
**Agriculture and Natural Resources
Committee**

HB 1720

Brief Description: Concerning the protection and restoration of riparian areas through the establishment of a fully voluntary, regionally focused riparian grant program designed to improve the ecological functions of critical riparian management zones.

Sponsors: Representatives Chapman, Dent, Lekanoff, Kretz, Volz, Klicker, Schmidt, Schmick, Couture, Goehner, Chambers, Ybarra, Stokesbary, Robertson, Sandlin, Christian, Reeves, Morgan, Orcutt, Corry, Barkis, Graham, Dye, Hutchins and Cheney.

Brief Summary of Bill

- Directs the State Conservation Commission to develop and implement a riparian grant program to fund protection and restoration of critical riparian management zones.
- Establishes requirements and conditions for the award of riparian grants.
- Establishes the salmon riparian habitat policy task force within the Governor's Salmon Recovery Office to monitor and review the implementation and successes of the riparian grant program.
- Requires the task force to submit an annual report to the Legislature beginning in 2025 that includes updates on the successes of the riparian habitat restoration achieved through the riparian grant program and any recommended policy changes to the grant program necessary to further protect and restore salmon habitat.

Hearing Date: 2/7/23

Staff: Robert Hatfield (786-7117).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

State Conservation Commission.

The State Conservation Commission performs several functions, including assisting the state's 47 local conservation districts in carrying out soil, water, and other natural resource conservation projects. It consists of 10 members: two appointed by the Governor; three elected by local district supervisors; and five serving ex officio, including directors of the departments of Ecology and Agriculture, the Commissioner of Public Lands, the President of the Washington Association of Conservation Districts, and the Dean of the Washington State University College of Agriculture.

Watershed Plans.

The Watershed Planning Act establishes a process through which local groups can develop and implement plans for managing and protecting local water resources and rights. The local groups authorized to develop watershed plans are organized by water resource inventory areas.

Habitat Project List.

Washington's system of watersheds is divided into eight salmon recovery regions: Hood Canal, Lower Columbia River, Middle Columbia River, Northeast Washington, Puget Sound, Snake River, Southwest Washington, Upper Columbia River, and Washington Coast.

Within those eight regions, counties, cities, and tribal governments jointly designate areas for which a habitat project list is to be developed, and designate the lead entity. The lead entity may be a county, city, conservation district, special district, tribal government, regional recovery organization, or other entity. Once selected, a lead entity must establish a committee to provide citizen-based evaluation of the projects proposed for the habitat project list. Projects eligible for the list include restoration projects, protection projects, projects that improve water quality, projects that protect water quality, habitat-related mitigation projects, and project maintenance and monitoring activities.

Riparian Habitat Recommendations.

The 2022 State Supplemental Operating Budget appropriated funds for the Governor's office to hire an independent entity to facilitate a process to develop recommendations on proposed changes in policy and spending priorities to improve riparian habitat. Preliminary recommendations were required to be submitted to the Governor and Legislature by October 1, 2022, with final recommendations required to be submitted by November 1, 2022.

Summary of Bill:

Riparian Grant Program.

The State Conservation Commission (Commission) must develop and implement a riparian grant program to fund protection and restoration of critical riparian management zones. The Commission is responsible for developing the voluntary grant program criteria to achieve optimal restoration of functioning riparian ecosystems in priority critical riparian management

zones.

In adopting the program criteria under this section, the Commission must:

- coordinate with the Department of Ecology (Ecology), the Department of Fish and Wildlife (WDFW), conservation districts, the Department of Agriculture (WSDA), private landowners, and other interested stakeholders as well as invite federally recognized tribes to coordinate in the process as full participants; and
- consider the best available, locally applicable, science that is specific to each region of the state where the program criteria will be applied.

The Commission must prioritize critical riparian management zones at the watershed or subbasin scale where grant funding under the program created in this section would be primarily targeted. The prioritization must be informed by, consistent with, and aligned with one or more of the following:

- watershed plans developed pursuant to the Watershed Planning Act;
- the Puget Sound Action Agenda;
- regional salmon recovery plans;
- salmon habitat project lists;
- the prioritization process developed by the fish passage barrier removal board; and
- priority projects identified for salmon recovery through agency grant programs.

