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**SUBSTITUTE HOUSE BILL 2022**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** House Capital Budget (originally sponsored by Representatives Chambers, Fey, Caldier, Walsh, Blake, McCaslin, Eslick, Young, Chapman, Senn, and Van Werven)

AN ACT Relating to providing funding options to local governments for addressing fish passage barrier removals; adding a new section to chapter 77.95 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  (1) The legislature finds that although only the state of Washington is technically subject to recent judicial instructions to remove fish passage barriers, removing only state-owned barriers in isolation is an incomplete effort in the goal of salmon recovery. Unplanned and uncoordinated state removals will continue to lead to the sort stranded investments that have been made in forestlands if other barriers are not addressed.

(2) The legislature further finds that a significant portion of our state's road infrastructure is owned or managed by the cities and counties. These local government roads are critical in daily efforts to transport people and are directly connected to the quality of life in every community across Washington. However, many of these roads were constructed in an era with standards that failed to accommodate the passage needs of our state's anadromous species. A complete, planned, and prioritized fish passage improvement effort must include financial support to cities and counties so that local roads are not left behind in state efforts to clear passage blockages and allow fish to travel freely from the estuaries all the way to the forested headwaters.

(3) The legislature further finds that it will likely take more than one funding source to fully fund fish passage barrier removals. It is the intent of this act to provide an additional tool to the funding option mix. Private parties in Washington, be them individuals or businesses, also have an interest in seeing salmon return to blocked habitat. This act creates a path to allow for private entities to partner with a city or county and participate proactively in the restoration of habitat in their communities. These investments alone will not be sufficient to fully assist local governments with their funding needs. However, they should be included as an option when local, private interest exists.

NEW SECTION. **Sec.**  A new section is added to chapter 77.95 RCW to read as follows:

(1) The local barrier partnership account is created in the state treasury. All receipts from appropriated funds designated for the account, along with any private donations or any other private or public source directed to the account, must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for public-private fish passage barrier removals on city or county roads consistent with this section.

(2)(a) Except as otherwise provided in this section, moneys in the local barrier partnership account created under this section may only be used as the public portion of public-private partnerships entered into for the removal of fish passage barriers resulting from the construction or location of roads owned or managed by cities or counties.

(b) Moneys in the local barrier partnership account may only be awarded, on a competitive basis, to city or county governments that have secured a private sector partner to help fund a portion of the cost of a fish passage barrier removal on or associated with a road owned or managed by the applicant local government.

(c) The competitive process for awarding funds from the local barrier partnership account must consider in its scoring process:

(i) The percentage of the project being funded by the private sector partner, both in monetary and in-kind contributions;

(ii) The habitat value of the proposed project;

(iii) Connectivity with other recent or planned fish passage barrier removal projects located in the same watershed; and

(iv) Other conformance with the principles provided in RCW 77.95.180.

(3)(a) The department is responsible for the administration of this section and may coordinate with the recreation and conservation office as appropriate.

(b) The department, the recreation and conservation office, and any local applicant, may not retain more than a total of three percent administrative overhead total among all public entities.

(c) The department may also use an additional, reasonable amount of money from the local barrier partnership account to promote the account and conduct outreach, directly or through cities and counties, to potential local private sector partners.

(4)(a) The private sector partner in a fish passage barrier removal funded by the local barrier partnership account must be recognized, if interested, with a permanent sign located on or near the project site indicating that the public sector partner made the fish passage barrier removal possible.

(b) The department shall design uniform signage to be used with any fish passage barrier removals funded under this section. The sign template must accommodate a private partner logo if requested by the partner. The same uniform sign template may also be used for any other wholly or partially privately funded fish passage barrier removal funded through another mechanism.

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