

CERTIFICATION OF ENROLLMENT
SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL 5595

56th Legislature
1999 First Special Session

Passed by the Senate May 19, 1999
YEAS 38 NAYS 9

President of the Senate

Passed by the House May 18, 1999
YEAS 91 NAYS 5

Speaker of the
House of Representatives

Speaker of the
House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL 5595** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Secretary of State
State of Washington

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL 5595

AS AMENDED BY THE HOUSE

Passed Legislature - 1999 First Special Session

State of Washington 56th Legislature 1999 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators
Jacobsen and Fraser)

Read first time 03/05/99.

1 AN ACT Relating to salmon recovery funding; amending RCW 75.46.005,
2 75.46.010, 75.46.040, 75.46.050, 75.46.060, 75.46.070, 75.46.100,
3 75.46.080, and 76.12.110; amending 1999 c 309 s 114 (uncodified);
4 amending 1999 c 309 s 129 (uncodified); amending 1999 c 309 s 304
5 (uncodified); adding new sections to chapter 75.46 RCW; adding a new
6 section to Title 79A RCW; creating a new section; repealing RCW
7 75.46.130; making appropriations; providing an effective date;
8 providing an expiration date; and declaring an emergency.

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

10 **Sec. 1.** RCW 75.46.005 and 1998 c 246 s 1 are each amended to read
11 as follows:

12 The legislature finds that repeated attempts to improve salmonid
13 fish runs throughout the state of Washington have failed to avert
14 listings of salmon and steelhead runs as threatened or endangered under
15 the federal endangered species act (16 U.S.C. Sec. 1531 et seq.).
16 These listings threaten the sport, commercial, and tribal fishing
17 industries as well as the economic well-being and vitality of vast
18 areas of the state. It is the intent of the legislature to begin
19 activities required for the recovery of salmon stocks as soon as

1 possible, although the legislature understands that successful recovery
2 efforts may not be realized for many years because of the life cycle of
3 salmon and the complex array of natural and human-caused problems they
4 face.

5 The legislature finds that it is in the interest of the citizens of
6 the state of Washington for the state to retain primary responsibility
7 for managing the natural resources of the state, rather than abdicate
8 those responsibilities to the federal government, and that the state
9 may best accomplish this objective by integrating local and regional
10 recovery activities into a state-wide plan that can make the most
11 effective use of provisions of federal laws allowing for a state lead
12 in salmon recovery. The legislature also finds that a state-wide
13 salmon recovery plan must be developed and implemented through an
14 active public involvement process in order to ensure public
15 participation in, and support for, salmon recovery. The legislature
16 also finds that there is a substantial link between the provisions of
17 the federal endangered species act and the federal clean water act (33
18 U.S.C. Sec. 1251 et seq.). The legislature further finds that habitat
19 restoration is a vital component of salmon recovery efforts.
20 Therefore, it is the intent of the legislature to specifically address
21 salmon habitat restoration in a coordinated manner and to develop a
22 structure that allows for the coordinated delivery of federal, state,
23 and local assistance to communities for habitat projects that will
24 assist in the recovery and enhancement of salmon stocks.

25 The legislature also finds that credible scientific review and
26 oversight is essential for any salmon recovery effort to be successful.

27 The legislature further finds that it is important to monitor the
28 overall health of the salmon resource to determine if recovery efforts
29 are providing expected returns. It is important to monitor salmon
30 habitat projects and salmon recovery activities to determine their
31 effectiveness in order to secure federal acceptance of the state's
32 approach to salmon recovery. Adaptive management cannot exist without
33 monitoring. For these reasons, the legislature believes that a
34 coordinated and integrated monitoring process should be developed.

35 The legislature therefore finds that a coordinated framework for
36 responding to the salmon crisis is needed immediately. To that end,
37 the salmon recovery office should be created within the governor's
38 office to provide overall coordination of the state's response; an
39 independent science ((team)) panel is needed to provide scientific

1 review and oversight; a coordinated state funding process should be
2 established through a salmon recovery funding board; the appropriate
3 local or tribal government should provide local leadership in
4 identifying and sequencing habitat (~~(restoration)~~) projects to be
5 funded by state agencies; habitat (~~(restoration)~~) projects should be
6 implemented without delay; and a strong locally based effort to restore
7 salmon habitat should be established by providing a framework to allow
8 citizen volunteers to work effectively.

9 **Sec. 2.** RCW 75.46.010 and 1998 c 246 s 2 are each amended to read
10 as follows:

11 The definitions in this section apply throughout this chapter
12 unless the context clearly requires otherwise.

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

16 (2) "Board" means the salmon recovery funding board created in
17 section 3 of this act.

18 (3) "Critical pathways methodology" means a project scheduling and
19 management process for examining interactions between habitat projects
20 and salmonid species, prioritizing habitat projects, and assuring
21 positive benefits from habitat projects.

22 (~~((3))~~) (4) "Habitat project list" is the list of habitat projects
23 resulting from the critical pathways methodology under RCW 75.46.070(2)
24 that shall receive consideration for funding by the salmon recovery
25 funding board. Each project on the list must have a written agreement
26 from the landowner on whose land the project will be implemented, and
27 must be based on the limiting factors analysis conducted in RCW
28 75.46.070 when completed.

29 (5) "Habitat projects" or "projects" include but are not limited to
30 habitat restoration projects, habitat protection projects, habitat
31 projects that improve water quality, habitat projects that protect
32 water quality, habitat-related mitigation projects, and habitat project
33 corrective maintenance and monitoring activities. Projects that
34 include the use of side channels, off-stream rearing enhancement,
35 improvement in overwintering habitat, or use of acclimation ponds shall
36 receive consideration for funding.

