

# HOUSE BILL REPORT

## ESHB 2239

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**As Passed House:**

March 12, 1999

**Title:** An act relating to storm water control grant programs.

**Brief Description:** Enhancing storm water control grant programs.

**Sponsors:** By House Committee on Transportation (Originally sponsored by Representatives Buck and Wood).

**Brief History:**

**Committee Activity:**

Transportation: 3/2/99, 3/5/99 [DPS].

**Floor Activity:**

Passed House: 3/12/99, 96-0.

**Brief Summary of Substitute Bill**

- State storm water fees that were earmarked, but unspent due to the default of no local storm water plan, can now be used in the state storm water grant program.
- The state administered storm water grant program identifies cities and counties as part of a coordinated approach to addressing storm water mitigation.
- The administration of the storm water grant program and the fish passage programs is coordinated. The bill identifies that both programs address fish passage and hydrology impacts.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 26 members: Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; Fortunato; Hatfield; Hurst; Lovick; McDonald;

Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner and Wood.

**Staff:** Ashley Probart (786-7319).

**Background:**

Local government utilities are authorized to charge an assessment fee to the Department of Transportation (DOT) for the construction, operation, and maintenance of storm water control facilities. The rate charged may not, however, exceed the rate charged for comparable city street or county road right-of-way within the same jurisdiction.

Beginning in January of 1997, local jurisdictions have been required to develop an annual plan for the expenditure of the assessed fees in coordination with the DOT. State law requires this local assessment fee to be earmarked for capital projects that address state highway storm water. For example, the planned construction of a parking lot or housing development that is adjacent to a state highway would be required to address storm water impacts to the state highway. These fees can also be used for the implementation of best management practices that reduce the need for storm water mitigation.

Since the implementation of this program, some jurisdictions have defaulted on the development of a storm water plan. Consequently, state storm water fees remain earmarked, but unspent.

The DOT also operates a storm water grant program. It provides for statewide coordination in the implementation of storm water facility projects and authorizes the DOT to provide grants, on a matching basis, to fund selected storm water projects. The program has been developed in cooperation with the Department of Ecology (DOE), cities, counties, ports, environmental organizations, and business organizations.

A result of this program is the identified need to coordinate city and county storm water facilities that not only address improved water quality and reduced flooding, but provide a linkage that mitigates altered stream hydrology, and improves salmonid habitats.

The program sunsets on July 1, 2003.

In 1998, state law authorized the DOT to administer a fish passage grant program. The fish passage grant program assists state agencies, local governments, private landowners, tribes, and volunteer groups in identifying and removing impediments to anadromous fish passage. Priority grants were given to projects that immediately

increase access to available and improved spawning and rearing habitat for depressed, threatened, and endangered stocks, or are coordinated with other watershed improvements efforts.

Since this program was established, the federal government has listed or is expected to list salmonid species as threatened or endangered. Consequently, the state's anadromous fish passage grant program may be too narrow in focus and inconsistent with federal fish passage priorities.

A result of this program is the identified need to coordinate with the storm water grant program, ensure state funded fish passage projects use consistent criteria, and modify grant matching requirements.

In addition, the DOT and the Department of Fish and Wildlife recognized a need to establish a centralized data base directory of all fish passage barrier information.

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**Summary of Bill:**

Unspent storm water fees, due to the default of no local storm water plan, are dedicated to the storm water grant program.

City streets and county roads are also identified as storm water projects that are to be coordinated as part of the statewide storm water coordination program.

In addition to addressing improved water quality and reduced flooding, the program is to address mitigation to altered stream hydrology, and improvement to salmonid habitats.

Committee membership for the storm water grant program is expanded to include the Transportation Improvement Board (TIB). In addition, and the Department of Fish and Wildlife are included as a committee member that oversees the program.

A section is added that coordinates the Department of Transportation's fish passage program with the state storm water program.

The DOT's authority to administer a grant program that assists state agencies, local governments, private landowners, and volunteer groups in the removal of fish passage barriers is modified. The DOT and the Department of Fish and Wildlife may administer and coordinate the fish passage grant program. With the exception of the TIB fish passage projects, all state and locally administered fish passage grant programs that use state funding are to be reviewed and approved by the Fish Passage Barrier Removal Task Force. (The TIB will use the task force's criteria, but retains approval authority for projects they fund.) Other agencies that administer natural

resource based grant programs that include fish passage barrier removal projects are to be consistent with the task force's barrier removal criteria.

The match rate for fish passage grant programs is modified to be consistent with the granting authority's criteria. Grant programs that do not specify a funding match are now set at a minimum of 25 percent. In-kind contributions are permitted for local, private, and volunteer projects.

The DOT and the Department of Fish and Wildlife are to develop a centralized data base directory of all fish barrier information.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The bill allows the maximization of storm water funds and recognizes that storm water has an effect on watersheds and fish populations. A coordinated storm water management approach among jurisdictions is necessary due to the rising costs of storm water mitigation. Opportunities to seek storm water grant funds to mitigate existing and future road projects are critical.

**Testimony Against:** None.

**Testified:** Diane Carlson, Association of Washington Cities; Doug Levy, city of Everett; Dave Weiser, city of Marysville, Bill Vlcek, city of Lynnwood; Jerry Alb, Department of Transportation; and George Walk, Pierce County.