
SENATE BILL 6134

State of Washington

58th Legislature

2004 Regular Session

By Senators Honeyford, Morton and Mulliken

Read first time 01/12/2004. Referred to Committee on Natural Resources, Energy & Water.

1 AN ACT Relating to ensuring habitat benefits of land acquisitions;
2 amending RCW 77.12.037; and reenacting and amending RCW 77.85.130.

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

4 **Sec. 1.** RCW 77.12.037 and 2000 c 107 s 4 are each amended to read
5 as follows:

6 (1) The commission may acquire by gift, easement, purchase, lease,
7 or condemnation lands, buildings, water rights, rights of way, or other
8 necessary property, and construct and maintain necessary facilities for
9 purposes consistent with this title. The commission may authorize the
10 director to acquire property under this section, but the power of
11 condemnation may only be exercised by the director when an
12 appropriation has been made by the legislature for the acquisition of
13 a specific property, except to clear title and acquire access rights of
14 way.

15 (2) For any acquisition of property for the purpose of habitat
16 enhancement or preservation, the commission must make publicly
17 available the following information:

18 (a) The purpose of site acquisition, including a list of species
19 targeted to benefit from the acquisition;

1 (b) A site habitat assessment that includes existing habitat types
2 and species presence;

3 (c) An evaluation of the habitat value of the site in relation to
4 other habitat within the watershed;

5 (d) The anticipated benefits to target species of site habitat
6 preservation or enhancement; and

7 (e) The proposed public use of the property after acquisition.

8 (3) The commission may sell, lease, convey, or grant concessions
9 upon real or personal property under the control of the department.

10 **Sec. 2.** RCW 77.85.130 and 2000 c 107 s 102 and 2000 c 15 s 1 are
11 each reenacted and amended to read as follows:

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

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

27 (i) Are based upon the limiting factors analysis identified under
28 RCW 77.85.060;

29 (ii) Provide a greater benefit to salmon recovery based upon the
30 stock status information contained in the department of fish and
31 wildlife salmonid stock inventory (SASSI), the salmon and steelhead
32 habitat inventory and assessment project (SSHIAP), and any comparable
33 science-based assessment when available;

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

35 (iv) Will preserve high quality salmonid habitat.

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

1 (i) Are the most cost-effective;
2 (ii) Have the greatest matched or in-kind funding; and
3 (iii) Will be implemented by a sponsor with a successful record of
4 project implementation.

5 (3) The board must evaluate the following information for any
6 proposed project that includes land acquisition:

7 (a) The purpose of site acquisition, including a list of salmon
8 species targeted to benefit from the acquisition;

9 (b) A site habitat assessment that includes existing habitat types
10 and salmon presence;

11 (c) An evaluation of the habitat value of the site in relation to
12 other habitat within the watershed;

13 (d) The anticipated benefits to target species of site habitat
14 preservation or enhancement; and

15 (e) The proposed public use of the property after acquisition.

16 (4) The board may reject, but not add, projects from a habitat
17 project list submitted by a lead entity for funding.

18 ((+4)) (5) For fiscal year 2000, the board may authorize the
19 interagency review team to evaluate, rank, and make funding decisions
20 for categories of projects or activities or from funding sources
21 provided for categories of projects or activities. In delegating such
22 authority the board shall consider the review team's staff resources,
23 procedures, and technical capacity to meet the purposes and objectives
24 of this chapter. The board shall maintain general oversight of the
25 team's exercise of such authority.

26 ((+5)) (6) The board shall seek the guidance of the technical
27 review team to ensure that scientific principles and information are
28 incorporated into the allocation standards and into proposed projects
29 and activities. If the technical review team determines that a habitat
30 project list complies with the critical pathways methodology under RCW
31 77.85.060, it shall provide substantial weight to the list's project
32 priorities when making determinations among applications for funding of
33 projects within the area covered by the list.

34 ((+6)) (7) The board shall establish criteria for determining when
35 block grants may be made to a lead entity or other recognized regional
36 recovery entity consistent with one or more habitat project lists
37 developed for that region. Where a lead entity has been established
38 pursuant to RCW 77.85.050, the board may provide grants to the lead

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

5 ~~((+7))~~ (8) The board may waive or modify portions of the
6 allocation procedures and standards adopted under this section in the
7 award of grants or loans to conform to legislative appropriations
8 directing an alternative award procedure or when the funds to be
9 awarded are from federal or other sources requiring other allocation
10 procedures or standards as a condition of the board's receipt of the
11 funds. The board shall develop an integrated process to manage the
12 allocation of funding from federal and state sources to minimize delays
13 in the award of funding while recognizing the differences in state and
14 legislative appropriation timing.

15 ~~((+8))~~ (9) The board may award a grant or loan for a salmon
16 recovery project on private or public land when the landowner has a
17 legal obligation under local, state, or federal law to perform the
18 project, when expedited action provides a clear benefit to salmon
19 recovery, and there will be harm to salmon recovery if the project is
20 delayed. For purposes of this subsection, a legal obligation does not
21 include a project required solely as a mitigation or a condition of
22 permitting.

23 ~~((+9))~~ (10) The board may condition a grant or loan to include the
24 requirement that property may only be transferred to a federal agency
25 if the agency that will acquire the property agrees to comply with all
26 terms of the grant or loan to which the project sponsor was obligated.
27 Property acquired or improved by a project sponsor may be conveyed to
28 a federal agency, but only if the agency agrees to comply with all
29 terms of the grant or loan to which the project sponsor was obligated.

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