37 (~~((4))~~) (6) "Habitat work schedule" means those projects from the
38 habitat project list that will be implemented during the current

1 funding cycle. The schedule shall also include a list of the entities
2 and individuals implementing projects, the start date, duration,
3 estimated date of completion, estimated cost, and funding sources for
4 the projects.

5 ~~((+5))~~ (7) "Limiting factors" means conditions that limit the
6 ability of habitat to fully sustain populations of salmon. ~~((These
7 factors are primarily fish passage barriers and degraded estuarine
8 areas, riparian corridors, stream channels, and wetlands.~~

9 ~~(+6))~~ (8) "Listed stocks" means salmon and trout stocks that are
10 listed or proposed for listing as threatened or endangered under the
11 federal endangered species act, 16 U.S.C. Sec. 1531 et seq.

12 (9) "Project sponsor" is a county, city, special district, tribal
13 government, state agency, a combination of such governments through
14 interlocal or interagency agreement ~~((s provided under chapter 39.34
15 RCW))~~, a nonprofit organization, or one or more private citizens.

16 ~~((+7))~~ (10) "Salmon" includes all species of the family Salmonidae
17 which are capable of self-sustaining, natural production except for
18 Atlantic salmon.

19 (11) "Salmon recovery activities" or "activities" includes but is
20 not limited to habitat protection or restoration activities by local
21 governments, tribes, other public entities, and private entities. The
22 activities must have as a principal purpose the protection and
23 restoration of salmonid populations. "Activities" may include:
24 Preparation of stream corridor guidelines, programmatic permitting, and
25 preparation of geographic information system protocols. "Activities"
26 do not include updates related to the growth management act.

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

32 ~~((+9))~~ (13) "Interagency team" or "team" means the interagency
33 review team created in RCW 75.46.080.

34 (14) "Tribe" or "tribes" means federally recognized Indian tribes.

35 ~~((+10))~~ (15) "WRIA" means a water resource inventory area
36 established in chapter 173-500 WAC as it existed on January 1, 1997.

37 ~~((+11))~~ (16) "Owner" means the person holding title to the land or
38 the person under contract with the owner to lease or manage the legal
39 owner's property.

1 (17) "SASSI" means the salmon and steelhead stock inventory report
2 and appendices.

3 (18) "SSHIAP" means the salmon and steelhead habitat inventory and
4 assessment project.

5 (19) "Technical review team" means the salmon recovery technical
6 review team created in section 7 of this act.

7 NEW SECTION. Sec. 3. A new section is added to chapter 75.46 RCW
8 to read as follows:

9 (1) The salmon recovery funding board is created consisting of ten
10 members.

11 (2) Five members of the board shall be voting members who are
12 appointed by the governor, subject to confirmation by the senate. One
13 of these voting members shall be a cabinet-level appointment as the
14 governor's representative to the board. Board members who represent
15 the general public shall not have a financial or regulatory interest in
16 salmon recovery. The governor shall appoint one of the general public
17 members of the board as the chair. The voting members of the board
18 shall be appointed for terms of four years, except that two members
19 initially shall be appointed for terms of two years and three members
20 shall initially be appointed for terms of three years. In making the
21 appointments, the governor shall seek a board membership that
22 collectively provide the expertise necessary to provide strong fiscal
23 oversight of salmon recovery expenditures, and that provide extensive
24 knowledge of local government processes and functions and an
25 understanding of issues relevant to salmon recovery in Washington
26 state. The governor shall appoint at least three of the voting members
27 of the board no later than ninety days after the effective date of this
28 section. Vacant positions on the board shall be filled in the same
29 manner as the original appointments. The governor may remove members
30 of the board for good cause.

31 In addition to the five voting members of the board, the following
32 five state officials shall serve as ex officio nonvoting members of the
33 board: The director of the department of fish and wildlife, the
34 executive director of the conservation commission, the secretary of
35 transportation, the director of the department of ecology, and the
36 commissioner of public lands. The state officials serving in an ex
37 officio capacity may designate a representative of their respective
38 agencies to serve on the board in their behalf. Such designations

1 shall be made in writing and in such manner as is specified by the
2 board.

3 (3) Staff support to the board shall be provided by the interagency
4 committee for outdoor recreation. For administrative purposes, the
5 board shall be located with the interagency committee for outdoor
6 recreation.

7 (4) Members of the board who do not represent state agencies shall
8 be compensated as provided by RCW 43.03.250. Members of the board
9 shall be reimbursed for travel expenses as provided by RCW 43.03.050
10 and 43.03.060.

11 NEW SECTION. **Sec. 4.** A new section is added to chapter 75.46 RCW
12 to read as follows:

13 (1) The board is responsible for making grants and loans for salmon
14 habitat projects and salmon recovery activities from the amounts
15 appropriated to the board for this purpose. To accomplish this purpose
16 the board may:

17 (a) Provide assistance to grant applicants regarding the procedures
18 and criteria for grant and loan awards;

19 (b) Make and execute all manner of contracts and agreements with
20 public and private parties as the board deems necessary, consistent
21 with the purposes of this chapter;

22 (c) Accept any gifts, grants, or loans of funds, property, or
23 financial or other aid in any form from any other source on any terms
24 that are not in conflict with this chapter;

25 (d) Adopt rules under chapter 34.05 RCW as necessary to carry out
26 the purposes of this chapter; and

27 (e) Do all acts and things necessary or convenient to carry out the
28 powers expressly granted or implied under this chapter.

