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HOUSE BILL 2286

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State of Washington

68th Legislature

2024 Regular Session

By Representatives Wilcox and Kretz

1 AN ACT Relating to creating a capital grant program to support  
2 recovery of salmon and steelhead stocks; adding a new section to  
3 chapter 77.85 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that many of the  
6 state's salmon and steelhead stocks listed under the federal  
7 endangered species act (16 U.S.C. Sec. 1531 et seq.) struggle to  
8 recover, despite the myriad of state programs intended to support  
9 their recovery. The legislature also finds that the existing, broad-  
10 based approach to salmon and steelhead recovery has spread limited  
11 resources too thin and the state has not achieved adequate progress  
12 for many listed stocks of salmon and steelhead.

13 Therefore, the legislature intends to create a new capital grant  
14 program that will target state investments on watersheds with salmon  
15 and steelhead stocks in the following three categories: (1) Stocks  
16 listed under the federal endangered species act deemed at highest  
17 risk of extinction; (2) stocks deemed at highest risk of being listed  
18 under the federal endangered species act; and (3) stocks listed under  
19 the federal endangered species act deemed closest to delisting.

1 The legislature further intends that this new program supplement, not  
2 supplant, existing capital grant programs for salmon and steelhead  
3 recovery.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.85  
5 RCW to read as follows:

6 (1) The high-risk salmon and steelhead capital grant program is  
7 established.

8 (2) Subject to the availability of amounts appropriated for this  
9 specific purpose, the recreation and conservation office shall award  
10 grants pursuant to this section. Grants awarded in this section must  
11 be prioritized by the advisory committee, pursuant to the criteria  
12 listed in subsection (6) of this section.

13 (3) (a) Only the following entities are eligible for grants under  
14 this section: (i) Tribes; (ii) private landowners; (iii) private  
15 institutions; (iv) counties; (v) cities; (vi) towns; (vii) local  
16 governmental agencies; (viii) state agencies; (ix) nonprofit  
17 organizations; (x) regional fisheries enhancement groups; (xi) lead  
18 entities; and (xii) federal agencies.

19 (b) The primary benefit of projects funded under this section  
20 must be directed to watersheds that contain the high-risk salmon and  
21 steelhead stocks identified by the advisory committee through the  
22 consultation process described in subsection (5) of this section.

23 (c) Only the following types of projects are eligible for grants  
24 under this section: (i) Habitat acquisition; (ii) habitat  
25 restoration, including fish passage projects, environmental clean-up  
26 projects, and instream habitat improvement projects; (iii) habitat  
27 conservation through long-term easements; (iv) irrigation efficiency  
28 projects that improve instream flow; (v) emergency response; and (vi)  
29 future threat abatement.

30 (4) The recreation and conservation office must appoint an  
31 advisory committee to prioritize and award grants pursuant to this  
32 section, subject to the availability of funding appropriated for this  
33 specific purpose. The recreation and conservation office must invite  
34 tribal governments to participate as members of the advisory  
35 committee and the recreation and conservation office must also make  
36 best efforts to include representation on the advisory committee from  
37 each of the following entities: (a) The salmon recovery funding  
38 board; (b) the department of fish and wildlife; (c) the department of  
39 natural resources; (d) the Washington state association of counties;

1 (e) the association of Washington cities; (f) the lead entities; and  
2 (g) the regional fisheries enhancement groups. The recreation and  
3 conservation office shall participate in the advisory committee in an  
4 administrative and nonvoting capacity.

5 (5) Prior to each application cycle pursuant to this section, the  
6 advisory committee shall consult with the department of fish and  
7 wildlife and the national oceanic and atmospheric administration to  
8 determine the watersheds that contain salmon and steelhead stocks in  
9 the following categories: (a) Listed stocks deemed at highest risk of  
10 extinction; (b) stocks deemed at highest risk of being listed under  
11 the federal endangered species act (16 U.S.C. Sec. 1531 et seq.); and  
12 (c) listed stocks deemed closest to delisting. Only the watersheds  
13 identified through this consultative process are eligible locations  
14 for grant funding in each application cycle under this section. The  
15 advisory committee must use this salmon and steelhead stock  
16 information to develop the project prioritization process listed  
17 under subsection (6) of this section.

