
HOUSE BILL 2902

State of Washington

65th Legislature

2018 Regular Session

By Representatives Wilcox, Blake, Chandler, Barkis, Griffey, DeBolt, Tharinger, Walsh, Chapman, Orcutt, and Stokesbary

Read first time 01/22/18. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to ensuring that Washington aggressively acts to
2 open fish habitat by removing barriers under all forms of ownership;
3 amending RCW 77.95.160 and 43.88.090; adding a new section to chapter
4 77.95 RCW; creating a new section; and making an appropriation.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that the deep
7 estuaries and connected rivers of the Salish Sea and the Columbia
8 river systems once teemed with salmon and other species that provided
9 the subsistence and foundations for rich human cultures to flourish
10 since time immemorial. As the population of the area grew, and
11 development moved forward, decisions were made that, in retrospect,
12 seem short-sighted. The very rivers and streams that once provided
13 the vital habitat to Washington's native aquatic species were slowly,
14 one by one, blocked to fish passage.

15 (2) The legislature also finds that, in the last decade,
16 Washington has begun a long-overdue process of identifying and
17 removing these barriers to fish passage that block access to habitat
18 and threaten the vitality of our salmon runs. Some of these
19 investments have made an immediate impact by opening new river miles
20 long blocked to salmonids, whose ancient memories allowed them to
21 reestablish long-lost spawning grounds. Other efforts, such as the

1 over three hundred million dollars invested by forest landowners to
2 remove over six thousand barriers, remain, in many instances,
3 unrealized salmon recovery potential as legacy downstream blockages
4 throughout the watersheds continue to block the fish's transit
5 through these waiting stream segments.

6 (3) The legislature also finds that it should be a priority of
7 the state to avoid undoing, within a few generations, a state of
8 sustainable balance between humans and the natural environment that
9 has provided more than sufficient bounty for hundreds of generations
10 to thrive here.

11 (4) Therefore, it is the intent of the legislature to redouble
12 its commitment to removing barriers to fish passage under the
13 management of all forms of ownership that are the state's
14 responsibility to remedy: Those of local governments, those enrolled
15 in the family forest fish passage program, and those owned by the
16 state itself. In doing so, it is the intent of the legislature to
17 commit no less than fifty million dollars of general fund support per
18 year, and at least ten percent of any revenues to the general fund
19 accruing in amounts exceeding 2017 revenues, towards the funding of
20 fish passage barrier removal projects annually. These commitments are
21 in addition to any moneys obligated to fish passage barrier removal
22 projects from other sources of funding.

23 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.95
24 RCW to read as follows:

25 (1) The fish passage barrier removal board created pursuant to
26 RCW 77.95.160 must, using the funds appropriated consistent with
27 section 4 of this act and similar amounts on an ongoing basis each
28 year thereafter, provide funding for fish barrier removal projects.
29 Priority must be given to transportation projects consistent with RCW
30 77.95.180, with other state projects, local projects, and projects
31 included in the family forest fish passage program created pursuant
32 to RCW 76.13.150, also eligible for funding consistent with the
33 prioritization recommendations of the fish passage barrier removal
34 board.

35 (2) For investments in the Puget Sound watersheds, the fish
36 passage barrier removal board should coordinate with the Puget Sound
37 partnership to capture the priorities embodied in their action agenda
38 and set forth by any relevant citizen salmon recovery advisory bodies

1 formed for purposes of the recovery of federally listed endangered
2 species.

3 (3) By December 1st of each year, the fish passage barrier
4 removal board must document in a report to the appropriate committees
5 of the legislature its progress towards the goal of more quickly,
6 efficiently, and expansively opening fish habitat than has been
7 achieved through the inadequately funded efforts occurring prior to
8 the effective date of this section.

9 **Sec. 3.** RCW 77.95.160 and 2014 c 120 s 4 are each amended to
10 read as follows:

11 (1) The department shall maintain a fish passage barrier removal
12 board. The board must be composed of a representative from the
13 department, the department of transportation, cities, counties, the
14 governor's salmon recovery office, tribal governments, and the
15 department of natural resources. The representative of the department
16 must serve as chair of the board and may expand the membership of the
17 board to representatives of other governments, stakeholders, and
18 interested entities.

19 (2)(a) The duty of the board is to identify ~~((and))~~, expedite,
20 and fund, consistent with section 2 of this act, the removal of
21 human-made or caused impediments to anadromous fish passage in the
22 most efficient manner practical through the development of a
23 coordinated approach and schedule that identifies and prioritizes the
24 projects necessary to eliminate fish passage barriers caused by state
25 and local roads and highways and barriers owned by private parties.

