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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

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

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

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

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

(2) The legislature finds that the excessive accumulation of sediment and gravel in certain rivers of the state poses a threat to farmland and to the recovery or enhancement of certain fish populations. The legislature also finds that the failure to manage sediment and gravel accumulation has contributed to erosion and resulted in the loss of productive farmland and mature treed riparian zones that cool the waters, flooding in residential areas, loss of recreational access to rivers, and loss of public infrastructure.

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

(a) Protection of agricultural lands;

(b) Restoration or enhancement of fish runs; and

(c) Protection of public infrastructure and recreational access.

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

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

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

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

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

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

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

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

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

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

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

(c) Providing deeper river channels for fish passage;

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

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

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

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

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

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

(7) The departments must report to the legislative committees with oversight of agriculture, water, rural economic development, ecology, fish and wildlife, and natural resources by December 31, 2015, on: (a) Their examination and findings of the applicability of the Fraser river experience to the goals of this act; (b) their progress toward setting benchmarks and meeting the stakeholder group's timetable; (c) any decisions made in implementing the projects; and (d) agency recommendations for funding of the projects from federal grants, federal loans, state grants and loans, and private donations, or if other funding sources are not available or complete, submitting the two projects for consideration in the biennial capital budget request to the governor and the legislature. The departments must report annually thereafter by December 31st of each year.

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

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