
SUBSTITUTE SENATE BILL 5683

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Natural Resources, Parks & Recreation
(originally sponsored by Senators Jacobsen, Swecker, T. Sheldon, Oke,
Fraser, Eide, Rossi and Winsley)

Read first time 03/03/1999.

1 AN ACT Relating to funding Puget Sound salmon recovery; adding a
2 new 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.** FINDINGS. (1) The legislature finds that
5 salmon recovery in Washington state requires a state-wide strategy and
6 actions that are tailored to the unique characteristics of each major
7 watershed in the state.

8 (2) The legislature finds that:

9 (a) The Puget Sound region contributes significantly to the
10 economic vitality and the natural resources of the state of Washington.
11 The health and economic prosperity of the region depends on a high
12 quality environment;

13 (b) Several species of salmon in Puget Sound are, or expected to
14 be, listed as threatened or endangered under the federal endangered
15 species act. At present, these species include chinook, chum, bull
16 trout, and coho;

17 (c) One or more listings under the federal endangered species act
18 have the potential to adversely affect nearly all aspects of the Puget

1 Sound economy, and a comprehensive solution will require significant
2 involvement of the private and public sectors; and

3 (d) The legislature recognizes that a critical pathways mechanism
4 was established in 1998 to fund salmon habitat restoration. The
5 legislature also recognizes that there is an extensive network of
6 federal, state, local, and tribal rules and regulations to protect
7 salmon habitat. In 1998, the legislature also established a
8 comprehensive approach to setting priorities for individual watersheds
9 through water resource inventory area planning.

10 (3) The legislature further finds that:

11 (a) Healthy salmon populations require a series of connected, high
12 quality habitats to support their unique life cycle;

13 (b) An intensive, short-term effort to preserve quality habitat in
14 Puget Sound is an essential next step if the region is to realize the
15 benefits of the substantial ongoing investments made to protect and
16 restore salmon habitat;

17 (c) Highly productive salmon habitat still exists in Puget Sound
18 but is increasingly threatened by development and the manner in which
19 land is managed. There is a high degree of agreement among scientists
20 that preserving this remaining habitat is an essential action to
21 protect salmon populations over the long term;

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

26 (e) A private nongovernmental approach to preservation and
27 restoration is necessary to increase business and landowner
28 participation, garner public support, and increase the efficiency and
29 effectiveness of habitat investments;

30 (f) Adding a focused private preservation and restoration strategy
31 to the state's current effort of regulatory protection will provide the
32 Puget Sound region with the tools and flexibility it needs to develop
33 a comprehensive, regionally based strategy that implements watershed
34 planning and conservation priorities and effectively responds to the
35 federal endangered species act listings of salmon.

36 (4) The legislature declares that habitat preservation is an
37 essential tool that must be used in concert with protection and
38 restoration if salmon populations are to survive and thrive in Puget
39 Sound. The legislature also declares that it is in the public interest

1 to create a nonprofit foundation to guide private investments for
2 preservation and restoration of high quality salmon habitat in Puget
3 Sound.

4 NEW SECTION. **Sec. 2.** PURPOSE. The purpose of the Puget Sound
5 salmon and river conservation program is to establish a network of key
6 habitats that, in combination with existing regulatory and
7 nonregulatory efforts, provides a stable base to support the long-term
8 survival of salmon in Puget Sound. The purpose of the Puget Sound
9 foundation is to guide private investments in the preservation and
10 restoration of the remaining high quality salmon habitat throughout
11 Puget Sound.

12 NEW SECTION. **Sec. 3.** DEFINITIONS. The definitions in this
13 section apply throughout this chapter, unless the context clearly
14 requires otherwise.

15 (1) "Puget Sound" means the twelve counties bordering Puget Sound.

16 (2) "Foundation" means the entity created in section 4 of this act.

17 (3) "Critical salmon habitat" means aquatic systems and surrounding
18 land that meet the criteria in section 6 of this act.

19 (4) "Eligible grant recipients" includes tribes, local governments,
20 state agencies, and nonprofit organizations.

21 (5) "Governor's salmon office" means the office established in RCW
22 75.46.040.

23 (6) "Eligible projects" means any project or action that serves to
24 preserve, restore, or steward critical salmon habitat.

25 (7) "Preserve" means a nonregulatory action that facilitates
26 permanent protection of critical salmon habitat and may include the
27 purchase of development or timber rights, conservation easements, or
28 fee simple title.

