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**SUBSTITUTE HOUSE BILL 2589**

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**State of Washington**

**56th Legislature**

**2000 Regular Session**

**By** House Committee on Natural Resources (originally sponsored by Representatives Buck, Regala, Stensen, Anderson, Sump, G. Chandler, Pennington, Ericksen, Clements, Eickmeyer, Doumit, Alexander, Rockefeller and Dunn)

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

1 AN ACT Relating to clarifying what projects are eligible for  
2 funding by the salmon recovery funding board; and amending RCW  
3 75.46.170.

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

5 **Sec. 1.** RCW 75.46.170 and 1999 sp.s. c 13 s 5 are each amended to  
6 read as follows:

7 (1) The (~~{salmon recovery funding}~~) salmon recovery funding board  
8 shall develop procedures and criteria for allocation of funds for  
9 salmon habitat projects and salmon recovery activities on a state-wide  
10 basis to address the highest priorities for salmon habitat protection  
11 and restoration. To the extent practicable the board shall adopt an  
12 annual allocation of funding. The allocation should address both  
13 protection and restoration of habitat, and should recognize the varying  
14 needs in each area of the state on an equitable basis. The board has  
15 the discretion to partially fund, or to fund in phases, salmon habitat  
16 projects. The board may annually establish a maximum amount of funding  
17 available for any individual project, subject to available funding. No  
18 projects required solely as a mitigation or a condition of permitting  
19 are eligible for funding.

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

3 (i) Are based upon the limiting factors analysis identified under  
4 RCW 75.46.070;

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

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

11 (iv) Will preserve high quality salmonid habitat.

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

14 (i) Are the most cost-effective;

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

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

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

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

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

36 (6) The board shall establish criteria for determining when block  
37 grants may be made to a lead entity or other recognized regional  
38 recovery entity consistent with one or more habitat project lists  
39 developed for that region. Where a lead entity has been established

1 pursuant to RCW 75.46.060, the board may provide grants to the lead  
2 entity to assist in carrying out lead entity functions under this  
3 chapter, subject to available funding. The board shall determine an  
4 equitable minimum amount of funds for each region, and shall distribute  
5 the remainder of funds on a competitive basis.

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

16 (8) The board may award a grant or loan for a salmon recovery  
17 project on private or public land when the landowner has a legal  
18 obligation under local, state, or federal law to perform the project,  
19 when expedited action provides a clear benefit to salmon recovery. In  
20 making its determination to award the grant or loan, the board shall at  
21 least consider the resources of the private landowner and the potential  
22 harm to salmon recovery if the project is delayed. Project sponsors  
23 and lead entities must identify to the board any project submitted for  
24 funding that must be performed under a legal obligation, and must  
25 provide justification as to why the project should receive public  
26 funding at this time. For purposes of this subsection, a legal  
27 obligation does not include a project required solely as a mitigation  
28 or a condition of permitting.

29 (9) The board may condition a grant or loan to include the  
30 requirement that property may only be transferred to a federal agency  
31 if the agency that will acquire the property agrees to comply with all  
32 terms of the grant or loan to which the project sponsor was obligated.  
33 Property acquired or improved by a project sponsor may be conveyed to  
34 a federal agency, but only if the agency agrees to comply with all  
35 terms of the grant or loan to which the project sponsor was obligated.

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