
HOUSE BILL 2406

State of Washington

56th Legislature

2000 Regular Session

By Representatives Regala and Buck

Read first time 01/12/2000. Referred to Committee on Natural Resources.

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, and habitat project
8 corrective maintenance and monitoring activities. Projects that
9 include the use of side channels, off-stream rearing enhancement,
10 improvement in overwintering habitat, or use of acclimation ponds shall
11 receive consideration for funding.

12 ((+4)) (5) "Habitat work schedule" means those projects from the
13 habitat project list that will be implemented during the current
14 funding cycle. The schedule shall also include a list of the entities
15 and individuals implementing projects, the start date, duration,
16 estimated date of completion, estimated cost, and funding sources for
17 the projects.

18 ((+5)) (6) "Limiting factors" means conditions that limit the
19 ability of habitat to fully sustain populations of salmon. ((These
20 factors are primarily fish passage barriers and degraded estuarine
21 areas, riparian corridors, stream channels, and wetlands.

22 (+6)) (7) "Project sponsor" is a county, city, special district,
23 tribal government, state agency, a combination of such governments
24 through interlocal or interagency agreement((s provided under chapter
25 39.34 RCW)), a nonprofit organization, or one or more private citizens.

26 ((+7)) (8) "Salmon" includes all species of the family Salmonidae
27 which are capable of self-sustaining, natural production except for
28 Atlantic salmon.

29 ((+8)) (9) "Salmon recovery plan" means a state plan developed in
30 response to a proposed or actual listing under the federal endangered
31 species act that addresses limiting factors including, but not limited
32 to harvest, hatchery, hydropower, habitat, and other factors of
33 decline.

34 ((+9)) (10) "Tribe" or "tribes" means federally recognized Indian
35 tribes.

36 ((+10)) (11) "WRIA" means a water resource inventory area
37 established in chapter 173-500 WAC as it existed on January 1, 1997.

1 (~~(11)~~) (12) "Owner" means the person holding title to the land or
2 the person under contract with the owner to lease or manage the legal
3 owner's property.

4 (13) "Board" means the salmon recovery funding board created in RCW
5 75.46.150.

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

9 (15) "SASSI" means the salmon and steelhead stock inventory report
10 and appendices.

11 (16) "SSHIAP" means the salmon and steelhead habitat inventory and
12 assessment project.

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

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

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

29 (1) The (~~{salmon—recovery—funding}~~) board shall develop
30 procedures and criteria for allocation of funds for salmon habitat
31 projects and salmon recovery activities on a state-wide basis to
32 address the highest priorities for salmon habitat protection and
33 restoration. To the extent practicable the board shall adopt an annual
34 allocation of funding. The allocation should address both protection
35 and restoration of habitat, and should recognize the varying needs in
36 each area of the state on an equitable basis. The board has the
37 discretion to partially fund, or to fund in phases, salmon habitat

1 projects. The board may annually establish a maximum amount of funding
2 available for any individual project, subject to available funding. No
3 projects required solely as a mitigation or a condition of permitting
4 are eligible for funding.

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

7 (i) Are based upon the limiting factors analysis identified under
8 RCW 75.46.070;

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

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

15 (iv) Will preserve high quality salmonid habitat.

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

18 (i) Are the most cost-effective;

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

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

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

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

32 (5) The board shall seek the guidance of the technical review team
33 to ensure that scientific principles and information are incorporated
34 into the allocation standards and into proposed projects and
35 activities. If the technical review team determines that a habitat
36 project list complies with the critical pathways methodology under RCW
37 75.46.070, it shall provide substantial weight to the list's project
38 priorities when making determinations among applications for funding of
39 projects within the area covered by the list.

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

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

20 (8) The board shall establish a time limit for the completion of
21 projects that are awarded funds under this section. The time limit
22 imposed by the board for completing projects shall be at least three
23 years but may not exceed five years from the time the funds are
24 awarded. The board shall establish criteria allowing a project sponsor
25 to access funds that were awarded for a project, without requiring the
26 project sponsor to reapply to the board for these same funds in
27 subsequent funding cycles.

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