

# **SENATE BILL REPORT**

## **ESSB 5347**

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As Passed Senate, March 6, 2015

**Title:** An act relating to creating demonstration projects for preserving agricultural land and public infrastructure in flood plains.

**Brief Description:** Creating demonstration projects for preserving agricultural land and public infrastructure in flood plains.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Hobbs, Hatfield, Warnick, Honeyford and Pearson).

**Brief History:**

**Committee Activity:** Agriculture, Water & Rural Economic Development: 1/27/15, 2/03/15 [DP, w/oRec].

Ways & Means: 2/17/15, 2/23/15 [DPS, DNP, w/oRec].

Passed Senate: 3/06/15, 48-1.

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### **SENATE COMMITTEE ON AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT**

**Majority Report:** Do pass.

Signed by Senators Warnick, Chair; Hatfield, Ranking Minority Member; Hobbs and Honeyford.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Dansel, Vice Chair.

**Staff:** Diane Smith (786-7410)

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### **SENATE COMMITTEE ON WAYS & MEANS**

**Majority Report:** That Substitute Senate Bill No. 5347 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey, Billig, Brown, Conway, Hasegawa, Hatfield, Hewitt, Kohl-Welles, O'Ban, Parlette, Schoesler and Warnick.

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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.*

**Minority Report:** Do not pass.

Signed by Senator Fraser.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Becker, Padden and Rolfes.

**Staff:** Sherry McNamara (786-7402)

**Background:** Floodplain Management. Responsibility for flood hazard prevention and management is divided between a number of federal, state, and local agencies.

The federal government provides low-cost flood insurance for communities that meet minimum requirements through the Federal Emergency Management Agency. To qualify for federal flood insurance, local governments must adopt, implement, and enforce ordinances that meet federal flood plain requirements.

The Department of Ecology (Ecology) is required to manage the state's flood plains and to establish minimum state requirements for flood plain management that equal the minimum federal requirements for the national flood insurance program.

Local governments may expand upon the minimum standards by adopting Comprehensive Flood Management Plans which identify flood-prone areas, a system for flood control and protection, and establish flood plain land use regulations and construction restrictions.

Permit Requirements for In-Stream Work. The Washington Department of Fish and Wildlife (WDFW) is responsible for providing Hydraulic Project Approval (HPA) permits for the construction of hydraulic projects that use, divert, obstruct, or change the natural bed or flow of state waters. WDFW is directed to provide immediate oral approval to conduct in-stream work during emergencies. In addition, WDFW is required to establish rules regulating gravel removal within the waters of the state.

The Department of Natural Resources (DNR) has authority over aquatic lands and is required to establish rules that govern the use or modification of any river system, including gravel removal projects.

**Summary of Engrossed Substitute Bill:** The State Conservation Commission (SCC) and the departments of Agriculture, Natural Resources, Ecology, and WDFW must jointly identify and assess three demonstration projects that test the effectiveness and costs of river management by using various management strategies and techniques to accomplish specified goals.

The SCC must convene a stakeholder group with the four departments, plus local and statewide agricultural organizations, tribes, land conservation organizations, and local governments to develop and assess three demonstration projects, one located in Whatcom county, one located in Snohomish county, and one located in Grays Harbor county.

The departments must examine sediment management conducted in the Fraser river, British Columbia, Canada and include any potentially applicable practices in the demonstration projects.

The departments must report to the Legislature by December 31, 2015, and annually thereafter on the elements in the bill.

All requirements in the bill are subject to the availability of funds appropriated for the specific purposes described.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill (Agriculture, Water & Rural Economic Development):** PRO: The Fraser River project increased salmon runs and managed the sediment in the river with all parties working together. This is a common-sense approach. Using removed gravel to make money to further the project is a good idea. Fish and Wildlife comes out to look at the conditions on a good day; they do not see the river when it floods. Agricultural land cannot be created; it must be preserved from erosion due to flooding or it is lost forever. We have to recognize that people are part of the ecosystem too. We must own each other's issues and not compete in order to make progress. Projects are in progress now through Flood Plains by Design. Doing nothing has not worked; as we talk we are losing land. We need action on the ground in a way that is respectful to all involved.

CON: Dredging with its negative impact on fish should not be the focus. We need thoughtful discussion of all techniques. This is a river gravel mining bill. The state must work with treaty tribes which are in the rivers all the time. The state should put more than 1 percent of its budget into natural resources.

OTHER: Every tool has its place. Dredging is one tool of many. The cost of this bill is not in the governor's budget.

**Persons Testifying (Agriculture, Water & Rural Economic Development):** PRO: Senator Hobbs, prime sponsor; John Misich, Ed Moats. SnoCo Farm Bureau; Jeff Davis, WDFW; Tom Davis, WA Farm Bureau; Carol Roussa, Terry Willis, citizens.

CON: Bruce Wishart, Center for Environmental Law and Policy, Sierra Club; Steve Robinson, Quinault and Lummi Nations.

OTHER: Ron Shultz, Conservation Commission; Tom Clingman, Ecology; Megan Duffy, DNR.

**Staff Summary of Public Testimony on Original Bill (Ways & Means):** PRO: This bill provides pilot projects to look at sediment management strategies and techniques for preserving agricultural land from erosion caused by flooding. The proposed substitute language addresses the agencies' concerns.

**Persons Testifying (Ways & Means):** PRO: Senator Hatfield, sponsor; David Price, Restoration Division Manager, WDFW.