29 (2) The interagency committee for outdoor recreation shall provide
30 all necessary grants and loans administration assistance to the board,
31 and shall distribute funds as provided by the board in section 5 of
32 this act.

33 NEW SECTION. **Sec. 5.** A new section is added to chapter 75.46 RCW
34 to read as follows:

35 (1) The board shall develop procedures and criteria for allocation
36 of funds for salmon habitat projects and salmon recovery activities on
37 a state-wide basis to address the highest priorities for salmon habitat

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

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

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

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

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

20 (iv) Will preserve high quality salmonid habitat.

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

23 (i) Are the most cost-effective;

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

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

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

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

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

1 activities. If the technical review team determines that a habitat
2 project list complies with the critical pathways methodology under RCW
3 75.46.070, it shall provide substantial weight to the list's project
4 priorities when making determinations among applications for funding of
5 projects within the area covered by the list.

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

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

25 NEW SECTION. **Sec. 6.** A new section is added to chapter 75.46 RCW
26 to read as follows:

27 (1) Habitat project lists shall be submitted to the salmon recovery
28 funding board for funding by January 1st and July 1st of each year
29 beginning in 2000. The board shall provide the legislature with a list
30 of the proposed projects and a list of the projects funded by October
31 1st of each year beginning in 2000 for informational purposes.

32 (2) The interagency committee for outdoor recreation shall track
33 all funds allocated for salmon habitat projects and salmon recovery
34 activities on behalf of the board, including both funds allocated by
35 the board and funds allocated by other state or federal agencies for
36 salmon recovery or water quality improvement.

37 (3) Beginning in December 2000, the board shall provide a biennial
38 report to the governor and the legislature on salmon recovery

1 expenditures. This report shall be coordinated with the state of the
2 salmon report required under RCW 75.46.030.

3 NEW SECTION. **Sec. 7.** A new section is added to chapter 75.46 RCW
4 to read as follows:

5 (1) The salmon recovery technical review team is created. The
6 technical review team is composed of no less than five members selected
7 by the director of fish and wildlife. The director shall ensure that
8 lead scientists representing state, tribal, federal, and local
9 government interests are represented on the technical review team, and
10 shall include members representing the private sector. Members of the
11 technical review team shall have an educational and professional
12 scientific background in salmonids, salmonid habitat, or related
13 fields. The members of the technical review team shall not serve any
14 fixed term. The numbers of members of the technical review team may be
15 increased or decreased depending on the need for scientific expertise,
16 but the technical review team must always consist of at least five
17 members. Administrative support for the technical review team is
18 provided by the department of fish and wildlife. Assignments and
19 direction to the technical review team shall be made by the chair of
20 the technical review team. The chair of the technical review team
21 shall be designated by the members of the team.

22 (2) The technical review team is responsible for receiving habitat
23 project lists submitted by lead entities under RCW 75.46.060, for
24 screening and ranking projects on such lists, for providing its ranking
25 of projects, within categories on a statewide basis, to the board, and
26 determining whether the critical pathways methodology under RCW
27 75.46.070 has been complied with in the development and ranking of
28 projects on the habitat project list. The technical review team shall
29 review and rank the projects submitted from across the state for
30 funding, organize pertinent information, and provide the board with its
31 findings. The technical review team shall make an active effort to
32 communicate the criteria for reviewing and ranking projects with the
33 lead entities. The technical review team shall make information
34 available to lead entities regarding deficiencies in projects that
35 result in their low ranking in the review process. The technical
36 review team may not remove a project from a habitat project list.

37 (3) The technical review team is also responsible for working in
38 conjunction with the independent science panel to develop standardized

1 monitoring indicators and data quality guidelines for habitat projects
2 and salmon recovery activities across the state, and for recommending
3 criteria for the systematic and periodic evaluation of monitoring data
4 to help ensure the effectiveness of the state's salmon recovery
5 efforts.

6 **Sec. 8.** RCW 75.46.040 and 1998 c 246 s 5 are each amended to read
7 as follows:

8 (1) The salmon recovery office is created within the office of the
9 governor to coordinate state strategy to allow for salmon recovery to
10 healthy sustainable population levels with productive commercial and
11 recreational fisheries. The primary purpose of the office is to
12 coordinate and assist in the development of salmon recovery plans for
13 evolutionarily significant units, and submit those plans to the
14 appropriate tribal governments and federal agencies (~~(in response to~~
15 ~~the federal endangered species act)~~) as an integral part of a state-
16 wide strategy developed consistent with the guiding principles and
17 procedures under section 9 of this act. The governor's salmon recovery
18 office may also:

19 (a) Act as liaison to local governments, the state congressional
20 delegation, the United States congress, federally recognized tribes,
21 and the federal executive branch agencies for issues related to the
22 state's endangered species act salmon recovery plans; and

23 (b) Provide the biennial state of the salmon report to the
24 legislature pursuant to RCW 75.46.030.

25 (2) This section expires June 30, 2006.

26 NEW SECTION. **Sec. 9.** A new section is added to chapter 75.46 RCW
27 to read as follows:

28 (1) By September 1, 1999, the governor, with the assistance of the
29 salmon recovery office, shall submit a state-wide salmon recovery
30 strategy to the appropriate federal agencies administering the federal
31 endangered species act.

