

2 **E2SSB 5595** - S AMD - 530

3 By Senators Jacobsen, Swecker, Oke, Spanel and Hargrove

4 ADOPTED 5/17/99

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

7 "**Sec. 1.** RCW 75.46.005 and 1998 c 246 s 1 are each amended to read
8 as follows:

9 The legislature finds that repeated attempts to improve salmonid
10 fish runs throughout the state of Washington have failed to avert
11 listings of salmon and steelhead runs as threatened or endangered under
12 the federal endangered species act (16 U.S.C. Sec. 1531 et seq.).
13 These listings threaten the sport, commercial, and tribal fishing
14 industries as well as the economic well-being and vitality of vast
15 areas of the state. It is the intent of the legislature to begin
16 activities required for the recovery of salmon stocks as soon as
17 possible, although the legislature understands that successful recovery
18 efforts may not be realized for many years because of the life cycle of
19 salmon and the complex array of natural and human-caused problems they
20 face.

21 The legislature finds that it is in the interest of the citizens of
22 the state of Washington for the state to retain primary responsibility
23 for managing the natural resources of the state, rather than abdicate
24 those responsibilities to the federal government, and that the state
25 may best accomplish this objective by integrating local and regional
26 recovery activities into a state-wide plan that can make the most
27 effective use of provisions of federal laws allowing for a state lead
28 in salmon recovery. The legislature also finds that a state-wide
29 salmon recovery plan must be developed and implemented through an
30 active public involvement process in order to ensure public
31 participation in, and support for, salmon recovery. The legislature
32 also finds that there is a substantial link between the provisions of
33 the federal endangered species act and the federal clean water act (33
34 U.S.C. Sec. 1251 et seq.). The legislature further finds that habitat
35 restoration is a vital component of salmon recovery efforts.
36 Therefore, it is the intent of the legislature to specifically address

1 salmon habitat restoration in a coordinated manner and to develop a
2 structure that allows for the coordinated delivery of federal, state,
3 and local assistance to communities for habitat projects that will
4 assist in the recovery and enhancement of salmon stocks.

5 The legislature also finds that credible scientific review and
6 oversight is essential for any salmon recovery effort to be successful.

7 The legislature further finds that it is important to monitor the
8 overall health of the salmon resource to determine if recovery efforts
9 are providing expected returns. It is important to monitor salmon
10 habitat projects and salmon recovery activities to determine their
11 effectiveness in order to secure federal acceptance of the state's
12 approach to salmon recovery. Adaptive management cannot exist without
13 monitoring. For these reasons, the legislature believes that a
14 coordinated and integrated monitoring process should be developed.

15 The legislature therefore finds that a coordinated framework for
16 responding to the salmon crisis is needed immediately. To that end,
17 the salmon recovery office should be created within the governor's
18 office to provide overall coordination of the state's response; an
19 independent science ((team)) panel is needed to provide scientific
20 review and oversight; a coordinated state funding process should be
21 established through a salmon recovery funding board; the appropriate
22 local or tribal government should provide local leadership in
23 identifying and sequencing habitat ((restoration)) projects to be
24 funded by state agencies; habitat ((restoration)) projects should be
25 implemented without delay; and a strong locally based effort to restore
26 salmon habitat should be established by providing a framework to allow
27 citizen volunteers to work effectively.

28 **Sec. 2.** RCW 75.46.010 and 1998 c 246 s 2 are each amended to read
29 as follows:

30 The definitions in this section apply throughout this chapter
31 unless the context clearly requires otherwise.

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

35 (2) "Board" means the salmon recovery funding board created in
36 section 3 of this act.

37 (3) "Critical pathways methodology" means a project scheduling and
38 management process for examining interactions between habitat projects

1 and salmonid species, prioritizing habitat projects, and assuring
2 positive benefits from habitat projects.

3 ~~((+3))~~ (4) "Habitat project list" is the list of habitat projects
4 resulting from the critical pathways methodology under RCW 75.46.070(2)
5 that shall receive consideration for funding by the salmon recovery
6 funding board. Each project on the list must have a written agreement
7 from the landowner on whose land the project will be implemented, and
8 must be based on the limiting factors analysis conducted in RCW
9 75.46.070.

10 (5) "Habitat projects" or "projects" include but are not limited to
11 habitat restoration projects, habitat protection projects, habitat
12 projects that improve water quality, habitat projects that protect
13 water quality, habitat projects that improve streamflows, habitat-
14 related mitigation projects, and habitat project corrective maintenance
15 and monitoring activities. Projects that include use of side channels,
16 off-stream rearing enhancement, improvement in overwintering habitat,
17 or use of acclimation ponds shall receive consideration for funding.

18 ~~((+4))~~ (6) "Habitat work schedule" means those projects from the
19 habitat project list that will be implemented during the current
20 funding cycle. The schedule shall also include a list of the entities
21 and individuals implementing projects, the start date, duration,
22 estimated date of completion, estimated cost, and funding sources for
23 the projects.

24 ~~((+5))~~ (7) "Limiting factors" means conditions that limit the
25 ability of habitat to fully sustain populations of salmon. ~~((These~~
26 ~~factors are primarily fish passage barriers and degraded estuarine~~
27 ~~areas, riparian corridors, stream channels, and wetlands.~~

28 ~~(+6))~~ (8) "Listed stocks" means salmon and trout stocks that are
29 listed or proposed for listing as threatened or endangered under the
30 federal endangered species act, 16 U.S.C. Sec. 1531 et seq.

31 (9) "Project sponsor" is a county, city, special district, tribal
32 government, state agency, federal agency, a combination of such
33 governments through interlocal or interagency agreement~~((s provided~~
34 ~~under chapter 39.34 RCW))~~, a nonprofit organization, or one or more
35 private citizens.

