
SENATE BILL 5551

State of Washington

64th Legislature

2015 Regular Session

By Senators Pearson, Hatfield, and Chase

Read first time 01/23/15. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to salmon recovery project funds; and amending
2 RCW 77.85.130.

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

4 **Sec. 1.** RCW 77.85.130 and 2011 c 20 s 16 are each amended to
5 read as follows:

6 (1)(a) The salmon recovery funding board shall develop procedures
7 and criteria for allocation of funds for salmon habitat projects and
8 salmon recovery activities on a statewide basis to address the
9 highest priorities for salmon habitat protection and restoration. To
10 the extent practicable the board shall adopt an annual allocation of
11 funding. The allocation should address both protection and
12 restoration of habitat, and should recognize the varying needs in
13 each area of the state on an equitable basis. The board has the
14 discretion to partially fund, or to fund in phases, salmon habitat
15 projects. The board may annually establish a maximum amount of
16 funding available for any individual project, subject to available
17 funding.

18 (b)(i) No projects required solely as a mitigation or a condition
19 of permitting are eligible for funding.

20 (ii) The board may not award funds, including grants or loans,
21 for any project or activity if the project sponsor has, within ten

1 calendar years prior to the date of the grant application, brought
2 any legal action before any court or administrative tribunal against
3 the state relating to hatchery facility operations.

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

6 (i) Are based upon the limiting factors analysis identified under
7 RCW 77.85.060;

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

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

14 (iv) Will preserve high quality salmonid habitat;

15 (v) Are included in a regional or watershed-based salmon recovery
16 plan that accords the project, action, or area a high priority for
17 funding;

18 (vi) Are, except as provided in RCW 77.85.240, sponsored by an
19 entity that is a Puget Sound partner, as defined in RCW 90.71.010;
20 and

21 (vii) Are projects referenced in the action agenda developed by
22 the Puget Sound partnership under RCW 90.71.310.

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

25 (i) Are the most cost-effective;

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

27 (iii) Will be implemented by a sponsor with a successful record
28 of project implementation;

29 (iv) Involve members of the Washington conservation corps
30 established in chapter 43.220 RCW or the veterans conservation corps
31 established in RCW 43.60A.150; and

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

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

35 (4) The board shall establish criteria for determining when block
36 grants may be made to a lead entity. The board may provide block
37 grants to the lead entity to implement habitat project lists
38 developed under RCW 77.85.050, subject to available funding. The
39 board shall determine an equitable minimum amount of project funds
40 for each recovery region, and shall distribute the remainder of funds

1 on a competitive basis. The board may also provide block grants to
2 the lead entity or regional recovery organization to assist in
3 carrying out functions described under this chapter. Block grants
4 must be expended consistent with the priorities established for the
5 board in subsection (2) of this section. Lead entities or regional
6 recovery organizations receiving block grants under this subsection
7 shall provide an annual report to the board summarizing how funds
8 were expended for activities consistent with this chapter, including
9 the types of projects funded, project outcomes, monitoring results,
10 and administrative costs.

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

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

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

1 (8) Any project sponsor receiving funding from the salmon
2 recovery funding board that is not subject to disclosure under
3 chapter 42.56 RCW must, as a mandatory contractual prerequisite to
4 receiving the funding, agree to disclose any information in regards
5 to the expenditure of that funding as if the project sponsor was
6 subject to the requirements of chapter 42.56 RCW.

7 (9) After January 1, 2010, any project designed to address the
8 restoration of Puget Sound may be funded under this chapter only if
9 the project is not in conflict with the action agenda developed by
10 the Puget Sound partnership under RCW 90.71.310.

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