
SENATE BILL 5683

State of Washington

56th Legislature

1999 Regular Session

By Senators Jacobsen, Swecker, T. Sheldon, Oke, Fraser, Eide, Rossi and Winsley

Read first time 02/02/1999. Referred to Committee on Natural Resources, Parks & Recreation.

1 AN ACT Relating to funding Puget Sound salmon recovery; adding a
2 new chapter to Title 75 RCW; and providing an expiration date.

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

4 NEW SECTION. **Sec. 1.** FINDINGS. (1) The legislature finds that
5 salmon recovery in Washington state requires a state-wide strategy and
6 actions that are tailored to the unique characteristics of each major
7 watershed in the state.

8 (2) The legislature finds that:

9 (a) The Puget Sound region contributes significantly to the
10 economic vitality and the natural resources of the state of Washington.
11 The health and economic prosperity of the region depends on a high
12 quality environment;

13 (b) Several species of salmon in Puget Sound are, or expected to
14 be, listed as threatened or endangered under the federal endangered
15 species act. At present, these species include chinook, chum, bull
16 trout, and coho;

17 (c) One or more listings under the federal endangered species act
18 have the potential to adversely affect nearly all aspects of the Puget

1 Sound economy, and a comprehensive solution will require significant
2 involvement of the private and public sectors; and

3 (d) The legislature recognizes that a critical pathways mechanism
4 was established in 1998 to fund salmon habitat restoration. The
5 legislature also recognizes that there is an extensive network of
6 federal, state, local, and tribal rules and regulations to protect
7 salmon habitat. In 1998, the legislature also established a
8 comprehensive approach to setting priorities for individual watersheds
9 through water resource inventory area planning.

10 (3) The legislature further finds that:

11 (a) Healthy salmon populations require a series of connected, high
12 quality habitats to support their unique life cycle;

13 (b) An intensive, short-term effort to preserve quality habitat in
14 Puget Sound is an essential next step if the region is to realize the
15 benefits of the substantial ongoing investments made to protect and
16 restore salmon habitat;

17 (c) Highly productive salmon habitat still exists in Puget Sound
18 but is increasingly threatened by development and the manner in which
19 land is managed. There is a high degree of agreement among scientists
20 that preserving this remaining habitat is an essential action to
21 protect salmon populations over the long term;

22 (d) While there are a number of public, nonprofit, and business
23 entities involved in acquiring land or easements to preserve habitat,
24 the lack of dedicated funding and a coordinated approach cause this
25 effort to occur on a piecemeal basis;

26 (e) A private nongovernmental approach to preservation and
27 restoration is necessary to increase business and landowner
28 participation, garner public support, and increase the efficiency and
29 effectiveness of habitat investments;

30 (f) Adding a focused preservation and restoration strategy to the
31 state's current effort of regulatory protection will provide the Puget
32 Sound region with the tools and flexibility it needs to develop a
33 comprehensive, regionally based strategy that implements watershed
34 planning and conservation priorities and effectively responds to the
35 federal endangered species act listings of salmon.

36 (4) The legislature declares that habitat preservation is an
37 essential tool that must be used in concert with protection and
38 restoration if salmon populations are to survive and thrive in Puget
39 Sound. The legislature also declares that it is in the public interest

1 to create a nonprofit foundation to guide public and private
2 investments for preservation and restoration of high quality salmon
3 habitat in Puget Sound.

4 NEW SECTION. **Sec. 2.** PURPOSE. The purpose of the Puget Sound
5 salmon and river conservation program is to establish a network of key
6 habitats that, in combination with existing regulatory and
7 nonregulatory efforts, provides a stable base to support the long-term
8 survival of salmon in Puget Sound. The purpose of the Puget Sound
9 foundation is to guide public and private investments in the
10 preservation and restoration of the remaining high quality salmon
11 habitat throughout Puget Sound.

12 NEW SECTION. **Sec. 3.** DEFINITIONS. The definitions in this
13 section apply throughout this chapter, unless the context clearly
14 requires otherwise.

15 (1) "Puget Sound" means the twelve counties bordering Puget Sound.

16 (2) "Foundation" means the entity created in section 4 of this act.

17 (3) "Critical salmon habitat" means aquatic systems and surrounding
18 land that meet the criteria in section 7 of this act and any
19 supplementary criteria developed by the foundation.

20 (4) "Eligible grant recipients" includes tribes, local governments,
21 state agencies, and nonprofit organizations.

22 (5) "Governor's salmon office" means the office established in RCW
23 75.46.040.

24 (6) "Eligible projects" means any project or action that serves to
25 preserve, restore, or steward critical salmon habitat.

