
SECOND SUBSTITUTE SENATE BILL 5595

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Jacobsen and Fraser)

Read first time 03/05/99.

1 AN ACT Relating to salmon recovery funding; amending RCW 75.46.005,
2 75.46.010, 75.46.080, and 76.12.110; adding new sections to chapter
3 75.46 RCW; providing an effective date; and declaring an emergency.

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

5 **Sec. 1.** RCW 75.46.005 and 1998 c 246 s 1 are each amended to read
6 as follows:

7 The legislature finds that repeated attempts to improve salmonid
8 fish runs throughout the state of Washington have failed to avert
9 listings of salmon and steelhead runs as threatened or endangered under
10 the federal endangered species act (16 U.S.C. Sec. 1531 et seq.).
11 These listings threaten the sport, commercial, and tribal fishing
12 industries as well as the economic well-being and vitality of vast
13 areas of the state. It is the intent of the legislature to begin
14 activities required for the recovery of salmon stocks as soon as
15 possible, although the legislature understands that successful recovery
16 efforts may not be realized for many years because of the life cycle of
17 salmon and the complex array of natural and human-caused problems they
18 face.

1 The legislature finds that it is in the interest of the citizens of
2 the state of Washington for the state to retain primary responsibility
3 for managing the natural resources of the state, rather than abdicate
4 those responsibilities to the federal government. The legislature also
5 finds that there is a substantial link between the provisions of the
6 federal endangered species act and the federal clean water act (33
7 U.S.C. Sec. 1251 et seq.). The legislature further finds that habitat
8 restoration is a vital component of salmon recovery efforts.
9 Therefore, it is the intent of the legislature to specifically address
10 salmon habitat restoration in a coordinated manner and to develop a
11 structure that allows for the coordinated delivery of federal, state,
12 and local assistance to communities for habitat projects that will
13 assist in the recovery and enhancement of salmon stocks.

14 The legislature also finds that credible scientific review and
15 oversight is essential for any salmon recovery effort to be successful.

16 The legislature therefore finds that a coordinated framework for
17 responding to the salmon crisis is needed immediately. To that end,
18 the salmon recovery office should be created within the governor's
19 office to provide overall coordination of the state's response; an
20 independent science team is needed to provide scientific review and
21 oversight; a consolidated state funding process should be established
22 through a salmon recovery funding board; the appropriate local or
23 tribal government should provide local leadership in identifying and
24 sequencing habitat restoration projects to be funded by state agencies;
25 habitat restoration projects should be implemented without delay; and
26 a strong locally based effort to restore salmon habitat should be
27 established by providing a framework to allow citizen volunteers to
28 work effectively.

29 **Sec. 2.** RCW 75.46.010 and 1998 c 246 s 2 are each amended to read
30 as follows:

31 The definitions in this section apply throughout this chapter
32 unless the context clearly requires otherwise.

33 (1) "Adaptive management" means reliance on scientific methods to
34 test the results of actions taken so that the management and related
35 policy can be changed promptly and appropriately.

36 (2) "Board" means the salmon recovery funding board created in
37 section 3 of this act.

1 (3) "Critical pathways methodology" means a project scheduling and
2 management process for examining interactions between habitat projects
3 and salmonid species, prioritizing habitat projects, and assuring
4 positive benefits from habitat projects.

5 ~~((3))~~ (4) "Habitat project list" is the list of projects
6 resulting from the critical pathways methodology under RCW
7 75.46.070(2). Each project on the list must have a written agreement
8 from the landowner on whose land the project will be implemented.
9 Projects include habitat restoration projects, habitat protection
10 projects, habitat projects that improve water quality, habitat projects
11 that protect water quality, habitat-related mitigation projects, and
12 habitat project maintenance and monitoring activities.

13 ~~((4))~~ (5) "Habitat work schedule" means those projects from the
14 habitat project list that will be implemented during the current
15 funding cycle. The schedule shall also include a list of the entities
16 and individuals implementing projects, the start date, duration,
17 estimated date of completion, estimated cost, and funding sources for
18 the projects.

19 ~~((5))~~ (6) "Limiting factors" means conditions that limit the
20 ability of habitat to fully sustain populations of salmon. ~~((These
21 factors are primarily fish passage barriers and degraded estuarine
22 areas, riparian corridors, stream channels, and wetlands.~~

23 ~~(6))~~ (7) "Listed stocks" means salmon and trout stocks that are
24 listed or proposed for listing as threatened or endangered under the
25 federal endangered species act, 16 U.S.C. Sec. 1531 et seq.

26 (8) "Project sponsor" is a county, city, special district, tribal
27 government, state agency, federal agency, a combination of such
28 governments through interlocal or interagency agreement~~((s provided
29 under chapter 39.34 RCW))~~, a nonprofit organization, or one or more
30 private citizens.

