

2SSB 5619 - H COMM AMD
By Committee on Appropriations

ADOPTED 03/02/2022

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

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that coastal
4 ecosystems and marine vegetation provide an array of valuable
5 ecosystem goods and services to deep water and nearshore environments
6 in Puget Sound and along the coastline. In particular, kelp forests
7 and eelgrass meadows act as three dimensional foundations for diverse
8 and productive nearshore ecosystems, supporting food webs and
9 providing important habitat for a wide array of marine life,
10 including orcas and threatened and endangered salmon and salmonid
11 species. These marine forests and meadows play an important role in
12 climate mitigation and adaptation by sequestering carbon and
13 relieving impacts from ocean acidification. Marine vegetation can
14 sequester up to 20 times more carbon than terrestrial forests, and
15 therefore represent a critical tool in the fight against climate
16 change.

17 (2) Washington state is home to 22 species of kelp and is a
18 global hotspot for kelp diversity. However, these kelp forests are
19 under threat and have declined in recent decades. A 2018 study
20 conducted by the Samish Indian Nation on the bull kelp beds in the
21 San Juan Islands found a 305-acre loss of kelp beds from 2006 to
22 2016, a 36 percent decline in one decade. A statewide study published
23 in 2021 by the department of natural resources found that compared to
24 the earliest baseline in 1878, the amount of bull kelp in 2017 had
25 decreased by 63 percent in south Puget Sound, with individual areas
26 showing up to 96 percent loss.

27 (3) The legislature also finds that kelp and eelgrass have
28 important cultural value to northwest tribal nations and have
29 provided diverse marine resources that have sustained and inspired
30 indigenous traditions over generations. In particular, bull kelp has
31 played a prominent role in traditional knowledge and technology and
32 is used in fishing, hunting, and food preparation and storage.

1 Decline in kelp forests threatens these uses, and the cultural
2 livelihoods of Northwest tribal nations.

3 (4) Washington state's native eelgrass meadows (*Zostera marina*)
4 also provide vital habitat for many organisms, including nursery
5 habitat for juvenile salmon and feeder fish. Native eelgrass can
6 provide a refuge for shellfish from the effects of ocean
7 acidification. Native eelgrass also helps prevent erosion and
8 maintain shoreline stability by anchoring seafloor sediment with its
9 spreading roots and rhizomes. Native eelgrass is used as an indicator
10 of estuary health, because of its fast response to changes in water
11 quality. Examples of rapid native eelgrass loss include Westcott Bay
12 in San Juan county, where in 2000 there were 37 acres of eelgrass
13 meadows and 20 years later less than one acre remains. Changes in the
14 abundance or distribution of this resource are likely to reflect
15 changes in environmental conditions and therefore are key species to
16 monitor and protect to ensure marine ecosystem health.

17 (5) Kelp forests and eelgrass meadows also provide and enhance
18 diverse recreational opportunities, including productive fishing and
19 picturesque kayaking and diving. These activities are important for
20 local economies and for promoting strong senses of place and overall
21 human well-being in communities.

22 (6) There is a need for greater education and outreach to
23 communities to promote sustainable recreation practices in and near
24 native kelp forests and eelgrass meadows, such as those called for in
25 the Puget Sound kelp conservation and recovery plan.

26 (7) Existing regional plans for conservation of kelp forests and
27 eelgrass meadows, including the Puget Sound kelp conservation and
28 recovery plan (2020) and the Puget Sound eelgrass recovery strategy
29 (2015), identify the need to prioritize areas for conservation and
30 restoration based on historical and current distributions.

31 (8) Existing state plans for combatting ocean acidification in
32 Washington, adopted in 2013 and 2017, identify actions to advance
33 research and explore conservation and restoration of kelp and
34 eelgrass, along with other aquatic vegetation, to help mitigate
35 impacts of ocean acidification locally.

36 (9) The legislature further finds that our terrestrial and marine
37 ecosystems are interlinked and the state must be proactive in
38 conserving our resources from trees to seas by protecting and
39 restoring our marine forests and meadows in concert with conservation
40 and reforestation of terrestrial forests. Therefore, it is the intent

1 of the legislature to conserve and restore 10,000 acres of native
2 kelp forests and eelgrass meadows by 2040.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 79.135
4 RCW to read as follows:

5 (1) The department shall, consistent with this section, and
6 subject to available funding, work with partners to establish a
7 native kelp forest and eelgrass meadow health and conservation plan
8 that endeavors to, by the year 2040, conserve and restore at least
9 10,000 acres of native kelp forests and eelgrass meadows. The plan
10 should proactively and systematically address:

11 (a) The potential loss of native kelp forest and eelgrass meadow
12 habitat throughout Puget Sound and along the Washington state
13 coastline;

14 (b) Potential current and future stressors related to the decline
15 of native kelp forests and eelgrass meadows; and

16 (c) Awareness, action, and engagement tools being used by public
17 and private entities in the Puget Sound region to raise awareness of
18 the importance of conserving and restoring native kelp forests and
19 eelgrass meadows and reducing stressors related to their decline.

20 (2) The department shall develop the plan to assess and
21 prioritize areas for coordinated conservation and restoration
22 actions. The plan must consist of the following elements: Assessment
23 and prioritization; identifying coordinated actions and success
24 measures; monitoring; and reporting.