26 (7) "Preserve" means a nonregulatory action that facilitates
27 permanent protection of critical salmon habitat and may include the
28 purchase of development or timber rights, conservation easements, or
29 fee simple title.

30 (8) "Restore" means an action to reestablish ecological conditions
31 of critical salmon habitat, including but not limited to actions that
32 restore key processes, functions, or structures that support salmon
33 habitat.

34 (9) "Stewardship" means activities necessary to maintain the
35 quality of habitat that has been acquired or restored for its benefits
36 to salmon.

1 NEW SECTION. **Sec. 4.** THE PUGET SOUND FOUNDATION. (1) By

2 September 1, 1999, the governor shall file articles of incorporation in
3 accordance with the Washington nonprofit corporation act, chapter 24.03
4 RCW, to establish the Puget Sound foundation. The foundation shall not
5 be an agency, instrumentality, or political subdivision of the state.

6 (2) The foundation shall have a board of directors consisting of
7 eighteen members. Fourteen nonlegislative members shall be appointed
8 by the governor and collectively have experience in business,
9 conservation, tribal interests, or government. Initial appointments
10 shall be made by September 30, 1999, and shall provide geographic
11 representation from northern, central, southern, and the Hood canal
12 areas of the Puget Sound region. The remaining four members shall be
13 legislators representing each of the two major caucuses in both the
14 house of representatives and the senate. The two members of the house
15 of representatives shall be appointed by the speaker of the house of
16 representatives and the two senate members shall be appointed by the
17 president of the senate.

18 (3) Members other than legislative members shall serve three-year
19 terms, except for the initial terms, which shall be staggered by the
20 governor to achieve a balanced mix of terms on the board. Members may
21 serve up to a maximum of three terms. At the end of a term, a member
22 may continue to serve until a successor has been appointed. Terms for
23 legislative members shall be two years.

24 (4) The foundation shall meet at least four times per year.

25 NEW SECTION. **Sec. 5.** POWERS AND DUTIES. (1) By December 1, 1999,
26 the foundation shall establish a science panel.

27 (a) The science panel shall be composed of scientists from the
28 Puget Sound region employed by or otherwise affiliated with
29 universities, private industry, environmental organizations, local and
30 state governments, and tribes.

31 (b) The science panel shall advise the foundation on the
32 development of criteria to guide salmon habitat investments and
33 evaluate grant requests to preserve and restore salmon habitat in Puget
34 Sound.

35 (2) The foundation shall identify high quality salmon habitats for
36 preservation and associated opportunities for restoration generally as
37 follows:

1 (a) Before February 1, 2000, the foundation shall compile an
2 inventory of the remaining high quality habitats in Puget Sound. In
3 preparing the inventory, the foundation shall consult the governor's
4 salmon office, the independent science panel created under RCW
5 75.46.050, the national marine fisheries service, water resource
6 inventory area committees, tribes, and local governments. The
7 inventory shall be depicted in map form.

8 (b) A draft of the inventory shall be prepared by the foundation by
9 February 1, 2000. No sooner than thirty days after the inventory is
10 made publicly available, the foundation shall hold at least two public
11 meetings to solicit comments.

12 (3) The foundation shall actively seek funding and contributions
13 from federal, state, and private sources to fund the preservation and
14 restoration of Puget Sound salmon habitat as provided in this chapter
15 and in accordance with the applicable laws.

16 (4) The foundation shall develop supplemental criteria for guiding
17 investments in the preservation and restoration of salmon habitat
18 consistent with section 7 of this act.

19 (5) A competitive grant process shall be conducted at least
20 annually by the foundation to award funds for preservation and
21 restoration of high quality habitats in each water resource inventory
22 area of Puget Sound.

23 (6) The results of preservation and restoration actions shall be
24 monitored by the foundation to ensure long-term benefits to salmon and
25 the preservation of a habitat network necessary for long-term survival
26 of salmon. The foundation shall frequently publicize the Puget Sound
27 salmon and river conservation program to the public and interested
28 parties as well as the identified needs for further action.

29 NEW SECTION. **Sec. 6.** PUGET SOUND SALMON AND STREAM CONSERVATION
30 ACCOUNTS. The Puget Sound salmon and stream conservation account is
31 created in the state treasury. Moneys in the account may be spent only
32 after appropriation. Funds deposited in this account shall be
33 transferred to the Puget Sound foundation for purposes including but
34 not limited to grants for preservation, restoration, and stewardship,
35 reasonable foundation administrative expenses, and other purposes
36 consistent with this chapter.