The prioritization of critical riparian management must be developed in coordination with local conservation districts, the WDFW, Ecology, and water resource inventory area planning units organized pursuant to the Watershed Planning Act. In addition, the Commission must invite the full participation of federally recognized tribes in the prioritization process.

Conditions for awarding funding for projects under the riparian grant program should include, but are not limited to:

- consistency with the program criteria described above;
- tiered incentive rates tied to improving functionality for riparian areas; and
- other requirements as determined by the Commission.

Riparian grant program funding must be distributed equitably throughout the state, consistent with received grant applications and benefit to salmon habitat. Funding is intended primarily for projects located in salmon recovery regions but funding may also be distributed to a project not located in a salmon recovery region upon a determination by the Commission that the project will provide a unique benefit to salmon habitat.

Allowable expenses to a grantee receiving riparian grant funds include, but are not limited to, labor, equipment, fencing, mulch, seed, seedling trees, manual weed control, and yearly maintenance costs for up to 10 years. Any native woody trees and shrubs planted with funding provided under the riparian grant program must be maintained for a minimum of five years or as otherwise set by the Commission for each grantee. Vegetation must be chosen to prevent invasive weed populations and ensure survival and successful establishment of plantings.

The Commission must determine appropriate recordkeeping and data collections procedures required for program implementation and must establish a data management system that allows for coordination between the Commission and other state agencies. Any data collected or shared under the riparian grant program may be used only to assess the successes of the riparian grant program in improving the functions of critical riparian habitat.

The Commission must develop and implement a framework that includes monitoring, adaptive management, and metrics in order to ensure consistency with the requirements of the riparian grant program.

No more than 2 percent of any funds appropriated for the riparian grant program may be used for targeted outreach activities that focus on critically identified geographic locations for listed salmon species. No more than 4 percent of any funds appropriated for the riparian grant program may be used for administrative expenses.

Salmon Riparian Habitat Policy Task Force.

A salmon riparian habitat policy task force is established in the Governor's Salmon Recovery Office (GSRO) to monitor and review the implementation and successes of the grant program. The task force must build upon the work of the facilitated roundtables and discussions that were commenced pursuant to the authorization provided in the 2022 State Supplemental Operating Budget. The task force must operate on a consensus basis. Members of the task force are appointed by the Executive Director of the GSRO.

The task force includes representation from the following entities:

- four representatives from federally recognized tribes in Washington, two from east of the crest of the Cascades and two from west of the crest of the Cascades, as determined by the federally recognized tribes;
- four representatives from agricultural and livestock producers, all of whom must be appointed from a list of at least four names as recommended by a recognized statewide agriculture organization;
- one representative from a regional salmon recovery organization;
- one representative from a forestry and agriculture organization, as recommended by a recognized statewide agriculture or forestry organization;
- one representative from a nonprofit environmental organization that owns or manages undeveloped land in Washington, as recommended by a recognized statewide environmental organization; and
- one representative from a statewide organization representing all of Washington's 39 counties, as recommended by a recognized statewide organization representing counties.

One representative from each of the following state agencies must serve in a technical advisory role to the task force but may not participate in the consensus process of the task force:

- the WDFW;
- the WSDA;

- the Commission; and
- the Department of Natural Resources.

By May 1, 2024, the task force must submit a preliminary report to the Governor and the relevant committees of the Legislature, with a final report due by June 30, 2024. The reports must provide recommendations addressing the following topics:

- developing and implementing a compensatory or mitigation program for critical riparian habitat restoration;
- recommendations on proposed changes in the grant program and spending priorities to improve riparian habitat in order to ensure salmon recovery;
- strategies that can attract private investment in improving and protecting salmon and riparian habitat; and
- other relevant riparian and salmon recovery-related topics designated by the task force that focus on voluntary and incentive-based measures.

The GSRO may contract with an independent entity to facilitate the task force facilitation and report. The contract is exempt from competitive procurement requirements.

By June 30, 2025, and every June 30th thereafter, the task force must submit an annual report to the Legislature with updates on the successes of the riparian habitat restoration achieved through the riparian grant program and any recommended policy changes to the grant program necessary to further protect and restore salmon habitat.

The task force expires June 30, 2029.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.