
HOUSE BILL 2141

State of Washington

56th Legislature

1999 Regular Session

By Representatives Buck and Kessler

Read first time 02/16/1999. Referred to Committee on Natural Resources.

1 AN ACT Relating to funding state-wide salmon recovery; adding a new
2 chapter to Title 75 RCW; and providing an expiration date.

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

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that salmon
5 recovery in Washington state requires a state-wide strategy and actions
6 that are tailored to the unique characteristics of each major watershed
7 in the state.

8 (2) The legislature finds that:

9 (a) The health and economic prosperity of the region depends on a
10 high quality environment;

11 (b) Several species of salmon in the state are, or are expected to
12 be, listed as threatened or endangered under the federal endangered
13 species act; and

14 (c) One or more additional listings under the federal endangered
15 species act have the potential to adversely affect nearly all aspects
16 of the state's economy, and a comprehensive solution will require
17 significant involvement of the private and public sectors.

18 (3) The legislature recognizes that a critical pathways mechanism
19 was established in 1998 to fund salmon habitat restoration. The

1 legislature also recognizes that there is an extensive network of
2 federal, state, local, and tribal rules and regulations to protect
3 salmon habitat. In 1998, the legislature also established a
4 comprehensive approach to setting priorities for individual watersheds
5 through water resource inventory area planning.

6 (4) The legislature further finds that:

7 (a) While there are a number of public, nonprofit, and business
8 entities involved in acquiring land or easements to preserve habitat,
9 the lack of dedicated funding and a coordinated approach cause this
10 effort to occur on a piecemeal basis; and

11 (b) A private nongovernmental approach to preservation and
12 restoration is necessary to increase business and landowner
13 participation, garner public support, and increase the efficiency and
14 effectiveness of habitat investments.

15 (5) The legislature also declares that it is in the public interest
16 to create a nonprofit foundation to actively seek funding for projects
17 to preserve and restore critical salmon habitat in the state of
18 Washington.

19 (6) The 1998 legislature requested that a community foundation or
20 other funding mechanisms be investigated for the purpose of assisting
21 in financing salmon recovery efforts. It was found that a community
22 foundation would best serve that purpose.

23 NEW SECTION. **Sec. 2.** The definitions in this section apply
24 throughout this chapter unless the context clearly requires otherwise.

25 (1) "Foundation" means the salmon recovery foundation created in
26 section 3 of this act.

27 (2) "Eligible grant recipients" includes local governments, state
28 agencies, nonprofit organizations, and tribes.

29 (3) "Eligible projects" means any project or action that serves to
30 preserve, restore, or steward critical salmon habitat and that has been
31 selected by the interagency review team created in RCW 75.46.080.

32 (4) "Restore" means an action to reestablish ecological conditions
33 of critical salmon habitat, including but not limited to actions that
34 restore key processes, functions, or structures that support salmon
35 habitat.

36 (5) "Preserve" means a nonregulatory action that facilitates
37 protection of critical salmon habitat and may include the purchase of

1 development or timber rights, conservation easements, or fee simple
2 title.

3 NEW SECTION. **Sec. 3.** (1) By September 1, 1999, the governor shall
4 file articles of incorporation in accordance with the Washington
5 nonprofit corporation act, chapter 24.03 RCW, to establish the salmon
6 recovery foundation. The foundation shall not be an agency,
7 instrumentality, or political subdivision of the state.

8 (2) The foundation shall have a board of directors consisting of
9 nineteen members. The members shall consist of one person representing
10 counties, and residing in a county, from western Washington and one
11 person representing counties, and residing in a county, from eastern
12 Washington appointed by the Washington association of counties; one
13 person representing cities from western Washington and one person
14 representing cities from eastern Washington appointed by the
15 association of Washington cities; one tribal representative appointed
16 by the Northwest Washington Indian fisheries commission; one tribal
17 representative appointed by the Columbia river intertribal fish
18 commission; one person appointed by the director of the state
19 department of fish and wildlife; one person appointed by the director
20 of the state department of ecology; one person appointed by the
21 secretary of transportation; one person appointed by the conservation
22 commission; one person appointed by the regional fisheries enhancement
23 group advisory board; two persons residing in eastern Washington with
24 experience in fishery restoration, fund raising, or volunteer
25 coordination appointed by the governor; two persons residing in western
26 Washington with experience in fishery restoration, fund raising, or
27 volunteer coordination appointed by the governor; one representative
28 from each of the two largest caucuses of the house of representatives
29 appointed by the co-speakers of the house of representatives; and one
30 member from each of the two largest caucuses of the senate, selected by
31 the president of the senate.

32 (3) Members other than legislative members serve three-year terms,
33 except for the initial terms, which shall be staggered by the governor
34 to achieve a balanced mix of terms on the board. Members may serve up
35 to a maximum of three terms. At the end of a term, a member may
36 continue to serve until a successor has been appointed. Terms for
37 legislative members are two years.

38 (4) The board shall develop bylaws as required under RCW 24.03.070.

1 (5) The foundation shall meet at least four times per year.

2 NEW SECTION. **Sec. 4.** The foundation shall actively seek funding
3 and contributions from federal, state, and private sources to fund the
4 preservation and restoration of the state's critical salmon habitat as
5 provided in this chapter and in accordance with the applicable laws.

6 NEW SECTION. **Sec. 5.** The interagency review team created under
7 RCW 75.46.080 shall submit a list of unfunded salmon recovery projects
8 to the foundation at least once a year that have met all the criteria
9 outlined in chapter 75.46 RCW. Based upon available funding, the
10 foundation shall award grants to those projects submitted by the
11 interagency review team that have not already been funded in total by
12 other programs. Where possible, the foundation shall seek to leverage
13 federal funds, and state funds other than those in the salmon and
14 stream conservation account created in section 7 of this act, and
15 local, private, and in-kind funds.

16 NEW SECTION. **Sec. 6.** In awarding grants over the ten-year period
17 of the foundation, the foundation shall ensure to the maximum extent
18 practicable that each water resource inventory area in the state with
19 a salmon species listed as threatened or endangered under the federal
20 endangered species act receives grant funding for important
21 preservation and restoration actions.

22 NEW SECTION. **Sec. 7.** The salmon and stream conservation account
23 is created in the state treasury. All receipts from funding and
24 contributions from federal, state, and private sources specified for
25 this purpose must be deposited into the account. Moneys in the account
26 may be spent only after appropriation. Expenditures from the account
27 may be used only for reasonable foundation expenses, the preservation
28 and restoration of the state's critical salmon habitat, and other
29 purposes consistent with this chapter.

30 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act expire June
31 30, 2009.

1 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act constitute
2 a new chapter in Title 75 RCW.

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