36 ~~((+7))~~ (10) "Salmon" includes all species of the family Salmonidae
37 which are capable of self-sustaining, natural production except for
38 Atlantic salmon.

1 ~~((8))~~ (11) "Salmon recovery activities" or "activities" includes
2 but is not limited to habitat protection or restoration activities by
3 local governments, other public entities, and private entities. The
4 activities must have as a principal purpose the protection and
5 restoration of salmonid populations. "Activities" may include:
6 Preparation of stream corridor guidelines, programmatic permitting, and
7 preparation of geographic information system protocols. "Activities"
8 do not include updates related to the growth management act.

9 (12) "Salmon recovery plan" means a state plan developed in
10 response to a proposed or actual listing under the federal endangered
11 species act that addresses limiting factors including, but not limited
12 to harvest, hatchery, hydropower, habitat, and other factors of
13 decline.

14 ~~((9))~~ (13) "Interagency team" or "team" means the interagency
15 review team created in RCW 75.46.080.

16 (14) "Tribe" or "tribes" means federally recognized Indian tribes.

17 ~~((10))~~ (15) "WRIA" means a water resource inventory area
18 established in chapter 173-500 WAC as it existed on January 1, 1997.

19 ~~((11))~~ (16) "Owner" means the person holding title to the land or
20 the person under contract with the owner to lease or manage the legal
21 owner's property.

22 (17) "SASSI" means the salmon and steelhead stock inventory report
23 and appendices.

24 (18) "SSHIAP" means the salmon and steelhead habitat inventory and
25 assessment project.

26 (19) "Technical review team" means the salmon recovery technical
27 review team created in section 7 of this act.

28 NEW SECTION. Sec. 3. A new section is added to chapter 75.46 RCW
29 to read as follows:

30 (1) The salmon recovery funding board is created consisting of ten
31 members.

32 (2) Five members of the board shall be voting members who are
33 appointed by the governor, subject to confirmation by the senate. One
34 of these voting members shall be a cabinet-level appointment as the
35 governor's representative to the board. Board members who represent
36 the general public shall not have a financial or regulatory interest in
37 salmon recovery. The governor shall appoint one of the general public
38 members of the board as the chair. The voting members of the board

1 shall be appointed for terms of four years, except that two members
2 initially shall be appointed for terms of two years and three members
3 shall initially be appointed for terms of three years. In making the
4 appointments, the governor shall seek a board membership that
5 collectively provide the expertise necessary to provide strong fiscal
6 oversight of salmon recovery expenditures, and that provide extensive
7 knowledge of local government processes and functions and an
8 understanding of issues relevant to salmon recovery in Washington
9 state. The governor shall appoint at least three of the voting members
10 of the board no later than ninety days after the effective date of this
11 section. Vacant positions on the board shall be filled in the same
12 manner as the original appointments. The governor may remove members
13 of the board for good cause.

14 In addition to the five voting members of the board, the following
15 five state officials shall serve as ex officio nonvoting members of the
16 board: The director of the department of fish and wildlife, the
17 executive director of the conservation commission, the secretary of
18 transportation, the director of the department of ecology, and the
19 commissioner of public lands. The state officials serving in an ex
20 officio capacity may designate a representative of their respective
21 agencies to serve on the board in their behalf. Such designations
22 shall be made in writing and in such manner as is specified by the
23 board.

24 (3) Staff support to the board shall be provided by the interagency
25 committee for outdoor recreation. For administrative purposes, the
26 board shall be located with the interagency committee for outdoor
27 recreation.

28 (4) Members of the board who do not represent state agencies shall
29 be compensated as provided by RCW 43.03.250. Members of the board
30 shall be reimbursed for travel expenses as provided by RCW 43.03.050
31 and 43.03.060.

32 NEW SECTION. **Sec. 4.** A new section is added to chapter 75.46 RCW
33 to read as follows:

34 (1) The board is responsible for making grants and loans for salmon
35 habitat projects and salmon recovery activities from the amounts
36 appropriated to the board for this purpose. To accomplish this purpose
37 the board may:

1 (a) Provide assistance to grant applicants regarding the procedures
2 and criteria for grant and loan awards;

3 (b) Make and execute all manner of contracts and agreements with
4 public and private parties as the board deems necessary, consistent
5 with the purposes of this chapter;

6 (c) Accept any gifts, grants, or loans of funds, property, or
7 financial or other aid in any form from any other source on any terms
8 that are not in conflict with this chapter;

9 (d) Adopt rules under chapter 34.05 RCW as necessary to carry out
10 the purposes of this chapter; and

11 (e) Do all acts and things necessary or convenient to carry out the
12 powers expressly granted or implied under this chapter.

13 (2) The interagency committee for outdoor recreation shall provide
14 all necessary grants and loans administration assistance to the board,
15 and shall distribute funds as provided by the board in section 5 of
16 this act.

17 NEW SECTION. **Sec. 5.** A new section is added to chapter 75.46 RCW
18 to read as follows:

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

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

33 (i) Are based upon the limiting factors analysis identified under
34 RCW 75.46.070;

35 (ii) Provide a greater benefit to salmon recovery based upon the
36 stock status information contained in the department of fish and
37 wildlife salmonid stock inventory (SASSI), the salmon and steelhead

1 habitat inventory and assessment project (SSHIAP), and any comparable
2 science-based assessment when available;

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

4 (iv) Will preserve high quality salmonid habitat.

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

7 (i) Are the most cost-effective;

8 (ii) Have the greatest matched or in-kind funding; and

9 (iii) Will be implemented by a sponsor with a successful record of
10 project implementation.

