

HOUSE BILL REPORT

ESB 5613

As Reported By House Committee On:
Natural Resources

Title: An act relating to salmon recovery measures and planning.

Brief Description: Identifying a state-wide salmon recovery strategy.

Sponsors: Senators Jacobsen and Fraser.

Brief History:

Committee Activity:

Natural Resources: 3/26/99, 4/2/99 [DPA].

Brief Summary of Engrossed Bill
(As Amended by House Committee)

- 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.
- A salmon recovery account is created, and all federal salmon recovery money must be deposited into the account.
- The Salmon Recovery Office must track the expenditure of all funds appropriated by the Legislature for salmon habitat projects and activities.

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: Do pass as amended. Signed by 8 members: Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Doumit; Eickmeyer; Ericksen; Rockefeller and Stensen.

Minority Report: Do not pass. Signed by 4 members: Representatives Sump, Republican Vice Chair; G. Chandler; Clements and Pennington.

Staff: Bill Lynch (786-7092).

Background:

The Legislature created a framework for salmon recovery with passage of SHB 2496 during the 1998 legislative session. This legislation established a process for funding and implementing salmon habitat restoration projects, created an independent science panel, and created the Salmon Recovery Office in the Office of the Governor. 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.

The Salmon Recovery Office is responsible for coordinating and assisting in the development of salmon recovery plans, and submits those plans to the appropriate federal agencies. The 1998 salmon recovery legislation did not require state and federal salmon recovery funds to be deposited into a single account, and did not specify how salmon recovery expenditures should be tracked.

Summary of Amended 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 the 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).

Representatives of the Interagency Committee for Outdoor Recreation 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. All projects submitted for funding must have been selected through a watershed-wide scientific evaluation. No projects required as mitigation or a condition of permitting are eligible for funding. 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, will benefit listed species and other fish species, will preserve high quality salmonid habitat through less than fee simple acquisition, 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.

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, habitat project corrective maintenance, and monitoring activities. Habitat projects include the construction of side channels, off-stream rearing enhancement, improvement in overwintering habitat, creation of acclimation ponds, fish passage projects, and fish screening projects.

The salmon recovery account is created in the state treasury. Any federal money for restoration and recovery of salmonid stocks listed or proposed for listing under the federal Endangered Species Act must be deposited into the account. The Legislature may appropriate or direct other funds into the account. Moneys in the account may only be spent after appropriation. Moneys in the account may only be used for funding salmon habitat projects.

All grant recipients receiving allocations from the interagency review team must provide reports to the Salmon Recovery Office. The reports must include project and program

outcomes based on objective criteria established by the office to enable it to review whether the goals and objectives of salmon restoration and recovery are being met.

The Salmon Recovery Office is required to track the expenditure of all funds appropriated by the Legislature for salmon habitat projects and activities, including funds appropriated to state agencies or allocated by federal agencies for salmon restoration and recovery. The office must use a tracking model in current general use by state agencies. The tracking model must use, to the extent practicable, information and data currently available to state agencies. The office must review allocations and expenditures, including how the work or projects relate to identified limiting factors or a recovery plan for the area. The office must prepare a report detailing the results of the review and submit it to the fiscal committees of the Legislature by January 1, 2001, and subsequent odd-numbered years.

Amended Bill Compared to Engrossed Bill: The amended bill adds the provisions of ESHB 2079 with the exception of the section which designated a lead entity for the Yakima Basin. The provisions pertaining to the development and submission of a statewide salmon strategy are removed. A salmon recovery account is created and the Governor's Salmon Recovery Office is required to track expenditures pertaining to salmon. Threshold eligibility factors are added for the funding of salmon habitat projects by the interagency review team. The interagency review team must provide additional weight when ranking habitat projects for funding to projects which will benefit listed species and other species and projects which preserve high quality salmonid habitat through less than fee simple acquisition.

Appropriation: None.

Fiscal Note: Requested on February 22, 1999.

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

Testimony For: (Original Bill) There is a need to have a centralized checkbook and a centralized ledger for salmon expenditures. The state should get credit with federal agencies for everything it is doing. Projects and protection strategies need to move forward. The Salmon Recovery Office should collect information and be a conduit for the salmon recovery strategy. A mechanism is needed for more public involvement. The process established in HB 2496 could be used for allocation federal money. The federal government will require a science screen for projects.

(Concerns) More flexibility needs to be provided to local governments. The bill should be expanded to address some concerns over use of best available science under the Growth Management Act. Money is spent in fighting appeals instead of restoring

habitat. There is still much to do. The bill should be expanded to create a phased-in approach to submitting plans to federal agencies. The Legislature needs to provide more direction.

Testimony Against: None.

Testified: (Original Bill) (In support) Senator Ken Jacobsen, prime sponsor; Kathleen Collins, Washington Water Policy Alliance; Bill Clark, Washington Association of Realtors; Willy O’Neal, Associated General Contractors; and Curt Smitch, Office of the Governor.

(Concerns) Paul Parker, Washington Association of Counties; Bob Hart, Skagit County; Betty Sue Morris, Clark County; Max Benitz, Benton County; Bill Hinkle, Kittitas County; Scott Barr, citizen; and Karla Kay Fullerton, Washington Cattlemen’s Association.