may be
29 conveyed to a federal agency(~~, but only~~) if: (a) The agency agrees
30 to comply with all terms of the grant or loan to which the project
31 sponsor was obligated; or (b) the board approves: (i) Changes in the
32 terms of the grant or loan, and the revision or removal of binding deed
33 of right instruments; and (ii) a memorandum of understanding or similar
34 document ensuring that the facility or property will retain, to the
35 extent feasible, adequate habitat protections; and (c) the appropriate
36 legislative authority of the county or city with jurisdiction over the

1 project area approves the transfer and provides notification to the
2 board.

Passed by the Senate April 19, 2005.

Passed by the House April 7, 2005.

Approved by the Governor May 4, 2005.

Filed in Office of Secretary of State May 4, 2005.