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

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

21 (5) The board shall seek the guidance of the technical review team
22 to ensure that scientific principles and information are incorporated
23 into the allocation standards and into proposed projects and
24 activities. If the technical review team determines that a habitat
25 project list complies with the critical pathways methodology under RCW
26 75.46.070, it shall provide substantial weight to the list's project
27 priorities when making determinations among applications for funding of
28 projects within the area covered by the list.

29 (6) The board shall establish criteria for determining when block
30 grants may be made to a lead entity or other recognized regional
31 recovery entity consistent with one or more habitat project lists
32 developed for that region. Where a lead entity has been established
33 pursuant to RCW 75.46.060, the board may provide grants to the lead
34 entity to assist in carrying out lead entity functions under this
35 chapter, subject to available funding.

36 (7) The board may waive or modify portions of the allocation
37 procedures and standards adopted under this section in the award of
38 grants or loans to conform to legislative appropriations directing an
39 alternative award procedure or when the funds to be awarded are from

1 federal or other sources requiring other allocation procedures or
2 standards as a condition of the board's receipt of the funds. The
3 board shall develop an integrated process to manage the allocation of
4 funding from federal and state sources to minimize delays in the award
5 of funding while recognizing the differences in state and legislative
6 appropriation timing.

7 NEW SECTION. **Sec. 6.** A new section is added to chapter 75.46 RCW
8 to read as follows:

9 (1) Habitat project lists shall be submitted to the salmon recovery
10 funding board for funding by January 1st and July 1st of each year
11 beginning in 2000. The board shall provide the legislature with a list
12 of the proposed projects and a list of the projects funded by October
13 1st of each year beginning in 2000 for informational purposes.

14 (2) The interagency committee for outdoor recreation shall track
15 all funds allocated for salmon habitat projects and salmon recovery
16 activities on behalf of the board, including both funds allocated by
17 the board and funds allocated by other state or federal agencies for
18 salmon recovery or water quality improvement.

19 (3) Beginning in December 2000, the board shall provide a biennial
20 report to the governor and the legislature on salmon recovery
21 expenditures. This report shall be coordinated with the state of the
22 salmon report required under RCW 75.46.030.

23 NEW SECTION. **Sec. 7.** A new section is added to chapter 75.46 RCW
24 to read as follows:

25 (1) The salmon recovery technical review team is created. The
26 technical review team is composed of no less than five members selected
27 by the director of fish and wildlife. The director shall ensure that
28 lead scientists representing state, tribal, federal, and local
29 government interests are represented on the technical review team, and
30 may include members representing the private sector. Members of the
31 technical review team shall have an educational and professional
32 scientific background in salmonids, salmonid habitat, or related
33 fields. The members of the technical review team shall not serve any
34 fixed term. The numbers of members of the technical review team may be
35 increased or decreased depending on the need for scientific expertise,
36 but the technical review team must always consist of at least five
37 members. Administrative support for the technical review team is

1 provided by the department of fish and wildlife. Assignments and
2 direction to the technical review team shall be made by the chair of
3 the technical review team. The chair of the technical review team
4 shall be designated by the members of the team.

5 (2) The technical review team is responsible for assisting the
6 board by screening projects on the habitat project list submitted by a
7 lead entity under RCW 75.46.060. This screening process includes
8 assisting the board in assessing the technical capacity at the local
9 and regional level to plan and implement successful salmon habitat
10 projects, and determining whether the critical pathways methodology
11 under RCW 75.46.070 has been complied with in the development and
12 ranking of projects on the habitat project list. The technical review
13 team shall review and rank the projects submitted from across the state
14 for funding, organize pertinent information, and provide the board with
15 its findings. The technical review team shall make an active effort to
16 communicate the criteria for reviewing and ranking projects with the
17 lead entities. The technical review team shall make information
18 available to lead entities regarding deficiencies in projects that
19 result in their low ranking in the review process. The technical
20 review team may not remove a project from a habitat project list.

21 (3) The technical review team is also responsible for working in
22 conjunction with the independent science panel to develop standardized
23 monitoring indicators and data quality guidelines for habitat projects
24 and salmon recovery activities across the state, and for recommending
25 criteria for the systematic and periodic evaluation of monitoring data
26 to help ensure the effectiveness of the state's salmon recovery
27 efforts.

28 **Sec. 8.** RCW 75.46.040 and 1998 c 246 s 5 are each amended to read
29 as follows:

30 (1) The salmon recovery office is created within the office of the
31 governor to coordinate state strategy to allow for salmon recovery to
32 healthy sustainable population levels with productive commercial and
33 recreational fisheries. The primary purpose of the office is to
34 coordinate and assist in the development of salmon recovery plans for
35 evolutionarily significant units, and submit those plans to the
36 appropriate tribal governments and federal agencies (~~in response to~~
37 ~~the federal endangered species act~~) as an integral part of a state-
38 wide strategy developed consistent with the guiding principles and

1 procedures under section 9 of this act. The governor's salmon recovery
2 office may also:

3 (a) Act as liaison to local governments, the state congressional
4 delegation, the United States congress, federally recognized tribes,
5 and the federal executive branch agencies for issues related to the
6 state's endangered species act salmon recovery plans; and

7 (b) Provide the biennial state of the salmon report to the
8 legislature pursuant to RCW 75.46.030.

9 (2) This section expires June 30, 2006.

10 NEW SECTION. Sec. 9. A new section is added to chapter 75.46 RCW
11 to read as follows:

12 (1) By September 1, 1999, the governor, with the assistance of the
13 salmon recovery office, shall submit a state-wide salmon recovery
14 strategy to the appropriate federal agencies administering the federal
15 endangered species act.

