

HOUSE BILL REPORT

ESHB 2079

As Amended by the Senate

Title: An act relating to salmon recovery.

Brief Description: Promoting salmon recovery.

Sponsors: By House Committee on Natural Resources (Originally sponsored by Representatives Regala, Buck, Eickmeyer, Anderson, Rockefeller, Romero, Veloria and Keiser).

Brief History:

Committee Activity:

Natural Resources: 2/24/99, 3/2/99 [DPS].

Floor Activity:

Passed House: 3/17/99, 98-0.

Senate Amended.

Passed Senate: 4/16/99, 42-3.

Brief Summary of Engrossed Substitute Bill

- The critical pathways methodology used in salmon recovery must include a review of monitoring data, an evaluation of project performance, and recommendations to the local committee which compiled the habitat project list.
- Standards are established for the review of habitat projects by the interagency review team when no lead entity has been formed for the area.

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Staff: Bill Lynch (786-7092).

Background:

The Legislature enacted salmon recovery legislation during the 1998 legislative session which, among other provisions, created a critical pathways methodology to ensure salmon restoration activities would be prioritized and implemented in a sequential manner, created an independent science panel to assist in salmon recovery efforts, and an interagency review team to rank and dispense funds for habitat restoration projects.

Although an adaptive management strategy must be used as part of the critical pathways methodology, and the critical pathways methodology requires an identification of how projects will be monitored and evaluated, the critical pathways methodology does not specify that there must be a review of the monitoring data and an evaluation of the project performance. Habitat protection projects funded through conservancy programs are not specifically included as part of a habitat work schedule.

If there is no lead entity for an area, the interagency review team must rank and dispense funds for the area based upon whether there is a greater benefit to salmon recovery and whether it will be implemented in a critical area, but there are no standards for making these determinations listed in statute. The criteria used for ranking projects does not give priority for projects that will benefit critical fish stocks.

Summary of Bill:

The critical pathways methodology must include a review of monitoring data, an evaluation of project performance, and recommendations to the committee which compiled the list of habitat projects for the area as well as the interagency review team. The technical advisory team for the area is responsible for this task.

The independent science panel, in conjunction with the Salmon Recovery Office, must recommend standardized monitoring indicators and data quality guidelines for salmon recovery efforts. The science panel must also recommend electronic formats that will enable data to be stored and shared by the Salmon Recovery Office. The science panel, in conjunction with the Salmon Recovery Office, must also recommend criteria for the systematic and periodic evaluation of monitoring data in order to answer critical questions about the effectiveness of the state's salmon recovery efforts. The science panel and the Salmon Recovery Office must provide a report to the Legislature and Governor that contains recommendations regarding monitoring by December 31, 2000. State salmon monitoring data must be included in the Salmon and Steelhead Habitat Inventory and Assessment Project (SSHIAP).

Vacancies on the independent science panel are filled in the same manner in which the original appointments were filled. The Salmon Recovery Office may enter into a personal services contract with members of the independent science panel for compensation based upon available funding. References to compensating members of the independent science panel in accordance with the rate established for members of class four boards and commissions are deleted.

Representatives of the Interagency Committee for Outdoor Recreation, the Department of Natural Resources, and the Department of Ecology are added to the interagency review team to rank and dispense funds for habitat projects.

Habitat project lists are submitted to the interagency review team for funding once a year instead of twice a year. Habitat work schedules must include habitat preservation projects funded through the Washington wildlife and recreation program, the conservation reserve enhancement program, and other conservancy programs.

If there is a lead entity established for an area, the interagency review team must give preference to projects that are on the project list submitted by the lead entity. In ranking projects, regardless of whether there is or is not a lead entity for an area, the interagency review team must give preference to projects that are based upon the limiting factors analysis identified for the area, provide greater benefit to salmon recovery based upon information contained in the Department of Fish and Wildlife salmonid stock inventory and any comparable science-based assessment, will be implemented in a more critical area based upon the stock status information contained in the department's salmonid stock inventory and any comparable science-based assessment, are the most cost-effective, have the greatest match, and will be implemented by a sponsor with a successful implementation record. The interagency review team must give the highest priority to projects that will benefit critical fish stocks when ranking projects for funding.

A lead entity may be designated either through letters of support or by official resolution by counties, cities, and tribal governments. The System Operations Advisory Committee, with additional representatives, is designated as the lead entity for the Yakima basin. This lead entity may re-rank the priorities for individual projects on the habitat project list.

References to salmon habitat restoration projects are changed to salmon habitat projects to allow the funding of habitat protection projects, habitat projects that improve water quality, habitat projects that protect water quality, habitat-related mitigation projects, fish passage projects, fish screening projects, habitat project corrective maintenance, and monitoring activities.

