

# HOUSE BILL REPORT

## HB 2480

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**As Reported by House Committee On:**  
Agriculture & Natural Resources

**Title:** An act relating to state natural resource-related agencies providing financial assistance to agencies of the federal government.

**Brief Description:** Concerning state natural resource-related agencies providing financial assistance to agencies of the federal government.

**Sponsors:** Representatives Blake, Buys and Scott.

**Brief History:**

**Committee Activity:**

Agriculture & Natural Resources: 1/26/16, 2/2/16 [DPS].

**Brief Summary of Substitute Bill**

- Requires federal government agencies awarded grants or loans by Washington natural resource agencies, excluding grants or loans funded with federal pass-through monies, to submit a written agreement to abide by all state and local permitting requirements that would apply if the recipient was a private, nongovernmental entity.
- Specifies that grants or loans may not be finalized until the grant recipient has complied with all applicable permitting terms and conditions.
- Specifies that Indian tribes are not subject to the requirement to provide a written agreement to abide by state and local permitting requirements as a condition of receiving state natural resource grant funds.

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### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler, Hurst, Kretz, Lytton, Orcutt, Pettigrew, Schmick and Van De Wege.

**Staff:** Rebecca Lewis (786-7339).

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Background:**

Several natural resource agencies in the state administer natural resource-related, environmentally based grant and loan programs to fund a variety of projects in the state. Examples of these programs include: (1) Washington Wildlife and Recreation Program grants, and other habitat and land conservation grants through the Recreation and Conservation Funding Board within the Recreation and Conservation Office (RCO); (2) the Public Works Trust Fund program through the Public Works Board in the Department of Commerce; and (3) programs related to the protection or recovery of fish stocks administered by the Department of Fish and Wildlife. For each grant or loan there are a variety of eligible projects which can include: habitat, estuary, or riparian restoration; trail or road maintenance; fishing floats, piers, or platforms, boat launches, or other water access projects; and interpretive kiosks and signs.

The Office of Financial Management assists natural resource agencies in developing outcome-focused performance measures (performance measures) to administer the grant and loan programs. Both the OFM and the RCO help natural resource agencies develop recommendations for a program to evaluate the performance measures. The recommendations must be consistent with the framework and coordinated monitoring strategy for salmon recovery outlined by the former Monitoring Oversight Committee (MOC). The statute creating the MOC and directing the MOC to develop a framework and coordinated monitoring strategy for salmon recovery was repealed in 2005.

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**Summary of Substitute Bill:**

Before awarding a grant or loan to an agency of the federal government, the awarding agency must require a written agreement from the grant recipient to voluntarily comply with the same state and local permitting requirements for all aspects of the activity or project as would apply if the recipient was a private, nongovernmental entity. A written agreement to abide by all state and local permitting requirements is also required if the funded activity or project is to occur on private, nongovernmental land. A written agreement is not required if the grant or loan is funded with federal pass-through monies. Grant or loan awards may not be finalized until the recipient has complied with all applicable permitting terms and conditions. Indian tribes are not required to submit such written agreements.

The requirement for the performance measure evaluation recommendations to be consistent with the MOC framework and coordinated monitoring strategy is removed.

A reference to "the Department of Community, Trade, and Economic Development," which was renamed in 2009, is updated to "the Department of Commerce."

**Substitute Bill Compared to Original Bill:**

The substitute bill specifies that the condition to provide written agreements to abide by state and local permitting requirements does not apply to the awarding of grants funded with federal pass-through monies. Additionally, Indian tribes are not required to submit written

agreements to abide by state and local permitting requirements in order to receive state natural resource grants.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) In general, federal agencies can impose permitting requirements on the state, other entities, and private citizens, but are not necessarily bound by similar state and local permitting requirements as other entities. There was a project on federal land funded in part with money appropriated by the state, but the federal agency conducting the project did not abide by state permitting requirements.

(Opposed) There are concerns that the bill may result in unintended consequences. Tribes and federal agencies may have to comply with state and local permitting requirements to use state funds to do projects on federal lands and reservations. It is unclear if this bill would apply to state grants funded in part with federal pass-through money.

**Persons Testifying:** (In support) Representative Blake, prime sponsor.

(Opposed) Dawn Vyvyan, Yakama Nation.

**Persons Signed In To Testify But Not Testifying:** None