16 (2) The governor and the salmon recovery office shall be guided by
17 the following considerations in developing the strategy:

18 (a) The strategy should identify state-wide initiatives and
19 responsibilities with regional and local watershed initiatives as the
20 principal mechanism for implementing the strategy;

21 (b) The strategy should emphasize collaborative, incentive-based
22 approaches;

23 (c) The strategy should address all factors limiting the recovery
24 of Washington's listed salmon stocks, including habitat and water
25 quality degradation, harvest and hatchery management, inadequate
26 streamflows, and other barriers to fish passage. Where other limiting
27 factors are beyond the state's jurisdictional authorities to respond
28 to, such as some natural predators and high seas fishing, the strategy
29 shall include the state's requests for federal action to effectively
30 address these factors;

31 (d) The strategy should identify immediate actions necessary to
32 prevent extinction of a listed salmon stock, establish performance
33 measures to determine if restoration efforts are working, recommend
34 effective monitoring and data management, and recommend to the
35 legislature clear and certain measures to be implemented if performance
36 goals are not met;

1 (e) The strategy shall rely on the best scientific information
2 available and provide for incorporation of new information as it is
3 obtained;

4 (f) The strategy should seek a fair allocation of the burdens and
5 costs upon economic and social sectors of the state whose activities
6 may contribute to limiting the recovery of salmon; and

7 (g) The strategy should seek clear measures and procedures from the
8 appropriate federal agencies for removing Washington's salmon stocks
9 from listing under the federal act.

10 (3) Beginning on September 1, 2000, the strategy shall be updated
11 through an active public involvement process, including early and
12 meaningful opportunity for public comment. In obtaining public
13 comment, the salmon recovery office shall hold public meetings
14 throughout the state and shall encourage regional and local recovery
15 planning efforts to similarly ensure an active public involvement
16 process.

17 (4) This section shall apply prospectively only and not
18 retroactively. Nothing in this section shall be construed to
19 invalidate actions taken in recovery planning at the local, regional,
20 or state level prior to the effective date of this section.

21 **Sec. 10.** RCW 75.46.050 and 1998 c 246 s 6 are each amended to read
22 as follows:

23 (1) The governor shall request the national academy of sciences,
24 the American fisheries society, or a comparable institution to screen
25 candidates to serve as members on the independent science panel. The
26 institution that conducts the screening of the candidates shall submit
27 a list of the nine most qualified candidates to the governor, the
28 speaker of the house of representatives, and the majority leader of the
29 senate. The candidates shall reflect expertise in habitat requirements
30 of salmon, protection and restoration of salmon populations, artificial
31 propagation of salmon, hydrology, or geomorphology.

32 (2) The speaker of the house of representatives and the majority
33 leader in the senate (~~shall~~) may each remove one name from the
34 nomination list. The governor shall consult with tribal
35 representatives and the governor shall appoint five scientists from the
36 remaining names on the nomination list.

37 (3) The members of the independent science panel shall serve four-
38 year terms. Vacant positions on the panel shall be filled in the same

1 manner as the original appointments. Members shall serve no more than
2 two full terms. The independent science panel members shall elect the
3 chair of the panel among themselves every two years. (~~The members of~~
4 ~~the independent science panel shall be compensated as provided in RCW~~
5 ~~43.03.250 and reimbursed for travel expenses in accordance with RCW~~
6 ~~43.03.050 and 43.03.060.~~) Based upon available funding, the governor's
7 salmon recovery office may contract for services with members of the
8 independent science panel for compensation under chapter 39.29 RCW.

9 (4) The independent science panel shall be governed by generally
10 accepted guidelines and practices governing the activities of
11 independent science boards such as the national academy of sciences.
12 The purpose of the independent science panel is to help ensure that
13 sound science is used in salmon recovery efforts. The governor's
14 salmon recovery office shall request review of salmon recovery plans by
15 the science review panel. The science (~~review~~) panel does not have
16 the authority to review individual projects or habitat project lists
17 developed under RCW 75.46.060, 75.46.070, and 75.46.080 or to make
18 policy decisions. The panel shall periodically submit its findings and
19 recommendations under this subsection to the legislature and the
20 governor.

21 (5) The independent science panel (~~shall submit its findings to~~
22 ~~the legislature and the governor~~), in conjunction with the technical
23 review team, shall recommend standardized monitoring indicators and
24 data quality guidelines for use by entities involved in habitat
25 projects and salmon recovery activities across the state.

26 (6) The independent science panel, in conjunction with the
27 technical review team, shall also recommend criteria for the systematic
28 and periodic evaluation of monitoring data in order for the state to be
29 able to answer critical questions about the effectiveness of the
30 state's salmon recovery efforts.

31 (7) The recommendations on monitoring as required in this section
32 shall be provided in a report to the governor and to the legislature by
33 the independent science panel, in conjunction with the salmon recovery
34 office, no later than December 31, 2000. The report shall also include
35 recommendations on the level of effort needed to sustain monitoring of
36 salmon projects and other recovery efforts, and any other
37 recommendations on monitoring deemed important by the independent
38 science panel and the technical review team. The report may be

1 included in the biennial state of the salmon report required under RCW
2 75.46.030.

3 **Sec. 11.** RCW 75.46.060 and 1998 c 246 s 7 are each amended to read
4 as follows:

5 (1)(a) Counties, cities, and tribal governments must jointly
6 designate, by ~~((official))~~ resolution or by letters of support, the
7 area for which a habitat ~~((restoration))~~ project list is to be
8 developed and the lead entity that is to be responsible for submitting
9 the habitat ~~((restoration))~~ project list. No project included on a
10 habitat ~~((restoration))~~ project list shall be considered mandatory in
11 nature and no private landowner may be forced or coerced into
12 participation in any respect. The lead entity may be a county, city,
13 conservation district, special district, tribal government, or other
14 entity.

