

2 **SHB 2406** - S COMM AMD (S4940.1 AMD BY #219)
3 By Committee on Natural Resources, Parks & Recreation

4 ADOPTED AS AMENDED

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 75.46.010 and 1998 c 246 s 2 are each amended to read
8 as follows:

9 The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

11 (1) "Adaptive management" means reliance on scientific methods to
12 test the results of actions taken so that the management and related
13 policy can be changed promptly and appropriately.

14 (2) "Critical pathways methodology" means a project scheduling and
15 management process for examining interactions between habitat projects
16 and salmonid species, prioritizing habitat projects, and assuring
17 positive benefits from habitat projects.

18 (3) "Habitat project list" is the list of projects resulting from
19 the critical pathways methodology under RCW 75.46.070(2) that shall
20 receive consideration for funding by the salmon recovery funding board.
21 Each project on the list must have a written agreement from the
22 landowner on whose land the project will be implemented, and must be
23 based on the limiting factors analysis conducted in RCW 75.46.070 when
24 completed.

25 (4) "Habitat projects" or "projects" include but are not limited to
26 habitat restoration projects, habitat protection projects, habitat
27 projects that improve water quality, habitat projects that protect
28 water quality, habitat-related mitigation projects, fish passage
29 barrier correction projects, fish screening projects, projects that
30 accelerate the recovery process such as supplementation of wild stocks,
31 projects that include the use of side channels, off-stream rearing
32 enhancement, improvement in overwintering habitat, or use of
33 acclimation ponds, and habitat project corrective maintenance and
34 monitoring activities.

35 (~~((4))~~) (5) "Habitat work schedule" means (~~((those projects from the~~
36 ~~habitat project list that will be implemented during the current~~

1 ~~funding cycle~~) development of a table of completed, active, and
2 potential projects as a basis for critical pathways methodology
3 analysis. The schedule shall also include ~~((a list of the entities and~~
4 ~~individuals implementing projects,))~~ the estimated start date,
5 duration, ~~((estimated))~~ date of completion, ~~((estimated))~~ cost,
6 affected salmonid species, and funding sources for the projects.

7 ~~((5))~~ (6) "Limiting factors" means conditions that limit the
8 ability of habitat to fully sustain populations of salmon. ~~((These~~
9 ~~factors are primarily fish passage barriers and degraded estuarine~~
10 ~~areas, riparian corridors, stream channels, and wetlands.~~

11 ~~(6))~~ (7) "Project sponsor" is a county, city, special district,
12 tribal government, state agency, a combination of such governments
13 through interlocal or interagency agreement ~~((s provided under chapter~~
14 ~~39.34 RCW))~~, a nonprofit organization, or one or more private citizens.

15 ~~((7))~~ (8) "Salmon" includes all species of the family Salmonidae
16 which are capable of self-sustaining, natural production except for
17 Atlantic salmon.

18 ~~((8))~~ (9) "Salmon recovery plan" means a state plan developed in
19 response to a proposed or actual listing under the federal endangered
20 species act that addresses limiting factors including, but not limited
21 to harvest, hatchery, hydropower, habitat, and other factors of
22 decline.

23 ~~((9))~~ (10) "Salmon recovery activities" or "activities" includes
24 but is not limited to habitat protection or restoration activities by
25 local governments, tribes, other public entities, and private entities.
26 The activities must have as a principal purpose the protection and
27 restoration of salmonid populations. Salmon recovery activities may
28 include, but are not limited to: Preparation of stream corridor
29 guidelines, programmatic permitting, preparation of geographic
30 information system protocols, the development of baseline hydrological
31 data, and project scoping, predesign, and engineering for fish passage,
32 screening, and habitat restoration and acquisition projects.

33 (11) "Tribe" or "tribes" means federally recognized Indian tribes.

34 ~~((10))~~ (12) "WRIA" means a water resource inventory area
35 established in chapter 173-500 WAC as it existed on January 1, 1997.