EFFECT OF SENATE AMENDMENT(S): In addition to the provisions contained in the House bill, a salmon recovery funding board is created consisting of five members

appointed by the Governor and confirmed by the Senate. One member must represent local governments and one member must represent federally recognized Indian tribes. The board members serve staggered four-year terms, and the initial members must be appointed by October 1, 1999. The Governor appoints the chair of the board. Board members are compensated as members of a Class 4 board, which is at a rate not to exceed \$100 per day. The Governor appoints the chair of the board. Staff support to the board is provided by the Salmon Recovery Office and the Interagency Review Team.

The salmon recovery funding board makes grants and loans for salmon recovery projects and activities pursuant to legislative appropriation. The board must develop procedures and criteria for allocating funds on a state-wide basis to address the highest priorities for salmon habitat protection and restoration. The board may seek the recommendations of the independent science panel to incorporate scientific principles and information into the allocation standards. The board must evaluate and rank projects and activities in accordance with criteria that is similar to the criteria established in the House bill for use by the interagency review team. The board may authorize the interagency review team to rank and make funding decisions for categories of projects or activities, but must maintain oversight of the interagency review team's exercise of authority. The board must establish criteria for determining when block grants may be made to a lead entity or other recognized regional recovery entity consistent with habitat project lists developed for that region. The board may waive or modify portions of the allocation procedures and standards to conform with legislative appropriations or awards of funds from the federal government or other entities.

The responsibilities of the interagency review team are modified. The interagency review team provides support to the salmon recovery funding board in developing procedures and standards for state-wide funding allocation, and to assist the board in reviewing funding applications. The interagency review team also advises the board as to whether the habitat project list for a particular area complies with the list development procedures and with the critical pathways methodology.

The salmon recovery funding board must submit a list of prioritized projects and activities to the Governor by October 1st of each even-numbered year for funding by the board. The Governor may remove projects and activities from the list, and submits the list to the Legislature as part of the capital budget request. The Legislature appropriates the funds for a specific list of projects. The board is responsible for tracking all funds allocated for salmon recovery projects and activities, including funds allocated by the board, other state agencies, and federal agencies for salmon recovery and improvement of water quality. The tracking system must be geographically based. The board may enter into an interagency agreement with another state agency for developing and maintaining the tracking system. The board must provide a biennial report to the Governor and the Legislature on salmon recovery expenditures beginning in December 2000.

The capital budget advisory committee created pursuant to SHB 1204 must make recommendations to the salmon recovery funding board for coordinating the sharing of project data and with reporting requirements.

A salmon recovery account is created in the custody of the State Treasurer. Moneys in the account may only be spent after appropriation, and may be used for salmon recovery financial assistance provided through the salmon recovery funding board.

Projects that include use of side channels, off-stream rearing enhancement, improvement in overwintering habitat, or use of acclimation ponds must receive consideration for funding. Habitat projects that improve streamflows are added to the types of projects which may be included on a habitat project list. "Habitat activities" are defined as habitat protection or restoration activities by local governments, or public or private entities, and include public education, comprehensive planning, adoption and revision of habitat-related ordinances and programs, and other activities. State and federal agencies may be project sponsors. The report prepared by the independent science panel on monitoring must be included in the Governor's state of the salmon report.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: (Original Bill) This fixes some minor problems with last year's bill. The process is working well. Adding monitoring and evaluation as part of the critical pathways methodology is important to ensure that adaptive management is used in fish recovery. This bill helps provide greatest return for the money spent. Projects often benefit multiple species. Scientists will be more willing to serve on the independent science panel if personal service contracts are authorized. Putting the Department of Ecology and the Interagency for Outdoor Recreation on the interagency review team will add expertise and access to data bases.

Testimony Against: (Original Bill) The bill could be expanded to allow more pre-planning and assessment funds for areas not participating in watershed planning. The bill could address uniform criteria for monitoring. A salmon recovery account could be created to handle all state and federal money. Resolutions for creating a lead entity should be retained as an alternative because many tribes adopt resolutions. Deleting references to restoration could open the process up to habitat acquisition.

Testified: (In Support of the Original Bill) Doug Levy, city of Everett; Ed Owens, Commercial fishing; Ron Shultz, Audubon Society; Josh Baldi, Washington Environmental Council; Bill Robinson, Trout Unlimited; Randy Scott, Quinault Indian Nation; and Tim Smith, Department of Fish and Wildlife.

(Neutral on the Original Bill) Paul Parker, Washington Association of Counties.

(Concerns on the Original Bill) Dawn Vyvyan, Yakama Indian Nation; Karla Fullerton, Washington Cattlemen's Association; Kathleen Collins, Washington Water Policy Alliance; and Scott Barr.