
Transportation Committee

HB 2503

Brief Description: Addressing the removal of fish passage barriers.

Sponsors: Representatives Barkis, Blake, Walsh, Young and Dufault.

Brief Summary of Bill

- Adds tribal governments to the entities that the state Fish Passage Barrier Removal Board (Board) must coordinate with, to the extent the tribal governments are willing to participate and choose to share certain information.
- Requires the Board to prepare a prioritized list of fish passage barrier removal projects every even-numbered year until 2031, and allows the Washington State Department of Transportation (WSDOT) to only undertake fish passage barrier removal projects on the list, necessary for completion of another WSDOT project, or as directed in statute or an appropriations act.
- Creates the Fish Passage Barrier Removal Account, which is allowed to keep its interest, and limits expenditures from the account to fish passage barrier removal projects on the WSDOT's land or on the Board's list.

Hearing Date: 2/5/20

Staff: David Munnecke (786-7315).

Background:

The Washington Department of Fish and Wildlife (WDFW) is responsible for the management of the state's fish and wildlife resources. Several species of salmon are listed as either threatened or endangered under the federal Endangered Species Act.

The WDFW maintains the Fish Passage Barrier Removal Board (Board), composed of representatives from various state agencies, cities, counties, and tribal governments. The duty of the Board is to identify and expedite the removal of human-made or caused impediments to anadromous fish passage in the most efficient manner practical, through the development of a

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coordinated approach and schedule that identifies and prioritizes the projects necessary to eliminate fish passage barriers caused by state and local roads and highways, and barriers owned by private parties.

The Washington State Department of Transportation (WSDOT) is subject to a United States District Court injunction (Injunction) requiring the removal of fish passage barriers on state highways in a portion of Western Washington by the year 2030. The WSDOT has identified more than 2,000 barriers to fish passage in the state highway system and 1,001 barriers that are subject to the Injunction. These fish passage barriers are corrected:

- as part of larger transportation projects;
- through projects designed specifically to remove such barriers; and
- as part of maintenance activities when the required work is more limited.

Summary of Bill:

Tribal governments are added to the entities that the Board must coordinate with, to the extent the tribal governments are willing to participate and choose to share information about tribal salmon recovery efforts, which includes fish passage barrier removal.

The WSDOT is required to provide a proposed list of fish passage barrier removal projects on the WSDOT's property by August 31 of every even-numbered year until 2031, which must indicate barriers that are subject to the Injunction. The Board is required to prepare a prioritized list of fish passage barrier removal projects on the WSDOT's property by December 1 of every even-numbered year until 2031, which may include barriers on roads owned by political subdivisions of the state that block fish passage below a WSDOT owned or managed barrier identified on the prioritized list. The WSDOT is only allowed to undertake fish passage barrier removal projects:

- on the prioritized list;
- necessary for completion of another WSDOT project; or
- as directed in statute or an appropriations act.

The Fish Passage Barrier Removal Account is created, which is an appropriated account that is directed to keep its interest. Expenditures from this account are limited to fish passage barrier removal projects on the WSDOT's property or on the prioritized list.

Appropriation: None.

Fiscal Note: Requested on January 29, 2020.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.