18 (6) The advisory committee must develop, by consensus, a grant  
19 application prioritization process for ranking the applications in  
20 this section that results in the most long-term habitat benefit for  
21 the high-risk stocks. The advisory committee must separately  
22 prioritize applications for grants under this section according to  
23 the three categories of salmon and steelhead stocks identified in  
24 subsection (5) of this section. In ranking project applications, the  
25 advisory committee must also consider how each project would be  
26 situated within the broader framework of existing state and federal  
27 salmon and steelhead recovery investments, to maximize project  
28 benefits to high-risk stocks. The prioritization criteria developed  
29 by the advisory committee must be updated periodically to reflect the  
30 department of fish and wildlife's analysis of data collected under  
31 subsection (8) of this section, other relevant data collection by  
32 state and federal agencies, and changes over time to scientific  
33 consensus regarding best practices for salmon and steelhead recovery.

34 (7) Grant applicants under this section must include estimates of  
35 the project's effects, including: (a) Fry and smolt survival rates  
36 for the relevant highest risk stocks; (b) adult returns for the  
37 relevant high-risk stocks; (c) water flow, quality, and temperature,  
38 as applicable; and (d) water nutrients and ecology, as applicable.

39 (8) The department of fish and wildlife must assist grant  
40 applicants under subsection (7) of this section by providing

1 technical assistance. The department of fish and wildlife must also  
2 collect data pursuant to subsection (7) of this section that measure  
3 changes in salmon and steelhead survival and habitat quality  
4 resulting from projects funded under this section.

5 (9) The recreation and conservation office must propose three  
6 lists of prioritized grants pursuant to the salmon and steelhead  
7 stock categories listed under subsection (5) of this section and that  
8 meet the eligibility requirements of this section to the governor by  
9 September 1st of even-numbered years, beginning September 1, 2024.  
10 Subject to the availability of viable proposals, the recreation and  
11 conservation office and the governor must each propose a total  
12 appropriation of at least \$50,000,000 in their respective omnibus  
13 capital appropriations act requests to support grants under this  
14 section. The omnibus capital appropriations act requests of the  
15 recreation and conservation office and the governor pursuant to this  
16 section must also follow the prioritized lists prepared by the  
17 advisory committee under this section unless new information  
18 determines that a specific project is no longer viable as proposed.

19 (10) Individual grants awarded under this section may not exceed  
20 \$5,000,000. Grant applicants in this section must provide matching  
21 nonstate funding equal to at least 15 percent of the total project  
22 cost.

23 (11) Grants awarded under this section must be used exclusively  
24 for salmon and steelhead recovery purposes in the manner formally  
25 approved by the advisory committee.

26 (12) The recreation and conservation office may use up to 4.12  
27 percent of any amounts appropriated for the grant program established  
28 under this section for administrative purposes.

29 (13) The definitions in this subsection apply throughout this  
30 section unless the context clearly requires otherwise.

31 (a) "Advisory committee" means the advisory committee established  
32 in subsection (4) of this section.

33 (b) "High-risk stocks" means those salmon and steelhead stocks  
34 described under subsection (5) of this section that are: (i) Listed  
35 under the federal endangered species act and deemed at highest risk  
36 of extinction; (ii) deemed at highest risk of being listed under the  
37 federal endangered species act; and (iii) listed under the federal  
38 endangered species act and deemed closest to delisting.

1           (c) "Listed stocks" means salmon and steelhead stocks listed  
2 under the federal endangered species act (16 U.S.C. Sec. 1531 et  
3 seq.).

--- **END** ---