29 (8) "Restore" means an action to reestablish ecological conditions
30 of critical salmon habitat, including but not limited to actions that
31 restore key processes, functions, or structures that support salmon
32 habitat.

33 (9) "Stewardship" means activities necessary to maintain the
34 quality of habitat that has been acquired or restored for its benefits
35 to salmon.

1 NEW SECTION. **Sec. 4.** THE PUGET SOUND FOUNDATION. (1) By
2 September 1, 1999, the governor shall file articles of incorporation in
3 accordance with the Washington nonprofit corporation act, chapter 24.03
4 RCW, to establish the Puget Sound foundation. The foundation shall not
5 be an agency, instrumentality, or political subdivision of the state
6 and shall not disburse public funds.

7 (2) The foundation shall have a board of directors consisting of
8 eighteen members. Fourteen nonlegislative members shall be appointed
9 by the governor and collectively have experience in business,
10 conservation, tribal interests, or government. Initial appointments
11 shall be made by September 30, 1999, and shall provide geographic
12 representation from northern, central, southern, and the Hood canal
13 areas of the Puget Sound region. The remaining four members shall be
14 legislators representing each of the two major caucuses in both the
15 house of representatives and the senate. The two members of the house
16 of representatives shall be appointed by the speaker of the house of
17 representatives and the two senate members shall be appointed by the
18 president of the senate.

19 (3) Members other than legislative members shall serve three-year
20 terms, except for the initial terms, which shall be staggered by the
21 governor to achieve a balanced mix of terms on the board. Members may
22 serve up to a maximum of three terms. At the end of a term, a member
23 may continue to serve until a successor has been appointed. Terms for
24 legislative members shall be two years.

25 (4) The foundation shall meet at least four times per year.

26 NEW SECTION. **Sec. 5.** POWERS AND DUTIES. (1) By December 1, 1999,
27 the foundation shall establish a science panel.

28 (a) The science panel shall be composed of scientists from the
29 Puget Sound region employed by or otherwise affiliated with
30 universities, private industry, environmental organizations, local and
31 state governments, and tribes.

32 (b) The science panel shall advise the foundation on the
33 development of criteria to guide private salmon habitat investments and
34 evaluate grant requests to preserve and restore salmon habitat in Puget
35 Sound.

36 (2) The foundation shall identify high quality salmon habitats for
37 preservation and associated opportunities for restoration generally as
38 follows:

1 (a) Before February 1, 2000, the foundation shall compile an
2 inventory of the remaining high quality habitats in Puget Sound. In
3 preparing the inventory, the foundation shall consult the governor's
4 salmon office, the science panel established in this section, the
5 national marine fisheries service, water resource inventory area
6 committees, tribes, Washington department of transportation, department
7 of fish and wildlife, conservation commission, interagency committee
8 for outdoor recreation, department of ecology, and department of
9 natural resources, and local governments. The inventory shall be
10 depicted in map form.

11 (b) A draft of the inventory shall be prepared by the foundation by
12 February 1, 2000. No sooner than thirty days after the inventory is
13 made publicly available, the foundation shall hold at least two public
14 meetings to solicit comments.

15 (3) The foundation shall actively seek funding and contributions
16 from private sources to fund the preservation and restoration of Puget
17 Sound salmon habitat as provided in this chapter and in accordance with
18 the applicable laws.

19 (4) The foundation shall develop supplemental criteria for guiding
20 investments in the preservation and restoration of salmon habitat
21 consistent with section 6 of this act.

22 (5) A competitive grant process shall be conducted at least
23 annually by the foundation to award funds for preservation and
24 restoration of high quality habitats in each water resource inventory
25 area of Puget Sound.

26 (6) The results of preservation and restoration actions shall be
27 monitored by the foundation to ensure long-term benefits to salmon and
28 the preservation of a habitat network necessary for long-term survival
29 of salmon. The foundation shall frequently publicize the Puget Sound
30 salmon and river conservation program to the public and interested
31 parties as well as the identified needs for further action.

32 (7) The foundation shall work with the salmon recovery funding
33 board and the interagency review team, both provided for in chapter
34 75.46 RCW, to coordinate distribution of public and private funds to
35 facilitate the best use of funds for preservation and restoration of
36 high quality habitat.

