

SB 6549 - S AMD 496

By Senators Hobbs, Hatfield, Honeyford

ADOPTED 02/18/2014

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 43.23 RCW
4 to read as follows:

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

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

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

- 29 (a) Protection of agricultural lands;
30 (b) Restoration or enhancement of fish runs; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (7) The departments must report to the legislative committees with
17 oversight of agriculture, water, rural economic development, ecology,
18 fish and wildlife, and natural resources by December 31, 2014, on: (a)
19 Their examination and findings of the applicability of the Fraser river
20 experience to the goals of this act; (b) their progress toward setting
21 benchmarks and meeting the stakeholder group's timetable; (c) any
22 decisions made in implementing the projects; and (d) agency
23 recommendations for funding of the projects from federal grants,
24 federal loans, state grants and loans, and private donations, or if
25 other funding sources are not available or complete, submitting the two
26 projects for consideration in the biennial capital budget request to
27 the governor and the legislature. The departments must report annually
28 thereafter by December 31st of each year.

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

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1 On page 1, line 2 of the title, after "plains;" strike the
2 remainder of the title and insert "and adding a new section to chapter
3 43.23 RCW."

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