15 (b) The lead entity shall establish a committee that consists of
16 representative interests of counties, cities, conservation districts,
17 tribes, environmental groups, business interests, landowners, citizens,
18 volunteer groups, regional fish enhancement groups, and other
19 ~~((restoration))~~ habitat interests. The purpose of the committee is to
20 provide a citizen-based evaluation of the projects proposed to promote
21 salmon habitat ~~((restoration))~~. The ~~((interagency))~~ technical review
22 team may provide the lead entity with organizational models that may be
23 used in establishing the committees.

24 (c) The committee shall compile a list of habitat ~~((restoration))~~
25 projects, establish priorities for individual projects, define the
26 sequence for project implementation, and submit these activities as the
27 habitat ~~((restoration))~~ project list. The committee shall also
28 identify potential federal, state, local, and private funding sources.

29 (2) The area covered by the habitat project list must be based, at
30 a minimum, on a WRIA, combination of WRIsAs, ~~((an evolutionarily~~
31 ~~significant unit,))~~ or any other area as agreed to by the counties,
32 cities, and tribes in resolutions or in letters of support meeting the
33 requirements of this subsection. Preference will be given to projects
34 in an area that contain a salmon species that is listed or proposed for
35 listing under the federal endangered species act.

36 (3) The lead entity shall submit the habitat project list to the
37 technical review team in accordance with procedures adopted by the
38 board.

1 **Sec. 12.** RCW 75.46.070 and 1998 c 246 s 8 are each amended to read
2 as follows:

3 (1) Critical pathways methodology shall be used to develop a
4 habitat project list and a habitat work schedule that ensures salmon
5 (~~restoration activities~~) habitat projects will be prioritized and
6 implemented in a logical sequential manner that produces habitat
7 capable of sustaining healthy populations of salmon.

8 (2) The critical pathways methodology shall:

9 (a) Include a limiting factors analysis for salmon in streams,
10 rivers, tributaries, estuaries, and subbasins in the region. The
11 technical advisory group shall have responsibility for the limiting
12 factors analysis;

13 (b) Identify local habitat projects that sponsors are willing to
14 undertake. The projects identified must have a written agreement from
15 the landowner on which the project is to be implemented. Project
16 sponsors shall have the lead responsibility for this task;

17 (c) Identify how projects will be monitored and evaluated. The
18 project sponsor, in consultation with the technical advisory group and
19 the appropriate landowner, shall have responsibility for this task;
20 (~~and~~)

21 (d) Include a review of monitoring data, evaluate project
22 performance, and make recommendations to the committee established
23 under RCW 75.46.060 and to the technical review team. The technical
24 advisory group has responsibility for this task; and

25 (e) Describe the adaptive management strategy that will be used.
26 The committee established under RCW 75.46.060 shall have responsibility
27 for this task. If a committee has not been formed, the technical
28 advisory group shall have the responsibility for this task.

29 (3) The habitat work (~~list~~) schedule shall include all projects
30 developed pursuant to subsection (2) of this section (~~as well as~~),
31 and shall identify and coordinate with any other salmon habitat
32 (restoration) project implemented in the region, including habitat
33 preservation projects funded through the Washington wildlife and
34 recreation program, the conservation reserve enhancement program, and
35 other conservancy programs. The habitat work (~~list~~) schedule shall
36 also include the start date, duration, estimated date of completion,
37 estimated cost, and, if appropriate, the affected salmonid species of
38 each project. Each schedule shall be updated on an annual basis to
39 depict new activities.

1 NEW SECTION. **Sec. 13.** A new section is added to chapter 75.46 RCW
2 to read as follows:

3 State salmon monitoring data provided by lead entities, regional
4 fisheries enhancement groups, and others shall be included in the data
5 base of SASSI and SSHIAP. Information pertaining to habitat
6 preservation projects funded through the Washington wildlife and
7 recreation program, the conservation reserve enhancement program, and
8 other conservancy programs related to salmon habitat shall be included
9 in the SSHIAP data base.

10 **Sec. 14.** RCW 75.46.100 and 1998 c 246 s 11 are each amended to
11 read as follows:

12 The sea grant program at the University of Washington is authorized
13 to provide technical assistance to volunteer groups and other project
14 sponsors in designing and ~~((performing))~~ implementing habitat
15 ~~((restoration))~~ projects that address the limiting factors analysis
16 ~~((of regional habitat work plans))~~ required under RCW 75.46.070. The
17 cost for such assistance may be covered on a fee-for-service basis.

18 **Sec. 15.** RCW 75.46.080 and 1998 c 246 s 9 are each amended to read
19 as follows:

20 (1) Representatives from the conservation commission, the
21 department of transportation, the department of natural resources, the
22 department of ecology, and the department of fish and wildlife shall
23 establish an interagency review team. ~~((Except as provided in~~
24 ~~subsection (6) of this section,))~~ Habitat restoration project lists
25 shall be submitted to the interagency review team by January 1st and
26 July 1st of each year ~~((beginning in 1999))~~. The purpose of the team
27 is to assist the salmon recovery funding board in developing procedures
28 and standards for state-wide funding allocation, and to assist the
29 board in reviewing funding applications to identify the highest
30 priority projects and activities for funding.

31 (2) ~~((If no lead entity has been formed under RCW 75.46.060, the~~
32 ~~interagency review team shall rank, prioritize, and dispense funds for~~
33 ~~habitat restoration projects by giving preference to the projects that:~~

- 34 ~~(a) Provide a greater benefit to salmon recovery;~~
35 ~~(b) Will be implemented in a more critical area;~~
36 ~~(c) Are the most cost-effective;~~
37 ~~(d) Have the greatest matched, or in-kind funding; and~~

1 ~~(e) Will be implemented by a sponsor with a successful record of~~
2 ~~project implementation.~~

3 ~~(3))~~ If a lead entity established under RCW 75.46.060 has been
4 formed, the interagency review team shall evaluate habitat project
5 lists ((and may remove, but not add, projects from a habitat project
6 list.