26 (b) The coordinated approach must address fish passage barrier
27 removals in all areas of the state in a manner that is consistent
28 with a recognition that scheduling and prioritization is necessary.

29 (c) The board must coordinate and mutually share information,
30 when appropriate, with:

31 (i) Other fish passage correction programs, including local
32 salmon recovery plan implementation efforts through the governor's
33 salmon recovery office;

34 (ii) The applicable conservation districts when developing
35 schedules and priorities within set geographic areas or counties; and

36 (iii) The recreation and conservation office to ensure that
37 barrier removal methodologies are consistent with, and maximizing the
38 value of, other salmon recovery efforts and habitat improvements that
39 are not primarily based on the removal of barriers.

1 (d) Recommendations must include proposed funding mechanisms and
2 other necessary mechanisms and methodologies to coordinate state,
3 tribal, local, and volunteer barrier removal efforts within each
4 water resource inventory area and satisfy the principles of RCW
5 77.95.180. To the degree practicable, the board must utilize the
6 database created in RCW 77.95.170 and information on fish barriers
7 developed by conservation districts to guide methodology development.
8 The board may consider recommendations by interested entities from
9 the private sector and regional fisheries enhancement groups.

10 (e) When developing a prioritization methodology under this
11 section, the board shall consider:

12 (i) Projects benefiting depressed, threatened, and endangered
13 stocks;

14 (ii) Projects providing access to available and high quality
15 spawning and rearing habitat;

16 (iii) Correcting the lowest barriers within the stream first;

17 (iv) Whether an existing culvert is a full or partial barrier;

18 (v) Projects that are coordinated with other adjacent barrier
19 removal projects; and

20 (vi) Projects that address replacement of infrastructure
21 associated with flooding, erosion, or other environmental damage. (f)
22 The board may not make decisions on fish passage standards or
23 categorize as impassible culverts or other infrastructure
24 developments that have been deemed passable by the department.

25 NEW SECTION. **Sec. 4.** The sum of fifty million dollars, or as
26 much thereof as may be necessary, is appropriated for the fiscal year
27 ending June 30, 2019, from the state general fund to the department
28 of fish and wildlife for fish passage barrier removal projects
29 consistent with section 2 of this act.

30 **Sec. 5.** RCW 43.88.090 and 2015 3rd sp.s. c 1 s 409 are each
31 amended to read as follows:

32 (1)(a)(i) For purposes of developing budget proposals to the
33 legislature, the governor shall have the power, and it shall be the
34 governor's duty, to require from proper agency officials such
35 detailed estimates and other information in such form and at such
36 times as the governor shall direct. The governor shall communicate
37 statewide priorities to agencies for use in developing biennial

1 budget recommendations for their agency and shall seek public
2 involvement and input on these priorities.

3 (ii) As part of the budget development for the department of fish
4 and wildlife, the governor must require the director of the
5 department of fish and wildlife to provide an estimated amount equal
6 to ten percent of any revenues to the general fund accruing in
7 amounts exceeding 2017 revenues, and at least ten percent of any
8 budget surpluses identified by the economic and revenue forecast
9 council created under RCW 82.33.010, to be committed to fulfilling
10 the responsibilities of section 2 of this act.

11 (b) The following must be transmitted to the governor and must be
12 included in the budget without revision: The estimates for the
13 legislature and the judiciary (~~(shall be transmitted to the governor~~
14 ~~and shall be included in the budget without revision)) and the
15 estimates provided by the department of fish and wildlife under (a)
16 of this subsection for fulfilling the responsibilities of section 2
17 of this act.~~

18 (c)(i) The estimates for state pension contributions shall be
19 based on the rates provided in chapter 41.45 RCW. Copies of all such
20 estimates shall be transmitted to the standing committees on ways and
21 means of the house and senate at the same time as they are filed with
22 the governor and the office of financial management.

23 (ii) The estimates shall include statements or tables which
24 indicate, by agency, the state funds which are required for the
25 receipt of federal matching revenues. The estimates shall be revised
26 as necessary to reflect legislative enactments and adopted
27 appropriations and shall be included with the initial biennial
28 allotment submitted under RCW 43.88.110. The estimates must reflect
29 that the agency considered any alternatives to reduce costs or
30 improve service delivery identified in the findings of a performance
31 audit of the agency by the joint legislative audit and review
32 committee. Nothing in this subsection requires performance audit
33 findings to be published as part of the budget.

34 (2) Each state agency shall define its mission and establish
35 measurable goals for achieving desirable results for those who
36 receive its services and the taxpayers who pay for those services.
37 Each agency shall also develop clear strategies and timelines to
38 achieve its goals. This section does not require an agency to develop
39 a new mission or goals in place of identifiable missions or goals

1 that meet the intent of this section. The mission and goals of each
2 agency must conform to statutory direction and limitations.