32 (2) The governor and the salmon recovery office shall be guided by
33 the following considerations in developing the strategy:

34 (a) The strategy should identify state-wide initiatives and
35 responsibilities with regional and local watershed initiatives as the
36 principal mechanism for implementing the strategy;

1 (b) The strategy should emphasize collaborative, incentive-based
2 approaches;

3 (c) The strategy should address all factors limiting the recovery
4 of Washington's listed salmon stocks, including habitat and water
5 quality degradation, harvest and hatchery management, inadequate
6 streamflows, and other barriers to fish passage. Where other limiting
7 factors are beyond the state's jurisdictional authorities to respond
8 to, such as some natural predators and high seas fishing, the strategy
9 shall include the state's requests for federal action to effectively
10 address these factors;

11 (d) The strategy should identify immediate actions necessary to
12 prevent extinction of a listed salmon stock, establish performance
13 measures to determine if restoration efforts are working, recommend
14 effective monitoring and data management, and recommend to the
15 legislature clear and certain measures to be implemented if performance
16 goals are not met;

17 (e) The strategy shall rely on the best scientific information
18 available and provide for incorporation of new information as it is
19 obtained;

20 (f) The strategy should seek a fair allocation of the burdens and
21 costs upon economic and social sectors of the state whose activities
22 may contribute to limiting the recovery of salmon; and

23 (g) The strategy should seek clear measures and procedures from the
24 appropriate federal agencies for removing Washington's salmon stocks
25 from listing under the federal act.

26 (3) Beginning on September 1, 2000, the strategy shall be updated
27 through an active public involvement process, including early and
28 meaningful opportunity for public comment. In obtaining public
29 comment, the salmon recovery office shall hold public meetings
30 throughout the state and shall encourage regional and local recovery
31 planning efforts to similarly ensure an active public involvement
32 process.

33 (4) This section shall apply prospectively only and not
34 retroactively. Nothing in this section shall be construed to
35 invalidate actions taken in recovery planning at the local, regional,
36 or state level prior to the effective date of this section.

37 **Sec. 10.** RCW 75.46.050 and 1998 c 246 s 6 are each amended to read
38 as follows:

1 (1) The governor shall request the national academy of sciences,
2 the American fisheries society, or a comparable institution to screen
3 candidates to serve as members on the independent science panel. The
4 institution that conducts the screening of the candidates shall submit
5 a list of the nine most qualified candidates to the governor, the
6 speaker of the house of representatives, and the majority leader of the
7 senate. The candidates shall reflect expertise in habitat requirements
8 of salmon, protection and restoration of salmon populations, artificial
9 propagation of salmon, hydrology, or geomorphology.

10 (2) The speaker of the house of representatives and the majority
11 leader in the senate (~~shall~~) may each remove one name from the
12 nomination list. The governor shall consult with tribal
13 representatives and the governor shall appoint five scientists from the
14 remaining names on the nomination list.

15 (3) The members of the independent science panel shall serve four-
16 year terms. Vacant positions on the panel shall be filled in the same
17 manner as the original appointments. Members shall serve no more than
18 two full terms. The independent science panel members shall elect the
19 chair of the panel among themselves every two years. (~~The members of~~
20 ~~the independent science panel shall be compensated as provided in RCW~~
21 ~~43.03.250 and reimbursed for travel expenses in accordance with RCW~~
22 ~~43.03.050 and 43.03.060.~~) Based upon available funding, the governor's
23 salmon recovery office may contract for services with members of the
24 independent science panel for compensation under chapter 39.29 RCW.

25 (4) The independent science panel shall be governed by generally
26 accepted guidelines and practices governing the activities of
27 independent science boards such as the national academy of sciences.
28 The purpose of the independent science panel is to help ensure that
29 sound science is used in salmon recovery efforts. The governor's
30 salmon recovery office shall request review of salmon recovery plans by
31 the science review panel. The science (~~review~~) panel does not have
32 the authority to review individual projects or habitat project lists
33 developed under RCW 75.46.060, 75.46.070, and 75.46.080 or to make
34 policy decisions. The panel shall periodically submit its findings and
35 recommendations under this subsection to the legislature and the
36 governor.

37 (5) The independent science panel (~~shall submit its findings to~~
38 ~~the legislature and the governor~~), in conjunction with the technical
39 review team, shall recommend standardized monitoring indicators and

1 data quality guidelines for use by entities involved in habitat
2 projects and salmon recovery activities across the state.

3 (6) The independent science panel, in conjunction with the
4 technical review team, shall also recommend criteria for the systematic
5 and periodic evaluation of monitoring data in order for the state to be
6 able to answer critical questions about the effectiveness of the
7 state's salmon recovery efforts.

8 (7) The recommendations on monitoring as required in this section
9 shall be provided in a report to the governor and to the legislature by
10 the independent science panel, in conjunction with the salmon recovery
11 office, no later than December 31, 2000. The report shall also include
12 recommendations on the level of effort needed to sustain monitoring of
13 salmon projects and other recovery efforts, and any other
14 recommendations on monitoring deemed important by the independent
15 science panel and the technical review team. The report may be
16 included in the biennial state of the salmon report required under RCW
17 75.46.030.

18 **Sec. 11.** RCW 75.46.060 and 1998 c 246 s 7 are each amended to read
19 as follows:

20 (1)(a) Counties, cities, and tribal governments must jointly
21 designate, by ~~((official))~~ resolution or by letters of support, the
22 area for which a habitat ~~((restoration))~~ project list is to be
23 developed and the lead entity that is to be responsible for submitting
24 the habitat ~~((restoration))~~ project list. No project included on a
25 habitat ~~((restoration))~~ project list shall be considered mandatory in
26 nature and no private landowner may be forced or coerced into
27 participation in any respect. The lead entity may be a county, city,
28 conservation district, special district, tribal government, or other
29 entity.

