

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1598

Chapter 257, Laws of 2007

60th Legislature
2007 Regular Session

SALMON RECOVERY--FUNDING--ACCOUNTABILITY

EFFECTIVE DATE: 07/22/07

Passed by the House April 18, 2007
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 13, 2007
Yeas 47 Nays 0

BRAD OWEN

President of the Senate

Approved May 1, 2007, 4:03 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1598** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 2, 2007

**Secretary of State
State of Washington**

HOUSE BILL 1598

AS AMENDED BY THE SENATE

Passed Legislature - 2007 Regular Session

State of Washington **60th Legislature** **2007 Regular Session**

By Representatives Kretz, Ericks, Blake, Pettigrew, Armstrong, Warnick, Sump, Upthegrove, Newhouse, Kristiansen and Condotta

Read first time 01/24/2007. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to accountability in the funding of salmon
2 recovery; and 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 2005 c 309 s 8, 2005 c 271 s 1, and 2005
5 c 257 s 3 are 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;

11 (iv) Will preserve high quality salmonid habitat; and

12 (v) Are included in a regional or watershed-based salmon recovery
13 plan that accords the project, action, or area a high priority for
14 funding.

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

17 (i) Are the most cost-effective;

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

19 (iii) Will be implemented by a sponsor with a successful record of
20 project implementation; (~~and~~)

21 (iv) Involve members of the veterans conservation corps established
22 in RCW 43.60A.150; and

23 (v) Are part of a regionwide list developed by lead entities.

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

26 (4) The board shall establish criteria for determining when block
27 grants may be made to a lead entity. The board may provide block
28 grants to the lead entity to implement habitat project lists developed
29 under RCW 77.85.050, subject to available funding. The board shall
30 determine an equitable minimum amount of project funds for each
31 recovery region, and shall distribute the remainder of funds on a
32 competitive basis. The board may also provide block grants to the lead
33 entity or regional recovery organization to assist in carrying out
34 functions described under this chapter. Block grants must be expended
35 consistent with the priorities established for the board in subsection
36 (2) of this section. Lead entities or regional recovery organizations
37 receiving block grants under this subsection shall provide an annual

1 report to the board summarizing how funds were expended for activities
2 consistent with this chapter, including the types of projects funded,
3 project outcomes, monitoring results, and administrative costs.

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

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

21 (7) Property acquired or improved by a project sponsor may be
22 conveyed to a federal agency if: (a) The agency agrees to comply with
23 all terms of the grant or loan to which the project sponsor was
24 obligated; or (b) the board approves: (i) Changes in the terms of the
25 grant or loan, and the revision or removal of binding deed of right
26 instruments; and (ii) a memorandum of understanding or similar document
27 ensuring that the facility or property will retain, to the extent
28 feasible, adequate habitat protections; and (c) the appropriate
29 legislative authority of the county or city with jurisdiction over the
30 project area approves the transfer and provides notification to the
31 board.

32 (8) Any project sponsor receiving funding from the salmon recovery
33 funding board that is not subject to disclosure under chapter 42.56 RCW
34 must, as a mandatory contractual prerequisite to receiving the funding,
35 agree to disclose any information in regards to the expenditure of that
36 funding as if the project sponsor was subject to the requirements of

1 chapter 42.56 RCW.

Passed by the House April 18, 2007.

Passed by the Senate April 13, 2007.

Approved by the Governor May 1, 2007.

Filed in Office of Secretary of State May 2, 2007.