
ENGROSSED SUBSTITUTE SENATE BILL 5347

State of Washington

64th Legislature

2015 Regular Session

By Senate Ways & Means (originally sponsored by Senators Hobbs, Hatfield, Warnick, Honeyford, and Pearson)

READ FIRST TIME 02/25/15.

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

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.23
6 RCW to read as follows:

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

18 (2) The legislature finds that floodplain management must address
19 multiple benefits including: Reducing flood hazard to public
20 infrastructure and other land uses caused by sediment accumulation or

1 for other causes; improving fish and wildlife habitat; sustaining
2 viable agriculture; and public access.

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

9 (a) Protection of agricultural lands;

10 (b) Restoration or enhancement of fish runs; and

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

12 (4)(a) The state conservation commission must convene a
13 stakeholder group consisting of the departments of agriculture,
14 natural resources, fish and wildlife, and ecology, local and
15 statewide agricultural organizations, land conservation
16 organizations, and local governments with interest and experience in
17 floodplain management techniques. The stakeholder group must develop
18 and assess three demonstration projects, one located in Whatcom
19 county, one located in Snohomish county, and one located in Grays
20 Harbor county. The departments must also consult with and obtain the
21 views of the federally recognized tribes that may be affected by each
22 pilot project.

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

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

31 (d) The disposition of any gravel resources removed as a result
32 of these pilot projects that are owned by the state must be
33 consistent with chapter 79.140 RCW, otherwise they must be: (i) Used
34 at the departments' discretion in projects related to fish programs
35 in the local area of the project or by property owners adjacent to
36 the project; (ii) made available to a local tribe for its use; or
37 (iii) sold and the proceeds applied to funding the demonstration
38 projects.

39 (5) At a minimum, the pilot projects must examine the following
40 management strategies and techniques:

1 (a) Setting back levees and other measures to accommodate high
2 flow with reduced risk to property, while providing space for river
3 processes that are vital to the creation of fish habitat;

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

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

7 (d) Providing off-channels for habitat as refuge during high
8 flows;

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

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

14 (g) Protecting existing mature treed riparian zones that cool the
15 waters;

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

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

21 (6) The departments must report to the legislative committees
22 with oversight of agriculture, water, rural economic development,
23 ecology, fish and wildlife, and natural resources by December 31,
24 2015, on: (a) Their examination and findings of the applicability of
25 the Fraser river experience to the goals of this act; (b) their
26 progress toward setting benchmarks and meeting the stakeholder
27 group's timetable; (c) any decisions made in assessing the projects;
28 and (d) agency recommendations for funding of the projects from
29 federal grants, federal loans, state grants and loans, and private
30 donations, or if other funding sources are not available or complete,
31 submitting the three projects for consideration in the biennial
32 capital budget request to the governor and the legislature. The
33 departments must report annually thereafter by December 31st of each
34 year.

35 (7) The stakeholder group must be staffed jointly by the
36 departments.

1 (8) All requirements in this section are subject to the
2 availability of amounts appropriated for the specific purposes
3 described.

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