**5347-S.E AMH AGNR H2455.2 - NOT FOR FLOOR USE**

**ESSB 5347** - H COMM AMD

By Committee on Agriculture & Natural Resources

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec.**  (1) The legislature intends for the state conservation commission and the departments of ecology, agriculture, fish and wildlife, and natural resources to work together cooperatively, efficiently, and productively to facilitate the intent of this act.

(2) The legislature further intends that the collaborative process created by the stakeholder group required in section 3 of this act, including the participation of local stakeholders, will be used as a model for river management throughout the state.

(3) The legislature finds that floodplain management must address multiple benefits including:

(a) Reducing flood hazard to public infrastructure and other land uses caused by sediment accumulation or for other causes;

(b) Improving fish and wildlife habitat;

(c) Sustaining agriculture; and

(d) Maintaining and enhancing public access.

NEW SECTION. **Sec.**  (1) The state conservation commission and the departments of agriculture, natural resources, fish and wildlife, and ecology must jointly identify and assess three demonstration projects. One demonstration project must be located primarily in Whatcom county, one must be located primarily in Snohomish county, and one must be located primarily in Grays Harbor county.

(2) The demonstration projects must be designed to test the effectiveness and costs of river management by using various 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.

(3) In developing the demonstration projects, the state conservation commission and the departments must, in consultation with the stakeholder group required by section 3 of this act:

(a) Examine studies and reports related to sediment management conducted in the Fraser river, British Columbia, Canada, to assess whether and how the Fraser river experience applies to the goals of this section, and include any potentially applicable practices in the development of the demonstration projects; and

(b) Set benchmarks and a timetable for progress toward achievement of the goals of this act.

(4) The development and assessment of the demonstration projects must also consider the disposition of any state-owned gravel resources removed as a result of the demonstration projects. The presumed disposition must be consistent with chapter 79.140 RCW. However, the process for developing and assessing the pilot project may consider:

(a) Using the gravel resources, at the discretion of the departments, in projects related to fish enhancement programs in the local area of the project or by property owners adjacent to the project;

(b) Making gravel resources available to local tribes for their use; or

(c) Selling the gravel resources and using the proceeds to fund the demonstration projects.

(5) At a minimum, the demonstration projects must be designed to collectively examine the following management strategies and techniques:

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

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

(c) Providing off-channels for habitat as refuge during high flows;

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

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

(i) Setting back levees and other measures in segments of rivers upstream from the delta to accommodate high flow.

NEW SECTION. **Sec.**  (1) The state conservation commission must convene a stakeholder group to assist in the development and assessment of the demonstration projects required under section 2 of this act.

(2) The stakeholder group must consist of representatives from:

(a) The departments of agriculture, natural resources, fish and wildlife, and ecology;

(b) Local and statewide agricultural organizations;

(c) Land conservation organizations; and

(d) Local governments with interest and experience in floodplain management techniques.

(3) In addition to the participants on the stakeholder group, the state conservation commission and the departments responsible for implementing section 2 of this act must also consult with, and obtain the views of, any federally recognized tribe that may be affected by each demonstration project.

(4) The stakeholder group required by this section must be staffed by the state conservation commission with assistance, as requested, from the departments responsible for implementing section 2 of this act.

(5) Each member of the stakeholder group not employed by the state of Washington shall serve without compensation but may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060.

(6) Any costs for the implementation of this section, including the participation costs for nonagency participants, must be shared among the agencies responsible for implementing this act. The state conservation commission shall coordinate and manage these costs through interagency agreements with all of the affected agencies.

NEW SECTION. **Sec.**  (1) The state conservation commission and the departments responsible for implementing section 2 of this act must submit a report to the legislature, consistent with RCW 43.01.036, by October 31, 2016.

(2) The report must include:

(a) An examination and findings of the applicability of the Fraser river experience to the goals of this act;

(b) Information regarding the benchmarks and timetables required under section 2 of this act;

(c) Any decisions made in developing and assessing the projects required in this section;

(d) Any recommendations for extending or changing the process required in section 2 of this act or moving into the demonstration project implementation phase; and

(e) Any recommendations for funding the implementation of demonstration projects from federal grants, federal loans, state grants and loans, and private donations, or if other funding sources are not available or complete, the submission of the three demonstration projects for consideration in the biennial capital budget request to the governor and the legislature.

NEW SECTION. **Sec.**  If funding is identified for the implementation of the demonstration projects developed under section 2 of this act from sources other than specific state appropriations, and the implementation of the demonstration projects can occur within the existing authority of all affected parties, the legislature intends for the state conservation commission and the departments responsible for implementing section 2 of this act to coordinate with the stakeholder group required in section 3 of this act to cooperatively, efficiently, and productively initiate the implementation of the demonstration projects, including the joint and contemporaneous expediting of any necessary permits related to the demonstration projects.

NEW SECTION. **Sec.**  All requirements in this act are subject to the availability of amounts appropriated for the specific purposes described.

NEW SECTION. **Sec.**  This act expires July 1, 2017."

Correct the title.

EFFECT: Includes the preservation of all agricultural lands into the goals of the demonstration projects (as opposed to only "viable" agriculture), limits the river management strategies to be explored relating to the movement of levees to those levees above the river delta, adds the enhancement of recreational access to the goals of the demonstration projects (as opposed to just the maintenance of access), specifies that the project developers may rely on studies and reports related to the Fraser river, adds an expiration date, adds legislative intent for the demonstration projects to be implemented if nonstate funding is assured, clarifies that members of the stakeholder group may be reimbursed for travel expenses, specifies how the costs for the advisory committee will be paid (through the state conservation commission with interagency agreements to allow contributions by the other agencies), changes the reporting date from December of 2015 to October of 2016, and makes technical and organizational changes.