

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5539

59th Legislature
2005 Regular Session

Passed by the Senate April 20, 2005
YEAS 45 NAYS 1

President of the Senate

Passed by the House April 24, 2005
YEAS 74 NAYS 22

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5539** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5539

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Jacobsen, Oke, Rasmussen, Doumit, Schmidt, Benson, Kastama, Shin, Pridemore, Franklin and Roach)

READ FIRST TIME 03/28/05.

1 AN ACT Relating to restoring Washington's watersheds with help from
2 postconflict veterans; reenacting and amending RCW 77.85.130; adding a
3 new section to chapter 43.60A RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that many Washington
6 citizens are veterans of armed forces conflicts that have important
7 skills that may be employed in projects that help to protect and
8 restore Washington's rivers, streams, lakes, marine waters, and open
9 lands. The legislature further finds that such work has demonstrated
10 benefits for many veterans who are coping with posttraumatic stress
11 disorder or have other mental health or substance abuse disorders
12 related to their service in the armed forces. Therefore, it is the
13 purpose of this chapter to create a program that provides state funding
14 assistance for projects that restore Washington's waters, forests, and
15 habitat through the primary participation of such veterans.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.60A RCW
17 to read as follows:

18 The department shall create a list of veterans with posttraumatic

1 stress disorder and related conditions who are interested in working on
2 projects that restore Washington's natural habitat. The list shall be
3 referred to as the veterans conservation corps. The department shall
4 promote the opportunity to volunteer for the veterans conservation
5 corps through its local counselors and representative. Only veterans
6 who grant their approval may be included on the list. The department
7 shall consult with the salmon recovery board, the interagency committee
8 for outdoor recreation, the department of natural resources, the
9 department of fish and wildlife, and the state parks and recreation
10 commission to determine the most effective ways to market the veterans
11 conservation corps to agencies and local sponsors of habitat
12 restoration projects.

13 The department shall submit a report to the appropriate committees
14 of the legislature by December 1, 2009, on the use of veterans
15 conservation corps members by state agencies and local sponsors of
16 habitat restoration projects.

17 **Sec. 3.** RCW 77.85.130 and 2000 c 107 s 102 and 2000 c 15 s 1 are
18 each reenacted and amended to read as follows:

19 (1) The salmon recovery funding board shall develop procedures and
20 criteria for allocation of funds for salmon habitat projects and salmon
21 recovery activities on a statewide basis to address the highest
22 priorities for salmon habitat protection and restoration. To the
23 extent practicable the board shall adopt an annual allocation of
24 funding. The allocation should address both protection and restoration
25 of habitat, and should recognize the varying needs in each area of the
26 state on an equitable basis. The board has the discretion to partially
27 fund, or to fund in phases, salmon habitat projects. The board may
28 annually establish a maximum amount of funding available for any
29 individual project, subject to available funding. No projects required
30 solely as a mitigation or a condition of permitting are eligible for
31 funding.

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

34 (i) Are based upon the limiting factors analysis identified under
35 RCW 77.85.060;

36 (ii) Provide a greater benefit to salmon recovery based upon the
37 stock status information contained in the department of fish and

1 wildlife salmonid stock inventory (SASSI), the salmon and steelhead
2 habitat inventory and assessment project (SSHIAP), and any comparable
3 science-based assessment when available;

- 4 (iii) Will benefit listed species and other fish species; and
- 5 (iv) Will preserve high quality salmonid habitat.

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

- 8 (i) Are the most cost-effective;
- 9 (ii) Have the greatest matched or in-kind funding; (~~and~~)
- 10 (iii) Will be implemented by a sponsor with a successful record of

11 project implementation; and

12 (iv) Involve members of the veterans conservation corps established
13 in section 2 of this act.

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

16 (4) For fiscal year 2000, the board may authorize the interagency
17 review team to evaluate, rank, and make funding decisions for
18 categories of projects or activities or from funding sources provided
19 for categories of projects or activities. In delegating such authority
20 the board shall consider the review team's staff resources, procedures,
21 and technical capacity to meet the purposes and objectives of this
22 chapter. The board shall maintain general oversight of the team's
23 exercise of such authority.

24 (5) The board shall seek the guidance of the technical review team
25 to ensure that scientific principles and information are incorporated
26 into the allocation standards and into proposed projects and
27 activities. If the technical review team determines that a habitat
28 project list complies with the critical pathways methodology under RCW
29 77.85.060, it shall provide substantial weight to the list's project
30 priorities when making determinations among applications for funding of
31 projects within the area covered by the list.

32 (6) The board shall establish criteria for determining when block
33 grants may be made to a lead entity or other recognized regional
34 recovery entity consistent with one or more habitat project lists
35 developed for that region. Where a lead entity has been established
36 pursuant to RCW 77.85.050, the board may provide grants to the lead
37 entity to assist in carrying out lead entity functions under this

1 chapter, subject to available funding. The board shall determine an
2 equitable minimum amount of funds for each region, and shall distribute
3 the remainder of funds on a competitive basis.

4 (7) 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 (8) 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 (9) The board may condition a grant or loan to include the
22 requirement that property may only be transferred to a federal agency
23 if the agency that will acquire the property agrees to comply with all
24 terms of the grant or loan to which the project sponsor was obligated.
25 Property acquired or improved by a project sponsor may be conveyed to
26 a federal agency, but only if the agency agrees to comply with all
27 terms of the grant or loan to which the project sponsor was obligated.

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