31 ~~((7))~~ (9) "Salmon" includes all species of the family Salmonidae
32 which are capable of self-sustaining, natural production.

33 ~~((8))~~ (10) "Salmon recovery plan" means a state plan developed in
34 response to a proposed or actual listing under the federal endangered
35 species act that addresses limiting factors including, but not limited
36 to harvest, hatchery, hydropower, habitat, and other factors of
37 decline.

38 ~~((9))~~ (11) "Interagency team" or "team" means the interagency
39 review team created in RCW 75.46.080.

1 (12) "Tribe" or "tribes" means federally recognized Indian tribes.

2 (~~(10)~~) (13) "WRIA" means a water resource inventory area
3 established in chapter 173-500 WAC as it existed on January 1, 1997.

4 (~~(11)~~) (14) "Owner" means the person holding title to the land or
5 the person under contract with the owner to lease or manage the legal
6 owner's property.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 75.46 RCW
8 to read as follows:

9 (1) The salmon recovery funding board is created.

10 (2) The board shall consist of three members appointed by the
11 governor, subject to confirmation by the senate. In making the
12 appointments, the governor shall seek a board membership with the
13 expertise necessary to provide strong fiscal oversight of salmon
14 recovery expenditures. Board members shall not have a financial or
15 regulatory interest in salmon recovery. The governor shall make the
16 appointments not later than ninety days after the effective date of
17 this section. The initial terms shall commence October 1st. Members
18 shall serve staggered four-year terms and, of the initial appointments,
19 one member shall serve a term of two years and one member shall serve
20 a term of three years. The governor shall appoint the chair of the
21 board.

22 (3) Staff support to the board shall be provided by the salmon
23 recovery office and by the interagency review team for those functions
24 assigned to the team by this chapter.

25 (4) Members of the board shall be compensated as provided by RCW
26 43.03.250 and shall be reimbursed for travel expenses as provided by
27 RCW 43.03.050 and 43.03.060.

28 NEW SECTION. **Sec. 4.** A new section is added to chapter 75.46 RCW
29 to read as follows:

30 The board is responsible for making grants and loans for salmon
31 recovery projects from the amounts appropriated to the board for this
32 purpose. To accomplish this purpose the board may:

33 (1) Provide assistance to grant applicants regarding the procedures
34 and criteria for grant and loan awards;

35 (2) Accept any gifts, grants, or loans of funds, property, or
36 financial or other aid in any form from any other source on any terms
37 that are not in conflict with this chapter;

1 (3) Adopt rules under chapter 34.05 RCW as necessary to carry out
2 the purposes of this chapter; and

3 (4) Do all acts and things necessary or convenient to carry out the
4 powers expressly granted or implied under this chapter.

5 NEW SECTION. **Sec. 5.** A new section is added to chapter 75.46 RCW
6 to read as follows:

7 (1) The board shall develop procedures and criteria for allocation
8 of funds for salmon recovery projects and activities on a state-wide
9 basis to address the highest priorities for salmon habitat protection
10 and restoration. To the extent practicable the board shall adopt an
11 annual allocation of funding. The allocation shall reflect the
12 following general objectives:

13 (a) Allocating a greater portion to protection of habitat than to
14 restoration of habitat;

15 (b) Allocating most new funding for habitat protection and
16 restoration to higher priority salmon recovery needs, using scientific
17 principles and information addressing stock status, fish production
18 potential, genetic diversity values, habitat condition including
19 unlawful disposal of solid waste along streams, and near-term risk
20 factors; and

21 (c) Encouraging the commitment of nonstate funds and other
22 resources in projects or activities receiving a state grant or loan.

23 (2) The board shall seek the guidance and the assistance of the
24 interagency review team created by RCW 75.46.080 in developing the
25 allocation procedures and standards. The board may also seek the
26 recommendations of the independent science panel created by RCW
27 75.46.050 to incorporate scientific principles and information.

28 (3) The board may waive or modify portions of the allocation
29 procedures and standards adopted under this section in the award of
30 grants or loans to conform to legislative appropriations directing an
31 alternative award procedure or when the funds to be awarded are from
32 federal or other sources requiring other allocation procedures or
33 standards as a condition of the board's receipt of the funds.

34 (4) In developing allocation criteria and in the review of project
35 applications the board shall consider the recommendations which may be
36 provided by the government council on natural resources, formed by the
37 governor to promote cooperative intergovernmental relationships for
38 salmon recovery.

1 (5) The board shall track all funds allocated for salmon recovery
2 projects and activities, including both funds allocated by the board
3 and funds allocated by other state or federal agencies for salmon
4 recovery or water quality improvement. Beginning in December 2000, the
5 board shall provide a biennial report to the legislature on salmon
6 recovery expenditures. This report shall be coordinated with the state
7 of the salmon report required under RCW 75.46.030.