7 ~~(4) The interagency review team shall provide a summary of funding~~
8 ~~for habitat restoration project lists to the governor and to the~~
9 ~~legislature by December 1st of each year))~~ developed pursuant to RCW
10 75.46.060 and submitted to the board for consideration for funding.
11 The team shall advise the board on whether the list for the area
12 complies with the list development procedures and critical path
13 methodology provided by RCW 75.46.060 and 75.46.070. When the board
14 determines the list to comply with those requirements it shall accord
15 substantial weight to the list's project priorities when making
16 determinations among applications for funding of projects and
17 activities within the area covered by the list. Projects that include
18 use of side channels, off-stream rearing enhancement, improvement in
19 overwintering habitat, or use of acclimation ponds shall receive
20 consideration for funding.

21 ~~((5))~~ (3) The ((interagency review team)) board may annually
22 establish a maximum amount of funding available for any individual
23 project, subject to available funding. ~~((The interagency review team~~
24 ~~shall attempt to assure a geographical balance in assigning priorities~~
25 ~~to projects.~~

26 ~~(6) For fiscal year 1998, the department of fish and wildlife, the~~
27 ~~conservation commission, and the department of transportation may~~
28 ~~authorize, subject to appropriations, expenditures for projects that~~
29 ~~have been developed to restore salmon habitat before completion of the~~
30 ~~project lists required in RCW 75.46.060(2).~~

31 ~~(7))~~ (4) Where a lead entity has been established pursuant to RCW
32 75.46.060, the ((interagency review team)) board may provide ((block))
33 grants to the lead entity to assist in carrying out lead entity
34 functions under this chapter, subject to available funding.

35 (5) The interagency review team shall review, rank, and approve
36 projects submitted for funding until January 1, 2000.

37 (6) This section expires July 1, 2000.

1 NEW SECTION. **Sec. 16.** A new section is added to chapter 75.46 RCW
2 to read as follows:

3 The salmon recovery account is created in the state treasury. To
4 the account shall be deposited such funds as the legislature directs or
5 appropriates to the account. Moneys in the account may be spent only
6 after appropriation. Expenditures from the account may be used for
7 salmon recovery.

8 NEW SECTION. **Sec. 17.** A new section is added to Title 79A RCW to
9 read as follows:

10 The interagency committee for outdoor recreation shall provide
11 necessary grants and loan administration support to the salmon recovery
12 funding board as provided in section 4 of this act. The committee
13 shall also be responsible for tracking salmon recovery expenditures
14 under section 6 of this act. The committee shall provide all necessary
15 administrative support to the board, and the board shall be located
16 with the committee. The committee shall coordinate its activities
17 under this section with the salmon recovery technical review team
18 created in section 7 of this act and provide necessary information to
19 the salmon recovery office.

20 **Sec. 18.** RCW 76.12.110 and 1998 c 347 s 55 are each amended to
21 read as follows:

22 There is created a forest development account in the state
23 treasury. The state treasurer shall keep an account of all sums
24 deposited therein and expended or withdrawn therefrom. Any sums placed
25 in the account shall be pledged for the purpose of paying interest and
26 principal on the bonds issued by the department, and for the purchase
27 of land for growing timber. Any bonds issued shall constitute a first
28 and prior claim and lien against the account for the payment of
29 principal and interest. No sums for the above purposes shall be
30 withdrawn or paid out of the account except upon approval of the
31 department.

32 Appropriations may be made by the legislature from the forest
33 development account to the department for the purpose of carrying on
34 the activities of the department on state forest lands, lands managed
35 on a sustained yield basis as provided for in RCW 79.68.040, and for
36 reimbursement of expenditures that have been made or may be made from
37 the resource management cost account in the management of state forest

1 lands. ((For the 1997-99 fiscal biennium, moneys from the account
2 shall be distributed as directed in the omnibus appropriations act to
3 the beneficiaries of the revenues derived from state forest lands.
4 Funds that accrue to the state from such a distribution shall be
5 deposited into the salmon recovery account, hereby created in the state
6 treasury. Funds appropriated from the salmon recovery account shall be
7 used for efforts to restore endangered anadromous fish stocks.))

8 **Sec. 19.** 1999 c 309 s 114 (uncodified) is amended to read as
9 follows:

10 **FOR THE OFFICE OF THE GOVERNOR**

11	General Fund--State Appropriation (FY 2000) . . . \$	((5,762,000))
12		<u>5,700,000</u>
13	General Fund--State Appropriation (FY 2001) . . . \$	((5,720,000))
14		<u>5,657,000</u>
15	General Fund--Federal Appropriation \$	674,000
16	Water Quality Account--State Appropriation . . . \$	700,000
17	TOTAL APPROPRIATION \$	((12,856,000))
18		<u>12,731,000</u>

19 The appropriations in this section are subject to the following
20 conditions and limitations:

21 (1) \$1,612,000 of the general fund--state appropriation for fiscal
22 year 2000, \$1,588,000 of the general fund--state appropriation for
23 fiscal year 2001, \$700,000 of the water quality account appropriation,
24 and \$209,000 of the general fund--federal appropriation are provided
25 solely for the implementation of the Puget Sound work plan and agency
26 action items PSAT-01 through PSAT-05.

27 (2) \$465,000 of the general fund--federal appropriation and
28 \$200,000 of the general fund--state appropriation are provided solely
29 for the salmon recovery office to meet its responsibilities for the
30 state-wide salmon recovery strategy. Of this amount: (a) \$200,000 of
31 the general fund--state appropriation is provided for the operation of
32 the independent science panel; and (b) \$465,000 of the general fund--
33 federal appropriation is provided for the salmon recovery office staff
34 to support local salmon recovery planning efforts. \$232,500 of the
35 general fund--federal appropriation in this subsection may be expended
36 in each fiscal year of the biennium only if the state receives greater
37 than \$25,000,000 from the federal government for salmon recovery

1 activities in that fiscal year. Funds authorized for expenditure in
2 fiscal year 2000 may be expended in fiscal year 2001.

