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SENATE BILL 5347

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State of Washington

64th Legislature

2015 Regular Session

By Senators Hobbs, Hatfield, Warnick, Honeyford, and Pearson

Read first time 01/20/15. Referred to Committee on Agriculture,  
Water & Rural Economic Development.

1 AN ACT Relating to creating demonstration projects for preserving  
2 agricultural land and public infrastructure in flood plains; and  
3 adding a new section to chapter 43.23 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.23  
6 RCW to read as follows:

7 (1) The legislature intends that the state conservation  
8 commission and the departments of ecology, agriculture, fish and  
9 wildlife, and natural resources work together cooperatively,  
10 efficiently, and productively to facilitate the expeditious  
11 construction of two demonstration projects. The legislature expects  
12 that the joint and contemporaneous participation of all these state  
13 agencies will expedite the permitting of these demonstration  
14 projects. The legislature further intends that the collaborative  
15 process that the stakeholder group creates, including local  
16 stakeholders among others, will be used as a model for river  
17 management throughout the state.

18 (2) The legislature finds that the excessive accumulation of  
19 sediment and gravel in certain rivers of the state poses a threat to  
20 farmland and to the recovery or enhancement of certain fish  
21 populations. The legislature also finds that the failure to manage

1 sediment and gravel accumulation has contributed to erosion and  
2 resulted in the loss of productive farmland and mature treed riparian  
3 zones that cool the waters, flooding in residential areas, loss of  
4 recreational access to rivers, and loss of public infrastructure.

5 (3) The state conservation commission and the departments of  
6 agriculture, natural resources, fish and wildlife, and ecology must  
7 jointly identify and implement two demonstration projects that test  
8 the effectiveness and costs of river management by using various  
9 sediment management strategies and techniques as applied to  
10 accomplish the following goals:

11 (a) Protection of agricultural lands;

12 (b) Restoration or enhancement of fish runs; and

13 (c) Protection of public infrastructure and recreational access.

14 (4)(a) The state conservation commission must convene a  
15 stakeholder group consisting of the departments of agriculture,  
16 natural resources, fish and wildlife, and ecology, local and  
17 statewide agricultural organizations, tribes, land conservation  
18 organizations, and local governments with interest and experience in  
19 the use of sediment management techniques to provide for flood  
20 control. The stakeholder group must develop and implement two  
21 demonstration projects, one located in Whatcom county and one located  
22 in Grays Harbor county.

23 (b) In developing and implementing these demonstration projects,  
24 the departments must examine sediment management conducted in the  
25 Fraser river, British Columbia, Canada and include any potentially  
26 applicable practices in the demonstration projects.

27 (c) The departments must: (i) Examine and find whether and how  
28 the Fraser river experience applies to the goals of this act; and  
29 (ii) set benchmarks and a timetable for progress toward achievement  
30 of the goals of this act.

31 (d) Any gravel resources removed as a result of these pilot  
32 projects must be: (i) Used at the departments' discretion in projects  
33 related to fish programs in the local area of the project or by  
34 property owners adjacent to the project; (ii) made available to a  
35 local tribe for its use; or (iii) sold and the proceeds applied to  
36 funding the demonstration projects.

37 (5) At a minimum, the pilot projects must include the following  
38 sediment management strategies and techniques:

1 (a) During all occurrences of sediment or gravel removal, a  
2 person must be on hand to observe that the practices follow  
3 established pilot project protocols and protect fish life;

4 (b) Gravel or sediment may not be removed at times when fish runs  
5 are known to be in the river; and

6 (c) Reasonable steps must be taken to reduce turbidity resulting  
7 from gravel and sediment removal activities.

8 (6) The departments must consider other sediment management  
9 strategies and techniques including, but not limited to, the  
10 following:

11 (a) Reducing turbidity caused by year-round stream bank erosion  
12 that is caused by accumulation of excess sediment and gravel that  
13 changes the river course;

14 (b) Providing deeper, cooler holes for fish life;

15 (c) Providing deeper river channels for fish passage;

16 (d) Ensuring that any management activities leave sufficient  
17 gravel and sediment for fish spawning and rearing;

18 (e) Providing stable river banks that will allow for long-term  
19 growth of riparian enhancement efforts, such as planting shade trees  
20 and hedgerows;

21 (f) Protecting existing mature treed riparian zones that cool the  
22 waters;

23 (g) Removing excess sediment and gravel that causes diversion of  
24 water and erosion of river banks and farmland;

25 (h) Restoring previously existing bank contours that protect the  
26 land from erosion caused by more intense and more frequent flooding;  
27 and

28 (i) Developing management practices that reduce the amount of  
29 gravel, sediment, and woody debris deposited into farm fields.

30 (7) The departments must report to the legislative committees  
31 with oversight of agriculture, water, rural economic development,  
32 ecology, fish and wildlife, and natural resources by December 31,  
33 2015, on: (a) Their examination and findings of the applicability of  
34 the Fraser river experience to the goals of this act; (b) their  
35 progress toward setting benchmarks and meeting the stakeholder  
36 group's timetable; (c) any decisions made in implementing the  
37 projects; and (d) agency recommendations for funding of the projects  
38 from federal grants, federal loans, state grants and loans, and  
39 private donations, or if other funding sources are not available or  
40 complete, submitting the two projects for consideration in the

1 biennial capital budget request to the governor and the legislature.  
2 The departments must report annually thereafter by December 31st of  
3 each year.

4 (8) The stakeholder group must be staffed jointly by the  
5 departments. Costs of the stakeholder group, including staffing, must  
6 be borne jointly by the departments.

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