
SUBSTITUTE HOUSE BILL 2406

State of Washington

56th Legislature

2000 Regular Session

By House Committee on Natural Resources (originally sponsored by Representatives Regala and Buck)

Read first time 02/02/2000. Referred to Committee on .

1 AN ACT Relating to salmon recovery projects and activities;
2 amending RCW 75.46.010 and 75.46.170; and adding a new section to
3 chapter 75.46 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 75.46.010 and 1998 c 246 s 2 are each amended to read
6 as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

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

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

16 (3) "Habitat project list" is the list of projects resulting from
17 the critical pathways methodology under RCW 75.46.070(2) that shall
18 receive consideration for funding by the salmon recovery funding board.
19 Each project on the list must have a written agreement from the

1 landowner on whose land the project will be implemented, and must be
2 based on the limiting factors analysis conducted in RCW 75.46.070 when
3 completed.

4 (4) "Habitat projects" or "projects" include but are not limited to
5 habitat restoration projects, habitat protection projects, habitat
6 projects that improve water quality, habitat projects that protect
7 water quality, habitat-related mitigation projects, fish passage
8 barrier correction projects, fish screening projects, projects that
9 accelerate the recovery process such as supplementation of wild stocks,
10 and habitat project corrective maintenance and monitoring activities.
11 Projects that include the use of side channels, off-stream rearing
12 enhancement, improvement in overwintering habitat, or use of
13 acclimation ponds shall receive consideration for funding.

14 ~~((4))~~ (5) "Habitat work schedule" means ~~((those projects from the~~
15 ~~habitat project list that will be implemented during the current~~
16 ~~funding cycle))~~ development of a table of completed, active, and
17 potential projects as a basis for critical pathways methodology
18 analysis. The schedule shall also include ~~((a list of the entities and~~
19 ~~individuals implementing projects,))~~ the estimated start date,
20 duration, ((estimated)) date of completion, ((estimated)) cost,
21 affected salmonid species, and funding sources for the projects.

22 ~~((5))~~ (6) "Limiting factors" means conditions that limit the
23 ability of habitat to fully sustain populations of salmon. ~~((These~~
24 ~~factors are primarily fish passage barriers and degraded estuarine~~
25 ~~areas, riparian corridors, stream channels, and wetlands.~~

26 ~~(6))~~ (7) "Project sponsor" is a county, city, special district,
27 tribal government, state agency, a combination of such governments
28 through interlocal or interagency agreement~~((s provided under chapter~~
29 ~~39.34 RCW)), a nonprofit organization, or one or more private citizens.~~

30 ~~((7))~~ (8) "Salmon" includes all species of the family Salmonidae
31 which are capable of self-sustaining, natural production except for
32 Atlantic salmon.

33 ~~((8))~~ (9) "Salmon recovery plan" means a state plan developed in
34 response to a proposed or actual listing under the federal endangered
35 species act that addresses limiting factors including, but not limited
36 to harvest, hatchery, hydropower, habitat, and other factors of
37 decline.

38 ~~((9))~~ (10) "Tribe" or "tribes" means federally recognized Indian
39 tribes.

1 (~~(10)~~) (11) "WRIA" means a water resource inventory area
2 established in chapter 173-500 WAC as it existed on January 1, 1997.

3 (~~(11)~~) (12) "Owner" means the person holding title to the land or
4 the person under contract with the owner to lease or manage the legal
5 owner's property.

6 (13) "Board" means the salmon recovery funding board created in RCW
7 75.46.150.

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

11 (15) "SASSI" means the salmon and steelhead stock inventory report
12 and appendices.

13 (16) "SSHIAP" means the salmon and steelhead habitat inventory and
14 assessment project.

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

17 Any salmon recovery activities funded by the board must have as a
18 principle purpose the protection and restoration of salmonid
19 populations. Salmon recovery activities may be conducted by local
20 governments, tribes, other public entities, and private entities.
21 Salmon recovery activities may include, but are not limited to:
22 Preparation of stream corridor guidelines; programmatic permitting;
23 project scoping, predesign, and engineering for fish passage,
24 screening, habitat restoration, and acquisition; preparation of
25 geographic information system protocols; and the development of
26 baseline hydrological data in areas in which at least one fish species
27 is listed as endangered under the federal endangered species act due to
28 the lack of sufficient flows, and the development of this baseline data
29 is necessary for local governments and private citizens to respond
30 effectively to the listing.

31 **Sec. 3.** RCW 75.46.170 and 1999 sp.s. c 13 s 5 are each amended to
32 read as follows:

33 (1) The (~~{salmon—recovery—funding}~~) board shall develop
34 procedures and criteria for allocation of funds for salmon habitat
35 projects and salmon recovery activities on a state-wide basis to
36 address the highest priorities for salmon habitat protection and
37 restoration. To the extent practicable the board shall adopt an annual

1 allocation of funding. The allocation should address both protection
2 and restoration of habitat, and should recognize the varying needs in
3 each area of the state on an equitable basis. The board has the
4 discretion to partially fund, or to fund in phases, salmon habitat
5 projects. The board may annually establish a maximum amount of funding
6 available for any individual project, subject to available funding. No
7 projects required solely as a mitigation or a condition of permitting
8 are eligible for funding.

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

11 (i) Are based upon the limiting factors analysis identified under
12 RCW 75.46.070;

13 (ii) Provide a greater benefit to salmon recovery based upon the
14 stock status information contained in the department of fish and
15 wildlife salmonid stock inventory (SASSI), the salmon and steelhead
16 habitat inventory and assessment project (SSHIAP), and any comparable
17 science-based assessment when available;

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

19 (iv) Will preserve high quality salmonid habitat.

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

22 (i) Are the most cost-effective;

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

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

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

28 (4) For fiscal year 2000, the board may authorize the interagency
29 review team to evaluate, rank, and make funding decisions for
30 categories of projects or activities or from funding sources provided
31 for categories of projects or activities. In delegating such authority
32 the board shall consider the review team's staff resources, procedures,
33 and technical capacity to meet the purposes and objectives of this
34 chapter. The board shall maintain general oversight of the team's
35 exercise of such authority.

36 (5) The board shall seek the guidance of the technical review team
37 to ensure that scientific principles and information are incorporated
38 into the allocation standards and into proposed projects and
39 activities. If the technical review team determines that a habitat

1 project list complies with the critical pathways methodology under RCW
2 75.46.070, it shall provide substantial weight to the list's project
3 priorities when making determinations among applications for funding of
4 projects within the area covered by the list.

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

14 (7) The board may waive or modify portions of the allocation
15 procedures and standards adopted under this section in the award of
16 grants or loans to conform to legislative appropriations directing an
17 alternative award procedure or when the funds to be awarded are from
18 federal or other sources requiring other allocation procedures or
19 standards as a condition of the board's receipt of the funds. The
20 board shall develop an integrated process to manage the allocation of
21 funding from federal and state sources to minimize delays in the award
22 of funding while recognizing the differences in state and legislative
23 appropriation timing.

24 (8) The board shall establish a time limit for the completion of
25 projects that are awarded funds under this section. The time limit
26 imposed by the board for completing projects shall provide for timely
27 completion of projects but allow adequate time for projects that by
28 their nature require multiple years to accomplish. The time limit may
29 not exceed five years from the time the funds are awarded. The board
30 shall not require the project sponsor to reapply to the board for these
31 same funds in subsequent funding cycles within the time limit imposed
32 by the board.

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