3 ~~((3) \$62,000 of the fiscal year 2000 general fund state~~
4 ~~appropriation and \$63,000 of the fiscal year 2001 general fund state~~
5 ~~appropriation are provided solely to implement Second Substitute Senate~~
6 ~~Bill No. 5595 or Engrossed Substitute House Bill No. 2079, establishing~~
7 ~~the salmon recovery funding board in the office of the governor. If~~
8 ~~legislation establishing the board is not enacted by June 30, 1999, the~~
9 ~~amounts provided in this subsection shall lapse.))~~

10 **Sec. 20.** 1999 c 309 s 129 (uncodified) is amended to read as
11 follows:

12 **FOR THE OFFICE OF FINANCIAL MANAGEMENT**

13	General Fund--State Appropriation (FY 2000) . . . \$	((12,791,000))
14		<u>12,716,000</u>
15	General Fund--State Appropriation (FY 2001) . . . \$	((11,855,000))
16		<u>11,780,000</u>
17	General Fund--Federal Appropriation \$	23,340,000
18	General Fund--Private/Local Appropriation \$	500,000
19	TOTAL APPROPRIATION \$	((48,486,000))
20		<u>48,336,000</u>

21 The appropriations in this section are subject to the following
22 conditions and limitations:

23 (1) \$50,000 of the general fund--state appropriation for fiscal
24 year 2000 is provided solely to evaluate and promote the use by state
25 and local agencies of the training facilities at the Hanford
26 reservation.

27 (2) Funding in this section provides for a feasibility study to
28 collect Washington enrollment data on distance learning programs
29 sponsored by in-state and out-of-state private institutions in
30 cooperation with the higher education coordinating board and the state
31 board for community and technical colleges. Findings shall be
32 submitted to the appropriate committees of the legislature by January
33 2000.

34 ~~(3) ((\$75,000 of the fiscal year 2000 general fund--state~~
35 ~~appropriation and \$75,000 of the fiscal year 2001 general fund--state~~
36 ~~appropriation are provided solely to track and administer state and~~
37 ~~federal funding for salmon recovery allocated by the salmon recovery~~

1 ~~funding board established under Second Substitute Senate Bill No. 5595~~
2 ~~or Engrossed Substitute House Bill No. 2079.~~

3 (4)) The office of financial management, in collaboration with the
4 institutions of higher education, the higher education coordinating
5 board, and the state board for community and technical colleges, shall
6 modify state information systems in order to provide consistent data on
7 students engaged in distance learning. Higher education institutions
8 shall provide enrollment information in support of this effort.
9 Reporting on the numbers and categories of students enrolled in
10 distance learning by class level and institutions shall begin by fall
11 term, 2000. Washington independent institutions of higher education
12 are encouraged to participate in this process and to provide distance
13 learner enrollment data.

14 ((+5)) (4) \$1,000,000 of the general fund--state appropriation and
15 \$500,000 of the general fund--private/local appropriation are provided
16 solely for the commission on early learning. One-half of the amount
17 provided from the general fund--state shall not be expended unless
18 matched by an equal amount from private sources.

19 **Sec. 21.** 1999 c 309 s 304 (uncodified) is amended to read as
20 follows:

21 **FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

22	<u>General Fund--State Appropriation (FY 2000)</u>	\$	<u>137,000</u>
23	<u>General Fund--State Appropriation (FY 2001)</u>	\$	<u>138,000</u>
24	Firearms Range Account--State Appropriation	\$	34,000
25	Recreation Resources Account--State Appropriation	\$	2,370,000
26	Recreation Resources Account--Federal Appropriation	\$	11,000
27	NOVA Program Account--State Appropriation	\$	604,000
28	TOTAL APPROPRIATION	\$	((3,019,000))
29			<u>3,294,000</u>

30 The appropriations in this section are subject to the following
31 condition and limitation: \$137,000 of the fiscal year 2000 general
32 fund--state appropriation and \$138,000 of the fiscal year 2001 general
33 fund--state appropriation are provided solely to implement Second
34 Substitute Senate Bill No. 5595 or Engrossed Substitute House Bill No.
35 2079 (salmon recovery). If legislation establishing the board is not
36 enacted by June 30, 1999, the amounts provided in this subsection shall
37 lapse.

1 NEW SECTION. **Sec. 22. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR**
2 **RECREATION**

3 Salmon Recovery Grants Program (00-2-001)

4 The appropriations in this section are subject to the following
5 conditions and limitations:

6 (1) The entire \$119,928,000 appropriation is provided solely to the
7 salmon recovery funding board to provide grants to local governments,
8 state agencies, tribes, conservation districts, private landowners, and
9 nonprofit entities for salmon recovery activities pursuant to chapter
10 . . . (House Bill No. 2079), Laws of 1999 sp. sess. or chapter . . .
11 (Senate Bill No. 5595), Laws of 1999 sp. sess. If neither chapter
12 . . . (House Bill No. 2079), Laws of 1999 sp. sess. nor chapter . . .
13 (Senate Bill No. 5595), Laws of 1999 are enacted by June 30, 1999, the
14 amount provided in this section shall lapse.

15 (2) Up to \$19,650,000 of the general fund--federal appropriation is
16 provided for grants to local governments for salmon recovery in
17 accordance with a grant from the department of interior, United States
18 fish and wildlife service received in December 1998.