36 ~~((11))~~ (13) "Owner" means the person holding title to the land or
37 the person under contract with the owner to lease or manage the legal
38 owner's property.

1 (14) "Board" means the salmon recovery funding board created in RCW
2 75.46.150.

3 (15) "Listed stocks" means salmon and trout stocks that are listed
4 or proposed for listing as threatened or endangered under the federal
5 endangered species act, 16 U.S.C. Sec. 1531 et seq.

6 (16) "SASSI" means the salmon and steelhead stock inventory report
7 and appendices.

8 (17) "SSHIAP" means the salmon and steelhead habitat inventory and
9 assessment project.

10 **Sec. 2.** RCW 75.46.170 and 1999 sp.s. c 13 s 5 are each amended to
11 read as follows:

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

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

27 (i) Are based upon the limiting factors analysis identified under
28 RCW 75.46.070;

29 (ii) Provide a greater benefit to salmon recovery based upon the
30 stock status information contained in the department of fish and
31 wildlife salmonid stock inventory (SASSI), the salmon and steelhead
32 habitat inventory and assessment project (SSHIAP), and any comparable
33 science-based assessment when available;

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

35 (iv) Will preserve high quality salmonid habitat.

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

38 (i) Are the most cost-effective;

1 (ii) Have the greatest matched or in-kind funding; and
2 (iii) Will be implemented by a sponsor with a successful record of
3 project implementation.

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

6 (4) For fiscal year 2000, the board may authorize the interagency
7 review team to evaluate, rank, and make funding decisions for
8 categories of projects or activities or from funding sources provided
9 for categories of projects or activities. In delegating such authority
10 the board shall consider the review team's staff resources, procedures,
11 and technical capacity to meet the purposes and objectives of this
12 chapter. The board shall maintain general oversight of the team's
13 exercise of such authority.

14 (5) The board shall seek the guidance of the technical review team
15 to ensure that scientific principles and information are incorporated
16 into the allocation standards and into proposed projects and
17 activities. If the technical review team determines that a habitat
18 project list complies with the critical pathways methodology under RCW
19 75.46.070, it shall provide substantial weight to the list's project
20 priorities when making determinations among applications for funding of
21 projects within the area covered by the list.

22 (6) The board shall establish criteria for determining when block
23 grants may be made to a lead entity or other recognized regional
24 recovery entity consistent with one or more habitat project lists
25 developed for that region. Where a lead entity has been established
26 pursuant to RCW 75.46.060, the board may provide grants to the lead
27 entity to assist in carrying out lead entity functions under this
28 chapter, subject to available funding. The board shall determine an
29 equitable minimum amount of funds for each region, and shall distribute
30 the remainder of funds on a competitive basis.

31 (7) The board may waive or modify portions of the allocation
32 procedures and standards adopted under this section in the award of
33 grants or loans to conform to legislative appropriations directing an
34 alternative award procedure or when the funds to be awarded are from
35 federal or other sources requiring other allocation procedures or
36 standards as a condition of the board's receipt of the funds. The
37 board shall develop an integrated process to manage the allocation of
38 funding from federal and state sources to minimize delays in the award

1 of funding while recognizing the differences in state and legislative
2 appropriation timing.

3 (8) The board shall establish a time limit for the completion of
4 projects that are awarded funds under this section. The time limit
5 imposed by the board for completing projects shall provide for timely
6 completion of projects but allow adequate time for projects that by
7 their nature require multiple years to accomplish. The time limit may
8 not exceed five years from the time the funds are awarded. The board
9 shall not require the project sponsor to reapply to the board for these
10 same funds in subsequent funding cycles within the time limit imposed
11 by the board."

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13 By Committee on Natural Resources, Parks & Recreation

14 ADOPTED 3/2/00

15 On page 1, line 1 of the title, after "activities;" strike the
16 remainder of the title and insert "and amending RCW 75.46.010 and
17 75.46.170."

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