30 (b) The lead entity shall establish a committee that consists of
31 representative interests of counties, cities, conservation districts,
32 tribes, environmental groups, business interests, landowners, citizens,
33 volunteer groups, regional fish enhancement groups, and other
34 ~~((restoration))~~ habitat interests. The purpose of the committee is to
35 provide a citizen-based evaluation of the projects proposed to promote
36 salmon habitat ~~((restoration))~~. The ~~((interagency))~~ technical review
37 team may provide the lead entity with organizational models that may be
38 used in establishing the committees.

1 (c) The committee shall compile a list of habitat (~~restoration~~)
2 projects, establish priorities for individual projects, define the
3 sequence for project implementation, and submit these activities as the
4 habitat (~~restoration~~) project list. The committee shall also
5 identify potential federal, state, local, and private funding sources.

6 (2) The area covered by the habitat project list must be based, at
7 a minimum, on a WRIA, combination of WRIsAs, (~~an evolutionarily~~
8 ~~significant unit,~~) or any other area as agreed to by the counties,
9 cities, and tribes in resolutions or in letters of support meeting the
10 requirements of this subsection. Preference will be given to projects
11 in an area that contain a salmon species that is listed or proposed for
12 listing under the federal endangered species act.

13 (3) The lead entity shall submit the habitat project list to the
14 technical review team in accordance with procedures adopted by the
15 board.

16 **Sec. 12.** RCW 75.46.070 and 1998 c 246 s 8 are each amended to read
17 as follows:

18 (1) Critical pathways methodology shall be used to develop a
19 habitat project list and a habitat work schedule that ensures salmon
20 (~~restoration activities~~) habitat projects will be prioritized and
21 implemented in a logical sequential manner that produces habitat
22 capable of sustaining healthy populations of salmon.

23 (2) The critical pathways methodology shall:

24 (a) Include a limiting factors analysis for salmon in streams,
25 rivers, tributaries, estuaries, and subbasins in the region. The
26 technical advisory group shall have responsibility for the limiting
27 factors analysis;

28 (b) Identify local habitat projects that sponsors are willing to
29 undertake. The projects identified must have a written agreement from
30 the landowner on which the project is to be implemented. Project
31 sponsors shall have the lead responsibility for this task;

32 (c) Identify how projects will be monitored and evaluated. The
33 project sponsor, in consultation with the technical advisory group and
34 the appropriate landowner, shall have responsibility for this task;
35 (~~and~~)

36 (d) Include a review of monitoring data, evaluate project
37 performance, and make recommendations to the committee established

1 under RCW 75.46.060 and to the technical review team. The technical
2 advisory group has responsibility for this task; and

3 (e) Describe the adaptive management strategy that will be used.
4 The committee established under RCW 75.46.060 shall have responsibility
5 for this task. If a committee has not been formed, the technical
6 advisory group shall have the responsibility for this task.

7 (3) The habitat work ~~((list))~~ schedule shall include all projects
8 developed pursuant to subsection (2) of this section ~~((as well as))~~,
9 and shall identify and coordinate with any other salmon habitat
10 ~~((restoration))~~ project implemented in the region, including habitat
11 preservation projects funded through the Washington wildlife and
12 recreation program, the conservation reserve enhancement program, and
13 other conservancy programs. The habitat work ~~((list))~~ schedule shall
14 also include the start date, duration, estimated date of completion,
15 estimated cost, and, if appropriate, the affected salmonid species of
16 each project. Each schedule shall be updated on an annual basis to
17 depict new activities.

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

20 State salmon monitoring data provided by lead entities, regional
21 fisheries enhancement groups, and others shall be included in the data
22 base of SASSI and SSHIAP. Information pertaining to habitat
23 preservation projects funded through the Washington wildlife and
24 recreation program, the conservation reserve enhancement program, and
25 other conservancy programs related to salmon habitat shall be included
26 in the SSHIAP data base.

27 **Sec. 14.** RCW 75.46.100 and 1998 c 246 s 11 are each amended to
28 read as follows:

29 The sea grant program at the University of Washington is authorized
30 to provide technical assistance to volunteer groups and other project
31 sponsors in designing and ~~((performing))~~ implementing habitat
32 ~~((restoration))~~ projects that address the limiting factors analysis
33 ~~((of regional habitat work plans))~~ required under RCW 75.46.070. The
34 cost for such assistance may be covered on a fee-for-service basis.

35 **Sec. 15.** RCW 75.46.080 and 1998 c 246 s 9 are each amended to read
36 as follows:

1 (1) Representatives from the conservation commission, the
2 department of transportation, the department of natural resources, the
3 department of ecology, and the department of fish and wildlife shall
4 establish an interagency review team. ~~((Except as provided in~~
5 ~~subsection (6) of this section,)) Habitat restoration project lists
6 shall be submitted to the interagency review team by January 1st and
7 July 1st of each year ~~((beginning in 1999))~~. The purpose of the team
8 is to assist the salmon recovery funding board in developing procedures
9 and standards for state-wide funding allocation, and to assist the
10 board in reviewing funding applications to identify the highest
11 priority projects and activities for funding.~~

12 (2) ~~((If no lead entity has been formed under RCW 75.46.060, the~~
13 ~~interagency review team shall rank, prioritize, and dispense funds for~~
14 ~~habitat restoration projects by giving preference to the projects that:~~

- 15 (a) ~~Provide a greater benefit to salmon recovery;~~
- 16 (b) ~~Will be implemented in a more critical area;~~
- 17 (c) ~~Are the most cost-effective;~~
- 18 (d) ~~Have the greatest matched, or in-kind funding; and~~
- 19 (e) ~~Will be implemented by a sponsor with a successful record of~~
20 ~~project implementation.~~

21 (3)) If a lead entity established under RCW 75.46.060 has been
22 formed, the interagency review team shall evaluate habitat project
23 lists ((and may remove, but not add, projects from a habitat project
24 list.