1 NEW SECTION. **Sec. 7.** GRANT PROCESS AND SELECTION CRITERIA. (1)

2 The foundation shall conduct a grant process at least annually
3 beginning in February 2000. Grants shall be awarded consistent with
4 the criteria developed by the foundation and shall be available for
5 acquisition of development or timber rights, conservation easements,
6 fee simple title, or other property interests. Grants shall also be
7 available for restoration projects where the land is held in the public
8 interest, there is a dedicated conservation easement, or the project is
9 consistent with a long-term preservation, restoration, or stewardship
10 agreement between affected private property owners and the grantee.

11 (2) The foundation shall award funds to eligible applicants for
12 acquisition of habitat that best meet these criteria:

13 (a) The habitat is critical or has high potential to support
14 important salmon runs;

15 (b) The habitat is likely to be degraded or threatened by
16 conversion within the next ten years;

17 (c) The environmental conditions and protection programs in the
18 surrounding watershed support the long-term quality of the habitat.

19 (3) In evaluating the importance of a salmon habitat the foundation
20 shall consider:

21 (a) The size and cultural importance of the salmon run that the
22 habitat supports or could reasonably support;

23 (b) The degree to which it provides key functions or processes that
24 support the life cycle of the salmon in the fresh water or in estuarine
25 environments;

26 (c) The size of the watershed and whether it is large enough to
27 support the range and variability of conditions necessary to support
28 freshwater life cycle needs for salmon; and

29 (d) The benefits to other wildlife and fish species.

30 (4) In evaluating the extent and immediacy of threat to habitat
31 degradation, the foundation shall consider the extent to which:

32 (a) Current land use plans and zoning allow for alteration of the
33 habitat or key watershed function;

34 (b) Current rules and regulations or approved habitat conservation
35 plans allow for significant timber harvest, or modifications to the
36 habitat or surrounding drainage area;

37 (c) The amount and pace of surrounding development as well as
38 increasing property values; and

1 (d) Any pending development proposal consistent with local and
2 state law has the potential to compromise the long-term quality of the
3 habitat.

4 (5) In evaluating benefit of existing environmental conditions and
5 protection programs in the surrounding watershed to provide long-term
6 support for critical habitat, the foundation shall consider:

7 (a) The health of the watershed to provide sustainable populations
8 of salmon;

9 (b) The ability of local regulations to prevent or significantly
10 limit the degradation of the habitat from upland or upstream human
11 disturbances;

12 (c) The existence of a watershed plan or approved habitat
13 conservation plan that recognizes the functional importance of the
14 habitat and how it is connected to key processes within the watershed
15 that benefit salmon;

16 (d) The commitment of local community organizations to promote
17 habitat preservation and restoration; and

18 (e) Local commitment for the long-term stewardship of the habitat.

19 NEW SECTION. **Sec. 8.** GEOGRAPHIC DISTRIBUTION OF FUNDS. In
20 awarding grants over the ten-year period of the foundation, the
21 foundation shall ensure to the maximum extent practicable that each
22 water resource inventory area in the Puget Sound region receives grant
23 funding for important preservation and restoration actions.

24 NEW SECTION. **Sec. 9.** REPORTING REQUIREMENTS. (1) By July 1,
25 2000, the foundation shall establish performance measures to evaluate
26 its progress toward its goal of establishing a network of high quality
27 habitats capable of supporting healthy populations of salmon in Puget
28 Sound.

29 (2) Beginning November 1, 2000, and every two years thereafter, the
30 foundation shall submit a report to the governor's office and the
31 appropriate standing committees of the legislature summarizing the
32 foundation's:

33 (a) Progress to date based on the performance measures established
34 under subsection (1) of this section;

35 (b) Success in leveraging federal funds, state funds other than
36 those under section 6 of this act, and local, private, and in-kind
37 funds;

- 1 (c) Remaining preservation and stewardship needs; and
2 (d) Expected results for the next two years.

3 NEW SECTION. **Sec. 10.** ANNUAL CONFERENCE. The foundation shall
4 convene and host an annual conference, in consultation with the
5 independent science team, to create an ongoing forum to ensure that the
6 best available science is used to preserve high quality salmon habitats
7 in Puget Sound.

8 NEW SECTION. **Sec. 11.** EXPIRATION OF CHAPTER. This chapter
9 expires June 30, 2009.

10 NEW SECTION. **Sec. 12.** CAPTIONS NOT LAW. Captions used in this
11 act are not any part of the law.

12 NEW SECTION. **Sec. 13.** Sections 1 through 12 of this act
13 constitute a new chapter in Title 75 RCW.

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