19 (3) \$6,200,000 of the state building construction account,
20 \$14,380,000 of the salmon recovery account, and \$55,238,000 of the
21 general fund--federal appropriation shall be distributed by the salmon
22 recovery funding board within the following categories:

23 (a) A minimum of twenty-four percent shall be provided for fish
24 passage barrier correction and fish screens to protect fish;

25 (b) A minimum of thirty-eight percent shall be provided for habitat
26 projects;

27 (c) A minimum of thirty-eight percent shall be provided to purchase
28 riparian easements to restore and to protect environmentally sensitive
29 land in riparian areas to protect water quality and improve salmon and
30 steelhead habitat. The salmon recovery funding board shall adopt rules
31 for the implementation of this subsection consistent with the
32 requirements of the conservation reserve enhancement program, except
33 the eligibility is not limited to agricultural lands and contracts may
34 exceed fifteen years in duration. It is the intent of the legislature
35 that this appropriation will be used primarily for landowners that do
36 not qualify for the federal conservation reserve enhancement program.
37 The appropriation in this subsection shall not be used for fee simple
38 land acquisition.

1 (4) \$9,930,000 of the salmon recovery account appropriation is
2 provided solely for planning and engineering activities. The
3 appropriation in this subsection shall be distributed as follows:

4 (a) \$2,100,000 shall be available for grants to cities and counties
5 for the protection of critical areas using nonregulatory programs;

6 (b) \$500,000 for the southwest Washington salmon recovery region;

7 (c) \$1,500,000 for the people for salmon nonprofit organization;

8 (d) \$830,000 for conservation district activities to implement the
9 Puget Sound plan;

10 (e) \$1,000,000 for monitoring salmon restoration projects and
11 activities;

12 (f) \$400,000 for technical assistance to landowners to implement
13 the natural resources conservation service field office technical guide
14 standards;

15 (g) \$800,000 for the development of stream corridor guidelines for
16 salmon recovery and habitat restoration;

17 (h) \$1,100,000 for contracted engineering services for habitat
18 projects; and

19 (i) \$1,700,000 for salmonid screening, habitat enhancement, and
20 restoration program.

21 (5) \$6,530,000 of the salmon recovery account and up to \$8,000,000
22 the general fund--federal appropriation is provided for salmon recovery
23 efforts. The appropriation in this subsection shall be distributed as
24 follows:

25 (a) \$50,000 of the salmon recovery account is for developing
26 selective harvesting techniques and equipment;

27 (b) \$150,000 of the salmon recovery account is for developing and
28 implementing methods for reducing the by-catch of salmon and other
29 endangered or threatened species;

30 (c) \$6,330,000 of the salmon recovery account is for the jobs for
31 the environment program; and

32 (d) Up to \$8,000,000 of the general fund--federal appropriation is
33 for commercial license buy-back.

34 (i) If federal grants for salmon recovery efforts are equal to or
35 less than \$50,000,000 during the 1999-01 fiscal biennium, then
36 \$4,000,000 may be expended for the purpose of this subsection.

37 (ii) If federal grants for salmon recovery efforts are more than
38 \$50,000,000 during the 1999-01 fiscal biennium, then up to \$8,000,000
39 may be expended for the purposes of this subsection.

1 (iii) The amount in this subsection is provided solely to buy back
 2 commercial licenses for Washington-based commercial salmon fishers who
 3 fish in Washington or Alaska and who directly target or incidentally
 4 catch a threatened or endangered salmon species. Any expenditure from
 5 the amount in this subsection used in connection with a license buy-
 6 back program in another state must be matched by an equal amount of
 7 non-Washington state sources. Washington-based Alaska trollers'
 8 licenses may be bought back only if the state or states buying the
 9 license affirms that at least seventy-five percent of the seller's
 10 historic catch is allowed to pass through Alaskan waters. The amount
 11 in this subsection may also be used as grants for programs that combine
 12 license buy-back with programs that facilitate the funding of a
 13 conversion to selective fishing methods.

14 (6) A final list of projects funded with appropriations from this
 15 section shall be submitted to the office of financial management and
 16 the legislature by June 30th of each year.

17 Appropriation:

18	General Fund--Federal	\$	82,888,000
19	State Building Construction Account--		
20	State	\$	6,200,000
21	Salmon Recovery Account	\$	30,840,000
22			-----
23	Subtotal Appropriation	\$	119,928,000
24	Prior Biennia (Expenditures)	\$	0
25	Future Biennia (Projected Costs)	\$	0
26			-----
27	TOTAL	\$	119,928,000

28 NEW SECTION. **Sec. 23.** RCW 75.46.130 (Appropriated funds) and 1998
 29 c 246 s 17 are each repealed.

30 NEW SECTION. **Sec. 24.** If any provision of this act or its
 31 application to any person or circumstance is held invalid, the
 32 remainder of the act or the application of the provision to other
 33 persons or circumstances is not affected.

34 NEW SECTION. **Sec. 25.** This act is necessary for the immediate
 35 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 July 1, 1999."

3 **E2SSB 5595** - S AMD - 530

4 By Senators Jacobsen, Swecker, Oke, Spanel and Hargrove

5 ADOPTED 5/17/99

6 On page 1, line 1 of the title, after "funding;" strike the
7 remainder of the title and insert "amending RCW 75.46.005, 75.46.010,
8 75.46.040, 75.46.050, 75.46.060, 75.46.070, 75.46.100, 75.46.080, and
9 76.12.110; amending 1999 c 309 s 114 (uncodified); amending 1999 c 309
10 s 129 (uncodified); amending 1999 c 309 s 304 (uncodified); adding new
11 sections to chapter 75.46 RCW; adding a new section to Title 79A RCW;
12 creating a new section; repealing RCW 75.46.130; making appropriations;
13 providing an effective date; providing an expiration date; and
14 declaring an emergency."

--- END ---