

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2589

Chapter 15, Laws of 2000

56th Legislature
2000 Regular Session

SALMON RECOVERY FUNDING BOARD--PROJECT FUNDING

EFFECTIVE DATE: 6/8/00

Passed by the House February 10, 2000
Yeas 97 Nays 0

CLYDE BALLARD
Speaker of the House of Representatives

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate February 29, 2000
Yeas 45 Nays 0

BRAD OWEN
President of the Senate

Approved March 17, 2000

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2589** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

CYNTHIA ZEHNDER
Chief Clerk

FILED

March 17, 2000 - 2:21 p.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2589

Passed Legislature - 2000 Regular Session

State of Washington

56th Legislature

2000 Regular Session

By House Committee on Natural Resources (originally sponsored by Representatives Buck, Regala, Stensen, Anderson, Sump, G. Chandler, Pennington, Ericksen, Clements, Eickmeyer, Doumit, Alexander, Rockefeller and Dunn)

Read first time 02/02/2000. Referred to Committee on .

1 AN ACT Relating to clarifying what projects are eligible for
2 funding by the salmon recovery funding board; and amending RCW
3 75.46.170.

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

5 **Sec. 1.** RCW 75.46.170 and 1999 sp.s. c 13 s 5 are each amended to
6 read as follows:

7 (1) The (~~salmon recovery funding~~) salmon recovery funding board
8 shall develop procedures and criteria for allocation of funds for
9 salmon habitat projects and salmon recovery activities on a state-wide
10 basis to address the highest priorities for salmon habitat protection
11 and restoration. To the extent practicable the board shall adopt an
12 annual allocation of funding. The allocation should address both
13 protection and restoration of habitat, and should recognize the varying
14 needs in each area of the state on an equitable basis. The board has
15 the discretion to partially fund, or to fund in phases, salmon habitat
16 projects. The board may annually establish a maximum amount of funding
17 available for any individual project, subject to available funding. No
18 projects required solely as a mitigation or a condition of permitting
19 are eligible for funding.

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

3 (i) Are based upon the limiting factors analysis identified under
4 RCW 75.46.070;

5 (ii) Provide a greater benefit to salmon recovery based upon the
6 stock status information contained in the department of fish and
7 wildlife salmonid stock inventory (SASSI), the salmon and steelhead
8 habitat inventory and assessment project (SSHIAP), and any comparable
9 science-based assessment when available;

10 (iii) Will benefit listed species and other fish species; and

11 (iv) Will preserve high quality salmonid habitat.

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

14 (i) Are the most cost-effective;

15 (ii) Have the greatest matched or in-kind funding; and

16 (iii) Will be implemented by a sponsor with a successful record of
17 project implementation.

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

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

28 (5) The board shall seek the guidance of the technical review team
29 to ensure that scientific principles and information are incorporated
30 into the allocation standards and into proposed projects and
31 activities. If the technical review team determines that a habitat
32 project list complies with the critical pathways methodology under RCW
33 75.46.070, it shall provide substantial weight to the list's project
34 priorities when making determinations among applications for funding of
35 projects within the area covered by the list.

36 (6) The board shall establish criteria for determining when block
37 grants may be made to a lead entity or other recognized regional
38 recovery entity consistent with one or more habitat project lists
39 developed for that region. Where a lead entity has been established

1 pursuant to RCW 75.46.060, the board may provide grants to the lead
2 entity to assist in carrying out lead entity functions under this
3 chapter, subject to available funding. The board shall determine an
4 equitable minimum amount of funds for each region, and shall distribute
5 the remainder of funds on a competitive basis.

6 (7) The board may waive or modify portions of the allocation
7 procedures and standards adopted under this section in the award of
8 grants or loans to conform to legislative appropriations directing an
9 alternative award procedure or when the funds to be awarded are from
10 federal or other sources requiring other allocation procedures or
11 standards as a condition of the board's receipt of the funds. The
12 board shall develop an integrated process to manage the allocation of
13 funding from federal and state sources to minimize delays in the award
14 of funding while recognizing the differences in state and legislative
15 appropriation timing.

16 (8) The board may award a grant or loan for a salmon recovery
17 project on private or public land when the landowner has a legal
18 obligation under local, state, or federal law to perform the project,
19 when expedited action provides a clear benefit to salmon recovery, and
20 there will be harm to salmon recovery if the project is delayed. For
21 purposes of this subsection, a legal obligation does not include a
22 project required solely as a mitigation or a condition of permitting.

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

Passed the House February 10, 2000.

Passed the Senate February 29, 2000.

Approved by the Governor March 17, 2000.

Filed in Office of Secretary of State March 17, 2000.