25 (a) The department shall, together with partners, develop a
26 framework to identify and prioritize native kelp forest and eelgrass
27 meadow areas in greatest need of conservation or restoration. The
28 framework must:

29 (i) Incorporate conservation of native kelp forests and eelgrass
30 meadows. Utilize and build on existing research to map and prioritize
31 areas of native kelp forests and eelgrass meadows throughout Puget
32 Sound and along the coast that are at highest risk of permanent loss,
33 or contribute significant environmental, economic, and cultural
34 benefits to tribal nations and local communities, including salmon
35 recovery and water quality, and where opportunities for partnership
36 and collaboration can accelerate progress towards the goal, and
37 develop criteria by which an acre of kelp forests and eelgrass
38 meadows can be considered to be conserved or restored;

1 (ii) Identify research necessary to analyze and assess potential
2 ecological, environmental, and community benefits of aquaculture of
3 native seaweed species;

4 (iii) Map and prioritize native kelp forest and eelgrass meadow
5 areas throughout Puget Sound and along the coast where they were
6 historically present, identifying priority locations for restoration,
7 and where opportunities for partnership and collaboration exist that
8 will accelerate progress towards the goal. This should include
9 identification of sites where restoration may be possible and would
10 most benefit nearshore ecosystem function, including where
11 restoration could also support healthy kelp forests and eelgrass
12 meadows, salmon recovery, water quality, and other ecosystem
13 benefits, such as mitigating the negative effects of ocean
14 acidification;

15 (iv) Identify potential stressors impacting the health and
16 vitality of native kelp forests and eelgrass meadows in prioritized
17 areas in order to specifically address them in conservation and
18 restoration efforts.

19 (b) In developing coordinated actions and success measures, the
20 department shall:

21 (i) Conduct an assessment and inventory of existing tools
22 relevant to conserving and restoring native kelp forests and eelgrass
23 meadows and reducing stressors related to their decline;

24 (ii) Identify new or amended tools that would support the goals
25 of the plan created under this section; and

26 (iii) Identify success measures to track progress toward the
27 conservation and restoration goal.

28 (3) In developing the plan, the department shall:

29 (a) Involve impacted communities using the community engagement
30 plan developed under RCW 70A.02.050;

31 (b) Consult with federally recognized tribal nations, including
32 consultation on the cultural and ecological importance of native kelp
33 forests and eelgrass meadows now threatened by urbanization or other
34 disturbances;

35 (c) Engage and collaborate with state and federal agencies, such
36 as the national oceanic and atmospheric administration, the Northwest
37 straits commission, the department of ecology, the department of fish
38 and wildlife, the Puget Sound partnership, the recreation and
39 conservation office, and the marine resources advisory council;

1 (d) Engage with representatives from other stakeholder groups
2 that may have vested and direct interest in the outcomes of the plan
3 including, but not limited to, shellfish growers, the boating
4 industry, and recreational user communities.

5 (4) (a) By December 1, 2022, the department must submit a report
6 in compliance with RCW 43.01.036 to the office of financial
7 management and the appropriate committees of the legislature, to
8 include community engagement plans and schedule for plan development.
9 The native kelp forest and eelgrass meadow health and conservation
10 plan must be finalized and submitted to the office of financial
11 management and the appropriate committees of the legislature by
12 December 1, 2023, including a map and justification of identified
13 priority areas based on collaboratively developed criteria, and a
14 list of potential tools and actions for conservation or restoration
15 of these priority areas. A monitoring plan based on the identified
16 success measures will also be submitted.

17 (b) Subsequently, each biennium, the department shall continue to
18 monitor the distributions and trends of native kelp forests and
19 eelgrass meadows to inform adaptive management of the plan and
20 coordinated partner actions. The department shall submit a report to
21 the legislature that describes the native kelp forest and eelgrass
22 meadow conservation priority areas, and monitoring approaches and
23 findings, including success measures established in the plan.
24 Beginning December 1, 2024, and by December 1st of each even-numbered
25 year thereafter, the department shall provide the appropriate
26 committees of the legislature and the office of financial management
27 with:

28 (i) An updated map of distributions and trends, and summary of
29 success measures and findings, including relevant information from
30 the prioritization process;

31 (ii) An updated list summarizing potential stressors, prioritized
32 areas, and corresponding coordinated actions and success measures.
33 The summary must include any barriers to plan implementation and
34 legislative or administrative recommendations to address those
35 barriers;

36 (iii) An update on the number of acres of native kelp forests and
37 eelgrass meadows conserved by region, including restoration or loss
38 in priority areas;

39 (iv) An update on consultation with federally recognized tribal
40 nations; and

1 (v) An update on the department's community engagement plan or
2 plans developed under RCW 70A.02.050.

3 NEW SECTION. **Sec. 3.** The department of natural resources shall
4 map areas of native and nonnative kelp forests and eelgrass meadows,
5 together with areas in which there are both native and nonnative kelp
6 forests and eelgrass meadows, throughout Puget Sound and along the
7 coastline. The department of natural resources may utilize the map
8 when establishing a native kelp forest and eelgrass meadow health and
9 conservation plan under section 2 of this act. The map of areas of
10 native and nonnative kelp forests and eelgrass meadows, together with
11 areas in which there are both native and nonnative kelp forests and
12 eelgrass meadows, must be submitted to the office of financial
13 management and the appropriate committees of the legislature by
14 December 1, 2023.

15 NEW SECTION. **Sec. 4.** If specific funding for the purposes of
16 this act, referencing this act by bill or chapter number, is not
17 provided by June 30, 2022, in the omnibus appropriations act, this
18 act is null and void."

19 Correct the title.

EFFECT: Makes the bill null and void if specific funding is not
provided in the operating budget by June 30, 2022.

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