
ENGROSSED SUBSTITUTE HOUSE BILL 2217

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Transportation Policy & Budget (originally sponsored by Representatives K. Schmidt, Doumit, Buck, Blalock, Hatfield and Kessler)

Read first time 03/10/97.

1 AN ACT Relating to fish passage barrier removal; adding new
2 sections to chapter 75.50 RCW; and creating new sections.

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

4 NEW SECTION. **Sec. 1.** The legislature finds:

5 (1) The increasing population and continued development throughout
6 the state, and the transportation system needed to serve this growth,
7 have exacerbated problems associated with culverts, creating barriers
8 to fish passage. These barriers obstruct habitat and have resulted in
9 reduced production and survival of anadromous and resident fish at a
10 time when salmonid stocks continue to decline. There is a growing need
11 to remove fish passage barriers related to transportation facilities;

12 (2) Current state laws do not appropriately direct resources for
13 the correction of fish passage obstructions related to transportation
14 facilities. The department of fish and wildlife has historically
15 worked with a number of cities, counties, and private organizations in
16 successful but limited correction of specific fish passage problems.
17 However, current fish passage management efforts related to
18 transportation projects lack necessary coordination on a watershed,

1 regional, and state-wide basis; have inadequate funding; and fail to
2 maximize use of available resources;

3 (3) The department of transportation has expended funds on fish
4 passage research and has a barrier removal program in place that is
5 managed jointly with the department of fish and wildlife. To develop
6 a coordinated program throughout the state, there is a need to
7 supplement the department of transportation's current fish passage
8 barrier removal program by expanding it to include cities and counties,
9 and increasing funding and coordination to cover that expanded program.
10 Past appropriations made by the legislature for the removal of fish
11 passage barriers were intended to address applicable federal and state
12 mandates on habitat protection.

13 NEW SECTION. **Sec. 2.** It is the intent of the legislature that:

14 (1) This act encourage new opportunities for cities, counties,
15 Indian tribes, and the state to participate in the removal of
16 transportation-related fish passage barriers. It is recognized that
17 Indian tribes, as comanagers of fisheries throughout much of Washington
18 state, can make significant contributions to the program based on
19 inventories they have conducted;

20 (2) Potential threatened and endangered species listings, and loss
21 of commercial and recreational opportunities, justify the need for more
22 effective fish passage barrier removal. The costs estimated to remove
23 all identified barriers far exceed available revenue;

24 (3) This act establish a program to develop a state-wide
25 coordination mechanism for identifying, prioritizing, and funding the
26 removal of transportation-related fish passage barriers in the most
27 ecologically beneficial and cost-effective manner;

28 (4) These programs be fully coordinated with storm water programs
29 to maximize the effectiveness of both programs. Transportation
30 facilities include, but are not limited to, state and local roads and
31 highways, railroads, and private roads and driveways.

32 NEW SECTION. **Sec. 3.** The department of transportation and the
33 department of fish and wildlife shall develop and implement a
34 coordinated fish barrier identification program to coordinate funding
35 and grants to address fish passage problems associated with
36 transportation facilities.

1 NEW SECTION. **Sec. 4.** The fish passage barrier removal committee
2 consisting of representatives from the department of transportation,
3 acting as chair, the department of fish and wildlife, the department of
4 ecology, the department of natural resources, cities, counties, Indian
5 tribes, an environmental organization, and a business organization,
6 shall oversee the program. The committee may add representatives of
7 other agencies, organizations, or interest groups to serve as members
8 or in an advisory capacity.

9 NEW SECTION. **Sec. 5.** The fish passage barrier removal program
10 must address, but is not limited to, the following objectives: (1)
11 Greater state-wide coordination in the identification of fish barriers;
12 (2) greater state-wide coordination in the construction of fish passage
13 facilities; (3) encouraging multijurisdictional projects; (4)
14 developing priorities and approaches for implementing activities on a
15 watershed basis; (5) developing criteria for a grant program; (6)
16 identifying and prioritizing fish passage retrofit projects for grant
17 funding; (7) evaluating methods to determine cost-saving and ecological
18 benefits of proposed projects; (8) identifying ways to facilitate the
19 sharing of technical resources; (9) developing methods for monitoring
20 and evaluating activities carried out under the program; (10) making
21 recommendations for ongoing funding of the program after evaluating
22 potential sources including, but not limited to, the federal
23 transportation program, the motor vehicle fund, the transportation
24 fund, natural resource-based funding sources, local and private
25 contributions, user fees, and other grant sources; (11) inventorying
26 and mapping; (12) research; (13) tying the program to permit
27 streamlining for implementation; (14) developing standard plans; and
28 (15) investigating prefabricated materials that can be installed to
29 facilitate fish passage.

30 The department of transportation shall coordinate fish passage
31 committee activities and administer grants to facilitate construction
32 of the highest priority state and local fish passage projects based on
33 ecological and cost-saving benefits.

34 NEW SECTION. **Sec. 6.** Funds may be provided to cities, towns,
35 counties, port districts, municipal corporations, special purpose
36 districts, conservation districts, Indian tribes, the department of
37 natural resources, the department of fish and wildlife, and the

1 department of transportation. Funding appropriation may include
2 inventory and survey work. In developing project criteria, the fish
3 passage barrier removal committee shall identify the most urgent
4 transportation-related fish passage problems and develop methods for
5 applying priorities across watersheds. Criteria will also include
6 economics and cost-effectiveness; impact of the fish passage barrier on
7 endangered species; and potential impact to the state from impending
8 endangered species listings. Consideration will be given for projects
9 within a local watershed plan. The committee may give added weight to
10 the projects in which contributions, investments in surveys, and other
11 involvement are multijurisdictional.

12 NEW SECTION. **Sec. 7.** By January 1, 1999, the department of
13 transportation and the department of fish and wildlife shall jointly
14 submit to the appropriate committees of the senate and house of
15 representatives a report on implementation of the fish passage barrier
16 removal funding and implementation program. The report will include
17 proposed criteria for project selection, procedures for managing the
18 program, and recommendations for achieving program objectives
19 identified in section 5 of this act.

20 NEW SECTION. **Sec. 8.** This act does not apply to fish passage
21 barriers in seasonal streams or drainage ditches.

22 NEW SECTION. **Sec. 9.** Sections 3 through 6 of this act are each
23 added to chapter 75.50 RCW.

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