
**Rural Development, Agriculture &
Natural Resources Committee**

HB 1661

Brief Description: Conserving and restoring kelp forests and eelgrass meadows in Washington state.

Sponsors: Representatives Shewmake, Ryu, Berry, Fitzgibbon, Ramel, Springer, Duerr, Walen, Callan, Goodman, Paul, Peterson, Ramos, Rule, Simmons, Slatter, Tharinger, Kloba, Pollet and Harris-Talley; by request of Department of Natural Resources.

Brief Summary of Bill

- Directs the Department of Natural Resources (DNR) to establish a Kelp Forest and Eelgrass Meadow Health and Conservation Plan (Plan).
- Requires the DNR to, by December 1, 2022, provide an initial report to the Office of Financial Management and the Legislature that includes a map and justification of identified priority areas, an approach to monitoring, and describes actions to be undertaken consistent with the Plan.
- Requires the DNR to submit a final draft of the Plan by December 1, 2023.
- Requires the DNR to submit a report to the Legislature by December 1, 2024, and by December 1 of each subsequent even-numbered year, that describes the kelp forest and eelgrass meadow conservation priority areas, monitoring approaches, and findings.

Hearing Date: 1/18/22

Staff: Rebecca Lewis (786-7339).

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:

The Department of Natural Resources.

The Department of Natural Resources (DNR) manages a number of different categories of land on behalf of the State of Washington, each for a specific purpose and under different management requirements. One category of lands managed through the DNR is aquatic lands. The DNR manages more than 2.6 million acres of state-owned aquatic lands and must support a balance of use demands and statutory goals such as public use, environmental protections, trade, transportation, and generating revenue consistent with those goals.

Community Engagement Plans.

Pursuant to legislation enacted in 2021, the DNR and certain other state agencies must create and adopt a community engagement plan that describes planned engagement with overburdened communities and vulnerable populations for purposes of implementing the agency's environmental justice responsibilities. This plan must include best practices for outreach and communication, the use of special screening tools, processes that facilitate the inclusion of community members affected by agency decision-making, and methods for outreach and communication.

Summary of Bill:

Kelp Forest and Eelgrass Meadow Health and Conservation Plan.

Subject to available funding, the Department of Natural Resources (DNR) must establish a Kelp Forest and Eelgrass Meadow Health and Conservation Plan (Plan) with the goal to conserve and restore at least 10,000 acres of kelp forests and eelgrass meadows by 2040. In developing the various elements of the Plan, the DNR must engage with impacted communities using the community engagement plan that the DNR and other state agencies are required to develop related to overburdened communities and vulnerable populations and must also consult with a variety of other partners, including impacted tribal nations and other local and regional partners.

Additionally, the DNR must invite input from federally recognized tribal nations on kelp forests and eelgrass meadows with important cultural and ecological values that are threatened by urbanization or other disturbances.

The Plan must assess and prioritize areas for coordinated conservation and restoration actions, and must consist of four elements: assessment and prioritization; identifying coordinated actions and success measures; monitoring; and reporting.

The DNR must develop a framework to identify and prioritize kelp forests areas in greatest need. The framework must incorporate conservation of kelp forests and eelgrass meadows, mapping and prioritization of kelp forest and eelgrass meadow areas, and identification of

potential stressors impacting the health and vitality of kelp forests and eelgrass meadows.

The DNR must collaborate with impacted tribal nations and other local and regional partners to address conservation and restoration needs in the priority areas and the appropriate tools and partnerships to address them. In doing so, the DNR must conduct an assessment and inventory of existing tools that are relevant to conserving and reducing the decline of kelp forests and eelgrass meadows and to identify new or amended tools to support the goals of the Plan.

Reporting.

By December 1, 2022, the DNR must provide a report to the Office of Financial Management (OFM) and the appropriate committees of the Legislature that includes a map and justification of identified priority areas, determines an approach to monitoring areas that are meeting conservation or restoration criteria identified in the Plan, and describes activities to be undertaken consistent with the Plan.

By December 1, 2023, the DNR must finalize and submit the Plan to the OFM and the appropriate committees of the Legislature. Each subsequent biennium, the DNR must continue to monitor distributions and trends of kelp forests and eelgrass meadows to inform both adaptive management of the Plan and coordinated partner actions.

The DNR must submit a report to the Legislature that describes the kelp forest and eelgrass meadow conservation priority areas and monitoring approaches and findings. Beginning December 1, 2024, and by December 1 of each subsequent even-numbered year, the DNR must provide the OFM and the appropriate committees of the Legislature with:

- an updated map of distributions and trends with a summary of success measures and findings, including relevant information from the prioritization process;
- an updated list summarizing potential stressors, prioritized areas, corresponding coordinated actions and success measures, and any barriers to Plan implementation with legislative or administrative recommendations to address the barriers;
- an update on the number of acres of kelp forests and eelgrass meadows conserved by region, including restoration or loss in priority areas; and
- an update on consultation with impacted tribal nations and local communities by region.

Appropriation: None.

Fiscal Note: Requested on January 10, 2022.

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