8 **Sec. 6.** RCW 75.46.080 and 1998 c 246 s 9 are each amended to read
9 as follows:

10 (1) Representatives from the conservation commission, the
11 department of transportation, the department of ecology, and the
12 department of fish and wildlife shall establish an interagency review
13 team. ~~((Except as provided in subsection (6) of this section, habitat
14 restoration project lists shall be submitted to the interagency review
15 team by January 1st and July 1st of each year beginning in 1999.))~~ The
16 purpose of the team is to assist the salmon recovery funding board in
17 developing procedures and standards for state-wide funding allocation,
18 and to assist the board in reviewing funding applications to identify
19 the highest priority projects and activities for funding.

20 (2) ~~((If no lead entity has been formed under RCW 75.46.060, the
21 interagency review team shall rank, prioritize, and dispense funds for
22 habitat restoration projects by giving preference to the projects that:~~
23 ~~(a) Provide a greater benefit to salmon recovery;~~
24 ~~(b) Will be implemented in a more critical area;~~
25 ~~(c) Are the most cost-effective;~~
26 ~~(d) Have the greatest matched, or in-kind funding; and~~
27 ~~(e) Will be implemented by a sponsor with a successful record of~~
28 ~~project implementation.~~

29 ~~(3))~~ If a lead entity established under RCW 75.46.060 has been
30 formed, the interagency review team shall evaluate project lists ~~((and
31 may remove, but not add, projects from a habitat project list))~~
32 submitted by the lead entity and advise the board on whether the list
33 for the area complies with the list development procedures and critical
34 path methodology provided by RCW 75.46.060 and 75.46.070. When the
35 board determines the list to comply with those requirements it shall
36 accord substantial weight to the list's project priorities when making
37 determinations among applications for funding of projects and
38 activities within the area covered by the list.

1 ~~((4))~~ (3) The ~~((interagency review team))~~ board shall provide a
2 summary of funding for ~~((habitat restoration project lists))~~ salmon
3 recovery projects to the governor and to the legislature by December
4 1st of each year.

5 ~~((5))~~ (4) The ~~((interagency review team))~~ board may annually
6 establish a maximum amount of funding available for any individual
7 project, subject to available funding. ~~((The interagency review team~~
8 ~~shall attempt to assure a geographical balance in assigning priorities~~
9 ~~to projects.~~

10 ~~(6) For fiscal year 1998, the department of fish and wildlife, the~~
11 ~~conservation commission, and the department of transportation may~~
12 ~~authorize, subject to appropriations, expenditures for projects that~~
13 ~~have been developed to restore salmon habitat before completion of the~~
14 ~~project lists required in RCW 75.46.060(2).~~

15 ~~(7))~~ (5) Where a lead entity has been established pursuant to RCW
16 75.46.060, the ~~((interagency review team))~~ board may provide ~~((block))~~
17 grants to the lead entity to assist in carrying out lead entity
18 functions under this chapter, subject to available funding.

19 NEW SECTION. Sec. 7. A new section is added to chapter 75.46 RCW
20 to read as follows:

21 The salmon recovery account is created in the state treasury. To
22 the account shall be deposited such funds as the legislature directs or
23 appropriates to the account. Moneys in the account may be spent only
24 after appropriation. Expenditures from the account may be used for
25 salmon recovery financial assistance provided through the salmon
26 recovery funding board created in section 3 of this act.

27 Sec. 8. RCW 76.12.110 and 1998 c 347 s 55 are each amended to read
28 as follows:

29 There is created a forest development account in the state
30 treasury. The state treasurer shall keep an account of all sums
31 deposited therein and expended or withdrawn therefrom. Any sums placed
32 in the account shall be pledged for the purpose of paying interest and
33 principal on the bonds issued by the department, and for the purchase
34 of land for growing timber. Any bonds issued shall constitute a first
35 and prior claim and lien against the account for the payment of
36 principal and interest. No sums for the above purposes shall be

1 withdrawn or paid out of the account except upon approval of the
2 department.

3 Appropriations may be made by the legislature from the forest
4 development account to the department for the purpose of carrying on
5 the activities of the department on state forest lands, lands managed
6 on a sustained yield basis as provided for in RCW 79.68.040, and for
7 reimbursement of expenditures that have been made or may be made from
8 the resource management cost account in the management of state forest
9 lands. ~~((For the 1997-99 fiscal biennium, moneys from the account
10 shall be distributed as directed in the omnibus appropriations act to
11 the beneficiaries of the revenues derived from state forest lands.
12 Funds that accrue to the state from such a distribution shall be
13 deposited into the salmon recovery account, hereby created in the state
14 treasury. Funds appropriated from the salmon recovery account shall be
15 used for efforts to restore endangered anadromous fish stocks.))~~

16 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
17 preservation of the public peace, health, or safety, or support of the
18 state government and its existing public institutions, and takes effect
19 July 1, 1999.

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