

SSB 5914 - H COMM AMD

By Committee on Natural Resources, Ecology & Parks

ADOPTED 04/07/2005

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 77.85.130 and 2000 c 107 s 102 and 2000 c 15 s 1 are
4 each reenacted and amended to read as follows:

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

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

20 (i) Are based upon the limiting factors analysis identified under
21 RCW 77.85.060;

22 (ii) Provide a greater benefit to salmon recovery based upon the
23 stock status information contained in the department of fish and
24 wildlife salmonid stock inventory (SASSI), the salmon and steelhead
25 habitat inventory and assessment project (SSHIAP), and any comparable
26 science-based assessment when available;

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

28 (iv) Will preserve high quality salmonid habitat.

29 (b) In evaluating, ranking, and awarding funds for projects and
30 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 may reject, but not add, projects from a habitat
6 project list submitted by a lead entity for funding.

7 (4) For fiscal year 2000, the board may authorize the interagency
8 review team to evaluate, rank, and make funding decisions for
9 categories of projects or activities or from funding sources provided
10 for categories of projects or activities. In delegating such authority
11 the board shall consider the review team's staff resources, procedures,
12 and technical capacity to meet the purposes and objectives of this
13 chapter. The board shall maintain general oversight of the team's
14 exercise of such authority.

15 (5) The board shall seek the guidance of the technical review team
16 to ensure that scientific principles and information are incorporated
17 into the allocation standards and into proposed projects and
18 activities. If the technical review team determines that a habitat
19 project list complies with the critical pathways methodology under RCW
20 77.85.060, it shall provide substantial weight to the list's project
21 priorities when making determinations among applications for funding of
22 projects within the area covered by the list.

23 (6) The board shall establish criteria for determining when block
24 grants may be made to a lead entity or other recognized regional
25 recovery entity consistent with one or more habitat project lists
26 developed for that region. Where a lead entity has been established
27 pursuant to RCW 77.85.050, the board may provide grants to the lead
28 entity to assist in carrying out lead entity functions under this
29 chapter, subject to available funding. The board shall determine an
30 equitable minimum amount of funds for each region, and shall distribute
31 the remainder of funds on a competitive basis.

32 (7) The board may waive or modify portions of the allocation
33 procedures and standards adopted under this section in the award of
34 grants or loans to conform to legislative appropriations directing an
35 alternative award procedure or when the funds to be awarded are from
36 federal or other sources requiring other allocation procedures or
37 standards as a condition of the board's receipt of the funds. The
38 board shall develop an integrated process to manage the allocation of

1 funding from federal and state sources to minimize delays in the award
2 of funding while recognizing the differences in state and legislative
3 appropriation timing.

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

11 ~~(9) ((The board may condition a grant or loan to include the~~
12 ~~requirement that property may only be transferred to a federal agency~~
13 ~~if the agency that will acquire the property agrees to comply with all~~
14 ~~terms of the grant or loan to which the project sponsor was~~
15 ~~obligated.))~~ Property acquired or improved by a project sponsor may be
16 conveyed to a federal agency(~~, but only~~) if: (a) The agency agrees
17 to comply with all terms of the grant or loan to which the project
18 sponsor was obligated; or (b) the board approves: (i) Changes in the
19 terms of the grant or loan, and the revision or removal of binding deed
20 of right instruments; and (ii) a memorandum of understanding or similar
21 document ensuring that the facility or property will retain, to the
22 extent feasible, adequate habitat protections; and (c) the appropriate
23 legislative authority of the county or city with jurisdiction over the
24 project area approves the transfer and provides notification to the
25 board. "

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