25 (4) ~~The interagency review team shall provide a summary of funding~~
26 ~~for habitat restoration project lists to the governor and to the~~
27 ~~legislature by December 1st of each year)) developed pursuant to RCW
28 75.46.060 and submitted to the board for consideration for funding.
29 The team shall advise the board on whether the list for the area
30 complies with the list development procedures and critical path
31 methodology provided by RCW 75.46.060 and 75.46.070. When the board
32 determines the list to comply with those requirements it shall accord
33 substantial weight to the list's project priorities when making
34 determinations among applications for funding of projects and
35 activities within the area covered by the list. Projects that include
36 use of side channels, off-stream rearing enhancement, improvement in
37 overwintering habitat, or use of acclimation ponds shall receive
38 consideration for funding.~~

1 ~~((5))~~ (3) The ~~((interagency review team))~~ board may annually
2 establish a maximum amount of funding available for any individual
3 project, subject to available funding. ~~((The interagency review team
4 shall attempt to assure a geographical balance in assigning priorities
5 to projects.~~

6 ~~(6) For fiscal year 1998, the department of fish and wildlife, the
7 conservation commission, and the department of transportation may
8 authorize, subject to appropriations, expenditures for projects that
9 have been developed to restore salmon habitat before completion of the
10 project lists required in RCW 75.46.060(2).~~

11 ~~(7))~~ (4) Where a lead entity has been established pursuant to RCW
12 75.46.060, the ~~((interagency review team))~~ board may provide ~~((block))~~
13 grants to the lead entity to assist in carrying out lead entity
14 functions under this chapter, subject to available funding.

15 (5) The interagency review team shall review, rank, and approve
16 projects submitted for funding until January 1, 2000.

17 (6) This section expires July 1, 2000.

18 NEW SECTION. Sec. 16. A new section is added to chapter 75.46 RCW
19 to read as follows:

20 The salmon recovery account is created in the state treasury. To
21 the account shall be deposited such funds as the legislature directs or
22 appropriates to the account. Moneys in the account may be spent only
23 after appropriation. Expenditures from the account may be used for
24 salmon recovery.

25 NEW SECTION. Sec. 17. A new section is added to Title 79A RCW to
26 read as follows:

27 The interagency committee for outdoor recreation shall provide
28 necessary grants and loan administration support to the salmon recovery
29 funding board as provided in section 4 of this act. The committee
30 shall also be responsible for tracking salmon recovery expenditures
31 under section 6 of this act. The committee shall provide all necessary
32 administrative support to the board, and the board shall be located
33 with the committee. The committee shall coordinate its activities
34 under this section with the salmon recovery technical review team
35 created in section 7 of this act and provide necessary information to
36 the salmon recovery office.

1 **Sec. 18.** RCW 76.12.110 and 1998 c 347 s 55 are each amended to
2 read as follows:

3 There is created a forest development account in the state
4 treasury. The state treasurer shall keep an account of all sums
5 deposited therein and expended or withdrawn therefrom. Any sums placed
6 in the account shall be pledged for the purpose of paying interest and
7 principal on the bonds issued by the department, and for the purchase
8 of land for growing timber. Any bonds issued shall constitute a first
9 and prior claim and lien against the account for the payment of
10 principal and interest. No sums for the above purposes shall be
11 withdrawn or paid out of the account except upon approval of the
12 department.

13 Appropriations may be made by the legislature from the forest
14 development account to the department for the purpose of carrying on
15 the activities of the department on state forest lands, lands managed
16 on a sustained yield basis as provided for in RCW 79.68.040, and for
17 reimbursement of expenditures that have been made or may be made from
18 the resource management cost account in the management of state forest
19 lands. ~~((For the 1997-99 fiscal biennium, moneys from the account
20 shall be distributed as directed in the omnibus appropriations act to
21 the beneficiaries of the revenues derived from state forest lands.
22 Funds that accrue to the state from such a distribution shall be
23 deposited into the salmon recovery account, hereby created in the state
24 treasury. Funds appropriated from the salmon recovery account shall be
25 used for efforts to restore endangered anadromous fish stocks.))~~

26 **Sec. 19.** 1999 c 309 s 114 (uncodified) is amended to read as
27 follows:

28 **FOR THE OFFICE OF THE GOVERNOR**

29	General Fund--State Appropriation (FY 2000) . . . \$	((5,762,000))
30		<u>5,700,000</u>
31	General Fund--State Appropriation (FY 2001) . . . \$	((5,720,000))
32		<u>5,657,000</u>
33	General Fund--Federal Appropriation \$	674,000
34	Water Quality Account--State Appropriation . . . \$	700,000
35	TOTAL APPROPRIATION \$	((12,856,000))
36		<u>12,731,000</u>

37 The appropriations in this section are subject to the following
38 conditions and limitations:

1 (1) \$1,612,000 of the general fund--state appropriation for fiscal
 2 year 2000, \$1,588,000 of the general fund--state appropriation for
 3 fiscal year 2001, \$700,000 of the water quality account appropriation,
 4 and \$209,000 of the general fund--federal appropriation are provided
 5 solely for the implementation of the Puget Sound work plan and agency
 6 action items PSAT-01 through PSAT-05.

