

2 **ESHB 2239** - S COMM AMD
3 By Committee on Transportation

4 ADOPTED 4/14/99

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 90.78.005 and 1996 c 285 s 2 are each amended to read
8 as follows:

9 The legislature finds that the increasing population and continued
10 development throughout the state have increased the need for storm
11 water control. Storm water impacts have resulted in increased public
12 health risks related to drinking water and agricultural and seafood
13 products; increased disruption of economic activity, transportation
14 facilities, and other public and private land and facilities due to the
15 lack of adequate flood control measures; adverse affects on state fish
16 populations and watershed hydrology; and contamination of sediments.

17 In addition, current storm water control and management efforts
18 related to transportation projects lack necessary coordination on a
19 watershed, regional, and state-wide basis; have inadequate funding; and
20 fail to maximize use of available resources.

21 More stringent regulatory requirements have increased the costs
22 that state and local governments must incur to deal with significant
23 sources of pollution such as storm water. The costs estimated to
24 properly maintain and construct storm water facilities far exceed
25 available revenues.

26 Therefore, it is the intent of the legislature to establish a
27 program to develop a state-wide coordination mechanism for the funding
28 of state, county, and city highway and roadway-related storm water
29 management and control projects that will facilitate the completion of
30 the state's most urgently needed storm water projects in the most cost-
31 effective manner. Unexpended annual utility fee payments that are not
32 collected by virtue of defaulting in preparing a plan must be used in
33 the storm water grant program as defined in RCW 90.78.010 and
34 90.78.020.

1 **Sec. 2.** RCW 90.78.010 and 1996 c 285 s 3 are each amended to read
2 as follows:

3 The department of transportation, in cooperation with the
4 transportation improvement board, the department of ecology, cities,
5 towns, counties, environmental organizations, business organizations,
6 Indian tribes, and port districts, shall develop a storm water
7 management funding and implementation program to address state, county,
8 and city highway and roadway-related storm water control problems. As
9 part of the program, the department may provide grants and may rate and
10 rank local transportation improvement projects to facilitate the
11 construction of the highest priority stand-alone state and local storm
12 water management retrofit projects based on cost-effectiveness and
13 contribution toward improved water quality, mitigating the impacts of
14 altered stream hydrology, improved salmonid habitat, and reduced
15 flooding in a watershed.

16 The program shall address, but is not limited to, the following
17 objectives: (1) Greater state-wide coordination of the construction of
18 storm water treatment facilities; (2) encouraging multijurisdictional
19 projects; (3) developing priorities and approaches for implementing
20 activities within watersheds; (4) methods to enhance, preserve, and
21 restore salmonid habitat; (5) identification and prioritization of
22 storm water retrofit programs; ~~((+5))~~ (6) evaluating methods to
23 determine cost benefits of proposed projects; ~~((+6))~~ (7) identifying
24 ways to facilitate the sharing of technical resources; ~~((+7))~~ (8)
25 developing methods for monitoring and evaluating activities carried out
26 under the program; and ~~((+8))~~ (9) identifying potential funding
27 sources for continuation of the program.

28 **Sec. 3.** RCW 90.78.020 and 1996 c 285 s 4 are each amended to read
29 as follows:

30 The department of transportation may provide grants and may rate
31 and rank local transportation improvement projects to implement state,
32 county, and city highway and roadway-related storm water control
33 measures. Cities, towns, counties, port districts, Indian tribes, and
34 the department of transportation are eligible to receive grants, on a
35 matching basis. The transportation improvement board may administer
36 all grant programs specifically designed to assist cities, counties,
37 and local governments with storm water mitigation associated with
38 transportation projects. A committee consisting of two representatives

1 each from the department of transportation, with one as chair, the
2 department of ecology, cities, and counties, and one representative
3 each from the transportation improvement board, the department of fish
4 and wildlife, an environmental organization, and a business
5 organization, shall oversee the grant program. The committee may add
6 representatives of other agencies, organizations, or interest groups to
7 serve as members of the committee or in an advisory capacity. In
8 developing project criteria, the committee shall identify the most
9 urgent state, county, and city highway and roadway-related storm water
10 management and control problems; develop methods for applying
11 priorities across watersheds; give added weight to projects based on
12 local contribution, multijurisdictional involvement, and whether the
13 project is a priority for a local storm water utility; and determine
14 the benefits of, and, if appropriate, provide incentives for off-site
15 placement of storm water facilities and out-of-kind mitigation for
16 storm water impacts.

17 **Sec. 4.** RCW 75.50.165 and 1998 c 249 s 16 are each amended to read
18 as follows:

19 (1) The department of transportation (~~(is authorized to)~~) and the
20 department of fish and wildlife may administer ((a)) and coordinate all
21 state grant programs specifically designed to assist state agencies,
22 local governments, private landowners, tribes, organizations, and
23 volunteer groups in identifying and removing impediments to
24 (~~(anadromous)~~) salmonid fish passage. ((The)) The transportation
25 improvement board may administer all grant programs specifically
26 designed to assist cities, counties, and local governments with fish
27 passage barrier corrections associated with transportation projects.
28 All grant programs ((shall)) must be administered and be consistent
29 with the following:

30 (a) (~~(Eligible projects include)~~) Salmonid-related corrective
31 projects, inventory, assessment, and prioritization efforts;

32 (b) Salmonid projects ((shall be)) subject to a competitive
33 application process; and

34 (c) A minimum dollar match rate that is consistent with the funding
35 authority's criteria. If no funding match is specified, a match amount
36 of at least twenty-five percent per project is required. For local,
37 private, and volunteer projects, in-kind contributions may be counted
38 toward the match requirement.

1 (2) Priority shall be given to projects that immediately increase
2 access to available and improved spawning and rearing habitat for
3 depressed, threatened, and endangered stocks. Priority shall also be
4 given to project applications that are coordinated with other efforts
5 within a watershed((+)).

6 (~~(d)~~) (3) Except for projects administered by the transportation
7 improvement board, all projects shall be reviewed and approved by the
8 fish passage barrier removal task force(+and

9 (e) ~~A match of at least twenty five percent per project shall be~~
10 ~~required. For local, private, and volunteer projects, in kind~~
11 ~~contributions may be counted toward the match requirement.~~

12 (2) ~~The department of transportation shall proceed expeditiously in~~
13 ~~implementing the grant program during the 1998 summer construction~~
14 ~~season)) or an alternative oversight committee designated by the state~~
15 legislature.

16 (4) Other agencies that administer natural resource based grant
17 programs that may include fish passage barrier removal projects shall
18 use fish passage selection criteria that are consistent with this
19 section.

20 (5) The departments of transportation and fish and wildlife shall
21 establish a centralized data base directory of all fish passage barrier
22 information. The data base directory must include, but is not limited
23 to, existing fish passage inventories, fish passage projects, grant
24 program applications, and other data bases. These data must be used to
25 coordinate and assist in habitat recovery and project mitigation
26 projects.

27 NEW SECTION. Sec. 5. Sections 1 through 3 of this act expire July
28 1, 2003."

29 **ESHB 2239** - S COMM AMD
30 By Committee on Transportation

31 ADOPTED 4/14/99

32 In line 1 of the title, after "programs;" strike the remainder of
33 the title and insert "amending RCW 90.78.005, 90.78.010, 90.78.020, and
34 75.50.165; and providing an expiration date."

--- END ---