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SENATE BILL 6363

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State of Washington

55th Legislature

1998 Regular Session

By Senators Swecker and Oke

Read first time 01/16/98. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to eliminating fish passage barriers; amending RCW  
2 75.50.160; adding a new section to chapter 75.50 RCW; adding a new  
3 section to chapter 79.38 RCW; creating new sections; making an  
4 appropriation; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature finds and declares that:

7 (1) There are over two thousand barriers to fish passage at road  
8 crossings throughout the state, blocking fish access to as much as  
9 three thousand linear miles of freshwater spawning and rearing habitat;

10 (2) Correcting barriers to fish passage can be a cost-effective way  
11 of restoring habitat for threatened and endangered salmon and steelhead  
12 populations; and

13 (3) There is a need to address known priority barriers immediately,  
14 and over time, develop a comprehensive system to inventory and  
15 prioritize barriers on a state-wide basis.

16 **Sec. 2.** RCW 75.50.160 and 1997 c 389 s 6 are each amended to read  
17 as follows:

1       (1) The department and the department of transportation shall  
2 convene a fish passage barrier removal task force. The task force  
3 shall consist of one representative each from the department, the  
4 department of transportation, the department of ecology, tribes,  
5 cities, counties, a business organization, an environmental  
6 organization, regional fisheries enhancement groups, and other  
7 interested entities as deemed appropriate by the cochairs. The persons  
8 representing the department and the department of transportation shall  
9 serve as cochairs of the task force and shall appoint members to the  
10 task force. The task force shall make recommendations to expand the  
11 program in RCW 75.50.170 to identify and expedite the removal of human-  
12 made or caused impediments to anadromous fish passage in the most  
13 efficient manner practical. Program recommendations shall include a  
14 funding mechanism and other necessary mechanisms to coordinate and  
15 prioritize state, tribal, local, and volunteer efforts within each  
16 water resource inventory area. A priority shall be given to projects  
17 that immediately increase access to available and improved spawning and  
18 rearing habitat for depressed, threatened, and endangered stocks. The  
19 department or the department of transportation may contract with cities  
20 and counties to assist in the identification and removal of impediments  
21 to anadromous fish passage.

22       A report on the recommendations to develop a program to identify  
23 and remove fish passage barriers and any additional legislative action  
24 needed to implement the program shall be submitted to the appropriate  
25 standing committees of the legislature no later than December 1, 1997.  
26 After recommendations are reported to the legislature, implementation  
27 of the recommendations shall commence under oversight of the task  
28 force. For implementation, the task force shall also include one  
29 representative each from the department of natural resources, the  
30 department of community, trade, and economic development, the county  
31 road administration board, and the University of Washington. In  
32 addition, there shall be four legislative members, one appointed from  
33 each of the two largest caucuses in the house of representatives and in  
34 the senate, appointed by the speaker of the house of representatives  
35 and the president of the senate, respectively.

36       (2) The task force shall oversee:

37       (a) Disseminating a standardized methodology for inventorying fish  
38 passage barriers;

1 (b) Prioritization of fish passage projects, including  
2 consideration of short-term priorities for barrier correction on a  
3 state-wide basis in the absence of complete inventory information;

4 (c) Development of a comprehensive state-wide data base of fish  
5 barriers;

6 (d) Development of criteria for ranking and evaluating fish passage  
7 grant projects that apply for funding through the program authorized in  
8 section 3 of this act; and

9 (e) Review and approval of grant applications for fish passage  
10 projects that apply for funding through the program authorized in  
11 section 3 of this act.

12 NEW SECTION. Sec. 3. A new section is added to chapter 75.50 RCW  
13 to read as follows:

14 (1) The department of transportation, through its transaid service  
15 center, is authorized to administer a grant program to assist state  
16 agencies, local governments, private landowners, tribes, and volunteer  
17 groups in identifying and removing impediments to anadromous fish  
18 passage. The program shall be administered consistent with the  
19 following:

20 (a) Eligible projects include corrective projects, inventory,  
21 assessment, and prioritization efforts;

22 (b) Projects shall be subject to a competitive application process;

23 (c) Priority shall be given to projects that immediately increase  
24 access to available and improved spawning and rearing habitat for  
25 depressed, threatened, and endangered stocks. Priority shall also be  
26 given to project applications that are coordinated with other efforts  
27 within a watershed;

28 (d) All projects shall be reviewed and approved by the fish passage  
29 barrier removal task force; and

30 (e) A match of at least twenty-five percent per project shall be  
31 required. For local, private, and volunteer projects, in-kind  
32 contributions may be counted toward the match requirement.

33 (2) The department of transportation shall proceed expeditiously in  
34 implementing the grant program with the goal of awarding at least a  
35 portion of the funds appropriated in section 4 of this act to projects  
36 that are ready to proceed during the 1998 summer construction season.

1        NEW SECTION.    **Sec. 4.**    The sum of three hundred twenty-one thousand  
2 dollars, or as much thereof as is necessary, is appropriated for the  
3 fiscal year ending June 30, 1999, from the general fund to the  
4 department of fish and wildlife solely for the purpose of:    (1)  
5 Providing technical assistance to fish passage grant applicants; (2)  
6 developing a comprehensive state-wide data base of fish barriers; and  
7 (3) conducting training sessions for state, local, and private entities  
8 on standardized techniques for inventorying and prioritizing fish  
9 barriers and design standards for fish barrier correction projects.

10        NEW SECTION.    **Sec. 5.**    By January 1, 1999, the fish passage barrier  
11 removal task force shall report to the legislature on its progress in  
12 implementing the provisions in sections 2 through 4 of this act.    The  
13 report shall also include recommendations on future governance and  
14 administrative structures to coordinate local, state, and private fish  
15 passage correction projects and to administer state fish passage  
16 grants.

17        NEW SECTION.    **Sec. 6.**    A new section is added to chapter 79.38 RCW  
18 to read as follows:

19        As part of its regular road maintenance program, the department of  
20 natural resources shall immediately begin a comprehensive inventory and  
21 assessment of fish passage barriers on department-managed lands  
22 throughout the state.    By December 1, 1998, the department shall report  
23 to the legislature on the scope of the inventory project, estimated  
24 costs to complete the inventory, and an estimate of how long it will  
25 take to complete the inventory and prioritization.    The report shall  
26 also include a proposed long-term funding plan to support both  
27 inventory and fish passage correction work on department-managed lands  
28 in the future.    The funding plan shall include an analysis of revenues  
29 to and expenditures from the access road revolving fund and an  
30 assessment of the degree to which the fund could finance fish passage  
31 correction projects on department-managed lands over time.

32        NEW SECTION.    **Sec. 7.**    This act is necessary for the immediate  
33 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect  
2 immediately.

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