37 NEW SECTION. **Sec. 6.** GRANT PROCESS AND SELECTION CRITERIA. (1)
38 The foundation shall conduct a grant process at least annually

1 beginning in February 2000. Grants shall be awarded consistent with
2 the criteria developed by the foundation and shall be available for
3 acquisition of development or timber rights, conservation easements,
4 fee simple title, or other property interests. Grants shall also be
5 available for restoration projects where the land is held in the public
6 interest, there is a dedicated conservation easement, or the project is
7 consistent with a long-term preservation, restoration, or stewardship
8 agreement between affected private property owners and the grantee.

9 (2) The foundation shall award funds to eligible applicants for
10 acquisition of habitat that best meet these criteria:

11 (a) The habitat is critical or has high potential to support
12 important salmon runs;

13 (b) The habitat is likely to be degraded or threatened by
14 conversion within the next ten years;

15 (c) The environmental conditions and protection programs in the
16 surrounding watershed support the long-term quality of the habitat.

17 (3) In evaluating the importance of a salmon habitat the foundation
18 shall consider:

19 (a) The size and cultural importance of the salmon run that the
20 habitat supports or could reasonably support;

21 (b) The degree to which it provides key functions or processes that
22 support the life cycle of the salmon in the fresh water or in estuarine
23 environments;

24 (c) The size of the watershed and whether it is large enough to
25 support the range and variability of conditions necessary to support
26 freshwater life cycle needs for salmon; and

27 (d) The benefits to other wildlife and fish species.

28 (4) In evaluating the extent and immediacy of threat to habitat
29 degradation, the foundation shall consider the extent to which:

30 (a) Current land use plans and zoning allow for alteration of the
31 habitat or key watershed function;

32 (b) Current rules and regulations or approved habitat conservation
33 plans allow for significant timber harvest, or modifications to the
34 habitat or surrounding drainage area;

35 (c) The amount and pace of surrounding development as well as
36 increasing property values; and

37 (d) Any pending development proposal consistent with local and
38 state law has the potential to compromise the long-term quality of the
39 habitat.

1 (5) In evaluating benefit of existing environmental conditions and
2 protection programs in the surrounding watershed to provide long-term
3 support for critical habitat, the foundation shall consider:

4 (a) The health of the watershed to provide sustainable populations
5 of salmon;

6 (b) The ability of local regulations to prevent or significantly
7 limit the degradation of the habitat from upland or upstream human
8 disturbances;

9 (c) The existence of a watershed plan or approved habitat
10 conservation plan that recognizes the functional importance of the
11 habitat and how it is connected to key processes within the watershed
12 that benefit salmon;

13 (d) The commitment of local community organizations to promote
14 habitat preservation and restoration; and

15 (e) Local commitment for the long-term stewardship of the habitat.

16 NEW SECTION. **Sec. 7.** GEOGRAPHIC DISTRIBUTION OF FUNDS. In
17 awarding grants over the ten-year period of the foundation, the
18 foundation shall ensure to the maximum extent practicable that each
19 water resource inventory area in the Puget Sound region receives grant
20 funding for important preservation and restoration actions.

21 NEW SECTION. **Sec. 8.** REPORTING REQUIREMENTS. (1) By July 1,
22 2000, the foundation shall establish performance measures to evaluate
23 its progress toward its goal of establishing a network of high quality
24 habitats capable of supporting healthy populations of salmon in Puget
25 Sound.

26 (2) Beginning November 1, 2000, and every two years thereafter, the
27 foundation shall submit a report to the governor's office and the
28 appropriate standing committees of the legislature summarizing the
29 foundation's:

30 (a) Progress to date based on the performance measures established
31 under subsection (1) of this section;

32 (b) Success in leveraging private and in-kind funds;

33 (c) Remaining preservation and stewardship needs; and

34 (d) Expected results for the next two years.

35 NEW SECTION. **Sec. 9.** ANNUAL CONFERENCE. The foundation shall
36 convene and host an annual conference, in consultation with the science

1 panel established in section 5 of this act, to create an ongoing forum
2 to ensure that the best available science is used to preserve high
3 quality salmon habitats in Puget Sound.

4 NEW SECTION. **Sec. 10.** EXPIRATION OF CHAPTER. This chapter
5 expires June 30, 2009.

6 NEW SECTION. **Sec. 11.** CAPTIONS NOT LAW. Captions used in this
7 act are not any part of the law.

8 NEW SECTION. **Sec. 12.** Sections 1 through 11 of this act
9 constitute a new chapter in Title 75 RCW.

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