7 (2) \$465,000 of the general fund--federal appropriation and
 8 \$200,000 of the general fund--state appropriation are provided solely
 9 for the salmon recovery office to meet its responsibilities for the
 10 state-wide salmon recovery strategy. Of this amount: (a) \$200,000 of
 11 the general fund--state appropriation is provided for the operation of
 12 the independent science panel; and (b) \$465,000 of the general fund--
 13 federal appropriation is provided for the salmon recovery office staff
 14 to support local salmon recovery planning efforts. \$232,500 of the
 15 general fund--federal appropriation in this subsection may be expended
 16 in each fiscal year of the biennium only if the state receives greater
 17 than \$25,000,000 from the federal government for salmon recovery
 18 activities in that fiscal year. Funds authorized for expenditure in
 19 fiscal year 2000 may be expended in fiscal year 2001.

20 ~~((3) \$62,000 of the fiscal year 2000 general fund state~~
 21 ~~appropriation and \$63,000 of the fiscal year 2001 general fund state~~
 22 ~~appropriation are provided solely to implement Second Substitute Senate~~
 23 ~~Bill No. 5595 or Engrossed Substitute House Bill No. 2079, establishing~~
 24 ~~the salmon recovery funding board in the office of the governor. If~~
 25 ~~legislation establishing the board is not enacted by June 30, 1999, the~~
 26 ~~amounts provided in this subsection shall lapse.))~~

27 **Sec. 20.** 1999 c 309 s 129 (uncodified) is amended to read as
 28 follows:

29 **FOR THE OFFICE OF FINANCIAL MANAGEMENT**

30	General Fund--State Appropriation (FY 2000) . . . \$	((12,791,000))
31		<u>12,716,000</u>
32	General Fund--State Appropriation (FY 2001) . . . \$	((11,855,000))
33		<u>11,780,000</u>
34	General Fund--Federal Appropriation \$	23,340,000
35	General Fund--Private/Local Appropriation \$	500,000
36	TOTAL APPROPRIATION \$	((48,486,000))
37		<u>48,336,000</u>

1 The appropriations in this section are subject to the following
2 conditions and limitations:

3 (1) \$50,000 of the general fund--state appropriation for fiscal
4 year 2000 is provided solely to evaluate and promote the use by state
5 and local agencies of the training facilities at the Hanford
6 reservation.

7 (2) Funding in this section provides for a feasibility study to
8 collect Washington enrollment data on distance learning programs
9 sponsored by in-state and out-of-state private institutions in
10 cooperation with the higher education coordinating board and the state
11 board for community and technical colleges. Findings shall be
12 submitted to the appropriate committees of the legislature by January
13 2000.

14 (~~(3) (\$75,000 of the fiscal year 2000 general fund state~~
15 ~~appropriation and \$75,000 of the fiscal year 2001 general fund state~~
16 ~~appropriation are provided solely to track and administer state and~~
17 ~~federal funding for salmon recovery allocated by the salmon recovery~~
18 ~~funding board established under Second Substitute Senate Bill No. 5595~~
19 ~~or Engrossed Substitute House Bill No. 2079.~~

20 (+4)) The office of financial management, in collaboration with the
21 institutions of higher education, the higher education coordinating
22 board, and the state board for community and technical colleges, shall
23 modify state information systems in order to provide consistent data on
24 students engaged in distance learning. Higher education institutions
25 shall provide enrollment information in support of this effort.
26 Reporting on the numbers and categories of students enrolled in
27 distance learning by class level and institutions shall begin by fall
28 term, 2000. Washington independent institutions of higher education
29 are encouraged to participate in this process and to provide distance
30 learner enrollment data.

31 ((+5)) (4) \$1,000,000 of the general fund--state appropriation and
32 \$500,000 of the general fund--private/local appropriation are provided
33 solely for the commission on early learning. One-half of the amount
34 provided from the general fund--state shall not be expended unless
35 matched by an equal amount from private sources.

36 **Sec. 21.** 1999 c 309 s 304 (uncodified) is amended to read as
37 follows:

38 **FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

1	<u>General Fund--State Appropriation (FY 2000)</u>	\$	<u>137,000</u>
2	<u>General Fund--State Appropriation (FY 2001)</u>	\$	<u>138,000</u>
3	Firearms Range Account--State Appropriation	\$	34,000
4	Recreation Resources Account--State Appropriation . .	\$	2,370,000
5	Recreation Resources Account--Federal Appropriation .	\$	11,000
6	NOVA Program Account--State Appropriation	\$	604,000
7	TOTAL APPROPRIATION	\$	((3,019,000))
8			<u>3,294,000</u>

9 The appropriations in this section are subject to the following
10 condition and limitation: \$137,000 of the fiscal year 2000 general
11 fund--state appropriation and \$138,000 of the fiscal year 2001 general
12 fund--state appropriation are provided solely to implement Second
13 Substitute Senate Bill No. 5595 or Engrossed Substitute House Bill No.
14 2079 (salmon recovery). If legislation establishing the board is not
15 enacted by June 30, 1999, the amounts provided in this subsection shall
16 lapse.

17 NEW SECTION. **Sec. 22. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR**
18 **RECREATION**

19 Salmon Recovery Grants Program (00-2-001)

20 The appropriations in this section are subject to the following
21 conditions and limitations:

22 (1) The entire \$119,928,000 appropriation is provided solely to the
23 salmon recovery funding board to provide grants to local governments,
24 state agencies, tribes, conservation districts, private landowners, and
25 nonprofit entities for salmon recovery activities pursuant to chapter
26 . . . (House Bill No. 2079), Laws of 1999 sp. sess. or chapter . . .
27 (Senate Bill No. 5595), Laws of 1999 sp. sess. If neither chapter
28 . . . (House Bill No. 2079), Laws of 1999 sp. sess. nor chapter . . .
29 (Senate Bill No. 5595), Laws of 1999 are enacted by June 30, 1999, the
30 amount provided in this section shall lapse.