3 (3) For the purpose of assessing activity performance, each state
4 agency shall establish quality and productivity objectives for each
5 major activity in its budget. The objectives must be consistent with
6 the missions and goals developed under this section. The objectives
7 must be expressed to the extent practicable in outcome-based,
8 objective, and measurable form unless an exception to adopt a
9 different standard is granted by the office of financial management
10 and approved by the legislative committee on performance review.
11 Objectives must specifically address the statutory purpose or intent
12 of the program or activity and focus on data that measure whether the
13 agency is achieving or making progress toward the purpose of the
14 activity and toward statewide priorities. The office of financial
15 management shall provide necessary professional and technical
16 assistance to assist state agencies in the development of strategic
17 plans that include the mission of the agency and its programs,
18 measurable goals, strategies, and performance measurement systems.

19 (4) Each state agency shall adopt procedures for and perform
20 continuous self-assessment of each activity, using the mission,
21 goals, objectives, and measurements required under subsections (2)
22 and (3) of this section. The assessment of the activity must also
23 include an evaluation of major information technology systems or
24 projects that may assist the agency in achieving or making progress
25 toward the activity purpose and statewide priorities. The evaluation
26 of proposed major information technology systems or projects shall be
27 in accordance with the standards and policies established by the
28 technology services board. Agencies' progress toward the mission,
29 goals, objectives, and measurements required by subsections (2) and
30 (3) of this section is subject to review as set forth in this
31 subsection.

32 (a) The office of financial management shall regularly conduct
33 reviews of selected activities to analyze whether the objectives and
34 measurements submitted by agencies demonstrate progress toward
35 statewide results.

36 (b) The office of financial management shall consult with: (i)
37 The four-year institutions of higher education in those reviews that
38 involve four-year institutions of higher education; and (ii) the
39 state board for community and technical colleges in those reviews
40 that involve two-year institutions of higher education.

1 (c) The goal is for all major activities to receive at least one
2 review each year.

3 (d) The consolidated technology services agency shall review
4 major information technology systems in use by state agencies
5 periodically.

6 (5) It is the policy of the legislature that each agency's budget
7 recommendations must be directly linked to the agency's stated
8 mission and program, quality, and productivity goals and objectives.
9 Consistent with this policy, agency budget proposals must include
10 integration of performance measures that allow objective
11 determination of an activity's success in achieving its goals. When a
12 review under subsection (4) of this section or other analysis
13 determines that the agency's objectives demonstrate that the agency
14 is making insufficient progress toward the goals of any particular
15 program or is otherwise underachieving or inefficient, the agency's
16 budget request shall contain proposals to remedy or improve the
17 selected programs. The office of financial management shall develop a
18 plan to merge the budget development process with agency performance
19 assessment procedures. The plan must include a schedule to integrate
20 agency strategic plans and performance measures into agency budget
21 requests and the governor's budget proposal over three fiscal
22 biennia. The plan must identify those agencies that will implement
23 the revised budget process in the 1997-1999 biennium, the 1999-2001
24 biennium, and the 2001-2003 biennium. In consultation with the
25 legislative fiscal committees, the office of financial management
26 shall recommend statutory and procedural modifications to the state's
27 budget, accounting, and reporting systems to facilitate the
28 performance assessment procedures and the merger of those procedures
29 with the state budget process. The plan and recommended statutory and
30 procedural modifications must be submitted to the legislative fiscal
31 committees by September 30, 1996.

32 (6) In reviewing agency budget requests in order to prepare the
33 governor's biennial budget request, the office of financial
34 management shall consider the extent to which the agency's activities
35 demonstrate progress toward the statewide budgeting priorities, along
36 with any specific review conducted under subsection (4) of this
37 section.

38 (7) In the year of the gubernatorial election, the governor shall
39 invite the governor-elect or the governor-elect's designee to attend
40 all hearings provided in RCW 43.88.100; and the governor shall

1 furnish the governor-elect or the governor-elect's designee with such
2 information as will enable the governor-elect or the governor-elect's
3 designee to gain an understanding of the state's budget requirements.
4 The governor-elect or the governor-elect's designee may ask such
5 questions during the hearings and require such information as the
6 governor-elect or the governor-elect's designee deems necessary and
7 may make recommendations in connection with any item of the budget
8 which, with the governor-elect's reasons therefor, shall be presented
9 to the legislature in writing with the budget document. Copies of all
10 such estimates and other required information shall also be submitted
11 to the standing committees on ways and means of the house and senate.

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