31 (2) Up to \$19,650,000 of the general fund--federal appropriation is
32 provided for grants to local governments for salmon recovery in
33 accordance with a grant from the department of interior, United States
34 fish and wildlife service received in December 1998.

35 (3) \$6,200,000 of the state building construction account,
36 \$14,380,000 of the salmon recovery account, and \$55,238,000 of the

1 general fund--federal appropriation shall be distributed by the salmon
2 recovery funding board within the following categories:

3 (a) A minimum of twenty-four percent shall be provided for fish
4 passage barrier correction and fish screens to protect fish;

5 (b) A minimum of thirty-eight percent shall be provided for habitat
6 projects;

7 (c) A minimum of thirty-eight percent shall be provided to purchase
8 riparian easements to restore and to protect environmentally sensitive
9 land in riparian areas to protect water quality and improve salmon and
10 steelhead habitat. The salmon recovery funding board shall adopt rules
11 for the implementation of this subsection consistent with the
12 requirements of the conservation reserve enhancement program, except
13 the eligibility is not limited to agricultural lands and contracts may
14 exceed fifteen years in duration. It is the intent of the legislature
15 that this appropriation will be used primarily for landowners that do
16 not qualify for the federal conservation reserve enhancement program.
17 The appropriation in this subsection shall not be used for fee simple
18 land acquisition.

19 (4) \$9,930,000 of the salmon recovery account appropriation is
20 provided solely for planning and engineering activities. The
21 appropriation in this subsection shall be distributed as follows:

22 (a) \$2,100,000 shall be available for grants to cities and counties
23 for the protection of critical areas using nonregulatory programs;

24 (b) \$500,000 for the southwest Washington salmon recovery region;

25 (c) \$1,500,000 for the people for salmon nonprofit organization;

26 (d) \$830,000 for conservation district activities to implement the
27 Puget Sound plan;

28 (e) \$1,000,000 for monitoring salmon restoration projects and
29 activities;

30 (f) \$400,000 for technical assistance to landowners to implement
31 the natural resources conservation service field office technical guide
32 standards;

33 (g) \$800,000 for the development of stream corridor guidelines for
34 salmon recovery and habitat restoration;

35 (h) \$1,100,000 for contracted engineering services for habitat
36 projects; and

37 (i) \$1,700,000 for salmonid screening, habitat enhancement, and
38 restoration program.

1 (5) \$6,530,000 of the salmon recovery account and up to \$8,000,000
2 the general fund--federal appropriation is provided for salmon recovery
3 efforts. The appropriation in this subsection shall be distributed as
4 follows:

5 (a) \$50,000 of the salmon recovery account is for developing
6 selective harvesting techniques and equipment;

7 (b) \$150,000 of the salmon recovery account is for developing and
8 implementing methods for reducing the by-catch of salmon and other
9 endangered or threatened species;

10 (c) \$6,330,000 of the salmon recovery account is for the jobs for
11 the environment program; and

12 (d) Up to \$8,000,000 of the general fund--federal appropriation is
13 for commercial license buy-back.

14 (i) If federal grants for salmon recovery efforts are equal to or
15 less than \$50,000,000 during the 1999-01 fiscal biennium, then
16 \$4,000,000 may be expended for the purpose of this subsection.

17 (ii) If federal grants for salmon recovery efforts are more than
18 \$50,000,000 during the 1999-01 fiscal biennium, then up to \$8,000,000
19 may be expended for the purposes of this subsection.

20 (iii) The amount in this subsection is provided solely to buy back
21 commercial licenses for Washington-based commercial salmon fishers who
22 fish in Washington or Alaska and who directly target or incidentally
23 catch a threatened or endangered salmon species. Any expenditure from
24 the amount in this subsection used in connection with a license buy-
25 back program in another state must be matched by an equal amount of
26 non-Washington state sources. Washington-based Alaska trollers'
27 licenses may be bought back only if the state or states buying the
28 license affirms that at least seventy-five percent of the seller's
29 historic catch is allowed to pass through Alaskan waters. The amount
30 in this subsection may also be used as grants for programs that combine
31 license buy-back with programs that facilitate the funding of a
32 conversion to selective fishing methods.

33 (6) A final list of projects funded with appropriations from this
34 section shall be submitted to the office of financial management and
35 the legislature by June 30th of each year.

36 Appropriation:

37	General Fund--Federal	\$	82,888,000
38	State Building Construction Account--		
39	State	\$	6,200,000

1	Salmon Recovery Account	\$	30,840,000
2			-----
3	Subtotal Appropriation	\$	119,928,000
4	Prior Biennia (Expenditures)	\$	0
5	Future Biennia (Projected Costs)	\$	0
6			-----
7	TOTAL	\$	119,928,000

8 NEW SECTION. **Sec. 23.** RCW 75.46.130 (Appropriated funds) and 1998
9 c 246 s 17 are each repealed.

10 NEW SECTION. **Sec. 24.** If any provision of this act or its
11 application to any person or circumstance is held invalid, the
12 remainder of the act or the application of the provision to other
13 persons or circumstances is not affected.

14 NEW SECTION. **Sec. 25.** This act is necessary for the immediate
15 preservation of the public peace, health, or safety, or support of the
16 state government and its existing public institutions, and takes effect
17 July 1, 1999.

--- END ---